

What Makes a Movement Successful?



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Supporting Questions

1. How is the LGBTQ+ movement's progress affected by the public's reaction?
2. How have government leaders and policies impacted the movement?
3. How has the Supreme Court influenced the movement?
4. What role do people within the LGBTQ+ community play in the movement?

What makes a movement successful?

C3 Framework Indicator	D2.Civ.5.9-12: Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.
Staging the Question	Read <i>Changing Attitudes on Same Sex Marriage, Gay Friends and Family</i> and discuss the LGBTQ+ movement with respect to the government and its policies on the local, state, and national levels.

Supporting Question 1	Supporting Question 2	Supporting Question 3	Supporting Question 4
Understand	Understand	Understand	Understand
How is the LGBTQ+ movement's progress affected by the public's reaction?	How have government leaders and policies impacted the movement?	How has the Supreme Court influenced the movement?	What role do people within the LGBTQ+ community play in the movement?
Formative Performance Task	Formative Performance Task	Formative Performance Task	Formative Performance Task
Assess the public reaction's effect on the LGBTQ+ movement using the Movement Analysis Organization Chart.	Assess the impacts of legislation and governmental figures' effect on the LGBTQ+ movement using the Movement Analysis Organization Chart.	Evaluate the Supreme Court's establishment of precedent using the Movement Analysis Organization Chart.	Develop an evidence-based claim that addresses how the movement was affected by the personal experiences of people within the LGBTQ+ community.
Featured Sources	Featured Sources	Featured Sources	Featured Sources
Source A: Compton's Cafeteria clips and article, <i>Screaming Queens</i> , NPR Source B: "ERA and Homosexual 'Marriages'," <i>The Phyllis Schlafly Report</i> Source C: "From Montgomery to Stonewall" speech, Bayard Rustin Source D: "The Earth is Round," <i>It's Time</i>	Source A: "Hope Speech," Harvey Milk Source B: Excerpts of various legislation impacting LGBTQ+ Source C: "Playing Politics at the Military's Expense," <i>The New York Times</i> Source D: "The Prime Rib of America," Lady Gaga	Source A: <i>Romer v. Evans</i> Majority Opinion Source B: <i>Lawrence v. Texas</i> Applicant Oral Argument and Dissenting Opinion Source D: <i>United States v. Windsor</i> Majority Opinion Source E: <i>Obergefell v. Hodges</i> Majority and Dissenting Opinions	Source A: "Coming Out To My Father," <i>The New Yorker</i> , Richard Socarides Source B: Images about the AIDS crisis Source C: <i>The Politics of Being Queer</i> , Paul Goodman Source D: <i>When We Rise</i> , Cleve Jones

Summative Performance Tasks	ARGUMENT Construct an argument (i.e. essay or presentation) that addresses the compelling question, using specific claims and relevant evidence from historical and contemporary sources while acknowledging competing views.
	EXTENSION Participate in a Socratic Seminar about the LGBTQ+ community and movement, incorporating your personal experiences and perspective (e.g. from conversations, media, television/movies, etc.).
Taking Informed Action	ACTION: Social Justice
	ASSESS Research and discuss the current progress of the LGBTQ+ movement (i.e. rights given to members of the LGBTQ+ community) at the local, state, or national levels, considering the larger movement. ACT Write to an outside institution (e.g. local newspaper, State Fairness Campaign, ACLU, etc.) discussing current policies and further steps needed.

Inquiry Description

This inquiry leads students through an investigation of the LGBTQ+ movement, primarily driven by the history of the movement through various accounts and perspectives. The compelling question—"What makes a movement successful?"—does not address whether or not the movement was successful, but instead assesses the components of a movement and whether the movement is in a period of growth or has already peaked. Likewise, the inquiry provides space to assess the enduring struggles of rights movements to consider the twisted road of progress. Although the focus of this inquiry is on the LGBTQ+ movement, parallels can be drawn to other social movements in history with respect to organization, activism, and overall execution, including the Civil Rights Movement or the women's suffrage and rights movements. Specifically, this inquiry looks at four different aspects that can potentially shape a movement in its foundation as well as its rise, namely public reaction, government leaders and policies, Supreme Court cases, and personal experiences.

In addressing the compelling question—"What makes a movement successful?"—students will be required to evaluate multiple sources of different origins, making distinctions in terms of point of view, time, meaning, and context. Students will complete a graphic organizer that seeks to promote comparative analysis of the sources and questions. For the first three tasks, the organizer addresses the advancements and setbacks of the movement and incorporates the significance of the source respective to chronology of the movement. For the fourth and final task, students build on the organizer by comparing the sources of the first three supporting questions with those in the last, allowing them to further scrutinize the components of a successful social movement. Because the inquiry is naturally argumentative, answering the compelling questions will challenge students to take a position that acknowledges nuances within the movement, enhancing the depth of their arguments.

Throughout the inquiry, students will examine each individual aspect independently, evaluating the merits, strengths, and significance of each provided source in the "Movement Analysis Organization Chart." The summative task will require a compilation and synthesis of the sources in this investigation in order to form an argument to address the compelling question.

NOTE: This inquiry is expected to take five to seven 60-minute class periods. The time needed depends on what lesson elements teachers would like to focus. Teachers are encouraged to add and subtract additional resources according to preference, instructional time, and student needs. Resources can also be modified as necessary to meet individualized education programs (IEPs) or Section 504 Plans for students with disabilities.

Content Notes

The story of the LGBTQ+ movement, as it is known today, reflects a culmination of public reaction, government leaders' responses, governmental policies, Supreme Court cases, and individual experiences from within the community.

Following the Stonewall Riots in New York—a confrontation between the LGBTQ+ community and the police leading to injuries, arrests, and hospitalization—the movement increasingly caught and attracted many individuals' attentions to the existence of the LGBTQ+ community, though their legitimacy was still frequently questioned. On the other side of the country, the LGBTQ+ community began to congregate in the Castro district in San Francisco (among many other places) in the 1970s. Many cities were beginning to see a rise in the presence of advocacy efforts for the LGBTQ+ community. Since then, a number of voices from opposing sides of the movement have come to light before the eyes of the nation (e.g. Anita Bryant, Proposition 6, Cleve Jones, AIDS movement reactions), encouraging discussion, deliberation, and eventually action by the government, affecting civil rights for

that group.

Typically, LGBTQ+ issues are not readily and heavily discussed in a traditional classroom setting; as such, this inquiry serves to expose students to the wide array of activities that led to the development of what the LGBTQ+ movement is today. Furthermore, this inquiry deviates from the more recognizable parts of the movement (e.g. Stonewall Riots) and instead explores notable figures such as Harvey Milk and landmark Supreme Court cases, including *U.S. v. Windsor*.

These components contributed to the buildup of the movement, which continues to grow today. The inquiry is broken down into these various pieces. This analytical structure leads to a more comprehensive understanding of the components of movements in the past and present, in order to better understand how they grow in influence.

Additional Resources

Megan E. Springate, ed., *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History*, National Park Service, 2016. Accessed from:
<https://www.nps.gov/subjects/lgbtqheritage/upload/lgbtqtheme-vol1.pdf>.

"Changing Attitudes on Gay Marriage," *Pew Research Center*, 26 June 2017. Accessed from:
<https://www.pewforum.org/fact-sheet/changing-attitudes-on-gay-marriage/>.

Learning Standards & Instructional Framework

This inquiry highlights the following C3 Framework Indicators:

- D2.Civ.13.9-12. Evaluate public policies in terms of intended and unintended outcomes, and related consequences.
- D2.Civ.14.9-12. Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.
- D2.His.1.9-12. Evaluate how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.
- D2.His.3.9-12. Use questions generated about individuals and groups to assess how the significance of their actions changes over time and is shaped by the historical context.

The following Kentucky Academic Standards (2019), JCPS Instructional Framework indicators, and JCPS Graduate Profile Success Skills are highlighted in this inquiry lesson:

Kentucky Academic Standards

- HS.UH.CH.1** Examine the ways diverse groups viewed themselves and contributed to the identity of the United States in the world from 1877-present.
- HS.UH.CE.5** Evaluate the ways in which groups facing discrimination worked to achieve expansion of rights and liberties from 1877-present.
- HS.C.RR.2** Explain how active citizens can affect the lawmaking process locally, nationally and internationally.
- HS.C.CV.3** Analyze the impact of the efforts of individuals and reform movements on the expansion of civil rights and liberties locally, nationally and internationally.

Jefferson County Public Schools *Instructional Framework*

Engage Questioning	Engage Sources	Engage Discussion	Communicate Conclusions
<i>Teachers will:</i>			
<ul style="list-style-type: none"> • Make connections to past learning • Spark curiosity by using sources, data, trends, ideas, and student experiences 	<ul style="list-style-type: none"> • Provide sources with multiple perspectives • Listen, assess, provide feedback, and document student progress 	<ul style="list-style-type: none"> • Facilitate and monitor student groups, prompt students, challenge interpretations, and ask for clarification, solicit questions • Require students to use evidence to support interpretations 	<ul style="list-style-type: none"> • Provide opportunities for students to synthesize learning through writing, speaking, and organizing tasks • Provide opportunities to take informed action
<i>Students will:</i>			
<ul style="list-style-type: none"> • Ask clarifying, exploratory, and meaningful questions • Employ strategies for addressing questions through discussion and sources 	<ul style="list-style-type: none"> • Ask content specific questions • Employ critical thinking strategies to investigate, source, and corroborate evidence to complete tasks 	<ul style="list-style-type: none"> • Employ critical thinking strategies to lead discussions, make connections, identify problems, and pose solutions • Use evidence to engage sources, interpretations, and peers' thinking 	<ul style="list-style-type: none"> • Synthesize learning by using evidence to construct and critique--written and verbal--explanations, claims, and arguments for a variety of purposes and audiences • Take informed action

Jefferson County Public Schools *Graduate Profile Success Skills*

Prepared and Resilient Learner	<ul style="list-style-type: none"> • Demonstrates knowledge of content skills and standards • Applies content knowledge to real world contexts and in interdisciplinary ways
Globally and Culturally Competent Citizen	<ul style="list-style-type: none"> • Explores community and global issues from the perspectives of those most impacted and creates actionable solutions • Employs democratic processes to come to decisions and solutions
Emerging Innovator	<ul style="list-style-type: none"> • Employs a sense of curiosity and inquiry; seeks to learn • Applies a design process (e.g. research, ideation, modeling, prototyping and testing) to create new solutions, products and processes
Effective Communicator	<ul style="list-style-type: none"> • Uses appropriate conventions and evidence to convey ideas clearly in writing, verbally, digitally and visually • Adapts message to purpose and needs of the audience
Productive Collaborator	<ul style="list-style-type: none"> • Works effectively with diverse groups to accomplish a common goal • Actively listens to understand others' ideas and perspectives

Staging the Compelling Question

Staging Task	Discuss the LGBTQ+ movement with respect to the government and its policies on the local, state, and national levels.
Featured Sources	<p>Source A: “Changing Attitudes on Same Sex Marriage, Gay Friends and Family,” <i>Pew Research Center</i>, 6 June 2013.</p> <p>Accessed from: https://www.people-press.org/2013/06/06/changing-attitudes-on-same-sex-marriage-gay-friends-and-family/.</p>

In staging the inquiry lesson, teachers can have a class discussion about the LGBTQ+ movement with respect to the government and its policies. Students should discuss the relevance of this issue in consideration of the multiple levels of government, as well as how to address social issue policies.

The source provided, “Changing Attitudes on Same Sex Marriage, Gay Friends and Family,” from the *Pew Research Center*, frames the compelling question to deal specifically with the LGBTQ+ movement. Regardless of prior knowledge, the source focuses on the issue at hand and provides context as students begin to work through the inquiry. By looking at the changes in attitudes through time, the source provides a framework for the rest of the inquiry. As this study is from 2013, teachers may want to either supplement it with a more recent piece or have students consider how attitudes may have evolved since the research was conducted. See additional resources (p.4) for a Pew study from 2017 on how public opinion towards gay marriage has changed.

Supporting Question 1

Supporting Question	How is the LGBTQ+ movement's progress affected by the public's reaction?
Formative Performance Task	Assess the public reaction's effect on the LGBTQ+ movement using the Movement Analysis Organization Chart.
Featured Sources	<p>Source A: Nicole Pasulka, "Ladies In The Streets: Before Stonewall, Transgender Uprising Changed Lives," <i>NPR</i>, 5 May 2015.</p> <p>Article, accessed from: https://www.npr.org/sections/codeswitch/2015/05/05/404459634/ladies-in-the-streets-before-stonewall-transgender-uprising-changed-lives</p> <p>Documentary trailer, accessed from: https://vimeo.com/27347012 and https://youtu.be/rDefl11mCGk.</p>
	<p>Source B: "ERA and Homosexual 'Marriages,'" <i>The Phyllis Schlafly Report newspaper</i>, Vol. 8, No. 2, Section 2, September 1974.</p> <p>Accessed from: https://eagleforum.org/publications/psr/sept1974.html.</p>
	<p>Source C: Bayard Rustin, "From Montgomery to Stonewall" speech, 1986.</p> <p>Accessed from: http://rustin.org/wp-content/uploads/centennial/1986%20From%20Montgomery%20to%20Stonewall.pdf.</p>
	<p>Source D: "The Earth is Round," <i>It's Time</i>, May 1974.</p> <p>Accessed from: http://rmc.library.cornell.edu/HRC/exhibition/stage/stage_18.html</p>

Supporting Question 1 and Formative Performance Task

The first supporting question—"How is the LGBTQ+ movement's progress affected by the public's reaction?"—looks at the movement in terms of how the movement is affected by the interactions between news media and the public's reaction. The formative performance task calls on students to begin the Movement Analysis Organization Chart, assessing the advancements and setbacks detailed in the sources as well as the accounts' placement on the timeline.

Featured Sources

The featured sources show different public responses to the LGBTQ+ movement. These sources only show a portion of the movement with which the public was involved. Teachers and students are encouraged to supplement, annotate, or subtract any of the sources.

SOURCE A The first featured source is an article discussing the documentary, "Screaming Queens: The Riot at Compton's Cafeteria," which chronicles violence directed towards the transgender community prior to the

Stonewall Riots in New York. Links to the documentary trailer are also included.

SOURCE B The second source is an excerpt from the Phyllis Schlafly newspaper. Schlafly was a well-known conservative leader, who self-identified as an anti-feminist and campaigned against the Equal Rights Amendment.

SOURCE C Featured Source C is an excerpt from a speech given by Bayard Rustin. Rustin was a civil rights activist, championing an end to racial discrimination, as well as advocating for gay rights. An African-American gay man, Rustin's sexuality was controversial within the larger civil rights movement. In this speech, Rustin encourages gay rights activists to protest to achieve equality as Rosa Parks and those who boycotted the Montgomery buses did.

SOURCE D The fourth source is an article from *It's Time*, the monthly newsletter of the National Gay Task Force. This article describes the American Psychiatric Association's (APA) removal of homosexuality from its lists of mental illnesses.

Supporting Question 2

Supporting Question	How have government leaders and policies impacted the movement?
Formative Performance Task	Assess the impacts of legislation and governmental figures' effect on the LGBTQ+ movement using the Movement Analysis Organization Chart.
Featured Sources	Source A: Harvey Milk, "Hope Speech," at San Francisco's Gay Freedom Day Parade, 1978 Accessed from: http://terpconnect.umd.edu/~jklumpp/ARD/MilkSpeech.pdf .
	Source B: Excerpts of various legislation impacting LGBTQ+ <ul style="list-style-type: none"> • Defense of Marriage Act, 1996 • Religious Freedom Restoration Act (Indiana), 2015 • Public Facilities Privacy & Security Act (North Carolina), 2016
	Source C: Carl E. Mundy, "Playing Politics at the Military's Expense," <i>The New York Times</i> , 17 December 1999. Accessed from: https://nyti.ms/2CZe07l Response to Mundy's editorial: https://nyti.ms/2D1IS8s
	Source D: Lady Gaga, "The Prime Rib of America," speech, 10 September 2010 Accessed from: http://www.mtv.com/news/1648304/lady-gagas-dont-ask-dont-tell-speech-the-full-transcript/

Supporting Question 2 and Formative Performance Task

The second supporting question—"How have government leaders and policies impacted the movement?"—layers in the role of the government on top of the public reaction, allowing students to better analyze the history of policies that affect the LGBTQ+ community. The formative performance task asks students to add to the Movement Analysis Organization Chart, assessing the advancements and setbacks detailed in the sources as well as the accounts' placement on the timeline.

Featured Sources

The featured sources show different responses to LGBTQ+ rights. When using the sources, teachers and students should pay close attention to the origin and perspective of each, as the way in which each reflects governmental policies varies. These sources represent a small part of the broader political discourse. Thus, additional sources can be used to supplement the featured sources in order for students to improve their arguments. Teachers and students are encouraged to supplement, annotate, or subtract any of the sources.

SOURCE A The first featured source is an excerpt from Harvey Milk's Hope Speech, where he outlines discrimination against homosexuals. Milk was the first openly gay public official in California politics.

SOURCE B Featured Source B includes excerpts from three pieces of relatively recent legislation that affected the

LGBTQ+ community: Defense of Marriage Act, 1996; Religious Freedom Restoration Act (Indiana), 2015; and the Public Facilities Privacy & Security Act (North Carolina), 2016.

SOURCE C The third featured source is an op-ed submitted to the *New York Times*, defending Bill Clinton’s “Don’t Ask, Don’t Tell” policy.

SOURCE D The final source is an excerpt from Lady Gaga’s “The Prime Rib of America” speech addressing the “Don’t Ask Don’t Tell” policy.

Supporting Question 3

Supporting Question	How has the Supreme Court influenced the movement?
Formative Performance Task	Evaluate the Supreme Court's establishment of precedent using the Movement Analysis Organization Chart.
Featured Sources	Source A: Supreme Court of the United States, Chief Justice Anthony Kennedy, Majority Opinion of <i>Romer v. Evans</i> , 20 May 1996. Accessed from: https://supreme.justia.com/cases/federal/us/517/620/
	Source B: Paul M. Smith, Esq., Oral Argument on behalf of John Geddes Lawrence and Tyron Garner, <i>Lawrence v. Texas</i> , 26 March 2003. Justice Anton Scalia, Dissenting Opinion, 26 June 2003. Accessed from: https://supreme.justia.com/cases/federal/us/539/558/
	Source C: Supreme Court of the United States, Chief Justice Anthony Kennedy, Majority Opinion of <i>United States v. Windsor</i> Majority Opinion, 26 June 1996. Accessed from: https://supreme.justia.com/cases/federal/us/570/12-307/
	Source D: Supreme Court of the United States, Majority and Dissenting Opinions of <i>Obergefell v. Hodges</i> , 26 June 2015. Accessed from: https://supreme.justia.com/cases/federal/us/576/14-556/

Supporting Question 3 and Formative Performance Task

The third supporting question asks—“How has the Supreme Court influenced the movement?” This question further narrows the focus of the movement to a specific governmental institution that has had a great impact in shaping its progression: the Supreme Court of the United States (SCOTUS). It asks students to analyze the opinions of the court and oral arguments before the court in notable cases that affected the movement's direction. The formative performance task calls on students to further add on to the Movement Analysis Organization Chart, assessing the advancements and setbacks detailed in the sources as well as the accounts' placement on the timeline.

Featured Sources

The featured sources include excerpts from notable SCOTUS cases. Students should feel free to look at other notable legislation such as *Bower v. Hardwick*, *Boy Scouts of America v. Dale*, and *Hollingsworth v. Perry* to advance their arguments.

SOURCE A The first featured source is the majority opinion of *Romer v. Evans*. *Romer v. Evans* was the first Supreme Court case to address LGBTQ+ rights issues since sodomy criminalization laws were ruled constitutional in *Bowers v. Hardwick* in 1986. The *Romer* case deals with Amendment 2, which was adopted by Colorado voters to their State Constitution that precluded any legislative, executive, or judicial actions designed to protect persons from

discrimination based on their "homosexual, lesbian, or bisexual orientation, conduct, practices or relationships."

SOURCE B The second featured source is the applicant oral argument and dissenting opinion of *Lawrence v. Texas*. *Lawrence v. Texas* arose when police responded to a reported weapons disturbance in a private residence, entering John Lawrence's apartment and saw him and another adult man, Tyron Garner, engaging in a private, consensual sexual act, resulting in arrest and conviction for violating a Texas statute. This case revisited and eventually overturned *Bowers v. Hardwick*, which outlawed sodomy in 1986.

SOURCE C The third featured source is the majority opinion of *U.S. v. Windsor*. *U.S. v. Windsor* revolves around The Defense of Marriage Act (DOMA), which was enacted in 1996 and states that, for the purposes of federal law, the words "marriage" and "spouse" refer to legal unions between one man and one woman. Thea Spyer, the late spouse of Edith Windsor, left her estate upon her death to Windsor. However, because marriage was not recognized by federal law through DOMA, the government imposed \$363,000 in taxes rather than no taxes through marital exemption, prompting the fruition of this case.

SOURCE D The final source is the majority and dissenting opinions of *Obergefell v. Hodges*. This case used the Fourteenth Amendment as precedent for equal protection of same-sex couples. It held that states were required to issue licenses and recognize same-sex marriage.

Supporting Question 4

Supporting Question	What role do people within the LGBTQ+ community play in the movement?
Formative Performance Task	Develop an evidence-based claim that addresses how the movement was affected by the personal experiences of people within the LGBTQ+ community.
Featured Sources	Source A: Richard Socarides, “Coming Out To My Father,” <i>The New Yorker</i> , 8 April 2013. Accessed from: https://www.newyorker.com/news/news-desk/coming-out-to-my-father
	Source B: Images about the AIDS crisis. <ul style="list-style-type: none"> • Marc Gellar, “AIDS Quilt displayed on the Mall,” <i>Digital Public Library of America</i>, April 1988. Accessed from: http://aidsquilttouch.org/experience-quilt. • ACT UP New York, “Silence = Death,” <i>Digital Public Library of America</i>, 1996-1997. Accessed from: https://digitalcollections.nypl.org/items/8b4ad64e-cc59-ac0f-e040-e00a18064938
	Source C: Paul Goodman, <i>Memoirs of an Ancient Activist</i> , retitled: <i>The Politics of Being Queer</i> , November 15, 1969. Accessed from: https://bit.ly/2ONU7Z
	Source D: Cleve Jones, <i>When We Rise</i> (book excerpts), 2016.

Supporting Question 4 and Formative Performance Task

The fourth and final supporting question—“What role do people within the LGBTQ+ community play in the movement?”—directs the attention of students to those most intimately affected by the movement’s progress, that is, the people of the LGBTQ+ community themselves. The sources’ shift in point of view moves the inquiry towards consideration of first-hand accounts of those impacted, personalizing the reality behind the policies, decisions, and reactions. The formative performance task calls on students to complete the Movement Analysis Organization Chart, forming a claim to answer the supporting question of how the movement was affected by the personal experiences of people within the LGBTQ+ community. To organize students’ evidence and claims, teachers can have students use the [Argument-Claim-Evidence graphic organizer](#).

Featured Sources

The featured sources are meant to give students an inside view of the movement, and as such, students are able to expand their arguments past the text and information available online and consider personal accounts as a resource in understanding historical events.

SOURCE A The featured sources include an excerpt of Richard Socarides, discussing “coming out” to his father, the founder of conversion therapy.

SOURCE B The second source is images related to the AIDS crisis, specifically the community’s resistance and appeal to government stakeholders.

SOURCE D The third source is an excerpt from Paul Goodman’s *The Politics of Being Queer*, talking about a personal experience related to reactions against the LGBTQ+ community

SOURCE D The last source is an excerpt from Cleve Jones’ *When We Rise*, detailing personal accounts of activism in San Francisco in 1978.

Additional Resources

Additional “coming out” testimonies from a great variety of individuals can be found in *Pew Research Center’s “LGBT Voices: The Coming Out Experience,”* published June 13, 2013

Access from: <http://pewrsr.ch/11HiyXp>.

Summative Performance Task

At this point in the inquiry, students have examined various sources that show the progression of the LGBTQ+ movement and have assessed the purpose, qualifications, and message of the sources. Students should be able to demonstrate their breadth of understanding and their abilities to use evidence from multiple sources to support their claims. In this task, students construct an evidence-based argument responding to the compelling question—“What makes a movement successful?” It is important to note that students’ arguments could take a variety of forms, including an essay or a presentation.

Argument Stems

Students’ arguments will likely vary, but could include any of the following:

- A movement’s success, such as the LGBTQ+ movement, is defined by its ability to sway public interest in its favor and to garner progressive action by government institutions like the Supreme Court. This support advances civil rights for the affected community in spite of setbacks dealt to the movement by the opposition.
- Though still ongoing, the LGBTQ+ movement demonstrates a successful movement as it is marked by changing government policies favorable to the LGBTQ+ community and a recent rise in conversation through “coming out” experiences—both of which were stimulated by activism by the public and members within the affected community.
- As a result of LGBTQ+ individuals vocalizing their deprivation of human rights and the public amplifying the same shortcomings, both groups were able to influence the actions taken by the government in their policies and Supreme Court decisions—all of which constitute essential aspects of a successful movement.

EXTENSION Students could extend their arguments by participating in a Socratic Seminar about the LGBTQ+ community and movement, incorporating their personal experiences and perspective, such as those from conversations, media, television/movies, etc. Students can incorporate the sources used in the inquiry to propel discussion, leading to a deepening of understanding about the movement and what it means in today’s society.

Taking Informed Action

Students have the opportunity to *Take Informed Action* by drawing on their knowledge of the LGBTQ+ movement. Through the course of the inquiry, students gain an *understanding* of the movement.

ASSESS Students apply this knowledge to *assess* the current progress of the movement at the local, state, and national levels in comparison to other locations (i.e. rights given to members of the LGBTQ+ community compared to those not a part of the community).

ACT To *act*, students may write to an outside institution (e.g., the local newspaper, the State Fairness Campaign, the national ACLU) to discuss current policies, their ideas for change, and/or develop their own form of action on the issue.

- The *act* portion of the Taking Informed Action exercise can be small or large in scale. Contacting an outside institution can be replaced with a more formal piece that is shared with a national figure or a statement that students share with family members or on a web-based platform. Flowcharts for this decision-making can be

Formative Performance Task Resource

In their formative performance tasks, students will complete the Movement Analysis Organization Chart below. For each of the first three supporting question, students will analyze how each aspect affects the LGBTQ+ movement, looking at how the aspect advances and/or inhibits the movement while addressing the source contents' places on the movement's timeline as well as the source contents' significance. The fourth supporting question challenges students to compile and synthesize all of the sources and individual categories into one concise claim, leading to the Summative Performance Task. Teachers are encouraged to adapt and reformat the organizational chart to address instructional or student needs.

<i>What Makes a Movement Successful?:</i> Movement Analysis Organization Chart			
How does _____ affect the LGBTQ+ Movement?	Advances <i>What helped accelerate the movement?</i> <i>Are the impacts short or long-term?</i>	Challenges <i>How do challenges slow down or speed up the movement's progress?</i> <i>How have challenges been addressed?</i>	Timeline & Significance <i>How does the source information reflect the historical context?</i>
SQ 1: Public Reaction			
SQ 2: Government Leaders and Policies			
SQ 3: Supreme Court and Precedence			
SQ 4: People Within the LGBTQ+ Community Develop a claim that addresses how the movement was uniquely affected by people within the LGBTQ+ community.	Claim: 		

Supporting Question 1

Featured Source

Source A: Nicole Pasulka, "Ladies In The Streets: Before Stonewall, Transgender Uprising Changed Lives," *NPR*, 5 May 2015.

- Article, accessed from: <https://www.npr.org/sections/codeswitch/2015/05/05/404459634/ladies-in-the-streets-before-stonewall-transgender-uprising-changed-lives>
- Documentary trailer, accessed from: <https://vimeo.com/27347012> and <https://youtu.be/rDefl11mCGk>

See link for full article. Excerpt:

If the famous Stonewall riots in New York City were the origin of this nation's gay rights movement, the Tenderloin upheaval three years before was "the transgender community's debut on the stage of American political history," according to Stryker. "It was the first known instance of collective militant queer resistance to police harassment in United States history."

Stonewall is often thought of as an uprising of gay men. In reality, "it was drag queens, Black drag queens, who fought the police at the famous Stonewall Inn rebellion in 1969," wrote lesbian novelist and playwright Sarah Schulman in a 1985 novel.

The Tenderloin in the 1960s was a red light district and a residential ghetto. Stryker told me that the neighborhood was a particular destination and home to "young people who maybe had been kicked out by their families and were living on the street. And trans people who could lose a job at any moment or not be hired, who wouldn't be rented to, who had to live in crappy residential hotels in a bad part of town, and who had to do survival sex work to support themselves."

Police relations with the trans, drag and gay communities in the Tenderloin reached a boiling point in 1966.... Viewed in the context of 1960s activism, identity politics and anti-poverty efforts, the riots that occurred a few weeks later seem inevitable.... Right after the Compton's episode, Ching heard about what had happened. "To me, nothing was out of the ordinary," she told me. "We lived to survive day to day. We didn't realize we'd made history."

Supporting Question 1

Featured Source

Source B: “ERA and Homosexual ‘Marriages,’” *The Phyllis Schlafly Report newspaper*, Vol. 8, No. 2, Section 2, September 1974.

Accessed from: <https://eagleforum.org/publications/psr/sept1974.html>.

See link for full article. Excerpt:

ERA And Homosexual “Marriages”

The drive to legalize homosexuality is currently going on at the national, state and local levels. Often it is covered by such euphemisms as “the right to be different” or “the right of sexual orientation” or “sexual preference.” When first presented some people are inclined to be tolerant and assume a live-and-let-live attitude.

Upon examination, however, it becomes clear that homosexuals and lesbians are not merely seeking the right of consenting adults to be different. They want the right to teach in schools and colleges. They want the right to “marry” and thereby qualify for joint income tax and homestead benefits enjoyed by husbands and wives. They want the right to adopt children.

To use the law to extend such rights to homosexuals would be a grave interference with the rights of the rest of our citizens. It would interfere with our right to have a country in which the family is recognized, protected, and encouraged as the basic unit of society. It would interfere with the right of an adoptable child to be placed in a home with a mother and a father.

It would interfere with the right of parents to have their children taught by teachers who respect the moral law. Surely the right of parents to control the education of their children is a right of a higher order than any alleged right of, say, the two college-educated lesbian members of the Symbionese Liberation Army to teach our young people.

College officials have a right to decide that dormitories are no place for homosexuals. The firemen, who constantly risk their lives in our behalf, should have the right to make a judgement that their close living and working conditions make a homosexual co-worker intolerable.

Opportunity Through ERA

What the homosexuals and lesbians have failed to achieve at the Federal, state and local levels, they are planning on accomplishing through the Equal Rights Amendment. While no one can predict with absolute certainty how the U.S. Supreme Court will rule on any issue, the leading legal authorities are convinced that ERA will legalize homosexual “marriages” and grant them the special rights and benefits given by law to husbands and wives.

One reason for this is the language of the Equal Rights Amendment, which says that “Equality of rights under the law shall not be denied or abridged by the United States or by an State on account of sex.” A homosexual who wants to be a teacher could argue persuasively that to deny him a school job would be discrimination “on account of sex.”

A second reason for the effect of ERA on homosexuality is the fact that it will require State Legislature (or the courts, if the legislatures fail to act) to delete the “sexist” language from state laws (e.g., man, woman, husband, wife, male, female) and replace all such words with sex-neutral language (e.g., person, spouse). Thus, a law that defines a marriage as a union of a man and a woman would have to be amended to replace those words with “person.” A “marriage” between a “person” and a “person” is not the same thing at all as a marriage between a man and a woman.

Supporting Question 1

Featured Source

Source C: Bayard Rustin, "From Montgomery to Stonewall" speech, 1986.

Accessed from:

<http://rustin.org/wp-content/uploads/centennial/1986%20From%20Montgomery%20to%20Stonewall.pdf>.

See link for full speech. Excerpt:

Gay people must continue this protest. This will not be easy, in part because homosexuality remains an identity that is subject to a "we/they" distinction. People who would not say, "I am like this, but black people are like that," or "we are like this, but women are like that," or "we are like this, but Jews are like that," find it extremely simple to say, "homosexuals are like that, but we are like this." That's what makes our struggle the central struggle of our time, the central struggle for democracy and the central struggle for human rights. If gay people do not understand that, they do not understand the opportunity before them, nor do they understand the terrifying burdens they carry on their shoulders.

There are four burdens, which gays, along with every other despised group, whether it is blacks following slavery and reconstruction, or Jews fearful of Germany, must address. The first is to recognize that one must overcome fear. The second is overcoming self-hate. The third is overcoming self-denial. The fourth burden is more political. It is to recognize that the job of the gay community is not to deal with extremists who would castrate us or put us on an island and drop an H-bomb on us. The fact of the matter is that there is a small percentage of people in America who understand the true nature of the homosexual community. There is another small percentage who will never understand us. Our job is not to get those people who dislike us to love us. Nor was our aim in the civil rights movement to get prejudiced white people to love us. Our aim was to try to create the kind of America, legislatively, morally, and psychologically, such that even though some whites continued to hate us, they could not openly manifest that hate. That's our job today: to control the extent to which people can publicly manifest antigay sentiment.

Supporting Question 1

Featured Source

Source D: "The Earth is Round," *It's Time*, May 1974.

Access from: http://rmc.library.cornell.edu/HRC/exhibition/stage/stage_18.html

See link for full article. Excerpt:

On April 8, 1975, the American Psychiatric Association determined, by majority vote, that the earth was round.

This historic event took place at APA headquarters in Washington, D.C., at a meeting of their Trustees, when they announced the results of a referendum put to their membership. Fifty-eight percent of the voting APA members upheld the decision of the Trustees made last December 15—that "homosexuality" was to be removed as a category of mental illness in the APA's Diagnostic Manual.

The referendum came about as a result of Dr. Charles Socarides (a psychiatrist who has made a career out of "curing" homosexuals) petitioning the APA to hold a vote on whether or not the majority of psychiatrists in this country agree with the Trustee's determination. The result was that they did.

Thus ends a ten year effort spearheaded by National Gay Task Force board members...and a year of intensive lobbying by NGTF's Communications Director, Ronald Gold. The psychiatric profession was forced to take a hard look at their own research and to examine the social consequences of the illness label. And, when they looked, they agreed with the concept that such labeling has indeed done great damage to millions of people, not only in terms of self-image but also as it became the rationale for much of the discrimination in governmental and private industry regulations, laws, and practices.

This change in psychiatry's attitude, however, now opens the door for changing such open discrimination as the Immigration and Naturalization Service's exclusionary practice in denying the right of foreign-born gay people to enter the country; the right of openly gay people to serve in the armed services; the right for gay people already in service to an honorable discharge; various governmental security clearance regulations; and many other areas of discrimination, such as addiction programs, child-welfare centers, graduate schools and professions, licensing regulations and involuntary commitment of gay people to mental institutions.

Supporting Question 2

Featured Source

Source A: Harvey Milk, "Hope Speech," at San Francisco's Gay Freedom Day Parade, 1978

Access from: <http://terpconnect.umd.edu/~jklumpp/ARD/MilkSpeech.pdf>.

My name is Harvey Milk and I'm here to recruit you.

Why are we here? Why are gay people here? And what's happening? What's happening to me is the antithesis of what you read about in the papers and what you hear about on the radio. The major media in this country has talked about the movement to the right so the legislators think that there is indeed a movement to the right and that the Congress and the legislators and the city councils will start to move to the right the way the major media want them.

In 1977, gay people had their rights taken away from them in Miami. But you must remember that in the week before Miami and the week after that, the word homosexual or gay appeared in every single newspaper in this nation in articles both pro and con. For the first time in the history of the world, everybody was talking about it, good or bad. Unless you have dialogue, unless you open the walls of dialogue, you can never reach to change people's opinion. Once you have dialogue starting, you know you can break down prejudice. In 1977 we saw a dialogue start.

[I]t is important that gay people run for office and that gay people get elected. I encourage you. If my non-gay friends and supporters in this room understand it, they'll probably understand why I've run so often before I finally made it. Y'see right now, there's a controversy going on in this convention about the gay governor. Is he speaking out enough? Is he strong enough for gay rights?

You see, there is a major difference—and it remains a vital difference—between a friend and a gay person, a friend in office and a gay person in office. Gay people have been slandered nationwide. We've been tarred and we've been brushed with the picture of pornography. It's not enough anymore just to have friends represent us. No matter how good that friend may be.

Like every other group, we must be judged by our leaders and by those who are themselves gay, those who are visible. For invisible, we remain in limbo--a myth, a person with no parents, no brothers, no sisters, no friends who are straight, no important positions in employment. A gay person in office can set a tone, can command respect not only from the larger community, but from the young people in our own community who need both examples and hope.

They must not be content to sit in the back of the bus. The anger and the frustrations that some of us feel is because we are misunderstood. I will never forget what it was like coming out and having nobody to look up toward. I remember the lack of hope—and our friends can't fulfill it.

I use the word "I" because I'm proud. I stand here tonight in front of my gay sisters, brothers, and friends because I'm proud of you. I think it's time that we have many legislators who are gay and proud of that fact and do not have to remain in the closet. I think that a gay person, up-front, will not walk away from a responsibility and be afraid of being tossed out of office. The only thing they have to look forward to is hope. And if you help elect to the central committee and other offices, more gay people, that gives a green light to all who feel disenfranchised, a green light to move forward. It means hope to a nation that has given up, because if a gay person makes it, the doors are open to everyone.

So if there is a message I have to give, it is that I've found one overriding thing about my personal election, it's the fact that if a gay person can be elected, it's a green light. And you and you and you, you have to give people hope. Thank you very much.

Supporting Question 2

Featured Source

Source B: Excerpts of various legislation impacting LGBTQ+

- Defense of Marriage Act, 1996
- Religious Freedom Restoration Act (Indiana), 2015
- Public Facilities Privacy & Security Act (North Carolina), 2016

An Act to define and protect the institution of marriage (Defense of Marriage Act), enacted by the 104th United States Congress, effective September 21, 1996 (excerpt):

§ 7. Definition of 'marriage' and 'spouse'

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.

An Act to amend the Indiana Code concerning civil procedure (Religious Freedom Restoration Act - Indiana), enacted at the First Session of the 119th General Assembly of Indiana, effective July 1, 2015 (excerpt):

Sec. 8. (a) Except as provided in subsection (b), a governmental entity may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability.

(b) A governmental entity may substantially burden a person's exercise of religion only if the governmental entity demonstrates that application of the burden to the person:

- (1) is in furtherance of a compelling governmental interest; and
- (2) is the least restrictive means of furthering that compelling governmental interest.

An Act to provide for single-sex multiple occupancy bathroom and changing facilities in schools and public agencies and to create statewide consistency in regulation of employment and public accommodations (Public Facilities Privacy & Security Act - House Bill 2 - North Carolina), brought before the second extra session of 2016 of the General Assembly of North Carolina, 2016 (excerpt):

§ 143-760. Single-sex multiple occupancy bathroom and changing facilities.

(b) Single-Sex Multiple Occupancy Bathroom and Changing Facilities. – Public agencies shall require every multiple occupancy bathroom or changing facility to be designated for and only used by persons based on their biological sex.

(c) Accommodations Permitted. – Nothing in this section shall prohibit public agencies from providing accommodations such as single occupancy bathroom or changing facilities upon a person's request due to special circumstances, but in no event shall that accommodation result in the public agency allowing a person to use a multiple occupancy bathroom or changing facility designated under subsection (b) of this section for a sex other than the person's biological sex.

Supporting Question 2

Featured Source

Source C: Carl E. Mundy, “Playing Politics at the Military’s Expense,” *The New York Times*, 17 December 1999.

Access from: <https://nyti.ms/2CZe07l>

Response to Mundy’s editorial: <https://nyti.ms/2D1lS8s>

See link for full article. Excerpt:

Once again, the question of homosexuals in the military has come into the public view, resulting in President Clinton’s assertion that the so-called “don’t ask, don’t tell” policy is flawed.

Shades of 1993.... Since the moment the issue was resolved with the establishment of the “don’t ask, don’t tell” policy, it has received only occasional notice in the public eye. What the electorate at large might not realize, however, is that the policy has been at work in our armed forces, with military commanders striving to comply with both the spirit and the intent of the order.

I served as commandant of the Marine Corps when this matter was initially raised as an Issue, and I participated in crafting the “don’t ask, don’t tell” rule.... I strongly disagree with claims that the policy does not work and that it has been misused by the military to conduct so-called “witch hunts” for the purpose of rooting out homosexuals. Such claims reflect a poor understanding of the facts.

The policy has been remarkably successful in maintaining that balance, for the goal was quite challenging because — like it or not — it is a simple fact that the presence of avowed homosexuals in a military organization is fundamentally incompatible with good order and discipline.

[T]he young Americans who join our military services bring with them the values of our society, and that society has not, to date, fully recognized the social acceptability of the homosexual lifestyle. Witness, for example, the failure of gay rights groups to garner sufficient support in state legislatures for the enactment of laws permitting same-sex marriages. When we recruit from a society whose people express in this way that gays and lesbians are beyond the mainstream of American culture, why should we expect our servicemen and servicewomen to believe differently?

Conduct that is widely rejected by a majority of Americans can undermine the trust that is essential to creating and maintaining the sense of unity that is critical to the success of a military organization operating under the very different and difficult demands of combat. It would be unconscionable to tolerate increased risk to our men and women in uniform simply for the sake of satisfying the desires of one special interest group.

There is a continuing drumbeat by activists alleging injustice and violation of the policy on the part of military officers.... 191 discharges, or 49 percent of the total, occurred within the first six months of service, a very demanding period during which it is not uncommon for those who are not equal to the challenge of military life to seek opportunities for release from the service. A claim to be homosexual, whether factual or not, provides such an opportunity.

A final note. In 1993, I received a great number of communications from a broad spectrum of Americans. Parents wrote to say that if the policy of open homosexuality were put into effect, they wanted their sons and daughters discharged. The mother of a recruit awaiting orders to active duty sent me her son’s enlistment contract to be torn up because “he’s not going.”

There are many who believed in 1993, and do today, that “don’t ask, don’t tell” is already a compromise that strains to achieve its goal of mutual compatibility where experience and reason dictate that such compatibility cannot exist. My judgment is that the cat can’t be walked back, and that the policy is an acceptable compromise that’s working acceptably. It should not be tampered with to meet a political agenda.

Supporting Question 2

Featured Source

Source D: Lady Gaga, "The Prime Rib of America," speech, 10 September 2010

Accessed from:

<http://www.mtv.com/news/1648304/lady-gagas-dont-ask-dont-tell-speech-the-full-transcript/>

I do, solemnly swear, or affirm, that I will support and defend the Constitution of the United States, against all enemies foreign and domestic, and I will bear true faith and allegiance to do the same, and I will obey the orders of the president of the United States and the orders of the officers appointed over me, according to regulations and the uniform code of military justice, so help me God.... Unless, there's a gay soldier in my unit, sir.

That is the oath taken every day by service members of the Armed Forces when they enlist to serve their country. Equality is the prime rib of America, but because I'm gay, I don't get to enjoy the greatest cut of meat my country has to offer... I'm here because "don't ask, don't tell" is wrong... It's unjust, and fundamentally, it is against all that we stand for as Americans.

The Pentagon and senators such as John McCain have cited that the military is a unique institution, they have cited that homosexuals serving openly cause disruption to unit cohesion and morale. [T]hey're saying that straight soldiers feel uncomfortable around gay soldiers, and sometimes it causes tension, hostility, and possible performance inadequacies for straight soldiers who are homophobic. And even though some studies have been done to show an overwhelming and remarkable lack of disruption to units with gay soldiers, I will, for a moment, entertain this debate.... I'm more concerned that John McCain and other Republican senators are using homophobia as a defense in their argument. As the nexus of this law, openly gay soldiers affect unit cohesion, like it's okay to discriminate or discharge gay soldiers because we are homophobic, we are uncomfortable, and we do not agree with homosexuality, and I can't focus on the field of duty when I am fighting. "We have a problem with you." Wasn't that the defense of Matthew Shepard's murderers?... As a side note, both Matthew Shepard's killers have life sentences in prison, and laws have since been passed that homophobia cannot be used as defense anymore in hate crimes in our judicial system.

Doesn't it seem to be that "don't ask, don't tell" is backwards? Doesn't it seem to be that, based on the Constitution of the United States, that we're penalizing the wrong soldier? ... He [the straight soldier] gets the honor, but we gay soldiers, who harbor no hatred, no prejudice, no phobia, we're sent home? ... If you are not capable of keeping your oath to the Armed Forces to defend the Constitution of the United States against all enemies foreign and domestic, and I will bear true faith and allegiance to do the same, unless there's a gay soldier in my unit, then go home.

Or, moreover, if you serve this country, is it acceptable to be a cafeteria American soldier? Can you choose some things from the Constitution to put on your plate, but not others? A buffet, perhaps.... I wasn't aware of this ambiguity in our Constitution.... I thought equality was non-negotiable. And, let's say, if the government can pick and choose who they're fighting for, as exemplified in laws like "don't ask, don't tell," shouldn't we as Americans be made aware of this imbalance? Shouldn't it be made clear to the citizens of this country, before we go to war, shouldn't I be made aware ahead of time that some of us are just not included in that fight? [Y]ou're fighting for straight people.... You are not included when we say "equal." You are not even fully included when we say "freedom."

I'm allowed to stand in a line next to other men and women, I'm allowed to get shot at and shoot a gun to protect myself and my nation, but when it's time to order my meal, when it's time to benefit from the freedoms of the Constitution that I protect and fight for, I have to pay extra. I shouldn't have to pay extra. I should have the ability, the opportunity, the right to enjoy the same rights — the same piece of meat — that my fellow soldiers, fellow straight soldiers, already have included in their Meal of Rights. It's prime rib, it's the same size, it's the same grade, the same cost, at wholesale cost, and it's in the Constitution.

Equality is the prime rib of America. Equality is the prime rib of what we stand for as a nation. And I don't get to enjoy the greatest cut of meat that my country has to offer... Shouldn't everyone deserve the right to wear the same meat dress that I did? Repeal "don't ask, don't tell" or go home.

Supporting Question 3

Featured Source

Source C: Supreme Court of the United States, Chief Justice Anthony Kennedy, Majority Opinion of *Romer v. Evans*, 20 May 1996.

Access from: <https://supreme.justia.com/cases/federal/us/517/620/>

NOTE: Romer v. Evans was the first Supreme Court case to address LGBTQ+ rights issues since sodomy criminalization laws were ruled constitutional in Bowers v. Hardwick in 1986. The Romer case deals with Amendment 2, which was adopted by Colorado voters to their State Constitution that precluded any legislative, executive, or judicial actions designed to protect persons from discrimination based on their "homosexual, lesbian, or bisexual orientation, conduct, practices or relationships."

[W]e cannot accept the view that Amendment 2's prohibition on specific legal protections does no more than deprive homosexuals of special rights. To the contrary, the amendment imposes a special disability upon those persons alone. Homosexuals are forbidden the safeguards that others enjoy or may seek without constraint.

We find nothing special in the protections Amendment 2 withholds. These are protections taken for granted by most people either because they already have them or do not need them; these are protections against exclusion from an almost limitless number of transactions and endeavors that constitute ordinary civic life in a free society.

The Fourteenth Amendment's promise that no person shall be denied the equal protection of the laws must coexist with the practical necessity that most legislation classifies for one purpose or another, with resulting disadvantage to various groups or persons. We have attempted to reconcile the principle with the reality by stating that, if a law neither burdens a fundamental right nor targets a suspect class, we will uphold the legislative classification so long as it bears a rational relation to some legitimate end.... Amendment 2 fails, indeed defies, even this conventional inquiry.

It is not within our constitutional tradition to enact laws of this sort. Central both to the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance.... Respect for this principle explains why laws singling out a certain class of citizens for disfavored legal status or general hardships are rare. A law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense. "The guaranty of 'equal protection of the laws is a pledge of the protection of equal laws.'

The primary rationale the state offers for Amendment 2 is respect for other citizens' freedom of association, and in particular the liberties of landlords or employers who have personal or religious objections to homosexuality. Colorado also cites its interest in conserving resources to fight discrimination against other groups. The breadth of the amendment is so far removed from these particular justifications that we find it impossible to credit them.

We must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else. This Colorado cannot do. A state cannot so deem a class of persons a stranger to its laws.

Amendment 2 violates the Equal Protection Clause, and the judgment of the Supreme Court of Colorado is affirmed.

Supporting Question 3

Featured Source

Source B: Paul M. Smith, Esq., Oral Argument on behalf of John Geddes Lawrence and Tyron Garner, *Lawrence v. Texas*, 26 March 2003.

- Justice Anton Scalia, Dissenting Opinion, 26 June 2003.

Access from: <https://supreme.justia.com/cases/federal/us/539/558/>

NOTE: Lawrence v. Texas arose when police responded to a reported weapons disturbance in a private residence, entering John Lawrence's apartment and saw him and another adult man, Tyron Garner, engaging in a private, consensual sexual act, resulting in arrest and conviction for violating a Texas statute. This case revisited and eventually overturned Bowers v. Hardwick, which outlawed sodomy in 1986.

ORAL ARGUMENT:

In *Romer* itself, the Court looked at the actual effects of the amendment in the Constitution and all of the many ways in which it caused harm. Here you have a statute that while it purports to just to regulate sexual behavior, has all sorts of collateral effects on people. People in the States who still regulate sodomy everyday, they're denied visitation to their own children, they're denied custody of children, they're denied public employment. They're denied private employment, because they're labeled as criminals merely because they've been identified as homosexuals.

I think the State has to have a greater justification for its discrimination than we prefer pushing people towards heterosexuality. That amounts to the same thing as disapproval of people's choices in this area and there has to be more reasons and justifiable distinction than simply we prefer this group of people, the majority, instead of this group of people, the minority.

I submit it has to be apparent to the Court now that there are gay families, that family relationships are established, that there are hundreds of thousands of people registered in the Census in the 2000 census who have formed gay families, gay partnerships, many of them raising children and that for those people, the opportunity to engage in sexual expression as they will in the privacy of their own homes performs much the same function that it does in the marital context, that you can't protect one without the other, that it doesn't make sense to draw a line there and that you should protect it for everyone. That this is a fundamental matter of American values.

OPINION:

Today's opinion is the product of a Court... that has largely signed on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct.

One of the most revealing statements in today's opinion is the Court's grim warning that the criminalization of homosexual conduct is "an invitation to subject homosexual persons to discrimination both in the public and in the private spheres." It is clear from this that the Court has taken sides in the culture war, departing from its role of assuring, as neutral observer, that the democratic rules of engagement are observed. Many Americans do not want persons who openly engage in homosexual conduct as partners in their business, as scoutmasters for their children, as teachers in their children's schools, or as boarders in their home. They view this as protecting themselves and their families from a lifestyle that they believe to be immoral and destructive. The Court views it as "discrimination" which it is the function of our judgments to deter. So imbued is the Court with the law profession's anti-anti-homosexual culture, that it is seemingly unaware that the attitudes of that culture are not obviously "mainstream"; that in most States what the Court calls "discrimination" against those who engage in homosexual acts is perfectly legal; and that in some cases such "discrimination" is a constitutional right.

Supporting Question 3

Featured Source

Source C: Supreme Court of the United States, Chief Justice Anthony Kennedy, Majority Opinion of *United States v. Windsor* Majority Opinion, 26 June 1996.

Access from: <https://supreme.justia.com/cases/federal/us/570/12-307/>

NOTE: U.S. v. Windsor revolves around The Defense of Marriage Act (DOMA), which was enacted in 1996 and states that, for the purposes of federal law, the words "marriage" and "spouse" refer to legal unions between one man and one woman. Thea Spyer, the late spouse of Edith Windsor, left her estate upon her death to Windsor. However, because marriage was not recognized by federal law through DOMA, the government imposed \$363,000 in taxes rather than no taxes through marital exemption, prompting the fruition of this case.

When the State used its historic and essential authority to define the marital relation in this way, its role and its power in making the decision enhanced the recognition, dignity, and protection of the class in their own community. DOMA, because of its reach and extent, departs from this history and tradition of reliance on state law to define marriage.

DOMA's unusual deviation from the usual tradition of recognizing and accepting state definitions of marriage here operates to deprive same-sex couples of the benefits and responsibilities that come with the federal recognition of their marriages. This is strong evidence of a law having the purpose and effect of disapproval of that class. The avowed purpose and practical effect of the law here in question are to impose a disadvantage, a separate status, and so a stigma upon all who enter into same-sex marriages made lawful by the unquestioned authority of the States.

The history of DOMA's enactment and its own text demonstrate that interference with the equal dignity of same-sex marriages, a dignity conferred by the States in the exercise of their sovereign power, was more than an incidental effect of the federal statute. It was its essence.

DOMA writes inequality into the entire United States Code. The particular case at hand concerns the estate tax, but DOMA is more than a simple determination of what should or should not be allowed as an estate tax refund. Among the over 1,000 statutes and numerous federal regulations that DOMA controls are laws pertaining to Social Security, housing, taxes, criminal sanctions, copyright, and veterans' benefits.

Responsibilities, as well as rights, enhance the dignity and integrity of the person. And DOMA contrives to deprive some couples married under the laws of their State, but not other couples, of both rights and responsibilities.

DOMA undermines both the public and private significance of state-sanctioned same-sex marriages; for it tells those couples, and all the world, that their otherwise valid marriages are unworthy of federal recognition. This places same-sex couples in an unstable position of being in a second-tier marriage.... And it humiliates tens of thousands of children now being raised by same-sex couples. The law in question makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.

The federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity. By seeking to displace this protection and treating those persons as living in marriages less respected than others, the federal statute is in violation of the Fifth Amendment. This opinion and its holding are confined to those lawful marriages.

Supporting Question 3

Featured Source

Source D: Supreme Court of the United States, Majority and Dissenting Opinions of *Obergefell v. Hodges*, 26 June 2015.

Access from: <https://supreme.justia.com/cases/federal/us/576/14-556/>

Anthony Kennedy, Associate Justice, Majority Opinion:

The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution's central protections and a received legal stricture, a claim to liberty must be addressed.

[W]hile *Lawrence* confirmed a dimension of freedom that allows individuals to engage in intimate association without criminal liability, it does not follow that freedom stops there. Outlaw to outcast may be a step forward, but it does not achieve the full promise of liberty.

Especially against a long history of disapproval of their relationships, this denial to same-sex couples of the right to marry works a grave and continuing harm. The imposition of this disability on gays and lesbians serves to disrespect and subordinate them. And the Equal Protection Clause, like the Due Process Clause, prohibits this unjustified infringement of the fundamental right to marry.

No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right. *It is so ordered.*

Samuel Anthony Alito, Jr., Associate Justice, Dissenting Opinion:

Today's decision... will be used to vilify Americans who are unwilling to assent to the new orthodoxy. In the course of its opinion, the majority compares traditional marriage laws to laws that denied equal treatment for African-Americans and women. The implications of this analogy will be exploited by those who are determined to stamp out every vestige of dissent.

I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools... Recalling the harsh treatment of gays and lesbians in the past, some may think that turnabout is fair play. But if that sentiment prevails, the Nation will experience bitter and lasting wounds.

John G. Roberts, Jr., Chief Justice, Dissenting Opinion:

Many people will rejoice at this decision, and I begrudge none their celebration. But for those who believe in a government of laws, not of men, the majority's approach is deeply disheartening... Five lawyers have closed the debate and enacted their own vision of marriage as a matter of constitutional law.

If you are among the many Americans – of whatever sexual orientation – who favor expanding same-sex marriage, by all means celebrate today's decision. Celebrate the achievement of a desired goal. Celebrate the opportunity for a new expression of commitment to a partner. Celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it. I respectfully dissent.

Supporting Question 4

Featured Source

Source A: Richard Socarides, "Coming Out To My Father," *The New Yorker*, 8 April 2013.

Accessed from: <https://www.newyorker.com/news/news-desk/coming-out-to-my-father>

See link for full article. Excerpt:

There were challenges. Often, especially before I was out of the closet, I felt I had to hide my sexual orientation in order to avoid the notoriety that would have accompanied such a disclosure by the son of one of the founders of so-called gay-conversion therapy.

As I became an advocate for gay rights, I wanted very much for that work to stand on its own, and not viewed in the context of my father's reputation. I was also sometimes embarrassed for him, as his professional reputation became interconnected with a theory that was, over time, wholly discredited. And it was just plain irritating to be asked, over and over again, if I was related to that crazy anti-gay doctor (and to have to say yes). With this backdrop, it was difficult, over the years until his death in 2005, to hold on to the residual affection I had for him as just my dad. ...

I think that coming out is the strongest and most important political act any gay person can take. It lets others know who we are, and, as I learned in politics, if you personally know a gay person, it is harder to support any kind of discrimination against him or her.

I don't think my coming out to my dad was harder or easier than anyone else's. I didn't come out to the founder of conversion therapy. I came out to my father.

Supporting Question 4

Featured Source

Source B: Images about the AIDS crisis.

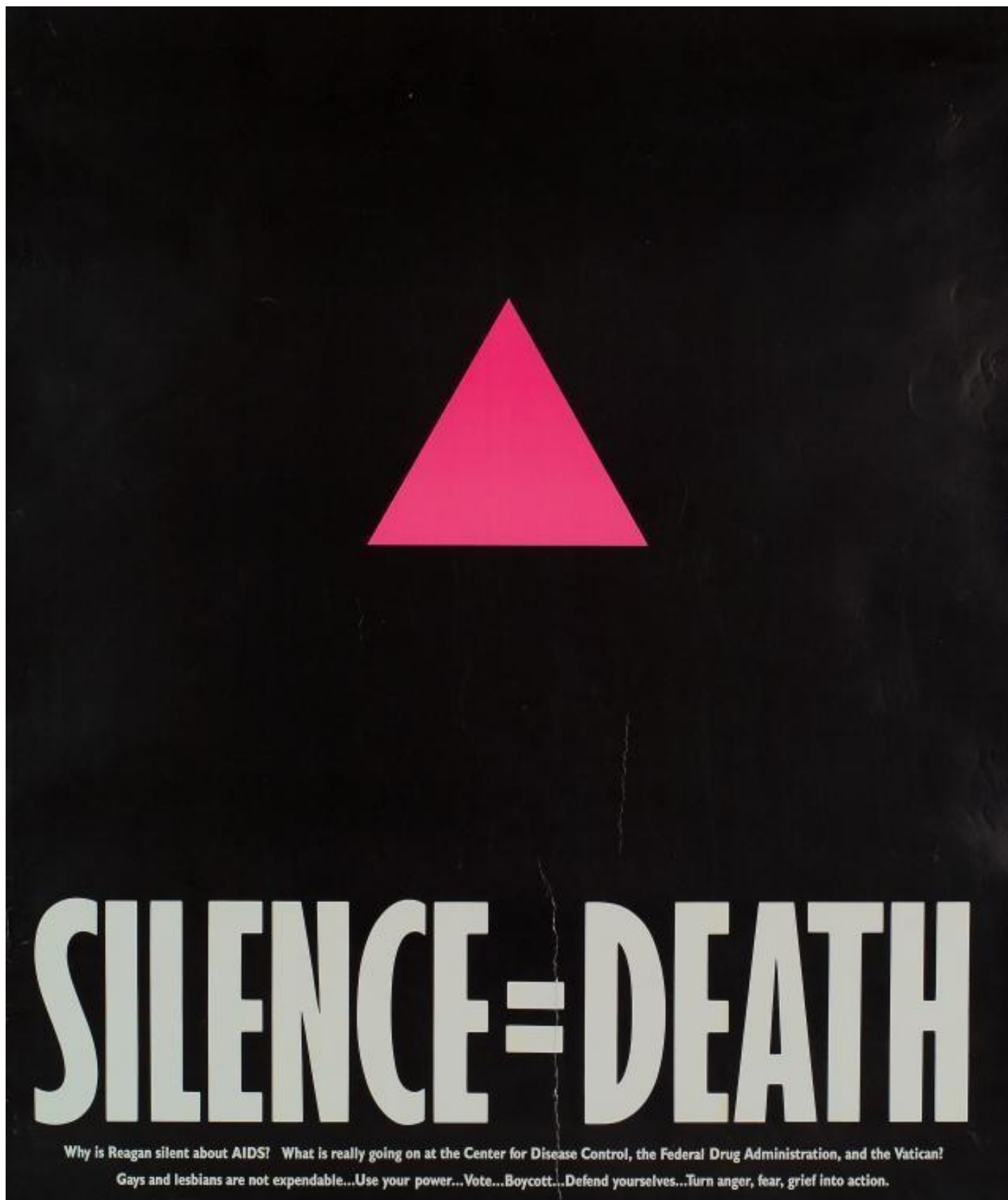
- Marc Gellar, "AIDS Quilt displayed on the Mall," *Digital Public Library of America*, April 1988. Access from: <http://aidsquilttouch.org/experience-quilt>.
- ACT UP New York, "Silence = Death," *Digital Public Library of America*, 1996- 1997. Access from: <https://digitalcollections.nypl.org/items/8b4ad64e-cc59-ac0f-e040-e00a18064938>



Courtesy of Los Angeles Public Library via California Digital Library.

NOTE: Individual panels may be viewed on the AIDS Quilt official website, where students can examine various panels in detail or search up specific names of those who died as a result of AIDS.

The quilt panels can be accessed here: <http://aidsquilttouch.org/experience-quilt>.



Courtesy of the *New York Digital Public Library*.

Supporting Question 4

Featured Source

Source C: Paul Goodman, *Memoirs of an Ancient Activist*, retitled: *The Politics of Being Queer*, November 15, 1969.

Access from: <https://bit.ly/2ONUb7Z>

I have been fired three times because of my queer behavior or my claim to the right to it, and these are the only times I have been fired.... These were highly liberal and progressive institutions, and two of them prided themselves on being communities.—Frankly, my experience of radical community is that it does not tolerate my freedom. Nevertheless, I am all for community because it is a human thing, only I seem doomed to be left out.

In their in-group, Gay Society, homosexuals can get to be fantastically snobbish and a-political or reactionary. This is an understandable ego-defense: "You gotta be better than somebody," but its payoff is very limited. When I give talks to the Mattachine Society [a gay rights group], my invariable sermon is to ally with all other libertarian groups and liberation movements, since freedom is indivisible. What we need is not defiant pride and self-consciousness, but social space to live and breathe. The Gay Liberation people have finally gotten the message of indivisible freedom, but they have the usual fanaticism of the Movement.

But there is a positive side. In my observation and experience, queer life has some remarkable political values. It can be profoundly democratizing, throwing together every class and group more than heterosexuality does. Its promiscuity can be a beautiful thing.

There is a kind of political meaning, I guess, in the fact that there are so many types of attractive human beings; but what is more significant is that the many functions in which I am professionally and economically engaged are not altogether cut and dried but retain a certain animation and sensuality...

Supporting Question 4

Featured Source

Source D: Cleve Jones, *When We Rise* (book excerpts), 2016.

Crowds began to gather on Castro well before the march was scheduled. As expected, we lost Wichita overwhelmingly. Word went out on the telephone tree, and our march monitors gathered. At eight o'clock I climbed up on the big box at Castro and Market and began my speech, talking through Harvey [Milk]'s bullhorn. It was windy, I was trembling with nerves, and the paper in my hand were shaking. Before I could finish my speech I noticed that the crowd was already starting to move down Market Street, and I scrambled off the box to get monitors in place at the front line....

This march was huge. The crowd surged down Market Street, making noise that reverberated off the buildings. The cops were aggressive, edging their motorcycles into the crowd. We retaliated by closing more streets and marching against the flow of traffic. We shut down the electric buses and streetcars by pulling their connectors from the overhead wires. The din of thousands of whistles, chants, and drums filled the air as we roared down Market Street, past City Hall, up and over Nob Hill, and down to Union Square.

Two weeks later we did it again, with an even larger crowd, as the gay rights ordinance in Eugene, Oregon, was repealed. That night I spoke again briefly, without notes and without preparation. It felt good and I noticed that people were listening. We also had dozens of volunteers moving through the crowd with clipboards, collecting phone numbers and addresses for our growing army....

As summer approached, it was clear that the movement and the community had reached a transformative moment. Thousands of lesbians and gay men were flocking to the city from all over the country, many drawn by the news of Harvey's election. They brought with them new skills and ambitions that would propel all of us.

The mostly white, older gay men who had nominally run things were being challenged by the youthful arrivals, women, and people of many races and ethnic backgrounds. A new lesbian leadership emerged with women like Roma Guy, Sally Gearheart, Gwenn Craig, Pat Norman, Lenore Chinn, and others who coalesced around efforts to build a women's center on 18th Street near Valencia. Peg's Place, The Artemis Café, Scott's Pit, and Amelia's offered lesbians multiple places to drink, dance, play pool, and fall in love. There were so many lesbians living in the Duboce Triangle neighborhood, they started a group called Duboce Dykes. Glenne McElhinney and her motorcycle-driving buddies started Dykes on Bikes; they'd line up by the hundreds, engines roaring at the Gay Freedom Day Parade....

Groups were even created for gay Catholics, Jews, and other denominations, even Mormons. The Gay Latino Alliance, the Gay Asian Pacific Alliance, and the National Association of Black and White Men Together drew large crowds to their meetings and social events....