

The Legal and Political Rights of LGBT People**

February, 2006

Local Laws and Policies

University of Missouri - St. Louis

The nondiscrimination policy for UM-St. Louis (and the entire University of Missouri system) includes sexual orientation but does not include gender identity or expression. The University does not offer medical/insurance benefits to the same-sex domestic partners of faculty and staff.

City of St. Louis

The City of St. Louis provides insurance coverage for the domestic partners of city employees. Both the City of St. Louis and University City have non-discrimination policies that include sexual orientation.

State of Missouri

Missouri hate crimes legislation includes sexual orientation. However, the state-wide Missouri Human Rights statute does not protect against discrimination on the basis of sexual orientation. In 2004, Missouri became the first state to vote a same-sex marriage ban into the state constitution, following the legalization of such marriages in Massachusetts. The Missouri amendment was approved with 71% of the statewide vote. In February of 2006, a county circuit court judge overturned a decision by the state's Department of Social Services, which had denied a woman's application to become a foster parent because she is lesbian. This ruling appears to clarify the legality of adoption or foster care by same-sex couples in the state of Missouri. The ruling may, however, be challenged by action in the state legislature.

Laws in Other States and Cities

Anti-Discrimination

- Sixteen states currently ban discrimination based on sexual orientation in housing, public accommodation, and/or employment: Wisconsin, Massachusetts, Hawaii (only employment), Connecticut, New Jersey, Vermont, California, Minnesota, Rhode Island, New Hampshire, Nevada (only employment), Maryland, New York, New Mexico, Illinois, and Maine.
- Only six states (Minnesota, Rhode Island, California, New Mexico, Illinois, and Maine) explicitly ban discrimination based on gender expression and identity.
- More than 75 municipalities, though, do protect the rights of gender-diverse people, from large metropolises (including New York City, Chicago, Houston, Dallas, San Diego, Seattle, San Francisco, Atlanta, Philadelphia, and Pittsburgh) to small cities (including New Hope, PA [population 2,252] and Huntington Woods, MI [population 6,151]).

Marriage/Domestic Partnership Rights

- Beginning in 2004, Massachusetts began issuing marriage licenses to same-sex couples as a result of a 2003 state Supreme Court ruling. Vermont and Connecticut have enacted civil union laws that give same-sex couples the same benefits and protections under state law as male-female couples who are legally married.
- Two states (Maryland and Washington) have court cases pending on the issue of same-sex marriage rights.
- Thirty-nine states have passed laws that would deny recognition to same-sex couples and to same-sex marriages performed in other states. Nineteen states have codified this language into their constitutions (Alaska, Arkansas, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Texas, and Utah). President Bush has endorsed a constitutional amendment banning same-sex marriage on the federal level.
- Internationally, the Netherlands, Belgium, Spain, Canada and South Africa (beginning in 2006) allow same-sex couples to be legally married. Denmark, Norway, Sweden, Finland, and Iceland have laws that grant same-sex couples virtually all of the benefits of civil marriage. France, Germany, and Brazil provide many legal benefits to same-sex couples. Other countries that allow for some form of legally-recognized civil unions include the United Kingdom, Croatia, New Zealand, and Switzerland.

Hate Crimes Laws

- Twenty-nine states and the District of Columbia have enacted hate crimes legislation that includes crimes based on real or perceived sexual orientation.
- Eight of these states (Minnesota, California, Hawaii, Vermont, Missouri, Pennsylvania, Connecticut, and New Mexico) and the District of Columbia also explicitly include gender identity and expression in their hate crimes laws.

Sodomy Laws

- In 2003, the Supreme Court in *Lawrence v. Texas* ruled that sodomy laws violate the constitutional right to privacy, thereby voiding the 13 remaining state sodomy laws.

Federal Laws and Policies

Anti-Discrimination

- Congress has never passed any legislation supportive of GLBT civil rights.
- In the last few years, congressional supporters have tried to pass a law that bans sexual orientation discrimination in employment (known as ENDA, or the Employment Non-Discrimination Act), but this effort too has been unsuccessful.
- Congress has passed a Defense of Marriage Act, which by defining marriage as between a man and a woman, prevents the federal government from recognizing same-sex relationships.

** This summary was initially developed by the Gay, Lesbian, Bisexual, and Transgender Student Services office at Ohio State University. It is adapted and included for use here with their kind permission.