U.S. Attitudes Toward the Use of Religious Beliefs to Justify Discrimination Against LGBTQ People

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Background

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Current Landscape of LGBTQ Rights

Attitudes

- Attitudes towards LGBTQ (lesbian, gay, bisexual, transgender, queer) people increasingly favorable*
- Support for marriage equality grew from around 30% to over 70% in the past 20 years**

Federal and State Protections

- No federal protections against discrimination due to sexual orientation/gender identity (SOGI), **but** several laws prohibiting discrimination based on sex have been interpreted to protect LGBTQ people
  - E.g., employment discrimination prohibited under Title VII of the Civil Rights Act following 2020 *Bostock v. Clayton County* decision‡
  - Similar protections for housing, education, health care, access to benefits, and other settings
- 33 states and DC protect LGBTQ people from discrimination due to SOGI under statewide laws or policies‡‡

* *See, e.g.*, Tina Fetner, *U.S. Attitudes Toward Lesbian and Gay People are Better than Ever*, 15 Contexts 20 (2016); Andrew R. Flores, Williams Inst. National Trends in Public Opinion on LGBT Rights in the US (2014), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Public-Opinion-LGBT-US-Nov-2014.pdf.

**Pew Research Center, Attitudes on Same-Sex Marriage, May 14, 2019, https://www.pewresearch.org/religion/fact-sheet/changing-attitudes-on-gay-marriage/; Press Release, NORC at U. Chi., Majorities of U.S. Adults Oppose anti-LGBTQ Laws, Dec. 7, 2022, https://www.norc.org/NewsEventsPublications/PressReleases/Pages/majorities-of-u-s-adults-oppose-anti-lgbtq-laws.aspx.

‡Bostock v. Clayton Cnty., 590 U.S. __ (2020).

‡‡Movement Advancement Project, State Nondiscrimination Laws: Employment, https://www.lgbtmap.org/img/maps/citations-nondisc-employment.pdf (last visited Apr. 5, 2023).

Challenges to LGBTQ Rights

Non-discrimination laws under review

- Legislative bills to restrict LGBTQ rights are increasing
- Courts are being asked to narrow the scope of existing protections

Refusals to serve LGBTQ people based on religious beliefs

- Objectors argue that complying with LGBTQ non-discrimination laws violates rights to free speech/free exercise of religion *or* violates the Religious Freedom Restoration Act*
  - E.g., *303 Creative v. Elenis* decision set to come down from Supreme Court in 2023
  - State legislatures passing bills allowing certain businesses and service providers to deny services to LGBTQ people based on religious beliefs**



* Fulton v. City of Philadelphia, 593 U.S. __ (2021); Masterpiece Cakeshop v. Colo. Civ. Rts. Comm., 584 U.S. __ (2018); Telescope Media Group v. Lucero, 936 F.3d 740 (8th Cir. 2019); State v. Arlene's Flowers, Inc., 441 P.3d 1203 (Wash. 2019); Elane Photography v. Willock, 309 P.3d 53 (N.M. 2013).

** Human Rights Watch, "All We Want Is Equality": Religious Exemptions and Discrimination against LGBT People in the United States (2018).

Research Questions

In the landscape of current challenges to LGBTQ federal and state protections,

- What are U.S. adults' current attitudes towards denying services to LGBTQ people based on religious objections?
- How do these attitudes differ across social groups (e.g., by gender, race/ethnicity, political affiliation, religious affiliation, state policy environment)?



Methods

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Data: AmeriSpeak® Omnibus

AmeriSpeak® Panel

- NORC's probability-based panel designed to be representative of the U.S. household population
- Includes 40,000+ households

Omnibus

- A biweekly multi-client survey using the AmeriSpeak® panel
- Adults aged 18 and over representing the 50 states and the District of Columbia
- Panelists randomly drawn for participation in this survey

Data Collection

- Funded internally by NORC
- Interviews for this survey were conducted in English between September 9 and September 12, 2022
- 1,003 respondents completed the survey—946 via the web and 57 by telephone
- Weighting variables obtained from 2022 Current Population Survey & weighted data reflect U.S. adult population age 18+

*For more information on AmeriSpeak® Panel: https://amerispeak.norc.org

Measures

Do you strongly favor, favor, oppose, or strongly oppose each of the following?*

A. Allowing a business owner with a religious objection to **deny service** to an LGBTQ person

B. Allowing **a medical professional** with a religious objection to **withhold medical care** from an LGBTQ person

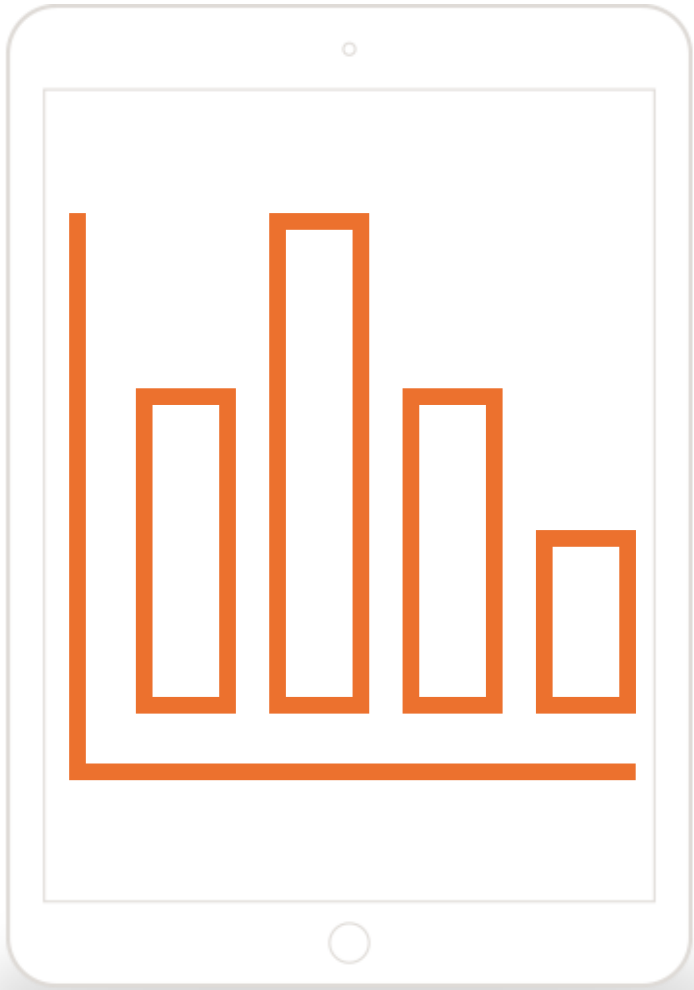
C. Allowing an employer with a religious objection to **refuse to hire** an LGBTQ person



*Measures adapted from Flores, A. R., Mallory, C., & Conron, K. J. (2020). Public attitudes about emergent issues in LGBTQ rights: Conversion therapy and religious refusals. *Research & Politics, 7(4). https://doi.org/10.1177/2053168020966874*

Data Analysis

- Univariate statistics on all attitude questions.
- Simple bivariate analyses of attitudes by key demographic categories, such as gender, race, political affiliation, religious affiliation, and state policy climate.
- Chi-square statistics to evaluate significance of differences detected.



Results

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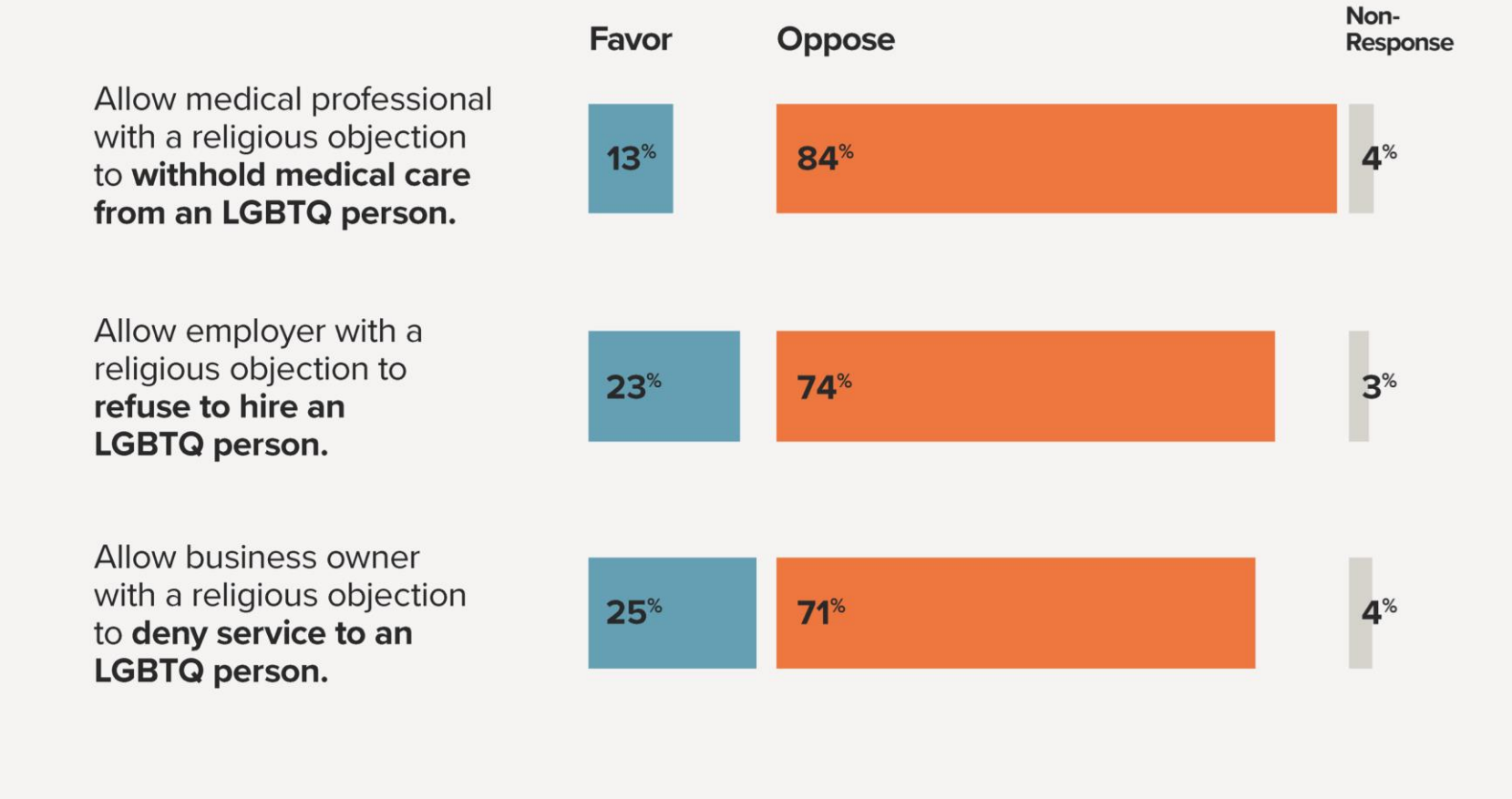
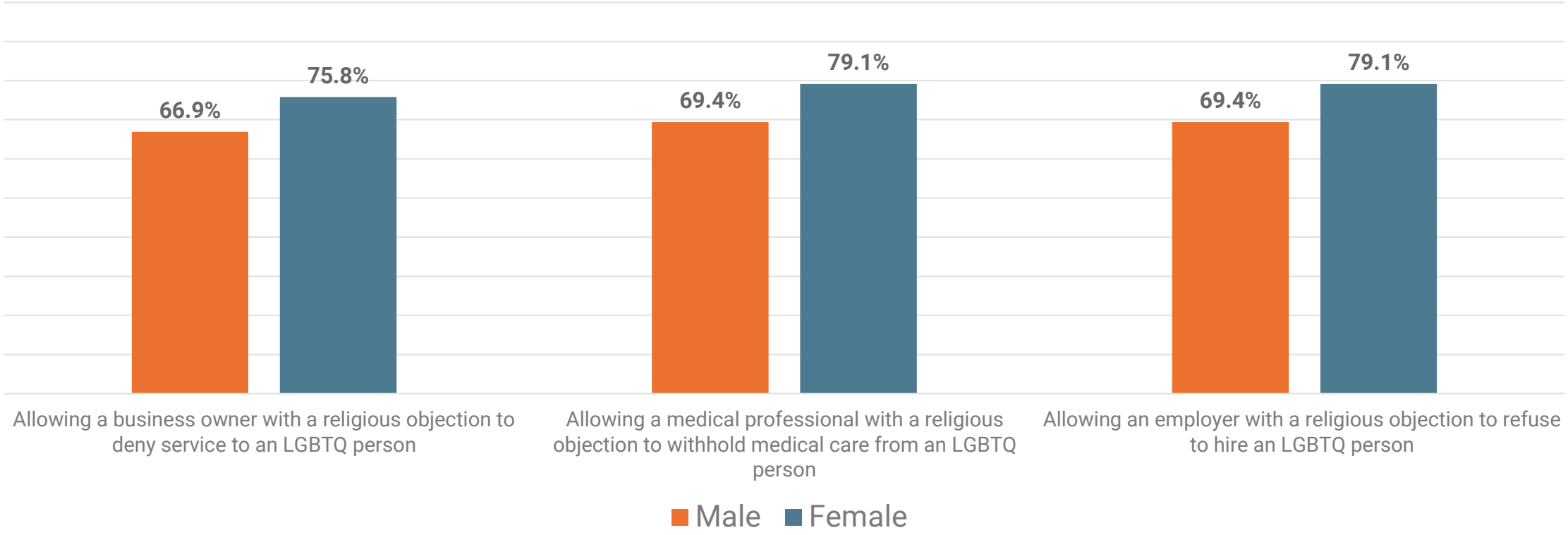
A Majority of U.S. Adults Oppose Religious Objections to Services or Employment for LGBTQ People



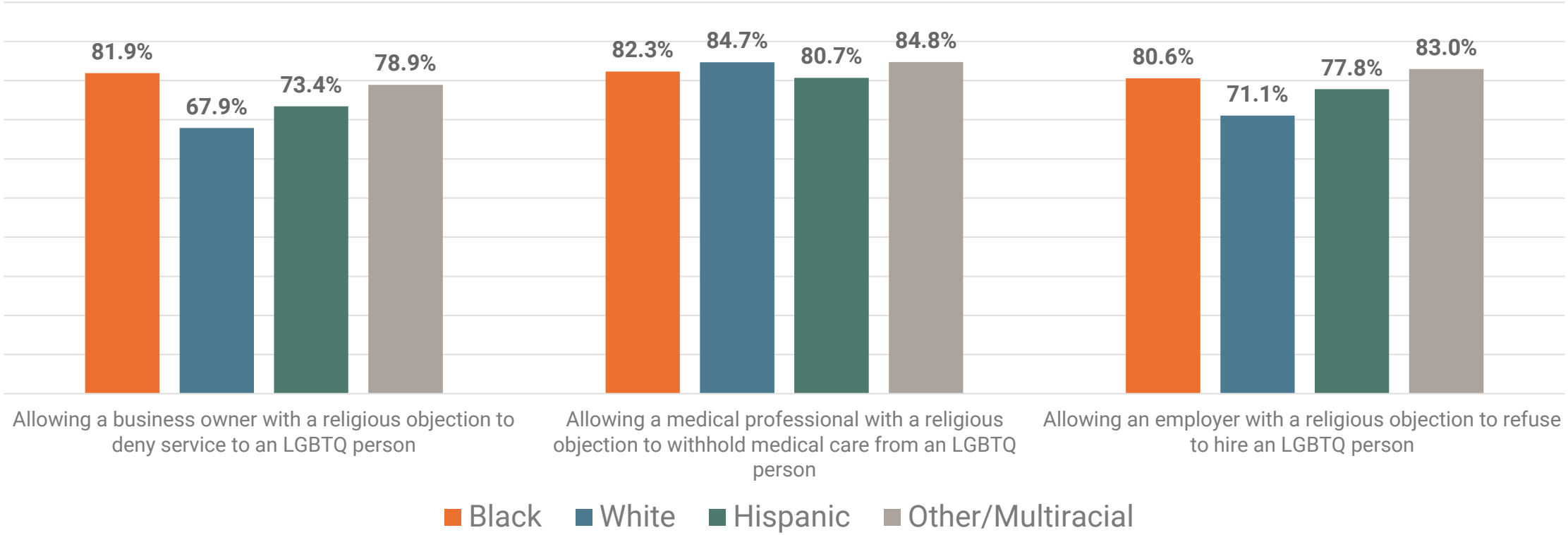
Majorities of U.S. Adult Men and Women Oppose Religious Objections to Services or Employment for LGBTQ People:

Women more Likely than Men to Be Opposed Across All Topics



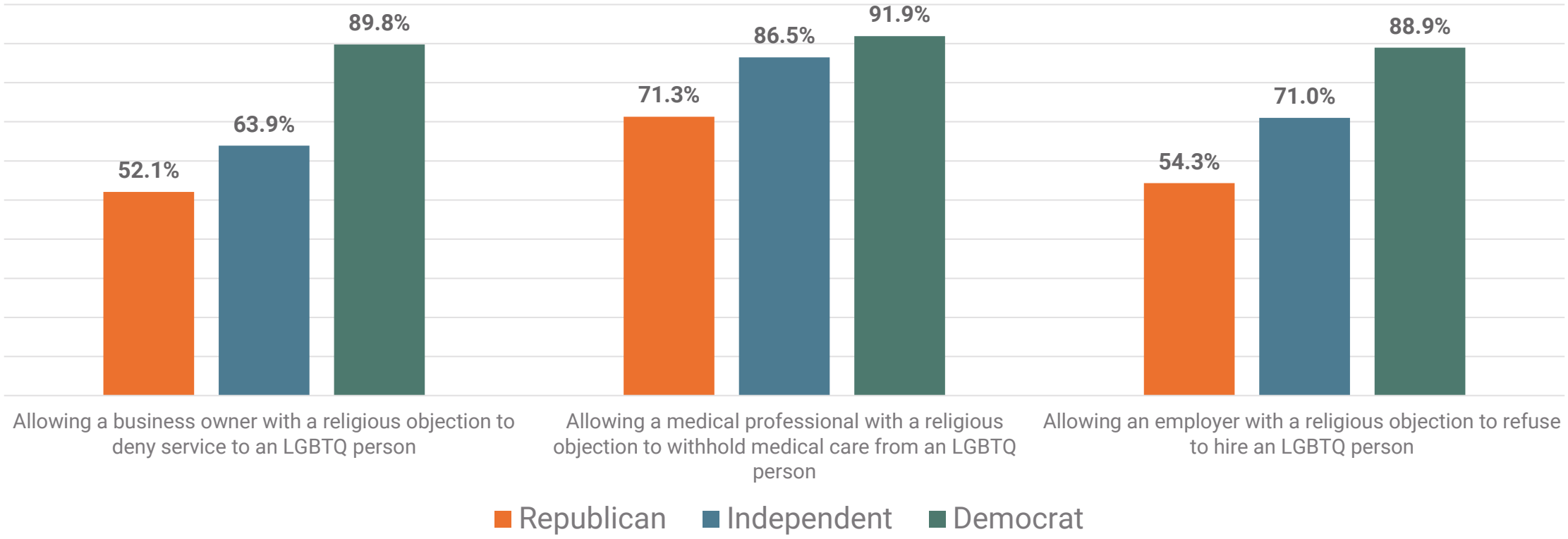
Majorities of U.S. Adults from Racial/Ethnic Groups Oppose Religious Objections to Services or Employment for LGBTQ People:

White Americans have Smaller Majority in Opposition to Denying Business Services and Employment



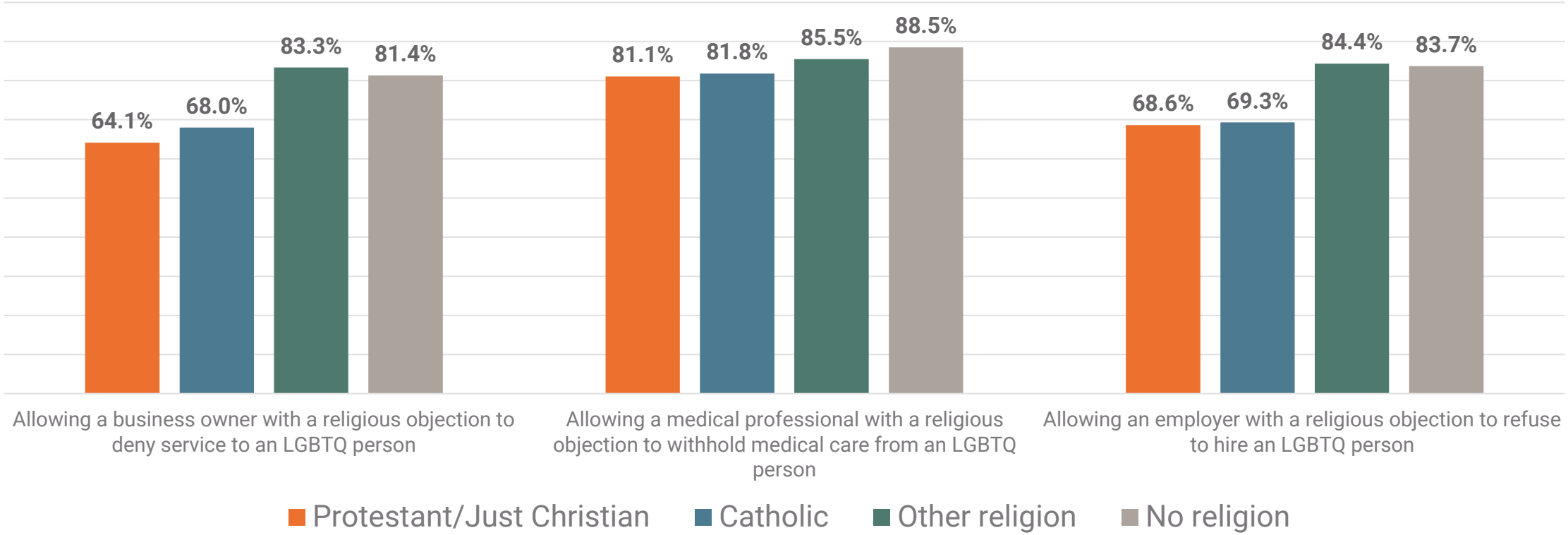
Majority of U.S. Adults across All Political Affiliations Oppose Religious Objections to Services or Employment for LGBTQ People:

Democrats Have Largest Majority across all Political Affiliations

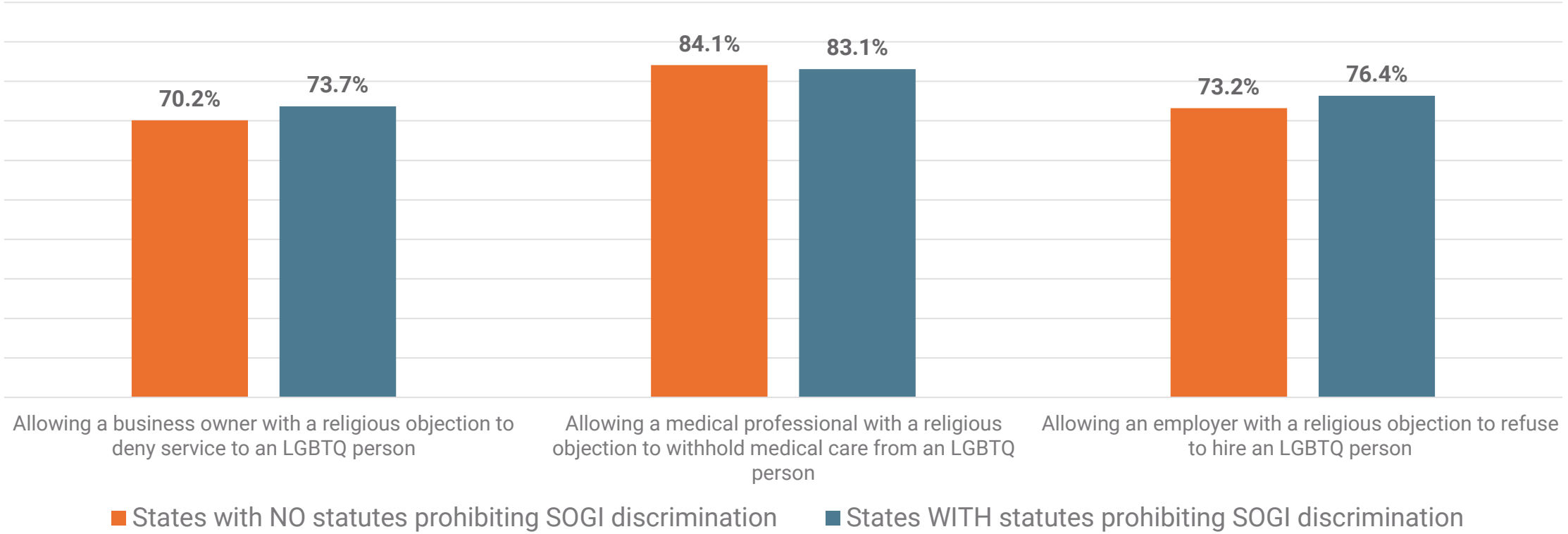


Majority of U.S. Adults across All Religious Affiliations Oppose Religious Objections to Services or Employment for LGBTQ People:

Protestant/Christians Have Smallest Majority across all Religious Affiliations



Majority of U.S. Adults in all State Policy Environments Oppose Religious Objections to Services or Employment for LGBTQ People



Discussion

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Conclusions

Majority of U.S. Adults oppose denying LGBTQ people services or employment due to religious objections.

- This finding was consistent across demographic groups like gender, race, political affiliation, religious affiliation.
- Consistent with other work on this topic,* and may actually reflect an upward tick in opposition to religious exemptions since 2019.
- Stands in contrast with recent and ongoing efforts by some private businesses, employers, and service providers to seek out religious exemptions from serving LGBTQ people.
- Additional comparisons and details on these findings available in forthcoming white paper to be released early June.



* Flores, A. R., Mallory, C., & Conron, K. J. (2020). Public attitudes about emergent issues in LGBTQ rights: Conversion therapy and religious refusals. *Research & Politics, 7(4). https://doi.org/10.1177/2053168020966874*

Implications

Continued pursuit of religious exemptions from service provision to LGBTQ people may be contrary to U.S. adults' beliefs about the role of religion in contemporary society.

LGBTQ people continue to experience longstanding economic* and health disparities that these exemptions risk exacerbating.**

Some evidence that these debates *in and of themselves* negatively impact mental health of LGBTQ people.***



* Wilson, B.D.M., Bouton, L.J.A., Badgett, M.V.L., & Macklin, M.L. (2023). LGBT Poverty in the United States: Trends at the Onset of Covid-19. *The Williams Institute.* Available at https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/

** Connors, J., Casares, M. C., Honigberg, M. C., & Davis, J. A. (2020). LGBTQ health disparities. *The equal curriculum: The student and educator guide to LGBTQ health*, 13-31.

***https://www.thetrevorproject.org/wp-content/uploads/2023/01/Issues-Impacting-LGBTQ-Youth-MC-Poll_Public-2.pdf

Thank you.

For more on this topic, please see our *NORC Spotlight on Health*: Majority of U.S. Adults Oppose Anti-LGBTQ Laws

Or contact:
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