

# A Dyst trumpian Vision for LGBTQ People

**Co-authored by Scot Nakagawa**

Many are called but few are chosen during any presidential transition. That's why it's illuminating to consider who Donald Trump has chosen from the parade of possibilities for his transition team and senior administration appointments so far— and what they may portend for LGBTQ people.

The Christian Right, with few exceptions, backed the Trump ticket, with over 80 percent of White evangelicals voting for him, and now they're being rewarded with traditional forms of political patronage. They're scoring major appointments and have won a say in personnel and policy decisions on a scale far surpassing anything seen since the movement first arrived in Washington with the Reagan administration in 1980.

Since Trump himself has never held the kinds of values or displayed the kind of personal behavior prized by conservative Christians—and barely passes as any kind of a Christian at all—he and his backers needed a theological rationale for the Christian Right's support. They found justification in biblical examples of God-anointed leaders who were ungodly themselves but who nevertheless delivered for God's people. Christian Right leaders presented Trump in this way, it was broadly accepted by their followers, and Trump is now evidently making good on the deal.

Let's look first at two early warnings from which all the rest flows.

The first is an important campaign promise affecting LGBTQ

people. In November 2016, Trump told *60 Minutes* that he was “fine” with gay marriage; at the Republican National Convention he described himself as “a supporter” of the LGBTQ community, and said he considers marriage equality a “settled” matter. But none of those statements amount to promises to LGBTQ people, to whom he is sending mixed messages. He has also [promised the Christian Right](#) he would consider appointing justices who would overturn *Obergefell v. Hodges*, the decision that guarantees same-sex couples the right to marry.

Secondly, Trump has also positioned himself in the camp of establishing dangerously broad religious exemptions from all laws aimed at ensuring LGBTQ civil rights. He [promised](#) he would sign the [First Amendment Defense Act](#) (FADA) if it reached his desk. FADA, which was first introduced in 2015 and now has substantial support in both houses of Congress, would legalize discrimination in the name of “religious belief or moral conviction,” requiring nothing more than someone’s say so. The scope of the Act appears to primarily affect government departments and agencies, and federal contractors and grantees, including entities that may require federal accreditation or licensing, such as universities and hospitals. And [maybe more](#).

Under FADA, denial of service could take many forms beyond matters of wedding cakes, flowers, and photographers, to include allowing hospitals to refuse treatment to LGBTQ people (or their children), businesses to refuse health benefits to a same-sex partner, and child welfare workers to keep a child in foster care as opposed to placing them with a loving and qualified same-sex couple. If that’s not enough, FADA exempts non-profit organizations and businesses from non-discrimination standards. The proposal’s implications go well beyond issues of direct discrimination. FADA might allow federal employees to refuse being involved in processing federal benefits and

rights claims to which they conscientiously object, such as any involving married same-sex couples. The bill exempts “any person regardless of religious affiliation, including corporations and other entities regardless of for-profit or nonprofit status” from following non-discrimination codes on the basis of religious beliefs.

If this is the benchmark approach to policy (regardless of the immediate future of the legislation itself) the federal government will be leading efforts to reverse historic gains of recent decades—attacking the basis for LGBTQ freedom and the dignity and rights of everyone else for whom a religious justification for denying service can be made.

But there’s more.

Trump’s selection of **Mike Pence** as his vice president was a transformational moment in the campaign, and arguably in American history. Pence may be best known for his theocratic political identity, proudly [explaining](#) at the 2010 Values Voter Summit in 2010, for example, that he is “a Christian, a conservative, and a Republican, in that order.” Donald Trump, via his son Donald Jr., reportedly [called](#) an aide to his first choice for veep, Governor John Kasich of Ohio, and told him that a president Trump would put Kasich in charge of both foreign and domestic policy, while the president himself would be in charge of “making America great again.” Pence hasn’t said whether he got the same deal, but his role as chair of the transition team suggests that he is already among the most powerful vice presidents in American history.

This does not bode well.

Pence’s tenure as governor of Indiana was marked by his signing a version of the Religious Freedom Restoration Act, a law that would make discrimination against same-sex

couples legally defensible. Pence signed the Act in the company of his state's Christian Right leadership, marking him as a movement leader himself. Following national outcry, the legislature passed an amendment that explicitly stated that such discrimination was not the intent of the law.

Unsurprisingly, given both Trump and Pence's history and views, much of the Christian Right agenda, particularly with regards to anything that affects LGBTQ people, will probably come wrapped in the flag of [religious freedom](#). Some leading indicators of the direction the administration will take in this regard are visible in the [transition team](#) that's proposing staff for the new administration and the appointments and nominations that have resulted from their work so far.

**Ken Blackwell** heads domestic issues for the transition team. A longtime Christian Right pol from Ohio, he is Senior Fellow for Human Rights and Constitutional Governance at the Family Research Council, the leading Christian Right lobby in Washington, D.C. Blackwell also serves on the board of the [Becket Fund for Religious Liberty](#), a Christian Right legal group that promotes religion based exemptions from the law.

**Ed Meese** leads the transition team for the Office of Management and Budget. He is one of the architects of FADA and served as Attorney General in the Reagan administration. He is joined by **Kay Cole James**, the former dean of the Pat Robertson School of Government at Regent University and a former head of the federal Office of Personnel Management. These figures know how the federal government works and how to ensure their people are well represented among the 4,000 positions that need to be filled in the West Wing of the White House, and throughout the federal government over the course of the Trump administration and beyond.

**Ken Klukowski** serves on the part of the transition team focusing on executive authority, responsible for “protecting constitutional rights.” He is the senior counsel for the Texas-based First Liberty Institute (formerly the Liberty Institute), a leading Christian Right legal group focused on [religious exemptions](#) from the law, especially LGBTQ rights. He is also the senior legal editor for [Breitbart News](#).

**Dr. Ben Carson** is one of twelve vice-chairs of the transition team and Trump’s nominee for Secretary of Housing and Urban Development (HUD). Carson is a Christian Right leader and anti-LGBTQ ideologue known for harsh rhetoric in support of his beliefs. Carson has [associated](#) being LGBTQ with polygamy, pedophilia, and bestiality. He [thinks](#) that transgender people are “the height of absurdity” and he [claims](#) that marriage equality is a Marxist plot that may lead the country to go the way of the Roman Empire. He has [characterized](#) the kind of public housing he would oversee at HUD as “communism” and as Secretary he could undermine if not reverse the Obama administration’s efforts to [curb discrimination against LGBTQ people in housing](#).

**Sen. Jeff Sessions (R-AL)** is a vice-chair of the transition team and Trump’s nominee for Attorney General. A senior member of the Senate Judiciary Committee, Sessions is also a co-sponsor of FADA. *The Huffington Post* [headlined an article](#) about his nomination, “Pick Any LGBTQ Rights Issue. Jeff Sessions Has Voted Against It.” His Senate chief of staff, Rick Dearborn, is the executive director of the transition team.

**Rep. Tom Price (R-GA)** is nominated to be Secretary of the Department of Health and Human Services (HHS). Price’s House voting record received a 0% rating from the Human Rights Campaign. He is a co-sponsor of FADA and supports a constitutional amendment to overturn *Obergefell v. Hodges*.

**Betsy DeVos**, Trump's nominee for Secretary of Education, is a longtime financier of Christian Right projects, particularly in the area of school privatization. [Politico reports](#) that DeVos has said her work in education is intended to "advance God's kingdom." She and her family, heirs to the Amway corporate fortune, have a long record of underwriting Christian Right and anti-LGBTQ projects and organizations for the same reason. They [have donated](#) hundreds of thousands of dollars to organizations that believe in "conversion therapy"; they are major backers of Focus on the Family, whose founder, James Dobson, called the battle against LGBTQ rights a "second civil war." (Liberty University president **Jerry Falwell Jr.**, who steadfastly supported Trump through the campaign, was Trump's first choice for secretary. Falwell said he declined in order to attend to other obligations.)

President-elect Donald Trump's transition team and top level appointments should be taken as clear indicators of the direction of the Trump administration with regard to the dignity and civil rights of LGBTQ people. And if past is prologue, what Mr. Trump says may not be nearly as important as what he does. Continued vigilance regarding what his appointees do in his name will be vital.

*Frederick Clarkson is Senior Fellow at PRA. Scot Nakagawa is a Senior Partner of [ChangeLab](#), a national racial justice think-act laboratory, and served as Fight the Right Organizer of the National LGBTQ Task Force.*