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SEXUAL MINORITY STIGMA AND SYSTEM JUSTIFICATION THEORY:  
HOW CHANGING THE STATUS QUO IMPACTS  
MARRIAGE AND HOUSING EQUALITY

by

Jordan A. Blenner

A DISSERTATION

Presented to the Faculty of

The Graduate College at the University of Nebraska

In Partial Fulfillment of Requirements

For the Degree of Doctor of Philosophy

Major: Psychology

Under the Supervision of Professor Richard L. Wiener

Lincoln, Nebraska

November, 2015

SEXUAL MINORITY STIGMA AND SYSTEM JUSTIFICATION THEORY:  
HOW CHANGING THE STATUS QUO IMPACTS  
MARRIAGE AND HOUSING EQUALITY

Jordan A. Blenner, Ph.D.

University of Nebraska, 2015

Advisor: Richard L. Wiener

Sexual minorities (i.e. lesbians and gay men) experience systemic discrimination throughout the United States. Prior to the Supreme Court ruling in *Obergefell v. Hodges* (2015), in many states, same-sex couples could not marry and sexual minorities were not protected from sexual orientation housing discrimination (Human Rights Campaign, 2015). The current, two-experiment study applied Jost and Banaji's (1994) System Justification Theory to marriage and housing discrimination. When sexual minorities question dissimilar treatment, thereby threatening the status quo, members of the heterosexual majority rationalize sexual minority discrimination to maintain their dominant status (Alexander, 2001; Brescoll, Uhlmann, & Newman, 2013; *Citizens for Equal Protection v. Bruning*, 2006; *Jackson v. Abercrombie*, 2012; Jost, Banaji, & Nosek, 2004; Rahman, 2004; *Sevcik v. Sandoval*, 2012). After sexual minority groups gained equality victories (i.e. *Goodridge v. Department of Public Health*, 2003; *Romer v. Evans*, 1996), heterosexual majority group members passed anti-marriage equality laws and did not pass sexual orientation discrimination protection (Alexander, 2001; *Bishop v. Smith*, tenth circuit, 2014; *Geiger v. Kitzhaber*, 2014; Goldberg-Hiller & Milner, 2003; Henry & Reyna, 2007; *Kitchen v. Herbert*, district court, 2013; Wardle, 2005). Justifications for rights deprivation include stereotypes specific to the legal question (e.g.,

“special rights” discourse) as well as basic sexual stigma (*Bruning*, 2006; Herek & Garnets, 2007; Herek, 2004; *Jackson*, 2012; Rahman, 2004; *Sevcik*, 2012). However, once a new status quo becomes likely, both majority and minority group members support the new status quo (Eidelman, Crandall, & Pattershall, 2009; Kay, Jimenez, & Jost, 2002).

The present research examined whether threats and new status quo likelihood impact heterosexual individuals’ sexual orientation equality ballot decisions. The experiments manipulated current status quo by affirming or threatening it and status quo likelihood by telling participants that experts believed nationwide equality was 10% (or 30% or 60% or 90%) likely to occur by 2016. Experimental findings provide mixed support for system justification theory as an explanation for sexual stigma and discrimination in that individual differences variables determined participants’ equality ballot decisions. However, threat and uncertainty disrupted this effect. Thus, the current research informs future system justification research within the sexual minority context.

## Dedication

To my parents, Alice and Larry Blenner, who taught me that the most important thing I can be is a good person.

## Acknowledgments

I would like to thank my advisor, Richard L. Wiener, for supporting me throughout my graduate school career. Rich has guided me on my academic path and taught me how to conduct myself within the professional world. More than that, he has become a life-long colleague and friend. Thank you, my Doctoral Committee, Cynthia Willis-Esqueda, Anna Shavers, Beth Burkstrand-Reid, and Deb Hope, for your deep insights and help in crafting this thesis. Specifically, I would like to thank Deb Hope for serving on both my Master's and Doctoral Committees and for modeling how to function as an adult, while staying true to one's inner self. You are a true gift to this world, Deb, and I am grateful to call you my friend. I would also like to thank the Law-Psychology Program at the University of Nebraska-Lincoln for challenging me and helping me find my strengths. Within the program, I am thankful for the friends I have made and the lab in which I worked. Thank you, Legal Decision-Making Lab, for being my place of experimental discovery. Thank you Kate, Katlyn, Ena, Alisha, Kris, Trace, Colin, Amy, Yimoon, Leah, Stacie, Lorraine, and Andrew. Specifically, I would like to thank Katlyn Farnum for working with me to develop the materials and software for this research and Kate Kimble for providing me with feedback. Beyond their help for this thesis, I would like to thank these two women for their years of supportive friendship.

Outside of academia, there are many family members and friends who helped make this thesis possible. First, I would like to thank my parents, Alice and Larry Blenner, for their unending support and love throughout this entire process. They are the rock upon which I stand and I am forever grateful that I was blessed to not only know them as individuals, but to have them as parents. I would like to thank my family, and,

specifically, my Aunt Randy, who always stood by me and believed in me. I would like to thank all of my friends back home in the Philadelphia-area, but especially Sarah, Merida, and Colleen, my dear friends who were my stalwart confidantes while I was so far away. In Nebraska, I would like to thank the members of the Unitarian Church of Lincoln, my home away from home, for giving me a place to grow and for loving me just the way I am. I would like to thank Gabriel for being my buddy; dear Soupy, you are always in my heart. I am thankful to the Choir and the LGBTA Welcoming Congregation Committee for giving me outlets for my creativity and passion for social justice. To the Young Adult group, I am grateful for the times we have shared and for the space you have given me in your hearts; thank you Megan, Arden, Wesley, Joanna, and Tim. I would like to thank The Cat House, Lincoln's only no-kill cat shelter, for letting me volunteer – the love and care I gave those animals is nothing compared to what they, and you, gave me. Thank you to Marty, Casey, and Nancy for your support. Thank you to the members of my Groups, Jackie, Christine, Sarah, Taryn, and Kate, and Lily, Nicole G., Nicole, Julia, Jemalyn, Raya, Yulia, and Pumpkin, and to our leaders, Amy, Vanessa, Kristy, and Tina for the loving kindness you have shown me.

Finally, thank you to the teachers in my life who have shown me the way. Thank you, Dr. Robinson, Marie Hagner, Dr. Giersch, Andy Karpinski, Rich Wiener, Cynthia Willis-Esqueda, Deb Hope, Julie Enersen, Amy Miller, Tyler Richard, Sarah Gervais, Bob Schopp, Eve Brank, Brian Bornstein, Mario Scalora, Steve Willborn, Eric Berger, Craig Lawson, Anna Shavers, Beth Burkstrand-Reid, and Pat Knapp.

And because all things have contributed to your advancement, you should include all things in your gratitude – Ralph Waldo Emerson. I thank you all.

## Grant Information

This research was funded in part by the Carl John Warden Graduate Fellowship in Psychology.



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## Introduction

*Objectives of the current research.* Sexual minorities (i.e. lesbians and gay men) experience systemic discrimination throughout the United States (US). Specifically, prior to the United States Supreme Court ruling in *Obergefell v. Hodges* (2015), in many states, lesbians and gay men could not marry the person of their choice and, currently, are not protected from housing discrimination based upon their sexual orientation (Human Rights Campaign (HRC), 2015). The current research explored (1) how the court battles involving marriage equality provide the basic blueprint for sexual minority discrimination in other contexts, (2) that system justification theory partially explains the rationalizations used, (3) that, therefore, system justification theory points the way for other forms of sexual minority discrimination, and (4) that, although various forms of discrimination exist (e.g., employment, education, and so on), housing constitutes a more basic and important form of discrimination due to its pervasive effects upon people's lives. The current research showed (5) how system justification theory provides a partial explanation for the past and current aspects of marriage equality and applied this logic to housing discrimination. Finally, (6) the current research tested this model of system justification theory in the contexts of marriage and housing equality.

To understand the current marriage and housing equality context, one must examine the legal precedents and legislative acts that impact sexual minority rights. Therefore, this discussion begins with a legal analysis covering the (1) the current rights enjoyed by sexual minorities under United States Supreme Court precedent; (2) the substantive rights of sexual minorities both within the court system and through potential legislative action; (3) the equal protection rights of sexual minorities under the Fourteenth



Amendment; and (4) how the state interests and levels of scrutiny through which courts analyze these rights constitute justifications for maintaining the current system of sexual minority inequality. The Psychological component of the current paper discusses (1) the different aspects of system justification theory; (2) how alternative theories used to understand sexual minority stigma fail to explain key aspects of marriage and housing discrimination; how, (3) although threatening the status quo leads persons to defend the system, (4) once it appears likely that a new status quo will replace the current system, persons endorse justifications that promote the new status quo; and (5) how system justification explains the treatment of sexual minorities within the marriage context and can be applied to sexual minority housing discrimination. Finally, the current study tests this model of system justification theory by varying the threat participants experience and the likelihood that the nation will experience a new status quo in either marriage (Study 1) or housing (Study 2) equality.

*Sexual orientation discrimination and system justification.* Within the marriage equality context, when sexual minorities question dissimilar treatment, members of the heterosexual majority rationalize sexual minority discrimination (Alexander, 2001; *Baker v. Nelson*, 1971; *Citizens for Equal Protection v. Bruning*, 2006; *Hernandez v. Robles*, 2006; *Jackson v. Abercrombie*, 2012; *Morrison v. Sadler*, 2005; Price, Nir, & Cappella, 2005; Rahman, 2004; *Robicheaux v. Caldwell*, 2014; *Sevcik v. Sandoval*, 2012).

According to system justification theory, members of majority groups use these rationalizations to support the status quo because they are motivated to maintain their dominant status (Jost & Banaji, 1994). When minority groups question the status quo, they threaten the current hierarchical system (Brescoll, Uhlmann, & Newman, 2013; Jost

& Banaji, 1994; Jost, Banaji, & Nosek, 2004; Jost & Burgess, 2000; Jost, Kivetz, Rubini, Guermendi, & Mosso, 2005). In the sexual minority context, heterosexual majority group members reacted to this threat by passing anti-marriage equality laws designed to keep same-sex couples from marrying and by not including sexual orientation as a protected class for purposes of discrimination (Alexander, 2001; *Bishop v. Smith*, tenth circuit, 2014; *Geiger v. Kitzhaber*, 2014; Goldberg-Hiller & Milner, 2003; Henry & Reyna, 2007; *Kitchen v. Herbert*, district court, 2013; Wardle, 2005). Justifications for rights deprivation include stereotypes specific to the legal question (e.g., marriage-centric reasons or “special rights” discourse) as well as basic sexual stigma (*Baker*, 1971; *Bruning*, 2006; Herek & Garnets, 2007; Herek, 2004, 2007; *Hernandez*, 2006; *Jackson*, 2012; *Morrison*, 2005; Price et al., 2005; Rahman, 2004; *Robicheaux*, 2014; *Sevcik*, 2012). However, according to system justification theory, once it becomes likely that a new status quo will be achieved, both majority and minority group members should support the new status quo by endorsing different rationalizations that justify it (Eidelman, Crandall, & Pattershall, 2009; Kay, Jimenez, & Jost, 2002). The current research examined how threats to the current status quo and the likelihood of becoming the new status quo impact heterosexual individuals’ tendency to vote for and support greater sexual orientation equality.

*Current status of civil rights.* Marriage and housing represent important rights within the United States (Armstrong, 2013; Campbell & Wright, 2010; Cherlin, 2004; Freeman, 1999; *Goodridge v. Department of Public Health*, 2003; *Turner v. Safley*, 1987; *Zablocki v. Redhail*, 1978). Prior to 2004, when Massachusetts became the first state to recognize the inherent right of same-sex couples to marriage, same-sex couples could not

marry within the United States (HRC, 2015). As of the time in which this research was conducted (April 20 through June 11, 2015), in thirteen states, same-sex couples still could not marry (HRC, 2015). Exclusion from marriage negatively affects sexual minorities in multiple ways, including denying them social and economic benefits available to heterosexual couples and increasing the experience of negative outcomes for sexual minority individuals (Badgett, 2010; Goodridge, 2003; Riggle, Rostosky, & Horne, 2010; Rostosky, Riggle, Horne, Denton, & Huellemeier, 2010; Rostosky, Riggle, Horne, & Miller, 2009). For example, Riggle and colleagues (2010) found that Lesbian/Gay/Bisexual (LGB) individuals in legally recognized relationships were significantly less likely to experience depression, stress, and internalized homophobia and more likely to experience life as meaningful as compared to single, dating (but not committed), or committed but not married LGB individuals.

Twenty-nine states have not passed statewide nondiscrimination laws that protect sexual minorities from housing discrimination (National LGBTQ Task Force, 2015). Although, according to Herek (2009), only 6.5% of gay men and 5.1% of lesbians report experiencing housing discrimination, multiple experimental studies indicate that same-sex couples experience housing discrimination (Ahmed, Andersson, & Hammarstedt, 2008; Ahmed & Hammarstedt, 2009; Fair Housing Centers of Michigan, 2007; Friedman, Reynolds, Scovill, Brassier, Campbell, & Ballou, 2013; Lauster & Easterbrook, 2011). For example, the US Department of Housing and Urban Development (HUD) (Friedman et al., 2013) conducted 6,833 matched-pair correspondence tests across 50 housing markets throughout the US. Friedman and colleagues sent two emails to each housing provider that asked about the availability of advertised units. The emails were identical

except for couple composition, i.e. one email was from a same-sex couple and one was from a heterosexual couple (with 3,424 tests involving gay men and 3,409 tests involving lesbians). The researchers found that both male and female same-sex couples were less likely to receive a response to their inquiry than heterosexual couples. These results match the findings of the Fair Housing Centers of Michigan (2007), who found that heterosexual couples were favored in field studies 27% of the time. Interestingly, in the Friedman et al. study, the favorable treatment of heterosexual couples disappeared in states that had nondiscrimination legislation, but only for lesbian couples (i.e. gay male couples received discriminatory treatment regardless of their state's nondiscrimination policy). This finding also matches other research that shows that female same-sex couples do not experience as much housing discrimination as male same-sex couples (Ahmed et al., 2008; Ahmed & Hammarstedt, 2009; Lauster & Easterbrook, 2011). However, as Ahmed and colleagues' (2008, 2009) and Lauster and Easterbrook's (2011) conducted their research outside of the U.S. (in Sweden and Canada, respectively), possible cultural differences may have impacted these results.

Importantly, marriage exclusion and lack of housing protection reinforce sexual stigma, i.e. "socially shared knowledge about homosexuality's devalued status in society" (Herek & Garnets, 2007; see also Herek, 2004, 2007, 2008). Sexual stigma explains the dominant-subordinate relationship between heterosexual individuals and sexual minorities (Herek, 2004, 2007, 2008). System justification theory explains how the dominant-subordinate relationship is maintained in society. According to system justification theory, individuals (both dominant and subordinate) support the current status quo by rationalizing differences in power and status using stereotypes (Jost &

Banaji, 1994; Jost et al., 2004). Because of the shared knowledge of sexual stigma, both dominant and subordinate group members stereotype sexual minority individuals as sick, immoral, unnatural, and “less than” heterosexual individuals, i.e. as inferior (Herek, 2002, 2004, 2007). Anti-marriage equality proponents and judges use these stereotypes to rationalize the exclusion of same-sex couples from marriage (*Baker*, 1971; *Bishop v. Holder*, district court, 2014; *Bruning*, 2006; *DeBoer v. Snyder*, district court, 2014; *Geiger*, 2014; *Hernandez*, 2006; *Jackson*, 2012; *Kitchen*, district court, 2013; *Lewis v. Harris*, 2006; *Sevcik*, 2012), which reinforces the status quo of heterosexual couple only marriage. As both heterosexual and sexual minority individuals value marriage, which has many benefits besides social acceptance, restricting marriage to the sexual minority reinforces heterosexual dominance (*Geiger*, 2014).

When same-sex couples question the constitutionality of heterosexual couple only marriage, thereby threatening the status quo, they may engender backlash from members of the dominant group (*Bishop*, district court, 2014; *Kitchen*, district court, 2013; *Wardle*, 2005). This backlash takes the form of anti-marriage equality statutes, amendments, and arguments against same-sex marriage within court cases, all justified using stereotypic rationalizations regarding sexual minorities and marriage (*Bishop*, district court, 2014; *Bruning*, 2006; *DeBoer*, district court, 2014; *Geiger*, 2014; *Kitchen*, district court, 2013; *Lewis*, 2006). For example, after the Supreme Court of Hawaii (*Baehr v. Lewin*, 1993) held that denial of marriage licenses to same-sex couples violated the equal protection clause of Hawaii’s constitution, twenty-seven states and the federal government enacted statutes and state amendments that explicitly prohibited same-sex couples from marrying (*Bourke v. Beshear*, 2014; *In re Marriage Cases*, 2008; *Jackson*, 2012; *Latta v. Otter*,

district court, 2014; *Whitewood v. Wolf*, 2014). Then, after the Supreme Judicial Court of Massachusetts (*Goodridge*, 2003) held that the state's denial of marriage to same-sex couples represented a violation of Massachusetts' state equal protection articles of their constitution, twenty-seven states amended their constitutions to exclude same-sex couples from marriage (*Bishop*, district court, 2014; *Bourke*, 2014; *In re Marriage Cases*, 2008; *Kitchen*, district court, 2013; *Latta*, district court, 2014). Thus, after both *Baehr* and *Goodridge*, when the status quo for marriage was threatened, persons within different states took steps to preserve the status quo. However, when a change to the status quo appears likely, individuals provide rationalizations to justify the new status quo (Kay et al., 2002). Thus, system justification explains the history of the marriage equality movement, from backlash to the tipping point of *United States v. Windsor* (2013) to potential nationwide acceptance. Prior to *Windsor*, several lower courts held that bans against same-sex marriage did not violate the Constitution (*Baker*, 1971; *Bruning*, 2006; *Hernandez*, 2006; *Jackson*, 2012; *Sevcik*, 2012). After *Windsor*, courts representing thirty-two states held that bans on same-sex marriage violate the Constitution (HRC, 2015). As such, the litigation after *Windsor* provides a template for additional civil rights reform for sexual minorities.

## CHAPTER 1

### LEGAL ANALYSIS

*Definitional concerns.* As an initial note, the term sexual minorities, within this paper, refers to individuals who self-identify as lesbian or gay, i.e. their sexual orientation involves affectional, sexual, and relational tendencies towards individuals who identify as having the same sex or gender (Moradi, Mohr, Worthington, & Fassinger, 2009).

Admittedly, this definition lacks the sophistication needed to fully understand the complex, overlapping aspects of gender and sex, e.g., the social construction of both terms, the assumption of sex and gender binaries, sexual orientation fluidity, etc. (Moradi et al., 2009; Savin-Williams, 2008; Yarhouse, 2001). Additionally, bisexual and transgender individuals (often included within the term sexual minority) are not the main focus of this paper. The current research limits sexual minority to self-identified lesbians and gay men because marriage equality law focuses almost exclusively upon the gender composition of couples (i.e. defining marriage as between a man and a woman) (*Bostic v. Schaefer*, fourth circuit, 2014; *DeBoer v. Snyder*, sixth circuit, 2014; *Windsor*, 2013).

Even those marriage equality cases that describe marriage as an individual's fundamental, substantive due process right still focus upon the gender or sex of the partner whom the individual wants to marry because the relevant law impedes marrying the person of one's choice (*Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *Kitchen v. Herbert*, tenth circuit, 2014; *Perry v. Schwarzenegger*, 2010).

In addition, equal protection suspect and quasi-suspect classification analyses also focus on the characteristics of the members of the proposed class, who tend to be lesbians or gay men in cases involving sexual minorities (*Baskin v. Bogan*, seventh circuit, 2014;

*Whitewood*, 2014). In equal protection cases, courts ask whether there are sufficient reasons to treat groups of persons differently for the purposes of a law (*City of Cleburne, TX v. Cleburne Living Center*, 1985). However, when laws make classifications based upon characteristics that could not rationally further a legitimate state purpose (e.g., race, national origin, or alienage), the law is considered to be constitutionally suspect and must meet a higher standard of review to remain in effect (*Baskin*, seventh circuit, 2014; *Cleburne*, 1985; *Whitewood*, 2014). As couples usually claim that marriage equality bans violate their Fourteenth Amendment right to equal protection under the law, courts ask whether the current law treats individual plaintiffs differently based upon their sexual orientation (*Baskin*, seventh circuit, 2014; *Varnum v. Brien*, 2009; *Whitewood*, 2014).

In treating sexual orientation and gender in ways similar to race and ethnicity by requiring individuals to belong to concrete, identifiable groups, courts reinforce the notion of gender and sexual orientation as binary constructs (Moradi et al., 2009; Savin-Williams, 2008). Although this paper acknowledges the importance of encompassing a broader, more nuanced interpretation of sexual minority, it focuses on how dominant groups reinforce the status quo through system justification (i.e. how members of the heterosexual majority create and sustain a subordinate, sexual minority class). Therefore, I will make use of the terms utilized within the relevant legal contexts (i.e. marriage and housing equality). Thus, although great fluidity exists within the concepts of gender and sexual orientation, the current paper limits the discussion to the terminology within the marriage equality context. As housing equality remains an underdeveloped area of law and the current study seeks to apply system justification concepts initially constructed



within the marriage equality context to the housing context, the current paper will limit its analysis to sexual minorities who self-identify as lesbian or gay.

### **Legal Status Quo for Sexual Minority Rights**

The current state of the law puts lesbian and gay (LG, or sexual minority) people in a precarious position with regard to their civil rights. Sexual minority individuals lack the protection that the Civil Rights Act (CRA) of 1964 grants to many other similarly situated groups because they are not explicitly listed as a protected group. Additionally, most courts have held that the CRA's prohibition against sex discrimination does not include sexual orientation discrimination, although it does include gender discrimination, i.e. individuals cannot be discriminated against for failing to conform to stereotypes of sex or gender (*Centola v. Potter*, 2002; *Higgins v. New Balance Athletic Shoe, Inc.*, 1999; *Ianetta v. Putnam Investments, Inc.*, 2001; *Oncale v. Sundowner Offshore Serv., Inc.*, 1996; *Rosa v. Park West Bank & Trust Co.*, 2000; *Simonton v. Runyon*, 2000). Currently, only the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, which criminalizes hate crimes, provides sexual minorities with nationwide, federal protection from dissimilar treatment based solely on their sexual orientation.

#### **Marriage equality status quo.**

Although, as of April 2015, thirty-seven states and the District of Columbia (D.C.) had granted marriage equality to same-sex couples (including only those states in which same-sex couples may currently wed), thirteen states did not afford them this right (HRC, 2015). The Supreme Court's refusal to hear five same-sex marriage cases from Indiana, Oklahoma, Utah, Virginia, and Wisconsin allowed the lower rulings to stand (all of which were for same-sex marriage) (*Baskin*, seventh circuit, 2014; *Bishop*, tenth

circuit, 2014; *Bostic*, fourth circuit, 2014; *Fantz & Mears*, 2014; *Kitchen*, tenth circuit, 2014; *Wolf v. Walker*, seventh circuit, 2014). Thus, although these cases appeared to affect only five states, the three circuit court precedents (North Carolina, South Carolina, Virginia, and West Virginia for the fourth circuit (Maryland already has marriage equality) affect eleven states; Indiana and Wisconsin for the seventh circuit (Illinois already has marriage equality); and Colorado, Kansas, Oklahoma, Utah, and Wyoming for the tenth circuit (New Mexico already has marriage equality)) (*Fantz & Mears*, 2014). In addition, on October 7, 2014, the Court of Appeals for the ninth circuit held that the same-sex marriage bans in Idaho and Nevada violated the equal protection clause of the Fourteenth Amendment (combined opinion of *Latta v. Otter* and *Sevcik v. Sandoval*). In contrast to the trend for marriage equality within other circuits, the Court of Appeals for the sixth circuit held that state bans in Kentucky, Michigan, Ohio, and Tennessee on same-sex marriage and recognition do not violate the Fourteenth Amendment's due process or equal protection clauses (*DeBoer*, 2014). The sixth circuit ruling prevented same-sex couples within the four states in which same-sex marriage is not recognized from enjoying some of the same rights as their heterosexual couple counterparts, e.g., hospital visitation rights, access to partner's health insurance, ability to file joint tax returns and tax benefits, spousal rights upon the death of one partner, and joint parenting rights (*Goodridge*, 2003; *Hernandez*, 2006; *Marriage Equality USA*, 2015).

The recent Supreme Court decision on same-sex marriage (*Obergefell*, 2015) held that the fundamental, substantive Due Process clause right to marry includes same-sex couples. The Court discussed the facets of the fundamental right to marriage, including the right to choose one's spouse; the nature of marriage as a unique, intimate institution

within the United States; marriage's importance within the realm of childrearing and family creation; and marriage's position as the building block of society. By then affirming that same-sex couples do not differ substantially from opposite-sex couples in any of the key characteristics associated with the right to marriage, the Court held that denial of the right to marriage to same-sex couples violates the Constitution. Without engaging in a thorough Equal Protection clause analysis, the Court held that denial of the right to marry infringed upon guarantees of equal protection. By focusing upon the lack of equal protection within the context of marriage, the Court avoided the larger constitutional question of whether sexual minorities constitute a protected or suspect class. Thus, although sexual minorities have the right to marry the person of their choice, the equality concepts contained in *Obergefell* (2015) apply only within the context of the fundamental right to marriage.

Although not the focus of this piece, it is important to acknowledge that transgender individuals' marriage rights are also largely uncertain, depending, in many cases, upon an individual's assigned sex at birth, their partner's sex, and both individuals' sexes at the time they apply for a marriage license (Lambda Legal, 2015). Whether a transgender individual has transitioned (i.e. is living as the gender with which they identify, as opposed to the sex they were assigned at birth) before or after applying for a marriage license often impacts their marriage rights (HRC, 2015; Lambda Legal, 2015). According to Lambda Legal, the way states identify the sexes of the members of the couple (although this determination may not match the sex with which individuals identify), determines whether the couple constitutes a heterosexual or same-sex couple, and, therefore, whether the state can apply the marriage laws in place for same-sex and

heterosexual couples (2015). Thus, the analysis for same-sex marriage applies to transgender individuals when states have identified them as belonging to a same-sex couple seeking marriage.

Prior to the Supreme Court ruling in *Obergefell* (2015), thirteen states prohibited marriage equality through state constitutional amendments (HRC, 2015). Whether the prohibition on marriage equality applied to domestic partnerships and civil unions depended upon the wording of the legislation involved (Howenstine, 2006). For example, the wording of the Georgia constitutional marriage amendment restricted the definition of marriage to heterosexual couples and prohibited granting the same benefits to same-sex couples as marriage for heterosexual, married couples (Constitution of the State of Georgia, 2007). In contrast, Arkansas merely denied same-sex couples the same legal status as marriages between heterosexual couples (Constitution of the State of Arkansas of 1874, 2004). Arkansas law could provide same-sex couples with some rights (i.e. domestic partnership rights), as long as the scope or effects of the rights granted did not approximate those of marriage. The wording of these kinds of amendments varied the exclusiveness of coverage for same-sex couples and, as a result, the extent of the prohibition on partnership rights was, often, a matter of judicial interpretation at the district court or appellate level (Howenstine, 2006). Thus, the state partnership rights of individuals in same-sex relationships depended upon their state of residency and the judicial interpretation of jurisdictional courts.

Additionally, although same-sex couples could marry in one state, other states might not recognize their marriages (HRC, 2015). Within the US, the rule of *lex loci contractus* provides that states will recognize out-of-state marriages as valid as long as

the marriages were valid in the states in which they were performed (*Obergefell v. Wymyslo*, 2013; *Henry v. Himes*, 2014). However, some states refused to recognize the relationship statuses (whether marriage, domestic partnership, or civil union) in the instance of same-sex couples (*DeBoer*, sixth circuit, 2014; HRC, 2015). Although, after *Windsor*, the federal government provides some federal benefits to married same-sex couples (e.g., Family and Medical Leave Act coverage), some federal benefits depend upon the state in which the married couple lives (Bernard, 2014). For example, the Social Security Administration must follow the law of the state in which the couple resides, not where they married, to determine marriage validity (LaVelle, 2014). Similarly, the US Department of Veterans Affairs (2015) determines spousal eligibility for services and benefits by whether the state in which the spouse lived during their marriage recognized the couple as married or if the state in which the spouse lived when they filed a claim recognized the couple as married. In addition, states determine whether various economic benefits (e.g. health insurance, inheritance tax exemptions) and personal rights (e.g. presumption of parentage and the right to make decisions for children within the family unit) available to heterosexual, married couples are also available to same-sex married couples according to whether the state does or does not recognize a couple as married (*Bourke*, 2014; *Henry*, 2014; *Obergefell*, 2013; *Tanco v. Haslam*, 2014). Therefore, prior to *Obergefell* (2015), the rights of married same-sex couples varied according to the laws of each state.

#### **Housing equality status quo.**

In most jurisdictions within the United States, sexual minorities lack protection from housing discrimination (HRC, 2015). At the federal level, the Fair Housing Act

(Title VIII of the Civil Rights Act of 1968) does not include sexual orientation within its list of protected classes (Armstrong, 2013). However, as of 2012, the US Department of Housing and Human Development (HUD) prohibits housing discrimination against individuals based upon sexual orientation or gender identity in HUD-funded housing (Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 24 C.F.R. § 5.105(a)(2)(ii)). Eighteen states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington) and the District of Columbia (D.C.) prohibit housing discrimination based upon both gender identity and sexual orientation (HRC, 2015). In addition, New Hampshire, New York, and Wisconsin prohibit housing discrimination based upon only sexual orientation. Thus, twenty-nine states currently lack statewide housing protection for sexual minorities.

Local municipalities differ as to the amount and kind of protection they provide. In nine states (Alabama, Alaska, Mississippi, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, and Wyoming), none of the local municipalities offer housing non-discrimination protection (Movement Advancement Project (MAP), 2015). Of the remaining twenty-three states that do not offer both sexual orientation and gender identity statewide housing protection, local municipalities in seven states (Florida, Indiana, New Hampshire, New York, Ohio, Virginia, and Wisconsin) distinguish between sexual orientation and gender identity housing protection, with sexual orientation garnering greater protection than gender identity. In the sixteen states in which sexual orientation and gender identity receive the same amount of housing non-discrimination protection from local municipalities, the percentage of state populations protected varies greatly by

state. For example, whereas 54% of the state population of Utah is protected from housing discrimination (representing the state with the greatest amount of protection for all sexual minorities), only 1% of the state population of South Carolina is protected from housing discrimination. Overall, of the LGBT population, 39% currently lives in a state that prohibits housing discrimination based upon gender identity and sexual orientation, 48% lives in a state that prohibits only sexual orientation housing discrimination, and 52% lives in a state that does not prohibit housing discrimination based on either gender identity or sexual orientation at a state level (MAP, 2015).

**United States Supreme Court Analysis of Sexual Minority Rights (*Bowers v. Hardwick* through *Lawrence v. Texas*)**

By analyzing the legal precedents and legislative actions that impact sexual minorities, one can understand how the current context of inequality for sexual minorities arose. Within the context of sexual minority rights cases, the United States Supreme Court's views on fundamental liberties have broadened substantially. Initially, in *Bowers v. Hardwick* (1986), the Court held that the fundamental substantive liberties protected by the Fifth and Fourteenth Amendments' due process clauses only included those rights historically protected (see also *Moore v. East Cleveland*, 1977). The Court found that because throughout much of our history, the US and many of the States outlawed sodomy (regardless of the sexual orientation or sex of the individuals involved) that a fundamental liberty did not exist. Therefore, a state only needed a rational basis for establishing anti-sodomy laws. Thus, after the *Bowers* decision, state and federal law prohibiting homosexual sexual conduct did not violate the US Constitution.

After *Bowers*, the Supreme Court's jurisprudence on this issue slowly evolved, providing more rights to sexual minorities. First, in *Romer v. Evans* (1996) the justices considered whether an amendment to the Colorado constitution that withdrew protections previously established for LGB individuals in specific municipalities within Colorado and prevented those municipalities from providing protection in the future violated the Fourteenth Amendment's equal protection clause (*Romer*, 1996; US Constitution, Amendment 14). The Court held that the statute did not pass the rational basis test because it targeted a specific group (sexual minority individuals) and therefore showed animus on the part of the people of Colorado when they enacted this statute. Statutes motivated by animus alone, i.e. those that target specific, unpopular minorities, "cannot constitute a *legitimate* governmental interest" and therefore violate the Fourteenth Amendment equal protection clause under rational basis scrutiny (p. 634; see also *Department of Agriculture v. Moreno*, 1973).

On the heels of *Romer*, the Court struck down anti-sodomy statutes altogether, reversing *Bowers* (*Lawrence v. Texas*, 2003). Drawing from *Griswold v. Connecticut* (1965), *Eisenstadt v. Baird* (1972), and *Roe v. Wade* (1973), *Lawrence* held that anti-sodomy criminal statutes violated the Fourteenth Amendment's substantive due process liberty interest in privacy. The Court recognized that the statute constituted a violation of the plaintiffs' liberty interest in privacy by regulating, through criminal law, the private lives of individuals in matters related to sexual intimacy. The Court held that the state did not have a legitimate interest in denying to individuals their choices in adult, consenting, sexual partners. Thus, sexual minority sexual conduct between consenting adults carried out in one's home is protected because it exists within a sphere of privacy.



Although the Fourteenth Amendment's substantive due process clause protects sexual conduct between consenting adults within the privacy of one's home, the Supreme Court only recently ruled whether the Fourteenth Amendment's substantive due process right to marriage includes same-sex couples (*Obergefell*, 2015).

### **Substantive Rights for Sexual Minorities**

#### **Marriage as a fundamental right under the Fourteenth Amendment due process clause.**

##### *Supreme Court analysis.*

Although, prior to *Obergefell* (2015), protection for sexual minority individuals for same-sex marriage did not exist nationwide, several cases indicated that same-sex marriage may be included within the fundamental right to marry. To understand how the trend has evolved, it is necessary to consider *Loving v. Virginia* (1967), where the court struck down anti-miscegenation statutes that prohibited individuals of different races (specifically, white and black) from marrying. The court held that the statute in question violated both the Fourteenth Amendment's equal protection and due process clauses. Regarding the equal protection clause, the statute did not survive the "most rigid scrutiny" (i.e., the strict scrutiny test) required for racial classifications because the state failed to show how the statute was "necessary to the accomplishment of some permissible state objective" (11; see also, *Korematsu v. United States*, 1944), that is, the state failed to show a compelling interest to support its anti-miscegenation statutes. Furthermore, the Court recognized marriage as one of the "'basic civil rights of man,' fundamental to our very existence and survival" (12; see also *Skinner v. Oklahoma*, 1942) and, therefore, held that the statute violated the Fourteenth Amendment's due process clause by denying

the Lovings their liberty without due process of law. Thus, the *Loving* case established a substantive due process right to marriage, although it did not extend the right to sexual minorities.

In contrast to the court's expansive language in *Loving*, in 1996, the federal government enacted the Defense of Marriage Act (DOMA), which prohibited same-sex couples from accessing federal rights and privileges given to citizens based upon marriage (Pub. L. 104-199). In 2013, the Court struck down the part of DOMA that defined marriage as only existing between heterosexual couples (*Windsor*). The Court held that the Fifth Amendment due process clause included an implied equal protection aspect, based on cases like *Bolling v. Sharpe* (1954) and *Adarand Constructors, Inc. v. Peña* (1995), and that statutes motivated by animus towards an unpopular group could not serve a legitimate governmental interest (*Romer*, 1996). In *Bolling* (1954), the Court held that school segregation within Washington, DC, violated the Fifth Amendment due process clause because the state could not restrict the liberty component of the clause without a "proper governmental objective", which did not include segregation. Furthermore, the Court concluded that the federal government needed to secure the same level of equality as did the states. In *Adarand* (1995), the Court reaffirmed that equal protection claims under either the state (through the Fourteenth Amendment) or federal framework (through the Fifth Amendment's due process clause) should be treated exactly the same for constitutional purposes. Thus, because DOMA singled out a specific group (same-sex married couples) for dissimilar and detrimental treatment, it could not withstand rational basis review.

*Same-sex marriage context: Precedential impact of Baker v. Nelson.*

In *Baker v. Nelson* (1971), the Supreme Court of Minnesota held that barring same-sex couples from marriage did not violate either the Fourteenth Amendment's due process or equal protection clause. The US Supreme Court summarily dismissed the *Baker* appeal for "want of a substantial federal question" (*Baker*, 1972; see also *Hicks v. Miranda*, 1975; *Ill. State Bd. of Elections v. Socialist Workers Party*, 1979; *Mandel v. Bradley*, 1977). The Supreme Court dismissal acted as a decision on the merits of *Baker* because an appellate dismissal requires lower courts to follow the conclusions that were decided in the case (*Mandel*, 1977). According to *Hicks v. Miranda*, "unless and until the Supreme Court should instruct otherwise, inferior federal courts had best adhere to the view that if the Court has branded a question as unsubstantial, it remains so except when doctrinal developments indicate otherwise..." (*Jackson*, 2012, quoting *Hicks*, 1975). Accordingly, because the higher court did not rule on the specific challenge presented in *Baker* and because sufficient doctrinal developments did not indicate that the question was substantial, lower courts may not consider deciding in a way contrary to the original holding (i.e. in favor of same-sex marriage and against precedent) (*Baskin*, seventh circuit, 2014; *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit 2014; *Brenner v. Scott*, 2014; *Costanza v. Caldwell*, 2014; *De Leon v. Perry*, 2014; *DeBoer*, sixth circuit, 2014; *Geiger*, 2014; *Hernandez*, 2006; *Jackson*, 2012; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Love v. Beshear*, 2014; *McGee v. Cole*, 2014; *Morrison*, 2005; *Wilson v. Ake*, 2014; *Wright v. Arkansas*, 2014). Following the precedent established in *Baker*, the US District Courts in *Jackson* (2012) and *Sevcik* (2012) held that the heterosexual marriage legislation excluding gays and lesbians did not violate the equal protection

clause of the Fourteenth Amendment (see also *Hernandez*, 2006; *Wilson*, 2005). In addition, the court in *Jackson* and in *DeBoer* (sixth circuit, 2014) also ruled that *Baker* precedent applied to the plaintiff's Fourteenth Amendment due process claim (2012). In the alternative, each court ruled that the plaintiffs' cases failed on their merits.

Unlike the courts in *Jackson*, *Sevcik*, and *DeBoer*, most courts that have considered same-sex marriage after *Windsor* held that, due to the significant doctrinal developments that have occurred in equal protection and substantive due process law since the *Baker* dismissal, it is proper to set aside the precedent in *Baker* and decide the issues regarding same-sex marriage (*Baskin*, seventh circuit, 2014; *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *Brenner*, 2014; *De Leon*, 2014; *Geiger*, 2014; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *McGee*, 2014; *Love*, 2014; *Whitewood*, 2014; *Wright*, 2014). The significant doctrinal developments include the creation of intermediate scrutiny for quasi-suspect classes involving illegitimacy and sex (*Craig v. Boren*, 1976, Rehnquist, J., dissenting; *Frontiero v. Richardson*, 1973; *Lalli v. Lalli*, 1978), the rejection of statutes that make discriminatory class distinctions based solely on sexuality (*Romer*, 1996), and the rejection of statutes that criminalize consenting, adult sexual intimacy (*Lawrence*, 2003). Most importantly, the Supreme Court's recognition of the violation of Fourteenth Amendment due process and equal protection clauses for those marriages permitted by the states (*Windsor*, 2013) may constitute doctrinal development with the potential for far reaching changes in broad areas of sexual orientation and sexual identity law. Indeed, these doctrinal developments led the Supreme Court to overturn *Baker* (*Obergefell*, 2015), thereby establishing that the protection guaranteed by the fundamental right to marriage includes same-sex couples.

*Defining the fundamental right to marriage.*

Prior to *Obergefell* (2015), in applying the substantive aspect of the due process clause, courts disagreed as to whether same-sex marriage fell within the fundamental right to marriage established in *Loving* or constituted a new right. When a law infringes upon a fundamental right, it must pass strict scrutiny, i.e. it must be narrowly tailored to serve a compelling state interest (*Washington v. Glucksberg*, 1997; see also *Moore*, 1977, and *Reno v. Flores*, 1993). By requiring strict scrutiny analysis for laws that infringe upon fundamental rights, the Supreme Court makes it more likely that these laws will be struck down as unconstitutional because the laws need to pass a much more difficult test than the rational basis test that measures most laws. Therefore, the Court only declares fundamental those rights that are “deeply rooted in this Nation’s history and tradition” (*Moore*, 1977, p. 503; see also *Snyder v. Massachusetts*, 1934) and “implicit in the concept of ordered liberty,” to the extent that “neither liberty nor justice would exist if they were sacrificed” (*Palko v. Connecticut*, 1937). If the law does not infringe upon a fundamental right, nor involve a suspect classification (Equal Protection Analysis, see below), courts apply the rational basis test (*DeBoer*, sixth circuit, 2014; *Jackson*, 2012; *Robicheaux*, 2014).

The crucial aspect for substantive due process analysis is whether the fundamental right asserted involves marriage (broadly) or same-sex marriage (specifically). Both *Loving* (1967) and *Zablocki* (1978) established that a fundamental right to marry exists within the substantive aspect of the due process clause. What, then, constitutes marriage? In *Goodridge* (2003), the Supreme Judicial Court of Massachusetts stated that the right to marry must include the right to choose whom to marry. In the case of lesbians and gay

men, this entails the right to marry someone of the same sex. Similarly, in *Kitchen* (2013), the US District Court for the District of Utah weighed the interests of the state in regulating marriage against the rights of the individual under the US Constitution. The District Court found that the fundamental right to marry is a substantive part of the liberty, privacy, and association rights contained within the Fourteenth Amendment's due process clause and that when the state tried to limit marriage to heterosexual couples, it infringed upon this right to marry (*Kitchen*, district court, 2013). Following the reasoning of *Loving*, the District Court defined marriage as "the right to make a public commitment to form an exclusive relationship and create a family with a partner with whom the person shares an intimate and sustaining emotional bond", i.e. the companion model of marriage (*Kitchen*, district court, 2013, p. 1202-1203; *Bishop*, district court, 2014; *Goodridge*, 2003). Thus, for those courts that held that marriage included "same-sex marriage", the essential aspects of marriage only include the forming of a committed relationship based upon intimacy and love between two consenting adults for the purpose of creating one household with the desire to have the state recognize this relationship (*Bishop*, district court, 2014; *Goodridge*, 2003; *Kitchen*, district court, 2013; *Perry*, 2010). As discussed in *Perry v. Schwarzenegger* (2010), this definition of marriage is deeply rooted in the traditions and history of this Nation and is implicit in the concept of ordered liberty. Although the Supreme Court followed the companion model of marriage in *Obergefell* (2015), it also distinguished the fundamental right to marriage from other fundamental rights by citing Supreme Court precedent that established a broader conception of the right to marry. According to the Court, precedent established that the right to marry did not require a "careful description" of the right at stake (as required

when determining whether a fundamental right is at stake under *Washington v. Glucksberg*, 1997). *Loving* (1967), *Zablocki* (1978), and *Turner* (1987) only inquired as to whether those plaintiffs still had a fundamental right to marry in cases where their states had denied them that right due to their specific circumstances. Thus, the Court determined that the right to marry encompasses a broad right not to be limited in the same way as other rights when conducting fundamental rights analysis.

In contrast, other courts ruled that the substantive due process right to marriage excludes same-sex couples because, prior to *Goodridge* (2003), same-sex marriage did not exist within the US (Freedom to Marry, 2015; HRC, 2015). When analyzing whether this right is fundamental, such that it falls within the substantive due process clause of the Fourteenth Amendment, these courts narrowed the right to one involving only same-sex marriage, rather than marriage in general (*Baehr*, 1993; *Baker*, 1971; *DeBoer*, sixth circuit, 2014; *Hernandez*, 2006; *Jackson*, 2012; *Lewis*, 2006; and *Robicheaux*, 2014). *Baehr* and *Baker* relied upon the reasoning in *Griswold* (1965) for the notion that marriage as a union between heterosexual individuals, being a traditional institution, is the fundamental right protected by the Fourteenth Amendment. *DeBoer* (sixth circuit), *Hernandez*, *Jackson*, *Lewis*, and *Robicheaux* followed the reasoning in *Glucksberg* that Courts must carefully define the Fourteenth Amendment substantive due process right brought forth by petitioners to keep from making constitutional law in accordance with judicial preferences (see also *Baker*, 1971; *Collins v. Harker Heights*, 1992; and *Reno*, 1993). The courts remained reticent in expanding Fourteenth Amendment substantive due process rights because declaring a right to be constitutionally protected removes the right from the democratic process, i.e. unlike other legislation, the right cannot be

repealed through the traditional legislative process (*Glucksberg*, 1997; *Marbury v. Madison*, 1803). A constitutionally protected right may not lose its constitutional protection without a federal constitutional amendment (The Constitution of the United States, Article 5, 1787). Additionally, laws that infringe upon this right are subject to strict scrutiny, thereby making it difficult for these laws to pass constitutional muster (*Glucksberg*, 1997; *Planned Parenthood of Southeastern Pa. v. Casey*, 1992; *Reno*, 1993). If courts ruled that the fundamental right to marriage included same-sex marriage, it would be difficult for the state to remove this greater level of protection. Thus, wary of putting their own values before those of the populace, judges often hesitate to place a right within the substantive due process realm unless it is deeply rooted within US history (*Collins*, 1992; *Glucksberg*, 1997; *Moore*, 1977; *Snyder*, 1934). Following the doctrine of judicial restraint, the right defined in the anti-marriage equality cases involved only the right to same-sex marriage (*Lewis*, 2006, p. 436).

Then, according to the reasoning in *Glucksberg*, courts must analyze whether the right asserted is fundamental (*Moore*, 1977; *Palko*, 1937; *Snyder*, 1934; *United States v. Salerno*, 1987; *Reno*, 1993). In *DeBoer*, *Lewis*, *Jackson*, and *Robicheaux*, the Court of Appeals for the sixth circuit, the New Jersey Supreme Court, the US District Court for the District of Hawaii, and the US District Court for the Eastern District of Louisiana, respectively, noted that, though the US Supreme Court held that there is a fundamental right to marriage, all of the couples involved in Supreme Court marriage cases have been heterosexual couples (*Loving*, 1967; *Skinner*, 1942; *Zablocki*, 1978; and *Turner*, 1987). *Lewis* (2006), then, discussed how the intent of the framers of the New Jersey Constitution and the drafters of New Jersey's marriage statutes did not envision marriage



to include same-sex couples. Additionally, the court in *Jackson* discussed how judicial precedent regarding the right to marriage has, often, turned on procreation, implying that same-sex marriage cannot be a fundamental right because procreation cannot occur in a same-sex relationship (2012; see also *DeBoer*, sixth circuit, 2014). All three courts, and the District Court in *Robicheaux*, relied upon the language in *Lawrence* (2003) to show that the US Supreme Court, in determining that lesbian and gay individuals have a Fourteenth Amendment due process substantive liberty right to engage in private, sexual conduct, explicitly stated that their holding did not necessarily imply whether states had to give recognition to same-sex relationships. In addition, *DeBoer* (sixth circuit), *Jackson*, and *Sevcik* distinguished *Loving* from the same-sex marriage cases because *Loving* still involved a marriage between heterosexual individuals, which the courts considered to be the traditional conception of marriage. Chief Justice Roberts and Justices Scalia and Alito, in their dissents in *Obergefell* (2015) echoed these concerns when they stated that they would have held that same-sex couples do not fall within the fundamental right to marriage; rather, these justices opined that states should decide whether to allow same-sex marriage as only those rights “deeply rooted in this Nations’ history and tradition” should be withdrawn from the traditional legislative process (*Glucksberg*, 1997). I will analyze the state interest within rational basis scrutiny in the “Equal Protection Analysis of Sexual Minorities within Marriage Context” section (below).

In contrast, some courts that ruled for same-sex marriage held that it falls within Fourteenth Amendment substantive due process clause protection as part of the fundamental right to marriage (*Baskin*, seventh circuit, 2014; *Bostic*, fourth circuit, 2014;

*Brenner*, 2014; *Brinkman v. Long*, 2014; *Burns v. Hickenlooper*, 2014; *De Leon*, 2014; *Goodridge*, 2003; *Kitchen*, tenth circuit, 2014; *Latta*, district court, 2014; *Lee v. Orr*, 2014; *Perry*, 2010; *Whitewood*, 2014). Also, the Circuit Court of Pulaski County, Arkansas, Second Division, granted summary judgment for the same-sex couple plaintiffs, holding that the marriage statute and amendment in Arkansas violated the plaintiffs' Fourteenth Amendment substantive due process right to privacy and right to equal protection (*Wright*, 2014). These courts held that marriage includes the right to choose whom to marry (*Baskin*, seventh circuit, 2014; *Bostic*, fourth circuit, 2014; *Goodridge*, 2003; *Griego v. Oliver*, 2013; *In re Marriage Cases*, 2008; *Kerrigan v. Commissioner of Public Health*, 2008; *Latta*, ninth circuit, 2014; *Perry*, 2010; *Whitewood*, 2014).

For example, *Bostic* (fourth circuit, 2014) held that *Glucksberg*'s requirement of a careful analysis before defining a right as falling within the substantive aspect of the due process clause does not apply within the same-sex marriage cases because *Glucksberg* analysis only applies in cases where individuals seek recognition of a new fundamental right (see also *Latta* and *Sevcik*, ninth circuit, 2014; *Whitewood*, 2014). Upon considering the "marriage as a fundamental right" cases (i.e., *Loving*, *Zablocki*, and *Turner*) courts held that marriage constitutes a broad, individual right that depends upon choice (*Bostic*, fourth circuit, 2014; *Goodridge*, 2003; *Griego*, 2013; *Kerrigan*, 2008; *Latta*, ninth circuit, 2014; *Love*, 2014; *Perry*, 2010; *Whitewood*, 2014). Courts went on to rely upon the reasoning in *Lawrence* (2003) that *Bowers v. Hardwick* (1986) (in which the Court held that there was not a fundamental right to engage in homosexual sodomy) was wrongly decided because it too narrowly defined the liberty interest (*Bostic*, fourth

circuit, 2014; *Hamby v. Parnell*, 2014; *In re Marriage Cases*, 2008; *Kerrigan*, 2008; *Latta*, ninth circuit, 2014). Thus, as the liberty interest in *Lawrence* involved a broad right to choose with whom to be intimate, the liberty interest described in same-sex marriage cases involves a broad right to choose whom to marry (*Bostic*, fourth circuit, 2014; *Goodridge*, 2003; *Hamby*, 2014; *In re Marriage Cases*, 2008; *Latta*, ninth circuit, 2014; *Whitewood*, 2014). In *Obergefell* (2015), the Supreme Court agreed with the lower courts by holding that the right to marry is broad in scope. Because same-sex marriage involves the fundamental right to marry, protected by the substantive aspect of the Fourteenth Amendment's due process clause, some courts have held that states prohibiting access or recognition of same-sex marriage must pass strict scrutiny analysis by providing a compelling state interest for the law and by showing that the law is narrowly tailored to accomplish the compelling interest (*Bostic*, fourth circuit, 2014; *Brenner*, 2014; *Carey v. Population Servs. Int'l*, 1977; *In re Marriage Cases*, 2008; *Perry*, 2010). Other courts have evaluated marriage bans using heightened (intermediate) scrutiny or rational basis scrutiny (*Bourke*, 2014; *Griego*, 2013; *Hamby*, 2014; *Henry*, 2014). The Supreme Court did not expressly discuss the level of scrutiny required for analyzing whether same-sex couples fall within the right to marry; rather, the Court stated that the right was fundamental and that, because same-sex couples did not differ from opposite-sex couples in the aspects of marriage that make the right fundamental, same-sex couples may marry (*Obergefell*, 2015). I will discuss whether these state interests are compelling (strict scrutiny), important (intermediate scrutiny), or rational and whether the laws created to accomplish these state objectives are narrowly tailored, substantively

related, or rationally related in the “State Interests and Levels of Scrutiny Application within Marriage Context” section (below).

**Housing as a substantive right.**

Protection from housing discrimination for sexual minorities represents an underdeveloped area of law, and as a result, is an area ripe for new empirical research. Unlike the marriage equality cases, the Fourteenth Amendment due process clause does not contain a substantive right to housing (*Jaimes v. Toledo Metropolitan Housing Authority*, 1985; *Lindsey v. Normet*, 1972). However, sexual minorities may have a valid claim of housing discrimination under the Fair Housing Act (FHA) (1968) if Congress extended it to include sexual orientation. The FHA makes it illegal to discriminate against persons based upon their color, race, sex, religion, national origin, familial status, or handicap in the rental or sale of a dwelling (42 U.S.C. § 3604). In 2012, the US Department of Housing and Human Development (HUD) prohibited housing discrimination against individuals based upon sexual orientation or gender identity in HUD-funded or insured housing (Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 24 C.F.R. § 5.105(a)(2)(ii)). Although HUD prohibits sexual minority housing discrimination within HUD-funded and insured housing, this protection only covers approximately seven million households and does not extend to the large majority of housing options, i.e. privately owned housing (Armstrong, 2013; Kravis, 2012). If Congress included sexual orientation as a protected class under the FHA, then there would exist a statutory right not to be discriminated against within both the public and private housing context for sexual minorities.

## Fourteenth Amendment Equal Protection Rights for Sexual Minorities

### Sexual minorities as a suspect or quasi-suspect class.

Although substantive rights provide a potential remedy for sexual minority discrimination, equal protection arguments afford an alternative legal avenue. Courts, traditionally, apply a specific test when conducting an equal protection analysis. Laws may not distinguish between similarly situated classes of individuals for the purposes of that law (*City of Cleburne, TX v. Cleburne Living Center*, 1985; *Kerrigan*, 2008; *Plyler v. Doe*, 1982). In *Cleburne* (1985), the US Supreme Court stated that classifications based upon alienage, race, or national origin are suspect classes subject to strict scrutiny. The Court also applies an intermediate (or, heightened) standard of review for classifications based upon gender/sex or illegitimacy, i.e. quasi-suspect classes, but declined to extend this protection to the mentally handicapped and aged (*Cleburne*, 1985; *Massachusetts Board of Retirement v. Murgia*, 1976). Although the Supreme Court declined to extend suspect or quasi-suspect class protection to the mentally handicapped and aged, these groups enjoy some protection in certain situations under statutory law (e.g., the Americans with Disabilities Act (ADA), 1990, and the Age Discrimination in Employment Act (ADEA), 1967). Unlike these groups, sexual minorities do not have federal legislative protection against discrimination.

Specifically, the US Supreme Court has not determined whether sexual orientation constitutes a suspect, quasi-suspect, or unprotected class for purposes of equal protection, though it used a form of somewhat elevated rational basis scrutiny for laws that are directed at sexual minorities when animus motivates the substance of those state actions (*Romer*, 1996). When deciding whether a group constitutes a quasi-suspect or

suspect class, courts examine whether: “(1) the group has suffered a history of invidious discrimination; (2) the characteristics that distinguish the group’s members bear ‘no relation to [their] ability to perform or contribute to society’ ...[3] the characteristic that defines the members of the class as a discrete group is immutable or otherwise not within their control, [and] [4] the group is ‘a minority or politically powerless’” (*Kerrigan*, 2008, citing *Frontiero*, 1973 (plurality opinion); *Bowen v. Gilliard*, 1987). Groups that have these characteristics face greater discrimination from more powerful groups and are less able to remedy their disparate treatment through traditional democratic means, thus necessitating their quasi-suspect or suspect status for equal protection purposes (*Kerrigan*, 2008; *Varnum*, 2009; *Jackson*, 2012; *Sevcik*, 2012; *Griego*, 2013). Although several courts found equal protection violations against sexual minorities even under the deferential rational basis standard of scrutiny, by holding that sexual orientation constitutes a suspect or quasi-suspect class, courts increase the likelihood that classifications based upon sexual orientation will be found to violate the equal protection clause through the application of heightened or strict scrutiny review (*Baskin*, seventh circuit, 2014; *Kerrigan*, 2008; *SmithKline Beecham Corp. v. Abbott Laboratories*, 2014; *Varnum*, 2009). Given the history of discrimination and bias against sexual minorities, determining that sexual minorities constitute a suspect or quasi-suspect class provides an amount of protection that could counter the weight of such manifest prejudice.

Quasi-suspect class status represents a compromise between securing rights for minority groups under the equal protection clause and providing the government with the means to distinguish between dissimilar groups (*Craig*, 1976; *Frontiero*, 1973; *Mississippi University for Women v. Hogan*, 1982; *Reed v. Reed*, 1971). Unlike

legislation involving suspect classification, which requires strict scrutiny of legislation that makes distinctions between groups based upon race, alienage, or national origin, legislative classification based upon gender/sex or illegitimacy constitutes quasi-suspect classification (*Cleburne*, 1985). Intermediate scrutiny for quasi-suspect classes provides less protection because it requires classifications to be “substantially related to a sufficiently important governmental interest”, rather than requiring that classifications be narrowly tailored to serve a compelling state interest (i.e. strict scrutiny) (*Cleburne*, 1985). In *Reed* (1971), which involved a legislative distinction based upon gender for the purpose of administering a decedent’s estate, the Supreme Court established that, although states may distinguish between different classes of persons through legislation, the statutory creation of different classes must be related to the purpose of the statute (i.e. the classification must not be arbitrary). In fact, the classification must be based on actual differences between the groups such that these differences bear a “fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike” (*Reed*, 1971, quoting *Royster Guano Co. v. Virginia*, 1920). Although *Reed* applied the substantial relationship test to gender/sex-based discrimination, the Supreme Court, in *Frontiero* (1973), stated that sex-based classifications must be subjected to strict scrutiny because they are inherently suspect. In *Stanton v. Stanton* (1975), the Supreme Court held that the substantial relationship test applied in *Reed* should be used for sex-based classifications. In *Craig* (1976), the Supreme Court reaffirmed both *Reed* and *Stanton* by holding that gender/sex-based classifications must meet the lower threshold of intermediate scrutiny by being substantially related to furthering an important state interest. Then, in *Hogan* (1982), the

Supreme Court reiterated its stance that the lesser form of intermediate scrutiny applies to gender/sex-based classifications and, in *Cleburne* (1985), the Court firmly established the levels of scrutiny for different minority groups (e.g. race, alienage, national origin, gender, illegitimacy, age, and mental disability).

The creation of a lesser form of review through intermediate scrutiny presents an issue for protecting rights of minority groups. Although both race and sex are, theoretically, immutable characteristics, courts distinguish between the protections provided to the two classes. The Supreme Court justifies using intermediate scrutiny for gender/sex-based classifications through biological differences between men and women (*Nguyen v. Immigration and Naturalization Service*, 2001). For example, in *Nguyen* (2001), the Court held that, when deciding whether a child born out of wedlock may have US citizenship through his citizen father, Congress was free to choose different forms of verifying the child's status given the important governmental interest in showing that a biological parent-child relationship exists. The biological difference between men and women in regards to child-bearing allowed for different rules for establishing biological parentage as the birth mother could show her relationship through the birth itself (i.e. she could produce witnesses to confirm that she gave birth to the child). Thus, the Court held that men and women were not similarly situated in this regard. Relying on this biological difference, the Court held that Congress had the important interest of ensuring that the citizen parent and child, at least, had the potential or opportunity to have a meaningful relationship. Again, the Court distinguished between men and women such that women have this opportunity because they give birth to the child and men may not know that they have this opportunity. The Court found this opportunity to be an important



governmental interest because it establishes the real connection to the US required to obtain citizenship. The Court then held that the means used by the statute, i.e. the additional lengths to which a citizen father must go in order to prove the citizenship of his offspring, is substantially related to ensuring that, at least, the opportunity for a real relationship exists between the father and his offspring. The Court's analysis shows that gender/sex may not require the same level of scrutiny as race because there may be instances when a state has an important reason for distinguishing between sexes in a way it would not for race, thereby making the legislation only somewhat suspect.

Within the context of sexual minorities, if the Supreme Court chooses to apply a heightened form of scrutiny, it is likely that they will apply intermediate scrutiny given the tendency for lower courts to apply it. For example, both Courts of Appeals for the seventh and ninth circuit courts applied heightened scrutiny when examining equal protection violations of sexual minority rights. In its combined opinion, the seventh circuit court held that sexual orientation discrimination in the marriage context constituted violation of the equal protection clause because the statute did not substantially further an important government interest (intermediate scrutiny) (*Baskin v. Bogan* and *Wolf v. Walker*, 2014). Similarly, the ninth circuit court held that sexual orientation discrimination in the context of a *Batson* challenge (i.e. a challenge involving the striking of a potential jury member for an impermissible reason, such as belonging to a protected group) involved a violation of the equal protection clause (*SmithKline*, 2014). Prior to the Supreme Court's holding in *Lawrence* (2003), lower courts often declared that sexual orientation could not be a suspect or quasi-suspect class for purposes of equal protection because, if states could criminalize same-sex sexual conduct (i.e. *Bowers*,

1986), then individuals who engaged in such conduct could not be considered a suspect or quasi-suspect class (*Ben-Shalom v. Marsh*, 1989; *Equality Foundation of Greater Cincinnati v. City of Cincinnati*, 1997; *High Tech Gays v. Defense Industrial Security Clearance Office*, 1990; *Woodward v. US*, 1989; but see *Citizens for Responsible Behavior v. The Superior Court of Riverside County*, 1991).

With regard to the criteria of protected class status, after the Supreme Court held that laws criminalizing same-sex sexual conduct violated the Fourteenth Amendment's substantive due process right to liberty in ordering one's private life (*Lawrence*), most courts have little difficulty finding a history of discrimination against sexual minorities and finding that the distinguishing characteristic of sexual orientation is irrelevant to the purpose of specific laws (*Andersen v. King County*, 2006; *Baskin*, seventh circuit, 2014; *Conaway v. Deane*, 2007; *Golinski v. United States Office of Personnel Management*, 2012; *Obergefell*, 2013; *SmithKline*, 2014; *Varnum*, 2009; *Whitewood*, 2014). However, the immutability of the distinguishing characteristic (i.e. whether sexual orientation can be changed) and whether the group lacks political power to change the classification are the factors on which most courts focus (*Baskin*, seventh circuit, 2014; *Bassett v. Snyder*, 2013; *Conaway*, 2007; *Golinski*, 2012; *Griego*, 2013; *In re Marriage Cases*, 2008; *Kerrigan*, 2008; *Obergefell*, 2013; *Pedersen v. Office of Personnel Management*, 2012; *Varnum*, 2009; *Whitewood*, 2014). Although more recently courts have found the trait of sexual orientation to be immutable, and, therefore, that it is a core aspect of identity which would make it wrong for the government to attempt to change, several courts have found that sexual orientation is modifiable in ways that other suspect or quasi-suspect class's distinguishing traits are not (e.g. race or sex) (*Conaway*, 2007; *Equality*

*Foundation*, 1995; *Woodward*, 1989). Similarly, some courts have found that sexual minorities have too much political power to be considered a suspect or quasi-suspect class (*Andersen*, 2006; *Conaway*, 2007; *High Tech Gays*, 1990). Given these divergent holdings, and the Court's reticence to apply strict scrutiny in cases not involving race, national origin, or alienage, it becomes far more likely that the Court will place sexual minorities within the quasi-suspect framework if they choose to apply a heightened form of scrutiny. The possibility that the Court will hold that sexual minorities constitute a quasi-suspect class for the purposes of classification provides sexual minorities with a greater level of protection than rational basis review, but allows the government to discriminate against sexual minorities if the classification substantially relates to an important governmental interest. Thus, intermediate scrutiny only provides a moderate level of protection.

***Equal protection analysis of sexual minorities within marriage context.***

All of the courts that have analyzed equal protection within the same-sex marriage context found that a the law had made a distinction between different sets of people, whether based upon sex, gender, sexual orientation, or couple composition (i.e. same-sex v. heterosexual couples) (*Baehr*, 1993; *Baker*, 1971; *Baskin*, seventh circuit, 2014; *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *De Leon*, 2014; *DeBoer*, sixth circuit, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Griego*, 2013; *Jackson*, 2012; *Kerrigan*, 2008; *Kitchen*, district court, 2013; *Latta*, ninth circuit, 2014; *Lewis*, 2006; *Perry*, 2010; *Robicheaux*, 2014; *Sevcik*, 2012; *Varnum*, 2009; *Whitewood*, 2014; *Windsor*, 2013; and *Wright*, 2014). The US District Courts for the Northern District of Oklahoma, Western District of Kentucky, and Oregon ruled that the relevant legislation that limited marriage

to heterosexual couples violated same-sex couples' Fourteenth Amendment right to equal protection of the law (*Bishop*, district court, 2014; *Love*, 2014; *Geiger*, 2014). In *Lewis, Kerrigan, Varnum, Garden State Equality v. Dow* (2013) and *Griego*, the Supreme Courts of New Jersey, Connecticut, Iowa, and New Mexico held statutes that limited marriage to heterosexual couples violated each state's equal protection clause. In *Lewis*, the Supreme Court of New Jersey held that the state must provide the full provisions of marriage to same-sex couples (i.e. the substantive rights), but allowed the state legislature to decide whether to grant same-sex couples access through the term marriage or by providing a parallel institution (2006). The New Jersey legislature created civil unions for same-sex couples as a parallel to marriage (*Garden State*, 2013). After *Windsor*, the Superior Court of New Jersey, Law Division, of Mercer County held that the civil union statute deprived same-sex couples of federal marriage rights, thereby violating the state constitutional requirement of equal protection (*Garden State*, 2013). Thus, the court held that New Jersey must grant access to the designation of marriage to same-sex couples.

In the context of same-sex marriage, some courts consider whether a classification, based upon sex, sexual orientation, or couple status, is permissible for the purposes of the marriage statute or amendment, i.e. whether there is a reason for the distinction (*Cleburne*, 1985; *Kerrigan*, 2008). For heightened or strict scrutiny, this reason must be sufficiently important or compelling and the means (i.e. the anti-marriage equality law) must be substantially or narrowly tailored to accomplish this interest (*Cleburne*, 1985). For rational basis scrutiny, the legislation must simply be rationally related to the accomplishment of a legitimate state interest (*Cleburne*, 1985; *Perry*, 2010). The courts in *Lewis, Kerrigan, Varnum, Perry, Griego*, and *Bishop v. Holder* held

or found that same-sex couples are similarly situated to heterosexual couples for the purpose of marriage. The district courts in *Jackson*, *Robicheaux*, and *Sevcik* and the Court of Appeals for the sixth circuit in *DeBoer* held that sexual orientation did not constitute a suspect or quasi-suspect class and, under rational basis scrutiny, the states of Hawaii, Louisiana, Nevada, and the sixth circuit (Michigan, Ohio, Kentucky, and Tennessee), respectively, had legitimate interests that were rationally furthered by their anti-same-sex marriage legislation.

*Lack of equal protection clause violation.*

When they decided *Jackson* and *Sevcik*, the US District courts were bound by the ninth circuit precedent established in *High Tech Gays v. Defense Industrial Security Clearance Office* (1990), which held that being gay is not an immutable characteristic and that sexual minorities are not politically powerless (see also *Woodward*, 1989; *Equality Foundation*, 1995; and *Conaway*, 2007). Examining the merits of the claim, the *Jackson* (2012) and *Sevcik* (2012) courts also held that the marriage statute (in *Jackson*) and amendment (in *Sevcik*) did not violate the equal protection clause by drawing a distinction based upon gender because men and women receive the same treatment, i.e. neither a man nor a woman may marry someone of the same sex. In addition, the courts stated that without clear indication that either the ninth circuit court or the Supreme Court hold sexual orientation to be immutable, they would continue to follow the precedent set in *High Tech Gays* (1990). However, the recent ninth circuit holding in *SmithKline* (2014) clarifies that laws that classify according to sexual orientation must overcome heightened scrutiny within the equal protection context. Finally, the courts stated that sexual minorities are not politically powerless because they enjoy political success at the

local and national level. The court in *Sevcik* pointed to the increase in anti-discrimination legislation and acceptance of sexual minorities within US society as countering the history of discrimination that sexual minorities have experienced, suggesting that sexual minorities do not need equal protection and can use the democratic process to achieve their ends. According to *Sevcik* (2012), courts must be wary when classifying a group as a suspect or quasi-suspect class because this classification limits the ability of the legislature to pass laws regarding specific groups or in certain contexts. Recently, the Court of Appeals for the ninth circuit reversed the decision of the US District Court for the District of Nevada (*Sevcik*, 2012) in its combined opinion of *Latta v. Otter* and *Sevcik v. Sandoval* (2014). Applying heightened scrutiny due to sexual orientation discrimination, the circuit court held that Nevada's proffered purposes for discrimination lacked empirical basis and the means used for accomplishing these purposes were both under- and over-inclusive (*Sevcik*, 2014).

The court in *Robicheaux* (2014) found that sexual orientation did not constitute a suspect or quasi-suspect class because the US Supreme Court declined to apply heightened scrutiny in *Windsor*. Rather, the "careful consideration" that the Court paid in *Windsor* resulted from Congress' intrusion into a context that the state traditionally defined (i.e. marriage). Distinguishing the current case from *Windsor*, the District Court observed that it was bound by the Supreme Court and fifth circuit jurisprudence, neither of which have declared sexual orientation to be a suspect class. Similarly, the Court of Appeals for the sixth circuit held that they would follow Supreme Court and sixth circuit precedent, neither of which have treated sexual minorities as a suspect or quasi-suspect class (*DeBoer*, 2014). Additionally, according to the sixth circuit, the recent political

power of sexual minorities indicate that they do not need to be treated as a suspect or quasi-suspect class because they have the power to achieve their ends through the democratic process (*DeBoer*, 2014).

*Equal protection clause violation.*

After *Windsor* was decided in 2013, many courts (in sixteen different states) held that the laws of their respective states (NJ, NM, UT, OK, VA, TX, MI, AR, ID, OR, PA, WI, IN, FL, KY, and CO) violated either the US Constitution or the relevant state constitution by not allowing same-sex couples to marry (*Garden State*, 2013; *Griego*, 2013; *Kitchen*, district court, 2013; *Bishop*, district court, 2014; *Bostic v. Rainey*, district court, 2014; *De Leon*, 2014; *DeBoer*, district court, 2014; *Wright*, 2014; *Latta*, district court, 2014; *Geiger*, 2014; *Whitewood*, 2014; *Wolf v. Walker*, district court, 2014; *Baskin*, district court, 2014; *Brenner*, 2014; *Love*, 2014; *Brinkman*, 2014; *Burns*, 2014).

Subsequently, the Courts of Appeals for the fourth, seventh, and tenth circuits upheld the lower courts' decisions (*Bostic*, fourth circuit, 2014; combined seventh circuit opinion for *Baskin v. Bogan*, 2014, and *Wolf v. Walker*, 2014; and two tenth circuit opinions: *Bishop v. Smith*, 2014, and *Kitchen v. Herbert*, 2014). The Court of Appeals for the seventh circuit, in its combined opinion for *Baskin v. Bogan* (IN) and *Wolf v. Walker* (WI), held that both Indiana and Wisconsin's laws prohibiting same-sex marriage within state and recognition of out-of-state marriages violated the equal protection clause of the Fourteenth Amendment because sexual orientation constituted a suspect class (2014).

Regarding whether sexual orientation constitutes a suspect or quasi-suspect class, the courts in *Baskin* (seventh circuit), *De Leon*, *Griego*, *Latta* (ninth circuit), *Love*, *Varnum*, *Whitewood*, and *Wright* stated that sexual minorities have experienced, and still

experience, discrimination historically and are relatively powerless in the context of marriage rights. Following the reasoning in *Kerrigan*, the courts in *Baskin* (seventh circuit), *Griego*, *De Leon*, *Love*, *Varnum*, and *Whitewood* emphasized that the immutability question did not simply depend upon whether the characteristic is changeable at all, but, rather, “whether the characteristic is so integral to the individual’s identity that, even if he or she could change it, [it would] be inappropriate to require him or her to do so in order to avoid discrimination” (*Griego*, 2013, p. 884). The courts in *Bostic* (fourth circuit), *Brinkman*, *De Leon*, *DeBoer* (district court), *Geiger*, *Kitchen* (tenth circuit), and *Wright* held that the state justifications for heterosexual-only marriage failed under the most deferential rational basis standard of review. The court in *Bishop* (tenth circuit) followed the logic in *Romer* by holding that the marriage legislation in Oklahoma failed under rational basis review due to the animus of the citizens in amending their constitution (2014). Finally, the courts in *Baskin* (seventh circuit), *Griego*, *Latta* (ninth circuit), *Love*, *Varnum*, and *Whitewood* held that a form of heightened scrutiny must be used to analyze the relevant legislation because it involved the potentially suspect or, more likely, quasi-suspect class of sexual orientation. Each court then held that the relevant legislation failed under heightened scrutiny.

The Court of Appeals for the seventh circuit court held that sexual orientation represents a suspect class and the Court of Appeals for the ninth circuit court held that classifications based upon sexual orientation require heightened scrutiny for the purposes of equal protection (combined opinion of the seventh circuit court for *Baskin v. Bogan*, 2014 and *Wolf v. Walker*, 2014; *Smithkline*, 2014). According to the seventh circuit combined opinion, sexual minorities constitute a suspect class because of the historical



discrimination they have faced based upon an immutable characteristic. The state may only overcome this presumed violation of equal protection through a “compelling showing that the benefits of the discrimination to society as a whole clearly outweigh the harms to its victims” (*Baskin*, seventh circuit, 2014, p. 4). For the ninth circuit, *Smithkline* (2014) asserted that the Supreme Court’s analysis in *Windsor* indicated that classifications based upon sexual orientation require heightened scrutiny for the purposes of equal protection. The ninth circuit found that the Supreme Court did not use rational basis review because it did not give deference to post-hoc rationalizations, focused upon Congress’ actual purposes for DOMA (rather than potential hypothetical purposes), and required Congress to justify its dissimilar treatment of sexual minority individuals and couples (an analysis not normally required in rational basis review). The *Windsor* analysis lacked a strong presumption of constitutionality of the law and deferential treatment of the government. Thus, the ninth circuit held that *Windsor* requires heightened scrutiny for laws that discriminate on the basis of sexual orientation. The holdings of these two circuit courts present the possibility of sexual orientation becoming a suspect or quasi-suspect class for purposes of equal protection. In *Obergefell* (2015), the Supreme Court did not directly discuss whether sexual orientation requires heightened protection under the equal protection clause. Rather, the Court cited the Equal Protection clause as bolstering the fundamental right of marriage in its application to same-sex couples. Thus, the question of whether sexual orientation constitutes a suspect or quasi-suspect class remains open.

***Equal protection analysis of sexual minorities within housing context.***

As of 2012, the US Department of Housing and Human Development (HUD) prohibits housing discrimination against individuals based upon sexual orientation or gender identity in HUD-funded housing (24 C.F.R. § 5.105(a)(2)(ii)). Although this regulation does not protect sexual minorities from discrimination in non-HUD-funded housing, it provides a potential avenue for bringing claims of discrimination based upon sexual orientation discrimination under both the regulation itself and the equal protection clause of the Fourteenth Amendment. Plaintiffs have successfully brought claims of violation of the Fourteenth Amendment equal protection clause due to racial discrimination within the housing context, thereby providing precedent for discrimination of other suspect or quasi-suspect groups (*Heyward v. Public Housing Administration*, 1956, *Hunter v. Erickson*, 1969, and *Shelley v. Kramer*, 1948). An initial issue regarding the equal protection clause is that it only protects citizens from state action, not private action (Fourteenth Amendment; *Blum v. Yaretsky*, 1982; *Buchanan v. Warley*, 1917; *City of Cuyahoga Falls v. Buckeye Community Hope Foundation*, 2003; *Civil Rights Cases*, 1883; *Harmon v. Tyler*, 1927; *Richmond v. Deans*, 1930). However, the Supreme Court construes state action to include any action by the legislative, executive, or judicial branch, which could, then, limit the actions of private individuals (*Ex parte Virginia*, 1880; *Shelley*, 1948; *Strauder v. West Virginia*, 1880; *Virginia v. Rives*, 1880). For example, in *Shelley v. Kraemer* (1948), the Supreme Court held that although private covenants between land owners that restricted property ownership or use based upon race did not violate the equal protection clause because they were the actions of private

individuals, a court's enforcement of these covenants did constitute state action that violated the equal protection clause.

Thus, even private discrimination can constitute a violation of the equal protection clause if it rests on the actions of state actors for its enforcement and has either an explicit discriminatory purpose or a discriminatory impact to such an extent that a discriminatory purpose must be inferred (*Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 1977). Regarding claims of sexual orientation discrimination in housing under the equal protection clause of the Fourteenth Amendment, sexual minorities have not successfully brought a case of violation of equal protection. However, as more courts recognize the potential for sexual minorities to represent a suspect or quasi-suspect class, an equal protection claim based upon sexual orientation discrimination becomes viable (*Baskin*, seventh circuit, 2014; *Golinski*, 2012; *Smithkline*, 2014).

Given the holdings of courts regarding sexual minority equal protection in other contexts, suspect and quasi-suspect class questions of immutability and political powerlessness would likely arise within the housing context. As the equal protection clause of the Fourteenth Amendment only applies to state action against individuals or classes (*Blum*, 1982; *Buchanan*, 1917; *City of Cuyahoga Falls*, 2003; *Civil Rights Cases*, 1883; *Harmon*, 1927; *Richmond*, 1930), HUD's 2012 decision to include sexual orientation within the classes of individuals who may not be discriminated against for HUD-assisted funding makes equal protection violation a viable claim for sexual minority individuals.

Analysis of same-sex marriage litigation within the system justification framework provides a template for sexual minority housing discrimination. Although not a fundamental right, housing does constitute a substantive civil right because of the Fair Housing Act (FHA). If the FHA were extended to include sexual orientation, sexual minorities could have a civil rights claim akin to the substantive due process right to marriage equality. Furthermore, this right would extend beyond state action (which is involved in due process protection) to private action. As state interests for not providing civil rights protection are specific to context (i.e. a state action involving housing would involve different state interests than a state action involving employment), and sexual minorities have not brought an equal protection claim within the housing context, it is difficult to postulate the state interests that might be brought from a legal perspective. Therefore, the current research applied both the social science construct of sexual minority stigma and the political rhetoric equating sexual minority equality to “special rights” in the context of system justification theory to help understand the conditions under which lay people would support or refute an expansion of housing policy to include sexual minorities (See “System Justification Theory within the Sexual Minority Context” and “Housing equality: Application of system justifications”).

### **State Interests and Levels of Scrutiny Application within Marriage Context**

The differences in the holdings between courts that upheld heterosexual-only marriage statutes and amendments and those that struck down these laws revolve around differences in the definitions of marriage, the applicability of equal protection principles, and the application of rationality concerning state interests. When cases do not involve a fundamental right or suspect or quasi-suspect class, courts apply rational basis scrutiny to

the relevant law (*Cleburne*, 1985; *Federal Communications Commission v. Beach Communications, Inc.*, 1993; *Heller v. Doe*, 1993; *Romer*, 1996). This lower level of scrutiny provides a very deferential standard toward state rationales for same-sex marriage exclusion because a court must simply find one plausible reason for the state's legislation (*DeBoer*, sixth circuit, 2014; *Jackson*, 2012; *Sevcik*, 2012). In the context of same-sex marriage, the question is whether the marriage amendments could further a legitimate state interest motivated by a factor other than animus (*Romer*, 1996). For example, the *Jackson* court held that encouraging heterosexual couples to marry constituted a legitimate state interest and that the prestige that formal marriage bestows upon heterosexual couples rationally furthered that interest (2012). Courts that upheld anti-marriage equality laws have found that interests involving natural procreation, "ideal" parenting and child-rearing environments, defending "traditional" marriage, and being wary of social experimentation constitute legitimate state interests and plausible rationales, under rational basis scrutiny, that allow the state to limit marriage to heterosexual couples (*Baker*, 1971; *Bruning*, 2006; *DeBoer*, sixth circuit, 2014; *Hernandez*, 2006; *Jackson*, 2012; *Obergefell*, 2015, opinion of Roberts, C.J., dissenting; *Morrison*, 2005; *Robicheaux*, 2014; *Sevcik*, 2012). By narrowing the right that same-sex couples seek to only same-sex marriage, rather than a broad, general right to marriage, and rejecting sexual minorities as members of a suspect or quasi-suspect class, courts can hold that plaintiffs do not seek fundamental rights, that states may have legitimate state interests that are furthered by banning same-sex marriage, and that bans on same-sex marriage do not violate the US Constitution.

The various courts that have upheld same-sex marriage analyzed the states' proffered interests and means of accomplishment using both rational and heightened forms of scrutiny. Courts that struck down anti-marriage equality laws stated that any state interests involving procreation and "ideal" child-rearing environments are not rationally related to the laws against same-sex marriage, as scientific research demonstrates that children fare as well in same-sex households as in heterosexual-couple households (Biblarz & Stacey, 2010; Crowl, Ahn, & Baker, 2008; Goldberg & Smith, 2013; *Obergefell*, 2015; Potter, 2012; Pratesi, 2012; Rimalower & Caty, 2009; Wainright & Patterson, 2006, 2008), and that defending "traditional" marriage or being wary of social experimentation, alone, are not legitimate state interests (*Bishop*, district court, 2014; *Bostic*, fourth circuit 2014; *Brinkman*, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Kerrigan*, 2008; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Love*, 2014; *Perry*, 2010; *Varnum*, 2009). For example, the Court of Appeals for the seventh circuit held that some of the state interests were not important (e.g. tradition) and, for those that were important, the means that the states utilized were not substantially related to achieving those interests (*Baskin*, 2014; see also *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *Kerrigan*, 2008; *Varnum*, 2009). Thus, although the welfare of children (i.e. providing an optimal child-rearing environment) constituted a legitimate state interest, the court held that prohibiting same-sex marriage actually hindered this interest by disallowing the children of same-sex couples the same security of having their parents married as the children of heterosexual couples (see also *Bostic*, fourth circuit, 2014; *Geiger*, 2014; *In re Marriage Cases*, 2008; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Obergefell*, 2015; *Perry*, 2010; *Windsor*, 2013). These courts defined

the purpose of marriage laws as creating “stability and order to the legal relationships of committed couples by defining their rights and responsibilities as to one another, their property, and their children, if they choose to have children” (*Griego*, 2013, p. 878; *Kerrigan*, 2008; *Kitchen*, tenth circuit, 2014; *Obergefell*, 2015; *Varnum*, 2009; *Windsor*, 2013).

Many courts have explicitly stated that the sole purpose of the states’ marriage laws is not to further procreation, which is in direct contrast to the reasoning of the courts in *Jackson* and *Sevcik* (*Bostic*, fourth circuit, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Griego*, 2013; *In re Marriage Cases*, 2008; *Kitchen*, tenth circuit, 2014; *Obergefell*, 2015; *Perry*, 2010). Going further, these courts held that other courts that found a legitimate state interest in promoting procreation within marriage (i.e. responsible procreation, rather than accidental procreation) supported anti-marriage equality bans that actually hindered this purpose because the children of same-sex couples do not have the same family stability and support as their peers who have heterosexual, married parents (*Baskin*, seventh circuit, 2014; *Bostic*, fourth circuit, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Griego*, 2013; *In re Marriage Cases*, 2008; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Obergefell*, 2015; *Perry*, 2010; *Windsor*, 2013). These holdings align with scientific research, which finds that children, on average, fare better in stable, two-parent households than in single-parent households (*Chiu*, 2007; *Gibson-Davis & Gassman-Pines*, 2010; *Griffin, Botvin, Scheier, Diaz, & Miller*, 2000; *Harris, Greco, Wysocki, Elder-Danda, & White*, 1999; *Lonczak, Fernandez, Austin, Marlatt, & Donovan*, 2007; *Roy & Raver*, 2014; *Turner, Finkelhor, & Ormrod*, 2007).

Additionally, several courts held that the classifications for marriage according to couple composition were both over- and under-inclusive for the purpose of procreation and keeping children within heterosexual-couple families (*Baskin*, seventh circuit, 2014; *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *Griego*, 2013; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Varnum*, 2009). A statute is under-inclusive if the classification it makes “does not include all who are similarly situated with respect to the purpose of the law” (Tussman & tenBroek, 1949, p. 348). A statute is over-inclusive if the distinction it makes “includes more persons than those who are similarly situated with respect to the purpose of the law” (*Varnum*, 2009, p. 900). In *Varnum* (2009), the Iowa Supreme Court held that the state’s civil marriage statute’s classification did not further the state’s interest in providing children with the ideal family because it failed to exclude other, objectively poor parents (e.g., sexual predators, child abusers and neglectors). In addition, the classification was also under-inclusive because it did not ban same-sex couples from adopting children. Finally, the classification was over-inclusive because some same-sex couples wish to marry, but do not wish to raise children (i.e. the statute excludes them from marriage, but they do not want to raise children). Thus, regardless of their attitudes regarding raising children, Iowa prohibited same-sex couples from marrying. The Iowa Supreme Court held that the statute could not survive heightened scrutiny because the statute was not related to the state interest of providing the optimal environment for raising children.

Similarly, other courts held that the statutes or amendments that were supposed to encourage the state interests in providing optimal child rearing environments or supporting procreation by prohibiting same-sex marriage fell short of the required fit



between state interest and legal classification, that is, the legislation allowed infertile heterosexual couples to wed, but similarly situated same-sex couples could not (*Baskin*, seventh circuit, 2014; *Bishop*, tenth circuit, 2014; *Bostic*, fourth circuit, 2014; *Griego*, 2013; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014). Finally, many courts have held that states do not rationally have an interest in raising children only in heterosexual-couple households (*Baskin*, seventh circuit, 2014; *Bostic*, fourth circuit, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Griego*, 2013; *Kerrigan*, 2008; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Perry*, 2010; *Varnum*, 2009). These holdings follow scientific evidence that suggests that children thrive as well in same-sex-couple households as in heterosexual-couple households (Biblarz & Stacey, 2010; Crowl et al., 2008; Goldberg & Smith, 2013; Potter, 2012; Pratesi, 2012; Rimalower & Caty, 2009; Wainright & Patterson, 2006, 2008). Furthermore, many courts have rejected the argument that allowing same-sex couples to marry will negatively affect heterosexual, married couples (*Baskin*, seventh circuit, 2014; *Geiger*, 2014; *Kerrigan*, 2008; *Kitchen*, tenth circuit, 2014; *Latta*, ninth circuit, 2014; *Obergefell*, 2015; *Varnum*, 2009).

As will be explained in the system justification section, the use of “traditional” definitions of marriage, being wary of social experimentation, concerns regarding natural procreation, and “ideal” parenting and child-rearing environments constitute attempts to maintain the status quo (Henry & Reyna, 2007). Additionally, stating that sexual orientation is changeable and that sexual minorities are politically powerful may also represent attempts to justify the status quo (Haslam & Levy, 2006; Hegarty & Pratto, 2004). By applying principles of system justification theory, I will next show that support for these interests and rationalizations serve as a system justifying stereotype that

maintains the current dominant-subordinate relationship between the sexual majority and sexual minorities.

## CHAPTER 2

### PSYCHOLOGICAL ASPECTS

#### **System Justification Theory**

System justification, as Jost and Banaji (1994) conceptualize the concept, involves legitimizing present social arrangements (see also Jost et al., 2004; Jost & Kay, 2005). System justification is a psychological process that operates with the primary goal of maintaining the status quo. Researchers theorize that the motivation to maintain the status quo stems from an individual's need to believe that they have personal control over their life (Kay, Gaucher, Napier, Callan, & Laurin, 2008; Kay, Whitson, Gaucher, & Galinsky, 2009). For example, Kay, Gaucher, Napier, Callan and Laurin (2008) studied whether individuals who felt like they had less personal control over their lives would be more likely to believe that their government is responsible for providing for its citizens. Beliefs were collected through the World Values Survey via face-to-face interviews with 93,122 participants from 67 countries. The authors found that participants who felt that they lacked personal control over their lives believed that the government should be responsible for providing for its citizens, thereby endorsing the current governmental system within their country. When individuals perceive the social world as random, they tend to experience high levels of anxiety and fear (Jost & Hunyady, 2005; Landau, Greenberg, Solomon, Pyszczynski, & Martens, 2006; Landau, Johns, Greenberg, Pyszczynski, Martens, Goldenberg, & Solomon, 2004). In order to avoid or offset that anxiety, people strengthen their beliefs in their own personal control over their lives or in the justness of an external system, which has the capability of protecting them (Jost & Banaji, 1994; Jost et al., 2004; Jost, Hawkins, Nosek, Hennes, Stern, Gosling, & Graham,

2014; Jost & Hunyady, 2005; Kay, Czapliński, & Jost, 2009; Kay et al., 2008; Kay, Whitson et al., 2009; Laurin, Kay, & Moscovitch, 2008; Shepherd & Kay, 2012).

For example, Laurin, Kay, and Moscovitch (2008) asked students to visualize an anxiety-provoking scenario, with half of the participants thought about a scenario in which they had little personal control and the other half, a scenario in which they had great personal control. The authors then measured participants' levels of anxiety through self-report and skin conductance levels. Laurin and colleagues found that participants with greater levels of self-reported anxiety were more likely to believe in the existence of a controlling God. Although both sets of participants experienced increased arousal as measured by skin conductance level, self-reported anxiety predicted belief in the existence of a controlling God only for those participants induced to feel a lack of personal control. Thus, those without personal control felt the need to affirm their belief in a system of external control (i.e. religion).

This central psychological mechanism, that individuals seek to reduce their uncertainty and fear by strengthening their beliefs in the external system, draws from cognitive dissonance (Festinger, 1957) and just world theories (Lerner, 1980) (Jost, Glaser, Kruglanski, and Sulloway, 2003). According to just world theory, individuals who have a strong need to believe that the world is fair, i.e. that people are punished or rewarded according to what they deserve (Hafer, 2000) respond with high levels of anxiety to threats to this belief (e.g., innocent victims or evidence that the world is not just). In order to reduce this anxiety, people try to restore justice, which may take both positive (i.e. victim helping) or negative forms (i.e. rationalization, derogation, and blame) (Hafer, 2000).

Cognitive dissonance, within the context of system justification, involves an ideological dissonance that results from the contradictory thoughts that disadvantaged groups hold that place individuals in those groups in a subordinate position. Furthermore, by allowing themselves to be disadvantaged through acquiescence, their group supports that system (Jost, Pelham, Sheldon, & Sullivan, 2003). To reduce the anxiety caused by this dissonance, members of disadvantaged groups may engage in enhanced system justification. Applying these concepts (i.e. just world and cognitive dissonance) in the context of system justification theory, individuals may defend an external system even when that defense results in their own, personal disadvantage (i.e. members of minority groups may defend the status quo, even though it results in them having less power) (Jost & Banaji, 1994; Jost & Hunyady, 2005). Rather than questioning the existing social arrangement, most people will accept the arrangement as normal and will create or accept explanations (i.e. rationalizations) that maintain the system (Jost & Banaji, 1994; Jost & Kay, 2005; Kay, Czapliński, & Jost, 2009; Kay, Gaucher, Peach, Laurin, Friesen, Zanna, & Spencer, 2009). Similarly, most people will create rationalizations for specific outcomes that further the status quo. Whether these explanations are objectively true or false is irrelevant because people accept them and use them to justify the current status quo.

Explanations for the current social system often take the form of stereotypes, i.e. shared conceptions regarding a group of people (Jost & Banaji, 1994). People infer these stereotypes “directly from information about status or position, mainly in order to justify *differences* in status or position” (Jost & Banaji, 1994, p. 12) and as a result often attach associations of stigma to the stereotypes (Herek, 2000). Interestingly, the valence of the

stereotypes matters little as long as they enhance the maintenance of the status quo (Glick & Fiske, 2001a; Jost & Banaji, 1994; Jost et al., 2004; Kay, Gaucher et al., 2009; Kay and Jost, 2003; Kay, Jost, & Young, 2005). For example, within the context of ambivalent sexism, endorsement of benevolent, seemingly positive, stereotypes of women (i.e. that women are “pure creatures” who need to be protected, loved, and adored by men) helps produce a greater inequality between men and women (Glick & Fiske, 2001a). Furthermore, so-called benevolent, sexist stereotypes maintain the current system of inequality by making men defensive towards women who resist their subordinate status and by making women, in general, more accepting of their subordinate position as it appears to be subjectively positive.

Kay and Jost (2003) found similar results when they exposed participants to complementary stereotypes (e.g., “poor but happy” and “rich but miserable”) which led to greater system justification within an economic context. Forty-seven undergraduate students read about an individual who varied in terms of wealth (wealthy v. poor) and happiness (happy v. unhappy), and then completed a series of items measuring their beliefs in system justification. As hypothesized, participants were more likely to support the current system when exposed to complementary pairings (i.e. “poor but happy” and “rich but unhappy” over “poor but unhappy” and “rich but happy”). The positive component of these stereotypes allowed marginalized groups to support the current system by compensating their lower status with a positive trait. By accepting and defending the status quo, individuals from marginalized groups increase positive emotions and satisfaction with their current situation and decrease distress regarding their

lower status (Jost & Hunyady, 2005; Jost, Pelham et al. 2003; Wakslak, Jost, Tyler, & Chen, 2007).

**Increasing system justification: Dependency, inescapability, and threat.**

Research has found a number of factors that can increase the likelihood that individuals will justify systems that support subordinate groups. The more that individuals feel they are dependent upon a system, that it is inescapable, or that the system is threatened, the more they will engage in system justification (Jost, Kivetz, Rubini, Guermandi, & Mosso, 2005; Kay, Gaucher et al., 2009; Kay & Zanna, 2009; Laurin, Shepherd, & Kay, 2010). Regarding system dependence, Kay, Gaucher, and colleagues (2009) manipulated whether undergraduate participants believed that their university or their country controlled aspects of their lives (i.e. participants were either dependent upon their university or their country). Then, participants read that funds were unequally distributed either throughout their university or throughout their country and answered a series of questions that measured the degree that they supported the current funding system. Participants who read that they were dependent upon their country (university) agreed with their government's (university's) funding system but not their university's (government's) funding system, demonstrating that reminding individuals of their dependency upon a system increases their support for that system.

In an example of system inescapability, Laurin, Shepherd, and Kay (2010) manipulated the ease with which Canadian participants believed one could emigrate from Canada. Next, participants read that men were more likely to be financially successful than women in Canada and were asked whether this difference was due to systemic inequality or actual differences between men and women. The authors found that

participants in the difficult-to-emigrate condition were more likely to believe that actual gender differences caused financial inequality between men and women, whereas participants in the easy-to-emigrate condition were more likely to question the legitimacy of the current system. Apparently, when people feel they are dependent upon a system and that they cannot escape that system, they must defend it as legitimate and just in order to reduce the anxiety caused by their dependency (Jost, Pelham et al., 2003).

Other researchers have shown that threats to a system motivates people to defend it (Brescoll, Uhlmann, & Newman, 2013; Kay et al., 2005). Participants from an online database read that people in the US (their country) either believed that the country was at a low point (system threat) or was at a high point (system affirmation) (Brescoll et al., 2013). In addition, the authors created an existentialist threat condition unrelated to their country in which participants wrote about a vivid and important scene from their childhood or youth and how it would change in the future, thereby creating a sense of insecurity. Others in the control condition simply completed the dependent measures, items measuring beliefs about biological essentialism and immutability as explanations of gender differences, as well as basic gender differences beliefs. While basic beliefs about gender differences did not differ by condition, participants in the system-threat condition were more likely than participants in the other three conditions to believe in biological essentialism and immutability, with immutability acting as a mediator between system threat and biological essentialism. These results indicate that threatening the status quo elicits the need to defend the hierarchical system as the immutable natural condition.



### **Widespread stereotype knowledge.**

Other justification theories (i.e. ego-justification and group-justification) are limited in scope as compared to system justification (Jost & Banaji, 1994). For example, ego-justifications suggest that stereotypes of groups should be specific to the needs of individuals justifying their higher status in society. For example, because white people have higher status within American society, only whites should hold the stereotype that other, more disadvantaged groups are in some way inferior because only whites have a need for justification. In the same way, group-justification predicts that the stereotype of an outgroup should depend upon the specific relation between that outgroup and the in-group (i.e. stereotypes of groups should not be consistent across groups) (Tajfel & Turner, 1986). For example, though African Americans may have stereotypes about Latinos and Latinos about African Americans, those stereotypes should be unique to each in-group because they were developed by in-group solidarity (i.e. differentiation) and outgroup derogation (Tajfel & Turner, 1986). How, then, to explain why some members of the in-groups also self-stereotype in the same way that the out-group would stereotype those individuals? In addition, how could one explain the notion that stereotypes are well-known across groups? System-justification, by focusing on the ideological need to defend the current status quo at the societal level and not in-groups, accounts for why different groups can hold the same stereotypes about other groups and why group members may negatively self-stereotype (Jost & Banaji, 1994).

In order for the status quo to be maintained, individuals throughout the social hierarchy must accept the same rationalizations regarding the system. Thus, an individual's need for a stable, rational system, trumps their needs for personal or group

self-esteem (Jost & Banaji, 1994; Jost & Burgess, 2000; Jost & Hunyady, 2005). Jost and Burgess's (2000) study had undergraduates read a vignette about a female student who was suing her university for gender discrimination after she was not admitted into the university's honors program. Jost and Burgess had participants complete measures of their attitudes about the female student and the university, their level of social dominance orientation, and their belief in a just world and found that women who were high in belief in a just world were more likely to have ambiguous (i.e. both positive and negative) attitudes towards the plaintiff than women who were low in just world belief. Thus, women who have a strong need to believe in a just world tend to hold ambiguous attitudes towards members of their in-group (women) when one of those individuals threatens the fairness of the social system. Thus, in this situation, the need for a stable, rational system trumped these women's needs for group based self-esteem.

Using an experimental paradigm, Haines and Jost (2000) manipulated the extent to which a group of students possessed power and legitimacy to judge another group of students and found that less powerful groups had stronger acceptance and more positive stereotypes about the judges when the judges were powerful and legitimate. Specifically, researchers informed college students from Hunter College that students from Brooklyn College would either complete the same task as the Hunter College group or would judge how successful the Hunter College students were at their task to determine whether the Hunter College students would continue in the study. Here, the Brooklyn students either possessed or did not possess power over the Hunter students. The experimenters either gave the Hunter College students a legitimate explanation, that the Brooklyn College students had experience within the specific task, or an illegitimate reason, that the lead

investigator had received his degree from Brooklyn College and had picked the Brooklyn students because he knew them, or no reason at all. Regardless of whether the reasons were legitimate or not, participants had greater positive affect when given any reason for why Brooklyn students would judge them and they rated the Brooklyn students as more responsible and intelligent (i.e. positive stereotypes) when they had power over the Hunter participants (Haines & Jost, 2000). Furthermore, in comparison to those with no explanation, participants with an explanation believed that the Brooklyn students had a right to judge them on their task (again, regardless of legitimacy). Finally, within the powerful condition, participants (regardless of the reason condition) were more likely to remember that they had received legitimate reasons for why the Brooklyn students would be judging their completed task. Thus, when group dominance is manipulated, individuals are likely to not only engage in stereotyping to justify the power differential, but also misremember the reasons for the power differential as being more legitimate than they actually are. Jost and Burgess found similar results when they manipulated the status of different groups of university alumni (2000). Thus, it appears that simply being in a more powerful position within the system can give the high status group greater legitimacy and maintain the system itself.

### **Alternative Theories**

Alternative theories, such as dehumanization theory, social dominance theory, and stereotype content model, explain aspects of sexual minority stigmatization, but do not account for the marriage and housing discrimination towards LGBT populations. Sexual minority stigmatization involves the belief that sexual minorities are morally wrong, immature, criminal, sick, and less worthy than heterosexuality or at least, less than

optimal (Geiger, 2014; Herek, 2004, 2007; Herek et al., 2009). Dehumanization involves denying to another human being aspects of humanness (Bastian, Denson, & Haslam, 2013; Haslam, 2006). Although there are two forms of dehumanization (animalistic and mechanistic), based upon sexual minority stigma, the animalistic form of dehumanization appears to apply to sexual minority stigmatization (Haslam, 2006; MacInnis & Hodson, 2012). Animalistic dehumanization involves denying to others uniquely human (UH) traits, such as “cognitive sophistication, culture, refinement, socialization, and internalized moral sensibility” (Haslam, 2006, p. 256; Haslam & Loughnan, 2014; Leyens, 2009). Mechanistic dehumanization involves denying traits involving human nature (HN), such as emotional responsiveness, interpersonal warmth, cognitive openness, agency, individuality, and depth (Haslam, 2006; Haslam & Loughnan, 2014). Others see animalistically dehumanized individuals as immature, driven by their desires, and immoral or amoral, whereas others see mechanistically dehumanized individuals as inert, cold, rigid, passive, and superficial (Haslam, 2006). Animalistic dehumanization explains the hierarchical categorization that differentiates heterosexual and sexual minority groups (as sexual minority individuals are seen as less than heterosexuals) as well as the disgust felt by some heterosexuals towards sexual minorities because denial to the outgroup uniquely human features, such as sophistication, maturity, and morality, allows in-group members to distance themselves from their own animalist nature by casting it onto the outgroup (Balzer & Jacobs, 2011; Cunningham, Forestell, & Dickter, 2013; Embrick, Walther, & Wickens, 2007; Haslam, 2006; Inbar, Pizarro, Knobe, & Bloom, 2009; Lyons, 2006; MacInnis & Hodson, 2012; Zeichner & Reidy, 2009).

However, only one study of dehumanization investigated whether individuals ascribe different levels of uniquely human and human nature traits to others based upon sexual orientation (MacInnis & Hodson, 2012) and found that, although undergraduate students were more likely to ascribe uniquely human *traits* to heterosexuals than homosexuals (indicating animalistic dehumanization), undergraduates were more likely to ascribe uniquely human *emotions* to homosexuals than heterosexuals (indicating a lack of animalistic dehumanization). Thus, the current understanding of dehumanization may not fully accommodate different aspects of sexual minority stigma.

Other obstacles exist in applying dehumanization to sexual minority stigma. As Haslam (2006; Leyens, 2009) states, animalistic dehumanization requires the dominant group to view the minority group in essentialist terms, i.e. it is categorically different from the majority. Therefore, the trait that distinguishes the two groups must be stable. From an equal protection perspective, then, animalistic dehumanization cannot fully explain disparate treatment of sexual minority members because lack of immutability (i.e. the theory that sexual minorities can choose to be heterosexual through behavioral modification) remains a cornerstone for denying suspect and quasi-suspect class status based upon sexual orientation (Conaway, 2007; Equality Foundation, 1995; High Tech Gays, 1990; Jackson, 2012; Woodward, 1989). Another problematic aspect of using animalistic dehumanization to explain sexual minority treatment is that it does not readily provide predictions for what happens when dehumanized individuals assert their humanity. From a dehumanization perspective, when sexual minorities fight for marriage and housing rights they claim ownership of uniquely human traits by seeking access to institutions that, in society, signal maturity (i.e. the responsibility of becoming a part of a

family and home ownership or rental) (Haslam, 2006). Although animalistic dehumanization helps to explain the content of sexual stigma and the reactions of some heterosexual individuals toward sexual minorities, it does not provide guidance for how the majority group will react when the minority group claims ownership of uniquely human traits and attempts to shake off their dehumanized treatment.

Similar to system justification, social dominance theory concerns the maintenance of hierarchical systems by individuals in dominant and subordinate groups (Bahns & Crandall, 2013; Lee, Pratto, & Johnson, 2011; Pratto et al., 1994; Sidanius, Devereux, & Pratto, 1992; Sidanius & Pratto, 1993; Sidanius, Pratto, Martin, & Stallworth, 1991). Both at the institutional and individual level, discrimination against the subordinate group and its members creates a stable social system with the dominant group at the top of the hierarchy. To maintain the hierarchical status quo and reduce inter-group conflict, societies create legitimizing myths, which can be any set of beliefs, values, attitudes, or opinions that provide legitimacy for the superior position of a dominant group within society, thereby resulting in differential distribution of power and resources (Pratto et al., 1994; Sidanius et al., 1992; Sidanius & Pratto, 1993; Sidanius et al., 1991). In terms of theory, then, social dominance theory resembles system justification theory in that both theories focus on how hierarchical systems are maintained through ideologies (whether called legitimizing myths or system justifications).

One interesting difference between the theories involves the focus of social dominance theorists on an individual difference variable, i.e. social dominance orientation (SDO) (Bahns & Crandall, 2013; Lee et al., 2011; Pratto et al., 1994; Sidanius & Pratto, 1993). SDO involves the extent that an individual desires their in-group to hold

power over other groups within a hierarchical social system (Pratto et al., 1994). Although research suggests that dominant group individuals display greater levels of SDO, there should be variation in SDO within the dominant group (Lee et al., 2011). How, then, does one account for the large percentages by which anti-marriage equality legislation passed in states that held referendums and ballot initiatives? For example, 59% of Michigan voters (*DeBoer*, sixth circuit, 2014), 74% of Kentucky voters (*DeBeor*), 62% of Ohio voters (*DeBoer*), 80% of Tennessee voters (*DeBoer*), 69% of Hawaii voters (*Jackson*, 2012) all voted to ban same-sex marriage. Does a high level of SDO account for the decisions of the majority of the voting populaces within these states? It is unlikely, that the all those who voted against same-sex marriage are at the highest levels of SDO. Although social dominance theory may provide theoretical guidance in understanding sexual minority discriminatory treatment, SDO, a trait-like concept, cannot account for the majority of individuals who voted for marriage bans. By ignoring the importance of situational variables, such as the anxiety created by the threat of allowing same-sex couples to marry, social dominance theory provides only a limited understanding of sexual minority stigma.

Another possible theoretical explanation for sexual minority stigma, stereotype content model involves the use of two dimensions (warmth and competence) to explain the stereotypes held about different groups within society (Brambilla, Carnaghi, & Ravenna, 2011; Clausell & Fiske, 2005; Fiske, 2012; Fiske, Cuddy, Glick, & Xu, 2002). Individuals experience feelings of warmth based upon the intentions of others (i.e. do they intend to harm or help?) and make appraisals of competence based upon the status of others (i.e. does their status indicate that they have the ability to carry out their

intentions?) (Brambilla et al., 2011; Fiske, 2012). Individuals ascribe differing levels of warmth and competence to groups, thereby resulting in specific stereotypes for those groups in a 2 (Warmth: high vs. low) by 2 (Competence: high vs. low) matrix. People feel specific emotions according to the ascribed dimensions (i.e. high warmth/ high competence invokes admiration, high warmth/ low competence invokes pity, low warmth/ high competence invokes envy, and low warmth/ low competence invokes contempt) (Fiske, 2012; Fiske et al., 2002).

One problem involving the stereotype content model is that, in initial tests of the concept, gay men were viewed as neutral (i.e. participants did not view gay men as cold/warm or competent/incompetent) (Fiske et al., 2002). Given the well-documented stigma held towards gay men and other members of sexual minorities, this finding is extremely suspect (Brown & Henriquez, 2008; Eagly, Diekmann, Johannesen-Schmidt, & Koenig, 2004; Herek, 2000, 2002, 2004, 2007; Herek & Gonzalez-Rivera, 2006). Clausell and Fiske (2005) attempted to remedy this problem by focusing on potential subgroups within the gay, male population. The researchers had undergraduate participants create gay, male subgroups according to how “most Americans” view gay men. Forty undergraduate students then rated the ten gay, male subgroups along the competence and warmth dimensions. The researchers found that the ten subgroups divided into three clusters representing high warmth/ low competence (HW/LC, i.e. flamboyant and feminine subgroups), low warmth/ high competence (LW/HC, i.e. artistic, body-conscious, in the closet, straight-acting, activists, and hyper-masculine subgroups), and low warmth/ low competence (LW/LC, i.e. cross-dressed and leather/biker subgroups). As hypothesized, the stereotypes assigned to the HW/LC and



the LW/HC groups tended to match gender stereotypes of femininity and masculinity, respectively. Similarly, studies on perceptions of lesbians indicate the likely presence of subgroups that account for different stereotypes (Brambilla et al., 2011; Geiger, Harwood, & Hummert, 2006).

According to stereotype content model, a group's status should predict competency beliefs regarding that group and a group's intention to compete or cooperate should predict subjective warmth, e.g., those who have a high status appear as competent and those who intend to compete could take valuable resources, thereby leading to feelings of envy (Fiske et al., 2002). These social structural variables are the reasons that individuals stereotype members of outgroups (Clausell & Fiske, 2005). Although Clausell and Fiske (2005) studied beliefs about gay men and found that competence and status were related, they also found that cooperation was not related to warmth, indicating that the status of gay men but not their warmth level determined the cultural stereotype. Brambilla and colleagues (2011) found that status related to competence and cooperation related to warmth for the lesbian subgroups that participants rated high in these dimensions (i.e. feminine, outed, and butch lesbians for competence and feminine and outed lesbians for warmth), but competition did not relate to warmth. This finding indicates that perceived group competition, a key social structural variable within the stereotype content model, does not affect stereotypes held towards lesbians.

These findings call into question whether the stereotype content model accounts for all of the aspects of sexual minority stigma. As Herek (2004, 2007) noted, sexual majorities stigmatize sexual minorities as immoral, immature, criminal, and sick, and the concept of sexual minority itself is less than heterosexual, less than optimal and negative

in valence (see also Herek et al., 2009). Immaturity, sickness, and being less than others could, potentially, be aspects of status such that the majority culture sees some subgroups of sexual minorities as being incapable of achieving their goals. Thus, unable to achieve their goals, sexual minorities could be incompetent. Immorality, criminality, and negative valence could be aspects of a lack of cooperation (though, not necessarily competition), thereby resulting in neutral or cool feelings. How then to account for the finding that only two subsets of gay men (cross-dressed and leather/biker) inhabited the low-neutral warmth/ low competence quadrant within the stereotype content model (Clausell & Fiske, 2005)? Furthermore, participants attributed to two subgroups of gay men (i.e., the flamboyant and feminine) great warmth (though, low-neutral competence) and to six subgroups (artistic, in the closet, activist, straight-acting, body-conscious, and hyper-masculine) great competence (with lower warmth than the flamboyant and feminine groups). According to stereotype content model, heterosexual individuals should envy those within the six subgroups who are competent and pity those within the two subgroups towards whom they feel warmth. In addition, Brambilla and colleagues (2011) found that heterosexual participants viewed feminine and outed lesbians with high warmth/ high competence (which should arouse admiration), butch lesbians with low warmth/ high competence (which should arouse envy), and closeted lesbians with low warmth/ low competence (which should arouse contempt). Although anger, fear, and disgust have been linked to perceptions of sexual minorities, little empirical research shows that heterosexual individuals express envy, pity, contempt, or admiration towards sexual minorities (Balzer & Jacobs, 2011; Cunningham et al., 2013; Embrick et al., 2007; Inbar et al., 2009; Lyons, 2006; Zeichner & Reidy, 2009). In short, applying stereotype

content model to the stereotypes that people hold about lesbians and gay men falls short of explaining the sexual stigma that appears to motivate the opponents to same-sex marriage or fair housing for LGB individuals. Thus, although stereotype content model, like dehumanization and social dominance theory, may contribute to the understanding of sexual minority stigma, the theory does not account for other aspects of sexual minority stigma within the context of marriage and housing equality.

### **Threatening the Status Quo and System Justification Theory**

On the other hand, viewing efforts of the sexual majority (and perhaps the sexual minorities themselves) to defend the status quo against threat through system justification theory offers a promising approach to explain discrimination against sexual minorities. Threatening the status quo creates a motivation to defend the current system (Brescoll et al., 2013; Hafer, 2000; Jost, Blount, Pfeffer, & Hunyady, 2003; Jost & Hunyady, 2005; Jost et al., 2005; Kay, Gaucher et al., 2009; Kay et al., 2005; Lau, Kay, & Spencer, 2008). Defense of the current system involves endorsing rationalizations (i.e. stereotypes) that justify the need for the system. For example, Brescoll, Uhlmann, and Newman (2013) had Americans read a news story that stated that their fellow citizens either believed the US was at a new low point (system threat condition) or was stable (system affirmation condition) according to political, social, and economic indicators. Participants then rated the extent to which they agreed with gender-related items, some of which were system-justifying (e.g., biological essentialism) and some of which were not system-justifying (e.g., average physical differences between men and women). Biological essentialism explains the current gender dominance (i.e. of men holding a higher status than women) by insisting that there are differences between the genders (men and women) that emerge

from innate and immutable biological causes. Biological essentialism maintains the current status quo of gender dominance by providing a rationale for women occupying lower social and economic positions because men and women are better suited to the dominant or submissive role, respectively. Thus, men succeed more within business not because of social systems that maintain their dominance, but because men are naturally better at the tasks involved within the business world.

Within the context of system justification theory, biological essentialist beliefs represent stereotypes that rationalize the current power structure. Beliefs in biological essentialism and immutability (i.e. that gender differences will not change) were greater in the system threat condition compared to the other groups (Brescoll et al., 2013). Importantly, there were no differences between conditions in beliefs in basic, non-system-justifying gender attributes. Further, inducements of uncertainty (in general) did not lead to greater endorsement of system-justifying stereotypes. These results indicate that system threat activates only those beliefs that maintain the status quo and that they are activated within the specific domain of system justification to which the threat pertains (i.e. uncertainty, in general, is not enough to activate these beliefs). Furthermore, giving individuals an explicit opportunity to express their disagreement with the author who threatened the system decreased participants' need to justify the status quo, leading to biological essentialist beliefs that were the same as in the system affirmation condition.

In a second study, Brescoll and colleagues (2013) used the same system threat manipulation (i.e. the authors threatened the current system by having participants read a news story discussing how their country was currently in a low state in terms of social,

political, and economic factors) as in their previous study, but gave participants the opportunity to disagree with the author by rating the extent that they believed the author was ignorant, biased, unfair, and inaccurate. The authors hypothesized that giving participants ways to defend the system would lessen their need to endorse biological essentialist beliefs for gender differences. As expected, participants in the system threat condition were more likely to endorse a biological essentialist justification for gender differences than participants in either the system affirmation or explicit disagreement condition, who did not differ in their endorsement of essentialist beliefs. Thus, it appears that discrediting the threat to the system reduced the motivation to justify the current system.

Brescoll and colleagues' research matches Henry and Reyna's (2007) earlier work, which found that only those individuals who believed that gay people violate traditionalism (as opposed to individualism) were significantly less likely to support gay marriage. Henry and Reyna asked undergraduate, psychology students and community members the extent to which they would vote for legalizing same-sex marriage to give same-sex couples the same benefits as heterosexual couples and the extent to which they would vote for California (their state) to recognize same-sex marriages from other states and countries. Participants also completed abstract measures of the importance of individualism and traditionalism, as well as specific, judgmental expressions of individualism and traditionalism within the context of gay people. The items that tapped into gay individualism measured the extent to which participants believed that gay people support putting forth effort to get ahead, being self-reliant, and the importance of working hard in life. On the other hand, the items representing gay traditionalism measured the

extent to which participants believed that gay people support the importance of family, the value of raising children appropriately, and maintaining “traditional” relationships. First, participants saw gay people as violating traditionalism more than individualism. Moreover, while beliefs that gay people violate traditionalism did predict gay marriage opposition, beliefs in traditionalism (in general) did not significantly predict opposition to gay marriage. Both the Henry and Reyna (2007) study and the Brescoll and colleagues (2013) study suggest that threats toward the status quo motivate individuals to attempt to maintain specific, relevant systems. This tendency will be explored in the current study by asking participants whether they support a ballot initiative in the specific contexts of housing and marriage equality. For marriage equality, the current study presents a unique opportunity to observe the effect of threat when the status quo becomes uncertain.

The system justification response to system threat leads to complementary stereotyping of high and low status groups and to both victim derogation and enhancement (Jost, Kivetz, Rubini, Guermendi, and Mosso, 2005; Kay, Gaucher et al., 2009; Kay et al., 2005; Lau et al., 2008). Jost et al., (2005) investigated whether issuing a system threat to Israeli citizens would trigger complementary stereotypes regarding the high-status Ashkenazim and low-status Sephardim for traits of agency and communality. This hypothesis draws from previous research that demonstrates a tendency to endow high-status groups with agency, achievement-motivation, competence, and self-profitability dimensions and low-status groups with communality, socioemotional-motivation, warmth, likeability, morality, and other-profitability dimensions (Conway, Pizzamiglio, & Mount, 1996; Eagley & Steffen, 1984; Glick & Fiske, 2001b; Hoffman & Hurst, 1990; Jost, Burgess, & Mosso, 2001; Jost & Kay, 2005; Locke, 2003; Peeters &

Czapinski, 1990; Poppe & Linssen, 1999; Ridgeway, 2001; Rosenberg & Sedlak, 1972).

In addition, system justification theory suggests that threat should result in endowing high-status groups with characteristics allowing them to achieve power while at the same time endowing low-status groups with characteristics unrelated to achieving power, yet still positive in valence. This process serves to maintain the status quo of high-status group dominance. When the system is threatened, if people endowed low-status groups with agency, those groups would be more likely to question the current status quo (because it places their group in a state of disadvantage) and, potentially, topple the current regime. Therefore, the stereotypes of low-status groups compensate their members by endowing them with positive characteristics that are unrelated to power. To the extent that threatening the status quo creates anxiety within the individual, they should be more likely to endorse these complementary beliefs.

Consistent with system justification theory, Jost and colleagues (2005) found that both the Ashkenazim and the Sephardim were more likely to believe that Ashkenazi Jews have greater achievement-related traits and agency and that Sephardic Jews have greater socioemotional traits and communality when they read about a threat to the system in Israel. An important aspect of this study is that the low-status group was endowed with positive traits in a domain that was irrelevant to the system that was threatened (i.e. when Israel was thought to be struggling politically and economically, the Sephardim were rated as communal in nature). According to Kay, Jost, and Young (2005), when the system is under threat, individuals enhance high-status groups in ways that are related to the system, but derogate them on unrelated traits (e.g., the rich are competent, but cold) and derogate low-status groups in ways that are related to the system, but enhance them

on unrelated traits (e.g., the poor are incompetent, but warm) (2005; see also Jost & Burgess, 2000). Thus, Kay et al. (2005) found that, in conditions of high system threat, powerful people were thought to be independent and intelligent (but not happy) and overweight people were thought to be lazy (but more sociable). In the current study, participants who experience system threat may endorse “positive” sexual minority stereotypes in ways unrelated to system threat, at the same time, maintaining the current system of hierarchical status by voting against marriage and housing equality measures.

Because the stereotypes endorsed by individuals during times of system threat tend to increase support for those in high-status positions, system threat leads to greater maintenance of the current system (e.g., the powerful are intelligent and independent; therefore, they should be trusted to lead). This trusting in the status quo extends beyond what is (i.e. the current status quo) to what should be (i.e. the future status quo) (Eidelman, Crandall, & Pattershall, 2009; Kay, Gaucher et al., 2009). Kay, Gaucher, and colleagues (2009) have termed this belief injunctification (i.e. that which is, constitutes what should be because it is the best version of the world. Kay, Gaucher, and colleagues utilized a 2 (condition: threat vs. no threat) by 2 (status quo: high inequality vs. low inequality) between-subjects design to investigate whether women would injunctify the current status quo. Half of the participants read that Canada (their country) was experiencing an economic and social downturn, whereas the other half did not. For the status quo manipulation, one of two data sets were given to that described the gender composition of CEOs in Canada’s top Fortune 500 companies. Although men were shown as more common in both conditions, the relative gender disparity varied (i.e. there was either high or low inequality between the genders). The authors then asked



participants whether the number of men and women in upper management positions should be equal or unequal. The researchers found that participants in the high threat condition were more likely to say that there should or should not be more women in business according to what the status quo was for their condition (i.e. women who were told there were not many female CEOs in business were less likely to believe that there should be more women in business than women who were told that there were many female CEOs in business) (Kay, Gaucher et al., 2009). In contrast, when no threat was present, the women in the two status conditions were not significantly different in their belief of whether women should be in business. Extrapolating to the context of same-sex marriage, injunctification may explain part of the “traditional” and definitional rationalizations for heterosexual-only marriage in that this form of marriage may be seen as what should be because it encompasses the current status quo under conditions of threat.

### **Likelihood of Becoming the Status Quo: The Tipping Point**

Maintaining the status quo takes on a dynamic aspect in that, when change to the status quo seems likely, thereby establishing a new status quo, individuals are likely to desire the new status quo (Eidelman et al., 2009; Kay, Jimenez, & Jost, 2002). Once individuals have accepted that a new state of affairs will be the status quo, they will engage in rationalizations that defend it. The shift in rationalization occurs when individuals are motivationally involved in the outcome, i.e. the outcome is important to them. Kay, Jimenez, and Jost (2002) found that undergraduate students would rationalize only those outcomes that were highly important to them (2002). However, likelihood of the outcome occurring moderated this effect such that the less likely a positive event (i.e.

a tuition decrease) was to occur, the less participants desired the event, and the more likely a negative event (i.e. a tuition increase) was to occur, the more participants desired it.

Kay and colleagues also found this “sour grapes” and “sweet lemons” aspect of likelihood in motivated contexts in the days prior to the Bush-Gore 2000 presidential election (2002). As the polls predicted the vote totals for the candidates to be very close, the election provided an ideal setting to test the effect of likelihood on rationalization of the status quo. The authors manipulated the likelihood that each candidate would win (using the conclusions of “experts”), then asked each community participant how desirable it would be for each candidate to win and their own political affiliation. For both Republicans and Democrats, as the probability of their preferred candidate winning became less likely, participants found that candidate to be less desirable (i.e. “sour grapes” rationalization). Similarly, for both Republicans and Democrats, as the probability of their non-preferred candidate winning became more likely, participants found that candidate to be more desirable (i.e. “sweet lemon” rationalization). In contrast, the nonpartisans, Independents, and undecided did not engage in any form of rationalization (i.e. their desirability of each candidate did not depend upon likelihood of election). Although Kay, Jimenez, and Jost (2002) found motivation to be very important to the activation of rationalizations for the new status quo, Eidelman, Crandall, and Pattershall (2009) found that the mere existence of a phenomenon (or, status quo) is enough to make individuals desire it. Future research will need to investigate further when the likelihood of a new status quo is enough to trigger rationalizations and when participants require additional motivation regarding the status quo.

As marriage remains important to most individuals within the US, individuals should be motivated to defend it when they believe it is threatened (Campbell & Wright, 2010; Cherlin, 2004; Lewis, 2006, Poritz, C.J., concurring and dissenting; Thornton & Young-DeMarco, 2001). However, as the inclusion of same-sex couples within the construct of marriage becomes more likely to be the status quo, individuals should become more likely to support marriage equality and should develop rationalizations to justify the new status quo. Therefore, the current study provides a unique opportunity to study the effect that the emergence of a new status quo has on beliefs.

### **System Justification Theory within the Sexual Minority Context**

System justification theory, as defined above, involves the active maintenance of current status quos through the use of rationalizations (Jost & Banaji, 1994; Jost et al., 2004). When applied within the context of sexual orientation, people use stereotypes of sexual minorities to maintain the power and dominance of the sexual majority (i.e. heterosexual or “straight” individuals) and to keep the current system of heterosexual dominance in place (Herek, 2004). According to Herek and Garnets (2007), both homosexual and heterosexual behaviors have existed within human cultures for centuries, but the terms “homosexuality” and “heterosexuality” did not appear in academic or popular discourse until the mid to late 1800s (Herek & Garnets, 2007; see also Dynes, 1990; Katz, 1995). The concept of sexual orientation as defined by the sex to which one is attracted did not gain traction within psychiatry until Freud defined homosexuality in his *Three Essays on the Theory of Sexuality* (Freud, 1953/ 1905; Herek & Garnets, 2007).

Mental health professionals initially classified Homosexuality as a sociopathic personality disturbance in the *Mental Disorders: Diagnostic and Statistical Handbook*

(i.e. the *Diagnostic and Statistical Handbook of Mental Disorders* (DSM)) in 1952. Homosexuality remained on this list of disorders until 1973 (American Psychiatric Association, 1952; Herek, 2007, 2008; Herek & Garnets, 2007). The change in diagnosis categories came after researchers challenged the notion that the prevalence of psychological disorders within a population (i.e. sexual minorities) supported the existence of symptoms of the underlying pathology of same-sex attraction and behavior (Herek & Garnets, 2007; see also Gonsiorek, 1991; Riess, 1980). Studies that did seem to show same-sex attraction as a pathology had methodological problems, such as sampling biases (Herek & Garnets, 2007; see also Gonsiorek, 1991; Hooker, 1957; Kinsey, Pomeroy, & Martin, 1948; Kinsey, Pomeroy, Martin, & Gebhard, 1953; Riess, 1980). However, although most psychiatrists and clinical psychologists have renounced the view that homosexuality is a pathology, the belief that sexual minority individuals have a pathology still permeates popular discourse (Herek, 2002, 2004; Herek & Garnets, 2007; Herek, Gillis, & Cogan, 2009).

The belief that sexual minorities have a pathology is one aspect of the larger concept of sexual stigma, which involves the knowledge that society considers homosexuality as a whole, to be morally wrong, negative, immature, criminal, pathological, and less than heterosexuality or less than optimal (*Geiger*, 2014; Herek, 2004, 2007, 2008; Herek et al., 2009). According to Herek (2004), stigma involves an “enduring condition or attribute...[that] is not inherently meaningful”, but, through social interaction with the larger society, gains a negative meaning (p. 14; Herek, 2008; see also Goffman, 1963; Jones, Farina, Hastorf, Markus, Miller, & Scott, 1984; Link & Phelan, 2001). The negative valuation of the attribute involves shared knowledge throughout

society (Herek, 2008). Finally, the stigma completely represents the individual who has it, such that, in the eyes of others, this one characteristic subsumes the person's entire identity. In other words, the person is no longer an individual with a disliked or disapproved aspect of their identity, but rather, the stigmatized person only exists in terms of the stigmatizing identity. For example, in terms of sexual stigma, the sexual orientation of a sexual minority person engulfs the individual's identity, such that others may see the individual only as a gay person, rather than as a complete human being for whom sexual orientation is merely one aspect of identity. The stigmatization of a group results in a power differential whereby the non-stigmatized group has a higher status and dominates the lower status, subordinate, stigmatized group (Herek, 2000, 2004, 2007, 2008; Herek et al., 2009). Sexual stigma represents the antipathy that society holds toward the non-heterosexual (Herek, 2004, 2008; Herek et al., 2009). Heterosexism, i.e. "beliefs about gender, morality, and danger by which homosexuality and sexual minorities are defined as deviant, sinful, and threatening", sustains sexual stigma by providing rationales that support the system of heterosexual dominance (Herek, 2004, p. 15; Herek, 2008). According to Herek, heterosexism and sexual stigma become part of the individual when they hold a negative, lasting attitude towards sexual minorities (i.e. sexual prejudice) (2004; 2008). This attitude, then, has the potential to influence that individual's future behaviors and actions. In the language of system justification theory, heterosexual dominance within society represents the status quo.

Although sexual minority treatment fits well within the system justification framework, researchers have conducted little research applying system justification theory to explain sexual minority stigma. Pacilli, Taurino, Jost, and van der Toorn (2011)

investigated whether internalized homophobia and system justification affected the views of same-sex and heterosexual parenting in Italian gay men and lesbians. As expected, the more participants justified the current system, the less competent they believed same-sex parents to be. Interestingly, this finding was qualified by an interaction in which system justification beliefs did not affect the beliefs of lesbians (who thought that same-sex parents were more competent than heterosexual parents, overall), but was a significant factor for gay men. Specifically, gay men who had greater system justification beliefs were more likely than gay men who had lesser system justification beliefs to think that same-sex parents were less competent parents.

Similarly, Jost, Banaji, and Nosek (2004) explored whether gay and lesbian respondents were less likely to show in-group favoritism than heterosexual respondents using both implicit (Implicit Association Test (IAT), Greenwald, McGhee, & Schwartz, 1998) and explicit (feeling thermometer) measures. The feeling thermometer measures how warmly or coolly a respondent feels towards a group of people by having the respondent give that group a temperature between 0 and 100 degrees and a number of defining characteristics. The IAT asks participants to categorize words that flash onto a computer screen by pressing one of two keys on a keyboard when the word falls within the overall category (e.g., gay v. straight). Categories (or groups) are then paired with positive and negative words (e.g., participants must press one key if either a “good” word or a “straight” word/ image appears on the screen and must a different key if either a “bad” word or a “gay” word/ image appears on the screen). Participants have implicit biases if they can more quickly pair certain categories and valenced words (i.e. faster categorization of straight/ good words and gay/ bad words than straight/ bad words and

gay/ good words). Jost and colleagues (2004) found that, although straight respondents showed in-group favoritism on both the implicit and explicit measures, lesbians and gay men only showed comparable in-group favoritism on the explicit measure. Although the sexual minority respondents did show slight in-group favoritism on the implicit measure, over a third (37.5%) showed outgroup (straight) favoritism.

Although Pacilli et al.'s study (2011) and Jost et al.'s study (2004) showed the negative effects that being a member of a sexual minority can have on one's attitudes about the self (both consciously and unconsciously), both studies focused upon the harm caused by being members of a subordinate group. Neither study examined how the majority group stigmatizes the minority group to retain the status quo, a key aspect of system justification theory. In fact, only Pacilli and colleagues' study (2011) shows actual system justification (through rationalizations against same-sex parents that maintain the current heterosexual-only dominant parenting scheme). Although Jost et al. (2004) showed a relationship between both implicit and explicit measures and conservatism, such that sexual minority individuals who were conservative tended to show a pro-straight/ anti-gay outgroup bias, the authors did not measure the extent that these individuals endorsed system justifying rationales to support the current system. Although their findings show a relationship between conservatism and anti-gay bias, the research failed to examine support for the status quo, which would explain the reason that the subordinated outgroup that prefers the dominating in-group would also be conservative. Although conservatism may represent the system justifying rationale, there is no overall evidence that these individuals were more likely to support the status quo than their more liberal, less conservative sexual minority counterparts.

Furthermore, neither study focuses on how the majority group creates rationalizations that justify the current system of dominance. As the group in power, why would the dominant, heterosexual majority group feel the need to stigmatize the subordinate, sexual minority group? How and when does the majority group feel threatened by the minority group? How would researchers know whether system justification actually explains the disparate treatment experienced by gays and lesbians? The current research will address these gaps in the system justification literature by systematically varying the threat posed by sexual minority individuals in two different contexts (marriage and housing equality) and measure the extent that majority members feel the need to support the status quo, and the extent that they endorse rationales that support the status quo.

**Marriage equality: Understanding the impact of system justification.**

Whereas heterosexual individuals can marry the persons of their choice, sexual minorities, prior to the Supreme Court ruling in *Obergefell* (2015), in many jurisdictions, could not do the same (HRC, 2015). Research suggests that some members of the dominant sexual orientation group (i.e. heterosexual individuals), may be more inclined to deny marriage opportunity to lesbians and gay men to maintain the status quo (Brumbaugh, Sanchez, Nock, and Wright, 2008). To investigate marriage attitudes, Brumbaugh, Sanchez, Nock, and Wright (2008) conducted telephone surveys with 976 adults from Arizona, Louisiana, and Minnesota between 1998 and 2000, asking them about their attitudes about same-sex marriage, covenant marriage, divorce, religion, politics, and society. Interestingly, the researchers found that heterosexual individuals who are against same-sex marriage are significantly more likely to hold conservative



views regarding divorce and believe that covenant marriages (i.e. marriages that require marriage counseling prior to entry and only allow fault-based divorce) reinforce heterosexual marriage. Furthermore, married, heterosexual individuals who have children and who have never cohabitated are more likely to be against same-sex marriage than unmarried, heterosexual individuals, those who do not have children, and those who have cohabitated (Brumbaugh et al., 2008). Thus, in 2000 those who had a stake in the “traditional” (i.e. heterosexual, two-parent) marriage were likely to fight against allowing sexual minorities to marry (see also Henry & Reyna, 2007).

Supporting this system justification account, as marriage equality (i.e. same-sex marriage) has threatened the heterosexual monopoly on marriage, some heterosexual individuals have responded by passing measures intended to strengthen the current status quo (e.g., anti-same-sex marriage statutes and amendments) (*Bishop*, district court, 2014; *Geiger*, 2014; Henry & Reyna, 2007; *Kitchen*, district court, 2013; Wardle, 2005). For example, Oklahoma passed its anti-marriage equality amendment as a direct reaction to the Massachusetts Supreme Court marriage equality decisions, *Goodridge* and *In re Opinions of the Justices to the Senate* (2004) (*Bishop*, district court, 2014). Twelve states in 2004 passed anti-same-sex marriage amendments, likely as a reaction to *Goodridge* (Freedom to Marry, 2015). Similarly, after Multnomah County, Oregon, issued 3,000 marriage licenses to same-sex couples in 2004, Oregon’s voting populace amended its state constitution to only allow marriage for heterosexual couples (*Geiger*, 2014).

Those who oppose marriage equality rely upon negative stereotypes of sexual minorities and on a narrow meaning of marriage and family to justify the maintenance of the current system (*Bishop*, district court, 2014; *Bruning*, 2006; *DeBoer*, sixth circuit,

2014; *Geiger*, 2014; *Kitchen*, district court, 2013; *Lewis*, 2006; *Varnum*, 2009). Judges consider these rationales when deciding whether heterosexual couple only marriage legislation violates state equal protection and the Fourteenth Amendment's equal protection clause and substantive due process (*Baker*, 1971; *Bruning*, 2006; *DeBoer*, sixth circuit, 2014; *Goodridge*, 2003; *Hernandez*, 2006; *Jackson*, 2012; *Lewis*, 2006; *Sevcik*, 2012). For example, the court in *Jackson* focused on the state interests in promoting "traditional" (i.e. heterosexual) marriage, heterosexual procreation within marriage, heterosexual parenting as the "ideal" parenting, and being wary of social experimentation when they held that the state of Hawaii could rationally withhold marriage from same-sex couples (2012). Similarly, the US District Court for the District of Nevada also found that state interests promoting "traditional" marriage and heterosexual procreation within marriage were legitimate interests under rational basis scrutiny (*Sevcik*, 2012).

As discussed earlier, arguments for heterosexual couple only marriage that focus on traditional values and morality raise stereotypes as justifications that sexual minorities are morally wrong or of lesser value than heterosexual individuals (*Hernandez*, 2006, Kaye, C.J., dissenting; *Kitchen*, district court, 2013; *Lawrence*, 2003; *Lewis*, 2006, Poritz, C.J., concurring and dissenting). For example, proponents of Oklahoma's and Utah's anti-marriage equality amendments stated that the people of Utah needed the amendments to insure morality (*Bishop*, district court, 2014; *Kitchen*, district court, 2013). Similarly, being wary of social experimentation is code for the argument that same-sex marriage is wrong morally (*DeBoer*, district court, 2014; *Kerrigan*, 2008). Several courts held that these arguments were actually religious beliefs and, as such,

could not constitute legitimate state interests or could not constitute the state's only interests behind legislative enactment (*Geiger*, 2014; *Griego*, 2013; *Kerrigan*, 2008; *Lawrence*, 2003, O'Connor, J., concurring in the judgment; *Perry*, 2010; *Romer*, 1996; *Varnum*, 2009). These judges opined that promoting "traditional" marriage merely relies upon the history of discrimination (i.e. not allowing same-sex marriage because the state has never allowed same-sex marriage) as a rationale to justify continuing the discrimination (*Geiger*, 2014; *Hernandez*, 2006, Kaye, C.J., dissenting; *Kerrigan*, 2008; *Kitchen*, district court, 2013; *Lawrence*, 2003; *Lewis*, 2006, Poritz, C.J., concurring and dissenting; *Romer*, 1996).

Other state officials, not on the bench, defended heterosexual couple only marriages as a way of promoting the morality of the community and optimal relationships between couples and within families, using these justifications to define marriage as a heterosexual couple only institution (*Baehr*, 1993; *Bishop*, district court, 2014; *Bruning*, 2006; *DeBoer*, district court, 2014; *Goodridge*, 2003; *Lewis*, 2006, Poritz, C.J., concurring and dissenting; *Varnum*, 2009). For example, in *Lewis* (2006), *amici curiae* defended an anti-marriage equality law by stating that heterosexual couple only marriages created the ideal environment to raise children (Poritz, C.J., concurring and dissenting). These reasons constitute rationalizations rather than factual assertions because numerous studies have found little to no difference in child raising outcomes between families headed by heterosexual or same-sex couples (*Bostic*, fourth circuit, 2014; *Chiu*, 2007; *DeBoer*, district court, 2014; *Geiger*, 2014; *Gibson-Davis & Gassman-Pines*, 2010; *Griffin et al.*, 2000; *Harris et al.*, 1999; *Lonczak et al.*, 2007; *Perry*, 2010; *Roy & Raver*, 2014; *Turner et al.*, 2007; *United States v. Windsor*, Brief of the American

Psychological Association et al., as Amici Curia, 2013, p. 2695–2696). Promoting heterosexual-couple parenting as the “ideal” embraces the unfounded stereotype that sexual minorities are less than heterosexual individuals in terms of parenting abilities (*DeBoer*, district court, 2014; *Kitchen*, district court, 2013; *Lewis*, 2006. Poritz, C. J., concurring and dissenting). In classic system justification parlance, these rationalizations act as justifications to maintain the status quo of heterosexual dominance. Furthermore, these laws convey to sexual minorities and society the view that same-sex relationships and families have less worth than heterosexual couple relationships and families (*Bishop*, district court, 2014; *Geiger*, 2014; *Kitchen*, district court, 2013; *Lewis*, 2006, Poritz, C.J., concurring and dissenting; *Obergefell*, 2015; *Windsor*, 2013).

When defining the meaning of marriage, proponents of anti-marriage equality initiatives rely upon the false rationalization that the purpose of marriage is to produce offspring through a “natural” process that the state sanctions (*Baehr*, 1993, Heen, J., dissenting; *Baker*, 1971; *Bruning*, 2006; *DeBoer*, sixth circuit, 2014). The courts in *DeBoer* (district court, 2014) and *Goodridge* (2003) described how state officials and lower court judges, respectively, focused on “natural” procreation as an argument against the inclusion of same-sex couples within marriage. This definition of marriage ignores the US Supreme Court decisions that have held that the choice to procreate within marriage falls within a realm of privacy into which the state cannot intrude (*Griswold*, 1965). If the choice of whether or not to procreate within marriage is private, then it cannot be a necessary aspect of marriage, nor can it be the sole purpose of marriage (*Bishop*, district court, 2014; *Geiger*, 2014; *Goodridge*, 2003). If funneling procreation were the only purpose of marriage, then the state would need to deny other couples who

cannot procreate “naturally” the ability to marry (*Bishop*, district court, 2014; *Geiger*, 2014; *Goodridge*, 2003; *Varnum*, 2009). In fact, as Senior District Judge Friedman noted, none of the states have ever made procreative capacity or desire a requirement for marriage (*DeBoer*, district court, 2014). Importantly, the US Supreme Court held that prison inmates, who lack the ability to procreate due to their confinement, still possessed a fundamental right to marry that the state could not infringe upon without a narrowly structured scheme intended to promote compelling state interests (*Turner*, 1987). The equivalent logic applied to marriage equality would create a fundamental right for gays and lesbians that would require a strict scrutiny test to overcome.

Promoting heterosexual procreation within marriage highlights the potential “unnaturalness” of same-sex parenting, as it cannot occur without reproductive assistance or adoption (*Sevcik*, 2012). In addition, as stated in *Goodridge* (2003), it marks same-sex relationships as “inherently unstable and inferior to opposite-sex relationships and [as] not worthy of respect”. As states do not and, according to *Griswold*, cannot forbid individuals from marrying on the basis of ability or desire to procreate, the concept of marriage as only a vehicle for insuring “natural” procreation appears to be an unjustified rationalization that people endorse as a justification to maintain the current system (*Goodridge*, 2003). If states do not have a legitimate state interest in procreation within marriage, yet rely on this purported interest to withhold marriage from same-sex couples, then states appear to be rationalizing disparate treatment of a minority group to maintain the current social system (i.e. heterosexual-only marriage). Indeed, some courts have ruled anti-marriage equality statutes and amendments to be constitutional by using anti-marriage equality proponents “natural” procreation rationales to justify their rulings

(*Bruning*, 2006; *Jackson*, 2012; *Obergefell*, 2015, Roberts, C.J., dissenting; *Sevcik*, 2012).

Other courts that have upheld anti-marriage equality statutes and amendments have stated that the sexual minorities or couples do not constitute a suspect or quasi-suspect class because their traits are not necessarily immutable (*Sevcik*, 2012). The lack of immutability argument draws upon stereotypes of immorality, immaturity, and pathology endorsing the view that, if the sexual minority individual only chose to be heterosexual, then they could enjoy the rights held by the majority. This view hints that the sexual minority person deserves the stigma associated with their sexual orientation because they either choose to be immoral or choose to not seek help for overcoming their illness (*Dean v. District of Columbia*, 1995, Ferren, J., concurring in part and dissenting in part; *Kerrigan*, 2008). By defining sexual minorities as individuals who choose to behave in certain deviant ways, courts justify not treating sexual minorities as a suspect or quasi-suspect class, thereby excluding sexual minorities from marriage through the limited analysis that rational basis scrutiny affords (*Equality Foundation*, 1995; *High Tech Gays*, 1990).

#### **Housing equality: Application of system justification.**

Unlike marriage, there exists no fundamental right to housing (*Jaimes v. Toledo Metropolitan Housing Authority*, 1985; *Lindsey v. Normet*, 1972). However, the Fair Housing Act of 1968 (FHA) offers some protection to certain classes of individuals, which legislatures could ultimately extend to sexual minorities. While states have not passed anti-sexual minority housing measures akin to same-sex marriage bans, most have also not passed housing protection laws for sexual minority individuals (HRC, 2015).

Thus, landlords and rental agencies may discriminate against sexual minority individuals within the private housing sector in these states. However, after HUD ruled that sexual orientation is a protected class, HUD-funded housing companies may not discriminate against renters based upon sexual orientation (2012). Additionally, if private discrimination rests upon state action or the federal government fails to remedy HUD-funded housing companies' discriminatory actions, then sexual minorities may have a claim for Fourteenth Amendment equal protection violation (*Ex parte Virginia*, 1880; *Shelley v. Kraemer*, 1948; *Strauder v. West Virginia*, 1880; *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 1977; *Virginia v. Rives*, 1880). Finally, individual states may provide housing protection for sexual minorities under their own versions of the equal protection clause (HRC, 2015).

HUD protection, the Fourteenth Amendment equal protection clause, and state equal protection policies suggest that sexual minority individuals could have viable claims of housing discrimination, although no courts have ruled in favor of plaintiffs in anti-discrimination cases under these theories. Most importantly, if Congress extended the FHA list of protected classes to include sexual orientation, sexual minorities would enjoy protection from housing discrimination at the federal level. State and federal interests in not providing protection for sexual minorities are difficult to isolate given the lack of sexual orientation housing discrimination cases. However, the characterization of sexual minority civil rights (i.e. housing, employment, and public accommodations non-discrimination, as well as relationship equality rights) as "special rights" provides insight as to potential interests that housing equality opponents might invoke (Alexander, 2001; Blain, 2005; Conant, 2010; Hargis, 2000; Price, Nir, & Cappella, 2005; Rahman, 2004;

Sen & Morwitz, 1996). Specifically, some will likely characterize these civil rights as “special rights” and denounce them as undemocratic and as privileging sexual minority individuals above seemingly similarly situated heterosexual individuals (who are thought not to have access to the same rights) (Alexander, 2001; Blain, 2005; Hargis, 2000; Price et al., 2005; Rahman, 2004). For example, Blain (2005) analyzed the discourse used in the “no special rights” legislative initiative in Idaho in 1994, which if passed, would have prevented sexual minority rights protection. Initiative proponents described civil rights protective measures as “special rights” because the term implies that sexual minorities seek rights above those available to the “ordinary” citizen (Blain, 2005). Furthermore, beyond simply denouncing proponents of “special rights” as undemocratic and privileged, opponents of sexual minority civil rights often described civil rights campaigns as attacks on majority values, such as “traditional” (i.e. heterosexual) marriage and parenting (Alexander, 2001; Conant, 2010; Hargis, 2000; Rahman, 2004). Goldberg-Hiller and Milner (2003), pointed out that by labeling civil rights as “special rights” in pursuit of a “homosexual agenda”, opponents to civil rights legislation falsely delegitimize the true victims as individuals who place their own selfish needs above those of the majority (see also Alexander, 2001; Blain, 2005; Hargis, 2000).

By objecting to the cultural and moral norms of the majority, these transgressors serve as moral pollutants whom the majority must reject in order to preserve the community (Alexander, 2001; Blain, 2005; Goldberg-Hiller & Milner, 2003; Hargis, 2000). For example, in its campaign for passage of Amendment 2 (an amendment that denied sexual minority individuals basic civil rights protections in Colorado), Colorado for Family Values (CFV) described Amendment 2 as ensuring that “gays” continue to



have the same rights that all Coloradans already enjoy and that they would prevent them from procuring “special rights” (Alexander, 2001). In flyers it distributed to Coloradans, the CFV described “gays” as enjoying a more privileged status than “average” Americans, able to exert their influence on the political system. By focusing on the purported advantages sexual minorities already had (such as greater amounts of disposable income and ability to travel), CFV cast sexual minorities as a selfish and immature minority group dedicated to securing extra rights and privileges for themselves at the expense of others (Alexander, 2001). In fact, when asked for the reasons why they had voted for Amendment 2, 74% of individuals polled in Colorado stated that it was not because they disliked homosexuals, but because the voters disagreed with special rights.

The other, equally important reason that allowed the passage of Amendment 2 involved the rejection of homosexuality within the private sphere (especially private housing). Many voters feared gay and lesbian individuals would force their lifestyles upon the heterosexual majority in private areas such as rental housing, work environments, and public accommodations (Alexander, 2001). Thus, by rejecting sexual minorities as transgressors, Coloradans viewed themselves as protecting their right to their own moral code. In system justification terms, advocates of “special rights” threaten the heteronormative system by pursuing rights of equal footing to the heterosexual majority, i.e. the dominant group (Alexander, 2001; Blain, 2005; Hargis, 2000). Claims that sexual minorities are privileged and seek rights through an undemocratic process constitute system justifications. Similarly, denigrations of sexual minorities as selfish, immature, immoral, sick, and unnatural (i.e. the elements present in sexual stigma) also act as rationalizations for not granting sexual minorities equal rights

(Alexander, 2001; Blain, 2005; Conant, 2010; Goldberg-Hiller & Milner, 2003; Hargis, 2000). The current study explored these rationalizations, as well as the rationalizations used in the marriage equality context as potential system justifications.

## CHAPTER 3

### CURRENT RESEARCH: OVERVIEW

The current project investigated whether system justification theory explains the initial backlash against same-sex marriage and the change in marriage equality cases after the United States Supreme Court decision in *United States v. Windsor* (2013) and whether system justification theory could explain sexual minority housing discrimination. System justification theory posits that individuals are motivated to maintain the status quo, even if it is harmful, because maintaining and defending external systems decreases the personal anxiety and fear individuals have over the unpredictability of life (Jost & Banaji, 1994; Jost & Hunyady, 2005; Landau et al., 2006; Landau et al., 2004). When same-sex couples who wish to marry threaten that system, some heterosexual individuals may justify heterosexual-only marriage (i.e. the status quo) by creating or championing stereotypes regarding marriage and sexual minority individuals to rationalize their actions (i.e. justifying anti-marriage equality actions) (*Bishop*, tenth circuit, 2014; *Bruning*, 2006; *DeBoer*, sixth circuit, 2014; *Geiger*, 2014; *Kitchen*, district court, 2013; *Lewis*, 2006). Although individuals feel the need to defend the current status quo, when it appears likely that the status quo will change, they cease to defend the old status quo and seek to justify and maintain the emerging one (Kay et al., 2002). After the Supreme Court upheld state created same-sex marriage in *Windsor*, at least thirty lower level federal and state courts struck down anti-marriage equality laws (HRC, 2015). Thus, *Windsor* represents a tipping point for same-sex marriage. Within the context of housing discrimination, sexual minorities seeking housing protections threaten the belief that the current system is fair, a core aspect of several system maintenance ideologies (e.g. just world theory)

(Lipkus, 1991; Rubin & Peplau, 1975). When sexual minorities threaten the system, some heterosexual individuals defend the exclusion of sexual minority protection by designating the protection as “special rights” that a privileged minority demands through undemocratic and unfair means (Alexander, 2001; Blain, 2005; Conant, 2010; Hargis, 2000; Price et al., 2005; Rahman, 2004; Sen & Morwitz, 1996). Finally, opponents of equality denigrate sexual minority members in ways that are consistent with endorsement of sexual stigma (Alexander, 2001; Blain, 2005; Conant, 2010; Goldberg-Hiller & Milner, 2003; Hargis, 2000).

The current research analyzed the potential causal mechanism (system justification) behind the same-sex marriage backlash and tipping point and applied it in both the marriage equality and housing equality context. The research included two experiments, one examining marriage equality and one, housing equality. Using a 2 (Socioeconomic threat condition: threat v. affirmation) x 4 (Likelihood of new status quo: 10% v. 30% v. 60% v. 90%) between subjects design, the research tested the effect that threatening versus affirming the current socioeconomic system had on whether participants voted for a new status quo (i.e. either same-sex marriage inclusion or sexual minority housing protection). While several studies have shown that threatening the status quo motivates individuals to defend the system, none of the previous studies manipulated threat within sexual minority marriage or housing equality contexts (Brescoll et al., 2013; Jost et al., 2005; Kay, Gaucher et al., 2009; Kay et al., 2005). Following the procedure of previous system threat manipulations, participants read an ostensive news article that reported that the United States had reached an economic, social, and political low (system threat) or was doing well (system affirmation) (Brescoll

et al., 2013). Participants completed a measure of their emotions regarding the article they read and then completed system justification/rationalization questionnaires specific to both contexts (same-sex marriage and housing equality). Next, participants read a proposed ballot initiative that extended the definition of marriage to include same-sex couples (Study 1) or extended protection against discrimination to include sexual orientation as a protected class (Study 2). Participants determined whether or not they would favor such an initiative and how likely they would be to vote for the initiative if they saw it in a voter referendum. Participants then read a purported scientific report in which an experts stated that, by the year 2016, it is likely that all fifty states will have equality (either marriage or housing, depending upon the study). Kay, Jimenez, and Jost (2002) observed that manipulating the likelihood of a new status quo leads to rationalizations that support the new status quo as it becomes more likely (i.e. participants will provide far greater support to a status quo that is 90% likely to occur than a status quo that is 30% likely to occur). The current study extends these findings into the contexts of marriage equality and housing equality by varying the degree of likelihood for the new status quo. Specifically, participants were told that experts believe there is 10% (or 30% or 60% or 90%) likelihood that the country will have a new status quo of complete (i.e. all fifty states) marriage or housing equality. Participants then completed a second set of emotion measures regarding the political report they read and completed the system justification/rationalization questionnaires specific to both contexts (same-sex marriage and housing equality) a second time. Thus, participants' emotions and specific justifications were measured twice. Participants then, again, indicated

whether they would support complete marriage or housing equality and the extent to which they would support it.

Participants completed a final set of questionnaires that measured how different psychological aspects impacted their decisions. Specifically, participants completed trait system justification measures, integrated threat measures, current equality knowledge questions, and demographic questions. It was estimated that a sample of approximately 280 participants would be sufficient to find moderate effects in the eight cells required for the completely crossed experimental design in each study. Having a minimum of 35 participants in each condition created a power level equal to at least 90% with a moderate effect size. This power analysis increased the likelihood that there would be a sufficient sample size to detect actual differences between groups, but not too large for results to be simply due to chance (Faul, Erdfelder, Lang, & Buchner, 2007). As the current research involved two experiments, it was estimated that a sample of approximately 560 participants would be sufficient.

### **Specific Hypotheses**

#### **Hypothesis 1: Threat manipulation (Main effect).**

##### ***Vote (Initial ballot).***

Threatening participants' status quo should cause participants to vote against the ballot initiative (in the first vote) as it represents a change in the current laws in their state (Brescoll et al., 2013; Jost et al., 2005; Kay, Gaucher et al., 2009; Kay et al., 2005).

Affirming participants' status quo should lead participants to vote according to their own beliefs, i.e. the vote will be affected by the individual differences variables (see Hypothesis 4, below).

***Emotion (Initial measurement).***

Participants in the threatened condition should feel greater amounts of fear and anxiety than those in the affirmation condition (Laurin et al., 2008; Smith & Ellsworth, 1985). It is unknown whether either group will feel greater amounts of anger, disgust, compassion, happiness, hope, or pity; therefore, the experiment explored the extent to which each group felt these emotions.

***Justification (Initial measurement).***

Participants in the threatened condition should feel a greater need to justify the current status quo, i.e. a heterosexist society; therefore, they should be less likely than participants in the affirmation condition to state that sexual minorities belong to a suspect or quasi-suspect class (i.e. less likely to state that lesbians and gay men have a history of experiencing discrimination, more likely to believe that sexual orientation can be changed, more likely to state that sexual orientation is related to an individual's ability to contribute to society, and more likely to say that lesbians and gay men are politically powerful enough to achieve their goals through the ordinary political process) (Jost et al., 2004; Jost, Blount, et al., 2003; Jost, Glaser, et al., 2003). These participants should also be more likely to endorse justifications specific to the change in the system's status quo, e.g., that the state should preserve the "traditional" form of marriage and that lesbians and gay men want "special rights" that other groups do not have. Participants in the affirmation condition should endorse heterosexist system justifications according to individual differences variables (see Hypothesis 4, below). Additionally, threatened participants should be more likely to endorse the status quo in general, which the Situational System Justification scale (SSJ) (Kay & Jost, 2003) will measure.

***Mediation.***

Emotion and system justifications will mediate the main effect of threat on the initial ballot vote. Participants in the threatened condition, feeling greater amounts of fear and anxiety, should be less likely to vote for the initial ballot that would create change within their state than participants in the affirmation condition (Laurin et al., 2008). Additionally, these participants should also feel a greater need to justify the status quo, which should then predict their vote (Wakslak et al., 2007). Individual difference variables (see Hypothesis 4, below) will moderate the votes of those in the system affirmation condition.

**Hypothesis 2: Likelihood manipulation (Main effect).** For aid of discussion, I will refer to the 10% likelihood of change condition as the “lowest”, the 30% as low condition, the 60% as the moderate condition, and the 90% as the highest.

***Vote (Second ballot).***

Participants in the lower likelihood of change conditions (10% and 30%) should be less likely to vote for the ballot initiative than participants in the highest likelihood of change condition (90%) as it represents an unlikely change to the status quo (Kay et al., 2002). Participants in the highest likelihood of change condition (90%) should be more likely to vote for the ballot initiative than participants in the other three conditions (Kay et al., 2002). Participants in the moderate likelihood of change condition (60%) should be influenced by individual differences variables in their ballot decisions (see Hypothesis 4, below).

***Emotion (Second measurement).***



Participants in the lowest and highest likelihood of change conditions will feel greater amounts of happiness and joy than participants in the other two conditions because the participants in the lowest and highest likelihood of change conditions will have greater confidence in their votes (Kay et al., 2002). Participants in the low (30%) and moderate (60%) likelihood of change conditions should feel greater amounts of fear, anxiety, and hope than other participants as they have less certainty in their state's future status quo (Ortony, Clore, & Collins, 1988; Smith & Ellsworth, 1985).

***Justification (Second measurement).***

Participants in the lowest (10%) and highest (90%) likelihood conditions will not feel the need to justify their vote; therefore, these participants will not endorse system justifications as greatly as participants in the low and moderate likelihood conditions (Kay et al., 2002).

***Mediation.***

The effect of status likelihood upon participants' second ballot vote should be mediated by both emotion and system justifications. For participants in the lowest and highest likelihood conditions, the happiness they feel regarding the certainty of the future status quo should predict their vote decision (Kay et al., 2002; Smith & Ellsworth, 1985). Additionally, the certainty that comes from either very high or low likelihood of equality as the new status quo should affect the justifications participants offer for their vote so that the justifications match their voting outcome (regardless of individual differences variables). Thus, participants in the lowest likelihood condition should endorse system justifications as they vote against the equality initiatives. Participants in the highest likelihood condition should not endorse system justifications as they vote for the equality

initiatives. Participants in the low and moderate likelihood conditions (30% and 60%) should feel greater anxiety, fear, and hope, given the uncertainty of the future status quo, which should then affect their ultimate ballot decision (Laurin et al., 2008; Ortony et al., 1988; Smith & Ellsworth, 1985). These feelings of uncertainty should make room for individual differences variables to impact participants' votes (see Hypothesis 4, below). Participants in the low and moderate likelihood conditions should also feel a greater need to justify the status quo, which will impact their votes (Jost, Glaser, et al., 2003; Jost, et al., 2007; Kay et al., 2002). Again, individual differences variables should impact these decisions (see Hypothesis 4, below).

**Hypothesis 3: Threat by Likelihood (Interaction effect).**

*Vote (Initial and second ballots).*

*Threatened conditions.*

Participants in the threatened, lowest, low, and moderate likelihood conditions should vote against the ballot initiative (second vote). Participants in the threatened, highest likelihood condition should vote for the second ballot initiative as a way to decrease uncertainty. Thus, a change in vote should occur only for the participants in the threatened, highest likelihood condition (Kay et al., 2002). However, Brescoll and colleagues (2013) found that allowing participants to explicitly disagree with a system threat decreased their motivation to subsequently defend the status quo, indicating that participants who initially defended the current system in their ballot vote may no longer feel the need to defend it in the support vote (i.e. the dependent variable after the likelihood manipulation). Thus, those participants in the threat condition who vote

against the ballot initiative in their initial vote may not feel the need to subsequently vote against the second ballot initiative.

However, it is also possible that participants who defend the status quo by voting against the equality initiative may feel further vindicated in their choice if they read that experts believe it is unlikely (10% and 30%) that the country will have marriage or housing equality. These participants may feel the need to further defend their initial vote by not supporting complete equality. This hypothesis follows the research of Kay and colleagues (2002), who found that participants who were highly involved in the outcome of a decision differed in their ratings of desirability for the new status quo according to whether the new status quo was likely to occur. Participants in the unlikely condition found the new status quo to be undesirable as compared to participants in the likely condition. The current study tested these competing hypotheses for either potential result.

*Affirmation conditions.*

Participants in the affirmation conditions should not feel a need (from the threat manipulation) to reduce uncertainty about the status quo. Therefore, their votes on the second ballot initiative should depend upon their likelihood condition (see Hypothesis 2, above). Thus, participants in the moderate likelihood condition should be most likely to vote according to individual differences variables, whereas the participants in the other three conditions may change their votes if their individual differences tendencies do not match their likelihood condition (e.g., if participants tend to support the current, heterosexist system, but were in the highest likelihood condition, they may vote against

the ballot initially, then vote for it after learning of the likelihood of a new status quo) (Kay et al., 2002).

***Emotion (Initial and second measurements).***

*Threatened conditions.*

Participants in the threatened conditions likely felt a greater amount of anxiety and fear than participants in the affirmation conditions (Laurin et al., 2008) initially and they may still experience these emotions. However, they may have alleviated their distress by voting against the initial ballot (Brescoll et al., 2013; Jost, Glaser, et al., 2003; Jost et al., 2007; Wakslak et al., 2007). Thus, participants may be affected by both system threat and status likelihood or just status likelihood. Participants in the lowest and highest likelihood of change conditions should feel greater amounts of happiness and joy than participants in the other two conditions because those in the lowest and highest likelihood of change conditions will have greater confidence in their votes (Kay et al., 2002). Participants in the moderate likelihood of change conditions should feel greater amounts of fear, anxiety, and hope than other participants as they will have less certainty in their state's future status quo (Ortony et al., 1988; Smith & Ellsworth, 1985).

*Affirmation conditions.*

Participants in the affirmation condition should have, initially, felt happiness upon reading that the current system is prospering (Kay et al., 2002). These participants should only be affected by the likelihood manipulation (see Hypothesis 2, above). Thus, although participants in the lowest and highest likelihood of change conditions should still feel happy, participants in the low and moderate likelihood of change conditions should no longer experience happiness and should feel greater amounts of fear, anxiety,

and hope than other participants as they have less certainty in their state's future status quo (Kay et al., 2002; Ortony et al., 1988; Smith & Ellsworth, 1985). This trend should be greater for participants in the moderate likelihood condition. Thus, only participants in the lowest and highest likelihood of change condition should remain unchanged in their emotional state.

***Justification (Initial and second measurements).***

*Threatened conditions.*

In accordance with Hypothesis 3, participants in the threatened, lowest likelihood condition should vote against the ballot initiative (second vote). These participants should justify their vote by endorsing the system justifications (Brescoll et al., 2013; Jost, Glaser, et al., 2003; Jost et al., 2007). Participants in the threatened, highest likelihood condition should vote for the second ballot initiative as a way to decrease uncertainty (Kay et al., 2002). Thus, these participants will not endorse system justifications (i.e. their endorsements should be pro-equality). Participants in the threatened, low and threatened, moderate conditions should vote against the ballot initiative as a way to decrease uncertainty (Jost et al., 2007). Therefore, as they may experience even greater uncertainty than participants in the other two likelihood conditions, these participants should endorse system justifications to a greater extent.

*Affirmation conditions.*

Participants in the system affirmation conditions should not feel uncertainty from the threat manipulation (Jost, Glaser, et al., 2003; Jost, et al., 2007; Kay et al., 2002). These participants should only be affected by the likelihood conditions (see Hypothesis 2, above).

***Mediation.***

Emotion should mediate the effect of system threat and likelihood of a new status quo upon participants' second ballot, such that threat and greater levels of likelihood uncertainty should lead to greater anxiety, fear, and hope (Laurin et al., 2008; Ortony et al., 1988). Experiencing these emotions should then influence participants' votes such that they would be less likely to vote for equality initiatives as voting against the equality initiatives allows participants to reduce uncertainty through maintaining the status quo (Laurin et al., 2008; Ortony et al., 1988). Similarly, system justification should mediate system threat and the likelihood manipulation effects upon the second ballot decision, such that threat and greater levels of likelihood uncertainty should lead to greater endorsement of heterosexist system justifications, thereby resulting in votes against the second ballot initiative (Brescoll et al., 2013; Wakslak et al., 2007). Although emotion and system justifications are expected to mediate this relationship in the affirmation condition, participants in the affirmation condition should be more affected by their likelihood condition and individual differences variables than participants in the threat condition.

**Hypothesis 4: Individual differences (Situational system justification, global belief in a just world, and attitudes toward lesbians and gay men).**

***Vote (Initial and second ballots).***

Participants individual differences, measured by the Situational System Justification scale (SSJ), the Global Belief in a Just World scale (GBJW), and the Attitudes toward Lesbians and Gay Men scale (ATLG), should predict their votes on both ballot measures. Participants with greater endorsement of the current system (SSJ), belief

in a just world (GBJW), and negative attitudes toward sexual minorities (ATLG) should be more likely to vote against the ballot initiatives than other participants as the ballot initiatives change the current system, question the fairness of the world, and lead to greater equality for sexual minorities (Brescoll et al., 2013; Herek, 2004; Jost et al., 2004; Jost, Blount, et al., 2003; Jost, Glaser, et al., 2003).

***Emotion (Initial and second measurements).***

Participants with greater endorsement of the status quo, belief that the world is just, and negative attitudes toward lesbians and gay men should have greater fear, anger, disgust, and anxiety after reading the political science report (as it discusses sexual minority issues), but only in the greater likelihood conditions as these conditions tend to threaten participants' beliefs and attitudes (Balzer & Jacobs, 2011; Cunningham et al., 2013; Embrick et al., 2007; Herek, 2004; Inbar et al., 2009; Zeichner & Reidy, 2009). Thus, the content of the political science report should trigger some negative emotions in these individuals. Similarly, participants with lesser endorsement of the status quo, belief that the world is just, and more positive attitudes towards sexual minorities should feel more fear, anger, disgust, anxiety, compassion, and pity in the low likelihood conditions as these conditions intimate that greater sexual minority equality is unlikely to occur. These participants should feel more happiness and hope in the moderate and highest likelihood conditions (Zeichner & Reidy, 2009).

***Justification (Initial and second measurements).***

Participants with greater endorsement of the status quo, belief in a just world, and negative attitudes toward sexual minorities should be more likely than other participants to endorse marriage and housing equality-specific justifications against sexual minority

equality (Brescoll et al., 2013; Herek, 2004; Jost et al., 2004; Jost, Glaser, et al., 2003). However, the threat and likelihood manipulations may override these dispositional influences.

## **Method**

### **Participants**

Participants were 671 community members recruited through Amazon Mechanical Turk (MTurk), an online site that allows researchers to “access an on-demand, scalable workforce” ([www.mturk.com/mturk](http://www.mturk.com/mturk)). The studies were conducted concurrently between April 20 and June 11, 2015. Thus, participants completed the research prior to the Supreme Court ruling in *Obergefell* on June 26, 2015. Participants were at least 19 years old, registered to vote, self-identified as “straight” for sexual orientation, and resided in states that did not have statewide marriage and housing equality (i.e. Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Texas) (HRC, 2015). Participants received \$.10 for completing an initial demographic form to determine eligibility, then \$1 for their participation if they were eligible for the main study (6,111 community members completed the initial demographic form). Once participants selected the study, the website redirected them to Qualtrics, an online data collection site that allows researchers to create studies involving random assignment to conditions ([qualtrics.com](http://qualtrics.com)). They completed all the study materials online.

Of the 900 individuals who participated in this study, 65 were dropped due to technological error (i.e. the computer software allowed them to participate, but they did not fit the requirements for the study). Five more participants were dropped due to a



different technological error (i.e. the software allowed these individuals to participate in the study after they had previously participated). Of the 830 remaining participants, one was dropped because the participant did not understand the concepts within the study (this individual wrote to me explaining their conception of the study, which did not match the actual meaning of the research). Finally, 158 participants were dropped because they did not complete the study. Participants who completed the study answered most items throughout the study (i.e. there were no long intervals of item non-completion and more than 90% of items were completed). Completion of the manipulation checks immediately prior to the demographics questions was used as a cutoff point for full participation in the research. Thus, overall, 229 individuals who took part in the research were dropped from the final sample (25.44%). Approximately half of the 671 participants (337) completed Study 1 (Marriage Equality) and half of the participants (334) completed Study 2 (Housing Equality).

In the Marriage Equality study, 50.4% of participants were men and 46% were women. The average age was 34.56 years old and the sample was 76.9% White (non-Latino), 7.1% African American (Black), 4.7% Asian American, 3.6% Latino/a, 2.1% Native American, and 2.4% identified as “Other”. Participant religious affiliation varied, with the largest group identifying as having no religious affiliation (32.9%), followed by Protestant (31.2%), Catholic (16.3%), “Other” (14.8%), Muslim (.9%), and Jewish (.6%). For political affiliation, 38.3% of participants were Democrats, 22% were Independents, 15.7% were Republicans, 12.8% had “No Affiliation”, 6.5% were Libertarians, .9% were “Other” affiliation, and .6% were Green Party members. Many participants were married or in a marriage-like relationship (43.3%), believed marriage was important (77.4%), and

considered themselves to be middle class (43.9%). Slightly more than half owned their home (51.9%), most had rented housing at some point in their lives (85.5%), and most thought that owning one's home was important (77.7%). Participants were fairly well-educated with 32.3% having some college or were in college when they participated, 42.4% having a college degree (Associate's or Bachelor's), and 14.2% having an advanced degree. Most participants were employed, with 51.3% employed full time, 17.5% employed part-time, 14.5% unemployed, and 13.4% identifying as Students. All participants identified as "straight" and resided within a state that did not have either marriage equality or state-wide housing equality.

In the Housing Equality study, 46.7% of participants were men and 47.9% were women. The average age was 35.77 years old and the sample was 75.4% White (non-Latino), 7.8% African American (Black), 4.2% Asian American, 5.1% Latino/a, 1.5% Native American, and .6% identified as "Other". Participant religious affiliation varied, with the largest group identifying as having no religious affiliation (35.9%), followed by Protestant (29%), "Other" (15.6%), Catholic (12.9%), Muslim (.6%), and Jewish (.6%). For political affiliation, 35% of participants were Democrats, 18.9% were Independents, 18.9% were Republicans, 10.2% were Libertarians, 9.3% had "No Affiliation", 1.5% were Green Party members, and .9% were "Other" affiliation. Many participants were married or in a marriage-like relationship (44.9%), believed marriage was important (75.1%), and considered themselves to be middle class (43.1%). Slightly more than half owned their home (50.3%), most had rented housing at some point in their lives (87.1%), and most thought that owning one's home was important (79.9%). Participants were fairly well-educated with 30.2% having some college or were in college when they

participated, 44% having a college degree (Associate's or Bachelor's), and 14.7% having an advanced degree. Most participants were employed, with 48.2% employed full time, 19.2% employed part-time, 16.5% unemployed, and 10.8% identifying as Students. All participants identified as "straight" and resided within a state that did not have either marriage equality or state-wide housing equality. In this research, the samples from the two studies were very similar.

### **Procedure**

Participants first completed an Informed Consent document that described the initial demographic questionnaire, its purpose, the possibility of taking part in the larger study, and their consent to participate in both parts of the study (Appendix A). After completing the informed consent, participants completed a short demographic form that asked them to provide their age, driver's license, gender, sexual orientation, whether they are registered to vote (and, if so, in what state they are registered to vote), state in which they reside, and other, filler items (Appendix B). All participants who completed the informed consent form and initial demographics form received \$.10 for their participation. The Qualtrics program directed participants who qualified to the main study website where they read a brief instruction form that stated that the current project actually encompasses several studies to be administered in one sitting (Appendix C). Each of these "studies" had different font and individualized instructions to convey that they were separate studies brought together for convenience. For the "News Article Reactions Study" (study A), participants then read part of a purported news article (the system threat manipulation). Half of participants read that most Americans believe the country has hit a low point in terms of economic, political, and social factors (system

threat) (Appendix D). The other half of participants read that most Americans believe the country is relatively stable, but prosperous compared to other countries in terms of economic, political, and social factors (system affirmation) (Appendix D).

Participants rated, on 5-point scales, the degree to which they felt anger, fear, disgust, hope, happiness, compassion, and anxiety regarding the news article they read (See Appendix E for the exact language in this survey) and then completed manipulation check measures (i.e., questions asking what the article was about). The emotion measures included synonyms for specific emotions that the studies may trigger within participants. By using multiple forms of the emotions, I was able to calculate reliability coefficients for each emotion (except anxiety, which was a single item) (see Table 1). The emotion measures for happiness, anger, fear, and disgust were modifications of the Positive and Negative Affect Schedule – Expanded Form (PANAS-X) (Watson & Clark, 1994) that other researchers have frequently used. Anxiety is treated as an aspect of fear within the PANAS-X; as such, it was analyzed separately and with fear. The emotion measures for hope used synonyms from the thesaurus (Oxford Dictionaries, 2015) and are based upon Ortony, Clore, and Collins' (1988) description of prospect-based emotions. The emotion measures for compassion (Batson, Lishner, Cook, & Sawyer, 2005) also used synonyms from the thesaurus (Oxford Dictionaries, 2015) and are based upon Batson's (1987) self-reported empathy measure and Ortony et al.'s (1988) description of "sorry for" emotions. The emotion measures were thought to capture the feelings experienced by participants when the status quo was threatened, thereby providing greater explication regarding the system justification process.

Table 1

*Emotion Reliabilities (Cronbach's  $\alpha$ ) after Current Status Quo and Status Quo Likelihood Manipulations According to Marriage Equality and Housing Equality Studies*

Emotion	Marriage Equality		Housing Equality	
	After Current Status Quo	After Status Quo Likelihood	After Current Status Quo	After Status Quo Likelihood
Fearful	.91	.91	.92	.91
Happiness	.95	.96	.95	.96
Anger	.81	.88	.86	.85
Disgust	.80	.85	.78	.84
Hope	.77	.84	.77	.84
Compassion	.82	.77	.77	.79

After completing the emotion measures, participants completed system justification items that measure the extent to which participants believed sexual orientation to be a suspect class (created using the four criteria cited by courts) (Sevcik, 2012) and housing and marriage system justification items (i.e. purported state interests) (Alexander, 2001; Bruning, 2008; Jackson, 2012; Price et al., 2005; Rahman, 2004; Sevcik, 2012). The items served as potential justifications that participants may use to support the then-current (anti-marriage and housing equality) status. The equal protection suspect class items asked participants their beliefs regarding lesbians and gay men's history of discrimination experience, ability to contribute to society, immutability, and political powerlessness. The marriage and housing system justification items asked participants the extent to which they agreed with the purported state interests listed in the anti-marriage and "special rights" cases (e.g., "traditional marriage, i.e. heterosexual-

couple marriage should be protected”). The extent that participants agreed with both the equal protection suspect class items and the marriage and housing system justification items were thought to depend upon participants’ experimental condition (see Hypotheses 1(c), 2(c), and 3(c), above), thereby providing mediation for participants’ votes on the ballot initiative (see Hypotheses 1(d), 2(d), and 3(d), above).

For the “Ballot Initiative Study” (study B), all participants read a proposed ballot initiative for their state and determined whether they would vote for this as an amendment to their state constitution and how likely they would be to vote for the amendment on a scale of 1 to 5 (with 1 being “Very Unlikely to Vote for this Amendment” and 5 being “Very Likely to Vote for this Amendment”) (Appendix F). For Study 1, the ballot initiative concerned redefining marriage within the participants’ state to include same-sex couples. For Study 2, the ballot initiative concerned extension of civil rights law within the participants’ state to include sexual orientation as a protected class. These ballot initiatives measured participants’ beliefs in the current status quo, i.e. the system itself.

Participants then read that they would complete a third study (“Study C: Political Science Report Study”) developed by a different political science researcher (Appendix G). Again, the intention of this instruction was to encourage participants to distinguish between the different parts of the study. Participants read a “Political Science Report” that stated that law and political science experts believed that the United States would have country-wide marriage (Study 1) or housing (Study 2) equality by 2016. This statement qualified the likelihood of a new equality status using different percentages according to four conditions. In the first condition (lowest likelihood), participants read

that experts believe the likelihood for countrywide equality to be 10%. In the second condition (low likelihood), the likelihood was 30%. In the third condition (moderate likelihood), the likelihood was 60%. In the fourth condition (highest likelihood), the likelihood was 90%. The likelihood manipulation tested whether participants felt the need to support a new status quo when there was a greater likelihood of it occurring. Again, participants completed the same set of emotion measures, a set of manipulation checks regarding the report they read, and a second set of system justification measures based on suspect class and marriage and housing equality (Appendix H). All participants then read the same proposed ballot initiative for their state that they read previously and determined whether they would vote for this as an amendment to their state constitution if it were on the ballot and how likely they would be to vote for the amendment on a scale of 1 to 5 (with 1 being “Very Unlikely to Vote for this Amendment” and 5 being “Very Likely to Vote for this Amendment”).

Participants then read that they would complete a fourth and final study (“Study D: General Political Attitudes Study”) assessing a broad array of attitudes (Appendix I). The questionnaires for this study assessed the extent that participants rationalize/ justify the current system and included items assessing individual differences variables. For justifications thought to represent individual differences variables that affect support for the current system, the current study measured participants’ endorsement of items from Kay and Jost’s Situational System Justification scale (2003), Herek’s Attitudes Towards Lesbians and Gay men scale (ATLG) (1988), and Lipkus’ Global Belief in a Just World scale (1991).

As originally theorized, Kay and Jost (2003) created the Situational System Justification scale as a measure of participants' needs to justify the status quo in specific, experimental situations. Thus, this variable was conceptualized as depending upon context. In the current research, it was hypothesized to act as an individual differences variable (see Hypothesis 4) (Cronbach's  $\alpha = .84$  for the Marriage Equality study and Cronbach's  $\alpha = .86$  for the Housing Equality study).

Herek's ATLG scale includes stereotypical statements regarding lesbians and gay men and remains the standard for measuring negative attitudes held toward lesbians and gay men (see Hypothesis 4) (Cronbach's  $\alpha = .96$  for the Marriage Equality study and Cronbach's  $\alpha = .96$  for the Housing Equality study; Herek, 1988; 1994; 2000; Hudepohl, Parrott, & Zeichner, 2010; Parrott & Gallagher, 2008). After the ATLG, participants completed the Global Belief in a Just World scale (Lipkus, 1991), which measures the extent that they believe the world is just, an individual differences, trait-like variable (Cronbach's  $\alpha = .93$  for the Marriage Equality study and Cronbach's  $\alpha = .92$  for the Housing Equality study). System justification researchers link this latent-trait variable to overall tendencies to support the status quo, making it essential to include it in the current research (Jost et al., 2004; Jost, Glaser et al., 2003; Jost & Hunyady, 2005).

Prior research suggests that conflict between groups arises when the out-group's culture poses a threat to the in-group's culture (Stephan, Diaz-Loving, & Duran, 2000; Stephan, Ybarra, & Bachman, 1999). This threat takes the form of realistic threats (i.e. subjectively perceived threats to the in-group's existence, economic and political power, and physical well-being) and symbolic threats (i.e. the out-group's perceived different worldview that threatens the in-group's worldview). Symbolic threat takes the form of



the two groups holding seemingly different norms, beliefs, attitudes, etc. (Stephan et al., 2000). When the in-group feels threatened by the out-group, they may experience intergroup anxiety, i.e. anxiety about intergroup interactions due to fear of suffering negative outcomes. Intergroup anxiety, in turn, leads in-group members to hold negative feelings and attitudes (prejudice) toward the out-group. These attitudes and feelings are then reinforced by negative stereotypes (beliefs) regarding the out-group because the stereotypes justify feelings of threat and anxiety by providing reasons for the in-group member's experience. Although much of the research regarding integrated threat theory involves conflict between groups according to race or ethnicity, integrated threat theory may also explain the way the heterosexual majority treats sexual minorities.

Participants completed shortened (four out of seven items measuring Realistic Threat and four out of eight items measuring Symbolic Threat) versions of the Realistic and Symbolic Threat scale (Stephan et al., 1999). The original scales (Stephan et al., 1999) focused upon perceived threats posed by out-groups within the context of immigration. Thus, because I was unable to modify certain items to fit the sexual minority context (e.g., "Immigration from Asia is undermining American culture"), I did not include these items. Modified versions of the remaining eight items referred to the in-group as either "most Americans" (matching the original scale language) or "heterosexual" and the out-group was "lesbians and gay men". As separate factors, the scales lacked reliability, but an overall scale for threat (Cronbach's  $\alpha = .87$  for the Marriage Equality study and Cronbach's  $\alpha = .88$  for the Housing Equality study) did show more than adequate reliability. In addition, Stephan and colleagues (1999) 12 item Intergroup Anxiety scale was used to measure the anxiety participants felt toward

lesbians and gay men (Cronbach's  $\alpha = .94$  for the Marriage Equality study and Cronbach's  $\alpha = .95$  for the Housing Equality study).

Next, participants completed manipulation checks (Appendix J). Finally, participants completed a demographic questionnaire answering questions about their political party affiliation; how liberal/conservative they are on economic, social, and political issues; and several religious items intended to gauge whether they belong to conservative or religious affiliations, each of which could impact the likelihood of individuals to support the status quo (Jost et al., 2004; Jost et al., 2014; Kay, Whitson et al., 2009) (Appendix K). To complete the study, participants were debriefed and received payment for their participation (Appendix L).

### **Statistical Analyses**

The statistical analyses for this project for each hypothesis depended upon whether the goal was to test differences between means or to predict a vote/ support decision, whether mediators were involved, and whether moderators were involved. In general, I conducted Analyses of Variances (ANOVAs) and Multivariate Analyses of variances (MANOVAs) to compare means between groups on continuous variables and logistic regression for dichotomous variables i.e., votes in favor or opposed to assuring equality. Therefore, I used these models for most of the variables including either scales or individual items on the Herek's ATLG scale, the suspect class items, the trait-like system justification items (Situational System Justification scale and Global Belief in a Just World scale), and the system justification questions for marriage and housing equality. Thus, I analyzed the effects of system threat and likelihood conditions with a factorial design: 2 (System condition: Threat vs. Affirmation) x 4 (Likelihood condition:

10% v. 30% v. 60% v. 90%). Because the likelihood of voting for the ballot initiative, the emotion measures, and the system justification measures are asked after both the system threat and likelihood manipulations, I analyzed these measures using a repeated measures ANOVA to see whether participant's emotions, justifications, and ballot votes change after the likelihood manipulation (see Hypothesis 3). When using the emotional reactions items, Herek's ATLG scale, the suspect class items, the system justification items, and the system justification questions for marriage and housing equality to predict the likelihood that participants would vote for the ballot initiative and the extent that they support the new status quo, I used a multiple regression analysis.

## CHAPTER 4

### RESULTS

#### Marriage Equality

##### **Hypothesis 1: Current status quo manipulation (Main Effect).**

##### *Current status quo manipulation's effects on Ballot 1 decisions.*

##### *Current status quo manipulation's effect on voting for Ballot 1.*

A between subjects One-way Analysis of Variance (ANOVA) testing whether participants differed in their initial ballot according to current status quo condition (threatening participants current status quo) failed to yield a significant result,  $F(1, 331) = .79, MSE = .21, p > .05, \eta p^2 = .00$ . Of those who voted on Ballot 1 (four participants did not vote), 69.7% voted for marriage equality.

##### *Individual differences variables' effects on voting for Ballot 1.*

Correlation analyses revealed that the individual differences variables (Attitudes Toward Lesbians and Gay Men scale (ATLG), Situational System Justification scale (SSJ), Global Belief in a Just World scale (GBJW), Realistic and Symbolic Threat, and Intergroup Anxiety) were significantly correlated with Ballot 1 such that participants were less likely to vote for marriage equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.77, p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.67, p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.46, p < .01$ , stronger belief that American society is fair, legitimate, and justifiable (SSJ)  $r = -.20, p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.23, p < .01$ . (Note: r values are point, bi-

serial correlations for the Ballot 1 dichotomous outcome – voting against marriage equality = 0 and voting in favor of marriage equality = 1).

Main effects and interactions for current status quo emerged when individual difference covariates were added to the binary logistic regressions, separately, one at a time. Table 2 displays the results. The main effects for the covariates were similar to the correlation analyses described above (except for SSJ and GBJW, which were not significant predictors for the marriage equality vote). However, as shown in Table 2, there was a significant regression model with the SSJ covariate, Nagelkerke  $R^2 = .07$ ,  $X^2(3) = 17.44$ ,  $p < .01$ , revealing a main effect for current status quo but qualified by a quo by SSJ interaction. For those in the affirmation condition, SSJ was a significant predictor such that the more that participants believed American society to be fair, legitimate, and justifiable, the less likely they were to vote for marriage equality,  $B = -.47$ ,  $p < .01$ , Nagelkerke  $R^2 = .13$ ,  $X^2(1) = 15.88$ ,  $p < .01$ . For those in the threat condition, SSJ was not a significant predictor, Nagelkerke  $R^2 = .01$ ,  $X^2(1) = 1.04$ ,  $p > .05$ .

Similarly, the GBJW covariate produced a significant model, Nagelkerke  $R^2 = .11$ ,  $X^2(3) = 25.92$ ,  $p < .01$ , with a main effect for current status quo but again qualified by a significant current status quo by GBJW interaction. For participants in the affirmation condition, GBJW was a significant predictor,  $B = -.90$ ,  $p < .01$ , Nagelkerke  $R^2 = .20$ ,  $X^2(1) = 24.32$ ,  $p < .01$ . For participants in the threat condition, GBJW was not a significant predictor, Nagelkerke  $R^2 = .01$ ,  $X^2(1) = 1.07$ ,  $p > .05$ . Thus, threat appears to disrupt the relationship between GBJW and the marriage equality vote.

Table 2

*Binary Logistic Regressions with Current Status Quo and Individual Differences Covariates Predicting Initial Ballot Decision (Marriage Equality)*

Covariate Predictor Model	Current Status Quo (CSQ) and Individual Differences Covariates (Predictors)	<i>B</i>	<i>Wald</i>	<i>p</i>	<i>Exp(B)</i>
ATLG	ATLG	-2.20 (.33)	44.58	.00	.11
SSJ	SSJ	-.12 (.12)	1.02	.31	.89
SSJ	CSQ	1.83 (.86)	4.58	.03	6.23
SSJ	CSQ x SSJ Interaction	-.36 (.17)	4.18	.04	.70
SSJ (Affirmation)	CSQ x SSJ Interaction	-.47 (.13)	13.80	.00	.62
GBJW	GBJW	-.17 (.16)	1.06	.30	.85
GBJW	CSQ	2.49 (.89)	7.87	.00	12.08
GBJW	CSQ x GBJW Interaction	-.73 (.26)	8.00	.01	.48
GBJW (Affirmation)	CSQ x GBJW Interaction	-.90 (.20)	19.72	.00	.41
Realistic & Symbolic Threat	Realistic & Symbolic Threat	-1.77 (.28)	41.17	.00	.17
Intergroup Anxiety	Intergroup Anxiety	-.59 (.11)	28.20	.00	.55

*Notes.* ATLG, SSJ, GBJW, and CSQ stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, and Current Status Quo. Standard errors are in parentheses. *Dfs* = 1.

*Current status quo manipulation's effect on likelihood to vote for Ballot 1.*

A between subjects One-way ANOVA testing whether participants differed in their initial ballot likelihood according to current status quo condition failed to yield a

significant result,  $F(1, 330) = 2.05$ ,  $MSE = 5.77$ ,  $p > .05$ ,  $\eta^2 = .01$ . Of those that rated their likelihood to vote for Ballot 1 (five participants did not complete this item), 67.2% of participants were at least somewhat likely to vote for marriage equality (with 41.9% very likely) and 28.9% were at least somewhat unlikely to vote for marriage equality (with 21.4% very unlikely).

*Individual differences variables' effects on likelihood to vote for Ballot 1.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 1 likelihood such that participants were less likely to vote for marriage equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.79$ ,  $p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.71$ ,  $p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.50$ ,  $p < .01$ , stronger belief that American society is fair, legitimate, and justifiable (SSJ),  $r = -.24$ ,  $p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.25$ ,  $p < .01$ .

Main effects and interactions for current status quo emerged when individual difference covariates were added to the basic ANOVA one at a time, thereby creating a series of Analysis of Covariance (ANCOVA) designs. Table 3 displays the results. The main effects for the covariates were similar to the correlation analyses described above. However, as shown in Table 3, a marginally significant main effect emerged for current status quo in the SSJ ANCOVA such that participants in the affirmation condition were more likely to vote for Ballot 1 ( $M = 5.07$ ) than were participants in the threat condition ( $M = 4.76$ ).

Similarly, for the GBJW ANCOVA, a significant main effect emerged for current status quo, but was qualified by a significant current status quo by GBJW interaction. For participants in the affirmation condition, GBJW was a significant predictor,  $\beta = -.40$ ,  $p < .01$ ,  $R^2 = .16$ ,  $F(1, 162) = 30.87$ ,  $MSE = 4.78$ . For participants in the threat condition, GBJW was not a significant predictor,  $\beta = -.10$ ,  $p > .05$ ,  $R^2 = .01$ ,  $F(1, 161) = 1.56$ ,  $MSE = 5.72$ . Thus, threat appears to disrupt the relationship between GBJW and the likelihood to vote for marriage equality.



Table 3

*ANCOVA Models with Current Status Quo and Individual Differences Covariates Predicting Initial Ballot Decision (Marriage Equality)*

Covariate Predictor Model	Current Status Quo (CSQ) and Individual Differences Covariates (Predictors)	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	ATLG	1, 323	541.96	2.14	.000	-.84	.63
SSJ	SSJ	1, 323	18.35	5.36	.000	-.32	.05
SSJ	CSQ	1, 323	3.67	5.36	.056	-.32	.01
GBJW	GBJW	1, 323	21.70	5.25	.000	-.40	.06
GBJW	CSQ	1, 323	8.66	5.25	.003	-.48	.03
GBJW	CSQ x GBJW Interaction	1, 323	7.89	5.25	.005	-.50	.02
GBJW (Affirmation)	CSQ x GBJW Interaction	1, 162	30.87	4.78	.000	-.40	.16
Realistic & Symbolic Threat	Realistic & Symbolic Threat	1, 323	328.01	2.84	.000	-.70	.50
Intergroup Anxiety	Intergroup Anxiety	1, 323	109.06	4.28	.000	-.55	.25

*Notes.* ATLG, SSJ, GBJW, and CSQ stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, and Current Status Quo.

When the individual differences covariates were added to the linear regression model, the linear regression was significant,  $R^2 = .64$ ,  $F(6, 320) = 93.02$ ,  $p < .01$ .

Participants with more negative attitudes toward lesbians and gay men and those who

believed that gay men and lesbians represent a realistic and symbolic threat were significantly less likely to vote for marriage equality (See Table 4).

Table 4

*Linear Regressions with Individual Differences Covariates Predicting Initial Ballot Likelihood Decision (Marriage Equality)*

Covariate Predictor Model	B	S.E.	B	t	p
ATLG	-1.52	.15	-.68	-10.05	.00
Realistic & Symbolic Threat	-.29	.12	-.16	-2.46	.01

*Note.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

***Current status quo manipulation's effect on emotion.***

A 2 (Current Status Quo: Affirmation v. Threat) x 7 (Emotion: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Happiness v. Hope) Multivariate Analysis of Variance (MANOVA) testing the extent that participants felt different emotions when threatened revealed a significant multivariate main effect for current status quo,  $MultF(7, 329) = 11.03, p < .01, \eta^2 = .19$  (See Table 5 for the means). Follow-up univariates showed that threat condition participants were more fearful,  $F(1, 335) = 26.36, MSE = .44, p < .01, \eta^2 = .07$ ; anxious,  $F(1, 335) = 23.09, MSE = .71, p < .01, \eta^2 = .06$ ; angry,  $F(1, 335) = 20.04, MSE = .65, p < .001, \eta^2 = .06$ ; disgusted,  $F(1, 335) = 18.22, MSE = .54, p < .001, \eta^2 = .05$ ; and compassionate,  $F(1, 335) = 9.60, MSE = .68, p < .01, \eta^2 = .03$ . Affirmation condition participants were happier and more hopeful,  $F(1, 335) = 34.58, MSE = 1.10, p < .01, \eta^2 = .09$  and  $F(1, 335) = 19.38, MSE = .91, p < .001, \eta^2 = .06$ , respectively. No other effects were significant.

Table 5

*Differences across Emotions According to Current Status Quo after Current Status Quo Manipulation (Marriage Equality)*

Emotion	Affirmation		Threat	
	<i>M</i>	<i>SE</i>	<i>M</i>	<i>SE</i>
Fear	1.26	.05	1.64	.05
Anxiety	1.31	.07	1.75	.06
Anger	1.50	.06	1.90	.06
Disgust	1.38	.06	1.72	.06
Compassion	1.68	.06	1.96	.06
Happiness	2.32	.08	1.64	.08
Hope	2.50	.07	2.05	.07

*Notes.* All means are significantly different for each emotion according to current status quo at  $p < .01$ .  $N_{\text{Affirmation}} = 165$  and  $N_{\text{Threat}} = 172$ .

### *Current status quo manipulation's effect on sexual minority system*

#### *justification.*

A 2 (Current Status Quo: Affirmation v. Threat) x 17 (Sexual Minority System Justifications (SMSJ): 17 individual items) MANOVA testing whether participants differed according to current status quo condition for seventeen system justification items did not attain significance,  $MultiF(17, 309) = .78, p > .05, \eta^2 = .04$  (See Table 6). Threat condition participants were marginally significantly more likely than affirmation condition participants to believe that lesbians and gay men are selfish (in general),  $F(1, 325) = 3.81, MSE = 1.29, p = .05, \eta^2 = .01$ ; significantly more likely to believe that lesbians and gay men are selfish because they put themselves before others,  $F(1, 325) = 4.02, MSE = 1.28, p < .05, \eta^2 = .01$  and significantly less likely to believe that lesbians

and gay men have a history of experiencing discrimination in the United States,  $F(1, 325) = 4.10$ ,  $MSE = 1.20$ ,  $p < .05$ ,  $\eta p^2 = .01$ .

Table 6

*Differences across System Justifications According to Current Status Quo after Current Status Quo Manipulation (Marriage Equality)*

Sexual Minority System Justification	Affirmation		Threat	
	<i>M</i>	<i>SE</i>	<i>M</i>	<i>SE</i>
LG Selfish – General	1.59*	.09	1.83*	.09
LG Selfish – put themselves before others	1.58	.09	1.83	.09
LG History of Discrimination	4.42	.09	4.17	.08

*Note.* LG stands for Lesbians and Gay men. Means are significantly different at  $p < .05$  level, unless denoted with a \*. Means with a \* are marginally significantly different at  $p = .05$ .  $N_{\text{Affirmation}} = 160$  and  $N_{\text{Threat}} = 167$ .

To examine the social justifications groupings, I performed an exploratory factor analysis of the 17 SMSJ items, which produced two significant internally reliable factors. The first factor, entitled LGSelfish, included eight items representing participants' views of lesbians and gay men as selfish, immature, immoral, privileged, desirous of "special rights", and willing to use undemocratic means to gain these rights (Eigenvalue = 8.59; explained variance 50.52%; cut off loading score = .40). LGSelfish was internally consistent at both time 1 (after the current status quo manipulation) and at time 2 (after the status quo likelihood manipulation), Cronbach's  $\alpha = .91$  and  $\alpha = .93$ , respectively. The second factor included six items representing participants' views that homosexuality is unnatural; sexual orientation can be changed; "traditional", heterosexual marriage

should be protected; heterosexual, married couples provide the ideal parenting environment for raising children; states should move slowly when deciding whether to include same-sex couples within the definition of marriage; and restricting marriage to heterosexual couples encourages natural procreation (Eigenvalue = 1.18; explained variance 6.95%; cut off loading score = .40). Entitled NaturalHeterosexualMarriage, this factor was internally consistent at both time 1 and at time 2, Cronbach's  $\alpha = .89$  and  $\alpha = .90$ , respectively. The three remaining items (i.e. that lesbians and gay men have a history of discrimination in the United States (Discrimination History), that lesbians and gay men have enough political power to achieve their goals through the ordinary political process (Political Power), and that sexual orientation is related to an individual's ability to contribute to society (Societal Contribution)) did not load on either of the two factors and lowered the two factors' internal reliabilities; thus, these items were left as individual items.

A 2 (Current Status Quo: Affirmation v. Threat) x 5 (SMSJ – Reduced number of items at Time 1) MANOVA testing whether participants differed according to current status quo condition for the two factors and the three standalone items approached multivariate significance,  $MultF(5, 329) = 1.98, p = .08, \eta^2 = .03$ . Threat condition participants were marginally more likely than affirmation condition participants to believe that lesbians and gay men are selfish (LGSelfish factor),  $F(1, 333) = 3.61, MSE = 1.02, p = .058, \eta^2 = .01$  and marginally less likely to believe that lesbians and gay men have a history of experiencing discrimination in the United States,  $F(1, 333) = 3.62, MSE = 1.22, p = .058, \eta^2 = .01$  (See Table 7).

Table 7

*Differences across Sexual Minority System Justifications (Reduced Model) according to Current Status Quo after Current Status Quo Manipulation (Marriage Equality)*

Sexual Minority System Justification	Affirmation		Threat	
	<i>M</i>	<i>SE</i>	<i>M</i>	<i>SE</i>
LGSelfish	1.85	.08	2.06	.08
LG History of Discrimination	4.40	.09	4.17	.08

*Note.* LG stands for Lesbians and Gay Men. Means are marginally significantly different at  $p = .058$ .  $N_{\text{Affirmation}} = 165$  and  $N_{\text{Threat}} = 170$ .

***Mediation of the relationship between current status quo and marriage equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 1 decisions according to current status quo. In a series of binary logistic regressions that controlled for the effect of the individual differences variables on marriage equality Ballot 1, the main effect of current status quo did not attain statistical significance,  $ps > .05$ . Although current status quo was a marginally significant predictor within the SSJ ANCOVA model for likelihood to vote for Ballot 1 (See Above), when the interaction between SSJ and current status quo was removed from the model, current status quo was no longer marginally significant,  $p > .10$ . Similarly, although there was a main effect for current status quo and an interaction effect between current status quo and GBJW within the GBJW ANCOVA model, when the interaction was removed from the model, current status quo was no longer significant,  $p > .05$ . I performed no mediation analyses because there were no

significant differences for status quo to test for emotion or system justification mediations.

**Hypothesis 2: Status quo likelihood manipulation (Main effect).**

*Status quo likelihood manipulation's effects on Ballot 2 decisions.*

*Status quo likelihood manipulation's effect on voting for Ballot 2.*

A between subjects One-way ANOVA testing whether participants differed in their second ballot according to status quo likelihood condition (10% v. 30% v. 60% v. 90%) failed to yield a significant result,  $F(3, 326) = .06$ ,  $MSE = .21$ ,  $p > .05$ ,  $\eta p^2 = .00$ . Of those that voted (seven participants did not vote), 70.6% voted for marriage equality.

*Individual differences variables' effects on voting for Ballot 2.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 2 such that participants were less likely to vote for marriage equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.78$ ,  $p < .01$ ; stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.68$ ,  $p < .01$ ; greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.49$ ,  $p < .01$ ; stronger belief that American society is fair, legitimate, and justifiable (SSJ)  $r = -.21$ ,  $p < .01$ ; and stronger global belief in a just world (GBJW),  $r = -.24$ ,  $p < .01$ . Main effects and interactions for status quo likelihood emerged when individual difference covariates were added to the binary logistic regressions for Ballot 2, separately, one at a time. Although each individual differences variable resulted in significant models, status quo likelihood was not a significant predictor in any of the models. Table 8 displays the results. The main effects for the covariates were similar to the correlation analyses described above.

Table 8

*Binary Logistic Regressions with Individual Differences Covariates Predicting Second Ballot Decision (Marriage Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	<i>B</i>	<i>Wald</i>	<i>p</i>	<i>Exp(B)</i>
ATLG	ATLG	-3.19 (.70)	20.66	.00	.04
SSJ	SSJ	-.66 (.20)	10.51	.00	.52
GBJW	GBJW	-.64 (.28)	5.22	.02	.53
Realistic & Symbolic Threat	Realistic & Symbolic Threat	-2.67 (.61)	19.11	.00	.07
Intergroup Anxiety	Intergroup Anxiety	-.61 (.15)	17.27	.00	.54

*Notes.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale. Standard errors are in parentheses. *Dfs* = 1.

*Status quo likelihood manipulation's effect on likelihood to vote for Ballot 2.*

A between subjects One-way ANOVA testing whether participants differed in their second ballot likelihood according to status quo likelihood condition failed to yield a significant result,  $F(3, 325) = .20$ ,  $MSE = 5.71$ ,  $p > .05$ ,  $\eta p^2 = .00$ . Of those that completed this item (eight participants did not), 68.4% were at least somewhat likely to vote for marriage equality (40.1% were very likely) whereas 27% were at least somewhat unlikely to vote for marriage equality (21.6% were very unlikely).

*Individual differences variables' effects on likelihood to vote for Ballot 2.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 2 likelihood. Participants were less likely to vote for



marriage equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.81, p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.72, p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.51, p < .01$ , stronger beliefs that American society is fair, legitimate, and justifiable (SSJ),  $r = -.25, p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.26, p < .01$ . Main effects emerged when individual difference covariates were added to the basic ANOVA one at a time, thereby creating a series of ANCOVA designs for likelihood to vote for Ballot 2<sup>1</sup>. Table 9 displays the results. The main effects for the covariates were similar to the correlation analyses.

Table 9

*ANCOVA Models with Individual Differences Covariates Predicting Second Ballot Decision (Marriage Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	Df	F	MSE	p	$\beta$	$\eta^2$
ATLG	ATLG	1, 320	605.60	1.96	.000	-.84	.65
SSJ	SSJ	1, 320	22.32	5.35	.000	-.37	.06
GBJW	GBJW	1, 320	22.58	5.35	.000	-.27	.07
Realistic & Symbolic Threat	Realistic & Symbolic Threat	1, 320	349.60	2.73	.000	-.81	.52
Intergroup Anxiety	Intergroup Anxiety	1, 320	109.52	4.19	.000	-.53	.26

*Note.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale.

<sup>1</sup> I created three vectors for status quo likelihood to compare the four groups (10%, 30%, 60%, and 90%) when conducting the regression model. Unless otherwise noted, the standard reference group was the 90% condition.

A significant model was attained when individual differences covariates were added to the linear regression to see whether participants' likelihood to vote for the second ballot differed according to status quo likelihood,  $R^2 = .66$ ,  $F(6, 321) = 104.94$ ,  $p < .01$ . (See Table 10). Participants with more negative attitudes toward lesbians and gay men and greater beliefs that lesbians and gay men represent threats were less likely to vote for marriage equality.

Table 10

*Linear Regressions with Individual Differences Covariates Predicting Second Ballot Likelihood Decisions (Marriage Equality)*

Covariate Predictor Model	B	S.E.	$\beta$	$t$	$p$
ATLG	-1.58	.14	-.71	-10.93	.00
Realistic & Symbolic Threat	-.25	.11	-.14	-2.23	.03

*Note.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

***Status quo likelihood manipulation's effect on emotion.***

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA testing the extent that participants felt different emotions (Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Happiness v. Hope) under each status quo likelihood condition revealed a significant model,  $MultF(21, 919.42^2) = 1.77$ ,  $p < .05$ ,  $\eta^2 = .04$ . However, further inspection showed that only happiness differed marginally significantly across conditions,  $F(3, 326) = 2.63$ ,  $MSE = 1.52$ ,  $p = .05$ ,  $\eta^2 = .02$  (See Table 11). Participants

<sup>2</sup> All omnibus multivariate tests in this experiment used the Wilks' Lambda adjustment for correlated error terms, which result in adjusted degrees of freedom that may not always be whole numbers.

in the 90% condition felt significantly happier than participants in either the 10% or 30% conditions,  $ps < .05$ .

Table 11

*Differences for Happiness According to Status Quo Likelihood after Status Quo Likelihood Manipulation (Marriage Equality)*

Emotion	10%	30%	60%	90%
	<i>M (SE)</i>	<i>M (SE)</i>	<i>M (SE)</i>	<i>M (SE)</i>
Happiness	2.08 <sub>a</sub> (.14)	2.03 <sub>b</sub> (.14)	2.36 (.14)	2.48 <sub>a, b</sub> (.13)

*Notes.* Means with shared subscripts indicate significant differences at  $p < .05$  level.  $N_{10\%} = 83$ ,  $N_{30\%} = 81$ ,  $N_{60\%} = 80$  and  $N_{90\%} = 86$ .

***Status quo likelihood manipulation's effect on sexual minority system***

***justification.***

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA model testing the extent that participants used justifications (SMSJ: 17 items) under each status quo likelihood condition failed to attain significance,  $MultF(51, 885.02) = 1.18, p > .05$ ,  $\eta p^2 = .06$ . Individual justifications also failed to attain significance,  $ps > .05$ . Similarly, the 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA model for the 5 justifications (SMSJ – Reduced number of items at Time 2 following the earlier factor analysis) failed to attain significance,  $MultF(15, 881.02) = .92, p > .05, \eta p^2 = .01$ . Again, the individual justifications failed to attain significance,  $ps > .05$ .

***Mediation of the relationship between status quo likelihood and marriage equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 2 decisions according to status quo likelihood. In a series of binary logistic regressions that controlled for the effect of the

individual differences variables on marriage equality Ballot 2, the main effect of status quo likelihood did not attain statistical significance,  $ps > .05$ . In the series of ANCOVA models involving likelihood to vote for Ballot 2 (See Above), none of the models included a significant main effect or interaction for status quo likelihood. I performed no mediation analyses because there were no significant differences for status quo to test for emotion or system justification mediations

**Hypothesis 3: Current status quo by status quo likelihood (Interaction effect).**

*Current status quo and status quo likelihood manipulations' effects on Ballot 2 decisions.*

A 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Initial v. Second ballot) repeated measures MANOVA testing the different hypotheses for Ballot change failed to attain significance,  $p > .05$ . Crosstabs revealed that only 2% of participants changed their vote (seven participants) between the initial and subsequent ballot. However, a marginally significant current status quo by time interaction emerged,  $F(1, 321) = 3.37, MSE = .01, p = .067, \eta^2 = .01$ . Follow up analyses did not reveal significant differences according to current status quo across time, i.e. participants in the threat and affirmation conditions did not change their votes across time,  $F(1, 163) = 1.00, MSE = .00, p > .05, \eta^2 = .01$  and  $F(1, 164) = 2.69, MSE = .02, p > .05, \eta^2 = .02$ , respectively. Similarly, participants did not differ at time 1 or time 2 according to current status quo condition,  $t(331) = .89, p > .05$  and  $t(328) = .29, p > .05$ , respectively, for Ballot 1 and Ballot 2 across current status quo condition. A 2 x 4 x 2 MANOVA for likelihood to vote also failed to attain significance,  $p > .05$ , because

only 7.9% of participants changed their likelihood to vote (26 of 328 participants) between the initial and subsequent ballot.

*Current status quo and status quo likelihood manipulations' interaction effect on Ballot 2 decisions with individual differences variables included.*

Correlational analyses revealed that individual differences variables were significantly correlated with the four ballot decisions (i.e. the initial ballot, the initial ballot likelihood, the subsequent ballot, and the subsequent ballot likelihood) (See Table 12). Participants were less likely to vote for marriage equality with more negative attitudes toward lesbians and gay men (ATLG), stronger views that lesbians and gay men constituted realistic and symbolic threats, greater anxiety felt toward lesbians and gay men, stronger beliefs that American society is fair, legitimate, and justifiable (SSJ), and stronger global belief in a just world (GBJW)<sup>3</sup>.

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<sup>3</sup> Covariate analyses of these variables can be found in the Hypothesis 2 and 3 Results sections.

Table 12

*Correlations between Ballot Decisions and Individual Differences variables*

Individual Difference variable	Ballot Decision			
	Ballot 1	Ballot 2	Ballot 1 Likelihood	Ballot 2 Likelihood
ATLG	-.77	-.78	-.79	-.81
SSJ	-.20	-.21	-.24	-.25
GBJW	-.23	-.24	-.25	-.26
Realistic & Symbolic Threat	-.67	-.68	-.71	-.72
Intergroup Anxiety	-.46	-.49	-.50	-.51

*Notes.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale. All correlations are significant at  $p < .01$  level.  $N_{\text{Ballot 1}} = 328$ ,  $N_{\text{Ballot 2}} = 329$ ,  $N_{\text{Ballot 1 Likelihood}} = 327$ ,  $N_{\text{Ballot 2 Likelihood}} = 328$ .

*Individual differences variables' effects on the relationship between manipulated variables (Current status quo and status quo likelihood) and voting for marriage equality.*

Binary logistic regression involving current status quo and status quo likelihood as predictors for Ballot 2 failed to attain significance, Nagelkerke  $R^2 = .01$ ,  $X^2(7) = 1.55$ ,  $p > .05$ . As shown in the results for Hypothesis 2, individual differences variables significantly predicted participants' votes for Ballot 2. Therefore, in a series of models, I added individual differences variables one at a time as covariates to the original binary logistic regression models used to predict Ballot 2. Table 13 displays the results. The main effects for the covariates were similar to the correlation analyses described above.

However, as shown in Table 12 (Below), there was a significant regression model with the ATLG covariate, Nagelkerke  $R^2 = .74$ ,  $X^2(8) = 240.75$ ,  $p < .01$ , revealing a main effect for status quo likelihood such that participants in the 10%,  $B = 1.80$ , 30%,  $B = 2.28$ , and 90%,  $B = 1.95$ , conditions were significantly more likely to vote for marriage equality than participants in the 60% condition,  $ps < .05$ .

Similarly, when the binary logistic regression model included all main effects and interactions for current status quo (Affirmation v. Threat), status quo likelihood (90% v. 10%, 30%, and 60%), and GBJW with 90% and affirmation as the reference groups, a significant model emerged, Nagelkerke  $R^2 = .17$ ,  $X^2(15) = 40.76$ ,  $p < .01$ , with a main effect for current status quo, but qualified by a significant current status quo by GBJW interaction. After splitting the file for status quo conditions, binary logistic regression revealed that, for participants in the affirmation condition, GBJW was a significant predictor,  $B = -.54$ ,  $p < .01$ , Nagelkerke  $R^2 = .28$ ,  $X^2(7) = 35.37$ . For participants in the threat condition, GBJW was not a significant predictor, Nagelkerke  $R^2 = .04$ ,  $X^2(7) = 5.35$ ,  $p > .05$ . Thus, threat again appears to disrupt the relationship between GBJW and the marriage equality vote.

Within the original, built model, a marginally significant interaction between current status quo and status quo likelihood emerged,  $p = .06$ ; however, a marginally significant three-way interaction among current status quo, status quo likelihood, and GBJW,  $p = .06$ , qualified the two-way interaction. Splitting the file according to current status quo and status quo likelihood allowed a finer look at the effects of GBJW under each of the status quo conditions. A significant model emerged for the affirmation, 30% cell,  $B = -1.23$ ,  $p < .01$ , Nagelkerke  $R^2 = .39$ ,  $X^2(1) = 12.74$ ; affirmation, 60% cell,  $B = -$

.65,  $p = .05$ , Nagelkerke  $R^2 = .12$ ,  $X^2(1) = 3.81$ ; and affirmation, 90% cell,  $B = -2.54$ ,  $p < .01$ , Nagelkerke  $R^2 = .49$ ,  $X^2(1) = 17.49$ ,  $p < .01$ , such that participants within these conditions who held global belief in a just world were less likely to vote for Ballot 2.

Table 13

*Binary Logistic Regressions with Current Status Quo, Status Quo Likelihood, and Individual Differences Covariates Predicting Second Ballot Decisions (Marriage Equality)*

Covariate Predictor Model	Current Status Quo (CSQ), Status Quo Likelihood (SQL), and Individual Differences Covariates (Predictors)	<i>B</i>	<i>Wald</i>	<i>d.f.</i>	<i>p</i>	<i>Exp(B)</i>
ATLG	ATLG	-2.92 (.33)	77.24	1	.00	.05
ATLG	SQL (60% as reference group)		8.88	3	.03	
	SQL (10% v. 60%)	1.80 (.84)	4.55	1	.03	6.04
	SQL (30% v. 60%)	2.28 (.91)	6.30	1	.01	9.83
	SQL (90% v. 60%)	1.95 (.82)	5.66	1	.02	7.02
SSJ	SSJ	-.33 (.09)	14.71	1	.00	.72
GBJW	GBJW	-.54 (.13)	18.34	1	.00	.58
GBJW (Built Model)	CSQ (Affirmation as reference group)	8.54 (3.27)	6.84	1	.01	5140.40
	GBJW x CSQ Interaction (Affirmation as reference group)	-2.51 (.93)	7.32	1	.01	.08
	CSQ x SQL Interaction		7.37	3	.06	



	(Affirmation and 90% as reference groups)					
	GBJW x CSQ x SQL Interaction (Affirmation and 90% as reference groups)		7.30	3	.06	
GBJW (Built Model – Split by CSQ)	GBJW (Affirmation condition)	-2.54 (.87)	8.48	1	.00	.08
GBJW (Built Model – Split by CSQ and SQL)	GBJW (Affirmation and 30% condition)	-1.23 (.41)	8.80	1	.00	.29
	GBJW (Affirmation and 60% condition)	-.65 (.35)	3.42	1	.06	.52
	GBJW (Affirmation and 90% condition)	-2.54 (.87)	8.48	1	.00	.08
Realistic & Symbolic Threat	Realistic & Symbolic Threat	-1.94 (.22)	78.38	1	.00	.14
Intergroup Anxiety	Intergroup Anxiety	-.66 (.08)	59.48	1	.00	.52

*Notes.* ATLG, SSJ, GBJW, CSQ, and SQL stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, Current Status Quo, and Status Quo Likelihood. Standard errors are in parentheses.

*Individual differences variables' effects on the relationship between manipulated variables (Current status quo and status quo likelihood) and likelihood to vote for marriage equality.*

A series of mixed model ANCOVAs included individual differences variables as covariates in the 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Ballot 1 Likelihood v. Ballot 2 Likelihood) with repeated measures on the last factor tested the main effects and

interactions the continuous factor, likelihood to vote for marriage equality. However, when the individual differences variables were added, one at a time, to the model, time of the ballot was not significant as a main effect or interaction,  $ps > .05$ . Thus, the dependent variables were collapsed across time to create an overall likelihood to vote for marriage equality.

A series of 2 (Current status quo: Affirmation v. Threat) x 4 (Status quo likelihood: 10% v. 30% v. 60% v. 90%) ANCOVAs with the individual differences variables as covariates produced results similar to the correlation analyses performed above<sup>4</sup> (see Tables 12 and 14). In the GBJW ANCOVA model, significant main effects for current status quo and GBJW emerged, but were qualified by a significant interaction between current status quo and GBJW<sup>5</sup> (See Table 14). Splitting the file according to current status quo revealed that the significant effect of GBJW was in the affirmation condition,  $\beta = -.53, p < .01, F(1, 156) = 29.21, MSE = 4.78, \eta p^2 = .16$ . As the effect of GBJW was not significant in the threat condition, this indicates that threat may disrupt the effect of GBJW on marriage equality decisions,  $\beta = -.09, p > .05, F(1, 156) = 2.48$ .

Significant three-way interactions emerged among current status quo, status quo likelihood, and individual differences for ATLG and realistic and symbolic threat (See Table 14). After splitting the file according to current status quo and status quo likelihood (separately), I conducted ANCOVAs and correlations for the individual difference factors. Correlations between ATLG and likelihood to vote for marriage

<sup>4</sup> The reference groups for regression analyses were the affirmation condition and the 90% condition, unless otherwise noted.

<sup>5</sup> The significant beta weights were found within the model using the 30% status quo likelihood as the reference group. Therefore, the 30% condition was the reference group throughout the GBJW analyses.

equality were significant in all eight cells,  $ps < .01$  (See Table 15). Correlations were significantly different between the affirmation, 10% ( $r = -.906$ ) and affirmation, 60% ( $r = -.708$ ),  $z = -2.73$ ,  $p < .01$ , and affirmation, 90% ( $r = -.780$ ),  $z = -2.00$ ,  $p < .05$ , cells (Fisher r-to-z transformation, Richard Lowry, 2001-2015, [vassarstats.net/rdiff.html](http://vassarstats.net/rdiff.html)). Similarly, correlations were significantly different between the affirmation, 30% ( $r = -.883$ ) and affirmation, 60% ( $r = -.708$ ),  $z = -2.20$ ,  $p < .05$ , cells. Correlations were significantly different between the threat, 10% ( $r = -.909$ ) and threat, 30% ( $r = -.714$ ),  $z = -2.78$ ,  $p < .01$ , cells and marginally significantly different between the threat, 10% ( $r = -.909$ ) and threat, 60% ( $r = -.791$ ),  $z = -1.93$ ,  $p = .054$ , cells. Finally, for the 30% condition, correlations were significantly different between affirmation ( $r = -.883$ ) and threat ( $r = -.714$ ),  $z = -2.14$ ,  $p < .05$ .

Correlations between realistic and symbolic likelihood and likelihood to vote for marriage equality were significant in all cells such that the more participants believed lesbians and gay men to represent realistic and symbolic threats, the less likely they were to vote for marriage equality (See Table 16). None of the correlations were significantly different from each other within either the threat or affirmation conditions,  $ps > .05$  (Lowry, 2001-2015).

Table 14

*ANCOVA Models with Current Status Quo, Status Quo Likelihood, and Individual Differences Covariates Predicting Second Ballot Decision (Marriage Equality)*

Covariate Predictor Model	Current Status Quo (CSQ), Status Quo Likelihood (SQL), and Individual Differences Covariates (Predictors)	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	ATLG	1, 312	627.36	1.86	.000	-.78	.67
	CSQ x SQL x ATLG Interaction	3, 312	3.96	1.86	.009	.392	.04
ATLG (Split by CSQ)	SQL x ATLG (Threat condition)	3, 156	4.22	1.88	.007	.35	.08
ATLG (Split by SQL)	CSQ x ATLG (30% condition)	1, 77	10.34	1.89	.002	.53	.12
SSJ	SSJ	1, 312	20.85	5.22	.000	-.47	.06
GBJW	GBJW	1, 312	23.38	5.13	.000	-.54	.07
	CSQ	1, 312	6.94	5.13	.009	-.63	.02
	CSQ x GBJW Interaction	1, 312	6.40	5.13	.012	.74	.02
GBJW (Split by CSQ)	GBJW (Affirmation condition)	1, 156	29.21	4.78	.000	-.53	.16
Realistic & Symbolic (R&S) Threat	R&S Threat	1, 312	365.56	2.58	.000	-.67	.54
	CSQ x SQL x R&S Threat Interaction	3, 312	3.59	2.58	.014	.56	.03
R&S Threat (Split by CSQ)	SQL x R&S Threat Interaction (Threat condition)	3, 156	4.38	2.19	.005	.56	.08

R&S Threat (Split by SQL)	CSQ x R&S Threat Interaction (30% condition)	1, 77	4.88	2.43	.030	.43	.06
	CSQ x R&S Threat Interaction (90% condition)	1, 79	5.02	2.52	.028	-.41	.06
Intergroup Anxiety	Intergroup Anxiety	1, 312	109.98	4.12	.000	-.54	.26

*Notes.* ATLG, SSJ, GBJW, CSQ, and SQL stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, Current Status Quo, and Status Quo Likelihood.

Table 15

*Correlations between ATLG (Attitudes Toward Lesbians and Gay Men scale) and Likelihood to Vote for Ballot 2 at Different Levels of Current Status Quo and Status Quo Likelihood (Marriage Equality)*

Current Status Quo	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Affirmation	-.906 <sub>a, b</sub> (40)	-.883 <sub>c, e</sub> (39)	-.708 <sub>a, c</sub> (43)	-.780 <sub>b</sub> (42)
Threat	-.909 <sub>d</sub> * (43)	-.714 <sub>d, e</sub> (42)	-.791* (38)	-.815 (41)

*Notes.* Correlations are significant at  $p < .01$ . Correlations with shared subscripts indicate significant differences at  $p < .05$  or less level. Shared \* indicate marginally significantly different at  $p = .05$  level. *Ns* are in parentheses.

Table 16

*Correlations between Realistic and Symbolic Threat scale and Likelihood to Vote for Ballot 2 at Different Levels of Current Status Quo and Status Quo Likelihood (Marriage Equality)*

Current Status Quo	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Affirmation	-.640 (40)	-.774 (39)	-.634 (43)	-.719 (42)
Threat	-.805 (43)	-.729 (42)	-.762 (38)	-.811 (41)

*Notes.* Correlations are significant at  $p < .001$ . *Ns* are in parentheses.

***Current status quo and status quo likelihood manipulations' effects on emotion.***

A 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 7 (Emotions: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Happiness v. Hope) x 2 (Time: After current status quo manipulation v. After status quo likelihood manipulation) mixed model ANOVA with repeated measures on the last two factors revealed significant main effects and interactions for reported emotion. A significant main effect for emotion emerged,  $F(2.34, 753.16^6) = 108.29$ ,  $MSE = 2.03$ ,  $p < .01$ ,  $\eta p^2 = .25$ , that was qualified by an emotion by current status quo interaction,  $F(2.34, 753.16) = 11.24$ ,  $MSE = 2.03$ ,  $p < .01$ ,  $\eta p^2 = .03$ . A significant time by emotion interaction emerged,  $F(2.21, 711.82) = 8.55$ ,  $MSE = 1.48$ ,  $p < .01$ ,  $\eta p^2 = .03$ , that was qualified by two significant three-way interactions: one being time by emotion by current status quo,  $F(2.21, 711.82) = 16.21$ ,  $MSE = 1.48$ ,  $p < .01$ ,  $\eta p^2 = .05$ , and the

<sup>6</sup> All repeated measures tests in this experiment used the Huynh-Felt adjustment for correlated error terms, which result in adjusted degrees of freedom that may not always be whole numbers.

other being time by emotion by status quo likelihood,  $F(6.63, 711.82) = 2.56$ ,  $MSE = 1.48$ ,  $p < .05$ ,  $\eta^2 = .02$ .

A series of 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: After current status quo manipulation (Time 1) v. After status quo likelihood manipulation (Time 2)) repeated measures ANOVAs were performed on each emotion. Significant time main effects appeared for most emotions (except for anxiety and disgust): fear,  $F(1, 323) = 5.16$ ,  $MSE = .34$ ,  $p < .05$ ,  $\eta^2 = .02$ ; anger,  $F(1, 323) = 6.55$ ,  $MSE = .60$ ,  $p < .05$ ,  $\eta^2 = .02$ ; compassion,  $F(1, 323) = 27.32$ ,  $MSE = .38$ ,  $p < .01$ ,  $\eta^2 = .08$ ; happiness,  $F(1, 323) = 11.13$ ,  $MSE = .97$ ,  $p < .01$ ,  $\eta^2 = .03$ ; and hope,  $F(1, 323) = 4.77$ ,  $MSE = .81$ ,  $p < .05$ ,  $\eta^2 = .02$ . Similarly, a main effect for current status quo emerged for each emotion: fear,  $F(1, 323) = 12.22$ ,  $MSE = .60$ ,  $p < .01$ ,  $\eta^2 = .04$ ; anxiety,  $F(1, 322) = 10.83$ ,  $MSE = .93$ ,  $p < .01$ ,  $\eta^2 = .03$ ; anger,  $F(1, 323) = 7.84$ ,  $MSE = .95$ ,  $p < .01$ ,  $\eta^2 = .02$ ; disgust,  $F(1, 323) = 9.00$ ,  $MSE = .86$ ,  $p < .01$ ,  $\eta^2 = .03$ ; compassion,  $F(1, 323) = 5.37$ ,  $MSE = 1.07$ ,  $p < .05$ ,  $\eta^2 = .02$ ; happiness,  $F(1, 323) = 8.25$ ,  $MSE = 1.66$ ,  $p < .01$ ,  $\eta^2 = .02$ ; and hope,  $F(1, 323) = 5.87$ ,  $MSE = 1.37$ ,  $p < .05$ ,  $\eta^2 = .02$ . However, all of these main effects were qualified by significant time by current status quo interactions: fear,  $F(1, 323) = 13.11$ ,  $MSE = .34$ ,  $p < .01$ ,  $\eta^2 = .04$ ; anxiety,  $F(1, 322) = 9.43$ ,  $MSE = .63$ ,  $p < .01$ ,  $\eta^2 = .03$ ; anger,  $F(1, 323) = 8.84$ ,  $MSE = .60$ ,  $p < .01$ ,  $\eta^2 = .03$ ; disgust,  $F(1, 323) = 4.71$ ,  $MSE = .53$ ,  $p < .05$ ,  $\eta^2 = .01$ ; compassion,  $F(1, 323) = 5.56$ ,  $MSE = .38$ ,  $p < .05$ ,  $\eta^2 = .02$ ; happiness,  $F(1, 322) = 24.19$ ,  $MSE = .97$ ,  $p < .01$ ,  $\eta^2 = .07$ ; and hope,  $F(1, 323) = 10.88$ ,  $MSE = .81$ ,  $p < .01$ ,  $\eta^2 = .03$ .

After splitting the file according to current status quo, repeated measure ANOVAs and One-way ANOVAs for each time were conducted to explore these relationships (See Table 17). Table 17 shows that for all the negative emotions participants experienced stronger negative emotions at Time 1 under the threat condition than under the affirmation condition and that this effect dissipated over time so that there were no differences in negative emotions at Time 2 for the status quo manipulation. Further, participants felt stronger negative emotions under threat at Time 1 than at Time 2. Table 17 shows the opposite pattern for the positive emotions of happiness and hope where participants felt stronger positive emotions at Time 1 in the affirmation condition than threat condition but this effect dissipated at Time 2 where participants felt equivalent happiness and hope in the affirmation and threat conditions. Compassion did not follow this trend such that threat condition participants felt greater compassion than affirmation condition participants at time 1, but this effect dissipated at Time 2.



Table 17

*Differences across Emotions and Time According to Current Status Quo (Marriage Equality)*

Emotion	Time 1		Time 2	
	Affirmation	Threat	Affirmation	Threat
Fear	1.26 <sub>a</sub> (.05)	1.64 <sub>a, b</sub> (.05)	1.33 (.06)	1.37 <sub>b</sub> (.06)
Anxiety	1.31 <sub>c</sub> (.07)	1.75 <sub>c, d</sub> (.07)	1.45 (.07)	1.50 <sub>d</sub> (.07)
Anger	1.50 <sub>e</sub> (.06)	1.89 <sub>e, f</sub> (.06)	1.53 (.07)	1.56 <sub>f</sub> (.07)
Disgust	1.38 <sub>g</sub> (.06)	1.72 <sub>g, h</sub> (.06)	1.46 (.07)	1.56 <sub>h</sub> (.07)
Compassion	1.67 <sub>i, j</sub> (.06)	1.97 <sub>i, k</sub> (.06)	2.04 <sub>j</sub> (.07)	2.11 <sub>k</sub> (.07)
Happiness	2.32 <sub>l</sub> (.08)	1.65 <sub>l, m</sub> (.08)	2.19 (.10)	2.28 <sub>m</sub> (.10)
Hope	2.50 <sub>n</sub> (.08)	2.05 <sub>n, o</sub> (.07)	2.42 (.09)	2.44 <sub>o</sub> (.09)

*Notes.* Means with shared subscripts are significantly different at  $p < .05$  or less level for the same emotion. Standard errors are in parentheses.

Significant and marginally significant time by status quo likelihood interactions also emerged: anger,  $F(3, 323) = 2.53$ ,  $MSE = .60$ ,  $p < .06$ ,  $\eta\rho^2 = .02$ ; compassion,  $F(3, 323) = 2.43$ ,  $MSE = .38$ ,  $p = .06$ ,  $\eta\rho^2 = .02$ ; happiness,  $F(3, 323) = 3.00$ ,  $MSE = .97$ ,  $p < .05$ ,  $\eta\rho^2 = .03$ ; and hope,  $F(3, 323) = 2.57$ ,  $MSE = .81$ ,  $p < .06$ ,  $\eta\rho^2 = .02$ . After splitting the file according to status quo likelihood, repeated measured ANOVAs were conducted to explore these relationships (See Table 18). Time main effects emerged in the 60%,  $F(1, 79) = 8.48$ ,  $MSE = .52$ ,  $p < .01$ ,  $\eta\rho^2 = .10$ ; and 90%,  $F(1, 84) = 7.31$ ,  $MSE = .48$ ,  $p < .01$ ,  $\eta\rho^2 = .08$ , conditions such that participants were angrier at time 1 than at time 2. Participants in the 10%,  $F(1, 81) = 11.81$ ,  $MSE = .45$ ,  $p < .01$ ,  $\eta\rho^2 = .13$ ; 60%,  $F(1, 79) = 10.61$ ,  $MSE = .32$ ,  $p < .01$ ,  $\eta\rho^2 = .12$ ; and 90%,  $F(1, 84) = 10.48$ ,  $MSE = .42$ ,  $p < .01$ ,  $\eta\rho^2 = .11$  conditions felt less compassion at time 1 than at time 2. Participants in the 60%,  $F(1,$

79) = 3.82,  $MSE = 1.04$ ,  $p = .05$ ,  $\eta^2 = .05$ , and 90%,  $F(1, 84) = 11.36$ ,  $MSE = 1.38$ ,  $p < .01$ ,  $\eta^2 = .12$  conditions were happier at time 2 than at time 1. Participants in the 90% likelihood condition,  $F(1, 84) = 8.02$ ,  $MSE = 1.12$ ,  $p < .01$ ,  $\eta^2 = .09$ , were more hopeful at time 2 than at time 1.

Table 18

*Differences across Emotions and Time According to Status Quo Likelihood (Marriage Equality)*

Emotion	Time 1				Time 2			
	10%	30%	60%	90%	10%	30%	60%	90%
Anger	1.56 (.07)	1.76 (.10)	1.69 <sub>a</sub> (.09)	1.79 <sub>b</sub> (.09)	1.64 (.10)	1.68 (.13)	1.36 <sub>a</sub> (.08)	1.51 <sub>b</sub> (.10)
Compassion	1.84 <sub>c</sub> (.08)	2.01 (.10)	1.83 <sub>d</sub> (.09)	1.62 <sub>e</sub> (.08)	2.19 <sub>c</sub> (.10)	2.04 (.10)	2.12 <sub>d</sub> (.09)	1.94 <sub>e</sub> (.10)
Happiness	2.04 (.12)	1.95 (.11)	2.06* (.13)	1.88 <sub>f</sub> (.10)	2.07 (.13)	2.03 (.13)	2.37* (.12)	2.48 <sub>f</sub> (.15)
Hope	2.38 (.11)	2.26 (.10)	2.29 (.11)	2.17 <sub>g</sub> (.10)	2.31 (.12)	2.35 (.13)	2.43 (.11)	2.63 <sub>g</sub> (.14)

*Notes.* Means with shared subscripts indicate significant differences at  $p < .01$  for the same emotion. Shared \* indicate marginally significant differences at  $p = .05$  level for the same emotion. Standard errors are in parentheses.

***Current status quo and status quo likelihood manipulations' effects on sexual minority system justification.***

A 17 (SMSJ: 17 items) x 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures MANOVA tested the change hypotheses. Only a main effect for SMSJ emerged, indicating that participants differed in their endorsement of different system justifications,  $F(5.62, 1685.73) = 170.83$ ,  $MSE = 5.82$ ,  $p < .01$ ,  $\eta^2 = .36$ .

In addition, a 5 (SMSJ – Reduced number of items based upon the earlier factor analysis) x 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures MANOVA tested these hypotheses. A main effect for SMSJ emerged,  $F(2.65, 841.13) = 413.47$ ,  $MSE = 2.77$ ,  $p < .01$ ,  $\eta^2 = .57$ , qualified with an interaction between SMSJ and current status quo,  $F(2.65, 841.13) = 3.13$ ,  $MSE = 2.77$ ,  $p < .05$ ,  $\eta^2 = .01$ .

A series of 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures MANOVAs were performed on each justification. A significant main effect for current status quo emerged for Discrimination History, such that affirmation condition participants ( $M = 4.42$ ) were more likely than threat condition participants ( $M = 4.14$ ) to believe that lesbians and gay men have a history of discrimination in the United States,  $F(1, 321) = 6.14$ ,  $MSE = 2.05$ ,  $p < .05$ ,  $\eta^2 = .02$ .

***Mediation of the relationship between current status quo, status quo likelihood, and marriage equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 2 decisions according to status quo likelihood. In addition, participants did not differ in their Ballot 2 decisions according to current status quo, Nagelkerke  $R^2 = .00$ ,  $X^2(1) = .08$ ,  $p > .05$ , or according to both current status quo and status quo likelihood, Nagelkerke  $R^2 = .001$ ,  $X^2(2) = .24$ ,  $p > .05$ . In a series of binary logistic regressions that controlled for the effect of the individual differences variables on marriage equality Ballot 2, the main effects of current status quo and status quo likelihood did not attain statistical significance,  $ps > .05$ . I performed no

mediation analyses because there were no significant differences for status quo to test for emotion or system justification mediations

**Hypothesis 4: Individual differences variables (Attitudes Toward Lesbians and Gay Men (ATLG), Situational System Justification (SSJ), and Global Belief in a Just World (GBJW) scales)**

*Individual differences variables' effects on Ballot decisions.*

Individual differences variables strongly affected participants' ballot decisions (See Results for Hypotheses 1, 2, and 3).

*Individual differences variables' effects on emotion.*

*ATLG as individual differences covariate.*

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 8 (Emotion: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Pity v. Happiness v. Hope) x 2 (Time: Time 1 v. Time 2) repeated measures MANCOVA with ATLG covariate resulted in a significant four-way interaction between time, emotion, status quo likelihood, and ATLG,  $F(10.003, 1060.34) = 4.25, MSE = .91, p < .01, \eta p^2 = .04$ . Thus, a series of 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures ANCOVAs with ATLG covariate were conducted for each emotion (ATLG repeated measures ANCOVA). Significant time main effects appeared for each emotion, with the differences across time mostly matching the time by current status quo effect (See Tables 17 and 19), with greater means for negative emotions at time 1 than time 2. However, whereas happiness and pity had greater means at time 1 than time 2, hope and compassion had greater means at time 2 than at time 1. Similarly, an ATLG main effect

emerged for most emotions, except compassion (See Table 20). However, all of these main effects were qualified by significant time by ATLG interactions (See Table 21).

Table 19

*Repeated Measures ANCOVA Models with Individual Differences Covariates Predicting Emotions: Time Main Effect (Marriage Equality)*

Individual Differences Covariate Model	Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\eta\rho^2$
ATLG	Fear	1, 321	46.20	.31	.000	.13
	Anxiety	1, 320	25.40	.60	.000	.07
	Anger	1, 321	75.28	.50	.000	.19
	Disgust	1, 321	67.22	.41	.000	.17
	Compassion	1, 321	77.96	.34	.000	.20
	Pity	1, 319	19.42	.57	.000	.06
	Happiness	1, 321	122.13	.75	.000	.28
	Hope	1, 321	126.40	.58	.000	.28
SSJ	Fear	1, 321	18.75	.33	.000	.06
	Anxiety	1, 320	7.37	.64	.007	.02
	Anger	1, 321	24.37	.56	.000	.07
	Disgust	1, 321	15.44	.50	.000	.05
	Compassion	1, 321	12.33	.38	.001	.04
	Pity	1, 319	6.42	.59	.012	.02
	Happiness	1, 321	22.88	.98	.000	.07
	Hope	1, 321	29.18	.77	.000	.08

*Notes.* ATLG and SSJ stand for Attitudes Toward Lesbians and Gay Men scale and Situational System Justification scale.

Table 20

*Repeated Measures ANCOVA Models with Individual Differences Covariates Predicting Emotions: Covariate Main Effect (Marriage Equality)*

Individual Differences Covariate Model	Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	Fear	1, 321	71.58	.51	.000	.48	.18
	Anxiety	1, 320	35.36	.86	.000	.25	.10
	Anger	1, 321	107.82	.70	.000	.60	.25
	Disgust	1, 321	127.90	.61	.000	.74	.28
	Pity	1, 319	37.67	.79	.000	.52	.11
	Happiness	1, 321	9.85	1.60	.002	-.45	.03
	Hope	1, 321	12.58	1.32	.000	-.41	.04
SSJ	Compassion	1, 321	4.96	1.07	.027	-.12 <sup>7</sup>	.02

*Notes.* ATLG and SSJ stand for Attitudes Toward Lesbians and Gay Men scale and Situational System Justification scale.

<sup>7</sup> The beta weights were not significant using the different status quo likelihood comparison groups. Therefore, status quo likelihood vectors were removed from the regression model in order to find the significant relationship (beta weight) between SSJ and Compassion.

Table 21

*Repeated Measures ANCOVA Models with Individual Differences Covariates Predicting Emotions: Time by Covariate Interaction (Marriage Equality)*

Individual Differences Covariate Model	Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\eta\rho^2$
ATLG	Fear	1, 321	41.21	.31	.000	.11
	Anxiety	1, 320	27.74	.60	.000	.08
	Anger	1, 321	67.29	.50	.000	.17
	Disgust	1, 321	76.30	.41	.000	.19
	Compassion	1, 321	50.49	.34	.000	.14
	Pity	1, 319	20.28	.57	.000	.06
	Happiness	1, 321	109.70	.75	.000	.26
	Hope	1, 321	128.04	.58	.000	.28
SSJ	Fear	1, 321	14.87	.33	.000	.04
	Anxiety	1, 320	6.91	.64	.009	.02
	Anger	1, 321	18.98	.56	.000	.06
	Disgust	1, 321	15.72	.50	.000	.05
	Compassion	1, 321	3.88	.38	.050	.01
	Pity	1, 319	5.80	.59	.017	.02
	Happiness	1, 321	15.79	.98	.000	.05
	Hope	1, 321	24.76	.77	.000	.07

*Notes.* ATLG and SSJ stand for Attitudes Toward Lesbians and Gay Men scale and Situational System Justification scale.

One-way ANCOVA follow ups were conducted to explore these relationships (See Table 22). For fear, the effect of ATLG was significant at both time 1,  $\beta = .25, p < .01$ , and at time 2,  $\beta = .52, p < .01$ . For anxiety, the relationship was only significant at time 2,  $\beta = .27, p < .01$ , such that participants with negative attitudes toward lesbians and gay men were anxious at time 2. For anger, the relationship was significant at both time 1,  $\beta = .22, p < .05$ , and at time 2,  $\beta = .69, p < .01$ . For compassion, the relationship was significant at time 1,  $\beta = .14^8, p < .01$ , and at time 2,  $\beta = -.23, p < .01$ , but in opposite directions, with participants having more compassion at time 1. For pity, the relationship was significant at time 2,  $\beta = .64, p < .01$ , such that participants with negative attitudes toward lesbians and gay men felt pity.

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<sup>8</sup> A significant beta weight could not be found between ATLG and Compassion at time 1 using the different status quo likelihood references groups. Therefore, for both times, the status quo likelihood vectors were removed from the regression model in order to find the significant relationship (beta weight) between ATLG and Compassion.



Table 22

*One-way ANCOVA Models with Individual Differences Covariates Predicting Emotions: Time 1 v. Time 2 (Marriage Equality)*

Individual Differences Covariate Model	Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	Fear (Time 1)	1, 321	6.50	.47	.011	.25	.02
	Fear (Time 2)	1, 321	132.15	.35	.000	.52	.29
	Anxiety (Time 2)	1, 320	66.75	.69	.000	.27	.17
	Anger (Time 1)	1, 321	6.30	.68	.013	.22	.02
	Anger (Time 2)	1, 321	200.71	.52	.000	.69	.38
	Disgust (Time 1)	1, 321	9.39	.55	.002	.30	.03
	Disgust (Time 2)	1, 321	222.06	.47	.000	.82	.41
	Compassion (Time 1)	1, 321	7.02	.67	.008	.14 <sup>9</sup>	.02
	Compassion (Time 2)	1, 321	17.79	.76	.000	-.23	.05
	Pity (Time 2)	1, 320	60.52	.65	.000	.64	.16
	Happiness (Time 1)	1, 321	11.17	1.17	.001	.50 <sup>10</sup>	.03
	Happiness (Time 2)	1, 321	71.75	1.19	.000	-.42	.18
	Hope (Time 1)	1, 321	11.20	.94	.001	.37 <sup>11</sup>	.03
	Hope (Time 2)	1, 321	83.57	.97	.000	-.48	.21
SSJ	Fear (Time 1)	1, 321	7.05	.47	.008	-.15 <sup>12</sup>	.02

<sup>9</sup> Significant beta weights could not be found between ATLG and Compassion using the same status quo likelihood reference groups for both time 1 and time 2. Therefore, for both times, the status quo likelihood vectors were removed from the model in order to find the significant relationship (beta weight) between ATLG and Compassion.

<sup>10</sup> The significant beta weights were found within the model using the 60% status quo likelihood as the reference group for both Time 1 and Time 2.

<sup>11</sup> The significant beta weights were found within the model using the 60% status quo likelihood as the reference group for both Time 1 and Time 2.

<sup>12</sup> Significant beta weights could not be found between SSJ and Fear using the same status quo likelihood reference groups for both time 1 and time 2. Therefore, for both times, the status quo likelihood vectors

Fear (Time 2)	1, 321	3.63	.49	.058	.11	.01
Anxiety (Time 1)	1, 321	6.14	.75	.014	-.23 <sup>13</sup>	.02
Disgust (Time 1)	1, 321	11.11	.56	.001	-.24 <sup>14</sup>	.03
Compassion (Time 2)	1, 321	7.98	.78	.005	-.15 <sup>15</sup>	.02
Hope (Time 1)	1, 321	6.75	.92	.010	.15 <sup>16</sup>	.02
Hope (Time 2)	1, 321	11.11	1.21	.001	-.18	.03

*Notes.* ATLG and SSJ stand for Attitudes Toward Lesbians and Gay Men scale and Situational System Justification scale.

For anger, a significant interaction emerged for time by status quo likelihood (See Table 23). After splitting the file by status quo likelihood, the ATLG repeated measures ANCOVA revealed a significant main effect for time for participants in the 30%, 60%, and 90% conditions, such that participants were angrier at time 1 than at time 2 (See Table 24).

were removed from the model in order to find the significant relationship (beta weight) between SSJ and Fear.

<sup>13</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

<sup>14</sup> The significant beta weight was found within the model using the 60% status quo likelihood as the reference group.

<sup>15</sup> A significant beta weight could not be found between SSJ and Compassion at time 2 using the different status quo likelihood references groups. Therefore, the status quo likelihood vectors were removed from the model in order to find the significant relationship (beta weight) between SSJ and Compassion.

<sup>16</sup> Significant beta weights could not be found between SSJ and Hope using the same status quo likelihood reference groups for both time 1 and time 2. Therefore, for both times, the status quo likelihood vectors were removed from the model in order to find the significant relationships (beta weights) between SSJ and Hope.

Table 23

*Repeated Measures ANCOVA Models with Individual Differences Covariates Predicting Emotions: Status Quo Likelihood Effects (Marriage Equality)*

Individual Differences Covariate Model	Predicted Emotion (SQL Effects)	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	Anger (Time x SQL Interaction)	3, 321	3.61	.50	.014		.03
	Anger (Time x SQL Interaction: 30% condition)	1, 79	26.84	.53	.000		.25
	Anger (Time x SQL Interaction: 60% condition)	1, 79	32.86	.42	.000		.29
	Anger (Time x SQL Interaction: 90% condition)	1, 82	34.29	.38	.000		.30
	Disgust (Time x SQL Interaction)	3, 321	4.76	.41	.003		.04
	Disgust (SQL x ATLG Interaction)	3, 321	2.96	.61	.033	-.35	.03
	Disgust (Time x SQL x ATLG Interaction)	3, 321	4.84	.41	.003		.04
	Disgust (Time x SQL x ATLG Interaction: 30% condition)	1, 79	44.25	.44	.000		.36
	Disgust (Time x SQL x ATLG Interaction: 60% condition)	1, 79	22.38	.32	.000		.22
	Disgust (Time x SQL x ATLG Interaction: 90% condition)	1, 82	37.39	.32	.000		.31

Happiness (SQL)	3, 321	3.25	1.60	.022		.03
Happiness (Time x SQL Interaction)	3, 321	11.14	.75	.000		.09
Happiness (SQL x ATLG Interaction)	3, 321	3.08	1.60	.027	.40	.03
Happiness (Time x SQL x ATLG Interaction)	3, 321	8.74	.75	.000		.08
Happiness (Time x SQL x ATLG Interaction: 30% condition)	1, 79	24.86	.60	.000		.24
Happiness (Time x SQL x ATLG Interaction: 60% condition)	1, 79	50.65	.69	.000		.39
Happiness (Time x SQL x ATLG Interaction: 90% condition)	1, 82	53.09	.87	.000		.39
Hope (Time x SQL Interaction)	3, 321	7.29	.58	.000		.06
Hope (Time x SQL x ATLG Interaction)	3, 321	5.22	.58	.002		.05
Hope (Time x SQL x ATLG Interaction: 10% condition)	1, 81	14.36	.55	.000		.15
Hope (Time x SQL x ATLG Interaction: 30% condition)	1, 79	21.63	.49	.000		.22
Hope (Time x SQL x ATLG Interaction: 60% condition)	1, 79	41.27	.60	.000		.34

	Hope (Time x SQL x ATLG Interaction: 90% condition)	1, 82	54.46	.70	.000	.40
SSJ	Anger (Time x SQL Interaction)	3, 321	4.44	.56	.005	.04
	Anger (Time x SQL x SSJ Interaction)	3, 321	3.08	.56	.028	.03
	Anger (Time x SQL x SSJ Interaction: 30% condition)	1, 79	4.44	.70	.038	.05
	Anger (Time x SQL x SSJ Interaction: 60% condition)	1, 79	16.98	.45	.000	.18
	Anger (Time x SQL x SSJ Interaction: 90% condition)	1, 82	13.39	.42	.000	.14
	Disgust (Time x SQL Interaction)	3, 321	2.66	.50	.048	.02
	Disgust (Time x SQL Interaction: 60% condition)	1, 79	20.61	.35	.000	.21
	Disgust (Time x SQL Interaction: 90% condition)	1, 82	11.12	.40	.001	.12
	Pity (Time x SQL Interaction)	3, 319	3.46	.59	.017	.03
	Pity (Time x SQL x SSJ Interaction)	3, 319	2.95	.59	.033	.03
	Pity (Time x SQL x SSJ Interaction: 60% condition)	1, 79	13.78	.50	.000	.15
	Happiness (Time x SQL Interaction)	3, 321	3.23	.98	.023	.03

Happiness (Time x SQL x SSJ Interaction)	3, 321	2.55	.98	.056	.02
Happiness (Time x SQL x SSJ Interaction: 30% condition)	1, 79	11.48	.69	.001	.13
Happiness (Time x SQL x SSJ Interaction: 60% condition)	1, 79	8.79	1.02	.004	.10
Happiness (Time x SQL x SSJ Interaction: 90% condition)	1, 82	5.30	1.34	.024	.06

*Notes.* ATLG, SSJ, and SQL stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Status Quo Likelihood.

Table 24

*Differences for Anger According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	1.57 (.08)	1.76 <sub>a</sub> (.10)	1.68 <sub>b</sub> (.09)	1.81 <sub>c</sub> (.10)
Time 2	1.64 (.10)	1.68 <sub>a</sub> (.09)	1.36 <sub>b</sub> (.06)	1.49 <sub>c</sub> (.07)

*Notes.* Means with shared subscripts indicate significantly different correlations at  $p < .05$  level. Standard errors are in parentheses.

For disgust, significant effects emerged for time by status quo likelihood and status quo likelihood by ATLG (See Table 23). For happiness, significant effects emerged for status quo likelihood, time by status quo likelihood, and status quo likelihood by ATLG. For hope, a significant effect emerged for time by status quo

likelihood. However, these effects were explained by significant three-way interactions among status quo likelihood, ATLG, and time.

After splitting the file according to status quo likelihood, the ATLG repeated measures ANCOVA and correlations were conducted for each emotion. For disgust, significant interactions emerged between ATLG and time for the 30%, 60%, and 90% conditions. At time 2, participants in these conditions had significantly stronger relationships between their negative attitudes toward lesbians and gay men and their feelings of disgust than participants in the 10% condition,  $z = -2.93, p < .01$ ;  $z = -2.35, p < .05$ ; and  $z = -3.74, p < .01$ , respectively (See Table 25). Participants in the 90% condition had significantly stronger relationships at time 2 than at time 1,  $z = -4.73, p < .01$ .

Table 25

*Correlations between Disgust and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	.314 (83)	.09 <sub>ns</sub> (81)	-.026 <sub>ns</sub> (81)	.282 <sub>d</sub> (84)
Time 2	.416 <sub>a, b, c</sub> (83)	.721 <sub>a</sub> (81)	.673 <sub>b</sub> (81)	.775 <sub>c, d</sub> (84)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less. *NS* subscripts indicate the correlation was not significant at  $p < .05$  level. *Ns* are in parentheses.

For happiness, significant interactions emerged between ATLG and time for the 30%, 60%, and 90% conditions (See Table 23). At time 2, participants in the 90% condition had a stronger relationship between their negative attitudes toward lesbians and gay men and their feelings of unhappiness than those in the 30% and 60% conditions,  $z =$

2.49,  $p < .05$  and  $z = 2.31$ ,  $p < .05$ , respectively (Lowry, 2001-2015). Participants in the 60% condition had significantly different correlations between time 1 and 2, indicating that knowledge of increased likelihood for marriage equality elicited stronger feelings of unhappiness in people who have negative attitudes toward lesbians and gay men,  $z = 5.36$ ,  $p < .01$  (See Table 26).

Table 26

*Correlations between Happiness and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	.003 <sub>ns</sub> (83)	.16 <sub>ns</sub> (81)	.401 <sub>c</sub> (81)	.109 <sub>ns</sub> (84)
Time 2	-.183 <sub>ns</sub> (83)	-.384 <sub>a</sub> (81)	-.408 <sub>b, c</sub> (81)	-.664 <sub>a, b</sub> (84)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less. *NS* subscripts indicate the correlation was not significant at  $p < .05$  level. *Ns* are in parentheses.

For hope, significant interactions emerged between ATLG and time for each condition (See Tables 23). At time 2, participants in the 90% condition had a stronger relationship between their negative attitudes toward lesbians and gay men and their feelings of hopelessness than participants in the 10% and 30% conditions,  $z = 2.86$ ,  $p < .01$  and  $z = 2.44$ ,  $p < .05$ , respectively (Lowry, 2001-2015). Participants in the 60% condition had a significantly different correlation between time 1 and at time 2,  $z = 5.27$ ,  $p < .01$ , such that participants with greater negative attitudes felt less hope with time (See Table 27).



Table 27

*Correlations between Hope and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	.127 <sub>ns</sub> (83)	.127 <sub>ns</sub> (81)	.311 <sub>c</sub> (81)	.139 <sub>ns</sub> (84)
Time 2	-.296 <sub>a</sub> (83)	-.353 <sub>b</sub> (81)	-.480 <sub>c</sub> (81)	-.639 <sub>a, b</sub> (84)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less. *NS* subscripts indicate the correlation was not significant at  $p < .05$  level. *Ns* are in parentheses.

*SSJ as individual differences covariate.*

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 8 (Emotion: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Pity v. Happiness v. Hope) x 2 (Time: Time 1 v. Time 2) repeated measures MANCOVA with SSJ covariate resulted in a significant four-way interaction between time, emotion, status quo likelihood, and SSJ,  $F(8.11, 860.01) = 2.07$ ,  $MSE = 1.38$ ,  $p < .05$ ,  $\eta^2 = .02$ . Thus, a series of 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures ANCOVAs with SSJ covariate were run for each emotion (the SSJ repeated measures ANCOVA). Significant time main effects emerged for each emotion (See Table 19). A significant main effect for SSJ emerged for compassion (See Table 20). However, all of these effects were qualified by significant or marginally significant time by SSJ interactions (See Table 21).

One-way ANCOVA follow ups between the emotions and SSJ were conducted to explore these relationships (See Table 22). For fear, the relationship was significant at

time 1,  $\beta = -.15^{17}$ ,  $p < .01$ , and marginally significant time 2,  $\beta = .11$ ,  $p = .058$ , suggesting that participants who believed that the American system is fair and legitimate were more fearful at time 2. For anxiety, the relationship was significant only at time 1,  $\beta = -.23^{18}$ ,  $p < .05$ , such that participants who believed in American system legitimacy were anxious at time 1. For disgust, the relationship was significant at time 1,  $\beta = -.24^{19}$ ,  $p < .01$ , such that greater beliefs in American system legitimacy engendered less disgust. For compassion, the relationship was significant at time 2,  $\beta = -.15^{20}$ ,  $p < .01$ , such that greater beliefs in American system legitimacy predicted reduced compassion. For hope, the relationship was significant at both time 1,  $\beta = .15^{21}$ ,  $p < .05$ , and at time 2,  $\beta = -.18$ ,  $p < .01$ , but in opposite directions, suggesting that the more participants believed in the legitimacy of the American system, the less hopeful they were with time.

For disgust, a significant interaction emerged for time by status quo likelihood (See Tables 23 and 28). After splitting the file according to status quo likelihood, the SSJ repeated measures ANCOVA revealed significant main effects for time for participants in the 60% and 90% conditions, with greater disgust at time 1.

<sup>17</sup> Significant beta weights could not be found between SSJ and Fear using the same status quo likelihood reference groups for both time 1 and time 2. Therefore, for both times, the status quo likelihood vectors were removed from the model in order to find the significant relationships (beta weights) between SSJ and Fear.

<sup>18</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

<sup>19</sup> The significant beta weight was found within the model using the 60% status quo likelihood as the reference group.

<sup>20</sup> A significant beta weight could not be found between SSJ and Compassion at time 2 using the different status quo likelihood references groups. Therefore, the status quo likelihood vectors were removed from the model in order to find the significant relationship (beta weight) between SSJ and Compassion.

<sup>21</sup> Significant beta weights could not be found between SSJ and Hope using the same status quo likelihood reference groups for both time 1 and time 2. Therefore, for both times, the status quo likelihood vectors were removed from the model in order to find the significant relationships (beta weights) between SSJ and Hope.

Table 28

*Differences for Disgust According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	1.48 (.09)	1.51 (.08)	1.58 <sub>a</sub> (.08)	1.61 <sub>b</sub> (.09)
Time 2	1.55 (.10)	1.62 (.12)	1.31 <sub>a</sub> (.06)	1.55 <sub>b</sub> (.10)

*Notes.* Means with shared subscripts indicate significant differences at  $p < .05$  level. Standard errors are in parentheses.

For anger, pity, and happiness, significant interactions emerged for time by status quo likelihood (See Table 23). However, the effects for these emotions were qualified by significant and marginally significant three-way interactions among status quo likelihood, SSJ, and time. After splitting the file according to status quo likelihood, the SSJ repeated measures ANCOVA and correlations were conducted for each emotion. For anger, significant interactions between SSJ and time emerged for the 30%, 60%, and 90% conditions. Participants in the 60% condition had a significantly different correlation between time 1 and 2, such that greater beliefs in the legitimacy of the American system led to more anger felt at time 2,  $z = -3.8$ ,  $p < .001$  (Lowry, 2001-2015) (See Table 29).

Table 29

*Correlations between Anger and SSJ (Situational System Justification scale) According to Status Quo Likelihood at Different Times (Marriage Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	-.087 <sub>ns</sub> (83)	-.281 (81)	-.276 <sub>a</sub> (81)	-.131 <sub>ns</sub> (84)
Time 2	-.113 <sub>ns</sub> (83)	.019 <sub>ns</sub> (81)	.314 <sub>a</sub> (81)	.278 (84)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less. *NS* subscripts indicate the correlation was not significant at  $p < .05$  level. *Ns* are in parentheses.

For pity, significant interactions between SSJ and time emerged for the 60% condition at time 2,  $r = .23$ ,  $p < .05$ , such that the more participants believed in the legitimacy of the American system, the more pity they felt (See Table 23). For happiness, significant interactions between SSJ and time emerged for the 30%, 60%, and 90% conditions (See Table 23). Only participants in the 30% ( $r = .41$ ,  $p < .01$ ) and 60% ( $r = .38$ ,  $p < .01$ ) conditions (at time 1) had significant correlations between SSJ and feelings of happiness, such that the more that participants believed in the legitimacy of the American system, the happier they felt. These participants did not differ significantly from each other in relationship strength,  $z = .200$ ,  $p > .05$  (Lowry, 2001-2015).

***Individual differences variables' effects on sexual minority system justification.***

Separate 5 (SMSJ – Reduced at Time 2) x 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANCOVA models with ATLG and SSJ covariates failed to attain significant three-way interactions for the individual SMSJ items,  $ps > .05$ . However, in a series of ANCOVAs with current status quo and status quo likelihood as predictor variables, ATLG, SSJ, or GBJW as the covariates, and the individual SMSJs dependent variables, and, ATLG, SSJ, and GBJW

significantly predicted participants' endorsement of the SMSJs. The more that participants held negative attitudes toward lesbians and gay men (ATLG), believed American society to be fair, legitimate, and justifiable (SSJ), and believed that the world is fair and that individuals are punished according to desert (GBJW) the more likely they were to believe that sexual minorities are selfish, immature, immoral, and desirous of "special rights" above others (LGSelfish factor); heterosexual marriage and parenting represent the natural and ideal form of marriage and child rearing (NaturalHeterosexualMarriage factor); lesbians and gay men do not have a history of experiencing discrimination in America; sexual orientation is related to an individual's ability to contribute to society (except for SSJ model); and sexual minorities *do not* have enough political power, as a group, to achieve their goals through the ordinary political process (See Table 30).

Table 30

*ANCOVA Models with Individual Differences Covariates Predicting Sexual Minority System Justifications (Marriage Equality)*

Individual Differences Covariate Model	Predicted SMSJ	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	<i>B</i>	$\eta\rho^2$
ATLG	LGSelfish	1, 313	852.11	.29	.000	.97	.73
	Natural Heterosexual Marriage	1, 313	949.43	.37	.000	.85	.75
	LG History of Discrimination	1, 313	97.31	1.38	.000	-.83	.24
	Sexual Orientation related to Societal Contribution	1, 310	119.86	.48	.000	.53	.28
	Sexual Minorities have Political Power	1, 311	87.03	1.38	.000	-.66	.22
SSJ	LGSelfish	1, 313	16.76	1.06	.000	.33	.05
	Natural Heterosexual Marriage	1, 313	24.32	1.39	.000	.34	.07
	LG History of Discrimination	1, 313	11.69	1.79	.001	-.45	.04
	Sexual Minorities have Political Power	1, 311	7.41	1.77	.007	-.38	.02
GBJW	LGSelfish	1, 313	39.52	.98	.000	.51	.11
	Natural Heterosexual Marriage	1, 313	33.54	1.34	.000	.53	.10
	LG History of Discrimination	1, 313	7.88	1.79	.005	-.61	.02

Sexual Orientation related to Societal Contribution	1, 310	119.86	.48	.002	.35 <sup>22</sup>	.28
Sexual Minorities have Political Power	1, 311	7.10	1.78	.008	-.36	.02

*Notes.* ATLG, SSJ, GBJW, and LG stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, and Lesbians and Gay men.

The 5 (SMSJ – Reduced at Time 2) x 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANCOVA model with GBJW covariate had a four-way significant interaction for only one of the SMSJ items, Discrimination History,  $F(3, 308) = 2.67$ ,  $MSE = 1.79$ ,  $p < .05$ ,  $\eta^2 = .02$ . When analyzed with the GBJW ANCOVA model the three-way interaction remained significant,  $F(3, 313) = 2.92$ ,  $MSE = 1.79$ ,  $p < .05$ ,  $\eta^2 = .03$ . After splitting the file by current status quo and status quo likelihood (separately), GBJW ANCOVA models and correlations were calculated. A significant status quo likelihood by GBJW interaction emerged in the affirmation condition,  $F(3, 156) = 3.26$ ,  $MSE = 1.47$ ,  $p < .05$ ,  $\eta^2 = .06$ , and a significant current status quo by GBJW interaction emerged in the 90% condition,  $F(1, 80) = 4.53$ ,  $MSE = 2.15$ ,  $p < .05$ ,  $\eta^2 = .05$ . In the affirmation, 90% cell, greater global belief in a just world predicted the belief that lesbians and gay men *do not* have a history of discrimination,  $r = -.49$ ,  $p < .01$ .

<sup>22</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

## Housing Equality

### **Hypothesis 1: Current status quo manipulation (Main Effect).**

#### *Current status quo manipulation's effects on Ballot 1 decisions.*

#### *Current status quo manipulation's effect on voting for Ballot 1.*

A between subjects One-way ANOVA testing whether participants differed in their initial ballot according to current status quo condition (threatening participants current status quo) failed to yield a significant result,  $F(1, 324) = .71$ ,  $MSE = .14$ ,  $p > .05$ ,  $\eta p^2 = .00$ . Of the participants that voted on Ballot 1 (eight did not vote), 83.1% voted for housing equality.

#### *Individual differences variables' effects on voting for Ballot 1.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 1 such that participants were less likely to vote for housing equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.48$ ,  $p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.48$ ,  $p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.26$ ,  $p < .01$ , stronger beliefs that American society is fair, legitimate, and justifiable (SSJ),  $r = -.14$ ,  $p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.18$ ,  $p < .01$ . Main effects were only significant for the individual difference covariates, which I added to the binary logistic regressions one at a time. Table 31 displays the results. The main effects for the covariates were similar to the correlation analyses described above. There were no significant effects for manipulated factors or interactions between manipulated factors and covariates.



Table 31

*Binary Logistic Regressions with Individual Differences Covariates Predicting Initial Ballot Decision (Housing Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	$\beta$	Wald	$p$	Exp(B)
ATLG	ATLG	-1.18 (.23)	26.93	.00	.31
SSJ	SSJ	-.34 (.14)	5.50	.02	.71
GBJW	GBJW	-.54 (.20)	6.90	.01	.58
Realistic & Symbolic Threat	Realistic & Symbolic Threat	-1.09 (.21)	25.64	.00	.34
Intergroup Anxiety	Intergroup Anxiety	-.37 (.12)	10.12	.00	.69

*Notes.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale. Standard errors are in parentheses.  $Dfs = 1$ .

*Current status quo manipulation's effect on likelihood to vote for Ballot 1.*

A between subjects One-way ANOVA testing whether participants differed in their initial ballot likelihood according to current status quo condition failed to yield a significant result,  $F(1, 324) = .28$ ,  $MSE = 3.70$ ,  $p > .05$ ,  $\eta p^2 = .00$ . Of those participants who completed this item (eight did not), 80.7% were at least somewhat likely to vote for housing equality (47.5% were very likely) whereas 16.3% were at least somewhat unlikely to vote for housing equality (8% were very unlikely).

*Individual differences variables' effects on likelihood to vote for Ballot 1.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 1 likelihood such that participants were less likely to

vote for housing equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.54, p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.58, p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.35, p < .01$ , stronger beliefs that American society is fair, legitimate, and justifiable (SSJ),  $r = -.23, p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.19, p < .01$ . Main effects and interactions for current status quo emerged when individual difference covariates were added to the basic ANOVA one at a time, thereby resulting in a series of ANCOVA designs for post-hoc tests. Table 32 displays the results. The main effects for the covariates were similar to the correlation analyses described above.

Table 32

*ANCOVA Models with Individual Differences Covariates Predicting Initial Ballot Decision (Housing Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta p^2$
ATLG	ATLG	1, 315	129.61	2.60	.000	-.54	.29
SSJ	SSJ	1, 315	15.95	3.48	.000	-.19	.05
GBJW	GBJW	1, 314	11.45	3.54	.001	-.18	.04
Realistic & Symbolic Threat	Realistic & Symbolic Threat	1, 315	153.78	2.46	.000	-.57	.33
Intergroup Anxiety	Intergroup Anxiety	1, 315	43.99	3.22	.000	-.37	.12

*Note.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale.

When the individual differences covariates were added to the linear regression model, the linear regression was significant,  $R^2 = .35$ ,  $F(6, 311) = 27.41$ ,  $p < .001$ . However, current status quo did not predict ballot likelihood (See Table 33). Participants with more negative attitudes towards lesbians and gay men and those who believed that gay men and lesbians represent a realistic and symbolic threat were significantly less likely to vote for housing equality.

Table 33

*Linear Regressions with Individual Differences Covariates Predicting Initial Ballot Likelihood Decision (Housing Equality)*

Covariate Predictor Model	B	S.E.	$\beta$	$t$	$p$
ATLG	-.36	.16	-.20	-2.22	.03
Realistic & Symbolic Threat	-.67	.14	-.46	-4.86	.00

*Note.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

***Current status quo manipulation's effect on emotion.***

A 2 (Current Status Quo: Affirmation v. Threat) MANOVA tested the effects of current status quo on the seven emotions (Fear, Anxiety, Anger, Disgust, Compassion, Happiness, and Hope) revealed a significant multivariate significant main effect,  $MultF(7, 326) = 12.39$ ,  $p < .001$ ,  $\eta^2 = .21$  (See Table 34). Threat condition participants were more fearful,  $F(1, 332) = 18.75$ ,  $MSE = .46$ ,  $p < .001$ ,  $\eta^2 = .05$ ; anxious,  $F(1, 332) = 17.79$ ,  $MSE = .66$ ,  $p < .001$ ,  $\eta^2 = .05$ ; angry,  $F(1, 332) = 14.47$ ,  $MSE = .66$ ,  $p < .001$ ,  $\eta^2 = .04$ ; disgusted,  $F(1, 332) = 14.05$ ,  $MSE = .49$ ,  $p < .001$ ,  $\eta^2 = .04$ ; and compassionate,  $F(1, 332) = 5.37$ ,  $MSE = .66$ ,  $p < .05$ ,  $\eta^2 = .02$ . Affirmation condition

participants were happier and more hopeful,  $F(1, 332) = 44.28$ ,  $MSE = 1.12$ ,  $p < .001$ ,  $\eta\rho^2 = .12$  and  $F(1, 332) = 29.07$ ,  $MSE = .93$ ,  $p < .001$ ,  $\eta\rho^2 = .08$ , respectively.

Table 34

*Differences across Emotions According to Current Status Quo after Current Status Quo Manipulation (Housing Equality)*

Emotion	Affirmation		Threat	
	<i>M</i>	<i>SE</i>	<i>M</i>	<i>SE</i>
Fear	1.31	.05	1.63	.05
Anxiety	1.33	.06	1.71	.06
Anger	1.46	.06	1.80	.06
Disgust	1.37	.06	1.66	.05
Compassion	1.78	.06	1.99	.06
Happiness	2.44	.08	1.67	.08
Hope	2.55	.08	1.98	.07

*Note.* All means are significantly different at  $p < .05$  or less level for same emotion.  $N_{\text{Affirmation}} = 160$  and  $N_{\text{Threat}} = 174$ .

***Current status quo manipulation's effect on sexual minority system justification.***

A 2 (Current Status Quo: Affirmation v. Threat) x 17 (SMSJ: 17 items) MANOVA did not reveal a significant effect for current status quo across the seventeen SMSJ items,  $MultF(17, 305) = .94$ ,  $p > .05$ ,  $\eta\rho^2 = .05$ . None of the SMSJs were significantly different according to current status quo,  $ps > .05$ .

The same factors produced in the Marriage Equality study were used in the Housing Equality study. LGSelfish was internally consistent at both time 1 (after the current status quo manipulation) and at time 2 (after the status quo likelihood

manipulation), Cronbach's  $\alpha = .92$  and  $\alpha = .92$ , respectively.

NaturalHeterosexualMarriage was internally consistent at both time 1 and at time 2, Cronbach's  $\alpha = .87$  and  $\alpha = .88$ , respectively. The three left remaining items (i.e. Discrimination History, Political Power, and Societal Contribution) were left as individual items.

A 2 (Current Status Quo: Affirmation v. Threat) x 5 (SMSJ – Reduced number of items at Time 1) MANOVA testing whether participants differed according to current status quo condition for the five system justification items failed to attain significance,  $MultF(5, 325) = .21, p > .05, \eta^2 = .003$ . None of the individual factors or items were significant,  $ps > .05$ .

***Mediation of the relationship between current status quo and housing equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 1 decisions according to current status quo. In a series of binary logistic regressions that controlled for the effect of the individual differences variables on housing equality Ballot 1, the main effect of current status quo did not attain statistical significance,  $ps > .05$ . None of the ANCOVA models included significant main effects or interactions for current status quo. I performed no mediation analyses because there were no significant differences for status quo to test for emotion or system justification mediations.

**Hypothesis 2: Status quo likelihood manipulation (Main effect).**

*Status quo likelihood manipulation's effects on Ballot 2 decisions.*

*Status quo likelihood manipulation's effect on voting for Ballot 2.*

A between subjects One-way ANOVA testing whether participants differed in their second ballot according to status quo likelihood condition (10% v. 30% v. 60% v. 90%) failed to yield a significant result,  $F(3, 316) = .74$ ,  $MSE = .14$ ,  $p > .05$ ,  $\eta^2 = .01$ . Of those participants who voted on Ballot 2 (fourteen did not vote), 82.8% voted for housing equality.

*Individual differences variables' effects on voting for Ballot 2.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 2 such that participants were less likely to vote for housing equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.51$ ,  $p < .01$ ; stronger views that lesbians and gay men constituted realistic and symbolic threats,  $r = -.50$ ,  $p < .01$ ; greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $r = -.30$ ,  $p < .01$ ; stronger beliefs that American society is fair, legitimate, and justifiable (SSJ)  $r = -.14$ ,  $p < .01$ ; and stronger global belief in a just world (GBJW),  $r = -.17$ ,  $p < .01$ . Main effects and interactions for status quo likelihood did not emerge when individual difference covariates were added to the logistic regressions one at a time. Although three individual differences variables (ATLG, Realistic and Symbolic threat, and Intergroup Anxiety) resulted in significant models, status quo likelihood was not a significant predictor in any of the models. Table 35 displays the results. The main effects for the covariates were similar to the correlation analyses described above.

Table 35

*Binary Logistic Regressions with Individual Differences Covariates Predicting Second Ballot Decision (Housing Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	<i>B</i>	<i>Wald</i>	<i>p</i>	<i>Exp(B)</i>
ATLG	ATLG	-1.13 (.30)	14.72	.00	.32
Realistic & Symbolic Threat	Realistic & Symbolic Threat	-1.08 (.29)	14.06	.00	.34
Intergroup Anxiety	Intergroup Anxiety	-.43 (.16)	7.53	.01	.65

*Notes.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale. Standard errors are in parentheses. *Dfs* = 1.

*Status quo likelihood manipulation's effect on likelihood to vote for Ballot 2.*

A between subjects One-way ANOVA testing whether participants differed in their second ballot likelihood according to status quo likelihood condition failed to yield a significant result,  $F(3, 315) = .37$ ,  $MSE = 3.63$ ,  $p > .05$ ,  $\eta p^2 = .00$ . Of those who completed this item (fifteen did not), 80.2% of participants were at least somewhat likely to vote for housing equality (46.1% were very likely) whereas 16.6% were at least somewhat unlikely to vote for housing equality (7.5% were very unlikely).

*Individual differences variables' effects on likelihood to vote for Ballot 2.*

Correlation analyses revealed that the individual differences variables were significantly correlated with Ballot 2 likelihood. Participants were less likely to vote for housing equality with more negative attitudes toward lesbians and gay men (ATLG),  $r = -.60$ ,  $p < .01$ , stronger views that lesbians and gay men constituted realistic and symbolic

threats,  $r = -.61, p < .01$ , greater anxiety felt toward lesbians and gay men (Intergroup Anxiety),  $-.38, p < .01$ , stronger beliefs that American society is fair, legitimate, and justifiable (SSJ),  $r = -.24, p < .01$ , and stronger global belief in a just world (GBJW),  $r = -.21, p < .01$ . Main effects emerged when individual difference covariates were added to the basic ANOVA, one at a time, resulting in a series of ANCOVA designs for likelihood to vote for Ballot 2 post-hoc tests. Table 36 displays the results. The main effects for the covariates were similar to the correlation analysis.

However, a significant interaction between ATLG and status quo likelihood also emerged,  $F(3, 310) = 3.29, MSE = 2.28, p < .05, \eta^2 = .03$ , with a significant effect for ATLG in each status quo likelihood condition, 10%:  $\beta = -.71, p < .01, F(1, 78) = 77.91, MSE = 2.17, \eta^2 = .50$ ; 30%:  $\beta = -.68, p < .01, F(1, 76) = 65.77, MSE = 2.07, \eta^2 = .46$ ; 60%:  $\beta = -.45, p < .01, F(1, 81) = 20.72, MSE = 2.59, \eta^2 = .20$ ; and 90%:  $\beta = -.56, p < .01, F(1, 75) = 33.70, MSE = 2.27, \eta^2 = .31$ . Relationships between ATLG and likelihood to vote for Ballot 2 were significantly different between the 10% ( $\beta = -.71$ ) and 60% ( $\beta = -.45$ ) conditions,  $z = -2.48, p < .05$ ; and the 30% ( $\beta = -.68$ ) and 60% ( $\beta = -.45$ ) conditions,  $z = -2.15, p < .05$  (Lowry, 2001-2015). The relationship between negative attitudes toward lesbians and gay men and likelihood not to vote for housing equality was stronger when participants thought equality was unlikely.

A significant interaction between realistic and symbolic threat and status quo likelihood emerged,  $F(3, 310) = 4.53, MSE = 2.19, p < .01, \eta^2 = .04$  such that realistic and symbolic threat was a significant effect for each status quo likelihood condition, 10%:  $\beta = -.74, p < .01, F(1, 78) = 91.66, MSE = 2.00, \eta^2 = .54$ ; 30%:  $\beta = -.70, p < .01, F(1, 76) = 73.46, MSE = 1.96, \eta^2 = .49$ ; 60%:  $\beta = -.51, p < .01, F(1, 81) = 28.28, MSE =$



2.41,  $\eta\rho^2 = .26$ ; and 90%:  $\beta = -.52$ ,  $p < .01$ ,  $F(1, 75) = 28.08$ ,  $MSE = 2.39$ ,  $\eta\rho^2 = .27$ .

Relationships between realistic and symbolic threat and likelihood to vote for Ballot 2 were significantly different between the 10% ( $\beta = -.74$ ) and 60% ( $\beta = -.51$ ) conditions,  $z = -2.37$ ,  $p < .05$ ; and 10% ( $\beta = -.74$ ) and 90% ( $\beta = -.52$ ) conditions,  $z = -2.21$ ,  $p < .05$ , (Lowry, 2001-2015). A marginally significant difference arose between the 30% ( $\beta = -.70$ ) and 60% ( $\beta = -.51$ ) conditions,  $z = -1.92$ ,  $p = .055$ . Beliefs in the realistic and symbolic threat of sexual minorities had a stronger relationship with likelihood to vote for housing equality when participants believed housing equality was unlikely.

Table 36

*ANCOVA Models with Individual Differences Covariates Predicting Second Ballot Decision (Housing Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
ATLG	ATLG	1, 310	182.18	2.28	.000	-.48	.37
SSJ	SSJ	1, 310	20.86	3.44	.000	-.25	.06
GBJW	GBJW	1, 309	13.43	3.54	.000	-.23 <sup>23</sup>	.04
Realistic & Symbolic Threat	Realistic & Symbolic Threat	1, 310	203.27	2.19	.000	-.45	.40
Intergroup Anxiety	Intergroup Anxiety	1, 310	54.96	3.12	.000	-.41	.15

*Note.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale.

<sup>23</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

***Status quo likelihood manipulation's effect on emotion.***

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA with the 7 emotions (Fear, Anxiety, Anger, Disgust, Compassion, Happiness, and Hope) as measures that tested the extent that participants felt different emotions under each status quo likelihood condition revealed a significant model,  $MultF(21, 884.96) = 1.74, p < .05, \eta p^2 = .04$ . Follow up univariate tests showed that participants differed according to status quo likelihood in their feelings of fear,  $F(3, 314) = 3.46, MSE = .25, p < .05, \eta p^2 = .03$ ; anxiety,  $F(3, 314) = 3.80, MSE = .48, p < .05, \eta p^2 = .04$ ; anger,  $F(3, 314) = 4.49, MSE = .48, p < .01, \eta p^2 = .04$ ; and disgust,  $F(3, 314) = 4.81, MSE = .46, p < .01, \eta p^2 = .04$ . Participants in the 10% condition showed greater levels of fear, anxiety, and disgust than participants in the 30%, 60%, and 90% conditions (See Table 37). Participants in the 10% condition showed greater levels of anger than participants in the 60% and 90% conditions.

Table 37

***Differences across Emotions According to Status Quo Likelihood after Status Quo Likelihood Manipulation (Housing Equality)***

Emotion	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Fear	1.38 <sub>a, b, c</sub> (.06)	1.19 <sub>a</sub> (.06)	1.15 <sub>b</sub> (.06)	1.21 <sub>c</sub> (.06)
Anxiety	1.59 <sub>d, e, f</sub> (.08)	1.30 <sub>d</sub> (.08)	1.29 <sub>e</sub> (.08)	1.26 <sub>f</sub> (.08)
Anger	1.60 <sub>g, h</sub> (.08)	1.40 (.08)	1.21 <sub>g</sub> (.08)	1.33 <sub>h</sub> (.08)
Disgust	1.57 <sub>i, j, k</sub> (.08)	1.34 <sub>i</sub> (.08)	1.18 <sub>j</sub> (.07)	1.29 <sub>k</sub> (.08)

*Notes.* Means with shared subscripts denote significant differences ( $p < .05$ ) between means within each emotion. Standard errors are in parentheses.  $N_{10\%} = 80, N_{30\%} = 79, N_{60\%} = 83, N_{90\%} = 76$ .

***Status quo likelihood manipulation's effect on sexual minority system justification.***

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA with the 17 SMSJ items as dependent measures that tested the extent to which participants used justifications under each status quo likelihood condition failed to attain significance,  $MultF(51, 864.18) = .91, p > .05, \eta p^2 = .05$ . Individual justifications also failed to attain significance,  $p > .05$ . Similarly, the 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANOVA with the 5 SMSJ – Reduced number of items at Time 2 failed to attain significance,  $MultF(15, 856.18) = .41, p > .05, \eta p^2 = .01$ . Again, the individual justifications failed to attain significance,  $ps > .05$ .

***Mediation of the relationship between status quo likelihood and housing equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 2 decisions according to status quo likelihood. In a series of binary logistic regressions that controlled for the effect of the individual differences variables on housing equality Ballot 2, the main effect of status quo likelihood did not attain statistical significance,  $ps > .05$ . Although both the ATLG and the Realistic and Symbolic Threat models contained significant interactions with status quo likelihood, when the interaction between the covariates and status quo likelihood were removed from the ANCOVAs, the main effects for status quo likelihood were not significant,  $ps > .05$ . I performed no mediation analyses because there were no significant differences for status quo to test for emotion or system justification mediations.

**Hypothesis 3: Current status quo by status quo likelihood (Interaction effect).**

*Current status quo and status quo likelihood manipulations' effects on Ballot 2 decisions.*

The 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Initial v. Second ballot) mixed model ANOVA with repeated measures on the last factor tested the different hypotheses for Ballot change and failed to attain significance,  $p > .05$ . Crosstabs revealed that only 2.5% of participants changed their vote (eight participants) between the initial and subsequent ballot. A 2 x 4 x 2 ANOVA collapsing across time also failed to attain significance for vote likelihood,  $p > .05$ .

*Current status quo and status quo likelihood manipulations' interaction effect on Ballot 2 decisions with individual differences variables included.*

Correlational analyses revealed that individual differences variables were significantly correlated with the four ballot decisions (See Table 38). Participants were less likely to vote for housing equality with more negative attitudes toward lesbians and gay men (ATLG), stronger views that lesbians and gay men constituted realistic and symbolic threats, greater anxiety felt toward lesbians and gay men, stronger beliefs that American society is fair, legitimate, and justifiable (SSJ), and stronger global belief in a just world (GBJW)<sup>24</sup>.

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<sup>24</sup> Covariate analyses of these variables can be found in the Hypothesis 2 and 3 Results sections.

Table 38

*Correlations between Ballot Decisions and Individual Differences variables (Housing Equality)*

Individual Difference variable	Ballot Decision			
	Ballot 1	Ballot 2	Ballot 1 Likelihood	Ballot 2 Likelihood
ATLG	-.48 (319)	-.51 (319)	-.54 (319)	-.60 (318)
SSJ	-.14 (319)	-.14* (319)	-.23 (319)	-.24 (318)
GBJW	-.18 (318)	-.17 (318)	-.19 (318)	-.21 (317)
Realistic & Symbolic Threat	-.48 (319)	-.50 (319)	-.58 (319)	-.61 (318)
Intergroup Anxiety	-.26 (319)	-.30 (319)	-.35 (319)	-.38 (318)

*Notes.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale. All correlations are significant at  $p < .01$  level, except for \*. Correlations with \* are significant at  $p < .05$  level. *N*s are in parentheses.

*Individual differences variables' effects on the relationship between manipulated variables (Current status quo and status quo likelihood) and voting for housing equality.*

Binary logistic regression involving current status quo and status quo likelihood as predictors for Ballot 2 failed to attain significance, Nagelkerke  $R^2 = .03$ ,  $X^2(7) = 5.42$ ,  $p > .05$ . As shown in the results for Hypothesis 2, individual differences variables significantly predicted participants' votes for Ballot 2. Therefore, in a series of models, I added individual differences variables one at a time as covariates to the original binary logistic regression models used to predict Ballot 2. Table 39 displays the results. The

main effects for the covariates were similar to the correlation analyses described above.

Although SSJ and GBJW were significant predictors, the overall models did not attain significance, Nagelkerke  $R^2 = .06$ ,  $X^2(8) = 12.01$ ,  $p > .05$  and Nagelkerke  $R^2 = .08$ ,  $X^2(8) = 14.99$ ,  $p < .06$ , respectively.

Table 39

*Binary Logistic Regressions with Individual Differences Covariates Predicting Second Ballot Decisions (Housing Equality)*

Covariate Predictor Model	Individual Differences Covariates (Predictors)	Df	B	Wald	p	Exp(B)
ATLG	ATLG	1	-1.28 (.17)	56.22	.00	.28
SSJ	SSJ	1	-.26 (.10)	6.40	.01	.77
GBJW	GBJW	1	-.46 (.15)	9.14	.00	.63
Realistic & Symbolic Threat	Realistic & Symbolic Threat	1	-1.15 (.16)	51.79	.00	.32
Intergroup Anxiety	Intergroup Anxiety	1	-.42 (.09)	23.33	.00	.66

*Note.* ATLG, SSJ, and GBJW stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, and Global Belief in a Just World scale. Standard errors are in parentheses.

*Individual differences variables' effects on the relationship between manipulated variables (Current status quo and status quo likelihood) and likelihood to vote for housing equality.*

A series of ANCOVAs that included individual differences variables as covariates in the 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v.

30% v. 60% v. 90%) x 2 (Time: Ballot 1 Likelihood v. Ballot 2 Likelihood) model explored further the vote for housing equality. Both ATLG and realistic and symbolic threat showed significant effects for time and for their specific individual differences variable (See Table 40). However, both were qualified by significant time by individual differences interactions: time by ATLG,  $F(1, 302) = 7.55$ ,  $MSE = .23$ ,  $p < .01$ ,  $\eta^2 = .02$  and time by realistic and symbolic threat,  $F(1, 302) = 4.14$ ,  $MSE = .23$ ,  $p < .05$ ,  $\eta^2 = .01$ . One-way ANCOVAs revealed significant ATLG effects for the likelihood of voting for Ballot 1,  $\beta = -.47$ ,  $p < .01$ , and Ballot 2,  $\beta = -.55$ ,  $p < .01$ . One-way ANCOVAs revealed significant realistic and symbolic threat effects for the likelihood of voting for Ballot 1,  $\beta = -.42$ ,  $p < .01$ , and Ballot 2,  $\beta = -.48$ ,  $p < .01$ . Both results suggest that the relationships were stronger at time 2.

For both MANCOVAs, significant status quo likelihood by individual differences variables interactions emerged: ATLG,  $F(3, 302) = 3.07$ ,  $MSE = 4.66$ ,  $p < .05$ ,  $\eta^2 = .03$  and realistic and symbolic threat,  $F(3, 302) = 4.54$ ,  $MSE = 4.36$ ,  $p < .01$ ,  $\eta^2 = .04$ . ANCOVAs with likelihood to vote for housing equality collapsed across time (overall likelihood to vote for housing equality) revealed significant status quo likelihood by ATLG,  $F(3, 303) = 3.08$ ,  $MSE = 2.33$ ,  $p < .05$ ,  $\eta^2 = .03$  and status quo likelihood by realistic and symbolic threat,  $F(3, 303) = 4.55$ ,  $MSE = 2.18$ ,  $p < .01$ ,  $\eta^2 = .04$ , interactions. After the file was split according to status quo likelihood, significant ATLG effects emerged in each condition: 10%,  $\beta = -.67$ ,  $p < .01$ ; 30%,  $\beta = -.74$ ,  $p < .01$ ; 60%,  $\beta = -.38$ ,  $p < .01$ ; and 90%,  $\beta = -.60$ ,  $p < .01$ . Significant realistic and symbolic effects emerged in each condition as well: 10%,  $\beta = -.83$ ,  $p < .01$ ; 30%,  $\beta = -.84$ ,  $p < .01$ ; 60%,  $\beta = -.43$ ,  $p < .01$ ; and 90%,  $\beta = -.54$ ,  $p < .01$ . These results indicate that participants'

negative attitudes toward lesbians and gay men and perceptions that sexual minorities represent realistic and symbolic threats had a greater impact on their likelihood to vote for housing equality in the 10% and 30% likelihood conditions.

When I added the remaining individual differences variables (SSJ, GBJW, and Intergroup Anxiety), one at a time, to the ANCOVA model, time was not a significant main effect in any of the models,  $ps > .05$ , so that I collapsed across time. A series of 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) ANCOVAs with the individual differences variables as covariates produced main effects for the covariates that were similar to the correlation analyses performed above (see Tables 36 and 37). Although both SSJ and GBJW had significant and marginally significant current status quo by status quo likelihood interactions, these interactions were qualified by significant and marginally significant three-way interactions involving the individual differences variables,  $\beta = -1.00^{25}$ ,  $p < .05$ ,  $F(3, 303) = 3.36$ ,  $MSE = 3.32$ ,  $\eta^2 = .03$  and  $\beta = -.92^{26}$ ,  $p = .063$ ,  $F(3, 302) = 2.46$ ,  $MSE = 3.43$ ,  $\eta^2 = .02$ , respectively. After splitting the files according to current status quo and status quo likelihood (separately), ANCOVA analyses and correlations revealed a significant current status quo by SSJ interaction in the 90% condition,  $\beta = -.99$ ,  $p < .01$ ,  $F(1, 73) = 7.74$ ,  $MSE = 2.78$ ,  $\eta^2 = .10$ , such that, for participants in the threat, 90% cell, the more they believed in the legitimacy of the American system, the less likely they were to vote for

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<sup>25</sup> In the regression model, SSJ did not have a significant beta weight when using the 90% reference group (see footnote 16). Therefore, the beta weights for SSJ used 10% as the reference group throughout these analyses.

<sup>26</sup> In the regression model, GBJW did not have a significant beta weight when using the 90% reference group (see footnote 17). Therefore, the beta weights for GBJW used 10% as the reference group throughout these analyses.



housing equality,  $r = -.42, p < .01$ . A marginally significant current status quo by GBJW interaction emerged in the 10% condition,  $\beta = .77, p = .05, F(1, 75) = 3.88, MSE = 4.07, p = .05, \eta^2 = .05$ , such that, for participants in the affirmation, 10% cell, the more they held global belief in a just world, the less likely they were to vote for housing equality,  $r = -.34, p < .05$ .

Table 40

*MANCOVA and ANCOVA Models with Time, Current Status Quo, Status Quo Likelihood, and Individual Differences Covariates Predicting Second Ballot Decision (Housing Equality)*

Covariate Predictor Model	Time, Current Status Quo (CSQ), Status Quo Likelihood (SQL), and Individual Differences Covariates (Predictors)	Df	F	MSE	p	$\beta$	$\eta^2$
ATLG MANCOVA	Time	1, 302	7.08	.23	.008		.02
	ATLG	1, 302	157.51	4.66	.000	-.52	.34
	Time x ATLG Interaction	1, 302	7.55	.23	.006		.02
	ATLG (Ballot 1 Likelihood)	1, 303	128.46	2.59	.000	-.47	.30
	ATLG (Ballot 2 Likelihood)	1, 302	175.91	2.30	.000	-.55	.37
	SQL x ATLG	3, 302	3.07	4.66	.028		.03
ATLG ANCOVA	SQL x ATLG Interaction	3, 303	3.08	2.33	.028	-.35	.03
ATLG ANCOVA (Split by SQL)	ATLG (10% condition)	1, 76	70.85	2.24	.000	-.67	.48
	ATLG (30% condition)	1, 75	60.23	2.01	.000	-.74	.44

	ATLG (60% condition)	1, 79	16.86	2.73	.000	-.38	.18
	ATLG (90% condition)	1, 73	28.26	2.31	.000	-.60	.28
SSJ ANCOVA	SSJ	1, 303	17.36	3.32	.000	-.48 <sup>27</sup>	.05
	CSQ x SQL Interaction	3, 303	3.18	3.32	.024	.98	.03
	CSQ x SQL x SSJ Interaction	3, 303	3.36	3.32	.019	-1.00	.03
SSJ ANCOVA (Split by SQL)	CSQ x SSJ (90% condition)	1, 73	7.74	2.78	.007	-.99	.10
GBJW ANCOVA	GBJW	1, 302	12.07	3.43	.001	-.43 <sup>28</sup>	.04
	CSQ x SQL Interaction	3, 302	2.40	3.43	.068	.90	.02
	CSQ x SQL x GBJW Interaction	3, 302	2.46	3.43	.063	-.92	.02
GBJW ANCOVA (Split by SQL)	CSQ x GBJW (10% condition)	1, 75	3.88	4.07	.053	.77	.05
Realistic & Symbolic (R&S) Threat MANCOVA	Time	1, 302	4.02	.23	.046		.01
	R&S Threat	1, 302	192.34	4.34	.000	-.46	.39
	Time x R&S Threat Interaction	1, 302	4.14	.23	.043		.01
	R&S Threat (Ballot 1 Likelihood)	1, 303	163.39	2.40	.000	-.42	.35
	R&S Threat (Ballot 2 Likelihood)	1, 302	205.26	2.18	.000	-.48	.40

<sup>27</sup> The significant beta weight was found within the model using the 10% status quo likelihood as the reference group.

<sup>28</sup> The significant beta weight was found within the model using the 10% status quo likelihood as the reference group.

	SQL x R&S Threat Interaction	3, 302	4.54	4.36	.004		.04
R&S Threat ANCOVA	SQL x R&S Threat Interaction	3, 303	4.55	2.18	.004	-.51	.04
R&S Threat ANCOVA (Split by SQL)	R&S Threat (10% condition)	1, 76	87.14	2.01	.000	-.83	.53
	R&S Threat (30% condition)	1, 75	73.28	1.83	.000	-.84	.49
	R&S Threat (60% condition)	1, 79	28.50	2.44	.000	-.43	.26
	R&S Threat (90% condition)	1, 73	23.53	2.42	.000	-.54	.24
Intergroup Anxiety ANCOVA	Intergroup Anxiety	1, 303	52.41	3.08	.000	-.33	.15

*Notes.* ATLG, SSJ, GBJW, R&S Threat, CSQ, and SQL stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, Realistic and Symbolic Threat scale, Current Status Quo, and Status Quo Likelihood.

### ***Current status quo and status quo likelihood manipulations' effects on emotion.***

A 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 7 (Emotions: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Happiness v. Hope) x 2 (Time: After current status quo manipulation v. After status quo likelihood manipulation) mixed model ANOVA with repeated measures on the last two factors revealed a significant main effect for emotion,  $F(2.22, 688.04) = 148.21$ ,  $MSE = 1.98$ ,  $p < .01$ ,  $\eta^2 = .32$ , qualified by an emotion by current status quo interaction,  $F(2.22, 688.04) = 12.31$ ,  $MSE = 1.98$ ,  $p < .01$ ,  $\eta^2 = .04$ . A significant time by emotion interaction also resulted,  $F(2.46, 7.36) = 18.38$ ,  $MSE = .99$ ,  $p < .01$ ,  $\eta^2 = .06$ ; however, a significant three-way interaction among time, emotion, and current status quo,  $F(2.46, 7.36) = 27.00$ ,  $MSE = .99$ ,  $p < .01$ ,  $\eta^2 = .08$  subsumed these effects.

A series of 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: After current status quo manipulation (Time 1) v. After status quo likelihood manipulation (Time 2)) mixed model ANOVAs with repeated measures on the last factor served as post hoc analyses for each emotion. Each of the following emotions registered a time by current status quo interaction: fear,  $F(1, 313) = 12.06$ ,  $MSE = .22$ ,  $p < .01$ ,  $\eta p^2 = .04$ ; anxiety,  $F(1, 310) = 8.68$ ,  $MSE = .35$ ,  $p < .01$ ,  $\eta p^2 = .03$ ; anger,  $F(1, 313) = 13.79$ ,  $MSE = .41$ ,  $p < .01$ ,  $\eta p^2 = .04$ ; disgust,  $F(1, 313) = 11.53$ ,  $MSE = .32$ ,  $p < .01$ ,  $\eta p^2 = .04$ ; compassion,  $F(1, 313) = 11.30$ ,  $MSE = .36$ ,  $p < .01$ ,  $\eta p^2 = .04$ ; happiness,  $F(1, 313) = 27.41$ ,  $MSE = .81$ ,  $p < .01$ ,  $\eta p^2 = .10$ ; and hope,  $F(1, 313) = 24.21$ ,  $MSE = .75$ ,  $p < .01$ ,  $\eta p^2 = .07$ .

After splitting the file according to current status quo, repeated measure ANOVAs and One-way ANOVAs for each time were conducted to explore these relationships (See Table 41). As depicted in Table 38, feelings of fear, anxiety, anger, and disgust under threat were stronger at time 1 than at time 2, and participants felt all four of these negative emotions more strongly under threat than affirmation at time 1. Compassion feelings were stronger under affirmation at time 2 compared to time 1 but also stronger under threat at time 1 than affirmation at time 1. Happiness ratings were greater under affirmation than threat at time 1 but under threat increased at time 2. Finally, hope followed a similar pattern as happiness.

Table 41

*Differences across Emotions and Time According to Current Status Quo (Housing Equality)*

Emotion	Time 1		Time 2	
	Affirmation	Threat	Affirmation	Threat
Fear	1.30 <sub>a, b</sub> (.06)	1.64 <sub>a, c</sub> (.05)	1.20 <sub>b</sub> (.04)	1.29 <sub>c</sub> (.04)
Anxiety	1.30 <sub>d</sub> (.06)	1.73 <sub>d, e</sub> (.06)	1.29 (.06)	1.44 <sub>e</sub> (.05)
Anger	1.45 <sub>f</sub> (.07)	1.78 <sub>f, g</sub> (.06)	1.42 (.06)	1.37 <sub>g</sub> (.06)
Disgust	1.37 <sub>h</sub> (.06)	1.65 <sub>h, i</sub> (.05)	1.36 (.06)	1.34 <sub>i</sub> (.05)
Compassion	1.78 <sub>j, k</sub> (.07)	1.99 <sub>j</sub> (.06)	2.14 <sub>k</sub> (.07)	2.03 (.07)
Happiness	2.46 <sub>l</sub> (.09)	1.69 <sub>l, m</sub> (.08)	2.30 (.10)	2.36 <sub>m</sub> (.10)
Hope	2.56 <sub>n*</sub> (.08)	2.00 <sub>n, o</sub> (.08)	2.37* (.09)	2.49 <sub>o</sub> (.09)

*Notes.* Means with shared subscripts are significantly different at  $p < .05$  or less for the same emotion. Shared \* are marginally significantly different at  $p = .05$  for the same emotion. Standard errors are in parentheses.

***Current status quo and status quo likelihood manipulations' effects on sexual minority system justification.***

A 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 17 (SMSJ: 17 items) x 2 (Time: Time 1 v. Time 2) mixed model ANOVA with repeated measures on the last two factors tested the change hypotheses. A marginally significant main effect for time emerged such that participants were more likely to endorse SMSJs at time 1,  $M = 2.39$ , than at time 2,  $M = 2.37$ ,  $F(1, 294) = 3.78$ ,  $MSE = .27$ ,  $p = .05$ ,  $\eta^2 = .01$ . A main effect for SMSJ emerged, indicating that participants differed in their endorsement of different system justifications,  $F(6.26, 1839.68) = 168.81$ ,  $MSE = 5.08$ ,  $p < .01$ ,  $\eta^2 = .36$ . To examine the SMSJ effect further, I

relied on the factors and items that resulted from the 5 (SMSJ) x 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) mixed model ANOVA with repeated measures on the last factor examined this hypothesis with a reduced number of SMSJ items based on the factor analysis reported above. A main effect for time emerged,  $F(1, 308) = 4.88$ ,  $MSE = .18$ ,  $p < .05$ ,  $\eta^2 = .02$  as did a main effect for SMSJ emerged, indicating that participants differed in their endorsement of different system justifications,  $F(2.54, 782.05) = 410.68$ ,  $MSE = 2.76$ ,  $p < .01$ ,  $\eta^2 = .57$ .

A series of 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) mixed model ANOVAs with repeated measures on the last factor served as post-hoc tests for each of the reduced set of justifications. A significant main effect for time emerged for Discrimination History, such that participants were less likely to believe that lesbians and gay men have a history of discrimination at time 1,  $M = 4.30$ , than at time 2,  $M = 4.32$ ,  $F(1, 310) = 4.89$ ,  $MSE = .21$ ,  $p < .05$ ,  $\eta^2 = .02$ . No other significant effects resulted from this analysis.

***Mediation of the relationship between current status quo, status quo likelihood, and housing equality ballot decisions by emotion and sexual minority system justification.***

Participants did not differ in their Ballot 2 decisions according to status quo likelihood. In addition, participants did not differ in their Ballot 2 decisions according to current status quo. In a series of binary logistic regressions that controlled for the effect of the individual differences variables on housing equality Ballot 2, the main effects of

current status quo and status quo likelihood did not attain statistical significance,  $ps > .05$ . Although there were interactions within the different ANCOVA models (See Above), when the interactions were removed from the models, current status quo and status quo likelihood were not significant predictors of likelihood to vote for housing equality,  $ps > .05$ . I performed no mediation analyses because there were no significant differences for status quo to test for emotion or system justification mediations.

**Hypothesis 4: Individual differences variables (Attitudes Toward Lesbians and Gay Men (ATLG), Situational System Justification (SSJ), and Global Belief in a Just World (GBJW) scales)**

*Individual differences variables' effects on Ballot decisions.*

Individual differences variables strongly affected participants' ballot decisions (See Results for Hypotheses 1, 2, and 3).

*Individual differences variables' effects on emotion.*

*ATLG as individual differences covariate.*

A 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 8 (Emotion: Fear v. Anxiety v. Anger v. Disgust v. Compassion v. Pity v. Happiness v. Hope) x 2 (Time: Time 1 v. Time 2) mixed model ANCOVA with ATLG covariate and the last two factors as repeated measures resulted in a significant four-way interaction between time, emotion, status quo likelihood, and ATLG,  $F(9.05, 920.20) = 3.42$ ,  $MSE = .93$ ,  $p < .01$ ,  $\eta^2 = .03$ . Thus, a series of 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) x 2 (Time: Time 1 v. Time 2) repeated measures ANCOVAs with ATLG covariate were conducted for each emotion. Significant time main effects appeared for all emotions except pity (See Tables 42 and 43). Similarly, an ATLG main effect emerged for most

emotions (except compassion and pity): fear,  $\beta = .24, p < .01$ , anxiety,  $\beta = .12^{29}, p < .05$ , anger,  $\beta = .39, p < .01$ , disgust,  $\beta = .34, p < .01$ , happiness,  $\beta = -.27^{30}, p < .05$ , and hope,  $\beta = -.29^{31}, p < .01$  (See Table 44). In general, higher bias against LGBT people resulted in stronger negative feelings and weaker positive feelings, especially at time 1.

Table 42

*Repeated Measures ANCOVA Models with ATLG (Attitudes Toward Lesbians and Gay Men scale) Predicting Emotions: Time Main Effect (Housing Equality)*

Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\eta\rho^2$
Fear	1, 311	25.05	.21	.000	.08
Anxiety	1, 308	9.82	.35	.002	.03
Anger	1, 311	10.55	.41	.001	.03
Disgust	1, 311	4.83	.31	.029	.02
Compassion	1, 311	71.57	.31	.000	.19
Happiness	1, 311	87.01	.72	.000	.22
Hope	1, 311	92.78	.60	.000	.23

*Note.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

<sup>29</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between ATLG and Anxiety.

<sup>30</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

<sup>31</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.



Table 43

*Differences for Emotions across Time (Housing Equality)*

Emotion	Time 1		Time 2	
	<i>M</i>	<i>SE</i>	<i>M</i>	<i>SE</i>
Fear	1.48	.04	1.23	.03
Anxiety	1.53	.05	1.35	.04
Anger	1.63	.05	1.38	.04
Disgust	1.52	.04	1.34	.04
Compassion	1.89	.05	2.08	.05
Pity	1.61	.05	1.47	.05
Happiness	2.04	.06	2.34	.06
Hope	2.25	.06	2.44	.06

*Note.* All means are significantly different between Time 1 and 2 for the same emotion at  $p < .05$  or less, except for Pity, which was not significantly different across time.

Table 44

*Repeated Measures ANCOVA Models with ATLG (Attitudes Toward Lesbians and Gay Men scale) Predicting Emotions: ATLG Main Effect (Housing Equality)*

Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\beta$	$\eta\rho^2$
Fear	1, 311	11.07	.50	.001	.24	.03
Anxiety	1, 308	4.00	.80	.046	.12 <sup>32</sup>	.01
Anger	1, 311	19.70	.72	.000	.39	.06
Disgust	1, 311	19.78	.58	.000	.34	.06
Happiness	1, 311	5.60	1.91	.019	-.27 <sup>33</sup>	.02
Hope	1, 311	9.29	1.46	.003	-.29 <sup>34</sup>	.03

*Notes.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

However, some of these main effects were qualified by significant time by ATLG interactions: fear, compassion, happiness, and hope (See Table 45). For anxiety, only the main effects emerged, such that participants felt more anxiety at time 1 than at time 2 (See Table 43) and the greater negative attitudes participants held toward lesbians and gay men the greater anxiety they felt,  $\beta = .12$ ,  $p < .05$ . Similarly, for disgust, only the main effects emerged, such that participants were more disgusted at time 1 than at time 2 (See Table 43) and greater negative attitudes toward lesbians and gay men were related to greater disgust felt,  $\beta = .34$ ,  $p < .01$ . One-way ANCOVA follow ups revealed that the

<sup>32</sup>None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between ATLG and Anxiety.

<sup>33</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

<sup>34</sup> The significant beta weight was found within the model using the 30% status quo likelihood as the reference group.

relationship between compassion and ATLG was significant at both time 1,  $\beta = .15^{35}$ ,  $p < .05$ ,  $F(1, 311) = 6.34$ ,  $MSE = .66$ ,  $\eta p^2 = .02$ , and at time 2,  $\beta = -.22$ ,  $p < .01$ ,  $F(1, 311) = 18.01$ ,  $MSE = .78$ ,  $\eta p^2 = .06$ , but in opposite directions such that those with negative attitudes towards lesbians and gay men were more compassionate at time 1 than at time 2.

Table 45

*Repeated Measures ANCOVA Models with ATLG (Attitudes Toward Lesbians and Gay Men scale) Predicting Emotions: Time by ATLG Interaction (Housing Equality)*

Predicted Emotion	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	$\eta p^2$
Fear	1, 311	4.89	.21	.028	.02
Compassion	1, 311	54.15	.31	.000	.15
Happiness	1, 311	67.34	.72	.000	.18
Hope	1, 311	85.63	.60	.000	.22

*Notes.* ATLG stands for Attitudes Toward Lesbians and Gay Men scale.

Significant and marginally significant time by status quo likelihood interactions emerged for most emotions (except for fear and anxiety) (See Table 46). For disgust and compassion, I split the file according to status quo likelihood and the ATLG repeated measures ANCOVA was conducted to explore these interactions. For disgust, a significant main effect for time emerged for participants in the 90% condition, such that participants were more disgusted at time 1 ( $M = 1.59$ ) than at time 2 ( $M = 1.31$ ). For compassion, significant effects for time emerged for all of the conditions, such that participants felt less compassion at time 1 than at time 2 (See Table 47).

<sup>35</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models at the different times. Therefore, the status quo likelihood vectors were removed to find the significant relationship between ATLG and Compassion.

Table 46

*Repeated Measures ANCOVA Models with ATLG (Attitudes Toward Lesbians and Gay Men scale) Predicting Emotions: Status Quo Likelihood Effects (Housing Equality)*

Predicted Emotions	SQL Effects	Df	F	MSE	p	$\eta\rho^2$
Fear	Time x SQL x ATLG Interaction	3, 311	2.75	.21	.043	.03
	Time x SQL x ATLG Interaction: 10% condition	1, 78	6.90	.22	.010	.08
	Time x SQL x ATLG Interaction: 90% condition	1, 75	5.27	.27	.025	.07
Anger	Time x SQL Interaction	3, 311	3.02	.41	.030	.03
	Time x SQL x ATLG Interaction	3, 311	2.69	.41	.047	.02
	Time x SQL x ATLG Interaction: 90% condition	1, 75	10.52	.36	.002	.12
Disgust	Time x SQL Interaction	3, 311	2.74	.31	.043	.03
	Time x SQL Interaction: 90% condition	1, 75	14.04	.28	.000	.16
Compassion	Time x SQL Interaction	3, 311	3.45	.31	.017	.03
	Time x SQL Interaction: 10% condition	1, 78	50.09	.30	.000	.39
	Time x SQL Interaction: 30% condition	1, 77	16.12	.29	.000	.17

	Time x SQL Interaction: 60% condition	1, 81	11.34	.30	.001	.12
	Time x SQL Interaction: 90% condition	1, 75	6.80	.35	.011	.08
Pity	Time x SQL Interaction	3, 308	2.60	.60	.052	.02
	Time x SQL x ATLG Interaction	3, 308	3.97	.60	.009	.04
	Time x SQL x ATLG Interaction: 90% condition	1, 72	10.45	.49	.002	.13
Happiness	Time x SQL Interaction	3, 311	4.49	.72	.004	.04
	Time x SQL x ATLG Interaction	3, 311	3.35	.72	.019	.03
	Time x SQL x ATLG Interaction: 10% condition	1, 78	7.18	.64	.009	.08
	Time x SQL x ATLG Interaction: 30% condition	1, 77	11.43	.82	.001	.13
	Time x SQL x ATLG Interaction: 60% condition	1, 81	13.73	.61	.000	.14
	Time x SQL x ATLG Interaction: 90% condition	1, 75	45.20	.80	.000	.38
Hope	Time x SQL Interaction	3, 311	6.00	.60	.001	.06
	Time x SQL x ATLG Interaction	3, 311	5.17	.60	.002	.05
	Time x SQL x ATLG Interaction: 10% condition	1, 78	5.05	.62	.027	.06

Time x SQL x ATLG Interaction: 30% condition	1, 77	17.74	.58	.000	.19
Time x SQL x ATLG Interaction: 60% condition	1, 81	18.70	.58	.000	.19
Time x SQL x ATLG Interaction: 90% condition	1, 75	63.85	.63	.000	.46

*Notes.* ATLG and SQL stand for Attitudes Toward Lesbians and Gay Men scale and Status Quo Likelihood.

Table 47

*Differences for Compassion According to Status Quo Likelihood at Different Times (Housing Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	1.85 <sub>a</sub> (.09)	1.76 <sub>b</sub> (.08)	1.91 <sub>c</sub> (.09)	2.04 <sub>d</sub> (.11)
Time 2	2.22 <sub>a</sub> (.10)	1.98 <sub>b</sub> (.09)	1.95 <sub>c</sub> (.10)	2.17 <sub>d</sub> (.11)

*Notes.* Means with shared subscripts indicate significant differences at  $p < .05$  level. Standard errors are in parentheses.

Significant three-way interactions among time, status quo likelihood, and ATLG emerged for most of the emotions (except anxiety, disgust, and compassion) (See Table 46). After splitting the file according to status quo likelihood, the ATLG repeated measures ANCOVA and correlations served as post hoc tests for each emotion. For fear, significant interactions between ATLG and time emerged in the 10% and 90% conditions. However, at time 2, participants did not differ in their relationships between negative attitudes and feelings of fear,  $z = -1.07$ ,  $p > .05$  (Lowry, 2001-2015), such that participants with greater negative attitudes toward lesbians and gay men experienced

greater fear (See Table 48). For anger, a significant interaction emerged in the 90% condition such that more negative attitudes were associated with greater anger at time 2,  $r = .54, p < .01$ . For pity, a significant interaction emerged in the 90% condition such that participants with greater negative attitudes felt a great amount of pity at time 2,  $r = .47, p < .01$ .

Table 48

*Correlations between Fear and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Housing Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	-.028 <sub>ns</sub> (80)	.092 <sub>ns</sub> (79)	.206 <sub>ns</sub> (83)	.05 <sub>ns</sub> (77)
Time 2	.278 (80)	.109 <sub>ns</sub> (79)	.280 (83)	.430 (77)

*Notes.* Correlations are not significantly different from each other. *NS* subscripts indicate correlations are not significant at  $p < .05$  level. *Ns* are in parentheses.

For happiness, significant interactions emerged for all of the conditions (See Table 46). At time 2, participants in the 90% condition ( $r = -.51, p < .01$ ) had significantly stronger relationships between their negative attitudes toward lesbians and gay men and their feelings of unhappiness than participants in the 60% condition ( $r = -.21, p < .06$ ),  $z = 2.13, p < .05$  (See Table 49) (Lowry, 2001-2015). Participants in the 90% condition had significantly different and stronger relationships at time 2 ( $r = -.51, p < .01$ ) than at time 1 ( $r = .22, p < .06$ ),  $z = 4.73, p < .01$ , such that they felt more unhappy with time. For hope, significant interactions emerged for all of the conditions (See Table 46). At time 2, participants in the 90% condition ( $r = -.53, p < .01$ ) had significantly stronger relationships between their negative attitudes toward lesbians and gay men and

their feelings of hopelessness than participants in the 10% condition ( $r = -.22, p = .05$ ),  $z = 2.29, p < .05$  (See Table 50). Participants in the 90% condition had a significantly different and stronger relationship at time 2 ( $r = -.53, p < .01$ ) than at time 1 ( $r = .32, p < .01$ ),  $z = 5.67, p < .01$ , such that they felt more hopeless with time (Lowry, 2001-2015).

Table 49

*Correlations between Happiness and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Housing Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	.143 <sub>ns</sub> (80)	-.015 <sub>ns</sub> (79)	.164 <sub>ns</sub> (83)	.216 <sub>a</sub> (77)
Time 2	-.175 <sub>ns</sub> (80)	-.409 (79)	-.211 <sub>b</sub> (83)	-.506 <sub>a, b</sub> (77)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less level. *NS* subscripts indicate correlations are not significant at  $p < .05$  level. *Ns* are in parentheses.

Table 50

*Correlations between Hope and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Status Quo Likelihood at Different Times (Housing Equality)*

Time	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Time 1	.065 <sub>ns</sub> (80)	.013 <sub>ns</sub> (79)	.153 <sub>ns</sub> (83)	.325 <sub>a</sub> (77)
Time 2	-.218 <sub>b</sub> (80)	-.469 (79)	-.310 (83)	-.533 <sub>a, b</sub> (77)

*Notes.* Correlations with shared subscripts are significantly different at  $p < .05$  or less. *NS* subscripts indicate correlations are not significant at  $p < .05$  level. *Ns* are in parentheses.

### ***Individual differences variables' effects on sexual minority system justification.***

Three separate 2 (Current Status Quo: Affirmation v. Threat) x 4 (Status Quo Likelihood: 10% v. 30% v. 60% v. 90%) MANCOVA models with the five SMSJ variables as dependent measures and ATLG, SSJ, and GBJW serving as covariates,



entered one at a time tested the effects of these covariates on the system justification judgments. The SSJ MANCOVA model failed to attain significant three-way interactions for the individual SMSJ items,  $ps > .05$ . However, in a series of ANCOVAs with current status quo and status quo likelihood as predictor variables, the individual SMSJ dependent variables, and ATLG, SSJ, or GBJW as covariates, ATLG, SSJ, and GBJW significantly predicted participants' endorsement of the SMSJs. The more that participants held negative attitudes toward lesbians and gay men (ATLG), believed American society to be fair, legitimate, and justifiable (SSJ), and believed that the world is fair and that individuals are punished according to dessert (GBJW) the more likely they were to believe that sexual minorities are selfish, immature, immoral, and desirous of "special rights" above others (LGSelfish factor). The higher they scored on these factors the more likely they were to believe that heterosexual marriage and parenting represent the natural and ideal form of marriage and child rearing (NaturalHeterosexualMarriage factor) and the less likely they were to believe that lesbians and gay men have a history of experiencing discrimination in America (except for the GBJW model). Finally, high scores on these factors also predicted beliefs that sexual orientation is related to an individual's ability to contribute to society and that sexual minorities *do not* have enough political power, as a group, to achieve their goals through the ordinary political process (only for the ATLG model) (See Table 51).

Table 51

*ANCOVA Models with Individual Differences Covariates Predicting Sexual Minority System Justifications (Housing Equality)*

Individual Differences Covariate Model	Predicted SMSJ	<i>Df</i>	<i>F</i>	<i>MSE</i>	<i>p</i>	<i>B</i>	$\eta\rho^2$
ATLG	LGSelfish	1, 303	775.83	.29	.000	1.06	.72
	Natural Heterosexual Marriage	1, 303	1102.69	.29	.000	.86	.78
	LG History of Discrimination	1, 303	61.95	1.58	.000	-.51	.17
	Sexual Orientation related to Societal Contribution	1, 302	26.50	.24	.000	.41	.08
	Sexual Minorities have Political Power	1, 303	48.06	1.55	.000	-.41	.14
SSJ	LGSelfish	1, 303	29.78	.96	.000	.39 <sup>36</sup>	.09
	Natural Heterosexual Marriage	1, 303	36.11	1.21	.000	.40 <sup>37</sup>	.11
	LG History of Discrimination	1, 303	5.38	1.90	.021	-.15 <sup>38</sup>	.02

<sup>36</sup> The significant beta weight was found within the model using the 10% status quo likelihood as the reference group.

<sup>37</sup> The significant beta weight was found within the model using the 60% status quo likelihood as the reference group.

<sup>38</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between SSJ and LG History of Discrimination.

	Sexual Orientation related to Societal Contribution	1, 302	6.76	.26	.010	.13 <sup>39</sup>	.02
GBJW	LGSelfish	1, 302	37.58	.94	.000	.41	.11
	Natural Heterosexual Marriage	1, 302	22.29	1.26	.000	.27 <sup>40</sup>	.07
	Sexual Orientation related to Societal Contribution	1, 301	5.99	.26	.015	.16 <sup>41</sup>	.02

*Notes.* ATLG, SSJ, GBJW, and LG stand for Attitudes Toward Lesbians and Gay Men scale, Situational System Justification scale, Global Belief in a Just World scale, and Lesbians and Gay men.

The three-way interaction for ATLG, current status quo, and status quo likelihood in the ATLG MANCOVA model was significant,  $F(15, 823.05) = 1.82, p < .05, \eta^2 = .03$ , but for only two SMSJ items, LGSelfish factor,  $F(3, 302) = 3.37, MSE = .29, p < .05, \eta^2 = .03$ , and Societal Contribution item,  $F(3, 302) = 3.32, MSE = .24, p < .05, \eta^2 = .03$ . When analyzed with the ATLG ANCOVA model, the three-way interactions remained significant: LGSelfish,  $F(3, 303) = 3.34, MSE = .29, p < .05, \eta^2 = .03$  and Societal Contribution,  $F(3, 302) = 3.32, MSE = .24, p < .05, \eta^2 = .03$ . After splitting the file by current status quo and status quo likelihood (separately), I conducted ATLG ANCOVA

<sup>39</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between SSJ and Sexual Orientation related to Societal Contribution.

<sup>40</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between GBJW and Natural Heterosexual Marriage.

<sup>41</sup> None of the status quo likelihood references groups produced significant beta weights within the regression models. Therefore, the status quo likelihood vectors were removed to find the significant relationship between GBJW and Sexual Orientation related to Societal Contribution.

models and correlations for each SMSJ. For both SMSJs, a significant status quo likelihood by ATLG interaction emerged in the affirmation condition: LGSelfish,  $F(3, 144) = 3.70$ ,  $MSE = .29$ ,  $p < .05$ ,  $\eta\rho^2 = .07$  and Societal Contribution,  $F(3, 143) = 4.48$ ,  $MSE = .15$ ,  $p < .01$ ,  $\eta\rho^2 = .09$ . For LGSelfish and Societal Contribution, significant current status quo by ATLG interactions emerged in the 90%,  $F(1, 73) = 8.97$ ,  $MSE = .30$ ,  $p < .01$ ,  $\eta\rho^2 = .11$  and 60%,  $F(1, 78) = 9.07$ ,  $MSE = .14$ ,  $p < .01$ ,  $\eta\rho^2 = .10$  conditions, respectively.

For LGSelfish, although all correlations were large ( $r_s > .79$ ) and significant ( $p_s < .01$ ), only three correlations were significantly different from each other (See Table 52). In the affirmation condition, 90% condition participants ( $r = .924$ ) had a significantly stronger relationship between ATLG and LGSelfish than 30% condition participants ( $r = .792$ ),  $z = -2.16$ ,  $p < .05$ , indicating that the relationship between their negative attitudes toward lesbians and gay men and their beliefs that sexual minorities are selfish grew stronger with the certainty of housing equality. Similarly, the relationship between ATLG and LGSelfish in the affirmation condition was significantly stronger in the 90% ( $r = .924$ ) than in the 60% ( $r = .797$ ) condition,  $z = -2.18$ ,  $p < .05$ . Finally, a significant difference existed between the affirmation and threat conditions within the 90% condition,  $z = 2.04$ ,  $p < .05$ , such that participants in the affirmation condition had a stronger correlation ( $r = .924$ ) than participants in the threat condition ( $r = .811$ ), suggesting that threat disrupts this relationship. For Societal Contribution, significant correlations emerged in the affirmation, 60% ( $r = .477$ ,  $p < .01$ ); affirmation, 90% ( $r = .614$ ,  $p < .01$ ); and threat, 10% ( $r = .325$ ,  $p < .05$ ) cells such that the more negative

attitudes these participants held toward lesbians and gay men, the more likely they were to believe that sexual orientation relates to an individual's ability to contribute to society.

Table 52

*Correlations between LGSelfish and ATLG (Attitudes Toward Lesbians and Gay Men scale) According to Current Status Quo and Status Quo Likelihood (Housing Equality)*

Current Status Quo	Status Quo Likelihood Conditions			
	10%	30%	60%	90%
Affirmation	.856 (42)	.792 <sub>a</sub> (35)	.797 <sub>b</sub> (40)	.924 <sub>a, b, c</sub> (35)
Threat	.847 (38)	.854 (44)	.876 (43)	.811 <sub>c</sub> (42)

*Notes.* Correlations are significant at  $p < .01$ . Correlations with shared subscripts are significantly different at  $p < .05$ . *Ns* are in parentheses. LG stands for Lesbians and Gay men.

The three-way interaction for GBJW, current status quo, and status quo likelihood in the GBJW MANCOVA model was significant,  $F(15, 820.29) = 1.76, p < .05, \eta^2 = .03$ , but only for one SMSJ item, Discrimination History,  $F(3, 301) = 2.78, MSE = 1.87, p < .05, \eta^2 = .03$ . When analyzed with the GBJW ANCOVA model, the three-way interaction remained significant,  $F(3, 302) = 2.79, MSE = 1.87, p < .05, \eta^2 = .03$ . After splitting the file by current status quo and status quo likelihood (separately), I conducted GBJW ANCOVA models and correlations. A significant current status quo by GBJW interaction emerged in the 90% condition,  $F(1, 73) = 6.92, MSE = 2.36, p < .05, \eta^2 = .09$ , such that, at time 2, greater global belief in a just world was significantly related to the belief that lesbians and gay men *do not* have a history of discrimination,  $r = -.367, p < .05$ .

## CHAPTER 5

### DISCUSSION

*Hypothesis 1.* The data did not support the initial hypothesis that threatened participants would be less likely to vote for marital or housing equality as there were no significant differences for votes according to current status quo. However, there was partial support for the first hypothesis in the Marriage Equality study in that affirmation condition participants were more likely to vote according to their own beliefs in American system legitimacy and global beliefs in a just world. This finding indicates that threat may disrupt the relationship between individual differences variables and voting against marital equality. Furthermore, threat condition participants were significantly more likely to experience fear and anxiety than affirmation condition participants (Laurin et al., 2008; Smith & Ellsworth, 1985). These participants also experienced greater anger, disgust, and compassion and less happiness and hope. In addition, in the Marriage Equality study threat condition participants were less likely to believe that lesbians and gay men have a history of experiencing discrimination in the United States and more likely to believe that lesbians and gay men are selfish (Jost et al., 2004; Jost, Blount, et al., 2003; Jost, Glaser, et al., 2003). However, the data did not support this finding in the Housing Equality study. Finally, mediation of the relationship between current status quo manipulation and equality votes was not relevant because no significant main effects emerged for the current status quo factor. However, individual differences variables moderated likelihood to vote for equality. Thus, although threat impacts emotions and sexual minority system justifications, it only impacts ballot equality decisions in conjunction with individual differences variables.

*Hypothesis 2.* Unfortunately, the results did not support the second hypothesis, that participants in the 10% and 30% likelihood conditions would be less likely to vote for equality than participants in the 90% condition (Kay et al., 2002), as there were no significant differences in votes or voting likelihood according to status quo likelihood. The hypothesis that participants in the 60% condition would be influenced by individual differences variables was partially supported (Kay et al., 2002). Individual differences variables significantly predicted equality votes and voting likelihoods across all status quo likelihood conditions. Contrary to Hypothesis 2, in the Housing Equality study, the attitudes toward lesbians and gay men (and, marginally, their beliefs that lesbians and gay men represent realistic and symbolic threats) of participants in the 60% condition were significantly *less* likely to influence their likelihood to vote for equality than those in the 10% and 30% conditions. Additionally, although not hypothesized, in the Housing Equality study, participants in the 10% condition were significantly more likely to be influenced by their beliefs that lesbians and gay men represent realistic and symbolic threats than participants in the 90% condition in their likelihood to vote for equality.

In the Marriage Equality study, contrary to Hypothesis 2, participants only experienced significant differences for happiness (not all of the emotions) according to status quo likelihood. In fact, this difference was opposite to what I had hypothesized in that participants in the 10% condition experienced significantly less happiness than participants in the 90% condition (Kay et al., 2002). However, participants in the 90% condition experienced significantly more happiness than participants in the 30% condition hypothesis, which partially confirmed Hypothesis 2. Again, contrary to Hypothesis 2, in the Housing Equality study, participants in the 10% condition felt

significantly greater amounts of fear and anxiety than those in the other three conditions (Ortony, Clore, & Collins, 1988; Smith & Ellsworth, 1985). They also felt greater amounts of anger and disgust than those in the 60% and 90% conditions (and 30% condition for disgust). Contrary to Hypothesis 2, there were no significant differences according to status quo likelihood for participants' experience of happiness and joy and participants did not differ in sexual minority system justification endorsement according to status quo likelihood. As there were no significant differences according to status quo likelihood for ballot votes and likelihood to vote for equality, mediation analyses were not relevant. Thus, likelihood of a new status quo had little impact on emotions or system justifications and its impact on voting decisions was only in conjunction with individual differences variables.

*Hypothesis 3.* There were no significant differences between equality votes or likelihood to vote for equality according to current status quo or status quo likelihood failing to support Hypothesis 3. However, in support of Hypothesis 3 in the Marriage Equality study, global beliefs in a just world significantly predicted a reduced likelihood to vote for equality, but only in the affirmation condition. However, the relationship between global beliefs in a just world and unlikelihood of voting for marital equality appeared to be weaker for participants in the affirmation, 60% condition than participants in the affirmation, 30% and 90% conditions (Kay et al., 2002). Contrary to Hypothesis 3, although significant differences between the relationships between likelihood to vote for marital equality and ATLG emerged according to status quo likelihood, these differences were in the *threat* condition, with stronger relationships in the 10% condition than in the 30% and 60% conditions. Similarly, although beliefs in the realistic and symbolic threats



that lesbians and gay men pose significantly predicted likelihood to vote against marriage equality, there were no significant differences according to current status quo or status quo likelihood. Consistent with the findings for Hypothesis 2, in the Marriage Equality study, GBJW significantly affected ballot decisions, but only in the affirmation condition. Thus, once again threat appeared to disrupt this relationship.

Contrary to Hypothesis 3, in the Housing Equality study, the relationship between negative attitudes toward lesbians and gay men and unlikelihood to vote for housing equality appeared to be stronger in the 10%, 30%, and 90% conditions than in the 60% condition (Kay et al., 2002). Similarly, the relationship between greater beliefs that lesbians and gay men represent realistic and symbolic threats and unlikelihood to vote for housing equality emerged as stronger in the 10%, 30%, and 90% conditions than in the 60% condition. Similar to the results for Hypothesis 2, and in contrast to Hypothesis 3, although beliefs in the legitimacy of the American system significantly predicted a reduced tendency to vote for housing equality, this relationship appeared in only the *threat*, 90% condition, not the affirmation condition. Notably, a marginally significant relationship existed between global beliefs in a just world and a reduced tendency to vote for housing equality within the affirmation condition but the significant relationship existed within the affirmation, 10% cell, rather than the 60% cell, in opposition to Hypothesis 3. Rather than current status quo or status quo likelihood, the strongest predictors for ballot decisions (whether in the Marital or Housing Equality study) were the individual differences variables.

According to Hypothesis 3, threat condition participants emotions should vary according to both threat (time 1) and status quo likelihood (time 2). In contrast,

affirmation condition participants' emotions should only vary as a function of status quo likelihood. In confirmation, in both studies, threat condition participants felt significantly greater fear and anxiety than affirmation condition participants after the current status quo manipulation (Laurin et al., 2008). Also in support of Hypothesis 3, threat condition participants felt significantly less fear and anxiety at time 2 than time 1. Although not hypothesized, this pattern held for anger and disgust for threat condition participants. These results appear to represent a pattern in which, after the current status quo manipulation, participants felt significantly greater negative emotions (fear, anxiety, anger, and disgust) in the threat condition, greater positive emotions (happiness and hope) in the affirmation condition, but similar emotions across current status quo condition after the status quo likelihood manipulation, i.e. at time 2. The exception to this finding involves compassion, in which threat condition participants feel greater compassion than affirmation condition participants at time 1, but both conditions feel greater amounts of compassion at time 2. Although these results indicate that participants' experiences of negative emotions alleviated with time, they do not provide support for the third hypothesis that voting in the initial ballot would alleviate initial emotions experienced because there were no significant differences regarding voting behaviors (Brescoll et al., 2013; Jost, Glaser, et al., 2003; Jost et al., 2007; Wakslak et al., 2007).

Contrary to Hypothesis 3, there were no significant differences according to status quo likelihood for participants in terms of happiness, hope, fear, or anxiety (Kay et al., 2002; Ortony et al., 1988; Smith & Ellsworth, 1985). Rather, in the Marital Equality study, significant time by status quo likelihood interactions emerged such that participants in the 60% and 90% conditions were angrier at time 1 than time 2, but

happier at time 2 than time 1. Participants in the 90% condition were also more hopeful at time 2 and participants in the 10%, 60%, and 90% conditions felt greater compassion at time 2. Thus, knowledge of marriage equality's likelihood caused participants to experience greater happiness, hope, and compassion, indicating that these individuals may have already accepted the concept of nationwide marriage equality prior to the study.

According to Hypothesis 3, participants should endorse sexual minority system justifications according to both threat and status quo likelihood condition (Brescoll et al., 2013; Jost, Glaser, et al., 2003; Jost et al., 2007; Kay et al., 2002). In contrast, affirmation condition participants should only be affected by status quo likelihood condition (Jost, Glaser, et al., 2003; Jost, et al., 2007; Kay et al., 2002). Although, in the Marital Equality study, threat condition participants were significantly less likely to believe that lesbians and gay men have a history of experiencing discrimination within the United States than affirmation condition participants, this result only provides partial support for Hypothesis 3 because there were no significant differences according to current status quo or status quo likelihood for any of the other sexual minority system justifications. Similarly, in the Housing Equality study, although participants were more likely to believe that sexual minorities have a history of discrimination at time 2 than at time 1, there were no significant differences according to current status quo and status quo likelihood for any of the sexual minority system justifications.

According to Hypothesis 3, emotions and sexual minority system justifications should mediate the relationships between the manipulated variables (current status quo and status quo likelihood) and the second ballot decisions. As current status quo and

status quo likelihood conditions did not significantly predict the second ballot decisions, mediation analysis was not relevant to the findings. The results for Hypothesis 3 suggest that, although threat and status quo likelihood may affect emotional experiences and system justification endorsement, manipulated variables only affected equality ballot decisions in conjunction with individual differences variables.

*Hypothesis 4.* The results of both studies offered full confirmation for individual difference effects in Hypothesis 4, such that greater negative attitudes toward lesbians and gay men (ATLG), beliefs in American system legitimacy (SSJ), and global beliefs in a just world (GBJW) predicted a reduced likelihood to vote for equality on both ballot measures (Brescoll et al., 2013; Herek, 2004; Jost et al., 2004; Jost, Blount, et al., 2003; Jost, Glaser, et al., 2003).

According to Hypothesis 4, participants should experience different levels of emotions according to the individual differences variables and status quo likelihood condition (Balzer & Jacobs, 2011; Cunningham et al., 2013; Embrick et al., 2007; Herek, 2004; Inbar et al., 2009; Zeichner & Reidy, 2009). Although not hypothesized, in the Marital Equality study, a significant time by ATLG interaction emerged such that participants with greater negative attitudes toward lesbians and gay men felt significantly greater fear and anger and less compassion at time 2 than at time 1. Similarly, these participants only experienced anxiety at time 2. Interestingly, these participants also only felt pity at time 2. The overall trend provided support for Hypothesis 4 in that participants with greater negative attitudes toward lesbians and gay men experienced greater levels of negative emotions upon learning about marital equality. As there were no differences according to status quo likelihood, mere exposure to the concept of

nationwide marriage equality evoked greater experiences of fear, anxiety, anger, and pity, but less compassion, for those with negative attitudes toward lesbians and gay men. Participants with greater negative attitudes toward lesbians and gay men had significantly stronger relationships between their attitudes and their feelings of disgust at time 2 in the 30%, 60%, and 90% conditions than in the 10% condition, indicating that greater marital certainty elicited greater disgust. Similarly, this relationship was stronger for participants in the 90% condition at time 2 than at time 1. For happiness and hope, participants with less negative attitudes toward lesbians and gay men had significantly stronger relationships between their attitudes and their feelings of happiness and hope at time 2 in the 90% condition than in the 30% and 60% conditions, indicating that greater certainty of marital equality elicited greater happiness and hope for these participants (Zeichner & Reidy, 2009). Similarly, this relationship was stronger for participants in the 60% condition at time 2 than at time 1. Thus, attitudes toward lesbians and gay men, in conjunction with status quo likelihood, greatly influenced the emotions participants experienced with greater marital certainty eliciting greater disgust and less happiness and hope for those with more negative attitudes. These results indicate that, while fear, anxiety, anger, pity, and compassion may be influenced by the mere mention of marital equality, disgust, happiness, and hope may require greater knowledge of marriage equality certainty.

Although not hypothesized, in the Marital Equality study, a significant time by SSJ interaction emerged such that participants with greater beliefs in American system legitimacy and fairness felt significantly greater fear and less hope at time 2 than at time 1 (Zeichner & Reidy, 2009). Similarly, these participants felt a lack of compassion at

time 2. In support of Hypothesis 4, participants had a significantly stronger relationship between their beliefs in American system legitimacy and anger at time 2 than at time 1 in the 60% condition (Herek, 2004). Similarly, significant relationships emerged for participants such that greater beliefs in American system legitimacy predicted greater anger (90% condition) and pity (60% condition) at time 2. There were no differences for GBJW; thus, for the Marital Equality study, this aspect did not support Hypothesis 4. Overall, these results indicate that exposure to marital equality and its likelihood led those with greater beliefs in American system legitimacy to feel negative emotions, especially as marital equality became more certain.

In the Housing Equality study, participants with less negative attitudes toward lesbians and gay men were significantly more compassionate at time 2 than at time 1, partially supporting Hypothesis 4. Similarly, significant relationships emerged between negative attitudes toward lesbians and gay men and fear in not only the 60% and 90% conditions (as hypothesized), but in the 10% condition (Zeichner & Reidy, 2009). This relationship continued regarding anger and pity in the 90% condition, with greater negative attitudes toward lesbians and gay men predicting significant levels of anger and pity felt (Herek, 2004). For happiness and hope, participants with less negative attitudes toward lesbians and gay men had significantly stronger relationships between their attitudes and their feelings of happiness and hope at time 2 in the 90% condition than in the 60% condition (happiness) and 10% condition (hope). Similarly, this relationship was stronger for participants in the 90% condition at time 2 than at time 1. There were no differences for SSJ or GBJW; thus, for the Housing Equality study, this aspect did not support Hypothesis 4. Overall, these results indicate that, for those with negative

attitudes toward lesbians and gay men, exposure to housing equality elicited negative emotions, especially when housing equality was almost certain.

According to Hypothesis 4, participants with greater negative attitudes toward lesbians and gay men, beliefs in the legitimacy and fairness of the American system, and global beliefs in a just world will be more likely to endorse sexual minority system justifications; however, the extent that these participants endorse the justifications may be impacted by current status quo and status quo likelihood manipulations (Brescoll et al., 2013; Herek, 2004; Jost et al., 2004; Jost, Glaser, et al., 2003). For both equality studies, the data fully confirmed Hypothesis 4 in that greater negative attitudes toward lesbians and gay men (ATLG), beliefs that American society is fair, legitimate, and justifiable (SSJ), and beliefs that the world is fair and that individuals are punished according to desert (GBJW) significantly predicted endorsement of sexual minority system justifications. In addition, for the Marital Equality study, both current status quo and status quo likelihood affected the relationship between GBJW and justification endorsement such that, in the affirmation, 90% cell, greater global beliefs in a just world predicted the belief that lesbians and gay men *do not* have a history of discrimination. For the Housing Equality study, for the LGSelfish factor (i.e. endorsement of system justifications that lesbians and gay men are selfish, immature, immoral, and desirous of “special rights” above others) participants in the affirmation, 90% cell had a significantly stronger relationship between ATLG beliefs and LGSelfish factor endorsement than those in the affirmation, 30% and affirmation, 60% cells. Thus, the relationship between negative attitudes toward lesbians and gay men and beliefs that sexual minorities are selfish grew stronger with the certainty of housing equality. These findings do not

support system justification theory in that, when housing equality became more certain, those with negative attitudes toward lesbians and gay men felt the need to disparage lesbians and gay men. Furthermore, only those participants in the affirmation condition felt the need to endorse these aspects of sexual minority stigma (Herek, 2004, 2007). System justification theory would predict that affirmation, 90% participants should be less likely to endorse system justifications than those in the less certain conditions (Jost, Glaser, et al., 2003; Jost, et al., 2007; Kay et al., 2002). However, the findings provide overall support for the theoretical components of system justification theory in that those with negative attitudes toward sexual minorities felt the need to disparage lesbians and gay men when the minority group was most likely to gain equal rights to the majority (Alexander, 2001; Blain, 2005; Goldberg-Hiller & Milner, 2003; Hargis, 2000; Herek, 2004; Jost & Banaji, 1994; Jost et al., 2004). These results indicate that some majority group members use stereotypes to denigrate minority groups in order to maintain the current, hierarchical status quo (Glick & Fiske, 2001a; Jost & Banaji, 1994; Jost et al., 2004; Kay, Gaucher et al., 2009; Kay and Jost, 2003; Kay, Jost, & Young, 2005).

This difference was also found between the affirmation, 90% and threat, 90% cells, such that those in the affirmation condition had a stronger relationship between ATLG and LGSelfish endorsement, thereby suggesting that threat disrupts this relationship. These findings indicate that negative attitudes toward lesbians and gay men lead to greater system justification when threat does not disrupt the general status quo and when the likelihood of equality is almost certain. Similarly, participants in the affirmation, 60%; affirmation, 90%; and threat, 10% cells had significant relationships between ATLG and their belief that sexual orientation relates to an individual's ability to



contribute to society. Finally, a significant effect emerged for the threat, 90% cell such that, at time 2, greater global beliefs in a just world was significantly related to the belief that lesbians and gay men *do not* have a history of discrimination in the threat condition. This last finding supports Hypothesis 4 showing that the effects of status quo likelihood in conjunction with individual differences on sexual minority system justification may be more complex than originally hypothesized. Overall, the results for Hypothesis 4 indicate that individual differences variables have a very large impact on voting tendencies, emotions, and system justification endorsement, especially when the general status quo is not threatened and as sexual minority equality becomes more certain.

### **Limitations**

Both design issues and factors outside of the research limited the current investigation. The research was conducted between late April and early June, 2015. By this time, following the Supreme Court's *Windsor* opinion (2013), courts throughout the United States had ruled on the issue of marriage equality, usually by allowing same-sex couples to marry. A few federal and state courts had ruled against marriage equality, which led to the United States Supreme Court's choice to hear the issues involved. The widely publicized nature of the issue gave individuals the chance to hear the competing arguments regarding marital equality and to decide where they stood on the issue. The results of the current investigation indicate that voters became firm in their beliefs regarding marital equality as they were not swayed by either current status quo or status quo likelihood manipulation, as has been the case with other issues outside of sexual minority rights (e.g., essentialist beliefs in gender differences (Brescoll et al., 2013), tendency to justify institutional differences among the poor and minorities (Jost, Pelham,

et al., 2003), desirability of political candidates according to likelihood of being elected (Kay et al., 2002)). In addition, the high levels of publicity about marital equality may have influenced participants within the housing equality condition, such that exposure to the arguments for marital equality may have led to a more egalitarian mindset regarding sexual minority rights, in general. Thus, the historical context may have limited the current investigation. Had the study occurred prior to the *Windsor* decision, the manipulations may have had a greater effect. Similarly, conducting the housing equality study in a year or more may produce different results.

A methodological design limitation involved the choice of the items in the sexual minority system justifications. I utilized the arguments used in court decisions and specific anti-sexual orientation equality campaigns as they appeared to represent the most likely arguments that people might have used against sexual minority equality. However, it is possible that the average voter uses different arguments and beliefs to justify their votes. I drew the justifications from the writings of court justices but they were not the sample of participants in this research. A qualitative study in which voters were sampled from the relevant population may provide a better set of items that individuals may use as justifications for voting both for and against equal protection.

In this investigation, I chose not to focus upon the religious aspects potentially involved as the courts, in their opinions against marriage equality, specifically stated that their decisions were not based upon religious concerns. However, religion is often used to justify current social systems (Jost et al., 2014; Kay et al., 2008; Kay, Whitson, et al., 2009) and, potentially more relevant to the current research, marital equality opponents have used to justify not allowing same-sex marriage (*Geiger*, 2014; *Kitchen*, 10<sup>th</sup> Circuit,

2014). Courts' refusals to admit the influence of religion upon anti-marital equality legislation masks religion's potential influence and provides another possible limitation of the current research. Future studies could focus, again, on how justices make decisions and how lay people (i.e. voters) make decisions in equality contexts.

Several methodological design problems may limit the current research. The repeated measures design was used so that the effect of each manipulation could be explored by itself and in conjunction with the other manipulation. However, given that participants voted on the same ballot initiative twice within a short period of time, few changed their decisions, which limited the effects of the manipulations. Potential solutions include creating a larger interval of time between manipulations so that participants could forget their original decision or conducting both manipulations at the same time. Each solution brings its own set of limitations. Another methodological problem involves the use of an online, research setting. It is difficult to know the extent that voting for a ballot in a hypothetical situation equates with actually voting in a state ballot initiative. Additionally, ballot initiatives usually involve extensive politicization of the issue in question. Thus, the atmosphere for a voter may be much different from that of the experimental research participant. However, the widely publicized nature of the current investigation may have made it comparable to what participants experience in a real ballot initiative. Another methodological issue of the current investigation involved the possibility of the sexual minority system justifications priming participants' votes on the second ballot as they provided exposure to reasons one may choose to not vote for sexual minority equality. However, as participants did not change their decisions regarding the ballot initiatives, this potential limitation is unlikely. Another potential

issue with the sexual minority system justifications was that participants in an experimental study completed them without pre-testing to determine whether they correctly measured underlying attitudes. Given the inter-item correlations found for two factors in both experimental studies at different times, it is likely that the system justifications are measuring latent traits. Latent trait testing prior to conducting the current investigation (to better understand the underlying traits) might have improved the methodological foundation of the current investigation.

One final potential limitation of the current investigation involves the use of online research participants through Amazon Mechanical Turk. These participants may be more technologically sophisticated than the average voter they are intended to represent. In addition, it is unknown, at present, the extent to which these participants represent that population. One way to mitigate this problem would be to conduct another study comparing responses from participants from both online pools and the relevant community to see whether they differ according to individual differences variables. Differences between the populations may explain the large tendency of participants in the current investigation to vote for equality.

### **Contributions of the Current Investigation**

In spite of the limitations, the current investigation provided strong evidence of the influence of individual differences variables upon sexual minority stigma. Current status quo and status quo likelihood manipulations only predicted ballot decisions with statistical models that included individual difference variables as moderators or controls. In fact, in some of these models, threat only served to disrupt the influence of individual differences variables, suggesting that threat acted as a moderator on when participants'

individual differences variables affected their ballot decisions. The current investigation provided strong evidence that individuals with greater negative attitudes toward lesbians and gay men, strong beliefs in the legitimacy of the American system, strong global beliefs in a just world, greater beliefs that lesbians and gay men represent realistic and symbolic threats, and greater feelings of intergroup anxiety toward lesbians and gay men are significantly less likely to vote for sexual minority equality. Given the requirements of *Romer* (1996) that laws that distinguish between groups of people not do so on the basis of animus, the current investigation's findings regarding the influence of bias in decision making calls into question laws that classify according to sexual orientation. Additionally, the exclusion of sexual minorities from suspect or quasi-suspect classification in Fourteenth Amendment Equal Protection clause should be reconsidered given the established influence of bias on legal decision making.

The current investigation also examined system justification theory within a previously unexplored context, i.e. sexual minority stigma and heterosexism. In fact, the current research calls into question whether system justification theory is useful to sexual minority issues. Although many courts throughout the United States had ruled in favor of marital equality, the current, relatively conservative Supreme Court could have created feelings of uncertainty helpful to the threat manipulation. The timing had the potential to be ripe for this research. However, the current status quo and status quo likelihood manipulations did not affect participants' ballot decisions. Three possible reasons for this finding include the timing of the study, the publicity surrounding the issues and affected group involved, and the possibility that system justification theory does not explain sexual minority stigma. As discussed in the limitations section (above), this research

took place after many courts had ruled in favor of marital equality. Perhaps people had too much time to consider the issue and were firmly for or against equality. Similarly, the publicity involved in the marital equality issue likely made the issue prominent in peoples' minds such that they were forced to consider the important aspects involved. Although timing and publicity provide potential reasons for why system justification failed to predict ballot behavior in the marital equality study, they do not account for the housing equality study. Housing equality does not have the precedential history of marital equality. At the time of this research equality in housing as a policy issue did not share the highly visible status of marital equality in the public eye. Yet, similar results occurred for the housing equality study. One potential reason could be that the discussion of marital equality within the local, state, and national spheres led people to hold broader beliefs and opinions regarding lesbians and gay men as a group. Rather than focusing only upon marital equality, perhaps the thoughts, feelings, and beliefs regarding sexual minority marital equality spread to other issues involving sexual orientation to create a general, overall attitude or belief system more favorable towards lesbians and gay men. This could explain why housing equality, a topic rarely, if ever, discussed, matched marital equality not only on the ballot variables, but often on emotions, sexual minority system justifications, and individual differences variables.

One final possibility regarding the lack of differences according to system justification theory could be that system justification simply does not explain sexual minority stigma. However, the existence of a hierarchical system in the concept of heterosexism (Herek, 2004) and the strong, negative sentiment towards sexual minorities that still affects legislation throughout the United States both suggest that aspects of

system justification theory could still be relevant to sexual minority system justification. Although many people appear to accept sexual minority equality, this research shows that a large minority of individuals (for the initial ballots, 30.3% for marital equality and 16.9% for housing equality) do not accept equality. The fact that neither group (i.e. those who voted for and against equality) were swayed in their votes according to the main manipulations suggests that system justification may not be as relevant to sexual minority stigma as other theories. However, this research represents the first attempt to understand sexual minority stigma through the lens of system justification theory. Perhaps careful consideration of the issues measured and the construction of materials could aid in understanding the causal relationship between threat and sexual minority stigma. What the current investigation indicates is that the traditional methods of gauging system justification theory may not be readily applicable to sexual minority system justifications. As threat and likelihood appear to affect emotions and some sexual minority system justifications, the current research suggests that system justification theory may have a place in the determination of what causes sexual minority stigma. The current research thus provides a starting point for the exploration of system justification theory within the sexual minority context.

## References

- Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995).
- Age Discrimination in Employment Act, Pub. L. No. 90-202, 29 U.S.C. § 621 (1967).
- Ahmed, A. M., Andersson, L., & Hammarstedt, M. (2008). Are lesbians discriminated against in the rental housing market? Evidence from a correspondence testing experiment. *Journal of Housing Economics*, 17, 234–238.  
doi:10.1016/j.jhe.2008.06.003
- Ahmed, A. M., & Hammarstedt, M. (2009). Detecting discrimination against homosexuals: Evidence from a field experiment on the internet. *Economica*, 76, 588–597. doi:10.1111/j.1468-0335.2008.00692.x
- Alexander, S. E. D. (2001). *Romer v. Evans* and the Amendment 2 controversy: The rhetoric and reality of sexual orientation discrimination in America. *Texas Forum on Civil Liberties and Civil Rights*, 6, 261–302.
- Altemeyer, B., & Hunsberger, B. (1992). Authoritarianism, religious fundamentalism, quest, and prejudice. *The International Journal for the Psychology of Religion*, 2, 113–133. doi:10.1207/s15327582ijpr0202\_5
- American Psychiatric Association (1952). *Mental Disorders: Diagnostic and Statistical Manual*. Washington, DC: American Psychiatric Association.
- Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C.A. § 12101 (1990).
- Andersen v. King County, 158 Wn.2d 1 (Washington 2006).
- Armstrong, C. (2013). Slow progress: New federal rules only begin to address housing discrimination based on sexual orientation and gender identity. *The Modern*



*American*, 9, 2–6.

Ark. Const. of 1874 amend. 83, § 2 (2004).

Baehr v. Lewin, 74 Haw. 530, 852 P.2d 44 (1993).

Bahns, A. J., & Crandall, C. S. (2013). The opposite of backlash: High-SDO people show enhanced tolerance when gay people pose little threat. *European Journal of Social Psychology*, 43, 286–291. doi:10.1002/ejsp.1947

Baker v. Nelson, 409 U.S. 810 (1972).

Baker v. Nelson, 291 Minn. 310, 191 N.W.2d 185 (1971).

Balzer, A., & Jacobs, C. M. (2011). Gender and physiological effects in connecting disgust to political preferences. *Social Science Quarterly*, 92, 1297–1313. doi:10.1111/j.1540-6237.2011.00819.x

Baskin v. Bogan, 2014 U.S. App. LEXIS 17294 (7th Cir. Ind., Sept. 4, 2014).

Baskin v. Bogan, 2014 U.S. Dist. LEXIS 86114 (S.D. Ind. 2014).

Bassett v. Snyder, 951 F. Supp. 2d 939 (E.D. Michigan 2013).

Bastian, B., Denson, T. F., & Haslam, N. (2013). The roles of dehumanization and moral outrage in retributive justice. *PLoS ONE*, 8, 1–10. doi:10.1371/journal.pone.0061842

Batson, C. D. (1987). Prosocial motivation: Is it ever truly altruistic? *Advances in Experimental Social Psychology*, 20, 65–122. doi:10.1016/S0065-2601(08)60412-8

Batson, C. D., Lishner, D. A., Cook, J., & Sawyer, S. (2005). Similarity and nurturance: Two possible sources of empathy for strangers. *Basic and Applied Social Psychology*, 27, 15–25. doi:10.1207/s15324834basp2701\_2

- Ben-Shalom v. Marsh, 881 F.2d 454 (7th Cir. 1989).
- Bernard, T. S. (2014). Gay, widowed and fighting for what they're due. *NY Times*.  
Retrieved from [www.nytimes.com](http://www.nytimes.com)
- Biblarz, T. J., & Stacey, J. (2010). How does the gender of parents matter? *Journal of Marriage and Family*, 72, 3–22. doi:10.1111/j.1741-3737.2009.00678.x
- Bishop v. Smith, 2014 U.S. App. LEXIS 13733 (10th Cir. Okla. 2014).
- Bishop v. U.S. ex rel. Holder, 962 F.Supp.2d 1252 (N.D. Okla. 2014).
- Blain, M. (2005). The politics of victimage: Power and subjection in a US anti-gay campaign. *Critical Discourse Studies*, 2, 31–50.  
doi:10.1080/17405900500052168
- Blum v. Yaretsky, 457 U.S. 991, 102 S. Ct. 2777 (1982).
- Bolling v. Sharpe, 347 U.S. 497 (1954).
- Bostic v. Rainey, 970 F.Supp.2d 456 (E.D. Va. 2014).
- Bostic v. Schaefer, 760 F.3d 352 (4th Cir. Va., 2014).
- Bourke v. Beshear, 996 F. Supp. 2d 542 (W.D. KY, 2014).
- Bowen v. Gilliard, 483 U.S. 587 (1987).
- Bowers v. Hardwick, 478 U.S. 186 (1986).
- Brambilla, M., Carnaghi, A., & Ravenna, M. (2011). Status and cooperation shape lesbian stereotypes: Testing predictions from the Stereotype Content Model. *Social Psychology*, 42, 101–110. doi:10.1027/1864-9335/a000054
- Brenner v. Scott, 2014 U.S. Dist. LEXIS 116684 (N.D. Florida, 2014).
- Brescoll, V. L., Uhlmann, E. L., & Newman, G. E. (2013). The effects of system-

justifying motives on endorsement of essentialist explanations for gender differences. *Journal of Personality and Social Psychology*, 105, 891–908.  
doi:10.1037/a0034701

Brigham, J. C. (1993). College students' racial attitudes. *Journal of Applied Social Psychology*, 23, 1933–1967. doi:10.1111/j.1559-1816.1993.tb01074.x

Brinkman v. Long, Case No. 13-CV-32572 (D. Adams County, CO, 2014).

Brown, M. J., & Henriquez, E. (2008). Socio-demographic predictors of attitudes towards gays and lesbians. *Individual Differences Research*, 6, 193–202.

Brumbaugh, S. M., Sanchez, L. A., Nock, S. L., & Wright, J. D. (2008). Attitudes toward gay marriage in states undergoing marriage law transformation. *Journal of Marriage and Family*, 70, 345–359. doi:10.1111/j.1741-3737.2008.00486.x

Buchanan v. Warley, 245 U.S. 60 (1917).

Burns v. Hickenlooper, 2014 U.S. Dist. LEXIS 100894 (D. Colorado, 2014).

Campbell, K., & Wright, D. W. (2010). Marriage today: Exploring the incongruence between Americans' beliefs and practices. *Journal of Comparative Family Studies*, 41, 329–345.

Carey v. Population Servs. Int'l, 431 U.S. 678 (1977).

Centola v. Potter, 183 F. Supp. 2d 403 (D. Mass. 2002).

Cherlin, A. J. (2004). The deinstitutionalization of American marriage. *Journal of Marriage and Family*, 66, 848–861. doi:10.1111/j.0022-2445.2004.00058.x

Chiu, M. M. (2007). Families, economics, cultures, and science achievement in 41 countries: Country-, school-, and student-level analyses. *Journal of Family Psychology*, 21, 510–519. doi:10.1037/0893-3200.21.3.510

Citizens for Equal Protection v. Bruning, 455 F.3d 859 (8th Cir. 2006).

Citizens for Responsible Behavior v. The Superior Court of Riverside County, 1 Cal.

App. 4th 1013 (Court of Appeal of California, Fourth Appellate District, Division 2 1991).

City of Cleburne, Texas v. Cleburne Living Center, 473 U.S. 432 (1985).

City of Cuyahoga Falls, Ohio v. Buckeye Community Hope Foundation, 538 U.S. 188, 123 S. Ct. 1389 (2003).

Civil Rights Act of 1964, Pub. L. No. 88-352, 42 U.S.C. § 2000(e) (1964).

Civil Rights Cases, 109 U.S. 3 (1883).

Clausell, E., & Fiske, S. T. (2005). When do subgroup parts add up to the stereotypic whole? Mixed stereotype content for gay male subgroups explains overall ratings.

*Social Cognition*, 23, 161–181. doi:10.1521/soco.23.2.161.65626

Collins v. City of Harker Heights, Texas, 503 U.S. 115 (1992).

Conant, E. (2010). Uncivil rights? *Newsweek*, 156, 36–38.

Conaway v. Deane, 401 Md. 219, 932 A.2d 571 (2007).

Costanza v. Caldwell, Docket No. 2013-0052 D2 (15th Judicial District Court, Parish of Lafayette, LA, 2014).

Conway, M., Pizzamiglio, M. T., & Mount, L. (1996). Status, communality, and agency:

Implications for stereotypes of gender and other groups. *Journal of Personality and Social Psychology*, 71, 25–38. doi:10.1037/0022-3514.71.1.25

Craig v. Boren, 429 U.S. 190 (1976).

Crowl, A., Ahn, S., & Baker, J. (2008). A meta-analysis of developmental outcomes for

- children of same-sex and heterosexual parents. *Journal of GLBT Family Studies*, 4, 385–407. doi:10.1080/15504280802177615
- Cunningham, E., Forestell, C. A., & Dickter, C. L. (2013). Induced disgust affects implicit and explicit responses toward gay men and lesbians. *European Journal of Social Psychology*, 43, 362–369. doi:10.1002/ejsp.1945
- De Leon v. Perry, 975 F.Supp.2d 632 (W.D. Tex. 2014).
- DeBoer v. Snyder, 2014 U.S. App. LEXIS 21191 (6th Cir. 2014).
- DeBoer v. Snyder, 2014 WL 1100794 (E.D. Mich. 2014).
- Dean v. District of Columbia, 653 A.2d 307 (D.C. 1995).
- Defense of Marriage Act, Pub. L. 104-199 (1996).
- Department of Agriculture v. Moreno, 413 U.S. 528 (1973).
- Dynes, W. R. (1990). Heterosexuality. In W. R. Dynes (Ed.), *Encyclopedia of Homosexuality* (pp. 532–35). New York: Garland.
- Eagly, A. H., Diekmann, A. B., Johannesen-Schmidt, M. C., & Koenig, A. M. (2004). Gender gaps in sociopolitical attitudes: A social psychological analysis. *Journal of Personality and Social Psychology*, 87, 796–816. doi:10.1037/0022-3514.87.6.796
- Eidelman, S., Crandall, C. S., & Pattershall, J. (2009). The existence bias. *Journal of Personality and Social Psychology*, 97, 765–775. doi:10.1037/a0017058
- Eisenstadt v. Baird, 405 U.S. 438 (1972).
- Embrick, D. G., Walther, C. S., & Wickens, C. M. (2007). Working class masculinity: Keeping gay men and lesbians out of the workplace. *Sex Roles*, 56, 757–766. doi:10.1007/s11199-007-9234-0

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity. (2012). 24 C.F.R. § 5.105(a)(2)(ii). *Department of Housing and Urban Development, Federal Register*, 77, 5662–5676.

Equality Foundation of Greater Cincinnati, Inc. v. City of Cincinnati, 54 F.3d 261 (6th Cir. 1995).

Ex parte Virginia, 100 U.S. 339 (1880).

Fair Housing Act, 42 U.S.C. § 3601 (1968).

Fair Housing Centers of Michigan (2007). Sexual orientation and housing discrimination in Michigan: A report of Michigan's Fair Housing Centers. Retrieved from [www.fhcmichigan.org](http://www.fhcmichigan.org)

Fantz, A., & Mears, B. (2014). High court refuses to rule – and gives tacit victory – on same-sex marriage. *CNN*. Retrieved from: [www.cnn.com](http://www.cnn.com)

Faul, F., Erdfelder, E., Lang, A.-G. & Buchner, A. (2007). G\*Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, 39, 175-191. doi:10.3758/BF03193146

Federal Communications Commission v. Beach Communications, Inc., 508 U.S. 307 (1993).

Festinger, L. (1957). *A theory of cognitive dissonance*. Evanston, IL: Row, Peterson & Company.

Fiske, S. T. (2012). Warmth and competence: Stereotype content issues for clinicians and researchers. *Canadian Psychology*, 53, 14–20. doi:10.1037/a0026054

Fiske, S. T., Cuddy, A. J. C., Glick, P., & Xu, J. (2002). A model (of mixed) stereotype content: Competence and warmth respectively follow from perceived status and

competition. *Journal of Personality and Social Psychology*, 82, 878–902.

doi:10.1037//0022-3514.82.6.878

Freedom to Marry (2015). History and timeline of the freedom to marry in the United States. *Freedom to Marry*. Retrieved from: <http://www.freedomtomarry.org>

Freeman, M. D. A. (1999). Not such a queer idea: Is there a case for same sex marriages? *Journal of Applied Philosophy*, 16, 1–17. doi:10.1111/1468-5930.00104

Freud, S. (1953/1905). Three essays on the theory of sexuality. In J. Strachey (Ed.), *The Standard Edition of the Complete Psychological Works of Sigmund Freud* (pp. 123–143). London: Hogarth.

Friedman, S., Reynolds, A., Scovill, S., Brassier, F. R., Campbell, R., & Ballou, M. (2013). An estimate of housing discrimination against same-sex couples. *U.S. Department of Housing and Urban Development, Office of Policy Development and Research*. Retrieved from [www.huduser.org](http://www.huduser.org)

Frontiero v. Richardson, 411 U.S. 677 (1973).

Ga. Const. art. I, § 4, ¶ 1 (2007).

Garden State Equality v. Dow, 434 N.J.Super. 163, 82 A.3d 336 (2013).

Geiger v. Kitzhaber, 2014 WL 2054264 (D. Or. 2014).

Geiger, W., Harwood, J., & Hummert, M. (2006). College students' multiple stereotypes of lesbians: A cognitive perspective. *Journal of Homosexuality*, 51, 165–182.

doi:10.1300/J082v51n03\_08

Gibson-Davis, C. M., & Gassman-Pines, A. (2010). Early childhood family structure and mother-child interactions: Variation by race and ethnicity. *Developmental Psychology*, 46, 151–164. doi:10.1037/a0017410

- Glass, G. V., & Hopkins, K. D. (1996). *Statistical Methods in Education and Psychology, 3<sup>rd</sup> Edition*. Needham Heights, MA: Allyn & Bacon.
- Glick, P., & Fiske, S. T. (2001a). An ambivalent alliance: Hostile and benevolent sexism as complementary justifications for gender inequality. *American Psychologist, 56*, 109–118. doi:10.1037//0003-066X.56.2.109
- Glick, P., & Fiske, S. T. (2001b). Ambivalent stereotypes as legitimizing ideologies: Differentiating paternalistic and envious prejudice. In J. T. Jost & B. Major (Eds.), *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations* (pp. 278–306). Cambridge, UK: Cambridge University Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Englewood Cliffs, NJ: Prentice Hall.
- Goldberg, A. E., & Smith, J. A. Z. (2013). Predictors of psychological adjustment in early placed adopted children with lesbian, gay, and heterosexual parents. *Journal of Family Psychology, 27*, 431–442. doi:10.1037/a0032911
- Goldberg-Hiller, J., & Milner, N. (2003). Rights as excess: Understanding the politics of special rights. *Law and Social Inquiry, 28*, 1075–1118. doi:10.1111/j.1747-4469.2003.tb00832.x
- Golinski v. United States Office of Personnel Management, 824 F. Supp. 2d 968 (N.D. Cal. 2012).
- Gonsiorek, J. C. (1991). The empirical basis for the demise of the illness model of homosexuality. In J. C. Gonsiorek & J. D. Weinrich (Eds.), *Homosexuality: Research Implications for Public Policy* (pp. 115–136). Newbury Park, CA: Sage.



- Goodridge v. Department of Public Health, 440 Mass. 309, 798 N.E.2d 941 (2003).
- Greenwald, A. G., McGhee, D. E., & Schwartz, J. L. K. (1998). Measuring individual differences in implicit cognition: The Implicit Association Test. *Journal of Personality and Social Psychology*, 74, 1464–1480. doi:10.1037/0022-3514.74.6.1464
- Griego v. Oliver, 316 P.3d 865 (N. M. 2013).
- Griffin, K. W., Botvin, G. J., Scheier, L. M., Diaz, T., & Miller, N. L. (2000). Parenting practices as predictors of substance use, delinquency, and aggression among urban minority youth: Moderating effects of family structure and gender. *Psychology of Addictive Behaviors*, 14, 174–184. doi:10.1037//0893-164X.14.2.174
- Griswold v. Connecticut, 381 U.S. 479 (1965).
- Hafer, C. L. (2000). Do innocent victims threaten the belief in a just world? Evidence from a modified Stroop task. *Journal of Personality and Social Psychology*, 79, 165–173. doi:10.1037//0022-3514.79.2.165
- Haines, E. L., & Jost, J. T. (2000). Placating the powerless: Effects of legitimate and illegitimate explanation on affect, memory, and stereotyping. *Social Justice Research*, 13, 219–236. doi:10.1023/A:1026481205719
- Hamby v. Parnell, Case No. 3:14-cv-00089-TMB (D. Alaska 2014).
- Hargis, C. S. (2000). *Romer, Hurley, and Dale: How the Supreme Court languishes with “special rights”*. *Kentucky Law Journal*, 89, 1189–1225.
- Harmon v. Tyler, 273 U.S. 668 (1927).
- Harris, M. A., Greco, P., Wysocki, T., Elder-Danda, C., & White, N. H. (1999).

Adolescents with Diabetes from single-parent, blended, and intact families: Health-related and family functioning. *Families, Systems, & Health*, 17, 181–196. doi:10.1037/h0089881

Haslam, N. (2006). Dehumanization: An integrative review. *Personality and Social Psychology Review*, 10, 252–264. doi:10.1207/s15327957pspr1003\_4

Haslam, N., & Levy, S. R. (2006). Essentialist beliefs about homosexuality: Structure and implications for prejudice. *Personality and Social Psychology Bulletin*, 32, 471–485. doi:10.1177/0146167205276516

Haslam, N., & Loughnan, S. (2014). Dehumanization and infrahumanization. *Annual Review of Psychology*, 65, 399–423. doi:10.1146/annurev-psych-010213-115045

Hegarty, P., & Pratto, F. (2004). The differences that norms make: Empiricism, social constructionism, and the interpretation of group differences. *Sex Roles*, 50, 445–453. doi:10.1023/B:SERS.0000023065.56633.cb

Heller v. Doe, 509 U.S. 312 (1993).

Henry v. Himes, 2014 U.S. Dist. LEXIS 51211 (D. Ohio 2014).

Henry, P. J., & Reyna, C. (2007). Value judgments: The impact of perceived value violations on American political attitudes. *Political Psychology*, 28, 273–298. doi:10.1111/j.1467-9221.2007.00569.x

Herek, G. M. (1988). Heterosexuals' attitudes toward lesbians and gay men: Correlates and gender differences. *The Journal of Sex Research*, 25, 451–477. doi:10.1080/00224498809551476

Herek, G. M. (2000). The psychology of sexual prejudice. *Current Directions in Psychological Science*, 9, 19–22. doi:10.1111/1467-8721.00051

- Herek, G. M. (2002). Gender gaps in public opinion about lesbians and gay men. *Public Opinion Quarterly*, 66, 40–66. doi:10.1086/338409
- Herek, G. M. (2004). Beyond “homophobia”: Thinking about sexual prejudice and stigma in the Twenty-First century. *Sexuality Research & Social Policy*, 1, 6–24. doi:10.1525/srsp.2004.1.2.6
- Herek, G. M. (2007). Confronting sexual stigma and prejudice: Theory and practice. *Journal of Social Issues*, 63, 905–925. doi:10.1111/j.1540-4560.2007.00544.x
- Herek, G. M. (2008). Sexual stigma and sexual prejudice in the United States: A conceptual framework. In D. A. Hope (Ed.), *Nebraska Symposium on Motivation, Vol. 54: Contemporary Perspectives on lesbian, gay, and bisexual identities* (pp. 65–111). New York, NY: Springer Science + Business Media.
- Herek, G. M. (2009). Hate crimes and stigma-related experiences among sexual minority adults in the United States: Prevalence estimates from a national probability sample. *Journal of Interpersonal Violence*, 24, 54–74. doi:10.1177/0886260508316477
- Herek, G. M., & Garnets, L. D. (2007). Sexual orientation and mental health. *Annual Review of Clinical Psychology*, 3, 353–375. doi:10.1146/annurev.clinpsy.3.022806.091510
- Herek, G. M., Gillis, J. R., & Cogan, J. C. (2009). Internalized stigma among sexual minority adults: Insights from a social psychological perspective. *Journal of Counseling Psychology*, 56, 32–43. doi:10.1037/a0014672
- Herek, G. M., & Gonzalez-Rivera, M. (2006). Attitudes toward homosexuality among U.S. residents of Mexican descent. *The Journal of Sex Research*, 43, 122–135.

doi:10.1080/00224490609552307

Hernandez v. Robles, 7 N.Y.3d 338, 855 N.E.2d 1 (2006).

Heyward v. Public Housing Administration, 238 F.2d 689 (1956).

Hicks v. Miranda, 422 U.S. 332 (1975).

Higgins v. New Balance Athletic Shoe, Inc., 194 F.3d 252 (1st Cir. 1999).

High Tech Gays v. Defense Industrial Security Clearance Office, 895 F.2d 563 (9th Cir. 1990).

Hoffman, C., & Hurst, N. (1990). Gender stereotypes: Perception or rationalization?

*Journal of Personality and Social Psychology*, 58, 197–208. doi:10.1037/0022-3514.58.2.197

Hooker, E. (1957). The adjustment of the male overt homosexual. *Journal of Projective Techniques*, 21, 18–31. doi:10.1080/08853126.1957.10380742

Howenstine, D. W. (2006). Beyond rational relations: The constitutional infirmities of anti-gay partnership laws under the Equal Protection clause. *Washington Law Review*, 81, 417–445.

Hudepohl, A. D., Parrott, D. J., & Zeichner, A. (2010). Heterosexual men's anger in response to male homosexuality: Effects of erotic and non-erotic depictions of male-male intimacy and sexual prejudice. *Journal of Homosexuality*, 57, 1022–1038. doi:10.1080/00918369.2010.503511

Human Rights Campaign (2015). Marriage center. *Human Rights Campaign*. Retrieved from <http://www.hrc.org>

Hunter v. Erickson, 393 U.S. 385, 89 S. Ct. 557 (1969).

Ianetta v. Putnam Investments, Inc., 142 F. Supp. 2d 131 (D. Mass. 2001).

- Inbar, Y., Pizarro, D. A., Knobe, J., & Bloom, P. (2009). Disgust sensitivity predicts intuitive disapproval of gays. *Emotion, 9*, 435–439. doi:10.1037/a0015960
- In re Marriage cases, 43 Cal.4th 757 (Cal. 2008).
- Jackson v. Abercrombie, 884 F.Supp.2d 1065 (D. Haw. 2012).
- Jaimes v. Toledo Metropolitan Housing Authority, 758 F.2d 1086 (Sixth Cir. 1985).
- Jones, E. E., Farina, A., Hastorf, A. H., Markus, H., Miller, D. T., & Scott, R. A. (1984). *Social Stigma*. San Francisco: Freeman.
- Jost, J. T., & Banaji, M. R. (1994). The role of stereotyping in system-justification and the production of false consciousness. *British Journal of Social Psychology, 33*, 1–27. doi:10.1111/j.2044-8309.1994.tb01008.x
- Jost, J. T., Banaji, M. R., & Nosek, B. A. (2004). A decade of system justification theory: Accumulated evidence of conscious and unconscious bolstering of the status quo. *Political Psychology, 25*, 881–919. doi:10.1111/j.1467-9221.2004.00402.x
- Jost, J. T., Blount, S., Pfeffer, J., & Hunyady, G. (2003). Fair market ideology: Its cognitive-motivational underpinnings. *Research in Organizational Behavior, 25*, 53–91. doi:10.1016/S0191-3085(03)25002-4
- Jost, J. T., & Burgess, D. (2000). Attitudinal ambivalence and the conflict between group and system justification motives in low status groups. *Personality and Social Psychology Bulletin, 26*, 293–305. doi:10.1177/0146167200265003
- Jost, J. T., Burgess, D., & Mosso, C. (2001). Conflicts of legitimation among self, group, and system: The integrative potential of system justification theory. In J. T. Jost & B. Major (Eds.), *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations* (pp. 363–390). Cambridge, UK:

Cambridge University Press.

- Jost, J. T., Glaser, J., Kruglanski, A. W., and Sulloway, F. J. (2003). Political conservatism as motivated social cognition. *Psychological Bulletin*, *129*, 339–375. doi:10.1037/0033-2909.129.3.339
- Jost, J. T., Hawkins, C. B., Nosek, B. A., Hennes, E. P., Stern, C., Gosling, S. D., & Graham, J. (2014). Belief in a just God (and a just society): A system justification perspective on religious ideology. *Journal of Theoretical and Philosophical Psychology*, *34*, 56–81. doi:10.1037/a0033220
- Jost, J. T., & Hunyady, O. (2005). Antecedents and consequences of system-justifying ideologies. *Current Directions in Psychological Science*, *14*, 260–265. doi:10.1111/j.0963-7214.2005.00377.x
- Jost, J. T., & Kay, A. C. (2005). Exposure to benevolent sexism and complementary gender stereotypes: Consequences for specific and diffuse forms of system justification. *Journal of Personality and Social Psychology*, *88*, 498–509. doi:10.1037/0022-3514.88.3.498
- Jost, J. T., Kivetz, Y., Rubini, M., Guermandi, G., & Mosso, C. (2005). System-justifying functions of complementary regional and ethnic stereotypes: Cross-national evidence. *Social Justice Research*, *18*, 305–333. doi:10.1007/s11211-005-6827-z
- Jost, J. T., Napier, J. L., Thorisdottir, H., Gosling, S. D., Palfai, T. P., & Ostafin, B. (2007). Are needs to manage uncertainty and threat associated with political conservatism or ideological extremity? *Personality and Social Psychology Bulletin*, *33*, 989–1007. doi:10.1177/0146167207301028
- Jost, J. T., Pelham, B. W., Sheldon, O., & Sullivan, B. N. (2003). Social inequality and

the reduction of ideological dissonance on behalf of the system: Evidence of enhanced system justification among the disadvantaged. *European Journal of Social Psychology*, 33, 13–36. doi:10.1002/ejsp.127

Katz, J. N. (1995). *The Invention of Heterosexuality*. New York: Dutton.

Kay, A. C., Czapliński, S., & Jost, J. T. (2009). Left–right ideological differences in system justification following exposure to complementary versus noncomplementary stereotype exemplars. *European Journal of Social Psychology*, 39, 290–298. doi:10.1002/ejsp.500

Kay, A. C., Gaucher, D., Napier, J. L., Callan, M. J., & Laurin, K. (2008). God and the government: Testing a compensatory control mechanism for the support of external systems. *Journal of Personality and Social Psychology*, 95, 18–35. doi:10.1037/0022-3514.95.1.18

Kay, A. C., Gaucher, D., Peach, J. M., Laurin, K., Friesen, J., Zanna, M. P., & Spencer, S. J. (2009). Inequality, discrimination, and the power of the status quo: Direct evidence for a motivation to see the way things are as the way they should be. *Journal of Personality and Social Psychology*, 97, 421–434. doi:10.1037/a0015997

Kay, A. C., Jimenez, M. C., & Jost, J. T. (2002). Sour grapes, sweet lemons, and the anticipatory rationalization of the status quo. *Personality and Social Psychology Bulletin*, 28, 1300–1312. doi:10.1177/01461672022812014

Kay, A. C., & Jost, J. T. (2003). Complementary justice: Effects of “poor but happy” and “poor but honest” stereotype exemplars on system justification and implicit

activation of the justice motive. *Journal of Personality and Social Psychology*, 85, 823–837. doi:10.1037/0022-3514.85.5.823

Kay, A. C., Jost, J. T., & Young, S. (2005). Victim derogation and victim enhancement as alternate routes to system justification. *Psychological Science*, 16, 240–246. doi:10.1111/j.0956-7976.2005.00810.x

Kay, A. C., Whitson, J. A., Gaucher, D., & Galinsky, A. D. (2009). Compensatory control: Achieving order through the mind, our institutions, and the heavens. *Current Directions in Psychological Science*, 18, 264–268. doi:10.1111/j.1467-8721.2009.01649.x

Kay, A. C., & Zanna, M. P. (2009). A contextual analysis of the social and psychological consequences of system justification. In J. T. Jost, A. C. Kay, & H. Thorisdottir (Eds.), *Social and Psychological Bases of Ideology and System Justification* (pp. 158–181). New York: Oxford University Press.

Kerrigan v. Commissioner of Public Health, 289 Conn. 135, 957 A.2d 407 (2008).

Kinsey, A. C., Pomeroy, W. B., & Martin, C. E. (1948). *Sexual Behavior in the Human Male*. Philadelphia, PA: Saunders.

Kinsey, A. C., Pomeroy, W. B., Martin, C. E., & Gebhard, P. H. (1953). *Sexual Behavior in the Human Female*. Philadelphia, PA: Saunders.

Kitchen v. Herbert, 755 F.3d 1193 (10th Cir. Utah 2014).

Kitchen v. Herbert, 961 F.Supp.2d 1181 (D. Utah 2013).

Korematsu v. United States, 323 U.S. 214 (1944).

Kravis, A. (2012). Is the inability to marry a marital status? *Levin v. Yeshiva University* and the intersection of sexual orientation and marital status in housing



discrimination. *Columbia Journal of Gender and Law*, 24, 1–24.

Lalli v. Lalli, 439 U.S. 259 (1978).

Lambda Legal (2015). FAQ (Frequently Asked Questions) about transgender people and marriage law. *Lambda Legal*. Retrieved from: [www.lambdalegal.org](http://www.lambdalegal.org)

Landau, M. J., Greenberg, J., Solomon, S., Pyszczynski, T., & Martens, A. (2006).

Windows into nothingness: Terror management, meaninglessness, and negative reactions to modern art. *Journal of Personality and Social Psychology*, 90, 879–892. doi:10.1037/0022-3514.90.6.879

Landau, M. J., Johns, M., Greenberg, J., Pyszczynski, T., Martens, A., Goldenberg, J. L.,

& Solomon, S. (2004). A function of form: Terror management and structuring the social world. *Journal of Personality and Social Psychology*, 87, 190–210.

doi:10.1037/0022-3514.87.2.190

Latta v. Otter, 2014 U.S. App. LEXIS 19152 (9th Cir. Idaho, Oct. 7, 2014).

Latta v. Otter, 2014 WL 1909999 (D. Idaho 2014).

Lau, G. P., Kay, A. C., & Spencer, S. J. (2008). Loving those who justify inequality: The

effects of system threat on attraction to women who embody benevolent sexist

ideals. *Psychological Science*, 19, 20–21. doi:10.1111/j.1467-9280.2008.02040.x

Laurin, K., Shepherd, S., & Kay, A. C. (2010). Restricted emigration, system

inescapability, and defense of the status quo: System-justifying consequences of

restricted exit opportunities. *Psychological Science*, 21, 1075–1082.

doi:10.1177/0956797610375448

Laurin, K., Kay, A. C., & Moscovitch, D. A. (2008). On the belief in God: Towards an

understanding of the emotional substrates of compensatory control. *Journal of*

- Experimental Social Psychology*, 44, 1559–1562. doi:10.1016/j.jesp.2008.07.007
- Lauster, N., & Easterbrook, A. (2011). No room for new families? A field experiment measuring rental discrimination against same-sex couples and single parents. *Social Problems*, 58, 389–409. doi:10.1525/sp.2011.58.3.389
- LaVelle, L. J. (2014). (Press Release) Social security defines policy for same-sex married couples: Agency extends benefits broadly, subject to legal constraints. *Social Security Administration*. Retrieved from socialsecurity.gov
- Lawrence v. Texas, 539 U.S. 558 (2003).
- Lee v. Orr, 2014 U.S. Dist. LEXIS 21620 (N.D. Illinois, 2014).
- Lee, I. C., Pratto, F., & Johnson, B. T. (2011). Intergroup consensus/ disagreement in support of group-based hierarchy: An examination of socio-structural and psycho-cultural factors. *Psychological Bulletin*, 137, 1029–1064. doi:10.1037/a0025410
- Lerner, M. J. (1980). *The belief in a just world: A fundamental delusion*. New York: Plenum Press.
- Lewis v. Harris, 188 N.J. 415, 908 A.2d 196 (2006).
- Leyens, J. P. (2009). Retrospective and prospective thoughts about inhumanization. *Group Processes & Intergroup Relations*, 12, 807–817. doi:10.1177/1368430209347330
- Lindsey v. Normet, 405 U.S. 56 (1972).
- Link, B. G., & Phelan, J. C. (2001). Conceptualizing stigma. *Annual Review of Sociology*, 27, 363–385. doi:10.1146/annurev.soc.27.1.363
- Lipkus, I. (1991). The construction and preliminary validation of a Global Belief in a Just World scale and the exploratory analysis of the Multidimensional Belief in a Just

World scale. *Personality And Individual Differences*, 12, 1171–1178.

doi:10.1016/0191-8869(91)90081-L

Liptak, A. (2015). Supreme Court to decide marriage rights for gay couples nationwide.

*New York Times*. Retrieved from <http://www.nytimes.com>

Locke, K. D. (2003). Status and solidarity in social comparison: Agentic and communal

values and vertical and horizontal directions. *Journal of Personality and Social*

*Psychology*, 84, 619–631. doi:10.1037/0022-3514.84.3.619

Lonczak, H. S., Fernandez, A., Austin, L., Marlatt, G. A., & Donovan, D. M. (2007).

Family structure and substance use among American Indian youth: A preliminary

study. *Families, Systems, & Health*, 25, 10–22. doi:10.1037/1091-7527.25.1.10

Love v. Beshear, 989 F. Supp. 2d 536 (W.D. KY, 2014).

Loving v. Virginia, 388 U.S. 1 (1967).

Lyons, C. J. (2006). Stigma or sympathy? Attributions of fault to hate crime victims and

offenders. *Social Psychology Quarterly*, 69, 39–59.

doi:10.1177/019027250606900104

MacInnis, C. C., & Hodson, G. (2012). Intergroup bias toward “Group X”: Evidence of

prejudice, dehumanization, avoidance, and discrimination against asexuals. *Group*

*Processes & Intergroup Relations*, 15, 725–743. doi:10.1177/1368430212442419

Mandel v. Bradley, 432 U.S. 173 (1977).

Marbury v. Madison, 5 U.S. 137 (1803).

Marriage Equality USA (2015). Get the facts! Because, marriage matters... *Marriage*

*Equality USA*. Retrieved from <http://www.marriageequality.org>

Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976).

Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249 (2009).

McGee v. Cole, 993 F. Supp. 2d 639 (S.D. West Virginia, 2014).

Mississippi University for Women v. Hogan, 458 U.S. 718 (1982).

Moradi, B., Mohr, J. J., Worthington, R. L., & Fassinger, R. E. (2009). Counseling psychology research on sexual (orientation) minority issues: Conceptual and methodological challenges and opportunities. *Journal of Counseling Psychology*, 56, 5–22. doi:10.1037/a0014572

Moore v. East Cleveland, 431 U.S. 494 (1977).

Morrison v. Sadler, 821 N.E.2d 15 (Ind. App. 2005).

Movement Advancement Project (2015). Retrieved from [www.lgbtmap.org](http://www.lgbtmap.org)

National LGBTQ Task Force (2015). Nondiscrimination laws map. *National LGBTQ Task Force*. Retrieved from [www.thetaskforce.org](http://www.thetaskforce.org)

Nguyen v. Immigration and Naturalization Service, 533 U.S. 53 (2001).

Obergefell v. Hodges, 135 S. Ct. 2584 (2015).

Obergefell v. Wymyslo, 962 F. Supp. 2d 968 (D. Ohio 2013).

Office of Public and Intergovernmental Affairs (2015). Important information on marriage. *U.S. Department of Veterans Affairs*. Retrieved from [www.va.gov](http://www.va.gov)

Oncale v. Sundowner Offshore Serv., Inc., 523 U.S. 75 (1998).

Ortony, A., Clore, G. L., & Collins, A. (1988). *The Cognitive Structure of Emotions*. Cambridge, UK: Cambridge University Press.

Oxford Dictionaries (2015). Retrieved from [www.oxforddictionaries.com/us](http://www.oxforddictionaries.com/us)

Pacilli, M. G., Taurino, A., Jost, J. T., & van der Toorn, J. (2011). System justification,

right-wing conservatism, and internalized homophobia: Gay and lesbian attitudes toward same-sex parenting in Italy. *Sex Roles*, 65, 580–595. doi:10.1007/s11199-011-9969-5

*Palko v. Connecticut*, 302 U.S. 319 (1937).

Parrott, D. J., & Gallagher, K. E. (2008). What accounts for heterosexual women's negative emotional responses to lesbians?: Examination of traditional gender role beliefs and sexual prejudice. *Sex Roles*, 59, 229–239. doi:10.1007/s11199-008-9436-0

*Pedersen v. Office of Personnel Management*, 881 F. Supp. 2d 294 (D. Conn. 2012).

Peeters, G., & Czapinski, J. (1990). Positive-negative asymmetry in evaluations: The distinction between affective and informational negativity effects. In W. Stroebe & M. Hewstone (Eds.), *European Review of Social Psychology*, Vol. 1 (pp. 33–60). Chichester, UK: Wiley.

*Perry v. Schwarzenegger*, 704 F.Supp. 2d 921 (N.D. Cal. 2010).

*Planned Parenthood of Southeastern PA v. Casey*, 505 U.S. 833 (1992).

*Plyler v. Doe*, 457 U.S. 202 (1982).

Poppe, E., & Linssen, H. (1999). In-group favouritism and the reflection of realistic dimensions of difference between national states in Central and Eastern European nationality stereotypes. *British Journal of Social Psychology*, 38, 85–102. doi:10.1348/014466699164059

Potter, D. (2012). Same-sex parent families and children's academic achievement. *Journal of Marriage and Family*, 74, 556–571. doi:10.1111/j.1741-3737.2012.00966.x

- Pratesi, A. (2012). A respectable scandal: Same-sex parenthood, emotional dynamics, and social change. *Journal of GLBT Family Studies*, 8, 305–333.  
doi:10.1080/1550428X.2012.705617
- Pratto, F., Sidanius, J., Stallworth, L. M., & Malle, B. F. (1994). Social dominance orientation: A personality variable predicting social and political attitudes. *Journal of Personality and Social Psychology*, 67, 741–763. doi:10.1037/0022-3514.67.4.741
- Price, V., Nir, L., & Cappella, J. N. (2005). Framing public discussion of gay civil unions. *Public Opinion Quarterly*, 69, 179–212. doi:10.1093/poq/nfi014
- Rahman, M. (2004). The shape of equality: Discursive deployments during the Section 28 repeal in Scotland. *Sexualities*, 7, 150–166. doi:10.1177/1363460704042161
- Reed v. Reed, 404 U.S. 71 (1971).
- Reno v. Flores, 507 U.S. 292 (1993).
- Richmond v. Deans, 281 U.S. 704 (1930).
- Ridgeway, C. (2001). The emergence of status beliefs: From structural inequality to legitimizing ideology. In J. T. Jost & B. Major (Eds.), *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations* (pp. 257–277). Cambridge, UK: Cambridge University Press.
- Riess, B. F. (1980). Psychological tests in homosexuality. In J. Marmor (Ed.), *Homosexual Behavior: A Modern Reappraisal* (pp. 296–311). New York: Basic Books.
- Riggle, E. D. B., Rostosky, S. S., & Horne, S. G. (2010). Psychological distress, well-being, and legal recognition in same-sex couple relationships. *Journal of Family*

*Psychology*, 24, 82–86. doi:10.1037/a0017942

Rimalower, L., & Caty, C. (2009). The mamas and the papas: The invisible diversity of families with same-sex parents in the United States. *Sex Education*, 9, 17–32.

doi:10.1080/14681810802639921

Robicheaux v. Caldwell, 2014 U.S. Dist. LEXIS 122528 (E.D. LA, 2014).

Roe v. Wade, 410 U.S. 113 (1973).

Romer v. Evans, 517 U.S. 620 (1996).

Rosa v. Park West Bank & Trust Co., 214 F.3d 213 (1st Cir. 2000).

Rosenberg, S., and Sedlak, A. (1972). Structural representations of implicit personality theory. In L. Berkowitz (Ed.), *Advances in Experimental Social Psychology* (pp. 235–297). New York: Academic Press.

Rostosky, S. S., Riggle, E. D. B., Horne, S. G., Denton, F. N., & Huellemeier, J. D. (2010). Lesbian, gay, and bisexual individuals' psychological reactions to amendments denying access to civil marriage. *American Journal of Orthopsychiatry*, 80, 302–310. doi:10.1111/j.1939-0025.2010.01033.x

Rostosky, S. S., Riggle, E. D. B., Horne, S. G., & Miller, A. D. (2009). Marriage amendments and psychological distress in lesbian, gay, and bisexual (LGB) adults. *Journal of Counseling Psychology*, 56, 56–66. doi:10.1037/a0013609

Roy, A. L., & Raver, C. C. (2014). Are all risks equal? Early experiences of poverty-related risk and children's functioning. *Journal of Family Psychology*, 28, 391–400. doi:10.1037/a0036683

Royster Guano Co. v. Virginia, 253 U.S. 412 (1920).

Rubin, Z., & Peplau, L. A. (1975). Who believes in a just world? *Journal of Social*

*Issues*, 31, 65–89. doi:10.1111/j.1540-4560.1975.tb00997.x

- Savin-Williams, R. C. (2008). Then and now: Recruitment, definition, diversity, and positive attributes of same-sex populations. *Developmental Psychology*, 44, 135–138. doi:10.1037/0012-1649.44.1.135
- Sen, S., & Morwitz, V. G. (1996). Consumer reactions to a provider's position on social issues: The effect of varying frames of reference. *Journal of Consumer Psychology*, 5, 27–48. doi:10.1207/s15327663jcp0501\_02
- Sevcik v. Sandoval, 2014 U.S. App. LEXIS 19152 (9th Cir. Nev., Oct. 7, 2014).
- Sevcik v. Sandoval, 911 F.Supp.2d 996 (D. Nev. 2012).
- Shelley v. Kraemer, 334 U.S. 1, 68 S. Ct. 836 (1948).
- Shepherd, S., & Kay, A. C. (2012). On the perpetuation of ignorance: System dependence, system justification, and the motivated avoidance of sociopolitical information. *Journal of Personality and Social Psychology*, 102, 264–280. doi:10.1037/a0026272
- Sidanius, J., Devereux, E., & Pratto, F. (1992). A comparison of symbolic racism theory and social dominance theory as explanations for racial policy attitudes. *The Journal of Social Psychology*, 132, 377–395. doi:10.1080/00224545.1992.9924713
- Sidanius, J., & Pratto, F. (1993). Racism and support of free-market capitalism: A cross-cultural analysis. *Political Psychology*, 14, 381–401. doi:10.2307/3791704
- Sidanius, J., Pratto, F., Martin, M., & Stallworth, L. M. (1991). Consensual racism and career track: Some implications of social dominance theory. *Political Psychology*, 12, 691–721. doi:10.2307/3791552



- Simonton v. Runyon, 232 F.3d 33 (2nd Cir. 2000).
- Skinner v. State of Oklahoma, 316 U.S. 535 (1942).
- Smith, C. A., & Ellsworth, P. C. (1985). Patterns of cognitive appraisal in emotion. *Journal of Personality and Social Psychology*, 48, 813–838. doi:10.1037/0022-3514.48.4.813
- SmithKline Beecham Corporation, DBA v. Abbott Laboratories, 740 F.3d 471 (9th Cir. 2014).
- Snyder v. Commonwealth of Massachusetts, 291 U.S. 97 (1934).
- Stanton v. Stanton, 421 U.S. 7 (1975).
- Stephan, W. G., Diaz-Loving, R., & Duran, A. (2000). Integrated Threat Theory and intercultural attitudes: Mexico and the United States. *Journal of Cross-Cultural Psychology*, 31, 240–249. doi:10.1177/0022022100031002006
- Stephan, W. G., Ybarra, O., & Bachman, G. (1999). Prejudice toward immigrants. *Journal of Applied Social Psychology*, 29, 2221–2237. doi:10.1111/j.1559-1816.1999.tb00107.x
- Strauder v. West Virginia, 100 U.S. 303 (1880).
- Tabachnick, B. G., & Fidell, L.S. (2000). *Using multivariate statistics (4<sup>th</sup> Ed.)*. Allyn & Bacon: NY.
- Tanco v. Haslam, 2014 U.S. Dist. LEXIS 33463 (M.D. TN, 2014).
- Tajfel, H., & Turner, J. C. (1986). The social identity theory of intergroup behavior. In S. Worchel & W. G. Austin (Eds.), *The Psychology of Intergroup Relations* (pp. 7–24). Chicago: Nelson-Hall Publishers.
- Thornton, A., & Young-DeMarco, L. (2001). Four decades of trends and attitudes toward

- family issues in the United States: The 1960s through 1990s. *Journal of Marriage and Family*, 63, 1009–1037. doi:10.1111/j.1741-3737.2001.01009.x
- Turner, J. C. (1975). Social comparison and social identity: Some prospects for intergroup behavior. *European Journal of Social Psychology*, 5, 5–34. doi:10.1002/ejsp.2420050102
- Turner, H. A., Finkelhor, D., & Ormrod, R. (2007). Family structure variations in patterns and predictors child victimization. *American Journal of Orthopsychiatry*, 77, 282–295. doi:10.1037/0002-9432.77.2.282
- Turner v. Safley, 482 U.S. 78 (1987).
- Tussman, J., & tenBroek, J. (1949). The equal protection of the laws. *California Law Review*, 37, 341–381.
- U.S. Const. art. V. (1787).
- U.S. Const. amend. XIV. (1868).
- United States v. Salerno, 481 U.S. 739 (1987).
- United States v. Windsor, 133 S.Ct. 2675 (2013).
- United States v. Windsor, 133 S.Ct. 2675, American Psychological Association, et al., Br., 2013 WL 871958 (March 1, 2013).
- Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009).
- Village of Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).
- Virginia v. Rives, 100 U.S. 313 (1880).
- Wainright, J. L., & Patterson, C. J. (2006). Delinquency, victimization, and substance use among adolescents with female same-sex parents. *Journal of Family Psychology*,

20, 526–530. doi:10.1037/0893-3200.20.3.526

Wainright, J. L., & Patterson, C. J. (2008). Peer relations among adolescents with female same-sex parents. *Developmental Psychology, 44*, 117–126. doi:10.1037/0012-1649.44.1.117

Wakslak, C. J., Jost, J. T., Tyler, T. R., & Chen, E. S. (2007). Moral outrage mediates the dampening effect of system justification on support for redistributive social policies. *Psychological Science, 18*, 267–274. doi:10.1111/j.1467-9280.2007.01887.x

Wardle, L. D. (2005). State marriage amendments: Developments, precedents, and significance. *Florida Coastal Law Review, 7*, 403–448.

Washington v. Glucksberg, 521 U.S. 702 (1997).

Watson, D., & Clark, L. A. (1994). *The PANAS-X: Manual for the Positive and Negative Affect Schedule – Expanded Form*. Retrieved from <http://ir.uiowa.edu>

Whitewood v. Wolf, 2014 WL 2058105 (M.D. Pa 2014).

Wilson v. Ake, 354 F.Supp.2d 1298 (M.D. Florida 2014).

Wis. Const. art. XIII, § 13 (2007).

Wolf v. Walker, 2014 U.S. App. LEXIS 17294 (7th Cir. Wis., Sept. 4, 2014).

Wolf v. Walker, 2014 WL 2558444 (W.D. Wis. 2014).

Woodward v. United States, 871 F.2d 1068 (Fed. Cir. 1989).

Wright v. Arkansas, Case No.: 60CV-13-2662 (Ark. Cir. 2014).

Yarhouse, M. A. (2001). Sexual identity development: The influence of valuative frameworks on identity synthesis. *Psychotherapy, 38*, 331–341.

Zablocki v. Redhail, 434 U.S. 374 (1978).

Zakrisson, I. (2005). Construction of a short version of the Right-Wing Authoritarianism (RWA) scale. *Personality and Individual Differences, 39*, 863–872.

doi:10.1016/j.paid.2005.02.026

Zeichner, A., & Reidy, D. E. (2009). Are homophobic men attracted to or repulsed by homosexual men? Effects of gay male erotica on anger, fear, happiness, and

disgust. *Psychology of Men & Masculinity, 10*, 231–236. doi:10.1037/a0014955

## Appendix A: Informed Consent

Jordan A. Blenner, graduate student working under the supervision of Dr. Richard Wiener, faculty member in the Psychology Department at the University of Nebraska-Lincoln, is conducting the present set of studies, “Psychology of Political Attitudes” (IRB Approval number IRB#20150415013 EX). You are invited to participate in this project because you are a community member. Participants in the states of Nebraska and Alabama must be at least 19 years old or older to participate, participants in the state of Mississippi must be at least 21 years old to participate, and participants in all other states must be 18 years old to participate. Initially, you will complete a short demographic form that will determine whether you are eligible to complete the larger set of studies. You will receive \$.10 for completing this form. If eligible for the studies, you will be asked to complete four short studies that assess your attitudes regarding different political topics. You will also be asked to complete a demographic sheet. Participation will take place at a computer station of your choice. It will take about one half hour of your time. You will receive \$1 for your participation.

The potential benefits of the current study outweigh any cost that may accompany participation. Knowledge generated through this study will help researchers better understand how community members view various political topics. Such knowledge about perceptions can lead to greater understanding of the current political climate and the views of most Americans concerning political issues. Such experience may add significantly to participants’ education.

There are no known risks or discomforts associated with this research. If you do not feel comfortable answering a question during the session, you can choose not to respond. The alternative to participating in this study is non-participation. Your participation is voluntary. You are free to decide not to participate in this study or to withdraw at any time without adversely affecting your relationship with the investigators or the University of Nebraska-Lincoln. Your refusal to participate will involve no penalty to you or loss of any benefits to which you are otherwise entitled.

The results of this study may be published, but your name and identity will not be revealed and all of the data and information collected from you will remain anonymous. You may review the privacy policies of Amazon Mechanical Turk at the following website: <https://www.mturk.com/mturk/privacynotice>. All data will be identified with numbers that have no links to you as a research participant and will be kept in a locked, secure lab in Burnett Hall for a period of 5 years after which it will be destroyed. Nonetheless, some of the questions on the demographic sheet ask about, among other things, your gender, your ethnicity, and your age. Feel free to leave any of those items unanswered if you feel that the answers may reveal your identity.

Jordan A. Blenner is conducting this study, along with Richard L. Wiener of the Legal Decision Making Lab and the University of Nebraska-Lincoln Psychology Department. She will be happy to answer any questions or concerns about the study at (402-472-9639) or by email at [jordan.blennerDS@gmail.com](mailto:jordan.blennerDS@gmail.com). To obtain more information about your rights as a research participant or to report any concerns about the study, please contact the University of Nebraska – Lincoln Institutional Review Board (IRB) for Human Research at (402) 472- 6965.

If you wish to participate in this study, please read and endorse the following statement:

**I have read and understood the information presented above.  
The researchers have answered all the questions I had to my  
satisfaction. I consent to take part in this study.**

If you consent to take part in this study, please click “Yes” below. Please print a copy of this Informed Consent sheet for your records.

Jordan A. Blenner, M.A., J.D., doctoral student, Primary Investigator,  
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[LegalDecisionLabUNL@gmail.com](mailto:LegalDecisionLabUNL@gmail.com)

## Appendix B: Short Demographic Screening Form

(1) Please provide your age. \_\_\_\_\_

(2) Please provide your ethnic origin and/or race. (Check one)

\_\_\_ European American      \_\_\_ African American

\_\_\_ Asian American      \_\_\_ Latino/a

\_\_\_ Hispanic      \_\_\_ Native American

\_\_\_ Other      Please specify \_\_\_\_\_

(3) Gender

\_\_\_ Male      \_\_\_ Female      \_\_\_ Transgender MTF or FTM

(4) Please provide your sexual orientation.

\_\_\_ Straight

\_\_\_ Mostly straight with some same-sex interest

\_\_\_ Bisexual

\_\_\_ Mostly gay/lesbian with some straight interest

\_\_\_ Gay/Lesbian

(5) Marital Status: What is your marital status?

\_\_\_ Single

Dating

Cohabiting (i.e. living with another person in a romantic relationship, but not engaged)

Engaged

Married or marriage-like relationship

Divorced

(6) Please provide your highest level of education achieved.

Less than high school diploma

High school diploma/ G.E.D.

Some college/ In college

College degree (Associate's or Bachelor's)

Advanced degree (Master's degree, Doctorate, etc.)

(7) Do you have a current driver's license?  yes  no

(8) Where are you currently registered to vote?

I am not registered to vote  Select State

(9) Do you currently live in the state in which you are registered to vote?

yes  no

(10) In what state do you currently live?  Select State



- (11) Are you a convicted felon?                     yes                     no
- (12) Are you a citizen of the United States?                     yes                     no
- (13) Have you ever served on a jury?                     yes                     no

### Appendix C: Description and Instructions for the four research studies

**Research Description:** The current research project involves the completion of four, unrelated research studies. Each study asks you to convey your beliefs, attitudes, and/or opinions regarding specific political topics. Each study will have specific instructions relevant to that study. Thank you for your time in completing this important research.

## Appendix D: System Condition Manipulation

### Study A: News Article Reactions Study

Instructions: Recently, an article published in a well-respected, national newspaper reported the results of an in-depth investigation into the level of satisfaction of ordinary Americans with the state of the country. The current study is interested in your reactions to the summarized findings of the study. Please read the following excerpt:

#### 1. System Affirmation Condition

“These days, despite the difficulties the nation is facing, many people in the United States feel safer and more secure relative to the recent past. Many citizens feel that the country is relatively stable in terms of social, economic, and political factors. It seems that the US is enjoying better social, economic, and political conditions than many other countries. Very few Americans express a willingness to leave the United States and immigrate to other nations.”

#### 2. System Threat Condition

“These days, many people in the United States feel disappointed with the nation’s condition leading them to feel less safe and secure relative to the recent past. Many citizens feel that the country has reached a low point in terms of social, economic, and political factors. It seems that many countries are enjoying better social, economic, and political conditions than the U.S. More and more Americans express a willingness to leave the United States and immigrate to other nations.”

Appendix E: System Threat Condition Manipulation Check, Emotion measures, Suspect class justifications, and Marital and Housing justifications

Instructions: Think about the statement that you just read. Below are 8 emotions that may or may not describe the feelings that you have about this statement. Please answer the following questions based on the way you feel at this moment. There are no right or wrong answers. We are interested only in your feelings.

1	2	3	4	5
Very slightly or not at all	A little	Moderately	Quite a bit	Extremely

Happy, angry, fearful, disgusted and hopeful items (Positive and Negative Affect Schedule (PANAS), Watson & Clark, 1994; Batson, 1987)

Happy:

1. How happy do you feel when you think about the statement?
2. How cheerful do you feel when you think about the statement?
3. How joyful do you feel when you think about the statement?

Angry:

4. How angry do you feel when you think about the statement?
5. How irritated do you feel when you think about the statement?
6. How hostile do you feel when you think about the statement?

Fearful:

7. How fearful do you feel when you think about the statement?
8. How anxious do you feel when you think about the statement?
9. How afraid do you feel when you think about the statement?
10. How nervous do you feel when you think about the statement?
11. How frightened do you feel when you think about the statement?

Disgusted:

12. How disgusted do you feel when you think about the statement?
13. How scornful do you feel when you think about the statement?
14. How loathful do you feel when you think about the statement?

Hopeful:

15. How hopeful do you feel when you think about the statement?
16. How optimistic do you feel when you think about the statement?
17. How much anticipation do you feel when you think about the statement? (1 = very little or none at all; 5 = very much) (Batson, 1987)

Compassion (Batson, 1987) (1 = very little or none at all; 5 = very much)

18. How much compassion do you feel when you think about the statement?
19. How much empathy do you feel when you think about the statement?
20. How much sympathy do you feel when you think about the statement?
21. How much pity do you feel when you think about the statement?

Instructions: Please complete the following measures regarding the news article you just read by selecting one response.

1. How did the article report that the United States is doing relative to other countries? (Manipulation Check)
  - a. The United States is doing worse than other countries with regard to safety and security.
  - b. The United States is doing better than other countries with regard to safety and security.
2. According to the article, how do most Americans feel about the condition of the United States? (Manipulation Check)
  - a. Most Americans feel that the country is stable in terms of social, economic, and political factors.
  - b. Most Americans feel that the country has reached a low point in terms of social, economic, and political factors.

Sexual Orientation as a Suspect Class Items (Developed by researcher to address system justifications for denying suspect or quasi-suspect class status to sexual minorities)

1	2	3	4	5
Disagree		Neither Agree nor Disagree		Agree

1. \_\_\_\_ Lesbians and gay men have a history of experiencing discrimination in the United States.
2. \_\_\_\_ Sexual orientation is immutable (i.e. it cannot be changed).

3. \_\_\_\_ Sexual orientation is related to an individual's ability to contribute to society. (reverse-scored)
4. \_\_\_\_ Lesbians and gay men, as a group, have enough political power to achieve their goals through the ordinary political process. (reverse-scored)

System Justification Marital and Housing Equality Items (Developed by researcher to address system justifications used in anti-marriage equality cases and sexual minority "special rights" cases)

1	2	3	4	5
Disagree		Neither Agree nor Disagree		Agree

5. \_\_\_\_ Traditional marriage, i.e. heterosexual couple marriage, should be protected. (preserving traditional marriage justification)
6. \_\_\_\_ States should move slowly when deciding whether to include same-sex couples within the definition of marriage. (wariness of experimentation justification)
7. \_\_\_\_ Restricting marriage to heterosexual couples encourages natural procreation. (natural procreation justification)
8. \_\_\_\_ Heterosexual, married couples provide the ideal parenting environment for raising children. (ideal parenting/ raising children justification)
9. \_\_\_\_ Lesbians and gay men are a privileged group. (sexual minorities as privileged minority justification)
10. \_\_\_\_ Lesbians and gay men want "special rights" that others don't have. (sexual minorities as wanting "special rights" justification)
11. \_\_\_\_ Lesbians and gay men try to get "special rights" through undemocratic means (i.e. through judge-made law). (sexual minorities as using undemocratic means to secure "special rights" justification)
12. \_\_\_\_ It is wrong to try to get "special rights". ("special rights" – general – justification)
13. \_\_\_\_ Lesbians and gay men are selfish because they put themselves before others. (sexual minorities as selfish – specific – justification)
14. \_\_\_\_ In general, lesbians and gay men are selfish. (sexual minorities as selfish – general – justification)
15. \_\_\_\_ In general, lesbians and gay men are immature. (sexual minorities as immature – general – justification)
16. \_\_\_\_ In general, lesbians and gay men are immoral. (sexual minorities as immoral – general – justification)
17. \_\_\_\_ Homosexuality is unnatural. (sexual minority as unnatural item)

## Appendix F: Ballot Initiative

**Study B: Ballot Initiative Study**

Instructions: For this study, we are interested in your political views. Specifically, we are interested in whether you would vote for a ballot initiative for amending your state constitution. Please read the ballot initiative below and indicate if you would vote for it.

## Study 1: Marriage Equality

1. Ballot Initiative 5: The definition of marriage will be changed throughout the state by adding the following phrase to the state constitution: “Marriage shall include same-sex couples as well as heterosexual couples”.
  - a. Question 1: Would you vote for this amendment to your state constitution?
    - i. Yes
    - ii. No
  - b. Question 2: How likely is it that you would vote for this amendment to your state constitution?

1	2	3	4	5	6	7
Very Unlikely	Unlikely	Somewhat Unlikely	Undecided	Somewhat Likely	Likely	Very Likely

## Study 2: Housing Equality

1. Ballot Initiative 5: The classes included in housing discrimination protection will be changed throughout the state by adding the following language to the state constitution: “Private individuals and companies, as well as public organizations, shall not exclude sale or rental of housing to others on the basis of sexual orientation”.
  - c. Question 1: Would you vote for this amendment to your state constitution?
    - i. Yes
    - ii. No
  - d. Question 2: How likely is it that you would vote for this amendment to your state constitution?

1	2	3	4	5	6	7
Very Unlikely	Unlikely	Somewhat Unlikely	Undecided	Somewhat Likely	Likely	Very Likely

## Appendix G: Likelihood Conditions Manipulation

### Study C: Political Science Report Study

Instructions: In this study, we are interested in your reaction to a political science report published in 2014. It was published by experts in the fields of political science and law in a highly respected research journal. Please read the following excerpt:

#### Study 1: Marriage Equality

“Although great change has occurred within the field of marriage, there is a 10% likelihood that the entire country (all 50 states) will have same-sex marriage inclusion by the year 2016.” (Lowest likelihood condition)

“Although great change has occurred within the field of marriage, there is a 30% likelihood that the entire country (all 50 states) will have same-sex marriage inclusion by the year 2016.” (Low likelihood condition)

“Although great change has occurred within the field of marriage, there is a 60% likelihood that the entire country (all 50 states) will have same-sex marriage inclusion by the year 2016. (Moderate likelihood condition)

“Given the great change that has occurred within the field of marriage, there is a 90% likelihood that the entire country (all 50 states) will have same-sex marriage inclusion by the year 2016.” (Highest likelihood condition)

#### Study 2: Housing Equality

“Although great change has occurred within the field of housing, there is a 10% likelihood that the entire country (all 50 states) will have sexual orientation housing protection by the year 2016.” (Lowest likelihood condition)

“Although great change has occurred within the field of housing, there is a 30% likelihood that the entire country (all 50 states) will have sexual orientation housing protection by the year 2016.” (Low likelihood condition)

“Although great change has occurred within the field of housing, there is a 60% likelihood that the entire country (all 50 states) will have sexual orientation housing protection by the year 2016.” (Moderate likelihood condition)

“Given the great change that has occurred within the field of housing, there is a 90% likelihood that the entire country (all 50 states) will have sexual orientation housing protection by the year 2016.” (Highest likelihood condition)



Appendix H: Likelihood Condition Manipulation Check, Emotion measures, Suspect class justifications, Marital and Housing justifications, and Second Ballot Initiative

Instructions: Think about the statement that you just read. Below are 8 emotions that may or may not describe the feelings that you have about this statement. Please answer the following questions based on the way you feel at this moment. There are no right or wrong answers. We are interested only in your feelings.

1	2	3	4	5
Very slightly or not at all	A little	Moderately	Quite a bit	Extremely

Happy, angry, fearful, disgusted and hopeful items (PANAS, Watson & Clark 1994; Batson, 1987)

Happy:

1. How happy do you feel when you think about the statement?
2. How cheerful do you feel when you think about the statement?
3. How joyful do you feel when you think about the statement?

Angry:

4. How angry do you feel when you think about the statement?
5. How irritated do you feel when you think about the statement?
6. How hostile do you feel when you think about the statement?

Fearful:

7. How fearful do you feel when you think about the statement?
8. How anxious do you feel when you think about the statement?
9. How afraid do you feel when you think about the statement?
10. How nervous do you feel when you think about the statement?
11. How frightened do you feel when you think about the statement?

Disgusted:

12. How disgusted do you feel when you think about the statement?
13. How scornful do you feel when you think about the statement?
14. How loathful do you feel when you think about the statement?

Hopeful:

15. How hopeful do you feel when you think about the statement?
16. How optimistic do you feel when you think about the statement?
17. How much anticipation do you feel when you think about the statement? (1 = very little or none at all; 5 = very much) (Batson, 1987)

Compassion (Batson, 1987) (1 = very little or none at all; 5 = very much)

18. How much compassion do you feel when you think about the statement?
19. How much empathy do you feel when you think about the statement?
20. How much sympathy do you feel when you think about the statement?
21. How much pity do you feel when you think about the statement?

Instructions: Please complete the following measures regarding the political science report you just read by selecting one response.

#### Study 1: Marital Equality

1. According to the political science report, how likely is it that the United States will have country-wide same-sex marriage inclusion by the year 2016?  
(Manipulation check)
  - a. 10%
  - b. 30%
  - c. 60%
  - d. 90%
  - e. 100%

#### Study 2: Housing Equality

1. According to the political science report, how likely is it that the United States will have country-wide sexual orientation housing protection by the year 2016?  
(Manipulation check)
  - a. 10%
  - b. 30%
  - c. 60%
  - d. 90%
  - e. 100%

Sexual Orientation as a Suspect Class Items (Developed by researcher to address system justifications for denying suspect or quasi-suspect class status to sexual minorities)

1	2	3	4	5
---	---	---	---	---

Disagree		Neither Agree nor Disagree		Agree
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1. \_\_\_\_ Lesbians and gay men have a history of experiencing discrimination in the United States.
2. \_\_\_\_ Sexual orientation is immutable (i.e. it cannot be changed).
3. \_\_\_\_ Sexual orientation is related to an individual's ability to contribute to society. (reverse-scored)
4. \_\_\_\_ Lesbians and gay men, as a group, have enough political power to achieve their goals through the ordinary political process. (reverse-scored)

System Justification Marital and Housing Equality Items (Developed by researcher to address system justifications used in anti-marriage equality cases and sexual minority "special rights" cases)

1	2	3	4	5
Disagree		Neither Agree nor Disagree		Agree

5. \_\_\_\_ Traditional marriage, i.e. heterosexual couple marriage, should be protected. (preserving traditional marriage justification)
6. \_\_\_\_ States should move slowly when deciding whether to include same-sex couples within the definition of marriage. (wariness of experimentation justification)
7. \_\_\_\_ Restricting marriage to heterosexual couples encourages natural procreation. (natural procreation justification)
8. \_\_\_\_ Heterosexual, married couples provide the ideal parenting environment for raising children. (ideal parenting/ raising children justification)
9. \_\_\_\_ Lesbians and gay men are a privileged group. (sexual minorities as privileged minority justification)
10. \_\_\_\_ Lesbians and gay men want "special rights" that others don't have. (sexual minorities as wanting "special rights" justification)
11. \_\_\_\_ Lesbians and gay men try to get "special rights" through undemocratic means (i.e. through judge-made law). (sexual minorities as using undemocratic means to secure "special rights" justification)
12. \_\_\_\_ It is wrong to try to get "special rights". ("special rights" – general – justification)
13. \_\_\_\_ Lesbians and gay men are selfish because they put themselves before others. (sexual minorities as selfish – specific – justification)

14. \_\_\_\_ In general, lesbians and gay men are selfish. (sexual minorities as selfish – general – justification)
15. \_\_\_\_ In general, lesbians and gay men are immature. (sexual minorities as immature – general – justification)
16. \_\_\_\_ In general, lesbians and gay men are immoral. (sexual minorities as immoral – general – justification)
17. \_\_\_\_ Homosexuality is unnatural. (sexual minority as unnatural item)

Instructions: For this study, we are interested in your political views. Specifically, we are interested in whether you would vote for a ballot initiative for amending your state constitution. Please read the ballot initiative below and indicate if you would vote for it.

#### Study 1: Marriage Equality

1. Ballot Initiative 5: The definition of marriage will be changed throughout the state by adding the following phrase to the state constitution: “Marriage shall include same-sex couples as well as heterosexual couples”.
  - e. Question 1: Would you vote for this amendment to your state constitution?
    - i. Yes
    - ii. No
  - f. Question 2: How likely is it that you would vote for this amendment to your state constitution?

1	2	3	4	5	6	7
Very Unlikely	Unlikely	Somewhat Unlikely	Undecided	Somewhat Likely	Likely	Very Likely

#### Study 2: Housing Equality

1. Ballot Initiative 5: The classes included in housing discrimination protection will be changed throughout the state by adding the following language to the state constitution: “Private individuals and companies, as well as public organizations, shall not exclude sale or rental of housing to others on the basis of sexual orientation”.
  - g. Question 1: Would you vote for this amendment to your state constitution?
    - i. Yes
    - ii. No
  - h. Question 2: How likely is it that you would vote for this amendment to your state constitution?

1	2	3	4	5	6	7
Very Unlikely	Unlikely	Somewhat Unlikely	Undecided	Somewhat Likely	Likely	Very Likely

Appendix I: Situational System Justification scale, Attitudes toward Lesbians and Gay Men scale, Global Beliefs in a Just World scale, Realistic and Symbolic Threats scale, and Intergroup Anxiety scale

**Study D: General Political Attitudes Study**

Instructions: The purpose of this study is to assess your attitudes regarding a number of political issues. There are no right or wrong answers. We are interested only in your attitudes. Indicate the extent to which you agree or disagree with each of the following statements by writing the number on the scale that you feel is closest to your opinion next to that item.

Situational System Justification Scale (Kay & Jost, 2003)

Instructions: Please rate the extent that you agree or disagree with each of the following statements using the scale provided.

1	2	3	4	5	6	7	8	9
Strongly Disagree				Neither Agree nor Disagree				Strongly Agree

1. \_\_\_\_\_ In general, I find society to be fair.
2. \_\_\_\_\_ In general, the American political system operates as it should.
3. \_\_\_\_\_ American society needs to be radically reconstructed. (reverse-scored)
4. \_\_\_\_\_ The United States is the best country in the world to live in.
5. \_\_\_\_\_ Most policies serve the greater good.
6. \_\_\_\_\_ Everyone has a fair shot at wealth and happiness.
7. \_\_\_\_\_ Our society is getting worse every year. (reverse-scored)
8. \_\_\_\_\_ Society is set up so that people usually get what they deserve.

Attitudes Toward Lesbians and Gay men scale (Herek, 1988)

1	2	3	4	5
Disagree				Agree

9. \_\_\_\_\_ Male homosexuality is a perversion.
10. \_\_\_\_\_ Female homosexuality is detrimental to society because it breaks down the natural divisions between the sexes.

11. \_\_\_\_\_ The idea of male homosexual marriages seems ridiculous to me.
12. \_\_\_\_\_ A woman's homosexuality should *not* be a cause for job discrimination in any situation. (reverse-scored)
13. \_\_\_\_\_ State laws regulating private, consenting lesbian behavior should be loosened. (reverse-scored)
14. \_\_\_\_\_ Female homosexuality is a sin.
15. \_\_\_\_\_ Just as in other species, male homosexuality is a natural expression of sexuality in human men. (reverse-scored)
16. \_\_\_\_\_ Male homosexual couples should be allowed to adopt children the same as heterosexual couples. (reverse-scored)
17. \_\_\_\_\_ I would *not* be too upset if I learned that my son was a homosexual. (reverse-scored)
18. \_\_\_\_\_ Male homosexuality is merely a different kind of lifestyle that should *not* be condemned. (reverse-scored)
19. \_\_\_\_\_ Female homosexuality is a threat to many of our basic social institutions.
20. \_\_\_\_\_ Male homosexuals should *not* be allowed to teach school.
21. \_\_\_\_\_ Female homosexuality in itself is no problem, but what society makes of it can be a problem.
22. \_\_\_\_\_ Homosexual behavior between two men is just plain wrong.
23. \_\_\_\_\_ I think male homosexuals are disgusting.
24. \_\_\_\_\_ The growing number of lesbians indicates a decline in American morals.
25. \_\_\_\_\_ If a man has homosexual feelings, he should do everything he can to overcome them.
26. \_\_\_\_\_ Lesbians are sick.
27. \_\_\_\_\_ Lesbians just can't fit into our society.
28. \_\_\_\_\_ Female homosexuality is an inferior form of sexuality.

Global Belief in a Just World scale (Lipkus, 1991)

1	2	3	4	5	6
Strong Disagreement					Strong Agreement

29. \_\_\_\_\_ I feel that people get what they are entitled to have.
30. \_\_\_\_\_ I feel that a person's efforts are noticed and rewarded.
31. \_\_\_\_\_ I feel that people earn the rewards and punishments they get.
32. \_\_\_\_\_ I feel that people who meet with misfortune have brought it on themselves.
33. \_\_\_\_\_ I feel that people get what they deserve.
34. \_\_\_\_\_ I feel that rewards and punishments are fairly given.

35. \_\_\_\_\_ I basically feel that the world is a fair place.

Realistic and Symbolic Threat scales (Stephan, Ybarra, & Bachman, 1999) – modified

Please indicate the degree to which you agree to the following statements:

1	2	3	4	5	6	7
Strongly Disagree	Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Agree	Strongly Agree

36. \_\_\_\_\_ The values and beliefs of lesbians and gay men regarding moral and religious issues are *not* compatible with the beliefs and values of most Americans.
37. \_\_\_\_\_ The values and beliefs of lesbians and gay men regarding family issues and socializing children are basically quite similar to those of most Americans. (reverse-scored)
38. \_\_\_\_\_ The values and beliefs of lesbians and gay men regarding social relations are *not* compatible with the beliefs and values of most Americans.
39. \_\_\_\_\_ Lesbians and gay men should *not* have to accept heterosexual ways. (reverse-scored)
40. \_\_\_\_\_ Lesbians and gay men get more from this country than they contribute.
41. \_\_\_\_\_ Lesbians and gay men are *not* displacing heterosexual workers from their jobs. (reverse-scored)
42. \_\_\_\_\_ Lesbians and gay men should be eligible for the same health-care benefits received by heterosexual persons. (reverse-scored)
43. \_\_\_\_\_ Lesbians and gay men are as entitled to subsidized housing or subsidized utilities (water, sewage, electricity) as poor heterosexual persons are. (reverse-scored)

Intergroup Anxiety scale (Stephan, Ybarra, & Bachman, 1999) – modified

Please indicate the extent that you would feel the following emotions when interacting with lesbians and gay men.

1	2	3	4	5	6	7	8	9	10
Not at all									Extremely

44. \_\_\_\_\_ Apprehensive

45. \_\_\_\_\_ Uncertain



46. \_\_\_\_\_ Worried
47. \_\_\_\_\_ Awkward
48. \_\_\_\_\_ Anxious
49. \_\_\_\_\_ Threatened
50. \_\_\_\_\_ Comfortable
51. \_\_\_\_\_ Trusting
52. \_\_\_\_\_ Friendly
53. \_\_\_\_\_ Confident
54. \_\_\_\_\_ Safe
55. \_\_\_\_\_ At ease

## Appendix J: Manipulation Check

1. Does your state allow same-sex couples to marry?
  - a. Yes
  - b. No
  - c. I don't know
2. Does your state provide lesbians and gay men with protection from discrimination in housing?
  - a. Yes
  - b. No
  - c. I don't know
3. Have you heard of the US Supreme Court case *United States v. Windsor*?
  - a. Yes
  - b. No
4. What did the US Supreme Court hold in this case?
  - a. That the federal Defense of Marriage Act did not violate Ms. Windsor's rights.
  - b. That the federal Defense of Marriage Act did violate Ms. Windsor's rights.
5. How many states currently allow same-sex couples to marry?
  - a. 27
  - b. 40
  - c. 37
  - d. 32
6. How many states currently provide state-wide anti-discrimination housing protection for lesbians and gay men?
  - a. 32
  - b. 18
  - c. 25
  - d. 21
7. Are lesbians and gay men protected from housing discrimination by a federal law?
  - a. Yes
  - b. No
  - c. I don't know
8. Have you ever voted against same-sex marriage in a state or local ballot initiative or referendum?
  - a. Yes
  - b. No
  - c. I don't know
9. Have you ever voted against providing lesbians and gay men with housing discrimination protection in a state or local ballot initiative or referendum?
  - a. Yes
  - b. No
  - c. I don't know

## Appendix K: Demographic Survey

Instructions: Please complete the following questionnaire.

(1) Please provide your age. \_\_\_\_\_

(2) Please provide your gender.

\_\_\_\_\_ Man      \_\_\_\_\_ Woman      \_\_\_\_\_ Transgender MTF or FTM

(3) Please provide your ethnic origin and/or race. (Check one)

\_\_\_ White, non-Latino/a      \_\_\_ African American (Black)

\_\_\_ Asian American      \_\_\_ Latino/a

\_\_\_ Native American

\_\_\_ Other      Please specify \_\_\_\_\_

(4) Urban vs. Rural: I would describe the location in which I grew up as a:

\_\_\_ Large city      \_\_\_ Medium-sized city

\_\_\_ Small city or town      \_\_\_ Very small town

\_\_\_ Farm outside of town

(5) Childhood Residence: Which of the following best describes where you grew up?

\_\_\_ Urban      \_\_\_ Suburban      \_\_\_ Town      \_\_\_ Rural

(6) Do you have a current driver's license?      \_\_\_ yes      \_\_\_ no

(7) Are you currently registered to vote?  yes  no

(8) Are you a convicted felon?  yes  no

(9) Are you a citizen of the United States?  yes  no

(10) Have you ever served on a jury?  yes  no

(11) Please provide what best describes your current employment.

Employed full-time  Unemployed

Employed part-time  Student

(12) Please provide your current occupation.

\_\_\_\_\_

(13) Religion: What is your religion?

Protestant  Catholic  Jewish

Muslim  None

Other Please

Specify \_\_\_\_\_

(14) What is your political affiliation?

Democrat  Republican  Green Party

Independent  Libertarian  No affiliation

\_\_\_ Other Please

Specify \_\_\_\_\_

(15) Please provide your political orientation on *social issues*.

\_\_\_ Very conservative

\_\_\_ Conservative

\_\_\_ Moderate

\_\_\_ Liberal

\_\_\_ Very liberal

(16) Please provide your political orientation on *economic issues*.

\_\_\_ Very conservative

\_\_\_ Conservative

\_\_\_ Moderate

\_\_\_ Liberal

\_\_\_ Very liberal

(17) Marital Status: What is your marital status?

\_\_\_ Single

\_\_\_ Dating

Cohabiting (i.e. living with another person in a romantic relationship, but not engaged)

Engaged

Married or marriage-like relationship

Divorced

(18) If you are not currently married, have you ever been married?

Yes

No

Currently Married

(19) Have you ever cohabitated with another person (i.e. lived with another person with whom you have a romantic relationship, but with whom you are not engaged or married)?

Yes

No

(20) Do you believe marriage is important?

Yes

No

(21) Family Income/ Social Economic Status: I consider my family to be:

Upper class

Upper middle class

Middle class

Lower middle class

Lower class

(22) Do you own or have you ever owned your own home?

Yes

No

(23) Have you ever rented an apartment, house, or other dwelling?

Yes

No

(24) Do you believe owning your own home is important?

Yes

No

(25) Do you have children?

Yes

No

(26) Please provide your highest level of education achieved.

\_\_\_ Less than high school diploma

\_\_\_ High school diploma/ G.E.D.

\_\_\_ Some college/ In college

\_\_\_ College degree (Associate's or Bachelor's)

\_\_\_ Advanced degree (Master's degree, Doctorate, etc.)

(27) Please provide your sexual orientation.

\_\_\_ Straight

\_\_\_ Mostly straight with some same-sex interest

\_\_\_ Bisexual

\_\_\_ Mostly gay/lesbian with some straight interest

\_\_\_ Gay/Lesbian

(28) Psychology Classes: How many psychology classes have you had in college or in high school?

\_\_\_ 0      \_\_\_ 1      \_\_\_ 2      \_\_\_ 3      \_\_\_ 4

\_\_\_ 5 or more

(29) Please provide the first three digits of your zip code. \_\_\_\_\_



## Appendix L: Debriefing

Thank you for participating in this study. We ask that you please do not discuss this research with anyone, as this is part of a series of studies the Legal Decision making Lab will be running throughout the next few years.

The purpose of this research is to better understand stigma towards lesbians and gay men in the marital and housing contexts. By having participants read that the country is doing well or has reached a new low point in the eyes of most Americans, we sought to understand how threatening the status quo would impact whether individuals would vote for marital and housing equality measures. Previous research indicates that individuals who feel threat to the status quo are more likely to support the current system (i.e. inequality). However, individuals who believe a new status quo is likely to happen are more likely to support the new status quo.

The ultimate goal of this program of research is to better understand what individuals think about sexual minority equality. We sought to understand how thoughts, emotions, and attitudes can impact whether one supports equality measures.

Because this research is currently being collected, we ask that you do not discuss this research with future participants. You have devoted a good deal of time and effort completing the materials for this study. The researchers have also spent a great deal of time preparing the materials. If you discuss these materials with any other students, you will have wasted your time and effort along with the researchers' time and effort. If you discuss the materials with anyone else that might be in this or a related study in the future, we will not be able to use the materials or your data from this study.

If you have any questions or concerns, or would like to know the results of this project, please contact faculty member Richard L. Wiener at [LegalDecisionLabUNL@gmail.com](mailto:LegalDecisionLabUNL@gmail.com).

Again, we thank you for your participation.