



Trump's flip-flop on marriage equality is cold comfort

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November 14, 2016

In President-Elect Donald Trump's first major interview since the election, he told *60 Minutes* that he's now "fine" with the Supreme Court's marriage equality decision, calling it "settled." This position is inconsistent, however, with his perspective on abortion, his campaign promises, and the reality that his Supreme Court appointments will likely be anti-LGBT.

Bragging about how "great" it was that he mentioned the LGBTQ community during his nomination speech, Trump called himself a "supporter." It's "irrelevant" whether he supports marriage equality, according to Trump, because "it was already settled. It's law. It was settled in the Supreme Court. I mean it's done."

"It's done. These cases have gone to the Supreme Court. They've been settled. And I'm fine with that."

Trump noticeably dodged a question about the impact his Supreme Court appointees might have on the fate of marriage equality. If his picks are conservative, he'll have no say in how they consider future questions about marriage rights.

In the exact same interview, Trump also said that he's pro-life, that the judges he will appoint will be pro-life, and that he hopes *Roe v. Wade* is overturned, even if that means forcing women to travel to different states to get abortions. So a 2015 ruling is "settled," but a 1973 ruling is not.

Just ten months ago, Trump said of the marriage equality ruling, "I disagree with the Supreme Court," and called for marriage to be a "states' rights issue"—just like his view on abortion. He promised to appoint justices "that maybe could change things." Back in 2011, he similarly said that he opposes same-sex marriage because he's a "traditionalist" and because he thinks it's unattractive when some golfers use really long putters.

Whether or not Trump is now "fine" with the ruling, his list of radically conservative Supreme Court justice picks has not changed. Even if his position sounds like his moderated, the potential effect of his actions hasn't.

That also ignores the fact that Trump has made plenty of other promises that threaten same-sex couples. Conservatives are committed to chipping away at the right to marry in lieu of finding a way to overturn it, and he will help them do just that. For example, he plans to rescind President Obama's executive orders, including protections for LGBT employees of federal contractors. With the courts unsettled on whether federal protections on the basis of "sex" extend to "sexual orientation," this could mean that in the 28 states with no LGBT nondiscrimination laws, someone could legally marry their same-sex partner, then legally get fired for it the next day.

Likewise, Trump has also promised to sign into law the First Amendment Defense Act, a law that would make various forms of discrimination against same-sex couples legal.

Courts would likely end up litigating the various forms of discrimination these changes would allow for. Texas state officials are fighting even now to block spousal benefits for civil employees in same-sex marriages. If these kinds of cases reach the Supreme Court, the justices Trump might appoint would have significant leeway to set these unequal standards into stone for decades to come. Even if he's ambivalent about marriage equality, he could still do much to make it unequal.

The *60 Minutes* interview is proving to be the latest Rorschach Test for where Trump stands on LGBT issues—something many have already been fervently disagreeing about over the past week. The Cato Institute's Walter Olson insisted Sunday, "No, Trump won't roll back gay rights"—though openly admitted the federal government will rescind its "ill-advised" protections for transgender students. The Daily Caller's David Benkof bent over backwards to argue that Vice President-Elect Mike Pence is not homophobic. The Log Cabin Republicans bragged in a fundraising appeal that they're working with Trump's transition team, and Peter Thiel's appointment to Trump's transition committee is further convincing some that the administration won't be that anti-LGBT.

At the same time, the Family Research Council (FRC), an anti-LGBT hate group, is simply delighted that Reince Priebus will be Trump's chief of staff, noting that he oversaw the Republican Party's 2016 platform—the most anti-LGBT in its history. FRC and other conservatives groups believe they have Trump's ear, and they seem intent on holding him accountable to oblige their anti-LGBT agenda.