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USA

Gay Rights Movement mobilizes and wins victory against discrimination

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The U.S. gay rights movement won a tremendous victory in early April as governors and the state legislatures in Indiana and Arkansas were forced to back down and revise laws that would have discriminated against gay and lesbian couples. [1]

The controversy was over religious freedom versus gay rights. With more and more states passing marriage equality laws—37 of 50 states and the District of Columbia now have such laws allowing same-sex couples to marry—some conservative state governments reacted by attempting to pass religious freedom laws, ostensibly to protect religious rights, but actually to allow religious conservatives to discriminate against gays and lesbians.

The current batch of religious freedom laws are based on a U.S. federal statute called the Religious Freedom Restoration Act of 1993 that was originally intended to protect Native Americans whose religious involved using drugs such as peyote.

Conservatives then decided to pass similar laws at the state level not to protect the indigenous peoples' right, but to protect Evangelical Christians who oppose same-sex marriage. Under such laws, private individuals or businesses would not have to serve LGBT folks, for example, a baker could refuse to make a cake for a gay wedding. Some 19 states passed such religious freedom laws intended to build an impermeable wall between Evangelicals and the gay movement.

But it is clear that times have changed. When the Indiana legislature passed and Governor Michael Pence signed a religious freedom law that would, for example, have allowed private parties to discriminate, the LGBT movement spoke out and organized against it at once. At about the same time Governor Asa Hutchinson of Arkansas was signing a similar bill passed by the Arkansas legislature, with a similar reaction from gay rights groups.

Gay organizations called the new laws “a license to discriminate” and immediately organized protests in Indiana and Arkansas as well as turning the issue into a national debate. LGBT organizations, Lambda Legal, the American Civil Liberties Union, and the Human Rights Campaign joined together in legal and lobbying efforts, while many local LGBT organizations and grassroots activists went into motion.

What was astonishing in this political fight was the enormous amount of public support from around the country for the LGBT movement and for marriage equality. The National Collegiate Athletic Association, which is based in Indiana and organizes all university sports events, expressed its concern about how LGBT athletes might be treated in Indiana. The NCAA was joined by the National Basketball Association, and the Women's National Basketball Association.

Many major corporations, under pressure for years now from the threat of LGBT boycotts, came out against the bill and after it passed, demanded that it be revised to ensure no discrimination against gays and lesbians. In Indiana, Apple, Angie's List, Eli Lilly, and Anthem were among nine major corporations that came out opposing the religious freedom law as originally proposed. In Arkansas Acxiom, Apple, and Wal-Mart—the country's largest retailer—joined in opposing the religious freedom law for discriminating against gays and lesbians.

Under pressure from the LGBT movement, the corporations, and the public at large, the governors Pence and Hutchinson and the Indiana and Arkansas legislatures revised the legislation to protect LGBT rights. The strong reaction and rapid retreat by conservatives probably means the end of any similar bills during this legislative season.

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This stunning victory is the latest expression of what has been a decade of successes by the marriage equality movement. It was only in 2004 that the first legal gay marriage in the United States took place; today more than two-thirds of the states permit gay marriage. In 2004 only 30 percent of Americans supported same-sex marriage; today the figure is 59 percent according to a recent poll. Support for gay marriage, though still less than a majority, has even risen significantly among conservatives and Republicans, while some 74% of Democrats support same-sex marriage. About three-quarters of young people (18-35) support same-sex marriage.

Many on the left in the LGBT movement have criticized the emphasis on marriage equality laws, arguing that they play into the most conservative views about marriage, nuclear families, and religion.

Still there is no denying that the LGBT marriage-equality movement has had an enormous impact on American society, winning in the last decade legal rights and political influence comparable to the black civil rights movement at high tide in the 1960s and the women's movement's accomplishments in the 1970s. Gay marriage rights have now been institutionalized in laws, court decisions, and in changes in public consciousness that will make it difficult to turn back the clock.

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[1] This article was originally written for the Swiss socialist newspaper *solidaritéS* for which I am a correspondent with the goal of giving activists there some sense of the recent fight for marriage equality in the United States. - DL