CITIES TAKE THE LEAD: LGBT NONDISCRIMINATION POLICY ADOPTION BY LOCAL GOVERNMENTS

A dissertation presented

by

Benjamin Gordon Larsen

to
The Department of Political Science

In partial fulfillment of the requirements for the degree of
Doctor of Philosophy

In the field of
Political Science

Northeastern University
Boston, Massachusetts
April 2018
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ABSTRACT OF DISSERTATION

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Political Science in the College of Social Sciences and Humanities of Northeastern University April 2018
Abstract

The United States Federal Government has no protections for LGBT people from discrimination in private employment, housing, or public accommodations. The debate has shifted to states and local governments because the national government has not enacted LGBT nondiscrimination legislation. 22 states have sexual orientation and/or gender identity protections, but 28 states lack statewide LGBT policies. This study reports that within these 28 states, 759 cities are covered by LGBT nondiscrimination ordinances of some type. Policies at the city level range from comprehensive LGBT discrimination ordinances to public employment provisions to nonbinding resolutions stating support for LGBT rights. Additionally, some cities are covered by countywide policies, an often overlooked element of local LGBT rights. This research primarily asks: why do some cities enact LGBT nondiscrimination policies while others do not? This study uses a mixed methods model to analyze city and state level political variables that influence local LGBT nondiscrimination policy adoption. The use of logistic regression analysis identifies factors that explain what types of cities are likely to pass LGBT protections. Population size, population density, socioeconomic factors, political ideology, and religious adherence all have a statistically significant impact on LGBT nondiscrimination policy change. Social demographics have mixed results in the model. The percent of unmarried partners has a significant influence, but median age does not. Racial diversity and population growth rate do not have an impact when controlling for population size. Furthermore, the data reveal that the number and nature of local policies varies drastically across states. This study argues that a state's political environment is key to understanding the passage of LGBT nondiscrimination laws at the local level, particularly action by state legislatures, the
structure of LGBT advocacy networks, and state specific political institutions. This study concludes that the combination of individual city characteristics and state politics impacts the likelihood of a city passing an LGBT nondiscrimination policy. Major policy recommendations include relying on localized, grassroots campaigns by LGBT residents because local residents have the most credibility in local politics. LGBT campaigns help strengthen LGBT communal bonds, particularly in rural America. Another recommendation is maintaining sustained efforts directed toward the legislature in order to keep the issue of LGBT nondiscrimination on the statewide agenda.
Acknowledgments

As a social scientist, I am keenly aware of the complex workings of social networks. The journey to a doctorate is only possible with a strong network of dedicated individuals. Although this dissertation is the culmination of my formal education, it is more so a testament to the beautiful character of those who have shaped my path toward this achievement. I dedicate this work to you all. Your overwhelming love and unwavering support is my world. Trust me! I would not have survived this without you.

I am endlessly grateful for my family. Your love, patience, and acceptance is a treasure in my life. As my dissertation explains, those from rural America are not always welcome as themselves. I am unbelievably lucky to be part of a family that truly practices unconditional love. Mom, your imaginative and compassionate spirit made it possible to become a doctor. You always support and guide me, whether in times of joy or despair. I am me because of you. Dad, you are the reason I became a political scientist. As a kid, you and I studied maps together, sometimes for hours at a time. One of my earliest memories is your disdain for the result of the 2000 election. You are brilliant and a bit of it seems to have rubbed off on me. Mike, you were my first role model in higher education and life. When you left for college, all I wanted was to be just like you. Ted, you and Oksana took me in when I had nowhere else to go (several times!), which enabled our friendship to blossom. I literally could not have finished without you and your family.

The friends I have made along this adventure became my second family. Katie, you are my best friend. We’ve been through so much together and will continue to trudge through shitty adulthood with smiles and laughter. Your unflappable reassurance has gotten me through some dark times the past few years. Also, thank you for helping edit my dissertation… I owe you so
very many drinks! Jarvis, you keep me young. Your ecstatic energy is unparalleled and is a dazzling light in my life. You always seem to know what I need, sometimes before I do. Please never stop encouraging me to live life to its fullest. Meredith, my graduate school experience was amazingly enhanced by your immense knowledge and adventurous, fun-loving personality. Even though we didn’t finish the list, I’ve decided that our friendship is the best and everlasting whiskey club anyway. Heather, your wisdom and intelligence are unfathomable to me. My ultimate dream is for you to become a guru with a commune so I can live there. Jen, you are my partner in crime. Most of my fondest memories of Boston began with a text or call from you. You are a trailblazer in so many ways. Knowing you helped me build my self-confidence and sense of wonderment about the universe. Debra, you were always there to tell me I could do it. Even when I lost faith in myself, you helped me rediscover the drive I needed to finish.

My education would be sorely deficient without the incredible knowledge and endless patience of my dissertation committee. Dr. Vicino, your dedication to your students and academia is inspiring. If I can emulate even a fraction of your work ethic and drive, I will undoubtedly find success. Dr. Portz, thank you for your handling of the PhD program. Herding the PhD students is a monumental undertaking and you do it spectacularly. Dr. Hedlund, you are the reason I came to Northeastern. You believed in me before I did. Your joyful and astute personality is intoxicating. Dr. Barreto, I consider you an honorary member of my committee. You and Mark demonstrated to me how to be simultaneously sensible and elegant. To the rest of my graduate school family, Claudia, Jennapher, Veronica, Sidita, Jackie, Julie, Mladen, and Diane, each of you is a wonderful example to me. I could not have a better collection of colleagues, classmates, and drinking buddies.
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Greg, when I envision my future, you come to mind. I will attempt to match your love of education and inclusivity throughout my career. Helen, your quiet wisdom is astounding. Each of your McNair students was unforgettably touched by your teaching. Bernice, you just know things! Having you as a confidant through the dissertation helped me overcome my personal demons numerous times. Dr. Burkhart, as my first mentor, your encouragement and feedback made me realize that I could someday become a strong social scientist.

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Chapter 1: Introduction

The North Carolina legislature convened a special session in March 2016 to hurriedly pass House Bill 2, notoriously nicknamed the “Bathroom Bill” (Mallory and Sears 2016; Domonoske 2016). This legislation ignited a nationwide debate because it strictly prohibited transgender people from using public restrooms that match their gender identity. Although the bathroom issue caught most of the media’s attention, this law was a direct response by the legislature to a Charlotte, North Carolina ordinance passed one month prior. The Charlotte ordinance prohibited discrimination for all lesbian, gay, bisexual, and transgender (LGBT) residents (Harrison 2016). HB2 nullified Charlotte’s nondiscrimination ordinance and diverted all authority over discrimination protections to the state government. Municipalities were prevented from extending discrimination protections to groups not explicitly included in the state’s nondiscrimination law (Mallory and Sears 2016). Cities in North Carolina only retain the ability to add discrimination protections for public employees.

As the events in North Carolina demonstrate, the explanatory factors of LGBT policy change are nuanced and complex. Charlotte attempted to pass an LGBT nondiscrimination ordinance for its own residents, but the intervention by HB2 negated any influence of cities over policy decisions. Local governments are nested within the political environment of state government (Graves 1964; Miller 1986; Wright 2007). No matter how LGBT friendly a city in North Carolina may be, these cities will have no LGBT nondiscrimination protections until the state statute is reversed. When dealing with local LGBT policies, or any local policy for that matter, researching cities alone is not enough to fully explain policy outcomes. Previous research has focused great attention on the characteristics of cities themselves and only tangentially considered the impacts of state government (Gossett 1999).
Why then do some cities have nondiscrimination protections for LGBT people while others do not? This study argues that both the characteristics of individual cities and state politics impact the likelihood of a city passing an LGBT nondiscrimination policy. Using a mixed methodological approach, this study seeks to further unravel the complex factors that influence the passage of local LGBT protections when the federal government or state governments take no action to curb anti-LGBT discrimination.

**Significance of Study**

No discrimination protections exist for LGBT people at the federal level in the United States. LGBT advocates have focused primarily on procuring protections in states and local governments due to inaction by Congress. Discrimination against members of the LGBT community is well documented in the literature surrounding LGBT nondiscrimination. Studies show that LGBT discrimination exists in America’s workplaces and public spaces (Mallory and Sears 2011; Reed 2015; Hebl, Barron, Cox, and Corrington 2016). For example, roughly one-fifth of all lesbian, gay, and bisexual workers report harassment or discrimination in the workplace and that number jumps to about one-half for transgender workers (Reed 2015). Adding legal recourse for LGBT people that experience discrimination is a step toward curbing discrimination and improving social acceptance for LGBT residents of American communities. “Real issues, left unresolved, tend to find their way back to the top of the public’s consciousness through the persistent labors of those who don’t give up, regardless of current fashions or trends” (McDonough 2000: 319). LGBT activists have advocated for federal protections since the 1970s and the fight continues today in city council chambers across the United States. These local LGBT policies are the primary concern of this research. This dissertation presents analysis about
the passage of local LGBT nondiscrimination laws and traces the advancement of LGBT protections throughout the American political system.

Previous research concerning local LGBT ordinances was limited by the lack of data and the immense chore of collecting the necessary data to conduct a nationwide study of LGBT nondiscrimination policy. Researchers have mostly chosen to limit samples to a few large cities or particular states to help control for the myriad of anomalies that occur within the United States’ complex federal system (Haider-Markel and Meier 1996; Cravens 2015; Seyforth and Barnes 2016; Cramer et al 2017). Others have studied the percentage of the population covered by local LGBT ordinances (Haider-Markel and Meier 1996). Button, Rienzo, and Wald’s (1997) work demonstrated a comprehensive nationwide design that included both city and county governments in all states. Button, Rienzo, and Wald (1997) address how the unique political opportunity structure of a state can have an influence on local policies, particularly in school districts. However, little research has systematically considered the combined effects of city characteristics and the state political environment. The impact of a fragmented and hierarchical government like that of the United States must remain at the forefront of any study attempting to explain local policy change (Wright 2007).

**LGBT Rights and LGBT Nondiscrimination Policy**

Advocates for LGBT rights across the United States celebrated the legalization of same-sex marriage by the US Supreme Court on Friday, June 26, 2015 (Yoshimo 2015). The White House was lit up with the colors of the rainbow, displaying the Obama Administration’s enthusiasm for the ruling. In the case of Obergefell v Hodges, the court held that same-sex partners had the fundamental right to marry and states must issue licenses to qualified applicants, regardless of sex. Although the victory was a monumental achievement for LGBT equality,
LGBT activists and scholars began to question the future of the LGBT movement. Hoards of LGBT rights supporters invested immense resources in the campaign for same-sex marriage. Other aspects of equality for LGBT people were overlooked or even neglected by many members of the LGBT community and its allies. The same-sex marriage issue represents only a sliver of the overall problem of LGBT discrimination in the United States. After the ruling, advocates began to refocus their efforts on protecting even more fundamental rights for LGBT people: stable employment, suitable housing, and fair treatment in public spaces.

According to Mucciaroni (2008: 14), “Governments expand gay rights incrementally and sequentially along a predictable trajectory.” He observed that the logical trajectory would begin with legalization of homosexual conduct (repeal of sodomy laws), then address civil rights concerns (employment, housing, adoption), and culminate in same-sex marriage. However, Mucciaroni (2008) cautioned that assuming a linear trajectory for policymaking is dangerous in a highly decentralized and fragmented system like the United States. “Some goals take longer for gay rights supporters to achieve because they pose greater political and institutional obstacles” (Mucciaroni 2008: 15). In hindsight, this generally predicted trajectory was incorrect to assume that same-sex marriage would be the pinnacle of the LGBT movement’s policy goals. The fervor that swept the nation to legalize gay marriage spread shockingly quickly for an issue that had been oppressively taboo 30 years prior. Efforts to establish LGBT nondiscrimination policies throughout the country are still advancing through state and local governments but face two main obstacles not faced by the issue of same-sex marriage or other LGBT rights issues: clear symbolism and legislative politics (Button, Rienzo, and Wald 1997).

First, the images and symbolism surrounding same-sex marriage are incredibly more clear and distinct than those concerning other issues of discrimination. “The impact of
stakeholders in battles over nondiscrimination policies is less clear than on other issues because stakeholders have not lined up as uniformly with LGBT rights advocates as they have on other issues” (Mucciaroni 2008: 210). The nondiscrimination laws that LGBT activists are pursuing address a broad and diverse set of problems within states and communities. Discrimination is often difficult to recognize outright and even harder to quantify in a way that is easily communicated to the public. There is discrimination against the LGBT population in the workplace, housing, and public accommodations, but most cases go unreported or undocumented. Proving that sexual orientation was the provocation for acts of discrimination is difficult (Reed 2015). Furthermore, the exact impacts and enforcement of LGBT nondiscrimination laws often vague or difficult to be defined, especially at the local level. Overall, some question the efficacy of enacting laws that may not solve a problem that is nearly impossible to accurately observe. Although LGBT people can feel the impact of the lack of LGBT nondiscrimination laws, most of the general public remains apathetic towards specific laws to curb these discriminatory behaviors (Mallory, Hasenbush, and Sears 2015). In fact, most Americans believe federal law exists to protect LGBT people from discrimination, which poses a significant political barrier for passage of such laws (Smith 2005). Three-fourths of Americans think that LGBT are protected against being fired in the United States (Hebl, Barron, Cox, and Corrington 2016).

The second obstacle is that LGBT nondiscrimination laws are most often a legislative issue, not a judicial question. “Courts have been important in the enforcement of civil rights laws after legislative bodies have enacted them” (Mucciaroni 2008: 233). The vast majority of victories in the legalization of same-sex marriage came from favorable court rulings. Many federal and state judges found that same-sex marriage is protected under the due process and equal protection clauses of the 14th Amendment. For other issues of discrimination courts are
limited in expanding rights because there are no constitutional provisions that protect against
sexual orientation. “Litigation is a limited tool for fighting discrimination because most cases
apply to specific-fact situations rather than set broad policy” (Muccioni 2008: 234). Therefore,
LGBT people must be protected under nondiscrimination laws and statutes, which must be done
through legislative and executive authority (Button, Rienzo, and Wald 1997). The Supreme
Court ruled that sexual orientation does not fall within the definition of “gender,” although in
some cases gender identity does, thus adding limited protections for transgender people. Also,
Supreme Court precedent establishes use of the “rational basis” standard for cases of LGBT
discrimination instead of “heightened scrutiny” (Mucciaroni 2008). The inability to utilize the
courts makes advancing civil rights protections more highly politicized because advocates have
to persuade policy makers with more potential electoral consequences than judges. The number
of political venues available to activists is severely limited without the possibility of litigation.

**Policy Change and Social Movements**

The theoretical basis of this study relies on elements from the literature on social
movements, as well as theories of policy change. The impact of federalism on policy change is
well documented in public policy studies (Baumgartner and Jones 2003). In a federal system,
different governmental entities are constantly vying with each other for power over policies
(Wright 2007). The federal government, states, and localities all have a certain degree of
authority over policymaking. Even though the constitution gives federal institutions ultimate
policy making authority, states and local governments that disagree with federal policy often take
steps to exert their own values into policy outcomes. If activists fail to succeed in one
governmental venue, they will appeal to other institutions in order to reach their policy goals
(Baumgartner and Jones 2003). The multi-institutional approach (MIA) to social movements
relies on a similar dynamic of conflict between institutions, but includes a broader set of social institutions than just governments (Armstrong and Bernstein 2008). MIA includes numerous centers of power within society, such as education, medicine, religion, business, social norms, cultural traditions, among others. This dissertation argues that policy change is best understood within a broad social context. Different government entities, such as states and local governments, are simply among the many power centers within society. Social movement activists make strategic decisions on which societal power centers are most receptive to social movement goals. In the case of LGBT nondiscrimination policy, the federal government has thus far been unresponsive to activists’ demands, so the movement has shifted focus to states, the business community, and especially local governments.

Merging elements of policy and social movement literature is necessary to make accurate conclusions about the influence of social protest movements on policy change. MIA analysis is strengthened because it considers different levels of US government as alternate societal power centers which ensures more nuanced considerations of government within society. Conflict that is ubiquitous in a federal political system is part of the overall conflict within society. Local governments often join political coalitions with the purpose of challenging ideas and values held by other societal power centers, including other governments, businesses, religious organizations, among others. However, states can counteract local governments with their constitutional authority over local governments, thus perpetuating societal conflict.

This view also increases the dynamism of policy change theories. Venue shopping by activists is an important element in policy studies (Baumgartner and Jones 2003). The notion of political opportunities is an idea that underlies much of social movement literature and is very similar to venue shopping. This notion of political opportunities asserts that social movement
activists make calculated decisions about what parts of society are most likely to be sympathetic to movement goals (McAdam 1982). By strategically targeting particular societal institutions, social movements are able to more efficiently achieve movement goals.

Unlike venue shopping in policy studies, models of political opportunities utilize theoretical elements that are underdeveloped in models of policy change. For example, the strength of social movement organizations largely determines their ability to successfully push for policy change (McAdam 1982). Activists in states with well funded and highly organized LGBT organizations are well equipped to respond to societal changes that would improve the chances of policy success. However, in states where activists are not well organized or funded, achieving policy change can be difficult even if there is political will to do so. Therefore, social movements activists are not automatically successful in achieving policy goals when the values of institutional venues change. Enough resources must be available to effectively respond to such changes. LGBT organizational strength and institutional constraints influence policy outcomes beyond simply the values and beliefs held by institutional venues. Combining the literature on social movements and policy studies can result in a more nuanced and maybe even predictive understanding of venue shopping by social movements.

**Research Questions**

The purpose of this research is to better understand the adoption of LGBT nondiscrimination policies in cities and poses the following questions:

**Research Question 1:** Why do some cities pass LGBT nondiscrimination policies while others do not? This is the primary question addressed by this dissertation. Although this question may seem straightforward, the answer is quite complex and begs a series of additional research questions. In order to accurately answer this overarching question, this study utilizes a mixed
method approach to most effectively address the complex nature of local LGBT nondiscrimination policy adoption.

**Research Question 2: How many cities have LGBT nondiscrimination policies?** A comprehensive survey of local LGBT nondiscrimination policies has not been thoroughly conducted since the late 1990s. The landscape of LGBT rights has changed dramatically in the last two decades. Therefore, before making any conclusions about why cities pass LGBT protections, this study includes a thoroughly researched survey of all cities and counties that have passed an LGBT nondiscrimination policy.

**Research Question 3: What types of LGBT nondiscrimination policies exist among local governments?** LGBT nondiscrimination policies adopted by local governments differ in the degree to which they protect LGBT people. Some cities have ordinances with multiple protections and strong enforcement, while others have no protections for LGBT people. This study identifies six categories of LGBT policies that exist at the local level in the United States. Making distinctions between different types of LGBT nondiscrimination laws is important because LGBT activists should be clear about holding governments to the highest standards of LGBT protections. Practitioners and scholars must not conflate ordinances that have high levels of protections with those that are severely limited in scope or are nonbinding.

**Research Question 4: Which cities are more likely to pass comprehensive LGBT nondiscrimination ordinances?** Previous research concluded that certain cities are more likely to adopt LGBT nondiscrimination policies than others (Button, Rienzo, and Wald 1997; Dorris 1999; Cravens 2015). There are two primary reasons for replicating this question in this study. First, a nationwide analysis has not considered what types of cities are likely to pass LGBT protections since the late 1990s. Although Cravens (2015) has more recently addressed this
question in research, the data used was limited to the state of Florida. Second, this study includes more predictor variables than previous research and includes a sample size that is significantly larger than was available in the 1990s.

**Research Question 5: How do state politics impact the adoption of LGBT nondiscrimination policies by city governments?** Prior research provides limited analysis about the influence of statewide politics on the passage of local LGBT nondiscrimination policies. However, no extensive empirical data or systematic analyses exists to support this notion. This study begins to fill this gap in prior research by collecting and analyzing data from cases of two states. Although not generalizable across all states, these cases provide much needed empirical evidence to support the claim that state politics greatly influences policy outcomes at the local level.

**Methodology**

This dissertation addresses the primary research question through a mixture of methodological approaches. Since the supplemental research questions are diverse in nature, they require treatment by differing types of data and methods. The first step to answer the research questions is to identify the types of LGBT nondiscrimination policies that exist and the frequency that each type occurs. Next, the general differences between “ordinance” cities and “nonordinance” cities are measured through the use of a logistic regression model. Lastly, the influence of state politics is explored through comparative case studies of two states. This analysis identifies key state level factors that impact the passage of LGBT nondiscrimination laws in cities.
**Quantitative Data Collection (Research Questions 2 and 3)**

Since comprehensive data about local LGBT nondiscrimination policies has not been collected since the 1990s, the first goal of this research is to identify all of the LGBT protections that exist in the United States. The data collected in this study is limited to the 28 states that do not have statewide LGBT protections. All cities in the other 22 states have LGBT protections through state statute. In addition, information will be collected on the scope of each LGBT policy found. Based on this data, cities are separated into discreet categories by the degree of protections offered by the city. These categories range from fully comprehensive LGBT ordinances to cities that have no protections for the LGBT community. The results of the data collection will provide valuable insight into the nature of policy change in the area of the LGBT nondiscrimination law. This study argues that there are more local protections in the USA than identified by previous research or national LGBT organizations. Furthermore, separating various local policies into categories is useful because laws vary significantly in scope and enforcement. Having a common labeling system across states can help activists determine the need for additional legislation in certain communities.

**Quantitative Analysis (Research Question 4)**

The purpose of the quantitative analysis is to determine the factors that indicate whether or not a city is likely to pass a comprehensive LGBT nondiscrimination ordinance. This study uses a logistic regression model to test the significance of various indicators. Previous research has shown that most of the indicators in this study influence the passage of LGBT protections on the local level. The model is adapted from previous research conducted by Wald, Button, and Rienzo (1996). This is a quasi-experimental approach that uses a test and control group in order to make generalizations about localities. The test group is comprised of all city governments that
have fully comprehensive LGBT nondiscrimination ordinances. Among the 28 states that lack
statewide LGBT protections, 201 localities have fully comprehensive LGBT protections and
comprise the test group for this model (N=201).

The control group is a random sample of all cities that have no protections for LGBT
people at the state or local level. The random sample of the 12,061 cities with no LGBT
protections is approximately the same size as the number of ordinance cities (N=200). The total
sample size for the logistic regression model is 401 cities. Based on the sheer number of cities
with no LGBT protections and the relatively miniscule number of cities that have fully
comprehensive LGBT nondiscrimination laws, using a subsample will simplify and streamline
the data collection and subsequent statistical analysis. All cities with any other type of LGBT
policy are excluded from the logistic analysis because of the immense variation in these laws and
insufficient data.

The logistic regression model includes an array of ten explanatory variables. The model
includes variables that measure population: population size, population density, and growth rate.
The model also includes several variables that measure social demographics: racial diversity,
unmarried partnerships, and median age. Previous research has identified ideology as an
important determinant of LGBT policy change, so the model includes the average vote for the
Democratic presidential nominee from 2004-2016. Socioeconomic demographics are measured
using two variables: per capita income and the percent of residents that have a bachelor’s degree.
Lastly, the influence of religion is measured by using the percent of religious adherents within a
community. Together these ten variables capture a broad set of explanations for why certain
cities are more likely to pass comprehensive LGBT protections than others. The results of the
logistic regression model are discussed at length in Chapter 5.
Qualitative Data Collection and Analysis (Research Question 5)

Although the characteristics of individual cities can explain much of the variation between ordinance and nonordinance cities, the political opportunity structure within a state also heavily influences the passage of local LGBT nondiscrimination policies. Table 1.1 reports the number of cities with fully comprehensive LGBT ordinances within each state in the dataset. The number of policies varies greatly from state to state which alone indicates that there may be differences between states and their influence on city LGBT policies. This study presents qualitative evidence to support the claim that state political opportunity structures moderate local LGBT policies due to a complex set of factors. The primary goal of the qualitative portion of this study is to demonstrate that factors such as actions by state legislatures, LGBT advocacy networks, and state specific institutional structures can influence, if not determine, the passage of LGBT policies within cities.

This study uses a most similar systems, case study approach to examine the impact of state level politics on local LGBT policy (Shoemaker, Tankard, and Lasorsa 2004). Idaho and Wyoming are subjected to case analysis. Case selection was based two main selection criteria. First, the states must vary in the number of localities that have passed LGBT protections and the proportion of population that is covered by these laws. Idaho has eleven cities with comprehensive ordinances, as well as one partial coverage policy and three public employment protections. Wyoming has one comprehensive ordinance and two public employment policies. Additionally, three cities in Wyoming have passed resolutions urging the state legislature to act on the issue. 24% of Idahoans are fully protected by local laws, as opposed to only 5% in Wyoming. Cities in Idaho have significantly more progress in pro-LGBT policy than their counterparts in Wyoming. Second, the cases share many ideological and demographic
characteristics and have similar political cultures. Both states are heavily Republican, share the same region, have relatively sparse populations, and high levels of religiosity. Idaho and Wyoming are well suited for a most similar systems approach because despite having very similar political profiles, the two states have divergent outcomes in the area of local LGBT policy.

Table 1.1: Comprehensive City Ordinances Per State

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<th>Comprehensive City Ordinances</th>
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Data collection for the qualitative analysis is based on both background research and fieldwork. Archival data from local news outlets, LGBT organizations, and local government websites provide the bulk of background information about LGBT policy within Idaho and Wyoming. This data is used to construct brief timelines of the history of LGBT nondiscrimination policy in Idaho and Wyoming. Relevant information about other LGBT struggles within these states is reported as well. This information provides understanding of the context of each state’s political opportunity structure. Interviews with LGBT activists, elected officials, and government employees contribute primary source material concerning the status of LGBT nondiscrimination policy in each state. Since access to information about local governments is limited online, talking to activists and politicians directly adds essential data to this study. Activists and politicians are often the only source for information in local governments, especially small towns. This study includes 18 interviews with local and state politicians and LGBT activists. Twelve were conducted in Wyoming in August 2015, either in Laramie or Cheyenne. Six interviews were collected in Idaho in September 2015, all of which took place in Boise. The field research resulted in observations about the types of communities that pass LGBT anti-discrimination ordinances, the involvement of LGBT organizations, and the interplay between state and local politics.

The evidence from Idaho and Wyoming will be supplemented by relevant evidence from other states within the dataset in an effort to enrich the analysis of the case studies. This additional qualitative data will be utilized in two primary ways. First, the qualitative analysis includes examples of actions taken by state legislatures to curb local pro-LGBT nondiscrimination policies. Several of these examples, including North Carolina’s Bathroom Bill, are drawn from outside of Idaho or Wyoming. Second, powers granted by states to local
governments vary between states. Idaho and Wyoming are quite similar in this particular characteristic, so the analysis will extend beyond the case studies and include a broader examination of state-specific institutional constraints on localities. The results of this qualitative comparison are reported in Chapter 6.

Findings

This dissertation concludes that local LGBT nondiscrimination policy adoption can be explained by a combination of city and state political variables. Certain cities are more likely to pass LGBT protections than others. This analysis pinpoints specific traits that indicate the likelihood that a city will pass LGBT protections. Cities that are larger and more affluent are more likely to pass comprehensive LGBT nondiscrimination ordinances than rural and less affluent cities. This study discovers education is the best predictor of LGBT protections because cities that have more residents with bachelor’s degrees are significantly more likely to have an LGBT nondiscrimination ordinance. Cities with more college graduates are more likely to be in favor of LGBT protections. Population size is an important predictor and all cities with populations exceeding 500,000 residents have LGBT nondiscrimination protections. Additionally, this study introduces population density as a useful indicator of LGBT nondiscrimination policy adoption. The importance of population density is particularly evident in small town America. Even among small towns, those with greater population densities are more likely to have LGBT protections in place. Certain industries need employees to live in certain proximities than others. For example, the cities that rely on tourism are more densely populated than those with agricultural based economies. This study identifies political ideology and religion as important factors that explain local LGBT nondiscrimination policy adoption. Cities that are more liberal and less religious are more likely to pass LGBT protections. Social
demographic indicators show mixed results in this study. The percent of unmarried partners has a significant correlation with LGBT nondiscrimination policies, meaning that a larger LGBT population increases the likelihood of a city passing LGBT protections. However, this study concludes that racial diversity and median age do not have a significant impact when controlling for the effects of population size. Overall, this study argues that there are observable and significant differences between cities that have LGBT nondiscrimination ordinances and those that do not.

Because the politics of cities and states are intricately intertwined, examining only city level factors can lead to incomplete or inaccurate conclusions about LGBT nondiscrimination policy adoption. The political environment of states also impacts the likelihood of cities passing LGBT nondiscrimination protections. This study identifies three state level variables that help explain why some cities pass LGBT protections while others do not: state legislative politics, the structure of LGBT advocacy networks, and state political institutions. There is a strong relationship between legislative politics and local LGBT nondiscrimination policies. State legislatures hold an enormous amount of legal authority over local governments, so the will of the state often supersedes that of localities. Several state legislatures have passed legislation that removes the authority of cities to pass LGBT protections that extend to the private sector. Cities in these states cannot pass LGBT protections regardless if the city is affluent, well educated, and politically liberal. Additionally, actions by state legislatures can spur cities into action. Many cities pass LGBT protections in direct response to the failure of state governments to do so. This study concludes that understanding the nature of legislative politics is essential to explaining local LGBT policy adoption in individual states.
The structure of LGBT advocacy networks has an effect on local LGBT nondiscrimination policies. LGBT organizations have opportunities to mobilize resources and policy knowledge in states with strongly linked local and regional LGBT groups. More so than states with loosely organized local LGBT organizations. Having one or a few strong state-level organizations relies on a top-down form of advocacy and policy change. Evidence in this study shows that statewide LGBT organizations have difficulty campaigning for local LGBT protections without the help of highly organized efforts at the local level. States with strong local organizations that are connected can easily share information and resources between localities and thus wage more effective campaigns to add local LGBT protections.

Lastly, state political institutions impact advocates abilities to pass LGBT protections at the local level. Each state has a unique set of political institutions. These differences produce varied political environments in which LGBT advocates have to operate. Passing LGBT protections is more difficult in some state than others. For example, in some states, cities have the ability to hold public referenda on local ordinances. In these states, opponents of LGBT protections have an additional arena to fight against the expansion of LGBT rights. Additionally, some state governments have strict rules about policy changes in local governments, meaning that cities have more difficulty passing legislation that diverges from state policy. Therefore, if the state government is opposed to LGBT nondiscrimination protections, then cities will be unlikely to pass such protections because they are easily overridden by the state.

This study contributes a wealth of empirical analysis in order to advance understanding of local LGBT nondiscrimination policy adoption. Accurate conclusions about local LGBT nondiscrimination policy adoption require a thorough understanding of both city and state politics. Understanding city political characteristics helps pinpoint cities and other local
governments that are likely to accept LGBT protections. Since states each have unique political cultures and institutions, contextual knowledge of state politics is essential for accurate conclusions and effective organizing to be achieved.

**Policy Implications and Recommendations**

This dissertation discusses implications for LGBT organizing, as well as policy recommendations for LGBT activists and local policymakers. Local governments have passed LGBT nondiscrimination policies because the federal government and 28 states have failed to pass such legislation. However, the focus on local campaigns can have benefits for Americans living in suburbs, small towns, and rural areas. Devolution of the issue of LGBT nondiscrimination to local governments promotes bottom-up changes in attitudes toward LGBT people. This results in an easier coming out process in rural areas and gives LGBT more freedom to choose where to live while having legal protections against discrimination. Furthermore, LGBT nondiscrimination policies become symbols for the LGBT community to rally around. These policies demonstrate acceptance of LGBT people by city government, project pro-LGBT attitudes to outsiders, and encourage further advancements of LGBT policy in other local jurisdictions.

Framing issues of LGBT nondiscrimination at the local level should be based on local, grassroots organizing. Local residents tend to have more intimate knowledge of their community’s culture and have specific insight about campaign strategies. Local involvement in campaigns serves to strengthen the LGBT community in rural America by building communal bonds between LGBT people in these places. Having more LGBT people involved in politics and elected office ensures that the LGBT voice is present in other issues of local policy. Strategies for LGBT organizing should revolve around three main societal power centers:
education, business, and religious organizations. Universities and colleges have student groups that are a good resource for mobilizing political actions. Additionally, many members of university communities are already sympathetic to LGBT rights and are therefore an important outlet of support. Businesses generally carry a lot of political clout in local politics so getting them to support local LGBT nondiscrimination polices can add legitimacy to the claims of LGBT activists in the eyes of local politicians. Although religious organizations are traditionally the most ardent opponents of LGBT rights, pro-LGBT religious groups are crucial to LGBT organizing because they are an efficient way to share information and mobilize support. Also, persuading previously opposed religious leaders to support LGBT nondiscrimination protections can lead to powerful shifts in the power dynamics on issues of LGBT rights.

Setting the statewide agenda is accomplished by keeping pressure on state legislatures to change statewide policy. Continued inaction by state legislatures can influence local politicians and activists to act in response and pass additional LGBT protections at the local level. State legislatures draw the attention of the media and the public and therefore provide a regular platform for LGBT activists. Constant pressure on unsupportive legislators and legislative leadership will force them to keep defending their anti-LGBT position and the debate will be repeatedly brought up in a statewide forum. Navigating state political institutions is important because each state has a unique set of political institutions, so the same campaign strategies might not be effective in all states. Some states practice home rule which gives local governments fairly broad authority over local policy. Other states follow Dillon’s rule which carries more strict restrictions on the types of policies local governments can pass, especially issues of social policy and civil rights. Some states have popular initiative processes for local governments. In these states, opponents of LGBT rights have this additional opportunity to
challenge the expansion of LGBT rights. Additional policy recommendations include putting more resources toward passing county level protections, sharing information about campaign strategies and successful policy change with other cities, as well as continuing to pressure local governments that only offer partial discrimination protections for LGBT people.

Limitations of Study

Understating why some cities adopt LGBT nondiscrimination policies requires an analysis of a complex set of factors. Three primary limitations should be acknowledged before proceeding to the analysis of the data. First, collecting exhaustive data about cities in the United States is a monumental task. Though this study provides a thorough investigation of the policy area and utilizes many diverse sources, the complexity of US local government provides serious barriers to collecting data. Even local and state LGBT organizations have trouble collecting this data with total accuracy, because policies within states vary greatly and reflect the complex relationships between cities and states. Furthermore, many small cities do not have websites or any online presence making this data difficult to obtain. However, this limitation by no means undermines the results of this study, but is simply a caution that additional information is likely to be added in future research (Button, Rienzo, and Wald 1997). Second, local LGBT nondiscrimination policy is changing rapidly as more cities are extending protections to LGBT residents. The data contained in this study has updated information as of mid-2017, but more cities are expected to pass LGBT policies before the completion of this research. Third, the impact of state politics on local LGBT policies expands the literature beyond that of previous research. The purpose of this qualitative research is to begin identifying state contextual factors that may influence local policy and is largely exploratory in nature. Although Idaho and Wyoming exhibit strong evidence that supports the importance of state level factors, the
generalizability of this portion of the analysis is limited. Further research is required to advance understanding of the impact state politics on local LGBT policies throughout the United States.

**Conclusion and Overview of Chapters**

Adoption of LGBT nondiscrimination policies by local governments is understood by examining the individual characteristics of municipalities and by considering the contextual influences of the state political opportunity structure. Why then do some cities pass LGBT nondiscrimination policies while others do not? This dissertation explores how the nested relationship between local and state government provides a perspective that reflects the political realities of local LGBT nondiscrimination policy. This study includes a thorough investigation of all local LGBT nondiscrimination policies in the 28 states that lack LGBT protections. Previous research has identified specific characteristics that increase the likelihood of LGBT nondiscrimination policies in cities. This study uses logistic regression to test the significance of a number of these characteristics, including population demographics, social demographics, political ideology, socioeconomic factors, and religious adherence. Comparative case analysis scrutinizes Idaho and Wyoming to explain the impacts of state legislatures, LGBT advocacy networks, and institutional constraints on the passage of city LGBT nondiscrimination ordinances. This mixed methodological approach is meant to establish a model for understanding local LGBT nondiscrimination policy adoption and identify specific political contexts where such policies are likely to pass.

Chapter 2 begins by providing a brief history of the LGBT movement in the United States, the remainder of the chapter establishes the current context of LGBT nondiscrimination policy in the United States. Efforts have been made to pass LGBT protections through Congress for many years, and several presidents have issued executive orders on the subject. 22 states and
several territories have passed state level protections for LGBT people. But in the other 28 states, the onus has fallen on local governments to pass protections for LGBT people, which various cities have done since the 1970s. This chapter includes analysis about federal and state level policy change, as well as local policy change, since the mid-1970s.

Chapter 3 traces the development of social movement theory and adds elements from policy studies literature to create an interdisciplinary explanation of the passage of local LGBT nondiscrimination policies. The research fits within a growing body of literature that bridges social movement and policy change literatures in an effort to better explain how social movements achieve policy goals, as well as broader social goals. Social movements impact politics in ways that do not align with explanations provided by pluralistic or interest group models of policy change. Social movements are sustained efforts that shape policy over time and often become embedded in the very cultural identity of a country. Thus, social movements deserve further investigation from interdisciplinary perspectives. This chapter introduces a model of LGBT nondiscrimination policy adoption. Although important, previous research is overwhelmingly focused on studying this issue from a local perspective. A valid inquiry of local LGBT protections requires a model that simultaneously accounts for city dispositions and the state political context. The purpose of this model is to identify and analyze factors that affect policy change at both the state and local levels of government.

Chapter 4 discusses the in-depth data collection process required to conduct a nationwide survey of local LGBT nondiscrimination policies. Since this data is obscure and difficult to locate, most LGBT advocacy groups rely on incomplete data, which can lead to incomplete analysis and subsequently insufficient political strategies. This chapter details a classification system for the various types of local LGBT policies. Six general policy types are established and
defined: comprehensive ordinances, partial coverage policies, public employment provisions, resolutions of support, cities covered by county laws, and cities that have no protections for LGBT people. This chapter reports the percentage of residents that are covered by comprehensive LGBT ordinances for each state included in this study. This chapter reports frequencies of LGBT policies in each of the six policy types with particular emphasis on cities that have fully comprehensive LGBT ordinances.

Chapter 5 reports the results of the logistic regression analysis used to identify cities that are more likely to pass comprehensive LGBT ordinances. The results confirm that there are distinct, observable differences between cities that pass LGBT policies and those that do not. The effects of population demographics, social demographics, political ideology, socioeconomic indicators, and religious adherence are tested and analyzed at length. Results show that larger cities that are more densely populated and with higher education levels and incomes are more likely to have comprehensive LGBT protections. Cities that are less religious and vote for Democratic candidates in higher rates are also more likely to pass LGBT protections. Social demographics are not as significant as other factors in predicting the adoption of LGBT protections. Additional work needs to be done in small town and rural America to protect LGBT people from discrimination.

Chapter 6 explores the effect of state politics on local LGBT nondiscrimination policies. This chapter includes two brief cases studies that explain the political context for LGBT nondiscrimination policy in Idaho and Wyoming. The latter part of this chapter provides specific analysis for three state level variables that influence local LGBT policy: action by state legislatures, the structure of LGBT advocacy networks, and state-specific institutional constraints. This chapter is largely exploratory, as these variables have yet to be tested by a
systematic analysis. The purpose of the qualitative analysis is to build a foundation for future studies to more thoroughly examine the relationship between states and local governments in the area of LGBT nondiscrimination policy.

Chapter 7 begins by offering conclusions about the outlook of LGBT nondiscrimination policy in local governments. It includes a discussion about the implications of these results for scholars, LGBT activists, and allied public officials. The data collected and utilized in this study is meant to provide the bases for policy recommendations. This research highlights the importance of relying of grassroots organizing by local activists and continuing pressure directed at the state legislature to successfully advance the LGBT rights agenda. Schools, businesses, and churches are particularly strong coalition partners for LGBT advocates seeking change at the local level. Strategies for successful advocacy often require a shrewd analysis of the political context for each city and state in which activists hope to pass pro-LGBT policies. These strategies also help to strengthen LGBT communities in rural America by adding protections and easing the coming out process.

Chapter 8 presents the overall findings and theoretical conclusions, as well as suggestions for future research. The model of LGBT nondiscrimination policy adoption is meant to form a solid foundation for advancing the understanding of LGBT rights in local politics. LGBT advocates, their allies, and opponents must operate within political contexts that consist both of state and local politics. A more concrete and accurate understating of these complex political relationships will aid both scholars and advocates in their efforts to advance LGBT nondiscrimination protections.
Chapter 2: The Landscape of LGBT Nondiscrimination Policy in the United States

The LGBT rights movement has grown immensely in the United States since the first gay and lesbian organizations developed in the mid-1900s, including the push for adopting nondiscrimination protections for LGBT people. This chapter traces the development of the LGBT movement in the United States, particularly the spread of nondiscrimination protections across states and local governments. The federal government lacks any nondiscrimination protections for LGBT people despite over four decades of attempts to pass legislation in Congress. Although President Obama signed several executive orders meant to protect federal employees, these actions were mostly undermined by the Trump administration. Due to the lack of action at the federal level, LGBT activists turned to state and local governments to add nondiscrimination protections for LGBT people. As a result, the landscape of LGBT policy in the United States is a complex patchwork of state and local laws that vary immensely in scope and enforcement across governments. This chapter provides analysis about the extent of protections provided by various states and local governments adopted from 1972 to 2017.

History of the LGBT Rights Movement in the United States

Prior to World War II, Americans with same-sex attractions were nearly entirely isolated from others that shared similar sexual desires (D’Emilio 1983). The subject remained so socially taboo that any political change to improve the lives of gender queer people was unimaginable. In fact, physical same-sex intimacy was prohibited in the United States as well as many nations around the globe. Most anti-homosexuality laws in post-colonial nations were established by European powers under colonial rule (Semugoma, Nemande, and Baral 2012). These laws often had little to do with homosexuality, but rather to encourage procreative sex in order to expand the European populations in the colonies and to increase the labor supply. These laws were also
tied to religious beliefs, which were engrained in law beginning with Henry the VIII in England. Around the turn of the Twentieth Century, countries throughout the world began using anti-sodomy laws to discrimination against homosexuals, particularly men who have sex with men (Smith 2005).

Young men and women poured into large port cities from every corner of the United States during WWII. They joined the Armed Forces or organizations such as the Red Cross to aid the war effort. Among the multitude of soldiers and medical workers were LGBT people that were previously isolated from other gender nonconforming Americans (D’ Emilio 1983). Realizing that others existed with the same sexual desires, LGBT military personnel began to form friendships, relationships, and eventually small groups in which LGBT people could socialize. After the war, many of these somewhat liberated individuals remained in large cities where they enjoyed more social anonymity than in their hometowns and continued to build social networks with other LGBT people (Suttles 1972; Button, Rienzo, and Wald 1997; Armstrong 2002).

Being openly gay during the mid-1900s could have serious legal and social consequences. A homosexual lifestyle was simply not an option for most Americans except in the bohemian core of major cities. Social ostracism and police brutality marred the experience of most homosexuals during this time. “We had no words for ourselves,” recounted Harry Hays, one of the first gay rights advocates, describing the fact that no American dictionary made reference to homosexuality until 1938:

“I read about this thing, and I know that word is me. It's about these people, and I and they have the same feelings. I know there are others. From there on out, my dream has him in it--whoever him is going to be--but there is another him somewhere” (Cusac 1999).
The gay rights movement began in small enclaves mostly hidden from broader society. Social networks began to form in bars, restaurants, and clubs (Armstrong 2002). In the 1950s, the social communities began to coalesce into homosexual groups that appeared in public for the first time in America.

Hays and his colleagues began recruiting members to a small group of gay men dedicated to discussing gay issues and individual problems. These early homosexual advocacy groups were known collectively as the homophile movement and pushed for broader recognition of homosexuality within society as well as protection against police harassment. The homophile movement wanted the public to view the community as a legitimate minority group deserving of civil rights, rather than sexual deviants (D’Emilio 1983). Two of the main homosexual groups of this period were the Mattachine Society and the Daughters of Bilitis (Meeker 2001). These groups produced the magazines One and The Ladder respectively, which were geared toward the gay and lesbian communities (D’Emilio 1983; Armstrong 2002). The movement also became more unified during the 1950s and 1960s. A gay identity began to form in California and major cities on the East Coast and in the Midwest. The early homophile movement was characterized by small, tightknit subgroups that began to form a new homosexual identity (Nardi 1992). These groups were able to develop due to the urban context of the early movement.

For the gay and transgender movements, numbers meant getting people to come out of the closet, or openly admit their sexuality (Gagne, Tewksbury, and McGaughey 1997). As members of early gay-rights groups, many people and organizations were encouraged to openly identify, or come out, as homosexual. Public visibility was essential to the early homophile movement’s goals of social normalization, and coming out was necessary for any degree of visibility (D’Emilio 1983). Therefore, the myriad small groups that comprised the movement
were able to hold individual members accountable (Olson 1965; Armstrong 2002). This became a push of the homophile movement. Organizations and individuals were encouraged to embrace their identities. The commitment of early gay rights advocates is illustrated by the illegality of homosexual organizations. Many of these early groups held meetings despite the risk of being arrested. The association of homosexuality and communism was typical during the period of McCarthyism. D’Emilio (1983) recounts the hunt for gays and lesbians in the federal bureaucracy and armed forces, resulting the removal of many gays and lesbians from federal positions. Despite the immense barriers faced by early LGBT organizers and disagreements between members of these homophile organizations, these groups laid the foundation for future LGBT organizing and policy change.

The homophile movement developed the foundation of a collective homosexual identity that became the foundation for the New Left homosexuals and later a strong gay identity movement (Kissack 1995; Armstrong 2002). Homosexual groups became more radical and militant in response to continued government repression. The Stonewall riots of June 1969 were a critical event that shoved the LGBT population into the national spotlight (Marotta 1981). Clashes between LGBT people and police occurred in Greenwich Village for three nights. This single event is often credited as the birth of the modern gay rights movement. The symbolic significance of Stonewall was a banner under which the LGBT movement has fought for equality. D’Emilio (1983) recounts that during the 1970s the gay rights movement began to take a more liberal avenue toward social justice. The Gay Liberation movement was influenced by other radical movements of the period, such as Women’s Liberation and the Black Power movement. All of these movements were influenced by the anti-Vietnam War sentiment that was common, especially among liberals. During the 1970s LGBT rights issues began to permeate
national politics when several representatives to the 1972 Democratic Convention raised the issue of gay rights. Gay rights issues rose to the presidential level in 1980 when the Reagan campaign discredited “liberal” activists and the media.

The AIDS crisis abruptly altered the trajectory of the LGBT rights movement and began just as LGBT organizations were beginning to make political headway, especially in the socially liberal parts of the Democratic Party (Epstein 1996). As a result of the AIDS epidemic, gay rights organizations were now faced with immense loss of life among the community. Furthermore, the rapid spread of the HIV virus among gay men created new forms of prejudice against homosexuals that reinforced already homophobic social norms (Edwards 1992). Debates within the community focused on strategies such as “degaying” the AIDS epidemic in order to increase political feasibility of government action to curb the disease (Kitzinger and Peel 2005). The attention of LGBT organizations shifted from political activism and radicalism to include community building and advocating for the care of HIV-positive individuals. Political setbacks beseeched the LGBT movement during the 1980s, such as the Bowers v Hartwick ruling in 1986 and anti-gay campaigns in states and local jurisdictions. Homosexuals were also banned from teaching or working with children in some states, partly due to campaigns by anti-gay activists such as Anita Bryant (Fetner 2001).

In the early 1990s, the political situation for the LGBT movement seemed more hopeful than the previous decade. President Clinton supported LGBT rights during the 1992 election and the Hawaii Supreme Court ruled in favor of gay marriage in 1993. However, these events were followed by an immense backlash that resulted in restrictions of gay rights at the national and state levels (Riggle and Tadlock 1999). This backlash characterized the landscape of LGBT rights in the 1990s. In 1996 Congress passed the Defense of Marriage Act (DOMA), which was
signed by Clinton (Rimmerman and Wilcox 2007). This made marriage at the federal level exclusively between one man and one woman. Stone (2012) documents the flurry of anti-LGBT popular initiatives and referenda that created same-sex marriage restrictions in at least 30 states. These state bans became colloquially known as “mini-DOMAs.” Although the backlash was effective at the federal and state levels, LGBT friendly local governments increasingly responded by passing pro-LGBT ordinances in spite of state or federal policy (Button, Rienzo, and Wald 1997).

Around the turn of the century, LGBT activists began winning major battles at the federal and state levels. In 2003, two major court cases sided with pro-LGBT gay activists. The US Supreme Court overturned state sodomy bans in Lawrence v Texas and the Massachusetts Supreme Court legalized gay marriage statewide in Goodridge v Department of Public Health. Congress passed the Matthew Shepard Act in 2009, which added sexual orientation to federal hate crime legislation (Yoshimo 2015). The military’s Don’t Ask, Don’t Tell policy was repealed in 2010. In 2012 three ballot initiatives legalized gay marriage in Maine, Maryland, and Washington, marking the first popular votes that supported gay marriage. In 2013, the Supreme Court ruled a key portion of DOMA unconstitutional in Windsor v United States, allowing states to legalize same-sex marriage within their jurisdiction. Then in 2015, the Supreme Court ended the same-sex marriage debate by legalizing the practice nationwide (Mason 2017).

Several important lessons can be drawn from the growth and evolution of the LGBT equality movement in the United States since the 1950s. The issue of “degaying” has been very contentious within the movement (Kitzinger and Peel 2005). Some movement leaders favor toning down images of homosexuals in order to appeal to the broader public. This was the general consensus among movement participants in the 1950s and 1960s before the development
of Gay Liberation. Although the modern movement has not completely eliminated the sense of careful impression management in political campaigns, much messaging is focused on living healthily as an “out” individual. For example, Equality Maine was criticized during the 2009 initiative campaign for not portraying any LGBT people in campaign ads. This strategy is often utilized, especially in desperate political situations. However, “degaying” should be avoided in order to maintain morale and a strong sense of pride and community (Visser 2014).

The exact political strategies that are successful for the LGBT movement depend on the political opportunities available to the movement over time and geographic location. Until 2012, popular initiatives were not favorable toward the LGBT community. Rather, the courts were the main source of expanded legal protections (Stone 2012). American federalism has made a lot of incremental progress possible, especially in states and local governments that are more LGBT friendly than the country at large. The federal nature of the United States allows LGBT activists to expand the conflict into political arenas with favorable views toward LGBT rights. The LGBT movement became unified due to an identity formation that resulted in intense feelings of pride and responsibility for other members of the community (Armstrong 2002). The coming out of the homophile movement, the radical streak of Gay Liberation, and the community solidification during the AIDS crisis resulted in a community that was ready and willing to fight together for an equal place in society.

Federalism and LGBT Nondiscrimination Policy

Since the United States is a federal system, power is divided between multiple levels of government, namely the federal, state, and local governments. “Federalism facilitates access to government for gay and lesbian groups and stakeholders sympathetic to their cause” (Mucciaroni 2008: 243). Consequently, analyzing policy changes at all three levels of government provides
the most accurate conclusions and generalizations about the discrimination protections offered to LGBT people throughout the United States. The LGBT nondiscrimination issue has forged a distinguishable path through the fragmented US system. After efforts to add protections on the national level failed in the 1970s, states began addressing the lack of protections in the 1980s and especially in the 1990s. Advocates have moved to local arenas to fight for LGBT rights in states that remain without statewide LGBT protections. As advocates become successful at procuring nondiscrimination ordinances in key metropolitan areas, the fight returns to the state level.

Thoroughly understanding the policy changes occurring at the national and state levels will be necessary in explaining the dynamics of LGBT nondiscrimination policy at the local level. Decentralized authority gives subnational governments flexibility to create local policy, which enables LGBT advocates to make piecemeal policy advancements (Mucciaroni 2008). Advocates have implored states to pass protections when Congress failed to act, and subsequently local governments have championed LGBT causes when states refused to act. Local governments draw all political authority from state governments. Therefore, the ability of cities and other localities to pass LGBT protections relies greatly on the power dynamic between a state and its local governments (Wright 2007).

Executive Action and LGBT Nondiscrimination Policy

Discrimination in federal employment and contracting has been outlawed through the use of executive authority through the 20th Century (Reed 2015). Franklin D. Roosevelt issued an executive order that included protections on the basis of race, but the order only applied to the defense industry (Recent Executive Order 2014). Later President Lyndon Johnson extended the protections to cover all people employed by the federal bureaucracy and government contractors. Richard Nixon issued Executive Order 11478, which applied strengthened nondiscrimination
policies to all executive agencies (Reed 2015). However, these earlier executive orders covered such categories as race, color, religion, sex, national origin, age, and disability status. In 1998, Bill Clinton revised Executive Order 11478 to include sexual orientation as a protected class for federal employment. However, President Clinton’s action did not elevate sexual orientation to the same status as other groups covered under Title VII of the Civil Rights Act of 1964 (Reed 2015). The Equal Employment Opportunity Commission (EEOC) enforces federal nondiscrimination policies but this commission is mostly focused on the groups protected under Title VII. In 2012, the EEOC decided that gender identity is protected under the category of “sex” as a result of a case of discrimination appealed to the EEOC from a Department of Justice employee. Thus, federal cases that involve transgender discrimination can be appealed under Title VII, a major victory for transgender rights activists. Although the EEOC does not officially treat sexual orientation with the same scrutiny as gender identity, the agency has stated that discrimination on the basis of sexual orientation will be treated equally as other protected minority groups (Reed 2015).

President Barak Obama issued Executive Order 13672 in July 2014 (Recent Executive Order 2014). The executive order added protections against gender identity discrimination in all executive agencies and extended new protections that applied to all employees of federal contractors. Republican Congressional leadership accused President Obama of misusing executive authority to unilaterally protect certain groups, such as LGBT people. President Obama has defended his use of executive orders to protect the rights of minorities by pointing out that both Democratic and Republican presidents have used this method, including Roosevelt, Johnson, and Nixon (Recent Executive Order 2014).
LGBT activists have appealed to executive authority when legislative venues fail to pass nondiscrimination protections that benefit LGBT people. Along with the actions of presidents, many governors throughout the country also use executive orders to extend workplace protections to the LGBT population (Hunt 2012). Executive actions do not hold the same force of law that legislative acts carry, so subsequent presidents and governors can easily withdraw them. Several state governors issued executive orders that were subsequently abolished by their successors. Although executive authority is generally weak when addressing discrimination, these actions do symbolize support by the government for greater LGBT protections (Recent Executive Order 2014). Executive authority adds another element to the landscape of LGBT nondiscrimination policy. Even though many states do not have universal protections for LGBT workers, a portion of people living in states without statewide protections can find greater stability at work by searching for employment within federal or state agencies.

The progress achieved by LGBT advocates under the Obama Administration was weakened through decisions by the Trump Administration to withdraw certain protections for federal LGBT workers. Currently, federal workers retain Obama Era protections on the basis of sexual orientation and gender identity, but President Trump repealed Obama’s executive order requiring federal contractors to uphold LGBT nondiscrimination standards (Ford 2017). Trump launched additional attacks on transgender people by attempting to ban them from military service, but this action is currently proceeding through the courts (Klimas 2017). New attacks on LGBT rights have surfaced through Trump’s own executive orders that ease restrictions on anti-LGBT religious organizations and businesses (Scott 2017). Overall, the future of presidential action on LGBT nondiscrimination is unclear, but little evidence exists to indicate that any pro-LGBT advancement will come from the White House during the current administration.
LGBT Nondiscrimination Legislation at the Federal Level

Despite over four decades of lobbying in Congress, the federal government offers no civil rights protections to the LGBT community. In 1974, Edward Koch and Bella Abzug (both House members from New York) introduced the Equality Act, which was intended to add sexual orientation as a protected class under the Civil Rights Act (CRA) of 1964 (Weinberg 2009). Although the bill failed in the Civil Rights Subcommittee, this attempt was the first in a decades-long struggle to create federal protections for the LGBT community. Similar amendments to the 1964 CRA were proposed in the House every session from 1975 until 1993 (Weinberg 2009). Each year the bill was held in the House Judiciary Committee with little chance of becoming law. In the case DeSantis v Pacific Telephone and Telegraph Co. of 1979, the Ninth Circuit Court of Appeals decided that sexual orientation does not fall under the category of “sex” and is therefore not protected under the 1964 CRA (Weinberg 2009). This ruling made challenging sexual orientation discrimination in courts nearly impossible, solidifying the need to pass legislation in order to add protections for LGBT people.

Advocates for LGBT civil rights legislation created the Employment Non-Discrimination Act (ENDA) in 1994, thus abandoning attempts to amend the 1964 CRA and instead focusing on stand-alone legislation. ENDA includes comprehensive nondiscrimination protections for LGBT people by adding the categories of sexual orientation and gender identity as protected classes under Title VII of the CRA (Stephens 2013). The law would outlaw discrimination in hiring and discriminatory behavior on the basis of sexual orientation and gender identity. However, the original bill did not include provisions that covered transgender people (Stephens 2013). Sponsors of the bill, such as Representative Barney Frank, did not perceive including gender identity was politically feasible, therefore, the bill failed to include gender identity until 2009.
In 1995, the bill passed the House and was sent to the Senate. On September 10, 1996, the Senate finally voted on ENDA, but rejected the bill by one vote (49-50); later the body would pass the Defense of Marriage Act by a wide margin (85-14). Gerry Studds of Massachusetts sponsored ENDA each year from 1997-2003, when lead sponsorship was taken over by Barney Frank, also of Massachusetts (Weinberg 2009). Frank again altered the legislation to its current language, which includes actual or perceived sexual orientation or gender identity (Reeves and Decker 2011). ENDA died again in 2007, 2009, and 2011. ENDA did manage to pass the Democratic controlled House in 2007, but stalled in the Senate and by President Bush’s certain veto (Reed 2015). The bill was referred to committees with no further action in the 2009 and 2011 sessions of Congress. In July 2013, the U.S. Senate Committee on Health, Education, Labor, and Pensions passed ENDA with bipartisan support (Stephens 2013). Democratic leaders in the Senate rallied their party in November 2013 to pass ENDA, but with the House in Republican control, the legislation was not introduced in committee (Library of Congress Website 2017). The bill was not voted on in the House because Speaker of the House John Boehner argued the law was unnecessary and would encourage frivolous litigation (Recent Executive Order 2014).

The passage of ENDA is highly unlikely given the current political environment, including Republican control of the Congress (Stephens 2013; Reed 2015). Many of these same Republican congresspeople actively championed to use their budget to fund litigation to protect the Defense of Marriage Act of 1996 when the Obama Administration chose not to defend the law in courts (Stephens 2013). The Human Rights Campaign claims that a majority of members of Congress are opponents of gay rights. Most Congressional opponents of ENDA continue to resist the legislation despite concessions by ENDA supporters that led to broader religious
exemptions in later versions of the bill (Reed 2015). Given the recent record of Congressional Republicans on LGBT issues, state and local governments will continue to be the main political stage for LGBT activists in the foreseeable future.

**Private Sector and LGBT Nondiscrimination Policy**

Private sector policies are an important dynamic in the push for LGBT nondiscrimination protections. Many corporations and businesses have policies that protect LGBT workers and customers from discrimination (Hebl, Barron, Cox, and Corrington 2016). In fact, research shows that a majority of large US companies have implemented protections for LGBT employees (Badgett, Durso, Mallory, and Kastanis 2013). Almost 90% of Fortune 500 companies have some form of protections based on sexual orientation and just over half have the same protections based on gender identity (Burns and Krehely 2011). Among Fortune 100 companies the number that have gender identity protections increases to around 80%, an impressive increase (Stachelberg and Burns 2013). A Center for American Progress survey of small businesses showed that a majority of respondents had an inclusive LGBT policy in place (Burns and Krehely 2011). Although the US Chamber of Commerce originally opposed federal LGBT nondiscrimination legislation, the organization altered its position by no longer opposing LGBT protections in the workplace (Reed 2015). American businesses and corporations are widely receptive of creating safe work environments for LGBT workers as shown by the large number of companies that have established official LGBT inclusive policies.

Business leaders are generally supportive of LGBT protections within their companies as well as broader government protections (Badgett, Durso, Mallory, and Kastanis 2013). Adding LGBT nondiscrimination policies has positive benefits for both employers and employees. For instance, businesses find that young talent is attracted to companies that have policies that
promote diversity, particularly LGBT employees. LGBT protections project an image of inclusiveness to current and potential employees. Badgett, Durso, Mallory, and Kastanis (2013) also found that LGBT employees benefit from their employers having official LGBT protections, including less incidents of discrimination and better relationships with supervisors.

**LGBT Nondiscrimination Policy in State Governments**

Although no federal law exists to protect the LGBT community, many states have passed laws outlawing discrimination based on sexual orientation and gender identity. Due the federal nature of the United States, state governments have usually been granted authority to expand civil rights protections beyond those offered by the federal government (Baumgartner and Jones 2003; Mucciaroni 2008). As LGBT activists grew weary of waiting for Congressional action, the fight was taken to state and local governments across America. Currently, 22 states have statewide nondiscrimination laws that cover sexual orientation and/or gender identity. The nature of LGBT nondiscrimination policy at the state level is best understood by analyzing both the passage of statewide protections over time and the variation of statutes across states.

**Statewide LGBT Nondiscrimination Policy Over Time**

Wisconsin was the first state to pass LGB nondiscrimination legislation in 1982, but the bill only covered sexual orientation and did not mention gender identity (Hunt 2012). The first statewide civil rights law that included gender identity was approved in Minnesota in 1993 (Hunt 2012). The number of statewide civil rights protections for the LGBT community steadily increased from 1989 until 2015 when Utah passed the most recent protections. The pattern of advancements in pro-LGBT policies is typical in the American political system: long periods of slow incremental change interrupted by shorter periods of rapid change (True, Jones, and Baumgartner 2007). LGBT issues such as same-sex marriage, the repeal of “Don’t Ask, Don’t
Tell” (banning homosexuals from openly serving in the military), and the striking down of state sodomy laws all saw huge waves of support and backlash in states followed by highly politicized debate at the national level. Although nondiscrimination policies follow a similar pattern, this area has advanced more incrementally than other LGBT issues, mostly because the issue is not as politically charged, particularly at the national level (Mucciaroni 2008). Table 2.1 lists the states with LGBT nondiscrimination laws and the year of adoption. Since many state statutes originally excluded gender identity, the second column indicates when protections for this group were added to statewide laws (Movement Advancement Project Website 2017). The third column reports the number of years between the adoption of sexual orientation protections and the addition of gender identity provisions. Gender identity was not commonly included in nondiscrimination legislation before 2003, but usually included in statewide policies afterward.

There are three periods of significance in the passage of statewide LGBT civil rights laws. The first is 1991-1993 when six laws were passed. The early 1990s saw the first wave of statewide LGBT nondiscrimination laws began to pass through legislatures, mostly in liberal states in the Northeast and West Coast. 1992 was a peak year for statewide laws with three states passing LGBT protections. This period saw a surge of support for gay rights. In 1993 Hawaii Supreme Court ruling the prohibition of same-sex marriage unconstitutional in that state. Then in 1994 Democrats in Congress changed their strategy from amending the 1964 CRA to passing new legislation that more closely resembled the new state laws. However, this period was followed by a downturn in support for LGBT issues, especially as Republicans began to retake state legislatures and Congress. From 1989 to 2009, the longest gap without the passage of a new state law is three years (1995-1998), which corresponds with Congress’ passage of the Defense of Marriage Act of 1996.
Table 2.1: Year of Passage for State LGBT Nondiscrimination Statutes

<table>
<thead>
<tr>
<th>State</th>
<th>Year of Sexual Orientation Protections</th>
<th>Year of Gender Identity Protections</th>
<th>Years between Statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wisconsin</td>
<td>1982</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>1989</td>
<td>2012</td>
<td>23</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1991</td>
<td>2011</td>
<td>20</td>
</tr>
<tr>
<td>Hawaii</td>
<td>1991</td>
<td>2011</td>
<td>20</td>
</tr>
<tr>
<td>California</td>
<td>1992</td>
<td>2003</td>
<td>11</td>
</tr>
<tr>
<td>New Jersey</td>
<td>1992</td>
<td>2006</td>
<td>14</td>
</tr>
<tr>
<td>Vermont</td>
<td>1992</td>
<td>2007</td>
<td>15</td>
</tr>
<tr>
<td>Minnesota</td>
<td>1993</td>
<td>1993</td>
<td>0</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>1995</td>
<td>2001</td>
<td>6</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>1998</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nevada</td>
<td>1999</td>
<td>2011</td>
<td>12</td>
</tr>
<tr>
<td>Maryland</td>
<td>2001</td>
<td>2014</td>
<td>13</td>
</tr>
<tr>
<td>New York</td>
<td>2002</td>
<td>2016</td>
<td>14</td>
</tr>
<tr>
<td>New Mexico</td>
<td>2003</td>
<td>2003</td>
<td>0</td>
</tr>
<tr>
<td>Illinois</td>
<td>2005</td>
<td>2005</td>
<td>0</td>
</tr>
<tr>
<td>Maine</td>
<td>2005</td>
<td>2005</td>
<td>0</td>
</tr>
<tr>
<td>Washington</td>
<td>2006</td>
<td>2006</td>
<td>0</td>
</tr>
<tr>
<td>Colorado</td>
<td>2007</td>
<td>2007</td>
<td>0</td>
</tr>
<tr>
<td>Iowa</td>
<td>2007</td>
<td>2007</td>
<td>0</td>
</tr>
<tr>
<td>Oregon</td>
<td>2007</td>
<td>2007</td>
<td>0</td>
</tr>
<tr>
<td>Delaware</td>
<td>2009</td>
<td>2013</td>
<td>4</td>
</tr>
<tr>
<td>Utah</td>
<td>2015</td>
<td>2015</td>
<td>0</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>1973</td>
<td>2006</td>
<td>33</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>2013</td>
<td>2013</td>
<td>0</td>
</tr>
<tr>
<td>Guam</td>
<td>2015</td>
<td>2015</td>
<td>0</td>
</tr>
</tbody>
</table>

The second notable period was 2005-2007 when there was a small uptick in the passage of state laws. In the early 2000s, three state legislatures passed LGBT nondiscrimination laws. That number doubled in the latter half of the decade beginning with Illinois and Maine passing laws in 2005 and peaks in 2007 with three new state laws. LGBT advocates saw advances in their success on this and other issues as Democrats began to retake Congress and legislatures
they had lost in the previous decade. Although there were fluctuations in the number of states passing LGBT nondiscrimination laws from year to year, the 1990s and 2000s were characterized by a steady increase in the number of laws. This observation shows that LGBT nondiscrimination follows a much more incremental pattern than other LGBT issues. The highly fragmented nature of LGBT nondiscrimination issues has limited progress compared to other LGBT issues. For example, on the issue of military service, states have no authority to make policy. Whereas nondiscrimination policy can be determined by even small cities and school boards. Additionally, nondiscrimination laws are largely a legislative issue, courts have little power until legislatures have passed laws and executive authority is usually limited to government employment. The repeal of sodomy laws and same-sex marriage were largely debated in courts that have more sweeping national power on issues of civil rights.

The third significant period is marked by no state level advancements on LGBT civil rights protections. From 1989 until 2009, at least one state passed new sexual orientation nondiscrimination protections every few years. However, 2009-2015 is the largest gap since the seven-year gap from 1982 until 1989. The Utah legislature closed the gap by passing a statewide LGBT nondiscrimination statute in 2015. There are several possible reasons for this downturn. The Great Recession and economic downturn took social issues out of the spotlight because economic issues became front and center. The national agenda shifted toward curbing the housing crisis and massive increases in unemployment. Polarization of party politics became increasingly prevalent in the wake of President Obama’s election in 2008 and the rise of the Tea Party. The red state/blue state divide was as stark as ever and most states with the political will had already passed statewide LGBT laws. The push for same-sex marriage was growing in popularity so many resources of the LGBT movement, particularly large national organizations,
was directed toward advancing same-sex marriage in states and in the federal court system. This took the public’s attention away from more basic nondiscrimination laws that already had a difficult time attracting the public’s attention. During this period, the push for LGBT civil rights moved to the city level where local activists were still actively imploring local officials to pass nondiscrimination ordinances. Local leaders do not have authority over marriage laws, so that issue did not dominate the political agendas of localities in the same manner as states or the federal government. The decline in additional state governments adding new protections for LGBT people is significant because there has been an uptick in the number of municipal ordinances protecting the LGBT community since that time. The inaction of states may be prompting LGBT advocates to push for policy change more fervently at the local level.

All but two of the states with LGBT nondiscrimination laws include both sexual orientation and gender identity. In many cases, state laws did not cover gender identity until years after the legislature began protecting people on the basis of sexual orientation. Several states passed laws covering sexual orientation discrimination before it was perceived by LGB activists as politically feasible to include gender identity protections as well (Ghaziani, Taylor, and Stone 2016). Therefore, it usually took many more years to pass similar protections based on gender identity discrimination. The first state to pass a fully inclusive nondiscrimination law was Minnesota in 1993. However, this case is an outlier because it passed a gender identity inclusive law much earlier than any other state. The next state to pass a gender identity nondiscrimination law was Rhode Island in 2001, six years after the state first began protecting against sexual orientation discrimination. 2003 signified a turning point in the movement to ban discrimination based on gender identity because from 2003-2007, the seven state LGBT laws passed all included gender identity. After 2003, only the Delaware legislature passed a sexual orientation
only bill and later added gender identity. However, before 2003, transgender activists had to fight for an average of 13.5 years (N=11) before protections for gender identity were added to their state’s nondiscrimination statute. That number jumps to almost 15 years if the outlier, Minnesota, is removed (N=10). These data unveil changes within social acceptance of transgender people and also within the LGBT movement specifically. LGB activists began to include gender identity as a more central part of the movement, rather than excluding these more marginalized people due to perceived political advantages.

Several US territories have also taken steps to protect LGBT citizens. The District of Colombia was one of the first governments in the US to pass a nondiscrimination law on the basis of sexual orientation in 1973. Along with other social issues, DC is usually a leader in the area of expanding civil rights. Transgender people had to wait 33 years for the DC city council to add gender identity as a protected class under the city’s nondiscrimination law. Puerto Rico and Guam have also passed fully inclusive LGBT protections. These two entities are part of the most recent small wave of new laws, including Puerto Rico in 2013 and Utah and Guam in 2015.

**Variation Among Statewide LGBT Nondiscrimination Statutes**

There are differences in scope among the LGBT protections that are offered by states. “Calling them…nondiscrimination programs and treating them as functionally equivalent may mask variation” (Berry and Berry 2007: 239). Some states that have statewide nondiscrimination laws only offer partial protections to the LGBT community. Wisconsin and New Hampshire only cover sexual orientation discrimination under their nondiscrimination policies. Utah passed statewide protections in 2015 that include both sexual orientation and gender identity, but have no public accommodation provisions for either group. Additionally, most state laws include religious exemptions as part of the negotiations for passage. Many religious organizations are
staunchly opposed to any LGBT protections that do not include specific exceptions for religious organizations. These exemptions vary across states. Some states do not have religious exemptions, while others have very broad exemptions. Most of these provisions provide exceptions for organized churches only and still require owners of non-religious businesses to abide by the law, despite personal beliefs. Specific data concerning these exemptions was not collected for this study. Among the states that have LGBT nondiscrimination laws that cover all workers, the amount of complaints filed based on LGBT discrimination made up about 3-4% of the total number of reported nondiscrimination cases (Reed 2015).

Governors have taken executive action to protect state LGBT employees from workplace discrimination (Hunt 2012). Nine state governors have used executive powers to extend civil rights protections to state employees; six of these orders cover both sexual orientation and gender identity, while three exclude gender identity. To add to the complexity, Missouri’s policy only protects employees of the executive branch and Louisiana covered state employees from 2004-2008, but Governor Bobby Jindal did not renew the executive order (Hunt 2012). Often these executive decisions occur due to pressure from LGBT organizations on the governor when the prospects of legislative support are bleak.

**History of LGBT Nondiscrimination on the Local Level**

Although 28 states have no statewide nondiscrimination law that protects the LGBT community, over 800 local governments within these states have some form of LGBT nondiscrimination protections. Actions by local governments are often overlooked in national policy debates, but a lack of systematic analysis of nondiscrimination policy at the local level results in incomplete conclusions about broader policy change (Button, Rienzo, and Wald 1997). Even if a state has no statewide LGBT nondiscrimination protections, a significant portion of
that state’s population may have some protections through local ordinances. When local
governments are excluded from analysis, the nuances of grassroots organizing by LGBT people
within their own communities, as well as gradual cultural shifts that support the expansion of
LGBT rights, are largely overlooked. The number of communities that have passed LGBT
nondiscrimination ordinances within a state is a powerful predictor of the passage of new
statewide laws, rendering analysis of LGBT nondiscrimination policy at the local level not only
important, but essential in order to fully understand policy change (Cramer et al 2017).

A similar pattern of variation in LGBT nondiscrimination policies occurs at both the state
and local levels in the United States. Two pertinent observations exist across time and cross-
sectionally. First, there have been periods when a flurry of local nondiscrimination laws passed
in city councils and county governments, as well as periods of little change in the total number of
localities with LGBT protections. Second, just as the various statewide laws differ in terms of
scope and enforcement, local laws across the country and within states vary greatly. In fact,
given the immense diversity of local governments within the United States, the range of
language and enforcement mechanisms used in local LGBT nondiscrimination ordinances are
incredibly larger than at the state level.

Local LGBT Nondiscrimination Policy Over Time

In 1972, East Lansing, Michigan became the first local government to pass a
nondiscrimination policy that covered sexual orientation, but this policy only covered public
employment. Ann Arbor, Michigan followed suit and passed the first ordinance that provided
private sector protections for lesbian, gay, and bisexual people (Button, Rienzo, and Wald 1997).
Throughout the 1970s, ordinances started popping up in large metropolitan areas and college
towns. But as LGBT protections began to spread to American urban centers, the Christian Right
began waging a counter movement to oppose these new protections. The anti-LGBT movement was thrust into the national spotlight with Anita Bryant’s notorious campaign in Dade County, Florida to repeal the nondiscrimination ordinance there (Button, Rienzo, and Wald 1995; Fetner 2001). The Christian Right viewed these new laws as “special rights” being bestowed on an unworthy group of deviants. Additionally, many viewed these new laws as a direct attack on their religious liberty, and some more extreme opponents argued that these laws would be a slippery slope toward LGBT affirmative action programs for businesses and higher education.

During the 1980s, 44 more LGBT nondiscrimination ordinances were passed, but progress slowed by growing right-wing backlash against the LGBT movement in general (Button, Rienzo, and Wald 1995). Many of the battles over nondiscrimination laws during this period centered on maintaining nondiscrimination ordinances that had been passed in the prior decade. As the political influence of the Christian Right grew during the Reagan Administration, repeal campaigns cropped up to overturn the advancements made by gay rights activists. Additionally, the onset of the AIDS crisis diverted much of the organizational energy of the LGBT movement into pushing for policy change that would promote medical research. The lives of fellow activists and community members became paramount to other civil rights concerns.

The 1990s saw a flurry of new local LGBT nondiscrimination policies. Between 1990 and 1995, 56 new policies had been passed at the local level (Button, Rienzo, and Wald 1995). These laws were part of a greater trend in advancements for the LGBT movement in the early 1990s. More national leaders expressed support for the basic protections of LGBT people, particularly in the Democratic Party led by President Clinton. LGBT advocates had a major victory in the Supreme Court in 1996, when it ruled that states could not bar local governments from expanding ordinances to protect groups against discrimination in Romer v Evans.
(Mucciaroni 2008). However, the latter part of the 1990s marked another period of slow progress for the LGBT movement. Congress passed DOMA in 1996 and numerous states passed similar statewide laws in response to growing support for LGBT rights. The number of new local LGBT policies slowed during the late 1990s and early 2000s, partly due to success by anti-gay rights organizations and partly because LGBT activists had turned their attention toward the issue of same-sex marriage. 2015 saw a major upswing in local LGBT nondiscrimination laws. Pro-LGBT sentiments were soaring in the wake of the Supreme Court’s nationwide legalization of same-sex marriage. There was a slight downturn of new policies in 2016 and 2017, but progress has remained steady and today exceeds the success experienced by LGBT advocates in the 1990s and 2000s.

**Variation Among Local LGBT Nondiscrimination Ordinances**

Even in the United States’ complex and diverse federal system, subnational governments adopt policies that deal with the same issues that other institutions are simultaneously addressing (Berry and Berry 2007). Even though multiple governments enact policies that address the same issues, the form and function of these laws varies immensely between individual governments. Some policies articulate strong enforcement mechanisms while others are largely symbolic (Berry and Berry 2007). Not only is their variation between states, but there is also variation between municipalities in the level of protections they offer to LGB (and especially) T people. Most of these laws, particularly those passed after 2000, include both sexual orientation and gender identity protections, but some exclude explicit protections based on gender identity. Additionally, some municipalities cover only city and other government workers within their jurisdictions. Another type of LGBT nondiscrimination law that has been adopted by a few larger cities requires all government contractors hired by the locality to uphold the city’s
nondiscrimination policies (Mallory and Sears 2012). Some of these laws even require contractors to adopt their own nondiscrimination policies or to pay fines if violations are discovered.

Methods of enforcement vary greatly among localities that have LGBT nondiscrimination ordinances (Button, Rienzo, and Wald 1995). Local ordinances throughout the country comprise a more diverse set of enforcement mechanisms than state-level statutes, but can be narrowed down to three general categories. First, the majority of ordinances utilize existing human rights agencies or other offices devoted to equal opportunity enforcement (Button, Rienzo, and Wald 1995). This mechanism is used by larger cities, many of which have independent agencies devoted to the abatement of discrimination. Secondly, for medium cities and small towns, particularly those in rural areas, access to human rights offices is usually extremely limited. Some localities turn to the city or county attorneys and chief executives (mayors and managers) to oversee enforcement of LGBT discrimination protections. Either these offices will conduct mediation between victim and aggressor or will support litigation in local magistrate courts. The last option is to simply have no specified or formal enforcement mechanism (Button, Rienzo, and Wald 1995). Most small towns across America lack the resources or the political will to heavily invest in proper enforcement mechanisms to punish particular acts of discrimination. Therefore, the only way a victim of discrimination can find recourse is to file a lawsuit in the courts and cite local LGBT nondiscrimination ordinances as legal justification, which can be overwhelmingly costly and time consuming.

Although localities have a variety of enforcement mechanisms, the number of complaints that are filed as a result of discrimination is very low across the spectrum of cities (Button, Rienzo, and Wald 1995). The very largest cities are the only local governments that have a
substantial number of cases, but even these numbers are usually in the single digits each year. Many localities do not have any formal complaints filed as a result of LGBT protections being implemented. The several high-profile cases that periodically appear in the media may give news consumers a false sense of the rates of documented cases of discrimination against LGBT people. Even though the number of reported cases is low, Button, Rienzo, and Wald (1995) contend that the rates of reports of discrimination against LGBT people are similar to that of several other disadvantaged groups, such as discrimination based on disability status and national origin.

In addition to legal protections, local politicians and activists use nondiscrimination policies to send a pro-LGBT message to citizens, businesses, and organizations within their own communities, as well as project pro-LGBT attitudes to outsiders. “The ordinances and policies reaffirm that gays and lesbians are a valued part of the community” (Button, Rienzo, and Wald 1995: 6). Politicians often take cues from other governments to make policy decisions within their own jurisdiction (Karch 2007; Berry and Berry 2007). The passage of LGBT protections in cities encourages other cities to pass similar policies and can also place pressure on state governments that continue to resist adding protections for LGBT people statewide. For many activists, the symbolic nature of LGBT nondiscrimination policies is just as valuable as the ability to legally punish or prosecute perpetrators for acts of discrimination against LGBT people.

**Conclusion**

The growth the LGBT movement in the United States has resulted in greater legal protections and social acceptance of the LGBT community. LGBT nondiscrimination policy advanced immensely since advocates began pushing for civil rights protections in the early
1970s. As social acceptance of LGBT people grows, so too does the realization that added legal protections are needed to ensure fair treatment and greater social legitimacy for the LGBT community. This chapter recounts the history of LGBT nondiscrimination policy at the federal, state, and local levels and provides context for the current situation of LGBT civil rights protections in the United States. The federal nature of US government enabled LGBT activists to gain piecemeal advancements in nondiscrimination protections. Because the federal government has no protections, activists turned to states and local governments to gain legal protections and social legitimacy. This research is concerned primarily with local LGBT nondiscrimination policies and seeks to understand why some cities pass such policies while others have no protections for the LGBT community. The following chapter adds to the discussion of federalism’s impact on LGBT policy by exploring how social movements develop, grow, and influence policy and society with the United States. Ensuring protections for LGBT people in employment, housing, public accommodations, and other forms of discrimination is at the forefront of the contemporary LGBT rights movement. In addition to legal protections, LGBT activists push for nondiscrimination protections because many view these policies as strengthening the social legitimacy of the movement and projecting pro-LGBT attitudes to those within and outside local communities.
Chapter 3: Social Movements, Policy Change, and Local LGBT Nondiscrimination Laws

Current scholarship concerning local LGBT nondiscrimination laws primarily relies on identifying the types of cities that are likely to pass pro-LGBT protections. Few studies extensively consider a broader set of impacts that may influence LGBT nondiscrimination policies at the local level. Thus, this study seeks to analyze governments at the city level, as well as the larger context of state politics in which local governments operate. Although the nature of individual cities is important, cities are legally beholden to state governments. Therefore, state politics are an essential consideration when explaining local policy change. This chapter establishes a theoretical basis for local and state government dynamics as a determinant of local LGBT nondiscrimination policy adoption. I discuss the foundations of social movement organization and political opportunity structures, as well as establish the importance of a multi-institutional approach to social movement behavior. I proceed by reviewing key theoretical elements of policy change and diffusion literature. This research further bridges the theoretical divide between policy studies and social movement theory by analyzing how movements advance policy change, as well as broad societal change, within a complex federal system. This chapter concludes with a model of policy adoption that simultaneously considers individual city characteristics and the impact of state-level politics to explain why some city governments pass LGBT protections while others do not.

The Elements of Social Movements

The Enlightenment Period of the 18th century brought vast change to the political and social structure of Western Europe (Tilly and Wood 2013). Protestant groups broke away from the previously dominant Catholic Church while increased trade made the ever-wealthier middle class eager to seize political advantages over the ruling aristocracies. During the late 1700s, the
Industrial Revolution transformed the economies of Western Europe from primarily agrarian to heavily industrial. Peasants began to leave their hereditary social stations on the estates of powerful aristocrats to seek new opportunities in the burgeoning cities. Not only did the concentration of labor in urban areas strengthen European economies, but dense populations are amenable to effective communication and mobilization of the masses. The combination of urbanization and political liberalization expanded the ability of dissatisfied citizens to form groups to demand political rights.

The modern concept of social movements began during this period in European history. Tilly and Wood (2013) present three essential elements of social movements: the campaign, the social movement repertoire, and the public representation. A social movement is “a sustained, organized public effort making collective claims on target authorities” (Tilly and Wood 2013: 4). Unlike peasant revolts or protests, the social movement campaign is comprised of a series of events and groups that coalesce in an attempt to alter the status quo. Overtime, a social movement campaign emerges through linkages of different types of actors (Tilly and Wood 2013). Claimants seek to enact political change for groups excluded from the political process, while the objects of the claims are systematically disenfranchised in some way. The last group is the mass public, without mass support political change is stagnated. These relationships form the basis of the organizational structure of social movements, which strengthens as a movement gains momentum.

The social movement repertoire is comprised of “the variable ensemble of performances” in which movement participants engage (Tilly and Wood 2013: 4). A repertoire exhibits various political activities used by movements to achieved movement goals. Activities range from public meetings and petitions to rallies and protests. Seemingly trivial activities also influence the
evolution of social movements. Gossip, language, folksongs, and even jokes are powerful tools for mass unity and mobilization (Scott 1985). LGBT activists engage in a wide range of tactics in pursuit of social and political equality. Social events, pride parades, protests, and youth shelters are just a few examples of activism within the LGBT community.

Tilly and Wood (2013) use the acronym WUNC (worthiness, unity, numbers, commitment) to define public representations of social movements. WUNC dually refers to the public and participant perceptions of social movements. To achieve worthiness, movement participants project a favorable image to the mass public. Participants, including LGBT activists, may choose to dress and act professionally, recruit clergy and respected leaders, or exhibit diverse demographics within the movement. Movement members are often socially and politically excluded for characteristics or behavior that lie outside the mainstream. Movements promote worthiness by trying to remove the stigma of deviance or “otherness.”

Actions that promote images of unity are meant to make movement members identifiable (Tilly and Wood 2013). Acts of unity consolidate social movement membership and create an image of strength to outsiders. Consensus is important but does not drive the latent group to act (Olson 1965). Rather, symbolic attachment helps create a sense of unity among participants (Schuessler 2000). Brand loyalty illustrates a symbolic attachment and explains why people might pay higher costs for a product if it is part of their identity (Schuessler 2000). Whether participants march in parades, wave banners, wear symbols and badges, or chant in the streets, the solidarity of members should be apparent to many in the mass public. Social movements cannot exist without numbers. Movement organization needs enthusiastic people to manage the everyday proceedings of the movement, but it is mass support that results in policy change. Social movements need signatures on petitions, votes in the ballot box, and protestors to march
(Tilly and Wood 2013). The coming out process was important because it helped the LGBT movement add numbers to its ranks. Furthermore, without increasing support among the general public, a movement is less likely to succeed at achieving its political goals. Commitment is necessary to maintain movement credibility. Movement leaders and activists are important because these individuals are dedicated to movement goals, even if the costs of participation are high (Tilly and Wood 2013).

**Social Movements and Resource Mobilization**

Much of the current scholarship concerning social movements stems from resource mobilization models. This approach to social movement success focuses on resource mobilization and expansion of political opportunities. As the resources and support of a social movement grow, activists and advocacy organizations will have more power with which to influence policy change (Chong 1991). Schattschneider (1975) posits, “The most important strategy of politics is concerned with the scope of conflict.” Therefore, expanding the conflict to involve more actors will change the nature of the conflict so that the original actors are likely to lose their tight grasp on a policy (Schattschneider 1975). The resource mobilization approach rests on increasing the scope of conflict by engaging potential movement members, the general public, and public officials. The ability of the movement to organize and mobilize resources is essential for the growth and success of a social movement (McAdam 1982; Chong 1991; Winson 2000; Wood 2003; Ozen and Ozen 2009; Tilly and Wood 2013). Resource mobilization has been tested by numerous scholars and been represented in various formal models.

Chong (1991) places emphasis on the level of movement mobilization relative to the level of opposition mobilization to explain social movement success in achieving policy change. The side that amasses the most resources, including money, members, savvy leaders, and
organizational strength, will accomplish their policy goals. Though it is congruent with pluralist logic, mobilization alone cannot explain changes in policies overtime. Chong (1991) includes the interaction effect of government responsiveness to both the movement and the countermovement. Thus, the willingness and ability of the government to respond to the demands of a movement influences the overall supply of favorable policies.

Resource mobilization models tend to underemphasize the complexity of government (Ozen and Ozen 2011). Governments are composed of a complex network of subsystems that specialize in particular policy areas (Sabatier and Weilbe 2007). Macro-political institutions, such as the US Supreme Court and Congress, deal with a wide range of policy issues. However, most policy changes occur in smaller jurisdictions. Bureaucratic agencies, local governments, legislative committees, and district courts have a narrower scope in terms of policymaking, but the daily chore of policymaking and implementation usually rests with specialized venues. Since governments are networks of semi-autonomous venues, movement leaders push their agenda in venues that are perceived to be supportive of movement goals. Resource mobilization models fail to account for variations in institutional venue and the movement’s ability to strategically choose policy venues.

**The Political Process Model**

As Leftist groups made progress in social and political realms in the 1960s and 1970s, scholars began questioning the explanatory power of resource mobilization and more latent explanations of social movements. Activists play a more critical role in the advancement of movement organizations and the creation of political opportunities than previous models could reflect. McAdam (1982) identifies four factors that drive change and evolution of social movements. First, the structure of political opportunities determines the extent to which social
movements operate within the established political system (McAdam 1982; Ozen and Ozen 2011). When political opportunities are expanded, movement members increase political activism to capitalize on these political outlets. The enhanced political power of social movements reduces the disparity of power between the movement, political elites, and movement opposition. The increased power subsequently increases the bargaining capabilities of movement activists. When social movements gain power, opposition becomes more difficult because the costs of resisting movement goals increase (McAdam 1982).

Second, a strong organization is essential to a successful social movement. Closely tied groups and robust organizations enable movements to acquire and mobilize resources (McAdam 1982). Organizational structures perform key functions that advance movement goals. Organizations recruit members to the social movement, including activists, movement leaders, and general supporters. Organizational structures can offer incentives to individuals for participating in a movement. By increasing the benefits of participation, organizations can reduce the free-rider problem (Olson 1965; Schuessler 2000; McAdam 1982). Building a communication network is another important function of social movement organizations. Effective communication allows movements to broadcast messages to members and the public. Also, communication increases the speed and effectiveness of resource mobilization and makes collective action possible. McAdam (1982) stresses the importance of movement leaders that spearhead movement campaigns. Without a strong organization, leaders cannot access potential resources or devote as much time to the movement. Maintaining a strong leadership is extremely difficult without a strong organizational structure.

McAdam (1982) suggests that the two institutional factors mentioned previously are insufficient to explain social movement evolution. The third factor driving the evolution of social
movements is the assessment of the prospects for a successful insurgency. People are the link between political opportunity and political action (Armstrong and Bernstein 2008). Individuals assign subjective meanings to observations of the world. Therefore, movement participants must perceive an opportunity as beneficial before shifting their strategy. Often these meanings come from social cues from other groups. Fourth, social movements are usually opposed by groups seeking to maintain the status quo. The ability to respond to opposition actions is an important factor in gaging the evolution of a social movement (McAdam 1982). Opposition movements that have strong organization and resource mobilization abilities can block political gains by the social movement (Chong 1991). Essentially, opposition movements and social movements operate similarly because both groups seek organization, political opportunities, and mass support.

**Stages of Social Movement Development**

Separating social movements into movement formation, pursuit of movement goals, and reevaluation stages provides a useful heuristic for exploring the evolution of movements overtime (McAdam 1982). The stages enable the changes in social movements to be identified by determining the common characteristics of each stage and then comparing the stages across time. The stages are not rigidly chronological, meaning social movement evolution is fluid rather than linear. Depending on the influence of driving factors, movements shift between stages or occupy two or all stages simultaneously. This is particularly true in federal political systems.

**Movement Formation**

According to pluralism, when citizens of a democratic state have a grievance about the status quo, they seek redress through formal institutions of the state. Pluralism assumes that power is widely distributed among citizens. McAdam (1982) rejects this view based on two
arguments, power is not equally distributed throughout society and political action takes place outside of formal political institutions. Social movements provide evidence that pluralism does not provide an accurate picture of the political functions within democratic system. Members of social movements are those with little power in the status quo and must tread alternate avenues to achieve policy goals.

Large power disparities result in the exclusion of certain groups from the mainstream political system. Social movements emerge as a means to lessen the inequalities within a society, but may be forced to operate outside formal institutions. If a group is excluded from political participation, movement participants turn to civil society to foster cohesion among affected citizens. For example, as large numbers of Puerto Ricans congregated in inner city Chicago, the Puerto Rican nationalist movement developed as a result of “otherness” bestowed upon Puerto Ricans and other Latinx groups (Ramos-Zayas 2003). In this case, campaign cohesion emerged among the Chicago barrios fueled by seclusion from white-American culture. Other actions taken against the community also contributed to discontent, such as the imprisonment of radicals further unified Puerto Ricans living in the Chicago barrios. Through word of mouth and general ill feelings toward the city, the nationalist movement formed within the community. Claimants were community members and radical nationalists were the objects the claim. The public became involved in the movement after the threat from radicals was realized. These groups became a Puerto Rican nationalist campaign by establishing their own political structures and institutions mostly outside of the city’s institutions.

Wood (2003) argues that strong symbolism and critical uniting events are necessary for the formation of a successful movement. Symbols are perceived and interpreted by movement participants through the lens of past experiences (Damasio 1994). Interpretation of mental
images creates subjectivity in the response to symbols. Subjectivity allows movement members to use and manipulate symbols and critical events into motivation for movement participation, even if the events or symbols are not accurately portrayed. Following the imprisonment of several Puerto Rican nationalists, the movement rallied around this perceived injustice (Ramos-Zayas 2003). The repugnance and concreteness of the social injustice sparked anger among the community and increased both the unity and commitment of movement participants. The gay rights movement’s critical event is unequivocally the Stonewall Riots of 1969, which many credit as the beginning of the movement. However, Armstrong (2002) points to at least “107 commercial [homosexual] organizations founded before 1969.” The confusion surrounding the origins of the movement is irrelevant because movement members draw subjective, emotional motivation from the romanticism of the Stonewall episode.

In the 1950s, homosexual groups began appearing in public for the first time in America (Armstrong 2002). This early movement follows the logical trajectory of movement formation (Tilly and Wood 2013). The belief that homosexuals are a minority increased the worthiness of the LGBT movement. The homophile movement wanted the public to view the community as a part of society, rather than as sexual deviants. The movement also became more unified during the 1950s and 1960s. By the 1950s, a gay identity had already begun to form in California and this identity was superimposed onto an interest group model (Armstrong 2002). For the gay movement, numbers meant getting people to come out of the closet and openly admit their sexuality. This became a push of the homophile movement. Organizations and individuals were encouraged to embrace their identities despite the potential social consequences. The formation of the homophile movement became the foundation for the New Left homosexuals and the gay identity movement.
Pursuit of Movement Goals

The next stage of social movements begins when the movement participants utilize political opportunities that allow more access to formal political institutions (McAdam 1982). The early homophile movement cautiously tried to educate specific figures of authority that were perceived as likely to support homosexual rights (D’ Emilio 1983). Many of these figures were in the medical field or at universities. Activists believed that more research on homosexuality would dispel the myth that same-sex attraction is a mental disorder and provide credence to their claim that homosexuals were a legitimate minority. Additionally, the Mattachine Society had a particular interest in negotiating with the police (D’ Emilio 1983; Armstrong 2002). Activists assisted men who were arrested while cruising in public areas and exposing baiting by undercover cops posing as homosexuals. Later, militant oriented members of the homophile movement, inspired by the New Left, engaged in more radical tactics in pursuit of movement goals. The strategies employed by activists change overtime based on the evaluation of previous strategies.

Reevaluation

Two main steps occur during the reevaluation phase of a social movement: assessing prospects of political success and organizational restructuring. Movement participants must periodically evaluate the prospect of political success. This occurs at all levels, but the reevaluation stage is critical because movement organization may breakdown as a result (Okrent 2010). Movements can weaken without fully achieving movement goals. The Black insurgency movement’s greater organization collapsed in the mid-1960s (McAdam 1982). Due to increased militancy of certain factions within the movement and the impatience of the younger black population, the organization that united the movement was ebbing. “Perhaps the most important
factor contributing to the decline of the movement during this period was the substantive and tactical shifts evidenced by insurgents themselves” (McAdam 1982: 228). The assessment of the prospects for political success differed among the participants of the Black insurgency movement. The lack of a common goal and crumbling organizational structures razed both movements to weakened states. Similar divisions occurred with the early homophile movement as younger, more radical, members began to grow impatient with what they deemed as timid attempts by the Mattachine Society and the Daughters of Bilitis to convince experts to support their cause (D’Emilio 1983). However, for the LGBT movement, the divisions that occurred between different chapters of the national homophile organizations resulted in organizational restructuring that was better equipped to deal with events such as the Stonewall Riots due to their more radical nature. A social movement’s sustainability relies on its organizational strength. Strong organizations must be present in order for the movement to continue and movements tend to breakdown when their organizational structure begins to erode. Once participants develop divergent meanings for these elements of the social movement, it is difficult for the existing organizational structure to remain intact.

**Political Opportunities and Movement Success**

Political opportunities are the mechanisms used to gain political power. According to political process theory, changes in the opportunity structure lead to changes in social movement strategy (Kriesi 2004). Activists use a repertoire of politically motivated activities in order to achieve movement goals (Tilly and Wood 2013). Voting, rallies, protests, sit-ins, and other campaigns that draw public and media attention are examples of movement activities (Kriesi 2004). McAdam (1982) presents evidence of the expansion of political opportunities from the civil rights movement. He argues that as blacks in the post-WWII South migrated north to fill
positions at factories in Northern industrial centers, their voting power increased and thus sparked the interest of the Democratic Party machines. Northern Blacks became an important voting bloc in the North and began to pressure the Democrats to remove the plight of immense discrimination for Southern Blacks. This allowed the movement to gain inroads into the Federal Government, which had slipped since the end of Reconstruction. New political opportunities coupled with strong organizations, such as the National Association for the Advancement of Colored People (NAACP), helped the movement achieve major victories in the 1950s and 1960s. For the LGBT rights movement, political opportunities began to expand when powerful institutions began dismissing the notion that homosexuality is a mental disorder, such as the American Psychological Association (APA). Advancements in medicine and academics provided legitimacy to activist claims of social minority status rather than a social problem.

There are many models of political opportunities that show how movement leaders adjust to shifts in the political environment (McAdam 1982; Tarrow 1988; Gamson and Meyer 1996; Wood 2003; Kriesi 2004). Through a synthesis of these approaches, two main components of political opportunities emerge as paramount: institutional venue and actors. The institutional venue is an important variable that influences the success of social movements. The structural make up of institutions constrains policy venues from making certain policy decisions (Kriesi 2004). Most political institutions are only semi-autonomous, meaning their authority is derived from more powerful institutions. For example, local governments are under the purview of state governments (Graves 1964). Consequently, localities have a narrow scope of policy decision-making authority (Tarrow 1988). Structure also includes the “degree of openness of polity” (Tarrow 1988: 429). This assertion likely stems from application of the political opportunity framework to unitary or authoritarian regimes. These types of governments tend to have fewer
institutional venues in which movement leaders can advance the movement agenda. The majority of political opportunity approaches provide macro-institutional level analysis of the expansion of political opportunities by arguing that institutional design and tradition affect success of social movements to influence policy (Kriesi 1995). Yet most approaches only vaguely identify driving mechanisms of political opportunities or the processes that cause the expansion of political opportunities.

Policy venues operate within a unique political environment. Kriesi (2004) stresses the importance of the interaction context, or the current environment. For example, party control of a legislative chamber is not a formal institution. Chamber leadership changes overtime through elections and party turnover. However, these types of environmental factors influence the policy process because policies are advantaged or disadvantaged depending on the institutional environment. During times of policy stability, institutions are static and successfully deter most policy change (Tarrow 1988; Baumgartner and Jones 2003). When studying local governments, the political context of the state government is a major factor in determining policy outcomes at the local level.

The research on actors focuses on the leaders of social movements. Many scholars have scrutinized the leadership skills and tactical decisions of movement leaders. Kriesi (2004) argues that configurations of actors can influence social movement success. Power structures among elites can impact political outcomes (Tarrow 1988). Elites form alliances and have varying levels of tolerance for protest movements. To add to the complexity of governmental organizations, the behavior of individuals within government influences policy outcomes. Policy venues are made up of people and the collective memory of these officials reflects the core values, beliefs, and norms of the institution (Baumgartner and Jones 2003). Analysis of individuals within
government explains policy changes that contradict established institutional structures. For example, in June 2011, the New York Senate voted to legalize same-sex marriage despite longstanding opposition from the chamber’s Republican majority (Confessore and Barbaro 2011). The established beliefs that curtailed same-sex marriage in New York had strong institutional support through the Republican caucus, but four Republican senators were persuaded by LGBT supporters to vote in favor of same-sex marriage. Furthermore, previous research has shown that when LGBT people hold political office, pro-LGBT policies are more likely to be passed (Button, Wald, and Rienzo 1999). Most resource mobilization and political process models lack the means to account for such nuanced, interpersonal interactions between movement activists and government officials.

Multi-Institutional Approach to Social Movements

The scholarly literature on political processes fails to fully account for the complexity of social and policy change. Trends in the literature reflect the notion that “the dichotomy drawn between the world of social movements and that of political institutions is too sharp” (Maguire 1995: 200). Unlike the political process approach, multi-institutional analysis theory considers how social movements seek to influence multiple power structures within society, not just single governmental organizations (Friedland and Alford 1991; Armstrong and Bernstein 2008; Bernstein 2011; Taylor 2016; Konieczny and Rogers 2016). Social movements not only strive for concrete policy change, but also attempt to influence powerful parts of society, such as business, academia and education, medicine, religious organizations, and other powerful institutions. If social movement advocates are not able to achieve favorable policy change in one authoritative institution, other institutions, political or otherwise, can be targeted for possible forums for policy debates (Armstrong and Bernstein 2008). “The political process model is too
narrow to encompass the diversity of contemporary change efforts” (Armstrong and Bernstein 2008: 74). In fact, the lines between government and social movements become blurred because individuals are often social movement activists, as well as government officials (Santoro and McGuire 1997; Skrentny 2002; Armstrong and Bernstein 2008). For this study, the multi-institutional approach enhances explanatory abilities beyond the political process approach because complex federal systems can be analyzed more effectively. Rather than one single policy-making entity, governments are a collection of semi-autonomous bodies that constantly interact and compete for policy-making authority. Local and state governments exemplify separate and competing power centers within society, thus policy change in one arena is likely to influence change in the other. For example, LGBT activists pursue local nondiscrimination policies not only to protect people within the city’s jurisdiction, but also to put pressure on state legislatures to enact similar policies for an entire state.

Social movements are simultaneously instrumental and expressive (Armstrong and Bernstein 2008). For example, social movements pursue policy changes, but also strive to achieve symbolic goals that represent the underlying ideals of the movement. Social movement activists often value symbolic goals even at the expense of achievements in policy change (Bernstein 2003). In many instances, local LGBT activists push for city nondiscrimination protections in order to gain a sense of legitimacy, feel more accepted within their own communities, and project a pro-LGBT attitude to outsiders (Wald, Button, and Rienzo 1996). These laws are rarely implemented to curb rampant, outright discrimination against LGBT people. Although policy change is one goal of local LGBT activists, these policies do not represent the ultimate purpose of activists’ actions. Policy change is an intermediary objective toward the ultimate goal of greater social acceptance by institutions of authority other than
government, such as business and religion. Although government is only one societal center of power, it is unique because governments make rules that effect other powerful institutions (Polletta 1994). The government is a tool utilized by LGBT activists to influence other institutions that have a more direct influence over the everyday lives of LGBT residents. Local LGBT nondiscrimination policies are both instrumental and symbolic statements meant to influence state and federal governments to enact similar, broader policy changes. Even though symbolic meanings of policies may not have an expressly punitive purpose, they do influence individual behavior by changing perceptions of appropriate behavior within society. Thus, even though LGBT nondiscrimination laws do not result in overwhelming numbers of discrimination claims, the pro-LGBT attitude established by a government does set a precedent that LGBT people are valued members of society and require equal treatment. A multi-institutional approach to social movement behavior provides a focused analysis of the behavior of movement activists that may not seem practical from a purely policy perspective.

**Policy Instability and Social Movements**

In order to more fully explain the relationship between movement behavior and policy change, many scholars began to synthesize elements from literature on both social movements and public policy (Armstrong and Bernstein 2008; Ozen and Ozen 2011). Elements of public policy models explain the patterns of diffusion of LGBT nondiscrimination laws throughout the United States. Further synthesis of the fields will provide accurate analysis of LGBT nondiscrimination policies in the United States and identify factors that affect LGBT civil rights policy change at multiple levels of government.

Change in a policy area is an ongoing process. Most policy change occurs when issues arise to the top of government agendas. At this high profile level, policy changes are dramatic,
but fleeting. Between periods of rapid change, policies reside at the subsystem level and do not receive much attention from the general public, elected officials, or the media. Baumgartner and Jones (2003) apply a punctuated equilibrium model to explain the shift of policy change from long periods of stability to short periods of instability. According to this model, stability in a particular policy area is characterized by slow and incremental change, while instability is marked by rapid change.

During periods of stability, policy monopolies, usually a small group of interested actors, dominate policy change at the subsystem level. Baumgartner and Jones (2003: 6) describe a policy monopoly as “a monopoly on political understandings concerning the policy of interest, and an institutional arrangement that reinforces that understanding.” If monopolies degrade, policies are susceptible to a short period of rapid and dramatic change as institutional arrangements realign. Institutional instability occurs when current officials alter their values and beliefs or when people with alternative values take institutional control. For instance, Wald, Button, and Rienzo (1996) found that when LGBT activists were unsuccessful at getting nondiscrimination ordinances passed in cities, they often attempted to replace unfavorable city counselors with pro-LGBT officials through elections. Moments of instability create potential for expanding political opportunities for social movements because policy monopolies are weakened. Maguire (1995) promulgates a similar pattern of emergence and submergence of social movements. All groups, including movement, opposition, and government actors, are continuously trying to maintain and strengthen policy monopolies that coincide with their values and beliefs (Baumgartner and Jones 2003).

Policy monopolies that are unfavorable toward LGBT rights prevent movement activists from achieving policies that expand rights to the community. Shifting the underlying values of
an institution can destroy an unfavorable policy monopoly, but if this is not possible, advocates
must search for other sources of policymaking authority. In the case of LGBT anti-discrimination
policies, activists turned to state and local governments to achieve piecemeal success after no
advances were made to enact protections in Congress. Certain states and cities are more
amenable to the plight of the LGBT community, therefore, activists shifted movement resources
to capitalize on friendly institutions. Movement leaders respond to changes in the political
environment in order to maximize success. As support for LGBT nondiscrimination ordinances
grew in more states and localities, the efforts to pass subnational protections grew.

The advocacy coalition framework is an approach to the policy process that targets the
complex networks that exist among the actors involved in the policy process (Sabatier and
Jenkins-Smith 1993; Sabatier and Weible 2007). The advocacy coalition framework stresses “the
importance of interpersonal relations to explain human behavior” (Sabatier and Weible 2007:
196). Individuals seek to align themselves with actors that share core values and interests. Stone
(1988) focuses on the power of persuasion and the need to control the agenda and rules of the
political system. “Politics is the sphere of emotion and passion, irrationality, self-interest,
shortsightedness, and raw power” (Stone 1988: 376). This framework accounts for interpersonal
relationships, including negotiations, leadership skills, consensus building, commitment, and
building trust (Sabatier and Weible 2007). Policy-oriented learning is the process by which core
values and beliefs slowly change over time (Sabatier and Weible 2007). The advocacy coalition
framework helps explain interactions between movement participants and government officials
(Burnstein, Einwonher, and Hollander, 1995). Rather than movement activists simply responding
to environmental shifts, they are actively involved in shaping the movement’s political
opportunity structure through venue shopping and interpersonal interactions with policymakers.
By applying elements of public policy approaches in conjunction with the political opportunities framework, institutional structure and individual personalities are better accounted for while examining social movements and their influence on policy change.

Power over issue definition allows power over conflict expansion. “The creation and maintenance of a policy monopoly is intimately linked with the creation and maintenance of a supporting policy image” (Baumgartner and Jones 2003: 26). Therefore, if policy losers can redefine issues to coincide with their values, they can expand the conflict and break up policy monopolies (Schneider and Ingram 1997). Since few actors are specialists in particular policy areas, experts are able to define issues in ways that are favorable to their interests (Baumgartner and Jones 2003). Policy losers use these simplified definitions to expand the conflict to include previously disinterested actors and venues. Many politicians understand policies and policy implications through simplified or symbolic definitions. Therefore, issue definition is important in legislatures because only a few of the voting members have in-depth knowledge about a policy area (Squire and Moncrief 2010). This is especially crucial in citizen legislatures, because they tend to be less specialized than professional legislatures.

The literature suggests three components that are necessary for policy losers to gain control of institutional venues and issue definition. First, “policy entrepreneurs are people willing to invest their resources in return for future policies they favor” (Kingdon 1984: 204). These actors can be motivated by self-serving benefits, concern about issues, or a sense of achievement, among other reasons. Policy entrepreneurs can be almost anyone, including politicians, businesspeople, reporters, professionals, activists, among others. Kingdon (1984) points out applicable activities in which policy entrepreneurs attempt to push policies. They encourage feedback about the government’s performance, promoting a specific definition of a policy.
Rallies, letters to politicians, phone calls, demonstrations, and events are a few examples of tactics used to exhibit the negative consequences of a governmental policy. Policy entrepreneurs engage in a “softening-up process” to raise awareness and gauge reactions of a specific policy definition (Kingdon 1984: 205). They attempt to get press coverage, give testimony, or other activities that put the policy in the public eye. This process includes a great amount of time to float ideas and revise issue definition based on reactions. Additionally, policy entrepreneurs that hold elected office introduce policy changes in order to fulfill campaign promises (Kingdon 1984). Elected officials use the tactics discussed above in order to appease their constituency.

Organization, or the organization of interested groups, is another avenue of mobilization. Schattschneider (1975: 31) argues, “Organization is itself a mobilization of bias in preparation for action.” Furthermore, he claims that organizations are “known, identifiable, and recognizable” but most issues do not have well organized interest groups (Schattschneider 1975: 29). Even well organized interests are not readily known or recognized by the general public. Therefore, highly visible, organized interests are able to influence policy more than less organized interests. Organizations also engage in recruiting of members, which plays a role in mobilizing apathetic citizens. Apathetic citizens are essential to expanding conflicts in order to destroy policy monopolies. Baumgartner and Jones (2003: 239) refer to these actors as “slack resources’ that can be mobilized by policy entrepreneurs.” Apathetic citizens are important because when public opinion shifts previously disinterested citizens become involved in a policy. Therefore, policy monopolies try to prevent apathetic citizens from becoming involved, and policy losers attempt to sway citizens toward their policy definition. If enough citizens become interested in a conflict, the issue can have election consequences, which draws the attention of macro-political actors and the media. In the context of a social movement, both the movement
and its opposition engage in strategically recruiting the mass public to their cause (Tilly and Wood 2013).

**Diffusion of Policy in a Federal System**

When policy monopolies lose control of a conflict, policies become more sensitive to outside influences (Baumgartner and Jones 2003). One strategy used to bypass or destroy longstanding policy monopolies is to petition an alternate institution that has authority to change policy. Venue shopping is a tool utilized by movement leaders to advance their agenda in political subsystems that share similar goals and values (Pralle 2003; Baumgartner and Jones 2003). Miller (2007) asserts that a federal system provides ample opportunities for venue shopping (Ozen and Ozen 2011). Kriesi (1995: 194) states, “In federalist states, a change in a subnational opportunity structure may trigger an action campaign, even if the national opportunity structure remains stable.” Policy diffusion occurs when policy-making authority is decentralized (Karch 2007). Groups of governments can be viewed as a social system in which governments at all levels must interact with one another (Rogers 1983). Information is dispersed between different governments through networks of public officials and the mass media (Berry and Berry 2007). Governments pass policies from other jurisdictions because they observe the successes and shortcomings that occurred in prior attempts (Karch 2007; Berry and Berry 2007). Governments in the same geographic region are especially likely to share similar patterns of policy diffusion and change.

In the context of a US state, policies can be diffused from the state government to local governments. The most prominent local governments in most states are county commissions and city councils. LGBT advocates use venue shopping to appeal to local governments in an attempt to bypass state governments that refuse to enact nondiscrimination laws to protect the LGBT
community. At the state level, this effort is limited. Cities commonly adopt policies from neighboring states, particularly if their state resists a policy that is popular in the city itself. Since the law technically permits discrimination on the basis of sexual orientation, the courts have not been active in shaping nondiscrimination policy in states where legislatures have not acted first. However, cities are limited in their ability to pass policy because state governments have a great deal of authority over the actions of local governments (Graves 1964; Benton and Morgan 1986; Wright 2007). Policy diffusion in cities is limited by the political context of each individual state and often the beliefs of the ruling party. Several state governments have prohibited cities from passing LGBT nondiscrimination protections, thereby negating any will of cities to do so. This is an important consideration when examining LGBT nondiscrimination policy at the local level. No matter how progressive and LGBT friendly a community may be, the official opposition to LGBT protections by state governments restricts cities from enacting desired nondiscrimination policies (Gossett 1999).

**Examining LGBT Nondiscrimination Policy Change**

The addition of discrimination protections for LGBT Americans in federal law has long been a goal of the LGBT movement (Wald, Button, and Rienzo 1996; Dorris 1999). Many LGBT activists view this goal as a way to enshrine social legitimacy into the legal tradition of the United States. Just as other minority groups achieved nondiscrimination laws at the federal level, LGBT activists and their allies believe this is a necessary step to protect LGBT individuals. These laws also project symbolic support and acceptance of the LGBT community as valued Americans. However, policy change is concentrated at the state and local level, and LGBT people still lack any discrimination protections under federal law (Riggle and Tadlock 1999; Gossett 1999; Mucciaroni 2008; Cravens 2015; Cramer et al 2017). LGBT activists seek
favorable political opportunities by targeting governments that they perceive support LGBT rights and nondiscrimination policies. Wald, Button, and Rienzo (1996) discuss the types of cities that tend to provide favorable political opportunities for local LGBT activists, including college towns, large industrial cities, older Southern and border cities, and coastal resort towns. Certain city characteristics have been shown to impact the presence of LGBT nondiscrimination laws in cities, including demographic differences, social diversity, ideology, socioeconomic status, and religious adherence (Wald, Button, and Rienzo 1996; Dorris 1999; Cravens 2015). Scholars, advocates, and policymakers alike tend to overemphasize the importance of one characteristic, most often population size or political ideology. However, considering a range of factors that influence LGBT policy change is necessary in order to achieve a systematic and accurate analysis (Button, Rienzo, and Wald 1997; Dorris 1999).

Voter apathy toward the gay rights movement and lack of a strong gay rights organizational coalition makes expanding the conflict difficult, especially concerning nondiscrimination policy (Mucciaroni 2008). This creates an inherent challenge for gay rights groups because getting uninterested citizens to participate in the movement, or even vote, is a monumental challenge for gay rights advocates. In many states, gay rights organizations are loosely organized and do not have strong collective action capabilities. General voter apathy coupled with the lack of a strong organizational network often results in ineffective campaigning directed toward elected officials. Most officials have no election consequences attached to the issue of nondiscrimination based on sexual orientation. To counteract this difficulty, many activists target specific institutions for additional support for LGBT nondiscrimination policies, most often businesses and religious organizations.
Testing city characteristics to determine what types of communities are most likely to pass LGBT protections cannot fully explain policy outcomes in this area. Local governments are ultimately beholden to the will of the state and have no constitutional or legal recourse against the state government unless the federal government intervenes (Wright 2007). Therefore, the state political environment is another piece of the complex LGBT nondiscrimination puzzle (Gossett 1999). State governments have a wide range of effects on local governments. States can expressly prohibit cities from passing LGBT protections. Virginia’s human rights statute has limited cities from passing their own nondiscrimination policies, even beyond LGBT protections (Gossett 1999). However, another less studied effect is local government resistance to state policy. Some local governments pass LGBT nondiscrimination policies in direct response to anti-LGBT sentiment at the state level. City and county governments challenge the state government by passing ordinances that are in direct competition with the beliefs of state officials (Berry and Berry 2007). Understanding the complexities of a state politics is key to explaining LGBT nondiscrimination policy change at the local level.

**Bridging Social Movement and Policy Change Theories**

This study seeks to narrow the theoretical gap between social movement literature and theories of policy change in order to better understand local LGBT nondiscrimination policy adoption. In particular, the multi-institutional approach to social movements is strengthened by empirical analysis of political opportunities and institutional venue shopping within the context of a federal system. Social movement literature tends to underemphasize the complexity of federalism by either treating government as a single, omnibus entity or focusing research on a single governmental body, such as the federal government or individual states. Policy change literature considers different governments as essentially separate entities that are constantly
vying for policymaking authority within society. Therefore, the federal, state, and local 
governments are vying for power with each other, as well as the many power centers in society 
identified by multi-institutional approaches. This view of federalism allows social movement 
scholars to better understand the coalitions that form within society to achieve social movement 
goals. The complex relationships between states, local governments, and other societal power 
centers hold evidence of social movement activists appealing to alternate power centers within 
society. In the case of LGBT nondiscrimination policy, LGBT activists are actively building 
coalitions with local governments to achieve protections for LGBT people even in the most 
hostile state political environments. In essence, LGBT activists turn to local governments to pass 
LGBT nondiscrimination policies because when states resist adding protections, local 
governments are an alternate power center within society for activist appeals. In many states, 
local government coalition partners then help pressure other governments to join the coalition, as 
well as businesses, religious organizations, among others. Overlooking the power distinctions 
between different levels of government stunts analysis of exactly how social movements are able 
to build momentum for movement success within a federal system.

Additionally, this study argues that social movement theory offers unique insights to the 
study of policy change. Social movement goals persistently influence politics at all levels of 
government and have much broader implications for policy and social change than interest 
groups or individual corporate interests (Wald, Button, and Rienzo 1996; Haider-Markel and 
Meier 1996). This analysis provides evidence that the purpose of local LGBT nondiscrimination 
ordinances is aimed at altering other power centers within society, such as education, industry, 
and religion. Activists strive for policy change not simply for policy change sake, but to alter the 
perceptions and behavior of other societal power centers. LGBT advocates push for
nondiscrimination policies in order to make industries more LGBT friendly, diminish the influence of anti-LGBT religious organizations, and alter cultural norms by projecting a pro-LGBT attitude to outsiders. For many local LGBT advocates, simple policy change is merely a step toward much more broad and meaningful societal change.

Policy literature benefits from a more holistic, societal approach to policy change. A multi-institutional approach places policy change within the broader context of societal change. Policy studies assume that political actors seek policy change due to instrumental or expressive benefits that are gained by a policy change as discussed in the previous paragraph. However, public policy is simply one source of authority within society, albeit a powerful and ubiquitous source. An important theoretical question is why public policy needs to be changed versus attempting to change other types of societal institutions. Understanding how policy change fits into the larger landscape of social change can increase the explanatory and even predictive power of policy change models. Models of social movements are effective at explaining behavior within social organizations. Public policy scholars can apply these models to observe patterns of behavior within many social movements pushing for policy change. Issue definition and the process of movement formation are highly similar theoretical concepts. LGBT issues could only reach the political agenda after these issues had been on the agendas of medical professionals and academics for many years. For example, homophile activists had virtually no chance of achieving changes to public policy in the 1950s and chose to challenge the institutions of medicine and education (Armstrong 2002). Although modest gains were made in these areas, the real change occurred within the movement itself. Younger LGBT activists became frustrated with the timid approaches of early activists to build coalitions with experts and as a result, adopted more radical methods of societal change. The social movement itself had to go beyond
simple coalition building by fundamentally altering its identity and political strategies in order to appeal to medical associations and educational institutions. Only then could a coalition begin to coalesce in a way that enabled pro-LGBT public policy changes. Bridging the gap between social movement literature and policy studies elucidates the impact of identity formation on broader policy change.

An important example is the polyamory movement, which is growing in much of the developed world. The main predictive power of this example does not lie in coalition building but rather a similar coming out process that spurred the development of the homophile movement. The growth of the polyamorous community’s identity runs parallel to any coalition building that occurs with other social institutions. The formation of the community itself allows policy scholars to begin to predict the future coalition building and subsequent societal and policy changes to be incited by the polyamory movement. In the context of local nondiscrimination policy, the coming out process continues in much of rural America. In many American cities, the local LGBT community has to come out of the closet before forming pro-LGBT coalitions with powerful institutions within society. Such analysis introduces more nuanced and accurate explanations of issue definition and agenda setting than more general explanations that rely heavily on coalition building.

**A Dynamic Approach to Political Opportunities and LGBT Nondiscrimination Policy**

Cities and states are constantly engaged in a struggle over control of policy. Local and state political opportunities simultaneously influence LGBT nondiscrimination policy outcomes at the city level in complex ways. This study incorporates the effects of both state politics and the influence of individual city characteristics into a general model of policy adoption. Understanding both the city and state political context is vital to accurately explain policy
outcomes and for advocates to pinpoint the most effective strategies to campaign for expanded local and state LGBT protections. This section presents a model for understanding the adoption of LGBT nondiscrimination policy among local governments within the United States.

Why do some cities pass LGBT nondiscrimination ordinances while others do not? Two main factors explain whether a city is likely to pass an LGBT nondiscrimination ordinance: the characteristics of the individual city and the state political opportunity structure. The relationship between cities, states, and policy adoption is displayed in Figure 3.1. Identifying specific variables within the two factors will assist both researchers and advocates in better understanding the opportunity structures that lead to passage of LGBT nondiscrimination policies in cities. For researchers, developing a concise model for understanding LGBT nondiscrimination laws will promote a synthesis of previous and current research on the topic in order to more explain policy outcomes. Also, the logic that underlies this model can be applied to other contentious social issues in local politics, such as immigration. For advocates, a general model of policy adoption will allow for greater contextual understanding of the political opportunity structure in their own cities and states, enabling LGBT advocates to more precisely determine venues and strategies for optimal mobilization. The influence of city characteristics is discussed extensively in Chapter 5 and the influence of state politics is analyzed in depth in Chapter 6.

**Characteristics of Cities**

The notion that characteristics of cities can predict the presence or lack of an LGBT nondiscrimination ordinance is well documented by prior research (Wald, Button, and Rienzo 1996; Dorris 1999; Cravens 2015, Cramer et al 2017). There are numerous indicators that can be used to determine which city characteristics are correlated with having an LGBT nondiscrimination law. Variables that measure population, political ideology, religious
adherence, social demographics, and education levels are among those that are useful in understanding local LGBT policy adoption. When looking at the model in Figure 3.1, the city is the logical starting point for understanding local LGBT nondiscrimination policy. Certain cities are more accepting of LGBT rights assuming that the previously mentioned variables remain significant after rigorous examination.

Figure 3.1: A Model of LGBT Nondiscrimination Policy Adoption

The fact that even some of the most conservative states are dotted with local LGBT ordinances offers strong credence to the assertion that city characteristics are the central influence of policy adoption in this area. Some cities will happily accept pro-LGBT policies and others will relentlessly resist, regardless of the state political opportunity structure. Cities have passed LGBT protections despite the inclinations of state governments and often as a direct response to anti-LGBT sentiment at the state level. The independence that cities demonstrate, particularly small towns, suggests that local activists and politicians are the primary driving force for LGBT nondiscrimination policy change.
State Political Context

Since local governments are beholden to the will of the state, studying local policy without considering the potential influence of state government results in inaccurate assumptions about policy change among localities (Gossett 1999; Wright 2007). LGBT issues can be highly contentious, more so than most other issues addressed at the local level (Button, Rienzo, and Wald 1997). With attention being drawn to these local policies, state legislators and other policymakers are keenly aware when pro-LGBT ordinances are passed within their state. Advancements in pro-LGBT policies also catch the attention of LGBT advocates throughout the state and nationwide, often stirring momentum for further change in additional cities and at the state level. A state’s political opportunity structure has a moderating effect on policy change at the local level, either restricting or prompting local government behavior. Determining the precise nature of a state political opportunity structure is a difficult task due to the myriad of factors that may influence state government, especially when attempting to generalize across states. However, three primary variables provide a basic foundation for understanding the political environment within a state: action by state legislatures, the structure of LGBT resource advocacy networks, and state-specific political institutions.

Action by State Legislatures

Actions taken by state legislatures have broader impacts on the political landscape of a state (Gossett 1999). In the case of LGBT nondiscrimination laws, the most common legislative action is inaction or refusing to add LGBT people as a protected group under existing state discrimination laws. Many state legislatures reject LGBT nondiscrimination legislation repeatedly, session upon session. These bodies are certainly aware of the issue at the state level. Most commonly legislation introduced is a change to state human rights law, but in recent years
more chambers are seeing legislation introduced that is meant to limit or prohibit local LGBT protections.

The impacts of these state legislative battles can take many forms. There are two main results of anti-LGBT legislative action: restriction and inciting backlash. Some state legislatures restrict the authority of local governments thus making it impossible to create or enforce LGBT nondiscrimination ordinances. In some cases, such as North Carolina, the state will bar cities from having any protections for groups not specifically included in the state’s nondiscrimination law (Domonoske 2016). In other instances, legislatures weaken the enforcement power of city nondiscrimination ordinances without outright prohibiting such protections (Hancock 2017). The actions of state legislatures have the opposite influence on local LGBT ordinances by inciting backlash. Many cities pass pro-LGBT ordinances and resolutions as a result of the rejection of these policies at the state level. In these cases, the state legislature usually suffers from bad press due to killing pro-LGBT bills, often not even granting these bills committee hearings. Cities attempt to distinguish themselves ideologically from the state by passing LGBT nondiscrimination policies, thus projecting a pro-LGBT attitude to outsiders. In some states, cities will pass nonbinding resolutions urging the state legislature to enact LGBT nondiscrimination legislation (Dorgan 2015). Though these policies have no legal authority, they are meant to establish an image of inclusivity with the town.

*Structure of LGBT Advocacy Networks*

LGBT advocates rely on advocacy networks for access to resources and political mobilization (Armstrong 2002). The strength of these networks has been shown to impact LGBT nondiscrimination policy outcomes in cities (Button, Rienzo, Wald 1997; Cravens 2015). This study argues that the structure of the statewide LGBT networks has an influence on local LGBT
policies. The resources available to LGBT communities vary from state to state. In many states, especially those with small rural populations, resources are as sparse as LGBT organizations themselves. This makes mobilization of the LGBT community and its allies difficult because there are simply too few people and too little money to have a significant influence on state or local policy. In many Midwestern and Western states, LGBT people simply live too far apart to form tight-knit communities that are effective at political organizing. However, social media provides a space for LGBT communities in rural areas to form stronger LGBT advocacy organizations. With greater communication capabilities, resources and strategies are shared within and across states more fluidly.

Button, Rienzo, and Wald (1997) found that key activists are often the main force behind local LGBT nondiscrimination ordinances. These “policy entrepreneurs” are essential in efforts to mobilize the LGBT community and recruit supportive allies (Baumgartner and Jones 2003). In addition to local activists, this research argues that policy entrepreneurs at the state level are key to understanding the passage of many local LGBT policies. Usually these activists are employed by statewide LGBT organizations. They work to disseminate resources and strategies throughout a state in order to promote pro-LGBT policies in communities that alone lack a strong advocacy network. Knowledge is the most important resource that statewide activists give to local activists. They share campaign strategies that have proven successful in other towns and provide examples of legislation to present to city councils. These activists usually give local activists the tools they need to wage successful campaigns and connect them with other local allies, such as religious organizations and businesses that support pro-LGBT policies.

The process of coming out is still occurring for much of LGBT America. In many cities and towns, sexual and gender fluidity remains a taboo subject (Muccioni 2008). Therefore, the
structure and values of the LGBT community reflect the values and character of individual states. LGBT communities in rural states often adopt the fierce independence and traditionalist tendencies that dominates the political culture of “red” America. Successful LGBT movements cannot be transplanted from other states with entirely different political cultures, but must be nurtured both by local activists building LGBT organizations and from outside support from nationwide LGBT organizations. States with bigger cities and more diverse populations have experienced their communities come further out of the closet than more conservative, rural states that have only just recently begun to manifest safe spaces for effective LGBT organizing. The coming out process is as slow and painful for entire communities as it can be for individual LGBT people.

*State-Specific Political Institutions*

The final variable that helps explain the state political opportunity structure is individual state political institutions. State legislatures grant charters to local governments that give localities authority over certain policy areas. The authority granted to localities by states varies and can even vary from city to city within a state (Dahl 1961; Wolfinger and Field 1966; Lineberry and Fowler 1967). Cities in certain states are more powerful than those in other states. Most states practice home rule, which enables cities to make policies that are different than the state. Some states abide by Dillon’s rule which limits cities to dealing with policy issues that are expressly allowed by the state (Grumm and Murphy 1974; Richardson 2011; Wood 2011; Smith, Greenblatt, and Mariani-Vaughn 2011). Some state constitutions allow cities to hold popular initiatives and referendums, while others do not (Matsusaka 2004; Smith, Greenblatt, and Mariani-Vaughn 2011). In cities that have direct democracy, opponents of LGBT rights have more opportunity to repeal pro-LGBT policies than in cities where residents do not have this
option (Stone 2012). Wald, Button, and Rienzo (1996) found that cities with direct democracy were less likely to have LGBT anti-discrimination policies. These and other institutions that vary from state to state have great influence over a local government’s authority to pass an LGBT nondiscrimination policy.

**Conclusion**

This study seeks to establish a broader set of explanatory factors than previous research on local LGBT nondiscrimination policy adoption. The combination of social movement literature and theories of policy change produces a theoretical lens suitable for analyzing the spread of LGBT nondiscrimination policies throughout the federal system of the United States. A multi-institutional approach to policy change establishes states and local governments as alternate power centers in which LGBT activists push their political agenda. Many local governments are at odds with their state government in the battle to add legal protections for LGBT people. Local governments become part of a coalition of societal institutions that believe LGBT people should have legal protections from discrimination. As these coalitions strengthen, they put additional pressure on states and the federal government to increase protections for LGBT people. Additionally, as LGBT nondiscrimination laws spread among cities, LGBT communities in more conservative, rural places are emboldened to come out, often with the help of larger statewide organizations. As a result, more robust, tight knit communities form organizations that are able to effectively organize political action in individual communities.

The next three chapters provide empirical data and in depth analysis that support the theoretical model presented in this chapter. The model accounts for both individual city characteristics as well as the influence of state politics on local LGBT nondiscrimination policy adoption. The following chapter is a survey of local LGBT nondiscrimination policies and
reports the types and frequencies of local policies found across the United States. Chapter 5 is a quantitative analysis of individual city characteristics and measures the differences between ordinance and nonordinance cities on a range of explanatory variables. Chapter 6 presents qualitative data to support the notion that state politics are a key determinant of local LGBT nondiscrimination policy adoption. The application of this model will assist scholars and activists in understanding the broader political context that influences the political opportunities of the LGBT community. Unlike the bulk of previous research, this study considers the impact of state politics on local LGBT policies beyond an individual city’s willingness to pass LGBT nondiscrimination protections.
Chapter 4: A Survey of Local LGBT Nondiscrimination Laws in the United States

Comprehensive data about local LGBT nondiscrimination policies is incredibly difficult to obtain. Many LGBT organizations collect information concerning LGBT protections in states and localities. However, existing data sources are limited to specific types of discrimination, are outdated, or contain inaccuracies. This study includes a comprehensive survey of local LGBT protections adopted in 28 states. Numerous cities, counties, and other local governments passed pro-LGBT policies because state governments refuse to add such protections. This chapter begins with detailed information about source material and the data collection process. Due to variation in the types of policies found, they are separated into six discreet categories by differing degrees of protections for LGBT people. Lastly, this chapter reports the frequency of policies within each category, particularly the category of fully comprehensive LGBT nondiscrimination policies. This chapter concludes with discussions of county-level LGBT policies and gender identity provisions in local ordinances. The following results comprise a thoroughly researched, comprehensive survey of local LGBT nondiscrimination policies.

Sample Selection and Data Collection

This study examines the frequency and scope of local LGBT protections in the 28 states that do not have statewide LGBT nondiscrimination laws. Using only states that have no statewide laws reflects the current landscape of LGBT nondiscrimination policy in the United States and controls for the impacts of statewide pro-LGBT statutes. Passage of statewide laws has an impact on the behavior of local governments; cities and other localities might not have the same motivation to pass nondiscrimination laws that are already enforced at the state level. From a policy perspective, political activity at the local level in states that lack statewide protections for LGBT people is the most important. Much of the LGBT movement is active on the ground in
cities, especially in states that have weak statewide organizations and organizational networks. Button, Rienzo, and Wald (1997) included cities in all states in their study regardless of statewide policy. However, the number of cities with LGBT nondiscrimination ordinances is much larger today so more cases are available for statistical analysis.

Three types of local governments are included in the data: cities, counties, and townships. The term “city” includes municipalities that are considered cities, towns, and villages (also boroughs in Pennsylvania) because the legal distinctions between these different types of governments are negligible. The US Census Bureau collects uniform data for cities, towns, villages, and boroughs under the common term “incorporated places” (US Census 2017). In several states within the dataset, counties and townships are important types of local government, so information was collected to better reflect LGBT policy advancements in those states. This study does not include data or analysis of other types of local governments, such as school districts or special districts. The term “adoption” refers to a local government that has both passed and retained an LGBT nondiscrimination policy as of mid-2017 (Button, Rienzo, and Wald 1997; Cravens 2015). Some jurisdictions have seen pro-LGBT policies reversed either by state government intervention or repeal through popular votes. This distinction is also made in previous studies and is important to not include cities that have previously had LGBT discrimination protections that are no longer in effect.

Constructing a complete list of all local LGBT nondiscrimination laws is the first step in a nationwide analysis of the issue. Many national LGBT organizations have compiled information on the various nondiscrimination laws that exist at the local level. However, none claim to be comprehensive and none include all of the types of policies included in this study. Additionally, though these lists are important tools for research, numerous discrepancies were
found between data being released by different organizations. In order to accurately answer the questions and hypotheses posed by this research, data was collected beyond the information available from national LGBT organizations. Lists from national organizations served as a starting point for data collection. These lists were cross-referenced in order to create an initial list of local LGBT ordinances.

Six main sources are extensive enough to provide a good picture of the national landscape of local laws: The Movement Advancement Project (2017), the Human Rights Campaign (Municipality Equality Index (2016); Cities and Counties with Nondiscrimination Laws: Gender Identity (2017); The State of the Workplace (2001)), the Williams Institute (2017), and Wikipedia (2017). The Movement Advancement Project Website reports the vast majority of LGBT nondiscrimination protections in cities and counties. This source is illustrated with a number of maps that show the extent of protections on the state level. An interactive tool allows the user to find state-specific information by clicking the state on the map.

The Human Rights Campaign (HRC) has three lists of local LGBT nondiscrimination policies. The first is the Municipality Equality Index (MEI) that is released each year by the HRC. The MEI reports a breadth of information about the situation of LGBT rights in a number of cities across the United States, including a section about nondiscrimination protections. Each municipality included in the report receives an equality score based on the level of pro-LGBT positions of the community. However, this study only includes the largest municipalities and therefore is not comprehensive across all cities in America. The second report, titled “Cities and Counties with Nondiscrimination Laws: Gender Identity,” provides only information about localities that include provisions to protect citizens on the basis of gender identity. This source helped determine if another source had inaccurately identified a locality as covering both sexual
orientation and gender identity, when in fact the law only covers the former. Often people reporting on new LGBT nondiscrimination protections are not aware that sexual orientation and gender identity cover two different groups of people and as a result, inaccurately report that transgender people are covered by certain local ordinances. The final source from the HRC was published in 2001 and only includes information for LGBT policies up to that point. This document was mostly used to verify dates of the earlier local LGBT protections that were passed throughout the country.

The Wikipedia page titled “List of Cities and Counties in the United States Offering an LGBT Non-discrimination Ordinance” is included as a main source because it contains the most extensive and accurate information about the vast majority of localities with LGBT nondiscrimination policies. This source also has citations for many of the cities listed, although many links are broken, which is common on large Wikipedia entries. However, these sources were all double checked by additional secondary sources just like the lists taken from national LGBT organizations. The maps posted on this page must be used cautiously. The entire county is highlighted on the map even if there is only one incorporated city within that county with an LGBT ordinance. This map misleads the reader about the number of counties that have passed LGBT protections.

The combination of these lists revealed most of the LGBT policies passed by local governments. Each city mentioned by at least one of these sources was then verified in two ways. First, Christy Mallory and Brad Sears of the Williams Institute (2017) have published policy reports about LGBT nondiscrimination in each state. The reports were used to verify policies reported by other organizations. Reports for all 28 states contained extensive information about state and local LGBT protections, as well as other pertinent information about the history of
LGBT discrimination in each state. Mallory and Sears’ reports included qualitative information about the history of LGBT nondiscrimination policy in each state. This information provided greater contextual understanding of the progression of LGBT nondiscrimination policies in each state included in this study.

After the information from national organizations was thoroughly synthesized, secondary sources at the state and local level further verified the accuracy of the data. This information was extracted from a wide variety of sources, mostly news articles from local news outlets or press releases from state and local LGBT advocacy organizations. The types of sources in order of importance include articles from local newspapers, press releases from state/local LGBT organizations (including the ACLU in several states), state bar association websites, articles from national news sources, local government websites, and blog posts from activists, lawyers, and realtors. The type of source material used differed by state. Some states have LGBT organizations that put a lot of effort into making comprehensive lists of protected cities and publishing the information online, but in other states this was difficult to find. For example, most information collected about Pennsylvania and Missouri is from large statewide LGBT organizations. Data from these states was easily accessible online. In other states, such as Florida and Ohio, individual reports or articles were collected for each city with an LGBT nondiscrimination policy. Data collection in these states was more time consuming due to the need to locate numerous web pages, some of which had been archived in databases of local newspaper websites. Much of the data collected from South Carolina was found on the website of a prominent civil rights law firm, which had an LGBT reference page. In several instances, local LGBT organizations had information about cities that had passed local ordinances that
national organizations did not have listed. Furthermore, using local sources enabled the year of passage to be gathered for all of the cities with fully comprehensive ordinances.

Overall, each city that has passed an LGBT nondiscrimination policy was verified by at least two sources. Regardless of type, each source was saved as a PDF file and stored in a database. All information collected was complied in an excel workbook that notes the type of policy and the sources used to confirm the data for each locality identified. The year of adoption was collected for all cities and counties that have either fully or partially comprehensive policies. Upon completion of data collection, information about each locality was input into an SPSS dataset and coded by policy type in order to conduct analysis more quickly and accurately. To claim that this list is entirely exhaustive would be somewhat reckless. This policy area is ever evolving, so developing a database that can be built upon and improved over time is paramount to being absolutely exhaustive. Even though a survey of each city in the United States may be the most accurate way to observe LGBT policies, this approach is not entirely feasible. For some cities, information about city ordinances is nearly impossible to find. Additionally, the time and resources required would be so astronomical that the benefits would not be worth the effort. The data in this study is by no means perfect, but it reflects a thorough investigation and the use of myriad sources.

**Types of LGBT Nondiscrimination Policies in Cities**

The ordinances and policies at the local level that protect LGBT people vary greatly between localities, often within the same state. After data were collected for all cities within the 28 states under study, six primary categories of LGBT nondiscrimination policies emerged that described the nature of the variation between cities. There remains substantial variation within each category, especially in terms of language and enforcement. However, these six categories...
reflect the vast differences in local LGBT policies by grouping policies according to the types of discrimination that are restricted.

**Fully Comprehensive Ordinances**

Cities that provide the most protections for LGBT people have fully comprehensive LGBT protections. Comprehensive discrimination protections have three dimensions. First, the protections must extend to the private sector including private businesses and organizations, though many of these cities have exemptions for religious organizations and small businesses. Second, a comprehensive local ordinance must protect citizens from discrimination in three broad areas: employment, housing, and public accommodations. Commonly, cities will include all three provisions in some form and may specify additional types of discrimination, such as city contractors and credit lending. Third, localities must include both “sexual orientation” and “gender identity” as protected groups under the nondiscrimination policy. The vast majority of localities that have any private provisions protect citizens on the basis of sexual orientation and gender identity, but there are notable exceptions. Many cities that passed sexual orientation protections early on did not include gender identity for political reasons, much like the pattern of state-level policy change.

**Partial Coverage Ordinances**

Cities in this category have nondiscrimination ordinances that establish partial coverage for LGBT people. These ordinances must also extend to private sector organizations. Rather than protect all three broad areas of the comprehensive policies, partial coverage means only having protections for one or two of the necessary forms of discrimination. Additionally, ordinances that do not include gender identity are not considered comprehensive, even if all three forms of discrimination are included. Although previous research has not commonly used the same strict
parameters for comprehensive laws, the requirement of gender identity holds with the notion that transgender people are not dispensable in politics or research. Most cities in the partial coverage category exclude specific components for political reasons. For example, Button, Rienzo, and Wald (1997) describe how a strong renters’ association in Iowa City, Iowa was opposed to housing protections that kept any housing protections from being added to the ordinance. Not until the state passed its LGBT nondiscrimination law did Iowa City’s LGBT residents get housing discrimination protections.

**Public Employment Protections**

The third category includes localities that protect their government workers from discrimination on the basis of sexual orientation and gender identity. This category exhibits the highest degree of heterogeneity among policies. Some are issues taken up and passed by city councils, some are executive orders issued by a mayor, while others are simply personnel decisions that occur on a bureaucratic level. Cities choose this type of policy because it is much less politically charged than getting private entities involved in the issue. In many cities, protections for city employees are the only politically feasible way to advance LGBT rights through municipal government. Often these policies are the result of a political compromise meant to appease LGBT advocates while not inciting backlash from opponents of LGBT rights. Even states that have barred cities from passing private sector nondiscrimination protections have not limited cities’ ability to pass employment policies for themselves. These policies are rarely controversial and often go unnoticed by the mainstream media and general public.

**Resolutions of Support for LGBT Nondiscrimination**

A few cities have passed nonbinding resolutions of support stating disapproval of discrimination against LGBT people. In many cities across the United States, getting LGBT
friendly legislation passed is extremely difficult if not impossible, even simple public employment protections. Some city officials respond by passing resolutions of support because this is the only avenue of support for the LGBT community that is politically viable and has little risks of posing a threat to individual political careers. Although this type of policy is rare, it exhibits purely symbolic support for the LGBT community even if there is no political will to back the concerns. A few of these resolutions are directed toward state legislatures, urging the state government to act on the issue rather than rely on local governments.

**Cities Covered by County LGBT Protections**

Several county governments have passed comprehensive LGBT ordinances. The fifth category contains cities that are covered under county level LGBT protections. Even though most of these cities have never passed an LGBT protection, residents are protected from discrimination through the authority of the county government. In many cases, county governments are better equipped to deal with cases of discrimination because they are larger and tend to have more staff than many cities and towns. There is also an established court system and in many states counties have more punitive powers to issue and collect fines and citations. Considering how county level LGBT protections may impact city governments has not been widely considered in previous research. The complex variation between city policies becomes even more complex when county governments are considered as well. Some county ordinances cover all residents with the county, whether they live in an incorporated city or not. In other counties, the county’s policy only covers unincorporated areas while independent cities are free to make their own policy decisions. Furthermore, in some jurisdictions the policy remains ambiguous because no cases have emerged to question whether a county’s LGBT protections apply directly to independent cities. Despite the complications with data collection, considering
the influence of county government on the landscape of local LGBT nondiscrimination ordinances sheds light on the dynamics between the state, county, and city governments in this policy area.

**Cities with No LGBT Discrimination Protections or Policies**

The last category is cities that do not have any protections for LGBT people at any level of government, neither at the state nor local level. These cities also lack any public employment provisions or resolutions that support LGBT people. This category is by far the largest, comprising the vast majority of cities, towns, and villages with the 28 states without statewide LGBT protections. These cities are not to be automatically considered anti-LGBT; they simply do not have legal protections for LGBT people based on myriad factors. Cities in this category may have passed other pro-LGBT policies that do not fall under the umbrella of nondiscrimination policy and are thus outside the scope of this study.

**Scope of Local LGBT Nondiscrimination Laws**

In some states, large pockets of residents are covered by fully comprehensive LGBT nondiscrimination ordinances, while in other states zero residents enjoy these benefits. Table 4.1 is a breakdown of the extent of local LGBT ordinances by state. The second column reports the number of fully comprehensive LGBT nondiscrimination ordinances in each state. These figures include all fully comprehensive LGBT nondiscrimination ordinances in cities, counties, and townships. The third column lists the total population in each state. Another common method of measuring the advancement of LGBT nondiscrimination policy is by calculating the total number of citizens that are covered by either state or local LGBT nondiscrimination policy (Haider-Markel and Meier 1996). The fourth column of Table 4.1 shows the number of residents covered by a fully comprehensive local LGBT nondiscrimination ordinance. Column five is the percent
of residents covered under local LGBT ordinances based on the data collected for this study. The values reported in the last column were calculated by dividing the number of residents protected by the total state population.

Table 4.1: Percent of State Population Fully Covered

<table>
<thead>
<tr>
<th>State</th>
<th># of Comprehensive Local Ordinances</th>
<th>Total Population</th>
<th>Population Fully Covered</th>
<th>% Population Fully Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>0</td>
<td>4,779,736</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Alaska</td>
<td>2</td>
<td>710,231</td>
<td>323,101</td>
<td>45%</td>
</tr>
<tr>
<td>Arizona</td>
<td>5</td>
<td>6,392,017</td>
<td>2,203,368</td>
<td>34%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>0</td>
<td>2,915,918</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Florida</td>
<td>39</td>
<td>18,801,310</td>
<td>11,178,657</td>
<td>59%</td>
</tr>
<tr>
<td>Georgia</td>
<td>1</td>
<td>9,687,653</td>
<td>420,003</td>
<td>4%</td>
</tr>
<tr>
<td>Idaho</td>
<td>11</td>
<td>1,567,582</td>
<td>383,646</td>
<td>24%</td>
</tr>
<tr>
<td>Indiana</td>
<td>22</td>
<td>6,483,802</td>
<td>2,090,915</td>
<td>32%</td>
</tr>
<tr>
<td>Kansas</td>
<td>3</td>
<td>2,853,118</td>
<td>146,655</td>
<td>5%</td>
</tr>
<tr>
<td>Kentucky</td>
<td>8</td>
<td>4,339,367</td>
<td>1,128,104</td>
<td>26%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>2</td>
<td>4,533,372</td>
<td>543,140</td>
<td>12%</td>
</tr>
<tr>
<td>Michigan</td>
<td>38</td>
<td>9,883,640</td>
<td>2,009,366</td>
<td>20%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2</td>
<td>2,967,297</td>
<td>175,934</td>
<td>6%</td>
</tr>
<tr>
<td>Missouri</td>
<td>15</td>
<td>5,988,927</td>
<td>1,584,729</td>
<td>26%</td>
</tr>
<tr>
<td>Montana</td>
<td>4</td>
<td>989,415</td>
<td>104,677</td>
<td>11%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>0</td>
<td>1,826,341</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>0</td>
<td>9,535,483</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>North Dakota</td>
<td>0</td>
<td>672,591</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Ohio</td>
<td>18</td>
<td>11,536,504</td>
<td>2,472,177</td>
<td>21%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>1</td>
<td>3,751,351</td>
<td>110,925</td>
<td>3%</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>43</td>
<td>12,702,379</td>
<td>4,109,142</td>
<td>32%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>4</td>
<td>4,625,364</td>
<td>531,696</td>
<td>11%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>0</td>
<td>814,180</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>0</td>
<td>6,346,105</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Texas</td>
<td>5</td>
<td>25,145,561</td>
<td>4,316,660</td>
<td>17%</td>
</tr>
<tr>
<td>Virginia</td>
<td>1</td>
<td>8,001,024</td>
<td>43,475</td>
<td>1%</td>
</tr>
<tr>
<td>West Virginia</td>
<td>12</td>
<td>1,852,994</td>
<td>189,067</td>
<td>10%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>1</td>
<td>563,626</td>
<td>30,816</td>
<td>5%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>170,266,888</td>
<td>34,096,253</td>
<td>20%</td>
</tr>
<tr>
<td>USA Total</td>
<td></td>
<td>308,745,538</td>
<td>172,574,903</td>
<td>56%</td>
</tr>
</tbody>
</table>
If the state governments have passed statewide protections, then 100% of a state’s residents are covered regardless of the extent of local policies. 22 states have statewide LGBT protections and are not included on Table 4.1. If 0% of residents are covered, then a state has no fully comprehensive LGBT protections at the state or local level. Seven states have no comprehensive laws that protect LGBT people. Florida ranks the highest with 59% of residents covered by local LGBT protections and also has the second most number of local policies.

Within the 28 states included in this study, the total population is 170.2 million but only approximately 34 million Americans are protected from discrimination by local governments. In total, 172.5 million (or 56%) of 308 million Americans are covered by either statewide or local LGBT nondiscrimination policies (including the District of Columbia which has a fully comprehensive law). Table 4.1 reports that 136.2 million Americans live in jurisdictions that have no legal protections for LGBT people.

The percentages presented in Table 4.1 provide an alternative view of the progress of LGBT advocates in individual states. The number of actual LGBT policies in a state may not reflect the extent to which these laws cover the residents of a state. Calculating the percent of the population covered accounts for the population size of the localities that have comprehensive LGBT protections. For example, only two cities in Alaska have fully comprehensive ordinances, but those two cities account for 45% of the state’s population. Even though very few Alaskan cities actually have pro-LGBT laws, a greater portion of Alaska’s residents enjoy more protections than any state in the dataset except Florida. Michigan ranks 3rd among states in the dataset according to the number of local ordinances with comprehensive policies, but in terms of the total percent of residents covered it is 10th. Many of the localities with comprehensive laws in Michigan are smaller college towns and townships. The main conclusion that can be drawn from
Table 4.1 is that there are vast differences between the extent of local protections by state. Additionally, the number of ordinances or the percent of coverage are not necessarily correlated with a state’s population. The differences between states will be scrutinized more closely in Chapter 6 and the remainder of this chapter is focused on examining the LGBT nondiscrimination policy landscape in cities and other local governments.

**Frequencies of City Policy Types**

This study found that in the 28 states that lack statewide LGBT nondiscrimination policies, 759 cities have some type of protections for the LGBT community. These local LGBT protections take a wide variety of forms due to vast differences in scope and coverage. Among these cities, 367 have passed pro-LGBT policies at the city level, while another 392 cities are covered under county LGBT nondiscrimination policies. Most of the ordinances passed by cities extend discrimination protections to public and private sector organizations and businesses. Table 4.2 reports the number of cities in each category described above. 201 cities have fully comprehensive policies and another 29 have partially comprehensive ordinances. 126 cities prohibit discrimination for city employees on the basis of sexual orientation and/or gender identity and another 11 city councils have passed nonbinding resolutions expressing support of LGBT people. 392 cities are covered by countywide ordinances. There are 12,061 incorporated cities that have no LGBT nondiscrimination protections.
Table 4.2: Frequency of Policy Types in Cities

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Frequency</th>
<th>Average Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully Comprehensive</td>
<td>201</td>
<td>114,463</td>
</tr>
<tr>
<td>Partial Coverage</td>
<td>29</td>
<td>112,311</td>
</tr>
<tr>
<td>Public Employment Protections</td>
<td>126</td>
<td>115,647</td>
</tr>
<tr>
<td>Resolutions Supporting LGBT Nondiscrimination</td>
<td>11</td>
<td>30,472</td>
</tr>
<tr>
<td>Cities Covered by Comprehensive County Ordinances</td>
<td>392</td>
<td>13,392</td>
</tr>
<tr>
<td>Cities Not Covered by LGBT Policy</td>
<td>12,061</td>
<td>4,313</td>
</tr>
</tbody>
</table>

Table 4.2 also shows the average population for cities in each policy category. The average population size of cities that have fully comprehensive LGBT protections is 114,463 residents but with a median of only 31,275 residents. The large difference between the mean and median indicates that there are a few very large cities in the data set and the majority are cities of modest size. The pattern is very similar for partial coverage and public employment cities, which have average populations of 112,311 people and 115,647 respectively. A few small and mid-sized cities have passed nonbinding resolutions supporting LGBT nondiscrimination. Averaging 30,472 residents, these cities are smaller than cities with enforceable LGBT policies. Among cities that are only covered by county ordinances, the average population drops to 13,392. This category includes many small towns, villages, and suburbs, most of which would not pass such extensive LGBT protections of their own. The largest category is by far those cities that are not covered by LGBT nondiscrimination policies at any level of government. The average population for this group is a mere 4,313 residents. These are overwhelmingly small towns and villages dotted throughout the vast expanse of the United States.

**Fully Comprehensive Ordinances**

This study found 201 cities that have fully comprehensive LGBT nondiscrimination ordinances within the 28 states included in this study. In order to be considered a comprehensive
ordinance, it must extend to the private sector for sexual orientation and gender identity, as well as cover employment, housing, and public accommodations. Table 4.3 breaks down the distribution of cities with comprehensive ordinances by population. Most cities with LGBT nondiscrimination policies are small to medium sized cities. Only 12 cities with comprehensive ordinances have more than half a million residents. Although the average population of all 201 cities in this category is 114,463 residents, 78% of cities that have fully comprehensive policies are under 100,000 people. Within the 28 states in the dataset, there are only 14 cities with populations over 500,000. All of these cities have private LGBT nondiscrimination protections, though Oklahoma City, Oklahoma and El Paso, Texas only have partial coverage policies. Even though there are many smaller communities and suburbs that have passed pro-LGBT policies, all of the largest cities have passed such laws. This suggests that population size is an important indicator of whether a city will pass an LGBT nondiscrimination ordinance, but population alone does not give a complete picture of the policy landscape. 35% of cities with fully comprehensive ordinances have populations between 25,000 and 100,000 and 26% of cities that have less than 10,000 residents. Table 4.3 suggests that small to medium sized cities are very active in passing LGBT nondiscrimination policies, along with nearly all of the largest cities in the 28 states included in this study.

Table 4.3: Distribution of Comprehensive Ordinance Cities by Population

<table>
<thead>
<tr>
<th>Population Size</th>
<th>Number of Cities</th>
<th>Percent of Total (N=201)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;10,000</td>
<td>53</td>
<td>26%</td>
</tr>
<tr>
<td>10,000-25,000</td>
<td>35</td>
<td>17%</td>
</tr>
<tr>
<td>25,000-100,000</td>
<td>68</td>
<td>34%</td>
</tr>
<tr>
<td>100,000-500,000</td>
<td>33</td>
<td>16%</td>
</tr>
<tr>
<td>&gt;500,000</td>
<td>12</td>
<td>6%</td>
</tr>
</tbody>
</table>
There are distinct regional differences in terms of local LGBT nondiscrimination policy. Table 4.4 displays the number of cities with fully comprehensive ordinances by region. The regional categories are based on the four Census Designated Regions used by the US Census Bureau (US Census 2017). The Midwest contains 83 comprehensive city ordinances, which accounts for 41.3% of all comprehensive city policies, the largest number of any region. The South follows with 53 city ordinances (26.4%) and then the Western region with 33 city ordinances (16.4%). The Northeastern region has the least amount with only 32 city ordinances (15.9%).

Table 4.4: Comprehensive City Ordinances by Region

<table>
<thead>
<tr>
<th>Region</th>
<th>City Ordinances</th>
<th>% by Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeast</td>
<td>32</td>
<td>15.9%</td>
</tr>
<tr>
<td>South</td>
<td>53</td>
<td>26.4%</td>
</tr>
<tr>
<td>Midwest</td>
<td>83</td>
<td>41.3%</td>
</tr>
<tr>
<td>West</td>
<td>33</td>
<td>16.4%</td>
</tr>
<tr>
<td>Total</td>
<td>201</td>
<td>100%</td>
</tr>
</tbody>
</table>

Although there are stark differences by region, the Northeast and Western regions report few local LGBT ordinances in this study because many states in those regions have already passed statewide LGBT nondiscrimination protections and are thus not included in this research. For instance, Pennsylvania is the only state in the Northeastern region that still lacks comprehensive LGBT protections. Even so, Pennsylvania has almost the same number of comprehensive city ordinances as the entire Western region, suggesting that many cities in Pennsylvania are more pro-LGBT rights, which is in tune with the rest of the Northeastern region. The Midwest has by far the most comprehensive city ordinances of any region. There is a geographical division within the Midwest as well. The states to the east, such as Michigan, Ohio,
and Indiana, tend to have much larger concentrations of ordinance cities, while the western most Midwestern states (North Dakota, South Dakota, and Nebraska) have zero fully comprehensive LGBT protections and only a few partially comprehensive policies. Although the Southern region has fewer total city ordinances, they are more evenly dispersed among the states than in the Midwest.

Figure 4.1: Frequency Per Year of First Passage for Fully Comprehensive Cities

![Bar chart showing frequency per year of first passage for fully comprehensive cities.](image)

Figure 4.1 reports the number of pro-LGBT policies passed in each year within the 28 states included in this study. These figures are based on the date when that city first passed a pro-LGBT nondiscrimination policy, not necessarily the date when that city “upgraded” their policies to add more protections. Many of these cities, especially larger cities, passed several versions of their LGBT nondiscrimination ordinances and tracking all ordinances passed by each city is
outside the scope of this study. Therefore, during data collection, the date when a city first passed an LGBT nondiscrimination ordinance was recorded. Many early adopting cities only included sexual orientation as a protected class and did not originally include gender identity. All cities included in Figure 4.1 have since added protections for transgender people, similar to the pattern of policy change among state governments.

These data are limited to the 28 states without state LGBT protections. The clear trend within these states is a sharp increase in the number of cities adopting fully comprehensive ordinances beginning in 2011. The increase in the 28 states under examination coincides with greater political acceptance of the LGBT rights movement by American society, particularly the Democratic Party. Although the party had officially supported LGBT nondiscrimination laws for several decades, the party changed its official stance toward same-sex marriage in 2012 and support for gay rights in general grew. Many local politicians felt emboldened by the new stance of the Democratic Party and were galvanized by outspoken support from prominent political figures like President Obama. Cities in Indiana account for one third of new ordinances passed in 2015, which is part of the reason for the jump in new local ordinances nationally. In early 2015, the Indiana legislature received a lot of bad press by passing a largely unpopular anti-LGBT bill. This spurred a flurry of local LGBT protections in response to the legislature’s anti-LGBT attitude and policies.

**Partially Comprehensive Ordinances**

Not all local ordinances that extend private sector protections to LGBT people are a fully comprehensive policies, which means the LGBT community remains vulnerable in certain areas of discrimination within these cities. The average population size for partial coverage cities is 112,311. These cities are similar to comprehensive ordinance cities demographically and
ideologically, but generally political idiosyncrasies resulted in only partial LGBT protections. Ordinances that provide partial protections often result from political compromises with groups within the city that may oppose certain parts of pro-LGBT legislation (Button, Rienzo, and Wald 1997). Public accommodations protections are often opposed by fundamentalist religious organizations because they fear they will be forced to hire or serve LGBT people, particularly in the wedding industry. Landlord associations have opposed housing protections while supporting discrimination prohibitions in other areas (Button, Rienzo, and Wald 1997). Some cities fully protect residents based on sexual orientation, but lack the same protections for transgender residents. In some cities, LGBT advocates are willing to sacrifice some protections in order to ensure that others are politically possible to pass.

Eighteen cities with private sector LGBT nondiscrimination ordinances still lack employment protections. Only three cities in this category lack protections for housing. Fifteen of the cities with partial coverage have ordinances that only provide housing protections. Sometimes housing protections are more politically viable for local governments to create regulations over because it usually involves fewer stakeholders than employment or public accommodation protections. Provisions for public accommodations are missing from 20 ordinances among this group making this area the most neglected among partial coverage cities. Gender identity is not included in 8 of these city policies, but the vast majority of cities with private sector protections include gender identity as a protected class. Of these 8 cities only two policies were passed in the last decade, indicating that there is a similar trend among city policy as with state policy. It has only been during the last decade that including transgender people fully in pro-LGBT campaigns and legislation has become common. Policies passed before the mid-2000s sometimes exclude gender identity for political reasons and compromise between
advocates and city officials. The data collected in this study reflects the date of the first passage of private sector LGBT protections and do not include the dates when gender identity was added. However, after 2007, very few ordinances passed excluded gender identity because it became more politically accepted, especially among liberal and democratic politicians.

**Public Employment Policies**

There are 126 cities that have LGBT nondiscrimination policies that cover city hiring practices. In this category, protections do not extend to the private sector, but do cover city employees. The policies in this category are quite diverse, in many cases public employment protections are added as a result of negotiations between LGBT advocates and city officials. Since fewer stakeholders are involved, these policies are not as controversial as those that extend to the private sector. In most cities, public employment protections were passed through the city council, but some were created through mayoral executive order or even simple bureaucratic rule changes. The symbolic nature of these policies is a main impetus behind public employment protections. City governments want to express disapproval of the mistreatment of LGBT people, but full protections are perceived as politically unfeasible.

**Resolutions Supporting LGBT Nondiscrimination**

This study identified 11 cities that have passed nonbinding Nondiscrimination Resolutions (NDRs) that project a pro-LGBT attitude for the city. These resolutions vary because some are meant to condemn discrimination against LGBT people while others are messages directed toward legislatures calling for statewide legislation. These purely symbolic resolutions are most prevalent in two states: 6 in Mississippi and 3 in Wyoming. Indiana and North Dakota contain one city each with an LGBT resolution. These types of statements are attractive to city officials where the political will does not support policies that provide legal protections. Many
cities have passed NDRs prior to passing policies that held legal weight. When collecting data on
LGBT nondiscrimination laws, cities were categorized by their policy that yields the greatest
amount of protection for LGBT people. Additionally, these resolutions often remain under the
radar of the mainstream media, even within the state. This makes it difficult to do an exhaustive
search of resolutions using broad parameters. This is another reason why some city officials find
these resolutions attractive, because it is an easy compromise to appease LGBT activists. The
average population of NDR cities is 30,472. These cities are all small or mid-sized. The passage
of NDRs is discussed in more detail in Chapter 6.

The Various Roles of County Governments

Sixty county governments throughout the United States have extended nondiscrimination
protections to the LGBT community. Table 4.5 reports that 20 counties have fully
comprehensive ordinances that extend to the private sector and one county has a partially
comprehensive law that covers sexual orientation, but lacks protections for transgender people
(Arlington County, Virginia). 39 counties have passed employment nondiscrimination policies
for county employees on the basis of sexual orientation and/or gender identity.

Table 4.5: County LGBT Nondiscrimination Policies

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Number of Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully Comprehensive Ordinances</td>
<td>20</td>
</tr>
<tr>
<td>Partial Coverage Ordinances</td>
<td>1</td>
</tr>
<tr>
<td>County Employment</td>
<td>39</td>
</tr>
</tbody>
</table>

The role of county governments in the area of LGBT nondiscrimination policy is
complex and mostly overlooked in previous research on this topic. Button, Rienzo, and Wald
(1997) and Cravens (2015) made little distinction between city and county policies partly due to
the small number of policies that exist. However, studying county governments specifically
reveals several important elements of the overall LGBT nondiscrimination policy landscape.

First, some of the counties that have fully comprehensive ordinances have laws that also cover residents that live within incorporated cities, even though those cities have not passed LGBT nondiscrimination policies themselves. Previous research often overlooks this relationship between counties and cities. The HRC’s Municipal Equality Index (2016) does account for distinct county level policies in its annual reports, but this report only includes information about select larger cities in each state and is not comprehensive of all aspects of American local government. In total, comprehensive county laws cover 392 cities. Although the vast majority of these cities have not passed any pro-LGBT legislation, LGBT people are protected within these cities due to the role of the county in passing protections. This number is important because it shows that more individual cities have similar LGBT protections as other Americans due to the passage of county level ordinances.

Second, there are differences between the ways that county ordinances apply to incorporated cities within those counties. In some cases, a county LGBT nondiscrimination ordinance does not apply in all incorporated cities. St. Louis County, Missouri is an example of a county government that has passed a fully comprehensive ordinance. Although more than 300,000 people live in unincorporated St. Louis County, there are over 80 cities within the county that are expressly not covered under the county law. Several of these cities have passed their own city-level protections, but most of the incorporated cities within St. Louis County do not have any protections for the LGBT population. Similarly, some counties where the government is consolidated with the county’s largest city have cities that are not covered by the consolidated governments policy. Two examples of this are Jacksonville-Duval County, Florida and Butte-Silver Bow County, Montana. The nuanced relationship between county governments
and their cities causes confusion about LGBT nondiscrimination policies among the general public. It is difficult for lay people or even local LGBT activists to pin down exactly how LGBT laws are applied in incorporated cities with these counties.

Thirty-nine counties have passed employment protections for county employees on the basis of sexual orientation and/or gender identity. These policies are generally similar to employment protections at the city level in that they are limited in scope because they only cover employees, and in some cases contractors, of the county government. However, these laws often carry similar symbolic importance as other types of LGBT nondiscrimination laws. For example, in North Carolina there are 9 counties that have implemented LGBT employment protections for county employees. Many of these policies were passed shortly after the North Carolina state legislature banned local governments from passing private LGBT protections. However, since localities could still pass public employment protections, presumably they did so as part of the backlash against the actions of the state legislature. In addition to county governments, townships are an important type of local government in two of the 28 states that lack statewide LGBT protections: Michigan and Pennsylvania. Pennsylvania has 8 townships with fully comprehensive LGBT protections and Michigan has 7 townships with comprehensive ordinances and one township with a partial coverage policy covering housing.

**Gender Identity Protections**

The addition of gender identity as a protected class has followed a different trajectory across US state and local governments than sexual orientation. This study found that a total of 84 of the nondiscrimination policies identified during data collection lacked protections for transgender people. Eight cities and one county have policies that are considered partial protections because they do not include gender identity as a protected class of people. The vast
majority (75 local policies) of policies that do not include gender identity are public employment protections that only cover sexual orientation. 77% of local LGBT nondiscrimination policies of all types include both sexual orientation and gender identity as protected classes. The vast majority of those that exclude include gender identity are public employment protections that are limited in scope. Among partially comprehensive LGBT ordinances that extend to the private sector, 41% are considered partial coverage policies because they do not include gender identity. This result suggests that the inclusion of gender identity as a protected group is largely becoming the norm among local governments that are willing to pass pro-LGBT policies. Previous research has largely ignored the fact that some local nondiscrimination laws lack protections on the basis of gender identity, instead defining ordinance cities that lack gender identity protections in the same caliber as those that do. Some previous studies even equate comprehensive policies that extend to the private sector and public employment protections. Maintaining the distinctions between the various types of policies is important. If local policies are not inclusive of transgender rights then they exclude a crucial component of the LGBT community. Transgender Americans logically deserve the same equal protections as all gay, lesbian, or bisexual American.

**Conclusion**

Accurate information about local LGBT nondiscrimination policies is nearly impossible to obtain due to the difficult nature of the data collection process. This study remedies this gap in research by reporting a comprehensive survey of local LGBT policies in the 28 states that lack statewide protections for LGBT people. The data reported in this chapter represents a thorough investigation of the frequency and scope of LGBT policies that exist in cities, counties, and townships across the United States. There are 201 cities and 20 counties that meet the highest standard of LGBT protections by having ordinances that extend to the public and private sectors
in the areas of employment, housing, and public accommodations. These ordinances also include gender identity in addition to sexual orientation protections. The following chapter analyzes the 201 cities with comprehensive LGBT protections in more detailed based on a variety of measures. Many other cities have LGBT protections that do not meet the highest threshold of protections, but nonetheless provide limited protections for LGBT people. Some cities have ordinances that extend to the private sector, but lack one or more of the elements required to reach the highest threshold of LGBT protections. The majority of these policies provide housing protections, but many lack employment or public accommodations protections. 126 cities and 39 counties have protections that only cover public employees and do not extend protections to the private sector. This study considers the often overlooked contribution of county governments to LGBT protections. 392 cities have fully comprehensive LGBT protections due to county level policies that have been passed in 20 counties. The large number of cities that fall into this category adds a mostly overlooked assertion to research on LGBT nondiscrimination policy. There are many cities that have never passed an LGBT nondiscrimination policy but are nonetheless protected through the authority of county governments. The results concerning gender identity protections shows a definite pro-transgender trend among local policies that have been passed in the last decade. Nearly all policies adopted after 2007 included protections for both sexual orientation and gender identity. The political barriers that prevented transgender inclusive legislation in the early years of the LGBT movement are dissipating in the current climate, which is decidedly more pro-LGBT over the last decade. The snapshot of LGBT nondiscrimination policy in this chapter provides a nuanced and comprehensive survey of the extent of local LGBT protections in the United States.
Chapter 5: The Haves and Have Nots of City LGBT Protections

The purpose of this chapter is to report the results of the quantitative data analysis and is divided into two sections. This chapter primarily asks what types of cities are most likely to pass comprehensive LGBT nondiscrimination ordinances (Research Question 4). The first section defines the logistic regression model used to measure differences between “ordinance” and “nonordinance” cities. The dichotomous dependent variable measures whether a city has a comprehensive LGBT ordinance or not. The predictor variables are an array of indicators including population demographics, social demographics, ideology, socioeconomics, and religion. This section also presents the null and research hypotheses. The second section reports results from the binary logistic regression that shows there are observable differences between cities that have fully comprehensive LGBT nondiscrimination ordinances and those that do not. The results indicate that cities with greater population size and population density are more likely to pass LGBT protections, but growth rate has little influence on these laws. The model confirms that socioeconomic factors, like education and income, significantly impact LGBT policies. Cities with more liberal ideologies and less religious adherence are also more likely to pass LGBT protections. The results show that social demographics may not have as significant an impact as other types of indicators. Although the percent of unmarried partners has a significant relationship with the passage of comprehensive LGBT protections, racial diversity and median age have no observable effects when controlling for population size. Lastly, this chapter discusses the implications of the logistic regression model results. The nature of local LGBT nondiscrimination policies includes a more diverse and expansive set of cities than examined by previous research. Thus, the response of activists must account for the fact that the fight for LGBT rights is becoming increasingly suburban and rural in character.
Description of Model

The logistic regression analysis employed in this study is adapted from previous research on local LGBT nondiscrimination laws (Wald, Button, and Rienzo 1996; Cravens 2015). It builds upon previous research by providing analysis of nationwide data on local LGBT nondiscrimination ordinances, which has not been conducted since the 1990s. The sample consists of 401 US cities all of which are located in the 28 states that lack LGBT protections. 201 cities have passed a comprehensive LGBT nondiscrimination ordinance (Category 1 cities). These cities make up the test group for the model. Within the 28 states included in this study, 12,061 cities have no discrimination protections for LGBT people (Category 6 cities). The control group consists of a random sample of 200 of these cities with no protections. All cities in categories 2-5 are not included in this portion of the analysis so that the variation between the groups does not interfere with the results. The use of a control and test group comprises a quasi-experimental design that will allow the use of statistical inferences to make generalizable conclusions from the data. Since the number of cities with comprehensive LGBT protections is minuscule compared to the overall number of cities, a random sample is the most efficient means to create the control group.

Model Variables

The dependent variable is dichotomous; each city in the dataset either has fully comprehensive LGBT protections (coded as “1”) or no LGBT protections (coded as “0”). Logistic regression is well suited for this analysis because it determines the likelihood that cities will adopt an LGBT nondiscrimination policy or not, controlling for an array of indicators. The model includes five groups of variables that influence the passage of LGBT protections in cities:
population demographics, social demographics, political ideology, socioeconomic indicators, and religious adherence.

\[ H_0 = \text{The null hypothesis is that, on average, there is no significant difference} \]

\[ \text{between cities that pass comprehensive LGBT nondiscrimination policies and cities} \]

\[ \text{with no LGBT protections for any given independent variable.} \]

**Population Demographics**

\[ H_1 = \text{On average, there is a positive relationship between population size and the} \]

\[ \text{likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.} \]

Population Size: The population size variable consists of population totals taken from 2010 US Census data for each city or incorporated place (US Census 2017). Population size has been shown to be a strong predictor of the presence of pro-LGBT policies in cities (Wald, Button, and Rienzo 1996; Seyforth and Barnes 2016; Cramer et al 2017). Although this has not been a universally accepted argument, the literature shows that the importance of population size is fairly stark. Cravens (2015) claims that population size is not a significant variable needed to explain LGBT nondiscrimination policy change. However, the study was limited to the state of Florida, which by most measures is an outlier among the 28 states under examination in this study. This discussion is not meant to downplay the importance of other factors discussed below because there certainly are many smaller cities, towns, and villages that have passed LGBT protections. The difference in population size between ordinance and nonordinance cities is so stark that the importance of population size cannot be ignored in any analysis of LGBT nondiscrimination policy.
**H$_2$: On average, there is a positive relationship between population density and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.**

Population Density: The data on population density was gathered from the 2010 US Census via the American FactFinder (US Census 2017). The US Census determines population density by dividing the total population size by the square mileage of each city. Population density reflects how closely residents within a city live to one another. Areas where people interact with a diverse set of neighbors on a daily basis will be more accepting of LGBT people (D’Emilio 1983; Button, Rienzo, and Wald 1997; Armstrong 2002). Population density has been largely undervalued in the literature surrounding LGBT nondiscrimination policy. Population size and density are highly related indicators, but population density is a strong indicator of sociopolitical and cultural differences between different geographic areas (Hammer and Vaglum 1989). Even among cities under 5,000 residents, cities with comprehensive LGBT nondiscrimination ordinances tend to have higher population densities than small nonordinance cities.

**H$_3$: On average, there is a positive relationship between population growth rate and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.**

Population Growth Rate, 2010-2016: The population growth rate variable was gathered from the 2016 estimates reported by the US Census Bureau via the American FactFinder (US Census 2017). Growth rate is calculated by finding the difference between a city’s population in 2010 and 2016, then dividing the result by the 2010 population. As the United States continues to urbanize, Americans are leaving small-town, rural America and heading for the cities, especially young Americans. LGBT people are often among those moving out of rural America because they are seeking a haven where they can express their identity more freely (D’Emilio 1983; Armstrong 2002). Some of the fastest growing cities are those within states that lack statewide
LGBT nondiscrimination laws. For example, Florida cities dominate the Forbes list of fastest growing cities in 2017 with 6 of the top 10 fastest growing metro areas (Sharf 2017). Even in more conservative states, many of the large and medium sized cities serve as safe places for LGBT people to settle.

Social Demographics

**H$_4$: On average, there is a negative relationship between racial diversity and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.**

Racial Diversity: In order to construct a measure of racial diversity, the percent of all members of racial and ethnic minority groups within each city was collected. Data for racial and ethnic minority populations was drawn from the 2015 American Community Survey (US Census 2017). This measure includes white-Hispanic residents, those that identify with two or more races, and those that identified as “Other” on the census form. The racial diversity variable was then calculated by taking the absolute value of each case minus 50% (racial diversity = |x-50|). The rationale behind this calculation lies in the fact that the simple percent of the nonwhite population does not necessarily indicate racial diversity. For example, many cities in the South and Southwest have racial and ethnic minority populations that reach more than 90% of the total population. Very few majority minority cities have passed LGBT nondiscrimination policies, indicating that minority status does not necessarily translate to pro-LGBT attitudes. Values for this variable range from 0 to 50 and a score closer to 0 indicates greater racial diversity.

The impact of racial and ethnic diversity on the passage of LGBT policies in cities stems from the notion that greater social diversity increases the likelihood of pro-LGBT attitudes (Button, Rienzo, and Wald 1997). The social and psychological processes that shape an individual’s perception of race run parallel to the perception of LGBT people. Therefore, more
racially diverse cities should be more accepting of LGBT rights in general and, thus, more likely to pass LGBT nondiscrimination policies. Cravens (2015) found that in Florida there is a correlation between LGBT nondiscrimination ordinances and Hispanic population, but also reported that there was not a significant correlation with the percent of Black residents. However, since Florida is much more racially diverse than most of the 28 states in the dataset, a national survey of this issue may show that the black population is an important consideration nationwide.

**H5: On average, there is a positive relationship between the size of the LGBT population and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.**

Size of LGBT Population: This variable measures the percent of residents within a city that are unmarried partners (US Census 2017). Precise data about the LGBT population in the United States is nearly impossible to obtain due to a variety of barriers (VanKim, Padilla, Lee, and Goldstein 2010). However, research on LGBT demographics commonly uses census data about unmarried partners as a proxy for the LGBT population. Previous research has determined the importance of the mobilization of the LGBT community in successful campaigns for local LGBT nondiscrimination ordinances (Wald, Button, and Rienzo 1996; Button, Rienzo, and Wald 1997; Button, Wald, and Rienzo 1999; Cravens 2015). Greater numbers of LGBT people should increase the likelihood of a municipality having pro-LGBT policies because of greater visibility and mobilization potential of the LGBT community.
H₆: On average, there is a negative relationship between median age and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.

Median Age: In general, younger Americans have been shown to be more supportive of LGBT rights (Cravens 2015). Median age has had mixed results in previous research, some studies show a significant impact on LGBT policy, while others show no such relationship (Wald, Button, and Rienzo 1996; Cramer et al 2017). This nationwide data should shed further light on this debate by providing further evidence to either support or reject the notion that the median age has important impacts on local LGBT nondiscrimination policies.

Political Ideology

H₇: On average, there is a positive relationship between the average percent of votes for democratic presidential candidates from 2004-2016 and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.

Average Percent Vote for Democratic Presidential Candidate, 2004-2016: Political ideology is measured using presidential election results from 2004-2016 at the county level. Most city election results are reported according to voting precincts rather than the political boundaries used by the census. Countywide election results are used as an approximation to reflect the political ideologies of the individual cities within the dataset (Politico Website 2017). County level results of the four presidential elections that took place during this period were gathered for each city. Then the average of the four elections was calculated for each city to create a measure of political ideology.

LGBT rights have been closely associated with liberal politics since the rise of the Christian Right in the 1980s. The Democratic Party has embraced LGBT advocacy and pushes for pro-LGBT legislation at all levels of government. Although many conservative and
Republican Americans are increasingly supportive of LGBT rights, on the whole, the party continues to actively campaign against pro-LGBT policies in many arenas.

**Socioeconomic Indicators**

**H₈:** On average, there is a positive relationship between the percent of residents with bachelors’ degrees or higher and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.

Percent of Residents with Bachelors’ Degrees or Higher: This variable measures the proportion of people within a city that have earned a bachelors’ degree, according to the 2015 American Community Survey (US Census 2017). The influence of education on LGBT rights is especially important when explaining local nondiscrimination ordinances. Button, Rienzo, and Wald (1997) found that university student groups were among the strongest advocates for added protections for LGBT people. In fact, many of the early adopting cities were those that have major four-year universities because LGBT student groups often lead the campaigns for nondiscrimination legislation. The level of education among residents plays an important role in understanding LGBT nondiscrimination policy because on average, people with college education are more accepting of alternative perspectives and lifestyles.

**H₉:** On average, there is a positive relationship between per capita income and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.

Per Capita Income: Numerous studies have demonstrated a relationship between income and LGBT nondiscrimination policies (Wald, Button, and Rienzo 1996; Dorris 1999; Cramer et al 2017). Per capita income is used to measure differences between cities because it accounts for both the overall wealth of a city and its population size. Income levels are especially important among small towns, because those with higher incomes tend to be resort towns or more wealthy.
suburbs of large cities. These types of cities are more likely to pass LGBT nondiscrimination laws than their counterparts with economies based on agriculture or mining (Button, Rienzo, and Wald 1997). Income levels measure the amount of wealth in a community, but are also indicative of the lifestyles and occupations of members of the community.

The Impact of Religion

\[ H_{10}: \text{On average, there is a negative relationship between percent of religious adherents and the likelihood of a city having a comprehensive LGBT nondiscrimination ordinance.} \]

Percent of Religious Adherents: Within the model, this variable measures the percent of residents within the county that claim membership in a religion or church. The survey was conducted by the Association of Statisticians of American Religious Bodies, which has county, state, and national statistics about the number of religions, congregations, and adherents for 236 religions across the country (US Religious Census 2010). Button, Rienzo, and Wald (1997) and Cravens (2015) use data from the same organization. When studying small town America, getting data can be very difficult, often scholars must substitute county level data when city level data is unavailable. The influence of religion on the passage of LGBT nondiscrimination ordinances has been a ubiquitous factor in the literature surrounding this topic (Button, Rienzo, and Wald 1997, Mucciaroni 2008, Cravens 2015, Dorris 1999; Cramer et al 2017). Although the unit of analysis for this study is city governments, the only nationwide data concerning religion was measured at the county level (US Religious Census 2010).

Regression Results

The results of the logistic regression confirm there are observable differences between cities that pass LGBT nondiscrimination policies and those that do not. Three models were
constructed in order to show the combined effects of the independent variables discussed in the previous chapter and also highlight individual effects of several important independent variables. Table 5.6 reports the results of the logistic regression analysis. Model 1 includes all variables included in this study. Although this model is highly significant, population size is highly correlated with several other variables included in this model. Model 2 excludes population size in order to minimize the collinearity within the analysis and to observe the effects of independent variables that may be overwhelmed by the presence of population size in Model 1. Model 3 excludes all insignificant variables from Model 1 and is the most parsimonious model derived from the data. The combination of the three models provides a descriptive profile of cities that are likely to pass LGBT nondiscrimination ordinances.

Although each model includes interesting aspects about the passage of LGBT nondiscrimination policies, the overall significance and strength of each model are relatively similar. All three models exhibit overall statistical significance due to each model’s chi-square statistic reaching the highest threshold for significance (p ≤ .001). Furthermore, the Cox and Snell $R^2$ statistic for each model is within one hundredth of $R^2 = .600$, indicating that the relationship between the independent variables and city LGBT nondiscrimination policies is very strong. Similarly, the Nagelkerke $R^2$ statistic for each model is approximately .800. The result of these pseudo $R^2$ tests indicates that approximately between 60-80% of the variance of LGBT policy outcomes can be explained by the independent variables. According to the percentage accuracy in classification (PAC) measure, each model correctly predicts the presence or lack of an LGBT nondiscrimination ordinance in approximately 91% of cases in the sample. Overall, these results show there are observable and significant differences between cities that pass LGBT nondiscrimination policies and those that lack such protections. The remainder of this chapter is
an in-depth analysis of each independent variable included in the logistic regression analysis.

Table 5.7 reports the average score of ordinance and nonordinance cities for each independent variable and shows that there is a statistically significant difference between the two groups for each variable.

Table 5.1: Results of Logistic Regression Analysis

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 COEFF</th>
<th>Model 2 COEFF</th>
<th>Model 3 COEFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 Population</td>
<td>&lt;.001**</td>
<td>-</td>
<td>&lt;.001**</td>
</tr>
<tr>
<td>Population Density</td>
<td>.001***</td>
<td>.001***</td>
<td>.001***</td>
</tr>
<tr>
<td>Growth Rate, 2010-2016</td>
<td>6.016</td>
<td>8.800*</td>
<td>-</td>
</tr>
<tr>
<td>Racial Diversity</td>
<td>-0.023</td>
<td>-0.047**</td>
<td>-</td>
</tr>
<tr>
<td>% of Unmarried Partners</td>
<td>.601***</td>
<td>.670**</td>
<td>.549***</td>
</tr>
<tr>
<td>Median Age</td>
<td>.016</td>
<td>-0.02</td>
<td>-</td>
</tr>
<tr>
<td>Vote for Presidential Candidate, 2004-2016</td>
<td>.061**</td>
<td>.067***</td>
<td>.051**</td>
</tr>
<tr>
<td>% Bachelors' Degree or Higher</td>
<td>.174***</td>
<td>.176***</td>
<td>.179***</td>
</tr>
<tr>
<td>Per Capita Income</td>
<td>&lt;.001***</td>
<td>&lt;.001***</td>
<td>&lt;.001***</td>
</tr>
<tr>
<td>% of Religious Adherents</td>
<td>-.053**</td>
<td>-.047**</td>
<td>-.052***</td>
</tr>
<tr>
<td>Constant</td>
<td>-4.408</td>
<td>-2.861</td>
<td>-4.139</td>
</tr>
<tr>
<td>Omnibus Test (Chi-square)</td>
<td>375.717***</td>
<td>358.554***</td>
<td>369.466***</td>
</tr>
<tr>
<td>-2 Log Likelihood</td>
<td>180.184</td>
<td>197.347</td>
<td>186.436</td>
</tr>
<tr>
<td>Cox &amp; Snell R-square</td>
<td>0.608</td>
<td>0.591</td>
<td>0.602</td>
</tr>
<tr>
<td>Nagelkerke R-square</td>
<td>0.811</td>
<td>0.788</td>
<td>0.803</td>
</tr>
<tr>
<td>PAC</td>
<td>91.30%</td>
<td>90.30%</td>
<td>91.30%</td>
</tr>
</tbody>
</table>

*p<.05
**p<.01
***p<.001

Note: Dependent Variable = LGBT Policy

**Population Demographics**

Population Size: The results indicate that population size has a significant, positive influence on the passage of comprehensive LGBT protections in cities (H₁: reject H₀). Large
cities are more likely to pass LGBT protections than midsize and small cities. In accordance with the social diversity theory, larger cities provide space and a sense of social anonymity, which allows minority groups to form into strong communities (Button, Rienzo, and Wald 1997). These spaces are not readily available in many of America’s small towns. This data supports the claim that population size is positively correlated with the passage of LGBT nondiscrimination policies. Among previous research, there is disagreement over the influence of population size on LGBT nondiscrimination policies (Wald, Button, and Rienzo 1996; Button, Wald, and Rienzo 1999; Cravens 2015; Cramer et al 2017). Cravens (2015) argued that population size is not a significant predictor of LGBT ordinances. However, the study was limited to cities in the state of Florida, which by most metrics is an outlier among states that lack statewide LGBT protections. The state itself has a much larger population than nearly all other states included in this study. Additionally, due to the large tourist industry Florida has many small resort towns that strive to maintain a welcoming environment for all potential tourists. Several of the smaller cities in Florida that have comprehensive protections are well-known vacation destinations that specifically cater to LGBT travelers. This nationwide analysis suggests that in many states a city’s population size remains an important factor that increases the likelihood of a comprehensive LGBT ordinance.

Although population size remains an important indicator of the passage of comprehensive LGBT protections in cities, the debate over the merits of this claim is highly relevant in the current climate of local LGBT protections. The importance of population size may not be as relevant as in the past as the LGBT movement continues to gain momentum politically and is now commonplace in the media and social media. The regression results show that population size does not meet the highest threshold for statistical significance and has a lower Wald statistic.
than other variables in the model including education, population density, and per capita income. These results reveal that population size is not the most influential indicator in this regression analysis. As more fluid notions of gender and sexuality continue to permeate American culture and the advent of social media, usefulness of using population size the as a predictor of pro-LGBT attitudes is gradually waning. In some states population size is not very influential on the passage of local LGBT laws (i.e. Florida), even if it is still the main factor in other states.

Anchorage and Juneau, the two largest cities in Alaska, are the only cities with comprehensive LGBT protections in the state. Fairbanks, the third largest city, has the only public employment protections in the state. Further research is needed to determine why population size seems to matter in some states more than others, but on average, this study confirms the hypothesis that there is a positive correlation between population size and the passage of comprehensive LGBT ordinances in cities.

Population Density: The population density of a city has a significant, positive influence on the passage of comprehensive LGBT ordinances (H$_2$: reject H$_0$). In each model, population density meets the highest threshold of significance (p < .001). Like population size, population density is positively correlated with the passage of LGBT ordinances, which stems from the theory of social diversity. When residents of a city live in closer proximity to each other, people interact with a more diverse set of people on a regular basis so residents tend to be more accepting of policies that protect minority groups (Button, Rienzo, and Wald 1997). Population density differs from population size because it measures lifestyle and occupational differences between cities as much as it measures urbanization (Hammer and Vaglum 1989). Even in smaller cities, those that have higher population densities are those with economies based on tourism, business, and technology industries while a low population density indicates residents involved
in agriculture or logging. Among cities with under 5,000 residents, the average population density for ordinance cities is 2,146 people per square mile while nonordinance cities have an average density of 882 people per square mile. This stark difference between smaller ordinance and nonordinance cities is further evidence that demonstrates the influence of density on LGBT policies independent of population size. The results suggest that population density requires consideration in future research as a key factor in predicting the passage of comprehensive LGBT nondiscrimination ordinances.

Table 5.2: Average Values for Ordinance and Nonordinance Cities

<table>
<thead>
<tr>
<th>Variable</th>
<th>Ordinance City Average</th>
<th>Nonordinance City Average</th>
<th>T-Score</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 Population</td>
<td>114765.09</td>
<td>5380.39</td>
<td>-6.449</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Population Density</td>
<td>3197.007</td>
<td>1054.0805</td>
<td>-12.58</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Growth Rate, 2010-2016</td>
<td>0.0444</td>
<td>-0.0009</td>
<td>-5.96</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Racial Diversity</td>
<td>25.0975</td>
<td>34.988</td>
<td>7.432</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>% of Unmarried Partners</td>
<td>3.165</td>
<td>2.593</td>
<td>-4.238</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Median Age</td>
<td>36.5493</td>
<td>41.0395</td>
<td>5.871</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Vote for Presidential Candidate, 2004-2016</td>
<td>50.9886</td>
<td>37.4016</td>
<td>-11.59</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>% Bachelors' Degree or Higher</td>
<td>36.088</td>
<td>17.74</td>
<td>-12.14</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>Per Capita Income</td>
<td>28172.71</td>
<td>24031.04</td>
<td>-3.43</td>
<td>&lt; .001</td>
</tr>
<tr>
<td>% of Religious Adherents</td>
<td>45.4841</td>
<td>53.3405</td>
<td>5.752</td>
<td>&lt; .001</td>
</tr>
</tbody>
</table>
**Population Growth Rate, 2010-2016:** The results suggest that although growth rate is positively correlated with comprehensive LGBT ordinances, the influence of growth rate is not significant when controlling for population size (H₃: cannot reject H₀). The influence of population growth rate on city LGBT protections has mixed results within the regression analysis. Growth rate is statistically significant in Model 2, but is not in Model 1. However, this variable provides an interesting finding concerning ordinance versus nonordinance cities. The average growth for ordinance cities is nearly 4.5%, whereas nonordinance showed little change or even lost population on average with an average growth rate of -.09%. This result is indicative of the continuing trend of urbanization in the United States (Wald, Button, and Rienzo 1996; Dorris 1999). Large urban areas and midsized cities continue to grow larger, while more people are leaving small town America in search of economic opportunities and, for many LGBT people, greater social diversity and acceptance. Although population growth rate is positively correlated with comprehensive LGBT ordinances, the study suggests that the influence of growth rate on such policies is spurious because the correlation is a result of larger cities growing more than small towns rather than a growing population having a direct influence on LGBT policies.

**Social Demographics**

*Racial Diversity:* The results show that the measure of racial diversity is negatively correlated with the presence of comprehensive LGBT ordinances, but the influence of racial diversity is not present when controlling for population size (H₄: cannot reject H₀). Racial diversity shows a significant impact on comprehensive LGBT policies in Model 2 that excludes population size, but is not significant in Model 1. This result supports previous findings that the explanatory power of race and ethnicity is essentially negated by population size (Button, Rienzo, and Wald 1997). On average, larger cities are much more racially diverse than small
towns in rural areas, so any direct impact of race and ethnicity on comprehensive LGBT ordinances cannot be determined by the data in this study. The hypothesis that increased racial diversity increases the likelihood of the presence of comprehensive LGBT ordinances in cities must be rejected based on this analysis.

Although a direct influence of race and ethnicity on LGBT nondiscrimination policies cannot be determined, the differences between ordinance and nonordinance cities provide interesting analysis nonetheless. The average racial diversity score for ordinance cities is 25.1 whereas nonordinance cities have a score of 35. This indicates a large difference in the racial and ethnic makeup of cities that pass comprehensive LGBT ordinances versus those that do not because a score closer to zero indicates more racial and ethnic diversity. This is an important difference, but when observing only cities under 5,000 residents average racial diversity scores are virtually the same. For cities under 5,000 residents, ordinance cities average 36.8, while nonordinance cities of the same size average 36.7. Even when looking at average racial diversity scores, establishing a direct relationship between racial diversity and LGBT policy is difficult when controlling for population size from multiple perspectives.

*Size of LGBT Population:* The percent of the population that are unmarried partners has a statistically significant, positive influence on the presence of comprehensive LGBT ordinances (H$_5$: reject H$_0$). The significance is present in each of the regression models utilized in this study, indicating that the percent of unmarried partners has an influence on the passage of LGBT policy independent of other factors such as population size and education. This finding supports the assertion that a larger LGBT community contributes to the resource mobilization of pro-LGBT advocates in their efforts to pass LGBT protections at the local level (Wald, Button, and Rienzo 1996; Button, Rienzo, and Wald 1997; Button, Wald, Rienzo 1999; Armstrong 2002;
Cravens 2015; Seyforth and Barnes 2016). If more LGBT people live in a community, mobilization efforts are usually more effective because LGBT people can campaign for LGBT protections, help lobby city councilors, and vote for favorable local officials. Additionally, the visibility of substantial LGBT communities can act as evidence of the need for specific legal protections for LGBT people against various types of discrimination. Future research is needed to better understand how LGBT population size influences various types of LGBT policies. Additionally, since the measure of unmarried partners is merely a proxy for the actual LGBT population size, more accurate measures of LGBT people may show even more significant influences on the presence of LGBT nondiscrimination laws.

Median Age: Median age is not a significant predictor of LGBT nondiscrimination policies, even when removing the effect of population size ($H_0$: cannot reject $H_0$). Although younger Americans have been shown to be more favorable toward LGBT rights than their older counterparts, this study concludes that median age does not have an influence on the passage of LGBT nondiscrimination laws in American cities. This result confirms findings of previous studies that hypothesized that a lower median age could increase the likelihood of an LGBT ordinance, only to reject the notion (Wald, Button, and Rienzo 1996; Cravens 2015). There is a five year difference between the median age of ordinance (36.5 years) and non ordinance (41.1 years) cities. However, this difference is likely due to population size and education levels rather than any direct influence of median age on the presence of comprehensive LGBT nondiscrimination policies. Larger cities and college towns tend to have a much lower median age than the average American city, meaning that the relationship between age and LGBT policy is indirect at best.
Political Ideology

Average Percent Vote for Democratic Presidential Candidate, 2004-2016: This study concludes that political ideology has a significant, positive influence on the passage of comprehensive LGBT nondiscrimination ordinances in cities (H7: reject H0). Political ideology plays a significant role in explaining the presence of LGBT policies at all levels of government (Wald, Button, and Rienzo 1996; Cravens 2015; Werum and Winders 2001; Stone 2012). Cities in counties where Democratic presidential candidates garnered more votes are more likely to pass comprehensive LGBT nondiscrimination policies. Among ordinance cities, the county level average vote for the Democrat is 51% as opposed to 37% for those counties containing nonordinance cities. The importance of political ideology seems ubiquitous in studies on LGBT policy change due to the inclusion of LGBT rights as a major issue for many American liberals. Although many Democrats have long supported LGBT nondiscrimination laws, the inclusion of same-sex marriage on the Democratic Party’s platform in 2010 pushed the issue even further into the national spotlight and potentially emboldened many local politicians to become more outspoken about supporting LGBT rights. Additionally, Conger (2009) argues that social movements often operate within the existing party structures vying for power in states and localities. Button, Wald, Rienzo (1999) found that the presence of LGBT officials and candidates increases the likelihood of pro-LGBT policies at the local level. Therefore, there is possibly a connection between the increase of LGBT people joining the Democratic Parties of their state or city and utilizing the mobilization resources of existing party structures to pass LGBT protections in local governments.
**Socioeconomic Indicators**

*Percent of Residents with Bachelors’ Degrees or Higher:* Education levels have a significant, positive influence of the passage of comprehensive LGBT nondiscrimination ordinances ($H_0$: reject $H_0$). Levels of education may be the most important factor when attempting to explain the presence of comprehensive LGBT nondiscrimination policies in cities. Button, Rienzo, and Wald (1997) recount that many college towns were among the first cities to pass LGBT nondiscrimination policies due to the attitudes disseminated from major colleges and universities located in those cities. Furthermore, LGBT and ally students are among the most fervent supporters of strengthening legal protections for the LGBT community. Queer student groups successfully campaigned for pro-LGBT policies in university-centered communities in many states.

This study found that the impact of education goes beyond the direct involvement from university communities. On average, cities with a higher percentage of residents that hold bachelors’ degrees are more likely to pass comprehensive LGBT ordinances. The impact of education is highly significant across the three regression models in this study. The Wald statistic for education is much higher than all other variables in the models, which provides further evidence of the immense importance of education levels in this policy area. The average percentage of residents with bachelors’ degrees for ordinance cities is 36%, but nonordinance cities only average 17.7% of residents with bachelors’ degrees. The stark difference in education levels between ordinance and nonordinance cities strongly supports the notion that increased college education in a population is accompanied by increased support for LGBT rights. Overall, education levels are a powerful indicator of the presence of comprehensive LGBT nondiscrimination ordinances.
**Per Capita Income:** The relationship between per capita income and the adoption of comprehensive LGBT nondiscrimination ordinances is statistically significant and positively correlated (H$_0$: reject H$_0$). Income is statistically significant in each of the three regression models. Communities with more average wealth are more likely to have comprehensive LGBT nondiscrimination ordinances. Previous research has sparsely analyzed the independent influence of income levels on LGBT nondiscrimination policies (Dorris 1999). The impact of socioeconomic status on LGBT nondiscrimination laws is the topic of some debate in previous research. For example, Cravens (2015) found that socioeconomic status did not have a significant influence on LGBT nondiscrimination policies in Florida localities. However, when considered on a national scale socioeconomic factors have a significant influence on LGBT policies across states. As with education level, per capita income has a significant relationship with comprehensive LGBT ordinances. This research confirms that per capita income warrants further consideration as a major factor useful for explaining the presence of comprehensive LGBT ordinances in cities.

**The Impact of Religion**

**Percent of Religious Adherents:** The regression results confirm that there is a significant, negative relationship between rates of religious adherence at the county level and the passage of comprehensive LGBT policies (H$_{10}$: reject H$_0$). Overall, those communities with a lower percentage of religious adherents are more likely to pass pro-LGBT protections. The impact of religion is statistically significant in each of the regression models in Table 4.6.

Religion is likely the most extensively studied factor that contributes to, or perhaps hinders, the passage of comprehensive LGBT nondiscrimination ordinances (Wald, Button, and Rienzo 1996; Button, Rienzo, and Wald 1997; Dorris 1999; Cravens 2015; Cramer et al 2017).
Although this study does not distinguish between different religious denominations, previous research has found that many churches are pro-LGBT and, in fact, play a vital role in local LGBT communities as well as supporting LGBT rights (Button, Rienzo, and Wald 1997; Cravens 2015). The results reported here should not be construed as considering all religious organizations as having a role in suppressing LGBT rights at the local level. Due to data limitations, all religions are included equally in the analysis. However, the significance of religion in these models is indicative of an overall, pluralistic view of religious adherence. Enough highly religious communities lack LGBT protections that the results are significant without controlling for those religious groups that may support LGBT rights. Further research is needed to examine the evolving role of religion in LGBT rights policy. Many churches once absolutely opposed to LGBT rights are beginning to reconsider a hardline stance, especially on issues of discrimination. Even if a religious organization refuses to support same-sex marriage, religious leaders increasingly notice the continuing emergence of instances of discrimination against LGBT people. For example, when this research began Utah had no statewide discrimination protections for LGBT people. In 2015, the Utah legislature passed a partially comprehensive law that only lacked protections for public accommodations. The Mormon Church has long been seen as an anti-LGBT organization, notorious for a role in successfully repealing same-sex marriage in California through Proposition 8. However, the Mormon Church played a crucial role in lobbying the Utah Legislature to pass statewide discrimination protections. The church reached a compromise with LGBT advocates to support the law if the public accommodations provision was excluded. These protections are viewed by conservative religious organizations as the most likely to impose on religious freedom. The shifting position of the Mormon Church had ramifications outside the state due to large Mormon populations in
neighboring states. The impact of the Mormon Church in Idaho and Wyoming is discussed in detail in Chapter 6. This example reveals the evolving role that religion has in the passage of LGBT nondiscrimination ordinances. Although this regression analysis does not distinguish between different religious denominations, the influence of religion on LGBT nondiscrimination policy is complex and constantly evolving.

Discussion

The results of this logistic regression analysis provide information pertinent to LGBT activists seeking to expand LGBT nondiscrimination protections to more Americans. Primarily, these findings suggest the movement faces more barriers in rural America where there is a higher population of conservative and religious people. LGBT people still lack discrimination protections in small towns, sparsely populated counties, and many suburbs across the country. Mobilizing the political resources to pass LGBT protections is often simpler in large, urban areas because greater population density and concentration of pro-LGBT organizations already exists. Small towns do not have the resources or channels to effectively mobilize a campaign. Furthermore, nonordinance cities tend to have fewer LGBT people than cities that have successfully passed LGBT nondiscrimination laws. This conclusion means that LGBT people must form coalitions that extend beyond the city to successfully lobby for comprehensive protections, either with activists in other cities or statewide LGBT organizations. Though the need for expanded LGBT protections in rural areas is no surprise to the LGBT scholar, this study confirms the need for LGBT organizing that is targeted toward rural communities.

The importance of education and income in the logistic regression analysis suggests that more affluent communities are passing LGBT protections at higher rates than their less well-off counterparts. In particular, the results suggest that communities where more people have
bachelor’s degrees tend to be more pro-LGBT than less educated places. Activists should target communities that tend to have higher rates of education to pass comprehensive LGBT nondiscrimination protections. The best way to target more educated populations is to focus efforts in suburbs and rural communities that have universities or community colleges. Additionally, recruiting student groups in these communities to the campaign for discrimination protections is an effective way to get volunteers. Another implication of the significance of education is that more LGBT education should be included at earlier stages of the education system in order to increase acceptance of pro-LGBT policies. Petitioning school boards to increase, or even allow, LGBT inclusive curriculum can have two major benefits. Students will have the opportunity to learn more about LGBT history and discrimination and thus better understand the need for legal protections. Additionally, a successful campaign before a school board can be used as a basis to expand debates into city council chambers. Overall, increasing LGBT activism within various types of educational institutions is important to expand LGBT protections to more American cities.

Religion remains an important barrier to the adoption of local LGBT nondiscrimination ordinances. Although the relationship between LGBT nondiscrimination policy and religion is highly complex, the overall impact of religion depresses the prospects of passing LGBT nondiscrimination policies. Religions have extensive organizational networks from which resources can be drawn effectively and quickly. Just as more liberal religious organizations are often important for LGBT organizing, this same ability to gather resources is used against the LGBT community in many communities. Even if religious opposition is a small minority within a community, the mobilization capabilities of small, vocal religions can greatly hinder LGBT activism. This is particularly true in rural communities that already have difficulty with effective
LGBT organizing. In order to curb the negative influence of religion on LGBT nondiscrimination policies, activists should divert attention from moral argumentation and stress alternate reasons for passing such policies. For example, activists can argue for the economic benefits of LGBT protections. LGBT protections attract a younger and more diverse talent pool for many industries, which improves economic productivity with the community. Advocacy campaigns should not engage with religious rhetoric and instead the potential benefits of passing LGBT nondiscrimination ordinances.

This study supports the notion that population density is a primary predictor of social policy change. The notion that increased social diversity and urbanization also increases pro-LGBT attitudes in communities is well established in the literature (Wald, Button, and Rienzo 1996). However, using population density as an indicator of LGBT protections is novel for two main reasons. First, population density adds an element of analysis that is not possible by using population alone because it can measure differences between cities that have small populations. Although most large cities have LGBT protections, there are also many small towns that have passed LGBT nondiscrimination policies. Among small cities, those with higher population densities are more likely to pass LGBT protections. This indicates that social attitudes are not only influenced by the number of people in a city, but also how close the residents live to one another. Cities with economies that require people to live closer together tend to be more supportive of LGBT rights. This mostly includes cities with tourism based economies. For example, of the 11 cities with comprehensive ordinances in Idaho, 6 have a population less than 10,000 residents. All of these small towns are local near major tourist destinations. Two outside Yellowstone National Park in Eastern Idaho, three near the Sun Valley resort area, and one in Northern Idaho near Idaho’s largest lake, Lake Pend Oreille.
This finding suggests that coalition building with other types of industries could increase the prospects of expanding LGBT nondiscrimination protections to more cities. Activists should divert attention toward agricultural and mining based industries to find additional support. For example, activists in Wyoming have begun to build strong relationships with the petroleum and natural gas industries because they carry significant weight in state politics. Targeting these types of industries will strengthen pro-LGBT coalitions in less densely populated areas of the United States. LGBT organizing cannot solely rely on its traditional partnerships, such as medicine and education, because those industries do not carry as much political influence in rural communities. Identifying organizations that have ties to education and rural based industries is an effective way to build bridges to potential supporters. For example, the National FFA Organization’s nondiscrimination policy includes sexual orientation and the organization has been welcoming to the LGBT community. The 4-H organization is another example an LGBT friendly organization with great influence over education in rural communities. These organizations have broad reach to the education of rural populations and closer ties between these organizations and LGBT organizations at the national and state levels could be a valuable tool to increase LGBT friendly education in rural areas. Overall, this research concludes that population density is a dynamic measure that should be used in conjunction with population size to increase analytical usefulness because more nuanced population differences between cities can be observed.

**Conclusion**

According to the model for local LGBT nondiscrimination policy adoption, the characteristics of individual cities can explain the likelihood of the presence of comprehensive LGBT nondiscrimination ordinances. The binary logistic regression analysis conducted in this
study reveals an array of factors that influence the passage of pro-LGBT policies. These findings support the notion that differences between cities contribute to the likelihood of LGBT nondiscrimination policies being enacted. Population demographics are important predictors of the presence of LGBT ordinances. This study introduces the notion that population density has a strong influence on LGBT nondiscrimination policies. Social demographics showed mixed results in the regression analysis. Racial diversity and median age are not significant factors when controlling for population size, but the size of the LGBT population is a significant predictor for comprehensive LGBT protections. Communities that tend to vote Democratic in presidential elections are more likely to have comprehensive LGBT protections, establishing political ideology as a factor that influences LGBT nondiscrimination policy. The consideration of socioeconomic factors exhibits that cities with higher levels of wealth and education are more likely to pass LGBT ordinances. Lastly, rates of religious adherence have a significant influence on suppressing pro-LGBT policies, even if the role of religion is more nuanced than could be captured by this analysis. Overall, much of the landscape of local LGBT nondiscrimination policies can be observed by studying the characteristics of individual cities. The next chapter delves into how the state political environment can hinder or invigorate local governments where local advocates and officials favor protecting the vulnerable LGBT populations within their own communities.
Chapter 6: State Influence on Local LGBT Nondiscrimination Policies

The purpose of this chapter is to review the cases of Idaho and Wyoming in order to detect differences in statewide politics between states and how these differences impact the passage of LGBT nondiscrimination policies at the local level. This chapter is primarily concerned with Research Question 5: how do state politics impact the adoption of LGBT nondiscrimination policies by city governments? For each state, I provide an overview of efforts to pass LGBT nondiscrimination laws in the state legislatures and then delve into the situation for local governments in each state. Both Idaho and Wyoming are sparsely populated, conservative states in the Mountain West region. However, Idaho has seen much more success at the local level in terms of nondiscrimination policies. The latter portion of this chapter gives analysis about how each qualitative independent variable influences the passage of LGBT nondiscrimination policies at the local level. This research identifies three primary state level variables that help explain LGBT nondiscrimination policies at the local level: action by state legislatures, the structure of LGBT advocacy networks, and state-specific political institutions. The evidence presented in this chapter reveals important implications about campaigning for local LGBT nondiscrimination policies. Grassroots organizing is the most effective way to campaign at the local level because local LGBT people have the most in depth knowledge about the culture of their communities. This organizing also helps strengthen the LGBT community in rural areas. Additionally, sustained efforts to change LGBT rights policy in state legislatures provides a statewide platform for activists to campaign and encourages action at the local level.

Qualitative Methodology

This portion of the research is a comparative case study between Idaho and Wyoming. Data collection was based on interviews with LGBT activists and politicians at the state and
local level. Historical timelines of LGBT rights policy in each state were constructed using primary sources (news articles) and secondary sources. All interviews took place in 2015. 6 interviews were conducted in Idaho and 12 in Wyoming. The purpose is to identify state level political variables that influence the adoption of LGBT nondiscrimination policies at the local level. This is a most similar systems approach because Wyoming and Idaho are relatively similar (Shoemaker, Tankard, and Lasorsa 2004). They are both located in the Mountain West and are sparsely populated relative to other states. Both states have strong conservative political bases that are largely in control of state politics. Although these two states are similar in many respects, they differ in the number of local LGBT nondiscrimination policies that have been passed in cities. Idaho has 11 cities with comprehensive ordinances, as well as localities that have partial protections. Wyoming on the other hand only has one city with a comprehensive nondiscrimination ordinance. This analysis explores the reasons why LGBT activists in Idaho have had more success than those in Wyoming. Additionally, both states exemplify places where more resources need to be allocated to push for greater legal protections, as well as social acceptance, of the LGBT community. The analysis in this chapter is based on the following null and research hypotheses:

\( H_0 = \text{There is no relationship between state politics and the adoption of local LGBT nondiscrimination ordinances for any given independent variable.} \)

State Legislative Politics

\( H_{11} = \text{There is a relationship between state legislative politics and the adoption of local LGBT nondiscrimination ordinances.} \)

This hypothesis asserts that state legislative politics have an influence on local LGBT nondiscrimination policy adoption. Since the political authority of localities comes directly from
the state, state legislatures hold significant power over local policy. This research argues that state politics influence local LGBT policy change because state legislatures can give and take away the policymaking authority of cities. Additionally, actions by state legislatures can also have positive effects on local nondiscrimination policy. City officials and local activists could be prompted into action due to anti-LGBT behavior by the state legislature.

Statewide LGBT Advocacy Networks

\[ H_{12} = \text{There is a relationship between statewide LGBT advocacy networks and the adoption of local LGBT nondiscrimination ordinances.} \]

The structure of statewide LGBT advocacy networks has an impact on local LGBT nondiscrimination policy because in order to achieve policy change activists must have enough ability to mobilize the necessary resources to launch a campaign. States with stronger and more organized LGBT networks are more likely to have greater policy success because they are able to mobilize more resources than in states with weak LGBT networks.

State Political Institutions

\[ H_{13} = \text{There is a relationship between state political institutions and the adoption of local LGBT nondiscrimination ordinances.} \]

State political institutions have an impact on local LGBT nondiscrimination policy because each states’ institutions are unique. Therefore, campaign strategies may not have the same effectiveness in each state. In some states, local governments are very limited in the types of policies they can pass. The differing political arrangements in each state may alter the political opportunity structure for LGBT activists from state to state.
LGBT Rights in Idaho

In 1994, Idaho voters defeated an anti-LGBT ballot initiative by less than a one percent margin (Witt and McCorkle 1997; Liep 2005). The law would have severely limited the rights of the LGBT population. Proposition 1 would have banned all types of same-sex partnerships, prohibited discussion of homosexuality in schools, denied sexual minorities minority status, and eliminated materials about homosexuality from public libraries (McCorkle and Most 1997). This was an early victory for gay rights advocates because Idaho’s proposition occurred during a flurry of anti-gay rights campaigns around the country. However, the victory was short lived. Since then, Idaho passed legislation and a constitutional amendment defining marriage as one man, one woman, in 1996 and 2006, respectively. Furthermore, most progress for gay rights advocates in Idaho came from federal policy, including the overturning of Idaho’s sodomy ban by the Supreme Court in Lawrence v Texas (2003) and the addition of sexual orientation in the Federal Hate Crimes Prevention Act (Mucciaroni 2008). Most recently, federal district and appellate courts ruled Idaho’s same-sex marriage ban unconstitutional and marriages were allowed to begin by the 9th Circuit Court following the Supreme Court’s decision.

Idaho’s Battle to “Add the Words”

The Idaho Add the Words Campaign, referring to the words “sexual orientation” and “gender identity,” began in 2011 to lobby the legislature to add protections for the LGBT community to the state’s civil rights law (Add the Words 2017). The most active gay rights entrepreneur is (former) Democratic Senator Nicole LeFavour, Idaho’s first and only openly gay legislator (Russell 2011b). LeFavour is Idaho’s most visible queer person and has taken the unofficial lead in the push for gay rights in the state. LeFavour began the campaign directed at
the legislature to end discrimination based on sexual orientation. As Kingdon suggests, gay
eights have become LeFavour’s “pet” issue (1984: 204).

Figure 6.1: Examples of Sticky Notes for the Add the Words Campaign

One Add the Words campaign tactic was to gather letters from constituents across the
state, written on sticky notes, to be placed on the walls of the capitol at the beginning of the 2012
legislative session that began in January. The notes are supposed to address problems faced by
constituents with the state’s nondiscrimination law. Figure 5.1 shows a few examples from the
thousands that ended up strewn throughout the capitol building (Add the Words 2017).

Legislation that would add protections for the LGBT community to the state’s nondiscrimination
law has been introduced to the Senate each year since 2007 and has died in the Senate State
Affairs Committee each time (Idaho Legislature Website 2017). The year 2009 was the only year
that the bill was granted a committee hearing, but was struck down by a vote of 4-2, not along
party lines. Senate Minority Leader Edgar Malepeai, who sat on the Senate State Affairs
Committee, introduced the bill in the 2010 and 2011 legislative sessions. Each year the bills were held up in committee without a hearing, effectively killing them (Russell 2011a). Senator Curtis McKenzie, chair of the State Affairs Committee since 2007, stated, “It’s not my intention to hold hearings on bills that I don’t think are going to get out of committee” (Russell 2011a). All of the current Democratic legislators have voiced support for the legislation, as well as a few Republicans in both houses. Republican Senator Chuck Coiner even co-sponsored the bill with Malepeai.

This campaign has garnered media attention, and, consequently, awareness among the general public about the issue increased dramatically. The movement is attempting to increase visibility and overall support among the general population, as well as politicians (Tilly and Wood 2013). In the case of Idaho’s non-discrimination laws, the resource mobilization model provides an overly deterministic explanation of policy outcomes. Movement mobilization far exceeds efforts by opposition to organize or campaign and yet no progress has been made on this issue at the state level. The campaign began to resort to more radical tactics in the 2013 and 2014 legislative sessions, but efforts in subsequent years have not been as organized. Around this time, LGBT activists in Idaho chose to divide into two distinct organizations. One is primarily an activist group while the other is a protest organization. The protest organization is officially known as “Add the 4 Words.” This was done to protect the larger organizational structure of LGBT activism in Idaho from potentially damaging litigation.

During the 2014 legislative session, activists leading the Add the Words Campaign began taking more direct action by protesting more fervently, and physically closer, to the Idaho Senate (Jaszewski 2014). On February 3, 2014, demonstrators filed into the Idaho State capitol wearing identical black t-shirts with “Add the Words” in bold white print across the chest. The protesters
stood shoulder-to-shoulder, hands clasped to mouths to represent the lack of LGBT voices in Idaho government. Tensions rose when demonstrators began blocking entrances to the Senate chambers forcing legislators to either turn away or push through the silent crowd. By the end of the day, Idaho State Police had arrested 43 people on the grounds of “suspicion of trespassing” (Jaszewski 2014). By March 17, 2014, 109 people were arrested as part of the Add the Words Campaign’s blockades of the Idaho Senate chambers (Russell 2014). Although the state police brought 192 charges, only 20 people received light sentences, including 10 hours of community service and $10 fines. During the campaign, LaFavour actively recruited donors to contribute money to bail protestors out of jail and lawyers to defend the activists pro bono. In fact, after the court proceedings in July 2014, Judge Michael Oths stated, “I respect your courage in doing what you did” (Russell 2014). The use of protests and civil disobedience is more reminiscent of the early Black American civil rights movement than today’s LGBT organizations. Even so, LaFavour and her supporters succeeded in bringing statewide (and limited national) attention to the issue of adding sexual orientation and gender identity to Idaho’s non-discrimination.

Gay rights advocates in Idaho continue fighting to add sexual orientation and gender identity to the list of protected groups under the Human Rights Commission Act (HRCA) (Idaho Legislature Website 2017). This legislation would prohibit discrimination based on sexual orientation or gender identity. A 2008 poll showed that the majority of Idahoans support extending nondiscrimination protections to the LGBT community, with 64% in favor (Russell 2009). In 2011, support had grown drastically to 81% in a poll conducted by Moore Information (Matsuura 2014).
However, scholars have abandoned the notion that public opinion determines policy outcomes. According to Smith (2005: 227):

“While public opinion may play a role at certain policy junctures, differences in policy and in social movement politics are simply too vast to be explained in terms of public opinion or political culture alone…at a general level, public opinion is too blunt an instrument to explain specific policy differences.”

Even though public opinion has little explanatory power in explanatory models of public policy, the high rate of support among the Idaho electorate suggests little chance of mass mobilization of opposition groups to prevent change. In fact, opposition to the legislation is minimal. The only reported opposition to the legislation is testimony at committee hearings once each year (Sharp 2013). Opposition organization is limited to presenting arguments before Senate committees. Gay rights advocates are trying to expand this conflict further into the general public.

Committee chairs and “standing committees in Idaho [have] extraordinary power” (Squire and Moncrief 2010: 164). In Idaho, bills are not automatically introduced into committees. Instead, legislation is first introduced as a routing slip and only printed by approval of a committee. Next, the committee must again vote on the printed bill. Idaho committees have no obligation to send legislation to the floor of either the House or Senate. These rules give standing committees almost absolute gate-keeping power over all legislation. Furthermore, committee chairs schedule the hearings for each routing slip and bill introduced to their committee. The chair has no obligation to schedule a hearing for any piece of legislation. As a result, the power of committees increases (Squire and Moncrief 2010). Institutional design is a factor that influences gay rights policy outcomes. The policy monopoly in the Idaho Senate currently has control of the nondiscrimination legislation introduced in each legislative session. The strong gate-keeping power of standing committees and committee chairs makes passing a
bill that does not coincide with the committee’s values almost impossible. The fact that the legislation was not scheduled a public hearing illustrates the grip the committee chairman has over the policy issue. This explanation is limited, because the Republican Caucus in the senate also opposes the legislation. Even if the legislation was debated at a public hearing, the current Republican majority in the Senate would defeat the measure. Nevertheless, not scheduling a public hearing on the legislation sends a strong message about the values of the current policy monopoly. Because the Senate State Affairs Committee has killed the same bill repeatedly, gay rights advocates face a powerful policy monopoly.

The institutional power of standing committees in Idaho has formed a policy monopoly in the Idaho Legislature that prevents the inclusion of sexual orientation and gender identity in the HRCA. The combination of the Senate State Affairs Committee and the Senate Republican Caucus (even though some Republican Senators support the legislation) has thwarted the pro-gay rights legislation repeatedly and prevented the issue from rising to the top of the government’s agenda. The power of Idaho committees and chairs has allowed the policy monopoly to either vote down or deny the legislation a hearing every time it is introduced.

There are two primary reasons pro-LGBT bills continue to be introduced even though passage is highly unlikely in the current political climate. First, the legislation has electoral implications for Democratic senators in Idaho, especially those representing Boise City and Blaine County. Constituents in these districts strongly support gay rights issues and introducing this bill is important for maintaining support in several districts. Not only are gay rights bills introduced with no hope of passing, but Democrats in the strongly Republican Idaho Legislature use the same tactics for other issues, including marijuana legislation and sexual abuse laws (Idaho Legislature Website 2017). Second, reintroducing the legislation every year is an effort to
“soften-up” the issue among Idahoans (Kingdon 1984: 205). LeFavour stated in January 2011 that the State Affairs Committee should introduce the bill “just for the acknowledgement that this is an issue that deserves more discussion” (Russell 2011b). Reintroducing the bill each session keeps the issue in the minds of legislators and catches the attention of the media and general public. Malepeai, echoing the sentiments of other supporters, stated, “Hopefully by going this route, at least the issue can be out front. I certainly understand the political climate. It is still the right thing to do” (Russell 2011b). Senate Democrats and the Add the Words Campaign are continuously attempting to expand the conflict in order to maintain political pressure on the Idaho Senate.

The most support for the legislation at the state level is from the Idaho Commission on Human Rights. In 2009, the same year the bill was granted a hearing by the Senate State Affairs Committee, the Human Rights Commission voted against supporting the legislation. However, in 2011, that stance was reversed with a 7-2 vote in gay rights advocate’s favor (Russell 2011b). Support from the state’s discrimination regulatory agency was a victory for supporters of the bill, but the Idaho Senate governs the commission. Therefore, for the Human Rights Commission to enforce its decision, it must obtain approval from the Senate. Nevertheless, “quasi-governmental entities…speak with a degree of visibility, authority, and legitimacy that gay rights organizations, acting on their own, do not possess” (Mucciaroni 2008: 211). Support from agencies adds legitimacy to the claims of LGBT advocates and increases pressure on policymakers to act (Armstrong and Bernstein 2008). Even though the Human Rights Commission’s support is not a policy change, the commission is an important ally for gay rights advocates. The Human Rights Commission is an example of a policy venue that is favorable
toward protections for the LGBT community. The Human Rights Commission’s activity has been focused on raising awareness of the issue among the general public.

**Local LGBT Nondiscrimination Policy in Idaho**

Although Republican officials at the state level are vehemently opposed, gay rights advocates have had more success passing nondiscrimination laws at the local level throughout Idaho. In 2011, Sandpoint, a city of just over 7,000 residents, became the first city in Idaho to prohibit discrimination for the LGBT community (Russell 2012). In total, eleven cities have comprehensive ordinances, one has a partial coverage ordinance, and three local governments have employment protections. Boise passed a comprehensive ordinance in 2012 and was followed in 2013 by Coeur d’Alene, Ketchum, Moscow, and Pocatello. Additionally, Idaho Falls passed a partially comprehensive ordinance in 2013, which excluded protections for public accommodations. Two more cities passed comprehensive ordinances in 2014 (Lewiston and Victor) and another three in 2015 (Bellevue, Driggs, and Hailey). In addition to these ordinances, Meridian and Latah County have public employment provisions that cover sexual orientation and gender identity, while Twin Falls’ employment policy only covers sexual orientation. In Idaho, there seems to be a clear correlation between LGBT activists’ protests in the state legislature and the increase in local LGBT nondiscrimination policies. The widely publicized protests were noticed by LGBT organizations and supportive city governments. Although the policy monopoly blocking nondiscrimination laws in the Idaho Senate has control over the issue and is expected to remain intact for the foreseeable future, city governments are passing LGBT protections within their own jurisdictions.

Even in localities, backlash over LGBT focused nondiscrimination ordinances prompts more political battles. For example, one year after the Pocatello City Council approved
protections for LGBT individuals, the issue was sent to the city’s voters for the final decision (Matsuura 2014). The vote was quite close. The final tally was 50.4% to 49.6% in favor of the pro-LGBT ordinance (Bannock County Website 2017). This election became a rallying call for state and national organizations to protect the ordinance passed by the Pocatello City Council (Matsuura 2014). The HRC played the largest role in supporting local activists, largely organized by students at Idaho State University, which houses the state HRC headquarters. Other organizations included the ACLU of Idaho and Planned Parenthood of the Great Northwest and Hawaiian Islands. Resources from outside Idaho have been pivotal to the passage of several local LGBT policies. In particular, the ACLU of Idaho has been actively involved in dispersing information and successful strategies to local activists throughout the state. The organization has a full time position dedicated to campaigning for local LGBT nondiscrimination protections.

Piecemeal advancements among localities have both satisfied LGBT advocates and increased public confusion about state laws. Most Idaho citizens that support gay rights are concentrated in the major urban centers of the state. These people are protected by laws which have been enacted in most of Idaho’s major cities, thus, decreasing the need for citizens protected by city policies to push for change at the state level. Additionally, the inconsistency between state and local policy has lead to confusion of apathetic citizens. Since many of the major cities prohibit discrimination on the basis of sexual orientation, many Idahoans assume the state does as well. These misconceptions must be corrected by gay rights advocates in order to expand the conflict and achieve change. Even though less than half of the population is covered under these laws, gay rights organizations have capitalized on the alternate venues throughout the state to achieve protection for as many Idahoans as possible.
LGBT Rights in Wyoming

In 1998, Matthew Shepard, a student at the University of Wyoming, was brutally murdered just outside of Laramie, Wyoming because of his sexual orientation. This event, unfortunately, set the stage for much of the debate over LGBT civil rights in Wyoming (Connolly 2011). Many residents in the Equality State were outraged by this event, but little has changed in terms of LGBT rights policy within the state. This event had ramifications for LGBT rights nationwide because it was a primary example that helped get federal hate crime legislation passed that covered LGBT people. The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act was signed by Obama in 2009 and was a landmark victory for the LGBT community. In terms of LGBT nondiscrimination protections, Wyoming has not had significant progress, except for one near victory by LGBT advocates in the state legislature in 2015. Laramie is the only Wyoming city that has passed a nondiscrimination ordinance that extends to the private sector.

LGBT Nondiscrimination Legislation in Wyoming

LGBT advocates in Wyoming fit into the trend of introducing LGBT nondiscrimination legislation to the state legislature even if passage of such laws is slim. Representative Cathy Connolly is the only openly gay legislator in Wyoming and has been the primary sponsor of the nondiscrimination legislation. The legislation is meant to add sexual orientation and gender identity to the existing state human rights act. First introduced in 2013, the bill died the first year without getting a committee hearing. This bill was introduced at the same time as a same-sex marriage bill, which was credited for influencing the failure of nondiscrimination protections due to the immense backlash directed toward the legislature. This initial push for LGBT nondiscrimination protections at the state level led to further involvement of one of the
legislation’s main opposition group Wyoming Watch, a group of social conservatives with the goal of blocking any civil rights bills that are introduced in the Wyoming Legislature. However, this bill also drew limited support from outside the state that helped provide resources for future campaigns.

In 2015, a comprehensive nondiscrimination bill managed to pass in the Wyoming Senate which was seen a monumental victory for the LGBT community in Wyoming. The bill passed a committee hearing in the Wyoming House and narrowly failed by 5 votes in the full chamber. Although LGBT protections narrowly failed, the mere fact that the bill advanced so far in one of the most conservative political bodies in the country was a feat by itself. Opportunities for LGBT advocates to advance policy at the state level is severely limited because the Wyoming Legislature only meets for a regular session in odd years, with even years being exclusively for budget related appropriations legislation (Hubbell 2008).

The strategies adopted by proponents of LGBT nondiscrimination legislation shifted for the 2015 campaign to emphasize the fact that rights would not be taken away from religious organizations and the first amendment would not be infringed upon. Additionally, business interests were highlighted by activists. They argued that passing pro-LGBT policies would attract businesses to Wyoming’s cities, particularly in the tech industry. LGBT advocates recruited the support of business associations within the state as well. The slogan “hard day’s work for a hard day’s pay” became a rallying cry that resonated with legislators. The Wyoming Petroleum Contractors Association became a major supporter of the legislation. The nondiscrimination bill was sent to a favorable Senate committee and passed 4-1. This committee was dominated by Mormon legislators who began to support nondiscrimination protections due to the somewhat surprising policy change by the Utah legislature just months before.
The passage of SF 115 by the state senate caused the opposition to mobilize for stronger resistance in the House, which ultimately proved to be successful. Advocates were geared for a much more difficult fight in the Wyoming House. The House committee voted 6-2-1 in favor, but only after several hours of hostile public comments and debate by the committee members. The one abstention was from Representative Harlan Edmond who was removed from the committee hearing by the sergeant-at-arms for inappropriate behavior. The committee added multiple amendments to the bill that greatly disheartened LGBT supporters. One representative concluded that “sanity did not win the day” and though the committee approved the bill, it ultimately failed on the floor of the House by a vote of 26-33-1 (Wyoming Legislature Website 2017). A similar bill was introduced in 2017, but this bill did not receive committee hearings in either chamber, indicating a significant shift in attitudes from the previous attempt.

Wyoming Equality (WE) is the only statewide LGBT organization in Wyoming and the largest in the state. WE is the main organization behind promoting the LGBT legislation that is proposed in the legislature each year. Like ACLU of Idaho, WE has a full time position dedicated to promoting nondiscrimination policies in cities and the state government. Additionally, since the failure in the state legislature, the organization has turned its focus to the passage of local LGBT nondiscrimination laws. WE began as primarily a social organization in the early 1990s to provide a safe space for LGBT people, which is difficult to find in conservative, rural states like Wyoming. The organization boasts its role as the organizers of the state’s first drag show, which remains a regular event in Cheyenne. The organization also hosts a variety of other events for LGBT people and their families throughout the state. The LGBT community and its organization are highly centralized in Wyoming. Unlike Idaho that has mostly regional and local LGBT groups and only loosely affiliated state networks, the LGBT advocacy
network in Wyoming is mostly centered on WE throughout the state. One unique feature of the
LGBT community in Wyoming is the Rendezvous LGBT Camp. This is an event sponsored by
WE and invites LGBT people from across the state to an annual pride campout. Each June, more
than 1,000 people attend the Rendezvous to celebrate Wyoming’s largest Pride festival.

LGBT advocates in Wyoming have faced many barriers in getting resources from
national organizations. The ACLU had a presence in Wyoming until 2014 when support for
ALCU Wyoming was pulled and funding for the three positions within the Wyoming office was
cut. The organization only continued funding one position because the position was half funded
by WE. None of the employees at WE knew the specifics about why the Wyoming branch was
suddenly closed. WE also receives funding from the Equality Federation, the National Gay and
Lesbian Task Force, and the HRC.

**Local LGBT nondiscrimination Policy in Wyoming**

Laramie is the only city in Wyoming with a fully comprehensive LGBT
nondiscrimination ordinance. Jackson and Cheyenne both have public employment provisions.
Additionally, three Wyoming cities have passed resolutions disavowing LGBT discrimination
and urging the state legislature to take action on this issue. After several years of failing to pass
other comprehensive ordinances, WE began pushing for these nonbinding resolutions in order to
slowly educate cities and the state about the issue. WE is still targeting several cities with the
potential to pass LGBT policies: Rock Springs, Casper, Cheyenne, and Jackson. These cities
represent the urban center for each corner of the square state and have public officials that have
shown some interest in pro-LGBT ordinances. Being a major resort town, WE was surprised and
disappointed when efforts to pass a comprehensive ordinance in Jackson narrowly failed in 2014
(Artery 2014). In fact, the public employment protections in Jackson were a political compromise between the city council, WE, and local advocates.

The strategy adopted by state LGBT activists in Wyoming is comprised of three major stages. First, the city council is approached to see if the counselors are receptive to the idea of adding comprehensive LGBT policies or other types of LGBT nondiscrimination policies. If advocates perceive that there is a substantial chance of successfully passing an LGBT nondiscrimination ordinance, they will focus on educating the city counselors about the specifics of the law and also the need for discrimination protections in their cities. Second, advocates that work for state organizations seek out local supporters that can represent the local LGBT community. These are often students at universities and colleges. For example, in Laramie the main local organizers were a student group at the University of Wyoming. They began a conversation between the state and local activists to strategize a campaign. The third stage is to push for broader support from the community. Businesses are recruited as supporters because these groups usually have much clout with city councils.

No one was surprised that Laramie was the first city to pass a comprehensive LGBT ordinance in Wyoming. As home to the state’s largest university, it is known to Wyomingites as the “liberal hub” of the state. The legacy of Matthew Shepard adds to the desire among residents to project a friendly and accepting atmosphere. The city council began talks with Wyoming Equality early in 2014 to begin working on possible bills to introduce. At first it seemed unlikely that the city would move forward with the policy change, because the city attorney at the time did not think it was legally allowed. But then that attorney quit and the interim co-city attorneys were both supportive of the policy. This is an example of an expanded political opportunity for LGBT policy change based on simple personnel changes.
The city council was receptive to the idea of passing a fully comprehensive ordinance, so the eventual sponsors of the bill, counselors Jayne Pearce and Paul Weaver joined forces with the LGBT student group at the university. These students soon formed the Laramie Nondiscrimination Task Force and launched a campaign to get support throughout the community. The campaign was mostly focused on getting the support of the business community. There were a few businesses that had a larger role in the campaign, but for the most part, the Task Force collected flyers that businesses signed that stated their support for the LGBT nondiscrimination ordinance. The Task Force gathered a stack of 60 local businesses in downtown Laramie that supported the proposed measure. The same tactic was later employed in Cheyenne, although less successfully than in Laramie. Figure 5.2 exhibits the flyer that was used in the campaign in Cheyenne in 2015.

Figure 6.2: Example of Campaign Flyer in Cheyenne

The Laramie Nondiscrimination Task Force and Wyoming Equality did not always see eye to eye during the campaign to add a comprehensive nondiscrimination ordinance in Laramie. The Laramie Non-discrimination Task Force (local entity) and Wyoming Equality (statewide
organization) held different views about the actual text of the bill to be introduced before the city council. The Task Force believed that the model legislation offered by the statewide organization was not well suited for Laramie, but was meant for a larger city that had the resources to create a human rights board to oversee the enforcement of the nondiscrimination policies. Wyoming Equality wanted to use templates from cities in California that passed such laws in the previous decade, whereas the local activists in Laramie preferred a much more simplified version that did not include any religious exemptions. Dynamics like this are rarely reported in the news media or in official city or state records.

Eventually, the local activists convinced state advocates that there was too much outside influence and that the bill had to be “for Wyoming, by Wyoming folks.” The Task Force felt strongly that the public and city council would respond best to a simpler form of legislation that would not put strain on the city for enforcement. Unlike in Idaho, the Task Force firmly believed that protesting would not be well received in Wyoming. Instead, they focused on “stacking” the city council meetings with supporters. The Task Force claimed that the supporters they recruited to the city council hearings outnumbered opponents 5 to 1. They were also very strategic about the speakers and their topics at the hearings. They claimed the opposition was not organized and their arguments were repeated throughout their speeches. Ultimately the motion passed in May 2015 and Laramie became the only locality in Wyoming to offer LGBT residents nondiscrimination protections.

**Results: Evaluating the State Political Environment**

The stories of LGBT nondiscrimination policy in Idaho and Wyoming reveal several ways in which the context of state politics plays a part in determining policy outcomes. The remainder of this chapter examines three state level factors that help explain LGBT
nondiscrimination policy outcomes at the local level. Examples from other states are used to supplement the cases of Idaho and Wyoming because the wide range of possible state level factors extends beyond two states. This analysis concludes that state politics have a moderating effect on LGBT nondiscrimination policies by local governments. This research is meant to lay the groundwork for future studies about the interaction between state and local governments in determining policy outcomes. A nationwide state-level analysis would be able to more accurately generalize about the relationship between states and local governments than this largely exploratory case analysis.

**Legislative Action Impacting Local LGBT Policies**

\[ H_{11} = \text{There is a relationship between state legislative politics and the adoption of local LGBT nondiscrimination ordinances.} \]

The results confirm that state legislative politics have a significant impact on the adoption of local LGBT nondiscrimination ordinances \((H_{11}: \text{reject } H_0)\). State legislatures hold great authority over local governments (Wright 2007). Incorporated local governments apply for charters directly to the state legislature in most states, therefore, the impact of the state legislature on any local policy is an important factor when studying policy outcomes. Actions by the state legislature can also have indirect effects on local LGBT nondiscrimination policy. In some instances when state legislatures kill pro-LGBT legislation, local governments take action themselves. But in some instances, the action by the state legislature can act to discourage the spread of local ordinances. Several state legislatures have outright prohibited local governments from passing comprehensive LGBT nondiscrimination policies. These are just a few of the possible ways that the complex relationships between states and local governments can play out.
The experiences of Idaho and Wyoming exhibit how a state legislature can serve to increase or suppress local LGBT nondiscrimination policies. In Idaho, there is a clear correlation between the push for statewide protections and the passage of local LGBT nondiscrimination ordinances. The Add the Words movement began in full swing holding protests at the state capitol building each year from 2011-2016. As the state legislature continued to block all attempts to advance a pro-LGBT bill, advocates began to lose hope of the possibility of success at the state level. However, the sustained efforts of LGBT activists at the capitol received much statewide attention and LGBT protections caught the interest of city officials and local activists each year. Button, Rienzo, and Wald (1997) argue that the amount of attention the legislature gets is a factor in local LGBT policy. Awareness is one of the largest barriers to the passage of these policies. If a state legislature receives a lot of bad press, cities can be mobilized to action by LGBT advocates. Even though the Add the Words protests were not necessarily front page news outside of Boise, the prolonged effort put forth by activists eventually built the debate into the overall rhetoric surrounding LGBT rights within the state. Advocates were able to educate many Idahoans about the issue and also demonstrate that state officials were not even listening their concerns. Plus the arrests of protestors gave the media good headlines to run in local newspapers. The inaction of the Idaho legislature was cited by several activists as the launching point for conversations with city officials.

The experience of LGBT advocates in Wyoming exhibits how the actions of the state legislature actually suppressed the passage of LGBT nondiscrimination law. Since the Wyoming legislature nearly passed comprehensive LGBT protections, the response of city officials throughout the state has revolved around rhetoric that the state government should address this issue. It is not a city-by-city issue, so local officials are not as willing to expend city resources or
their own political capital to pass LGBT protections. Many Wyomingites were willing to wait to see what the state legislature would do in 2017 rather than go through these battles in local governments. Additionally, there is not the same sustained effort that is found in Idaho. For example, Wyoming has seen no resistance in the form of protests or a large organized effort to educate the general public about the issue of LGBT nondiscrimination. Many state activists are unsure if the story of the near victory in the legislature was widely reported throughout the state because it took most people by surprise, including media outlets. Furthermore, since the Wyoming legislature only holds regular legislative sessions every two years, activists do not have the same opportunities to raise the issue at the state level.

The state of Indiana is another example of how the state political environment can influence the passage of LGBT nondiscrimination laws. In 2015, the state passed a highly controversial religious freedom bill, the Religious Freedom Restoration Act, which was seen by LGBT activists as a license to discriminate (Wang 2015). This bill received much press attention around the state and even became a major story at the national level. The bill stipulated that no new local laws could be passed that protected people on the basis of sexual orientation or gender identity. However, cities with laws in effect before the end of 2015 could keep their laws on the books as well as continue to enforce them. As a result of the anti-gay sentiment coming out of the Indiana State Legislature and the national uproar over the bill, many cities in Indiana sought to distinguish themselves from the state by quickly passing LGBT nondiscrimination policies. The number of local LGBT ordinances in Indiana doubled in 2015. Cities that had favorable city councils rushed to pass LGBT protections before the deadline set by the legislature. This was an unintended consequence of the legislation. Ironically, a bill meant to curb local LGBT nondiscrimination protections actually propelled Indiana to be among the states with the most
local pro-LGBT policies (Wang 2015).

*Statutory Restrictions on Local LGBT Nondiscrimination Policies*

In some states, legislatures enact statutes that prohibit or severely limit local governments’ ability to pass LGBT nondiscrimination protections. There are three states that have such laws: Tennessee, Arkansas, and North Carolina. This response by a state legislature is detrimental to policy change in individual cities, because any authority to extend LGBT nondiscrimination protections is revoked by the state. State politics have great influence over this issue because the state legislature has the ability to forbid cities from passing LGBT nondiscrimination laws and even rescinding those that had already passed. This has a profound effect on cities ability to pass LGBT protections. Essentially, this is the extreme example of how the state political environment can influence the presence or lack of LGBT protections at the city level. It is important to note that in each of these states, local governments retain the ability to pass employment protections for LGBT people, because this is not a politically charged issue in most instances. Employment protections are often a compromise between activists and politicians. The state of Missouri has not outright prohibited LGBT nondiscrimination ordinances, but the legislature has passed a law that essentially strips the enforcement power from cities in cases of nondiscrimination (Hancock 2017). In Missouri, this law applies to all protected classes, not only LGBT people. This is a larger attempt to limit the ability of civil rights laws to be enforced within the state and has a detrimental influence on curbing LGBT discrimination within the state.
Comparing Statewide LGBT Advocacy Networks

$H_{12} = \text{There is a relationship between statewide LGBT advocacy networks and the adoption of local LGBT nondiscrimination ordinances.}$

The results confirm that the structure of statewide LGBT advocacy networks has a significant impact on the adoption of local LGBT nondiscrimination ordinances ($H_{12}$: reject $H_0$). The differences between the LGBT advocacy networks in Idaho and Wyoming reveal an important element of local LGBT nondiscrimination policy change. The LGBT community in Idaho is largely decentralized with local and regional organizations being the most organized LGBT groups within the state. Unlike Wyoming, pinpointing a specific organization that represents the entire state’s LGBT community is difficult. ACLU of Idaho comes close due to their continued work throughout the state, but LGBT rights is only one of the many issues the ACLU deals with. The next organization that approaches a statewide LGBT organization is the Interfaith Equality Federation, which is a statewide conglomeration of local LGBT organizations from around the state. However, no statewide LGBT organization exists. Therefore, local LGBT organizations already have well organized advocacy networks that are well suited to launch local campaigns for LGBT rights. McAdam (1982) argues that existing organizational structures are key to movement success and this is evident in local governments in Idaho.

Social movements can often produce results that further entrench an unfavorable power structure (Ozen and Ozen 2009). “[Governor] Otter said LeFavour and her allies may be ‘starting to hurt their own cause’ to add civil rights protections for lesbians, gays, bisexuals and transgender people to the Idaho Human Rights Act” (Popkey 2014). The irony of this statement lies in the fact that political battles can have ramifications beyond specific bills or laws. The
actions by the Add the Words protestors has given local LGBT activists fodder for passing protections in their own communities because of the state legislatures rejection of the policy.

Wyoming lacks a strong coalition of gay rights advocacy organizations, which makes influencing institutions and the general public difficult for supporters of nondiscrimination legislation. Closely tied groups and robust organizations enable movements to acquire and mobilize resources (McAdam 1982). Building a communication network is an important function of social movement organizations (McAdam 1982). Many national gay rights advocacy groups do not have a strong presence in Wyoming because groups focus resources in states that are more likely to enact gay rights legislation. Gay rights advocates are at a disadvantage in Wyoming on all gay rights issues as a result of this lack of organization. This organizational structure could be the reason why LGBT activists have seen more success at the state level than in most city councils.

Several cities in Wyoming have passed resolutions that urge the state legislature to act on the issue of LGBT discrimination rather than taking action within their own cities. When a statewide LGBT organization approaches a city council about passing LGBT policies, it does not hold the same weight as if the efforts are brought forth through grassroots organizing. There is a mentality that the WE offices are across the street from the state capitol building so why aren’t activists focusing their energy on persuading politicians in Cheyenne. Even though resolutions of support are considered a victory for the advancement of LGBT nondiscrimination policy, they also represent political compromises that do not have as much direct impact to improve the lives of LGBT people.

Even among citizens that support the issue, a lack of knowledge about the protections is blocking public opinion from becoming public policy. Confusion over nondiscrimination laws is
common due to the complex nature of federalism. Many Americans believe that federal or state laws already exist to protect the LGBT community from discrimination (Russell 2009). The sustained efforts of LGBT activists in Idaho has enabled at least a portion of Idaho’s public and local officials to be educated in the issue of LGBT nondiscrimination. Whereas, LGBT advocates in Wyoming have not had critical events that have lead to the dissemination of the issue. Furthermore, divergences within states also cause confusion. Apathetic citizens may perceive that the state or their city has nondiscrimination protections for LGBT people if a neighboring city has enacted its own measures. Furthermore, the areas that have the greatest support for implementing nondiscrimination policies may already have city policies that protect the LGBT community. Urban areas are more likely to support gay rights issues and almost all major metropolitan centers in Idaho have laws concerning nondiscrimination based on sexual orientation. Many of the most powerful Senate committee chairs represent rural districts. If supportive citizens perceive that they or their friends and family are safe from discrimination, they will be less likely to become interested in promoting protections at the state level.

**Identifying Institutional Constraints in State Politics**

\[ H_{13} = \text{There is a relationship between state political institutions and the adoption of local LGBT nondiscrimination ordinances.} \]

The results confirm that state political institutions have a significant impact on the adoption of local LGBT nondiscrimination ordinances (\( H_{13}: \text{reject } H_0 \)). The last important consideration when analyzing the effect of state political context on local governments is to identify specific institutional constraints that may hinder or increase the likelihood of local LGBT nondiscrimination policy being passed (Segura 1999). This section discusses two such factors and explains how they influence local policy. However, further research is needed to collect data
from more states to determine the full range of institutional constraints that may be influencing local LGBT policy. The factors identified in this study are popular initiatives and Dillon’s Rule of local governments.

First, some cities are able to hold popular votes and referenda on local policies. In most states, these processes are determined by state statute, but can also be influenced by political cultures that are more or less inclined to use the initiative process (Matsusaka 2004). Popular votes regarding LGBT nondiscrimination laws have been LGBT victories the majority of times, whereas they were more of a detriment to other LGBT issues like marriage and adoption (Mucciaroni 2008). This is certainly true within the case studies, because the only example of a popular initiative to repeal a local LGBT ordinance was Pocatello, Idaho. This campaign ended favorably for the LGBT community. Idaho is a state that has a relatively high rate of use in terms of initiatives and referenda (Matsusaka 2004). Whereas, the rules in Wyoming for an initiative to qualify for the ballot are much more stringent so not many initiative elections occur within the state. Wyoming is the most recent state to add provisions allowing initiatives and referenda. Therefore, Wyoming has not developed a strong culture for their use. Furthermore, in many states, the state constitution does not allow for popular votes on most issues, such as Indiana, therefore this institutional venue is not available to LGBT supporters or opponents to utilize.

The campaign to repeal Pocatello’s ordinance received a great deal of media attention statewide and promoted greater knowledge of the issue among Idahoans, particularly city level officials. Smith and Tolbert (2004) examine important, but often overlooked, arguments supporting direct democracy. They focus on the educational benefits of the initiative process. Smith and Tolbert (2004) posit that having ballot questions concerning specific policy issues leads to more education about policy among the population. When going to the polls, voters not
only have to consider candidates but must consider specific policies as well. Since candidates represent a large array of issue areas, individuals tend to only focus on those issues that are most important to them. Having ballot questions encourages education on issues that a voter may not have otherwise contemplated.

The second institutional constraint that should be considered in this analysis is the powers granted to local governments by state governments. Idaho and Wyoming are both “home rule” states, meaning that local governments are generally free to make policy even if those policies extend beyond state law. Therefore, cities and other local governments are able to extend discrimination protections to groups that are not included under state human rights laws. Unless the legislature specifically changes these powers, the local LGBT protections passed in Idaho and Wyoming cities are legally allowed by state law. However, some states only give cities limited powers to make policy. This is referred to as the “Dillon’s rule” approach to local policy. The classic example of a Dillon’s rule state is Virginia (Gossett 1999). Local governments in Virginia are limited to making policies that are generally in line with state policy. In the area of nondiscrimination policy, Virginia has long limited local governments from extending protections beyond the state law. This policy is true for all protected classes of people and gives the state government most authority in how these laws are enforced at the local level as well. Although Virginia is known to be a battle ground state and has many large urban areas that lean liberal, the state only has one city with a fully comprehensive LGBT ordinance, as well as one city and one county with partial protections. The strict authority that Virginia has over its local governments presents a serious barrier for local LGBT activists pushing for nondiscrimination protections in their communities.
Discussion of Implications

Each of the qualitative independent variables in this study reveals important implications for local LGBT nondiscrimination policy change. First, the behavior of state legislatures is crucial to LGBT nondiscrimination policy outcomes at the local level. Therefore, sustained efforts to advance pro-LGBT policies in the state legislature should be maintained by LGBT activists. As the legislature resists LGBT nondiscrimination bills, local officials pay attention and some are prompted into action. The prolonged effort keeps the issue of LGBT nondiscrimination resurfacing on the statewide agenda, thus educating the media and public about the issue as well. Evidence from Idaho and Indiana show that negative press about the state legislature’s treatment of LGBT issues can have drastic consequences for policy change at the local level. In states that have placed restrictions on local discrimination policies, sustained efforts at the state legislature should continue as well. In those states, activism at the local level will not be as effective as in other states. Therefore, resources should be centered on a state level campaign to achieve policy change.

Second, the cases of Idaho and Wyoming demonstrate that the structure of LGBT advocacy networks influences the adoption of local LGBT nondiscrimination policy. States with stronger and more organized LGBT organizations tend to have greater success of policy change at the local level. Furthermore, LGBT networks that are more decentralized and rely on local and regional organizations will have more success achieving local policy change than networks dominated by one or a few statewide LGBT organizations. Focusing on localized grassroots organizing can also strengthen the LGBT community in rural areas. Being involved in campaigning is a way to increase communal bonds among LGBT people and thus the LGBT community in small town America. The coming out process is still difficult in much of America.
Increased numbers of local LGBT nondiscrimination protections will enable LGBT people to live more freely in rural America.

Third, LGBT activists must be aware of the unique political context of their state. Having this knowledge will result in more effective allocation of resources toward achieving movement goals. For example, directing resources toward local campaigns in states that have specifically prohibited localities from passing LGBT protection would be a waste of resources. Furthermore, activists should be aware about the rules for popular initiatives in their city and state. This will allow activists to preempt attempts to repeal LGBT protections by opponents through the ballot box. Overall, the evidence presented in this chapter demonstrates that state politics greatly impacts LGBT nondiscrimination policy change at the local level. Local policy change can only be accurately understood within the context of each individual state political environment.

Conclusion

The influence of the state politics on the passage of local LGBT nondiscrimination laws is an important factor in explaining policy outcomes in this area. The cases of Idaho and Wyoming provide insight about how these differences can impact the ability of state and local LGBT activists to push for nondiscrimination protections. The actions of state legislatures can have a variety of effects on local LGBT policy and these impacts are state specific. The amount of media attention given to state legislatures is a key factor in this relationship. The Wyoming legislature received little coverage in 2015 or any other year, whereas Idaho’s sustained media presence had an effect on local policy. The nationwide backlash against the actions of Indiana’s legislature had an enormous, observable influence on city governments in that state. Furthermore, the structure of a state’s LGBT advocacy resource network is a critical component of local LGBT policy outcomes. Idaho’s fractured and decentralized LGBT network made local
organizing more effective throughout the state, whereas the limited local resources in Wyoming do not present the same mobilization capabilities to advocates in that state. Lastly, states vary in the institutional constraints faced by local governments. Access to the popular initiative process can prolong campaigns and even overturn local LGBT nondiscrimination policies. States such as Virginia that hold most authority over local policy are well equipped to prevent any extension of civil rights protections that are not in line with state policy. The findings in this chapter elucidate policy implications about local LGBT nondiscrimination policy. Sustaining campaigns directed at the state legislature will help keep the issue on the statewide agenda and in the minds of local politicians. More decentralized and localized campaigns tend to have more success at achieving policy change and LGBT activists should be aware of state specific institutional constraints that may impact policy change in localities. The relationship between city and state government is an important component in determining LGBT nondiscrimination policy outcomes and future research is needed to identify the full range of impact factors. The next chapter delves into specific implications and policy recommendations based on the evidence presented about both local and state level independent variables.
Chapter 7: Policy Implications and Recommendations

The purpose of this chapter is to discuss the implications of findings presented throughout this dissertation and offer recommendations for activists and policymakers to more effectively advance LGBT nondiscrimination policy. This chapter is a normative perspective and prescribes strategies for effective LGBT organizing based on the evidence presented in Chapters 4-6. This study found that LGBT nondiscrimination policy adoption derives from a variety of factors at both the local and state level. This chapter begins by describing the localized nature of LGBT nondiscrimination issues in recent years and addresses how LGBT nondiscrimination policies become symbols that represent the growing strength of the LGBT community in many American cities. Next, a discussion framing local LGBT policy debates argues that the focus of campaigns should be grassroots organizing in order to foster local involvement and strengthen LGBT resource networks. Strategies for campaigning should target educational institutions, the business community, and religious organizations because they are monolithic social institutions that hold substantial political clout in local social policy debates. Later, this chapter considers the influence of state politics on local LGBT nondiscrimination policy adoption. LGBT activists and local policymakers should keep pressure on state legislatures to ensure that LGBT nondiscrimination issues remain fresh on the agenda and potentially spur in additional policy change at the local level. Also, activists should be aware of political institutions unique to their state. Having thorough knowledge of state political institutions ensures that resources are efficiently targeting the best governments to procure change. This chapter concludes with additional policy recommendations. More resources can be directed toward policy change at the county level. Local activists and policymakers should actively share their successes with other LGBT supporters throughout their state. In depth understanding of both local and state political
variables leads to more effective strategies for campaigning at the local level to pass local LGBT nondiscrimination policies.

**Federalism and the Devolution of LGBT Nondiscrimination Policy**

Policy change occurs at all levels of government in the United States. The federal government holds the preponderance of political power in terms of determining policy. However, the layered and complex nature of US government affords a limited amount of authority over policy decisions to states, local governments, as well as other governmental institutions (Baumgartner and Jones 2003). When the federal government fails to address issues of importance to individuals who want policy change, they turn to other bodies of government in order to change policy. In the case of LGBT nondiscrimination policy, advocates turned to cities and states to pass discrimination protections because Congress has refused to change federal policy for the last three decades. In the 28 states that continue to deny LGBT people discrimination protections, cities have taken action to protect their own LGBT residents.

Nondiscrimination policy is unique from many other LGBT issues because it is an issue that most cities have authority to make substantive policy changes. The debate over local LGBT policy is the product of both federal and state inaction and the precedence of cities passing discrimination protections for minority groups. Most larger cities already have agencies devoted to cases of discrimination for many other minority groups, so adding sexual orientation and gender identity is relatively easy to add. Cities have very little power over other LGBT issues (Mucciaroni 2008). Military service falls under the purview of the federal government. The issues of anti-sodomy laws, same-sex marriage, adoption mostly fall under state law with cities having few decision making powers to address these issues. Traditionally, cities have used their power to add hate crime laws that included sexual orientation and gender identity. However,
Congress has since passed legislation that adds federal hate crime protections for LGBT people. Overall, nondiscrimination protections are the area where cities have the most authority to pass pro-LGBT legislation.

Furthermore, anti-sodomy laws and same-sex marriage policies were ultimately decided by the US Supreme Court. LGBT nondiscrimination issues have yet to gain much traction in courts, but in late 2017 and early 2018 several federal appellate courts have reach divergent rulings on the issue. This change in the trajectory of LGBT nondiscrimination policy indicates that this is turning into a constitutional question. Because LGBT people have LGBT protections in one state or city but not another creates an issue of equal protection under the law. Many civil rights rulings have been decided on the Equal Protection Clause of the Fourteenth Amendment, including same-sex marriage (Yoshimo 2015). Because issues of LGBT discrimination are beginning to be heard by federal courts, the US Supreme Court has recently become somewhat more likely to take up the issue in the coming years. However, the makeup of the current US Supreme Court does not guarantee a favorable ruling for the LGBT community even if the issue reaches the docket of the high court.

In conservative rural states, the coming out process remains immensely difficult for many individuals. LGBT spaces and services remain scarce in rural America forcing many individuals to hide their true sexual identities. This has many negative social and psychological consequences for LGBT people in small-town America. Nicole LeFavour, Idaho’s first openly gay legislator, gave an interview to USA Today in 2017 in which she stated:

“I think people forget, that just living in a state like Idaho, and half the states that are in the same situation, just being out is kind of an act of bravery because we still don’t have any safety or security in housing, employment or business services” (Richardson 2017).

LGBT nondiscrimination protections help alleviate some of the countless barriers faced by LGBT people in rural America. Helping more people come out and live openly as LGBT
individuals can improve the overall wellbeing of LGBT people in rural areas as well as foster the growth of the LGBT community in rural areas. More so than other LGBT issues, discrimination is an issue faced by all LGBT people on a daily basis. Local governments are on the front lines of discrimination issues because these governments run many of the operations and policies that influence our daily lives. “Jobs are local. Schools are local. Churches are local. Playgrounds are local. Hospitals are local. Civic engagement is local” (Vicino 2013). By passing LGBT nondiscrimination protections, cities are telling LGBT people that they belong in the community and offer important contributions. As the experience of the early homophile movement demonstrates, even small advances in social acceptance can be enough for LGBT people to come out and live openly or semi-openly as sexually queer individuals. As this process occurs in rural America, local nondiscrimination ordinances play a pivotal role in making LGBT people feel more comfortable in public life to a certain degree.

An important implication of local LGBT nondiscrimination protections is that LGBT people have more freedom to choose where to live. In general, places that are more LGBT friendly also happen to have higher costs of living. This is one barrier faced by many LGBT people in rural America. Even if a person wanted to move to a more LGBT friendly place, the overwhelming expense would prevent most from realizing the goal. Pushing for LGBT policies in small towns helps LGBT people stay in rural areas and enjoy more living options that guarantee protection from discrimination. For example, for many Idahoans even making the move to a more LGBT friendly city such as Boise is incredibly difficult and costly. There are numerous LGBT people who prefer to live in rural America; many of whom have careers that are based in agriculture and other rurally based industries. Having cities throughout states that have LGBT protections enables people to have more workplace security and social stability without
having to relocate to an urban area. Having a diverse set of cities with nondiscrimination protections is important because it promotes the notion that LGBT people belong to and are an integral part of every aspect of American society.

**Symbolism and Local Nondiscrimination Laws**

Symbols are essential to the formation and development of social movements (Marotta 1981; Schuessler 2000; Armstrong and Bernstein 2008; Tilly and Wood 2013). Symbols increase unity and cohesion among social movement members by creating uniform ideas around movement goals. Symbols also project certain images and attitudes to others. The LGBT community has myriad symbols that serve to maintain movement cohesion, including pride flags, festivals, parades, bars, among others. Often governmental policies serve the same purpose as these other, more tangible, symbols. In addition to prescriptive or punitive reasons for passing nondiscrimination policies, public policies reflect the attitudes and beliefs of political institutions. The symbolic purpose of policies can have important implications on individual behavior and societal change. Although local LGBT nondiscrimination ordinances establish legal redress for instances of discrimination, the symbolic benefits of passing these policies have broad impacts on attitudes toward the LGBT community. The number of reported incidents of discrimination is low and many cities never even utilize their LGBT ordinance to punish wrongdoers. Therefore, the broad promotion of equality becomes the paramount reason why LGBT activists and local politicians push for local protections, beyond simply the ability to convict those that discriminate against LGBT people.

In policy studies, the term “symbolic policies” would usually refer to governmental actions that have no legal force or enforcement. This study found a few instances of local LGBT protections that are purely symbolic, mostly in Mississippi and Wyoming. But the vast majority
of laws hold more legal weight than these few solely symbolic policies. Social movement scholars tend to have a broader definition of symbolic policies (Marotta 1981). When social movement scholars think about symbolism, it is a general reference to images that social movements use to sustain social movement unity. Policies represent the underlying beliefs of the governments that pass them; therefore, all policies have some degree of symbolic value. Policy scholars are aware of the symbolic nature of public policies, but more attention should be paid to the symbolic implications of policies.

This perspective can help foster a better understanding of the impetus behind social policy changes, particularly in cities that have few resources to actually enforce discrimination protections. Considering the entire range of implications will result in more complete understanding of issue definition and agenda setting. For example, opponents of LGBT nondiscrimination policies often argue that these policies are unnecessary. Even if LGBT discrimination does exist instances of discriminatory acts are so infrequent that policy change is unmerited. The symbolic benefits of discrimination protections are the basis of powerful arguments used by activists to persuade local politicians of the necessity of codified protections.

The evaluation of discrimination policies can also be improved by considering the symbolic benefits of these laws. These laws are so rarely utilized that the full impact and effectiveness of the laws cannot be accurately measured by simply researching cases that have been brought under LGBT nondiscrimination ordinances. Although this type of analysis is important, the full extent of a policy’s impact on society cannot be captured by such a limited metric. The symbolic benefits of local LGBT nondiscrimination laws hold the most evaluative power for determining the effectiveness of these laws. Future research should consider developing empirical measures of the impacts of LGBT nondiscrimination policies on cities. For
example, many local activists argue that LGBT protections help boost the economy by drawing (or not repelling) LGBT friendly businesses. Changes in economic activity could be recorded for each city before and after passage. Future research is aided in this effort by the database of local LGBT nondiscrimination policies that was developed for this dissertation.

There are several examples of benefits that stem from the symbolism that LGBT nondiscrimination policies embodies for the LGBT community. All LGBT protections project pro-LGBT attitudes about the cities or other governments that pass such laws. The most important benefit of passing pro-LGBT protections of any kind is educating residents that discrimination against LGBT people is harmful to individuals and society. This helps LGBT people see evidence that their city officially supports them as an LGBT individual. This support from local governments greatly impacts individuals that are struggling with the process of coming out in rural America. Another benefit of LGBT protections is that these laws also indicate to outsiders that LGBT people are welcome to relocate for jobs, tourism, and business investments. In many cities, debates over LGBT protections revolve around the economic benefits of projecting a pro-LGBT attitude to outsiders. For example, in Laramie, Wyoming, city council members specifically cited the need to attract technology firms into the city to boost job growth. Many local politicians believe that banning LGBT discrimination is necessary to attract new talent to their communities and prevent “brain drain” due to young, LGBT people leaving because of the lack of legal protections.

The last major benefit of passing LGBT nondiscrimination ordinances is to further advance policy on a state and national level. People in rural states look to the experience of other more conservative, rural states when passing policy changes. Although larger and more liberal states have successfully had LGBT nondiscrimination policies in place for many years,
politicians in more conservative states are generally used to diverging from those states on many policy issues. However, if these politicians see examples of successful LGBT policies in local governments that are in conservative states, these examples hold more credence for conservative legislators. Therefore, cities that pass LGBT protections can “soften up” other institutions in the state toward being more supportive of nondiscrimination protections for the LGBT community.

**Framing Issues of Nondiscrimination at the Local Level**

Debates over local LGBT nondiscrimination policy adoption have largely shifted to small towns and micropolitan areas in states that do not have statewide LGBT protections. Most larger cities have already passed comprehensive ordinances. The types of cities that are likely to pass new LGBT protections may vary by state. For example, Pennsylvania has seen a wave of suburban communities pass LGBT protections in the last decade. However, in Idaho, recent trends have been small resort towns dotted throughout the state. No suburban communities have passed LGBT protections in Idaho. This could partly be due to the fact that Idaho has significantly fewer suburban areas than Pennsylvania. Further research into this question is needed to fully understand the role of suburban communities on LGBT nondiscrimination policy.

Focusing on grassroots organizing is the most effective way to frame campaigns over local LGBT nondiscrimination policy. Local LGBT residents should bare the onus of campaigning, including decision-making and campaign strategies. City and county officials feel beholden to their own constituents, more so than outside influences. This is particularly true in small town America where a fiercely independent political culture pervades local politics. State organizations should take more of a guiding and training role to help local people lead campaigns and be the faces of campaign efforts. Local LGBT activists often have the keenest sense of what strategies will be successful in their communities. State level organizers should
remain in a support role and play only a limited role in the media and publicity surrounding campaigns for local LGBT protections.

Furthermore, the writing of legislation must be simplified for smaller communities. Many local politicians do not have extensive experience with highly complex legislation concerning civil rights issues, particularly in small towns. Most local governments simply do not deal with these issues enough to have policy experts in this area. The evidence from the Wyoming and Idaho cases shows that taking model legislation from larger cities often overwhelms campaigns in small towns. The debates will focus on legal technicalities and wording, rather than the need for LGBT protections in local communities. More complicated legislation provides opponents more opportunities to attack the legislation.

Relying on the work of local LGBT activists to campaign for added LGBT protections has implications for the LGBT community in general. LGBT communities are strengthened overall by campaigns for local LGBT protections because relationships are formed between local activists that outlast the actual campaigns themselves. The LGBT community becomes closer when rallying around a common goal and gaining more visibility within the community. Social media groups are created that often continue to unite LGBT people after the actual campaign has ended. These connections have great potential to be useful in mobilizing the LGBT community for future campaigns. For example, opponents may launch a popular initiative campaign to repeal LGBT protections and LGBT activists will already have established channels to mobilize the community into action. Ideally, these groups will take on a more social role and continue to connect LGBT people in rural areas. Social LGBT groups provide a safe space for LGBT people to develop their identity as an LGBT person. More of these spaces are needed in rural America.
Even failed campaigns to add LGBT protections can have long lasting social benefits for local LGBT communities and most likely lay the groundwork for future policy change as well.

Another benefit of recruiting local activists to spearhead campaigns for LGBT nondiscrimination protections is getting more LGBT residents involved in local politics. If local activists participate in local LGBT campaigns, they are more likely to run for local office or become involved in other campaign issues (Button, Wald, Rienzo 1999). Having more LGBT people on city councils, county commissions, and school boards is the most effective way to expand legal protections for LGBT people. As more LGBT people have regular involvement in local politics, the issue of LGBT equality will remain a visible issue in the community and help alleviate lingering stigma toward LGBT people. LGBT officials are also valuable because they protect the interests of LGBT people in other areas of city government as well. Starting campaigns to add LGBT protections in local governments is a valuable springboard for increased political participation of LGBT people in the politics of rural areas.

**Strategies for LGBT Organizing**

The multi-institutional approach establishes that social movements must appeal for support from multiple centers of power within society to achieve movement goals (Armstrong and Bernstein 2008). The push for greater LGBT equality in rural America is a prime example of this phenomenon. LGBT activists push for nondiscrimination policy changes by attempting to appeal to local governments: a power center of American society. However, in order to be successful in policy change and truly influence social change, LGBT activists must also make appeals to other power centers as well. This study identifies three main centers of power that can strengthen a campaign coalition for additional LGBT nondiscrimination protections: schools, businesses, and churches. Strategies for organizing a campaign for LGBT protections should
center around building relationships with organizations in these areas and educating people in these fields about the need for more discrimination laws for LGBT people.

**Educational Institutions**

Universities and other educational organizations are usually the strongest and most vocal allies of the LGBT community. Many of the first cities that passed LGBT nondiscrimination ordinances did so because of campaigns waged by university student groups (Button, Rienzo, and Wald 1997). College towns are ideal for building campaigns to add local LGBT protections. Cities with colleges or universities tend to have more educated populations and political leaders and students are often some of the strongest supporters and activists in passing nondiscrimination laws. LGBT student groups are an effective resource for mobilizing activists that are willing to devote time and energy to passing LGBT protections. Additionally, many members of other social justice student organizations and employees of universities are already strong supporters of LGBT rights. Often these individuals simply need to be educated about the difference they can make even if they live in a larger communities that are relatively conservative. A strong push from university communities can make a significant impact on policy change because of the influence that schools have on local politics. Garnering support from notable members of the community is a useful tactic as well. Statements of support from university or college presidents, prominent faculty, and even athletic coaches reflects the dignity that is afforded to the LGBT community from important figures in higher education.

Creating closer ties between local and state LGBT activists and educational organizations with roots in rural communities is an effective way to create more safe spaces in rural America, particularly for LGBT youth. The National FFA Organization (formerly the Future Farmers of America) and 4-H are two major organizations that have strong ties with both universities and
agrarian America. Both of these organizations have specifically included sexual orientation and gender identity in their organizational nondiscrimination policies. Both FFA and 4-H are administered on the state level with subunits at the county and school district levels. These organizations are housed at major state universities in each state, most often a state’s primary land-grant university. FFA and 4-H can be used as conduits to create more programming for LGBT youth in rural America. For example, statewide LGBT organizations might work with statewide FFA leadership to either strengthen or create LGBT subgroups or caucuses that serve and support LGBT youth. Furthermore, increasing the number of LGBT youth that participate fully in FFA and 4-H programming also encourages more LGBT people to choose careers in agriculture or agribusiness. Having more LGBT people in the agricultural industry will lead the industry as whole toward more acceptance of LGBT people just as having more LGBT political officials increases the likelihood of LGBT civil rights laws. In turn, more local governments are likely to pass LGBT nondiscrimination policies due to broader acceptance of LGBT people.

Business Community

Recruiting supporters of LGBT nondiscrimination ordinances within the business community is a powerful strategy. Many business leaders are supportive of LGBT rights and understand the benefits of having nondiscrimination policies for their businesses and the community. In fact, many corporations and businesses already have their own policies that protect LGBT employees, clients, and customers. City officials work closely with business leaders on many issues. Economic concerns are usually at the forefront of local politics, especially industries that are vital to local economies. Therefore, LGBT activists can utilize the established relationships between city officials and leaders of major industries. For example, in Idaho, several small resort towns passed LGBT protections because activists argued that such
laws are good for tourism. Their economies rely on people feeling safe and welcome in their community and such laws make a difference on where gay people decide to spend their vacation money. In Laramie, Wyoming, the focus was on garnering support from technology industries, because the town and the University of Wyoming are trying to attract more technology firms and startups to relocate in their community. Gaining support from industries with political clout within a community increases the legitimacy of LGBT activists’ claims in the eyes of city officials. The support of business leaders also adds political capital for getting LGBT nondiscrimination ordinances passed through city council and county commission chambers.

**Religious Organizations**

Churches and other religious organizations are critical members of pro-LGBT coalitions (Button, Rienzo, and Wald 1997). Although many religious organizations remain the most prominent opponents of LGBT rights, there are also many that are fervent supporters of LGBT issues. This number is rapidly increasing because more and more religious Americans support LGBT rights, especially young people. In fact, many campaigns for LGBT discrimination policy change rely on the support and resources of churches and religions. There are two main reasons why building relationships with religious organizations is essential to LGBT organizing: utilizing the mobilization resources of established religions and recruiting new supporters of LGBT nondiscrimination protections.

First, religious organizations are notoriously skilled at mobilizing members into action. LGBT activists benefit from calling on churches to spread information and educate congregations about the need for LGBT nondiscrimination policies. This is an efficient way to reach a large number of people without accruing great costs. Pro-LGBT religions get people in seats at public hearings, sign petitions, and, most importantly, vote at high rates. This type of
resource mobilization is particularly important in areas that have weak LGBT organizations with limited mobilization capabilities. Partnerships with churches take the burden off the LGBT population in terms of mobilization, which is important if the LGBT population is small. The LGBT movement has utilized relationships with churches in a similar way that black civil rights leaders did in the mid-1900s. The Black Church provided civil rights activists with an organizational foundation to reach large audiences of disenfranchised black Americans and spurred them into action (McAdam 1982). Although most of the target population is not part of the disenfranchised group, LGBT activists can use these same channels to convey information to large numbers of people by appealing to pro-LGBT religious leaders.

Second, establishing ties with religious organizations is a method of increasing the number of supporters for additional LGBT protections. Changing the minds of previously opposed leaders and residents improves the chances of getting LGBT nondiscrimination ordinances passed. By sharing information and increasing education with religious leaders, LGBT activists are able to eliminate much of the anti-LGBT sentiment and the political force preventing policy changes. Often times, LGBT activists are able to separate issues of everyday discrimination from more emotionally charged issues like same-sex marriage and adoption. Many religious groups maintain that LGBT individuals should be able to have secure jobs and housing, even if they take a moral stance against LGBT relationships (Mucciaroni 2008). The empirical evidence from Idaho and Wyoming show how religious leaders impact LGBT nondiscrimination policy at the local level. When the LDS Church changed its stance to support statewide LGBT nondiscrimination protections in Utah, Mormon city officials in other states took noticed and became more accepting of protections as well. Idaho Falls, Idaho (a heavily Mormon community) passed an LGBT nondiscrimination ordinance almost identical to the bill
passed by the Utah State Legislature. In Laramie, Wyoming, a city counselor changed his vote based on the shift of the Mormon leadership in Salt Lake City. The negotiations between Utahan LGBT activists and Mormon leadership had an impact on the spread of local LGBT nondiscrimination policies in other states. Changing the hearts and minds of rural Americans is the cornerstone of changing policy and strengthening the LGBT communities in small town USA. Because churches tend to be the most ardent opponents of LGBT rights, they are simultaneously the most difficult but most important new recruits to the fight for LGBT rights.

**Setting the Statewide Agenda**

An effective way to promote local campaigns to expand LGBT nondiscrimination protections is continued efforts to change state level policies. Continued pressure on state legislatures keeps the issue at least somewhat on the statewide agenda and be more likely to draw media attention than local campaigns. Even if the prospects of policy change are slim at the state level, the attention drawn to the issue toward a statewide audience allows more information about the issue to reach local politicians and activists. Sustained efforts for policy change at the state level creates a “softening up” process that can permeate into other aspects of politics, including city councils (Kingdon 1984). If advocates keep putting pressure on the state government, that same pressure will reverberate into local governments. The evidence from Idaho demonstrates that campaigns designed to draw media attention to the legislature’s inaction had an influence on the expansion of LGBT protections on the local level. Furthermore, bad press on a national scale can have a similar effect in prompting cities to distinguish themselves from state policy.

Most news stories about local campaigns simply do not garner the statewide audience as campaigns directed at the state legislature. The attention paid to individual city politics is usually
short lived. Therefore, if there are lulls in the passage of new local LGBT nondiscrimination policies among local governments, the issue is likely to drift away from the statewide audience’s radar. However, state legislatures are high profile institutions within states and thus provide a regular platform for LGBT activists. Most state legislatures meet annually, but some only meet biennially (Squire and Moncreif 2010). There is variation in the regularity of the platform that can be provided by state legislative sessions, but all provide more regular access to the media and statewide agenda than local campaigns. For example, activists in Wyoming push for the introduction of LGBT nondiscrimination protections before the legislature each year. Even though the Wyoming legislature is limited to only fiscal legislation in even numbered years, activists nonetheless actively campaign for policy change during these legislative sessions because the media exposure is good for overall progress throughout the state.

The main benefit from ongoing campaigns directed toward the legislature is the generation of materials and symbols to use in local campaigns. For example, the Add the Words campaign in Idaho drew the attention of media outlets that produced photos of peaceful protesters being handcuffed in the Idaho Senate Chambers. These images became unifying symbols for the LGBT community. The photos were viewed as outrageous by LGBT supporters throughout the state. Even though the arrests took place in 2011 and 2014, the imagery created by the photos persisted into local campaigns throughout the state, as well as the continued campaign at the state level.

Another benefit that legislative campaigning has is keeping the powerful conservative leadership of many states on the defensive in the debate over LGBT nondiscrimination protections. Often the rhetoric of legislative leadership is enough to irk local activists and politicians into action. City officials choose to send a message that the values espoused by the
state legislature do not coincide with the values of many individual communities within Republican held states. For example, in 2015, the Indiana Legislature passed an anti-LGBT bill that barred local governments from passing LGBT nondiscrimination ordinances. The Washington Post reported that “Hoosiers everywhere feel embarrassed and misunderstood” (Paquette 2015). National headlines like this caused many local politicians in Indiana to react the legislature’s actions by pushing for expanded protections at the local level. This same effect is likely to occur during pushes to add LGBT protections, by making state and national headlines that catch the attention of city officials and local LGBT activists.

Navigating State Political Institutions

Understanding the unique set of political institutions for each state results in more effective organizing for LGBT rights because activists are able to reach the largest audience and avoid directing resources toward fruitless campaign efforts. The institutions that draw the attention of policymakers, the media, and the general public vary from state to state. Therefore, using the same campaign approaches in each state would result in the inefficient use of resources. A strategy that works well in one state may not be effective in another. For example, in states that follow Dillon’s Rule for local politics, launching campaigns to add local nondiscrimination protections might be a waste of resources because cities have such limited authority over issues such as nondiscrimination policy (Gossett 1999). However, in home rule states, like Idaho and Wyoming, more vigorous local campaigns targeted at city counsels is an effective strategy because cities have mostly autonomous authority over nondiscrimination policies. Since Virginia has strict laws about what civil rights policies cities can pass, campaign efforts are better spent with education campaigns directed at legislative committees and state
human rights agencies. The emphasis should be on changing statewide policy in states were cities have limited jurisdiction over nondiscrimination policy.

There are differences between the rules of state legislatures. These differences mean that strategies for LGBT campaigning should adjust for these differences. Legislatures differ by how often the legislature meets in regular session. In some states, the legislature meets each year for a regular session, but in others the body only meets once every two years. In Idaho, the legislature meets each year for roughly 4 months. LGBT activists have a yearly platform to push for change at both the state and local level. Whereas in Wyoming, the legislature is only allowed to deal with legislation concerning the budget and appropriations in even years. LGBT activists in Wyoming have a more difficult time campaigning in even numbered years because they cannot introduce specific bills into committees. Legislatures also have different rules about how legislation is passed. In Idaho, committees hold a great deal of gate-keeping power over legislation, specifically the committee chair (Squire and Moncreif 2010). Committee chairs in the Idaho House and Senate have complete control over the agenda of their committee, there is no way to bypass the authority of the committee chair. Additionally, bills have to be voted on twice on separate days by committees before being sent to the full chamber. This drawn out process gives committee chairs ample opportunities to block bills in their committees.

Popular initiatives are a double-edged sword for LGBT activists. Traditionally, opponents of LGBT rights used this tactic to repeal pro-LGBT ordinances passed by city councils. Button, Rienzo, and Wald (1997) recount how money poured into Cincinnati, Ohio after the city council passed an LGBT nondiscrimination ordinance. The law was eventually repealed after a nasty attack campaign was waged against the LGBT community. There are definite signs that the tide of losses by LGBT activists in popular votes is coming to an end. Recently, more cities have
voted to keep protections for LGBT people in place, like in Pocatello, Idaho. Although LGBT activists are right to be wary, popular initiatives may be an underutilized method for passing nondiscrimination laws. Opinion surveys have shown that the vast majority of Americans support workplace discrimination protections for LGBT people. The process of collecting signatures for petitions helps educate residents about the lack of LGBT protections in their communities while also promoting the issue during election cycles. This strategy is largely untested by LGBT activists, but making the public aware of the issue is one of the biggest barriers to passage (Smith and Tolbert 2004). The grassroots nature of these campaigns helps maintain a local feel of campaigns and also acts as a recruiting tool to get more LGBT people involved in local politics. Having more elected officials that are LGBT increases the chances of passing comprehensive LGBT nondiscrimination protections in local governments (Button, Wald, Rienzo 1999). Overall, popular initiative campaigns are effective at getting more allies involved in the push for additional local LGBT protections.

**Additional Policy Recommendations**

This section provides three additional recommendations for LGBT activists and local policymakers in order to improve protections for LGBT people. First, more resources should be directed toward adding comprehensive LGBT protections in county governments. LGBT people exist everywhere, even in the most remote parts of our country. County governments are situated to protect LGBT people in rural areas that are not incorporated into cities. City governments alone cannot offer protections to the millions of Americans that live in unincorporated places. Therefore, putting more effort into changing county nondiscrimination policies would enable LGBT people to live in rural and remote regions while still being protected from discrimination. Targeting county government also has an influence on LGBT workers in industries such as
agriculture, mining, and logging that tend to be hostile toward LGBT people. Workers in these industries often live and work outside of city limits due to the nature of the work itself. County governments have more direct impact over the everyday governance of agriculture and mining operations. Added protections by county governments would require even companies based in rural America to practice equal treatment for LGBT people.

Next, activists that have successfully won the adoption of LGBT protections in their communities should actively share resources with others around the state. Relationships and information sharing between political actors is the way policies diffuse across political systems (Berry and Berry 2007). Local policymakers and city officials should be involved in sharing information and educating others about LGBT nondiscrimination laws. Personal experiences of successful campaigns are powerful tools for activists in other cities to design campaigns in their own communities. Most often, local activists have little experience with political campaigns or policy change. Helping them get started is the most helpful way that outsiders can help the spread of local LGBT nondiscrimination policies.

Lastly, if local governments only have partial protections for LGBT people, activists and supporters should continue the push for comprehensive protections. Having partial protections can make communities complacent about LGBT protections. This is particularly true in the case of gender identity because transgender people are among the most ostracized people in American society and even within the LGBT community. Efforts should continue until ordinances are fully comprehensive. They must cover the private sector in the areas of employment, housing, and public accommodations, as well as both sexual orientation and gender identity. If even one of these elements is missing from a nondiscrimination policy then LGBT people remain vulnerable to abuse. Although compromises are sometimes necessary in order to expand LGBT rights, the
fight for protections against discrimination should continue until laws are comprehensive and fully protect the civil rights of LGBT Americans.

**Conclusion**

This chapter includes a variety of recommendations for LGBT activists and local policymakers to more effectively campaign for LGBT protections at the local level. This research demonstrates that thoroughly understanding the influences of both state and local politics determines the best strategies for passing LGBT nondiscrimination policies at the local level. Issues of nondiscrimination protections have become increasingly local in the past decade. This is due to inaction by the federal government and 28 states to protect LGBT people against discrimination. However, the push for local LGBT protections also serves as a mechanism for fostering greater unity and organization among LGBT people in suburbs, small towns, and rural areas. Local LGBT nondiscrimination ordinances hold symbolic value for local LGBT communities and even communities at large. The most effective strategy for passing LGBT nondiscrimination policies is garnering support from organizations throughout society, most importantly schools, businesses, and churches. Furthermore, local governments are nested within states. Therefore, state legislatures hold vast amounts of power over most local policies, as well as attract the attention of the media and general public. Continued efforts to pass statewide protections in the 28 states included in this study can influence more local governments to rebel against state policy and pass their own LGBT protections. The strategies used to advance LGBT protections must adapt to the increasingly suburban and rural nature of local LGBT nondiscrimination policy. Efforts should also include passing comprehensive LGBT nondiscrimination policies in counties to ensure that even the most far-flung LGBT Americans are protected from discrimination. LGBT activists and local policymakers should share their
experiences with others in order to continue education about effective LGBT organizing. The following chapter provides concluding analysis about the research questions posed in this study and offers insight into future academic research on local LGBT nondiscrimination policy change.
Chapter 8: Conclusion

After decades of fighting for nondiscrimination protections, the LGBT community still lacks basic civil rights protections from the federal government and 28 states. The debate has largely shifted to local governments in the past decade and numerous localities have passed LGBT protections when their state fails to do so. This dissertation is concerned with LGBT nondiscrimination policy at the local level. Why do some cities pass LGBT nondiscrimination policies while others do not (Research Question 1)? This is the overarching research question from which this study stems. Previous research on local LGBT nondiscrimination policy largely focuses on city level indicators to understand policy change at the local level. This research builds upon this notion by arguing that local LGBT policy change is inherently tied to state politics. The answer to the primary research question relies on a complex and nuanced understanding of the relationship between local and state politics. This study concludes that in depth knowledge of factors at both levels results in the most accurate conclusions about local LGBT nondiscrimination policy adoption.

Social Movements and Policy Change

This dissertation attempts to bridge the gap between theories of policy change and social movement behavior. The multi-institutional approach to social movement behavior asserts that movements simultaneously appeal to different societal power centers in order to achieve movement goals. In a federal system, the different levels of government consist of different centers of power that are constantly vying for policymaking authority. Local governments are an important societal power center for LGBT activists, especially in the area of nondiscrimination policy. They represent a political venue that is sometimes amenable to the plight the LGBT community even when state governments are not. LGBT activists make calculated appeals to
governments they think are likely to pass LGBT protections. Social movement literature can add
nuance to studies of policy change because resource mobilization is key to social movement
success as well as pro-LGBT political venues. Even if institutional values align with the social
movement’s values, the LGBT community must be able to respond to value shifts in effective
ways. Many American communities, especially those in rural areas, lack the resources and
mobilization capacities to actualize policy change even in pro-LGBT institutions.

This dissertation combines these elements into a concise model of local LGBT
nondiscrimination policy adoption. City political factors can largely determine the outcome of
LGBT policy debates because certain types of cities are more likely to pass LGBT protections
than others. However, policy change is moderated by state politics. Usually state political factors
act to depress the passage of new local LGBT protections, but in some instances anti-LGBT
actions by state legislatures can actually lead to an increase in local level protections. Overall,
the process of local LGBT nondiscrimination policy adoption is determined by the complex
interactions of local governments, LGBT activists, and the larger state political context.

Findings

**Research Question 2: How many cities have LGBT nondiscrimination policies?**

This dissertation includes a survey of all local LGBT nondiscrimination policies in the 28
states that lack statewide LGBT protections. Nationwide data concerning local LGBT protections
has not been collected to the same extent since the 1990s. Data was collected from a variety of
sources including national LGBT organizations, statewide organizations, local news outlets, and
others as discussed in Chapter 4. This information was compiled into a database of all local
LGBT policies. 759 local governments have some type of LGBT nondiscrimination policy in the
28 states included in this study. However, only 201 cities have comprehensive policies that cover
both sexual orientation and gender identity in the private sector. This study finds that more cities are covered by local LGBT protections than previously thought by scholars and LGBT organizations. This is partly due to the finding that 392 cities are covered by county level protections, which is an aspect of LGBT nondiscrimination policy that is largely overlooked in previous research.

**Research Question 3: What types of LGBT nondiscrimination policies exist among local governments?**

As this dissertation demonstrates, understating the landscape of local LGBT nondiscrimination policy in the United States is a complex and difficult undertaking. There is immense variation in the types of policies that bespeckle the American countryside. This dissertation establishes a categorization system with six distinct categories of LGBT nondiscrimination policy types. Some cities have enacted comprehensive protections for both sexual orientation and gender identity in the areas of employment, housing, and public accommodations, while others have some partial combination of these protections. Many cities and counties implement public employment protections for LGBT workers often because fully comprehensive policies are not politically feasible. In some instances, city councils pass nonbinding resolutions supporting LGBT rights. Counties play various roles in LGBT nondiscrimination policies as well. Some county laws cover all residents within a county, while in several others only those in unincorporated areas are covered. The majority of nondiscrimination policies include gender identity, which provide protections for transgender residents. However, about a quarter of policies reported in this study continue to exclude gender identity as a protected class, most of these policies were passed when transgender rights were
still taboo in many parts of the United States. The trend shown in this study is that more recently transgender rights have made gains within the liberal core of the United States.

**Research Question 4: Which cities are more likely to pass comprehensive LGBT nondiscrimination ordinances?**

This study uses a logistic regression model to evaluate the types of cities that are most likely to pass comprehensive LGBT nondiscrimination ordinances. The sample consists of 401 cities with a test group of 201 cities and a control group of 200 cities. The test group is comprised of all the cities with comprehensive ordinances in the 28 states included in this study. The control group is a random sample of cities with no LGBT protections in those same states. There are observable and statistically significant differences between cities that have comprehensive LGBT ordinances and those that have no LGBT protections. Cities with larger population size and greater population density are more likely to have comprehensive LGBT protections than smaller and less dense cities. More liberal and less religious cities have a greater chance of having LGBT protections, as well as cities with higher incomes and more education. The percent of residents with a bachelor’s degree is arguably the most important city level indicator of a comprehensive LGBT policy. Some indicators did not have an impact on the presence of LGBT protections. Median age had no impact on LGBT policies. The impact of racial diversity and population growth rate disappear when controlling for population size. This quantitative analysis shows that more work needs to be done by activists to improve the situation for LGBT people living in smaller, less educated and agrarian communities.
**Research Question 5:** How do state politics impact the adoption of LGBT nondiscrimination policies by city governments?

Along with differences among cities, variation among states also influences the passage of local LGBT nondiscrimination polices. This dissertation uses a most similar systems approach with the cases of Idaho and Wyoming to demonstrate state-by-state differences in local LGBT protections. Interviews were conducted with state and local LGBT activists, as well as state and local politicians in both states. This information was supplemented with archival data, information from LGBT organization websites, and press releases by local news outlets. Three variables were identified that influence local LGBT policy adoption: the behavior of state legislatures, the structure of LGBT advocacy networks, and state political institutions. First, evidence from Idaho showed that a sustained campaign directed at state lawmakers results in expanded protections for LGBT people at the local level. Cities passed LGBT protections in response to the rejection of such protections at the state level. Negative responses by the state legislature to LGBT activists’ demands can have positive effects at the local level. Furthermore, this study contains evidence that some state legislatures take action to prevent cities from expanding LGBT rights, as was the case with North Carolina’s infamous “Bathroom Bill.” Legislation such as this completely strips cities of authority over LGBT nondiscrimination issues.

Second, states with more decentralized LGBT advocacy networks are more suitable for successful campaigning at the local level. Idaho’s LGBT organizing is dominated by a coalition of local and regional LGBT organizations, whereas Wyoming’s is based around a single statewide organization. Idaho cities have had more success than Wyoming’s because stronger local organizations are able to wage more effective campaigns. In Wyoming, LGBT activists
have had more success at the state level due to the close relationship between the state’s main LGBT organization and members of the state legislature. Lastly, each state has a unique set of political institutions that influence local policy change. Some states practice home rule and give cities great authority over their own policy decisions, whereas others abide by Dillon’s rule and have strict authority over local policy. Additionally, some states have provisions for popular initiatives that can give LGBT opponents another venue for challenging expanded LGBT discrimination protections. This study concludes that understanding the political environment of states is vital to successful campaigns for more LGBT protections at the local level.

Policy Recommendations

This dissertation offers several recommendations for LGBT activists and local policymakers to improve the success of campaigns for local LGBT nondiscrimination protections. If implemented, these recommendations may also result in stronger LGBT community bonds throughout rural America. Since the debates over LGBT nondiscrimination have largely taken place in cities recently, grassroots organizing of local LGBT activists should be the primary form of campaigning. Local activists are generally in tune with their communities. Getting more LGBT people involved in politics will not only improve the LGBT voice in local politics, but also build momentum for the coming out process of LGBT people in small towns. Local nondiscrimination ordinances are important because they become symbols for local LGBT communities to rally around. Building and strengthening local LGBT community bonds can improve the overall well being of LGBT people in rural areas.

Strategies for local organizing should take both city and state political factors into account. LGBT activists should focus on three main societal power centers when building coalitions of support for nondiscrimination policies: educational institutions, the business
community, and religious organizations. Support from these types of organizations helps legitimate activists’ claims and add mobilization capabilities to the nondiscrimination policy campaign. On the state level, activists should mount continued efforts toward changing state nondiscrimination policy. State legislatures draw a lot of media and public attention, so activists have a regular statewide platform to plead their case. A sustained effort in the state legislature can prompt local politicians into action and also educate a state audience about the need for expanded discrimination protections for LGBT people. Activists should be aware of political institutions specific to their state, such as popular initiatives. Additionally, more work needs to be done to pass county level LGBT protections in order to ensure protections for people that work in rural areas. LGBT activists and local officials should share their experiences and successes with people in other cities and counties in order to help the process of expanding nondiscrimination protections to more LGBT Americans.

Future Research on Local LGBT Nondiscrimination Policy Adoption

Understanding of local LGBT nondiscrimination policy adoption would improve with better and more thorough data collection efforts. Although this study includes a thorough investigation of all local policies in 28 states, the database is by no means perfect. Continued data collection may reveal more cities with LGBT nondiscrimination policies, especially since more cities and other local governments are frequently passing new LGBT protections. Furthermore, there is certainly more variation between local LGBT nondiscrimination policies than this study captures. For example, enforcement mechanisms vary greatly between cities, so more data are needed to learn how differences in enforcement impact policy change. Another aspect that this study does not account for is the different variations of religious exemptions that are included in many LGBT nondiscrimination policies. Perhaps a city might have a
comprehensive ordinance but the religious freedom exemption is so strong the effectiveness of the law is diminished. Future research is needed to understand the extent to which religious exemptions impact LGBT nondiscrimination policy outcomes.

Along with more developed data collection, the study of LGBT nondiscrimination policies is prime for more advanced statistical modeling techniques. Hierarchal modeling would be well suited to test the model presented in this research because it could more acutely account for both city and state variables simultaneously. Furthermore, hierarchal modeling would enable quantified measures of state politics to be used in order to more accurately generalize about state influence on local LGBT nondiscrimination policy. Potential numerical measures could include demographic data, measures of ideology and religious adherence, as well as income and education levels. Additionally, quantitative measures of LGBT organizations would be helpful to better understand the state-by-state differences of the LGBT community. Overall, the study of local LGBT nondiscrimination policy adoption is well suited for methods of multi-level analyses.

This study argues that individual state political contexts influence the passage of local LGBT nondiscrimination policy within states. Therefore, more case studies of individual states would result in a more thorough understanding of the relationships between states and local governments. The cases of Idaho and Wyoming offer important insight into LGBT organizing and local LGBT nondiscrimination protections, but there could be factors that are unaccounted for in this study. States in different regions may present important variables that do not appear in Mountain West states. Idaho and Wyoming are both relatively small states, so more research about states with more residents might reveal a different experience altogether. Having more written and published stories about the strategies and successes of activists around the country
will assist other activists hoping to campaign for LGBT protections in their communities. Additional city and state case studies will also assist scholars to identify more variables and better understand the relationship between city government, state politics, and local LGBT nondiscrimination policy adoption.

Knowledge about the relationship between states and local governments informs debates over other issues being debated by local governments. LGBT issues are not the only issues that localities are fighting against policy at the state level. Many states are going along with the Trump Administration’s crack down on immigration and many cities are attempting to resist by becoming “sanctuary cities” where immigrants are safer from federal scrutiny. As debates over gun control and mass shootings continue, cities might take action to protect citizens even in states that are ardently pro-second amendment. This study demonstrates that even though states have great authority over local governments, cities have been successful at challenging the values of their state and passing their own policies to protect LGBT citizens. The strategies and tactics discussed in this dissertation can be successfully employed to push for a wide range of social policy changes at the local level.

Conclusion

The future of LGBT nondiscrimination policy is bright! Despite lack of basic protections at the federal and state levels, many local governments realize the need for expanded LGBT protections. As more cities wage campaigns to add civil rights protections for LGBT people, the strength of the LGBT community in small town America will expand alongside policy change. Values and traditions cannot be forced on cultures, especially those that are conservative and resistant to change. However, suburban, small town, and rural America will grow along with local LGBT communities as more LGBT people are encouraged to come out and become active
in local LGBT campaigns and broader society. LGBT nondiscrimination policies serve as a beacon for local LGBT communities and a signal to all that LGBT people are valued in communities that have passed LGBT protections. The result will be greater acceptance of LGBT people within all aspects of American culture and society.
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