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Something Old and Something New

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I would like to thank all contributors and interviewees for making this work possible. I also could not have done this without the support of my committee and all of their efforts. Thank you to all and I hope this paper helps ground the debate into a historical context.

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Introduction

Over the last year, this paper was created, researched and qualitatively explored. The initial interest in the topic was sparked during the 2014 session of the Indiana General Assembly (IGA) where five students came together to fight against the Marriage Protection Amendment. The project was led by a retired faculty member of DePauw University, Kelsey Kauffman, in order to fight against the most recent iteration of the amendment. The program that Kelsey Kauffman led was modeled after the DePauw Environmental Public Policy (DEPP). DEPP got its start in January of 2008. DEPP is a semester long program where 5-6 students worked at the IGA to lobby against or for certain bills and amendments that effect their public policy interests. This lobbying took shape as research of data or the collection of qualitative testimony that would help sway the hearts and minds of legislators to see the lobbyists' perspective.

One piece of legislation that was actively fought against was the Marriage Protection Amendment, HJR-3 (Appendix A and B). After its successful termination, there seemed to be a lack of contextual and historical framework to understand why this came about and who truly supported it over the last decade of legislatures. In order to understand why marriage equality became an issue and how certain groups supported or opposed the amendment, historical context for the current events of Indiana and national politics were utilized to conceptualize important gay civil movements. This could not be done by simply analyzing only marriage as a civil movement, but had to encompass and ground itself in the entirety of United States and Indiana policy of gay civil issues.

The majority of the paper is a historical understanding of gay social movements in the United States. It starts from the 1950s and goes to present day (13 April 2015). The reason the history of gay social movements starts in the 1950s and not in the beginnings of American

history is due to the conceptualization of homosexuality as no longer an individualistic sickness, but rather a protected class of group identity. This by no means claims that there were others in previous segments of United States history that did not see their own sexual attractions as a part of their identity, but merely makes the claim that group consciousness started to coalesce around the new conception of sexual identity.

For Indiana specifically, the right of marriage and its history focus more on the systemic actors who played a role in creating public policy on a human rights issue. This history is focused on the years 1997 to 2015, because that is when the first legislative actions occurred to define marriage and were then challenged by different court cases throughout that time period. This paper will also look at what these legislative attempts mean for the state's reputation as well as how gay communities will conceptualize their rights.

The four different purposes of this paper are to understand why marriage protection came about, why it didn't pass for over a decade of legislative attempts, what it means for Indiana and gay rights activists in the future. In order to substantively answer these questions, the paper will first delve into the United States history to understand why marriage protection came about, then it will look at the Indiana process for why marriage protection never passed.

As a language clarification, the paper will interchange gay, lesbian, bisexual and transgender (GLBT), gay, and sexual minorities as synonymous. This anachronistic approach allows for the maintenance of homogeneity in relation to terms used in a 21st century to allow the reader to understand the linear relation of gay rights activism. While this weakens the historical accuracy of the paper, it opens the paper to lay readership.

The paper will then delve into the methodology of data collection and then into the United States gay civil movements to give context as to why marriage protection became a

rhetorical device. It will then jump back to 1997 in Indiana's history to show when marriage and those who adhere to traditional definitions of the institution felt attacked and the methods they used to enshrine it into legislative documents. This will give a frame to understand why the Marriage Protection Amendment never passed to a referendum, and then it will look to what these attempts mean for gay rights as well as what Indiana hopes to portray in the future.

Methodology

Different actors who had a role in the process either big or small also layer the Indiana history with qualitative data and interviews that were collected over the last year. These people were snowball sampled and are from a range of fields of activists for and against, lawyers for their interpretation of the law, faculty and staff at different universities and colleges, and presidents of corporations, universities and organizations. The interviewees were either people that had direct connection to the interviewer or were a connection from those first interviewed.

The objective of the paper is to ground the debate in Indiana and understand the rhetoric of how the 2014 IGA session came to a tension between different constituencies. The paper also seeks to understand marriage as an institution and problematize the notion of marriage as being a gay civil right everyone can support. These critiques of marriage are from differing communities within a multitude of sexual minorities. It has been portrayed, within mainstreaming communities, that gaining support for this issue will liberate sexual minorities to fight for more of their rights when they can use marriage as a counter argument from being barred. There is also room for critiques of the institution and the community's relentless push for this one right as being problematic for later generations of sexual minorities or gay, lesbian, bisexual and transgender (GLBT) individuals.

Marriage as an Institution

Throughout the history of civil rights organizations and movements, there has always been a historical context of their current motives. These motives are influenced and shaped by those that came before them as well as their tactics. This allows for civil rights activists to understand their place in history as well as know what is possible for their organizations to achieve. This retrospective look at their context allowed many civil rights organizations to choose their token rights or rallying cries. It is true for civil, women's and now gay rights groups. For gay activists, there are many rights violations that gay men and lesbians have suffered. These include, but are not limited to, the right to job security and fair hiring processes (Figure 1), the right to housing security (Figure 2), the right to health benefits and the right to marry.

Marriage within the United States context has several layers. It is a personal commitment made between loving and consenting parties to come together, a social statement defining one's role in the society they live and their standing with the community; a relationship between the couple and the state that offers them benefits, responsibilities and privileges; a granting of respect and security because one's relationship does not alter in cultural contexts; and a spiritual experience where an outside force in a religious aspect can confirm your relationship. All of these aspects of marriage make the institution incredibly integral to the conceptions of personhood and social norms. However, this definition still presents possibilities for vague and intransigent conceptions of marriage.

Even after the United States Supreme Court ruled in the case *Turner v. Safley (1987),* where they defined the legal language of marriage, there still wasn't a clear idea presented. Their definition included marriage as an institution that has a spiritual or religious aspect to the

relationship, allows consummation of that relationship, is a precondition for the different rights privileges and responsibilities, and is a public display for support and recognition of a relationship. This definition was also entrenched into heteronormative conceptions of marriage, that it was procreative, for the purpose of raising children and for the continuation of state interests. Based on their ruling, marriage can be prevented if there is a significant government interest to regulate and prevent a certain groups from having access. This prevention paved the way for marriage to become a centerpiece of gay activism in the late 20th and early 21st centuries.

Marriage did not solidify as a rallying point for the gay community without external factors influencing its importance. This right became the focus of the gay civil rights movement, because it was a direct reaction to the challenges of the HIV/AIDS (page 26) epidemic and could be used to drastically change the way in which gays were seen and portrayed. Marriage may seem innocuous. Yet, it is an important right for gay men and lesbians to have, but it is no longer about the notion of rights, responsibilities and privileges enjoyed by heterosexual couples, but about how gays can mimic and blend into heteronormative society.

There are many different interpretations on who should have access to marriage. It varies among heterosexuals, gays and lesbians. Not all in each group see marriage in the same light. While marriage can be a mutually beneficial system of support and happiness, it can also be an oppressive and trying system. Many lesbians see the institution of marriage as inherently patriarchal and limiting in terms of success. If the system didn't necessarily work for heterosexual couples, why should gays want such a dysfunctional system?

Many GLBT individuals argue against this by claiming that there should be formal equality for their group. This means that no person should be barred from the same benefits and privileges of one group based on their sexual orientation. This does not mean that all GLBT

people agree that marriage equality is a necessary and needed equal right. Many radical queers believe that marriage equality is a way for non-heterosexuals to become assimilated into mainstream norms. They claim that there should be a distinct institution for GLBT individuals to use, because working within the system only perpetuates the discrimination and prejudiced institutions (Kotulski 2004, Marcus 2002).

Radical feminists argued that the institution was not designed for homosexuals nor was it truly working for heterosexuals. The system needed to be changed holistically rather than adopting a broken pattern of behavior and mapping it onto another group of people. They argued that the institution of marriage should be stripped of the benefits that come with the license and make it purely about two people coming together to show the state that they should be treated as relatives. Many lesbians think that there are more important issues such as job security (Figure 1), housing equality (Figure 2), and GLBT youth suicides. That is not to say that gay men don't also see these issues as important, but they have traditionally been the champions for this right of marriage (Wolfson 2004).

These generalities are not to say that all lesbians or all gay men see the institution of marriage the same, but rather paint the groups within sexual minorities as being focused on different issues. In order to understand how these foci came about and why equating same-sex marriage with gay rights is so powerful, the next section of the paper looks into the United States history of sexual minorities and their movements from the 1950s to current events.

History of Gay and Lesbian Rights Movements from 1950-2015

Pre-Stonewall

Shifts in the construction of identity.

In 1957, Evelyn Hooker wrote a paper, *The Adjustment of the Male Overt Homosexual*, researching the correlation between poor mental adjustment and sexual orientation. She found that the comparison between heterosexual and homosexual men was relatively the same, which contrasted the previous data. She found that the homosexual men they were using in the previous studies were those who had already undergone psychological treatment, which skewed the results. Her study was a double-blind study, which allowed for heterosexual men to be indiscernible from the happy, healthy and (most importantly) psychologically untreated homosexuals.

The second way in which their identity changed was how Donald Webster Cory described homosexuals in his 1951 book, *The Homosexual in America* who argued that homosexuals were not a pathological and criminal group of people, but were a minority that needed to have their rights heard and respected (Cory 1951).

These two pieces of literature drastically affected the construction of homosexuality as an identity. No longer were homosexuals being called sexual deviants, but they were affirmed as a protected and equal class of identity. Due to these changes in academia, three new organizations came about to push homosexuals even further in their new identity.

Mattachine, One, Inc. and Daughters of Bilitis.

During the 1950s there were three prominent groups who were the most influential when it came to their notions of rights and identity politics. These organizations were the Mattachine (in all its forms), One, Inc. and the Daughters of Bilitis.

In 1951, Harry Hay founded Mattachine out of fear for what would happen to a group of people if they were not brought to activism (Armstrong 2002). This group was homosexuals. With Chuck Rowland, Dale Jennings, and Bob Hull, Hay decided to create a way for gay men to

come together in Los Angeles and express their experiences and build community (Legg 1994). This community was extremely radical in terms of Hay's ideological focus of Marxism. This focus would later be the death of the organization in 1953. After a couple years, the Mattachine Foundation began to grow into a more prominent group with several chapters starting in other metropolitan areas, but the original founders were outed in order to make way for a new conservative take on the homophile identity that Hay and his co-founders had created (Timmons 1990).

Homophile is the term used for homosexuals as well as sympathizers to unite their efforts in creating an encompassing identity. This identity, after the outing of Hay and its other founders, lead to the new leaders of Mattachine to be more sympathetic to an assimilationist tactic. Assimilation argues that any characteristic or trait that signifies someone as an other or someone outside the norm is not important. This ideology claims that these differences are minimal and that those who posses these differences are just like those in the norm. This tactic requires the minimization of difference for blending into hegemonic society. Blending into the greater society allows for people to see those who are different as just like themselves. This process of seeing someone who is different and then seeing them as similar to one's self is called rehumanization. The antithesis of this tactic is referred to as radicalism. Radical ideology argues for the destruction of oppressive institutions and ways of life to allow for new and egalitarian methods to emerge. It also celebrates difference and expects to be treated as a separate identity to those within the norm (Duberman, Vicinus & Chauncey 1989).

Radicalism and assimilationism exist as a pendulum and swing back and forth depending on the climate of the time. They are not mutually exclusive forms of activism. If they do coexist within the same organization or faction, it is not long before they cause a splinter or platform

reconstruction. Throughout the history of gay rights organizations, this was a common theme. Once one tactic becomes too stale, another will be adopted at the cost of the people who pioneered what came before (D'Emilio 1989).

This was exactly what happened with the new regime of Mattachine. Hal Call, Kenneth Burns and Marilyn Rieger, founders of the more conservative Mattachine Society, tried to break away from the radical Mattachine Foundation. Since the Mattachine Foundation had only grown within California, the Mattachine Society was able to take what was already built and make it more palatable to people by toning down the rhetoric of Marxist influenced Harry Hay. While this allowed for gays to come together and create non-threatening identities, it came at the cost of the Mattachine Foundation's initial creator's safety and security (Vaid 1995; Katz 1992).

The second organization was a splinter from the Mattachine Foundation called One, Inc. This organization maintained the more radical expression of the Mattachine Foundation until 1968 (Greenberg 1990). During the organization's lifetime, it created two major contributions to homosexuals: a win against the U.S. Supreme Court and a creation of a discipline. In 1958, this company was sued for sending deviant pornography in the U.S. postal system, but the U.S. Supreme Court, surprisingly and unanimously, upheld the organizations right to exist as well as the right to disseminate their magazine (Murdoch & Price 2001). The following year they helped create the first homophile studies course as well as sponsoring talks on a "Homosexual Bill of Rights" (Fletcher & Saks 1990).

The third group that completed the homophile identity was the Daughters of Bilitis (DOB). Eight women in San Francisco created the organization to build a community for fellow lesbians to socialize with one another (Jay & Young 1992). In 1955, Phyllis Lyon and Del Martin became the leaders of the DOB and started to shift the organization's focus from

community building to becoming more actively involved with the pro-homophile and feminist movements (Eaklor 2008). While the DOB recognized that all homosexuals were united in the oppression from heterosexism, lesbians occupied a specific niche in which they felt not only heterosexism, but also sexism. The difference between the two oppressive forces is simple: heterosexism is the prejudiced beliefs and actions of individuals against sexual minorities while sexism is the prejudiced beliefs and actions of individuals against women. While much of activism at the time was heavily controlled and focused on male homosexuality, this organization felt the need to fight for rights that were not being heard by the gay male constituency. The only way for their needs and concerns could be met was by creating an entirely different organization that would be focused on the rights violations lesbians thought were most important (Cruikshank 1992, Bullough 1994).

Feminism and radical feminism.

The Daughters of Bilitis felt the need to splinter from other homophile organizations due to the national idea of the specific roles and duties of womanhood.

Within feminism, there are three waves in which women came together to fight against the oppression in American society (Abbot & Love 1972). The first wave of feminism was about empowering women with the same rights as their male counterparts. This wave culminated in the attainment of women's suffrage in 1920 with the ratification of the 19th Amendment. While this amendment didn't fix all of the issues of women in the 1920s, much of the fire and drive behind their movement went out because it was so intrinsically focused on the right to vote. Once this goal was met, many supporters drifted off, even though the Suffragettes made attempts at solving more women's rights issues (Sullivan 2004, Rutledge 1992).

This has been a common theme throughout rights organizations. When a movement becomes so intrinsically tied to one right and then that right becomes accessible, many who once supported the movement transition back into non-activists. This has been mentioned as a fear for the marriage equality activists in terms of what's next on gay civil rights. Many people believe that once marriage becomes a central right that people will not push for housing (Figure 2) or job security (Figure 1) or any of the other rights issues not being discussed. While this held true for Sufferage, only time will tell what marriage equality will mean in terms of activism.

After the right to vote was earned, many women started to experience economic success in the 1920s, economic failure in the 1930s, and a liberalizing of gender roles and expectations with the 1940s. Due to these national trends, much of women's rights concerns never became salient because of the perceived freedom they thought they had earned (Peiss & Simmons with Padgug 1989). When the 1950s started and many men had come back from war, there was a conservatizing effect on all aspects of women's lives. Many women adapted to this shift by claiming the new, yet somehow familiar, norms of feminine passivity and domesticity. This feminine ideal became extremely strained towards the end of the decade (Morgan 1970).

With the start of the 1960s, the second wave of feminism came. This wave mimicked the concern for women's rights that the first wave had espoused, but its concerns had shifted. The concerns of this wave were to address the problem that many white, middle class women were feeling at the time but could not place, the "trouble with no name". Not until the publication of *The Feminine Mystique* (1963) by Betty Friedan did women have the language to claim it. Friedan's work brought the issue of discontent about having it all, or having what men had decided was all, and still feeling dissatisfied with their experience to the forefront of women's consciousness (Leyland 1991).

With the passage of the 1963 Equal Pay Act, where jobs were no longer classified by gender, the ruling in *Griswold v. Connecticut (1965),* granted married couples the right to use contraceptives, and *Roe v. Wade (1973),* limiting governments role in a woman's decision to terminate a pregnancy, allowed for women's sexual revolution to take place (Knutson 1979, Murdoch & Price (2001). This was also instigated by the creation of the free contraceptive pill (Morgan 1970). Many academics have called the second wave the biomedical liberation. While this liberation from medical oppressors was needed, it came with some conceptions about the performance of sexual identity.

Feminists still held onto the notions of heteronormativity; the norms, mores and values of behavior surrounding sexuality and gender performance. This ideological limitation expects that women have sex with men and that these relations are dichotomous in their expression of femininity and masculinity that women would act feminine and men would masculine. Women were supposed to be quiet, feminine, and caring while men are supposed to be indifferent, masculine, and assertive (Millett 1970, Sullivan 2004). They expected the performance of sexual acts to still be heterosexual, but the number of male partners was unlimited. The second wave came under scrutiny many years later as being reserved for only white, heterosexual, middle class women. Those who did not meet these identities were left out of the conversation and were ignored for the most part of the second wave.

The most prominent and vocal group removed from feminism were lesbian women. These women felt marginalized, so they decided to separate from the white, straight, middle class women and become radical feminists (Vaid 1995, Abbot & Love 1972, Adam 1995). The reason this fragmentation occurred was due the stigmas lesbians brought to feminism and also the lack of concern for the issues that affected homosexual women. These women occupied a

specific niche in oppression. Not only did they experience heterosexism, but sexism as well. They felt satisfied in neither feminist nor homosexual organizations. These women saw all feminist issues being rooted in the patriarchal forces that held power over women (Aldrich 2006).

This patriarchy that lesbian women felt forced them to branch off even further from feminism because they consisted of a unique form of oppression. Their splintering from heterosexual feminism did not mean that they accepted all into their new form of feminism. In fact, the rhetoric at the time was transphobic, unwelcoming and hostile to transgendered individuals, and prevented male-to-female (MTF) women from joining in their movement and spaces (Beemyn 1997, Blasius & Phelan 1997).

Throughout each feminist group some subset was stigmatized and removed from the conversation. This is not and will never be new to any social movement within the history of the United States. This othering, or stigmatized identity used to remove people from groups, that many lesbians felt throughout each women's rights wave, has been a common thread in terms of gay civil rights. This isolation was felt yet again during the Stonewall riots of 1969.

Stonewall and the Reconceptualization of Gay Rights

Stonewall represented a defining moment in gay rights social movements. Many young GLBT individuals living during the time period started to shift the interpersonal focus of gay rights to the socio-political structures that were oppressing them. This lead to the creation of Gay Liberation Front, the National Gay Task Force, Lambda Legal, the Gay Rights National Lobby and the Human Rights Campaign Fund. Stonewall became the rallying point for younger blood to move into a position to change the national focus of gay rights movements. No longer were

gays and lesbians going to try and survive in a heteronormative society, but they were now going to fight for political and economic rights they felt should be given to them. This radically shifted the notion of gay organizations away from assimilationist tactics of Mattachine and towards a more identity affirming form of politics.

On June 27, 1969, a typical Friday night in Greenwich Village, many gay men and women were prepping for a night out at Stonewall Inn on Christopher Street. Everyone was expecting it to be like any other night and up until 1:20 A.M., it followed the same pattern. When the police showed up at that time to break up the party, which was a typical occurrence, there seemed to be a lot more people around than usual. Due to a hotter than average night, many New Yorkers were out and about on the streets. When they were walking by the police, who had started to check for identification and arrest the partyers, many of the bystanders started to become agitated by the brute show of force on the police's part. The bystanders started to throw pennies, bricks, and bottles to help these oppressed queers. This atypical response made the partygoers join the bystanders and everyone started to fight against the police. This lasted until 3:30 A.M. when the police could break up and arrest the rioters (Armstrong & Crage 2006, Bullough 1994).

The next night, Stonewall was mobbed and instead of having gays partying in the bar, they were out blatantly showing affection and performing to draw attention to themselves. They were tired of slinking around in the shadows and being constantly oppressed by the New York police. Gay men started to shout and write "Gay Power" to advocate for proud identity formation of their sexual orientation. This protest went on for several more days until July 2 and lead to another splintering of the Mattachine Society, which eventually caused its death. The assimilationist tactic that the homophile movement was trying to create became outmoded and

co-opted by its younger more radical members. These young gays were far more open and political in their day-to-day interactions. They no longer had a need to blend in, but wanted to stand out and fight against the oppression they felt. This change in ideology lead to the creation of the Gay Liberation Front (GLF) in the same month as the Stonewall riots. The GLF advocated for sexual liberation for all people; they believed heterosexuality was a remnant of cultural inhibition and felt that change would not come about unless the current social institutions were dismantled and rebuilt without defined sexual roles. To do this, the GLF was intent on transforming the idea of the nuclear family and making it more akin to a loose affiliation of members without biological subtexts. Prominent members of the GLF also opposed and addressed other social inequalities between the years of 1969 to 1972 such as militarism, racism, and sexism, but because of internal rivalries and lack of platform consolidation, the GLF officially ended its operations in 1972 (Carter 2004, Duberman 1993).

In 1973, one year after the Gay Liberation Front collapsed from internal dispute about where the organization should focus, there was a shift in the focus of gay activism. No longer did gays see their own actions as being sufficient for change. There needed to be a strong legal and political aspect to their activism. This led to Gay Alliance Activists to come together in New York to create a gay American Civil Liberties Union (ACLU) called the National Gay Task Force (NGTF) (Rimmerman 2002). This organization was keen on fighting the stereotypes of feminine men and masculine women, antidiscrimination laws, and psychiatry's designation of gay as sick. One of their biggest battles was the removal of homosexuality as a psychological disease.

The American Psychiatric Association (APA), the governing body which determines the contents of the Diagnostic and Statistical Manual for Mental Disorders (DSM), removed

homosexuality from it in 1973 (Hooker 1957, Greenberg 1990, and Jagose 1996). The DSM is the book in which the APA decides to define diseases. If the council looking at a particular disease finds that there is significant evidence or need to put it into the DSM, the council will create a new edition for the psychiatric field. The inclusion or removal of a disease may not seem important, but when the fields of sociology, psychology, anthropology and biomedical research, among many others, all depend on the book's definitions, the significance changes. When the definition of homosexuality was removed from the DSM, it drastically changed the landscape for gay and lesbian rights activists. No longer were these groups of people pathologically diseased, but they now had a positive identity that was created for their own.

Up until the removal of homosexuality from the DSM, gay men were seen as sick, pedophilic, and needing mental health treatment. It was not seen as a collective identity but rather as a pathologically ill-formed and poorly socialized individual (Sullivan 2004). Once gay men who were not treated for their sexuality as a mental health problem and were able to see their 'affliction' as a part of themselves, their conception of who they were started to shy away from this individualized construct to a collective identity. This identity allowed for them to come together and argue for their rights like any other group of people, like women and Blacks (Stein 2004).

Three years after NGTF's conception they added a female co-director to the administration to appeal to both gay and lesbian concerns and build this new collective identity. Not until 1986 did the NGTF change its name to become more inclusive to lesbians, which altered the acronym to be NGLTF (Sullivan 2004). The organization moved its headquarters to Washington D.C. to allow better access to policy makers as well as other activists. While this seemed like a useful consolidation of resources, it created an issue between the NGLTF and the

Human Rights Campaign Fund (HRCF). The Human Rights Campaign Fund was created in 1980 with the idea to further the push for a national Gay and Lesbian Rights bill. It was set up by a PAC (Political Action Committee) and was useful in gaining support from elites throughout politics but it would come under scrutiny in 1986 as being too focused on garnering political voting power through bourgeois events (Bawer 1993, Gross 1993).

The issue that the two organizations would come to is how they politically fought for rights. The NGLTF used their resources to fight against discrimination unapologetically or radically compared to the HRCF. The HRCF used their resources to mingle with heterosexual elites to buy their way into mainstream politics. While both of these tactics were needed it caused a differing of opinions from the logistics point of view from both organizations and caused the break between the NGLTF and HRCF and eventually the elimination of cooperation. The HRCF was able to push through the critiques and worked to become the largest national gay rights organization with 25,000 members in 1989 (Thompson 1998).

In the 1973, Lambda Legal Defense and Education Fund (LLDEF), also referred to as Lambda Legal, got its start. The following year the organization was granted the status of tax exempt and became the first gay rights group to achieve that status. This firm has been groundbreaking and extremely influential in the gay rights movements and has taken on different governmental organizations throughout their years including; Immigration and Naturalization Service, the Department of Defense, and the prison system. (Williams & Retter 2003, Millett 1970).

In 1976, the Gay Rights National Lobby (NGRL) was created in order to rival that of NGTF. It was actually not fully formed and struggled to come together because the organization lacked a leader. Activists were actively recruiting leaders, but it was not until 1978 when they

were able to recruit Steve Endean and make the move to Washington D.C. They were then able push their agenda on a national gay rights bill (Bull & Gallagher 1996, Bawer 1993).

The NGRL also started to rate the politicians on their voting habits concerning gay and lesbian issues in order to rally gay and lesbian voters. They were extremely effective in their work under Endean but in 1981, a culmination of factors arose that lead to his retirement. Since he was the life-blood of the organization, it started to lose power and momentum and was later incorporated into the Human Rights Campaign Fund in 1985 (Vaid 1995, Schulman 1994).

With all of these advancements, pushed for by these new organizations, many conservatives started to fear for what might come in the future. This fear sparked collaboration and in the late 1970s to form what was called the New Right.

New Right's Conservatism and the 1980s

Within the United States, there was a growing shift occurring in the political lives of the electorate. There was a growing conservatism on the national level that hindered many gay and lesbian organizations from pushing as far in their rights movements that might have been allowed. This conservatism started to formulate in the late 1970s and was referred to as the New Right.

The social, economic and political concerns of the United States started to focus more around the moral issues as being political in nature. This meant that issues that were traditionally left out of politics were now being politicized. The platform shift led to many organizations' creation and focus on morality in our political life including American Family Association (1977), Concerned Women for America (1979), Focus on the Family (1977), and the Moral Majority Coalition (1979) (Corber 1997, Clendinen & Nagourney 1999). These organizations believed in the nuclear heterosexual family, that was headed by a male as the income earner and

aided by a woman who raised children, and was touted as the foundation for American ideal. With this in mind they were able to convince their constituencies that by not voting against these gay and lesbian rights organizations they are welcoming the destruction of the American way of life (Chauncey 2004, D'Emilio 1998). They framed this destruction as an attack on their identity as heterosexual married couples and claimed that these attempts to liberalize marriage would lead to bestiality, polygamy, polyandry and pedophilia as legitimate forms of relationships. This tactic is used by many organizations to put the fear of what might happen if they change one aspect of their lives. They make the item that seeks to be changed seem integral to their own identity and culture that it makes losing it, unthinkable. Many in the New Right started to entrench their arguments into fear to prevent those who might be hesitant on allowing same-sex marriage (Chauncey 2004, D'Emilio 1998).

This led to cities across the nation to revoke many of the advances that gay and lesbian rights organizations had made. There was a removal of antidiscrimination in Minnesota, Oregon and Kansas as well as the prevention of the removal of sodomy laws in New York and Washington D.C. Sodomy is defined as any sexual act that is not for the intent of procreation (i.e. oral and anal sexual intercourse). Sodomy laws were put into legislative codes to prevent sexual behavior that was deemed deviant in order to control the native and local population during the colonial period of the United States. These sexual acts were over inclusive in their nature and were not specifically targeting homosexuals initially. But after the 1950s, these laws were used to punish homosexual behavior. In 1960, every state and Washington D.C. had codified sodomy laws in some manner be it through an amendment to their constitution or by referendum. These laws were also federally recognized and prevented open military service until 2010 (Corber 1997, Clendinen & Nagourney 1999).

In 1961, Illinois became the first state to remove their sodomy laws and by 1971 only Connecticut had followed suit. By the mid 1980s, 25 other states had started to deregulate sodomy. One of the main reasons that this started a trend was due to the 1965 Supreme Court case of *Griswold v. Connecticut,* in which the court ruled that a heterosexual couple should have the right to privacy when it comes to their sexual acts within their own home (Harris 1997, Jennings 1994). This idea of right to privacy was then used to test sodomy laws on a national scale in the court case of *Bowers v. Hardwick* (1986). This case was taken to the U.S. Court of Appeals and ruled that Georgia's sodomy law was unconstitutional but the U.S. Supreme Court ruled in favor of Georgia's sodomy laws, which halted all of the momentum of the fall of sodomy laws in states (Murdoch & Price 2001, Richards 2005). Many were not surprised by the Supreme Court's ruling, due to the nature of what the gay community was experiencing during the 1980s, AIDS (Acquired Immune Deficiency Syndrome).

On June 6, 1981 the first article was published about a disease that seemed to be only affecting gay males. The CDC (Centers for Disease Control) launched a study to determine what the origins and affects of this disease were. It seemed to mimic many symptoms with that of cancer. Due to these symptomatic responses of the disease, it was called gay cancer because it only appeared in gay males at the time and could not be prevented. Medical professionals would have to wait until gay healthy males would suddenly start presenting symptoms in order to be diagnosed. The CDC found that the prevalence of the disease was linked to the multiple sexual partners that gay men would have (AP 1981, Androite 1999).

This came at the absolute worst time in terms of activism for equal rights. The different coalitions were working phenomenally against the New Right, but this disease was used to legitimize the attacks that would be launched on the gay community. These included the

demoralization of the GLBT community, tying them back to unclean, diseased persons who would need to recruit young children into their lifestyle. Since the disease was seen as a link to a homosexual lifestyle, many gays were stigmatized (Aldrich 2006). The conventional logic on AIDS was that it could be transmitted based on casual contact rather than the exchange of bodily fluids. So heterosexuals feared for their safety and even after the CDC came out describing how the disease was transferred, it took several years and the eventual outing of actor Rock Hudson (1985). Once he came out as being a victim of the disease, many individuals started to shift the way they saw gay men and victims of AIDS (Sullivan 2004).

This did not mean that all people changed their conceptions. The New Right portrayed this disease as God's way of punishing the sinful homosexual behavior. This characterization caused many organizations focused on gay civil rights to drop their focus on other issues and rally on this disease (Clendinen & Nagourney 1999).

One coalition that was created was the GMHC (Gay Men's Health Crisis). It was formed in New York in 1982 and was the founding organization for futrue ASOs (AIDS service organizations) to model after. The purpose of ASOs is to spread information about the disease as well as promote prevention in urban areas. The People with AIDS Coalition became a national organization in 1985 dealing with AIDS and would be joined in 1988 by National Organizations Responding to AIDS (D'Emilio, Turner & Vaid 2000, Rutledge 1992).

The organization that responded most to the epidemic was that of NGTF while HRCF and GRNL were sorely lacking in their leadership on the issue. Later in the 1980s the NGTF helped lobby for a protection in the new legislation that was being put through by President George H. W. Bush. These included Ryan White CARE (Comprehensive AIDS Resources Emergency) Act and the Americans with Disabilities Act. While these were staying true to the

tenor of gay and lesbian rights organizations, one group came into existence that would challenge the status quo more than any other organization for AIDS (Stein 2004, Williams & Retter 2003).

ACT UP (AIDS Coalition to Unleash Power), formed in 1987, was a huge critic to all individuals who were trying to silence the issue of the disease or not doing something to change the situation. The reason for the popularity of the organization was due to the way in which they used activism. They were far more radical and did things to disrupt the status quo. They interrupted meetings from the CDC, the NIH (National Institutes of Health), and the FDA (Food and Drug Administration) and created a demonstration on Wall Street (Ridinger 2004).

While this form of activism was popular, many people thought that it wasn't doing enough for the victims of the disease. Another approach to AIDS activism came in 1987 in San Francisco called the NAMES Project AIDS Memorial Quilt in which members would create a section of the quilt for a friend or family member who had died due to the disease. This was one of the most gripping forms of bringing attention to the disease because it allowed for people to put faces, names and lives to the disease rather than just calling out people or organizations that weren't doing anything to help (Androite 1999).

AIDS changed the nature of gay and lesbian relationships. When one person got sick with the disease many individuals were forced to take care of them. But they could not offer the level of care they wanted for their partners or friends because they did not have the legal access to make decisions and care for their loved ones. (A right that would be guaranteed in a marriage.) They were forced to watch their friends and partners die without the help they could have received had they had access to the rights of married individuals. Many claim that this was the genesis for marriage equality for some sexual minorities.

Marriage

These concerns that many had during the AIDS crisis changed the focus of gay activism. No longer were their concerns focused on open military service or sexual violence against sexual minorities but what marriage could offer them. Even though marriage equality had been fought for in the 1960s, the political and social climate of the era was not ready for marriage and it was put to the side. Marriage became a rallying point in the early 1990s, when different groups came together to gain access to these rights and privileges of heterosexual couples after the crisis of AIDS had destroyed their community (Chauncey 2004, Eskridge & Spedale 2006).

According to the literature there are over 1,049 different rights, privileges and benefits that different-sex couples get by marriage that same-sex couples do not have access to. This number grew to 1,138 in 2004 when the General Accounting Office conducted a study to look at the different federal rights marriage grants. Hospital visitation, tax breaks, and adoption policies are merely examples of what marriage can offer a couple (Kotulski 2004).

The most important court case that opened up the potential for same-sex marriage was the ruling in *Loving v. Virginia* (1967). The Virginia Supreme Court ruled that no state could bar recognition of mixed race marriages because marriage was a fundamental right (Cain 2000). The court ruled that marriage was a fundamental right of all people and caused many gay and lesbian couples to apply for their marriage licenses. Little did these couples know that marriage became open to only heterosexual couples as a fundamental right rather than all human beings (Black 2001).

On May 18, 1970, Richard Baker and James McConnell applied for the first marriage license as a same-sex couple in the United States. The clerk at the office did not know what to do because the form was gender neutral and decided to wed the couple. He could not find a way to

prevent them from marriage. Later that day the couple's marriage was voided and they decided to fight against the decision. In 1971, the American Civil Liberties Union (ACLU) filed an appeal to the Minnesota Supreme Court for Baker and McConnell. *Baker v. Nelson* was the case and it was dismissed because the court believed that marriage was "as old as the *Book of Genesis*" and could not be altered (Murdoch & Price 2001, Richards 2005). In 1973, *Jones v. Hallahan* was a court case brought all the way to the Kentucky Supreme Court and ruled that "marriage has always been considered as the union of a man and a woman and we have been presented with no authority to the contrary" (Richards 2005). After these two setbacks marriage was not heard of until two decades later.

In the court case *Baehr v Lewin* (1991), three couples sued for the right to marriage and lost. They were not discouraged because in 1993 they took their case to the Hawaii Supreme Court and won under the Equal Protection Clause in the Federal Constitution. It wasn't until 1998, when the Hawaii legislature passed a definition of marriage amendment into their constitution that the case was dropped entirely. The Hawaii Supreme Court ruling in 1993 caused the United States Congress to put together a document that would protect marriage two fold. It would prevent same-sex marriage in other states and allow states the freedom to not recognize marriages from other states, DOMA. (Rauch 2004, Sullivan 1997).

The Defense of Marriage Act (DOMA) and Don't Ask, Don't Tell

The Defense of Marriage Act (Appendix C) was legislated and put into law due to the fear of what the Hawaii ruling may mean for marriage federally. In the fall of 1996 Congress created the Act to show the United States that they were categorically opposed to the Hawaii ruling. This Act set up the definition of marriage as being comprised of two individuals who were of opposite sexes and it also guaranteed that if a state legalized same-sex marriages, then

other states would not be forced into recognizing that union. This effort by Congress was to not only protect an institution that some thought was being threatened, but was a show of distaste at the Hawaii Supreme Court ruling. The federal government was not the only one who felt these concerns because 24 states put bans on same-sex marriages into their own constitutions by the beginning of 2000 (Richards 2005, Wolfson 2004).

Another law put into place that liberated and limited sexual minorities was the policy of Don't Ask, Don't Tell. Since the 1940s, the policy of dishonorably discharging service members due to their sexual orientation was put into place to protect heterosexual service men from the psychologically disturbed homosexuals. This policy stood untested for nearly thirty years and it wasn't until the mid 1970s that the policy was tested by two court cases (Estes 2007).

The first was of Air Force Sgt. Leonard Matlovich who was a twelve-year veteran who came out to the Air Force Secretary in 1975 in a letter. Upon investigation it was proven that Matlovich was indeed a homosexual and therefore was discharged from his position. Upon his appeal to be reinstated, he appeared on the cover of Time (the first gay man to appear in that medium) and was later given a monetary settlement and honorable discharge. Only eight years after the solution was found, he died after contracting AIDS (Katz, 1992, Harris 1997).

The second was Army Sgt. Miriam Ben-Shalom who was discharged a year after Matlovich due to her transparency about her sexual orientation. She sued to be reinstated in 1980 and won, but the army dragged their feet and she was not allowed to get her position until 1988. One year after she had her job back the ruling was overturned and she was prevented from joining the army again, only after a failed attempt to bring her case before the U.S. Supreme Court in 1990. Due to her experience in the armed services she created the Gay, Lesbian and Bisexual Veterans for America, Inc. (1990), now called the American Veterans for Equal Rights, Inc. (AVER) and

started to lobby for equal treatment of service men and women (Rubenstein 1993, Cain 2000, Eskridge 1999).

After much discontent was growing from the issue of open military service, President Bill Clinton met with several military officials to discuss the removal of this policy. The military was incredibly reluctant to change their policy, so they created a compromise called Don't Ask, Don't Tell, Don't Pursue, Don't Harass (Appendix D). This policy did not change any opinions on gay and lesbian service members serving openly, but actually perpetuated discrimination. It prevented many couples from access to certain rights that heterosexual military couples enjoyed. This policy also made gay and lesbian sexual identities nonexistent by straight washing all of their constituencies. If the military didn't know about who was attracted to whom, then one could serve without question. If they did find out then they could discharge a service member or remove their rank (Estes 2007, Williams & Retter 2003). This created a policy that would last more than 20 years and wasn't repealed until 2010.

While this policy limited individuals rights, organizations did not latch onto the issue like they did marriage. The institution of marriage seemed to be the keystone for many gay issues, including health care, security, adoption, benefits, economic incentives, and simplicity. Many organizations including HRC and NGLTF decided to shift their focus specifically on this right because it seemed to unlock the means to other rights they were prevented from having. This top-down platform shift caught many sexual minorities off guard. Marriage wasn't a salient issue for them and thought there were far greater concerns for the GLBT community. It took much convincing and constant rhetoric to change the positions of other gays but once this started to happen marriage became synonymous with equality.

Marriage in the New Millennium

In 1996, three couples applied for marriage licenses in the state of Vermont and were denied, they sued, and lost their case due to the definition of marriage being tied to procreation. Not until 1999 did the Vermont Supreme Court rule in the couples' favor and were a step closer to being given the right to marry. In 2000, the state legislature took initiative and defined a civil union, which was holistically the same as marriage but did not guarantee federal marriage rights nor the recognition of other states to that union, and then put it to a referendum. A referendum is a voting on a constitutional amendment by the representatives' and senators' constituencies. After the 2000 election process, Vermont started granting civil unions (Marcus 2002, Vaid 1995, Wolfson 2004).

On November 7, 2000, Nebraska pushes through the discriminatory Initiative Measure 416 at the ballot, which constitutionally prohibited the state from respecting any form of family status or recognition for same-sex couples. In the years that followed, similar amendments are passed in 27 additional states, writing marriage discrimination into a total of 29 state constitutions and disadvantaging millions of same-sex couples across the country. Indiana did not adopt this policy of amending the constitution to protect marriage until 2004 after the Massachusetts Supreme Court ruling in *Goodridge v. Department of Public Health, a case brought by Gay & Lesbian Advocates & Defenders (2003).* In the ruling the Court affirmed that only marriage - not separate and lesser mechanisms, such as civil union - sufficiently protects same-sex couples and their families. The reason this sparked Indiana's drive to protect marriage is due to what that could mean for their state in the future (Appendix A) (Neely 2008).

This ruling essentially created the *Brown v. Board of Education (1965)* of marriage. The court case of *Brown* essentially struck down the separate but equal clause, which allowed for

racial segregation if the institutions that were separate were in fact equal in quality, resource allocation and treatment of its clientele (Chauncey 2004).

Since the Massachusetts Supreme Court viewed marriage in this way many other states feared what could happen to their definitions of marriage if left unprotected. Even after the ruling many citizens of the state attempted to amend the constitution to strip away the freedom to marry, but the amendment never made it to ballot, because it could not make it out of the Massachusetts legislature (Eskridge & Spedale 2006).

This did not mean that other states were ready to see the issue of marriage in the same light as Massachusetts. In 2004, eleven states, marshaled by Karl Rove, the Senior Advisor and Deputy Chief of Staff during the George W. Bush administration until resignation on August 31, 2007, pushed through constitutional amendments to deny same-sex couples the freedom to marry. In Mississippi, Montana, and Oregon the amendments restricted marriage to different-sex couples. In the other states - Arkansas, Georgia, Kentucky, Michigan, North Dakota, Oklahoma, Ohio, and Utah - the amendments denied all forms of family recognition or status, including civil union and domestic partnership (National Conference of State Legislatures 2015).

The following year, the California legislature became the first state legislature to pass a freedom to marry bill. Governor Arnold Schwarzenegger vetoed the landmark California bill soon after its passage. Two years later, the legislature again passes a marriage bill, and again, it is vetoed by Gov. Schwarzenegger. Texas created a Marriage Protection Amendment in 2005. The discriminatory constitutional amendment Proposition 2 was passed in Texas, constitutionally excluding same-sex couples from marriage. In April of that year, same-sex couples in Kansas were denied any form of family recognition by a similar constitutional amendment. It seemed to

be that every step forward activists felt in their fight for marriage equality there would be another step back in the same or different state (Eskridge & Spedale 2006).

On October 25, 2006, the New Jersey Supreme Court issued a ruling in *Lewis v. Harris, a case brought by Lambda Legal,* that same-sex couples are entitled to all state-level spousal rights and responsibilities. The court defers to the legislature on the question of how to extend these rights and responsibilities, suggesting the state either permit couples to marry or create a separate legal status for same-sex couples, such as civil unions. In December, the legislature fails to provide the full freedom to marry, settling for the creation of the separate and lesser mechanism of civil union. Less than a month later, activists continued their anti-marriage, anti-family agenda by passing constitutional amendments denying same-sex couples the freedom to marry in seven more states - Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin (Neely 2008).

It wasn't until the ruling in 2008 in California did the tides start to turn for marriage equality. The California Supreme Court determines in *In Re: Marriage Cases, a case brought by Lambda Legal, the American Civil Liberties Union, and the National Center for Lesbian Rights (2008),* that a state statute excluding same-sex couples from marriage is unconstitutional. Almost immediately, an initiative to overturn the court ruling (Proposition 8) qualifies for the November 2008 ballot and it striped away same-sex couples' freedom to marry and restricts marriage to different-sex couples. It wasn't until 2012, that the U.S. Ninth Circuit Court of Appeals upholds the ruling that found that Proposition 8 in California violates the U.S. Constitution. The full U.S. Court of Appeals for the Ninth Circuit denied the activists' petition for an *en banc* rehearing of the Proposition 8 case. The denial of the petition meant that the Court's decision, which found Proposition 8 to be unconstitutional stood (National Conference of State Legislatures 2015).

After this setback in 2008, the fight for marriage equality started to shift. No longer were the setbacks as great and it looked more and more that same-sex marriage was picking up speed in the American conscience. In 2009, the marriage equality tides turned and Iowa, who's Supreme Court handed down a unanimous decision in favor of the freedom to marry in *Varnum v. Brien, a case brought by Lambda Legal (2009),* Vermont, who's state legislature overwhelmingly voted to override a veto from Governor Jim Douglas, New Hampshire, who's Governor John Lynch signs into law a freedom to marry bill, and Washington D.C., who's Mayor Adrian Fenty who signs a freedom to marry bill into law (Freedom to Marry 2015).

On Election Day in 2012, President Barack Obama, the first president to support gay marriage, wins reelection and the freedom to marry triumphs at the ballot in all four states where it is up for a vote: Maine, Maryland, Minnesota, and Washington. In Maine, Maryland, and Washington, voters choose to end the exclusion of same-sex couples from marriage. Minnesota voters reject a constitutional amendment that would have permanently limited the freedom to marry in the state. After this election cycle, the connotations about same-sex marriage fully shift into a landscape that welcomes it (Human Rights Campaign 2015).

In New York, U.S. District Court Judge Barbara Jones finds the Defense of Marriage Act unconstitutional in *Windsor v. United States (2012)*, a case brought by the American Civil Liberties Union and Roberta Kaplan at the firm of Paul, Weiss, Rifkind, Wharton & Garrison. Judge Jones is the fifth federal judge to rule that DOMA's Section 3 violates the U.S. Constitution. After this decision was made, the case was taken to the U.S. Supreme Court. It later announced that it would hear two marriage cases at the federal level - *Windsor v. United States* and *Hollingsworth v. Perry*, brought by the American Foundation for Equal Rights against California's Proposition 8. On June 26, 2013, the Supreme Court of the United States announced

its decisions in two landmark cases that dealt with the freedom to marry, overturning Section 3 of the so-called Defense of Marriage Act (Appendix A) and dismissing the challenge to Proposition 8, letting a lower court ruling stand and restoring the freedom to marry in California (Freedom to Marry 2015).

In 2013, Rhode Island, Delaware, New Jersey, Hawaii, Illinois, and New Mexico, all open up to marriage equality. Rhode Island Governor Lincoln Chafee signed a freedom to marry bill into law hours after it was approved by the Rhode Island Senate. Delaware Governor Jack Markell signed a freedom to marry bill into law immediately after it was approved by the Delaware Senate. Same-sex couples begin marrying at midnight in New Jersey after a ruling declaring the freedom to marry in a case brought by Lambda Legal. Governor Neil Abercrombie signed the freedom to marry into law in Hawaii after a three-week Special Session where legislators discussed why marriage matters to same-sex couples and their families. Same-sex couples begin marrying in Illinois after Governor Pat Quinn signs the freedom to marry into law. The New Mexico Supreme Court issued a landmark decision in a lawsuit brought by the National Center for Lesbian Rights that sought a clarification on laws that regarded the freedom to marry in the state. This clarification led to gender neutral language in the state's marriage license and marriage equality (National Conference of State Legislatures 2015).

In terms of progress, 2014 is the most successful year in gay rights history. The United States Supreme Court denied review in five different marriage cases, which cleared the way for lower court rulings to stand and same-sex couples to finally have the freedom to marry in Utah, Oklahoma, Virginia, Indiana and Wisconsin. The decision also paved the way for the freedom to marry in Colorado, Kansas, North Carolina, South Carolina, West Virginia and Wyoming. It was a historic year, with the effect of the rulings bringing the total of marriage equality states to 38

with 70% of the United States population living in a marriage equality state (Figure 3) (Human Rights Campaign 2015).

In 2015, the United States Supreme Court granted a review to the freedom to marry, announced that it will review the out-of-step ruling in the 6th Circuit Court of Appeals in Kentucky, Ohio, Michigan, and Tennessee (Figure 3). The United States Supreme Court will hear an oral argument on 28 April 2015 and grant a decision about the freedom to marry during this term (Freedom to Marry 2015).

Indiana History of the Marriage Protection Amendment 1997-2015

Having now understood the history of the United States and the respective gay rights movements, the paper will focus on what was going on in Indiana and why the marriage Protection Amendment never passed after a decade of attempts.

Legislative

After the court case of *Baehr v. Lewin* (1993), the Indiana legislature created a statute that banned same-sex marriage in 1997. The statute read as follows: "Only a male may marry a female. Only a female may marry a male." This ban would allow Indiana to refuse the recognition of other marriages solemnized in other states. While this worked for a time, it wasn't until the Massachusetts Supreme Court ruling granting same-sex marriage that the Indiana General Assembly (IGA) felt the need to put an amendment to its constitution.

When a state creates a bill that decides a law, it is relatively weak in terms of judicial review. If a court deems that law to be unconstitutional, then the law is removed from the record. When a state puts a constitutional amendment together, it takes far more process to remove it. In Indiana, in order for a constitutional amendment to be added it must be voted on by two separate legislative sessions. This allows for a self-check on the IGA in terms of what it can add to the

constitution. When two consecutively elected, every two years, legislatures vote for an amendment without any edits or alterations it goes to referendum for the next election process. There constituents will vote on an amendment and approve or disapprove of it. If they approve it, then it becomes added to the state constitution. If a court then decides that an amendment is unconstitutional, they then will have to go through the entire process again to remove the same amendment. Once an amendment is into the constitution for Indiana, it is extremely hard and long process to remove it. This was the logic behind why the legislators felt the need to pass a Marriage Protection Amendment after a legal challenge came to their other legislation (IGA Archives Legislative Process).

The first lawsuit for same-sex couples was brought to a court in Indiana in 2002. The ACLU, on behalf of three lesbian couples, issued it. They lost in the Marion County Superior Court in 2003, because the judge ruled that marriage was a concern for the state for the purpose of creating children and raising them. These couples then appealed to the Court of Appeals and were given a similar response to their lawsuit. After these two defeats the three couples decided to let the issue go and received their marriage licenses and civil union certificates from Canada and Vermont respectively (Chauncey 2004).

After the court case was initially settled in 2003, many legislators feared that this could lead to a liberalizing of marriage. They felt the need to create an amendment that would protect their marriage statute. During the 2004 legislative session the first iteration of the Marriage Protection Amendment was drafted by State Senator Brandt Hershman (Appendix A). This resolution was overwhelmingly passed in the Senate but it did not make it to a vote in the House. The reason for this is because the amendment started in the House and did not make it out of the Committee on Rules and Legislative Procedure (HCRLP) because it was a democratically

controlled committee. The Senate, showing their opposition to the hold in the House passed their version of the legislation to merely make the House lose face. The following year the amendment was passed easily in both chambers. It passed that year due to where the amendment was assigned, the republican controlled House Judiciary Committee. This signified the first session of the IGA to pass the amendment. Since the Marriage Protection Amendment passed in 2005, it had to wait to be placed on the docket until 2007, when new legislators came into the IGA (IGA Archives 2007).

In 2007, the resolution started in the Senate and passed overwhelmingly. In the House, it was never passed. This was due to where the amendment was assigned. It was placed back into the HCRLP, the same committee where it died in 2004, in order to be heard. While this did not kill the amendment, it required the amendment to be passed in the 2008 session. In 2008, it started in the House but it never made it to the Senate. The 2008 legislators passed the amendment in the Senate with a 39-10 vote but never made it out of the House Committee on Rules and Legislative Procedure, again (IGA Archives 2007 & 2008).

The reason for the failure to pass by the House and success to pass in the Senate is due to the structure and fluctuation of both chambers. The Senate has traditionally had a super majority for over the last 20 years. Whenever there is a bill that is authored by a Republican Senator it passes without the slightest discussion. If a Democrat authors a bill in the Senate it must be co-authored by a Republican in order for it to make it out of committee. Therefore, whenever the amendment was in the Senate, it was almost guaranteed to pass. The House is slightly different. The composition of legislators varies from election to election. In the voting cycle of 2008 the constituencies voted more Democrat than Republican legislators into the IGA. This all but silenced the Marriage Protection Amendment until 2011. There were iterations in 2009 and 2010

to create a Marriage Protection Amendment but it never made it out of the House to be passed by the Senate (IGA Archives 2008, 2009 & 2010).

The amendment was put on the docket for 2009 and was placed in the House Judiciary Committee. This was the committee that proved to be the most effective in getting it passed because Republicans typically controlled it. Due to the influx of Democrats in the House, the Democrats had taken over the committee. The amendment never made it out to the House but the Senate passed their version of the legislation to again show their opposition to the more liberal legislative chamber. This was the exact same scenario that played out during the 2010 legislative session. The amendment was placed in the HJC and was never voted on, but the Senate passed their version (IGA Archives 2009).

In 2011 the Marriage Protection Amendment passed the Senate with a vote of 40-10 and the House with 70-26 vote. It had passed because the House went back to a more conservative legislative body. With its passage came the wait. For two years it had to wait to be voted on for the 2013 session, but it never made it to the docket for 2013. The amendment was reintroduced in 2014, where it was met with extreme hesitation and fear on both sides of the isle (IGA Archives 2011, 2012, 2013 & 2014). Many activists, politicians and laypeople wanted this issue to be done and passed so that it could no longer be an issue for the IGA. Opponents wanted it to pass so the public could have the right to vote yes or no on it, and proponents wanted it to die in the legislature to prevent it from actually being an issue for Hoosiers to decide. To understand some of these narratives, the 2014 IGA session will be broken down to allow for a snapshot of what the rhetoric and lobbying looked like.

2014 IGA session.

The amendment started in the House Judiciary Committee (Appendix E). The legislation that was being considered on January 13, 2014 was HJR-3, also known as the Marriage Protection Amendment (Appendix B), drafted by Representative Eric Turner (R) of District 32, and HB1153, also know as the Clarifying Legislation (Appendix F) (IGA Archives 2014).

Never before in the history of the Indiana General Assembly had the drafting of an additional piece of legislation been used to explain an amendment. Therefore, many people thought that the amendment needed to be fixed rather than trying to put an explanation of what it meant. The reason for the clarification legislation was due to the second sentence of the amendment (Appendix B) which would leave so many businesses, higher education institutions, lawyers, and laypeople questioning the results and ambiguity of the language of the amendment. Would businesses be prevented from offering domestic partnership benefits because it is an institution that is similar to marriage? No one at the legislature could definitely give an answer to that question (IGA Archives 2014).

Some of the people who were opponents of the legislation spoke during the 2014 session of the HJC. These included laypeople, business executives, outside counsel, and religious leaders who had been coalesced by Freedom Indiana. This was a coalition that the Indianapolis Business Chamber, Eli Lilly, Cummins and many others had put together to specifically fight the Marriage Protection Amendment. Jennifer Wagner, a campaign organizer, worked to put together a comprehensive list of testifiers for the hearing in the committee. She spoke about how her work became her passion because of the reintroduction of the amendment. Never before had she felt the need to defend her state from those she elected to run it. She said that even if it passed and all

of their efforts were for not, it would not hold within a court of law and would only be a matter of time before it was ruled unconstitutional (Personal Interview April 2015).

Freedom Indiana used many of the same lobbyists from the Indiana Equality organization, which was focused on the same issue in the state. The reason they utilized the same people was due to the IGA's standard operating procedures. At the statehouse, lobbying is where the real power is. Lobbyists can set agenda, provide resources for reelection and push certain legislation. Another privilege they have is that the Chair of a committee will defer to the organizations that are most powerful and influential in the subject matter to decide who gets to use the discussion time. If the coalition controlling the testimony does not have enough to fill their allotted time, they will open the floor for the public to testify.

The speakers from businesses had a similar and streamlined message from the opponent's side of the aisle. Freedom Indiana's lobbyists all argued that the mere discussion of the amendment was doing fiscal harm to their industries. The Vice President and CFO of Cummins, Inc., Maria Rose, Chairman of Indianapolis Chamber of Commerce, John Thompson, Senior Vice President for Human Resources and Diversity at Eli Lilly, Steven Fry all had the same concerns: that this will hurt their recruiting potential to attract new talent to their firms, it will limit the benefits and privileges they can give to their employees because of the second sentence, and that they have already started to feel the negative effects of talent loss, shame, and difficulties in their business practices (IGA Archives 2014). One specific individual who spoke out about this was President Brian W. Casey at DePauw University. He had talked many times throughout the process about how this amendment's mere introduction onto the docket was hurting their potential for recruiting and keeping talent. As an openly gay man, he felt conflicted about coming to support the opposition. He said that it felt like he was making it personal yet

impersonal at the same time. What he meant by this was that because he was a gay man he felt that he was fighting for his rights rather than just fighting against bad business legislation. The reason it was impersonal was because he felt that the rhetoric had to be poised away from equality and about business. He claimed that "you shouldn't have to couch equality into another argument just to make the other side understand" but he also understood that it was great politicking on the part of the coalition (Personal Interview March 2015).

Those who lived on the ground spoke about their experiences and shared their narratives of being a gay Hoosier. Each were in different parts of their lives from Karen Von Kimovich who was an Evansville Sargent in the police force and has a partner and three children, Cody Tinell who is an IPFW graduate student and living with his partner and Jeremy Wentzel who was a senior at Wabash College at the time. They all expressed what the legislation was doing to their lives and how this might affect their decision to stay in the state (IGA Archives 2014). Jeremy, spoke specifically about how he is a conservative gay man who was born and raised in Indiana. He talked about how his college application process was hindering on a grant that would require him to stay and work in the state. He felt that as a senior in high school there was no reason to leave but as he came closer and closer to his undergraduate ending he began to truly wonder if he could stomach the next three years in a state that was actively trying to take away his rights. Jeremy talked about his concern for the potential to start a family, access to job security and benefits and the recent negative social stigma the state was attracting. He did not want to start a business in a place where he could not be guaranteed the same rights as his peers and thought that he would have to look for job opportunities elsewhere (Personal Interview January 2015).

There were also two lawyers who spoke out, Jackie Simmons, Vice President and General Counsel for Indiana University, and Peter Tobin, an outside counsel for many Indiana

businesses. They touched on the idea that the second sentence is what was getting many business leaders and important figures to come out against the amendment. They both said that same-sex marriage was already illegal in the state and that they weren't passing anything new but merely reaffirming and entrenching something that the state already deemed true (IGA Archives 2014). Mike Stanek, a lawyer from Lambda Legal in Indiana, worked with Jonathan Coffin, the Vice President for Marketing and Communications at DePauw University, to develop a statement for the University on the issue of marriage equality. Jonathan Coffin claimed that because he was a gay man as well in President Casey's office, he felt that he needed outside counsel to draft a depoliticized agenda. Mike Stanek, an alumnus of DePauw University was chosen not as a formal counsel but merely as a friend who knew legal gay precedents. Mike guided Jonathan in creating a platform for the University that would minimize the backlash from supporting marriage equality by doing what other institutions were doing, creating concern for the second sentence. This allowed for much of the backlash to be terminated and allowed for many alumni to support an institution. But some criticism did arise in the form of what it means for DePauw in the future. If businesses have a vested interest in something, will they now have to come publically forward on every issue? Many thought, why now and why not sooner? Jonathan said that he felt that it was in the institution's best interest to come out against something that other higher education institutions had, referencing Indiana University who came out against HJR-3 in the summer of 2003 (Personal Interviews January & February 2015).

The one religious figure who spoke against the issue was Matthew Bolton, President and Professor at Christian Theological Seminary. He echoed the same remarks as the business leaders but incorporated the religious aspect of the issue. He argued that freedom of religion did not mean preventing a religion from defining who they can serve but it also means to treat others

as you would want to be treated. His golden rule argument was grounded in different citations that proved his point (IGA Archives 2014).

At the conclusion of his speech the proponents were able to talk. The proponents side of the discussion was driven by the coalition the Alliance Defending Freedom. This is a national coalition that is working across the country to fight all different forms of marriage protection in many different legislative bodies. They used a similar tactic of Freedom Indiana and had different lawyers, religious leaders, and laypeople to talk about the idea of marriage from every side (IGA Archives 2014).

The lawyers the proponents brought in were Kelly Fidorick, an attorney for the Alliance Defending Freedom, and Jim Bob, a lawyer at his own firm in Terra Haute. Each touched on the legislative interpretation of the second sentence of the amendment. They claimed that the passage of HJR-3 would not negatively affect businesses nor would it hinder their ability to provide the benefits they currently do. They each touched on the different points that were made by the different opponents and tried to minimize the rhetoric of the other side.

Many different religious authorities gave their perspective on marriage and what the legislators should do. They included Reverend Peter Gregory, Glen Tebby, a representative for the Indiana Catholic Conference, Dr. Ron Johnson, Executive Director of Pastor's Alliance, Rabbi Michael Hastings and Reverend Andrew Hunt. All of these religious leaders urged for the IGA to pass the amendment because it would allow for their religious freedoms to be maintained. These urges would later be heard during the 2015 session where the IGA would pass the Religious Freedoms Restoration Act (RFRA) which effectively allowed institutions to limit their services to sexual minorities if went against their religious practices (Figure 4).

There were many laypeople who spoke from Rene Getsel, who is a lesbian and a Catholic and talked about how those intersecting identities influenced her, Desmond Dobins, a reformed lesbian who talked about the nature of choice in sexual orientation, Ryan Anderson, a student and writer on the institution of marriage, Kurt Smith, a business owner, and Mika Clark, a business analyst. They each brought something unique to the table to counter the opponents' positions. Saying that marriage should not be a right gays want to attain, that businesses might actually improve if the legislation passes, that marriage as an institution works for the rearing of children only when two parents of different genders are present. All of these points were grounded in quantitative or qualitative data and pushed back against Freedom Indiana's interpretation of the law.

After all of the testimony was heard, an hour and fifteen minutes on each side, the legislators ended the session without taking a vote. After 9 days without any vote from the House Judiciary Committee (HJC), Brian Bosma, Speaker of the House, used extreme measures and moved the bill to a committee where he knew it would pass because he felt that the floor should have the right to vote on HJR-3. He moved it to the Elections and Apportionment Committee (HEAC) (Appendix G) where it was guaranteed to pass to a vote.

The testimony in the HEAC hearing mimicked that of the earlier committee and was spoken by a majority of the same opponents and proponents. At the end of the session there was a vote called and it passed the committee with a 9-3 vote. This committee was Republican controlled and therefore was passed without much debate or opposition in the committee. It was then scheduled to be voted on the House Floor on January 27, it passed with a 52-43 vote with 29 Democrats and 23 Republicans voting for its passage if it removed the second sentence from the amendment.

The reason many legislators voted to remove the second sentence was due to it being guaranteed to go to a judicial review for a clarification of language. This might have caused the whole issue to be tossed out and allow for same-sex marriage. Many legislators also used this as an out from voting for the amendment. This meant that the amendment that they had voted on in 2011 no longer mattered because it became a new amendment by removing language to clarify. It essentially became a new amendment that would need to be voted on in the next legislature in 2015. After the judicial events of 2014, there was a change in the anticipated outcome of the legislative session before there was even the opportunity to vote on HJR-3 in 2015.

Judicial

In March 2014, there were five lawsuits filed in the U.S. District Court for the Southern District of Indiana: *Love v Pence*, *Baskin v. Bogan*, *Fujii v. Pence*, *Bowling v. Pence and Lee v. Pence.* Out of these five there was one case that created the legislative change in Indiana to allow same-sex marriage *Baskin v. Bogan* in concert with *Fujii v. Pence* and *Lee v. Pence*.

In *Love v. Pence,* the plaintiffs in this marriage equality lawsuit were four same-sex Indiana couples -- two male, two female, one of each gender seeking to get married, and one of each gender seeking to have their out-of-state marriage recognized. They filed the lawsuit in the U.S. District Court for the Southern District of Indiana on March 7, 2014, to challenge the constitutionality of Indiana's ban on same-sex marriage (Freedom to Marry 2015).

The plaintiffs alleged that the Indiana law violates the federal Constitution under the Equal Protection Clause (alleging both sex and sexual orientation discrimination), the Due Process Clause (arguing that marriage is a fundamental right), the First Amendment (arguing that the marriage ban violated their freedom of association), the Full Faith and Credit Clause, the right to travel, and the Establishment Clause.

On June 25, 2014, the court (Judge Richard Young) granted the defendant's motion to dismiss. Plaintiffs filed a motion for reconsideration, and on September 16, 2014, Judge Young reinstated the married plaintiffs' claims. According to the court, the unmarried plaintiffs' claims remained dismissed, "because the Governor cannot remedy the harms alleged by them" (Freedom to Marry 2015).

In *Baskin v. Bogan*, three same-sex couples filed a lawsuit in the U.S. District Court for the Southern District of Indiana against the State of Indiana and Boone, Porter, and Lake Counties, in Indiana on March 10, 2014. The plaintiffs, represented by Lambda Legal and a number of private attorneys, argued that Indiana's laws prohibiting the recognition of same-sex marriage, and the manner in which those statutes have been interpreted and enforced, violate the Due Process and Equal Protection clauses, because they deny plaintiffs the right to the most important relationship in life and make them second-class citizens due to the range of benefits that require marriage.

On March 31, 2014, plaintiffs amended their complaint to add two plaintiff couples and additional defendants, including the Indiana Department of Health and Hamilton County. One of the added plaintiffs was suffering from ovarian cancer and stated that Indiana's refusal to recognize her marriage impeded her ability to obtain needed medical care close to home. As such, the plaintiffs sought an order compelling immediate recognition of that couple's Massachusetts marriage in Indiana (Freedom to Marry 2015).

On April 10, 2014, Judge Richard Young required the State of Indiana to recognize the plaintiffs' out-of-state marriage, including, if need arises, by issuing a death certificate that records their marital status as "married" and lists the surviving spouse. The defendants filed a Motion to Stay Pending Appeal on May 8, 2014. However, on June 25th, The defendants filed

for a stay but the decision declared that the Indiana same-sex marriage ban violated the 14th Amendment and permanently prevented the state from enforcing it.

On June 25, 2014, the Court (Judge Richard L. Young) decided the case for the plaintiffs. In an opinion entered in this case, as well as *Baskin v. Bogan*, *Fujii v. Pence*, and *Lee v. Pence*, Judge Young entered a permanent injunction ordering the State: not to deny marriage licenses to same-sex applicants and not to enforce the same-sex marriage ban; and to administer the same services and benefits to all married couples regardless if they are same-sex or different-sex.

As of June 25th, 2014, same-sex marriages were legal in the state of Indiana. The defendants sought a say in the district court, and filed an appeal. The district court did not rule on the stay motion for two days, so on June 27, the State filed an emergency stay motion in the 7th Circuit, which granted that motion that same evening.

In *Bowling v. Pence*, three lesbian women filed this lawsuit in the U.S. District Court for the Southern District of Indiana against the State of Indiana on March 14, 2014. The plaintiffs, two of whom are married to each other, represented by private attorneys, brought suit and asked the court for declaratory relief and both temporary and permanent injunctive relief. They claimed that Indiana's laws prohibiting the recognition of same-sex marriage, and the manner in which those statutes have been interpreted and enforced, violate the Due Process and Equal Protection clauses because they deny plaintiffs the right to the most important relationship in life and make them second-class citizens due to the range of benefits that the legal recognition of marriage allows. In addition, one of the plaintiffs wished to obtain a legal separation from her same-sex partner and was unable to legally to do so in Indiana.

Now What?

After Indiana lost it's battle to protect marriage, many constituencies who wanted these protections in place sought a different avenue. During the 2015 IGA session a new piece of legislation was put on the docket to give these protections, RFRA (Religious Freedom and Restoration Act). This Act was designed off of the many other states that currently have these laws passed (Figure 4).

But the difference with Indiana is that sexual orientation is not a protected class. This lack of protection essentially allows for organizations in the state to refuse business or services to anyone who is a sexual minority if it places a burden on their religious freedoms.

This current legislation is still working its way through the political machinations of the IGA. They have currently added legislation to help tone down the language of the bill rather than remove it and start again. But many think either of these options is merely a minor solution rather than attacking why the bill was far more conservative than its counterparts.

Conclusion

Based on the information received, the questions we sought out can be answered. The reason the ideology of marriage protection came about was due to the Hawaii Supreme Court case ruling in *Baehr v. Lewin (1993).* The institution of marriage was being altered and it was a key aspect to heterosexual culture. Those who adhered to this cultural norm wanted to preserve the idea of marriage so as to protect the way of life they had been accustomed to. Had the court case ruling never happened, the fight for marriage may never have coalesced as it did.

For Indiana, the reason the amendment never passed was due to the structure of the legislative process. When the amendment was introduced it would go to either a republican controlled committee or a democratic one. If it went republican, it always passed but if it went democratic it died in committee. Therefore the Speaker of the House can be either thanked or

blamed for Indiana's long debate, since he is the one who decides where legislation should be heard.

Because of this long stretch of time to codify marriage protection, the norms and values of the time started to change faster than the legislators could alter their document. This meant that the legislators had to go about protecting the institution in the only way they had left, the RFRA. The RFRA was helpful in creating protections against those who wished to not recognize same-sex marriages but it came at a cost to the state. Since sexual minorities are not a protected class in Indiana, the passage of the bill allowed for state businesses and institutions to discriminate against GLBT individuals if it was deemed a burden on their religious freedom.

What this means for gay rights and the state's reputation are diametrically opposed. Gay rights have now become entrenched in every state's legal code and Indiana seems to be taking measures a step back. Gay marriage will be guaranteed at the U. S. Supreme Court hearing this year and marriage will be equal to all, but will this kill the momentum of gay activism in the last two years or will there be an easy transition into another set of rights? For Indiana, it is only a matter of time before their law is tried and deemed unworthy. What will this mean for business and reputation? Have we alienated future talent for living and working here? The true answers to these next questions will come about after the current debate of religious freedom and marriage equality come to a close.

Appendix A

Language of the 2004 Marriage Protection Amendment:

> (a) Marriage in Indiana consists only of the union of one man and one woman. (b) This Constitution or any other Indiana Law may not be construed to require that marital status of the legal incidents of marriage be conferred upon unmarried couples or groups.

Source: IGA Archive 2005

Appendix B

Language of the 2011 Marriage Protection Amendment:

> Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not valid or recognized.

Source: IGA Archive 2014

Appendix C

Language of the Defense of Marriage Act

SECTION 1. Short Title.

This Act may be cited as the Defense of Marriage Act.

SEC. 2. Powers Reserved to the States.

No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

SEC. 3. Definition of Marriage.

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.

Source: IGA Archive 2014

Appendix D

Language of the 1993 Law Don't Ask, Don't Tell

(b) Policy. - A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that -

(A) such conduct is a departure from the member's usual and customary behavior;

(B) such conduct, under all the circumstances, is unlikely to recur;

(C) such conduct was not accomplished by use of force, coercion, or intimidation;

(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

(E) the member does not have a propensity or intent to engage in homosexual acts.

(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(3) That the member has married or attempted to marry a person known to be of the same biological sex.

Source: Human Rights Campaign

Appendix E

The 2014 Legislators of the HJC:

This committee was made up of the following legislators: Representative Gregory Steuerwald (R) of District 40 and Chair of the committee, Representative Patrick Bauer (D) of District 6, Representative Edward DeLaney (D) of District 86, Representative Ryan Dvorak (D) of District 8, Representative Vernon Smith (D) of District 14, Representative Thomas Washburn (R) of District 64, Representative Jerry Torr (R) of District 39, Representative Wendy McNamara (R) of District 76, Representative Jud McMillin (R) of District 68, Representative Daniel Leonard (R) of District 50, Representative Eric Koch (R) of District 65, Representative Bill Fine (R) of District 12, Representative Casey Cox (R) of District 85 and Vice Chair of the committee.

Source: IGA Archives 2014

Appendix F

Language of Marriage Protection Clarification Bill:

Section 1. As used in this chapter, "marriage amendment" refers to any amendment to Article 1 of the Constitution of the State of Indiana concerning marriage that was proposed by the one hundred seventeenth general assembly (P.L. 231-2011) and agreed to by the one hundred eighteenth general assembly.

Section 2. The general assembly intends and establishes that the purpose of the marriage amendment is to restrict the state, through legislative, executive, or judicial action, from creating or recognizing a legal status between unmarried individuals equivalent or substantially similar to marriage between one (1) man and one (1) woman. The first sentence of the marriage amendment prohibits the recognition of marriage between persons other than one (1) man and one (1) woman. The second sentence of the marriage amendment prohibits the state from circumventing the mandate of the first sentence by creating or recognizing a legal status equivalent or substantially similar to marriage by a different name.

Section 3. The general assembly intends and establishes that the marriage amendment does not prohibit or restrict in any way: (1) the extension of employment benefits by private sector employers, political subdivisions of the state, or state educational institutions to any beneficiary designated by an employed individual; (2) the adoption and enforcement of local ordinances granting to any category or class of persons equal opportunities for education, employment, access to public conveniences, access to accommodations, or acquisition of property or to rent property; (3) an individual from entering into or enforcing terms of a power of attorney, a will, a trust, or another similar lawful agreement or instrument (regardless of name) established for the benefit of another person; (4) an individual from giving or enforcing a lawful consent or other instrument (regardless of name) that grants powers, rights, or privileges to, imposes obligations on, or provides for the use by or transfer of property to

another person; (5) the protections provided under Indian's domestic violence laws or who may qualify for protection from domestic violence; or (6) action by the general assembly to protect or provide for the property, health, or safety of unmarried persons by appropriate legislation.

Source: IGA Archives 2014

Appendix G

The Legislators of the 2014 HEAC

The committee was composed of Representative Milo Smith (R) of District 59 and Chair of the committee, Representative Kathy Richardson (R) of District 29 and Vice Chair to the committee, Representative Lloyd Arnold (R) of District 74, Representative Woody Burton (R) of District 58, Representative Anthony Cook (R) of District 32, Representative Casey Cox (R) of District 85, Representative Edmond Soliday (R) of District 4, Representative Jeffrey Thompson (R) of District 28, Representative Timothy Wesco (R) of District 21, Representative John Bartlett (D) of District 95, Representative Philip GiaQuinta (D) of District 80, Representative Clyde Kersey (D) of District 43, and Representative Charles Moseley (D) of District 10.

Source: IGA Archives 2014

Figure 1
Pink indicates states with protections for sexual orientation and gender identity in employment
Source: National Conference of State Legislatures; Human Rights Campaign

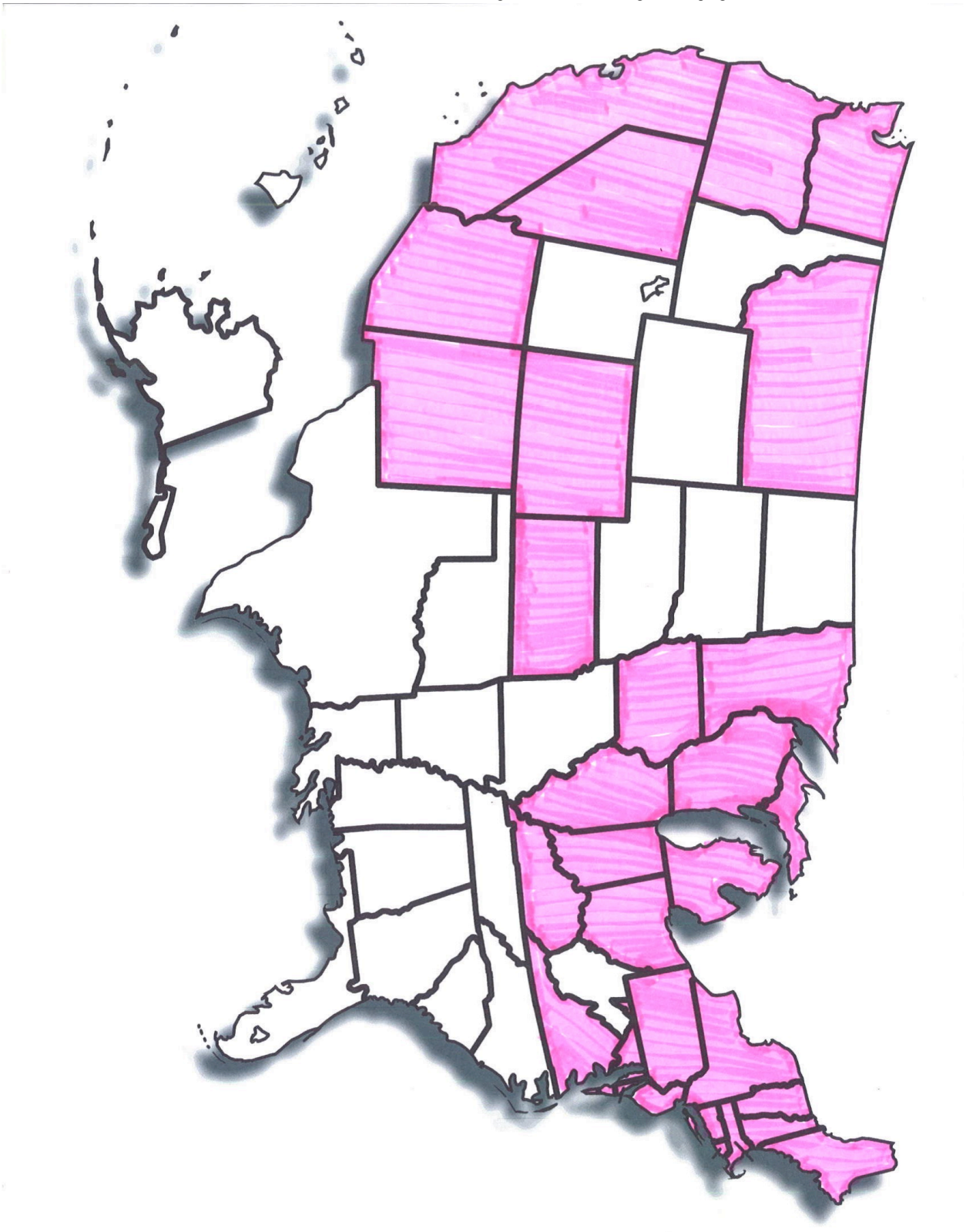
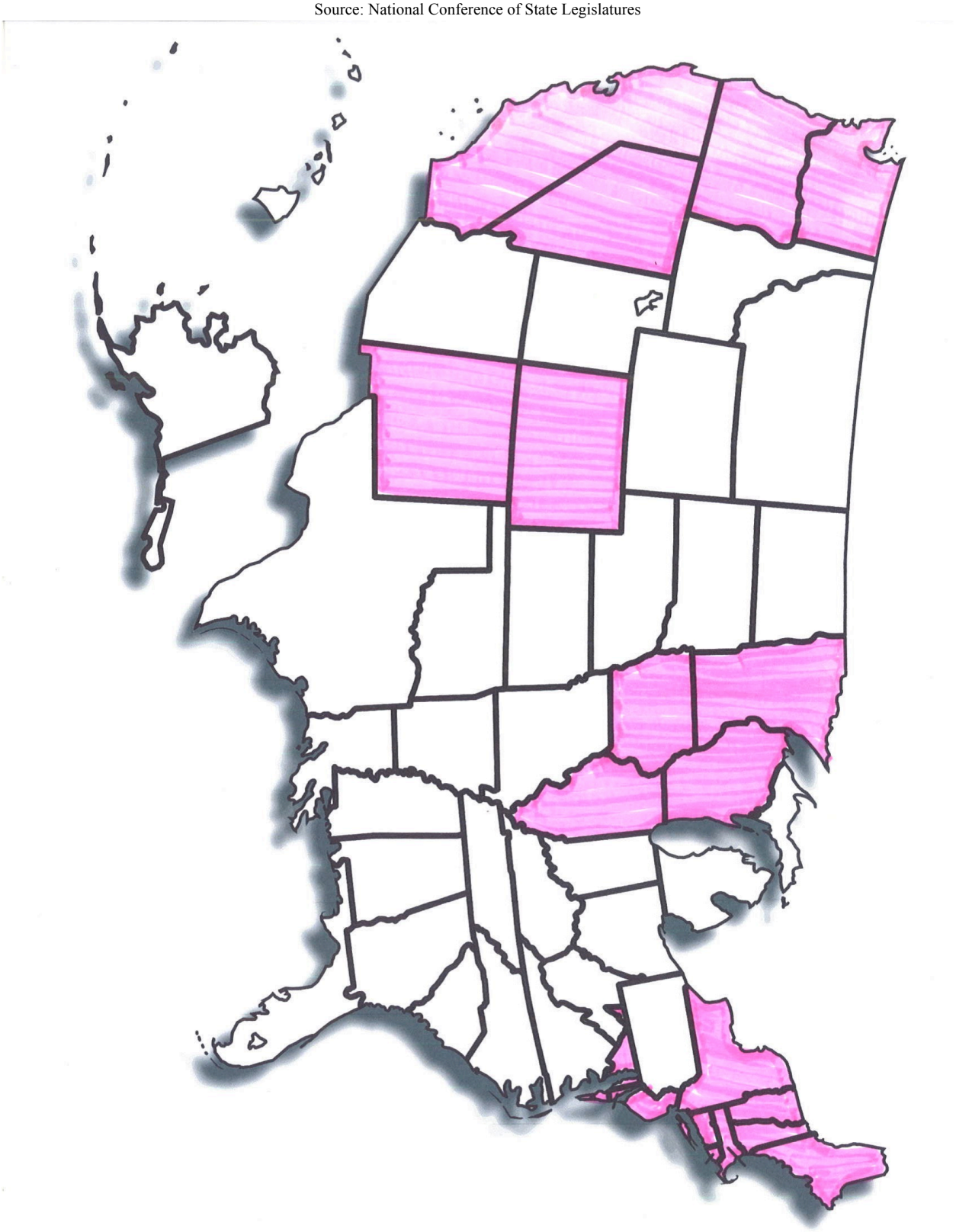


Figure 2

Pink indicates states with protections for sexual orientation and gender identity is housing accommodations

Source: National Conference of State Legislatures



Green indicates states with marriage equality
Orange indicates states with pro-marriage equality rulings that are pending further action
Purple indicates states appealing to the U.S. Supreme Court for a federal ruling on marriage equality
Source: National Conference of State Legislatures; Human Rights Campaign

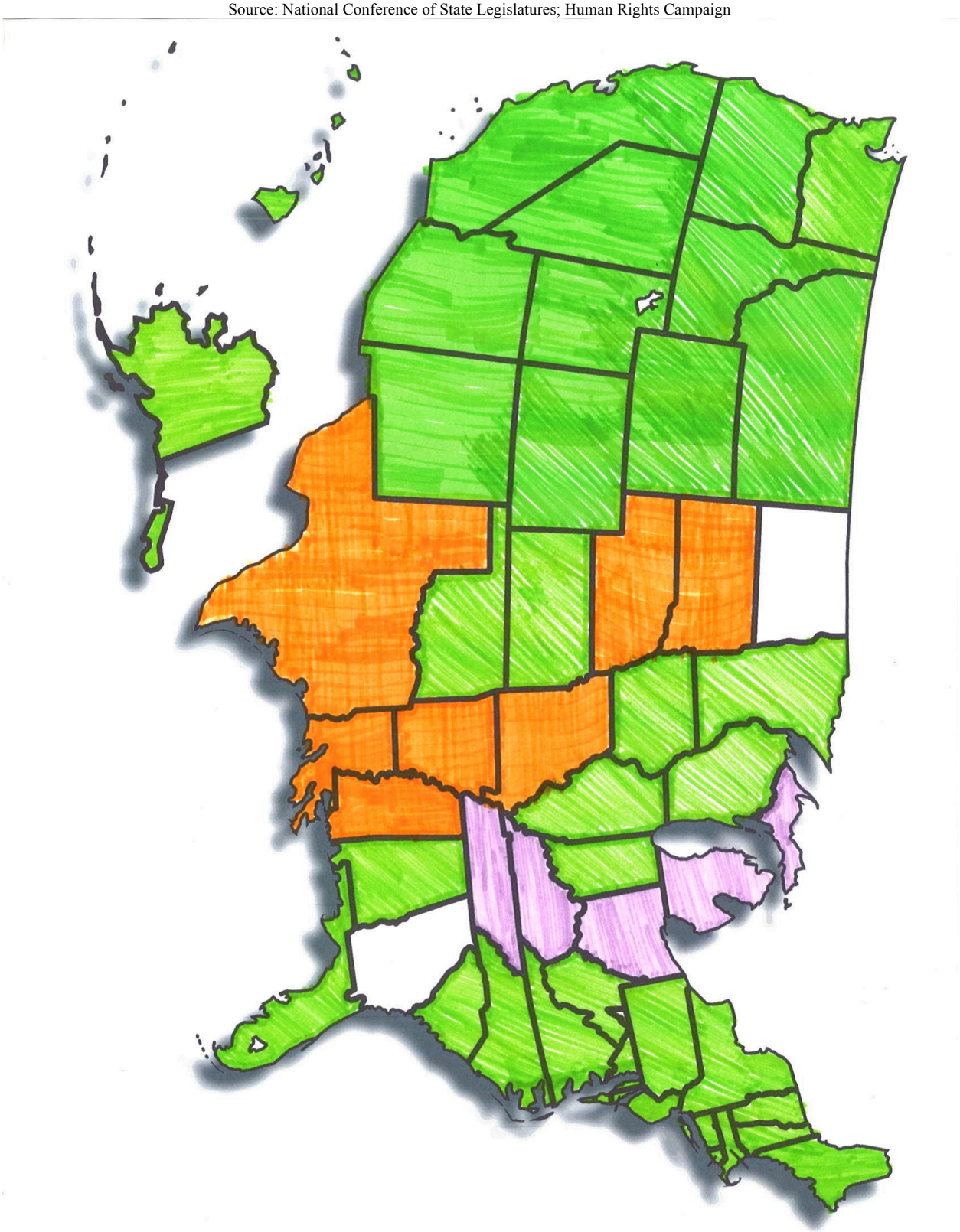
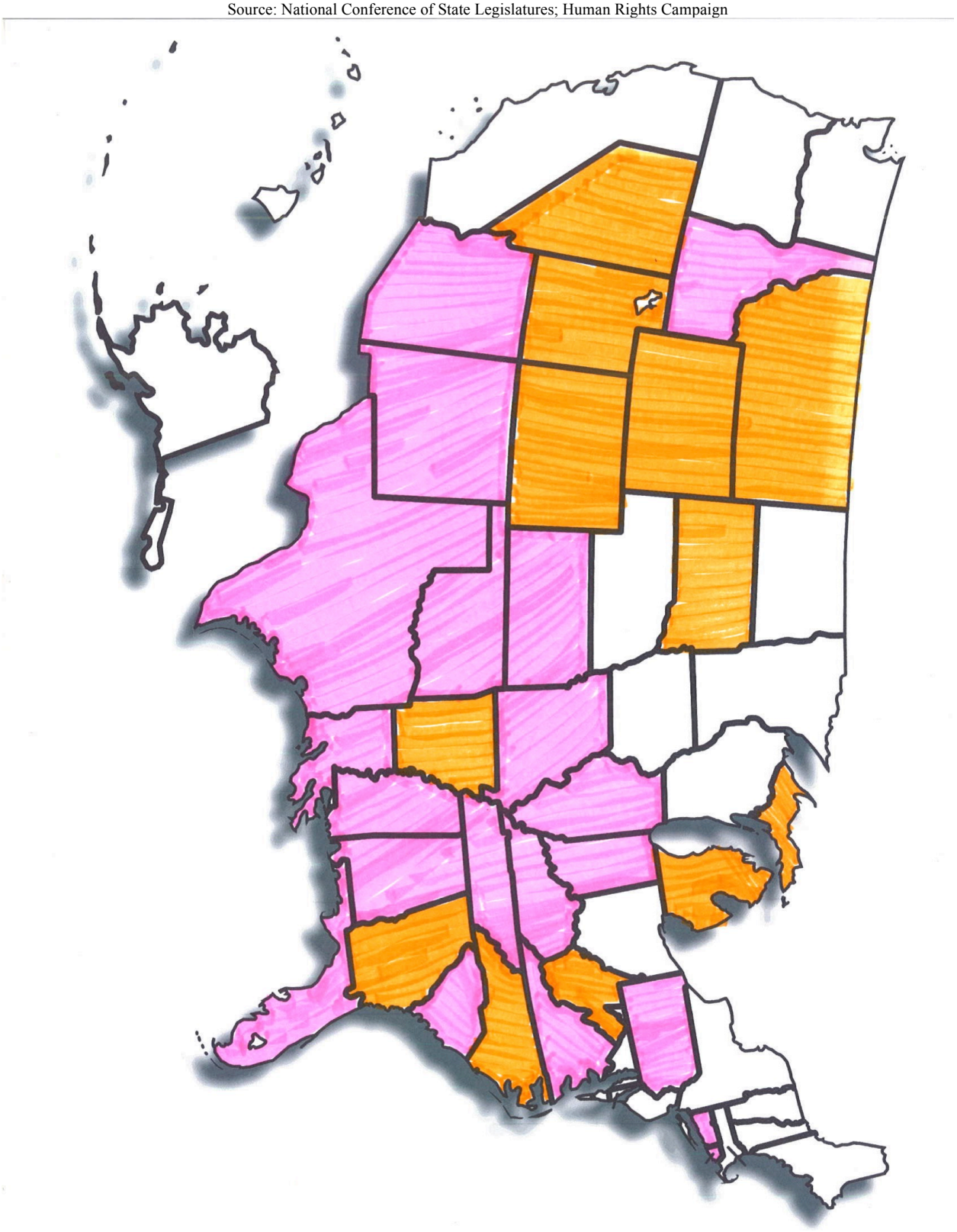


Figure 4
Pink indicates states with religious freedom laws
Orange indicates states with religious freedom laws on state legislature dockets
Source: National Conference of State Legislatures; Human Rights Campaign



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