

The Alphabet Mafia: Effectiveness of LGBTQ+ Interest Groups in Congress

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ABSTRACT

This article examines the effectiveness of LGBTQ groups in Congress by looking at voting in favor of bills concerning queer rights. I find that the effect of donations is present in the early period of queer bills before Congress but disappears in bills post-2018. Instead, party is the dominant explanation for votes on bills. This has implications for the strategies that should be employed by LGBTQ+ interests at the national level and implications for how political science should examine the interactions between interest groups and new venues of change.

LGBTQ+ interest groups function like any other. They seek to maximize their likelihood of success and appeal to the most favorable venues to do so. Advocates for queer rights have not historically relied on Congress to advance their interests. Despite making massive strides in social and cultural acceptance, most of the advancements of LGBTQ+ rights have been through the courts and state-level victories, not federal legislative victories. Although queer interests have notched victories in federal court, from *Lawrence v. Texas* (2003) to *Obergefell v. Hodges* (2015), there is no guarantee the courts will continue to hand down favorable rulings. This perception can be seen in Justice Thomas's opinion in the *Dobbs v. Jackson* case, where he stated, "In future cases, we should reconsider all of this court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*" (*Dobbs v. Jackson* 2022 (Thomas, C., concurring, Page 3)). If the court is no longer a reliable forum to advance their interests, then we should expect these groups to look somewhere else (Schlozman, Verba, and Brady 2012).

Congress is one such option and the venue examined in this article. How likely are LGBTQ+ interests to find success shifting to Congress as their venue of choice? I theorize that because of the already opposing hostile interests operating within Congress and the polarization of political parties surrounding LGBTQ+ issues, the success of these groups will be stymied. Their interests have become highly partisan and votes in Congress will fall along partisan lines because these groups do not have relationships across the partisan divide. Their donations will not convince opposing partisans to support their interests and will only reflect already established allies in Congress. To examine this framework, I look at major LGBTQ+ legislative votes, both pro and anti, that

have been held in Congress over the past 30 years and to which members of Congress these interest groups have donated.

What I find is that donations, although a significant factor in explaining favorable LGBTQ+ votes in Congress before it shifted to the key venue, become less relevant in the postvenue shift world. Although party, specifically being a member of the Democratic party, becomes the dominant explanation for why a member of congress may vote in favor of LGBTQ+ interests. This has implications for how queer interests should operate when working with members of Congress.

The format of this article leading up to this conclusion is as follows: First, I will touch on literature surrounding interest groups more broadly and how LGBTQ+ interests have operated historically in different venue spaces. Next, I will explain the overarching theory behind why I think there would be a shift to a new venue and what exactly I mean by the courts becoming hostile. Following that I will go into details about the specific bills chosen, what variables are within my data set, and the methods chosen to answer my hypotheses. Finally, I will end on what I think these interest groups should do and where LGBTQ+ policy success is likely to be found going forward.

LGBTQ+ INTEREST GROUPS

One question that should be asked first is why examine LGBTQ+ groups specifically over other groups? These groups and the community more broadly are a growing portion of the population as well as both historically and currently a politically significant group that will be affected by policy issues actively being debated on by politicians. Transgender Americans face constant attacks, and the relationship between LGBTQ+ rights and morality politics on the right make these groups particularly salient (Cigler, Loomis, and Nownes 2015; Haider-Markel and Meier 2003; Jones 2022; Nownes 2010).

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Although similar to other groups in terms of how they seek to achieve goals and the benefits they can provide to members, LGBTQ+ interests do have some particularities that make them slightly different. Historically, these groups have relied on two venues to pass favorable legislation: the courts and the states. They have relied on the courts to such a great degree that 57% of LGBTQ interest groups file amicus briefs, which is higher than almost every other organized interest (Schlozman, Verba, and Brady 2012). This is understandable, as the goal of these interests is to always look for forums where there is the greatest likelihood of victory and there is an expectation that court decisions will not be altered, making it the safest path for these groups (Collins 2013). The judiciary provides the greatest lasting benefit without the risks that come with legislation (can be altered or fail to be passed) or with executive orders (can be removed by the next president hostile to their interests), so historically the courts were one of the more attractive options.

At the state level, although LGBTQ+ groups have been able to slowly gain ground over time, the process produces mixed results. The slow march toward acceptance of gay marriage across states was drawn out and only brought to an end when the Supreme Court stepped in (*Obergefell v. Hodges* 2015). Some states were early trend setters for LGBTQ rights, states like Massachusetts, Vermont, and Hawaii for example, whereas others lagged behind and did not allow the acceptance of gay marriage until the Supreme Court's ruling in *Obergefell* (Haider-Markel 2001). Even today, although the focus has shifted away from the gay marriage debate, the rights of transgender Americans are under attack in some states while being protected in others. States, although able to provide victories in some cases, can be very hit-or-miss when it comes to advancing LGBTQ+ rights.

Although queer interests have found the most success in the courts and at the state level, it does not mean that have completely ignored the role of Congress. The relationship between campaign donations and voting behavior is contested within the literature (Canes-Wrone and Gibson 2019; Fleisher 1993; Gordon 2001), but LGBTQ+ interests still have some of the highest spending out of any interest group. Like other interests, they want to reward friends who already favor their preferred policy outcomes as well as lend support to the political party that has polarized in their favor (Brunell 2005; Hall and Wayman 1990). It should be noted that the literature points out there still has been a noticeable absence of favorable LGBTQ+ legislation for nearly two decades despite publicly increasing support (Bishin, Freebourn, and Teten 2021). This anti-LGBTQ+ success in Congress may have slowly eroded, leading to some of the success we see later due in the 2020s due to turnover within Congress (Karol 2012).

Although states and courts have been the most successful venues, LGBTQ+ interest groups have not always been in agreement as to which venue they would find the most success in. Organizations like the National Gay and Lesbian Task Force failed to maintain a presence on the federal level in the 1990s during the height of successful anti-LGBTQ+ policy being passed in Congress in Don't Ask Don't Tell and the Defense of Marriage Acts. Instead, this organization turned toward changing policy at the state level, working in state courts and state legislatures (Engel 2007).

THEORY AND HYPOTHESES

LGBTQ+ groups have not historically gone through Congress and instead have relied on other venues for victories. When these groups do feel it is necessary to switch venues, whether it be due

to inconsistencies in success or perceived growing hostility by a previous venue, how likely is it for these groups to find success in their new venue of choice? In the case of LGBTQ+ groups it is the growing hostility of the federal courts due to new judicial appointments that are marking the end of their use of the courts as the venue of their choice. Yet, shifting to the venue of Congress, it is unlikely that LGBTQ+ groups will find success there either. The existence of unfavorable constituencies already operating and influencing other members of Congress as well as the existence of unfavorable institutional structures will make it unlikely that they can leverage much influence on members of Congress.

I theorize that donations to politicians will have less of an effect because partisanship already explains how these legislators will vote regardless of how much money LGBTQ+ interest groups spend on them, and with no history of convincing opposing legislators of the merits of their interest, they have few relationships on the other side to start out with, making it that much more difficult. When issues as politically salient as the ones surrounding the LGBTQ+ community come before Congress, party and ideology will explain votes in favor.

H1: Party correlation with LGBTQ+ interests will greatly increase if other venues are perceived as more hostile.

I argue that the perceived hostility in the previous venue is marked by 2018, in particular the retirement of Anthony Kennedy from the Supreme Court. Despite the court being composed of a majority of members appointed by a party hostile to LGBTQ+ rights, Kennedy was a key swing vote in favor of them (Smith 2018). Upon his leaving office and the appointment of Justice Kavanaugh, the Supreme Court could no longer be relied on as a potential avenue for the advancement of queer rights. I expect to see an increase in donations to members of Congress following this but not necessarily an increase in significance. Although I expect there to be some correlation between party and vote choice at any period surrounding LGBTQ+ rights, I would expect there to be a large jump in correlation following the forced change because the new venue is the only venue open to success.

H2: Party identification and ideology of members of Congress will show a stronger effect on voting in favor of LGBTQ+ issues than donations.

Contributions, once used largely to reflect members who already supported LGBTQ+ interests, will matter significantly less in later bills because regardless of whether these groups are donating to members of Congress, as long as that member of Congress is a Democrat they will vote in favor of LGBTQ+ interests. As this issue has become more polarized, Democrats will not be willing to break ranks and vote against LGBTQ+ interests. These interests might still donate, but their donations will not matter relative to party. Adding variables for party identification among members of Congress will reflect that donations explain very little as to why voters cast votes in favor of LGBTQ+ rights. Instead, partisanship and ideology will explain why votes in favor of these interests occur. The nature of highly polarizing issues like LGBTQ+ rights will make these party-line votes.

H3: LGBTQ+ members of Congress are more likely to vote in favor of LGBTQ+ rights than their non-LGBTQ+ colleagues.

The last hypothesis I am drawing focuses on whether each member of Congress voting on these bills is a member of the

LGBTQ+ community. I would assume that if they are an open part of this community, they will be more likely to vote in favor of these bills regardless of partisan affiliation.

VARIABLES AND DATA

The data used within the models relies on several legislative votes in Congress over about a 30-year span, from 1993 to 2022 (Anstett 2024). Congress was not typically the venue for queer issues; instead, it was largely left up to the courts and the states to make determinations. (Bishin, Freebourn, and Teten 2021; Taylor, Lewis, and Haider-Markel 2020). Although nine bills may seem like a small collection, this legislation marks nearly the entire extent of major flagship queer legislation Congress has taken up over the past three decades. Included is the Defense Authorization Act for 1994, the Defense of Marriage Act of 1996, Local Enforcement Hate Crimes Prevention Act of 2009 (and the Shepard/Byrd Hate Crimes Act that was done through Senate cloture), Don't Ask Don't Tell Repeal of 2010, the Employment Non-Discrimination Act of 2013, the Equality Act of 2021, Respect for Marriage Act of 2022, and the Global Respect Act of 2022.

All the above legislation passed at least one chamber of Congress. Although pro- or anti-LGBTQ+ legislation that failed to pass either chamber or got stuck in different committees may provide additional insight, the goal was to focus on the most prominent pieces of legislation. In many cases, proposed pro- or anti-LGBTQ legislation may simply be position taking on the part of the member of congress. Only a very small portion of bills are passed into law, and very few are seriously considered (Lazarus 2013). They may never receive a vote by the full chamber or even by the committee the bill was sent to, and that proposed legislation would fail to have any congressional votes attached to it.

For the early bills, the DADT and DOMA were the two that became law in the 1990s and, in response, the eventual repeal of

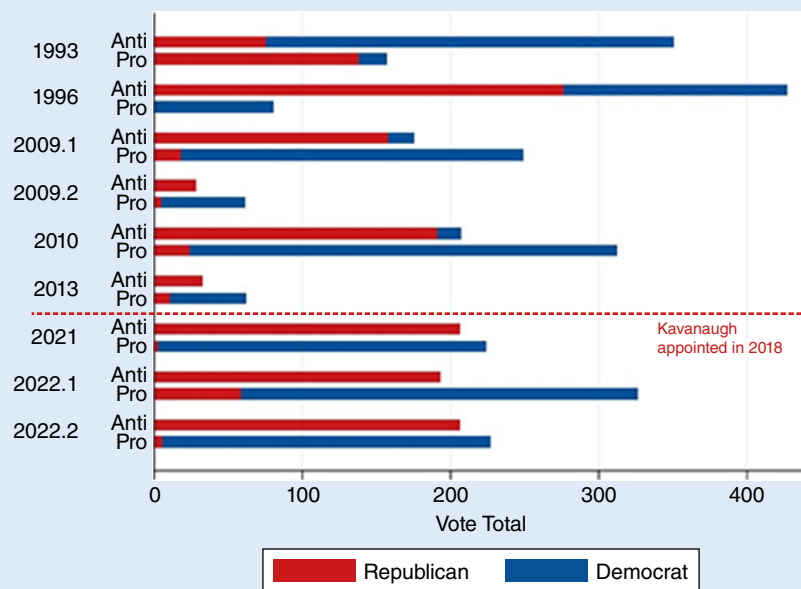
DADT (Snell 2017). The Shepard/Byrd cloture motion in 2009 and the Employment Non-Discrimination Act of 2013 are the two pieces of legislation that only passed the Senate. The Local Law Enforcement Act of 2009, Equality Act of 2021, and Global Respect Act of 2022 are the only ones to pass just the House. All other pieces of legislation passed both chambers of Congress.

The data gathered include members of Congress, their registered party, how they voted on specific legislation (either pro- or anti-queer) from the Congressional record. Voting for pro-LGBTQ+ legislation does not always correlate with voting yes on a bill; in 1993 and 1996 voting against the bill correlates with pro-queer sentiment (see figure 1). The data also includes the amount of donations they received from LGBTQ+ interest groups within the Congress the legislation passed in (gathered from [Opensecrets.org](https://www.opensecrets.org)). These donations are from contributions from PACs and individuals to federal candidates for Congress. They include organizations like the Human Rights Campaign, Gay & Lesbian Victory Fund, Log Cabin Republicans, and the Arcus Foundation (see table A4 in the Appendix for summary statistics). It should be noted that donations are both measured toward inflation, and the most common amount donated from these groups was 0 dollars in every piece of legislation. Their ideological score is from that given Congress (from Voteview) and whether they are a part of the LGBTQ+ community.

For finding out whether a member of Congress was a member of the LGBTQ+ community, I gathered more recent data from the Congressional LGBTQ+ Equality Caucus page and historical records. This is of course, a complicated process for measuring open members within Congress. Some members have chosen not to come out while serving in Congress, instead waiting until afterward, and some have not come out at all until after they passed away and it became open knowledge. Some members never openly come out, making it hard to measure true LGBTQ+

Figure 1

Breakdown of Pro and Anti-LGBTQ Votes by Bill and Party



legislation support among members who would be included within the community. Regardless, using what data is available I compiled a list and included it within the data set.

There are two variables, one labeled as *LGBTQMember* and another labeled as *OUTLGBTQ*. The first includes all recorded members of the LGBTQ+ community in Congress, and the second is a variable that only includes members of Congress who were out at the time of voting on that specific piece of legislation. Members of Congress who came out after voting on a piece of legislation or even after they retired from Congress completely are not categorized with the openly queer members within this second variable.

A notable comment, there are only 41 votes on LGBTQ+ legislation from LGBTQ+ members. Of these 41 votes, 40 are from Democratic members, and the one Republican vote is from Representative Gunderson (R-WI), who was publicly outed by his colleague (Casey 2019). The only two votes of the 41 against LGBTQ+ rights came from the Defense Authorization Act of 1994. Of the 15 members who make up the 41 votes, they come from only 10 states (Appendix, table A2).

MODEL AND RESULTS

The models I am using to analyze my results use fixed effects for bills and standardized coefficients to make judgements across time. The final model is as follows:

$$\begin{aligned} ProLGBTQ = & \beta_0 + \beta_1 Donations + \beta_2 Party + \beta_3 DW \\ & + \beta_4 LGBTQMember + \beta_5 Gender + \beta_6 Race \\ & + \beta_7 BillFE. \end{aligned}$$

Where voting in favor of LGBTQ+ legislation can be determined by the effect donations have (measured to inflation of most recent

Table 1
Model Results

	Pre-2018	Post-2018	Change in
	Bills	Bills	Coefficients
Donations	0.074*** (0.018)	0.002 (0.006)	-
Party	-0.095** (0.043)	0.528*** (0.036)	.623
Ideology	-0.583*** (0.055)	-0.420*** (0.040)	.163
Openly LGBT	0.112 (0.117)	0.002 (0.045)	-
Gender	0.089*** (0.026)	0.006 (0.013)	-
Race	0.036 (0.028)	-0.009 (0.014)	
Bill (FE)	-	-	
Constant	0.203*** (0.029)	0.271*** (0.023)	-
Observations	2,139	1,380	
R ²	0.354	0.844	

Note: Standard errors in parentheses.
***p<0.01; **p<0.05; *p<0.1.

are some noticeable results on display. First, concerning donations, although central in explaining why a member of Congress may have voted in favor of LGBTQ+ rights pre-2018, it completely falls off post-2018. Party becomes a major explanation for pro-

What is also noticeable is that being an openly queer member of Congress is not a statistically significant factor in explaining pro-LGBTQ votes.

bill and rounded to whole integer), whether they are a member of the Republican or Democratic party (binary variable), their ideological

LGBTQ votes. It is significant in the bills pre-2018 but becomes an even greater factor in bills post-2018.

Being a member of the community in and of itself, gender, the race of the member of Congress, and donations from interest groups all fade away in relation to partisan polarization on these issues.

score on a left-to-right scale, whether they are openly a member of the LGBTQ+ community when voting, if they are a woman (binary variable), if the member of Congress is a minority (binary variable), and specific fixed effects of individual pieces of legislation.

Ideology through the DW Nominate scores also provides some interesting results. In bills post-2018, there is a decrease in how liberal a member of Congress has to be to vote in favor of LGBTQ+ rights, which coincides with a growth of the importance of party.

Party is the dominant explanation for why a member of Congress may vote for LGBTQ+ bills.

The model below (table 1) shows results split into two distinct regressions. One for all LGBTQ+ bills before 2018 and the perceived necessity to switch venues and one for all bills after. There

What is also noticeable is that being an openly queer member of Congress is not a statistically significant factor in explaining pro-LGBTQ votes. The race of the member of Congress is never a

significant predictor and while gender initially is, it completely disappears in later legislation.

CONCLUSION

The results reported in this article have massive implications for the LGBTQ+ community and interest groups more broadly. First, if the LGBTQ+ community wishes to advance their agenda through the venue of Congress, they need the party that has been polarized to support them—the Democrats—to back it. Being a member of the community in and of itself, gender, the race of the member of Congress, and donations from interest groups all fade away in relation to partisan polarization on these issues. There is no way, as of now, that they will find success any other way within this body. Building on previous literature, the Republican party has been polarized to universally oppose gay rights, whereas Democrats fully endorse them (Bishin and Smith 2013; Karol 2012).

These findings suggest that, at least for the LGBTQ+ community, if they are seeking a new venue to push their ideal policies through, Congress may be a potential avenue—only if Democrats are in control. Donations are no longer the main influence on favorable votes, and ideology, while still important, is less so than it has previously been. Party is the dominant explanation for why a member of Congress may vote for LGBTQ+ bills. My hypotheses concerning effects of donation and party correlation are supported by the evidence, although my hypothesis concerning members of the LGBTQ+ community in Congress falls short of statistical significance. This may be because of the high correlation between being queer and being a member of the Democratic party. Although there have been LGBTQ+ Republican members in Congress, there has only been one voting on any of this specific LGBTQ+ legislation.

One implication for political scientists is that venues for interest groups can change rapidly and what was once a consistent and reliable venue at one point is not necessarily going to stay that way. Venues also do not isolate from one another, and the relationship between the federal judiciary and Congress is likely to produce similar results depending on which party is in the majority. In future research we should take this into account when examining interest groups.

SUPPLEMENTARY MATERIAL

To view supplementary material for this article, please visit <http://doi.org/10.1017/S1049096524001264>.

DATA AVAILABILITY STATEMENT

Research documentation and data that support the findings of this study are openly available at the *PS: Political Science & Politics* Harvard Dataverse at <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/3XQ5SW>.

CONFLICTS OF INTEREST

The authors declare no ethical issues or conflicts of interest in this research. ■

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