

August, 2008

TO: Interested Parties
FROM: Jim Kessler, VP for Policy and Rachel Laser, Director of the Culture Program
RE: How to Talk About ENDA Support

This memo is meant to provide message guidance to lawmakers who seek to support the Employment Non-Discrimination Act (ENDA). It is based on our extensive original quantitative and qualitative research into gay and lesbian equality issues. Our message advice is divided into four short sections: Section 1 identifies the target audience you should focus on and sections 2 through 4 provide advice on how best to describe the legislation to show it is in sync with the target audience's goals and values. The memo concludes with an example of an effective message.

Section 1: Focus on the "Grays"

The Grays represent the large segment of the population that is ambivalent about, but not hostile to, expanding gay and lesbian protections. On the one hand, they want to be fair and open-minded. On the other, they worry about what the consequences of that change means to society, families, and children.

They are turned off by both sides of the debate. They think the far-right is too mean-spirited and obsessive about the gay issue. They find the left elitist and dismissive of their concerns. They don't want to be associated with the language and attitudes of the far-right. They feel the left looks down their noses at them, sees them as simpletons, and implies that their ambivalence is really bigotry.

The Grays are up for grabs and can be persuaded, but their concerns must be addressed, not dismissed.

Section 2: Define ENDA as Common Ground

The Grays don't want their concerns dismissed, so supporters must show that these concerns were heard and addressed. That means talking about this legislation in terms of a common ground solution that took account of all sides.

It is fair for employers, because it takes the lead of America's most successful businesses. It is significant, in our view, that the business lobby does not oppose this legislation even though the legislation targets companies. This demonstrates that many in business realize that most employers are already ahead of Washington when it comes to equal employment opportunity. And ENDA is careful not to create, or imply, any rights for gays and lesbians that every other employee doesn't already have.

In addition, by including a specific exemption for religion that respects the freedom of religious communities to follow their own beliefs, lawmakers have listened to the concerns of people of faith. This legislation exempts faith-based employers who may feel that the hiring of gays and lesbians violates religious doctrine. Moreover, it upholds the moral and religious ideal of respecting the human dignity of all people. Thus, supporters can reject what groups like the Traditional Values Coalition say about the legislation.

Section 3: Describe ENDA as a Measured Step Forward

Supporters must describe ENDA as a careful step forward, not a sweeping societal change. As a result, supporters should avoid comparisons with the civil rights movement.

The civil rights frame is tempting and it is powerful, but it has limitations in this particular context. Gays and lesbians do not “appear” oppressed to many people in the way blacks in the 1950s and 1960s did (they were overwhelmingly poor and suffered outward and visible humiliation and discrimination). By contrast, the Grays see the gay community as made up of largely wealthy and successful individuals. Our research found that on most gay issues (including employment discrimination), many Americans, including the Grays, see gays as more of a protected class than a discriminated one. That is why the “special rights” argument from the other side has traction.

Thus, not just the solution, but also the problem must also be described in a way that is reasonable to the Grays. The Grays are willing to move ahead if it seems the step is truly necessary and measured.

Section 4: Highlight the Religious and American Values Supporting ENDA

In both our quantitative and qualitative research, it was striking how many people felt that expansion of gay rights was inevitable but how many simultaneously worried about what it meant for America.¹ We also learned that “the fight” for rights was a turn-off to all but the most liberal Americans.

The Grays want to uphold the religious and American ideal of respecting the human dignity of all people, even those with whom they disagree or differ. They also believe firmly in the freedom of all Americans to pursue life, liberty and happiness.

The Grays are willing to move ahead if we do so in a way that is non-confrontational, careful and honors their values.

¹ In our poll, we asked people whether they thought same-sex civil unions would be allowed throughout America within the next 10 years and 70% said yes. When we asked whether they thought this constituted progress for America, only 49% said yes.

Recommended Message:

This legislation says that you cannot fire someone for being gay who is otherwise doing a good job. Although the large majority of the most successful businesses in America already ban this type of behavior, many businesses employing millions of people in America still do not. This law would catch all of America up to where leaders of corporate America already are.

This legislation addresses concerns on both sides of this issue and finds common ground. It follows the lead of America's top businesses and provides a specific exemption for religious institutions. It also pursues a high moral and religious calling – protecting the human rights and dignity of all, even those with whom one disagrees.

And it would ensure that everyone is judged at work on the job they do and nothing more. That is the American way. This legislation is a careful next step along America's journey to fulfill its national ideals.