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Challenger Groups, Commercial Organizations, and Policy Enactment: Local Lesbian/Gay Rights Ordinances in the United States from 1972 to 2008¹

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Drawing on theories of social movements and organizations, the authors examine how the expanding presence of commercial organizations and the growing diversity of their forms foster policy change securing rights for a group of challengers. In particular, they suggest that these organizations can operate as bridges and can signal the legitimacy of the group in a community. Empirically, they analyze organizations linked to lesbians/gays and the promulgation of local ordinances banning discrimination, using a data set covering American counties from 1972 to 2008. Using hazard models, they find that the rate of policy enactment increases (1) with greater presence of lesbian/gay commercial organizations, particularly of those linking toward the larger community, and (2) with greater diversity of their organizational forms. Finally, they find evidence that commercial and political organizations are linked in a complex way.

INTRODUCTION

What sociological conditions assist challengers in achieving successful sociological change on behalf of their group? Extant research has paid much

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attention to the action of interest groups and formal social movement organizations (SMOs). From different perspectives, scholars bring evidence that these organizational actors assemble a variety of resources and tactics, from unruly protests to conventional political strategies, in an effort to obtain acceptance or tangible benefits from a source of authority, normally the state (McCarthy and Zald 1977; Gamson 1990; Tarrow 1998; Snow and Soule 2010). Formal policy changes have been found to depend on the collective action of these specialized organizations, even though the influence may be indirect (Giugni 1998; Burstein and Linton 2002; Amenta et al. 2010).

Yet events such as the enactment of policies that secure legal protection for a group often spring from social processes shaped by many kinds of organizations (McAdam, Tarrow, and Tilly 2001). More and more, scholars are broadening the scope of analysis beyond SMOs as an opportune way to explain the consequences relevant to challenger groups. Most studies remain focused on the social movement associated with the group and identify different levels of organizational aggregation in which collective action emerges (McCarthy and Zald 1977; Garner and Zald 1987; Staggenborg 1998; Diani 2003; McCarthy 2005; Soule and King 2008). These studies lead empirical research to examine a range of organizations, which, like SMOs, have “voice” and “variety” in the polity system (Minkoff, Aisenbrey, and Agnone 2008). For example, the advocacy sector comprises nongovernmental, nonprofit organizations that use diverse strategies, including lobbying, litigation, and information dissemination, to promote innovation in the law (Minkoff 1995; Andrews and Edwards 2004; McVeigh, Neblett, and Shafiq 2006).

This study aims to cast even wider the net of organizations that may affect political outcomes relevant for challenger groups. We focus on the organizational infrastructure of the group—rather than the movement or the SMOs—as the subject of analysis (Carroll and Hannan 2000; McAdam and Scott 2005; Minkoff and McCarthy 2005). In particular, we consider the role of commercial organizations affiliated with challengers and focus on organizations that operate locally in a community. These organizations differ from SMOs in that they belong to multiple organizational forms and do not usually (or ever) engage in purposive attempts to bring about policy

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change. They also diverge from advocacy groups in that their *raison d'être* is to provide various kinds of goods and services to customers and clients in a community. Studies of challenger groups and policy overlook these organizations. For example, Brulle et al. (2007) explicitly exclude for-profits from the organizations associated with the environmental movement.

Bringing local commercial organizations into the sociological analysis of challenger groups and policy seems relevant because they constitute an integral part of the social structure of the members of the group and the communities in which they reside. These organizations have “variety”—they cover trade, services, and other activities—but “no voice” (Skocpol 2004; Minkoff et al. 2008), and prevailing theories view their role as what we call *politically mundane*. Our conceptualization follows from Tilly’s (1978) polity model, which proposes that broad organization of a challenger group forms the basis of collective action. McAdam (2009) argues that within the polity there is no single source of power or influence. Emphasizing only those who mobilize seems unwittingly to narrow understanding of the possibly complex dynamics within the polity. McAdam also notes that the prevailing attention devoted to movements runs the risk of exaggerating the agency embodied in activism.

Even though they may not be involved in any political action, commercial organizations linked to a challenger group can contribute indirectly to political outcomes. Different mechanisms may underlie such influence. Although our study cannot isolate them precisely, we focus on mechanisms that entail a key role for constituents external to the group, in the vein of theories of organizations in markets (Zuckerman 1999; Hannan, Pólos, and Carroll 2007). First, we propose that the proliferation of commercial organizations, especially those connecting different constituents, can operate as bridges that foster relations between challengers and the rest of the community. Second, we propose that greater diversity of commercial organizations can signal the challenger group’s social legitimacy. These factors can have a positive impact on enacting policies that favor the group but remain distinct from the formal political action of SMOs and advocacy organizations. In effect, the impact of commercial organizations seldom depends on formal and purposive actions to change policy. And, while at least some political action reinforces the salience of the differences that separate challengers from the rest of the community, the factors linked to commercial organizations to which we bring attention, especially legitimation, point to the “ordinariness” of the group. Indeed, a trade-off can emerge between the impact of political organizations and their commercial counterparts on policy change.

In the empirical portion of this study, we examine the local enactment of ordinances of nondiscrimination against lesbian/gay persons in U.S. communities from 1972 to 2008. Armstrong (2002) notes that different terms are

used to describe this group, LGBT (lesbian, gay, bisexual, and transgender), gay, queer, and so forth. "Lesbian/gay" dominated during the period analyzed here, and we use this one label. In February 1972, the city of New York issued an executive order banning discrimination in public employment on the basis of sexual orientation. That same year, cities in Michigan and California followed New York's pioneering step, and by 1984 the number of communities with similar policies grew to more than 40 (Wald, Button, and Rienzo 1996). Although their timing varies, an increasing number of local governments in the United States have adopted these policies.

The empirical context seems appropriate because nondiscrimination represents a first step that other policies recognizing privileges can follow. Even though recent policy initiatives and court decisions have reduced discrimination against lesbians and gays, for example by more or less legalizing same-sex marriage, the federal government still does not provide full national protection and only a few states have passed legislation (but in less restrictive fashion). As a consequence, the policies extending rights to lesbians/gays have been enacted primarily at the local level (Wald et al. 1996).

Social historians, political scientists, and sociologists have described how the cultural transformation of homosexual social life from being secret to being publicly visible has made it possible to expand the number and range of organizations and institutions associated with lesbians/gays, more rapidly in some places and less in others (D'Emilio 1998). These organizations included political caucuses but, as Armstrong (2002) notes in her analysis of gay life in San Francisco, also student groups, churches, and many other nonprofits. Even more, commercial organizations linked to lesbians/gays also proliferated, encompassing local newspapers and magazines and specialized businesses in retailing, entertainment, financial services, and travel. Few, if any, of these entities initiate political action, but presumably they still represent lesbian/gay persons and assist in their social integration in local communities. This study examines the impact of these overlooked organizations.

The analysis reported below finds that the rate of enactment of a non-discrimination policy by local governments increases in the presence of (1) greater numbers of commercial organizations that distinctively bridge lesbian/gay to non-lesbian/gay customers and clients and (2) greater diversity of commercial organizational forms linked to lesbians/gays. We also find that (3) the interaction between form diversity and the number of political organizations linked to lesbians/gays reduces enactment.

The article is structured as follows. In the next section, we develop the theory and use it to consider the question of policy change in the context of lesbian/gay rights in local U.S. governments. We then describe the data and methods. The following section presents the findings. Finally, we address some methodological concerns associated with our analyses and dis-

discuss implications for research on social movements, organizations, and public policy.

CHALLENGER GROUPS AND ORGANIZATIONS

Prior research labels as challengers those groups that seek more recognition and material benefits for their members, including voting rights or financial aid (Tilly 1978; Gamson 1990). We follow this terminology. In a typical situation, some members of the challenger group organize to assert their grievances and target a source of authority, often the state or another regulatory body, to obtain a policy change. Common examples would include minority groups distinguished by race, ethnicity, or groups with a particular sexual orientation, such as lesbians and gays in this study.

Sociological analysis identifies a kind of organizational entity, the social movement organization (SMO), as the central player in the collective actions undertaken by challengers. A leading perspective in this research area, resource mobilization theory (McCarthy and Zald 1977), holds that SMOs aggregate material and symbolic resources by disseminating information, building social networks, collecting financial donations, pressuring party platforms, and lobbying for the passage of new legislative measures. Through the resources mobilized by SMOs, challenger groups can affect the process and outcomes of policies, from setting items on the legislator's agenda to receiving explicit concessions for their members (Soule and King 2006; Cress and Snow 2000).

In this perspective, policy change represents an intended external outcome of the political action of SMOs (Snow and Soule 2010). In many situations of interest, SMOs are only one part of a challenger group's social and formal organization. Indeed, the members of the group engage in a wider range of organizational activities. They participate—as founders, leaders, employees, or clients—in other kinds of organizational entities such as voluntary associations, advocacy groups, religious congregations, and cultural societies.

Extant research addresses this broader context in two main ways. One is by acknowledging some organizational variation within SMOs. Studies find that SMOs operating in the same domain exhibit diverse goals and tactics (Minkoff 1995; Olzak and Ryo 2007; Soule and King 2008). Such diversity enhances the vitality of organizational action, for example, spurring more protest events, and can also increase the likelihood of success for at least some of the issues relevant for challengers, such as the federal budget for the civil rights movement (Olzak and Ryo 2007).

A second avenue of research that broadens the analytical focus involves examining what McCarthy (1996, p. 141) defines as “mobilizing structures,” the formal arrangements and diffuse informal networks that shape the

collective action of a challenger group. These include not only SMOs but “the range of everyday life micromobilization structural social locations that are not aimed primarily at movement mobilization, but where mobilization may be generated: these include family units, friendship networks, voluntary associations, and elements of the state structure itself.” Within these structures activists develop broader plans or repertoires for attaining their goals.

The attention to mobilizing structures leads many analysts to consider the variation of SMOs across domains. Garner and Zald (1987) define as social movement sectors the configurations of competing and cooperating social movements as part of a system of action that involves pressure groups and political parties. Staggenborg (1998) identifies social movement communities as constituted by SMOs and informal networks of activists who share a commitment to the goals of a contender group (see also Bruechler 1990). When movement organizations in different domains adopt compatible goals, they can combine their resources with similar tactical formulas, increasing the likelihood of successful policy change (Zald and McCarthy 1980).

Researchers also examine nonmovement organizations as political allies of SMOs, largely those in the advocacy sector and other nonprofits based in local communities. In models addressing the structure of political opportunities, these organizations provide resources external to SMOs for the political struggle of the members of the contender group (Eisinger 1973; Tarrow 1998). Andrews and Edwards (2004) argue that organizations in the advocacy sector make public interest claims promoting or opposing social change. And Marwell (2004) notes that some nonprofit community-based organizations function like political machines by distributing services to community members and seeking to attract resources from government officials. The integration of SMOs in multiorganizational fields can increase the influence of the challenger group in the polity system, for example, by facilitating the diffusion of information of the grievances within a particular community (Armstrong 2002). McVeigh et al. (2006, p. 27) argue that advocacy groups amplify the power of SMOs: “Unless a movement can deliver broad support, its voice is not likely to be heard above the clamor of voices seeking to influence authorities.”

We propose to broaden the focus, to examine the group’s broader organizational infrastructure, without concentrating exclusively on the social movement that may develop around its members. This expansion follows Tilly’s (1978) polity model, which in turn borrows from Harrison White’s theory of social relations and defines the organization of challenger groups as the combination of categories and network ties associated with their members (what White called *catnet*). A category represents the common characteristics of the group, a collective identity that stems

from both self-identification of the members of the group and the image projected onto outsiders. A network denotes the structure of social relations among the members of the group and between the group and external constituents.

Tilly's model and its revisions (McAdam et al. 2001) suggest two implications for analysis. First, using the broad organizational infrastructure does not require determining which actors and relations must be involved in the polity system *ex ante*. The social context activates certain interests through interaction and affiliation, but one does not need to identify those who mobilize SMOs at the core or impose their strategic power as the main source of influence on authorities in the polity. In other words, the subject of analysis is the group in its context and not a specific kind of organization attached to them. Among other things, this broader focus precludes retrospective selection bias, where the organizations known historically to have an impact might be singled out for analysis.

Second, adopting a broader conceptualization of organizations in the analysis of challenger groups and policy outcomes implies that many of these organizations do not show a purposive form of political involvement. Indeed, organizational theory implies that some significant outcomes for the group can be enabled by organizations not involved in contentious action. Fleshed out in some sociological studies of social movements (Staggenborg 1995), as well as in theories of organizations and environments, the key idea suggests that diverse sets of organizational actors can influence broad societal outcomes by shaping systems of values and beliefs (Meyer and Rowan 1977; Carroll and Hannan 2000).

If the organizations relevant for the analysis of contender groups and policy comprise the entities that express in various forms the collective identity of the group and develop relations with its members, then one can extend the research focus beyond SMOs and advocacy groups that actively promote political action. We direct our attention to organizations involved in what we labeled above politically mundane activities, particularly commercial organizations.

COMMERCIAL ORGANIZATIONS: PRESENCE AND DIVERSITY

Commercial organizations linked to a challenger group can shape policy in different ways. Business revenues can produce a consolidation of their economic power that can readily translate into political influence (e.g., as major contributors to political campaigns). Commercial organizations can also provide settings for dense communication within the contender group, a precondition for social movement mobilization.

Without ignoring these forms of influence, we focus our attention on the relations between the challenger group and the larger community and

propose some mechanisms by which commercial organizations can affect policy that depends on basic characteristics of these organizations, namely, their presence and their diversity in the community.

Sociological theories represent markets as interfaces in which producers present offers to external audiences for evaluation (Zuckerman 1999; Phillips and Zuckerman 2001; Hannan et al. 2007). Positive evaluation depends on producers forming relations with the audience and on signals of the legitimacy of the offers in accepted categories. We think the positive response to a challenger group in a polity system can similarly hinge on how commercial organizations enable relations with external constituents in the community and on how they shape the collective identity of the group for these constituents.

A first mechanism involves commercial organizations serving as intermediaries of a sort for different constituents. As they complete business tasks, commercial organizations typically provide sites—physical and social—in which sets of constituents interact with each other when they consume products and services or perform jobs. At the very least, the presence of organizations with challenger group members comprising the roles of owners, investors, employees, or clients can increase the awareness of the challenger group in the rest of the community. In routine everyday settings, organizations foster visibility and interaction among members of various outside groups. Small (2009) refers to such organizations as passive brokers: venues such as day-care centers favor exchanges between mothers related to child care but also provide them access to groups and organizations in the education, health-care, contraception control, and culture fields.

Specifically, the increased awareness of others depends on the aggregation of contacts, as suggested by theories of intergroup relations (Allport 1954). Interactions in organizational settings generate contacts through which outsiders increase their exposure to the members of the challenger group. At the microlevel, experimental research indicates that increased contact is correlated with greater awareness and more positive attitudes toward “out-groups” (Fiske 1998). Field surveys also suggest that the social context shapes the aggregate relationship between contact and impressions about a group; in particular, attitude scales increase with the number of contacts with the group’s members (Lee, Farrell, and Link 2004). Thus, contact within organizations anchored in the challenger community can amplify the impact.

The sociological insight here is that commercial organizations can sustain more linkages and keep the challenger group more visible in a local community, favoring more positive attitudes, or at least greater tolerance, of the outside public toward its members. Burstein (2003) argues that a key determinant of policy change is the strength of public opinion, and policy makers often make decisions consistently with the majority of the

public. A policy decision can be activated in various ways, with the local government or some members of the challenger group taking the initiative on the issue. We envision that more and stronger social connections with the outside community—what we call *organizational bridging*—will help to reach some critical threshold of public support for the decision. For example, businesses expanding their client base to members of multiple groups reach a broader market and obtain support for their activities from a larger set of constituents. We thus offer a first hypothesis:

HYPOTHESIS 1.—Greater presence of commercial organizations affiliated with a challenger group, particularly bridging organizations, will increase the likelihood of local enactment of a nondiscrimination policy.

A second mechanism linking commercial organizations to policy change emanates from the diversity of these organizations. Theorists often point to organizational diversity as represented by organizational forms (Carroll and Hannan 2000). Organizational forms—described superficially by social categories such as “charter school,” “night club,” “trade union,” or “dry cleaner”—offer concrete models for arranging social action and equip social actors with familiar templates that reduce the costs of organizing. Forms also provide cognitive models of how “people act together in a particular way” (Clemens 1996, p. 206).

Organizations that belong to established or institutionalized forms benefit from the legitimation of those forms among outside constituents. Legitimation reflects the extent to which a social object, individual or collective, is accepted and taken for granted. If the members of a challenger group start and develop organizations across a wide array of established forms, then the legitimation of these forms can extend to the collective identity of the group. This would seem to be especially the case for politically mundane commercial organizations, which signify normalcy in a subtle way. The organization-based mechanism we envision comes from aggregate changes of social perceptions, similar to how stereotypes are corrected at the individual level (Petty and Wegener 1993). Stereotypes imply associating specific traits, characteristics, and roles with a group when observing its members. Images of members that counter the stereotype operate as cues that modify intentions and behavior toward the group.

Organizational diversity can validate the social presence of the group. Political scientists argue that policy makers grant rewards mainly to groups that are more accepted in society (Schneider and Ingram 1993). The more legitimate a group becomes, which we argue depends in part on the diversity of the organizations with which its members are involved, the less often the activities of its members will be questioned—for instance, by not granting or revoking licenses to their businesses or by not raiding their premises and their clients. On the contrary, in the legitimated context, local au-

thorities will be more responsive in offering protection against forms of violence and discrimination or property crimes. Some members of the group can facilitate this process and engage in activities that communicate the identity of the challenger group, but the underlying driving factor of this mechanism remains the collective signal of multiple organizational forms to outside constituents. This argument leads to a second hypothesis:

HYPOTHESIS 2.—*Greater diversity of forms among commercial organizations affiliated with a challenger group will increase the likelihood of local enactment of a nondiscrimination policy.*

It seems straightforward to expect that a greater presence of politically oriented organizations will enhance collective participation to support the claims favoring a challenger group (Snow and Soule 2010). This expectation comes from resource mobilization theory and has been found often in prior research. But how does such an effect relate to the legitimation process stipulated in hypothesis 2?

Legitimation as social taken-for-grantedness relies on the perceptions of others, of outsiders. We have argued above that when outsiders observe minority communities that resemble the larger social order because their degree of commercial organizational diversity is high, these communities become accepted as valid social facts. In this context, organizational diversity operates as a signal of legitimacy, in the sense that it realizes the meaning of “ordinary” or “normal” in the eyes of outsiders. The examination of organizational diversity by outsiders resembles what Hannan et al. (2007) call a minimal test code, whereby the limited and unsystematic information about a collective entity, perhaps even superficial in nature, leads one to assume other characteristics of that entity.

What could cause a community to send a confusing signal, to fail such a test code for normalcy? A notable imbalance in the distribution of organizations compared to the larger social order would likely trigger a deeper examination of how ordinary (or not) the community is and could question its legitimation. Such an imbalance would more readily emerge from the involvement of highly visible and active organizations, such as purposive political organizations. Recent studies of collective action demonstrate that greater numbers of SMOs encourage differentiated tactics among them (Olzak and Ryo 2007; Soule and King 2008). In particular, in mobilizing their constituents, some organizations will pursue extreme and dramatic actions. So while commercial organizations highlight similarities, political organizations shine the light on differences.

The social impact of commercial organizations is not necessarily purposive. In contrast, formal political organizations aim to challenge the status quo and often engage in public battles by organizing protests or threatening to disrupt institutionalized channels. High numbers of politi-

cal organizations in an organizationally diverse community may also spur tension and conflict among groups within the community. While commercial organizations affiliated with a challenger group increase the legitimacy of its claims through their ordinary/mundane activities, SMOs or other advocacy organizations usually rely on tactical repertoires of contention that are based on public protests (Tilly 1999). Confrontational tactics such as marches, strikes, and demonstrations, or other more extreme and dramatic actions, usually disrupt the day-to-day life of a community (Taylor and Van Dyke 2004) and are even opposed by the commercial organizations of such communities.

So by this line of thought, even as they fight for the community, high numbers of political organizations draw attention to the challengers as not ordinary, even threatening perhaps. In this respect, the “voice” of political organizations can undermine and conflict with the quiet signal of a diverse set of commercial organizations. For these reasons, we see a potential trade-off. The incongruity between the process of legitimation, which depends more closely on the observed diversity of commercial organizations, and the activities of political organizations leads us to propose:

HYPOTHESIS 3.—Greater presence of political organizations affiliated with a challenger group moderates the effect of diversity of forms among commercial organizations on the likelihood of local enactment of a nondiscrimination policy.

LESBIANS/GAYS AND ORGANIZATIONS

Our analysis focuses on local policies to eliminate discrimination against lesbians/gays. Sociologists have documented a cultural transformation of homosexual social life from segregation and secrecy to greater public visibility and the corresponding activism that spurred a collective movement (Bernstein 1997; Armstrong 2002). In the late 1960s, protests and street demonstrations in several cities, including New York, San Francisco, Los Angeles, Philadelphia, Washington, and Chicago, symbolized a new beginning for the organization of lesbians and gays (Armstrong and Cage 2006). The more memorable of these events, the Stonewall riots, began in late June 1969 and were centered around a gay bar (the Stonewall Inn) in the Greenwich Village section of New York City. At that time, a new approach and different tactics were reflected in the slogan: “Out of the closets and into the streets.”

Since the 1970s, within the lesbian/gay community many have channeled their collective sentiments into political action. The new environment also opened the space for the development of new organizational groupings. The range of organizations and institutions associated with the

group has grown, explosively in some places and less rapidly in others. Many American cities witnessed the emergence of organizations diverse in kind.

In a notable analysis of organizations linked to lesbians and gays in San Francisco, Armstrong (2002, pp. 21–22) argues that the renewed opportunities for self-expression paved the way to organizational growth. She challenges the assumptions that organizational diversification was instrumental to political goals and argues that the lesbian and gay organizational world consolidated into a field, in which organizations developed a “one plus one” function and identity. One dimension was linked to representing lesbians or gays and the other to pursuing various goals, including what she calls “banal” tasks like supplying services, aggregating information, and so on.

Armstrong found that cultural, religious, and service organizations each made a distinct contribution to increasing the connections of lesbians/gays in society and to the elaboration of gay identity. Although she focused on the nonprofit sector and only occasionally considered professional organizations such as legal or medical firms, her argument can apply to commercial organizations. Money from commercial organizations might be, in part, directed to maintain nonprofits and electoral politics: for instance, the association of gay bar owners in San Francisco supported selected candidates for public office (Armstrong 2002, p. 122). But, more simply, local commercial organizations first try to develop their business with suppliers, customers, and clients in their communities. At the same time, they implicitly express, similar to their counterpart in the other domains, “one of the many legitimate ways to be gay” (Armstrong 2002, p. 23).

Other sociological research agrees that while they serve mobilization and cultural purposes by expressing a collective identity, organizational affiliations manifest distinct political consequences for lesbians/gays. In particular, Bernstein (1997, 2003) notes that local governments in Portland and Eugene, Oregon, were responsive to the demands for antidiscrimination legislation at least in part because some lesbians and gay men were respected as business persons and had visibility in the polity. Similarly, Button, Rienzo, and Wald (1997) studied policy change in Philadelphia and Iowa City and argued that activists succeeded in getting the city government to pay attention to their issues. They found that in public hearings lesbian and gay representatives from ordinary businesses were regularly invited to give testimony to the city council.

In these cities, organizations in which lesbians/gays worked or invested were able to present themselves as connected to the larger business community, but they still represented the social instances of the group to which they were linked. The speakers testifying in the hearings came from many

kinds of organizations, including nursing facilities, switchboards, and others in the areas of health, professional services, law, and labor. Arguably, these impulses prompted the city commission on human relations to recommend the legislation to the city council.

Similar successful policy outcomes are compatible with the arguments proposed in the previous section as well as evidence on the social mechanisms described therein. Social psychologists show that heterosexuals reporting interpersonal contact manifest more positive attitudes toward lesbians and gays than do those without contact (Herek and Capitanio 1996). Furthermore, Dasgupta and Rivera (2008) find that people who have had long-term contact with lesbians and gays will exhibit greater willingness to vote in favor of legalizing gay civil rights. At the same time, the mere exposure to images of counterstereotypic lesbians and gays, independent of contact, has a discernible effect on implicit attitudes and explicit behavioral intention and also increases egalitarian voting intentions.

Businesses linked to lesbians and gays can endorse civil rights claims but distance themselves from groups whose action can be seen as causing controversy (Chasin 2000). Sender (2004) argues that the multiplicity of commercial organizations signals their social respectability and that the action of some political organizations can undermine this association between lesbians/gays and straight people. Bernstein (1997) examines the tension between the modes through which political organizations expressed their identity in the passage of nondiscrimination policies. One mode is “identity for education,” which relies on uncontroversial themes to challenge the dominant culture’s perception of lesbians/gays in society, and another is “identity for critique,” which confronts the values, categories, and practices of the dominant culture.

In New York City, political groups employed identity for critique and chose actions that “highlighted differences from the straight majority” (Bernstein 1997, p. 546). When they secured public hearings and invited drag queens to participate in the hearings, city council members exploited the confusion between transvestitism and homosexuality to defeat the ordinance. Political scientists Haider-Markel and Meier (2003) similarly argue that such strategies, with which one can associate confrontational actions by groups such as Queer Nation in the early 1990s and Bash Back! in the 2000s, increase the salience of the social issues for which lesbians/gays struggle. The focus on differences seems to work at cross purposes to achieving policy change through a process of assimilation—which implies social acceptance by losing or subduing the characteristics distinguishing lesbians and gays—and determines a pattern that activates the opposition of other groups and competition among political parties. At the local level, Wald et al. (1996) find that such conflictual perceptions reduce the likelihood that policy makers will enact policy changes in favor of

lesbians/gays, and Lax and Phillips (2009) show similar findings at the state level.

DESIGN AND MEASUREMENT OF THE EMPIRICAL ANALYSIS

Data

We analyzed the enactment of nondiscrimination policies in local communities in the United States from 1972, the year in which the first ordinance was passed, until the time of enactment or 2008, the censoring date. We used counties as the unit of analysis. During this period, we identified 349 localities where nondiscrimination policies were enacted, 81 counties and 268 cities. Of these, 130 cases involved localities with previous enactments, and the coded events correspond to 219 policy changes (172 cities and 47 counties). When cities enacted before counties, in 75% of the cases, it was the largest city within the respective county, and in 95% of the cases it was one of the three largest cities. This pattern suggests that not only covariates measured at the county level but also those aggregated from the largest cities in the county might be credibly linked to enactments. Using this assumption also allows us to model the rate using one level of analysis. Table 1 defines the variables in the regressions.

The main source for the data on organizations is the *Gayellow Pages* (1973–2009; hereafter *GYP*), a U.S. directory organized by locale. The *GYP* contains listings of businesses, services, and other organizations by and for lesbians/gays. The first edition was compiled from other local publications, guides, and informal recommendations. In subsequent editions, a representative of each listed organization was invited to be included in the directory by providing information on a postcard. The postcard also asked whether the organization wished to be listed as wholly or partly lesbian/gay-owned or operated and whether it was oriented only to lesbian/gay patronage or not. Listing is free. Table 2 lists the 20 most frequent categories in the directory.

The listings cover a wide range of organizations, including restaurants and cafés, bars and clubs, bookstores, community centers, erotica shops, political associations, and religious congregations. A few examples: Outwrite, founded in 1993 and Atlanta's main lesbian/gay bookstore and coffeehouse, offering a vast selection of books, CDs, magazines, movies, and gifts as well as food and drink; Wernik and Salvatore, a family attorney in Hazlet, New Jersey, who can advise people who enter or terminate a civil union or have other family law issues about legal rights and options; Chelsea Mews, the oldest all-male clothing-optional guesthouse in New York City.

Presumably, one is more likely to know about the directory if involved with lesbians/gays. Likewise, involvement with lesbians/gays or with the

organization itself would increase the chances of a listing. The editors of the directory state that “no business or organization listed in *GYP* is necessarily owned by homosexuals,” or specifically welcomes their participation or patronage, unless so indicated, and that entries will be deleted on receipt of reliable information that the businesses are unwelcoming to those concerned. In the findings section, we address some endogeneity concerns related to the data source.

The *GYP* is distinctive in its aim and scope. The front cover of the 2008 edition indicates that the purpose is to inform the lesbian/gay community and to provide “vital information on the road or at home” so that readers of the directory will “find the everyday necessities of life.” The directory’s comprehensiveness is an appealing feature for our study. The guide was previously used by Armstrong (2002) and Kane (2003), who regard it as the first inclusive, national guide to both nonprofit and commercial organizations to be published annually.

The three panels in figure 1 show the number (density), spatial concentration, and concentration by category of organizational listings in the *GYP* nationwide. The solid line in panel A measures counts (density), the dashed line in panel B measures the spatial concentration ratio of listings by county, and the long-dash-and-dotted line in panel C measures the concentration ratio of listings by category. Concentration is calculated using the Herfindahl-Hirschman index of shares by county location and category, respectively. The graphs indicate that while the density of listings grew steadily over time in number, the listings also broadened significantly across localities and types—their spatial and category concentration have declined approximately four times during the study period.

The second major data source is the U.S. Bureau of the Census (various years), particularly the *County and City Data Book*, compiled between 1972 and 2007. The publication is a comprehensive source of information about counties and cities in the United States and contains data on socioeconomic, demographic, and political indicators used to measure some of our control variables. We also used data from the Association of Religion Data Archives (ARDA), a research archive located at the Social Science Research Institute (Pennsylvania State University) that provides information about American religion and religious denominations.

Enactment of Nondiscrimination Policy

We analyze the enactment of the first local governmental policy of nondiscrimination based on sexual orientation or gender identity. The policies we consider are formal legal orders, which are mainly enacted by ordinance. Our data sources indicate that in seven cases the policy was enacted by

TABLE 1
 DEFINITION OF REGRESSORS IN ANALYSIS OF RATE OF ENACTMENT OF LOCAL SEXUAL ORIENTATION/GENDER IDENTITY
 NONDISCRIMINATION POLICIES IN U.S. COUNTIES

Variable	Definition	Sources
County level:		
Commercial organizations	Count of organizations in commercial categories in each county (see table 2)	<i>Gayellow Pages</i>
Commercial organizations— external bridging	Count of organizations in commercial categories that are “gay-owned and serve non-gay customers/clients” and “non-gay-owned and serve gay customers/clients” in each county	<i>Gayellow Pages</i>
Commercial organizations— nonbridging	Count of organizations in commercial categories that are not external bridges, i.e., are “gay-owned and serve LGBT customers/clients” and “non-gay-owned and serve non-gay customers/clients” in each county	<i>Gayellow Pages</i>
Variety of forms among commercial organizations	Simpson index of diversity by category of organizations in commercial categories in <i>GYP</i> in each county	<i>Gayellow Pages</i>
Political organizations	Count of political organizations in each county	<i>Gayellow Pages</i>
Rural-urban continuum	Classification of U.S. counties by urbanization and proximity to a metropolitan area, ordered from more urban (0) to more rural (9)	<i>Gayellow Pages</i>
Population	Total population in each county (1,000,000)	U.S. Department of Agriculture, Economic Research Service
Proportion of blacks	Proportion of black population	U.S. Bureau of the Census
College population	Proportion of population age enrolled in college	U.S. Bureau of the Census
Median population age	Median age of the population in years	U.S. Bureau of the Census
Median household income	In U.S. dollars (divided by 1,000)	U.S. Bureau of the Census
Religious diversity	Simpson index of diversity of total number of adherents by congregation	Association of Religion Data Archives
Enactment in adjacent localities	Running average of the proportion of contiguous counties that have previously adopted nondiscrimination ordinances	Eskridge (1999), National Gay and Lesbian Task Force, Human Rights Campaign Workplace
Republican majority	Majority of votes cast at last presidential elections in the county for Republican candidate	U.S. Bureau of the Census, County and City Data Book
Lesbian/gay population	Sum of lesbian and gay couples as a proportion of the population in each county	Black et al. (2000), Smith and Gates (2001), Romero et al. (2007)
State level:		
Decriminalized sodomy law	State where the county is located has repealed or courts in state have overturned sodomy laws	Eskridge (2008)
State nondiscrimination law	State where the county is located has passed a law of nondiscrimination based on sexual orientation/gender identity.	National Gay and Lesbian Task Force

TABLE 2
 MOST FREQUENT CATEGORIES OF ORGANIZATIONS LISTED IN THE
GAYELLOW PAGES DIRECTORY

Category	% of Entries
Bars, restaurants, clubs, discos	23.76
Political organizations	7.65
Accommodation	7.14
Religious organizations	6.75
General resources	5.31
Erotica	4.39
Counseling and therapy	3.70
AIDS/HIV services	3.36
Print publications	3.26
Bookstores	3.05
Student organizations	2.48
Legal and mediation services	2.12
Health care	1.74
Real estate	1.55
Travel services	1.50
Sports and self-defense	1.49
Men's clubs	1.26
Business services	1.14
Gifts and cards . . . . .	.87
Art and photography . . . . .	.45
Other	17.03

executive order, which is more commonly employed to enact nondiscrimination laws by state governments. In fewer cases the policy was enacted by referendum. In our analysis, we do not treat enactment events differently, but in unreported analyses we find that excluding, or controlling for, the executive orders or referenda does not alter significantly the findings reported in the regressions.

The areas covered by these policies can include public employment, public accommodations, private employment, education, housing, and credit. In most jurisdictions, the policies addressing gender identity/expression were adopted by subsequently amending the measures protecting sexual orientation (Button et al. 1997). For example, in Key West, Florida, a municipal law against sexual orientation discrimination was introduced in 1991 but gender identity and expression were added to the law in 2003. We found 25 cases of protection of gender identity since enactment.

To compile the list of communities and dates of issuance, we relied on Eskridge (1999, app. 2), the National Gay and Lesbian Task Force (www.thetaskforce.org), and the Workplace database maintained by the Human Rights Campaign (2000–2009), the nation's largest civil rights organization focused on the LGBT community (www.hrc.org).

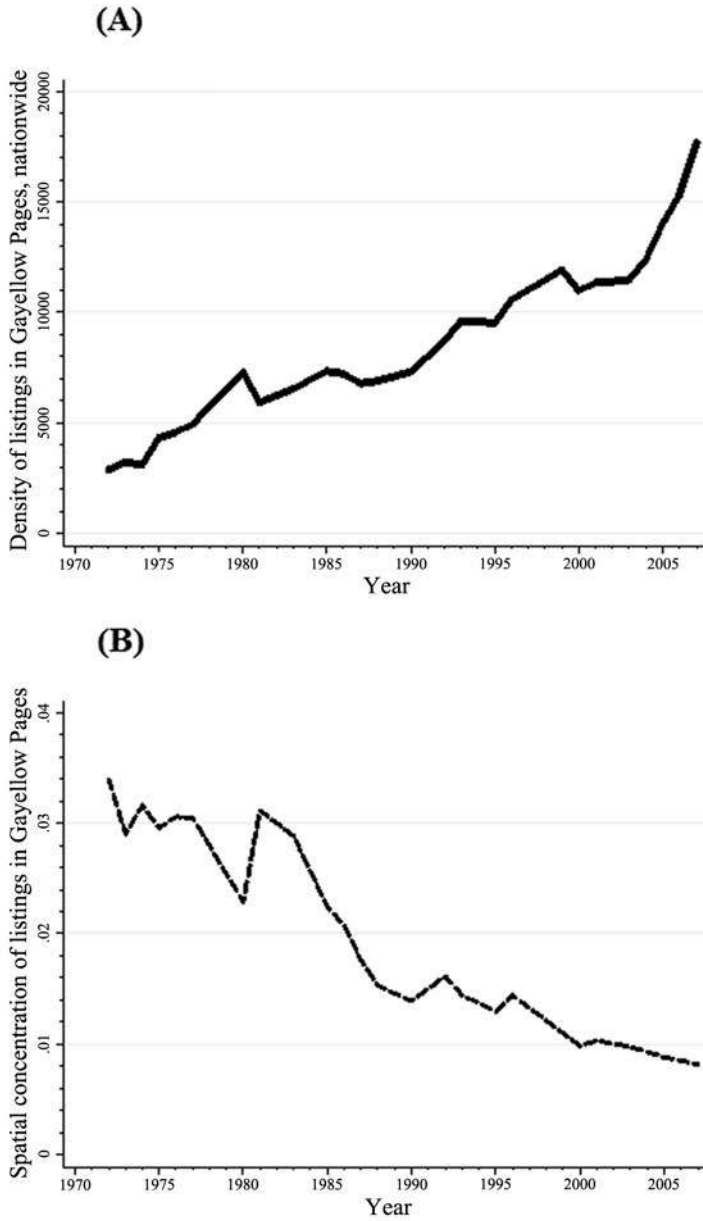


FIG. 1.—Organizational density (A), geographical concentration (B), and concentration by category of organizational listings (C) in the *Gayellow Pages* directory.

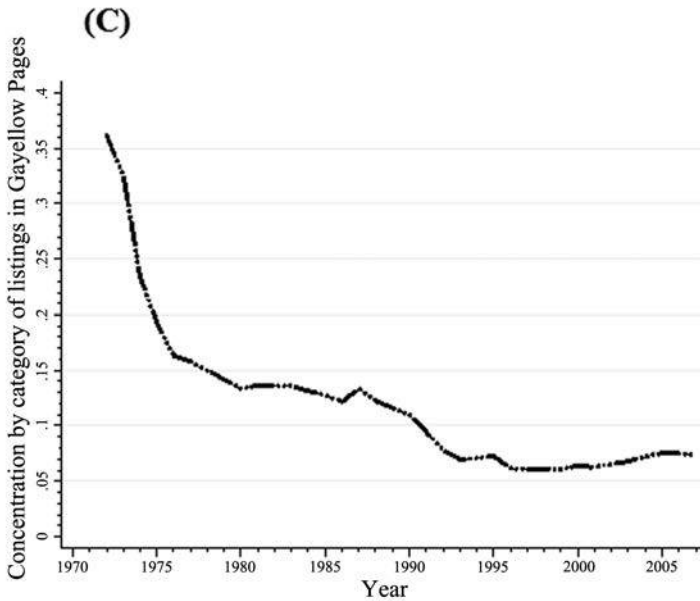


FIG. 1.—(Continued)

Main Covariates

We measure organizational presence of commercial organization by counting separately bridging and nonbridging organizations. To measure organizational bridging, we started from the yearly count of organizations classified in commercial categories by the *GYP* in each county. Table 3 details the list of categories included in the count variable, which includes hotel accommodation, food stores, office supplies, and real estate agencies.

The *GYP* provides information about whether the organizations in the directory wish to be listed as lesbian/gay-owned and whether they target only lesbian/gay clients and customers. Bridging is the yearly count of commercial organizations lesbian/gay-owned targeting non-lesbian/gay clients and customers plus organizations non-lesbian/gay-owned targeting lesbian/gay clients and customers. In the data, this variable ranges from a minimum of 0 to a maximum of 180. To partial out the effect of external bridging (and allow easier comparability across different model specifications), we also include a variable measuring nonbridging, calculated as the yearly count of commercial organizations in the *GYP* that are not bridges. The variable ranges from 0 to an observed maximum of 305.

TABLE 3
 CATEGORIES OF COMMERCIAL ORGANIZATIONS LISTED IN THE
GAYELLOW PAGES DIRECTORY

Accommodation: hotels, inns, guesthouses, B&Bs, campgrounds	Legal and mediation services and resources; attorneys
Accommodation: reservation services and exchanges	Lighting
Accounting, bookkeeping, tax services	Liquor and wine stores
Alterations	Mail-order products
Answering, mailbox, shipping, and packaging and copy centers	Mailing lists
Antiques and collectibles	Market research
Archives, libraries, education projects	Massage
Art and photography	Media services: audio, video, film, CD/DVD, etc.
Art galleries/archives/restoration, supplies, framing	Medical billing services
Astrology/numerology/tarot/psychic readings	Meeting/contact/dating/talklines
Auction services	Messenger services
Automobile services	Movie production
Bail bonds	Movie theaters
Bakeries	Moving/transportation/storage
Banks, credit unions, credit cards	Music and records
Bars, restaurants, clubs, discos	Music lessons
Bath supplies	Natural food stores
Boating	New age: occult, Wicca, alternative healing
Bookstores: gay/lesbian/feminist	News wire services
Bookstores: general	Notary services
Broadcast media	Office supplies
Business services/resources	Ophthalmologists, optometrists, opticians
Cabinetmakers	Oral communications
Check printing	Party/holiday/event services/catering/weddings
Child care	Performing arts: entertainment, music, theater, etc.
Cleaning services	Permanent hair removal
Clothes	Personal care: grooming and health
Coffeehouses	Personal growth/fitness training
Collection services	Pets and pet supplies
Computer and software sales and services	Pharmacies/health care
Conferences/events/festivals/workshops	Philately
Convenience stores	Piano tuners
Credit repair services	Piercing and body jewelry, tattoos
Dental services	Potteries
Distributors/wholesalers	Private investigators
Editing/writing/proofreading services	Public relations/advertising agencies
Education and research projects	Print publications
Electronics	Publishers/publishing-related services
Employment services	Quilts
Environmental consultation	Reading
Erotica (printed, visual, equipment; safe sex products)	Real estate

TABLE 3 (Continued)

Etcetera	Recording studios
Exterminators	Reproductive/insemination services, sperm banks
Financial and long-term planning services	Research and genealogy services
Flagging	Restaurant equipment/supplies
Florist: flowers and plants	Security services
Food specialties	Sign language interpreters
Funeral directors/cemeteries/mausoleums	Sport, self-defense, physical recreation
Furniture	Sports equipment and services
Furniture stripping	Stained glass
Gifts and cards	Stamps and coins
Gardening/landscaping services and supplies	Telecommunications: phones and paging service
Graphic design/typesetting	Telephone services
Grooming, hair care, tanning, spa services	Television sales
Hang gliders and water beds	Thrift/consignment stores
Hardware	Tobacco and smoke shops
Health clubs, fitness, gyms, men's clubs	Toys
Home and building: cleaning, repair, contractors	Transportation: limousine, taxi, etc.
Home inspection	Travel services
Hypnotherapy	Vending machines
Ice cream parlors	Veterinarians
Insurance	Video sales, rentals, services
Interior design/home furnishings	Websites: design and maintenance services
Internet service providers	Weight reduction
Jewelry	Wineries and vineyards
Laundry and dry cleaning	Yoga classes

The variable diversity of forms among commercial organizations is calculated as a Simpson (1949) index equal to

$$\left[1 - \sum_{f \in F} p^2(f, t) \right],$$

where p is the percentage of organizations in form f in each county in year t and F is the set of forms. We measure forms by the different categories used by the *GYP* to classify commercial organizations in the listings (see table 3). This variable ranges from 0 to 1.

We analyze the relationship between commercial and political organizations with an interaction term between the diversity of forms among commercial organizations and the yearly count of organizations classified as political by the *GYP* in each county. Examples of political organizations include the Kansas Equality Coalition, the largest nonpartisan group founded in Emporia, Kansas, "dedicated to lobbying the legislature to promote civil rights and to leading the campaign to end discrimination based

on sexual orientation and gender identity” (www.kansasequalitycoalition.org, main page). Political organizations are not necessarily committed to party ideologies but can be affiliates of political parties. The count of political organizations ranges from 0 to 60.

Controls

The localities that introduced lesbian/gay rights laws are located in different states. Accordingly, it is important to recognize at the outset that the regressions we estimate include state fixed effects to account for unobserved heterogeneity at this level. Yet, these localities still show variation on other dimensions including size, education, income, and geographical location (Wald et al. 1996). Additional (lagged) controls at the state and county level are included to measure time-varying sociopolitical, economic, and demographic factors that can affect policy outcomes.

In the analyses reported below, we first consider urbanization and economic affluence. Urbanization is measured with the rural-urban continuum code scheme (Brown, Hines, and Zimmer 1975; Beale 2004), a nine-value county scale that distinguishes metropolitan counties by the population size of their metro area, and nonmetropolitan counties by degree of urbanization and adjacency to a metro area or areas. Values of 1 indicate the largest, most urban counties, and values of 9 indicate completely rural counties. Affluence is measured with the value of median household income in dollars in each county (divided by 1,000).

Then we address demographic indicators. The first is county population. The second is racial composition, measured with the proportion of black population in each county. Next we account for median age in each county. Using data from ARDA, we add a measure of religious diversity of adherents across denominations in each county. In the case of lesbian/gay rights, certain conservative religious groups opposed policy change and denounced lesbians/gays as a threat to tradition and community values (Fetner 2008). Greater diversity would imply more religious fragmentation and a weaker resistance to policy change. To account for social learning that can underlie policy adoption we include the running average of the proportion of previous enactments of nondiscrimination policies in adjacent counties (Mooney 2001).

Next we include measures of political opportunity structures, which define the general responsiveness of the political system to the claims of contenders (Tarrow 1998). One is a state-level indicator for the decriminalization of sodomy laws, which have been applied differentially to repression of lesbians/gays (Eskridge 2008). Sodomy laws were ruled unconstitutional by the U.S. Supreme Court on June 26, 2003, although Missouri and Virginia have continued to enforce the laws and the variable is 0 for these

states. We also include another state-level indicator for the introduction of laws banning discrimination based on sexual orientation or gender identity. State laws do not make local legislation irrelevant, as local governments tend to pass more expansive laws (Gossett 1999). Of the local enactments, only 24 follow a state policy (six in California, one in Connecticut, four in Massachusetts, two in Minnesota, one in Nevada, one in New Hampshire, four in New Jersey, two in New York, two in Vermont, and one in Wisconsin). Third, we include a county-level measure of the proportion of the population enrolled in college. This accounts for the presence of allies supporting the issues concerning lesbians/gays: Button et al. (1997) argue that students and student organizations took a lead in demanding amendments to non-discrimination ordinances to local governments; and McVeigh and Diaz (2009) find that "college towns" show higher levels of education to support sociological change. Finally, Button et al. (1997) consider local Republican voting as signaling a political environment more unfavorable to legal protection for lesbians/gays. We include an indicator equal to 1 if in the previous presidential elections the majority of votes in a county went to the Republican Party. Our analyses do not control for government structure (e.g., mayor-council government); Wald et al. (1996) find that indicators of government structure do not predict ordinance enactment once the social and political variables described above are controlled for statistically. A calendar year variable controls for unobserved time trends.

In the findings section, we describe additional analyses conducted to test the robustness of our estimates. One accounts for the size of the lesbian/gay population; it is not included in the main estimates because the data for this covariate are only available for an abbreviated period. The absence of comprehensive official statistics makes lesbians/gays intrinsically difficult to study, but since 1990 the census survey allows persons to be identified as "unmarried partners," regardless of the sex of the partners. Black et al. (2000) explored data on unmarried partners from the 5% and 1% Public Use Microdata Samples and estimated the number of gay and lesbian households in each county. Smith and Gates (2001) and Romero et al. (2007) updated these estimates to 2007. We include the estimated proportion of gay and lesbian households to measure the size of the lesbian/gay population. Some control variables come from decennial census statistics, and observations between census years were linearly interpolated. The directory was not published every year, and we include an exposure term for observations covering the intervening years. In unreported analyses we find that neither the interpolation nor the missing publication years bias the results we report.

We examine the hazard enactment rate of a policy of nondiscrimination based on sexual orientation and gender identity in U.S. counties (excluding independent cities) using event-history methods. We use a specification

that assumes a constant baseline hazard and can be written as

$$h(t|x_j) = \exp(\beta_0 + x_j\beta_x),$$

where β_0 is a constant, x_j is a set of covariates, and β_x are the parameters to be estimated.

FINDINGS

Table 4 summarizes the data and table 5 reports the main hazard rate model estimates. We conducted the analysis in two stages. First, we modeled the rate of enactment as a function of our covariates and controls in stepwise fashion. Second, to check for robustness of the estimates we reestimated the models from this stage and addressed the main endogeneity concerns.

Model 5.1 includes controls only. Rural counties and counties with lower household income show a lower enactment rate, suggesting that urbanization and economic affluence are associated with greater likelihood to pass liberal policies. The positive sign of population is also consistent with this interpretation, although the coefficient weakens in the next specifications (ruralism arguably accounts for most of this effect). Perhaps surprisingly, proportion of black population is positively linked to enactment rates. Blacks can espouse more traditional values, but many support equal rights legislation: in a previous study of antidiscrimination laws in local governments, Button et al. (1997) cited two 1993 polls indicating that the majority of blacks were more sympathetic to lesbians/gays after the AIDS crisis and believed that legislative protection for them was necessary. Dorris (1999) found that rates of policy change were lower with a higher percentage of whites, suggesting that higher shares of minority population possibly indicate more diverse rather than more conservative communities.

We find higher enactment rates in counties with greater religious diversity. This can reflect a more fragmented religious participation that makes it more difficult for anti-lesbian/gay advocates to obtain support (Haider-Markel and Meier 1996; Fetner 2008). Religious pluralism, however, can also reflect a process of secularization where the influence of religious disputes generally declines (Koçak and Carroll 2008). The enactment rate does not seem to vary with median age: older individuals tend to have more conservative views about homosexuality, but higher median age may simply reflect a low fertility rate (McVeigh and Diaz 2009).

The enactment rate also increases if neighboring counties have passed a nondiscrimination ordinance. Processes of social learning can be a driver of policy adoption. Political research, in particular Mooney (2001), has argued that the understanding of a policy's features and the processing of

TABLE 4
 SUMMARY STATISTICS AND CORRELATION MATRIX AMONG REGRESSORS FOR ANALYSIS OF RATE OF ENACTMENT OF LOCAL SEXUAL ORIENTATION/GENDER
 IDENTITY NONDISCRIMINATION POLICIES IN THE UNITED STATES

	Mean	SD	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1. Commercial organizations— bridging . . . . .	.36	2.06	1															
2. Commercial organizations— nonbridging . . . . .	.62	3.70	.68	1														
3. Diversity of forms among commercial organizations . . . . .	.05	.16	.43	.39	1													
4. Political organizations . . . . .	.19	1.06	.60	.49	.33	1												
5. Rural-urban continuum	5.89	2.49	-.25	-.23	-.37	-.26	1											
6. Population . . . . .	.08	.20	.43	.44	.38	.46	-.34	1										
7. Proportion blacks . . . . .	.09	.14	.04	.04	.02	.04	-.06	.06	1									
8. Proportion college . . . . .	.04	.04	.11	.11	.21	.20	-.27	.12	.03	1								
9. Median population age	34.13	5.12	-.03	-.03	-.02	-.07	.21	-.05	-.19	-.31	1							
10. Median household income	24.21	11.95	.09	.07	.21	.08	-.34	.23	-.10	.05	.45	1						
11. Religious diversity . . . . .	.47	.16	-.02	-.01	-.01	-.01	-.08	-.03	-.16	.09	.14	.08	1					
12. Enactment in adjacent localities . . . . .	.001	.00	.11	.11	.21	.12	-.26	.26	-.05	.06	.01	.24	.00	1				
13. Republican majority . . . . .	.72	.45	-.05	-.04	-.06	-.04	-.01	-.03	-.24	-.03	.01	.05	.12	-.01	1			
14. Decriminalization sodomy . . . . .	.42	.49	.03	.03	.11	.05	-.06	.08	-.27	-.01	.26	.39	.16	.11	.06	1		
15. State nondiscrimination law . . . . .	.06	.23	.06	.06	.14	.05	-.08	.11	-.11	.00	.17	.31	-.04	.13	-.09	.20	1	
16. Calendar year	20.28	10.37	.00	.01	.06	-.02	-.06	.08	.01	-.03	.62	.83	.02	.09	-.04	.39	.23	1
17. Exposure term	1.33	.63	.00	.00	-.01	.01	.02	-.02	.00	.03	-.06	-.08	.00	-.01	-.06	-.07	-.03	-.10

TABLE 5
 MODELS OF THE RATE OF ENACTMENT OF LOCAL SEXUAL ORIENTATION/GENDER
 IDENTITY NONDISCRIMINATION POLICIES IN THE UNITED STATES (Maximum-
 Likelihood Estimates of Constant-Hazard Regressions), 1972–2008

	Model 5.1	Model 5.2	Model 5.3	Model 5.4
Constant	-26.531** (1.442)	-26.667** (1.011)	-26.066** (1.503)	-25.310** (1.562)
Commercial organizations— bridging ^a . . . . .		.020** (.004)	.017** (.005)	.025** (.008)
Commercial organizations— nonbridging ^a . . . . .		.0002 (.001)	.006 (.007)	-.004 (.006)
Diversity of forms among commercial organizations ^a			3.708** (.320)	3.915** (.325)
Diversity of forms among commercial organizations × political organizations ^a				-.404** (.090)
Political organizations ^a . . . . .				.332** (.066)
Rural-urban continuum	-.496** (.060)	-.497** (.060)	-.273** (.065)	-.243** (.066)
Population . . . . .	.654** (.091)	.372* (.178)	.062 (.153)	.040 (.146)
Proportion blacks	4.307** (1.041)	4.689** (1.010)	3.104** (1.099)	2.686* (1.139)
Proportion college	15.907** (1.538)	15.222** (1.582)	11.390** (1.925)	10.488** (1.968)
Median population age . . . . .	.027 (.033)	.005 (.034)	-.037 (.039)	-.047 (.039)
Median household income . . . . .	.023** (.008)	.025** (.008)	.018* (.009)	.022** (.008)
Religious diversity	2.927** (.788)	3.045** (.778)	2.739** (.785)	2.961** (.809)
Enactment in adjacent localities	18.099** (5.170)	19.856** (3.998)	20.937** (4.141)	16.191** (5.956)
Republican majority	-.790** (.156)	-.708** (.159)	-.473** (.151)	-.490** (.153)
Decriminalization sodomy	-.307 (.294)	-.485 (.316)	-.537 (.331)	-.563 (.324)
State nondiscrimination law	-.777** (.278)	-.555 ⁺ (.299)	-.407 (.291)	-.467 (.301)
Calendar year . . . . .	.038* (.016)	.049** (.016)	.066** (.017)	.071** (.017)
Exposure term	-.049 (.110)	-.036 (.111)	-.022 (.110)	-.055 (.112)
Log-pseudolikelihood	-423.249	-416.561	-332.424	-322.399
χ ²	924.91	938.29	1,106.56	1,126.61
Observations	1,008,001	1,008,001	1,008,001	1,008,001

NOTE.—Numbers in parentheses are SEs. State dummies are included but not reported.

^a Main covariates.

⁺ $P < .10$ (two-tailed).

* $P < .05$.

** $P < .01$.

political information can induce regional effects of diffusion, positive or negative. For example, if a policy adopted in a location provokes a backlash, the probability of adopting it in a nearby region can decrease. In analyses not reported for brevity we did not find nonlinear effects of adjacent adoption (including a linear and quadratic term does not improve the model fit of the main specification: $\chi^2 = 0.23$, 1 *df*, $P \approx 1$). Counties in states that decriminalized sodomy laws or whose majority voted for the Republican Party have higher and lower enactment rate, respectively, but only Republican vote is significant. A larger college population, indicative of a more receptive local political climate, also has a positive and significant effect. Button et al. (1997) argue that college students have been active in petitioning campus administrations for nondiscrimination policies and in garnering support for lesbians/gays in the rest of the community.

In this model, the enactment rate increases with the prior passage of a state nondiscrimination law. Although its statistical significance disappears in subsequent models, it may be worth noting that the effect agrees with the understanding that policy innovations at the state level limit—but do not eliminate—political and legal risk at the local level and that local ordinances are likely to be more expansive legislations.

We now describe the main covariates of theoretical interest. To test the first prediction, the specification in model 5.2 includes the variables measuring the count of lesbian/gay bridging and nonbridging commercial organizations. The coefficient of bridging is positive and strongly significant ($\chi^2 = 20.33$, $\text{Pr} < .001$, 1 *df*) whereas the effect of the nonbridging organizations is not ($\chi^2 = 0.001$, $\text{Pr} = .98$, 1 *df*). The effect of any variables can be evaluated in terms of a multiplier of the unobserved enactment rate. This multiplier is obtained by exponentiating the product of the estimated coefficient of any variable over the range of values for that particular variable. A multiplier below, equal, and above one indicates, respectively, that a variable reduces, does not affect, and increases the hazard. Here a one-standard-deviation increase of bridging, measured by two organizations, increases the multiplier of the rate by about 5.4%.

Model 5.3 adds the variable of diversity of forms among commercial organizations to the previous specification and finds a significant positive effect ($\chi^2 = 134.40$, $\text{Pr} < .001$, 1 *df*). The implied relationship between the variety of forms and the multiplier of the rate of enactment indicates that an increase of variety of forms from 0.05 to 0.21, an increase by one standard deviation from the mean, increases the multiplier by about 81%, from 1.20 to 2.18.

Model 5.4 adds the interaction term between the diversity of forms and the political organizations to test our last prediction. First, the count of political organizations shows to be positively and significantly linked to the enactment rate. The estimated effect of a one-standard-deviation increase

in political organizations increases the enactment rate by about 30%. A negative and significant effect of the interaction term with the diversity of forms is significant ($\chi^2 = 20.21$, $\text{Pr} < .001$, 1 *df*). The interaction term and the other covariates are also conjointly significant ($\chi^2 = 179.99$, $\text{Pr} < .001$, 5 *df*). The attenuating effect seems substantive. A one-standard-deviation increase (from 0.05 to 0.2) of form diversity increases the multiplier of the rate by about 84%, from 1.16 to 2.15, when the political organization variable is at its mean, but this effect is reduced by 12% when the number of political organizations increases by one unit (a one-standard-deviation increase), and by 24% for an increase of two organizations. Figure 2 plots the predicted relationship of the interaction with the multiplier of the rate.

Figure 3 maps the predicted hazard rates of policy enactment as a function of the effects of main covariates (the specification of model 5.4 without the control variables), with darker areas indicating counties with higher hazard of enactment, using the natural breaks optimization method visualized with the Albers Equal Area Conic projection.

Next we summarize, but do not present details for brevity, supplementary analyses testing the robustness of the main findings. The effects of the covariates are not driven by the skewed distribution of organizational bridging and diversity: logarithmic and square root transformations of the covariates, which will reduce the significance of outliers for the estimates, find similar patterns. The reported effects are also not driven by either the zero counts or the interpolated values of the covariates and the other con-

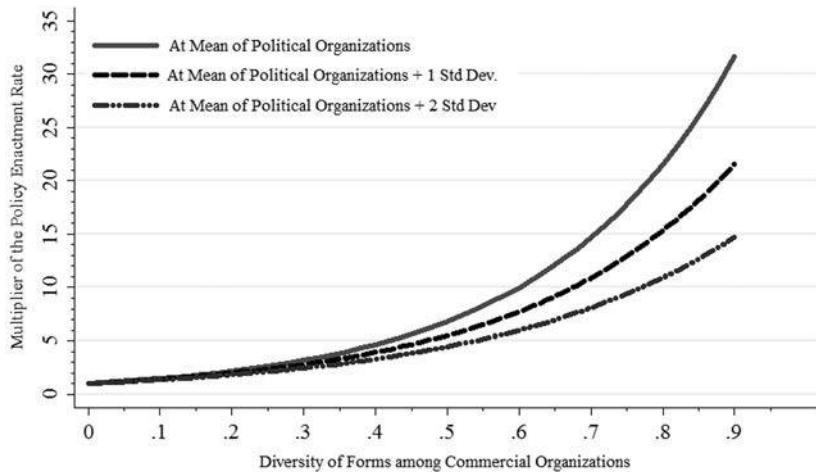


FIG. 2.—Predicted relationship with the multiplier of the rate of enactment of local nondiscrimination policies (based on estimates in table 5, model 5.4).

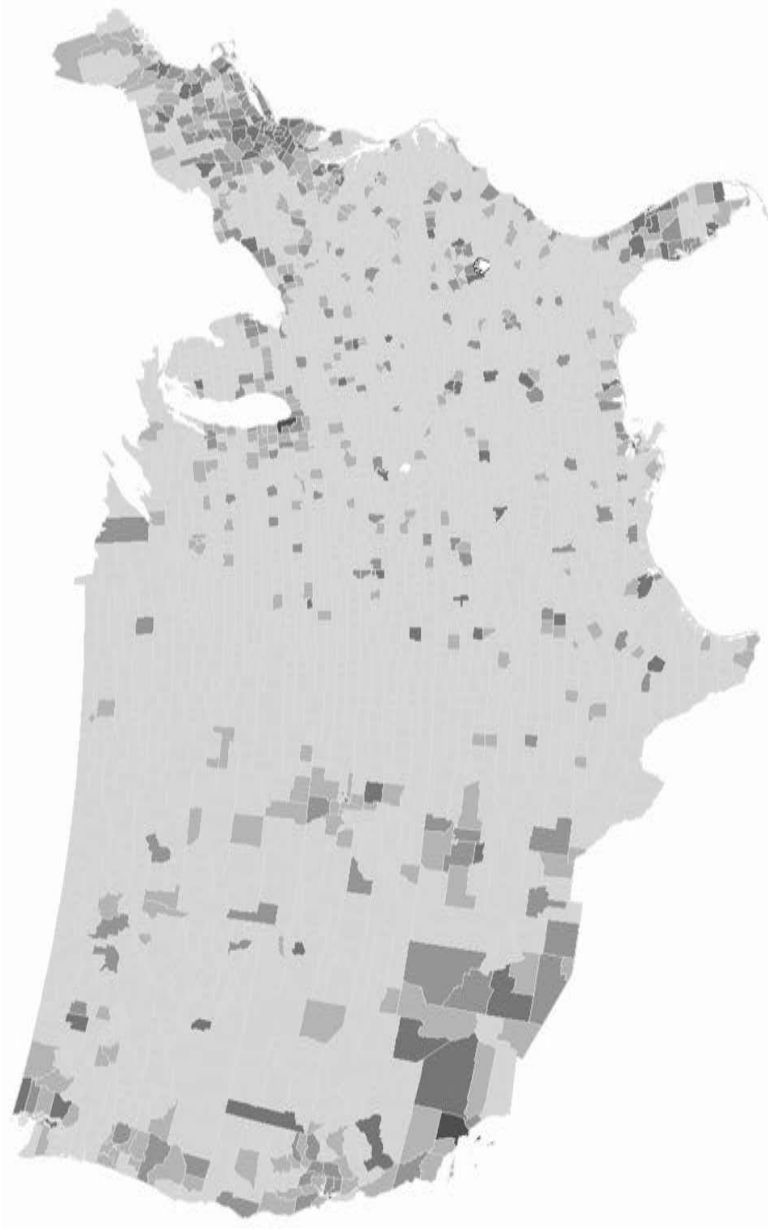


FIG. 3.—Predicted hazard rate of enactment of local sexual orientation/gender identity nondiscrimination policies in the contiguous United States, 1972–2008. Darker color indicates higher rates of enactment; ranges are defined using natural breaks optimization method.

trols. They are also not confounded by other organizations (noncommercial and nonpolitical). We also measured separately single-location and multiple-location organizations: the effects of bridging and diversity come from single-location organizations (model fit comparisons indicate that this disaggregation does not add significant explanatory power).

Endogeneity represents a potential critical estimation issue. The number of lesbians/gays is arguably a critical factor that can lead to spurious correlation. In table 6, model 6.1, the enactment rate increases significantly with the proportion of the lesbian/gay population, measured from the census estimates described in the previous section. The data cover an abbreviated period (1990–2007) and the number of observations drops considerably, but the main covariates still show the expected patterns.

In model 6.2 we attempt to single out another source of spuriousness, namely, how the effect of commercial organizations is distinct from that of political mobilization; for example, one could argue that local businesses affect policy change simply because they provide a meeting space for activists. Bars represent the commercial organizations more likely to be designated for this role. We disaggregated commercial organizations into bars and other organizations. Organizations other than bars show a positive effect, while bars do not and if anything they seem to decrease the rate. Perhaps the negative effect of bars comes from the stigma associated with these businesses as sexual enterprises at least during part of the study period. We also explored our data a bit further. We reasoned that if commercial organizations are co-opted by activists, then we ought to observe political work to precede rather than follow their presence. The *GYP* data indicate that for the counties with positive counts of either commercial or political organizations, in about 56% of the cases commercial organizations are observed before political organizations, and only in 5% of the cases political organizations are observed before commercial organizations (in the remaining of the cases both kinds of organizations are first observed jointly).

The analysis models time to first enactment and excludes subsequent enactments in the same unit of analysis to minimize another source of endogeneity, reverse causality. While local policies can influence the number and composition of organizations after enactment, it is difficult to think that the number and composition of organizations can be determined by local policies before one has been enacted.

Unobserved factors can bias the estimates by affecting the likelihood of claiming involvement with lesbians/gays. The bias can depend on organizational characteristics. In our data, bars, clubs, and bathhouses tend to have a distinct visibility and perhaps a different tendency to report a certain type of affiliation. The analysis in table 6 reassures us that the significant effects of bridging come from other categories of organizations.

TABLE 6
 MODELS OF THE RATE OF ENACTMENT OF LOCAL SEXUAL ORIENTATION/GENDER
 IDENTITY NONDISCRIMINATION POLICIES IN THE UNITED STATES (Maximum-
 Likelihood Estimates of Constant-Hazard Regressions)

	Model 6.1	Model 6.2
Constant	-9.876** (2.208)	-24.747 (10.665)
Commercial organizations—bridging ^a . . . . .	.047* (.023)	
Commercial organizations—nonbridging ^a . . . . .	.035 ⁺ (.018)	
Diversity of forms among commercial organizations ^a	3.803** (.419)	3.724** (.329)
Diversity of forms among commercial organizations × political organizations ^a	-1.002** (.182)	-.593** (.089)
Commercial organizations—bars ^a		-.041** (.013)
Commercial organizations—nonbars ^a . . . . .		.047** (.009)
Political organizations ^a . . . . .	.834** (.133)	.499** (.062)
Lesbian/gay population	13.473** (2.167)	
Rural-urban continuum	-.150* (.070)	-.254** (.062)
Population	-.289 (.180)	.007 (.118)
Proportion black	-3.858** (1.020)	2.514* (1.186)
Proportion college	11.165** (2.140)	9.839** (1.828)
Median population age	-.060 (.041)	-.064 (.036)
Median household income . . . . .	.031** (.011)	.018 ⁺ (.010)
Religious diversity	2.100** (.740)	2.871** (.778)
Enactment in adjacent localities	34.067* (16.454)	17.930** (5.271)
Republican majority	-1.011** (.219)	-.500** (.165)
Decriminalization sodomy . . . . .	.266 (.235)	-.573 ⁺ (.310)
State nondiscrimination law	-.755* (.259)	-.542 ⁺ (.296)
Calendar year . . . . .	.047 (.056)	.080** (.018)
Exposure term . . . . .	.154 (.192)	-.060 (.119)
Log-pseudolikelihood	-121.891	-314.760
χ ²	672.40	1,141.88
Observations	49,559	1,008,001

NOTE.—Numbers in parentheses are SEs. State dummies are included but not reported.

^a Main covariates.

⁺ $P < .10$ (two-tailed).

* $P < .05$.

** $P < .01$.

Moreover, if listings expand across organizational categories the bias related to any one category ought to diminish, which makes at least the effect of form diversity less sensitive to this concern.

Another source of bias relates to unobserved county characteristics. One option we examined was to estimate shared frailty models (Blossfeld and Rohwer 2002), which add random-effects corrections. We found no significant evidence of heterogeneity in the model specifications after accounting for the county- and state-level controls ($\chi^2 = 0.01$ with 1 *df*, $P \approx 1$). Event-history methods of nonrepeated events like first policy enactment do not allow fixed-effect corrections. Allison and Christakis (2006) consider a “case-time-control” design with discrete-time data as an alternative. This approach reverses the dependent and independent variables in the estimation of a conditional logistic regression model. The odds-ratio is symmetric, and reversing the dependent and independent variables yields the same result, even with other covariates in the model. We followed this approach, dichotomizing the bridging and form diversity variables, and estimated it as a function of enactment and a nonmonotonic representation of time (linear, quadratic, and cubic terms) using conditional, fixed-effects logistic regression with each county as a stratum. With more than two time intervals for each unit, this can eliminate the confounding of time. The fixed-effects estimates indicate that bridging and form diversity were significantly higher (respectively, $\beta = 0.692$, $SE = 0.171$, $P < .001$, and $\beta = 0.711$, $SE = 0.163$, $P < .001$) in periods of enactment, consistent with the main findings above.

The estimates can still be biased due to nonrandom assignment to the “treatment” of the independent variables. In observational studies, this can lead to a data imbalance that limits the validity of inferential arguments (Iacus, King, and Porro 2011). To minimize this concern, we implemented “coarsened exact matching,” a nonparametric method that reduces data covariate imbalance. The application of matching to our study is complicated by the panel structure of the data and the presence of multiple, non-dichotomous treatments. We relied on a procedure applied by Simmons and Hopkins (2005). First, we modified our covariates by constructing dichotomous treatment variables for means of the bridging and form diversity in each county. Counties with means above zero in year t receive a treatment, and we averaged observed variables in years prior to t . For other counties, we averaged the variables for all periods. This allowed us to identify treatment groups and their control groups.

We retained one observation per county and implemented coarsened matching by selecting the control variables that exhibited significant effects in the main regressions of table 5: ruralism, proportion of blacks, college population, median household income, religious diversity, Repub-

lican voting, and political organizations. We then matched counties that receive the treatments and pruned those for which no match was found.

The counties receiving treatment were 816 and 601, respectively. Of these, 552 and 373 found a match for a total sample of 2,563 and 2,306 counties. The apparently low match rate is not undesirable. "Outlier" counties, such as San Francisco or Los Angeles, have many commercial organizations and values difficult to match and are excluded from these analyses. A low match rate is also to be expected because the proportion of matched units decreases rapidly with the number of matching strata. On the other hand, using more covariates increases the internal validity of the matching.

After matching, we estimated logit models of the probability that a county enacts a nondiscrimination policy during the study period as a function of the bridging and form diversity treatments. Some data imbalance can remain, and a reasonable approach is to attempt to adjust for it via a statistical model that includes the control variables. In these models, the treatments have positive and significant effects. The coefficient of bridging, positive and significant, is 1.731 (SE = 0.330, $P < .01$). The coefficient of form diversity, also positive and significant, is 1.878 (SE = 0.315, $P < .01$).

The treatment effects can still pick up an effect of the mere presence of any lesbian/gay organizations. We addressed the issue of nondichotomous treatments by estimating a "dose-response" function through adjustment for generalized propensity scores (GPS; Hirano and Imbens 2004). This method estimates the propensity of each unit—the county—to receive a treatment as a function of observables and match units with similar propensities. Then, the outcome variable is estimated given the treatment and the GPS. Similar to what we described above, we retained one observation per county. Ruralism, proportion of college population, Republican majority, religious diversity, decriminalization of sodomy law, and state passage of nondiscrimination law were used to estimate the distribution of the treatments. In the second stage, we modeled the conditional expectation of enactment as a function of the treatment variables and the GPS. The logit models of the log-odds of enactment again find patterns consistent with the estimates reported above: bridging has a coefficient of 0.455 (SE = 0.119, $P < .01$) and form diversity a coefficient of 3.673 (SE = 0.542, $P < .01$).

Our analysis still has several important limitations, and we highlight five. First, although we identify mechanisms that explain and likely underlie the effects observed in the estimates, because of data limitations we cannot measure them directly or adjudicate their distinct impact. Second, the analyses consider the responsiveness of local governments to one type of policy, negative rights protecting from discrimination. At the state level, Lax and Phillips (2009) find some variation in the factors that explain the

adoption of eight policies of importance to lesbians/gays, including marriage, adoption, hate crimes, and employment/housing nondiscrimination laws. At the local level, we have no reason to expect significantly different patterns of results across types of policies, but the current study cannot address this concern. Third, the main data source may not contain the entire set of commercial organizations affiliated with lesbians/gays. In particular, it may underestimate the number of businesses that do not openly discriminate against the group. By the same token, the analyses do not include businesses that openly criticize lesbians/gays, as seen in the recent controversy concerning fast-food chain Chick-Fil-A (Severson 2011). These businesses may at least in part offset the impact of progay organizations, and one can only speculate what the net effect would be. Another limitation in some eyes is that they see our focus as on only a single case. Before us, Bernstein (1997) observed that the organizational processes in the lesbian/gay movement can apply to other movements whose membership is based on a shared characteristic, for example, the civil rights movements. We agree that the findings documented here can be replicated for other groups, but we could not do it in this study. But we also think that calling a comparative longitudinal study of so many American communities a single case is overly critical. A final, important limitation of this study is that it focuses on final enactment and does not examine directly attempts at policy change. Soule and King (2006) argue that focusing on final adoption of a particular law is a simplistic view of the policy process. This study might benefit from a more nuanced approach. But we could not locate data sources that cover systematically the preenactment policy stages (or other policy proposals, perhaps unrelated to lesbian/gay issues, that might compete for the policy maker's attention when these policies were proposed and that would need to be taken into account to draw implications about effects in the policy process). In unreported analyses, however, we examined 90 attempts in 68 distinct communities to repeal or block gay rights laws. The repeals exhibit little pattern in general and no appreciable differences between proposal and passing, suggesting that in our context the concerns raised by Soule and King may be assuaged.

DISCUSSION

Public policies in modern society represent social outcomes resulting from complex interactions among varied participants. From multiple angles of analyzing the policy process, sociologists and political scientists focus mainly on social movement organizations and interest groups. In our analysis of lesbian/gay rights ordinances, we do indeed find evidence that, in local U.S. communities, the enactment of nondiscrimination policies increases

with greater presence of politically oriented organizations. Likewise, we also find that political opportunity structures and other sociopolitical factors are significantly related to enactment.

The more novel findings we uncovered focus on one kind of organization normally overlooked in the study of policy outcomes: commercial entities that operate locally. These politically mundane entities display weak connections to contentious politics but are still linked to challenger groups and can affect policy outcomes. Our analyses indicate that policy enactment rates increase with greater numbers of commercial organizations that connect members of the challenger group to outside constituents and with greater diversity of their organizational forms. The effect of form diversity, however, is attenuated when more proactive lesbian/gay political organizations operate in the same community.

How might these findings inform research on organizations, social movements, public policy, and gay rights? We discuss each area in turn.

Contributions to Organizational Research

That commercial organizations have an effect on policy outcomes is a general point of contact between this study and organization theory. Macro perspectives, from neoinstitutionalism to organizational ecology, presume that organizations are subject to various kinds of social and economic constraints posed by laws, rules, and norms. For instance, the law has a facilitative role that allows organizations to pursue their goals, a regulatory role that directly influences organizational behavior, and a constitutive role that establishes cognitive frameworks for action (Edelman and Suchman 1997). Whether organizations persist because they manage to adapt to such constraints or are selected out because they fail to do so, they are shaped by their sociolegal environment. We show evidence of effects that organizations, in turn, exert on the institutional environment, a central but generally unattended concern of the major theoretical perspectives of organizational sociology (Carroll and Hannan 2000).

Exceptions to this claim from organization theory paradigms include studies that incorporate the role of institutional entrepreneurs in designing cultural institutions (DiMaggio 1982) or those that transfer models of collective action to market settings (Carroll and Swaminathan 2000). The kinds of organizational mechanisms that we propose indeed recall those identified in studies of contentious politics (McAdam et al. 2001). The main difference, put sharply, is that we do not presume purposive political action. For instance, for the relational mechanism of brokerage, the targeting of multiple market audiences can be sufficient to generate connections among social actors.

The emergent research on how producers interface with social audiences is another link to organization theory. Here the legitimation of organizational forms depends on projecting distinct identities to audiences who typically have some commitment to a product or service, such as food enthusiasts (Hannan et al. 2007). In situations like the one we study, similarity to other groups, rather than distinction from them, stands to benefit challengers. Organizations that also engage audiences outside a group produce signals of this similarity and enhance the acceptance of the group with the outside public, even though this may imply lower acceptance for some inside public.

Contributions to Social Movement Research

Social movement studies identify contentious action as an important source of cultural and political innovation. The findings reported here suggest that an array of social actors interacting with one another in manifold ways serves to shape policy outcomes. Our argument is indebted to Tilly's (1978) polity model, which envisions a broad organization of a challenger group forming the basis of collective action, and its revisionists arguing that within the polity there is no single source of power or influence (McAdam et al. 2001). Political scientists have also discovered diffuse pragmatic interests and propose an alternative approach to direct group influence in which interests can be represented without mobilization (Trumbull 2012). The carrier of representation, similar to the brokerage and signaling mechanisms we discuss, is a unified set of collective narratives that connect dispersed actors and define which areas need a public policy response.

The focus on movements and mobilization also neglects the fact that the outcomes of contention often have more to do with the actions of non-movement actors such as commercial or religious organizations than with insurgents (Walder 2009). Such observations do not mean that movements carry little weight; rather, distinct actions contribute to the consequences that matter for them (Tilly 1999). Not all organizational processes linked to collective causes are a product of strategies developed within formal movement organizations, and some of these processes may actually reduce the political effectiveness of activists.

Researchers also find that social movements and markets are fundamentally integrated. Activists in movements challenge, police, or collaborate with markets, shaping diverse outcomes such as the enactment and diffusion of anticorporate legislation, or the adoption of human rights practices in corporations. Social movements also evolve along industry-like patterns (Soule and King 2008). Where previous research documented collective action outside and inside markets, the findings reported here sug-

gest that market interactions around social movements enable the attainment of goals that movement activists also target.

Our findings complement previous work on identity politics (Bernstein 1997, 2003; Staggenborg 1998; Armstrong 2002). Identity politics is aimed at altering the embedded characteristics attributed to a group. In identity politics, the individual identifies with the group for psychological and cultural reasons. The collective realization of group identity becomes important to express the meaning of group attachment and represents, itself, a movement outcome. Our study extends this perspective in two ways, first by suggesting that collective identities displayed in politically mundane organizations can influence the perceptions of outsiders, and, second, that these perceptions in turn affect external political outcomes such as legal change.

Contributions to Policy Research

This study presents evidence consistent with constructivist accounts in policy research (e.g., Schneider and Ingram 1993). The constructivist approach describes policy makers and their choices as influenced by the social construals of groups. Groups are construed in positive or negative terms, accordingly deserving and undeserving of benefits. Social constructions depend on the material power of the groups as well as their symbolic representations in society. The constructions of some groups may be permanent, but those of others can change.

We emphasize here the organizational basis of such constructions. The proliferation and diversity of commercial organizations can improve the social construction of a group by at least enhancing awareness of the group and perhaps inducing a more widely shared perception that the group represents an appropriate actor in society. Possibly this increases the concern that some type of action in favor of the group is required.

Our focus rests on basic policies invoking general notions of right and wrong, which can be framed in noncomplex ways, and we presume that the impact of organizational processes operates across the different stages of the policy process. For more complex policies, we can expect that policy makers will be more responsive to organizational processes in later stages, after noninstitutional actors like activists have translated their claims into simpler constructions (Soule and King 2006).

Contribution to Sexual Diversity Studies

This study joins a rich discussion on the role of organizations in the struggle of lesbians/gays for political and cultural recognition (Bernstein 1997; D'Emilio 1998; Armstrong 2002). Lesbian/gay persons have become pro-

ducers and audiences of diverse organizations, and commercial organizations have played a significant role in defining their group identity (Chasin 2000). In this study, we show that these organizations also influence the enactment of local policies protecting lesbians and gays even when they are not directly engaged in political activism.

The distinct effects of commercial organizations also point to what cultural theorists have labeled a dilemma between assimilation and liberation (Gamson 1995). The former promotes tolerance but also eschews overt approval. Eskridge (1999) defines assimilation as the “updated traditionalist approach” where lesbian/gay people are not penalized for their sexual orientation as long as they are discreet about it. The mixing of constituencies legitimates lesbians/gays as consumers or producers and assures that their presence is unthreatening (Sender 2004). The use of conventional forms of organization reduces the differences between the two sides. Instead, liberation advances an ideal of radical pride, cultural subversion, and uncompromising affirmation of identity. Market visibility is judged as a threat and an exploiting display of lesbian/gay culture that reduces integration to blandness. This radical view argues that sexuality is the foundation of the struggle for identity and rights and that removing the sexual marks in markets renders politics vain.

Political analyst Sullivan (2005, p. 16) noted that the erosion of difference in how lesbians/gays fit into their communities “has been less like a political revolution from above than a social transformation from below. There is no single gay identity anymore, let alone a single look or style or culture. . . . For many in the gay world, this is both a triumph and a threat. It is a triumph because it is what we always dreamed of: a world in which being gay is a non-issue among our families, friends, and neighbors. But it is a threat in the way that all loss is a threat. For many of us who grew up fighting a world of now inconceivable silence and shame, distinctive gayness became an integral part of who we are.” This study’s findings offer a somewhat nuanced picture. Forms of organizations that incorporate mainstream features spur legal change but impose social and cultural costs to challengers.

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