

Queer Rights: A Look into Supreme Court Cases that Fought to Improve Human Rights for the LGBTQ+ Community

Audrey Park

June marks Pride Month, an annual celebration honoring the 1969 Stonewall riots and the opportunity to further advocate for equal human rights and justice for lesbian, gay, bisexual, transgender, and questioning Americans. In modern times, celebrations include pride parades, workshops, picnics, and even concerts. Pride Month attracts millions of participants around the world. Seattle celebrated its 45th year of pride festivities. The purpose of this memorial is to honor the resilience of the LGBTQ+ community and recognize the impact these individuals have locally, nationally, and internationally. In honor of Pride Month, it is important to reflect on the historical events and laws that lead to the expansion of LGBTQ+ rights.

1969 Stonewall Riots

The Stonewall Riots, commonly referred to as the Stonewall Uprising, began June 28, 1969 when the New York Police Department raided a gay club, the Stonewall Inn. Police raids of establishments serving LGBTQ+ individuals were common at the time, and often resulted in public arrests that outed patrons and could cost them their jobs, housing, and family relationships. Enraged by this persistent invasion, a riot started among the bar guests and other residents as the police manhandled bar employees and patrons. This ultimately led to six days of activism and violent clashes with law enforcement.



Rioters marching the streets near the Stonewall Inn, sparking the genesis of the Pride Movement (CBS, 2014)

Throughout the 1960s, the LGBTQ+ community was alienated and looked down upon by American society. It was illegal to have sex with a same-gender partner in many states and committed same-gender relationships were not legally recognized or protected. LGBTQ+ individuals could not adopt children, were barred from employment in the public sector, and were sometimes subjected to torture under the guise of medical “treatment” of their identity. Many LGBTQ+ individuals sought refuge in illegally operated gay bars and clubs, where patrons could socialize and express themselves to others in similar situations. Following the rioters’ outcry in the Stonewall Riots, many LGBTQ+ regulations were overturned, including the appalling rule that LGBTQ+ patrons could not be served alcohol in bars. The Stonewall Riots of 1969 are a catalyst for LGBTQ+ rights movements around the world.

Lawrence v. Texas (2003)

Lawrence v. Texas focused on the following questions: Do the criminal convictions of John Lawrence and Tyron Garner under the Texas “Homosexual Conduct” law, which criminalized sexual intimacy by same-sex couples, but not identical behavior by different-sex couples, violate the Fourteenth Amendment’s guarantee of equal protection of laws? Do their criminal convictions for adult consensual sexual intimacy in their home violate their vital interests of liberty and privacy as

protected by the Due Process Clause of the Fourteenth Amendment? Should *Bowers v. Hardwick*, 478 U.S. 186 (1986), be overruled? In their decision, the Supreme Court deemed a Texas Sodomy law unconstitutional on a 6-3 vote, overturning 1986's *Bowers v. Hardwick* decision. The Court asserted that the case centered on whether Lawrence and Garner were free as adults to engage in private conduct in the exercise of their liberty under the Due Process Clause. In the majority opinion, Justice Kennedy wrote, "The state cannot demean their existence or control their destiny by making their private sexual conduct a crime."

Windsor v. United States (2013)

The Defense of Marriage Act (DOMA) was enacted in 1996, stating that for the purpose of federal law and benefits, including taxation, the words "marriage" and "spouse" referred to the legal union between one man and one woman. However, by the time *Windsor v. United States* reached the Court, several states had recognized same-sex marriage. In this case, Edith Windsor, a widow and sole executor of the estate of her late spouse, Thea Clara Spyer, put DOMA under fire. The couple got married in Canada, and their marriage was recognized by New York state law. However, when Spyer left her estate to her partner, the government imposed \$363,000 in taxes it would not have imposed on a married opposite-sex couple because their marriage was not recognized by federal law. The Supreme Court ultimately ruled the 1996 Defense of Marriage Act unconstitutional. The Supreme Court ruled in 5-4 vote that DOMA violated the civil rights of the LGBTQ community. The court claimed that the law interfered with the states' rights to define marriage. This case is monumental in the history of LGBTQ+ activism, as it was the first ever case on the issue of same-sex marriage to appear in front of the Supreme Court.

Influential Companies Call for US Supreme Court to Rule in Favor of LGBTQ+ Workers

On July 2, 2019, more than 200 major US companies including Google, Amazon, and Bank of America urged the US Supreme Court to make an official statement that federal civil rights law prohibits discrimination against LGBTQ+ workers. The companies filed a friend-of-the-court brief asserting that bias against LGBTQ+ people is a form of unlawful sex discrimination, and that a ruling otherwise would harm businesses and workers.

In April of this year, the Supreme Court agreed to take on two discrimination cases by gay men and one by a transgender woman who was fired from her job as a funeral director when she told her boss she planned to transition from male to female. The justices will hear oral arguments in October and likely issue a ruling by the end of next June. These forthcoming Supreme Court cases mainly rely on Title VII of the Civil Rights Act of 1964 as it relates to concerning lesbian, gay, transgender, and queer citizens. Title VII prevents employers from discriminating against employees based on gender, skin tone, ethnicity, and religion. While neither the Civil Rights Act nor any other federal legislation explicitly protects LGBTQ+ individuals from workplace discrimination, these cases maintain that LGBTQ+ identities are covered under prohibitions of gender discrimination.

In society today, the LGBTQ+ community is gaining more recognition, but the fight is far from over. Currently, federal and local policies and practices are beginning to acknowledge LGBTQ+ youth and are helping them put their talents to work. Continuing this trend and encouraging greater acceptance of LGBTQ+ individuals will make our society a stronger, safer, and more just place.