Americans rarely rank culture war issues among their top priorities, but these issues nonetheless play an outsized role in determining how people vote. For many voters, a politician’s positions and statements on social issues are a gut check, indicating whether a policymaker generally shares their values, perspective, and approach to American society and the world. This manual looks at the mindset of Americans in the middle on:

1. Abortion and Contraception
2. Immigration
3. Marriage for Gay Couples
4. Non-Discrimination Laws and Religious Liberty
5. Guns

For each topic, we explain how the middle approaches the issue using public opinion data, describe how to talk about it in ways that find common ground and resonate with the values of Americans in the middle, and recommend how to talk about support for or opposition to a handful of specific legislative proposals. For more information or assistance, please contact Policy Counsel Sarah Trumble at strumble@thirdway.org or (202) 384-1722.

ABORTION & CONTRACEPTION

What the Middle Thinks

Moderates feel a deep tension when it comes to the issue of abortion—torn between trusting individuals, rather than government, to make the right decisions for themselves and their family, while also recognizing the moral complexities inherent in those decisions. But they also believe the debate is over and the issue has been resolved in an appropriate way.
Our own polling found 72% of Americans believe the decision to have an abortion should be between a woman, her family, and her doctor, but at the same time, 69% also agreed with the statement that “abortion is the taking of a human life.” Public Religion Research identified a similar overlap when they asked separate questions about whether respondents consider themselves pro-life and whether they consider themselves pro-choice (rather than forcing people to choose one or the other like most polls), finding that 43% of Americans identify as both pro-life and pro-choice. But most striking, moderates overwhelmingly believe the issue has been decided and the legal status quo on abortion strikes the right balance. In our 2014 poll, a scant 13% of moderates wanted government to set more ground rules on abortion, compared to 84% who preferred to place more trust in individuals to make good decisions.

On contraception, moderates see far less complexity. Eighty-nine percent of Americans believe birth control is morally acceptable, including 82% of Catholics. And 99% of sexually active women have used contraception in their own lives. Polling also shows the majority of Americans—55%—believe that employers should be required to provide their employees with health care plans that cover contraceptive care without a co-pay, as is required under the Affordable Care Act (ACA).

How to Appeal to the Middle

Win the battle of reasonableness. That means: 1) framing abortion opponents as absolutists who want to wage this battle year after year; and, 2) staking out a position that affirms the right to choose while acknowledging the complexity through a framework of “reducing the need for abortion while protecting the right to have one.” Doing these two things maintains progressive principles on abortion rights while acknowledging concerns many voters may have about the morality of the issue. It also marginalizes anti-abortion advocates by distinguishing them as being absolutist activists seeking a broad agenda of bans, criminalization, and imprisonment.

Advice for Talking about Specific Legislative Proposals

How to oppose 20-week abortion bans:

- This issue has been decided for 40 years but some people want to fight about it for another 40. This latest plan to criminalize abortion violates the Constitution. Fetuses aren’t viable at 20 weeks, so banning and criminalizing abortion after that arbitrary date is just another attempt to overturn Roe v. Wade. Courts in Arizona, Georgia, and Idaho have already struck down or blocked their state 20-week bans. Americans are already settled on this: they do not want to change the Constitution or establish new arbitrary bans.
- These bills are so stunningly broad that only a pure absolutist could support them. The House bill has no exceptions for fatal birth defects or the health
of the woman. It severely limits the rape and incest exception to cover only certain instances of rape—only those reported to police—because they assert that women will lie about being raped to get an abortion. And even if an abortion passes their rape test, this ban dictates that a doctor must use the method of abortion most likely to allow the fetus to survive.

- The date is completely made up and says to mothers and fathers that we don’t trust them. About 2% of all pregnancies suffer from a major birth defect, and often, no medical treatment can save the fetus. For many pregnant women, it is only in weeks 16-22 that they would even have a hint that something could be fatally wrong with their pregnancy. It can take weeks to get results from follow-up tests to confirm that diagnosis. By the time a woman has found a specialist, considered the incredibly difficult decision to terminate her wanted pregnancy, and set an appointment with a doctor willing to perform the abortion, the 20-week mark has often passed.

**How to support the ACA’s contraceptive coverage requirement:**

- The ACA provision on contraception was thoughtfully crafted to balance the needs of everyone involved. Women will be able to get contraceptive coverage if they want it. Religious institutions will not have to provide it if they don’t. No employee of a for-profit company or a non-profit organization will be denied coverage because of the religious affiliation of their employer.

- Americans draw a firm line between for-profit businesses and non-profit religious organizations, and the ACA coverage requirement does the same by establishing a generous accommodation for the latter but requiring the former to follow the law. Churches and other houses of worship are fully exempt from the contraceptive coverage requirement, and non-profit religious organizations may opt out. But the CEO of a corporation should not be able to impose his religious beliefs on every employee of that for-profit company.

- No one has to take advantage of the contraceptive coverage—it just has to be made available, either by a for-profit company’s employee health insurance plan or by the insurance company itself for accommodated non-profits. Not only that, but religious employers have no responsibility to tell their workers how to obtain contraceptive coverage—the insurance companies themselves must reach out directly to each of the organizations’ employees.

- This compromise adheres to core American values by ensuring that all women have access to contraception without requiring churches or non-profit religious organizations to violate their beliefs. It respects religious liberty while ensuring that women can make their own healthcare decisions according to their own religious beliefs, not their employers’.
IMMIGRATION

What the Middle Thinks

On immigration, Americans in the middle are of two minds—sympathetic to the plight of undocumented immigrants, but worried about the border and the consequences of rewarding people who broke the law. Eighty-four percent of moderates believe that undocumented immigrants are hardworking people trying to care for their families, but moderates are also split down the middle as to whether granting citizenship would reward bad behavior—47% say it would, while 50% say it would not. And promoting national security is the number one value Americans want to guide immigration reform—with 84% rating it very or extremely important.

Moderates are ready to support immigration reform—so long as it doesn’t come at a heavy cost to them. Seventy-seven percent of the country says that fairness to taxpayers is a very or extremely important value guiding immigration reform. And while only 27% of the public think that immigrants take jobs away from Americans, 56% think that undocumented immigrants hurt the economy by driving down wages. This plays into Americans’ recognition that our current immigration system is failing us, with 63% saying that it is either completely broken or broken but working in some areas. That belief, coupled with the ways in which reform would be good for the economy, make moderates ready to support an immigration bill if it is framed in the right way.

How to Appeal to the Middle

Despite their conflicting feelings, Americans in the middle can and do support reform when it can described as “tough, fair, and practical.” Tough means tough on border enforcement, fair means fair to taxpayers, and practical means restoring the rule of law and solving the problem for good. This framework reassures moderates that reform will strike the right balance, placing our national interests—like a secure border and a strong economy—at the forefront of policy-making decisions. Additionally, it addresses concerns that Democrats will ‘give away the store’ by being too lenient and that Republicans will be overly harsh. Perhaps most importantly, this framework offers moderates a direct route forward, so that our country can pass a bill and finally put this issue to bed—because the main thing most Americans agree upon is that they are tired of talking about immigration reform.

Opponents of reform should be described as not wanting to get anything done. They have ideas dreamed up in Fantasyland, like self-deportation, which will not work. Their answer is no on everything—which means maintaining the status quo that everyone loathes.
Advice for Talking about Specific Legislative Proposals

How to support the DREAM Act:

• The DREAM Act adheres to the widely shared American value that we should not punish children for the mistakes of their parents. The children who would benefit from the DREAM Act are American in every way but on paper. Where children were brought to the United States through no fault of their own and are working towards their degrees or served in the military, they should have the opportunity to earn their citizenship.

• It’s good for the economy—these children were raised in our communities, they are educated by our universities, and they have assimilated into American society. They’ll make excellent employees and even better taxpayers when they can come out of the shadows.

• The DREAM Act has bipartisan support among the American public—with 61% in favor—as well as on Capitol Hill. Supporters of previous versions of the DREAM Act include Senators Orin Hatch, John McCain, and John Cornyn, as well as Senators Harry Reid, Richard Durbin, and the late Edward Kennedy.

• Anti-immigrant advocates somehow believe that it is just to punish for the rest of their lives a little boy or girl who came here in diapers without the right papers. No college; no military service; no chance for a decent job. They think that’s good for America and what this country stands for.

How to support the comprehensive Senate reform bill:

• The Senate bill is the toughest immigration bill in history. It establishes a “trigger” that prohibits any undocumented immigrant from getting even a provisional legal status until surveillance and fencing plans have begun implementation at the border. It implements the E-Verify system nationwide for employers to easily check the immigration status of their employees, requires an entry-exit tracking system to catch people overstaying their visas, and nearly doubles both the length of the border fence and the number of boots on the ground.

• This bill is fair—both to taxpayers and to immigrants. Legalization and citizenship will have to be earned, and taxpayers won’t have to subsidize that process with a single dime. The path to citizenship will be long and arduous but attainable. The bill puts into place a system for future immigration that values both family ties and economic need to ensure that America remains a magnet for global talent and has the highly-skilled workforce our nation needs.
• The bill is practical. It fixes the system for incoming legal immigrants once and for all and addresses the immigration backlogs. New enforcement mechanisms ensure that going forward, people will not be able to illegally cross the border or overstay their visas, so we won’t have to deal with this problem again in another decade. If the House had simply voted on the Senate-passed bill, it would have already become law and we’d be done with this issue, allowing Congress to focus on the other major problems facing our country.

• People who oppose the bipartisan Senate bill do so because they don’t want to do anything. They believe they can magically get millions of people to “self-deport.” We can be tough, fair, and practical, or stubborn, oblivious, and naïve.

MARRIAGE FOR GAY COUPLES

What the Middle Thinks

Support for marriage for gay couples is growing at a remarkable pace—our polling shows 53% favor laws allowing gay and lesbian couples to marry, an increase of 21 points in the last decade alone. And this pro-marriage majority is made up of more than just the usual suspects, including 63% of non-white voters, 56% of Independents, 50% of people without a college degree, and 58% of Christians under 50 years old. Our analysis has found that 75% of the transformation in public opinion is due to Americans changing their minds—not simply younger, more supportive voters replacing older ones in the population. And when we reviewed 128,000 responses to 98 national surveys, we found that moderates were moving faster in support of marriage than any other demographic group.

One reason for the transformation is the growing understanding among Americans that gay couples want to join the institution of marriage, not change it. In 2009, there was only a margin of nine points between people who believed gay couples wanted to join the institution of marriage versus change it, but that margin between joiners and changers grew to 20 in 2011, and finally reached an incredible 31 in 2013. Americans in the middle are overwhelmingly more likely to vote for laws allowing gay couples to marry when they believe that those couples understand the weight of the responsibility of marriage and want to join the institution, not change it. Talking about marriage in a way that emphasizes commitment helps to solidify that mindset.

How to Appeal to the Middle

The tide is turning on marriage for gay couples, but many Americans are still on a journey on this issue. For them, it is crucial to emphasize that gay couples
don’t want to get married to get a bundle of legal rights and benefits, but instead
for the same reasons as anyone else—to build a life together based on love and
commitment, staying together through thick and thin. If a couple is willing to
stand up in front of family and friends and make a lifetime promise to each other,
it’s not for us to judge, or to deny them that opportunity. The “rights” framework
that was so prevalent in the earlier years of the marriage movement too often
fell on deaf ears for moderates—because they don’t see their own marriages
as a bundle of rights and benefits. Focusing solely on those aspects can make
moderates suspicious that gay couples don’t really understand the responsibilities
and commitment of marriage.

Advice for Talking about Specific Legislative Proposals

How to support the Respect for Marriage Act:

• Since the Supreme Court struck down the Defense of Marriage Act
  (DOMA), gay couples who marry in a state that recognizes their union and
then move to a state that doesn’t are trapped in a kind of limbo—though
the federal government recognizes their marriages for most purposes, they
can still be denied certain federal protections depending on the laws of
the state in which they live. For example, under federal law marriage is
defined based on the place of residence of a couple, not where they wed,
for Social Security and veterans’ benefits. Without Congressional action,
these couples could continue to have their marriages treated as valid under
most federal laws but not for others—including military families who are
serving our country and may have little choice over where they live.

• The Respect for Marriage Act simply says that the federal government will
look to the laws of the state where the marriage took place to determine if
it is valid for federal purposes, such as eligibility for important protections
like Social Security and veterans’ benefits. It doesn’t tell any state they
need to recognize a single marriage from another state—that’s entirely
the state’s prerogative.

• The federal government should not be in the business of tracking gay
couples around the country at any moment to continuously marry and
unmarry them for federal purposes whenever they cross state lines. That
would both pose a logistical nightmare for administering federal programs
and fly in the face of the values of fairness and freedom that underlie the
Supreme Court’s decision striking down DOMA.

How to oppose the Marriage and Religious Freedom Act (MARFA):

• This isn’t about religious freedom but zealotry. MARFA would allow
individual federal employees to deny services to married gay couples.
We already have protections and a process for federal employees whose religious exercise is substantially burdened on the job—but this bill would take us back half a century by allowing any federal employee to walk away from his or her responsibilities, no matter how minimal the burden or how crucial the service, and without any warning.

- MARFA would also allow programs funded entirely by taxpayer dollars to enforce a religious test for who they will serve—not only to turn away gay couples, but also single mothers or anyone who may have had sexual relations outside of wedlock. That goes against our long-established rule that programs fully funded by taxpayers cannot turn away qualified applicants simply because the provider disapproves of that taxpayer’s behavior.

- It is a perversion of the Constitution. The religious liberty enshrined in the First Amendment is rooted in the guarantee that the government won’t treat one belief as better than another—and that’s exactly what MARFA does by giving opposition to marriage for gay couples more protection than any other religious tenet. Not only is the bill a bad idea, it is an affront to the First Amendment.

**RELIGIOUS LIBERTY & NON-DISCRIMINATION LAWS**

**What the Middle Thinks**

Americans in the middle believe that our laws and Constitution already provide robust protections for religious liberty, and they do not think marriage or non-discrimination laws threaten religious beliefs or practices. Sixty-nine percent of Americans don’t think a business owner should be allowed to refuse to provide products or services to an individual because that person is gay or lesbian, regardless of the business owners’ personal religious beliefs. And 64% oppose new laws that would allow small businesses to deny wedding-related services to gay couples based on an owner or employee’s religious beliefs. Americans believe that exemptions from non-discrimination laws should largely be limited to places like churches and synagogues and people like pastors, priests, and rabbis.

Moderates are even clearer in their support for non-discrimination laws that protect gay and transgender Americans. Nearly four-fifths of Americans—79%—support protecting gay and transgender people from discrimination in housing, employment, and public accommodations. And 60% of Americans believe that discrimination against gay and transgender people is a problem in our country. Still, this issue can be tricky.
How to Appeal to the Middle

Many moderates have never thought about these issues in depth before, so it is important to introduce them in a way that speaks to moderates—by talking about values, reinforcing control, and reassuring people that small businesses and religious organizations won’t be adversely affected.

When speaking out on behalf of non-discrimination laws or opposing overly broad religious liberty bills, rely on fundamental American values—like the Golden Rule, freedom, and meritocracy—that lie at the heart of non-discrimination laws. Because many moderates feel some level of tension between religious beliefs and non-discrimination laws, reinforce that no one has to change their beliefs, but as Americans we believe it’s wrong to turn someone away because of who they are. And where non-discrimination laws include exemptions for small businesses or religious organizations—which many of them do, at both the state and federal level—it is valuable to mention those carve-outs to reassure those in the conflicted middle that the laws are balanced and have taken into account the views and interests of those who may oppose them. Finally, Americans agree that allowing businesses to refuse to serve or hire gay people is discrimination, but our research found there is no need to draw explicit analogies between the discrimination faced by gay and transgender Americans today and the horrors faced by people of color during the Civil Rights era. It is more effective to focus on the discrimination at hand and let people fill in any analogies that resonate with their own experiences for themselves.

Advice for Talking about Specific Legislative Proposals

How to support the Employment Non-Discrimination Act (ENDA):

- ENDA conforms to the traditional rules of the workplace by simply ensuring that you are judged by the job you do—no more, no less. It doesn’t give any special rights to gay and transgender employees or job applicants. Instead, it simply allows gay and transgender Americans to join the traditional workplace, not to change it.
- ENDA does not change the rules for the religious community—it exempts houses of worship, religious schools, and religious organizations like hospitals, social services agencies, and community centers from having to comply with the law in any way. The exemption goes even further than that in the Civil Rights Act, and it was drafted with the support of a wide range of religious organizations.
- ENDA furthers core, traditional American values, including the Golden Rule and meritocracy—because everyone deserves to be judged on the quality of their work.
How to oppose overly broad religious liberty exemptions:

- Businesses don’t have to change their beliefs, but they do have to follow the same laws as everyone else. A jewelry story selling rings, a caterer baking a cake, or a clean-up crew vacuuming the floor is not endorsing a marriage. They are in business and fulfilling a contract for services.
- Twenty-one states already have non-discrimination laws that protect gay Americans and 18 protect transgender Americans as well. Those laws balance the need to protect religious liberty with the need to ensure that gay people and couples aren’t being refused service in public businesses. Marriage laws don’t undermine existing religious liberty protections for non-profit religious organizations and churches—in many cases they’ve made them even stronger.
- Some overly broad bills would allow religious organizations using taxpayer dollars to turn away gay couples in need—but that’s in direct conflict with both our fundamental values and the spirit of the Charitable Choice rules established by the George W. Bush Administration. Religious organizations offering services paid for by taxpayers should not be allowed to use a religious test to determine who they will or will not serve. If an organization is using taxpayer money, they should not be able to pick and choose among qualified applicants.

**GUNS**

**What the Middle Thinks**

Americans in the middle feel a deep tension on guns. They are broadly supportive of common sense gun laws like expanding criminal background checks for gun sales. In our most recent poll, 84% of moderates agreed that we need to expand background checks on gun sales to keep firearms out of the hands of criminals. Yet, 58% of moderates believe that current gun laws are already sufficient to protect them and their communities. This tension was also evident when we asked whether people believed that we need more government ground rules on gun sales or more trust in individuals. Unlike liberals and conservatives who overwhelmingly leaned one way or the other (by 58 and 41 points, respectively), moderates were split almost down the middle, with only a nine-point margin in favor of more ground rules (53% ground rules to 44% trust in individuals). That divide is likely one of the reasons why passing gun safety legislation is so much more difficult than top line polling numbers suggest—and why talking about guns in the right way is so crucial.
How to Appeal to the Middle

The best way to appeal to the torn middle is to be the “rights and responsibilities” person on guns. That means owning the Second Amendment in a way that allows for support of reasonable gun laws. Policymakers and candidates should establish that they take a backseat to no one in support of Second Amendment rights—but that those rights come with responsibilities and don’t extend to terrorists, criminals, abusers, or the dangerously mentally ill. This balance is important to acknowledge for those conflicted moderates who are generally supportive of expanding common sense gun laws but want to ensure that the government won’t steamroll individuals or their rights. It means finding areas of common ground with the nearly half of American households that own a gun, rather than demonizing gun owners—we all want to live in safe communities and keep guns away from criminals. The best way to protect gun rights is to pass sensible gun laws to ensure that law-abiding Americans can continue to use guns for collection, protection, and sport while keeping guns out of the wrong hands. And we need laws that recognize the ways the world has changed since Congress last passed a gun bill more than two decades ago. The advent of the internet has created a virtual loophole for people to buy and sell guns online to strangers—without having to run any kind of background check.

Advice for Talking about Specific Legislative Proposals

How to support the Manchin-Toomey background check bill:

- Anyone who buys a gun should go through a background check. Since the passage of the Brady background check law in 1993, nearly 200 million firearms sales have gone through a background check and 2.1 million illegal purchases have been stopped. If it’s good enough for 200 million buyers, it should be good enough for everyone.

- There should be no loopholes that criminals, terrorists, and others can crawl through. For sales at gun shows or those advertised online or in a publication, a federally licensed firearms dealer would conduct a background check using the same system that nearly 17 million gun owners pass each year. These checks used to take 7 days—now 92% are completed within a matter of a few minutes. And 98% of Americans live within ten miles of a licensed gun dealer who can perform those checks.

- This bill would not create a gun registry of any kind. It would rely on the same system in use today—the gun store who runs the check keeps the receipt of sale. There would be no new recordkeeping requirements for individuals. And anyone who misuses the gun store’s receipts or attempts to assemble them into a registry could be thrown in prison for up to 15 years.
• It’s good for gun buyers, owners, and sellers. The Manchin-Toomey bill would streamline laws for gun owners by removing the current ban on gun stores selling to out-of-state residents, allowing gun owners to transport their firearms across state lines without fear when they travel, allowing concealed carry permit-holders to skip background checks, and protecting veterans from being listed as prohibited buyers unless they are proven dangerous. And it would protect sellers who conduct a check on their sale by giving them immunity from liability for anything that happens with that gun in the future.

How to support gun trafficking legislation:

• People who abuse the Second Amendment—those who run dirty gun dealerships, buy guns illegally, sell guns without background checks to criminals, or traffic firearms across state lines—threaten our safety and imperil gun rights for everyone. It’s time to close the loopholes in our laws and give law enforcement the tools they need to keep guns out of the hands of criminals.

• Gun traffickers should not be coddled. In nine out of ten crimes in which a firearm is recovered and traced by police, the person using the gun to commit a crime was not the original purchaser of the firearm from a store. One out of every three crime guns crosses states lines. And the most common age for someone to be arrested for a gun crime is 19, despite the fact that the legal age to purchase a handgun is 21. The illegal market is supplying guns to criminals and others who shouldn’t have them.

• Currently, there is no federal law prohibiting gun trafficking. No law prohibits selling a stolen gun or selling a gun to a felon, a person with a restraining order, or a mentally ill person, unless the prosecutor can prove that the seller knew the gun was stolen or that the buyer was in one of those prohibited categories. And straw purchasers who buy guns for other people are only guilty of paperwork violations under current federal law. Such anemic laws are utterly inadequate to discourage or punish seasoned gun traffickers.
THE AUTHORS
Sarah Trumble is a Policy Counsel for the Third Way Social Policy & Politics Program and can be reached at strumble@thirdway.org. Lanae Erickson Hatalsky is Director of the Third Way Social Policy & Politics Program and can be reached at lerickson@thirdway.org.

ABOUT THIRD WAY
Third Way is a think tank that answers America’s challenges with modern ideas aimed at the center. We advocate for private-sector economic growth, a tough and smart centrist security strategy, a clean energy revolution, and progress on divisive social issues, all through moderate-led U.S. politics.

For more information about Third Way please visit www.thirdway.org.

Endnotes

1 A national poll by the Feldman Group for Third Way, conducted July 10-15, 2007, of 1003 likely voters.


3 A national poll by Peter Brodnitz of Benenson Strategy Group for Third Way, conducted April 14-18, 2014, of 1500 registered voters with an oversample of 800 moderates. The margin of error for the whole sample is +/-2.53% and higher for subgroups.


7 Poll by Peter Brodnitz of Benenson Strategy Group for Third Way.


9 Ibid.


11 Ibid.

12 Ibid.

13 A national poll by Anzalone Liszt Grove for Third Way and the Human Rights Campaign, conducted June 3-9, 2013, of 800 registered voters plus an oversample of 150 self-identified Christians. The margin of error for the overall results is +/-3.5% and higher among subgroups; See also Robert P. Jones, Daniel Cox, and Juhem Navarro-Rivera, “A Shifting Landscape: A Decade of Change in American Attitudes about Same-Sex Marriage and LGBT Issues,” Report, Public

14 Poll by Anzalone Liszt Grove for Third Way and the Human Rights Campaign.


16 Ibid.


18 Poll by Anzalone Liszt Grove for Third Way and the Human Rights Campaign.

19 Ibid.

20 Ibid.


23 Poll by Peter Brodnitz of Benenson Strategy Group for Third Way.

24 Ibid.


29 Ibid, p. 34.