The Effects of State and Local Antidiscrimination Policies on Earnings for Gays and Lesbians

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Abstract

In the last 25 years, many cities and counties, as well as a few states, have adopted policies that prohibit discrimination based on sexual orientation in private or public employment. These policies may increase earnings for gays and lesbians by decreasing discrimination in hiring, firing, promotion, or pay. This study uses data from the 1990 U.S. census to estimate the effects of these policies on individual earnings and household income. The results suggest that the policies have been adopted in places with higher earnings and that same-sex couples are more likely to live in areas that have adopted policies. However, after controlling for individual and location characteristics, the results show no evidence of a direct effect of antidiscrimination policies on average earnings or income for members of same-sex couples. Antidiscrimination policies may be more important both for a small number of individuals and as symbols of full citizenship and legitimacy for gays and lesbians.

INTRODUCTION

For nearly 25 years, American gays and lesbians have sought and won legal protection against employment discrimination, just as religious groups, ethnic minorities, and women had done in previous decades. Beginning in the 1970s, states, counties, and cities have adopted legislation or executive orders prohibiting sexual orientation discrimination in private- or public-sector employment. To prevent discrimination in the private sector, jurisdictions have adopted legislation that prohibits private employers from considering sexual orientation in employment decisions. Public sector protections, often adopted by executive action rather than legislation, ban discrimination in government employment. Some jurisdictions have also banned discrimination

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in credit, housing or accommodations, and education [Button, Rienzo, and Wald, 1995; National Gay and Lesbian Task Force, 1994].

Employment protections for sexual orientation have mirrored the construction of those for other protected groups, often by simply adding "sexual orientation" to a list contained in state or local civil rights legislation or civil service work rules. The earlier protections for race, sex, national origin, religion, and disability have served as policy models and have allowed advocates to frame the sexual orientation protections as incremental additions to tried-and-true policies.

Antidiscrimination policies for sexual orientation have received recent national attention because of consideration of federal legislation to ban sexual orientation discrimination in private employment (the Employment Non-Discrimination Act) and the recent U.S. Supreme Court decision striking down a Colorado constitutional amendment banning local antidiscrimination policies [*Romer v. Evans*, 517 U.S. 620, 116 S. Ct. 1620, 134 L. Ed. 2d, 855 (1996)]. Current federal policies do not ban sexual orientation discrimination in private employment, nor, explicitly, in federal government employment.[1] Migration of policies from state and local jurisdictions to the federal level would follow the path of policies designed to eliminate discrimination based on race, sex, religion, and national origin [Burstein, 1985]. Researchers have judged the federal-level antidiscrimination policies in the Civil Rights Act of 1964 and subsequent revisions to have moderate but measurable effects on earnings for women and ethnic minorities [Burstein, 1985; Donohue and Heckman, 1991; Gunderson, 1989].

Unlike other protected groups, gays and lesbians have been the subject of very little research on employment discrimination, partly because data are scarce. However, the 1990 U.S. census has provided a unique opportunity to explore the effects of antidiscrimination legislation on the economic well-being of gays and lesbians. For the first time, the 1990 census allowed household members to identify themselves as "unmarried partners." This has created a very large source of data on same-sex and different-sex unmarried partners, national in scope and rich with measures of income and employment. We use these data to compare incomes and earnings for lesbian and gay male couples, unmarried heterosexual couples, and married heterosexual couples. After matching the census data to information on state and local antidiscrimination policies, we examined income differences between people living in geographic areas with and without antidiscrimination policies. Before introducing these comparisons, we discuss the evidence of employment discrimination based on sexual orientation and the adoption, enforcement, and possible effects of antidiscrimination policies.

DISCRIMINATION AGAINST GAYS AND LESBIANS

Demographers suggest that lesbians, gay men, and bisexuals make up somewhere between two and ten percent of the U.S. population [New York Times, 1994; Rand National Defense Research Institute, 1993]. The wide range of estimates results from difficulties in defining sexual orientation and in obtaining honest answers to questions about sex—especially homosexuality. Although we lack good evidence about historical

[1] Lewis [1997] reports that several but not all federal agencies explicitly prohibit sexual orientation discrimination and that the Office of Personnel Management has ruled that discrimination is prohibited under a general clause regarding "non–job-related conduct" (p. 393).

trends in sexual behavior and identity, scholars have hypothesized an evolution of gay and lesbian identity springing from industrialization and urbanization in this century [D'Emilio, 1983]. This construction of a social identity based on same-sex sexual relations was a necessary condition for the development of the gay political movement that has advocated for antidiscrimination policies. Indeed, identity was a necessary condition for the development of the notion of "sexual orientation" and for differential treatment on the basis of sexual orientation to be defined as discrimination. Advocates have also fought for same-sex marriage, hate-crimes bills, child adoption and custody rights, AIDS funding, and the rescindment of sodomy laws. Some of these efforts have spawned counteradvocacy of the kind evidenced by the Colorado amendment.

Despite dramatic gains, public opinion is still split on discrimination against gays, lesbians, and bisexuals. Several recent polls have found that about 80 percent of Americans support equal job opportunities for homosexuals [Moore, 1993; Schmalz, 1993]. Support has increased dramatically from the late 1970s when less than 60 percent of respondents supported equal job opportunities [Moore, 1993]. However, public support is still conditional. A 1992 poll showed that 74 percent of respondents supported equal job opportunities but that only 41 percent supported hiring homosexuals as elementary school teachers [Hugick, 1992]. Another poll found that 55 percent of respondents would "object to having a homosexual as a child's elementary school teacher" [Schmalz, 1993, special supplement to the *New York Times*]. Despite the very public debate about these issues and the relatively high support for equal opportunities, only about 40 percent of respondents in one poll thought it was necessary to pass laws to ensure equal rights for homosexuals [Schmalz, 1993].[2] These polls show a general public divided in its support for employment protections based on sexual orientation. In addition, there is much less support for other gay and lesbian issues such as same-sex marriage and parenting rights [Schmalz, 1993].

Becker's [1971] theory of discrimination suggests that discrimination by employers could result from the prejudice of employers, coworkers, or customers. Gays and lesbians might be denied jobs, fired, or segregated into lower paying positions because employers dislike homosexuals or because employers want to avoid dissatisfaction among workers or customers. In several recent nonrandom surveys, about one-quarter of gays and lesbians reported direct discrimination based on their sexual orientation [National Gay Task Force, 1993; *OUT/LOOK*, 1993; Seattle Commission for Gays and Lesbians, 1991].[3] Respondents reported discrimination in hiring, promotion, job evaluation, and firing. Clearly, gays and lesbians perceive discrimination on the job.

Revealing one's homosexuality to employers or coworkers ("coming out of the closet") may make discrimination more likely, but it is not a necessary condition because people can discriminate on the basis of speculation and even misinformation. These surveys showed consistent levels of openness on the job: 80 to 90 percent of

[2] Some of the "laws-not-necessary" respondents might have thought (correctly or incorrectly) that antidiscrimination laws existed in their area. However, the large difference in the "not necessary" response between those saying "homosexuality is a choice" (71 percent "not necessary") and those saying "it can't be changed" (39 percent "not necessary") suggests that responses also reflect desire for laws.

[3] The first survey cited went to members of the National Gay Task Force and other organizations in the New York area. About 400 respondents completed surveys. *OUT/LOOK* magazine published their survey in their Spring 1988 issue; more than 500 readers responded. The Seattle study gathered about 1300 surveys from area residents via support groups, book stores, community and social centers, and the annual Pride festival.

gay and lesbian respondents were "out" to at least some coworkers, though only 20 to 30 percent were out to all coworkers.[4] The surveys provided no empirical information on the relationship between discrimination and being out to coworkers. However, the low proportion of workers out to all coworkers suggests fear of discrimination in the workplace. Ironically, courts have used openness about sexual orientation to both support and deny claims of harm from employment discrimination.[5]

The public opinion polls suggest that employers may have the social or economic motive to discriminate; the surveys of gays and lesbians provide evidence of the opportunity for discrimination (uncloseted workers), fears of possible discrimination (low proportions of completely uncloseted workers), and perceptions that discrimination has occurred.

To date, few research projects have explored the link between sexual orientation discrimination and earnings. Badgett [1995] used data from the General Social Survey (GSS), a national random sample pooled from surveys conducted from 1989 to 1992 to assess the effects of discrimination. She found that, after controlling for age, race, education, marital status, region, and occupation, earnings for gay men were 11 percent to 27 percent less than those for heterosexual men. Lesbians earned less than heterosexual women, but the differences were not statistically significant. This study was the first to assess the effects of discrimination on earnings for gays and lesbians. Our study provides a similar comparison of earnings by sexual orientation and advances the literature by evaluating the effects of antidiscrimination policies on those earnings differences.[6]

EARNINGS FOR GAYS AND LESBIANS

Direct discrimination is not the only explanation for differences in earnings across sexual orientation. As researchers assessing the impact of gender or race discrimination can attest, disentangling discrimination from other differences is tricky [Gunderson, 1989]. We want to control for all the factors that affect wages, but some factors may

[4] These results probably overestimate the proportion of out employees because very closeted people are unlikely to respond to a survey aimed at gays and lesbians.

[5] In some cases, courts have said not "flaunting" sexual orientation was important to their decision because it meant the employee was not disrupting the workplace. In other cases, courts have said that employees were at fault for not informing employers of their homosexuality. In *Norton v. Macy,* 417 F.2d 1161 (D.C. Cir. 1969), the D.C. Circuit Court reversed the termination of a National Aeronautics and Space Administration (NASA) employee for "immoral, indecent, and disgraceful conduct" and noted that the evidence of the employee's homosexuality was based on one homosexual "advance" while the employee never "openly flaunt[ed] nor carelessly display[ed] his unorthodox sexual conduct in public." However, in *High Tech Gays v. Defense Industry Security Clearance Office,* 668 F. Supp. 1361, 1365 (N.D. Cal. 1987), *reversed and remanded,* 895 F.2d 563 (9th Cir. 1990), the District Court noted that Department of Defense regulations dictated that discrimination in employment could be justified if applicants for security clearance withheld evidence of homosexuality from anyone (including family or acquaintances) because this could subject the applicant to blackmail.

[6] A similar analysis of policies is not possible with the GSS because it includes only a very small number of gays and lesbians with earnings data (fewer than 50 of each) and because respondents' residences are identified only by region and cannot be matched to state and local antidiscrimination policies. The GSS does have the advantage of identifying individual gays and lesbians (based on sexual behavior) rather than being limited to same-sex couples as in the census. Badgett [1995] used a relatively broad definition of homosexual: anyone who had had more same-sex partners than different-sex partners since age 18.

themselves be affected by discrimination (for example, education, hours of work, or occupation) and for some we do not have good measures. Our multivariate models include a standard set of factors that could affect earnings: age, race, education, region, urban location, English proficiency, and work-related disability.

Gays and straights may make different human capital investments that affect earnings. For example, in our sample, men and women in same-sex couples have more education than people in different-sex couples.[7] Gays and lesbians might have chosen to get more education to offset anticipated discrimination or because they found educational settings to be relatively hospitable. Alternatively, living with a partner may not be as common among gays and lesbians with less education. Regardless, education generally increases earnings, and we must account for these differences in assessing the levels of discrimination. There may also be variations in labor force attachment and human capital investment for which we have no data—these differences will be folded in with discrimination in our earnings comparisons.

Gays and lesbians could choose to go into occupations or employment situations that seem to be more accepting, and this could affect earnings.[8] Our data show that members of same-sex couples are less likely to be self-employed or in a family business and are more likely to be in some occupations than members of different-sex couples. Thus, gays and lesbians might restrict their earnings by limiting their employment options to avoid discrimination. However, we assess the sensitivity of our results to the inclusion of controls for occupation and industry, and find that our conclusions are unchanged.

Gender still has a large impact on earnings, and its effects are doubly felt within same-sex couples. Lesbians cannot count on having a male earner to boost household income. As a result, they may choose to get more education and to devote more time and energy to the labor market than heterosexual women. Lesbian couples are also much less likely than married women to be living with children.[9] (Child-rearing responsibilities cut into time and energy to devote to market work.) Gay men, unlike heterosexual men, may share their home with other males and pool two male-sized incomes. Because of this income-sharing, and perhaps in anticipation of not serving as a primary household earner, gay men might devote less time and effort to the labor market. To control for the effects of gender we estimate earnings separately for men and women, but we also examine household income for all couples combined.

In summary, discrimination, variations in human capital and labor force attachment, and gender-based wage differentials may all create differences in earnings between same-sex and different-sex couples. Our project aimed to account for as many of these factors as possible in order to assess whether the effects of discrimination were lower in the presence of antidiscrimination policies.

[7] Blumstein and Schwartz [1983] also found higher education levels for same-sex couples than for different-sex couples. Laumann et al. [1994] generally found more homosexual behavior among those with more education, with the exception of higher levels among those without high school degrees. However, Badgett [1995] found nearly identical levels of education among full-time workers who were gay and straight.

[8] Badgett and King [1997] found only mixed evidence that gay men and lesbians do choose different occupations than do heterosexuals. However, Klawitter [1997] found evidence of different occupation and industry distributions for women in same-sex and different-sex couples.

[9] For example, we found children living with about 20 percent of lesbian couples, 37 percent of unmarried different-sex couples, and 57 percent of married couples. Only about 5 percent of male same-sex couples in our sample were living with children.

ANTIDISCRIMINATION POLICIES

The Civil Rights Act of 1964 prohibited employment discrimination based on race, sex, religion, and national origin. Using evidence on regional and temporal differences in enforcement and in earnings, researchers have found that this and later federal protections contributed to earnings increases for blacks and for women [Burstein, 1985; Donohue and Heckman, 1991; Gunderson, 1989]. Half of the states had antidiscrimination laws for race and national origin prior to 1964, but the federal legislation increased enforcement capacity and expanded coverage to states unlikely to adopt laws [Burstein, 1985]. Most studies of the federal legislation demonstrate the importance of enforcement efforts for improving the incomes of protected groups [Donohue and Heckman, 1991; Gunderson, 1989].

Table 1. The number of sexual orientation antidiscrimination policies by level of government and time of implementation.

	Private and public employment		Public employment only	
Year of adoption	State	Local	State	Local
Before 1985	2[a]	30	4	15
1985–1989	1	13	4	14
1990–1994	6	38	4	24

[a]Includes District of Columbia.

Have antidiscrimination policies contributed to earnings for gays and lesbians? Our task of measuring the impact of sexual orientation antidiscrimination policies is made easier by the fact that these are state and local policies passed in the last 25 years. Our assessment of the impact of the policies can be based on geographic and temporal variation, which is unavailable for federal policies. However, state and local policies may not have effects comparable to those of the federal legislation because of limited administrative capacity and less public debate.

Table 1 shows the number of sexual orientation policies adopted by state and local governments. Prior to 1985, only two states and 30 local areas provided protection against sexual orientation discrimination in private employment; public employment was covered in an additional four states and 15 cities or counties. (All jurisdictions with private employment policies also cover public employment.) Policy adoptions continued in the late 1980s, then accelerated in the early 1990s. By 1994, a total of nine states and more than 80 cities and counties had private employment protections; 12 other states and over 50 cities and counties had public employment protection. (An appendix containing a list of policies, type of coverage, and year of adoption is available from the authors.) Adoptions have continued with the states of Maine and New Hampshire adopting private employment laws in 1997.

The continuing adoption of sexual orientation antidiscrimination policies is especially remarkable given the very small size of the gay and lesbian population and the antipathy of the general public. Sherrill [1996] argued that gays and lesbians lack political power because of their small numbers (much less than a majority in all but

a handful of neighborhoods in the United States). Sherrill also documented that public attitudes toward gays and lesbians are worse than those for any other group except illegal aliens.[10]

Local governments have been more likely to adopt antidiscrimination policies in areas with larger or more urban populations, higher education levels, and more nonfamily households [Haeberle, 1996; Wald, Button, and Rienzo, 1996]. These are all factors related to public opinion about homosexuality and civil rights [Moore, 1993], and public opinion is no doubt related to the adoption of antidiscrimination policies. However, the overall low levels of public support make it unlikely that a sizable majority of the public would ratify antidiscrimination policies in any but the most liberal enclaves. Most minority groups have been forced by the "tyranny of the majority" to seek protection from the more sympathetic political elites in legislative bodies and executive offices. Rights for minority groups, including gays and lesbians, have usually been rejected when put to a popular vote [Gamble, 1997]. Haider-Markel and Meier [1996, in press] found that limiting the scope of the gay rights debate within legislative bodies allowed gay rights advocates to influence the outcomes with interest group tactics rather than to have the outcome decided by "morality politics."

Within legislative bodies, adoption of antidiscrimination policies has depended on the presence of policy entrepreneurs, the framing of the policy (as civil rights and as incremental), interest group resources (for both gay and religious organizations), policy diffusion, and the salience of the issue [Button, Rienzo, and Wald, 1997; Haider-Markel and Meier, in press]. In a case study of the first state private employment policy in 1982, Haider-Markel and Meier [in press] found that Wisconsin entrepreneur David Clarenbach, a state legislator, carefully built coalitions with mainline religious groups and Republicans to ensure passage. In addition, he framed the legislation as an incremental change that extended current civil rights coverage to gays and lesbians, and that was similar to policies previously implemented in Madison and Milwaukee. Gay and lesbian activists built political support and provided information on similar policies. Clarenbach mobilized the effort to pass the bill within one legislative session to avoid both expansion of the debate and increased public salience.

Case studies of cities and counties by Button, Rienzo, and Wald [1997] show similar adoption processes for local legislation. The first communities adopting sexual orientation antidiscrimination policies were usually college towns with active gay student groups or cities with well-organized gay rights groups [Button, Rienzo, and Wald, 1997, p. 64]. East Lansing, Michigan, passed the first municipal protection for public employees in 1972. The Gay Liberation Movement, a student group from Michigan State University, pushed the city council to adopt the public employment policy in 1972, then to extend the coverage to private employment in 1973. These policies were framed as incremental moves broadening civil rights to gays and lesbians. Button, Rienzo, and Wald [1997] documented similar processes in Iowa City, Iowa, and Philadelphia (p. 50). In contrast, Cincinnati, Ohio, serves as an example of a city where gay rights became a very salient issue and, as a result, the private employment protections adopted by the city council in 1992 were revoked by a public vote in 1993 [Button, Rienzo, and Wald, 1997, p. 50].[11]

[10] Sherrill [1996] found attitudes toward gay men and lesbians slightly better, on average, than toward illegal aliens. However, attitudes toward gays and lesbians were also more polarized.

[11] The vote on the city charter amendment revoked the addition of gays and lesbians to the human rights law and prohibited the city from adopting future protections based on sexual orientation. Gay rights advocates are fighting this amendment in federal courts given the U.S. Supreme Court ban of a similar state-level policy in *Romer v. Evans.*

In summary, gay and lesbian advocates have successfully pushed antidiscrimination legislation onto the public agenda in hundreds of cities and counties, as well as some states. Successful adoption has required skillful work by policy entrepreneurs and well-organized gay rights groups, as well as the lack of significant opposition groups able to broaden the scope of the debate and push for public participation in the decisionmaking process. The policies have been more often successful when framed as incremental expansions of civil rights rather than as a contest over community morals.

Legislation that prohibits sexual orientation discrimination by private employers could increase earnings for gays and lesbians because fewer employers would use sexual orientation as a criterion in hiring, promotion, pay, and firing. Private employers may work to avoid being sanctioned under the policies because of legal costs and to protect their reputation among workers or customers. Protections in public sector employment have generally been adopted through executive orders from governors, county executives, city mayors, or through civil service work rules. These protections could directly increase earnings for public sector employees and could also affect private employment earnings through competition for good employees in areas where public employment makes up a significant proportion of the local labor market. Protections in private employment are likely to have larger effects on earnings because they cover more employees and require legislative action (which entails more public debate than executive action) and because civil service rules limit discrimination in public employment even in the absence of antidiscrimination policies. In addition, employers may respond to either public or private policies because the policies, and debate prior to their passage, may help to define differential treatment of gays and lesbians as "discrimination" that is socially unacceptable. In a survey of cities and counties with antidiscrimination policies, local officials reported the most important positive policy impacts to be recognition of sexual orientation discrimination (28 percent of respondents), reduced discrimination (24 percent), and more comfortable environment for gays and lesbians (23 percent) [Button, Rienzo, and Wald, 1995].

Experience with the federal civil rights laws suggests that the effectiveness of the sexual orientation antidiscrimination policies will depend on their enforcement. Local areas vary greatly in their ability to adopt penalties and in their willingness to enforce them. The powers of cities to adopt policies and to establish penalties depend on state law and, within a state, on whether the city predated the state.[12]

Cities and counties often have less-developed bureaucracies to process and investigate discrimination complaints than do state or federal governments charged with enforcement of other civil rights protections. Button, Rienzo, and Wald [1995] found that the burden of enforcement in cities and counties often falls to an existing human rights agency (42 percent of jurisdictions) or a personnel or equal employment opportunity office (19 percent). No formal local enforcement mechanism was reported for more than 11 percent of local areas with antidiscrimination policies. Many of the local jurisdictions reported very few, if any, formal complaints since passage of their policies. Almost 40 percent reported no formal complaints. However, over time, the cumulative number or visibility of cases brought under the policies and the administrative experience of the enforcement agencies may improve the effectiveness

[12] For example, within Missouri, the three cities with antidiscrimination policies differ greatly in their enforcement powers. Kansas City and St. Louis, as charter cities, are able to impose large fines and order back pay, reinstatement, and damages. Columbia, which derives all of its municipal powers from the state, is only able to order mediation and low fines [Estavez, 1994]. Button, Rienzo, and Wald [1997] report that potential adoption of private employment protections in Raleigh, North Carolina, was complicated by the need for enabling legislation from the state legislature (p. 41).

of policies. We examine this possibility in our model by allowing the amount of time since implementation to affect the impact of the policies.

In states with private employment protections, formal complaints have also been sparse; only about 1 or 2 percent of all discrimination complaints involve issues of sexual orientation discrimination [Shulman, 1994].[13] Public employment protections at the state level had similarly small numbers of reported complaints and for some a complete lack of enforcement mechanisms [Riccucci and Gossett, 1996, p. 182]. Lax enforcement, fear of retribution, small numbers of gays and lesbians, and lack of discrimination are all possible explanations for the low numbers of complaints. However, the results of the surveys and public opinion polls cited earlier suggest that there is at least the perception of discrimination by gays and lesbians and that this could lead to formal complaints.

State policies may have larger impacts than local policies because of broader publicity and (sometimes) greater enforcement resources. (We test this hypothesis by comparing the effects of state policies with those of local policies.) State laws are also preferred by gay advocates because they have broader coverage and run little risk of preemption by higher governments [Harvard Law Review Editors, 1996, pp. 1629–1630]. However, two of the state policies, namely those of Connecticut and Minnesota, adopted after the time period we are examining (1989), included provisions that could limit their impact [Shulman, 1994]. Connecticut does not provide individuals the right to sue, and both states permit discrimination in employment that involves work with minor children. In addition, most state laws and the proposed federal protections for sexual orientation do not allow the disparate impact claims available under federal civil rights protections [Harvard Law Review Editors, 1996, p. 1635; McMillion, 1994]. Disparate impact claims allow challenges to facially neutral employment policies that have unequal effects on protected groups. The effectiveness of policies at all levels of government will depend greatly on their construction and enforcement.

In addition to the effects on employers, public and private employment protections could affect behavior of gay, lesbian, and bisexual employees. As we discuss later, lesbians and gays are more likely to live in areas that have employment protections. This might be partly explained by their moving to places that have already adopted policies.[14] It is possible that gays and lesbians may even be willing to accept lower wages in order to move to an area with an antidiscrimination policy that would provide job security (a "compensating wage differential"). We test this theory by limiting our sample to those who have not moved in the recent past. Also, in areas with antidiscrimination policies, employees may be more open about their sexuality on the job because of the perceived protection. This openness could result in a backlash that for some people produces more, rather than less, discrimination on the job. Both of these reactions to the policies could offset earnings gains due to less discrimination under the antidiscrimination policies.

To measure the effects of sexual orientation antidiscrimination policies on earnings, we must distinguish the effects of the policies from characteristics that affect the

[13] Shulman [1994] surveyed materials and enforcement officials in Wisconsin, Massachusetts, Hawaii, Connecticut, New Jersey, Vermont, Minnesota, and California.

[14] It could also result from gays and lesbians moving to "gay-friendly" places. Alternatively, policies might be adopted in places where gays and lesbians have developed political clout because they comprise larger proportions of the population. These are consistent with the discussion of the importance of public opinion and gay community resources in the adoption of policies. Most likely, all of these explanations play some part in the greater numbers of gays and lesbians in areas with policies.

adoption of the policies and other factors that may affect earnings for gays and lesbians. Our data will allow us to account for some of these confounding influences on earnings by controlling for characteristics of both the workers (for example, education, age, race) and the geographic area (for example, region, urbanness, public opinion, and other laws regarding sexual orientation). Comparison of earnings for members of same-sex and different-sex couples further enables us to disentangle characteristics of areas with policies (earnings for all people in those areas) from direct effects of the policies (effects on same-sex couples in areas with policies). Finally, we tried several specifications to assess the possibility of differential effects of older policies and state policies.

U.S. CENSUS DATA

The data for this study come from the U.S. Census 5% Public Use Micro-data Sample (PUMS). The data set contains information from the long form of the census for households and their individual members. For the first time, the 1990 U.S. census allowed gay and lesbian couples to be identified by adding an "unmarried partner" category to the list of household relationships.[15] If one partner is designated as the census "householder" (owner or lease-holder of residence), then the other partner can be identified as the householder's unmarried partner.[16] Both same-sex and different-sex couples used this relationship category. In addition to same- and different-sex unmarried partners, we included married couples in our sample. Because same-sex couples cannot marry in the United States, it is unclear a priori whether they will be comparable to married or unmarried different-sex couples, or most likely, a mix of the two. To maintain a reasonable sample size, we included all the same-sex couples in the 5 percent sample but only a portion of different-sex married or unmarried couples.[17] The resulting sample contains approximately 13,000 married couples, 14,500 different-sex unmarried couples, and 6800 same-sex couples. Our study uses the census data on individual earnings and household income for 1989, as well as other demographic and economic characteristics. We limited our sample to individuals between 18 and 65 to capture those most likely to be in the labor market.

The structure of the census allows us to identify cohabitating same-sex couples, not all individuals who identify themselves as gay or lesbian or who have same-sex relations. A sample of same-sex couples will not be representative of all gays, lesbians, and bisexuals if individual characteristics affect the propensity to be in a cohabitating couple. Thus, our findings are valid for couples, but only suggestive of the results for all individuals, though there are no strong reasons for believing that the policy effects would be qualitatively different.

Not all unmarried couples may be comfortable declaring their relationship on a

[15] We use "gay and lesbian couples" and "same-sex couples" to refer to pairs of same-sex household members who declared that one was an unmarried partner. However, one or both partners may not identify themselves as "lesbian," "gay," or even "bisexual" [Laumann et al., 1994, chapter 9]. Also, there were a few households in almost every state that were reported to contain more than one adult who was identified as a partner or spouse. This may be the result of data errors or may reflect actual household composition. We have dropped those cases from our analysis because we cannot identify the reason for the response.

[16] Each household member is identified by his or her relationship to the householder. In years prior to 1990, the category "unmarried partner" was not available and partners would likely be listed as "roommate" or "boarder."

[17] We used only 1/200 of the married couples and 1/10 of the different-sex unmarried partner couples. Our descriptive statistics are reported for this entire sample and have been reweighted to compensate. The regressions use a random 75 percent of this sample; the other 25 percent of the sample were used to initially test several different regression models.

census form. Also, some couples may not have been aware of the option to designate an unmarried partner on the census or may be unable to because neither member of the couple is the householder. For these reasons, we may not have captured all cohabitating couples. Comparisons to data from two national surveys, the General Social Survey and the National Opinion Research Center's (NORC) National Study of Health and Sexual Behavior, suggest that the census may have identified only 50 to 75 percent of different-sex couples and 20 to 40 percent of same-sex couples.[18] (More detailed information is available in Table A.5.) If higher income same-sex couples were more likely to identify themselves, then our estimates of incomes for gays and lesbians will be too high, and earnings discrimination would be underestimated. If couples in jurisdictions with antidiscrimination policies are more likely to identify on the census, then we will overestimate the number of couples covered by policies. Neither of these by themselves should affect our estimates of the impact of the policies on earnings. Unfortunately, no other national data set provides samples of same-sex couples of sufficient size to provide an adequate comparison based on couples rather than individuals.[19] Our multivariate comparisons of earnings differences by sexual orientation are nearly identical to those found by Badgett [1995], suggesting that, at least, any earnings bias in our sample is not worse than alternative data sets.

We gathered information from several sources to compile a list of state and local antidiscrimination policies.[20] To guard confidentiality, the geographic location of census respondents is identified only by Public Use Micro-sample Areas (PUMAs)—a mix of grouped census tracts, counties, and groups of counties. Thus, the match between PUMAs and political jurisdictions is imperfect. In general, if any city or county within a PUMA adopted an antidiscrimination policy, then we have assumed that people living within the PUMA had geographic access to covered jobs. This results in overestimates of the proportion of the population directly covered in their workplace or residence but is a reasonable approximation of access to jobs in an area with a policy.[21]

Overall, the census provides a new national source of information on same-sex couples, albeit with limitations. These data allow us to investigate for the first time the effects of antidiscrimination policies on cohabitating couples—one step toward acquiring an understanding of the effects on all gays, lesbians, and bisexuals.

THE EFFECTS OF ANTIDISCRIMINATION POLICIES

A larger proportion of same-sex than different-sex couples live in areas that have antidiscrimination protections in private employment. Table 2 shows the proportion of couples identified in the census as residing in areas with no employment policy, a policy covering only public employment, or a policy including private employment. In 1989, private employment laws covered 42 percent of the male same-sex couples in our sample, 30 percent of female same-sex couples, 19 percent of unmarried

[18] These national surveys may themselves undercount the number of same-sex couples because of individuals' unwillingness to identify themselves as homosexual. See Rand National Defense Research Institute [1993] for a comparison of surveys reporting on homosexual behavior.

[19] For example, there are 22 men and 19 women in same-sex couples in the GSS (cumulative since 1988). The National Opinion Research Center (NORC) survey includes 39 men and 23 women in same-sex cohabitation.

[20] The National Gay and Lesbian Task Force [1994] and Arthur Leonard provided extensive lists of policies and passage dates. These were updated and corrected through interviews with state gay and lesbian advocacy groups.

[21] Most of the policies in places not covering a complete PUMA included 20 to 50 percent of the population within the PUMA, though the proportion ranged from about 5 percent to more than 90 percent. However, it is likely that the policies in these places covered a higher proportion of jobs than residents.

Table 2. Proportion of households with antidiscrimination coverage.

	No employment policy	Public employment only	Private and public employment
Policy coverage in 1989			
Married couples	73	15	12
Unmarried different-sex couples	66	15	19
Male same-sex couples	46	13	42
Female same-sex couples	56	14	30
All	73	15	12
Policy coverage in 1994			
Married couples	41	28	31
Unmarried different-sex couples	33	27	40
Male same-sex couples	21	16	63
Female same-sex couples	27	19	54
All	41	28	31

Note: Percentages weighted to reflect sampling.

different-sex couples, and 12 percent of married couples. Public employment laws covered another 13 to 15 percent of each kind of couple.

Many cities and counties have passed policies since 1989. If the residential patterns did not change between 1989 and 1994, then more than half of the same-sex couples in our sample and 30 to 40 percent of different-sex couples would have been covered by private employment policies in 1994. About half of the same-sex couples were not covered by any employment policy in 1989, but that would have fallen to around one-quarter by 1994. Close to 70 percent of different-sex couples were not covered in 1989 compared to between 30 and 40 percent by 1994. Same-sex couples appear more likely to live in areas that have adopted policies, and coverage for all couples is increasing.

Household income means and standard deviations for each type of couple are reported in the first panel of Table 3. For each type of couple, average income was higher in areas with greater employment protection. This may evidence a tendency for high-wage jurisdictions to pass civil rights protections, consistent with the research that finds more policy adoptions in both urban areas and areas with higher levels of education. Regardless of the level of employment protection, male same-sex couples had the highest household incomes, followed by married couples, female same-sex couples, and unmarried different-sex couples. The ranking of average household income obviously reflects the pairing of two male wage earners, a male and a female wage earner, and two female wage earners, though some of these differences were not statistically significant after controlling for worker and location characteristics.

The same pattern by policy type appears for the average individual earnings for

Table 3. Average household income and individual earnings by type of antidiscrimination policy.

	No employment policy		Public employment		Private and public employment		All	
	Mean	SD[a]	Mean	SD[a]	Mean	SD[a]	Mean	SD[a]
Household income								
Married couple	$45,568	(35,560)	$49,138	(37,846)	$54,689	(46,108)	$47,193	(37,449)
Unmarried different-sex	35,807	(28,353)	39,369	(33,718)	42,031	(33,430)	37,505	(30,314)
Male same-sex	52,068	(39,614)	55,778	(35,500)	66,015	(47,291)	58,366	(43,048)
Female same-sex	42,526	(29,812)	44,633	(32,463)	50,312	(36,167)	45,166	(32,404)
Individual earnings								
Men								
Married	24,205	(27,633)	26,549	(29,248)	27,527	(33,853)	24,949	(28,719)
Unmarried different-sex	17,770	(19,001)	19,324	(20,394)	20,134	(21,243)	18,445	(19,674)
Same-sex	20,512	(21,213)	21,681	(19,315)	26,199	(27,867)	23,037	(24,172)
Women								
Married	9,031	(12,693)	9,069	(12,100)	11,277	(15,492)	9,308	(13,001)
Unmarried different-sex	11,214	(11,562)	12,521	(14,382)	13,609	(14,912)	11,857	(12,735)
Same-sex	16,162	(15,890)	17,611	(20,369)	19,922	(19,979)	17,497	(17,943)

Note: Statistics weighted to reflect sampling.
[a]Standard Deviation

men and women also shown in Table 3 (for individuals with some personal earnings). For men and women in each type of couple, individual earnings were higher in areas with private employment policies than in areas with no policy or only a public employment policy. In areas with each kind of policy, individual male earnings were highest for married men, followed by gay men, then unmarried men. For women, the pattern is different: lesbians earned the most, followed by unmarried women, then married women.

Overall, areas with greater antidiscrimination protection had higher incomes for all couples, not only same-sex couples. Thus, Tables 2 and 3 do not show clear evidence of an effect of antidiscrimination policies on income for same-sex couples.

MULTIVARIATE ESTIMATES OF EFFECTS OF ANTIDISCRIMINATION POLICIES

To obtain more valid and efficient measures of the effects of the policies, we have used multivariate regression analyses of the natural log of earnings for individuals and income for households.[22] (Tables A.1, A.2, and A.3 include descriptive statistics for the regression variables by couple type.)

To account for individual characteristics that may affect earnings, the regressions include dummy variables for race, age, education, use of English language, work-limiting disabilities, and the presence of children. In addition, we added indicators for couple type (unmarried different-sex and same-sex, with married couples as the reference category). The couple-type variable coefficients capture both discrimination in earnings and differences in human capital and productivity not associated with age, education, or other explanatory variables. Differences in local labor markets are represented by dummy variables for geographic region and urban location. Other labor market indicators such as unemployment rates or average wages are not readily available for PUMAs.

To measure the effects of the sexual orientation antidiscrimination policies on earnings for members of same-sex couples, we used two variables that indicate that a person is in a same-sex couple and resides in an area with either a public or private employment law (interaction terms between the indicator for a same-sex couple and the indicators for public and private employment protections). Positive and significant coefficients on these variables would suggest that antidiscrimination protections raise earnings for same-sex couples who are covered relative to those living in other areas. Because we expected private employment policies to affect a larger number of employees and generate more public awareness, we hypothesized that the coefficients on the indicator of same-sex couples in areas with private protections would be larger (more positive) than the coefficients on the public protection variable.

We added several variables to try to account for other differences between areas with and without the policies that could affect earnings. Two dummy variables indicate all respondents living in areas with either public or private employment antidiscrimination protection. The coefficients on these general policy variables will capture differences in earnings between different-sex couple members in areas with and without antidiscrimination policies. If areas with higher (or lower) average

[22] We also tried two-limit tobit models because the log will not be less than zero and is censored at the top with top-coding to preserve confidentiality. The results did not differ substantially from those reported here because few observations have very low logged earnings or values that have been top-coded. For example, less than 1 percent of earnings values were top-coded.

Table 4. Selected coefficients from regressions of logged individual earnings and household income.

Variable	Men's earnings		Women's earnings		Household income	
	Coefficient	SE[a]	Coefficient	SE[a]	Coefficient	SE[a]
Policy variables for same-sex couples						
Public employment	-0.025	0.047	0.051	0.061	0.046	0.035
Private employment	0.024	0.040	-0.065	0.053	-0.013	0.030
Policy variables for all couples						
Public employment	-0.054**	0.024	-0.023	0.030	-0.055***	0.017
Private employment	-0.024	0.024	0.055	0.030	-0.011	0.017
Post-1989 policies for same-sex couples						
Public employment	0.017	0.047	-0.001	0.060	0.040	0.035
Private employment	0.001	0.037	0.037	0.050	0.027	0.028
Post-1989 policies for all couples						
Public employment	0.049**	0.023	0.036	0.029	0.012	0.016
Private employment	0.067***	0.023	0.119***	0.029	0.099***	0.017
Couple-type indicators						
Unmarried different sex couples	-0.295***	0.015	0.075***	0.019	-0.117***	0.011
Same-sex couple						
Male	-0.301***	0.041	—	—	-0.010	0.031
Female	—	—	0.164***	0.048	-0.066***	0.030
R^2	0.24		0.20		0.36	
N	20,160		17,490		22,785	

Notes: Reference categories are no employment policy and married couple. Full regression results are in Table A.3.
[a]Standard Error
**Statistically significant at the 5-percent level.
***Statistically significant at the 1-percent level.

earnings for all couples were more likely to adopt antidiscrimination policies, then these coefficients would be positive (or negative) and significant. In addition, indicators of policies adopted after 1989 help us to assess whether, in general, areas have higher average earnings *prior* to adoption of antidiscrimination policies. Because policies adopted after 1989 could not directly affect earnings reported in the census, these variables will provide a measure of average income differences prior to adoption of a policy.[23]

As suggested by the research on adoptions, places that chose to adopt antidiscrimination policies could have been more "gay-friendly" and, therefore, harbored less discrimination prior to adoption. To account for the effects of this on earnings, we interacted the post-1989 policy indicators with the same-sex couple indicators. If gays and lesbians had higher earnings in areas likely to adopt policies, then the coefficients on these interactions would be positive and significant. We also

[23] It is also possible that jurisdictions that adopted policies after 1989 would be different in a way that would affect average earnings than areas adopting policies earlier.

interacted the urban dummy variable with the same-sex couple indicator because urban areas are generally thought to be more gay-friendly than other places.

To further control for the effects of the social environment on earnings for gays and lesbians, we added several state-level variables that reflect underlying attitudes toward gays and lesbians. A dummy variable indicates the presence of a sodomy law in the state.[24] States with sodomy laws are apt to be less supportive environments for gays and lesbians.[25] We also included a measure of public opposition to employment protections based on sexual orientation.[26] Higher levels of this measure indicate a less supportive employment environment for gays and lesbians. Interactions between the indicator for a same-sex couple member and the two environment variables (sodomy law indicator and public opinion variable) allow us to assess the differential effects of these on earnings for same-sex couple members. These state variables are imperfect representations of the social environment faced by gays and lesbians because public attitudes towards gays and lesbians vary considerably within many states. However, local measures of environment and public opinion are virtually nonexistent.

Table 4 shows selected coefficients and standard errors from analyses of earnings for males, earnings for females, and household incomes. (Complete results are in Table A.4.) The coefficients do not directly measure earnings differences in dollars because the outcome variables are logged. Therefore, Table 5 translates these results into the percentage differences in average earnings.

The results in Table 4 show no evidence that either public or private employment protections significantly improve earnings or household income for men or women in same-sex couples. The coefficients on the indicators of same-sex couples in protected areas are mixed in sign and none are statistically significant. These results differ from the simple comparison of earnings and income in Table 3. After controlling for worker and geographic characteristics, average earnings and income for same-sex couples do not appear to differ with the level of employment protection. This pattern also held in similar analyses that used only the subsample of people who had not moved in the last five years (complete results available from the authors). This suggests that the pattern is not caused by people accepting lower wages in order to move to areas with employment protections.

To test whether policies were more effective in areas that had implemented them earlier, we added a measure of time-since-implementation for both private and public employment policies. Coefficients on these measures were small, mixed in sign, and not statistically significant, providing no evidence that experience matters here. To test our hypothesis that state-level policies might be more effective than local policies, we added indicators of state policies for same-sex couples. These, too, showed little sign of life by being generally small in size and statistically insignificant, though occasionally significant when negative in sign (contrary to our hypothesis). The size and significance of the other policy variables changed little throughout our sensitivity analyses.

[24] Some states have sodomy laws that cover only homosexual acts, others include acts with all partners. In results not reported here, we included separate dummy variables for these two types of laws, but the results did not differ substantially.

[25] Indeed, sodomy laws have been used to justify discrimination against gays and lesbians in employment [see *City of Dallas v. England*] 846 S.W.2d 957 (Tex. App. 1993).

[26] This measure was compiled by Gamble [1994]. She used questions from the 1992 American National Election Studies: Post-Election Study to estimate the relationship of personal characteristics to responses to the question: "Do you favor or oppose laws to protect homosexuals against job discrimination?". State-level measures of opposition were then calculated by using state representative samples from the National Election Studies Pooled Senate Election Studies and aggregating predicted opposition by using the regression coefficients. The mean level of the measure has been subtracted, leaving a measure with a mean of zero.

After controlling for other factors, earnings for all people living in areas that adopted policies prior to 1989 do not appear to differ significantly from those of people in other areas. The policy indicators for all couples generally have insignificant coefficients, though most are negative in sign. The greater rate of policy adoptions in places with higher education levels and urbanness found by previous research likely accounts for the differences in earnings across policy type shown in the Table 3 cross-tabulations. In contrast, the signs of coefficients on the post-1989 policy variables for all couples are generally positive, and all but two coefficients are significant. Thus, it appears that political jurisdictions with higher average earnings were more likely to adopt antidiscrimination policies after 1989. Several states, including California, Hawaii, Minnesota, and New Jersey, passed private antidiscrimination policies during this period, which could have a large effect on these coefficients.

Policies do not appear to have been adopted in places that are particularly good labor markets for gays and lesbians because same-sex couple members in places adopting policies after 1989 did not earn significantly more than other gays and lesbians. Almost all of the coefficients on the post-1989 policies for same-sex couples are positive in sign, but they are small and none are statistically significant. Some of the earnings effects of a gay-friendly environment may be captured by the coefficients for the sodomy law, public opinion, and urban interaction variables, but these are almost all insignificant and often have the unexpected sign.

Beyond the effects of the policy variables, our results in Table 4 suggest that, after controlling for the other regression factors, couple type significantly affected earnings and income levels. Men in same-sex couples and in unmarried different-sex couples earned much less than men in married couples. On the other hand, women in same-sex and unmarried different-sex couples earned more than women in married couples. Household incomes were highest for married couples (the omitted category) and male same-sex couples, followed by unmarried different-sex couples, and lowest for female same-sex couples.

Table 5 shows the percentage differences in predicted earnings by couple type and policy status in 1989, based on the results from Table 4. All other characteristics in the regression are held constant. The base of comparison is a married couple member living in an area with no employment antidiscrimination policy. For each couple type, earnings in areas with and without public and private employment antidiscrimination policies differed by at most 6 percentage points, often in the unexpected direction. This is not surprising given the insignificance of almost all the coefficients on the pre-1989 policy indicators for same-sex couples and all couples.

In areas with no policies, men in unmarried different-sex and same-sex couples earned about 26 percent less than married men. Women in unmarried different-sex couples earned about 8 percent more than married women; women in same-sex couples earned about 18 percent more. The size of these couple-type differences varied only slightly across levels of employment protection because of the small policy variable coefficients. The pattern of differences across couple type is not explained by differences in occupation and industry. When we added dummy variables to control for these, the patterns did not change.

Most of the earnings differences among women in different types of couples result from differences in hours and weeks of work. To check this, we limited the regression sample to full-time, full-year workers and found that same-sex couple members earned

[27] The sample included only women who worked at least 45 weeks in 1989 and at least 30 hours a typical week.

Table 5. Predicted earnings differences for couple type and policy type (reported as percentages).

	Men's earnings	Women's earnings	Household income
Married			
No employment policy	(base)	(base)	(base)
Public employment	-5	-2	-5
Private employment	-2	+6	-1
Unmarried different-sex couples			
No employment policy	-26	+8	-11
Public employment	-29	+5	-16
Private employment	-27	+14	-12
Male same-sex couples			
No employment policy	-26	—	-1
Public employment	-32	—	-2
Private employment	-26	—	-3
Female same-sex couples			
No employment policy	—	+18	-18
Public employment	—	+21	-19
Private employment	—	+17	-20

Notes: This table is based on the Table 4 regression results. Percentage difference is relative to base case and is calculated as exp(coeff.) -1.

only slightly more than married women, and the coefficient was not statistically significant.[27] Women in unmarried different-sex couples also earned about the same as married women. The results for men did not change much when the sample was limited to full-time, full-year workers because only a few did not meet those criteria. (Complete results are available from the authors.) The results of these individual earnings models are very similar to those of Badgett [1995], who found that, among full-time workers, gay men made significantly less than heterosexual men and that women's earnings did not differ significantly by sexual orientation.

Household income was about the same for married couples and male same-sex couples. Unmarried different-sex couples had lower incomes by about 11 percent. Female same-sex couple members had the lowest incomes—about 18 percent lower than for married couples. The levels of household income reflect the gender composition of the couple, as well as the effects of sexual orientation, per se, with the former appearing to have a larger impact. The gender composition explains why earnings were significantly lower for individual men in same-sex couples than for married men at the same time that household income was similar for male same-sex couples (two male earners) and married couples (a male and a female earner). Similarly, women in same-sex couples earned more than women in different-sex couples, but the combination of earnings from two women was much less than that of a married woman and man.

CONCLUSIONS

The 1990 U.S. census data have allowed us a unique opportunity to study the effects of state and local sexual orientation antidiscrimination policies on earnings and income. In contrast to studies of antidiscrimination laws for women and ethnic minorities, we have produced no evidence that employment protections for sexual orientation directly increase average earnings for members of same-sex households. Average earnings for both same-sex and different-sex couples are higher in areas with more employment protection, but these differences are explained by worker and area characteristics. This is consistent with studies that found that adoption of gay rights policies was more likely in places with higher levels of education and urbanness. The policies do not appear to have been adopted in areas with better earnings opportunities for gays and lesbians, all else equal.

Many of the antidiscrimination policies were passed in the late 1980s; perhaps more time is required to detect an effect on average earnings. However, we did not find that older policies were more effective than those passed more recently. Lax enforcement or implementation could also account for the absence of earning effects. We hypothesized that state policies might be more effectively implemented and enforced because of greater administrative capacity, but found no evidence that state policies had affected average earnings for same-sex couples. Alternatively, the social changes that spawned the adoption of sexual orientation policies may have greatly diluted the effects of their passage by spilling over into places without formal policies. The changes in public opinions regarding gays and lesbians give some credence to this theory, as does the voluntary adoption of antidiscrimination policies by private employers. The civil rights policies for race and sex were adopted by the federal government which could explain the effectiveness of those protections, though similar changes in public opinion surrounded those adoptions.

An additional possibility would be the lack of widespread discrimination based on sexual orientation. Our results show that men in same-sex couples earn significantly less than married men, on average, but so do men in unmarried different-sex couples. We found that women in same-sex relationships earned more than married women, as did women in unmarried different-sex couples, though most of these differences reflect differences in hours and weeks of work. As in all cross-sectional studies of discrimination, we cannot completely disentangle the earnings effects of discrimination from the effects of unobserved differences in human capital or other characteristics that affect earnings. Examination of sexual orientation discrimination has the additional challenge of separating the effects of the gender of the worker and their household partner from the effects of sexual orientation. Better measures of labor market experience, job training, and labor force attachment would aid in this endeavor.

Although better than alternative data sources, the census data are imperfect for our mission. Most importantly, we cannot identify gays or lesbians not living with a partner. It is also possible that some same-sex couples were unwilling to report their relationships. Most troubling for our purposes, gays and lesbians who are the most concerned about discrimination could have been the least willing to report such relationships. The data do not allow us to assess the severity of these problems or the impact on our results, though our earnings comparisons are similar to those from an earlier study. Estimation of the effects of the policies would also have been aided by having data on earnings, enforcement, and implementation of the policies over time.

Finally, the data wish list would not be complete without adding the need for information on the degree of workplace openness about sexual orientation. Unlike sex and race protections, gays and lesbians have had the option to hide their sexual orientation from employers and coworkers. The lack of earnings differences could reflect this protective behavior, rather than the absence of discrimination. Employment protections may allow gays and lesbians to be more open at work, which could be a policy goal but could also offset earnings gains by provoking backlash. We hope that future research on employment policies will revisit this issue and build upon our foundation by using new data sources.

Americans' commitment to equal employment opportunity stems at least partly from the assumption that employment discrimination reduces earnings. However, antidiscrimination policies are important beyond their effects on average earnings. These policies give individuals recourse from discrimination. That can have enormous consequences for a few individuals but may not create effects large enough to move average earnings. The passage of such policies can also affirm the sense of citizenship and enhance the possibility of a level playing field for gays and lesbians. In addition, the policies may allow more gays and lesbians the opportunity to be open about their lives and to participate more fully as citizens in their communities. These are important social outcomes that may far outweigh any changes in paychecks.

APPENDIX

Table A.1. Means and standard deviations (SD) of regression variables for men by couple type.

	Married		Unmarried different-sex		Same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD
Logged earnings	10.15	0.86	9.67	0.93	9.89	0.90
Policy variables for same-sex couples						
Public employment	0.00	0.00	0.00	0.00	0.13	0.33
Private employment	0.00	0.00	0.00	0.00	0.41	0.49
Policy variables for all couples						
Public employment	0.14	0.35	0.15	0.36	0.13	0.33
Private employment	0.12	0.32	0.18	0.39	0.41	0.49
Post-1989 policies for same-sex couples						
Public employment	0.00	0.00	0.00	0.00	0.11	0.32
Private employment	0.00	0.00	0.00	0.00	0.38	0.49
Post-1989 policies						
Public employment	0.14	0.35	0.15	0.35	0.11	0.32
Private employment	0.21	0.41	0.26	0.44	0.38	0.49
Couple-type indicators						
Unmarried different-sex	0.00	0.00	1	0.00	0.00	0.00
Same-sex couples, male	0.00	0.00	0.00	0.00	1	0.00
Sodomy law*same-sex	0.00	0.00	0.00	0.00	0.34	0.47

continued

Table A.1 (cont'd.). Means and standard deviations (SD) of regression variables for men by couple type.

	Married		Unmarried different-sex		Same-sex	
Variable	Mean	S.D.	Mean	S.D.	Mean	S.D.
Sodomy law	0.46	0.50	0.40	0.49	0.34	0.47
Public opinion*same-sex	0.00	0.00	0.00	0.00	-0.05	0.19
Public opinion measure	0.02	0.19	-0.01	0.19	-0.05	0.19
Regions						
New England	0.05	0.23	0.06	0.24	0.06	0.23
Mid-Atlantic	0.15	0.35	0.15	0.36	0.16	0.37
East Northcentral	0.18	0.38	0.17	0.37	0.11	0.32
West Northcentral	0.07	0.26	0.07	0.25	0.04	0.20
South Atlantic	0.18	0.39	0.18	0.38	0.16	0.37
East Southcentral	0.05	0.22	0.03	0.18	0.02	0.14
West Southcentral	0.11	0.32	0.08	0.28	0.08	0.27
Mountain	0.05	0.22	0.05	0.22	0.04	0.20
Urban same-sex	0.00	0.00	0.00	0.00	0.64	0.48
Urban	0.37	0.48	0.44	0.50	0.64	0.48
Race						
Indian/Eskimo/Aleut	0.00	0.06	0.01	0.11	0.01	0.09
Asian/Pacific Islander	0.03	0.17	0.01	0.11	0.02	0.13
Other	0.03	0.17	0.06	0.23	0.03	0.18
Hispanic	0.04	0.19	0.04	0.20	0.05	0.21
Black	0.07	0.26	0.15	0.35	0.06	0.24
Age						
26–35	0.29	0.46	0.42	0.49	0.44	0.50
36–45	0.30	0.46	0.22	0.41	0.29	0.45
46–55	0.22	0.41	0.11	0.31	0.11	0.31
Over 55	0.14	0.35	0.03	0.18	0.03	0.17
Education						
High school	0.28	0.45	0.33	0.47	0.15	0.35
Some college	0.29	0.45	0.28	0.45	0.34	0.47
College degree	0.16	0.37	0.12	0.32	0.28	0.45
More than college	0.11	0.31	0.04	0.20	0.17	0.37
English only	0.87	0.33	0.87	0.34	0.89	0.31
Work limitation	0.05	0.22	0.05	0.22	0.06	0.24
Children	0.60	0.49	0.36	0.48	0.05	0.22
N (unweighted)	6937		8931		4293	

Note: Weighted to reflect sampling.

Table A.2. Means and standard deviations (SD) of regression variables for women by couple type.

	Married		Unmarried different-sex		Same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD
Logged earnings	9.25	1.13	9.25	1.06	9.67	0.97
Policy variables for same-sex couples						
Public employment	0.00	0.00	0.00	0.00	0.14	0.35
Private employment	0.00	0.00	0.00	0.00	0.30	0.46
Policy variables for all couples						
Public employment	0.14	0.35	0.15	0.36	0.14	0.35
Private employment	0.12	0.33	0.18	0.38	0.30	0.46
Post-1989 policies for same-sex couples						
Public employment	0.00	0.00	0.00	0.00	0.12	0.32
Private employment	0.00	0.00	0.00	0.00	0.35	0.48
Post-1989 policies						
Public employment	0.15	0.35	0.15	0.36	0.12	0.32
Private employment	0.21	0.41	0.25	0.43	0.35	0.48
Couple-type indicators						
Unmarried different-sex	0.00	0.00	1.00	0.00	0.00	0.00
Same-sex couples, female	0.00	0.00	0.00	0.00	1.00	0.00
Sodomy law same-sex	0.00	0.00	0.00	0.00	0.36	0.48
Sodomy law	0.46	0.50	0.41	0.49	0.36	0.48
Public opinon same-sex	0.00	0.00	0.00	0.00	-0.04	0.19
Public opinion measure	0.02	0.19	0.00	0.19	-0.04	0.19
Regions						
New England	0.06	0.23	0.07	0.25	0.09	0.28
Mid-Atlantic	0.14	0.35	0.15	0.36	0.14	0.35
East Northcentral	0.18	0.39	0.17	0.38	0.12	0.33
West Northcentral	0.08	0.27	0.07	0.25	0.06	0.24
South Atlantic	0.18	0.39	0.18	0.39	0.16	0.37
East Southcentral	0.05	0.22	0.03	0.18	0.03	0.16
West Southcentral	0.11	0.31	0.08	0.28	0.07	0.25
Mountain	0.05	0.21	0.05	0.22	0.05	0.22
Urban same-sex	0.00	0.00	0.00	0.00	0.53	0.50
Urban	0.37	0.48	0.44	0.50	0.53	0.50
Race						
Indian/Eskimo/Aleut	0.01	0.08	0.01	0.11	0.01	0.11
Asian/Pacific Islander	0.03	0.18	0.02	0.13	0.02	0.13
Other	0.03	0.16	0.04	0.19	0.03	0.16
Hispanic	0.04	0.18	0.04	0.19	0.05	0.21
Black	0.08	0.27	0.13	0.33	0.08	0.27

continued

Table A.2 (cont'd.). Means and standard deviations (SD) of regression variables for women by couple type.

	Married		Unmarried different-sex		Same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD
Age						
26–35	0.32	0.47	0.38	0.49	0.43	0.50
36–45	0.31	0.46	0.21	0.41	0.30	0.46
46–55	0.18	0.39	0.08	0.27	0.09	0.29
Over 55	0.10	0.30	0.02	0.14	0.03	0.18
Education						
High school	0.34	0.47	0.33	0.47	0.15	0.36
Some college	0.30	0.46	0.33	0.47	0.32	0.47
College degree	0.16	0.37	0.13	0.33	0.26	0.44
More than college	0.08	0.27	0.04	0.19	0.19	0.39
English only	0.88	0.32	0.89	0.31	0.91	0.29
Work limitation	0.03	0.17	0.05	0.21	0.05	0.23
Children	0.56	0.50	0.32	0.47	0.17	0.38
N (unweighted)	5675		8323		3493	

Note: Weighted to reflect sampling.

Table A.3. Means and standard deviations (SD) of regression variables for couples by couple type.

	Married		Unmarried different-sex		Male same-sex		Female same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Logged household income	10.59	0.73	10.28	0.81	10.76	0.70	10.51	0.79
Policy variables for same-sex couples								
Public employment	0.00	0.00	0.00	0.00	0.12	0.33	0.14	0.34
Private employment	0.00	0.00	0.00	0.00	0.42	0.49	0.31	0.46
Policy variables for all couples								
Public employment	0.14	0.35	0.15	0.36	0.12	0.33	0.14	0.34
Private employment	0.12	0.32	0.19	0.39	0.42	0.49	0.31	0.46
Post-1989 policies for same-sex couples								
Public employment	0.00	0.00	0.00	0.00	0.11	0.31	0.11	0.32
Private employment	0.00	0.00	0.00	0.00	0.38	0.49	0.35	0.48
Post-1989 policies								
Public employment	0.15	0.35	0.15	0.35	0.11	0.31	0.11	0.32
Private employment	0.21	0.41	0.26	0.44	0.38	0.49	0.35	0.48
Couple-type indicators								
Unmarried different-sex	0.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00

continued

Table A.3 (cont'd.). Means and standard deviations (SD) of regression variables for couples by couple type.

	Married		Unmarried different-sex		Male same-sex		Female same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Same-sex couples								
Male	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00
Female	0.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00
Sodomy law same-sex	0.00	0.00	0.00	0.00	0.35	0.48	0.36	0.48
Sodomy law	0.46	0.50	0.41	0.49	0.35	0.48	0.36	0.48
Public opinon same-sex	0.00	0.00	0.00	0.00	-0.05	0.19	-0.04	0.19
Public opinion measure	0.02	0.19	0.00	0.19	-0.05	0.19	-0.04	0.19
Regions								
New England	0.05	0.22	0.06	0.24	0.05	0.22	0.08	0.28
Mid-Atlantic	0.14	0.35	0.15	0.36	0.16	0.36	0.14	0.35
East Northcentral	0.18	0.39	0.17	0.37	0.11	0.31	0.12	0.32
West Northcentral	0.08	0.26	0.07	0.25	0.04	0.20	0.06	0.24
South Atlantic	0.18	0.38	0.18	0.38	0.17	0.37	0.16	0.37
East Southcentral	0.05	0.22	0.03	0.18	0.02	0.14	0.03	0.16
West Southcentral	0.12	0.32	0.09	0.28	0.08	0.27	0.07	0.26
Mountain	0.05	0.22	0.05	0.22	0.04	0.20	0.05	0.23
Urban*same-sex	0.00	0.00	0.00	0.00	0.66	0.48	0.54	0.50
Urban	0.37	0.48	0.44	0.50	0.66	0.48	0.54	0.50
Householder characteristics								
Race								
Indian/Eskimo/Aleut	0.00	0.06	0.01	0.12	0.01	0.06	0.01	0.10
Asian/Pacific Islander	0.03	0.17	0.01	0.12	0.02	0.12	0.02	0.13
Other	0.03	0.17	0.05	0.22	0.03	0.17	0.03	0.18
Hispanic	0.04	0.19	0.04	0.20	0.03	0.18	0.05	0.22
Black	0.07	0.26	0.15	0.35	0.06	0.23	0.09	0.29
Age								
26–35	0.27	0.45	0.40	0.49	0.39	0.49	0.39	0.49
36–45	0.30	0.46	0.23	0.42	0.33	0.47	0.33	0.47
46–55	0.21	0.41	0.11	0.31	0.14	0.34	0.12	0.32
Over 55	0.17	0.38	0.04	0.19	0.04	0.21	0.05	0.22
Education								
High school	0.28	0.45	0.32	0.47	0.13	0.33	0.14	0.34
Some college	0.28	0.45	0.29	0.46	0.32	0.47	0.30	0.46
College degree	0.16	0.36	0.12	0.32	0.28	0.45	0.25	0.43
More than college	0.10	0.30	0.05	0.21	0.20	0.40	0.19	0.40
English only	0.87	0.33	0.88	0.33	0.90	0.30	0.90	0.30
Work limitation	0.08	0.28	0.08	0.27	0.09	0.28	0.08	0.27

continued

Table A.3 (cont'd.). Means and standard deviations (SD) of regression variables for couples by couple type.

	Married		Unmarried different-sex		Male same-sex		Female same-sex	
Variable	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Partner characteristics								
Race								
Indian/Eskimo/Aleut	0.01	0.08	0.02	0.13	0.01	0.10	0.01	0.11
Asian/Pacific Islander	0.03	0.18	0.02	0.13	0.02	0.15	0.02	0.13
Other	0.03	0.17	0.05	0.23	0.05	0.21	0.03	0.18
Hispanic	0.04	0.19	0.05	0.21	0.06	0.23	0.05	0.22
Black	0.07	0.25	0.15	0.36	0.06	0.24	0.10	0.29
Age								
26–35	0.31	0.46	0.40	0.49	0.46	0.50	0.44	0.50
36–45	0.29	0.45	0.20	0.40	0.26	0.44	0.28	0.45
46–55	0.20	0.40	0.09	0.29	0.08	0.28	0.08	0.27
Over 55	0.12	0.33	0.03	0.17	0.03	0.17	0.03	0.16
Education								
High school	0.35	0.48	0.34	0.47	0.17	0.38	0.17	0.37
Some college	0.28	0.45	0.28	0.45	0.36	0.48	0.31	0.46
College degree	0.14	0.35	0.10	0.30	0.25	0.43	0.25	0.43
More than college	0.07	0.25	0.04	0.18	0.13	0.34	0.16	0.37
English only	0.87	0.34	0.87	0.34	0.88	0.33	0.90	0.30
Work limitation	0.06	0.24	0.07	0.25	0.08	0.27	0.06	0.27
Children	0.58	0.49	0.37	0.48	0.05	0.23	0.20	0.40
N (unweighted)	8124		10203		2480		1999	

Note: Weighted to reflect sampling.

Table A.4. Complete regressions of logged individual earnings and household income.

	Men's earnings		Women's earnings		Household income			
Variable	Coefficient	SE	Coefficient	SE	Coefficient	SE	Coefficient	SE
Policy variables for same-sex couples								
Public employment	-0.025	0.047	0.051	0.061	0.046	0.035	—	—
Private employment	0.024	0.040	-0.065	0.053	-0.013	0.030	—	—
Policy variables for all couples								
Public employment	-0.054**	0.024	-0.023	0.030	-0.055***	0.017	—	—
Private employment	-0.024	0.024	0.055	0.030	-0.011	0.017	—	—
Post-1989 policies for same-sex couples								
Public employment	0.017	0.047	-0.001	0.060	0.040	0.035	—	—
Private employment	-0.001	0.037	0.037	0.050	0.027	0.028	—	—

continued

Table A.4 (cont'd.). Complete regressions of logged individual earnings and household income.

	Men's earnings		Women's earnings		Household income			
Variable	Coefficient	SE	Coefficient	SE	Coefficient	SE	Coefficient	SE
Post-1989 policies								
Public employment	0.049**	0.023	0.036	0.029	0.012	0.017	—	—
Private employment	0.067***	0.023	0.119***	0.029	0.099***	0.017	—	—
Couple-type indicators								
Unmarried different-sex	-0.295***	0.015	0.075***	0.019	-0.117***	0.011	—	—
Same-sex couples								
Male	-0.301***	0.041	—	—	-0.006	0.032	—	—
Female	—	—	0.164***	0.048	-0.196***	0.030	—	—
Sodomy law* same-sex	-0.090	0.049	-0.033	0.058	-0.010	0.035	—	—
Sodomy law (all)	0.099***	0.025	0.049	0.031	0.066***	0.018	—	—
Public opinion* same-sex	0.153	0.123	0.065	0.152	0.016	0.091	—	—
Public opinion measure	-0.388***	0.091	-0.349***	0.115	-0.376***	0.067	—	—
Regions								
New England	0.087**	0.037	0.092**	0.046	0.078**	0.027	—	—
Mid-Atlantic	0.073***	0.028	0.077**	0.036	0.034	0.020	—	—
East Northcentral	-0.011	0.029	0.031	0.037	0.001	0.022	—	—
West Northcentral	-0.160***	0.036	-0.068	0.045	-0.133***	0.026	—	—
South Atlantic	0.021	0.037	0.122***	0.047	0.055**	0.027	—	—
East Southcentral	-0.109**	0.047	0.029	0.060	-0.095***	0.034	—	—
West Southcentral	-0.139***	0.040	-0.032	0.051	-0.124***	0.029	—	—
Mountain	-0.143***	0.037	-0.115**	0.046	-0.151***	0.027	—	—
Urban* same-sex	-0.056	0.031	0.023	0.039	-0.044	0.023	—	—
Urban	-0.148***	0.015	0.160***	0.019	0.152***	0.011	—	—
Race					Householder		Partner	
Indian/Eskimo/ Aleut	-3.429***	0.059	-0.228***	0.069	-0.230***	0.045	-0.202***	0.042
Asian/ Pacific Islander	-0.153***	0.045	0.042	0.056	-0.064	0.041	-0.090**	0.038
Other	-0.138***	0.035	0.018	0.051	-0.104***	0.036	-0.017	0.034
Hispanic	-0.201***	0.033	0.014	0.044	-0.061**	0.029	-0.092***	0.028
Black	-0.228***	0.021	-0.005	0.028	-0.076**	0.031	-0.165***	0.031
Age								
26–35	0.400***	0.018	0.493***	0.021	0.232***	0.015	0.167***	0.014
36–45	0.618***	0.020	0.669***	0.023	0.352***	0.018	0.260***	0.016
46–55	0.679***	0.022	0.599***	0.028	0.443***	0.021	0.305***	0.021
Over 55	0.452***	0.028	0.420***	0.038	0.345***	0.026	0.215***	0.027
Education								
High school	0.279***	0.018	0.395***	0.024	0.197***	0.013	0.189***	0.013

continued

Table A.4 (cont'd.). Complete regressions of logged individual earnings and household income.

	Men's earnings		Women's earnings		Household income			
Variable	Coefficient	SE	Coefficient	SE	Coefficient	SE	Coefficient	SE
Some college	0.389***	0.018	0.578***	0.025	0.297***	0.014	0.298***	0.014
College degree	0.629***	0.021	0.802***	0.029	0.439***	0.017	0.393***	0.018
More than college	0.796***	0.025	1.025***	0.035	0.0574***	0.020	0.447***	0.022
English only	0.075***	0.023	0.046	0.031	0.004	0.020	0.033	0.019
Work limitation	-0.574***	0.025	-0.499***	0.036	-0.331***	0.016	-0.260***	0.017
Children	-0.060***	0.014	-0.301***	0.017	-0.097***	0.010	—	—
Constant	9.203***	0.041	8.222***	0.053	9.578***	0.034	—	—
R^2	0.24		0.20		0.36			
N	20161		17491		22786			

Note (2): For household model, individual characteristics of both the householder and partner are included. Omitted categories are; no employment policy, married couple, no sodomy law, Pacific region white, less than 26 years old, and less than high school education.
[a]Standard Error
** Statistically significant at the 5-percent level.
*** Statistically significant at the 1-percent level.

Table A.5. Comparison of census General Social Survey (GSS), and National Opinion Research Center (NORC) proportions of people in cohabitating couples.

	Men	Women	All
Same-sex couples			
Census	0.0021	0.0016	0.0018
GSS[a]	0.0106	0.0075	0.0086
confidence interval	(0.0062–0.0150)	(0.0041–0.0110)	0.0059–0.0110)
n	2058	2531	4589
NORC[b]	0.0072	0.0039	0.0054
	(0.0029–0.0120)	(0.0010–0.0068)	(0.0028–0.0080)
n	1410	1749	3159
Census/GSS	0.20	0.21	0.21
Census/NORC	0.29	0.40	0.34
Different-sex unmarried couples			
Census	0.0385	0.0379	0.0382
GSS	0.0506	0.0748	0.0640
	(0.0412–0.0601)	(0.0645–0.0850)	(0.0569–0.0710)
n	2058	2531	4589
Census/GSS	0.76	0.51	0.60

Note: The 95 percent confidence intervals are provided in parenthesis.
[a]The GSS same-sex couples are those who had at least one same-sex partner in the last year and were living with "non-family," "other family," or "unsure." These are likely to be overestimates of the number of same-sex couples.
[b]The NORC same-sex couples are those who identified as gay, lesbian, or bisexual, and who were living with a same-sex partner. This information was provided by Stuart Michaels.

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