

McCain plays gay card, will Obama ante up?

by Ethan Jacobs
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Late last month a group of about 100 movers and shakers on the religious right met in Denver and agreed to support Sen. John McCain's presidential campaign. To those who followed the 2004 presidential race news of McCain's recent efforts to woo the culture warriors of the religious right provoked an awful sense of déjà vu.

One of those power players, Phil Burress of the Ohio-based Citizens for Community Values, told the *Washington Times* that he had met with McCain and that the Arizona senator had promised "to make judicial appointments that will resemble that of Chief Justice John G. Roberts Jr. and Justice Antonin Scalia, to 'get serious' on abortion and same-sex marriage, and to push values issues in general." Last Sunday Fred Barnes, editor of the *Weekly Standard*, appeared as a talking head on Fox News and publicly urged the McCain campaign to talk up his opposition to same-sex marriage and gays in the military to fire up social conservatives. Those events, coupled with McCain's recent announcement of his support for the California ballot initiative to ban same-sex marriage, raised the specter of the 2004 race, in which the Bush campaign and the Republican Party used the issue of same-sex marriage to try to drive up turnout among conservative Christians.

Most politicians believe that the marriage issue, and LGBT issues more broadly, may play a much smaller role than they did in 2004, but that could change if the religious right decides to push the issue independently of the McCain campaign.

Observers believe that despite pressure from the religious right McCain is uncomfortable talking about the marriage issue to the extent that Bush did in 2004. Thomas Patterson, Bradlee Professor of Government and the Press at Harvard's Kennedy School of Government, said that McCain's Western brand of conservatism is far less comfortable taking on the culture war issues championed by conservatives in the South. McCain's record puts him largely in the social conservative camp: he supported the Defense of Marriage Act, the military's "Don't Ask, Don't Tell" policy, various state constitutional amendments to ban same-sex marriage, and opposed the Employment Non-Discrimination Act (ENDA) and hate crimes protections for LGBT people. Yet even though McCain may support the goal of banning same-sex marriage, Patterson said McCain does not seem passionate enough about the issue to make it a centerpiece of his campaign, and many on the religious right distrust his commitment to their agenda.

"It's a weak suit for him. It would be hard to imagine McCain giving an impassioned speech on these issues that would be compelling and authentic," said Patterson.

He said allies of the McCain campaign might try to use the issue to mobilize voters in the states, as the Republican National Committee did in 2004 when it sent out mailings in Arkansas warning that Democrats would legalize gay marriage and ban the Bible. But Patterson believes that pushing too hard on the issue could hinder McCain's efforts to distance himself from Bush's legacy.

"I think for him it is a little bit of a balance. In part he is trying to reach out to [conservative

Christians], and I think the Republicans are worried. Most of them will vote, but will they vote in the extras they need? Because turnout is going to be important to them," said Patterson. "On the other hand he has to be careful to maintain his reputation, no matter how damaged it may have been over the past year, as different from Bush."

Patrick Sammon, president of Log Cabin Republicans, said he expects both McCain and Sen. Barack Obama to spend much of their efforts appealing to the center to court the independent voters, and he thinks the far right of the Republican Party will play a more marginal role. Log Cabin has not yet announced whether it will endorse the McCain campaign.

"Fundamentally this election is going to be won or lost based on what independent voters do on Election Day, and using antigay politics is certainly a recipe for defeat because it alienates independents," said Sammon.

He also believes McCain's own position on marriage equality makes it much harder for him to attack Obama. In 2004 Bush supported the Federal Marriage Amendment (FMA), which was defeated in Congress that year, and talked up his opposition to same-sex marriage. McCain, by contrast, was an ardent opponent of the FMA in 2004 on the grounds of federalism, speaking against it on the floor of the Senate. He supports ballot initiatives in states to ban same-sex marriage and even recorded a TV spot in favor of a failed initiative in Arizona in 2006, and he has said he might change his position on the FMA if the efforts to ban same-sex marriage at the state level fail. Yet many on the religious right have publicly doubted his conviction on the issue, and Focus on the Family founder James Dobson, one of the most powerful figures within the movement, has refused to endorse him. Sammon said McCain's record on marriage would blunt any efforts to use the issue against Obama, who opposes same-sex marriage, supports civil unions, and opposes state ballot initiatives to ban same-sex marriage. To make matters more confusing Obama publicly congratulated couples marrying in California in his statement announcing his opposition to the marriage amendment in that state, effectively praising them for entering into marriages he does not support.

"Neither side would be able to make use of the issue in part due to how difficult to explain their positions are," said Sammon. "Their complicated positions make it less likely that the issue can be used politically because their positions are shades of gray, not black and white, and shades of gray don't make for good political argument."

Even if McCain shows a new willingness to exploit the marriage issue, there will be far fewer opportunities for him to use marriage to drive up voter turnout among the religious right. **Sean Cahill**, managing director of public policy, research and community health at the Gay Men's Health Crisis and **former director of the Policy Institute at the National Gay and Lesbian Task Force**, said that compared to 2004 the various state ballot initiatives on LGBT rights questions are unlikely to be a major mobilizing force among conservative Christians. In 2004 11 states voted on marriage-related ballot questions, passing them by double-digit margins. **As the Policy Institute documented in its analysis of the election, three of those states were considered battlegrounds that year, and Bush won one of those states, Ohio, with the marriage amendment playing a role in driving up turnout among conservative Christian voters. The win in Ohio put Bush over the top.**

"That all said, certainly this time around it's not going to play anywhere near the role it played four years ago. Right now in terms of what is likely to be on the ballot, there's only two swing states I'm aware of that could have an anti-gay question on the ballot," said Cahill.

In one of those states, Florida, voters will weigh in on an amendment to ban marriage and other forms of relationship recognition for same-sex couples. Cahill said the amendment may invalidate the domestic partnership ordinances in areas like Miami-Dade County, which could help mobilize LGBT voters as well as Florida progressives to go to the polls.

"I think having this on the ballot will turn out certainly gay voters but also progressive voters in Florida, so it could actually benefit the Democrat," said Cahill.

The only other potential battleground state that could face a ballot initiative is Arkansas, where anti-gay activists are collecting signatures to ban adoption or foster parenting by unmarried couples. Cahill said Arkansas will likely only be considered a swing state if Sen. Barack Obama's campaign selects Sen. Hillary Clinton, former First Lady of Arkansas, as his running mate.

There are two other marriage amendments set to appear on the ballot, in California and in Arizona, but most predict that Obama will win California handily and that McCain will carry his home state.

John Green, a senior fellow at the Pew Forum on Religion and Public Life, said the California ballot amendment might actually backfire against conservatives who hope it will ramp up turnout for McCain. He said two of the crucial voting blocks in the state are black and Hispanic voters, who tend to be more socially conservative on LGBT issues, and a marriage amendment could increase turnout among more conservative segments of those communities. But those voters might not necessarily be filling in the bubble for McCain.

"One could imagine that the turnout effect gets lots of blacks and Hispanics to turn out, and they vote to ban same-sex marriage, but they also vote for Barack Obama," said Green.

He said activists on both sides of the issue in swing states could try to use the issue to impact the election even without a question on the ballot. Given the size of California and its influence as a trend-setter for the rest of the country, local activists could use the issue of the candidates' stances on the amendment to mobilize voters by framing it as an issue of national importance. If either conservative Christians or LGBT rights activists succeed in mobilizing supporters for their candidate using the marriage issue, Green said the candidates themselves may be forced to talk about it while campaigning in those states.

"It may be difficult for McCain for both personal and political reasons to make same-sex marriage a centerpiece of his campaign. So if that's the case the dynamic will lie with Christian conservative activists. ... I would be looking to what extent the Christian conservative organizations play this issue independently of the McCain camp," said Green. Given the recent meeting of religious right leaders in Denver pledging to get behind McCain, it looks as if at least some of those organizations plan on doing just that. **[Update: On July 10 the Family Research Council stepped up the pressure on McCain to emphasize his stance on the marriage amendments, releasing a poll showing that support for the amendments enhances a candidate's status among most voters.]**

Regardless of how the McCain campaign decides to handle the marriage issue, it is unlikely it will be getting much play from the Obama campaign. Obama quietly announced his opposition to the California marriage amendment in a letter to the Alice B. Toklas LGBT Democratic Club in San Francisco in a letter but has not spoken publicly about the issue. Instead he has been working to peel off voters from the Republican base who are likely to support the amendment, promoting plans to expand funding for faith-based social service programs.

"I think for Democrats this has always been really a tough issue. They bear the scars of getting on the wrong side of God and on the wrong side of the flag, so I think they're really ginger about where they come out on these things. And one way to do it is not to say much about it," said Patterson.

Green said Obama's liberal positions on social issues place a ceiling on the number of conservative Christian voters he can win over who voted for Bush in 2004, but he has the potential to draw away enough of them to do serious damage to McCain. Green expects him to be able to appeal to many former Bush voters in the mainline Protestant community, which has

long been shifting into the Democratic column, and among Catholics, who may line up with Obama on issues like the economy. The wiggle room among evangelicals is much smaller, but Green said if Obama can bump up the numbers from the 22 percent of white evangelicals who voted for Kerry to around 30 percent, that could draw away a substantial chunk of McCain voters.

"It's unclear where those folks will come down, but it looks like there's some real potential," said Green.

Jon Hoadley, executive director of Stonewall Democrats, said his organization will push the Obama campaign to speak out on the marriage issue, but he expects the campaign to focus primarily on bread-and-butter issues like the economy, fuel prices, healthcare, and the war in Iraq.

"Do I expect him to talk about our issues? Of course. We're going to make sure that he continues to do so. But American voters are really concerned about the direction of our country, and this is part of it," said Hoadley.

Making a not-so-veiled reference to the Democrats' 2004 nominee, Sen. John Kerry (D-Mass), Hoadley said that Obama's position on marriage, while not ideal, is much stronger than that of past nominees. In 2004 Kerry opposed same-sex marriage, supported civil unions, opposed the FMA, and supported several state amendments to ban same-sex marriage, including the failed amendment in his home state.

"[Candidates in the past have said] they're supporting amendments to state constitutions in their home state and opposing federal ones. It tries to be too complicated and clouds the key values here. But the value Sen. Obama shows is clear. ... I think it's a monumental step, the fact that he's saying these ballot initiatives are a step in the wrong direction, which is why we need to be opposed to them," said Hoadley.