

Gay and Lesbian Politics

Course Description: This course will provide a broad overview of the politics of gay rights in the United States. Topics to be examined include the history of the movement, the impact of public opinion, GLBT candidates for public office, ballot initiatives, the legal strategies employed by movement lawyers, major U.S. Supreme Court and state supreme court rulings dealing with gay rights, and the major issues involved at both the federal level (Defense of Marriage Act, Federal Marriage Amendment, Employment Non-Discrimination Act, Hate Crimes Prevention Act, Gays in the Military/“Don’t Ask, Don’t Tell”, Federal AIDS Policy) and the state level (Anti-Discrimination Laws, Hate Crimes Laws, Anti-Bullying/“Safe Schools” Laws, Adoption & Family Laws, and differing forms of relationship recognition or non-recognition). Particular emphasis will be placed on gay rights at the state level—where the vast majority of policy is made—and the major legal strategies/court rulings affecting the movement—since judiciaries have been the main venue for advancing gay rights arguments.

Books:

- *Gays and Lesbians in the Democratic Process*, Ellen Riggle & Barry Tadlock (eds.).
- *The Politics of Gay Rights*, Craig Rimmerman, Kenneth Wald, & Clyde Wilcox (eds.).
- *Rainbow Rights: The Role of Lawyers and Courts in the Lesbian and Gay Civil Rights Movement*, Patricia Cain.

Grading Criteria:

Midterm Exam	35%
Final Exam	35%
Response Paper 1	10%
Response Paper 2	10%
Class Participation	10%

Lectures, Readings, & Assignments:

Week 1	Introduction to the Course Overview of the Current State of Gay Rights in the United States Brief History of the Gay Rights Movement
Week 2	Public Opinion towards Gays and Lesbians

Topics: Shifting Public Opinion towards GLBTs and GLBT Issues
Generational Aspect of GLBT-related Public Opinion
Effect of Public Opinion on Public Policymaking at National, State, and Local Levels

Readings: GLDP Chapter 6 (pp. 118-145)
GLDP Chapter 7 (pp. 146-169)
PGR Chapter 16 (pp. 409-432)

Week 3 GLBT Candidates for Public Office

Topics: Public Opinion of GLBT Individuals/Candidates
How GLBT Candidates Present Themselves
--similarities/differences with minority
& female candidates
Strategies of Successful GLBT Candidates
Importance of GLBT Officeholders on
Representation & Public Opinion
Heterosexual Gay-Friendly Incumbents vs.
Homosexual Challengers—who to support?

Readings: GLDP Chapter 8 (pp. 170-191)
GLDP Chapter 9 (pp. 192-219)

Assignment: Response Paper to Chapter 9

Weeks 4, 5, 6 Gay Rights in the States

Topics: Anti-Discrimination Laws
Gay-Inclusive Hate Crimes Laws
School Bullying/ “Safe Schools” Laws
Adoption Laws re: Homosexuals &
Same-Sex Couples
Relationship Recognition
(Gay Marriage, Civil Unions,
Domestic Partnership Laws)
State-to-State Diffusion of Gay Rights Laws
State Courts & Gay Rights
(Effect of Judicial Selection Methods &
State Legal Cultures on Gay Rights Outcomes)
(Recent State Supreme Court Rulings on Gay
Marriage – Hawaii, Alaska, Vermont, Massachusetts,
Washington, New York, New Jersey)
State Legislatures & Gay Rights
Effectiveness of Pro-Gay & Anti-Gay Interest Groups
at the State Level
Backlash from Gay Rights Advances & Political Strategies of
Anti-GLBT Groups
Direct Democracy & State Gay Rights Policy

Readings: PGR Chapter 6 (pp. 121-138)
PGR Chapter 13 (pp. 290-319)
GLDP Chapter 4 (pp. 62-88)
Haider-Markel/Meier article (1996) [handout]

Haider-Markel article (2000) [handout]
DiSarro articles/chapters [handouts]

Week 7 Review for Midterm
Midterm Exam (IDs & Essays)

Week 8 Direct Democracy

Topics: Initiatives, Referenda, & “People’s Vetoes”
Use of Direct Democracy to Overturn Pro-Gay Policy
& Enact Anti-Gay Policy
DOMAs & Constitutional Marriage Bans
Effect of Anti-Gay Ballot Measures on Voter Turnout
Effect of Anti-Gay Ballot Measures on Public Opinion
Gay Adoptions—The Next Target?

Readings: PGR Chapter 8 (pp. 161-190)
Gamble article (1997) [handout]
Tolbert articles [handouts]
Wenzel/Donovan/Bowler chapter [handout]

Week 9 Gay Rights at the National Level

Topics: Defense of Marriage Act
Federal Marriage Amendment
Employment Non-Discrimination Act
Hate Crimes Prevention Act
Gays in the Military/ “Don’t Ask, Don’t Tell”
Federal AIDS policy

Readings: PGR Chapter 9 (pp. 193-216)
PGR Chapter 11 (pp. 249-265)
PGR Chapter 14 (347-376)

Weeks 10 & 11 GLBT Legal Strategies

Topics: “Sameness” vs. “Difference” Arguments
Public Rights vs. Private Rights
Rights of Government Employees & Military
Freedom of Association & Free Speech
Equal Protection & Due Process Claims
“Suspect Classification” Arguments &
“Tiers of Scrutiny”
Challenges to State Sodomy Laws &
Privacy Arguments
Family Law & Child Custody Cases
Arguments for & against Gay Marriage

Readings: RR Chapters 1-6 (pp. 12-182)

Weeks 12 & 13 Gay Rights at the Supreme Court

Topics/Cases: *ONE Inc. v. Olesen* (1958)
Bowers v. Hardwick (1986)
Lawrence v. Texas (2003)
Hurley v. Irish-American Gay Group of Boston (1995)
Boy Scouts of America v. Dale (2000)
Rumsfeld v. Forum for Academic and Institutional Rights (2006)
Romer v. Evans (1996)
Equality Foundation of Greater Cincinnati, Inc. v. City of Cincinnati (1996)
Loving v. Virginia (1967)
Turner v. Safely (1987)
Baehr v. Lewin (Hawaii Sup. Ct. 1993)
Baker v. Vermont (Vt. Sup. Ct. 1999)
Goodridge v. Department of Public Health (Mass. Sup. Ct. 2003)

Readings: *Romer v. Evans* (1996) [handout]
Murdoch/Price Chapter 16 [handout] (pp. 451-482)
Lawrence v. Texas (2003) [handout]

Assignment: Response Paper to Murdoch/Price chapter

Week 14 Gay Rights in Comparative Perspective

Topics: Gay Rights in Europe, Canada, Australia, & New Zealand
Gay Rights in Asia, Africa, and the Middle East
Impact of other nations' policies on U.S. Public Opinion & Public Policymaking

Week 15 Review for Final Exam
Final Exam (IDs & Essays)