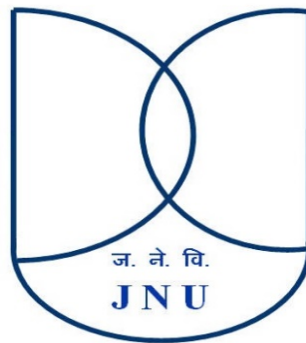


**FROM DEVIANCE TO ACCEPTANCE: CHANGING ATTITUDES
AND TRENDS TOWARDS THE LGBT COMMUNITY IN THE
UNITED STATES FROM 1960 TO 2015**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements for the award of the degree of*

MASTER OF PHILOSOPHY

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DECLARATION

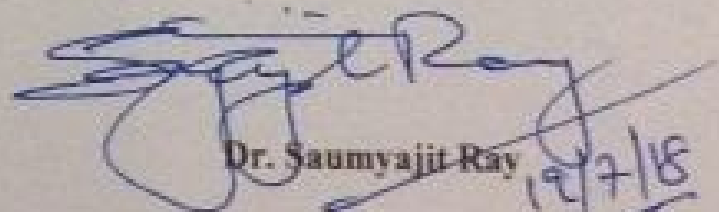
I declare that the dissertation entitled "From Deviance to Acceptance: Changing Attitudes and Trends towards the LGBT Community in the United States from 1960 to 2015" submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.


Aditi Meena

CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation


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(CHAIRPERSON, CCUS&LAS)


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(SUPERVISOR) 19/7/18

***DEDICATED TO
MY DEEPLY LOVED PARENTS
& BROTHER ANURAG***

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Aditi Meena

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LIST OF ABBREVIATIONS

• ACLU	American Civil Liberties Union
• DADT	Don't Ask, Don't Tell
• DOMA	Defense OF Marriage Act
• ECHO	East Coast Homophile Organization
• ENDA	Employment Non-Discrimination Act
• GAA	Gay Activists Alliances
• GLF	Gay Liberation Front
• GLSEN	Gay, Lesbian and Straight Education Network
• HIV	Human Immunodeficiency Virus
• HRC	Human Rights Commission
• LGBT	Lesbian, Gay, Bisexuals, Transgender
• NCAVP	National Coalition of Anti-Violence Program
• NGLTF	National Gay & Lesbian Task Force
• SDS	Students for a Democratic Society

PREFACE

LGBT rights still remains one of the most controversial issues in the world today. The United Nations and other human rights bodies have postulated that all laws that discriminate against people on the basis of their sexual orientation violate human rights. For decades, the homosexuals in United States have struggled hard to eliminate discrimination and to gain “acceptance of their relationships” in the society. The research aims to explain how peoples view of homosexuality changed from pathological prejudice to acceptance as a normal and benign variation of human sexuality. The speed with which gay Americans have become part of the nations mainstream is impressive, whether in entertainment, business, the news media, or federal, state, or local governments.

The discrimination of the LGBT community in the United States has continued for decades. The long history of discrimination and a negative stigma attached to the LGBT community resulted in continuous struggle and fight for equal rights and benefits. But the disapproval of the mainstream society towards the community continued till the end of the twentieth century. The following research highlights the continuous struggle faced by the LGBT individuals through different expressions of discrimination in marriage, employment, military services, in schools and colleges and denying same sex couples equal rights and health benefits same as heterosexual couples.

Over the years in United States, there has been number of changes made with respect to the sexual orientation and their engagement with human rights. But with the turn of the 21st Century there have been a rapid shift in the acceptance and tolerance towards the LGBT individuals in the American society. The following research takes into account different institutional (political) and non-institutional (social) factors that acted as a catalyst to make homosexuality an accepted behavior rather than a taboo subject matter. The research assesses the success and failure of political trends like legislative laws, executive orders, judicial judgements and how they contributed to the positive attitudinal change towards the community, from deviance to acceptance. Moreover, the research critically analyses various societal trends like religion, demographic, education, cohort, media present in the past and recent decades that helped the community to be largely recognized and increasingly accepted part of the American social fabric.

CHAPTER 1

INTRODUCTION

“Every single American gay, straight, lesbian, bisexual, transgender, deserves to be treated equally in the eyes of the law and in the eyes of our society. It’s a pretty simple proposition”.

-President Barack Obama, 2011

Sexual rights which are important for the individual pride and intrinsic to modern society are also considered as most “controversial” group rights. Being one of the most controversial rights, it raises question as to what actually the term “sexual rights” mean and what do they stand for? The World Health Organization (WHO) cites most commonly accepted definition of sexual rights. According to the organization, sexual rights include the “right of all persons, free of coercion, discrimination and violence, to the highest attainable standard of sexual health, including access to sexual and reproductive health care services; seek, receive and impart information related to sexuality; sexuality education; respect for bodily integrity; chose their partner” (WHO, 2012).

All over the world today, the “sexual rights” debate continues. There is no homogenous opinion among the public about the “acceptability of homosexuality, laws regulating same sex unions and penalties for sexual behaviours” (Adamczyk and Pitt, 2009). US has a long history of discrimination of LGBT community and a negative stigma attached to it. The LGBT existence was highly privatized and the community was recognized overall as a taboo subject matter. Conversations about homosexuality were generally non-existent and even recognizing that people were LGBT required a knack for secret symbols and code talk. However, over the years in America there have been number of changes been made with respect to the sexuality and their engagement with human rights. The speed with which gay Americans have become part of the nation’s mainstream is impressive. Whether in entertainment, business, the news media, or federal, state, or local governments, gay people are an open, recognized, and increasingly accepted part of the social fabric. Indeed, gay people in most large cities, where they tend to be politically powerful, feel secure in their jobs, personal safety and in the esteem of their neighbours, which would have not thought possible a scant half-century ago.

In US, number of landmark decisions have been passed to ban discrimination with respect to certain personal characteristics. Some of these decisions are, “*Civil Rights Act*” (1866) that prohibits discrimination based on “race and ethnicity” (Russo, 2006). The “*Nineteenth Amendment*” granting women right to vote by ending discrimination based on “sex” in voting (Chapman & Mills, 2006). The “*Civil Rights Act*” (1964) banned discrimination in public places and employment on basis of “race, color, religion, sex, and national origin” (Brauer 1983, p. 37). Presently, discrimination based on “race, ethnicity, age, disability, gender, and religion” is illegal in America, with some protection being extended to the LGBT individuals (Wesley 2011).

BACKGROUND: THE LGBT COMMUNITY AND THE BACKLASH

The discrimination of the LGBT community in US has continued for decades (Lewis, 1997). There is a long history of LGBT discrimination starting with the 1600s sodomy laws. The sodomy laws made “same-sex sexual behavior illegal and made it a crime punishable by death, reinforcing a heterosexist belief system” (Robertson, 2010). The early sodomy laws managed to keep the “homosexual rights movement” underground till late 1960’s. In initial years of US history, most of the LGBT individuals kept their lifestyle in the private sphere, i.e. “in a state of concealment in which one immured one’s homosexuality” (Dynes and Percy 1990). It was largely the result of perception prevalent in the society that either the homosexuality did not exist or it was not talked about. Even the individuals belonging to the same community were not aware that individuals with the same sexual orientation existed in the society.

During the Cold War, the homosexual was not just seen as immoral, but as a threat to American national security (Lewis, 1997). During the Eisenhower administration, gay individuals were prohibited from employment in the military and at the civil service occupations. Lewis argues that in 1975, the U.S. Civil Service Commission removed the ban due to a “lack of empirical evidence of a correlation between homosexuality and job efficiency” (Lewis, 1997). In the second half of 20th century, an opportunity came for the community to define itself as a “unique cultural group” post Stonewall Riots of 1969. Hogan argues that the riots, prompted by a police raid of a gay bar in New York City called the *Stonewall Inn*, provided “the impetus for those of the homosexual community to declare their existence and demand equal treatment in society”. Since the Stonewall Riots, the homosexual community has held annual gay pride¹ celebrations that promote a “gay and lesbian visibility, unity, and progress toward equal rights” (Hogan, 1999).

Scholars like McGarry, Wasserman (1998); Rupp (1999); Vaid (1995) argues that the “Stonewall Riots” of 1969 acted as the catalyst and gave momentum to the *Gay Rights Movement* in the US that resulted in bringing the issue of homosexuality out of the “closet” from the private sphere into the public arena. By the mid-1950s and early 1960s the U.S. LGBT movement slowly started to emerge. Participants began speaking up against oppression and violence towards themselves in what was titled the “homophile movement”. One of the first

¹ “The term *gay pride* is used to express the LGBT community's identity and collective strength; gay pride parades provide both a prime example of the use and a demonstration of the general meaning of the term”.

major groups to partake in this movement was the “Mattachine Foundation” a group of 5000 Californians who were dedicated to fostering a sense of community, and challenging legislation against the LGBT community. Once the 1960s hit, the homophile movement had gained much momentum in civil rights activism. The people involved began to adopt the language and ideas necessary to identify themselves as a minority group. As such, civil right inequalities were recognized more readily by politicians and partakers in the movement itself. Organizers began planning public protests where they maintained a celebratory expression of homosexuality while openly protesting at important government buildings across the nation, including the White House. However, the public opinion of the community was highly unchanged, and in many cases, more hostile than ever. What had once been a simple taboo subject was now being thrown into the faces of the American public, spurring many small violent episodes and demonstrations. This change to a public movement, rather than completely being a privatized affair, the LGBT community ushered in a new level of opposition resulting in anti-gay movement and emergence of number of discriminatory policies, laws, actions and attitudes of the American social structure. In fact, every State in the United States had some form of law against same-sex sodomy.

It wasn't until the landmark court case *Lawrence vs. Texas* of 2003, that ended with the supreme court ruling against Texas effectively striking down it's anti-sodomy law under the premise that it infringed on rights to privacy, that state perspectives regarding anti-sodomy laws began to shift (Robertson, 2010). Under the Clinton administration in 1993, “*Don't Ask, Don't Tell, Don't Pursue (DADT)*” acknowledged “LGBT individuals serve in the United States military, while forcing those individuals to remain silent about their gender identity or sexual orientation” (Bowling and Harris, 2005). President Obama, on September 20, 2011 repealed “*Don't Ask, Don't Tell, Don't Pursue (DADT)*”, allowing gay men to serve in the US military. At the same time, the Supreme Court also heard an appeal with regards to the “*Defense of Marriage Act*”, that aimed at banning “same-sex” couple marriage at federal level (Solomon & Tiemann, 2012). It defined marriage “as a union between one man and one woman, and it also gives states the authority to refuse to recognize same-sex marriages in which couples were legally wed in a different state” (Solomon & Tiemann, 2012). This policy was put an end to under Obama administration and under federal level there is no more ban on the same-sex marriage. However, despite these positive changes over the years the complete protection does not extend to the LGBT community. The “*Employment Non-Discrimination Act (ENDA)*” was a legislative proposal that aimed at “prohibiting workplace discrimination on the basis of sexual

orientation and gender identity on the federal level” (Robinson and Cousley, 2009). Despite numerous attempts by the House of Representative and the Senate, the act has not been able to pass through in Congress (HRC, 2012).

Fred Fejes, in his book *“Gay Rights and Moral Panic: The Origins of America's Debate on Homosexuality”*, provides an in-depth analysis of the emergence of the modern gay movement in America. He discusses the challenges and questions that emerged to the accepted notions of sexuality, and how society reacted in turn. According to Fejes, “decades of negative media portrayal of lesbians and gays, established the necessary conditions for a moral panic over gay rights in the 1970s. This panic was then ignited by a religiously inspired political effort to oppose gay rights...the community subsequently became the focal point of anxiety resulting not only from a conflict between gay and straight, but from a conflict between men and women, Christian and Jew, religion and secularism, the common people and the liberal elite, and the traditional values of America and the radicalism of the 1960s”.

Many scholars argue that the backlash towards the gay movement was the result of the religious beliefs prevalent in society. Scholars like Benjamin, Hayes, Incantalupo, Smith in article “Opinion Backlash and Public Attitudes: Are Political Advances in Gay Rights Counterproductive?” argues that opposition to the gay rights are dominant among the religious groups. Others argue in that in comparison to religious variables, other factors like “ethnicity and race” better predict attitudes toward gays and lesbians. However, analysts argue that the Evangelical Protestants, the “born again in particular, are the staunchest political opponents of gay rights” and the “incorporation of the religious right into the Republican Party” has also resulted in widespread promulgation and agitation against gay legislation across the country (Burack 2008; Fejes 2008; Lugg 1998).

During the 1950s and 1960s, they could not claim a single national elected official that was openly supportive of their rights. Therefore, there was a need for representatives that could effectively raise the level of the modern gay liberation movement. What changed was the movement that led to the development of a “collective identity”. They developed tactics that were present in other similar “identity-based” movements such as “Civil Rights Movement”, the “Women’s Movement” and the “Black Power Movement” (Scagliotti & Rosenberg 1985). All these movements in some way or the other contributed to the gay rights movement. The tactics that helped the following movement to achieve success also spread the movement as

more and more new and radical organizations developed. The most notable, was the “civil disobedience tactics” practiced in lower Manhattan by the new Gay Activists Alliance (GAA) (Clendinen and Nagourney 1999).

The gay and lesbian movement gain momentum while following these practices as it helped to grow network of different organizations that would lobby with the other leaders or elites and influence public opinion. Thus, 1960s saw “marked liberalization in the sexual attitudes of America’s youth”. Though no major change or any affective result in social attitudes among the people was witnessed towards homosexuality, still it established a “crucial link between freedom, which all Americans support on an abstract level, and sexuality”.

One of the major role towards this shift is been attributed to the American media. Larry P. Gross argues that the mass media have had “double-impact on the gay and lesbian individuals. According to him, “not only have they mostly shown them as weak and silly, or evil and corrupt, but they continue for the most part to exclude and deny the existence of normal, unexceptional as well as exceptional lesbians and gay men”. The sexual minorities are more vulnerable to the “internalization of mainstream values” as many individuals do not prefer to come out in public and socialise with others. The media has played a central role in building and expanding of “identity-based” politics in American history including African American, feminist or gay movement.

In 1951, publication of the Donald Webster Cory’s “*The Homosexual in America: A Subjective Approach*” provided a major boost to American homosexual movement. He presented a forceful argument regarding homosexual minority: “Our minority status is similar, in a variety of respects, to that of national, religious and other ethnic groups: in the denial of civil liberties; in the legal, extra-legal and quasi-legal discrimination; in the assignment of an inferior social position; in the exclusion from the mainstream of life and culture”. Media helped in bringing together a “self-conscious community”. Not only media publication but many television serials and novels was successful in bringing about demand change and able to organize a gay and lesbian movement. It helped many homosexual individuals to come out in public spaces and talk about their rights. The American media definitely acted as a tool of emancipation for the sexual minorities in advancing their movement and bringing implicit and explicit attitudinal change in the mainstream American society. Overall, the LGBT movement has seen a dramatic shift in favor of LGBT community, and a majority of young people today stand in favor of LGBT inclusion and equality.

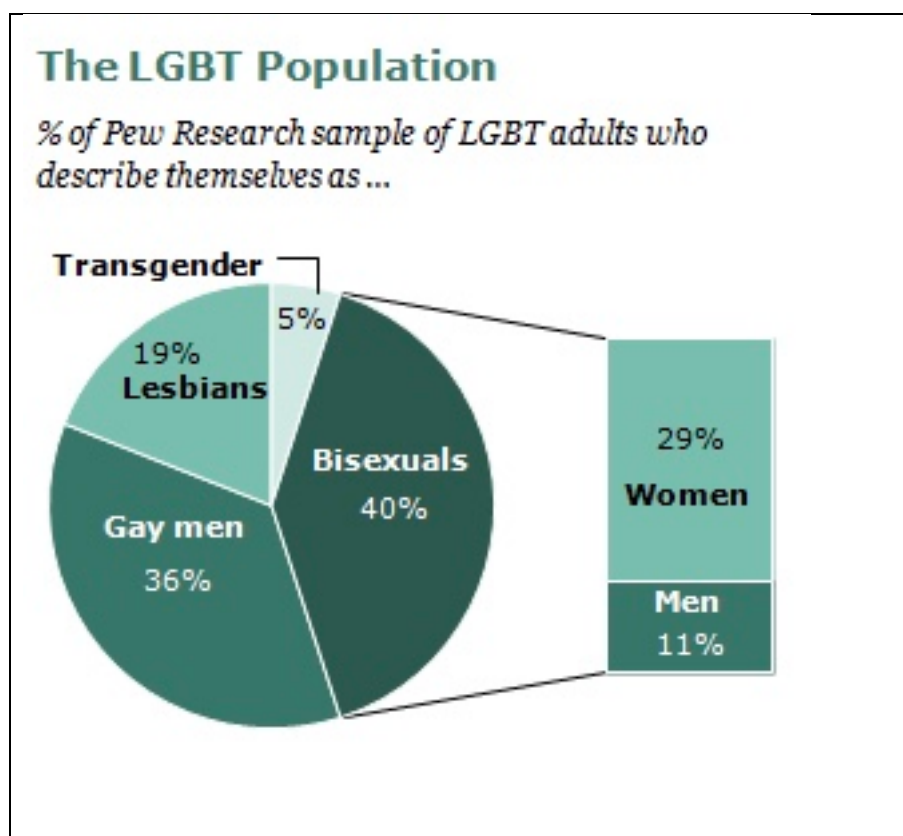


Fig 1. SOURCE: PEW RESEARCH CENTRE, 2013

The above graph depicts the number in 2013 of LGBT population who described themselves as lesbian, gay, bisexuals and transgender. Majority of them belong to homosexual category with transgender present in least numbers. Another major finding of survey was, women are 29% and men 11% of the total LGBT community. As per 2016, Pew research and Gallup estimates about 10 million people or 4.1% of the United States adult population is identified as LGBT.

REVIEW OF THE LITERATURE

George Weinberg's, in 1960s for the first time introduced the term "homophobia" and challenged traditional thinking about homosexuality and helped focus society's attention on the problem of antigay prejudice and stigma. George M. Herek in his number of work with respect to LGBT Community in one of his article "Beyond Homophobia: Thinking About Sexual Prejudice and Stigma in the Twenty-First Century" further describes in brief history and impact of the term "homophobia". The limitation of the term's are discussed, including the

assumption that “antigay prejudice is based mainly on fear and its inability to account for historical changes in how society regards homosexuality and heterosexuality as the bases for social identities”. Weinberg’s contribution should be acknowledged and not underestimated; he introduces a new term and vocabulary that he thinks was necessary to advance academic understanding in the area. It helps Herek to further develop his work on the lines of Weinberg’s. He at the end of the article, defines and discuss three constructs: “sexual stigma” as “the shared knowledge of society’s negative regard for any non-heterosexual behavior, identity, relationship, or community”, “heterosexism” as “the cultural ideology that perpetuates sexual stigma”, and “sexual prejudice” as “individuals’ negative attitudes based on sexual orientation”.

Kate Burns, author of several books like “*Gay Rights Activists*”, “*The History of issues: Gays and Lesbians*” and “*Gay Rights*” argues as to how issues concerning gay rights have changed over time and how they have remained constant. She provides different timelines for the origin of the gay rights. She states “many assume that the modern gay rights movement in the United States began when gay and lesbian patrons of New York's Stonewall Inn rebelled against police harassment in 1969, inspiring impassioned activism in the 1970s...but decades before that historic night, activists had been working to improve the status of homosexuals in America”. The book “*Gay Rights*” in specific analyses the gay rights efforts and the gay liberation movement post Stonewall. According to her, “same-sex couples in the United States have been attempting to achieve legal recognition for their unions since the early 1970s. Gay and lesbian couples applied for marriage licenses, adoption privileges, and spousal immigration rights, but had little success in achieving legal recognition of their partnerships. By the mid-1980s homosexual couples began to focus on obtaining domestic partnership rights and benefits from employers and local governments”. With coming of the 20th Century, marriage emerged as a “legal goal” to fight for equal rights. She also mentions that not all individuals of the community support the legal goal of “same-sex” marriage. However, despite the division the goal to legalize same-sex marriage saw some progress through the supporters of same-sex marriage.

Fred Fejes, Professor at Florida Atlantic University, in his book “*Gay Rights and Moral Panic: The Origins of America's Debate on Homosexuality*”, “provides an examination of the emergence of the modern lesbian and gay American movement, the challenges it posed to the accepted American notions of sexuality, and how American society reacted in turn by using the 1977 campaign against the Dade County Florida gay rights ordinance as a focal point”.

According to Fejes, “decades of negative media portrayal of lesbians and gays, established the necessary conditions for a moral panic over gay rights in the 1970s. This panic was then ignited by a religiously inspired political effort to oppose gay rights”. “Lesbians and gay men subsequently became the focal point of anxiety resulting not only from a conflict between gay and straight, but from a conflict between men and women, Christian and Jew, religion and secularism, the common people and the liberal elite, and the traditional values of America and the radicalism of the 1960s”.

Eric Marcus book “*Making Gay History: The Half-Century Fight for Lesbian and Gay Equal Rights*” (2002), includes stories, interviews and recollections of around seventy high profile leaders and also from the men and women activists who in different ways big and small contributed to the LGBT struggle. In a brief manner, through the help of these interviews and interactions with the people he gives an overview of the historical background of the LGBT struggle starting from as late as 1920s. the book divide into seven parts helped to understand the various stages of the LGBT movement holistically and helped further in analysing the different struggle witnessed by the LGBT individually and together as a community.

Jeffery R. Lax and Justin H. Phillips of Columbia University in the article “Gay Rights in the States: Public Opinion and Policy Responsiveness” notes the effects of policy-specific public opinion on state adoption of policies affecting gays and lesbians, and the factors that condition this relationship. Through national surveys and public opinion estimation, they create new estimates of state-level support for eight policies, including “civil unions and non-discrimination laws”. They study eight policies of particular importance to the gay rights movement: “same-sex marriage, civil unions, adoption by gay parents, hate crimes laws, employment and housing nondiscrimination laws, domestic partner health benefits, and sodomy laws”. “Some of these directly invoke the foundations of personal and familial relationships; others invoke equality in the marketplace. Some are about affirmative rights, such as the right to marry; others offer negative rights, such as protection against discrimination. Thus, they seek to explain responsiveness variation across states, in terms of ideology, interest group pressure, and institutional features of the state government”.

Luca Prono in his book “*The Encyclopedia of Gay and Lesbian Popular Culture*” (2008) provides both “biographical and thematic” entries that map out the presence of LGBT subjects within American popular culture in the twentieth and twenty-first centuries. The volume

contains around one hundred entries collected telling a double story. On the one hand, they “attest to the pervasive presence of gays and lesbians in the worlds of film, television, theatre, entertainment, popular literature, music, and sport” and on the other hand, they also show “the constant attempts to marginalize homosexual characters and themes within popular culture and to silence the same-sex desire and identities of many actors, writers, directors, singers, and athletes”. “The book aims to documents the achievements of all those personalities who, with their examples, have started to smash the closet which seeks to render homosexuality invisible. while an increasing number of actors, artists, and singers do not conceal their sexual orientation any longer, popular culture and its institutions have not always been a welcoming place for LGBT”. He through analysis of the popular culture of the American society provides an insight to the gay movement and anti-gay movement that helped the society in the acceptance of the LGBT individuals.

Daniel R. Pinello book “*America’s Struggle for Same-Sex Marriage*” discusses various legislative policies undertaken by the state and the federal government. He traces social movement evolution of “same-sex” marriage in the US and analysis the political and social controversies surrounding the community quest for ending the ban on same-sex marriage. The book focuses on important events and landmark judgements, beginning with the Massachusetts Supreme Judicial Court decision (November 2003), stated that “the state's conferral of marriage only on opposite-sex couples violated constitutional principles of respect for individual autonomy and equality under law”. Supreme Court judgement resulted in a political backlash of national proportion and prompted officials in San Francisco, Multnomah County (OR), Sandoval County (NM), and New Paltz (NY) to issue marriage licenses to homosexual couples. The volume relies on “in-depth interviews to provide an insider account of how courts, politicians, and activists maneuver and deal with a cutting-edge social policy issue, as well as real-life narratives about everyday people whom the debate immediately affects”.

Carlos A. Ball book “*From the Closet to the Courtroom: Five LGBT Rights Lawsuits That Have Changed Our Nation*” (2010), gives a comprehensive view on the five different Lawsuits regarding the LGBT rights that changed the nation making it more equal and egalitarian ensuring the value for which it stands for. The book contains the landmark decisions and in an exemplary manner places them in the larger, engaging, far broader context of human experience and everyday life. Ball by recounting great stories, *he shares how* and they are the lives that have changed the country.

Wallace Swan, *“Handbook of Gay, Lesbian, Bisexual, and Transgender Administration and Policy”* (2004) extensively deals with wide variety of matters and serves as the most beneficial in-depth resource with respect to the issues of LGBT community. The books cover different array of policy issues ranging from education, health, development policies and political party support and outcomes. The book written with the objective to communicate to administrators, students, and academicians the growth and progress of the LGBT movement that have taken place so far not only in United States but in different countries as well.

Larry P. Gross book *“Up from Invisibility: Lesbians, Gay Men, And The Media in America”* (2001), talks about the emergence of gay and lesbian individuals in America into politics, media and culture. The book specifically examines the role of media in bringing together a “self-conscious community” that was successful in bringing about demand change and able to organize a movement. He states that how strong American media is and how it acted as an agents of change in bringing about attitudinal change in the society at large. He stated about the role of media as “in portraying gay people to the majority and to gay people themselves, in ways that perpetuated harmful stereotypes and, eventually, also in ways that began to reverse some of that harm”. According to him media is much more than the mere entertainment, as it brings the public conversation in mainstream and and helps in greater acknowledgment of diversity.

DEFINITION, RATIONALE AND SCOPE OF THE STUDY

The LGBT community, commonly referred to as the gay community, is a loosely defined grouping of “Lesbian”, “Gay”, “Bisexual” and “Transgender” (LGBT) individuals with “same-sex attractions” that having diverse support base and organizations, united by a social movement, common pride and culture. The community as together celebrates diversity, pride and sexuality. LGBT activists and sociologists see LGBT community building as a “counterbalance to heterosexism and conformist pressures” that dominates the larger section of the society”.

For decades, the homosexuals have struggled hard in the US to eliminate discrimination and to gain “acceptance of their relationships” in the society. Despite these struggles and people coming out of their “closets” in public and the prevalence of “same-sex” relationships, the disapproval of the society towards homosexuality limited the scholarly discussion of the issue until the last three decades of the Twentieth Century. However, the last three decades and

especially with the coming of the 21st Century there have been a rapid change in the “acceptance and tolerance of homosexuality” in the American society. Wide range of social and political forces in 2000s motivated this change in attitudes toward homosexuality in the society. The major changes have been attributed to the frontal role played by media, social policy, political campaigns, etc. in highlighting the issues that beset the LGBT community. The research analyses how on the one hand the government, presidents and judiciary brought policy, regulation and laws for LGBT community and on the other hand media, religion, education, demographic and cohort effects among people changed over time towards the community.

Before the incident of “Stonewall Riots” in 1969, mainstream society did not acknowledge the existence of any other identity except heterosexism. But post this incident the perceptions have changed dramatically with respect to gay culture. The research will be beneficial as it will show how and why there has been acceptance and recognition of alternative identity and lifestyles in United States. These perceptions include the idea that many sexual right like human rights are same for both and heterosexual and homosexual culture.

RESEARCH OBJECTIVE

Following questions are main research objectives that the research will seek to answer in order to achieve the objectives of the study.

- What extent does politics influence homophobia?
- How did the legislative policies of the federal and state government bring about change in attitudes in society towards homosexuals?
- To What extent does media influence attitudes towards same-sex relationships?
- Despite discrimination faced by the LGBT community in American society led to the ultimate acceptance of the LGBT community?
- What and how different political and social factors were responsible in bringing overtime changes towards the acceptance of the community?

HYPOTHESIS

- Positive attitudes towards the gay and lesbians in the US developed since the beginning of the civil rights movements for homosexuals.
- Popular acceptance of LGBT “is largely attributed to visible political and social activism of the LGBT communities”.

RESEARCH METHODS

The proposed study will be based on descriptive and analytical methods. Both primary and secondary sources needed for the study will be consulted. All Primary sources will constitute major government publications, congressional hearings, legislative laws, judicial cases, surveys and reports from various departments in the United States Federal Bureau of Investigation. Apart from the primary sources, secondary sources would include books, journal articles, research reports, media reports and magazines articles, web sources and speeches on the topic.

ORGANISATION OF DISSERTATION

The research “*Changing attitudes and trends towards the LGBT community in the United States from 1960s to 2015*” aims to look at how the public support towards the rights of “lesbians, gay, bisexuals, and transgender” (LGBT) individuals in the US has rapidly and significantly increased since 1960s. While it is generally believed that the changes or major shifts is largely because of the efforts of the community that led various movement to fight for their sexual rights which are no different from the basic human rights. The research analyses that though LGBT struggle have played an important role due to the discrimination faced by the community, various other institutional and non-institutional factors acted in consonance leading to the attitudinal change in the American society.

In this research the term “Lesbian Gay Bisexual Transgender” (LGBT) and “lesbian and gays”, “Homosexuality”² and “same-sex relationships” are used interchangeably, they shall mean the same thing throughout the study.

² “A homosexual is in individual male or female, who is attracted to someone of the same sex. (Hogan and Hudson, 1999”).

Chapter I; *Introduction* provides an overview of the research with the background of the issue including the backlash by the LGBT community, review of literature, definition, rational scope, objective, hypothesis and the framework in which the entire research is been carried out.

Chapter II; *Making History: The Coming of LGBT Age* considers the theoretical and historical development of the LGBT movements in the United States as they grew and evolved from the 1960s onward and how they became part of the mainstream society. It thoroughly looks at the theoretical evolution of the emergence of the term “homophobia” and the developments of events post “Gay Liberation Movement” and the “Stonewall Riots” incident in America.

Chapter III; *Love and War: Discrimination against the LGBT community*: The chapter critically analysis some of the major expressions of discrimination based on sexual orientation in different spheres of the society like work place, marriage, military, education and human rights violations perpetrated by the legal enforcement officers. The research shows that the discrimination has been a major leverage point in swaying public opinion on laws, regulations, policies and acceptance of LGBT community. It examines the way that lesbian and gay movement activists working on different issues responded towards these discriminations and how they tried to turn this opposition into an advantage.

Chapter IV; *Changes Over Time: Factors Influencing Attitudes Towards LGBT* examines the institutional and non-institutional factors to understand what role can be attributed to the political factors like political parties, presidents and judiciary and social factors like media, education, religion towards building a more egalitarian society in the United States. It argues that though some policies have been successful in leading to the wide acceptance and changing attitudes towards the community at large, some sectors and state lack protection against discrimination.

Chapter V: Conclusion

CHAPTER II

MAKING HISTORY: THE COMING OF LGBT AGE

“When the dust settles and the pages of history are written, it will not be the angry defenders of intolerance who have made the difference. That reward will go to those who dared to step outside the safety of their privacy in order to expose and rout the prevailing prejudices”.

-John Shelby Spong, 1992

(“Episcopal bishop of the Diocese of Newark, New Jersey”)

The advancement of LGBT rights in the United States came through different large and small struggles, on the streets, through minority press, in the newspapers, at kitchen tables, on the Internet and most importantly in the courts across the country. The lesbian and gay movement, (later came to be known as LGBT movement) appeared “spontaneously” after the Stonewall riots of 1969 in New York City in the country. However, many scholars argue that the movement begun much early and dates back to as early as post World War II which was largely not visible to the heterosexual society. Gross notes the “first stirrings of the modern gay rights movement in the United States came about during a period of political and sexual repression” in 1940s (Gross, 2001, p.21).

After the second World War and nearly two decades of disruption because of the economic depression in the 1930s, the American society desired to return to a state of normalcy and prosperity. In 1948 many Americans were shocked by the publication of Alfred Kinsey’s “*Sexual Behavior in the Human Male*”, followed in 1953 by a companion volume on females. As gay critic Michael Bronski put it, the Kinsey Report (as it was popularly known) told homosexuals what they already knew: “they were everywhere; at the same time, it also reinforced many heterosexuals most basic fear that the invisible, undetectable enemy was everywhere”.³ In this environment, gay people started staging organized demonstrations in order to fight back against their oppression. In the United States, during the same time in the academic circle too the scholars attempted to determine the scope of attitudinal changes towards homosexuals. Researchers conceptualized different terms and examined the factors that affect the attitudes towards homosexuality (“Weinberg, 1972; Loftus 2001; Hicks & Lee 2006; Seidman, 2004; Treas, 2002, Andersen & Fetner, 2008, Jensen, Gambles & Olsen 1988; Ohlander, Batalova & Treas 2005; Schulte & Battle 2004”). In order to understand the changing attitudes and trends towards homosexuality in the US, it is imperative to make an in-depth analysis and look at the social context and historical development that led to the widespread acceptance of the LGBT Community. The chapter focuses at the historical evolution of the emergence of the term “homophobia” and the developments of events that followed the gay rights movement in America.

³ The Kinsey Report Kinsey Report estimated that “ten percent of the population is homosexual”. In fact, Kinsey and his colleagues give a number of different figures in the 1948 volume, with a final estimate that “only fifty percent of the [white male] population is exclusively heterosexual throughout its adult life.”

2.1 RETROSPECTING: EMERGENCE OF THE TERM “HOMOPHOBIA”

Many contemporary activists and scholars have used the term “homophobia” to refer to sexual attitudes dating back as far as ancient Greece (Fone, 2000). **However**, the definition of homophobia has taken a shift over the past decades and have been given a wide connotation. According to Brown and Gramick, the term first focused on “the fear of same-sex-oriented individuals”, yet there has been a trend to redefine homophobia “less as a fear and more as a prejudice toward or hatred of them” (Brown 2009; Gramick, 1983). George Weinberg, a psychologist has played a significant role in understanding of the term and how the Americans in US thinks about sexuality and sexual orientation. He introduced the term “homophobia” in the late 1960s and challenged the traditional understanding about homosexuality. It helped in thinking about the problem of antigay prejudice and stigma and brought the focus back to society in giving attention to the problem. George Weinberg, first coined the term “homophobia” in one of the speeches he gave, much before the release of his book “*Society and the Healthy Homosexual*” (1972). In 1960s, he became an an active supporter of New York’s LGBT movement. In September, 1965, being invited for the speech at the East Coast Homophile Organizations (ECHO) banquet, first time mentioned the idea that would develop into “homophobia”. During his speech he stated “I coined the word homophobia to mean it was a phobia about homosexual...It was a fear of homosexuals which seemed to be associated with a fear of contagion, a fear of reducing the things one fought for home and family. It was a religious fear and it had led to great brutality as fear always does”.

In his book “*Society and the Healthy Homosexual*” he for the first time defined the term “homophobia” which was very new to most of his readers. He defined homophobia as “*the dread of being in close quarters with homosexuals and in the case of homosexuals themselves, selfloathing*”. With this very definition of “homophobia”, he challenged and addressed the implicit biases present in the community regarding the “problem of homosexuality”. By coining the term for anti- homosexual hostility, Weinberg helped to popularize the belief that this is a societal problem, solution to which lies at social level.

Weinberg being a heterosexual psychologist trained in psychoanalytic techniques at Columbia University, was taught to regard homosexuality as “pathology”. The problems of homosexual patient’s weather related to work, their lives, relationships, was understood in terms of sexual orientation. However, having known many gay and lesbian people personally, he came to the conclusion that this assumption is fundamentally wrong. According to him, homophobia is a

kind of social prejudice that is directed towards one group by the another group. He stated “when a phobia incapacitates a person from engaging in activities considered decent by society, the person himself is the sufferer...but here the phobia appears as antagonism directly toward a particular group of people. Inevitably, it leads to disdain toward the people themselves, and to mistreatment of them. The phobia in operation is a prejudice, and this means we can widen our understanding by considering the phobia from the point of view of its being a prejudice and then uncovering its motives” (Weinberg 1971, p. 8).

The emergence of the term “homophobia” was considered as a milestone. It highlighted the experiences and discrimination such as “rejection, hostility, and invisibility” that homosexual men and women in mid-20th century Americans faced in their lives. According to him “the term stood a central assumption of heterosexual society on its head by locating the problem of homosexuality not in homosexual people, but in heterosexuals who were intolerant of gay men and lesbians”. His term enjoyed immense popularity among various political activists. The term came to be intrinsically linked to the prejudice⁴ that is implicit in the society. It is “prejudice” that often results into discrimination, which is referred to as the “unequal treatment of individuals or groups of individuals based on personal characteristics, such as race, age, gender, ethnicity, or sexual orientation” (Kassam, Williams and Patten, 2012).

Moreover, the term “homophobia” also emerged as a model for introducing variety of negative terms based on sexual orientation. Conceptualization of the terms like “lesbophobia” (Kitzinger, 1986), “biphobia” (Ochs & Deihl, 1992), “transphobia” (Norton, 1997), “effeminophobia” (Sedgwick, 1993) and also “heterophobia” (Kitzinger & Perkins, 1993). They emerged as negative attitudes for generating hostility towards “lesbians, bisexuals, transgender people, effeminate males, and heterosexuals” respectively. During the AIDS epidemic, few of the writers conceptualized the negative stigma attached to Human immunodeficiency virus (HIV) as “AIDS-phobia” (O’Donnell, Pleck, Snarey, 1987).

The usage of the term “Homophobia” in English language and especially the widespread acknowledgement of the idea that “hostility against gay people is a phenomenon that warrants

⁴ Prejudice is defined as “negative attitudes or beliefs towards individuals based on inaccurate generalizations of personal characteristics, such as race, age, gender, ethnicity, or sexual orientation” (Bergen, 2001)

attention” signified an advancement in the gay and lesbian human rights movement. The “human rights” and “sexual-orientation” linkage comes because of the principles of “equality and non-discrimination”. They both are intrinsically related that calls for balanced societal approach. Weinberg was one of the activists among who helped in reshaping the understanding about homosexuals. By defining the term and giving a name towards the hostilities faced by the community in large he surely made a lasting contribution.

2.2 THE HISTORICAL PARADIGM

The history of LGBT community is attached with stigma, taboo and was seen as a security threat. This was largely due to the implicit bias present in the community that considered only same- sex as normal. Moreover, LGBT individuals too remain in “closets” and feared coming out. The Gary Gates report “*In US, More Individuals Identifying as LGBT*” states that between 2012 and 2016, LGBT identifying persons rose from 3.5% to 4.1% of the American population which amounts to 8.3 million in 2012 to more than 10 million in 2016.

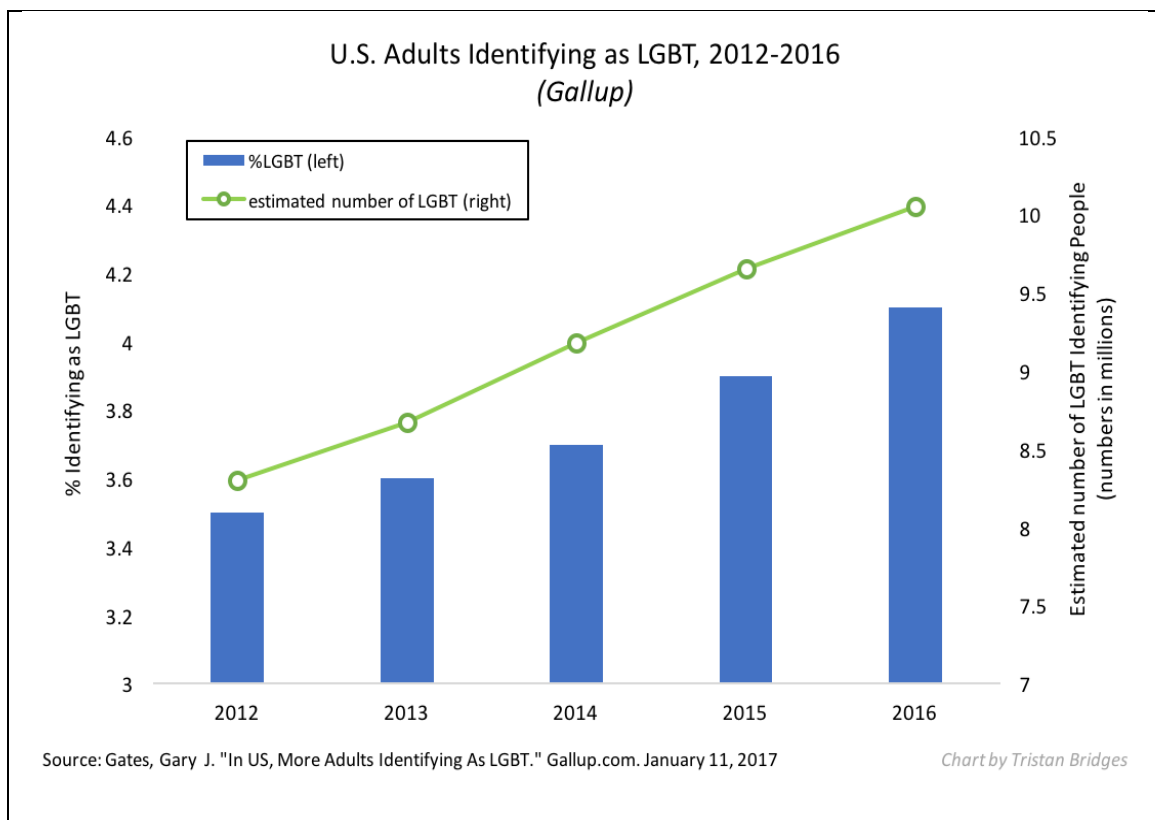


Fig 2. SOURCE: GENERAL SOCIAL SURVEY, 2016

The above graph shows the rise in population of LGBT individuals identifying themselves as part of the community. This has been the result of number of factors which is dealt in fourth chapter in detail. However, to understand the rise and more individuals coming out in public is largely the result of decades of struggles and movement. To understand this we will look at how the movement gained momentum since 1950s onward.

In early 1950s there was a definitive negative stigma towards the LGBT community. The LGBT community was recognized overall as a taboo subject matter, even for those involved in the community. Conversations about homosexuality were generally non-existent and even recognizing that people were LGBT required a knack for secret symbols and code talk. As such, LGBT existence was highly privatized; often taking place in underground meetings that incorporated an extreme level of privacy and invisibility in order to protect partaking members of the community.

Allan Bérubé, a history professor attributes the “gay awakening” to the Second World War and the following Cold War, as it was a that period of time when institutionalized discrimination towards gay people started in government employment and military recruitments. Even in places of urban gathering, gay people were subjected to the police entrapment & harassment. Historian John D’Emilio’s while giving an account of the early years of the gay civil rights movement, he too credits the period of post war years, while stating “mobilization of American society for victory during and after World War II . . . uprooted tens of millions of American men and women, many of them young, and deposited them in a variety of non-familiar, often sex-segregated environments”. These dislocations provided young gay individuals with enormous opportunities to come in contact with one another and to discover that they were not alone (Marcus, 2002; p 21)

During the 1950s, gay community also began use of courts as the platform to make their voices heard, fight for their sexual and human rights without any fear of police harassment or arrest. During this time any publication with respect to gay voices being send in public was severely criticized when even the distribution of magazines through mails were restricted. For e.g. the local postmaster withheld the October 1954 issue of “ONE magazine as obscene, lewd, lascivious, and filthy”. To get justice the publishers of “ONE” magazine took the case all the way to the United States Supreme Court.

Many early gay based organizations also made their presence felt, for e.g. California gay organization. There presence was modestly felt but they were active in holding different

processions and national conventions. All this happened during the time when communism in America was on rise and many gay people came to be linked to Communists and like Communists were assumed to be subversive, they were also treated the same. Gross states “from the late 1940s through the 1950s, actual or suspected homosexuals were targets of persecution just as real or suspected Communists were; in fact, the categories were often collapsed into the commie-queer bogeyman” (Gross, 2001, p. 21). In this hostile environment, “gay men and women were routinely purged from governmental jobs, hounded out of the military and harassed at bars and other popular gatherings spots as antigay campaigns swept the country”. ((Marcus, 2002; p 22). Throughout this period of 1940s there was rarely a glimpse of gay subculture or the emergence of gay right organizations in the public.

In 1951, the American homosexual movement received a significant boost with the publication of the very first and full-scale account of equal rights in Donald Webster Cory’s “*The Homosexual in America: A Subjective Approach*”⁵. Cory, viewed as an inspirational leader of the homophile movement argued that the homosexuals are not aliens to the community but they are “minority” group that should be given equal rights within American society. He notes “our minority status is similar, in a variety of respects, to that of national, religious and other ethnic groups: in the denial of civil liberties; in the legal, extra-legal and quasi-legal discrimination; in the assignment of an inferior social position; in the exclusion from the mainstream of life and culture” (Cory, p. 43). Moreover, in the words of John D’Emilio, “the pioneering effort to publish magazines about homosexuality brought the gay movement its only significant victory during the 1950s”. The magazines popular during that time he referred to were, “*Vice Versa*” (California, 1952), “*ONE*” (Los Angeles, 1953), “*Mattachine Review*” and the “*Ladder*” (San Francisco, 1955 and 1956).

Therefore, by the mid-1950s and early 1960s the U.S. LGBT movement slowly started to emerge. Participants began speaking up against oppression and violence towards themselves in what was titled the “homophile movement”. The homophile movement gradually expanded and deepened the self-awareness about the LGBT community as a “distinct, self-conscious, and embattled minority”. What was the central to this increasing awareness among the individuals of LGBT community was the emerging new process came to be known as “coming out”, i.e. the realization by the individual that he or she is homosexual and this very

⁵ Among the many “end of the millennium” lists in the year 2000 was the Web-magazine *Gay Today*’s list of the “Top 100 Gay Books of the 20th Century,” which cited Cory’s book as “The Gay Book of the Century”.

acknowledgment of their sexual identity to other individuals of the community led to their very own liberation and sense of belongingness to the community. As more and more lesbians and gay individuals revealed their sexual identity, Gross states “they began to break the silence of decades, demanding an end to laws that criminalized gay people and promoted discrimination and harassment”. (Gross, 2001, p23).

Once the 1960s hit, the homophile movement had gained much momentum in civil rights activism. The period ushered a new era of protests and activism in America. This was also the period of civil rights movement, women’s movement, counter-culture movement, which was followed by the Vietnam anti-war movement that led to the burgeoning number of citizens participation in grassroots political campaigns. The people involved began to adopt the language and ideas necessary to identify themselves as a minority group. As such, civil right inequalities were recognized more readily by politicians and partakers in the movement itself. Organizers began planning public protests where they maintained a celebratory expression of homosexuality while openly protesting at important government buildings across the nation, including the White House. However, the public opinion of the community was highly unchanged, and in many cases, more hostile than ever. What had once been a simple taboo subject was now being thrown into the faces of the American public, spurring many small violent episodes that, due to lack of media coverage, went highly under documented.

The situation for lesbian and gay people however did not change much. The hard reality of 1960s period was they faced a world that was just about as hostile as it had been a decade earlier. The risk and fear of being exposed due to the involvement with any organization was too high. But fear wasn’t the only factor. As historian John D’Emilio noted in his book “*Sexual Politics, Sexual Community*”, “gay people absorbed views of themselves as immoral, depraved, and pathological individuals...Such a self-image would hardly propel men and women into a cause that required group solidarity and the affirmation of their sexuality, nor would it encourage them to entertain the idea that their efforts might create a brighter future” (D’Emilio, p. 132).

Gay men and lesbians had only to turn to the pages of Time magazine for a taste of public opinion. In January 1966, the “Time” magazine issued an unsigned two-page essay entitled “The Homosexual in America”. It portrayed homosexuals in a negative and contemptuous manner in American life and a scathing psychological analysis of homosexuality’s alleged causes. The essay stated:

“Homosexuality is a pathetic little second-rate substitute for reality, a pitiable flight from life. As such, it deserves fairness, compassion, understanding and when possible, treatment. But it deserves no encouragement, no glamorization, no rationalization, no fake status as minority martyrdom, no sophistry about simple differences in taste and above all, no pretense that it is anything but a pernicious sickness.”

Opinions like these which were given wide and continuous circulation and fear of exposure, failed to be strong enough to stop gay men and lesbians people aspirations for change. Beginning in the early 1960s, as new organizations formed, like the boldly independent Washington, D.C., chapter of the Mattachine Society, and old organizations changed leadership, the struggle for gay dignity and equal rights began to shift direction. A new generation of activists, as well as some veterans of the movement, dismissed the “sickness” label. Rather than focusing on their own personal problems they began to work in public sphere demanding equal sexual rights & an end to government discrimination.

Ironically, these efforts were bolstered by the negative publicity like the 1966 *Time* essay. The fact that homosexuality was being discussed and named was a remarkable change from the earlier times, when nothing good or bad was discussed about homosexuality in print. And, the *Time* essay, like many articles during the 1960s, referred to “deviate lobbies” that argued in favor of accepting homosexuality as a fact of human existence.

The media coverage though negative and scant increased as gay groups followed the footsteps of black civil rights movements for organized demonstration. These began in 1964, when “ten women and men four gay people and six heterosexual supporters picketed the U.S. Army induction center on Whitehall Street in New York City’s financial district...the picketers demanded that homosexuals be allowed to enlist in the military and protested the dishonorable discharges issued to gay men and lesbians who were routinely thrown out of the military”. One year later, gay men and lesbians took to the streets in a handful of cities to protest federal antigay policies. Number of demonstrations took place across the United States including the national capital, the Pentagon, Civil Service Commission, White House and State Department. The marchers, who numbered no more than a few dozens at any time, carried placards that read “Governor Wallace Met with Negroes, Our Government Won’t Meet with Us”; “Halt Government’s War Against Homosexuals”; and “Fifteen Million American Homosexuals Protest Federal Treatment”. (Marcus; 2002, p. 76)

GAY LIBERATION MOVEMENT

From the late 1970s to the twenty-first century, gay and lesbian liberation movement turned into a reformist and identity-based movement. Homosexuals were categorized or conceived as the clearly defined minority entity or group rather than aiming to eradicate these sexual categories. Epstein argues “the primary goal of activists became securing civil rights protections for that group” (Epstein 1999).

However, homosexuality was still regarded as some kind of mental illness and most of the states in America had sodomy laws which was against the rights of homosexuals. Many gay men and lesbians adopted the tenets of the gay liberation movement. In Washington, D.C., a government employee named Frank Kameny fought back after he was fired because of his sexuality and became one of the key figures in building the gay movement. Kameny founded the Mattachine Society of Washington, which pursued a far more active and militant strategy than its West Coast counterpart, and coined the slogan “Gay Is Good” in a deliberate echo of the familiar “Black Is Beautiful”⁶ (Gross, p. 33). Moreover, along with the view that “Gay is Good,” liberationists also tried to radically reform society so that everyone can express their sexuality freely and openly (Epstein, 1999). An essay on gay liberation stated “the reason so few of us gay men are bisexual is because society made such a big stink about homosexuality that we got forced into seeing ourselves as either straight or non-straight...gays will begin to get turned onto women when...it’s something we do because we want to, and not because we should...We’ll be gay until everyone has forgotten that it’s an issue. Then we’ll begin to be complete people” (Wittman 1972, p. 159)

During this time, the lesbian feminists came out with an analysis having major points of intersection with the “gay liberation” view. Lesbian feminist discovered the value of building coalitions with other gay organizations, first through an affiliation of East Coast groups and then through a national association called the North American Conference of Homophile Organizations (NACHO) (Marcus, p 75). They argued as stated by Epstein and Seidman “being lesbian was not simply a matter of sexual or romantic attraction. Rather, it involved rejection of society’s compulsory heterosexuality, which was part of a patriarchal system that

⁶ Another of Kameny’s successful linguistic innovations was the use of “sexual orientation” or “preference” as neutral terms to replace the various medical labels that implied pathology in describing homosexuality.

subjugated women. All women could be lesbians, regardless of their sexual feelings” (Epstein 1999 and Seidman 1993).

At a 1968 NACHO conference in Chicago, members from more than twenty-six organizations across the country adopted the then famous radical slogan of “Gay Is Good.” The conference came out with its five point “Homosexual Bill of Rights”, that framed out the most important immediate goals of the homosexual movement:

- “Private consensual acts between persons over the age of consent shall not be an offense”.
- “Solicitation for any sexual act shall not be an offense except upon the filing of a complaint by the aggrieved party, not a police officer or agent”.
- “A person’s sexual orientation or practice shall not be a factor in the granting or receiving of federal security clearances, visas, and the granting of citizenship”.
- “Service in and discharge from the armed forces and eligibility for veteran’s benefits shall be without reference to homosexuality”.
- “A person’s sexual orientation or practice shall not affect his eligibility for employment with federal, state, or local governments, private employment with federal, state, or local governments, or private employers”⁷ (Marcus, p 76).

In July, 1968, a *Wall Street Journal* article titled, “U.S. Homosexuals Gain in Trying to Persuade Society to Accept Them” brought this movement to a mainstream and accepted a widespread acknowledgment of homophile movement. However, what the article did not note was that by 1970s many activists during the gay liberation movement just began to give up or completely abandon the gentle arts of “persuasion, embracing, instead, a strategy of confrontation based on non negotiable demands for equal rights”.

The different social and political upheavals that completely transformed American life in this period had a significant impact on the fight for gay and liberation rights. By 1970s, “the antiwar movement, the women’s movement, the black civil rights movement, the student revolts, and the politics of the New Left” not only brought the nearly sixty gay organizations across the

⁷ These five points did not address all the problems faced by the nation’s homosexual men and women in their daily lives. But those who attended the 1968 NACHO conference agreed that these issues were of the highest priority and began planning a course of action.

country into mainstream but they also challenged the societal norms and brought an inspiration that completely changed the course of the homophile movement.

THE STONEWALL RIOT: THE MODERN GAY LIBERATION MOVEMENT

The Stonewall Riot on June 28, 1969, an event in which legal officers entered and raided a well known gay bar, “The Stonewall Inn” which popularly marked the beginning of the “Modern Gay Liberation” movement in the US. According to Miller the difference between this raid from other raids in gay bars was, he states “on this night the patrons responded not only with resistance but with confrontation, turning a routine police action into a two-day riot...gay men, lesbians, and transvestites, some patrons of the bar and others who came to support their fight, battled physically and psychologically with police to defend their right to the same freedom of assembly enjoyed by heterosexuals” (Miller, 1998, p. 10).⁸

During this period the LGBT community not only was struggling with for equal rights, but they also tried to make sense of their past and identity. The Stonewall Rebellion marked a new kind of visibility for gays and lesbians, whose everyday lives were otherwise defined by a careful monitoring of self-expression. What erupted during the riots at Stonewall was the fight for their equality, equal rights, and for liberation and social change (Miller, p 10). Marcus in his book “*Making Gay History: The Half Century Fight for Lesbian and Gay Equal Rights*” (2002) notes that the “places with a history of gay and lesbian organizations, angry young men and women who were intent on changing the world joined the struggle and dismissed the veterans of the homophile movement as old-fashioned accommodationists” (Marcus, p.121). Moreover, where there were no such gay and lesbian organizations, new ones came in different universities and colleges. By the end of 1970s, the number of organizations rose significantly around four hundred and also politically oriented groups came up like “Gay Liberation Front”.

BEYOND STONEWALL RIOTS

The LGBT movement received a great impetus post the stonewall riots. It was though an unfortunate incident for the community however it proved to be a major step for the LGBT individual fighting for their rights. By the 1970s, the fight for the equal rights by gay and

⁸ While these men and women were not the first to argue for their right to fair and equal treatment, what has come to be known as the Stonewall Rebellion remains a landmark event in the fight for lesbian and gay liberation. This event is often identified as the official beginning of the social movement for gay and lesbian rights.

lesbian individuals evolved in three different forms: “the development of organizations and discussion groups beginning in 1950; the tiny, although persistent, homophile movement of the 1960s; and the explosive gay liberation movement, which paralleled the rise of the leftist and anti-Vietnam activism in the late 1960s through the early 1970s” (Marcus p.21).

For the young gay and lesbian couples who were coming out of their sexuality in the early 1970s to mid 1970s, for them the experience was drastically different from what it had been in 1968. The participants in this movement aimed to intervene not only in police procedure and the legal system but also in the public and private discourses that regulated their identities and circumscribed their lives. What followed on the night of Stonewall riots, and then the days and nights that followed the riots, Miller argues “many gays and lesbians refused to remain hidden any longer in deference to these constraints, insisting on being seen and heard in ways they had not previously demanded”. The community members rather than criticizing and blaming themselves as to who they were, they came out out of their individual and collective "closets" as well as literally out of the bar and into the streets to demand acknowledgment of their existence and humanity. “In their move from private to public space, this small group stood up for itself and, in the process, spoke out for many others who had lived for too long behind shrouds of invisibility, silence, and shame” (Miller, p.11).

The old as well as the newly formed gay and lesbian organizations understood that to bring a lasting change in society would not be immediate and will take time and would require persistent hard work. The efforts have to be made in political and traditional spheres along with different community channels like “churches; schools; local, state, and federal governments; the courts; and, perhaps most importantly, one on one with friends, family, neighbors, and colleagues”. It would also demand courage from the individual gay men and women to acknowledge themselves as homosexuals in public.

This event is credited by gays and lesbians as the start of their serious organizing for equal treatment under the law. The LBGT community, across the country used Stonewall incident as a historic event and a foundation to bring change in society about “gay resistance” and the “need for equality”. Since that time many LGBT advocacy organizations have been formed around the country. More than the previous decades, this time many gay activists and organizations came together to work in a militant manner to fight for the LBGT rights in USA. In one of the underground newspapers, one of the column by Screw, Jack Nichols and Lige Clarke read, “the revolution in Sheridan Square must step beyond its present boundaries. The

homosexual revolution is only a part of a larger revolution sweeping through all segments of society.”⁹ For e.g. a radical group of gay activists that quickly organized itself then came to be known as the “Gay Liberation Front” (GLF) and thus emerged a new, radical, gay liberation movement modeled on such sixties groups as Students for a Democratic Society (SDS) and the Black Panther Party (Gross, p 44). Because of the nature of its federal arrangements, it was important that organizations exist at the national, state, and local levels.

On the Stonewall riots first anniversary, the first Gay Pride march was held in New York City it is now an annual event in cities across the country. The “quote of the day” summarizing the core idea of the gay liberation movement by one of the organizers as: *“We’re probably the most harassed, persecuted minority group in history, but we’ll never have the freedom and civil rights we deserve as human beings unless we stop hiding in closets and in the shelter of anonymity.”*

Most of the times, these local gay rights organizations focused on issues that were considered immediate, such as the passage of gay rights legislation. In many cities, they succeeded in convincing elected officials to protect gay men and women from discrimination by adding “sexual orientation” or similar phrases to existing antidiscrimination laws¹⁰.

Some activists focused their energies on developing a national agenda and attempted to coordinate the efforts of local organizations. The national agenda included a range of issues, from the passage of federal gay rights legislation to a reversal of the Defense Department’s ban on “gay people serving in the military”. Marcus states that national efforts spearheaded by organizations and individuals resulted in a handful of significant accomplishments during this time such as “an end to official discrimination in federal employment, a widely publicized 1977 meeting between gay rights leaders and White House representatives, and the first national march on Washington, which in 1979 brought more than 75,000 gay rights supporters to the nation’s capital” (Marcus, p. 188)

⁹ “The name Gay Liberation Front was an obvious reference to the Vietnamese National Liberation Front, reflecting the activists’ engagement in the antiwar movement. Karla Jay and Allen Young’s 1972 collection, *Out of the Closets: The Voices of Gay Liberation*, included a listing of lesbian and gay organizations in thirty-six states, the District of Columbia, and ten other countries. California alone was represented by seventy-four organizations, sixteen of them called Gay Liberation Front”.

¹⁰ “These laws often already included provisions forbidding discrimination based on race, color, creed, gender, and religion”.

Moreover, at the national level, organizations like the Human Rights Campaign, which lobbies Congress and endorses gay-friendly candidates, and the Gay and Lesbian Victory Fund, which helps groom and finance gay candidates for public office, are visible examples of this organizing. The Stonewall Democrats and Log Cabin Republicans are organizations working within the two major political parties to influence their platforms and policies. The National Gay and Lesbian Task Force (NGLTF) works primarily on bringing cases to trial to win redress through the courts. Furthermore, there are many organizations that work both at local and state level. As a result of these efforts, 14 states and the District of Columbia now include “sexual orientation” in their antidiscrimination laws. The Supreme Court in recent years has decided several cases in favor of gays and lesbians. Three members of Congress and many local officials are openly gay, and both political parties now make overtures for gay support, although the Democratic Party is considered to be the most gay-friendly (Swan, 2004; p. 9).

As the movement progressed nationally and also grew major significance locally, the voices from the opposition grew, as they did not want any major change to take place. Despite the passage of gay rights legislation in cities across the country, much of the American public remained, at best, “ambivalent, and at worst, openly hostile to the gay rights cause. To most Americans homosexuals were still sick, sinful, or criminal hardly deserving of legal protection” (Marcus, p.188).

The antigay backlash erupted nationally in 1977 with a campaign led by Anita Bryant, a pop singer and spokeswoman for the Florida orange juice industry. Deeply religious, Bryant successfully campaigned for the repeal of industry. Deeply religious, Bryant successfully campaigned for the repeal of the newly passed gay rights ordinance in Dade County, Florida. From there, Bryant led a coast-to-coast crusade that resulted in the swift repeal of gay rights legislation in “St. Paul, Minnesota; Wichita, Kansas; and Eugene, Oregon”. Marcus argues that she drew support “from conservative political and religious leaders and was able to build her crusade on existing networks of fundamentalist churches. . . . Bryant’s success and the enormous media attention focused on her campaign had the unintended effect of galvanizing gay men and lesbians across the country. Gay people and gay rights organizations were forced to set aside their differences and work in coalitions to meet the challenge of the antigay tide (Marcus. p. 188).

Another major anti-gay movement was witnessed in terms of linking rapid spread of HIV virus with gay men. During the late 1970s, the virus that was unidentified then made its appearance. The disease came to be quickly labeled as “a disease of the gay community”. It was due to the fact that in San Francisco and Los Angeles some group of gay men showed some constant signs of rare opportunistic infections. As a result the first name accorded to the virus, came to be known as “*GRID; Gay related Immunodeficiency*”, it was regarded as the first main definition of the HIV virus as a new “gay plague”.

Luca Prono in his book “*Encyclopedia of Gay and Lesbian Popular Culture*” (2008) notes that the first instance of the emergence of such a perplexing disease hit the mainstream media in 1981, in the states of New York, Los Angeles, and San Francisco. However, from 1982 onwards, the presence of this virus was seen even in women and children unlike before only in men, so with the emergence of this virus in western countries was no longer ignored and the name of the disease from GRID was changed into AIDS (Acquired Immunodeficiency Syndrome). He states, “until the late 1980s, AIDS largely remained a disease of intravenous drug users and homosexuals” (Prono, 2008; p. 3)

As the disease came in the limelight due to media highlights, gay and lesbian individuals regarded it with denial that they are the reason for the spread of the virus. The way AIDS was produced and interpreted as a newly emerging disease with the community impacted the life of many gay people and consequently on queer popular culture. Many homosexual artists and celebrities had a tough time in their respective fields to assert their own representation of the virus and describe their experiences of staying with people infected with HIV “either as patients or as partners and friends of people with AIDS”. According to the historian Marcus, “AIDS threw many long-standing issues of discrimination against gay people into sharp focus as those afflicted with AIDS were fired from jobs, evicted from their homes, and denied health insurance...there was no shortage of terrible stories regarding long-term partners denied access to hospital emergency rooms, families challenging wills, and surviving partners losing custody of their deceased partners children” (Marcus, p. 245).

This sobered and strengthened by the antigay backlash, the gay rights effort was poised for a period of steady, if not dramatic, gains in the struggle to achieve acceptance and full equal right. While Acquired immune deficiency syndrome (AIDS) became the major gay agenda during the decade, yet the struggle for gay and lesbian rights continuously continued to yield gains. This, despite the less-than-gay-friendly Reagan and Bush administrations and a

landmark antigay Supreme Court ruling of 1986 that upheld the state sodomy laws. In 1986, Supreme Court did not allow “Right to Privacy” in terms of protecting homosexual practices. But this judgment was overruled by the Supreme Court in *Lawrence vs. Texas* case, (2003) and “invalidated the sodomy laws of the thirteen states that still had them”. Justice Kennedy in its broad opinion stated “*Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct. Therefore, homosexuals are entitled to dignity and respect for their private lives*”.

In the 1980s, around fifty to sixty gay and lesbian individuals got elected to the public office, including Massachusetts congressmen Barney Frank and Gerry Studds. For the first time gay and lesbian got appointed to the judicial bench. Moreover, most of the religious denomination in the country was forced to address the explosive issue of sexuality several ordained openly lesbian and gay clergy. And an increasing number of religious leaders expressed support for the blessing of same-gender relationships (Marcus, p. 246).

Thus the LGBT movement came a long way since the Stonewall event, bringing about political change and social acceptance for the LGBT that was unimagined, and unimaginable before incident. The community became much more visible than ever before. They "Out" gays and lesbians came to occupy positions of power in a variety of fields, such as the journalism, politics, entertainment industry, sports, and even religion. Swan argues debate over gay and lesbian rights “consume many pages of local and national publications, appearing on the covers of magazines with widespread circulation and popular appeal, such as Time, Newsweek, U.S. News and World Report, and the New Republic” (Swan, p.12). In addition, a burgeoning industry of gay and lesbian produced mass media also emerged, with a proliferation of local and national newsletters, newspapers, magazines, journals, films, and television programs produced specifically by and for gay and lesbian audiences. However, despite organized demonstrations, coming up of number of organizations and using various platform medias the discrimination against the community continued in different spheres such as employment, military, housing, workplaces and largely by legal enforcement officers. The following chapter throws light at such discrimination faced by the community, and their emergence at the national level.

CHAPTER III

LOVE AND WAR:

DISCRIMINATION AGAINST THE LGBT COMMUNITY.

“I don’t hate the homosexuals! But as a mother, I must protect my children from their evil influence...They want to recruit your children and teach them the virtues of becoming a homosexual”.

-Anita Bryant, 1977
(American Anti-gay rights activist)

The LGBT community has been discriminated in United States history for many decades (Lewis, 1997). Historically, the homosexuals were viewed as the “deviant” members of society by the mainstream. They were condemned and viewed as a taboo to the United States culture (Stein and Farrell, 2001). The presence of anti-sodomy laws, chronic discrimination in field of employment, parental rights, military service, human services, education, and other many more laws that prohibited homosexual sex acts is the evidence of the negative stigma attached to “homosexuality” in American society (D’Augelli and Hershberger, 1993). According to Chancey, “gay men and women were seen as sexual deviants, degenerates, and sexual criminals by the medical profession, the government, and the mass media” (Chancey, 2003).

The US government made number of landmark decisions to ban discrimination in America based on certain personal characteristics. For example, the *Civil Rights Act of 1866* “prohibited discrimination on the basis of race and ethnicity”. The *19th Amendment*, “granted women the right to vote by banning discrimination based on sex in voting”. The *Civil Rights Act of 1964*, “banned discrimination in public places and employment based on race, color, religion, sex, and national origin” (Brauer, 1983, p. 37). In United States discrimination based on “race, ethnicity, age, disability, gender, and religion” is illegal, however this protection is not extended to the LGBT individuals (Wesley, 2011).

Currently, the attitudes towards homosexuality and the LGBT community at large has witnessed a considerable positive shift over the years (Gallup, 2011), and some anti-discriminatory laws exist to protect them, but still LGBT individuals lack full federal and in some cases state-level protection against societal discrimination (Wesley and Williams, 2011). Prejudice and discrimination still exists and is an issue for non-heterosexual or non-cisgender.

Therefore, in order to understand the shift in attitudes towards LGBT in the United States, it is imperative to understand first the discriminatory practices that were faced by them leading to the emergence of gay rights movement in America. The chapter examines discrimination faced by LGBT individuals in the different sectors. They faced discrimination in “employment, housing, education, medical care, military and day to day functioning of life” because of continuing “societal ignorance” and “fear of difference” officers during and after the Stonewall riots 1969.



Fig 3. SOURCE: PEW RESEARCH CENTRE, 2013.

Above graph help in analyzing the different expressions of discrimination pervasive in society towards homosexuals like being subjected to slurs or jokes, rejected by friends, being threatened or physically attacked, receiving poor public services, etc.

DIFFERENT EXPRESSIONS OF DISCRIMINATION

A. MARRIAGE INEQUALITY

The question of who should define and enforce “marriage” is complex. It is difficult to answer this whether it should be Congress, courts or the civil society. Government on one hand, has the privilege to grant the power to married couples certain powers that help them to fulfill responsibilities along being the part of the society like having family stability. On the other hand, several other religions define marriage as “a sacrament in the context of spiritual life”. And if talk about society, it defines institution of marriage as “a means to help families survive through tradition and social pressure”. Therefore, marriage is not a single institution with any one definition attached to it rather it is an institution that is based on individual’s choice to

choose its own partner for life then be it a gay or lesbian couple. It is unfair to deny them the rights to get marry and be part of the society.

In United States both the supporters as well as the opponents of gay marriage since 1970s has continued their struggle over legalizing gay marriage. **Initially** Gay and lesbian couples, **had little success in getting legal recognition, they** applied for “marriage licenses, adoption privileges, and spousal immigration rights”. By the 1980s they began to fight for “domestic partnership” rights to gain benefits from both the local governments and the employers.

Kate Burns, author of “Gay Rights” discusses how issues concerning gay rights have changed over time and how they have remained constant. Though by the turn of the century, marriage resurfaced as a legal right for same-sex couples but its not that all gays and lesbian’s individuals supported the drive to legalize same-sex marriage. According to Burns, the fight of their rights explicitly began in the early 1970s, when for the first time “lesbian and gay couples applied for marriage licenses, asked courts to allow one partner to adopt the other, and took other steps to legally cement their relationships”. However, these efforts failed and by mid-1980s, the emphasis changed to “seeking domestic partnership recognition for same-sex couples from both municipalities and private companies”. This resulted in some success but the fight for legalizing marriage gained strength in the early 1990s when some of the couples sue the states after they failed to get the marriage licenses from the states.

After the lawsuits filed, many states created state law permitting same-sex couples to “register their partnership as a civil union, which entitles them to all the rights and benefits granted to married couples”. For example, in 1999, the state of Vermont ruled “same-sex couples are entitled to all of the protections and benefits that married heterosexual couples receive”. In 2003, the Massachusetts Supreme Court ruled out the same judgement. However, in terms of execution both the states differ. Vermont state court created “separate-but-equal civil unions” but did not give them the right to marry. On the other hand, The Massachusetts state court, ruled that gays and lesbians be given access to marriage licenses and allowed to get marry. “By committing to issue same-sex couples official marriage licenses, Massachusetts granted gay couples more legal and cultural legitimacy than anywhere in the United States. Same-sex couples in Massachusetts now have the right to a full civil marriage and its hundreds of legal benefits and obligations”.

In the 1990s the gay marriage issue received the attention of the nation’s when three homosexual couples filed a lawsuit against the Hawaii state for denying to give them the

marriage licenses. In 1996, the “*Hawaii Baehr v. Milke*” case won an appeal, and it was the first court in United States to declare “banning same-sex couples from marriage is not constitutional”. However, the judgement met with resistance by the opponents of gay marriage. Even before the decision could come into effect, in 1998 the Hawaii state amended the constitution to restrict marriage only to heterosexual couples. However, *Baehr v. Milke* case failed to generate any support for gay marriage on a wider national level.

The major failure was met when President Bill Clinton, on September 1996 signed the “Defense of Marriage Act (DOMA)”. The act that also came to be known as DOMA, explicitly defined marriage as “a union between one man and one woman and it also gives states the authority to refuse to recognize same-sex marriages in which couples were legally wed in a different state” (Solomon & Tiemann, 2012). It also allowed any state to refuse to allow and not to recognize any same-sex couple union as marriage, formalized in other states.

The passing of DOMA in 1996 institutionalized the allowance of discrimination on a nationwide scale, effectively prohibiting marriage for same-sex couples across the entire country. DOMA ensured three specific things; permission for states to choose for themselves whether gay marriages would be permitted within their state, permission to deny recognition of same-sex marriages from other states within its own boundaries, and a federal definition of marriage to be used in national legal documents, specifically, that a married couple could only be two opposite sex people. The enactment of a national law effectively denied federal protections and rights to same-sex married couples, as they did not fit the traditional definition of marriage.

Until June 26, 2013, the Defense of Marriage Act (DOMA) had been a foreboding obstacle in the process of generating marriage equality across the country. In 2013, SC ruled that the 3rd section of DOMA was unconstitutional. The abolition of the third section of DOMA permitted same-sex married couples across the United States access to federal benefits. However, the second section of DOMA, which permitted each individual state to choose whether to permit and recognize same-sex marriage was not affected by this case (Greenberg). On February, 2004 President George W. Bush while addressing US from the White House, he declared to discuss what he referred to as a matter of “national importance”, “*The union of a man and woman is the most enduring human institution, honored and encouraged in all cultures and by every religious faith...ages of experience have taught humanity that the commitment of a husband*

and wife to love and to serve one another promotes the welfare of children and the stability of society. Marriage cannot be severed from its cultural, religious and natural roots without weakening the good influence of society”.

In order to maintain the traditional definition of marriage to restrict marriage only to “opposite-sex” couples, he asked Congress to pass an amendment to the U.S. Constitution. President Bush stated, *“if the most fundamental institution of civilization were to include gay couples, the meaning of marriage would change forever with serious consequences throughout the country”.*

President's proclamation was instantly met with reaction from both supporters and opponents of marriage. Gary Bauer, a former Republican presidential candidate stated, *“Every culture in the world, every civilization in the world for over 3,000 years, has defined marriage as the union of one man and one woman”.*

On the other hand, as a supporter of opposite-sex marriage, Matt Foreman, executive director of National Gay and Lesbian Task Force (NGLTF) stated amendment as “anti-gay, partisan, divisive and distinctly un-American”. Gavin Newsom, San Francisco mayor too criticized the president's amendment proposal as “enshrining discrimination in the Constitution”. This sparked a great deal of debate in media and publishing house like the *San Francisco Chronicle* and called gay marriage as “the most divisive civil rights issue in a generation”.

It is important to note that American population is divided over the marriage of gay and lesbian marriage issue and adoption issues as well. More interesting is to note that the community is itself divided over the issue. The community is diverse and consists of people from different “conceivable age, race, religion, lifestyle, income and opinion”. Therefore, it is impossible and impractical to convince such a diverse group of people on any one issue. Some of them argue that it doesn't really matter, what individual choice is and the community as a whole should support the right to getting married. There is another group who argue that legal recognition does not matter as marriage is a “sexist and patriarchal institution” that should anyways be avoided at all costs. They don't feel constrained in any way by a lack of marriage rights giving their economic prosperity.

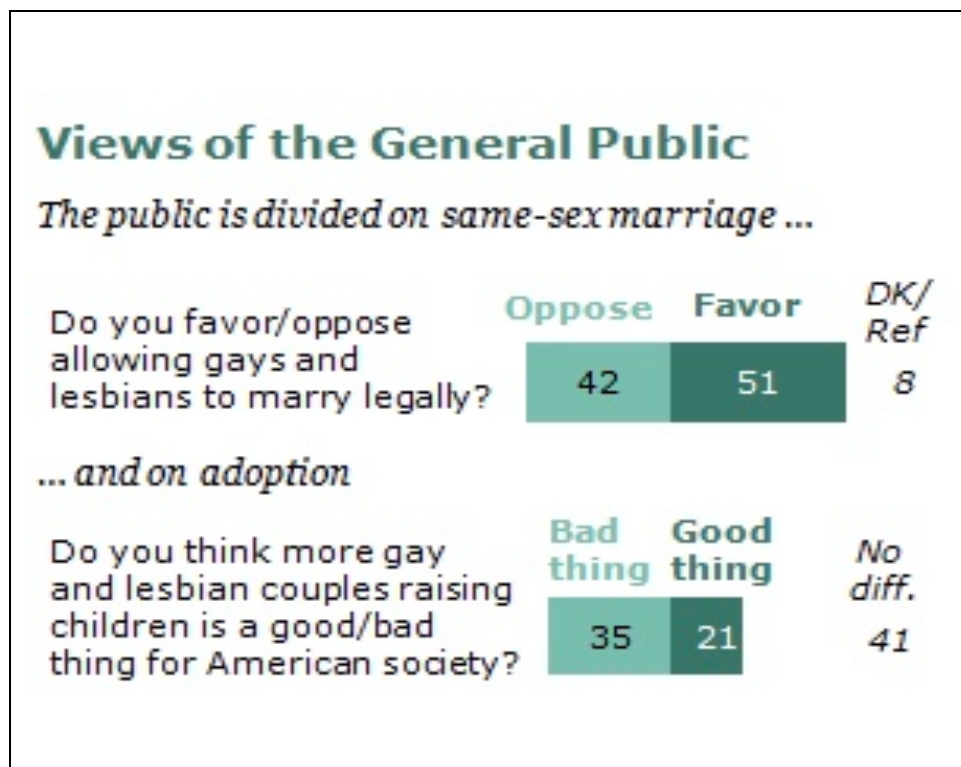


Fig 4. SOURCE– PEW RESEARCH CENTRE, 2013

The above graph shows the view of the general public over the “same-sex” marriage. Majority, i.e. 51% people support the claim of homosexuals should be given the right of getting married where as on 42% oppose it. However, on the claim of raising children and adoption rights majority i.e. 35% people say it’s a bad thing for the American society where as 41% people say it will make no difference at all. Thus, this represents a mix of opinion present in the society where people are comfortable in granting the rights for same sex couple as heterosexual but when it comes to other basic rights that should be given equal importance like granting adoption rights they think its not good for the American society.

In *Zablocki v. Redhail* (1978) case, the United States Supreme Court declared marriage to be “of fundamental importance to all individuals”. It described marriage as “one of the basic civil rights of man and the most important relation in life”. Further court stated “the right to marry is part of the fundamental right to privacy in the U.S. Constitution”. **This further received** recognition when in the 1999 *Baker v. State* case the Vermont Supreme Court ordered the state legislature to “come up with a system providing same-sex couples with traditional marriage benefits and protections”.

Marriage, as a legal institution between two people, offers a multitude of rights. As listed by the “*Human Rights Campaign*” (HRC), a national rights organization, there are some 1,138 benefits, rights and protections that are provided to marriage. Some of these major rights include: Social Security survivor’s benefits, tax rights, Family and Medical Leave, etc. Social Security is an important national social welfare program dedicated to providing financial stability after retirement, disability insurance and financial support of dependent family members after death as well as many other programs. The social security system functions in the collection of employment taxes that supplement the Social Security Trust Fund. As such, every working individual pays into Social Security with each paycheck they receive, regardless of sexual orientation. However, inequality in marriage recognition results in a disproportionate number of programs that same-sex partners can utilize. Currently few of the states ban certain same-sex benefit rights such as adoption (Harper & Schneider, 2003). This has changed over the years, some states have now adopted it whereas some differ¹¹.

Anti-gay critics argue that the Defense of Marriage Act (DOMA) did more harm than good for LGB couples. Overall, *United States vs. Windsor (2013)* helped in achieving the breakthrough in repealing the third section of DOMA and declaring it as unconstitutional has been a crucial step in the process of making marriage equality a reality in the US. Marriage equality holds a unique ability to effectively alleviate many of the issues faced by LGB people because of discriminatory policies and laws. It was in 2004 when Massachusetts became the first state to legalize “same-sex” marriage. By 2013, ten states passed same-sex legislation in the 18 months between November of 2012 and May of 2014. This rapid progression of same-sex marriage legislation in multiple different states represented a distinctive shift in public opinion in favor of marriage equality.

Gallup in 2015 estimated that “780,000 Americans are in same-sex marriages, while another two million live with a same-sex domestic partner”. This number is likely to increase in the coming years, given the Supreme Court's 2015 decision striking down all remaining same-sex marriage bans. the abolishing of the Defense of Marriage Act which saw light through *Obergefell vs. Hodges (2015)* case that allowed for same-sex marriages to be performed under federal jurisdiction. This judgment permitting same-sex partner equality across the nation and

¹¹ “By 2013, the following states allow same-sex marriage: Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, New York, Maine, Maryland, and Washington, as well as the District of Columbia (National Council of State Legislatures, 2013)”

providing federal support for the equality of LGB people, reducing the prevalence of LGB discrimination, and effectively provide relationship recognition rights to LGB people and their spouses.

B. MILITARY SERVICE

There has long been a conflict within our military forces in regards to the acceptance, integration and protection of LGBT individuals. Much of this controversy may be due to a high sense of conservative value that tends to tie into strong levels of patriotism, and a military background. Many people who oppose the integration of LGBT people into the armed forces felt this way due to personal stigmatization towards the community, and an overlying idea that the straight majority will not feel safe when working with a gay individual.

There has been much debate on this subject, since the time of the Truman administration, becoming a heightened issue under the Clinton administration. Many government policies have been put in place to rule over the question “Can a gay person be in the military”?

In 1948, President Truman through an Executive Order (9981), declared that there should be “equal treatment in the military regardless of race, color, religion or nation of origin,” specifically excluding homosexuality from the order (Pasek, p. 460). In 1950, President Truman signed the “Uniform Code of Military Justice”, it included a set of rules for discharging homosexual service members from service with a dishonorable discharge. As such, any out member of the United States military in any branch was removed from their position and stripped of any awards, recognitions and benefits, regardless of their length of time in service. Naturally, many of the LGBT soldiers were outraged by the Presidents order; but the majority of the public supported this decree. As such, this discriminatory and exclusionary bill was overall effective in suppressing open homosexuality from the military front.

Lewis argues that during the time of the Cold War, “lesbian and gay individual’s sexual behaviors were seen not only as immoral, but also as a national security threat” (Lewis, 1997). Under the administration of President Eisenhower in 1953, lesbians and gay individuals were discriminated from getting employment in military services and other employment services at federal level. In case any states violated these policies it would result into severe punishments and arrests. It was argued that homosexual’s efficiency to work is low thus they can not be

admitted in such services. However, the United States Civil Service Commission in 1975 removed this ban by arguing that there are no empirical evidence of a correlation between “homosexuality and job efficiency” (Lewis, 1997).

Following this, President Ronald Reagan in 1982 stated in a defense directive that “homosexuality is incompatible with military service”. He continued to enforce the policy placed by his predecessor Truman, reinforcing the notion that any LGBT personnel in the military were to be discharge immediately (Pasek, p. 461). This Truman directive lasted all the way until the time of President Bill Clinton, some 43 years after the original policy was implemented. In 1992, while Bill Clinton was running for president, he made the promise that if he were elected president he would abolish the exclusive policy left by President Truman. One year after he had been elected into office, President Clinton offered a compromise to the American people, as many were outraged by the promise he had made. However, this compromise was incomplete, as Congress decided to continue President Ronald Reagan’s defense directive, therefore failing to abolish the bill. However, in 1993 President Clinton issued his own defense directive, stating that no incoming or current military personnel are permitted to be asked their sexual orientation. This policy widely came to be known as “Don’t Ask, Don’t Tell” (DADT).

“Don’t Ask, Don’t Tell, Don’t Pursue” (DADT) when came into a law acknowledged that “LGBT individuals serve in the United States military, while forcing those individuals to remain silent about their gender identity or sexual orientation” (Bowling, Firestone, & Harris, 2005). According to the act it permitted the LGBT individuals to not express sexuality in public but they can only do so in private without any consequences of 1953 law (Lewis, 1997). However, as a result of DADT, from 1994 to 2003, around 10,000 LGBT individuals were removed from the military services (Blue Ribbon Commission, 2006). President Clinton failed to truly change the policy like he had intended, but had instead created a framework to “protect” any LGB person who served in the military, as long as they remained within the closet (Pasek, p 461).

The DADT policy itself was subject to scrutiny in 2003. Former President Clinton, having seen the harm that the DADT policy had done to the military forces, openly called for an end to the policy he had instated. In 2008, more prominent oppositions to the DADT policy began to get their footholds. During the 2008 presidential election campaigns future President Obama

openly opposed the DADT policy. After Obama's election to the presidency he continued to openly oppose the DADT policy. In 2010 the House of Representatives approved an amendment that would entirely end the ban on homosexual servicemen/women in military with the stipulation that a study must be conducted to analyze how this change would alter the military readiness of the United States. The study regarding military readiness was completed by the Committee of Armed Service as planned, and results stated that military service members did not consider homosexuals in the military to be a high risk to military effectiveness (Pasek, Pg. 462). The policy was finally abolished by bringing the "Don't Ask Don't Tell Repeal Act"¹² of 2010 completing the implementation process within sixty days so that it no longer remains a policy from September, 20, 2011 and thus allowing LGB to openly serve in the US armed forces.

A further study conducted by the "*American Psychological Association Joint Divisional Task Force on Sexual Orientation and Military Service*" surveyed 445 LGBT veterans in 2009. The veterans were questioned in regards to victimization in the military based on their perceived or actual sexual orientation. 47.2% of the respondents stated that they themselves had been verbally, physically or sexually abused due to "sexual orientation" or "gender identity" during their time in the military (Burk, p 4). 8% of respondents reported experiencing sexual assault specifically, as well as another 8% reporting physical abuse. It was also seen that female-identifying individuals experienced more cases of sexual assault than did males. These high numbers were further exemplified in a Department of Defense survey given to 71,500 active duty personnel, 37% of which said they had witnessed or experienced harassment or violence due to someone's sexual orientation (Burk Pg. 4)

One of the biggest services denied, however, was in regards to the death of a gay service man or woman. If a soldier died in action, their same-sex partner was not able to receive the body remains of that person. A heterosexual spouse, however, would have no issues attaining their life-partner's remains, as well as assistance in travel expenditures to attend their funeral. In conjunction with this, if a military service member was incapacitated at a military hospital, a same-sex partner's right to visit without explicit consent from the hospitalized person was not recognized, which under circumstances of coma or incoherency, is not possible (Pasek p. 467).

¹² "H.R. 2965, S. 4023"

The Obama administration, finally repealed *DADT* on *September 20, 2011*, after seventeen years of its implementation, by openly allowing LGBT individuals to serves in the US military (United States Department of Defense, 2011).

The Williams Institute concluded that in 2010 approx. members of the United States military were lesbian, gay, or bisexual. In 2014, the Institute estimated that approx. 15,500 transgender Americans serve in the armed forces.

C. WORKPLACE ISSUES

It is currently estimated that there are eight million LGBT employees in the United States work force (4% of the workforce population) (Pizer, p. 719]. LGBT employment discrimination has been a common issue faced by many of these people. “The hardships related to discrimination affect not only individuals but also their families. These can include loss of income, denial of health care, and mental anguish as a result of discrimination or harassment” (Cahill, Ellen, Tobias, p. 166). The “*National Gay and Lesbian Task Force Policy Institute*” (NGLTF), Family Policy Report, “*Issues affecting Gay, Lesbians, Bisexuals and Transgender Families*” stated “religious discrimination often serves as a proxy for race, gender, and sexual orientation discrimination. And because there is no federal sexual orientation and gender identity non-discrimination law, religious service providers receiving federal funds can legally discriminate against LGBT people in employment and services”¹³ (2002, p.172).

In 1974, a bill was introduced to the United States Congress for a national law prohibiting discrimination in the workplace based on sexual orientation called “*Employment Non-Discrimination Act*” (ENDA). Multiple similar bills have been proposed since then, but protections regarding “sexual orientation and gender identity” were not considered until quite recently, and no current federal law has been enacted for these protections. The federal protections for LGBT individuals are not present against discrimination in many states, such

¹³ “Bush’s Faith-Based Initiative (2001) which was criticized for discrimination in employment and service provision stated \$8 billion a year in tax dollars would be transferred to religious institutions to pay for the delivery of a wide range of social services. Under the Under the House proposal (H.R.7), institutions receiving such funding are explicitly allowed to discriminate and openly ban LGBT people on the basis of “religious character” of program”.

as Louisiana, it follows the “fire, fail to hire, or deny promotions” to LGBT individuals on basis of perceived “sexual orientation or gender identity” (HRC, 2012). The different expression at workplace is present not only in terms of employment but discrimination is experienced in terms of discriminatory wages, termination of employment and promotions (Black, Sanders and Taylor, 2000). A meta analysis by Badgett, in one of his report (1995) noted, that “gay and bisexual men earned up to 27% less than their heterosexual male peers and 16%–68% of lesbian, gay, and bisexual individuals experience discrimination at their place of employment” (Sears, Lau, & Ho, 2009). Herek argues that according to the national sample of lesbian and gay individuals, 15% stated that their employment was terminated or promotions not granted due to their “sexual orientation” (Herek, 2009).

In a 2008 nationwide survey entitled the General Social Survey, 37 percent of lesbian and gay employees stated they had experienced workplace harassment and 12 percent claimed to have lost a job due to their sexual orientation (Pizer, p. 721). In addition to this, some 90 percent of transgender respondents claimed to have experienced harassment or mistreatment at work, and some 47 percent have reported losing a promotion or job based on their gender identity (Pizer Pg. 724).

The “*Employment Non-Discrimination Act*” (*ENDA*) was a legislative proposal that “prohibit workplace discrimination on the basis of sexual orientation and gender identity on the federal level”. The act provided for some nationwide protections for LGBT employees, but has been unable to pass through despite numerous attempts been made. Unfortunately, the Republican refuses to come to terms with passing the legislation in the House of Representatives, voting against its passing in 2013. While little progress has been made to pass ENDA that would have undeniably ensured equality and guaranteed reliable protection from discrimination in all 50 states explicitly to the LGBT people. Much progress has been made to ensure equality at workplace under Obama administration. In 2014, President Obama signed two important executive orders in order to ban “workplace discrimination” and “prohibiting federal contractors from discriminating on the basis of sexual orientation or gender identity”.

In a smaller scope, local surveys within specific states expressed similar results. A 2010 survey in Utah showed that 30 percent of LGB surveyed people had experienced weekly harassment because of “sexual orientation” over the course of the last year. In Colorado, 2010 survey showed that 27 percent of lesbian and gay people experienced workplace discrimination and

in a 2009 survey showed that 19 percent of LGBT staff and faculty at universities had experience “exclusionary, intimidating, offensive, hostile or harassing behavior on campus in the prior year” (Pizer p. 724).

It is important to recognize the significance of these statistics and how they affect LGBT employees overall. LGBT employees feared being open in the workplace due to discrimination and had significantly more negative career and work attitudes, and experienced more stress-related symptoms of physical and mental health issues (Pizer p. 736). This shows that discrimination in the workplace affects much more than just an employee’s ability to work efficiently. A discriminatory work environment negatively affects LGBT employee’s personal health and emotional stability.

Homophobic social environments have been identified as significant factors for LGBT employees, resulting in decreased psychological and physical health. The issue was recognized by the United States “Department of Health and Human Services”, who stated that “the issues surrounding personal, family, and social acceptance of sexual orientation can place a significant burden on mental health and personal safety” (Pizer p. 739). Additionally, the perceived discrimination results into “high amounts of stress, leading to psychiatric disorders, psychological distress and depression, as well as loneliness, low self-esteem and suicidal thoughts” (Pizer p. 741).

However, ENDA doesn’t provide complete protections for LGBT people, especially in regard to partner benefits. The ENDA bill explicitly states that employers are not required to treat same-sex non-married couples the same as heterosexual married couples for employee benefits. Workplace discrimination and inequality is still highly prevalent within the LGBT community and greatly impacts the health and happiness of LGBT employees and their same-sex partners. To achieve true workplace equality will take a multitude of different measures to be completely successful.

D. POLICE BRUTALITY AND LGBT HUMAN RIGHTS VIOLATIONS

By the late 1960s, in response to the growth of the LGBT movement, referred to as the homophile movement, police began expressing anti-gay sentiments in their own way. Police

routinely did rounds around recognized “gay clubs” and harassed their attendees. This attacks and harassment, disguised as an enforcement of liquor laws, was actually used to provoke the community to retaliate by specifically targeting the LGBT patrons in the establishments; beating them with billy clubs, spewing homophobic slurs and outraging patrons. These acts were finally culminated into the event, famously known as Stonewall Riots of 1969.

Post 1969 riots, the response was so significant that it is now referred to as the “true birth of the ‘Gay Rights’ movement”, though it was really only a catalyst. As the patrons of the Stonewall Inn were taken one by one to police patrol cars, one unnamed person put on a struggle. In response, hundreds of protestors came down on the police, throwing beer cans, bottles, bricks and coins from buildings above them. One of the protesters, present during the riots recounts it as a “mass anger” and stated, “at one point, Seventh Avenue looked like a battlefield in Vietnam. Young people, many of them queens, were lying on the sidewalk bleeding from their head, face, mouth and even their eyes” (Mogul, p. 46). Following the Stonewall riots there was a significant spur of further uprisings and resistance to police arrests at gay bars across the nation. However, more than four decades now from the time of the stonewall riots; police brutality towards the LGBT population hasn’t stopped.

The “National Coalition of Anti-Violence Programs” in 2008, stated that legal officers were recognized as the third most significant perpetrators of LGBT related violence in the United States (Mogul, p. 47). The lack of action from law enforcement officers is extremely influential in facilitating a culture of violence against LGBT individuals. Despite reports and expressions of discontent from the NCAVP (National Coalition of Anti-Violence Programs) regarding these violent acts by law enforcement officers, little has been done to hold officers accountable and end this violence. In 1981, after many offenses became more publicized, discussions over the high hate crime rate were conversed over in some detail within the Anti-Defamation League. This response to hate crimes was effective in increasing the penalty and sentencing for people who commit hate crimes. With this draft, perpetrators would be “subject to a stiffer sentence” on the grounds that hate crimes affect entire communities and not just the particular person targeted.

Many multicultural organizations jumped on board with proposed legislation regarding hate crimes in the hopes of getting uniform protections for multiple minority groups. At the time it was seen that if this passed there would be a public education campaign to inform the public

of the hate crime issue, thereby permitting the communities themselves to hold police accountable for enforcing such policies. This movement towards hate crime prevention was slowly orchestrated by a number of LGBT institutions including the “*Anti-Defamation League*”, “*American Civil Liberties Union*” (ACLU), the “*National Gay Task Force*” (NGTF) among others. Most of the legislation lacked the momentum and evidence that they needed, as many people were afraid to come forward with their personal accounts of hate crimes for fear of being victimized. After years of struggling to integrate these policies into society, these organizations finally accomplished a certain level of success. By late 2009 12 states had legal protections (including the District of Columbia) for LGBT individuals while another 18 had protections only for LGB people (Mogul, p. 121). Following in the wake of the previous 30 states, in 2009 the federal government finally got involved in actively preventing hate crimes across the country.

After the Matthew Shepard incident, a 19-year-old boy was murdered after being falsely befriended by two men at a gay bar, and the murder of James Byrd Jr., an African-American who was being dragged behind a truck until he was decapitated, actions were taken to further prosecute offenders of hate crimes. Particular, the personal accounts of Matthew Shepard’s parents was greatly impactful, resulting in the passing of the “*Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act*”, permitting the action of the Department of Justice to assist or completely take over hate crime investigations where local authorities weren’t able to or were unwilling to do so¹⁴. The bill also increased penalties and sentencing for hate crime perpetrators, while creating a framework for consistent documentation of incidents (Mogul p.125).

A further issue beyond the police officers being homophobic is the consistency of homophobia and transphobia of entire departments. In 2008 a transgender woman by the name Duanna Johnson was arrested for “prostitution”. Johnson had been walking around town, dressed as a woman in an area that had been known for prostitution and as such was assumed to be selling sex for money. She was arrested and detained with no evidence and later confronted by a police officer who referred to her as a “faggot” and “he-she”. When she argued that she shouldn’t be

¹⁴ “Although the legislation (Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act), was not directly aimed towards ending police brutality towards the LGBT population it was still a positive step in a much broader issue”.

referred to as that and that she had a name, the officer, Bridges McRae, put on a pair of gloves, wrapped his handcuffs around his knuckles and began to brutally attack Johnson while another officer held her down. This attack lasted some time and was all caught on tape. This instance was not in a private area of the police station; the assault took place in an open and public room with many other people witnessing it, including other officers. After the beating ceased a nurse is seen tending to officer McRae while ignoring Johnson completely as she lay bloodied on the floor. It was evident from this case that no officer cared enough to intervene, and that many of them may have actually supported the assault, though a personal address of the police chief stated that wasn't the case. However, the Police Chief also stated at the end of his address that he "certainly didn't condone transgender or homosexuality." The two officers involved in the beating were not immediately removed from the force, but were merely given inactive duties as part of the police department until hearings rendered them guilty and they were fired. It is evident through this that legislative work truly won't have the impact necessary to alleviate the pain suffered, and being suffered by the LGBT community. Letellier Johnson went on to sue the police department for having her civil liberties obstructed by excessive force by two of its officers, but she never made her court date. Johnson was attacked by three men and murdered execution style before she ever got to enter a courtroom. The identities of the assailants are unknown and hearings on the case have been dropped (Brown, 2008).

Looking at 14 years of hate crime data, Mark Potok of the Southern Poverty Law Center recently told the PBS Newshour "LGBT people are targeted for violent hate crimes at a rate of two times that of...Muslims or black people, four times that of Jews, and 14 times that of Latinos." (PBS, 2016). Data from the "National Coalition of Anti-Violence Programs" show that the transgender community is particularly vulnerable to such violence. It states "in 2013, 67% of hate crime homicides were committed against transgender women of color, a group also present at the Pulse nightclub shooting".

The police brutality and apathy towards the LGBT community is still a major discriminatory offense to the LGBT community in the United States. Previous measures such as the Hate Crimes Prevention Act have been rendered only slightly successful implementation of greater support to national organizations that are specifically dedicated to addressing LGBT rights abuses such as Lambda Legal, Human Rights Watch and Amnesty International. These organizations help hold police officers more accountable and continuously fight for the rights and freedoms of LGBT people.

E. EDUCATION RIGHTS

Youths have come out as gay, lesbian, bisexual, and transgender in United States as younger than before. A study found that the average age gay and lesbian teenagers first self-identify is 16. However, the average age during the 1980s of self-identification was approx. twenty for gay men & twenty-two for lesbians.

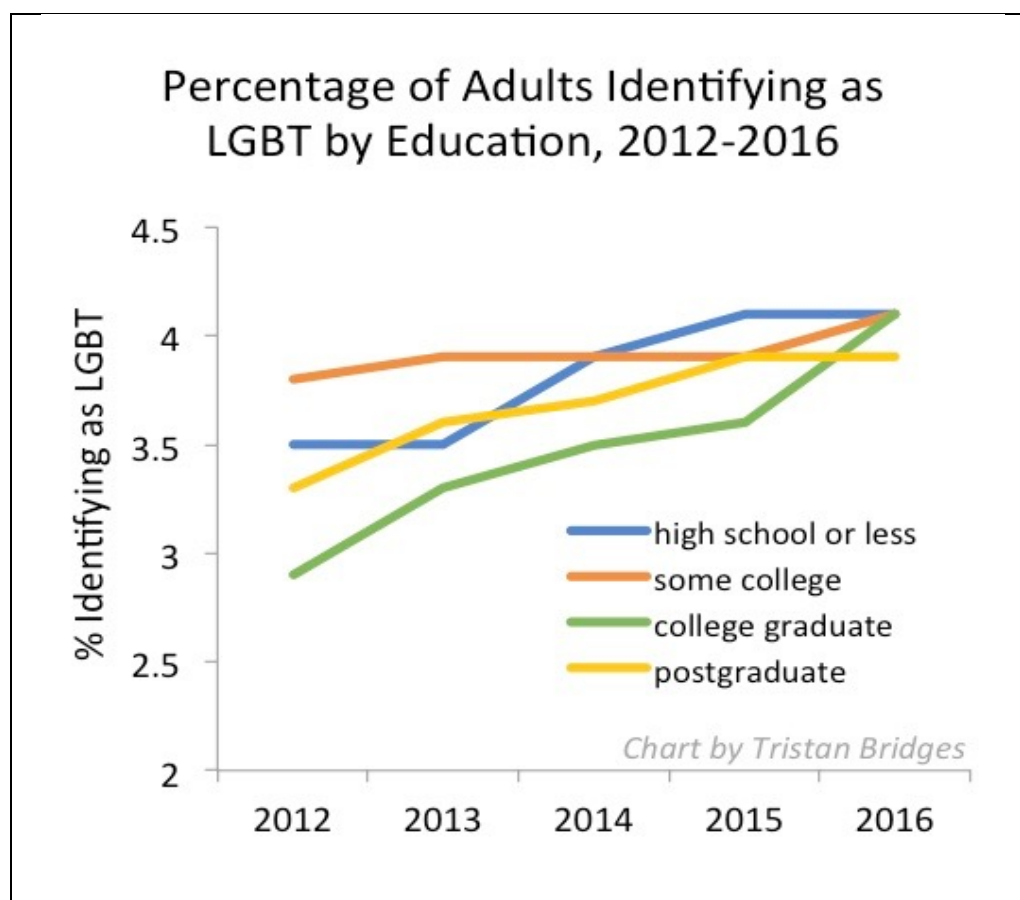


Fig 5. SOURCE: General Social Survey (GSS), 2016.

The above graph represents the 2016 General Social Survey (GSS), which discovers that LGBT youth in high schools has smallest proportion in 2013, but it increased in number in 2015-2016. At the same time lesbians and gays identifying individuals in high school and college graduate and post graduate students have increased and converge in 2016 education. The rise has been unequal but they do follow the same trend.

Finerman argues that though sexual harassment is more commonly take place in schools and colleges where peer-to-peer interaction is common (Fineran, 2002). This results in a hostile and discriminatory environment for the students being victimized regardless of “sexual orientation or gender identity”. Moreover this also has a “lasting, negative impact on LGBT youth, inhibiting their development and their successful transitions to adulthood” (D.Augelli, 1998).

Not just LGBT youth but also the children of LGBT parents suffer from discrimination, harassment and violence in schools of United States. A 2001 national survey of LGBT youth conducted by the “Gay, Lesbian and Straight Education Network” (GLSEN) found that 83% of LGBT youth experienced verbal harassment, 42% experienced physical violence, they are “shoved, pushed, or harassed because of “real or perceived sexual orientation”, and approx. 90% of transgender youth feel unsafe in school because of their gender identity (Kosciw & Cullen, 2001, p. 262). Also “One in four students in the GLSEN survey reported hearing antigay slurs from faculty or school staff and more than two-thirds felt unsafe at school” (Koseiw & Cullen, 2001 p. 262).

Though the harassment and violence exists, students, activists, teachers, parents, and administration have created different ways to support and ban discrimination of LGBT youths. According to “*National Gay and Lesbian Task Force*”, violence against lesbian, gay, bisexual, and transgender (LGBT) students is widespread, but states have taken measures to ensure that schools become much safer for them and also for the children of LGBT parents. As of 2003, “*Education Policy: Issues Affecting Lesbian, Gay, Bisexual, and Transgender Youth*” (NGLTF) eight states¹⁵ including Washington DC passed the laws that banned state discrimination and harassment based on “sexual orientation”. Four states¹⁶ ended discrimination on the basis of “gender identity” as well. Moreover, six states¹⁷ passed the non-discrimination and anti-harassment regulations related to “sexual orientation”.

¹⁵ California, Connecticut, Massachusetts, Minnesota, New Jersey, Vermont, Washington, and Wisconsin

¹⁶ California, Minnesota, Washington DC and New Jersey

¹⁷ “Hawaii, Maryland, Oregon, Pennsylvania, Wisconsin and Rhode Island”

These interventions that prevent anti-LGBT harassment in schools include “gay-straight alliances, nondiscrimination policies, safe schools programs, and curriculum”. This has provided optimistic and more inclusive examples of LGBT people contributing to the American society. However, these initiatives are met with severe resistance from anti-gay organizations and activists, who make false claim that these public schools recruit homosexuals (Sheldon. 2001) & “there is evidence that harassment of gay teens may neither be as frequent, as severe, nor as disproportionate, as some pro-homosexual rhetoric would suggest.”¹⁸ The United States constitution “*Equal Protection*” clause and other federal laws, including “*Title IX of the Education Amendments Act*” of 1972 & “*Equal Access Act*” of 1984¹⁹, provides protection to the LGBT students from discriminatory practices, violence and harassment, as well as create gay-supportive environment in school campuses (E. High Gay/Straight Alliance v. Bd. of Education, 1999). These laws do not explicitly provide protection on the basis of “sexual orientation or gender identity”, but are major initiative to provide protection for LGBT students.

“*Title IX of the Education Amendments*” of 1972 is related to access to sports programs, guarantees “equal educational opportunities regardless of a student’s sex, and prohibits schools from limiting or denying a student’s participation in any school program on the basis of sex”. While it does not ban harassment related to sexual orientation, but it protects LGBT students from physical violence and harassment based on “gender nonconformity”. Moreover, it states that “school administration is required to intervene in and remediate any harassment of a sexual nature severe enough to prevent an LGBT student’s access to, or enjoyment of, any school program” (U.S. Department of Education, Office of Civil Rights, 2001).

Other federal law also exists to protect LGBT youth in schools. Under the United States constitution “*Equal Protection Clause*” of the Fourteenth Amendment provides for obligation to public schools to protect the students from “harassment and discrimination based on their

¹⁸ “Prevention of harassment and intimidation in public schools (HB 345): Hearings before the Ways and Means Committee of the Maryland House of Delegates (testimony of Peter Spring).”

¹⁹ “Under the EAA, a school cannot deny equal access to student activities because of the “religious, political, philosophical, or other content of the speech at such meetings”.

sexual orientation” (*Nabozny v. Podlesny, 1996*). National Center for Lesbian Rights stated “if school officials fail to stop antigay harassment or violence because they believe that a student who is out of the closet should expect to be harassed, or simply because they are uncomfortable addressing the situation, the school can be held liable for failing to provide equal protection for that student” (National Center for Lesbian Rights, 2002).

The “*American Civil Liberties Union*” (ACLU), the “*National Center for Lesbian Rights*”, and the “*Gay, Lesbian and Straight Educational Network*” (GLSEN) provides for training workshops in public schools to stop anti-LGBT violence and harassment. Cianciotto and Cahill in their “*Education Policy: Issues affecting lesbian, gay, bisexual, and transgender youth*” states “having an anti-harassment or non-discrimination policy in the classroom is a first step toward reducing the negative environment caused by anti-LGBT language, but educators must do more...they can improve the efficacy of such policies by discussing why using slurs is inappropriate, how they are damaging to people, and how they perpetuate homophobia” (Cianciotto, Cahill 2003, p. 54). In 1979, California through an Executive Order, adopted the first state level public policy to completely ban the discrimination with respect to “sexual orientation”. From then onwards, more than 22 states including Washington DC adopted policies that prohibited discrimination on the basis of “sexual orientation” (Swan, 2004 p.36). Though these policies and actions vary in terms of “nature, scope, and coverage”, but they have brought about significant changes in accepting the LGBT community in the American society. These steps have reduced the bias against LGBT youths and violence and harassment has also declined.

Despite many legislative and social gains in recent years, LGBT Americans still frequently experience discrimination. Data from the Human Rights Campaign show that 42% of LGBT youth report living in a community that is "not accepting." 92% of them also said they "hear negative messages about being LGBT. The following chapter thus address the issue that if such discrimination exists whether there have been any attitudinal changes in American society.

CHAPTER IV

CHANGES OVER TIME: FACTORS INFLUENCING ATTITUDES TOWARDS LGBT

“We are big and vast and diverse; a nation of people with different backgrounds and beliefs, different experiences and stories, but bound by our shared ideal that no matter who you are or what you look like, how you started off, or how and who you love, America is a place where you can write your own destiny.”

-President Obama, 2015

The LGBT movement in the United States though relatively young, began just over five decades ago has radically changed how American society think about sexuality, gender, families and relationships and love. Over the last few decades, opinions and attitudes towards

the LGBT community in United States have undergone a major shift (Loftus 2001; Yang 1997, 1999). The major shifts in attitudes and public opinions are rare to find in any country. However, since 1960s issues such as “civil rights”, “minorities” and “women”, they have not been uncommon (Schuman 1997). Much of this change has been driven by the long political, legal battles and difficult social battles that LGBT activists have fought. The swift advancement and acceptance of LGBT rights has been achieved through long struggles on the streets, on kitchen tables, through media and publication house, in courtrooms and presidential campaigns across the country. The movement have had many heroes and role models who brought the issue in public space and received a great deal of national attention Since 1990s onwards, the nation’s political environment became more steadily and positive toward gay people and their concerns. (Swan, p.92).



Fig 6. SOURCE: PEW RESEARCH CENTRE, 2013

The above graph shows the social acceptance of LGBT individuals in 2013 as compared to last ten years. According to the LGBT individuals, the rate of acceptance is much high i.e. 92% and American society has become much more liberal and open than what existed five decades back.

Moreover, changes in American “social and cultural life, family life, gender roles created more liberalized attitudes among Americans...as with many forms of social change, the sexual revolution and the accompanying shift in family structure have led to more accepting attitudes”

(Loftus 2001; Treas 2002). The growing acceptance of non-traditional families and understanding that “sex” and “gender” can no longer be the only way of structuring a family further led to the acceptance of gay and lesbian individuals in the society.

The following chapter analyzes institutional and non-institutional factors (formal and informal network of people and organizations), that advanced and shaped the changes regarding societal structure, gender and sexuality and pushed for their acceptance in American society. The chapter divided into two sections focuses on two key factors; institutional/political and legal factors to understand the support for LGBT issues among members of Congress, the executive and judiciary and non-institutional/social factors like media, education, religion, demographic and cohort and their effect in the social sphere to become more pro-equal.

4.1 INSTITUTIONAL FACTORS

A. THE LGBT MOVEMENT: COMING ON A NATIONAL STAGE

The LGBT movement came to be regarded as “identity-based” movement like civil rights and women’s movement in 1950s and 1960s respectively. It resulted in creation of a subculture making them aware of its subordinate status and thereby giving them impetus to fight for their equal rights. The LGBT movement undertook different strategies throughout the course of making equality their legitimate right through political lobbying, court cases, protests and direct action (Hilson, 2002). This gave political parties a new agenda making it one of the major political issues to appeal for votes by advocating and fighting for the interest of the LGBT community. Herek argues that since 1980s-1990s, gay and lesbian people in America came to be perceived as “a quasi-ethnic minority group, and a reformist civil rights paradigm has dominated political activism”. Bernstein (2002) notes that in gay and lesbian movement, “identity politics and its fixed associations have played a strong role in the movement”.

Partisan issues and political identity plays a role in shaping the opinions toward homosexuality. Political leaders shape opinions of the adherents of their parties in society. In 1970s, though number of representatives supported lesbian and gay issues, however, the public attitude towards the community did not change or liberalize. “The rise of an identity based lesbian and gay movement created a constituency that was ultimately courted by elected Democrats. Likewise, the Republican Party shifted rightward in order to appeal to religious

and social conservative activists. Several threads of research suggest that this polarization of political elites should affect public opinion”. Public opinion polls consistently and majorities of Democrats and Independents support marriage equality while the same is true for only a minority of Republicans. Thus, in the US “ideology and partisanship” are closely linked. Individuals who are supportive of LGBT rights vote for Democratic Party or for any other third-party candidate, but they rarely vote republican candidate (Brooks 2000).

A March 2015 Pew Research Center poll found that Republican support was at just 33% compared to 70% of Democrats and 61% of Independents. Conservative Republicans were much less supportive, with only 24% in favor, compared to 55% of liberal and moderate Republicans. A number of surveys have found that support was stronger among certain subsets of Republicans such as youth and non-Tea Party members of the GOP; support for marriage equality was lowest among Republicans who are evangelical Protestants or who describe themselves as social conservatives (Benenson and Van Lohuizen 2013; Craighill and Clement 2014; Kiley 2014; Pew Research Center 2015, 2016).

Despite majority of public supportive of many gay rights policies, Congress’s response has not been encouraging. Though Americans favor a variety of legal protections for LGBT individuals (Egan and Sherrill 2005; Brewer 2008), yet these protections have not always been adopted. There continue to remain divergent stands of both the parties on the issue. Starting in 1992, when the issue first time emerged as an electoral issue, the national parties have staked out increasingly divergent positions on LGBT rights. Fetner, states “for Republican lawmakers, religious conservatives create pressure to vote against LGBT rights. Correspondingly, LGBT individuals and their allies have become a notable constituency of Democratic lawmakers” (Fetner 2008). It is therefore difficult to gauge what kind of congressional action if any to expect in response to the continuing liberalization of opinion on LGBT rights.

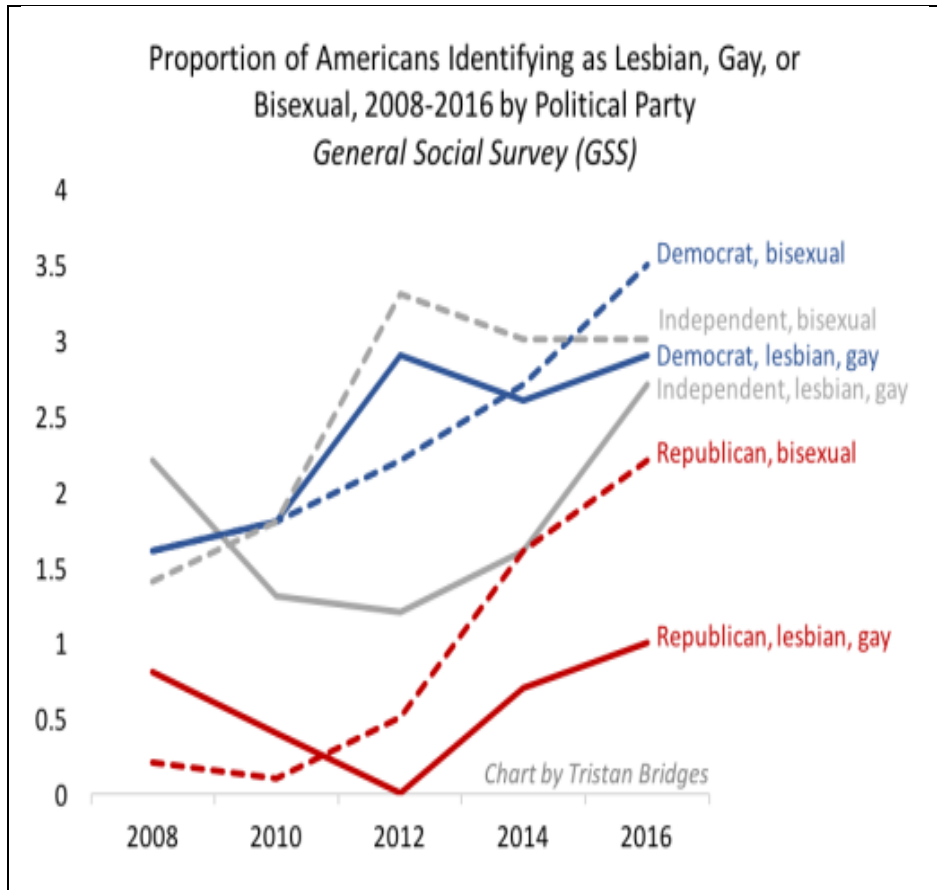


Fig 7. SOURCE: GENERAL SOCIAL SURVEY, 2016

The above graph shows the proportion of Americans identifying as LGBT from 2008 to 2016 by particular political party. The support of gay, lesbians and bisexual towards the Democrats is much more and have increased at constant rate. However, the support for Republicans though increased after 2012 but is much low than the Democrats.

It should be noted that public opinion regarding gays and lesbians is not just a cause but it also structures the political system in a big way. For e.g. During 1990s, the polarization of the issues and Bill Clinton becoming the president changed attitudes towards lesbian and gay rights and when lesbians and gays became associated with the Democrats, they also became more tolerant and liberal towards lesbian and gay rights. On the other hand, Republicans turned towards social conservatives and appealed against lesbian and gay rights.

B. EXECUTIVE ACTIONS AND INACTIONS: FROM CLINTON TO OBAMA

Though the shift in congressional behavior was necessary, the most significant shift was seen during the election campaign in the behavior of candidates (Clendinen and Nagourney 1999).

From 1990s onwards the issue of civil rights for gays and lesbians, swiftly moved from White House to serving as a center issue in the Presidential campaigns (Marcus, p. 345). As the 1992 election took heat the focus on gay rights intensified, with the two major presidential candidates and their parties staking out starkly different positions.

Bill Clinton, in his 1992 presidential campaign not only discussed the LGBT issues during his campaign (1992) but promised to use executive privilege to overturn the military's ban on homosexuals stating "the issue is not whether there are gays in the military. It is whether they can be in the military without lying about it." His commitment to ending almost a half century of Pentagon discrimination against gay people came in the wake of a growing national debate over the Defense Department's antigay policy. It was a sea change where politicians before considered the lesbian and gay issues too sensitive to discuss in public sphere (Fetner, p.65). Candidate Clinton "spoke inclusively of gay and lesbian people, actively courted their votes, and outlined his pro-gay federal policies, including his support for increased AIDS funding, protections for gay and lesbian workers, and an end to the ban on gay people serving in the military" (Fetner, p.66).

The Clinton Administration's commitment to improving the lives of gay and lesbian Americans went beyond symbolism. Just days after his election, Bill Clinton reiterated his promise to issue an executive order rescinding the Defense Department's ban on homosexuals in the military once he was sworn in as president. The president-elect and his fledgling administration were almost completely unprepared for the firestorm that followed as elected officials from both parties, as well as the military leadership, made clear their vehement opposition to his plan. He also made history in 1997 as the first president of the United States to appear at a major gay function and addressing the Human Rights Campaign (HRC) first annual dinner, the nation's largest gay rights group. Since then, such appearances became regular, at least in the Democratic party, for national leaders (Swan, 92). In the early days of his administration, cabinet members had added "sexual orientation" to their departmental antidiscrimination policies, but they did not interpret or enforce them in a uniform manner. So in 1998, President Clinton passes the Executive Order that prohibited any discrimination against gay employees of the federal government (HRC, 1998). In 1999, Clinton endorsed the "*Employment Non-discrimination Act*" (ENDA), that banned employment discrimination on the basis of "sexual orientation", & the Hate Crimes Prevention Act, which were both high priorities of the gay movement (HRC, 1999).

During these years, gay civil rights became a hotly debated national issue, gay rights efforts spread farther afield and throughout society to cities and towns well outside the major population centers. As the AIDS crisis continued to recede as the primary focus of the gay rights effort, due to the increased AIDS funding and the availability of new life-saving drugs by the mid 1990s what emerged was “Gay visibility” during this era. More and more gay people came out in everyday life, gay and lesbian characters populated television programs and movies, and gay public figures from across the spectrum decided to live their lives openly. “It became increasingly impossible for any one to remain oblivious to the existence of gay people and the demands and influence of the gay rights movement. Even the Republican party came to recognize that gay people and gay rights could not be dismissed or as easily demonized for political gain” (Marcus, p.356). The LGBT issues that came to dominate this era included both new and long-standing concerns: the service of gay people in the military, same-gender marriage, federal antidiscrimination legislation, and hate crimes.

Besides growing visibility, gay people and the gay rights movement made solid legislative, legal, political, and organizational gains. Passing of the “Vermont civil unions” law, that allowed same-sex couples same rights and privileges as heterosexual couples was most dramatic. Same was the President Bill Clinton Executive order that banned discrimination against gay and lesbian individuals in federal employment. But there were other gains as well. More gay people were elected to political office, gay and lesbian organizations multiplied and grew stronger, and local and state governments passed new legislation protecting the rights of gay people.

“Don’t-Ask-Don’t-Tell”

The “Don’t Ask, Don’t Tell” (DADT) policy came into existence in 1993 under Clinton administration. Adopted by the United States military, the law held that the “homosexuals be allowed to serve in the military under the condition that they not openly reveal their sexual orientation and that their commanders not inquire about it. Such confidentiality about sexual orientation was to be enforced in an effort to maintain troop unity and cohesion” (Ritter, 2010, p.79).

The policy that was supposed to have positive affect in the lives of LGBT individual was met with resistance as the law was seen as “restricting the liberty of homosexuals and caused psychological trauma due to the discrimination inherent in the policy” (Frontline, 2010). It had

a negative impact as the US military ended up removing more than 13,000 gay, lesbian and transgender soldiers. It was on October 2010 when federal district court in *“Log Cabin Republicans vs. United States”* ruled “the current policy against gays was unconstitutional” (Adler, 2010)

Supporters of “Don’t Ask, Don’t Tell” argue “forced cohabitation of homosexuals and heterosexuals and the resulting sexual tension will hurt discipline and morale of military units...they extrapolate on these assumptions to claim that abolishing the don’t ask, don’t tell threshold of personal behaviour would jeopardize the unit cohesion, team identity and interdependence that can be a matter of life and death in combat” (Werner, 2008, Galbraith, 2010). However, on the other hand opponents of “Don’t Ask, Don’t Tell” is critical of the way “it singles out a group of Americans for second class treatment, forcing them to hide who they are and to live in fear of being found out and discharged” (Ritter, 2010. p. 91)

By the end of the Clinton era, it became clear that influencing a political party did not necessarily translate into the implementation of social policies supported by either religious right activists or lesbian and gay movement activists. On the other side, the debacle that resulted in policy of “Don’t Ask, Don’t Tell, Don’t Pursue” made it clear that even executive privilege were not sufficient power to circumvent the legislative process when the issue was homosexuality (Fetner, p. 65)

During the 1992 campaign, the Republicans went in the opposite direction. The moderate President Bush and conservative Republicans “stoked the antigay passions of the conservative and religious right wing of their party. He had won his primary in 1992 after a tough contest from the right wing. Patrick Buchanan, his primary opponent, tired bringing the conservative and moderate wings of the party together after the divisive primary” through the Republican National Convention speech. Its regarded as one of the “opening salvos of the culture war”, he stated:

“Yes, we disagree with President Bush, but we stand with him against the amoral idea that gay and lesbian couples should have the same standing in law as married men and women...There is a religious war going on in our country for the soul of America. It is a cultural war, as critical to the kind of nation we will one day be as was the Cold War itself. And in that struggle for the soul of America, Clinton and Clinton are on the other side, and George Bush is on our side. And so, we have to come home, and stand beside him” (Buchanan, Aug, 17, 1992).

Due to the backlash followed by the unpopular Clinton's DADT policy, the Republican's, in 1994 elections won control of Congress in a small part. In January 2000, the Bush Administration took office with limited creditability in the gay community. In office, President Bush has a mixed record on gay concerns. He has taken no steps to advance the causes backed by most of the nation's leading gay groups, such as hate crimes legislation and ENDA. However, the president did not, as many gay activists feared, rescind the order of President Clinton that provided antidiscrimination protection for federal civilian employees. Moreover, on the positive side, the fact that Richard Cheney, Bush's pick for the vice-presidential nomination, has an openly lesbian daughter had served to create a more tolerant image for the Republicans. He also appointed a number of openly gay people to federal posts, including Scott Evertz as the Director of the Office of National AIDS Policy.

The changing attitudes of the American public on gay issues were illustrated in the 2002 elections when a series of referenda were held on gay related issues across the country. Although Nevada passed a state constitutional amendment banning same-sex marriages, in five local referenda, the pro-gay side prevailed. Like most social progress, the gay liberation line on the graph is filled with downward spikes, but ultimately heads upward. One of the downturns came in the spring of 1998 when Senate Majority Leader Trent Lott (R-Miss.) compared "homosexuality to alcoholism and kleptomania". Lott's remarks about gays, coming from such a high government official, raised a storm of protest in and out of the gay community. The public reaction to Lott's statement, however, indicated that Lott, not the gay community, was outside of the nation's mainstream. A survey conducted in June 1998 by Lake Snell Perry for HRC found that only 24% of respondents agreed with Lott that homosexuality is a sin and a disease. However, 55%, or more than twice as many Americans, agreed with the view that being gay is inherent and that all Americans should be treated fairly. (Swan, P. 87).

The support for Bush's administration declined immensely post his re-election to the level that it was not possible for him to influence masses in an anti-gay direction. However, the presence of lesbian, bisexual, and gay characters in the new era of television show started increasing particularly from 2005. John McCain of the Republican party in his campaign in 2008 also did not show much opposition to same-sex marriage which earlier was a major issue. In fact his daughter, Megan McCain, stated that the Republican Party required openness towards lesbian and gay rights in order to create a support base of young voters. By 2006 the intolerance had

retreated itself and by 2008 the country's youth had become very supportive of lesbian and gay relationships that the days of 2004 backlash seemed to be lost in the past. (Swan, p. 92).

The presidential election of 2008 brought another Democratic president, Barack Hussein Obama who supported lesbian and gay rights. He took various steps like campaigning vigorously to end the practise of Don't-Ask- Don't-Tell (DADT), protecting the community by ensuring hate-crimes protections to the existing federal statutes, and the passage of ENDA - Employment Non-Discrimination Act. President Obama was extremely cautious in the initial year of presidency , he moved slowly on gay rights issue rather extremely slowly, in consonance with his perception of the best interests of the party , the community and himself by avoiding any kind of electoral backlash due to gay rights issues in 2010²⁰.

By growing acceptance of the LGBT community in the public over time, the incidents of backlash against them decreased in the long run. The administration during his time took historic steps for expansion of opportunity, advancement of equality, honoring differences and providing a level the playing field for Lesbian, Gay, Bisexual, and Transgender (LGBT) people and communities. A major legislative achievements of the Obama administration was the repealing of "Don't Ask, Don't Tell," there were significant administrative actions also to support their equality.

C. THE JUDICIARY: FROM CLOSET TO THE COURTROOM

The main aim of different laws and policies that that target towards LGBT individuals and discriminate because of their "sexual orientation", discourages such individuals from opening up about "who they are and whom they love". The primary struggle and change for LGBT rights has emerged out of lawsuits in courtrooms. Anderson argues "Judicial decisions do indeed have transformative capacities; that they can trigger dramatic and enduring shifts in social movements. It made LGBT people visible by forcing society to grapple with both their existence and their aspirations" (Anderson, 2017). Some of the key LGBT rights lawsuits that changed American social, political and moral landscape are explored in the research that have been watershed and landmark events in the LGBT rights movement.

²⁰ Obama appears to be avoiding lesbian and gay rights in order to avoid triggering a potential backlash like the one experienced by Bill Clinton in 1994 as Democrats lost both houses of Congress in 1994.

The first concerted effort by the LGBT community to pursue a judicial strategy as a way of advancing and protecting the interests of its members began in the late 1970s in a little-known legal case from Austin, Texas. The strategy, largely modeled on the one pursued earlier by the civil rights movement, sought to challenge discriminatory laws and policies in court with the objective of making necessary legal, economic, and social conditions that would permit LGBT individual to lead lives that were both open and dignified.

The case relates to Driskill hotel dance policy in Austin that perceived same sex couple dancing as a problem as a result instituted a house rule prohibiting same-sex couples from dancing together. This infamous policy quickly spread throughout Austin's LGBT community. A few days later, four students at the University of Texas, who were also members of a local gay community group, filled a complaint with the Human Rights Commission, which began an investigation. Judge Russell closed the proceedings after fining the hotel \$200. One of the media member inquired as to why the jury had voted to convict the hotel, the woman replied as follows:

“You know, there was a lot of discussion during the trial about who dances with whom and the lawyers and the judge went on and on talking about disparate impact, but none of us really understood any of that... We just figured that if they can stop gay folks from dancing at a disco, then they can deny them jobs, and if they can deny them jobs, then they can deny them housing, and if they can do it to gays, well, the next thing you know, they can do it to Jews”. (Ball, 2010, p. 10)

At its most basic level, the case against the Driskill Hotel was successful because the jury concluded that the defendant had discriminated against LGBT people. Just as importantly, the trial provided a mechanism for the LGBT community, with the help of lawyers, to make a public demand for equal treatment. Behind the seemingly trivial question of who should be allowed to dance with whom at a disco stood an important principle that “LGBT people are equal citizens who are entitled to the opportunities enjoyed by everyone else”. (Ball, 2010, p. 11)

- BRASCHI V. STAHL ASSOCIATES (1989)

In *Braschi v. Stahl Associates* (1989), Leslie Blanchard, a 52-year-old gay man, died because of AIDS at a Newark, New Jersey hospital. Miguel Braschi was his partner who lived together for ten years before Leslie Blanchard died. However, they lived together on rent controlled

apartment, with only Blanchard's name on the lease. After three months of his partner Blanchard's death, the landlord started threatening Braschi and asked him to evict. He had to cope with both the problems of loss of his partner and also of the possibility of losing his only home.

When Braschi filled a petition in the appellate court, the American court for the first time concluded "it is possible for two men in an intimate relationship to constitute a family". The case also noted that "LGBT people are as capable of forming close and lasting familial ties as are straight people". Before this judgement, same-sex relationship had no legal significance. From here onwards, the LGBT rights movement took a great leap when the activists used the *Braschi* litigation to encourage the courts and the public to take a stand and accept the loving relationship between two men. The case made a point that same-sex couples who are married or even living together are no different from heterosexual couples and enjoy the same rights.

- ROMER V. EVANS (1996)

Because of *Romer v. Evans* (1996), Angela Romero, who joined the Denver police department in 1978, loved being a cop and working with children. After a few years on foot patrol duty, Romero was thrilled when she was assigned by her department to be a liaison in one of the city's public schools, that was the job that made her work directly with the school students. One day in 1986, "her supervisor went to a school where she was giving a lecture and told her ominously that he had disturbing information about her. The supervisor refused to elaborate, but Romero later learned that someone who worked for the department had seen her go into a lesbian bookstore. A few days later, she was transferred out of the school liaison position and assigned back to patrolling the streets". Although she never received an official explanation for the transfer, she was told unofficially that her superiors now believed that it was inappropriate for her to work with children.

The incident led Romero to come out of the closet as a lesbian and to begin agitating within the department for the adoption of policy prohibiting discrimination based on "sexual orientation". For the next four years, Romero led a mostly lonely fight to change the pervasive homophobia that was seemingly part of the department's culture. She also joined other Denver LGBT rights activists in lobbying the city council to "enact an ordinance protecting employees from discrimination on the basis of sexual orientation". The activism by Romero and others

paid way when Denver enacted a gay rights ordinance in 1990. A few weeks later, the police department instituted a policy prohibiting antigay harassment.

These measures made Romero, who had experienced the harmful impact of discrimination, feel safe and secure in her job. That feeling, however, was short-lived because less than two years later, a majority of Colorado's voters approved a "state constitutional amendment known as *Amendment Two*" repealing all existing laws and policies (such as those of Denver and its police department) that protected lesbians, gay men, and bisexuals from discrimination. At the same time, and more controversially, Amendment 2 prohibited all state and local governmental entities from *ever* providing such protection in the future.

The United States Supreme Court declared that "it is unconstitutional to deny LGBT people the opportunity to seek antidiscrimination protection under the law... Court made clear that LGBT people are equals under the law and that the government has an obligation to treat them accordingly".

- NABOZNY V. PODLESNY (1996)

The famous case of "*Nabozny v. Podlesny*" (1996), in which Jamie Nabozny, a seventh grade school student who was subjected to physical and verbal harassment by school peers who taunted him with words like "faggot" and "queer.". It grew progressively worse, and Jamie ending himself lying on the floor of his school's library as a boy repeatedly kicked him in the stomach while other kids cheered". Parents of Jamie intervened number of times and took up the matter with school authorities as well to stop the harassment, the administration however refused any such claims. No student was stopped and disciplined for not harassing. This led to a federal law suit as a part of neglect of school administration. The law suit concluded with "ending that the officials failure to protect Jamie from harm violated his constitutional rights and with a monetary settlement of almost one million dollars". The jury of Wisconsin also concluded that "school officials violated the constitutional rights of a gay teenager when they permitted other students to harass him in violent and demeaning ways because of his sexual orientation".

The case was one of the landmark judgments as prior to the case, the physical, verbal and emotional suffering of many LGBT students in public schools of America went largely unacknowledged by school authorities and parents of homophobic students and also the public at large.

- GOODRIDGE V. DEPARTMENT OF PUBLIC HEALTH (2003)

The case was important in terms of reframing the legal definition of marriage. In 2003, the Supreme Court of Massachusetts in *Goodridge v. Department of Public Health*, stated that “the state’s refusal to marry same-sex couples violated both the liberty and equality clauses of the Massachusetts constitution. On May 17, 2004, as a direct result of *Goodridge*, Massachusetts became the first state in the nation to institute a formal regime of marriage equality” (Anderson, 2017. p. 462).

The case had huge public impact. It inspired widespread mobilization with both supporters and opponents of the decision using the case as the centre piece of their efforts to reframe the cultural and legal meaning of marriage. It “inspired a powerful new tactic to fight for LGBT rights. And like *Baehr*, *Goodridge* served as a catalyst for government repression through the passage of laws specifically designed to fence same-sex couples out of marriage”. Among the most significant repercussions of *Goodridge* was this: “within a year of the decision, thirteen states had amended their constitutions to limit marriage to different-sex couples.²¹ By the close of 2006, another ten states had added same-sex marriage bans to their constitutions²². The Massachusetts Supreme Judicial Court decision indirectly triggered the adoption of a new tactic in the LGBTQ rights movement: the wedding wave”. (Anderson, p. 464).

- LAWRENCE V. TEXAS (2003)

In the above case, the United States Supreme Court held that the government cannot “criminalize private and consensual gay sex”. It wasn’t until 2003, when the court case *Lawrence vs. Texas* ended with the supreme court ruling against Texas effectively striking down its anti sodomy law under the premise that it infringed on rights to privacy, that state perspectives regarding anti-sodomy laws began to shift. Prior to the case, the opponents of “same-sex” marriage contended that society is “entitled to use the criminal law to express disapproval of same-sex sexuality and relationships” and discrimination of LGBT people is not illegal.

²¹ “The thirteen states that amended their constitutions were Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah”.

²² “Louisiana and Texas amended their constitutions in 2005. Alabama, Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin amended their constitutions in 2006”. *Gay Marriage Timeline*, 2008.

The Court however stated that such a discriminatory position is not only inconsistent with countries cherished ideals and principles that stands for liberty, equality and autonomy of individual but also unjust to human dignity and respect. The court held that “rather than relegating same-sex sexuality to the realm of the hidden, shameful, and degrading, the choices LGBT people make about sexual intimacy are as closely linked to their dignity as human beings as are those of heterosexuals”. In the words of Mark Spindelman, “Lawrence has variously been praised as an unmitigated victory for lesbian and gay rights, a turning point in our community’s history, and the moment when we have gone from second-class political outcasts to constitutional persons with first-class rights.” (Spindelman, 2004.p 16).

Lawrence case is undeniably an important decision in the history of the American LGBT rights movement. “It marked the final victory in a decades-long battle to decriminalize consensual same-sex relations, thereby cutting the legs out from under a pervasive argument for denying rights to LGBT people: their supposed criminality”. “It undercut the status-conduct distinction that had bedevilled much LGBTQ rights litigation. It made arguments for increased scrutiny of classifications based on sexual orientation more plausible, thereby providing a new mechanism for accessing the judicial branch” (Anderson, 2017 p.459).

- OBERGEFELL V. HODGES (2015)

In 2015, the Supreme Court in *Obergefell v. Hodges*,²³ case declared “same-sex couples had a constitutional right to marry under the Due Process Clause of the Fourteenth Amendment”. The decision was widely supported in the media and was regarded as a major turning point for the LGBT rights movement. (Anderson, 2017). *Obergefell*, have been described widely as turning points and landmark decision in the struggle for LGBT rights.

Media was quick to report on the case linking it with the historic judgements like for example, “*New York Times*” editorial proclaimed that “*Obergefell* belonged next to *Brown v. Board of Education*²⁴ and *Loving v. Virginia*²⁵ in the pantheon of landmark Supreme Court decisions

²³ 135 S. Ct. 2584 (2015).

²⁴ 347 U.S. 483 (1954).

²⁵ 388 U.S. 1 (1967).

reaffirming the power and scope of the Constitution’s guarantee of equal protection under the law.” (N.Y. Times, 2015). Various other editorials as well referred the *Obergefell case* as a “watershed,” a “milestone,” a “transformative event,” and “a historic culmination of decades of litigation.” (Washington Post, 2015). Loren L. Cannon stated that “the decision was a turning point in our nation’s history and its recognition of the value of lesbian and gay identities and relationships.” (Cannon, 2005 p.2).

Obergefell is definitely regarded as an extraordinary moment in the LGBT rights movement. Anderson noted that “at its most basic level, the ruling struck down marriage bans in the thirteen states that still had them on the books...More broadly, it marked the culmination of over twenty years of movement and counter-movement activism around marriage equality, activism that had turned the concept of same-sex marriage from an oxymoron to a reality” (Anderson, 2017, p.466).

“The cases certainly did suggest an increasing level of judicial receptivity to LGBTQ rights claims. They also gave LGBTQ rights litigators new legal arguments to add to their arsenal, to protect not only their interests as individuals but also those of the broader LGBT community. No social movement that adopts a judicial strategy can expect to achieve all, or even most, of its goals through one lawsuit. Not even *Brown v. Board of Education*, the most important civil rights case in the nation’s history, achieved such a result. The LGBT rights movement, like the civil rights movement before it, has pursued a gradualist legal strategy. In doing so, the movement has focused on challenging particular manifestations of homophobia and anti-LGBT discrimination through relatively narrow cases rather than on attempting to put an end to all such manifestations in one or two fell swoops”. Overall, the LGBT movement has seen a dramatic shift in favor of LGBT people, and a majority of young people in this day and age are in favor of LGBT inclusion and equality.

II. NON-INSTITUTIONAL FACTORS

At the same time that gay liberationists were waging these policy battles, they were attempting to form new, nonsexist social spaces and egalitarian relations of power within their own organizations and in the community. In efforts to develop new institutions, some organizations rented office space to establish community centers, held dances and parties, and sponsored outings. Number of social and political activists argued that to be “out and proud,” i.e. to openly

and positively embrace homo-sexuality would bring a big change in negative public attitudes with respect to homosexuality. “The actions of these cultural reformers were undergirded by the belief that altering public sentiment was the key element of social change. Others were frustrated by the consensus-based processes required by liberation ideology and felt that policy solutions to protect gay men and lesbians from harassment and to guarantee their rights were the more important elements of social change” (Fetner, p20).

Fetner, argues that though marriage equality and other rights are important for LGBT community in the United States, but “seeking acceptance for the LGBT community and civil protection remains a central part of the movement as well” (Fetner, 2008). There has been a rapid change in the attitudes of people and the tolerance towards homosexuality have increased. Regarding bringing attitudinal changes toward homosexuality, apart from institutional factors, other factors also play an important role. During the 2000s a wide range of social forces brought the social change toward homosexuality.

With the change in times and the environment in which the individual grows up in it develops core values and attitudes. Thus, several other factors change attitudes during an individual’s formative years such as education, media, family structure, gender roles, religion, cohort and political identity also influence attitudes about how individuals feel about homosexuality. Issues surrounding the LGBT community have been highlighted in the media, social policy, and political campaigns, focusing especially on same-sex marriage.

A. THE MEDIA EFFECT

Media play an important role in bringing change in the society. It’s the direct medium where people can relate to day to day happenings across the country and know the political and societal mood prevalent with respect to a particular issue in the society. However, media can act in both negative and positive ways. For the gay liberation movement media played an emancipatory role. It brought considerable change in accepting the the minority group in the society. Through television and entertainment programs that people watch they “passively absorb messages about the way society functions for minorities...fictional characters and media coverage both present new information to the public without anyone needing to face discrimination” (Zaller 1992).

For he first time in 1947, a twenty-six-year-old girl called her self as “Lisa Ben (an anagram of *lesbian*) distributed copies of her publication called “*Vice Versa*”, because according to her

“in those days our kind of life was considered a vice”. The magazine constituted only fifteen pages, but “it signalled the first stirrings of the modern gay rights movement in the United States”. Fifty years later, in 1997, a famous T.V. host show Ellen DeGeneres came out in public with her sexual orientation and got famous with the cover of “*Time*, the *Oprah Winfrey Show*”, and nearly every other media forum by writing a column for *Oasis*, an “online magazine for lesbian, gay, bisexual, transgender, and questioning youth, in which she proclaimed her intention of living her life honestly, because I have nothing to hide”. These “two moments in modern American history lies a chasm bridged by transformations in culture, politics, and media that no one in 1947 could have foreseen”. (Gross, 2001 p. 3)

During the 1992 presidential election, media gained huge importance because it took up the issue of gay rights in the backdrop of Bill Clinton’s adoption of “don’t-ask- don’t-tell” policy. Democrats were seen as pro-gay after the 1992 Clinton’s presidential campaign, and then the issue in 1993 of gays recruitment in the military, on the other hand Republicans were seen as anti gay and lesbian’s rights. This was because of the large media coverage of elections and different issues emerging that time with respect to LGBT rights. 1990S was the period were along with gay rights activist’s media also helped in raising awareness and taking up the issue directly as a mark to show support towards the community. Media houses, television serials, magazine publications, Hollywood movies, comic stories, street plays all played a big role in bring change in society. There was a boom in gay and lesbian related television programs in 1990s.

Media role need not only be negative in regards to civic life. Contacts through televisions can reduce the space between people and show the citizens how “new worlds and lives, displace negative stereotypes, and bring people together across social categories by learning about other individuals outside of their day to day activities.”. The media exposure has been significant in bringing together a “self-conscious community”. Not only media publication but many television serials, fictional portrayals and novels was successful in bringing about demand change and able to organize a gay and lesbian movement. It helped many homosexual individuals to come out in public spaces and talk about their rights. The American media definitely acted as a tool of emancipation for the sexual minorities in advancing their movement and bringing implicit and explicit attitudinal change in the mainstream American society. Overall, the LGBT movement has seen a dramatic shift in favor of LGBT community, and a majority of young people today stand in favor of LGBT inclusion and equality.

B. THE COHORT EFFECT

The cohort effect plays a significant role on analyzing social issues, it is non-existent or is used less on political issue (MacManus, 1996). It can be defined as “the interaction of the time a person lives in and their memories of news and television experienced throughout their lives”. (Treas, 2002). It has been argued that the people in young age groups are more liberal, open and acceptable towards granting the respect and rights to gay rights, on the other hand the older people are much more reluctant given the fact they are more conservative. However, scholars argue that “increased support of civil rights for gays and lesbians and a significant growth in acceptance of homosexuality in general over the past several decades is found in all cohorts” (Keleher and Smith, 2012; Treas, 2002)

The cohort effect also depends upon the external environment and on a certain stimulus. Therefore, different generations might have different experiences. Pew Research Centre in one its survey report of 2010 compares the demographic age group of “Millennial generation”, i.e. Americans between the ages of 18 and 29 and born after 1981 with the “Generation X”, i.e. Americans born between 1960 and 1980. According to the report the “Millennial generation” tend to have more liberal views on social issues relative to generations before them, especially regarding civil rights for minority groups”. This is largely because of higher education, lower religiosity, they have also grown up with the “new” or “non-traditional” families and parenting arrangements as compared to “Generations X” (Pew Research Center 2013)

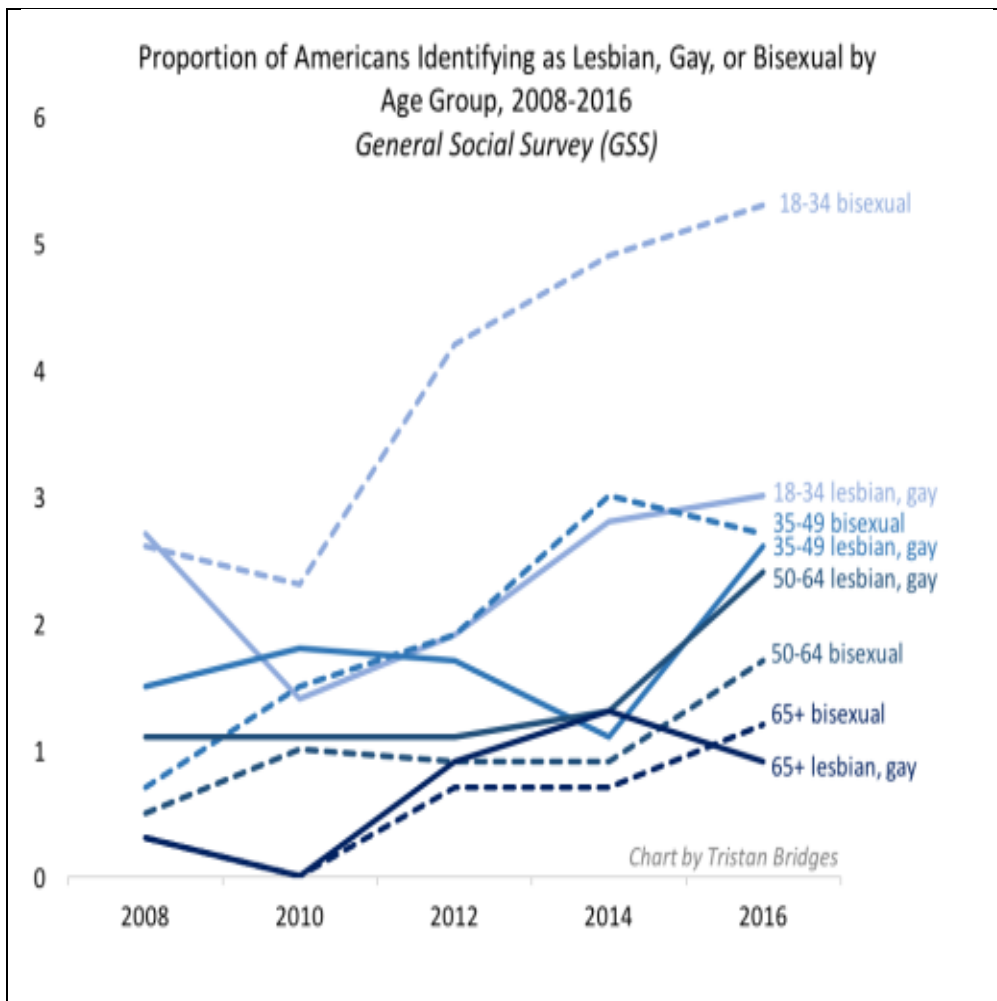


Fig. 8: SOURCE: GENERAL SOCIAL SURVEY (2008-2016)

Fig 7 shows Americans identifying as lesbians, gay and bisexuals in different age groups. According to it the LGB individual’s identification is more related to the young people between the age group from 18-34 who are more likely to self-identify as lesbian and gays. The rise is much more in bisexual individuals as compared to lesbian and gay individuals. And this gap is increasing more and more with 2016 reporting the maximum rise.

C. RELIGION AND DEMOGRAPHIC EFFECTS

Different Religious affiliations and Demographic factors are also likely to affect opinions toward community. For instance, it is argued by scholars that those who have strong religious identities, particularly Evangelical Christians, are more often opposed to granting any such

rights (Wolport and Wilcox 2000; Olsen, Cadge, and Harrison 2006). Evangelical Christians advocate that granting such rights are against the “traditional values in the public sphere, specifically reflecting those of the nuclear family” (Hicks and Lee 2006). Tina Fetner, in his book *“How the Religious Right Shaped Lesbian and Gay Activism”* (2008) notes “the religious belief and church attendance are strongly correlated with a rejection of homosexuality...individuals who attend religious services more than once a week are typically opposed to homosexuality, and those who attend less show higher tolerance toward homosexuality” (Fetner, 2008 p. 43).

Herek, argues that African-Americans have lower support base for gay rights, however women consistently support gay rights (Herek 2002). Moreover, individuals who are in constant contact with lesbians and gays people and think that they are the individuals that are born in such a way and cannot change their orientations also support gay rights (Lewis 2007). According to the Loftus, “people on the West Coast and Northeast may have higher levels of support for lesbian and gays rights due to either increased contact with gays and lesbians or a greater number of pro-LGBT political leaders and elites” (Loftus 2001).

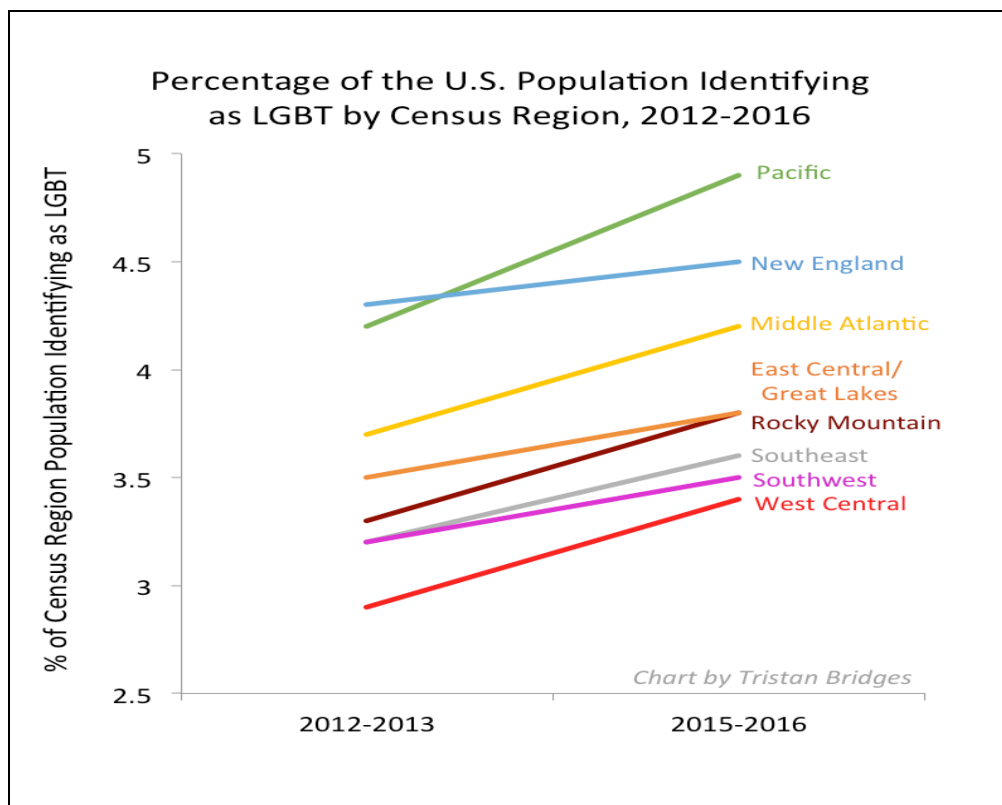


Fig 9. SOURCE: GENERAL SOCIAL SURVEY (2012-2016)

Fig. 8 analyses state-level data to examine shifts in LGBT identification within Census regions as well. People identifying themselves as LGBT in the U.S. has increased since what it was today than there were 10 years ago. The rate of identification is growing faster in regions like the Pacific, Middle Atlantic, and West Central) than others (like New England). These areas have higher support as well for lesbian and gays rights because of increased contact with gays and lesbians individuals. Vermont leads states in LGBT identification.

According to Gates, “State-level rankings by the portion of adults identifying as LGBT clearly relate to the regional differences in LGBT social acceptance, which tend to be higher in the East and West and lower in the South and Midwest. Nevada is the only state in the top 10 that doesn’t have a coastal border. States ranked in the bottom 10 are dominated by those in the Midwest and South”. Hawaii, Rhode Island, and South Dakota are all against the liberalizing trend.

D. EDUCATION EFFECT

The LGBT youth are subjected to violence and harassment in public schools. There have been programs undertaken by administration, teachers, parents and student activists to bring change from within the education system. The famous case of “*Nabozny v. Podlesny*” (1996), in which Jamie Nabozny, a seventh grade school student who was subjected to physical and verbal harassment by school peers who taunted him with words like “faggot” and “queer.”. It grew progressively worse, and Jamie ending himself lying on the floor of his school’s library as a boy repeatedly kicked him in the stomach while other kids cheered”. Parents of Jamie intervened number of times and took up the matter with school authorities as well to stop the harassment, the administration however refused any such claims. No student was stopped and disciplined for not harassing. This led to a federal law suit as a part of neglect of school administration. The law suit concluded with “ending that the officials failure to protect Jamie from harm violated his constitutional rights and with a monetary settlement of almost one million dollars”. The jury of Wisconsin also concluded that “school officials violated the constitutional rights of a gay teenager when they permitted other students to harass him in violent and demeaning ways because of his sexual orientation”.

The case was one of the landmark judgments as prior to the case, the physical, verbal and emotional suffering of many LGBT students in public schools of America went largely

unacknowledged by school authorities and parents of homophobic students and also the public at large. Education plays an important role in shaping public opinion towards the LGBT community. Scholars argue that “people with more years of education are often more supportive of gays rights in general. Several studies have found that the more education one receives, the more likely he or she is to be in favor of minority rights, including the rights of gays and lesbians...individuals with low education tend to show more hostility toward minorities” (Hicks and Lee 2006; Keleher and Smith 2012). The federal laws, and interventions that prevent anti-LGBT harassment in schools like “gay-straight alliances, nondiscrimination policies, safe school’s programs, and curriculum” are example of active role played by the American society to integrate LGBT individuals in society.

Though the harassment and violence exists, students, activists, teachers, parents, and administration have created different ways to support and ban discrimination of LGBT youths. These interventions that prevent anti-LGBT harassment in schools include “gay-straight alliances, nondiscrimination policies, safe schools programs, and curriculum”. This has provided optimistic and more inclusive examples of LGBT people contributing to the American society. The United States constitution “*Equal Protection*” clause and other federal laws, including “*Title IX of the Education Amendments Act*” of 1972 & “*Equal Access Act*” of 1984²⁶, provides protection to the LGBT students from discriminatory practices, violence and harassment, as well as create gay-supportive environment in school campuses (E. High Gay/Straight Alliance v. Bd. of Education, 1999). These laws do not explicitly provide protection on the basis of “sexual orientation or gender identity”, but are major initiative to provide protection for LGBT students. The “*American Civil Liberties Union*” (ACLU), the “*National Center for Lesbian Rights*”, and the “*Gay, Lesbian and Straight Educational Network*” (GLSEN) provides for training workshops in public schools to stop anti-LGBT violence and harassment. In 1979, California through an Executive Order, adopted the first state level public policy to completely ban the discrimination with respect to “sexual orientation”. From then onwards, more than 22 states including Washington DC adopted policies that prohibited discrimination on the basis of “sexual orientation” (Swan, 2004 p.36). Though these policies and actions vary in terms of “nature, scope, and coverage”, but they have brought about significant changes in accepting the LGBT community in the American society.

²⁶ Under the EAA, a school cannot deny equal access to student activities because of the “religious, political, philosophical, or other content of the speech at such meetings.

CHAPTER 5

CONCLUSION

United States had a long history of discrimination and a negative stigma attached to of LGBT community. The LGBT existence was highly privatized and the community was recognized overall as a taboo subject matter. Conversations about homosexuality were generally non-existent and even recognizing that people were LGBT required a knack for secret symbols and code talk. However, over the years in America there have been number of changes been made with respect to the sexuality and their engagement with human rights. The speed with which gay Americans have become part of the nation's mainstream is impressive. Whether in entertainment, business, the news media, or federal, state, or local governments, gay people are an open, recognized, and increasingly accepted part of the social fabric. Indeed, gay people in most large cities, where they tend to be politically powerful, feel secure in their jobs, personal safety and in the esteem of their neighbours, which would have not thought possible a scant half-century ago.

The purpose of the research was to highlight various attitudinal changes by critically analyzing the political and societal trends towards homosexuality in the American society in the past and recent decades. Thus, to examine these fundamental changes in attitudes and acceptance of the LGBT individuals in the society in the United States, the research aimed to address the following objectives:

- To what extent does politics influence homophobia.
- To analyze the legislative policies of the federal and state government that helped in bringing attitudinal changes in society towards homosexuals.
- To understand and examine the role played by media in influencing the attitudes towards same-sex relationships.
- To look into the the different spheres of discrimination faced by the LGBT community in American society which led to the ultimate acceptance of the LGBT community.
- To examine various political and social factors that were responsible in bringing overtime changes towards the acceptance of the community.

The study begins with examining the concept of “sexual rights” as part of the basic rights of individual. They are not just important for individual pride and dignity but also the acknowledgment of “minority” group that exist as a part of the community. The chapter provides the historical background from 1600s onwards when sodomy laws existed in United States making “same-sex” sexual behaviour as a crime punishable by death. In fact, every State in the United States had some form of law against same-sex sodomy. The early sodomy laws managed to keep the homosexual rights movement underground till late 1960’s. Some scholars argue that this was largely the result of perception prevalent in the mainstream society that either the homosexuality did not exist or it was not talked about. Even the individuals belonging to the community themselves were unaware that other like minded individuals existed outside their social grouping. But by the mid 1950s and early 1960s most of the LGBT individuals slowly started to change their lifestyle. When the LGBT community started coming out of their “closet” into the public sphere the homosexual individual’s behaviors were not only seen as immoral, but also as a threat to American national security. They faced discrimination, oppression and violence by the heterosexual which saw “homosexuals” as a taboo in the community.

As a result of the long history of LGBT discrimination, what followed was the backlash by the LGBT community. What had once been a simple taboo subject was now being thrown into the faces of the American public, spurring many small violent episodes and demonstrations. Many radical and secret organization emerged fighting for the equal rights and acceptance in the community. But this ushered a new level of opposition by the majority resulting in anti-gay movement and emergence of number of discriminatory policies, laws, actions and attitudes of the American social structure.

The chapter “Making History: The Coming Of LGBT Age” examines the conceptualisation of the term “homophobia” in United States academic circle and the historical paradigm in the fight for the equal rights by the LGBT community. The chapter begins with examining the historical evolution of the emergence of the term “homophobia” and the developments of events that followed the gay rights movement in America. In 1960s, he became an an active supporter of New York’s LGBT movement. The emergence of the term “homophobia” was considered as a milestone. It highlighted the experiences and discrimination such as “rejection, hostility, and invisibility” that homosexual men and women in mid-20th century Americans faced in their lives. Moreover, “homophobia” also emerged as a model for introducing variety of negative terms based on sexual orientation, like “lesbophobia” “biphobia”, “transphobia”, “effeminophobia”, and

“heterophobia”, for generating hostility towards “lesbians, bisexuals, transgender people, effeminate males, and heterosexuals” respectively.

Moreover, the focus of the chapter was to examine the advancement of LGBT rights in the United States through popular and different mediums of change on the streets, through minority press, in the newspapers, at kitchen tables, on the Internet and most importantly in the courts across the country. The chapter helped to understand one of the objective of the research, i.e. the role played by media in influencing the attitudes towards same-sex relationships. The chapter finds that during 1950s and 1960s the civil rights movement, black movement, women’s movement and anti-war movement gave way to Gay liberation movement. It provided community with huge impetus and the emergence of strong civil society, multiple gay rights organization and demand in political sphere for political representations. During this time, media and press world played a significant role in raising awareness and bringing the movement in the mainstream to make the voices to be heard in the larger society. Specially post stonewall riots incident in 1969, media acted as a tool for emancipation, through ways of entertainment and business. The federal, state, or local governments recognised the community as a “minority” community and to be accepted as part of the social fabric. There also emerged variety of strong gay and lesbian organizations that helped in bringing the issues to the forefront. With the changing times it forced the courts and government to change the old traditions and policies and make American societies more inclusive and liberal for which United States stands for.

The chapter “Love and War: Discrimination against the LGBT community” answers one of the major objective of research by looking into the the different spheres of discrimination faced by the LGBT community in American society which led to the ultimate acceptance of the LGBT community. The chapter argues that LGBT individuals have had a long history of struggle emanating from different expressions of discrimination faced by them in various spheres. Discrimination was widespread across variety of policy areas including marriage inequality, military service, public employment and work places, physical and verbal harassment in public schools, denial of parental and human rights, brutality and violence faced by the hand of legal enforcement officers. Through protests, marches, legal battles some of the anti-discriminatory policies were put in place, however full protection for the LGBT in some federal and in many cases state level protection against discrimination still lacks.

Fighting for “Marriage equality” In United States both the supporters as well as the opponents of gay marriage since 1970s has continued their struggle over legalizing gay marriage. **initially** gay and lesbian couples had little success in getting legal recognition. By the 1980s they began to fight for “domestic partnership” rights to gain benefits from both the local governments and the employers. This resulted in some success but the fight for legalizing marriage gained strength in the early 1990s when some of the couples sue the states after they failed to get the marriage licenses from the states. The final breakthrough was achieved through *United States vs. Windsor (2013)* that repealed Defense of Marriage Act (DOMA) and declared it as unconstitutional. This was a crucial step in the process of making marriage equality a reality in the US. Marriage equality holds a unique ability to effectively alleviate many of the issues faced by LGB people because of discriminatory policies and laws.

In military service, discrimination was all prevalent from recruitment to integration. As LGBT sexual behavior was not only seen as immoral but national security threat to the community, the recruitment in military services became more troublesome for them. It was argued that homosexual’s efficiency to work is low thus they can not be admitted in such services. Since the time of president Truman that issue remain important. It was not until the President Clinton policy of “Don’t Ask, Don’t Tell” (DADT) that allowed them to serve in military but at the same time refused to openly acknowledge their sexual-orientation. The policy received instant responses from both supporters and opponents of DADT. It met with huge resentment by the opponents and gay rights activists finally coming to the end under Obama administration in 2010. The Congress passed the “Don’t Ask Don’t Tell Repeal Act” of 2010 completing the implementation process within sixty days so that it no longer remains a policy from September, 20, 2011 and thus allowing LGB to openly serve in the US armed forces. However, during the time when policy was in place, several reports mentioned the victimization faced by the individuals on account of their sexual orientation and it was also seen that female-identifying individuals experienced more cases of sexual assault than did males. Department of Defense itself in one of its survey give data of 71,500 active duty personnel of which 37% said they had witnessed or experienced harassment or violence due to someone’s sexual orientation. While the 2011 repeal of “*Don’t Ask, Don’t Tell*” outlawed military discrimination against lesbian, gay, or bisexual service members, transgender military personnel still do not enjoy the same protections.

LGBT individuals constitute eight million of total United States workforce i.e. 4%. As a result of discrimination in workplaces at every stage of employment from getting job, wages and promotion results into loss of income, denial of health care, and mental anguish. Multiple similar bills have been proposed since then, but protections regarding “sexual orientation and gender identity” were not considered until quite recently, and no current federal law has been enacted for these protections. The federal protections for LGBT individuals are not present against discrimination in many states, such as Louisiana, it follows the “fire, fail to hire, or deny promotions” to LGBT individuals on basis of perceived “sexual orientation or gender identity”. The “*Employment Non-Discrimination Act*” (ENDA) was a legislative proposal that “prohibit workplace discrimination on the basis of sexual orientation and gender identity on the federal level”. The act provided for some nationwide protections for LGBT employees, but has been unable to pass through despite numerous attempts been made. Unfortunately, the Republican refuses to come to terms with passing the legislation in the House of Representatives, voting against its passing in 2013. However, ENDA doesn’t provide complete protections for LGBT people, especially in regard to partner benefits. The ENDA bill explicitly states that employers are not required to treat same-sex non-married couples the same as heterosexual married couples for employee benefits. Workplace discrimination and inequality is still highly prevalent within the LGBT community and greatly impacts the health and happiness of LGBT employees and their same-sex partners.

Police brutality and human right violation of LGBT individuals was one of the reason of the emergence of homophile movement. This attacks and harassment, disguised as an enforcement of liquor laws, was actually used to provoke the community to retaliate by specifically targeting the LGBT patrons in the establishments which finally led to the unfortunate yet famous 1969 Stonewall riots which was the turning point for the gay and lesbian liberation movement. A further issue beyond the police officers being homophobic was the consistency of homophobia and transphobia of entire police departments. The police brutality and apathy towards the LGBT community is still a major discriminatory offense to the LGBT community in the United States. Previous measures such as the Hate Crimes Prevention Act have been rendered only slightly successful implementation of greater support to national organizations that are specifically dedicated to addressing LGBT rights abuses such as Lambda Legal, Human Rights Watch and Amnesty International. These organizations help hold police officers more accountable and continuously fight for the rights and freedoms of LGBT people.

Discrimination in public schools of United States was found to be most common due to the continuous interaction between students. Not just LGBT youth but also the children of LGBT parents suffer from discrimination, harassment and violence in schools of United States. These interventions that prevent anti-LGBT harassment in schools include gay-straight alliances, nondiscrimination policies, safe school programs, etc. This has provided optimistic and more inclusive examples of LGBT people contributing to the American society. However, these initiatives are met with severe resistance from anti-gay organizations and activists, who make false claim that these public schools recruit homosexuals. Thus, the chapter analyses all the above five areas where LGBT individuals faced discrimination in some form or the other. Still there have been rapid changes within the society through different institutional and non-institutional factors that have led to acceptance of the LGBT community in American society.

Fourth chapter, “Changes Over Time: Factors Influencing Attitudes Towards LGBT” examines the following objective of the research, as to what extent does politics influence homophobia, legislative policies of the federal and state government that helped in bringing attitudinal changes in society towards homosexuals and various political and social factors that were responsible in bringing overtime changes towards the acceptance of the community. The chapter while addressing these questions by looking at different institutional and non-institutional factors that led prohibition of discrimination against the LGBT community in private and public spheres.

Institutional factors take into account the movement acquiring a national character when political parties made it an issue and consider the community as an electoral vote base. “The research examines how by the end of the 1980s the religious right had begun to acquire some power within the Republican Party at both the state and national levels. The lesbian and gay movement pursued a similar strategy to make inroads to the Democratic Party, but with more mixed results. It considers how the religious right pulled the lesbian and gay movement into party politics, a move that proved to be more of a distraction than a benefit for lesbian and gay activism. An ambivalent Democratic Party turned out to be only a weak ally of the lesbian and gay movement. Even when Democrats assumed control of the presidency in 1992, the Clinton administration failed to overturn the military’s ban of gay men and lesbians, and although it proposed a federal gay rights bill, the Employment Non-Discrimination Act, it was unable to secure its passage. In this same period, however, the Republican Party, supported by its now fully integrated partners in the religious right, partnered with Clinton to pass the Defense of

Marriage Act, a bill intended to confirm the exclusion of same-sex couples from the institution of marriage”.

The change began to occur when support for Bush’s administration declined immensely post his re-election to the level that it was not possible for him to influence masses in an anti-gay direction. John McCain (Republican), daughter, Megan McCain, argued that the Republican Party required openness towards lesbian and gay rights in order to create a support base of young voters. By 2006 the intolerance had retreated itself and by 2008 the country’s youth had become very supportive of lesbian and gay relationships and the days of 2004 backlash seemed to be lost in the past. President Obama, took number of steps to support lesbians and gays like campaigning vigorously to end the practise of Don’t-Ask- Don’t-Tell (DADT), protecting the community by bringing hate-crimes protections, ensuring the passage of ENDA and stop bullying of students in school campuses.

It also takes into account the struggles that took place in the court rooms that changed the nature of the issue and helped in acceptance of the community at large. This has been the most important factor in the advancement of gay rights, i.e. fair and just judicial system with the power to interpret the law and constitution. In addition, there must also be a deep public respect for the decisions of the courts, even if individuals or groups disagree with those decisions. It is, in fact, the courts in the United States that have provided some of the leadership to point out that discrimination against gays and lesbians affects the whole of society and threatens the breakdown of the politics of those societies.

Non- institutional factors involve multiplicity of factors. First, the Technological change brought about by radio, television, and the Internet. This made it possible for gay people to connect with one another. Secondly, the decreasing Puritanism of the American public, at least along certain dimensions, has made it possible for these individuals to increasingly look more like equal partners in our society. This decline in public Puritanism operates in strange ways. It is not unusual to see public discussion of previously private marital issues, sexual behaviors, or what some writers have called the “disneyfication of sex”. But at the same time new boundaries and issues are discussed and defined as never before (e.g., sexual activity by clergy). Thirdly, the educational establishment is becoming more comfortable with issues of racial, sexual, and gender identity. This is true in elementary and secondary schools as well as

in the higher-education structure. At first, colleges and universities began to offer course work on gay issues, and then programs were designed to offer support to students. But even more remarkable has been the way in which the elementary and secondary environment has evolved. Cases of harassment against gay students have been adjudicated in the courts, leading to recognition by educators that the lack of protection of gay students will lead to liability. At the same time, students are more willing to verbalize their sexual identity. Lastly, many survey shows that till the end of the 20th century, the response rate for many LGBT related questioners was zero. However, today by contrast, the rise in these respondents to questions about their sexual identity and their demographics represents an enormous shift in attitude, representing a new safety and comfort with one's identity. The institutional and non institutional efforts show that there has been growing acceptance towards the community at large but the ultimate and final acceptance of the LGBT community has not happened. Its an ongoing process and is being fought at various level.

Thus, the hypothesis that positive attitudes towards the gay and lesbians in the United States developed since the beginning of the civil rights movements for homosexuals is not falsified. The research argues that Civil rights movement for LGBT gave a platform to the community to come out of the "closet". The "rights" revolution, beginning with African-American and then women's rights, helped to give rise to the events of Stonewall. Ever since, activists have been moving to broaden the scope of human rights for the gay community. It was a starting point for the movement and the sustained struggle by the community led to positive attitudes towards the community. Second hypothesis, popular acceptance of LGBT is largely attributed to visible political and social activism of the LGBT communities also stands true. Politics, rather than just influencing homophobia got the debate of homosexuality at the national level which has not only helped in bringing the issue in mainstream politics but has also equated the rights of LGBT community as Human Rights at large. The increased openness of members of the gay community has led to the development of political pressures that were unthinkable years ago. Legislative policies and executive orders at federal and state level have moved at different pace with regard to the LGBT community. Though, there might not be seeming convergence among the political parties on the LGBT rights issue but the parties both at state and national level along with other social factors, especially media had been an important factor to influence attitude and bring change in society. Other factors like education, cohort effect (younger-generation), religious affiliations brought significant changes and great strides over

time in obtaining full equality before the law leading to acceptance of the LGBT community in American society.

However, this is not to say that the community have achieved full complete equality within the societies yet the changes are fully visible since the time the first voice for the equal rights was raised in United States. It seems that this will come in time. With positive gay images presented on television shows and in the movies and with younger people becoming more accepting of differences, it will only be a matter of time they will be accepted. Nevertheless, despite oppositions, the principles of “equality of opportunity”, “freedom of association”, “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” explicitly stated in the American Declaration of Independence tends to win out. Thus, freedom of speech, press, religion, and assembly, while pioneered in the United States, and the tradition of tolerance for people from different cultures and backgrounds has been widely accepted conditions for the advancement of LGBT rights. The only reason for the slow advance of gay rights in the United States has clearly been the existence of an organized right-wing religious movement, which has challenged each potential advance in the quest for equal rights for gays and lesbians. Despite, this the speed with which gay Americans have become part of the nation’s mainstream is impressive. Whether Indeed, gay people in most large cities, where they tend to be politically powerful, feel secure in their jobs, personal safety and in the esteem of their neighbours, far beyond anything many older gay people would have thought possible a scant half-century ago

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