Through Seneca Falls, and Selma, and Stonewall: Barack Obama, the Gay Rights Movement, and the Complicated Relationship Between Presidents and Groups

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Abstract

Organized groups frequently appeal to the president of the United States for support of their policy agenda. However, even if presidents are broadly supportive of the groups in question, they may not always be able or willing to meet their demands. Social movements, in particular, which seek change that presidents might view as a threat to their existing party coalition and public support, face imposing challenges in forming partnerships with the White House. How can social movements pressure the president to support their objectives? We explore the complicated relationship between presidents and social movements through a historical case study of the interactions between President Barack Obama and the LGBT rights movement during Obama's first term in office. While Obama was broadly supportive of gay rights, the relationship between the White House and social activists during his first term in office was often rocky. On the basis of in-depth interviews with LGBT activists, White House officials, and Democratic politicians, we show how gay rights activists won the White House's support on issues such as the repeal of Don't Ask Don't Tell (DADT) and same-sex marriage (SSM) by pressuring Obama publicly while simultaneously providing the administration with data and guidance in private. We conclude that the relationship between presidents and social movements while highly contentious is a critical dimension of contemporary partisanship.

Introduction

This appendix contains the transcripts of interviews that we relied on as primary sources in our paper "Through Seneca Falls, and Selma, and Stonewall: Barack Obama, the Gay Rights Movement, and the Complicated Relationship Between Presidents and Groups." The paper investigates the relationship between presidents and groups by using the contentious but formative relationship between Barack Obama and the LGBT movement as a case study. To provide direct insight into this relationship, we conducted more than fifteen interviews with LGBT movement leaders, (former) White House officials, progressive think tank advocates, attorneys, and academics that were personally and directly involved in LGBT politics in the period 2009-2015.

The interviews were conducted between July 2015 and June 2016. Each of the interviews followed a set protocol. To begin, we invited the subjects through email. In this email we stated our interest in "the connections between social movements and the American presidency," and "the relationship between the LGBT community and Barack Obama – specifically the way LGBT groups have pushed Obama to more fully embrace LGBT rights." Additionally, we explained that the purpose of this project was to produce an academic paper.

We set out the same ground rules for the process to each subject. Each interview was executed by phone,[1] and interviewees received a list of questions at least one day before the interview was set to take place. We did not record the interviews, but made notes during the interview. After completion of the interview, the transcripts were edited to reflect our best recollections of the conversation. We subsequently sent these edited transcripts to the interview subjects for review. The subjects were given the right to edit the transcripts as they saw fit. We also gave each subject the option to decide whether (and/or which parts of) the interview were on the record, off the record, or on deep background.[2] The edited versions of the transcripts we received from the subjects are the only records we rely on in the paper, and the only records we are making available publicly.

We are making these transcripts available for two reasons. First, we believe providing other scholars with our full set of interview transcripts allows for a more open assessment of our interpretation of the information we gathered in these interviews. Second, these interviews might provide other scholars with relevant information for their own research on LGBT or presidential politics.

List of interviewees and roles at the time:

Heather Cronk – Co-Director GetEqual
Barney Frank – Former Member of Congress
Steven Grossman – Former Chairman of the Democratic National Committee
Lorri Jean – CEO of the Los Angeles LGBT Center
Cleve Jones – Human Rights Activist
Roberta Kaplan – Partner at Paul, Weiss

[1] The sole exception concerns the interview conducted with DNC Treasurer Andy Tobias, who preferred to answer our questions through email.

[2] Three of our subjects – including two (former) Obama White House officials - chose to keep their entire interview on deep background. We have not relied on any direct evidence related to these interviews, and we will not make the transcripts of these interviews publicly available.

Jeff Krehely – Senior Vice President for Domestic Policy at the Center for American Progress
Gautam Raghavan - Former LGBT Liaison Obama Administration, Vice President of Policy at the Gill Foundation
Marc Solomon – Political Director at Freedom to Marry
Terry Stone – CEO of CenterLink
Andy Tobias – Treasurer of the Democratic National Committee
Tobias Wolff – Professor of Law at the University of Pennsylvania and Former LGBT Policy Advisor to the Obama Campaign
Evan Wolfson – President of Freedom to Marry
Anonymous – Former Obama Administration Official

Heather Cronk – Co-Director GetEQUAL

Question: GetEQUAL was founded in 2010 in response to perceived weaknesses in the approaches of traditional LGBT organizations. How would you describe those weaknesses?

GetEqual's founding was an outgrowth of the National Equality March in 2009, but the march itself was an outgrowth of the Proposition 8 result in 2008. Proposition 8 is an important moment to start with because of how that played out for LGBTQ people across the country. I was actually in San Francisco on election night working on a project to assess what we could learn from the Prop 8 campaign. I had been there for a week talking to volunteers and I was sensing that this campaign was doomed from the beginning, and that it didn't have to be. What happened was there were all types of consultants hired with a vision of a campaign and none of that was focused on representing the LGBTQ community. There were no stories about LGBTQ couples and how marriage would affect them. It was very cold and calculated and very rooted in a consultant mindset and focused on polling and test groups. There were not even pictures of gay couples in the campaign materials. This is for a marriage ballot! There was basically a situation of "political homophobia" – and while we can talk about political homophobia with regards to Barack Obama, it also exists within the LGBTQ community itself.

On election night I remember hearing the news of Obama getting elected and an hour later I heard we lost the election. I remember calling my partner in Maryland and saying "I don't know how to feel right now." I was surrounded by Democrats who were elated with Obama's election, and gay people who had their guts ripped out. The Proposition 8 loss resulted in a grassroots eruption of LGBTQ people standing up and saying "We're taking back the movement; we're not letting consultants dictate the movement." That energy was the fuel behind the march. Two of our co-founders – Robin McGehee and Kip Williams - lived in California and over the course of 2008 Robin had been in the central valley begging the Prop 8 campaign just to send her yard signs. She actually took her mini-van, drove to San Francisco, loaded it up with yard signs, and handed them out: they were gone in an hour.

After election night and all the heart ache and anger, Robin decided to organize a "Meet in the Middle" --to have LGBTQ people meet in the middle of the state to say that we weren't going to let consultants tell our study anymore. Cleve Jones was there and he suggested it was time for a national equality march in Washington, D.C. Robin and Kip organized it but it was very contentious – not just within the LGBTQ community but among LGBTQ organizations. They didn't join in until the very last moment. And one of the reasons behind founding GetEQUAL was that we were believed many movement leaders in other organizations had become completely disconnected from the community. The march showed that there was a great deal of grass roots energy in the movement – a quarter of million people showed up. It clearly was time for a new vision and new organizations to tap into that energy.

Q: Why were these traditional organizations not interested in cultivating a grassroots movement?

So many of the consultants who were working in 2008 – and many of whom continue working in the movement today – a lot of them had weathered the storm of getting the shit kicked out of

them in 2004 with the ballot issues. A lot of those consultants were coming from that deep trauma of not winning a single ballot initiative. You would think that this would have inspired them to try something new, but they are also creatures of habit. So they are pretty risk averse – which is kind of inherent in consultancy.

Q: What was the more defensive message they preferred?

It was very rights oriented. It was very stale. It was mostly focused on "this is a fundamental human right." While I am highly critical of Freedom to Marry, one of the really brilliant things they have done is change the narrative on marriage and family, by refusing to say that the right has a corner on the family market.

Q: Did the National Equality March and the emergence of GetEqual have an important impact?

I wasn't involved with GetEQUAL then – I came on board in the summer of 2010, after we officially launched. There was a lot of pressure on the president in 2009. He spoke at the HRC the night before the march – and the fact that 250,000 people showed up to that event could hardly be ignored. And then there was the question of what to do next; there really was no consensus on a plan of action. Cleve Jones had expressed an interest in expanding on grassroots organizing by setting up organizations in all Congressional districts, but that would be too resource intensive. Jonathan Lewis, one of GetEQUAL's co-founders, also wanted to do something that would tap into the grass roots energy of the LGBTQ community. Paul Yandura saw the march on TV and was impressed by the energy and diversity of the march -- he was especially impressed with the number of people of color who attended. He got in touch with Robin and Kip and said let's have a conversation. And they focused on three things: one, we need a bigger political imagination – we need to be able to talk about full LGBT equality, not just piecemeal bullshit. This would require looking beyond Washington D.C. The second was a new focus on urgency. We had heard from the chair of HRC saying full LGBT equality is a generation away. So there was no sense among the established groups of how to move forward aggressively. Third, we were going to anchor this new vision and sense of urgency in grassroots organizing and direct action. We were basically going back to the way this entire movement started – Stonewall, that was grassroots organizing and direct action. So we were trying to take it away from folks in DC and put it in the hands of people who were most directly affected by it.

Q: Do you think you need both direct action and the more established approach to achieve progress? Or do you think there is an inherent tension between the two?

It's a tension between theory and practice. In theory, 'inside' and 'outside' are not only complimentary but they need each other. It doesn't do any good to shout outside a Congressman's door if there's nobody there to negotiate. At the same time, it doesn't do any good to have someone negotiating without external pressure and being able to say "Work with me on this, I'm the reasonable one." In practice, however, this synergy requires a unified vision. But most 'inside' groups do not embrace a imaginary strategic vision, because they do not want to jeopardize their privileged status -- they want to keep access limited to insiders – and lockout insurgents who might embarrass them. As a result, the people who are yelling on the outside cannot coordinate effectively with insiders, and, therefore, do not really strengthen the influence

of more established groups. Another source of tension is that everybody is competing for the same resources. There are very few sources that give LGBTQ groups substantial amounts of money, so everybody is competing for the same funding. And many of those organizations have grown so large that they are mostly focused on organizational survival. And that makes sense – you want your people to keep their jobs. But from the grassroots perspective, we want these people to lose their jobs because we've won. And that's the main difference between GetEQUAL and those other organizations. My main goal is for us to shut down because we've achieved our goals.

Q: Are there major differences on political and policy objectives between GetEQUAL and organizations like the Human Rights Campaign or Freedom to Marry?

Yes, certainly. When we get into what our priorities are there is definitely a pretty wide gulf. And I should say in 2010 there was a pretty wide gulf. I hope that gulf is decreasing. I remember we were having conversations with organizations in 2011 where I was told explicitly that immigration was not on their agenda. I am hopeful that will change now. There are two tensions. First, what are the policies that are being centered in the movement and, by default, *who* is being centered. I have no qualms with marriage equality, I do have qualms with millions and millions of dollars being spent to get marriage equality – to the exclusion of other issues such as workplace discrimination, ending trans violence, and immigration reform. The other tension is one of, I don't really know how to say this, but the centering of heteronormativity – and I know that sounds super emo. It's centering a narrative rooted in the idea that "we're just like you." And I think the harm in that is that it's sort of a pendulum swing from 2008 where consultants wouldn't even show us, to 2015 where all the images are so rooted in "We're just like you, we want the same things, just let us in." There is a middle ground there – we should be telling our own stories, and we should be telling *all* of our stories. And I think it creates a dangerous scenario, especially for young people, to suggest that we are just like everyone else. After the Supreme Court rulings on gay marriage, a lot of queer people came out to their families thinking they could do this now. They came out as queer, as trans, as gender non-conforming. And the message the movement had sent was "come out, come out" – but that doesn't work for everybody. Coming from the South I know that families are not necessarily going to accept those kids. So a lot of those kids who came out are now living on the street, because they came out but their families and the country were not actually ready to accept them.

Q: The National Equality March was in part a response to frustration many in the LGBT community felt during the first year of the Obama administration. Did you share those frustrations? What was the main criticism of Obama's first year in office with regards to LGBT rights?

Obama was definitely a target of the march. I don't know if you've seen video of the march but you should watch Lady Gaga's speech – at one point she screamed "Mr. President, are you listening?" I think a lot of people in 2008 saw in Obama what they wanted to see. It was a little bit of a mirage. So a lot of people thought that – with a Democratic Congress – he was going to do so many things. As early as the fall of 2009, a lot of that shine had worn off. You're championing the hate crimes bill? We should have gotten that years ago! We were afraid he was just getting the LGBTQ group off the to do list. The common understanding was that ENDA was

going to be passed by Congress and signed into law in 2010, and then the DADT repeal was going to be done. That's not what happened. We got into 2010 and the president mentioned DADT in the State of the Union. And when he did that a lot of the movement leaders in DC shifted their gears and focused on DADT. They followed his agenda.

I think GetEQUAL is best known for their organizing around DADT. Personally I think DADT was a distraction for us. We needed something to rally around; ENDA passed the House, but it soon became clear that bill was dead. I think the military hit at the heteronormative thing I am critical of. But the other angle is that if you change this really conservative institution it also allows you to say "We changed this institution, now we can change other things as well." So in early 2010 we heard that the White House was focusing in on DADT but to repeal that legislation they made a lot compromises, for example, protection for trans service members. GetEQUAL tried to pushback against the president, criticizing the limits of his agenda, *and* the movement for allowing the president to set the agenda. A lot of these organizations in the movement were carrying water for the president. It was exhausting. We shouldn't have had to work so hard to get DADT passed, or worked so hard on ENDA. These should have been no brainers. And DADT passed at the very last moment only because [Senators] Lieberman and Collins supported the compromised repeal legislation. It took a Hail Mary pass to get to repeal DADT -- though a lot of folks rightfully also chalk that win up to GetEQUAL, which held the president accountable and embarrassed him on his own front steps.

Q: Is there a consensus within the movement that GetEQUAL successfully forced Obama to act?

Oh very few people would say that out loud. I hear that behind closed doors. And all of these books are coming out recounting 2010 [[specifically from Michelangelo Signorile and Kerry Eleveld]]; they make clear that there was no plan from the White House and there were no plans in the organizations. Everybody was reacting rather leading. So I wouldn't say GetEQUAL was responsible, but we definitely played a role. We were the ones holding the White House accountable and we were holding the movement accountable. It's actually not OK to lose two legislative battles with huge Democratic majorities in the House and Senate. The loss on the Dream Act really caused an existential crisis among the immigration movement, and I think we would have gone through the same thing if we hadn't gotten DADT.

Q: What kind of communication exists between the Obama administration and GetEQUAL?

We were never invited to the White House meetings. We did talk to a lot of the people who went to the meetings and there were a handful of people we could rely on to give us accounts of what happened and we could base our plans on that. So we could hold people accountable who were stalling or delaying. A big moment for us was a Barbara Boxer fundraiser in California. We heard the president was going to speak there and we got people in – this was right before I got on board. So we had a few folks who were inside at the fundraiser. One of the folks inside, Dan Fotou, interrupted the president during his speech by shouting "Keep your promise, repeal DADT" – and the president was very angry. In a classic Democratic move, all the people in the room shouted Dan down. But what we later heard from a reporter on Air Force One with Obama was that before that nobody was talking about DADT but now everybody was – the press, Obama, his staff. So by confronting the president directly we could get this on the agenda. Not

by engaging with people in the White House who might be able to bring messages to the president, but by confronting him directly, eye-to-eye. And he hates that. So you get under his skin by pointing to the lack of urgency on LGBTQ issues and other progressive issues. That is really the big lesson learned in 2009-2010 – you cannot trust folks inside the White House to carry your message for you. You have to go directly to the person setting the agenda. And that was a big lesson for us and for other organizations in the movement who now became more interested in direct action. It was also a big turning moment in the press – before LGBT causes were more a legal issue; but now the stories were more about the human angle. And I don't care about what the president likes or doesn't like – I'm here to get results. I always tell people who are about to join us "You better be super clear to yourself and your family that you are probably never going to get a job in DC again." Because the assumption among the DC folks is that you just move from job to job in DC. But if you use these tactics, which piss people off, you're not going to get a job in DC after this. People who do the hiring for those jobs like activists to keep quiet.

Q: What kind of interactions did GetEQUAL have with other LGBT groups?

There were a series of folks who would talk to us depending on how frustrated they were feeling. One of the people who was very public about having interactions with us was Alex Nicholson of Service Members United. And he was very focused on the practical aspects of what living under DADT meant for service members and their families, and for those who were dishonorably discharged under DADT. So Alex was one of the folks who would feed us information on a consistent basis; the White House knew they had to invite him to their meetings, but weren't very happy about. Servicemembers United was an inside group – they did some grassroots activism but they did a lot of lobbying. But he really understood you needed both. The other groups didn't feed us much information – they were concerned about their own agenda.

Q: How important was the issue of marriage equality to GetEQUAL?

Marriage equality hasn't been a priority for GetEQUAL but it has symbolic significance. Just as DADT was a conservative policy within a conservative institution, marriage is a conservative institution as well. So there is symbolic value in marriage equality. The one thing we did contribute was to complicate marriage. If you look at the numbers – all the surveys I've seen – the highest numbers of same-sex couples raising children are in the South. And a lot of people seem surprised by that. I'm not; there are a lot of people who get married young, have kids, come out, and raise their kids with a same-sex partner. A lot of those folks are people of color, who are in poverty. So when I'm thinking of marriage equality, I'm thinking about those couples. If you're living in Mississippi, and you're a lesbian couple, and you're raising kids, Mississippi is never going to provide you with protection. So we need marriage equality. I can talk about marriage equality all day long if it's about economic and racial justice, but not if it's about gay white men in coastal states throwing an expensive party. Those traditional organizations were focusing on the story of gay white men who have been together for so long and they really deserve the freedom to marry. GetEqual is committed to telling a different story.

Back in 2012 before the president magically evolved – which was a farce, he had evolved well before that – we focused on getting him to come out in favor of marriage equality. Because

having a sitting president in 2012 say "I'm not sure" was providing conservative Democrats all the ammunition they needed to not do anything. So it was a strategic moment for us to get this out of the way: Obama has got to say something, and he's got to do it quick, and he's got to do it now. And I don't think he changed his mind, but he was hearing from enough people so that it became strategic for the White House to not have to answer that question any more.

Q: Can you give us some examples of the influence GetEQUAL had on the Obama administration's commitment to marriage equality?

Two stories come to mind. One, we worked for a few years with Marriage Equality USA – the longest standing marriage equality organization in the country – in going to marriage counters on Valentine's Day and having gay couples come in and ask for marriage licenses. We would hold sit-ins if they were denied. We joined up to put more urgency and grass roots efforts into the fight for marriage equality. So we picked sites across the country and would have couples go in and engage in civil disobedience. And I think that changed the pressure that politicians were feeling because we were going into their districts and changing the imagery. A couple holding hands getting handcuffed. On the other side of that, one of the other things we did in the summer of 2012 – every year the White House has hosted a pride reception in pride month. In 2012 we worked with someone who was invited to the reception, Dan Savage. Joe Sudbay had been the first gay blogger to interview Obama in 2009. And he really pushed the president on the issue of gay marriage, and Obama ended up saying he was "evolving." And that became the rallying cry of the left wing movement and we created buttons saying "Evolve Already" and we got Dan to wear one and go into the White House and shake hands with the president wearing that. And that was the summer he came out for gay marriage. Dan Savage's button wasn't the reason for it, but it was part of the pressure that pushed Obama to evolve.

Q: What do you think Obama's legacy will be on LGBT rights?

I think that the president's legacy on LGBTQ issues will be seen differently in 5 years than in 50 years. Five years out from his administration he's going to be lauded by the LGBTQ community and by progressives. He'll be lauded as the president who ushered in the first days of LGBTQ equality. 50 years from now he's going to look like he was slow to the dance. I don't think people are going to be in the position to ask "Why did it take you this long?" in the next few years, but 50 years from now that will be the question. And it's complicated; he's working in a two-party system, dominated by money, dealing with Congress is like herding cats. The reason people five years out will laud him is because the bar is so low: the president before Obama supported ballot initiatives that took away our rights, and Clinton signed into law DADT and DOMA. So Obama is doing a lot if you're comparing him to James K. Polk. If I set the bar at full social and economic equality under the law rather than "he didn't harm us," his legacy does not look so impressive. A half century from now he will be criticized for not reaching the higher standard.

Barney Frank – Former Member of the House of Representatives (D-MA, 4th District)

Question: How would you characterize the Democratic Party's position on LGBT rights in the period 2000-2008? Did you feel the party was where it needed to be on issues like same-sex marriage, Don't Ask Don't Tell, or the Defense of Marriage Act?

I filed the first gay rights bill in Massachusetts history in 1972 right after getting elected to the state house. As of 1976 there was no real difference between the two parties – Ford and Carter were pretty close on gay rights. Then the Democratic trajectory resulted in it becoming more and more supportive, and the country did as well but at a slower rate, while the Republicans got worse. Ted Kennedy in 1980 articulated a very strong pro-gay rights position. In 1982 the executive director of the DNC who also happens to be my sister, Ann Lewis, said the Democratic Party was the party of human rights. In 1984, Mondale was still a bit shaky but the Democrats were getting better. By then, the Democrats in Congress also were becoming more supportive. When I was pushing Democrats in the early 1980s they told me they agreed with me but they didn't know any gay people. What changed it is was AIDS. The first step was money for research, the second was care for AIDS victims. The Republicans added anti-gay amendments to those bills stating that the money could not be used for pro-gay propaganda in the hope of derailing the legislation. But now lives were at stake and Democrats realized they couldn't vote against these bills, and the pro-gay position won for the first time. And those members went back home and won their reelections.

Q: Did you consider the passage of Don't Ask Don't Tell and the Defense of Marriage Act during the Clinton administration deflating setbacks?

The Don't Ask Don't Tell policy was the result of a highly respected military man, Colin Powell, and a highly regarded Senator, Sam Nunn, opposing gays in the military – the compromise was the best Clinton could achieve under the circumstances. DOMA was a serious setback as well but the problem was the Republicans; Clinton, generally, was supportive of the gay community. The Republicans threatened to re-impose the ban to the Family Leave bill with support from conservative Democrats. In reparation for not winning on that – and Clinton does not get enough credit for this – Clinton issued an executive order repealing the ban on gay and lesbian people getting security clearance. At the same time, DOMA passed overwhelmingly. I offered an amendment in the House that DOMA's ban on benefits would not hold in those states that had voted democratically to have gay marriage. It lost but I got one more Democrat to vote for than against it.

Q: Do you believe Clinton should have vetoed DOMA?

No, I didn't want Bob Dole to win. This was a broadly shared Democratic position at the time. Paul Wellstone voted for it. I went to Minnesota to campaign for him later with gay and lesbian voters. You can't expect elected officials to go against overwhelming public opinion. The whole purpose of the bill was to go against Clinton. And Clinton was very good on gay stuff. Because of Clinton's work on security clearance, I was the first gay pride speaker at the CIA. Clinton appointed a number of openly gay officials. I have a rule; if you do not want a subject to be decided politically, you should not ask 535 politicians to decide it. What Democrats did try to do

was to propose an anti-discrimination bill – and it would have passed but Senator Bayh had to be with his son who was sick with cancer. In some Southern states Clinton people ran ads taking credit for the bill; and I called my sister, who by then was Clinton's spokesperson, and she had them pulled. But there was nothing Clinton could have done to stop DOMA.

Q: After the 2004 campaign, several leading Democrats placed (part of) the blame for Senator Kerry's defeat on the attention SSM received during the campaign, and Republicans' reliance on turning out conservative voters by including constitutional amendments to marriage bans on the ballot in many states. Several LGBT activists we spoke to said they felt the community was blamed unfairly for George W. Bush's victory. How do you remember this period?

It didn't help—Marc Solomon's book. One of the reasons I was upset when Gavin Newsom announced that he was going to allow gays to marry was that we were arguing it was a Massachusetts issue – and the court decision in favor of gay marriage, and the response to it, would advance the cause – show people this was not a disruptive change -- and that there was no need for a constitutional amendment.

Q: Were you concerned the concern that marriage equality was a toxic issue within the Democratic Party would affect progress on gay marriage?

No. First, on the Federal level there was no hope with Bush and Republican control of Congress. We pushed for it at the local level – not only in places like Massachusetts but also in states like Iowa. There was this vicious cycle where people believed adopting it would result in negative consequences. So we couldn't pass it. But because we couldn't pass it, we couldn't disprove the claim. The Massachusetts Supreme Court broke that cycle. We knew that there was no point in doing it too early. We needed marriage to be in effect and point to the absolute lack of negative consequences. So by 2009 we could say "Look, there are no negatives here." The Bush people – Karl Rove and RNC chair Ken Mehlman, now out – were pushing a constitutional amendment to retroactively annul Massachusetts marriages. But we had no problems getting Democrats to vote against that.

Q: What did you make of Barack Obama's opposition to same sex marriage in the 2008 campaign?

Every Democrat in the Congress was representing a district a Democrat could win. Obama was representing the whole country. So it was harder. I told John Kerry in 2004 – we were on our way to an HRC thing and he said "I can't be for gay marriage," and I told him just say you're against it, just don't explain. I didn't want them to say anything negative. And I reacted very strongly when the Obama justice department released that brief in support of DOMA. So I had a do no harm principle. But I believed we needed a little more time to do it nationally.

Q: Did featuring Rick Warren in the inauguration and the Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

That was just ignorance on the part of the White House. That's why it is so important to have LGBT people in office. As to the brief, that's just lawyers being lawyers – they'll do anything to win. And I fault the President and the Attorney General for not being in control. They told me: "You're right, this was a mistake, we weren't paying enough attention." What I was hoping they would do with DOMA is to argue for a higher level of scrutiny. They waited too long to do that. They should have defended DADT by arguing that a higher level of scrutiny was required but DADT met it, and that would have set up a more positive environment for DOMA. So I'm more critical of the failure to do that earlier. But it's analogous to Lyndon Johnson's advice to John F. Kennedy which is to get all the important legislation out of the way before dealing with the civil rights bill. The president gave priority to the Affordable Care Act and Dodd-Frank. I understand that, but If he hadn't repealed DADT I would have been very troubled. After the Republicans won the House we had a two month window to repeal it and they finally did it. I talked to his Chief of Staff and other people in the White House. Initially it wasn't a high enough priority. The House passed it, the Senate couldn't. We took the military bill the Senate passed hostage until the Senate repealed DADT.

Q: How important was Nancy Pelosi in this?

She's been the single most important LGBT ally in American political history.

Q: How much credit does Obama deserve for these successes?

He wasn't resisting; advancing LGBT rights were important but wasn't one of his priorities. We had to force him. The one thing the repeal of DADT competed with at the end was a nuclear treaty. Some of the Republicans threatened they would block that if the President did not give up trying to repeat DADT. Lindsay Graham and John McCain rather despicably did that. And there was some indication that some in the administration would choose the nuclear treaty over the repeal legislation. But we made it clear that we would not accept that. If Nancy had not decided to hold the military bill hostage, we would have lost the repeal fight. The groups were very helpful in getting us the Republican votes we needed.

Q: Which of the LGBT groups' leaders did you respect and work with?

Over time, some of the HRC people – Joe Salmonese. Hillary Rosen -- I had a good deal of report with her. Steve Elmendorf was a very good adviser. Mary Bonauto filed a suit against DOMA. She told me she'd file it after the 2008 election to give Obama a chance to duck it. The timing was deliberately chosen.

Q: How about Evan Wolfson?

Evan and I had a little difference of agreement at first. Evan and others argued when a court in Hawaii approved gay marriage that if we got it in one state we'd get it everywhere. If people really approved of gay marriage back in 1995, a constitutional amendment allowing the state legislature to ban same-sex marriage would not have passed a few years later. But he and Marc Solomon were very thoughtful later on.

Q: Were you disappointed by the inability to pass ENDA?

I thought in 2009, 2010 that we'd had the votes. I pushed hard for that. In the end, Nancy Pelosi said she was told by gay groups that DADT was more important. We couldn't do both. We did do hate crimes before. I thought we could have done both. I guess DADT had more symbolic importance. The committee that would have dealt with ENDA also dealt with health care. I think the LGBT community made a mistake by demonizing people who voted for it when it was a non-inclusive bill: the transgender issue spoiled the political fight. They were yelling louder at their friends than their enemies.

Q: What did you make of Obama's "evolution" on same sex marriage?

He evolved, evolved, and re-evolved. He started out being in support of gay marriage. Here's a guy who is right on almost all the issues but had to make some compromises to be president. I understand that kind of political calculation. He maybe stuck to his opposition to marriage equalitya little longer than he should have. I don't think his feelings actually changed. The evolution was just a temporary retreat. Once he had won the 2008 election he slowly came back. I wish he had had given a higher visibility to LGBT issues sooner; I can't imagine a brief like that (supporting DOMA) would have been filed concerning women's rights or race.

Q: Why do you think that evolution was a slow process?

The President of the United States is not going to be the leader on a controversial issue. If you don't want an issue to be decided politically, don't have politicians decide it. You've got to win votes. It is hard for those with high political ambitions to maintain their integrity. Through almost all my career I was over the moon -- pleasantly surprised -- that I could take unpopular positions because I had no likelihood of moving up beyond the House. So in 2002 I voted against the Patriot Act and the Iraq War.

Q: Were you concerned that his support for same sex marriage would affect his 2012 re-election?

I was asked by White House officials in early 2012 what the impact would be if he came out in support for gay marriage. And I told them it would be positive, it would take away a lot of doubts within the gay community. And it wouldn't have a negative effect since it was inconceivable to me that people could support repealing DADT but not support gay marriage.

Q: What was your involvement in the process of including a pro-same sex marriage plank in the Democratic platform?

I was on the platform committee and I was for it. It wasn't a big controversy. Try and find me a platform that opposed the position of an incumbent president up for reelection. If he was not for it, there would have been more conflict.

Q: What do you think Obama's legacy will be on LGBT rights?

It was very helpful. He wasn't a leader of the cause but he was fully supportive and we wouldn't have gotten as far as we did without him. The timing of his evolution was important. For example, we probably would have lost the fight for marriage equality in Maryland if he'd still been opposed.

Steven Grossman – Former Chairman of the Democratic National Committee, CEO Initiative for a Competitive Inner City

Question: Your support of LGBT rights predates many Democratic politicians and party activists. As DNC Chair from 1997-1999, you re-established the DNC's gay and lesbian caucus and hired the Committee's first full-time director for gay and lesbian outreach. How did you become an early advocate of LGBT rights? Did your support of these rights as DNC chair result in any pushback from the Clinton White House or other prominent Democrats?

I don't remember getting any negative blowback. As a matter of fact, the decision to create an LGBT caucus was well regarded and accepted as a long overdue recognition of the importance of the LGBT community within the Democratic Party.

My own sensitivity, understanding of, and commitment to gay rights went back really to the family in which I was brought up. I remember going to Washington – I was pretty young – and seeing those words carved on the Supreme Court - "equal justice under law". And I believe those four words define what this republic is all about. So I try to live up to this ideal. In Massachusetts we've been at the forefront of gay rights. We weren't the first state to deal with workplace discrimination, but we were early. So there was always a spirited activism surrounding gay rights, even when I ran for governor the first time.

I can't remember precisely, but I think people came to me and suggested that during a previous time there had been more caucuses but many of those had been disbanded. Perhaps because people believed that creating silos or balkanizing the Democratic Party by creating groups of special interests was not helpful. I'm not sure if there ever was an LGBT caucus. But I said "I don't agree [that caucuses weaken the party] – I think having a caucus would allow for men and women to come together and push for the issues they care about, which is what democracy is all about." We created an Asian-Pacific caucus around the same time. There already were the women's caucus, and the black caucus, a youth division, a college division – but the two caucuses we created were the gay and lesbian caucus and the Asian American and Pacific Islander caucus. I believe we hired Brian Bond to be in charge of the LGBT caucus.

I wouldn't say I was one of the earliest advocates for LGBT rights. There were many people who were active way before me. But I don't remember getting any pushback from the Clinton White House. It was seen as an action that was long overdue. In fact, one of my closest friends in the LGBT community is Andy Tobias – we went to summer camp together so we've known each other a long, long time. And Andy and a group of gay activists were very supportive of Bill Clinton. In the summer of 1998 when the party needed support from anybody and everybody, the gay community was very supportive. I remember a fundraiser hosted by a gay couple, where Hillary Clinton came, and we raised a lot of money. There was a strong belief in the Clinton White House that elevating support for gay rights was something the president and the First Lady believed in. It was a very strong relationship and it grew significantly.

Q: The decision to create an LGBT caucus did come after Clinton signed the Defense of Marriage Act into law. Did that have an effect on the relationship between Clinton, the DNC, and the LGBT community?

I recognize that DOMA was a profoundly difficult moment and action for the community to swallow. But when I stepped down as chair of the DNC in the spring of 1999 the treasurer of the party – Carol Pensky - stepped down with me. So the president asked who should succeed me and her, and I told him to ask Joe Andrew from Indiana to succeed me and ask Andy Tobias to succeed her. And he followed both recommendations. And Andy is still serving in that role, and he was the first openly gay treasurer of the DNC. So even as DOMA was playing out, the president still tried to incorporate openly gay people in important positions.

Q: How would you compare the Clinton and Obama presidencies with respect to their relationship to social activists?

Regarding the contrast between Clinton and Obama – there's a long time between those administrations, so comparing them is difficult. In general, Presidents sometimes don't embrace change as fast as activists want them to. That's certainly true for Kennedy on civil rights and it's probably true for every administration. But when you have to deal with as toxic a situation in Washington as both of these presidents had to do, it makes it exceptionally difficult to get anything done. So when you need to do something pioneering I think more often than not the White House follow the movements rather than the other way around.

Q: Did you find that the DNC could play an independent and significant role in building and nurturing the party's coalition?

I think it's different when the DNC and its chair are elected by the members of the DNC as opposed to being selected by the president of the United States. When the president is from your own party and he chooses you – which is effectively how it works – you have to be very careful how you navigate.

But oftentimes building a coalition and the White House's interests are very much in synch. When 1998 rolled around, and the midterms happened during the Monica Lewinsky scandal, we recognized that we had to build a coalition that required bringing out diverse voters in key states. And that outcome was in the interest of Bill Clinton. Incumbent presidents during midterms in their second term always lose seats in Congress – that was true from the time of James Monroe right through 1998. And it was particularly important because here Bill Clinton was under assault and had the party performed disastrously, God knows what would have happened.
So we put together one of the best political teams – Jill Alper was the political director -- which was focused on building a diverse coalition of voters. And if you look at the results of that election –victories in North Carolina, Georgia, South Carolina, Alabama – and a lot of that had to do with building a coalition.

I think the DNC can play a significant role in building coalitions. How independent it is depends on if the president is from your own party. When it's a DNC chair like Howard Dean, then obviously you build that coalition independently. Dean had campaigned on a 50 state strategy. Look at the Obama election and what Dean did as chair – the president's victory was built on that 50 state strategy. That was a pretty impressive building of a coalition done independently from a president.

The strategy we built was obviously not independent from the White House. We were very closely and carefully coordinated. But instinctively I knew what we needed to do to execute the strategy. And the president was very helpful in raising a lot of money and travelling a lot. When I came in we had a huge debt, and at the end we had cleared the debt and won seats.

Q: Was the job satisfying?

Oh I loved it, I didn't leave because I had to. I signed on for four years and was all set to do that and then it became clear I had family commitments that overshadowed that. I came into office in the middle of the Asian donor crisis when we were getting subpoenas right and left from Fred Thompson, Arlen Specter. The Republicans were trying to bankrupt the Democratic Party. We spent well over $10 million in legal fees. We started out deeply in the red because we had to return a lot of money to Asian donors who never should have donated in the first place. We came in and cleaned up the mess, and cleaned up the debt. We accomplished that with the help of an awful lot of dedicated people, and the 1998 elections were the results of careful planning. So I loved the job.

Q: You played a key role in supporting a marriage equality plank for the 2012 campaign platform. Other than endorsing this provision, which was highly significant, did you engage in additional activities to advance it? Did you collaborate with LGBT groups during this platform "campaign"?

That's long after my DNC chair days. My wife Barbara was the first straight member of the board of Mass Equality and has been deeply involved in LGBT rights, even earlier than I was. I was always supportive but Barbara was earlier in her support for marriage equality.
Frankly I had not been following this very carefully, but I was going to the [2012] convention – I'm a lifetime delegate as a former DNC chair. And one day I get a call from Marc Solomon, and he asked me if I knew about it. First he asked if I would come out in support of this as a former DNC chair, and I said absolutely. Second, he asked if I could call all the former DNC chairs and ask for their support, and I said absolutely. Some of those former chairs I got hold of, some I did not. But in the end I got a substantial group of former chairs who were supportive of the plank. It is difficult to know whether a group of former DNC chairs had an impact on building support for the plank.

I don't recall ever having talked with the president or the chief of staff – it may have been Jack Lew. I remember putting a call into the White House—and making it clear that I was doing this, that I wanted the president to support it, and that I was going to be calling former DNC chairs and asking them to support it. But I'm sure Marc Solomon was letting the White House know that they were mobilizing support for the marriage equality plank, so I'm sure that my phone call didn't come as a surprise.

The good news is a bunch of former DNC Chairs said yes -- a few may not have returned my call because they knew why I was calling and did not support marriage equality. There may have been others who felt that in some way they would have embarrassed the White House. That didn't enter my thinking. I always would like an elected official, a president, to be more

aggressively committed to equal justice under law. I understand the conflicting pressures, but this was important.

Q: What did you make of Obama's evolution process on same-sex marriage?

Presidents are always evolving on civil rights issues in particular. They just are. I read the Ken Follett trilogy about the history of the 20th century and the third volume is called *The Edge of Eternity*, and it's very heavily oriented to President Kennedy and Bobby Kennedy and their evolution on civil rights, what they were willing to do, how it would affect 1964. [Obama's] thinking on gay marriage was evolving, and this [the platform plank] was an attempt to influence the party and push the president and the party. I don't think it was all that embarrassing. You could say that it gave the president the impetus to do something earlier than he would have done it otherwise – giving the president political cover. It was the right thing to do. Nobody ever called me from the White House or Congress, and told me not to do it. And it wouldn't have made any difference if they had.

Q: Did you get a sense that there were any Democrats that were hesitant to come out in support of same-sex marriage?

Nobody said to me "Steve, I hear you and you're doing the right thing, but I can't be with you because I don't want to embarrass the president." But I can imagine that some people who didn't sign on may have considered that. And it's possible that some people got the call - I left them a message, and they just took a pass on it and didn't get back to me. Beyond a certain point I didn't press people. I did make a couple of rounds of calls and get back to people saying "we have to go to press on this soon so if you want to be part of this let me know."

Q: Do you think platforms generally matter a lot?

No I don't think platforms in general are particularly important, even though I was on the platform drafting committee in 1992 and even though people spend enormous amounts of time working on language. There are not many platform fights anymore -- It is usually on issues like this and issues related to Middle East policy that some serious discussion takes place. With civil rights issues and Middle East matters, it can take a tremendous of time to create language that everybody can live with. There can be times when platforms send a message to specific groups of voters, energize them, and affect turnout and the outcome of elections. When a highly controversial plank is part of the platform, it can move votes or persuade people from voting. I don't know if this is one of those cases. I don't know of any exit polling asking if the platform plank influenced voting, or if the support in the LGBT community was influenced by it. The overwhelming percentage of those groups would have gone to the president anyhow, so the key is turnout. But I'm not sure how the platform affected turnout.

Q: LGBT groups spent a lot of time and energy focusing on Obama personally. Why do you think the president is so important to these groups?

I think the president, at some level, despite the language directed at them in this hothouse political climate, plays a role in the moral leadership of the country. And that drives me and I

also think it drives Barack Obama. When the Supreme Court in Massachusetts issue a 4-3 ruling in favor of same-sex marriage in 2003, I think an overwhelming majority of MA voters would have voted against it. But as something becomes part of culture, and people have neighbors who have kids who come out, and have neighbors who are married to people of the same sex, people start to question why they would be opposed to it. Leave them alone, and let them lead their lives. So I think that played a role in building popular support over time in Massachusetts. I think having the president evolve and coming on board on this issue also played an important role – and influenced people across the country. How much of a difference is hard to tell, but I do think it made a difference.

Q: You ran for governor of Massachusetts in 2014 with considerable support from members of the LGBT community – how did that affect your race?

When you have a number of candidates running in a Democratic primary, all of whom have a good record on LGBT rights, it's difficult to differentiate between them. I had a number of fundraisers and many activists supporting me. I think Mass Equality's endorsement of Martha Coakley was very controversial. Particularly given Barbara's and my long-standing support, many people believed Mass Equality should have stayed out of it and said "We're going to support the nominee." And that discontent exists still today – some people dropped off the board and stopped donating. But maybe they looked at the tea leaves and thought they should be with the winner; maybe the polls at the time made it look like supporting her was politically expedient. In fact, that is what I think happened. Because nobody could argue that her record [on LGBT rights] was better than mine – we both had outstanding records. [It turned out, by the way, that the polls were inaccurate – the race was a lot closer than surveys predicted.] But I am very proud of the support I got from the LGBT community.

Lorri Jean – CEO Los Angeles LGBT Center

Question: The fight for same-sex marriage (SSM) became one of the crucial elements of the LGBT rights movement in the last few years, but SSM has not always been as prominently featured on the agenda. When do you think SSM became a fundamental cause for the LGBT's community? Has the LGBT movement had to overcome internal tensions in its path to this focus on SSM? Do those tensions still exist? What is your perspective on this focus on SSM?

I've had an interesting evolution myself on these issues. Back when this was becoming a conversation among LGBT leaders in the late 1980s, when Lambda Legal under Tom Stoddard and Paula Ettelbrick started this dog and pony show that went around the country, there was a serious debate about whether we should focus on the freedom to marry. And Tom argued we should and Paula that we shouldn't. Part of Paula's opposition followed from her belief that we wouldn't be able to win this, but the bigger part was that there was this whole feminist critique of the concept of marriage – the view that is was a fatally flawed institution. And given how impossible it seemed to ever achieve this goal, shouldn't we fight to redefine the concept of family? I was on Paula's side. Fast forward, I left the practice of law and the federal government and I came to work at the Los Angeles LGBT Center and pretty early on I became aware of Hawaii. And I also did a little fundraiser for the plaintiffs and their lawyer Dan Foley. Even if I wasn't too hot on marriage, I did think we might get a win for the community, so I started to jump on the bandwagon. Then Evan Wolfson, who was at Lambda, was trying to get other LGBT organizations to join this focus on SSM, but nobody bit except for the Los Angeles LGBT Center.

So we were the first organization to join forces with Lambda Legal. We did things like hold a meeting in San Francisco in 1994 with community leaders trying to get them active in the fight for marriage – that meeting had a rarefied air – a lot of people had a lot to say. We did a big forum here that was televised on C-SPAN. Evan and Andrew Sullivan attended. But there was a lot of conflict and major disputes. Major leaders were saying that they didn't want to waste any of our precious resources on this fight. Even though I was very empathetic to those points, there were two things that convinced me of the folly of this opposition. First, we as leaders were very out of touch with regular LGBT people on this issue. You could engage them in a philosophical discussion on marriage, and there remained substantial groups of people who remained hostile to the concept or strategy of pushing for marriage – but I found most people simply wanted to get married. Second, the strategic piece made me become a dyed in the wool supporter. There were two components to this strategic consideration. One strategic component was that it became clear there was going to be a huge backlash with the Hawaii ballot measure and that this was going to sweep the country. And we couldn't ignore that hostile reaction, regardless of what we felt. Second, regardless of the feminist critique, I also felt that this was such a central issue – marriage was such dominant institution in society -- that if we could win this fight it would be such a decisive victory.

In 1995 we organized a meeting in Washington D.C. of all the national players and a few other regional or local players. It was held at the National Gay and Lesbian Task Force's offices. It was quite a debate. Basically, Lambda Legal and the L.A. Center were arguing that we as leaders had no choice – we had the responsibility to get involved because this was going to sweep the

country in the form of anti-gay ballot measures. So we have to help prepare communities. And if we're not together on this we won't have any hope of prevailing on this fight. We developed a toolkit after that DC meeting that we distributed to LGBT leaders across the country, with the Los Angeles LGBT Center's critical support. The Center subsequently formed a coalition in Los Angeles to fight for marriage – and the L.A. center actually coined the term freedom to marry as the name of that coalition.

Q: Do you feel vindicated that your early support for SSM has paid off to this extent?

I think of it less as vindication and more as pride. It's always nice to be one of the first people thinking about things in a way that ultimately ends up being proven right. And 1995 was still very early in the game. The more interesting evolution to me was my personal evolution as I was on the stump talking about this. And a good number of folks would argue about it with me – well into the 2000s and particularly after we lost Prop 8. So I would have to persuade them. And ultimately I moved from a position that was strategic but where in my heart of hearts I was still convinced we should reconsider the concept of marriage, to thinking "hey, I want to get married." It took me longer to make that personal change. I think that internalized homophobia still affects us so much, and I think in this case a lot of people still felt unworthy to marry because of all that we absorb in this discriminatory society. And it may have felt safer to people to oppose marriage psychologically, so that they wouldn't take it so hard if we tried and lost. In my case, my parents started getting on the marriage bandwagon before I did. I remember when [Arnold] Schwarzenegger was running for governor – and I didn't support him – my dad, who at the time was in his 90s, called me very excited because he had heard Schwarzenegger say he was in support of marriage. And he was so excited because that meant I could get married. But in fact Schwarzenegger ended up vetoing marriage when it was passed in the California legislature [in 2005 and 2007]; and my dad passed away before we got marriage. And I always resented Schwarzenegger for that.

Q: How would you characterize the Democratic Party's position on SSM prior to 2008?

I was disgusted with so many of the Democrats. Because I knew a lot of these people had no problem with the issue of marriage. And I was almost more disgusted with the ones I knew were fine with it, but wouldn't support it than the ones – who regardless of the number of gay friends they had – could not get it into their heads to support it. And there was just such cowardice among Democratic politicians on this. During the March on Washington in 2000 I called for zero tolerance of politicians who did not support marriage equality. And I called on people to only donate money to candidates who fully supported gay marriage. I got a lot of pushback for that from within the community. There's a whole group of people in the community who focus exclusively on the Democratic Party. In the 1980's, openly LGBT people working for electeds generally were representatives of our community to the electeds. That shifted in the1990s, with many of these people becoming apologists for the Democratic leaders, defending them to us rather than the other way around. The kind of arguments I had with them was that they would say "well, we have to listen to what the politicians say is possible right now." I would say "If we had followed advice from politicians all along we would have never achieved anything."

Eventually more people moved away from a place where internally a lot of gay donors were giving these politicians cover. And that was a good move strategically because if donors continued to give politicians permission to fail to support marriage, what would be their incentive to move? But a lot of politicians were afraid that it would hurt their campaigns.

I got into LGBT activism very early on, as a young law student and lawyer. During the AIDS epidemic – when I first started – we were beginning to make a lot of progress in the LGBT community. And the progress was being made not directly by people screaming at the front door, throwing fake blood at the FDA or having die ins. It was people inside, wearing suits, negotiating change I would have meetings with politicians where I could use this to our advantage because I could say to these politicians: "Who do you want to deal with? , Us, or the people outside?" And that would work very well. The people in the streets helped make it possible for the people behind closed doors to secure progress.

Q: Did Get Equal revitalize this radical element of the LGBT movement?

We always need to have a more radical counterpoint for the conservative elements in our movement to move the center and have the center be more progressive. I've seen the crazies. And I've been out there with the crazies too. I can cross both worlds. And I have never seen direct action hurt our cause with the center [of the political spectrum]; it's always moved the center more to the progressive side.

Q: Conventional wisdom has that the LGBT community was more supportive of Hillary Clinton during the 2008 primaries than of Barack Obama. Do you think this is a correct assumption? Do you believe the LGBT community was generally more suspicious of Obama's willingness to support LGBT rights?

I was torn and dissatisfied by both of them. It all started with Obama when he was running for senate [possibly state senate?]. A friend of mine – it might have been when he was running for state senate. A very dear friend of mine held a fundraiser for him here in LA. I couldn't make it and I sent my number two, and he asked Obama how he felt about marriage. And he was completely in favor of it. So when he came into the presidential race I was excited because I thought we would have a candidate in favor of marriage. And then he wasn't. So he either lied to us then or he lied to everybody later. So, I was disgusted by that hypocrisy. The Clintons – I was over the moon when he won in 1992 and I was very excited he mentioned my people in his victory speech on election night. But he was not a good friend to our community when all is said is done. He not only signed DOMA; he *invited* DOMA and encouraged it. On DADT, he pushed the gays in the military issue without consulting with the LGBT community, who would have told him not to lead off with that issue. So we were all caught by surprise when that was brought up. Of all the things he could have chosen to do, I don't think the leadership at the time would have recommended that he start with that. But DOMA was one of the worst pieces of legislation our community has had to deal with. I guess I can forgive him because I have heard him apologize for that in a small group. But the Clintons were not big liberals, and Hillary was widely viewed as more conservative than Bill.

So I was not really excited by the choice we faced in 2008. On the one hand, I was very thrilled about the possibility of a woman. On the other hand I had always believed an African American man would be elected president before a woman. But I worried that neither one of them was going to be the kind of ally we needed and deserved at that stage. When Obama got the nomination, we worked very hard to get him to come out against Prop 8. And he wouldn't do it. In fact, he said some things the other side used in robocalls. He made some comments on marriage, and the other side exploited those remarks. Ultimately, at the very end he opposed Prop 8, but that was so late in the campaign that we couldn't take advantage of his support. Prop 8 passed and we were devastated – the 2008 election night was the most schizophrenic night I had ever experienced. We were all euphoric that we had beaten John McCain, and we got all sucked into Obama's rhetoric and the inspiration. But we were watching this while the Prop 8 results came in. And to actually lose it was terrible. And there is a certain degree to which Obama's failure in that regard hurt us. The African American community voted for Prop 8, and they got a lot of flack for that. But we didn't lose because of the African American vote. We lost because of white voters. We were losing among older white people – especially older white men. But it was the swing vote that really killed us, people who said they were with us initially but who ultimately voted against us. Those were white Democrats who were also parents. And those ads ran which relied on that old canard that we are a danger to children, and that worked well enough to lose us the election.

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Did you share those concerns? Did issues such as the featuring of Rick Warren in the inauguration and the Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

It felt to me like it was consistent with what I had experienced in his approach to the marriage issue. Although some of those things took it to a new level, like the Department of Justice memo in support of DOMA. And one of the guys who was complicit was the husband of a friend of mine who did a lot of work for our community. And I knew what he really thought, and that was just appalling. Where were people standing up for principle? And that was the problem with Obama and any number of Democratic politicians who refused to stand up for what they felt in their heart of hearts – who sacrificed their principles and real beliefs to political expediency. They were just the worst kind of Uncle Toms.

Q: Did you have contact with the White House during those early months?

I did. But interestingly, I became persona-non-grata. I didn't see a ton of critical voices that were out there very consistently in the first years of the Obama administration like I was. And some of it was that people were just quiet. And some of it was that people were not placed in high enough positions to make a difference. I run the biggest LGBT organization on the planet, and I'm usually invited to everything. But now I wasn't invited to anything. I had tackled him in a column published by our newsletter in the first few months of his administration, and I was cut off. At one point, I guess when he was running for election the second time but before he came out for marriage, I got a call from one of his big gay fundraisers who wanted me to help raise money and give money. There was a lot of pressure, because people were scared that the election

was going to be very tight. And I wouldn't do it, and I explained why. The day that Obama came out for marriage he called me back. And so I wrote a big check to Obama that day. And suddenly the invitations started coming again. Some of the local folks were really mad at me for taking Obama to task on these things. And they would say "you're hurting the party, he's with us, he's going to do more for us than anybody has ever done." and I would say "he's not doing anything now, and we need to move him to do more." No matter what else the Administration was willing to do, marriage equality was a critical issue. If people were willing to look me in the face and say I was not worthy of being part of the same civil institution they had the choice of being part of, then they were not worthy of my support.

Q: Were you an outlier in criticizing Obama?

As time went on there were fewer and fewer of us. And it wasn't that I didn't thank Obama and congratulate him for the things he did that were great – for example, the repeal of DADT. But there were fewer and fewer people willing to take the stance that you shouldn't give a penny to people as long as they were not willing to support us on marriage equality.

Q: Do you think this was caused in part by the difference between your work directly with members of the community through the Center and other national organizations who are focused more on the politics in Washington DC?

I do think there is a difference. When you're working and living in the beltway, and when a lot of your stock and trade for fundraising and other things involves association with the big dogs—I think it's awfully hard to resist allowing that to impact how much you say and what you say. And I certainly experienced that myself. But another point that's really relevant for someone who runs an organization like the Center is that I see evidence every day of how our community suffers from bigotry and discrimination. Almost every major service we provide we have to provide due to homophobia. I'm reminded every day that LGBT people in general lead much different lives than the relatively small group of white gay men who make more than everybody else. The LGBT community I see is mostly facing major hardships and the consequences that politics has for those crises is readily apparent. I can't ignore that because I work in a building where I stand in an elevator with our clients every day. And in some respects, because of my experiences, I have become more radical. I am much more aware of class and race issues now than I was as a young Washington lawyer. So I do think that running a Center has affected me, and changed my perspective on political issues.

Q: How do you think the SSM victory will affect the broader fight for LGBT rights?

I am convinced that the victory on gay marriage will help us on other LGBT issues. And in part we have seen that ever since MA legalized gay marriage. I think we've been seeing the difference since that critical case. I never expected the reaction my straight family and friends had to my wedding (in 2008). We had a small wedding, only 50 people. Our straight family members and our straight friends who were there -- maybe it was 2/3 straight family and friends, 1/3 LGBT folks – were more excited and happy for us than were our gay friends. My parents weren't thrilled when they found out I was a lesbian but they always supported me. (My dad came to the conclusion that gay people are superior to straight people!) But when we got

married, it meant something to them. It changed how they felt about me and Gina. And I think that's one of the reasons the LGBT movement has seen such an exponential change with the success of marriage equality. I think that's because people have seen people get married – on TV, next door, in their own families. I saw how progress on marriage equality unfolded from 2008, when Obama would not support us strongly, to the point where advancing LGBT rights has become one of the biggest parts of his legacy.

Q: How important is the president's support for the success of the push for SSM?

I think without him it would have happened eventually. But I also think his support was pivotal. It happened when it happened because of him. When he added his voice to the chorus, and he won reelection, that development gave permission to every other Democrat hiding in the shadows to come out in support of LGBT equality. It even gave permission to Republicans who had gay family members to change the dialogue in their party. It changed the dialogue in the African American community. He's the president, and there's no more powerful bully pulpit in the world.

Q: What did you think of the reference to Stonewall in the second inaugural address?

It didn't take me to surprise. But I was brought to tears by it. I think Obama – as cowardly as he was – was more relieved than anybody else that he was able to give up the charade. And I think he does believe that all people should be treated with dignity and respect and equality. And I do think he hated having to act otherwise because his idiotic advisors had convinced him to do that. I just don't buy he ever thought that marriage equality was wrong -- he is too smart for that. And he now has broken all kinds of barriers, so that the next president will find it easier to do the right thing.

Q: Do you think LGBT organizations were important in that process?

Absolutely. The work that we were doing that kept moving public opinion. The work that we were doing to tell stories of couples and of the shameful suffering and discrimination that they endured. The more we did that at the activism level, the more it became possible for the president to do what he did.

Cleve Jones – Human Rights Activist

Question: You were a pioneer in the LGBT movement. How did marriage equality become the core issue in the fight for LGBT rights? Was there contention within the movement about this? And what do you think about it?

That's a good question to begin with especially since it's asked in different ways and answered incorrectly by many. When I signed up to the gay liberation movement in the 1970s marriage was among a long list of things we were being denied, and it wasn't something that anybody I knew focused on. We focused much more on decriminalizing sexual contact, stopping violence against members of the community on the street, creating a community focused on services -- it was still a sexual liberation movement. We focused on coming out, and we were concerned about issues like suicide and murder.

I don't really recall anybody talking about [same-sex marriage] until Andrew Sullivan and Evan Wolfson started writing about it, and focused on the idea of using marriage to make us more normal to the mainstream. I think it attracted some attention but not much.

But what was going on was AIDS and I think the marriage movement was directly related to HIV-AIDS. A lot of us dismissed this institution as a vestige of the patriarchy or "just a piece of paper." But during the pandemic – especially those horrible first ten years – it became clear how important that piece of paper was. Especially in a society that based medical care in part on marriage. So I knew several people who were denied medical care and died. There were also cases in which couples, after one person died, had family members come in and take away their belongings or homes because they didn't have that piece of paper. So we discovered how important that piece of paper was.

But there was another element to it as well. After what I've been through and what we've been to – the years of emptying bedpans and nights in the hospital and wiping people's bottoms. What do you mean this isn't a marriage? Fuck you! How dare you say this isn't a marriage. There was a real changing of attitudes in the community after surviving this horrendous challenge to our existence with precious little help from outside.

So for most of us the idea of marriage became more important and, at the same time, less attainable because you had a closet case like Ken Mehlman pushing [anti-same-sex-]marriage amendments. So we ended up with some 30 states that banned them. As we're getting into the 2000s and as we begin to recover somewhat from the collective trauma of watching half of my generation of gay men die it still wasn't something we saw as achievable. We were also still reeling from the epidemic and struggling to get protection from housing and job discrimination.

Then things changed again when Gavin Newsom in 2004 opened up the doors to marriage [by allowing marriage certificates to be provided to same-sex couples in San Francisco]. When they did that, that move was opposed by every single major LGBT organization in the country. They were vilified by the Democratic Party leadership. Especially by gays like Andy Tobias. But they do this and suddenly there's thousands of people lining up outside of San Francisco city hall and there was this incredible moment of all these normal looking couples – many older who had

decades long relationships – patiently waiting in line to get married. And then the process got shut down again and the court drama starts. We get a taste of possible victory in the California Supreme Court, and then Prop 8 gets on the ballot.

That was 2008, that was Barack Obama. And it was an interesting period because Dustin Lance Black and I had just come out of the Milk movie, which won two Oscars, and we went on to Nevada campaigning for Obama. And then we come home – I still have this old fashioned answering machine – and there was this robocall using the new president's voice saying he believed marriage was between one man and one woman. So there was this strange combination of celebrating the presidential victory and knowing the California voters rejected gay marriage. You had the election of Barack Obama – and you can be as cynical as you want to be, and I am quite cynical – but two hundred years from now when people are writing this history they will describe it as a major change. On the other hand, the Prop 8 result was a major bitch-slap for this young generation of gay kids, who no longer had this specter of AIDS hanging over them. And this generation really thought they were equal and free – so when the election results came in that was a rude awakening.

And the third thing was the movie Milk came out. And I don't want to overstate the importance, but almost all gay people in the country saw that. And it was this great introduction to how Harvey thought, and it showed political strategy worked. It showed a state-wide election victory that we won – there wasn't a similar one like that for years after that – based on this army of liberal activists.

So I think everything changed in the late fall of 2008. And this community was a lot stronger than before AIDS. AIDS had forced us to build an infrastructure. Before AIDS we didn't know how to raise money, but it forced us to do that. AIDS forced people out of the closet.

Then came the big internal fight. One thing that's been really annoying me when I talk to young people at campuses these days is that they have this notion that the focus on marriage was pushed by these national organizations dominated by white affluent people – Freedom to Marry, Human Rights Campaign, the Equality Federation, Lambda Legal. In fact, every single national organization in the country opposed going to federal court – but we got together and – as early as December 2008, Dustin Lance Black and I wrote this piece saying we had to go federal. There was no other option. Every other victory we had was incomplete and impermanent – this was the lesson of the Prop 8 defeat. They could be overturned by referenda, and a lot of the bigger issues – social security, acknowledgement of marriages across state lines – was federal. So Lance and I helped jump start this conversation where we argued that we could go on for another three decades with this ping pong game of winning little battles locally but at the end of the day we could only win true equality by going federal. And it was unlikely that we could get anything through Congress and even *that* could be overturned. Same with executive orders. So you had to win through SCOTUS.

And the pushback to this was intense. All these well-paid leaders [of national LGBT organizations] – they were all making these six figure salaries – they pushed back. But another thing had happened and they weren't paying attention. Young people were mobilizing effectively at the grass roots. Two young women -- Amy Balliett and Willow Witte **--** who just out of

college created this national organization called Join the Impact, which organized protests all over California. Another young woman who had read about Join the Impact on line -- Sara Beth Brooks -- organized the largest protest in San Diego; it drew 20,000 demonstrators. Eventually, these actions grew all across the country without any printing, without office rents, without paid staff, without meetings. It was all done online. And it grew and grew.

So on one end you have all these young people out on the streets in huge numbers. You have the entrenched myopic leadership with their fat salaries ignoring them. And then you have this character called Chad Griffin who came out of the Clinton machine and used to work with Walmart in Arkansas. And he landed this gig of handling the philanthropic affairs of the Reiners. He was managing a substantial amount of money for them and while he was doing this, through a chance encounter, learned that Theodore Olson supported marriage equality. And when he learned that he jumped on it. The short version is that sufficient funds were raised – predominantly in Hollywood – that a new organization was created called The American Foundation for Equal Rights. When I heard Olson supported marriage equality I nearly fell of my chair. But the image of having Olson and David Boies together I felt was a game changer. This would be mind boggling: the two opponents in Bush v. Gore on the same side. Then the pushback from the national organizations got even meaner. I can't even tell you how vicious they were. There were face to face meetings where people were screaming and pounding tables. And their argument was that it was too soon. And I was just perplexed.

As far as my role is concerned, once the movie Milk came out the younger people decided to exhume me. I was this relic they wanted to meet. I got a lot of invitations to speak all over the country, I was part of all these marches, learning about social media. And I was just confused by the pushback – including from people I did respect like Kate Kendall (of the National Center for Lesbian Rights) and Matt Coles (the Project Director for LGBT rights at the ACLU). We weren't the only ones who had come to this conclusion; all over the country thousands of couples – or surviving spouses like Edie Windsor -- were filing suits. And the national groups were coming down on all of them hard. And they did everything they could to prevent federal suits.

In early 2009, I called Evan Wolfson – one of my least favorite people in the world. Dustin Lance Black was invited to this secretive meeting with these wealthy gay people. Dustin Lance Black, who had just won an Oscar, showed up and they were all incredibly rude to him. And I'm very protective of him. So, I called Evan Wolfson in early 2009 and I said "What is up with you? Why are you being such a dick?" and he said "This is premature and you're going to destroy the movement; the courts aren't ready, Congress isn't ready, the people are not ready." And I asked "what do we need to do?" and he said "I call it the 10-10-10 strategy, we need 30 states before we can go to the Supreme Court. We need 10 states to do it through legislation, 10 through judicial rulings, and 10 through referenda." At the time I think we had 29 states with constitutional bans. And I said to Evan "how long will that take" and he said "that could easily take 25 to 30 years." So I said "you're telling me I'm not going to live to see this, and you're telling these young people that it's not going to happen for decades." He insisted that we were just not ready.

Around the same time, I had a conversation with Barney Frank who was vociferously opposed to pushing marriage equality in the federal courts. He had introduced ENDA without protection for

transgender people. So I asked him if he was willing to amend the ENDA bill to include housing along the lines of the original civil rights bill. And he said absolutely not, because we don't need it because there is no housing discrimination. So clearly I'm talking to a guy who has not the slightest clue how working class and middle class gay people live – those outside of DuPont Circle.

So as late as the summer of 2009 all of those national organizations – all of the gay Democrat people from Barney Frank to Andy Tobias – publicly opposed what we were doing in Perry v. Schwarznegger and what Edie [Windsor] was doing. And thankfully they were ignored and we went forward and won this incredible victory.

Q: You were involved in the 2009 National Equality March in Washington DC. What was the plan behind this march?

As I mentioned, in 2008 this new campus movement emerged called Join the Impact. As we went through the various court proceedings in California, whenever there was a big decision looming, the young people put out the word that whatever the decision there'd be a big protest. And those kids didn't go away. Which to me was a very exciting moment. There had been flashpoints before, like when Matthew Shepard was murdered, but it always petered out. But these kids were not going away. So young people were asking me if we should do another march on Washington. And I had gotten it in my head that the marches on Washington were this generational experience. The organization leaders were uncomfortable, Barney Frank made fun of these marches. I wasn't sure about them either – the previous ones came out of these long brutal meetings where we'd spend days and days trying to figure out what the list of demands was. Which nobody ever reads – you're just going for a moment of visibility. They were expensive. I just wasn't feeling it.

So I just kept telling the young people, "don't do it; you have no idea how terrible these things are. Just keep focusing on what you're doing locally." But then David Mixner wrote that we should have a national march for marriage equality. And when I read that I thought, he's right – we need to push Obama now. We have a Democratic majority in the House and Senate. There's midterm looming and after the midterm he's going in full campaign mode. And it became very obvious to me that we needed to push him. And that this was the time. Around the same time, Joe Solmonese, who was still president of the Human Rights Campaign, said that we should give Obama 8 years to deliver. That call for patience was met with great scorn from young people. So I wrote a response to Mixner and said "you're right, we should do another one. We should do it in the fall because it is the 30 year anniversary of the first one. But we shouldn't focus on marriage equality, we should say that we want it all; equal protection under the law on all issues."

The national organizations were opposed, Frank was opposed. We did it anyway, and there were about 200,000 people who showed up. And we spent almost no money. We did test runs in Fresno – a stronghold of the KKK -- where we had a large march. And then we had an announcement in Salt Lake City. We really tried to move our focus away from San Francisco, and West Hollywood and Manhattan.

I think during that 2008 and 2009 period the direction of the movement was profoundly altered. And we finally became this national movement, which led to the demise of Don't Ask Don't Tell and later marriage equality. And it proved that the great gay leaders had completely misread the community and the country. This past June when the final decision came down I was interviewed on the Anderson Cooper show and I was asked who gets the credit for it, and I pointed out who should *not* get credit [national organizations], and that it was the American people who did this – their view on the family change; they were ready for this. And Obama – who is no dummy – saw that [the national LGBT leaders] were wrong as well, and that marriage wasn't going to cost him Virginia. He saw it wasn't a threat; he figured out that this was going to be good for him. And that positions were shifting rapidly, even among young evangelicals. Obama's support for same-sex marriage, not only did not hurt him politically, it also energized the base.

Q: How do you think Obama's position on same-sex marriage was changed?

He told us what to do. He told us to pressure him. And we annoyed the shit out of him. The GetEQUAL people. That Dan Choi. The Equality march. All of it worked – we pressured him. We showed him that the base wanted it. It wasn't just his role as president – it was his role as the first black president. We needed him to help us change the attitudes within the African American clergy in particular. And he stepped up. I've been very critical of him and had this awkward confrontation with him in the White House. But I give him enormous credit. One thing that gets little attention because it didn't really result in any backlash was the military [in relation to the repeal of Don't Ask Don't Tell]. I was expecting violence. But that didn't happen. Next thing you know you have marriages on marine bases. So whatever he did behind the scenes with the joint chiefs really worked because that policy disappeared in the dust bin of history very quickly. After all that drama, the result was some happy photos of a gay couple fighting in Afghanistan.

Q: How did Obama signal to the LGBT community that they had to make him do it?

He said it publicly several times and he said it to me in not quite those words in the White House. I can't remember the date – there's this bullshit program called Champions of Change. It was an effort to assist the reelection campaign. So what they did is they picked people from all subject areas – everything from youth employment to environmental stuff to highway construction to LGBT. I was designated a champion of change for AIDS work. The first meeting at the White House was not with the president but with Valerie Jarett. It was very interesting because I hadn't been involved in HIV-AIDS for years, but it was kind of cool how many gay people and black people and transgender people were in the White House working on AIDS. Then I got a face-to-face meeting with the president at the White House with ten star champion of change people. I told him I was there wearing three hats, I was part of UNITE – so wearing my union hat, I told he that there were parts of the Affordable Care Act that will destroy the health plans that unions have built for their members and staff, and I thought it was doing a terrible disservice to our members. He kind of nodded. Wearing my HIV-AIDS hat, you need to expand access to medication and bolster the HIV AIDS assistance program. And the third one was that I appreciated his evolving position and that he needed to evolve further. And I gave his staff a pile of stories from people who were fired because of being gay and that we needed protection for that. And he said "Next."

I had met him before and usually you get a group photo and it's posted online. But several weeks later this flat package arrived from the White House. And I thought "oh great, this can go with my picture of Bush the first, which I have over my toilet." It was just a portrait of Valerie Jarett!

Q: Why do you think it took Obama so long to evolve?

It was just politics – it was him balancing out the equation and wondering if it would help more than it hurt.

Q: What do you think convinced him?

It had become a core value of the Democratic Party. And this had become very evident by the time of the second election and the convention. The polls were changing. There was a sea change in the country that was extremely obvious. I remember full well how long it took the Democratic Party to give us anything. So to see at the last convention -- this roaring approval -- and to see LGBT people as key players in every part of the country in terms of the GOTV program and as donors. We were an important part of the fundraising – we raised an enormous amount of money. He knew he had to do it. And also, when he ran for state senate he had indicated support for marriage equality. So I don't think there was any great personal evolution. It was purely a political calculation. And you had people like Andy Tobias and Barney Frank telling him he was going to lose Virginia. They were wrong

Q: What did you make of Obama listing the LGBT rights struggle among civil rights and the women's rights movement by mentioning Stonewall?

I wept.

Q: What do you think the legacy of Obama will be on LGBT rights? It's clear the courts were very important, but how does the president fit into the equation?

There has been no political figure that comes even close to the impact he's had on LGBT equality. As we were fighting with him it felt like a long process but it happened really in a blink of an eye. Once he got over his hesitation he became so strong. That strength was echoed by Secretary Clinton. It brought us all along, brought us all forward. The ease of the repeal of DADT. The changes in immigration policies. The [repeal of the] HIV ban. His embrace of same-sex families. He has been an extraordinary gift to LGBT people. I still don't like him on a whole bunch of stuff though.

Roberta Kaplan – Partner at Paul, Weiss

Question: Let's start with the case itself; you've famously said it took you between 3 and 5 seconds to agree to represent Edie Windsor. Why did you find this case so compelling? And why was there opposition from LGBT groups to this case being the one to challenge DOMA.

For me, a lot of it centered around Edie – her story, her 40 years with Thea [Spyer], the fact that Thea had had MS and had been paralyzed for so long. Edie's physical attractiveness and charisma. And the fact that she suffered a very significant harm from DOMA. It was a huge tax bill. So it seemed to me a great case to challenge the obvious injustice of DOMA. Edie and Thea were people who had shared their lives for 40 years. Anyone should want a relationship like that. And then to suffer such harm seemed to me so unfair. I thought the tax issue would add real strength to the fight for marriage equality – something most Americans could easily understand.

Q: How did Edie end up with you?

Edie was good with money and she expected there to be something after Thea died, but she had gotten bad advice from a lawyer. She had to pay such a big bill because the value of the New York apartment they shared had just increased and as a result Thea's estate had gone over the estate tax limit then applicable ($2 million). Edie felt indignant that she had to pay this bill. She had these high paying muni bonds and she had to sell them to pay the bill. There was this documentary made about Edie's and Thea's life together and she thought that the movie proved that she had a 'documented' marriage. Today, you'd think you wouldn't need a move to document your marriage. She contacted Lambda Legal and the story I heard her tell was that they wouldn't return her call and then, when finally getting back to her, had a paralegal call. Eventually some junior lawyer called her back and told her it's not the time. Edie was still pretty angry about that. So she called this guy named Brendan Fay – a Catholic gay activist – and he's friends with a good friend of mine. This friend called me about the case and I immediately know who Edie was. I think I called her on the phone but she is very hard of hearing so I went over the next day.

Many of the movement groups – I mean the ACLU and Lambda – were taking the official position that it was not the time to challenge DOMA at that time. I didn't know that at the time. I had been on a panel with a woman from Lambda that summer and she had said something like "Don't try this at home." Around that time, however, Mary Bonauto had already filed what ended up being the Gill case. So that was the broader level, and that's probably the explanation for what they told Edie on the phone.

I thought Edie wasn't going to get her money unless she sued. So it was hard to tell her not to sue. I don't know any lawyer who would tell her to give that up – it was a lot of money. And for Mary [Bonauto] to have decided that it was OK – she's not a radical by any means – gave me comfort. Our first meetings were focused on making sure Edie was going to be OK if gay groups attacked us for bringing the case. We were very concerned that would happen. Part of the reason I brought the ACLU in was to protect her from that.

There was also a more specific view of Edie, which was mostly centered on the fact that she would be seen as a "privileged white lady," and people wouldn't be able to empathize with her. I totally disagreed and felt this gravely misunderstood the American public. For one, Edie is not that privileged – by Manhattan standards, she's basically middle class. And the fact that it was a tax issue was great because every American hates paying unfair taxes. This was a case that involved a great injustice to a woman involved in loving and committed relationship for 44 years.

Evan Wolfson and I had a call where he said we shouldn't frame the case about money. And I felt we obviously would bring in love and caring, but we weren't going to ignore money. And when the movement brings a case they never just bring it with one plaintiff, they always group them together. So I think it was mostly about the privileged white lady stuff, but they also thought it would be better to also have a bunch of plaintiffs, a black couple, a white couple – a more representative sample.

DOMA was passed in 1996, but at the time it was passed it was a theoretical statute because nobody who was gay was getting married anywhere. That didn't start until Massachusetts and the sense was that not enough time had passed. The numbers are amazing, we filed our case in 2010 and only 5 states allowed gay couples to marry. When I argued the case in the Supreme Court it was 9. When we won the case it was 12. By the time of *Obergefell* it was 37. The impact of Windsor was truly extraordinary. I knew that would be the case because of the way Kennedy had written the opinion, but if you'd had asked me if we would have made the progress we made after the decision – winning marriage equality in places like Utah and Oklahoma – I would have said, "No way."

Q: What do you think Kennedy's intentions were in writing such a sweeping decision?

I don't know what Justice Kennedy's was thinking. He has a tendency to write very broadly in general. But in *Windsor*, he used the term "dignity" throughout the decision. And once he established the equal dignity of gay people, all the arguments on the other side suddenly seemed to be ridiculous. If you listen to the arguments from the other side in *Obergefell* -- for example, Michigan's state attorney general -- they just sounds like jerks. And in the aftermath of *[Windsor],* for a federal judge, with life time tenure it is very hard to defend the other side or to write an opinion that overrules the 14th Amendment. *Windsor* was this paradigm shift that made gay people like everyone else under the law, which was always our intent from the very beginning.

Q: When you were arguing this case before the Supreme Court, did you have a sense the decision would be of this magnitude?

I thought it was clear after watching the *Perry* argument [Relating to California's Proposition 8] that we were going to win. I was very confident that things were looking very good for our case. I was worried – a win is a win is a win, but I didn't want to win on federalism grounds. I think Roberts was concerned Justice Kennedy was going to rule on federalism grounds. And that wouldn't have been ideal on this because it would make the broader argument for gay marriage that much harder. Our argument was really tricky. On the one hand everybody agrees that only

states can marry people. On the other hand, the federal government can do things; for example, if you marry someone who is foreign born the government can ask about the color of his toothbrush. And nobody thinks that's an infringement on states' rights. So the federalism argument wouldn't be the ideal way to win. In other words, I thought we'd win but the real question was how we were going to win.

Q: Were you surprised with how sweeping your victory ended up being?

I was thrilled. [Justice Kennedy] spends 8 pages of his opinion writing about federalism and then says "but I don't need to decide this." I was very happy about that.

Q: When did the LGBT groups get on board and began supporting the Windsor case?

To Evan [Wolfson]'s enormous credit he quickly realized that Edie was a great plaintiff. As soon as people saw how charismatic Edie was they changed their minds. Another reason why the money issue was good is that there are a lot of conservative judges out there who are very hostile to "made up cases" – and this was absolutely not a made up case. My first line in my argument at the Second Circuit was "this is a case about a widow who wants her money back."

Q: Do you think the LGBT groups were important in achieving this outcome?

Absolutely. I think changing the paradigm, changing the way people view gay people was an incredibly important thing to happen. And I think all the groups – especially Freedom to Marry – were really important in making that happen. The work in the states was critical -- New York passing gay marriage in 2011, which happened after we filed our case, helped a lot. I don't think the fact that gay marriage was not legal in New York was a valid argument against us, but once the state legislature passed marriage equality, the issue was off the table entirely. The gay rights movement has made tremendous strides – and I think the fact that the plaintiffs and litigants in the Windsor case were all women is an example of that progress. There was a time when gay men and gay women lived separate lives. But AIDs changed that – it galvanized the movement: women began taking care of the guys.

Q: You have said that social movements emerge from the grassroots -- what do you make of the conflict between more traditional LGBT organizations like Lambda Legal and more grassroots oriented organizations like GetEQUAL?

The success of social movement is both bottom up and top down. There's a major debate in the gay movement about what causes change – what Evan does, do you need Ellen Degeneres, is progress measured one case at a time? And it's all of the above. The need for both is shown by the Windsor case. The national organizations originally thought we were engaged in a fool's errand. But telling Edie to give up her $363,000 because it wasn't the right time would have been the wrong thing to do.

Q: The Obama administration decided to no longer defend DOMA in 2011. What communication did you have with the administration in the run-up to that decision and what did you make of this process?

It's pretty much as I describe it in my book. When the White House asked for a delay – to reconsider its legal position -- I thought they were full of it. I just didn't believe Obama was going to take such a huge step and I thought they were trying to delay. I didn't believe they were seriously planning on not defending DOMA. I now know there were huge debates within the administration. The fact that they were able to override that sort of division was quite extraordinary. I didn't really stop thinking they weren't serious until I got the email and call from Tony West informing me of the White House's decision not to defend DOMA on grounds of "strict scrutiny." Once I got the email that Tony wanted to set up a phone call, I knew immediately – why else set up a call? But I've never been more surprised in my life. I thought we'd win, I thought we'd go to district court, second circuit, I thought we'd win at the Supreme Court, but I did not think we would have the White House on our side.

Q: Did it help?

Yes and no. I think it helped us at the district court; we had a judge who was a pro-government judge. When we got to the Supreme Court, it created this standing problem. Some justices were pretty hostile to the idea that the Obama administration refused to defend the law. But I think it did a lot symbolically with the American people.

Q: Did it change your mind on Obama?

Yes. Absolutely. If you look at the way that the Obama administration interpreted *Windsor* the day after it was decided, they went above and beyond what they needed to do. And that had a huge influence on *Obergefell*, because now you had all these couples who were married in the eyes of the federal government and to say they weren't married under state law would have created this complete mess. When I said that I was praying for the president, I was being sarcastic – I did not think we would get the White House's support – but President Obama surprised me – and I have come around completely on my skepticism about his support of marriage equality.

Q: What do you make of Obama's "evolution" process in his own views on SSM?

I think he evolved in terms of his political positon but not in terms of his beliefs. I think he always believed gay people had a constitutional right to get married. Like for many politicians it became a more acceptable position over time. There is an interesting racial element. When I did the New York case in 2006 there was a lot of opposition in black churches. One of the main issues we had with the Prop 8 case is the plaintiffs' reference to *Brown v. Board of Education*; it drove Pam [Karlan] and me crazy because we felt you couldn't compare marriage equality to African American civil rights. As bad as discrimination against gay people has been, living through Jim Crow is much worse. I think the difference between the two issues initially made it politically difficult for the president to support same-sex marriage.

Of course, Jim Crow also had an effect on LGBT rights. After *Windsor*, I litigated a case in Mississippi before District Court Judge Carleton Reeves who wrote a 70-page opinion that spoke of how discrimination against Black and gay people were connected in the Jim Crow South – for

example, he spoke of how Bayard Reston was attacked for being openly gay. He mocked the argument of the defendants that marriage equality should be left to the political process – fifty years after Loving, people in Mississippi still did not support interracial marriage. To deprive gay men and women of the right to marry for fifty years would be a violation of their right to equal dignity.

Q: After the SC released the Windsor decision Edie famously went to Stonewall. How was that day?

The three months between argument and decision were really tough on her and she was really stressed. So by the time we got the decision, she just wanted to party on the streets. We were concerned because there were obviously security issues and crowd issues. As we were driving through the city, people would come up to us and she wanted to go out and hug people. There were no threats, but we were worried because she was 83 and was very frail.

The President's congratulations added to her celebratory mood. When Obama called, she thought it was an assistant. He called about an hour after the decision.

Q: What did you make of Obama's mention of Stonewall in his second inaugural address?

I was thrilled. I felt that that when the president says this during the inaugural, we've won. And I think this is one of the things he's most proud of from his administration.

Q: Do you think the advance of LGBT rights will be an important part of Obama's legacy?

No question. I think he rose to the occasion. I think he did it in a heroic way. I don't think a Republican president can go back. President Obama set the country on a direction on marriage equality that is unlikely to be reversed.

Q: What do you think Obama's influence was on the process of achieving marriage equality?

He had a huge symbolic influence. The fact that we went from 5 to 9 to 12 states. The fact that during the argument that Justice Scalia used the term "gay" – there was a sense of normalcy. I think without Obama, it still would have happened, but not as quickly. Certainly in the post-*Windsor* world, the steps the Obama administration took had a huge impact. Remember how in *Windsor*, Justice Ginsburg talked about skim-milk marriage – people who were married in certain states but not at the federal level. Post-*Windsor* you had the opposite problem: people who were married federally but not in their states. It was just a mess. The Obama administration helped move things forward in a critical way.

Q: What do you think the crucial LGBT issues are going to be in the future?

The key issue right now is that the gay movement is completely intertwined with the trans movement. And the trans movement is far behind on educating the public. So the biggest challenge will be getting bills through that involve bathrooms and locker rooms and things like that. The only people who want to talk about gay marriage now are Republican presidential

candidates in the primary, but I don't think they'll want to talk about it during the general election. Most people know someone who is gay, and they are likely to be married, so taking that away will be difficult. But in Houston, and North Carolina, and Mississippi, you see when gay and trans rights are intertwined, it gets harder and we have more work to do.

Jeff Krehely – Senior Vice President for Domestic Policy Center for American Progress

Question: The fight for same-sex marriage (SSM) became one of the crucial elements of the LGBT rights movement in the last few years, but SSM has not always been as prominently featured on the agenda. When do you think SSM became a fundamental cause for the LGBT's community? Has the LGBT movement had to overcome internal tensions in its path to this cause? Do those tensions still exist?

I kind of started paying attention to these issues from a professional perspective in 2005. Some of the marriage stuff goes back to the 1990s when Hawaii was considering the issue and was one of the first states to pass a constitutional amendment banning gay marriage. There was at the time a minority of members of the LGBT community – at organizations like ACLU or Lambda Legal – who wanted to focus on marriage. But after the defeat of Clinton's attempt to lift the ban on gays in the military service and the passage of the Defense of Marriage Act there was this sense that we had to move in much more incremental stages. And that's where the focus on the Employment Discrimination Act [ENDA] came from. After 1996 everybody thought that ENDA would be something that could pass Congress relatively easily. And though of course that never happened, there was this sense in the movement that marriage was too hard. At the same time, among Republicans there was the realization that gay marriage was something that would bring their voters out in droves, and that instigated this focus on state constitutional amendments banning gay marriage. So this full scale partisan attack forced the issue. Most members of the LGBT community didn't necessarily want to deal with marriage – maybe 10-15% wanted to take on marriage equality -- but it came to us, so we had no choice but to defend ourselves. And there is a considerable group of people in the community who never were that big on marriage who then came on board and became some of the loudest voices in favor of it.

Q: Was there a sense within the community that marriage was an inherently conservative institution – and that it should not be the core of a movement committed to fundamental change?

Yes, and many of those more progressive and liberal people and organizations viewed it as a way to sell out. My husband and I got married in 2006, when it was only allowed in Massachusetts. Later that year I was present at the Creating Change conference, and when I mentioned I recently had gotten married, I got yelled at and was told I supported "privatizing" the family – left of center members of the community who dominated that conference reacted that way. Maybe they just made assumptions that as a white man I was very conservative, but there definitely was this kind of feeling in the LGBT community – and it lingered up until the Proposition 8 vote happened.

Q: Do you think those more radical elements began supporting marriage in 2008?

Yes, especially because a lot of that left of center opposition to marriage came from people who lived in California. So once those people started getting married or saw friends get married and then saw that right disappear again that translated into a switch. A lot of gay people saw this as a much broader attack on them personally. Juxtaposed with electing the first black president it created this feeling of "What's going on here?" and made people pay attention to the issue.

Q: Did you go through a similar personal evolution?

I thought it was important for us [my husband and me] to get married when it became possible to do so – we thought there was a very good chance, given the national attack conservatives launched on marriage equality – that, even in Massachusetts, it would go away again, and that if it would go away there, it wouldn't appear again anywhere soon. So there was this practical feeling of, we love each other, why don't we get married while we can. For us, it was a practical decision – I wasn't especially pro- or anti- on the question of whether the movement should emphasize marriage equality.

Q: Do you think the focus on marriage has made it more difficult to address other crucial LGBT rights concerns?

It's kind of a Catch 22 in some ways. Marriage was such a galvanizing issue for people who weren't really troubled by violence, work place discrimination, or housing discrimination, and so before marriage they weren't terribly supportive of the LGBT rights movement. So marriage opened up and attracted a lot of funding for the movement. A lot of other people complain about all this money being spent on marriage, but it's not like that money was being spent elsewhere previously, even if I would love to see it spent on those other issues. And I do think it helped people pay attention to LGBT – particularly LGB – issues. But I also think there is a danger that people might tune out again now. There is this sense that we won – and that could stall progress on other critical issues.

Q: How would you characterize the Democratic Party's position on SSM prior to 2008?

I never intended to do LGBT work, I always wanted to do broader work. Marriage, and LGBT issues overall, were not a litmus test for me personally for the party or candidates. But especially as we got into 2006, 2007, 2008 as the Iraq was going on, and the economy was collapsing, and immigrants had their rights taken away, I couldn't see sitting out that election because of gay marriage. And for a lot of LGBT people, the hatred against Republicans and Bush was so strong – the differences between Democrats and Republicans so decisive – that LGBT issues just were not the same kind of test that it became in 2012. For this reason, I think a lot of us didn't have the contest between Hillary Clinton and Obama, and their positions on LGBT issues, that high on our priority list. I also don't think many people thought that candidate Obama and others running for the Democratic nomination didn't really support us. We kind of knew most Democratic candidates really supported LGBT rights but couldn't say it for political reasons.

Q: Did you think the Obama administration's initial focus on healthcare (rather than other issues such as LGBT rights) was a wise move?

Yes absolutely. That was right when I was getting to CAP – towards the end of 2009. I was working for LGBT donors right before I got to CAP. One of the things I tried to do in creating the LGBT program here was focusing on issues that weren't in the headlines like marriage or DADT. So thinking through the Affordable Care Act, I believed it was important to consider how this policy was of great importance to LGBT people – for example, how the expansion of Medicaid would benefit poor LBGT people.

Q: Given your commitment to viewing LGBT issues as part of a broader progressive program, did you think the 2008 election was a major victory?

Absolutely. My husband is black so for us to see a black man elected president – on election night, Obama, and the first lady, and their kids on stage – we never thought we'd see that in our lifetime. I think DC had been under a cloud since 9/11. And this was a clear turning point in so many ways. I was upset about the Prop 8 vote that night of course – but to see a liberal black man elected after what we'd gone through was just a huge change. We celebrated.

Q: Were you disappointed about some of the initial decisions by the Obama administration (such as to include Rick Warren in the inauguration or the DOJ memo on DOMA)?

Not so much with the Rick Warren thing. Look, Obama has to be president of the whole country and it's supposed to be a unifying moment for the whole country -- to me, the optics matter less than what he was going to do. The defense of DOMA did stop me in my tracks. It seemed so clearly to be in opposition to where he had been as a candidate. The way the brief was written indicated that we either didn't get what we thought we got [in Obama], or that the administration had some kind of management problem. And the White House did not issue a clear denunciation right after that memo was issued, so I felt that fiasco represented a clear leadership problem. So I definitely became skeptical when the DOMA memo happened. I was not yet at CAP – so I did not have contacts with the White House at the time. But from what I've heard, people expressed a lot of displeasure about the DOMA position; I think the community was pretty clear in its response to it.

Q: How has the relationship between CAP and the White House been since you arrived at CAP?

I was at CAP from 2010 to 2013; I was at HRC for two years, and I came back again to CAP a few months ago. CAP, in general, has had very good relations with the White House. A substantial number of staff moved on to the administration, so there were a lot of avenues of communication. I also think we mostly had a positive relationship with other LGBT organizations – there was a good deal of collaboration on a wide range of issues. Working together, we produced a set of recommendations on what the administration could do for LGBT people, partly through legislation but also ways in which agencies could make things easier. The administration was open to that, and for the most part, there were positive relationships between the White House and LGBT groups. CAP was in an interesting position because we're not a membership organization. We don't have the field clout that HRC and other LGBT organizations have. But CAP has been viewed as a solid, consistently good place to generate new policy ideas and work to make them reality. I think we did that pretty well working in tandem with HRC and other LGBT groups, and became an important ally of what became a strong coalition of LGBT organizations. So, for the most part, we worked well both with the White House and LGBT groups. Since I'd been working on LGBT issues since 2006 I had good relations with most LGBT organizations. CAP has some really good organic connections with the LGBT community.

Q: Did your relationship with the White House go through the LGBT liaison there (Brian Bond)?

Almost always the people in the Office of Public Engagement were involved; they had the toughest job in the administration to keep their allies informed and engaged, even when the administration did not seem responsive to their concerns. So they were our conversation partners and kept us up to date on what the big picture was and explained to us what we could get done. They were really great partners. Sometimes when you're really in the weeds of healthcare policy you'd work with a specialist at HHS, so not every single thing had to go through OPE. But there was a solid and fruitful relationship between CAP and OPE.

Q. What executive branch departments have you collaborated with?

We did the most with HHS, Labor and Justice, which is involved in almost every issue of importance to us. We worked extensively with HHS on the implementation of the ACA; and with Labor on the development of the executive order that requires government contractors comply with nondiscrimination standards that include sexual orientation and gender identity.

Q: Were there any tensions you recall between the White House and CAP on LGBT issues?

I think the relationship has been mostly positive – I can't remember the White House or agency staff ever disagreeing with something that either CAP or the broader LGBT movement wanted to see done. More than anything it was the timing issues that created tension. DADT and the executive order were the most obvious cases. There was this sense of, you've got this strong public support on this, a lot of research has been done, polling is good, business is on board with the EO, we're getting the military on board as best as we can with DADT repeal, and then the timeline is just out of our control. So we have an administration that is definitely friendly to our issues, but is not always willing or able to do things as quickly as we would like. I think groups like HRC get in a much tougher position than CAP does on these kinds of delays – we do not have to appease a membership base, so can be more patient. But nobody in the White House ever said "No, we hate these ideas." Principally, disagreements arise on the issue of timing.

Q: What made the timing so tricky? Was it the focus on the economy and healthcare, or was there a sense of risk regarding LGBT issues?

I think it depends on what years we're talking about. When the administration people first got there, you don't exactly know how things work and how long they will take. And obviously in 2009 with the economy over the cliff and the situation in the Middle East being devastating, and healthcare moving, there were a lot of issues other than LGBT concerns that the president and his people had to deal with. So there was a legitimate bandwidth issue there. People are working 20 hour days and there's a limit to how much you can do. As someone working at CAP and seeing all the issues that were vying for attention, it was easier to appreciate what they were trying to achieve compared to my colleagues who were at LGBT-specific groups.

At the same time, in 2009 and 2010 support for marriage was still relatively tepid. There were still some pretty strong voices against repealing DADT. So I think there was still a lot of caution as far as LGBT issues go, and I think there were some calculations taking place. It's kind of weird that it's only five or six years ago, and it seems hard to believe that there was so much

caution on issues like that, but it was a different time. I remember how difficult it was to get the repeal of DADT passed -- to get the military on board – and now we have Obama tweeting his support for Caitlyn Jenner instantly. So to go from DADT to the president of the United States tweeting at someone who announced they are transgender -- you think, "Wow what happened?" I remember in the 2010 lame duck session when the president had DADT repealed and a few other victories. I think something changed then because the DADT repeal played so well and showed he could still get things done, even though the House got turned around and a lot of folks lost seats in the Senate. But that it got done and that it was so well received was a signal to the administration. Nobody was opposed to what we were trying to do before, but it began to feel more relaxed. It wasn't just in the White House, I think there was a subtle shift that took place in the broader progressive community as well. Hate crimes passed in 2009 – but that was seen as an "Oh my god, I can't believe we hadn't done *that* before." DADT was such a visible public symbol of gay discrimination – that going away and basically having zero backlash, I think that was the start of the tipping point. That put LGBT people at the center of the progressive agenda. There was a sense of "Oh, it's good to have you at this table now." We were no longer seen as the problem at the progressive political table. That's when people started to see us as an asset.

Q: Do you get a sense CAP had an influence in focusing the president on DADT in the lame duck session?

Yes, I think it was – throughout 2010 we thought at several moments the repeal process was dead for good. It wasn't the first time the LGBT movement tried to repeal DADT, so we had our arguments down and had a loud media presence at places like MSNBC and other progressive outlets. It was a story you couldn't avoid. The Pentagon earlier in 2010 surveyed all the troops, so there were all these ways to keep the issue alive. It was a hard thing to ignore. At every moment there were opportunities to keep a focus on the issue. Going into the lame duck session, I think a lot of people in the LGBT movement were expecting ENDA to be pushed, or DADT to come up, and a lot of other issues that they thought were important. But being at CAP and seeing all those other issues, we realized there weren't going to be four or five LGBT bills; there would be one and DADT was the farthest along. I think there was a sense that something had to be tried for the LGBT movement and this made the most sense.

Q: Do you think of the DADT repeal as the beginning of a truly effective alliance between the president and the LGBT movement?

I think so. I think especially the fact that there was no pushback to having this as one of the finite things under consideration in that time period. Because it was the last time Democrats would be controlling both houses of Congress, so that lame duck session was an important moment, and nobody in the White House tried to keep DADT repeal off the agenda to make room for other things not part of the LGBT agenda. So I think that was a good signal.

Q: The Center for American Progress focuses on a broader set of progressive policy issues. How has this affected the role it has played on LGBT rights both in interactions with LGBT organizations and with the Obama administration? How would you compare and contrast your experiences at CAP and the Human Rights Campaign?

It's hard because I'm biased since I started the CAP LGBT program and grew it. I like to think that a non-LGBT organization prioritizing LGBT issues the way CAP did has a tangible influence on the progressive movement's support for LGBT rights and inclusion. I think CAP taking the initiative to take on those issues signaled that LGBT issues were not something that progressive politics had to put up with, but that it was a core value that people who call themselves progressives had to buy into. When we started it, there weren't a lot of other non-LGBT-specific organizations that were doing it. But CAP's founder, John Podesta, was really supportive of LGBT rights. He was involved in the campaign to defeat Proposition 8, serving as co-chair of that case's advisory committee. He was very supportive of marriage and other issues, and everyone knew that he had been at the White House back in the 1990s when DOMA and DADT were put into place. His leadership on LGBT issues in the late 2000s mattered. I think having LGBT teams at a place like CAP offers opportunities for the movement to influence issues that it otherwise would not be able to affect. CAP has helped incorporate LGBT concerns into broader issues like health care – without CAP, those concerns might not be included into a broader array of policies.

Q: What did you make of Obama's "evolution" on SSM?

I think Biden definitely forced the president's hand. There had been rumblings throughout 2012 that the president was going to announce his support of marriage equality. I remember that being discussed as early as a post-DADT celebration in 2010. It wasn't a shock to people. There certainly were questions whether he had supported it in the past when he was a state senate and Senate candidate, and there was evidence that he did. I think when he was elected 2008, supporting marriage equality just seemed very risky – it was a very different time than 2011 or 2012, and certainly very different than now. Even with the evidence of polls that this would not be an issue that would hurt him, I can imagine at the time that was hard to believe. It certainly would be ideal for politicians to tell us where they really stand on things. But that's not the world we live in. Although it tried our patience, the evolution is certainly appreciated. There were a lot of people beating him up for not announcing sooner, or when he finally did say he supported same-sex marriage, it was too little, too late. I'm pragmatic. I think we can't go back and change the past; but we should appreciate the great benefits of his eventual support. There were several states that had marriage on the ballot in 2012, and I think his position had a positive effect on voters in those states.

Q: Of course, there were many other factors in the progress the LGBT movement has made – the courts; grass roots mobilization that helped change public opinion? How important do you think this evolution of the President of the United States was to the advance of LGBT rights movement?

I think it was very significant; public opinion had a really strong bounce in terms of the overall support for marriage. I know in Maryland, particularly, which has a substantial African American voting population, polls showed the support of African-Americans basically reversed in a positive direction. The only thing that happened was the president coming out for marriage. The office of the president is obviously incredibly important not just because of the legal power the office has, but symbolically: even with the skepticism about politics, people still pay attention to what the president says. In 2002 it was still legal to arrest people for engaging in

sodomy. In 2012 the president, even before his reelection, supports same sex marriage. That's major symbolism. I think the top-down / bottom-up dichotomy is over-stated; both are necessary, and neither is sufficient. I think if the Democratic Party had still been opposed to marriage, and states wouldn't have passed it, the Supreme Court wouldn't have ruled the way it did. I think different players like to overemphasize their role or preferred strategy. It's very hard to make those divisions. You had all this high political drama going on, and you had Democratic senators coming out to support marriage in the spring of 2012 and into 2013. At the same time you had millions of people coming out to their friends and colleagues. I think that was the most important part of the marriage movement. That to me is the grassroots work. But the president's support helped to bring that work to fruition.

Q: Do you think Obama's support also mattered because of his role as party leader?

I think it did. There were certainly some important people on the record before he came out. Still, I think there is certainly something to be said for the party nationally. A lot of people in the states and localities were rolling their eyes at national Democratic leaders and didn't want to really touch the issue. I think a lot of state party leaders were on board, but it was far, far from unanimous. And I think the president taking this position helped bring people on board down the party food chain.

Q: What was your impression of Obama's reference to Stonewall in his second inaugural address?

I was definitely surprised. We attended the inauguration in 2009; and we were there for the second one as well. And we were like "Wait, did he say that?" We were somewhat incredulous until we heard it again later on TV. It's huge that he said it. Especially because there's a long standing tension between the LGBT rights movement and the more "traditional" civil rights movement about how the causes are connected. So to have a straight liberal black man saying these things, that matters. It was phenomenal that he did that. I think it was a reflection of his ability to read where the public stands on something and to read where his legacy will be. His rhetorical ability is just remarkable– the way he tied those three things together in that speech was incredibly powerful, and I know it will be remembered for a long time.

Gautam Raghavan – Gill Foundation, previously White House Liaison to the LGBT Community (2011-2014)

Question: The fight for same-sex marriage (SSM) became one of the crucial elements of the LGBT rights movement in the last few years, but SSM has not always been as prominently featured on the agenda. When do you think SSM became a fundamental cause for the LGBT's community? Has the LGBT movement had to overcome internal tensions in its path to this cause? Do those tensions still exist?

There are different theories about this. I'm newer to the movement as I started working on these issues mostly through the Obama administration. I began working on LGBT issues during my time in the Defense Department -- working on Don't Ask Don't Tell (DADT). I joined White House as liaison to the LGBT community in October 2011, and this was a few months after [the President] said he was evolving on the issue.

Q: You worked on the repeal of Don't Ask Don't Tell – what role did LGBT organizations play in pushing for its repeal? Was there a general acceptance of the fact that it took the administration time to get a full repeal through Congress?

President Obama called for the repeal of DADT in the 2010 State of the Union. [Secretary of Defense Robert] Gates installed a working group in the department to prepare for how to implement a repeal if it were to happen. My job was to interface with outside groups who were either opposed to or in favor of repealing DADT. This meant working with LGBT groups, military groups, veteran groups, and other stakeholders. That went on for most of 2010 until the bill was signed in December. From what I could see, President Obama and his whole team were very engaged in the issue, particularly during the lame duck session in 2010 when so many big pieces of legislation were on the line. It was a bittersweet moment since DADT repeal passed the same day the Dream Act failed.

Q: What groups did you work with while you were at the Defense Department?

I worked pretty closely with HRC, the Center for American Progress, the Service Members Legal Defense Network – which has now rebranded but at the time was a lot larger and focused on this issue – and of course the Palm Center. Those were the key groups that provided research or input.

Q: What is the job of being LGBT liaison like on a day to day basis?

It's a bit of a cliché but every day is different. A large part of the job is staying in touch with groups on the outside. My approach was to be as responsive and transparent as possible, even at times when they were frustrated with us, because I thought it was important to keep that line of communication open. The other thing I think was very successful – which Brian started and I continued and which I understand has continued to this day under the current liaison – is to engage the White House staff on these issues. We had a working group with staff from different levels at the White House – for example, the Domestic Policy Council, Counsel's Office, Cabinet Affairs -- who helped monitor developments on LGBT issues. In some cases those staff

members were openly gay staff who took on that informal portfolio, though sometimes it was allies who cared a lot about the issue. This was important since for a lot of other communities there were existing institutions to foster inter-agency coordination – for example, I also worked with the Asian-American & Pacific Islander community, which had an entire White House Initiative and staff focused on this work.

Q: Did things get easier in terms of navigating between the community and the administration after the 2012 SSM announcement?

Yes. Personally it was a relief. There was a lot of good will from the community – they still pushed for the things they wanted but it was certainly a big relief for me personally and professionally.

Q: One way of looking at the relationship between Obama and the LGBT community during his first term is that they occupied different vantage points in American politics – and so the White House and Community may have agreed on objectives but disagreed about when and how the administration should act. Is this a fair assessment of the tense but ultimately effective relationship between the White House and LGBT movement over the last six years?

I think that's generally true. I'd be hard-pressed to find situations where the administration and LGBT movement groups disagreed about outcomes, but they sometimes disagreed about timing and tactics.

Marc Solomon – National Campaign Director Freedom to Marry

Question: During the 2008 election cycle, what was the status of SSM as a political issue within the Democratic Party?

As you know both major Democrats supported civil unions and opposed marriage equality, and supported striking down DOMA. Obama was slightly more progressive than Hillary in that he talked about striking down all of DOMA and she was just talking about striking down section 3. But in the eyes of the community they were both at the same place; and both were far more acceptable than the Republicans who were not compelling at all to the marriage movement. Back in 2008, we only had one state with marriage and it wasn't until the middle of 2008 that we repealed the law in Massachusetts – the one that Mitt Romney had used to bar couples from outside of Massachusetts from marrying there. It was repealed a few months after the California court ruling in support of same-sex marriage. I remember Governor [Arnold] Schwarznegger [R-CA] saying that he hoped that gay people from all over America would come to California to get married there and spend their money there, and I remember sending that article to Governor [Deval] Patrick [D-MA] saying we need to change this. And we did that in the course of a couple of months. But the political environment at that moment was still a situation where people in the "know" – the political operatives in the Democratic Party – really thought that it was a losing issue for Democrats and really thought they should stay away from the issue in the presidential election.

That view was deeply rooted in the presidential election of 2004, when John Kerry and others really pointed the finger at same-sex marriage as the cause of his defeat – Kerry didn't do it explicitly, but he was quietly implying it. But other Democrats were more open about pointing to the gay community and saying your advocacy of gay marriage was responsible for this loss. One of Kerry's lead advisors, [Bob] Shrum made clear that he thought that marriage had a minor negative impact on the election result. Some post-traumatic stress remained within our community in 2008 – the after effect of being blamed for a loss. It was pretty horrific to have leading Democrats point to us and blame us when all we did was try to get our equal rights. But there were people in the LGBT community doing the same thing. The Human Rights Campaign (HRC) tried to slow down the push for SSM after the 2004 election and there was considerable conflict within the community about whether to move forward aggressively or slow down on the issue. In 2008 there was still concern about how this issue would play in the election. In fact, to keep a constitutional amendment in Massachusetts on SSM off the ballot we went to Howard Dean [then DNC chair] and Pelosi to reach out to Democratic state lawmakers. Kerry was also making the case to state lawmakers in Massachusetts that this would be very bad for the Democratic nominee if it were on the ballot and were an issue in the 2008 election. Yet Prop 8 ended up being on the ballot in 2008, which made marriage an issue candidates couldn't escape from. At the time, the fight over marriage equality was very difficult and ugly. In fact, our opponents used Obama's opposition to marriage equality in robocalls in the Prop 8 campaign to the African American community.

Q: Why did you favor Hillary Clinton in the primaries?

For a couple reasons. One, Obama's and Hillary's positions on gay rights issues were basically the same. And I really back believed back then that she had more political savvy, more skills, to make things happen than Obama, who was still an unknown commodity. There was also a notion that she was more in sync with the LGBT community as a woman – rather than this masculine dude who plays hoops – and I think that played into the LGBT community's support as well. And Obama – obviously things have proven out in a great way – but in 2008 his body language and what felt like, at some level, his discomfort of speaking about LGBT issues, made me skeptical. It was a gut thing.

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Did you share those concerns? Did issues such as the featuring of Rick Warren in the inauguration and the Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

The Rick Warren thing really did feel like a slap to the face. He was a tireless and outspoken supporter of Prop 8, which was a body blow to our community, and it seemed like in choosing Warren to do the invocation Obama was trying to appeal to these religious right folks who were so hostile towards our issues. So there were two things happening that caused much frustration. One was Prop 8 – the body blow of having marriage taken away in California. Second, national laws were so far behind on LGBT issues in contrast to where the country was. After 8 years of Bush using these issues against us, there was this huge demand for change. There were no federal laws protecting LGBT people at the start of the Obama administration. There was a lot of hope but also nervousness and skepticism. The Warren thing was the first signal – or what we thought was the first signal – that the administration was not very sensitive to LGBT concerns. Then came the DOJ memo supporting the constitutionality of DOMA, which made arguments against marriage in a horribly offensive way. Those were two signals that things were not going well on the marriage front., or the LGBT front in general The administration did advance and get the hate crimes bill passed, but that did not seem like that much of an achievement – it was introduced so long after Matthew Shepard was killed (in the late 1990s). So a lot of people believe that hate crime legislation was something that should have been done 15 years ago. The biggies were marriage and DADT. For the first two years, there was just real disappointed with what the president was doing, was willing to do.

Q: How do you explain the administration floundering so at the start of the first term?

The Rick Warren thing was just a fuck-up on their part. The irony was that the very day he was announced as the speaker I was interviewing with the administration to be their LGBT liaison. Deval Patrick and Ted Kennedy had recommended me to have that position. They ended up not hiring a liaison to the LGBT community. When I went into that interview a lot of people who were in his inner circle apologized for the Warren choice – there was a lot of sympathy and understanding and real embarrassment. I think that just wasn't thought through very well. The notion that having Rick Warren give the invocation at the Inaugural – who was so connected to Prop 8 – would not be an insult: that connection was just not made. That DOJ memo, same deal. It was written by career folks at the DOJ. It was signed off on by Tony West, who was an Obama person in the Justice Department. But it certainly didn't get any vetting from the White House

Council's Office; Obama was blindsided, and he was very upset about it. He was pissed. From then on the White House Council reviewed all DOJ memos related to LGBT issues before they were released.

Q: Did you have interactions with the White House at this point?

I personally didn't. I wasn't working on this stuff from a national perspective; I was in California fighting Prop 8. But Evan [Wolfson] did. His interactions were first with Tina Tchen, head of Public Engagement, and eventually he had conversations with Valerie Jarrett. There also was a lot of back and forth with Brian Bond. I've known Brian for a long time. Although there was no official LGBT liaison, Brian ended up play that role. He occupied that position, because LGBT concerns were important political issues – there was this demand and there were these screw-ups, so he became the de-facto liaison. The White House's initial approach was reticent – it sought to avoid identity politics -- they didn't want to silo different identity groups. They realized pretty quickly that communities – the LGBT movement and other movements – needed a point person to provide access to the Administration.

Q: Was there disagreement among other LGBT groups on how to deal with the *White House?*

Not really. There were, of course, some tensions. But during the troubled early days, I was focused on California, so I wasn't in the middle of all that. I do think there were different perspectives. HRC generally stays in close touch with the administration; in contrast, a group like Get Equal believes in direct action – it is an outside agitation group that tried to shake things up.

Q: How would you characterize the role that Get Equal played?

At the time they were helpful in showing that our community was going to essentially be a thorn in the side of the administration until some of our agenda started moving. I'm not always a big believer in direct action, but at that moment in time when it looked like, other than the hate crimes law, none of our agenda was going to happen; and there was the prospect that the Republicans would take back the House; in that environment, Get Equal made a contribution to the movement.

Q: When did your attention shift from CA to national?

In November 2010.

Q: Do you think there was a learning curve for the LGBT community in figuring out how to deal with an administration that was, inherently, friendly to LGBT issues?

I don't think so. I think we were pretty sophisticated. We had a bunch of stuff that we wanted that had piled up for many years and we weren't going to wait around – wait our turn. We weren't going to be the squeaky wheel. We played an important role in Obama's election. I saw some report that a high percentage of his bundlers were members of the LGBT community. There was a huge amount of important fundraisers from the LGBT community. His finance

chair/treasurer Rufus Gifford is a gay man. Andy Tobias, the treasurer of the Democratic Party is openly gay. A huge amount of the high dollar fundraising came from our community. That was connected to a real hope that the White House would be committed to our issues. I think in some ways we needed to have multiple approaches in pushing the administration in order to get what we wanted. And also, to be fair to the administration, that was when the economy was imploding and they had some other important things, like health care reform, that they had to and wanted to deal with. That being said, it was the job of our community to get our priorities elevated.

Q: I want to shift to the President's "evolution" – the Democratic platform was an important part of your effort to push him toward support of same-sex marriage. Can you tell us more about Freedom to Mary's approach to getting marriage equality was in the Democratic platform in 2012?

When the president said in October 2010 that he was evolving on the issue that meant two different things. Number one, he was ready and prepared to say that, and that was why he invited a gay blogger [Joe Sudbay] in to interview him. And in part I think his political team was telling him that his hesitation in supporting marriage equality was making it difficult to get gay folks interested to go to the polls in November. That was before the DADT repeal passed, so it was when nothing much had happened. And number two, it was a clear invitation to push him as hard as we could prior to the 2012 election. Because you can't evolve forever, so the question was *when* not *if* anymore. So we put several campaigns in place. No question the platform campaign was the most effective.

Q: Was the platform approach your idea?

Yes. We were, by then, in real election season. We launched it in January 2012 and I knew then that everybody was getting organized for the campaign. The president had already come out on DOMA on our side by then, so most leaders in our community were rallying behind the president and saying we shouldn't put more demands on him directly. I thought it was important to keep putting pressure on him and the administration, but in a subtle way: to pressure the White House indirectly, not directly. I knew that the party would be on our side on this. I also knew this could create real news. There were no real issues for the press to cover heading into the Democratic convention, I felt this could be something the press could focus on and create some real headaches for the administration if they were not moving our way. I was nervous that it—as I said we were blamed for Kerry's loss -- I was concerned people would end up saying "Hey, you guys screwed things up for Obama's reelection. You're putting him in a box and if it turns out to be a negative in the campaign they will hold us responsible." I heard this from quite a few political people within the community. I didn't think any top elected Democratic leaders would jump on board right away. I expected elected officials would want to go slow, and that we would need to build a lot of grassroots support and that we'd have to organize the delegates and the platform writing committee. We were prepared to bring it to a vote to the convention floor. We were going to do robocalls and really ID our supporters and make it happen. If it came to that. Or at the least we were going to be prepared to do all of that. But immediately Nancy Pelosi jumped on board and said "Of course the party should do this."

Q: Were you surprised?

I was -- we were working to build a critical mass, I didn't think based on the feedback we were getting from LGBT leaders in the campaign that elected officials would come on board early on. But many of them did. I asked [Senator] Jeanne Shaheen – I got to know her staff in New Hampshire from the marriage fight – and she said she'd love to be the first senator to come on board. And that created this real snowball effect with other senators. One of the gay journalists of the Washington Blade called the offices of all Democratic senators and asked if they supported a marriage plank in the platform and we got, I think, 22 Senators to support the plank. We reached out to former DNC chairs, Steve Grossman – I knew him from the Massachusetts campaign -- who was very supportive. He reached out reached out to other DNC chairs, and we eventually lined up four of them: besides Steve, Howard Dean, David Wilhelm and Don Fowler. As I had hoped – the platform campaign became a big issue: when people were announced as chairs of the 2012 campaign, the press would ask them if they supported a marriage plank in the platform. David Plouffe was grilled on This Week With George Stephanopolous about whether the president would support our language. They were on the defensive, and it definitely helped to build some indirect pressure on the president.

Q: Did you get pushback from the White House?

We got pushback from the DNC. They were actively trying to get people not to sign on. Especially when we were trying to get state party chairs. One guy from Washington State said we had tried to trick him into signing on. The same from a state chair in Vermont. I picked up the phone to the Obama campaign and complained about this notion of having party chairs say that we were tricking them, that's below the belt. Because it wasn't true. That put it a stop to it.

Q: We've been hearing comments in our interviews that Obama actively asked to be pushed on these issues. Did you detect this desire on the part of the White House – "make me do it"?

From what I've been able to see from the Heilemann and Halperin book [*Double Down*] and others the president had decided a few months before that he was really uncomfortable with this position and that he needed to evolve. I presume that he needed to come out in our favor before the election because he'd be out in public a lot, he'd be answering press questions, he'd be debating – this evolving line would look like a bunch of bullshit after 18 months. And in fact that's the case, he told his staff he wanted to change before the election. He got pushback from his communications and political people, but insisted he really wanted to make this happen. So I think he definitely wanted to do this, but I also think when you have skeptical staff people surrounding you it can be easy for things to slide, for the time to "never be right". But I was pleased to hear the president told [David] Plouffe that he wanted to evolve before the summer because he did not want to go into the convention with the platform out of sync with where he was on marriage equality

Q: How important was the president in this entire process?

People ask me all the time; well, do you really think the president was opposed to marriage equality – wasn't his reluctance just the typical reluctance of a politician. I always say that it's not that easy. If you ask Barack Obama as a private citizen that's different than if you ask Barack

Obama as president of the United States. And I'm comfortable with that because when you're president your position needs to be in sync with a fairly narrow band of what ou you perceive is acceptable to the American people. It's difficult to get too far ahead or too far behind of where the public is. On this issue, it's been so interesting to see how in 2012 people were like "well is he going to come on board or not" and by 2014 the conventional wisdom was that you can't even run for president as a Democrat if you don't support same-sex marriage I think getting the president's support accelerated that transformation.

For policy reasons it was incredibly important to have the president on our side. But there is also a symbolic factor; having the president on your side means that, as a movement, you made that position a legitimate positon – it's no longer a fringe issue. The president is one guy, but the presidency is the voice of the country and having the president talk about marriage, about why gay people should be able to marry, meant that gay people were being thought of as equal citizens -- that we were no longer being thought of as secondary citizens. I know of so many people who were so deeply moved. People who broke down in tears when the president gave that interview [with Robin Roberts, where he announced his support of marriage equality]. So It wasn't only a policy thing. People ask why do you need the president to say this – there's no policy benefit, we're fighting DOMA in court. But there was this need within our community to know the president thinks of us as equals. And that's all separate from the policy things that he did do, which were also of great importance – when DOMA was struck down, the way the White House acted quickly to implement that decision -- that was tremendously helpful to us.

Q: What did you make of the reference to Stonewall in the second inauguration address in 2013?

Not only did he think of Gay Americans as mainstream and part of his vision of equality, but he was thinking of our equal rights struggle in the context of the biggest equal rights struggles in our history. And that's when I knew it was going to be a part of his legacy. When they build his presidential library, LGBT rights will be prominently featured.

Terry Stone - CEO Centerlink, The Community of LGBT Centers

Question: The fight for same-sex marriage (SSM) became one of the crucial elements of the LGBT rights movement in the last few years, but SSM has not always been as prominently featured on the agenda. When do you think SSM became a fundamental cause for the LGBT's community? Has the LGBT movement had to overcome internal tensions in its path to this cause? Do those tensions still exist?

What I remember most is when Gavin Newsom was mayor of San Francisco and he decided that he was going to let people get married [in 2004]. I had heard Evan Wolfson talk about gay marriage for years but when Newsom decided to let people in San Francisco to get married that's when I think it began to take off. It got a lot of media attention, and it got a lot of attention from organizations. I think there were tensions even through the time when the Supreme Court finally ruled in favor of SSM. Yes it was an important issue, but there were many other issues that didn't change. Many people across the US can still lose their jobs. Many young people still lose their homes when they come out. We ask our Community Centers to fill out surveys every year on what their top issues are and relationship recognition was usually number 4 or 5. What comes up as more important are issues like safe schools, transgender rights, and job security.

Q: Is there a difference between what 'elite leaders' in the community care about and what the people you work with care about?

I think there is. There is a lot of attention drawn to the political and activism side, and the funding that goes with that, within the movement. Not just from the organizations but also funders at the national level. But that's at the the expense of social service agencies for folks who walk through the doors of these community centers. We did surveys of young [LGBT] people about the issues they care about and their top issues are safe schools (protection from bullying), comprehensive sex education, access to healthcare, employment discrimination, training and education beyond high school. Marriage was on their list but not at the top.

Q: You seem to have some ambivalence about how SSM became such a focus point of the movement.

I am thrilled that it happened but I am ambivalent about the amount of attention and resources that went into achieving it. I expect to see some drop in support for LGBT rights now that we're moving to issues like job security. And I do think the hard battles are ahead of us and gay marriage hasn't resolved them. Two weeks after the decision I saw a post from one of our centers about a person who was kicked out his house because he came out, and people there were working all day trying to make sure he had a place to sleep and food to eat.

Much of the SSM battle was dominated by political advocacy and fundraising at the national level. That deflected attention and funds from some of the work that Centers do in the communities – day-to- day stuff regarding issues like HIV care & support, mental health services, services for youth and older adults, and safety. I sometimes fear the Community might have put all its eggs in one basket at the expense of the LGBT issues at the grass roots level. Still, I am thrilled that SSM happened – I never thought it would happen.

Q: How would you characterize the Democratic Party's position on SSM prior to 2008?

I think they were fearful because they just didn't know what would happen if they'd showed visible support. After so many years of Bush and the Republican Party using SSM as a wedge issue, there was fear there. I don't think most Democrats were opposed to same sex marriage; they just didn't want to talk about it. Even in the early days of the Obama administration there was reticence to talk about it. Democrats were just fearful that they could not get elected if they supported SSM.

Q: Conventional wisdom has that the LGBT community was more supportive of Hillary Clinton during the 2008 primaries than of Barack Obama. Do you think this is a correct assumption? Do you believe the LGBT community was generally more suspicious of Obama's willingness to support LGBT rights?

I was supportive of Hillary until we knew she wasn't going to get the nomination. I think people were following Hillary for so long, they were not sure where Obama stood on LGBT issues. One thing we saw after the election was a lot of people were really pushing to get LGBT people appointed to the Obama administration, and I think having openly LGBT people in the administration had a huge impact.

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Did you share those concerns? Did issues such as the featuring of Rick Warren in the inauguration and the Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

There was a lot of anger that the president was not moving fast enough and that [LGBT liaison] Brian [Bond] was not at the appropriate level in the White House. They felt that he didn't get the right position in the office. I think they wanted him to have a different title, and a more powerful position. The Rick Warren thing took people by surprise -- to have somebody so homophobic at the inauguration. But after eight years of having no one to talk to and being completely ignored to having a president who supported LGBT rights and majorities in Congress who were sympathetic. I think we were a little naïve to think we would get everything so fast. I have worked with a lot of politicians and it takes a lot of talking and a lot of hand holding, even if they are on my side. That's not something that happens overnight.

Q: What kind of communication existed between the Obama administration and LGBT organizations such as Centerlink? When did these interactions start? Did they continue throughout Obama's first term?

As soon as Obama got into office – probably within two or three months – Brian Bond reached out to the LGBT community. He was smart enough to realize we had this huge network – over 200 Centers around the country. He invited me over during one of my trips to DC. We sat down and for a good hour, hour and a half talked about what centers do and where they get their funding. Bond was the keynote speaker at our leadership summit in 2009. He kept in touch and

was willing to listen to us when we were frustrated about things moving too slowly. I liked dealing with Brian and with Gautam [Raghavan, Bond's successor as LGBT liaison]. And they helped us: we had the president signing a letter for LGBT community center recognition day several years in a row.

The interaction between the community and the administration goes two ways: our reaching out to them and saying we needed help with some issue, or asking the White House to send someone to come speak at one of our events. But the White House also reached out to us. They've always been very good at keeping us informed as to what is going on. They've also been very diligent at organizing a pre-announcement conference call before a major White House announcement and providing us with the relevant information immediately after on a conference call with the President, First Lady, or Cabinet member. They [Bond and Raghavan] were honest with us for the most part; they would listen to us respectfully and, even if we had a disagreement, they'd say this is a process and we're not there yet but we think we might get there. I think they walked a fine line between the fact that an LGBT issue was important to them but, at the same time, their job was to represent the president – and on issues like SSM, they had to be sensitive to his broader responsibilities. I think they were talking to Evan Wolfson about marriage and kept him in the loop about what was going on. They did not avoid more critical advocates -- I don't think they were afraid of having difficult conversations.

Q: The Obama administration achieved some significant victories on LGBT rights during its first term, for example, the Matthew Shepard hate crimes bill, the end of the HIV travel ban, repeal of DADT, to name but a few. Yet Obama's unwillingness to support SSM seems to have undermined his support among LGBT voters and donors. Do you think that's an accurate description?

I was very excited, particularly about the Hate Crimes bill because we had been working on it for so long. Just the thought that that happened, and it happened so quickly. I was surprised it happened this quickly – most of us thought ENDA would be next. I thought we were making good progress but it didn't happen. That wasn't just Obama – if Congress had moved more quickly, much more could have been done. A lot of us were disgusted with Congress for not getting more done with their super majority. Some of us felt that they [Reid, Pelosi] didn't show the leadership that they should have. Healthcare took up a lot of political capital, but if you have 60 people you don't have to wait for the Republicans to act. The Democrats squandered their majority. However, I think people were pleased and surprised that DADT was repealed during the lame duck session. I was shocked it got through. We had some really strong advocates pushing the administration and members of Congress on DADT.

Q: What did you make of Obama's 'evolution' on SSM?

For a president, before getting elected to a second term, to come out in support of gay marriage took a lot of courage, a lot of self-examination, and a lot of guts. We just hadn't heard politicians at that level, or even presidential candidates, say those words. They were afraid of the backlash – supporting SSM had been considered a quick way to kill your campaign.

Q: One way of looking at the relationship between Obama and the LGBT community during his first term is that they occupied different vantage points in American politics – and so the White

House and Community may have agreed on objectives but disagreed about when and how the administration should act. Is this a fair assessment of the tense but ultimately effective relationship between the White House and LGBT movement over the last six years?

I think so. When I worked in Washington state on HIV, we had a strong governor who was very supportive of issues like HIV-AIDS, but the work you had to do to get him there was huge. Because he's looking at thousands of other issues at the same time. And they're trying to figure out "when is the right time to do this? I've believed this a long time but when is the right time to get there?" The president has to listen to everybody; presidents have a view of the whole ground – they have to listen to all of those voices to make good decisions.

Q: How important do you think LGBT groups such as Centerlink have been in pushing the Obama administration to support LGBT rights so strongly?

I think we were important. Brian and Gautam would tell us: "We expect you to continue to push us on this. The president is not there yet. The administration isn't there yet. We're looking at you to help us get there."

Q: LGBT organizations and activists focused a lot of attention on getting Obama to act more aggressively on LGBT rights or to at least take positions on issues such as SSM. In your view, why is the president as a political actor so important? Why do you need the president to be on your side to fulfill your rights? Many social activists argue that transformative change must be bottom up – have you learned that top down and bottom up mobilization is possible?

I think it is extremely important to have the president in your corner. I come at this not from the marriage issue but from HIV-Aids. We used to have a president [Reagan] who wouldn't use the word. Going to a president who did want to discuss these issues [Clinton] made a huge difference. To have a president talk about gay marriage – it takes away the fear: if he can do it, maybe I can do it. I think having an African-American president may also have helped the African-American community come to terms with LGBT issues as well.

Q: What did you think of the mention of Stonewall in Obama's second inaugural address.

It was a huge moment – it sent a chill down my spine. It was an important recognition of our community. To also have an out-poet [Richard Blanco] delivering the inaugural poem made the inauguration even more special. I couldn't believe it. They also invited more people from the LGBT community to the second inaugural. For the first one we had our own inaugural ball, but the second time we got invited to the big ones.

Q: What do you think the future of the LGBT movement is?

I think we need to focus on issues like youth homelessness, and care for elderly LGBT people -- making sure that when LGBT people move into a retirement home they do not have to go back into the closet. Making sure all LGBT people have a chance to live happy lives. But I am a little anxious that we will get stalled. If the Republican Party gets control of the White House, it may cause a retreat on health care and the kind of recognition our community had gotten during the

Obama years. I don't think that they will be able to put us back in a box – same sex marriage is unlikely to be repealed. But the rhetoric Republican candidates use to arouse their base really worries me – it could affect the other critical issues that are important to the LGBT community.

Andy Tobias – Treasurer Democratic National Committee

Question: How would you characterize the Democratic Party's position on LGBT rights in the period 2000-2008? Did you feel the party was where it should be on issues like same-sex marriage, Don't Ask Don't Tell, or the Defense of Marriage Act?

Quite good – and miles ahead of the Republicans – but still evolving. Just look at the party platform from each convention and you'll see. You would also see that the numbers of LGBT delegates and alternates at the convention grew sharply from 1996 to 2000 to 2004 to 2008. I'm quite proud of how the party (for a while led by Howard Dean, quite a champion to our community) got better and better. I was the first openly LGBT officer either party had ever had. The RNC still has never had one but three of our nine officers are openly LGBT – a third. Yikes.

Q: After the 2004 campaign, several leading Democrats placed (part of) the blame for Senator Kerry's defeat on the attention SSM received during the election, and Republicans' reliance on turning out conservative voters by including constitutional amendments to marriage bans on the ballot in many states. Several LGBT activists we spoke to said they felt the community was blamed unfairly for George W. Bush's victory. How do you remember this period?

I remember a bunch of studies debunking that. By now, happily, the wedge issue seems to be on the other foot, as it were.

Q: Did you have a sense that Democrats were cautious about engaging LGBT rights after the 2004 election? Were you part of any discussions among party leaders (within the DNC, in Congress, or elsewhere) in which the party's positions on LGBT issues were debated?

No, and no.

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Did you share those concerns? Did issues such as the featuring of Rick Warren in the inauguration and the Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

This was such a crock. There were basically two kinds of activists: those who largely or totally had faith in the president's commitment but who recognized it was also our role to 'make him do it' – as he had asked us all to do at the outside – and to put private and public pressure on him, which we did. And a second group – enflamed by some folks who I don't think were quite as wonderful as they themselves thought they were – who decided he'd suddenly become uncaring or politically unsavvy – or that he had never cared in the first place, and who were sometimes shrill past the point, possibly, of being productive.

That second group – with the exception of a few who may have been cynically or self-righteously grandstanding – were certainly well-meaning *and* on the right side of history *and* to be applauded for their activism in pursuit of the goals that we all (very much including the

President) shared. But it made me crazy when they made the case that, basically, the president and his team were only advancing equality because they were being 'forced' to.

Q: Obama famously 'evolved' in his position on SSM between 2010 and 2012. What did you make of this evolutionary process? What considerations do you think prevented him from changing his position earlier?

I think he did it 'just right' or roughly so. He was for SSM all along, I assume, but it was one of those things he must have reluctantly have agreed to back off publicly in order to win the election and thereby have a chance to do a great amount of good. Even so, during the 2008 campaign he was for 'everything else' LGBT *and* for getting rid of *all* of DOMA (not just half, like his –wonderful- primary opponent). But think about it: now you've won. What do you do? Admit the next day, "Fooled ya!"? Or do you wait until inauguration day, a few weeks later? I don't think that would have been smart – or effective in bringing people all along on the issue.

Rather, I think you 'evolve' and do dozens of other things that move the whole country along on LGBT issues and allow folks – not least in the black community – to feel you 'hear' their concerns on this issue and the church teachings and so on, so that then when your evolution is complete a lot of them have had time to evolve with you, and are more likely to follow your lead.

Q: Were there concerns within the DNC, the White House, and/or the Obama reelection campaign about supporting SSM before the 2012 election? At the time, did you believe such support would help or hurt the likelihood of Obama getting reelected?

I'm sure people had some concerns. To be *completely* unconcerned would have been kind of short-sighted. As with most things, it would have been a balance: would it help us more than hurt? Or hurt more than help? But I think they came down on the right side of it, and it worked out very well.

Q: Prior to the president's switch on SSM, Freedom to Marry began a campaign to include a pro-marriage equality plank in the Democratic Party's platform during the 2012 convention. This effort was supported by several leading Democrats, including a number of former DNC chairs. What did you think of this effort prior to Obama's switch on the issue? Did the DNC try to influence this process? Did the mobilization of support for the marriage equality platform plank expedite the president's evolution?

I don't remember too much of the blow by blow on this one. I think we were almost surely going to come out pro-SSM in the platform regardless of the president's position – and that would not have been a problem if he had waited until after the election to finish his evolution.

Q: After the 2012 election much of the activity on SSM gravitated to the courts. Do you think the Obama administration had a significant effect on the legal process?

Well, to state the obvious: if McCain had appointed two justices they surely would not have voted as Kagan and Sotomayor did.

Q: Do you believe Obama's eventual embrace of LGBT rights (including support for SSM) influenced the Democratic Party as a whole? If so, how?

Eventual is an odd word there as he embraced everything but SSM – including the repeal of DOMA – from the get-go. And, sure, this is bound to have helped some, especially in the African American community, although the party was already very far along on this issue by 2009.

Q: One way of looking at the relationship between Obama and the LGBT community during his first term is that they occupied different vantage points in American politics – and so the White House and community may have agreed on objectives but disagreed about when and how the administration should act. Is this a fair assessment of the tense but ultimately effective relationship between the White House and LGBT movement over the last seven years?

The community rightly has one main focus: equality. Only to the extent that it might have cost us the White House would it be in our LGBT interest to delay for any reason in any way. To those of us who care about other issues in addition to equality – certainly the President would be among that number, as would be many LGBT people themselves – it's more complicated. It's a little like conducting a symphony, or filming a movie. There's a lot of stuff you want to get into the narrative, but it can't happen all at once. And it can actually set you back if you don't do it very deliberately – witness Clinton's great intentions with lifting the military ban as his very first executive action – great intentions, great haste, really bad results that took two decades to repair.

Q: How important do you think LGBT groups such as Freedom to Marry have been in pushing the Obama administration to strongly support LGBT rights?

I'm very proud of all that so many community groups – certainly including Evan [Wolfson]'s – have done to change public perception, to lobby locally and nationally, to win in the courts and to change the world – or at least our country – on equality. I have no idea how one would measure the importance vis a vis your question as phrased. I think the commitment was strongly there from the get-go, certainly on the part of the President and First Lady and Vice President. The President, I think, had a 'long game' in mind from the start that would, by the end of his second term, get us where we all wanted to get. But the pushing helped give him cover and realistically must have helped to raise the priority with him and with Congress. You will get very different views, I think, of how important it was – I think it was a team effort and that he genuinely appreciates being on the team with us, and having had us on the team with him.

Evan Wolfson – President Freedom to Marry

Question: The fight for same-sex marriage (SSM) became one of the crucial elements of the LGBT rights movement in the last few years, but SSM has not always been as prominently featured on the agenda. When do you think SSM became a fundamental cause for the LGBT's community? Has the LGBT movement had to overcome internal tensions in its path to this cause? Do those tensions still exist?

I'd say the very short version is gay people have always wanted the freedom to marry. People brought the first court cases in the immediate aftermath of Stonewall, which is considered, somewhat erroneously, as the start of the modern gay rights movement. By 1972 there had been several cases, and one of them had even made it to the Supreme Court. This was the first wave of activism and litigation. Those cases were all rubber stamped away, since the country was basically not ready and the discussion receded. But the freedom to marry was something that gay people wanted from the get go.

Q: When did the issue disappear?

Probably by the end of the 70s, and maybe even earlier as cases popped up and then failed and the movement moved forward. There were other concerns that got more attention. In the 1980s the gay rights movement came under attack from the conservative Christian right and the rise of Reagan; and then, of course, there was the life or death battle over AIDS. As the `70s turned into the `80s there was this period of the LGBT community being beleaguered, and the movement focused more on the need to defend against AIDS and the hostile assault of the Reagan administration and the religious right. In 1983, I wrote my law school thesis on how gay people should have the freedom to marry. I only got a "B," which was a little disappointing. But one of my professors was quoted in a profile on me as saying that it's so refreshing to see someone apply something they learned in law school in practice. I urged people to take up this cause but at that point I was still just a student; I wasn't part of the movement. In retrospect though, I was crafting a methodology of combining different perspectives – moral, historical, political, cultural, and legal -- into a rounded argument for why gay people should have (and should fight for) the freedom to marry.

After I left law school I came to New York and began volunteering with Lambda Legal. While at Lambda I advocated that we should take up and develop a marriage strategy. That met with great resistance from the movement and many of my colleagues in the small band of organizations. This resistance came from two camps, one ideological and the other strategic. One strand of the ideological resistance was that marriage was a patriarchal institution not worth fighting for. Another strand of ideological concerns was that gay people should not be liberationist, not assimilationist; rather than emulating non-gay people, we should be redefining the family structure entirely. Those expressing strategic concerns worried that, during this period of attack, pursuing marriage was too hard or lower priority; many felt that: the pursuing marriage was premature and would create a backlash (as if we weren't already under assault). Navigating this tense landscape of the 1980s took a lot of time and energy; as advocates for the freedom to marry like myself sought to deal with these obstacles and camps of resistance, we also were swamped working on undoing sodomy laws, dealing with AIDS, and pursuing other pressing concerns

such as custody/visitation challenges, discrimination in the military, immigration discrimination, etc.

What really transformed the landscape was AIDS and then the Hawaii case, which was the center-piece of the second wave of litigation and finally gave us our day in court. The Hawaii Supreme Court in May 1993 did not just rubber stamp the denial of our claim for marriage. Instead, it decided that if the government wanted to deny people the right to marry, the government should at least give a reason as to why it should be denied. And given that day in court, my non-gay co-counsel and I showed that there was no reason, winning the world's first-ever trial on our freedom to marry back in December 1996. The Hawaii case launched the ongoing global movement that has led to the freedom to marry in the United States and 20 other countries, on 5 continents, across the world.

There were, of course, many political defeats – DOMA was enacted in 1996 ostensibly in reaction to our Hawaii litigation – and struggles within the movement on what causes we should emphasize, and whether to embrace civil union or not. But increasingly we moved people and brought them to our side pursuing our strategy. Likewise on the matter of ideology. A lot of people are happy that we can now move on to other battlefronts, but a lot of people were also convinced by the marriage campaign, and have come to see the power of it. The ideological opposition became less important over time, and in any case, we always saw the question as one that would be settled by non-gay decision-makers and the non-gay public, not the gay minority.

Q: How important was it to reach out to the non-gay public?

Certainly reaching out to people in the gay community was important at first to build a basis of support and a core of activists and campaigners, as well as to make the case (you can't get non-gay people to care if gay people don't seem to). But reaching out to the non-gay public (the vast majority and the power structure) was necessary to be successful.

Q: What was your answer to critics inside the community?

I wrote a law review article in 1994 called "Crossing the Threshold" that took the critical arguments from within the community apart one by one. And throughout the 1990s many people in the movement had the experience of seeing me make this argument over and over in what was called my "Paul Revere" phase -- Marriage is coming! Marriage is coming! -- based on the Hawaii case. There was just a lot of repetition of arguments from my side.

Q: Why did you believe that same sex marriage was such a foundational issue?

The heart of the discrimination against gay people is the denial of our love. And marriage is preeminent language and structure of love. So by claiming that vocabulary, by claiming love and devotion in that way, we can win something that is worthy in and of itself, but also flip the very thing on which we were discriminated and alter how people perceive gay people. Marriage is the language of love, commitment, family, inclusion, responsibility, self-sacrifice, civic worth. By claiming this central vocabulary – even while some people in the community might have thought

of it as the most difficult or too radical -- that very power and centrality makes marriage the most effective engine to achieve broader recognition.

Q: How would you characterize the Democratic Party's position on SSM prior to 2008? What factors have led you to seek bipartisan support?

The reality was we weren't going to be able to win with only one party. The bulk of our support was going to come from the left, from Democrats. But that wasn't going to be enough to win. Even in New York, we needed some support from the right of center to win. And I want to win, so that's why Freedom to Marry has always been a non-partisan organization. Additionally, although the case for freedom to marry was truly progressive and subversive, at the same time – joined to principles like inclusiveness and family -- it was also truly conservative. So, it wasn't automatically limited to one party. As far as the Democrats – I myself am a liberal Democrat, but at the same time I'm the leader of Freedom to Marry, and I'm not trying to achieve a partisan goal. I tried to play it fairly in being an equal opportunity cheerleader or critic based on what the parties deserved. I used to say a lot during the earlier period, that the Democrats are the second worst. There was no question they were not as bad as many of the Republicans, looking at Bush and even going back to Dole pushing DOMA. But then Clinton signed DOMA, so neither party was where it needed to be, and neither deserved much praise early on. In the beginning most of the push was on the Democrats to get them where they needed to be because they were also the most gettable. When we got the Democrats where we needed them, we could then push even harder against the other side to get the support of about 10% of Republicans we needed to achieve victory.

Q: Conventional wisdom has that the LGBT community was more supportive of Hillary Clinton during the 2008 primaries than of Barack Obama. Do you think this is a correct assumption?

Freedom to Marry never endorsed any candidates. We called out the good and the bad things Clinton and Obama said. At the time, Obama's position was marginally better than Clinton's position. He called for the full repeal of DOMA. There were a few other things in his platform that were marginally better. We would have noted those. At the same time, both of them were significantly better than their Republican counterparts. Personally I was a strong and early supporter of Obama but that was not a Freedom to Marry position.

Q: Did you have any concerns about Obama during the 2008 campaign?

He was not where he needed to be. Despite his earlier statements when he was a state legislator, that he supported the freedom to marry he had back-pedaled, and then supported "equality" through civil unions And we had always felt that support for civil union was not support for equality. He also, early on, used religious language to justify his support for civil union but not marriage, and that was troubling and we called him out on that. As we did with Clinton.

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Did you share those concerns? Did issues such as the featuring of Rick Warren in the inauguration and the

Department of Justice's defense of DOMA make the LGBT community pessimistic about forming any sort of alliance with the new administration?

The Rick Warren thing deserved criticism and he got plenty of it. The DOJ was a terrible brief, but it was more of a mistake than anything. They deserved criticism for it, but they immediately moved to fix it. I was in communication with the administration at the time. My constant message was they needed to help us help them help us. For example, by embracing heightened scrutiny, they would be helping us topple DOMA and win more court cases, etc., which in turn would free them from that burden and help us give them more political space to move to support the freedom to marry (which was where we wanted them to be and, I argued, where they needed to be politically). From the get go I felt that they took me seriously, though they did not do everything I told them to do. But one of the things I said to them all along is that no matter how wonderful what you've done so far is, you'll never get credit until you come out in favor of marriage.

Q: Who did you communicate with most in the administration?

I had known Brian [Bond] for years and I could pick up the phone or vice versa and speak to him immediately and we could be very clear to each other. He was an early and reliable conduit. At the same time I was also invited to be in communication with the office of public engagement and Tina Tchen. And that, pretty quickly, escalated to direct contact with Valerie Jarrett who was my principal direct contact at the White House and in the Administration, though I also communicated some with the Office of White House Counsel. At the same time, through colleagues and other conduits, we were in touch with people in other departments and categories – for example, the Department of Justice and or key actors like Axelrod, Plouffe, or Messina. My meetings with the President himself were more ceremonial, my business meetings were mostly with Jarett. We also used contacts through other people, including political donors and other intermediaries (for example, presidential pollster Joel Benenson) to communicate directly with the President and Vice President.

Q: What kind of communication existed between organizations such as Freedom to Marry and other LGBT organizations on how to interact with the Obama administration? Were there strong disagreements about what tactics to deploy? If so, how were those settled?

I think there was a relative degree of cohesion and focus and I think—the community did relatively well. There were different players looking for different credit on the military stuff, for example. But we all understood the importance of that battle. Some of us (particularly me) pushed earlier for calling the administration to use heightened scrutiny in DOMA, but we didn't necessarily disagree on that strategy. And Freedom to Marry constantly connected all the various steps and advances back to the core case we built for the Administration to support marriage – mapping it out as not just the right thing, but the right thing for them politically…

Q: Do you think there was a learning curve in how the LGBT community worked with a friendly administration?

I don't know how much a learning curve was a factor. I think there was just the process of getting into the saddle and working it, which I guess sounds like learning. But I don't think there was that much of a learning process. You're right that the level of access and actual partnership were different than what any of us had experienced previously, even under Clinton, but it was more just doing it. There were newer activists who never understood how things get done or who enjoyed the outsider role – which is important – but I don't think they understood the nuances of success we already had. I do think the outsider role is important. But I quickly came to trust that we could do business with Valerie and through her with the administration and that didn't really waver as we got to work.

Q: Did the direct action groups complement your more "insider" strategy? Or did they get in the way from time to time?

These groups never were a problem to me because by and large the bulk of the movement's activism were on other battlefronts first – most notably the military and non-discrimination – and that's where a lot of the more confrontational energy was expended. There were moments were direct action veered into marriage and it was a little frustrating but for the most part it was not in the way. And I've always believed in a synergy of tactics.

Q: The Obama administration achieved some significant victories on LGBT rights during its first term, for example, the Matthew Shepard hate crimes bill, the end of the HIV travel ban, repeal of DADT, to name but a few. Yet Obama's unwillingness to support SSM seems to have undermined his support among LGBT voters and donors. Do you think that's an accurate description?

I didn't have much to do with things like the hate crimes bill. I didn't think that was that important a goal. My overarching demand was that until they did marriage they never were going to be where they would need to be. And my first demand was that they would needed to embrace heightened scrutiny and stop defending DOMA, and they came to that somewhat quickly. The only things outside marriage I focused on were immigration and the military ban – and repealing DADT enhanced the White House's confidence to take on marriage. I was surprised the repeal happened during the lame-duck session, after what had seemed to be several stumbles. It showed how really committed the president was to take on difficult things and how effective he could be in getting them done. But [the way the DADT repeal came about in 2010] also covered up the fact that the administration sometimes went AWOL on issues and had to be brought back in and focused. There were missed opportunities. It did all work out – but along the way we learned the pros and cons of the administration. I came to understand the rhythms of this administration and this president.

Q: Did the administration send you signals to keep pushing on LGBT issues?

Sure. And I had sent that message all along: our job is not to help politicians do what they want, it is to help them do what *we* want. Our job is to produce the space for them to rise. We have to make it easier for them, but we also have to put pressure on them to make it necessary for them to do the right thing. At the same time, Obama was very good at articulating that's what he wanted us to do. Clinton did as well, and it goes back to Roosevelt – to his well-known

admonition to Labor – "make me do it." But it's not about helping them do what they want, it's helping them do what we want.

Q. Could you talk to us about your reaction to Obama's "evolution"?

This was an example of help us to help them to help us. We went to the administration and argued that even if you don't think it's appropriate to stop DOMA, they should at least embrace the right legal standard and then they could play their role under that standard and allow the courts to take the next step. All along that was what I was urging them to do. To their credit, once they got the courage to embrace the right legal standard – heightened scrutiny -- they concluded that they would no longer defend DOMA in the courts. And that was a huge step forward that really reflected well on them. They took it to the even further moral leadership place. While hailing that and praising that, I of course then continued to point out to them that they would never get full credit until the president announced his support for marriage

Q: Why is the president as a political actor so important? Why do you need the president to be on your side to fulfill your rights?

We believed that we first had to build a majority and then grow our majority and give people permission to, in Lincoln's words, think anew and support gay marriage. But there came a point where a swath of people as a manner of convenience and symbolism took comfort in the fact people like the president had not yet expressed support for marriage, that you could be for "equality" without being for the freedom to marry. The president's not being where he needed to be meant that a person who was generally pro-us not supporting us was giving comfort to people who were still opposed to marriage. So we needed and wanted to move him, and also believed he could be moved. The argument we were making was that you're never going to satisfy the people who are not with us since you're never going to be anti-gay enough, but you're not close enough to where the people who are with you want you to be. So you're falling short on both sides and you should dance with the group that brought you, the people you need and who believe in you.

Q: Did you think he would get there in the end?

I always believed he would get there, in part because he had already been there. The question was when and how he would take the right avenue. And I believe we helped by pressing the substantive moral case for it as well as the political and practical case (and creating pressure: our successful; push for the Democratic platform plank, for example). We argued that the conclusion of his own acts required him to get there; you can't take this step, and this step, and this step and not take the final step. And I knew where they wanted to be. So this was a matter of getting them to where they wanted to be and that, of course, is where *we* wanted them to be.

Q: Did you get a sense that there was push-back from the administration against announcing support for gay marriage in an election year?

I didn't get direct push back from the White House but I certainly got that from many Democratic Party officials, including my gay colleagues who were oriented to the Democratic

Party. There were many who said he would get there but not before the election. And I argued that it was the right thing to do and, happily for him, politically the right thing to do as well. It was a galvanizing action for the base of the party.

Q: Was the President's mention of Stonewall in his second inauguration a landmark achievement for the movement?

It was hugely moving. He was, much as I believe, articulating the movement as important not just for gay people but for the American journey. And it was moving particularly for him to do it at this solemn occasion of the inauguration. I had heard him use that formulation before around the time of our win in New York. But when he then did it from the inauguration platform, it was thrilling. It really meant a lot, and he of course only could do it because he got himself where he needed to be.

Q: What are the next issues on the agenda?

The Freedom to Marry campaign has succeeded so we are winding down this campaign over several months. But the work of the movement is far from over. The top concern is to pursue a federal civil rights law (working for state and local measures and litigation victories along the way), and at the same time tend to the lived experience as well as the law. I recently wrote a New York Times editorial that makes clear the work of the LGBT movement is far from over.

Tobias Wolff – Professor of Law at the University of Pennsylvania Law School

Question: Your relationship with Barack Obama goes back to the 2008 campaign – how did you meet Senator Obama? How did you come to be his top campaign advisor on LGBT issues? Were you satisfied with the role that LGBT issues played in the campaign? Or was there some disappointment, for example, with the president's unwillingness to express his personal support for same-sex marriage (SSM)?

I became aware of Senator Obama along with many people when he gave the address at the 2004 convention -- I was powerfully affected by it and began following his career. When he announced his candidacy in January 2007 I was interested in working with the campaign, and I put word out to several people I knew that I was interested in endorsing him and contributing to the campaign. There were three circumstances that led to me becoming the LGBT advisor. First, I had known Heather Higginbottom, the woman who was his domestic policy advisor during the campaign, from the Kerry campaign in 2004 – I played a very minor role on LGBT issues in that campaign. Second, they were looking for a policy expert instead of a political figure. And the third was – and I always tell this with self-deprecating humor, but it's true – anybody who was of any consequence in the political world of the LGBT community had already signed up with Hillary Clinton. So I think it was also, frankly, the case that I was the only one left standing.

Q: Why were you the outlier?

It was partly that the Clinton political world was one I never had great affection for. Hillary Clinton herself I hold in high regard, but the political world that surrounds her I have never found attractive and I was never part of it. There was also a quality of genuine intellect, genuine principle – not always ideal principle, from my perspective - but genuine principle, and genuine humanity about President Obama. I always thought that from a distance, and as I got to know him a little during the campaign, that was reinforced. I think a quality presidents must have is that they must genuinely like people, and be interested in the diversity of the American community rather than view it as an annoyance or look at it with suspicion. I love long distance driving and I've driven across the United States thirteen times, and I have a strong sense of the sweep and range of the United States as a community. And I really believe a good president must view that scope and diversity as something to be excited about. I think most politicians try to make a good show of having that attitude, but I always had a sense that that's how then-Senator Obama genuinely viewed the American community.

Q: What made the 2004 convention speech so attractive to you?

To be honest it wasn't so much the content of the lines but the capacity he had to deliver those lines in a way that was infused with great affect and sincerity. And that's carried over.

Q: How did you feel about the 2008 campaign? Was there any disappointment regarding Obama's refusal to support SSM?

In the relatively limited circles in which I was a known figure when the campaign took me on, I was known as a marriage equality advocate. So they were bringing on—the candidate was not in

the right place on marriage equality, but they were bringing on as their main spokesperson on LGBT issues a marriage equality advocate. So that struck me. When Heather called me and said "We'd like for you to fill this role on LGBT issues" I said to her "I just want to make it very clear that my view is that the candidate is in the wrong place on the issue of marriage equality, and I'm not going to come up with clever answers when I'm asked about that, I just will say he's wrong." And they never had a problem with that, they said "Of course, what else can we expect you to say?" So I spent about 17 months speaking on behalf of the campaign and when I was asked about marriage I'd say "Yeah, my candidate is flat wrong about that." And I think that was a unique circumstance in presidential campaign politics. When the Iowa caucus was about to happen, I was one of the amicus curiae counsel on the marriage equality case that was being heard by the Supreme Court of Iowa. I submitted a brief to that Court in December and the caucus was in early January. And I was on the ground in Iowa for about two weeks doing LGBT outreach in advance of the caucus. I called the campaign to let them know I was submitting the brief, on the off chance someone would ask the campaign about it. And their reaction was, "This is great, and by all means in your outreach to LGBT people in Iowa please tell them about this." So the fundamental tone of my participation in the campaign on marriage equality was that I was frustrated that the candidate was not where he needed to be, but I was not constrained in how I could talk about the issue, on the record and with voters.

Q: Were there positive things about the Senator's record you could talk about?

There were several things in his LGBT record that we talked about a lot. He had done significant work as a state senator on LGBT discrimination legislation and we talked about that a lot. He did something during the campaign, which is easy to forget about now because of the huge shift our politics have made since then, but he incorporated LGBT issues in his stump speeches when he was talking to general audiences. He'd be talking to stadiums of people and he'd include passages about the moral side of LGBT issues in his stump speeches.

For the most part he had the right positions on issues on the federal side. One point of difference between him and then Senator Clinton that we made a lot of is that from the first time he ran for US senate he'd advocated repealing DOMA in its entirety. That was a position that even during the presidential campaign Senator Clinton would not embrace. She advocated repealing the portion of DOMA that was about federal benefits but not the portion that was about full faith and credit – she would exempt the states from the obligation to recognize valid marriages from other states. Indeed, there is a connection between that position and the interview a few months ago in which she gave a post-hoc rationalization for DOMA needing to be passed after the Hawaii ruling to stave off more regressive action, like a constitutional amendment that would ban gay marriage.

The one place where Obama was not as good as I would have liked (other than marriage) was on the treatment of LGBT couples who were immigrants. Now it's a complete non-issue, but at the time -- my best interpretation from conversation with his senate aides -- at some point he took the position that he had a cautious approach to issues that would create parity for LGBT couples in relation to immigration status, because of some unfounded concern about fraud in the administration of such a rule. I don't think this was a very deeply held position he or his staff held, I think someone put it on the record and then it was their position. I tried to walk him away

from that for several months but I did not succeed. The Clinton campaign made a lot out of their position being more progressive on this.

Q: What kind of contact did you have with LGBT groups in this period? Did they try to get information about the candidate from you?

Yeah, I guess they did. The political advocates did not yet know me but got to know me during the course of the campaign, and the civil rights lawyers knew me quite well. The biggest set of requests during the campaign related to the parallel campaign surrounding Prop 8 in California. As you may recall they were on the ballot on the same day. The candidate had come out strongly in opposition to Prop 8, and against all state constitutional amendments banning marriage equality. We had very good language on that, a lot of which I drafted. But, at the same time, the candidate was not in the right place on marriage. So during the general election phase of the campaign the Prop 8 proponents used the candidate's statements opposing marriage equality in commercials and robocalls, falsely suggesting that the candidate supported Prop 8. There were a lot of occasions throughout the campaign when folks would use me as a point of communication, but particularly when the Prop 8 campaign was going on there were urgent requests to have the candidate express his opposition to Prop 8 more forcefully and conspicuously.

There were some other things I should mention. First, was the Donnie McClurkin episode. Donnie McClurkin is a mega rock-gospel star and he is also a very complicated and divisive figure on gay issues because he has a whole "I was gay but repented from the lifestyle" story – he's an African American man, once identified as gay, had a religious conversion, and claims that being abused as a child 'made' him gay and that he had repented from his gayness. McClurkin was tapped by the South Carolina portion of the Obama campaign to headline an event in the run-up to the primary. I think this happened in November 2007. The people who arranged this, I think, had no idea that McClurkin had this entire story that was offensive to LGBT people. He was just a music super-star, a huge draw. LGBT people in South Carolina pointed out the problem, and there was a huge to-do about it. This was actually the first time I spoke to the candidate, on the phone. All this came to light something like five days before the concert; there would be 12,000 people there (I may not recall the numbers exactly – it was a lot) and LGBT rights advocates demanded the concert be cancelled.

Senator Obama said this is an unfortunate series of events, we aren't going to cancel the concert, but we will release a strong statement along with a dozen and a half clergy members and LGBT leaders to say this is an occasion to think across communities. That statement was released – and on this call the candidate said, quite forcefully, "I don't want this to be framed as choosing one community over another." And I was put in the position of having to say to him, in what was my first live conversation with the candidate – "I understand that position and I will support it, but you have to understand that, regardless of what you want, this will be seen as you supporting one community over another, and we are liable to have to deal with that for the rest of the campaign" and he paused and said "I understand what you're saying."

The concert happened, and it played out about as badly as you can imagine. Donnie McClurkin was insulted by the statement from the campaign, and on the stage of the concert he went on about his personal views about gay people, and he was now saying this on the stage of an official

campaign event. So for the entire rest of the campaign I had to wear a flak jacket when I spoke to an LGBT group because I would get incredibly hostile questions about the Donnie McClurkin episode. It is ironic: Now, President Obama is framed by his detractors as a Manchurian Muslim candidate; but at the time, the concern from the LGBT community – more precisely, from a lot of gay white men – was "we don't know him, he's a black Christian, and he's now showing us his true homophobic stripes by embracing McClurkin" (which was a really ugly sentiment). I had to spend a great deal of time talking about this.

When Mr. Obama secured the nomination, one of the things I did was to meet with some of Senator Clinton's important LGBT supporters and make myself available to them and ask them "what do you need to know to come onboard?" Some of them told me that my presence on the campaign gave them the comfort they needed to endorse him, but a lot of the discomfort was centered around the Donnie McClurkin episode.

The second thing regards having Rick Warren be part of the inauguration. Both Senator Obama and Senator McCain sat down with Warren at a big public event during the general-election campaign. There was a lot of conversation in the LGBT community about why Obama was doing this right in the middle of the Prop 8 campaign. Warren had very publicly endorsed Prop 8. When the candidate was on his way to the Rick Warren event I was able to get a call through to the backseat of his limousine. I was put on the phone with Josh Dubois who was his faith community outreach person during the campaign. And Josh Dubois is someone I think the president is very fond of personally. And I told him, "Look, he's going to get the marriage question from Rick Warren and I know what his answer will be. But when he gives his answer there will be a big round of applause. And that moment is important because if he is seen to be embracing or welcoming that applause it's not going to be a good moment for the LGBT community. This is when he needs to do that thing that he has become known for – push back a bit on their enthusiasm and say "Wait, wait a minute now. I understand my answer makes you happy, but let me push back on that a little bit and tell you some things I think you need to hear about gay rights." And Josh Dubois quite indulgently said "Oh yes, that's very perceptive of you, and I'll let him know." And the event happened shortly thereafter, and he got the question, he got the applause, and he just allowed it to continue – there was no pushback. I suspect Dubois never told him of our conversation (though in fairness I do not know). That was another bad moment. It created distrust despite the genuine commitment he had to LGBT issues. I think he would have faced an angry and impatient LGBT world as President, regardless – which was entirely justified – but those two events were people's go-to reasons for why they were distrustful during the campaign and his first few months in office.

Q: So what did you make of Warren being included in the inauguration?

I published a Huffington Post essay at the time in which I emphasized the significance of Joseph Lowery, who gave the convocation. The hook of the essay was that Rick Warren's support for Prop 8 – one of the things Warren did was to put out the fraudulent claim that pastors were going to be arrested for hate speech if they preached against marriage equality, which was ridiculous. Lowery, however, was actually one of four African American ministers sued in the case that became *New York Times v. Sullivan*, a dispute arising out of the persecution of Martin Luther King that became the cornerstone ruling in modern free speech doctrine. He was one of the

Alabama ministers who was targeted by authorities for his civil rights activism. So I argued that Warren was a figure of no historical importance on questions of free speech, while Lowery had been part of a singular contribution to First Amendment history. I sent that piece to Gregory Craig and Mike Strautmanis (a senior aide to the President). I had some heated conversations with Mike about putting Rick Warren on stage. In the essay I wrote, I tried to thread the needle by being critical of Warren but not of the new president. But from the perspective of the LGBT community, with Warren having played a significant role in endorsing Prop 8, this was Donnie McClurkin all over again. So after thirteen months of convincing the LGBT world that putting Donnie McClurkin on stage was a mistake, they now put Warren on stage during the inauguration and they couldn't possibly claim they didn't know about his pernicious role in the enactment of Proposition 8. It was a bad note on which to start his presidency.

Q: Were you considered for a job in the administration?

This is the first time I have spoken about this on the record. I interviewed for four senior positions: twice for deputy White House counsel, once for a position as a deputy in the Office of Legal Counsel at the Department of Justice, and I was considered for an appointment to the Third Circuit Court of Appeals, which would have been the first time an out-gay person was appointed to one of the thirteen federal circuit courts. I also had several conversations about a position as deputy in the domestic policy council, though never a formal interview. On none of those occasions was an appointment or nomination forthcoming. On each occasion the administration wound up treating me quite poorly. Not only did they not bring me into the administration, they never even informed me when I didn't get the position. They are notorious for this. They're terrible about the small-p political day-to-day stuff. It's some combination of a cool-kid arrogance among a few of the men who work in the West Wing and a lack of political acumen. If you talk to Democrats in the House and Senate, you will likely hear that they love the President but that his administration is often terrible on the day-to-day treatment of their allies. I have a couple of friends in the House and Senate that say the George W. Bush administration treated them better than this administration when it comes to everyday courtesies, despite their deep disagreements on matters of substance.

So, sadly, I experienced that myself. I didn't have the kind of network of Washington friends that people use to get jobs in presidential administrations. I believe I am thought of quite well by people in the administration. And yet they somehow never thought of me as someone they needed to take care of in that way – that is, with a role in the administration. So I went through some hurt feelings, but I got over it. I already have the best job in the world for me – being a tenured professor at a great law school – and I decided to help them as much as I can in other ways, as a trusted outsider. And there are ways in which I could be effective on issues that I maybe couldn't be if I had been on the inside. Still, during the transition period, several high profile LGBT people got in touch with me and told me it was an outrage that I didn't get a position. They were expressing support for me personally, but perhaps more to the point they thought that the failure to give the LGBT policy advisor from the campaign a senior position in the administration was an outrage to the community. A few of them wanted to raise a storm about this, but I said no, that's not the kind of relationship I want to have with the President or his staff. Once I got over my hurt feelings, I realized there was an important role for an outsider like myself.

Q: How would you describe your role in the process of ending DADT and the decision to no longer defend DOMA?

Each of these warrants a full conversation. The DOMA issue came up first. On that issue my role was an engaged one, though I don't think it was a central one. There were a lot of people in the administration trying to foreground the question: Under what circumstances would the administration stop defending the statute. The occasion when the administration ultimately reconsidered its defense of DOMA was the Second Circuit case, where there was no controlling authority on the level of constitutional scrutiny that should be applied in sexual orientation cases. In other cases, there had been controlling authority that LGBT cases would only get lower scrutiny – rational basis review. Since there was no precedent in the Second Circuit case, the administration had to identify what the appropriate level of review was, and they used that opportunity to argue that heightened scrutiny was the appropriate standard. Therefore, they concluded, they could no longer defend DOMA in the courts.

My principal effort in this ongoing discussion was to identify the statements the President had made on the record about LGBT discrimination and to relate them to the doctrinal questions that underlie the heightened scrutiny standard. I pointed out that the President was already on record on the substance of each of the key components of that standard. For example, the court asks whether there was a long history of discrimination, which the President had often said was the case. The court asks whether the trait in any way prevents people from contributing to society in equal measure, so I pointed to all the moments when the President had argued that LGBT people are able to contribute fully as members of society. I argued that if the administration did not embrace the heightened scrutiny standard, then it would have to say things in its litigation papers that would contradict the President's many public statements on these matters. I was not the only one making such arguments, and I think the President genuinely wanted to make the decision to embrace heightened scrutiny and cease defending DOMA. Perhaps my efforts helped to overcome opposition that existed within the administration; I don't know.

The administration's first brief supporting DOMA was terrible, though not for the reason people focused on. The main problem with the brief was the way that it framed the rational-basis analysis, which was damaging for the equality claims that LGBT litigants might make in any kind of constitutional litigation. But the media focused elsewhere. The brief cited cases that involved the marriage of a 16-year-old or the marriage of first cousins, and some commentators pilloried the brief for likening same-sex relationships to "pedophilia and incest" – a ridiculous characterization along several dimensions. That was not what was outrageous about that brief. The outrage was the argument itself – its defense of the rational basis standard. One person in a position to know informed me that those arguments were largely the product of institutional inertia – attorneys at DOJ who predated the Obama administration and were focused primarily on winning their case, and who were thus slow to focus on the larger context in which these arguments were being crafted. And I think the White House did not anticipate this bureaucratic inertia and was wary of getting too actively engaged in controlling the Justice Department, which of course is a concern in the relationship between the White House and the Justice Department in any administration. They weren't focused enough on the significance of what this would mean. I was sent this brief by friends after it was finalized but just before it became public. I criticized it,

but to no avail. It was not because there was a considered high-level decision to create a brief like the first one and then a considered high level decision to change the next ones. They just weren't sufficiently focused on it.

Q: Could you clarify this a little further: what caused the administration to walk back from the first brief?

It is certainly the case that after the brief was filed and there was a huge outcry, there was intense focus on the issue among people I was working with at the White House. The dramatic change in tone in briefs in those cases thereafter – in briefs filed between that first one and the administration's decision to no longer defend DOMA – the tone was entirely different. What people on the outside assumed is that the outcry helped cause that change, and that's correct. But those people also assumed that the first brief was the result of considered strategic decisions, and that's incorrect.

Q: How rare is it for the administration to refuse to defend a law?

There are constitutional law scholars who are much bigger experts on this than I am. The short answer is, it certainly was not unprecedented. There have been any number of cases going back to the early 20th century and before when administrations have refused to defend the constitutionality of existing statutes. Many of those cases concerned the role of the executive itself, but there have been other contexts in which administrations have declined to defend federal statutes or programs. One example is on race-based affirmative action, when the George H.W. Bush administration declined to defend a federal affirmative action program and John Roberts a senior member of the Office of the Solicitor General when that decision was made. So it is not unprecedented, and the negative response the president got that he was doing something new and unheard of was not correct. Having said all that, it is unusual.

I think what was important and a departure in the administration's action was the decision to make its own judgment of what constitutional standard to apply. The administration had said – I think incorrectly – that the Defense of Marriage Act survived rational basis scrutiny. What the administration could have done was argue that the most permissive standard applies and then continue to defend DOMA under that standard in the Second Circuit and before the Supreme Court. But instead they decided to identify the correct constitutional standard and then determine whether the statute survived the scrutiny demanded by that standard. I believe the duty of the Executive is to identify the correct standard in a case where the Supreme Court has not yet decided what the correct standard is. They should not view themselves as having license to make whatever constitutional arguments will permit them to defend a statute; when the Court has not spoken, they should make some judgment about the correct constitutional standard. That is what the administration did, and I think they came up with the right answer. I think this is the first time an administration was called on to identify the right standard and then asked to decide whether a statute could be defended on that basis.

Q: You were also involved in the process that resulted in the repeal of DADT?

I was indeed. Let me start with a little bit of my background on the issue. I am, I guess, one of the handful of leading experts on DADT in the legal community. I've written two law review articles on the freedom of speech element of the policy. It was the only law in the history of American law where identity speech was subject to direct, explicit regulation — an important and under-appreciated subject for study under the First Amendment. I did a significant amount of public speaking and advocacy on the policy. And I wound up having a series of personal connections that gave me multiple opportunities to play a role.

Let's go back to 2000. There was a case in the Air Force involving a gay man named John Hensala. Hensala is a child psychiatrist, and the military had contributed a significant amount of money to his medical education. When he began his active-duty service, he concluded that he could not continue to be closeted — that it was bad for his own well-being and for the patients with whom he might work — and he came out. The Air Force initiated discharge proceedings against him, and they also sought recoupment of the value of his medical education (that is, they went after him for the money). For people on the outside, it may have looked like he was trying to get a free education and get out of his service, though I think that is unfair. The case came to the desk of Jeh Johnson, who was General Counsel of the Air Force. Jeh had been a partner at the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, where I was an associate before becoming a law professor, and he was familiar with my academic work on the antigay policy . He asked me to come in and talk about the case. So I went to the Pentagon and had a long meeting with him and one of his deputies. At Jeh's invitation, I wrote a memo laying out the case for why the Air Force should not initiate recoupment proceedings. I was unable to convince his office not to go after Hensala, unfortunately, and Hensala's case ultimately resulted in the military adopting stricter recoupment policies across the board. As a side note, Jeh asked me for copies of my scholarly work before we met, and he shared that work with legal staff in the Pentagon.

Fast forward to the campaign. In November 2007, the Human Rights Campaign did a memorial event for the anniversary of the enactment of DADT and they asked all of the campaigns to issue statements explaining what steps they would take to repeal the policy. All the Republicans ignored it, and while most of the Democrats sent in statements, most of those were generic "Control alt delete, DADT is bad" sentiments. But the question HRC asked was *how* the candidates would repeal the policy. I wrote the response on behalf of Senator Obama, which the campaign used verbatim (perhaps with one minor change), and we actually answered the question, laying out a process that would involve bringing all stakeholders to the table — the military, advocates, the leadership in the Pentagon, the leadership in the congressional armed services committees — and mapping out a way to repeal the statute in a way that was acceptable to everyone whose cooperation would be necessary. I was quite proud of that short statement, and the process it set forth wound up corresponding very closely to the Working Group approach that the administration ultimately adopted.

Factoid number three: I was living in Philadelphia. There was a then-candidate for the U.S. House of Representatives in Northeast Philadelphia and Bucks County who was an Iraq war veteran by the name Patrick Murphy who reached out to me for advice. After Patrick got elected, he asked Nancy Pelosi if he could take up the effort to secure the necessary support in the House to repeal DADT. Because of Pelosi's support and because of Patrick, the House held a hearing

on DADT, for the first time since its enactment. So Patrick called me before the hearing and asked me to brief him. I dictated a series of questions to him that I had been developing for some years, and he wound up using two of the questions I framed for him. The questions were very successful, and he got a lot of airtime on TV. He has been quite generous in telling people this story and identifying me as the person who framed these questions for him, by the way, though it was his authority in posing the questions that made the difference. So Patrick Murphy continued forward with the effort to repeal DADT in the House, systematically talking to his colleagues and figuring out how to secure their support and move repeal forward despite the opposition of Ike Skelton, the Democrat who was then Chair of the House Armed Services Committee.

Now fast forward to 2009, when the President took office. In his very first meeting with his military and national security leadership, the President put DADT on the table. As it has been reported to me by one of the other participants in that meeting, the President said, "Look, I want you guys to know this was not just campaign rhetoric. We're going to do this – we are going to repeal this policy. We want to do it in a way you're comfortable with, but we're going to do this." So they put together a working group of senior people in and outside the Pentagon, and they undertook an extensive process of consultation that involved a massive survey, meeting with thousands of service members and their families, meeting with advocates, and devising a method that would allow them to hear from gay servicemembers. (As a side note, now that the policy is gone and gay, lesbian and bisexual servicemembers can serve openly and are a celebrated part of the force, it is amazing to think back just a few years when actually hearing from those individuals required elaborate preparations and assurances.) The people in charge of the Working Group were General Carter Ham and Jeh Johnson, who was then the General Counsel of the Defense Department. (He has since become the Secretary of Homeland Security.) Jeh, in turn, instructed his legal staff that I was one of the key people with whom they needed to consult, and they brought me into the Pentagon for a series of meetings and kept an open line of communication throughout the process.

So I drafted this roadmap during the campaign for a politically workable approach to repealing DADT. That wound up being close to what the President actually did after he took office. And I was close to Patrick Murphy, who led the charge in the House. And I was well known to Jeh Johnson, who led the process in the Pentagon. And I was the trusted LGBT person outside of the administration who was close to the different elements of the White House, including the White House Counsel, a key person in the National Security Council (Denis McDonough, who was Deputy National Security Advisor for Communications at the time, and has since become White House Chief of Staff), domestic policy staff, and the office of public engagement where the main contact was Brian Bond. Brian had been the gay political liaison during the last stage of the campaign and then he was the gay political liaison at the White House. So I was talking to all of the major actors as a trusted resource. As the process unfolded, I came to understand what an unusual and valuable position that was.

I had a meeting with Patrick Murphy and his staff in the middle of this process and I was telling them a whole bunch of stuff about what was going on in the White House that they didn't know but that was important for them to know. So after this meeting I called one of Patrick's closest advisors, with whom I had become quite friendly, and I said, "This is an insane situation. We just

had a meeting where I am telling a member of the House of Representatives what's going on in the White House and in the Pentagon, and who the Hell am I? I'm just some law professor from Pennsylvania. I don't have any of the fancy jobs or official responsibilities that any of these people have. Yet I'm the one who is talking to all the stakeholders." And he laughed and said, yes, that is often how Washington works. People who should be talking directly to one another often can't for one reason or another, and either the right outsider facilitates the exchange of information or else it doesn't happen.

Let me be clear: I am not saying the repeal of DADT would not have happened if I had not been there. I do not want to exaggerate the importance of my role. Many, many people were indispensable to the success of the repeal effort, including several members of the military who ensured that the report of the Working Group did not impose gratuitous political obstacles. I hope their story can be told one day, because it should not be lost to history. But my role was not inconsequential. And it was made possible largely by a series of coincidences — I happened to work at Paul Weiss, so I knew Jeh Johnson; I happened to live in Philadelphia so I came to know Patrick Murphy; I happened to meet Denis McDonough during the campaign and got to know him well enough to maintain a relationship; I interviewed with Greg Craig for a job in the White House Counsel's Office and developed a working relationship with his office as a consequences. And all of this combined with the fact that this happened to be one of the issues that I had worked on intensively as a scholar.

Q: The repeal did not happen until the lame-duck session after the 2010 midterms. Why did it take so long?

One issue that caused an enormous amount of distrust from LGBT people was that the President did not do what many people thought he should do, which was to issue a stop-loss order that would halt military discharges. He had the authority to do so, but it would only have been an inadequate stop-gap solution, and using that tool was politically toxic because it was a repudiation of what military leaders said they needed to repeal the law — it would have violated the process that was set up at the outset. Also, stop-loss is hated in the military. Using that tool would have turned military leaders against the repeal process, and that would have made it impossible to get the support necessary to get the repeal through the Senate. I spent months saying this in public media work, trying to respond to the sense of hurt and betrayal that so many LGBT people felt when they were told, incorrectly, that the President could end the policy with the stroke of a pen but refused to do so. This sound-bite — the charge that the president did not want to stop discharges of LGBT people because if he did want to, he would just issue the order — was both persistent and powerful.

The second issue was, we thought we'd get it through the Senate in September. But there was a filibuster that we couldn't break. That was a bad moment. Initially, the administration thought they could get it through the Senate in that time frame, but the Working Group had not yet published its report, and that proved to be a political obstacle. Secretary of Defense Robert Gates was an important and independent actor in this process. His support for the repeal was necessary to get the Republican support in the Senate to pass it. But Secretary Gates was also in some turf battles with the White House and made life difficult for them. I wound up drafting some of the legislative language the administration adapted and proposed to make the effective date of the

repeal contingent on the results of the Working Group in an effort to resolve the problem, but Secretary Gates rebelled, and that made it difficult to pass anything through the Senate before the report was published, which was scheduled for December 1st (if memory serves). So that was a tough moment.

In December, when the report was published, there was a three-week session in which the lame duck Senate had a number of major matters to consider, including a major arms-reduction treaty with Russia and a 9/11 first responders bill. There was a meeting – I don't have first hand knowledge of this – but I heard there was a meeting during this session where Democratic leaders told the president if you just give up on this DADT repeal we can get the rest done. And the President said absolutely not, I'm not giving up on this or any of the other issues. So at this key moment the Democratic leadership floated the possibility of dropping DADT repeal, and the President rejected the idea and held firm. And, of course, he succeeded on a number of fronts during that session, including DADT repeal.

Q: Do you think Obama got the credit he deserved for the repeal of DADT?

Exactly the opposite was the case. The story that was put out in the LGBT world was that the President had to be dragged across the finish line and was not committed to this. It's a source of great frustration to me. I push back quite sharply against people who make that claim. For all the reasons I described above, the President deserves enormous credit for mapping out a process that could succeed in getting the necessary support in the Senate and then sticking to that process in the face of immense pressure from multiple sides.

Let me also mention a personal story. A couple of days before the Senate vote I went to the White House with my father as my guest for one of the Holiday parties. I knew enough to position us at the right spot so that when the President came down we'd be right there. So we had a moment to converse with the President and we talked about the DADT repeal, and then I introduced him to my Dad. A couple of days later the bill passed and they had a signing ceremony. We all lined up at 6:00 AM in frigid weather. I'm in line and a woman named Tina Tchen – the director of the Office of Public Engagement at the time, now the Chief of Staff to the First Lady -- walked by me in line and just happened to see me. And she told me to come up to the front of the hall when I got through security, because they had a seat reserved for me. This is another example of the administration having great intentions but not attending to important details. I was very grateful for the kind treatment, but as Tina walked away, I thought, "When were you going to tell me?" I could easily have entered the auditorium without anyone seeing me, and then I would have been sitting in the middle of the crowd (which would have been just fine). But because Tina Tchen happened to see me, they brought me to a reserved seat that, I guess, they intended for me all along — and suddenly I was seated in the center seat of the front row. So then the President comes out, and gives this amazing speech. For me this is the culmination of fifteen years of advocacy, and I become overcome with emotion and start to cry quietly. There's nothing more fascinating to the White House press photographers than a man crying, apparently, so they notice it and start taking my picture. After the speech I get a moment with the President, we shared a few words and a hug, and I left. Later that day, as I'm driving home, Brian Bond calls and asks whether I've seen the White House webpage? So when I get home I check the page, and the White House Picture of the Day is a close-up of my face with a

tear rolling down my cheek. The next morning I wake up and I get phone calls asking if I had seen the New York Times. And the New York Times photograph for this major story is a big half page photo of me and the president hugging — specifically, my face and the President's back while we are hugging. (They had their priorities backwards.) And then I get a call from someone asking if I had seen the Philadelphia Inquirer. Over the next few days, I discovery that newspapers all around the country and several around the world had some version of me crying or hugging the president to represent the repeal of DADT. If any moment stands out for me as special on a personal level in my work for the administration, it is that perfect storm surrounding the repeal ceremony that resulted in my picture being attached to this remarkable day.

Q: Let's move on to president Obama's "evolution" on SSM. What are your views on this process?

My direct conversations with the President on the issue, both before and during his presidency, have been quite limited. When I was serving as an advisor to the campaign, the number of occasions on which I could talk to the candidate directly were limited, and I wanted to use that time as effectively as possible. I had the sense that lecturing him on SSM would not be a good use of my time. What we did discuss during the campaign was state constitutional amendments that would ban SSM, which he came out against, including on Prop 8.

In January 2008 both Senator Clinton and Senator Obama were called upon to provide their positions on state constitutional amendments that permanently prohibited same-sex couples from marrying. I had a chance to speak with Senator Obama for about 10 minutes in a car between events in New York City, and we discussed his position and the language I had drafted and the campaign had embraced, which he approved of. It is the language that he and his administration continued to use into his presidency, actually.

Towards the end of the campaign I remember having a conversation with a friend. We noted that candidate Obama was probably the only person in the country who held the particular constellation of positions on marriage equality that he had staked out — personally opposed to SSM, but also strongly opposed to SSM marriage bans and opposed to the Defense of Marriage Act, which he wanted to repeal in its entirety. I always felt it likely that in his heart of hearts he never had strong opposition to SSM. He never said anything to me personally that his position was anything other than his sincere position, but having said that, I think there are a lot of reasons to believe that his position had been driven by politics more than personal conviction. And, indeed, I had a conversation early in the campaign with a senior person in a position to know who indicated that his stance on the issue was indeed political in nature — though, I will say, I took it with a grain of salt when this person told me that, because at the time my support was important to them and this person might have been trying to assuage any doubts I might have.

Once Mr. Obama became president, most of my advising work was done with his team, not with him directly. I worked with Valerie Jarrett and worked closely with Greg Craig and others in the White House Counsel's Office. The one time I spoke directly to the President about the marriage equality issue was in October 2011. He was coming to Philadelphia for an event. People at the White House put me on the tarmac in the welcoming group as he emerged from Air Force One,

along with the now-late Senator Arlen Specter and several others. In that moment I got about ten or fifteen seconds to speak to the President, and I used that time to say to him "Mr. President, after the election is over – if not sooner – I'd like to have a conversation about what it would look like for you to change your position to full support for marriage equality." He didn't offer much of a response. But I came to understand that people in the White House knew that I had raised the issue with him.

In the lead-up to the Democratic National Convention, there was a whole conversation about what the official platform was going to be on the issue of marriage equality. That was a complicated question before the President articulated his support. But it also required some attention even after he did so. On the DNC front some of the people with whom I worked closely in the White House who also had close ties to the DNC apparatus engaged me in a conversation regarding language for the platform. And they were wrestling with the question of what language regarding preservation of religious liberty was appropriate and what was to be avoided, and I helped with some of that. I believe that portions of the language that ended up being incorporated into the platform reflected my input.

When the President made the announcement of his own support of marriage equality I was in the White House. I didn't know it was happening in advance, but I had been in discussions with some mid-level people at the White House on this issue and there was a scent in the air that this was very much under consideration. On that day, it was clear that things were happening, and I proposed some language to the people I was working with at their request (though my suggestions did not wind up playing any role this time around). I was in the White House for the Gershwin Prize celebration and concert that evening, and because I was going to be there anyway I called some people to schedule some meetings earlier in the day. My role was negligible to zero as to what was happening that day – the decision had been made and the interview [with Robin Roberts] had been scheduled – but I was lucky enough to be there. I think the contents of that interview reflected the President's own thoughts. There was a point during the interview when the President mentioned that one of the things that influenced his thinking was that there were people on the White House staff who were gay and lesbian and in long-term relationships, people he loved and depended upon. I was in the room with some of those staff members watching the interview, so when he said that I pointed at them and said "He's talking about you."

I think one of the extraordinary things about the announcement was that he changed the conventional wisdom on the issue, flipped it on its head, in an instant. Before he made his announcement, the conventional wisdom was that this was politically dangerous -- that it was risky to articulate a progressive view on this issue. Afterwards, he and the campaign embraced it wholeheartedly and the presumption became that any Democrat should support SSM and those in opposition had to explain themselves. It was a remarkable use of the moral authority of the office. I don't think he instantaneously changed people's minds, but he liberated people to change their public positions. And I think he changed the broader political landscape regarding the issue.

Q: Some people argue that Obama was basically rushing to get to the head of the parade when it came to SSM – that public opinion had changed already, and he was just catching up. Do you think that's correct?

I think the truth lies somewhere between those two points. At the very least, purely from the perspective of real politic, Democrats were inhibited in their ability to push for marriage equality until the President articulated his support. Because supporting marriage equality required them to explain why they and the President were disagreeing. Prior to the President stating his support for marriage equality, I had a meeting with Tim Kaine, who was then Chair of the DNC, and it was a very unsatisfying meeting. He was still talking the talk of supporting LGBT rights but not being supportive of marriage equality, and he was not giving cogent reasons for his position. I was polite to him but frustrated with the meeting. I think Tim Kaine is not particularly a visionary when it comes to these issues, but it was also symptomatic of the cost that the party would incur by placing itself in a position that was different from where the President was. So part of what the President did was to catalyze the ability of the party to resolve its internal contradictions and give voice to a significant reservoir of support that was already there. But I think it's also the case that people's assessment of whether it was politically beneficial to be in support of marriage equality changed dramatically once the President made his announcement. I don't think people necessarily changed their position, but I do think that when the President made this announcement and it did not have a negative effect on the campaign – indeed, it had a positive effect – it changed their understanding of the politics of the issue. The Mitt Romney campaign did not touch the issue, which was striking. They apparently saw no benefit in doing so.

Q: What kind of suggestions did you make regarding the language of the Democratic platform on marriage equality?

I don't remember them off the top of my head. The avenue through which I was able to provide some counsel was David Axelrod. One of the people I worked with was working with Axelrod and he was working with the DNC on the platform. I don't remember exactly what the timing was, though of course it was after the President made his announcement. The primary thing I was advising them on was the appropriate treatment of religious liberty regarding marriage ceremonies. The other side has figured out that confusion on religious liberty works to their favor. I worked on language that drew the distinction between marriage as it's administered by the state and the marriage ceremonies that are performed by religious celebrants and ministers, where religious liberty safeguards their right to choose which rituals to perform or not to perform. That concept was incorporated in the platform and I think it was pretty close to the language I proposed.

Let me take a step back chronologically and mention another component. I do think the president had a view on the strategic wisdom of pushing on marriage equality at different moments in time. The very first time I met him in person, I was with him in New Hampshire for an endorsement meeting with LGBT representatives. I believe it was November 2007. He got pushed on the marriage equality issue in that endorsement meeting. In his answer, he asked whether as a political matter this was the smartest issue to push on, given job discrimination and other forms of discrimination. But then he also explained that it was not his place to tell the

advocates what issues should be most important to them. Rather, he explained, it was the job of the advocates to push him to advance their priorities, and to help to create the support and political momentum on the ground that would make it possible for him as President to advance their priorities successfully. He invoked the oft-cited quote from President Franklin D. Roosevelt, who responded to the demands of labor activist A. Phillip Randolph by saying, "I agree with you, now go out and make me do it." Senator Obama invited the LGBT advocates to think about their relationship with candidate Obama and then President Obama in the same terms.

My guess is that his substantive position during the campaign may not have represented his true feelings on the underlying issue but instead an assessment that the marriage equality advocates were not being strategic in setting their priorities. In essence, I think what he told himself was, "You haven't yet done the work you need to do in order to require this position of me." I have a hunch that that sentiment always infused his approach to the issue. Then, of course, the marriage equality campaign showed it was in fact following a very canny approach, which I think the President appreciated, and the advocates did create the on-the-ground political landscape that made it viable for the President to move on the issue.

Fast forward to his period of evolving. I always suspected that he was deeply uncomfortable with his own position. I think this period when he talked about evolving was a way of politically laying the groundwork for a shift. It was also a less uncomfortable place for him to be. I think that he was always uncomfortable articulating a position he did not really believe on such a basic issue of fairness and equality.

Q: What was the relationship between Obama and the LGBT groups? Did they have different vantage points while broadly sharing the same policy preferences?

I think that's true. One of the things Obama has said for a long time on the respective roles of social movements, elected officials, and presidents, is that there is a necessary tension between how social movements set goals and evolve and make moral assessments of whether people are doing the right thing, and how elected officials set goals. During that same endorsement meeting in New Hampshire, Obama told these activists that "You should be pleased with my record but in so far as you're not satisfied – push me. My job is to make the best assessment of what is achievable, how much political capital certain goals are going to take. Your job is to advance your goals and priorities. I understand where you are coming from, and you need to understand that an elected official cannot pursue objectives in the same way social activists do. I'm on board with almost everything you're asking of me and I'll work for that. But I'm running for president not to be the head of an advocacy group. Your job is to push me really hard on this." He said this at a number of Stonewall commemoration events at the White House, and I think it really is something he believes.

In some sense, again, he was telling LGBT activists, if you want my support on this very difficult issue you have to earn that support by pushing me to a point where I have the appropriate political landscape to do it. I don't know how previous presidents understood this relationship, but that's how President Obama sees it.

This is also another instance of the President and his administration being good at the big stuff but not the small stuff. They were never consistently effective at giving the social movements the confidence that they were on board and moving the ball forward; they never did a good job of explaining how the White House and activists were allies, even if it seemed – because of political considerations -- that they were not taking the steps the movements wanted them to take. The most astonishing example of this disconnect to me was the repeal of the DADT policy. The President put enormous political and institutional capital behind this. He decisively put this on the agenda during the first meeting he had with his national security team. He pushed the Democrats in Congress during the lame duck session in 2010. He and his administration quietly and strongly and persistently made this happen. Obviously, activists and service members who had been booted out of the military and members of Congress and many others played a vital role as well, but this would not have happened without the President's unwavering support. And yet there is an alternative version of this story told by various LGBT opinion leaders – journalist Kerry Eleveld has told this alternative version of events, as have bloggers. It is part of the mythology that has surrounded Dan Choi. The story is that the President had to be dragged across the line and that Dan Choi had to chain himself to the White House fence and GetEqual stopped traffic in the middle of Las Vegas and that is what moved the political needle. I don't mean to denigrate the importance of those public actions, because they did play an important role. They increased the salience of the issue, and they placed needed pressure on members of Congress. But the disconnect between the reality I witnessed and the story that social movement leaders told themselves and others about how this change actually got accomplished — that it was all the product of grassroots activists overcoming an uncooperative President and his intransigent administration — has always been frustrating to me.

I think there are purposes served by social movements advancing overblown stories about their own effectiveness, because you need inspiration to keep going. But it wasn't just about advancing a view of their own efficacy; it was about casting a friendly and strategic administration as non-feasant, or even malfeasant — that they had to be dragged along because they were not effective or because they were opposed. I would go out there trying to change the narrative. I would argue, by all means continue to expand on the role of social movements and particularly service members coming out, which has always been the most important and courageous component to this effort. But you're creating for yourself a needless sense of alienation from your government when you cast this President and his administration as the enemy. It hurts you and your constituents when you demonize the White House, because it continues to foster this broad understanding that LGBT people are unwelcome in the halls of government.

There was this narrative being aggressively advanced that the President was betraying the LGBT community — that he didn't care and wasn't putting political capital behind any of this stuff. It was ignoring the paradigm-shifting changes that began immediately when he took office and that are now fully instantiated – from the census to the provision of benefits within the federal service to spousal treatment in the State Department, in every corner and at every level of the federal government. None of it is sexy stuff, but they got it all done, and they did it without Congressional participation. After decades and decades of struggle, the average citizen living in the United States who is LGBT deserved to have a sense that their government saw them and respected them and was working actively to support them. It always seemed to me there was a

way to structure a social movement and an advocacy network that would maintain the sense of urgency, mobilize people, get people active and angry about continued inequality, but to do that in a way that didn't convey that the administration disrespects you. We do have an administration that, for the very first time in history, is working for us from top to bottom.

Q: The Obama administration was the first to be genuinely supportive of LGBT rights. Do you think partly LGBT groups faced a learning curve on how to deal with a supportive rather than hostile administration?

I absolutely think that's part of what was going on. Another part – to be fair to the activist leaders – is that we had a state of affairs where we were, in fact, still being treated unfairly in a variety of ways. Part of that was statutory law when DOMA was still on the books and the administration was still defending it in court. We had the horrible state of affairs of the DADT policy being in effect. It was still the law of the land, so gay and lesbian service members were still being treated in a dehumanizing way by the administration, even as the administration worked hard to mitigate the effects of the policy. This created dissonance — the President says that he is supportive, the administration claims to be doing all this good work, yet here they are defending DOMA in court and continuing to recognize DADT as controlling law. It's a lot to ask of people who are not lawyers and do not study public policy that they understand that distinction. It's a hard thing to do. There was certainly a difference between the more institutionalized LGBT organizations – like the legal organizations, and HRC – who understood the complexities of law and politics and were able to draw those distinctions, and the self-styled direct action proponents who didn't have that background or were not accountable to a broader constituency and either did not understand or decided not to give credence to those distinctions. I think the direct action people wound up having a greater impact in influencing the views of LGBT people in the general public than they did on policy outcomes.

Q: Did you attend the 2009 March on Washington?

No, I did not attend.

Q: What was your role in the process that led to the executive order on employment discrimination?

During the early stages of the second term the question of ENDA and the substantive content of that bill – in particular the religious exemption – became a matter of active discussion. I became a public voice on that issue. There's a guy named Tico Almeida who was and still is the head of an organization called Freedom to Work. Tico had previously been a legislative assistant to Representative George Miller. Tico had quite publicly taken credit for writing the religious exemption portion of the ENDA bill when he was in Miller's office. And it's a terrible provision. It took language from the Civil Rights Act of 1964 and adapted it to a new purpose in ENDA that would permit religious organizations to discriminate against LGBT people. Tico is a good guy, but this was a bad compromise. The idea behind the provision in the Civil Rights Act was to permit religious organizations to maintain a workplace of co-religionists. That language did not permit other forms of discrimination under the Civil Rights Act, like discrimination based on race or sex. Grafting that language into ENDA authorized a new and different kind of

discrimination and implied that some inherent tension exists between LGBT rights and religious liberty. That was appalling. Tico aggressively advanced the position that this language was taken straight out of the Civil Rights Act and so could not be objectionable. This was not an accurate account of that language. It was dishonest.

This led to a semi-public spat. With the new political moment that came with the beginning of the president's second term, some of the LGBT organizations who had previously been supportive of ENDA, even though they knew the religious exemption language was bad, now had second thoughts. They began wondering if they were still willing to keep that provision. I wrote an essay in *The Nation* in which I called for a withdrawal of support for the old version of ENDA and the introduction of a properly crafted bill. I wound up spending a lot of time talking to activists, trying to figure when and whether LGBT organizations were willing to take a similar position. Major LGBT organizations began to shift away from ENDA and demand better legislation.

That was the same period of time when the administration began focusing on the federal contractors order. Gautham Raghavan was Brian Bond's successor at the White House and I worked with him closely. He contacted me early in the process to talk through the substance of the religious exemption and to find out whether I might help them with the language and be available as a public validator if they ended up doing the right thing. I did that and although I didn't wind up drafting the language for them, the shape of the order – which was essentially to write LGBT protections into the existing framework of the order that already covered racial and gender discrimination – was what we were talking about at the time. I don't think I had any influence on that outcome, but I was one of the people they talked to in formulating the executive order. And the White House invited me to sit up front in the signing ceremony for that order and put me in the room to shake hands with the President before the ceremony, so I guess they thought my contributions had some value.

Q: What did you make of Obama mentioning Stonewall during his second inaugural address?

Specifically on the language from Selma to Stonewall – the fact that it was in the Second Inaugural was a huge deal and it was very meaningful to me. It wasn't the first time he used that language; we actually used that during the first campaign in speeches for LGBT audiences and in some of the campaign literature targeted to LGBT audiences. There was also an event in New York for the DNC LGBT leadership council where the First Lady spoke — I'm pretty sure this was during the general election phase of the 2012 campaign — and she used this language, too. This was language and an idea and theme that had been part of the world of the Obamas pretty much the whole time. But when he included it in his second inaugural, it was crystalized and given more significance.

My view of him and his legacy on LGBT issues has been pretty consistent in that he has radically changed the relationship LGBT people have with the federal government. It had never been the case prior to the Obama administration that the entire apparatus of government had been instructed to investigate and root out the ways in which LGBT people were treated unfairly and to remedy them. The high-profile statements the President has made are coupled with important changes in day-to-day actions of the government: the refusal to support DOMA and the repeal of

DADT; changes to the social security administration; the inclusion of anti-discrimination provisions in the Affordable Care Act that allow transgender people to receive protection from medical discrimination and proper treatments; HUD policy changes that made anti-gay and anti-trans discrimination illegal in low income housing. It almost becomes tedious to try to enumerate the ways in which day-to-day government has changed for LGBT people. That is a shift we will never, ever go back from – that's a dangerous thing to say, but I believe it to be true. It would be difficult even for a hostile President to go back to where we were before. It's an enormous paradigm shift.

Q: How does the success of the LGBT community affect the progressive coalition more broadly?

I did an event last summer with Dahlia Litwick and Evan Wolffson after the marriage equality ruling, and we talked a little bit about this question. One of the defining questions I think of this particular moment of success is whether and how those lessons can be incorporated into other progressive causes, whether it's reproductive rights for women or the scourge of mass incarceration. That matters to me a great deal. I don't know what the answer to that question is. I think it is one of the most urgent questions in progressive advocacy. How can we think of ourselves as teachers, not just partisans?

Anonymous Source – former Obama Administration Official

Question: When do you think SSM became a fundamental cause for the LGBT's community?

I think that SSM became a crucial issue after the Massachusetts court ruling, and because the 2004 Bush campaign, which exploited ballot initiatives in key states, forced LGBT rights groups to focus on the issue. I think it really heated up between 2006-2010, with more states adopting civil unions or adopting SSM. At the start of the Obama administration folks like Evan Wolfson, Mary Bonauto, and some of the other litigators were working on both a public education as well as a litigation strategy around marriage but generally the movement orgs were more focused on their top policy priorities: repealing DADT, passing a Hate Crimes law and the Employment Non-Discrimination Act (ENDA).

Q: Soon after Obama's inauguration in January 2009, some prominent voices in the LGBT community began criticizing his administration for abandoning LGBT rights. Do you have a sense that the White House picked up on these criticisms? Do you believe issues such as the featuring of Rick Warren in the inauguration and the Department of Justice's defense of DOMA made the LGBT community pessimistic about forming any sort of alliance with the new administration?

Brian Bond [the Obama administration's first LGBT liaison, 2009-2011] got pretty beat up during those first years. First of all, there's always a learning curve when a new administration comes in – both for activists and the White House. Second, the focus early on was really on the economy and healthcare. There were some other very clear legislative priorities. Additionally, early in the administration my sense is there were some people in the administration who still thought that LGBT issues were politically toxic and who thought that doing too much too soon could lead to a backlash. It's really been an evolution as the administration has done more and more there's been really very little in the form of backlash. In my opinion LGBT issues, together with the Affordable Care Act, are the fundamental achievements of this administration.

Q: You were involved in the administration's attempt to repeal DADT. What was your experience working with the groups opposed to the repeal of DADT?

I don't know if they knew I was gay or knew my position on the issue, but I felt that the best way to get this done was to do the process well and transparently. A lot of groups that came in and were opposed to the repeal of DADT didn't really seen to have their heart in it. I got the sense that they thought that once DADT was repealed marriage would be next. Social conservatives thought that once you have DADT repealed you'll have service members who are in long term committed relationships but without benefits. Then there were some military social conservatives that opposed bringing any social issues – gender, race - into the military.

Q: What did you make of the process of 'evolution' Obama went through on SSM?

By that time we had achieved a lot of early goals; the Hate Crimes bill, DADT repeal, the end of the HIV travel ban, so my message to the community when I started at the White House was that the president's support for the community should not be doubted. I also personally believe the

decision by the DOJ not to defend DOMA in the courts might have been more significant than the president's symbolic support. Additionally, when the president of the USA jumps into an issue it does politicize and complicate that issue so you don't want to do that until you know that the time is right.

Q: One way Obama has said his thinking on SSM has changed is through personal interaction with gay and lesbian couples. Were there any attempts to increase his exposure to LGBT people?

When the president was on the road, he would have an opportunity to meet regular Americans. On some occasions, that included [gay and lesbian] people and couples. For example, if he was talking about healthcare, a married couple affected by the Affordable Care Act; if it was jobs, a business owner who was bringing jobs to the area. He also had plenty of experience meeting with gay and lesbian couples by himself, either on the campaign trail or because he had gay staff who were in committed relationships.

Q: How did you interpret the evolution process?

I noticed that he started talking differently about marriage, talking about wanting all couples treated the same under the law. When Washington State voted in support of SSM, Obama said that he thought this was a very good thing. After the New York bill he said positive things as well. It was clear he understood the people involved. There was certainly a change in rhetoric. I don't know at what point he arrived at the conclusion. And I think there was a benefit to the way he did it. There were a lot of people in the country who were conflicted on the issue. He intentionally or unintentionally gave them permission to come along with him on this journey.

Q: How important was it to the LGBT groups to get Obama on their side? Was the president relevant?

He absolutely was; and the LGBT community did an effective job in getting his support. What I thought was very smart about Evan and other activists approach was that they did not come in and say "Evolve!" They said, if you want to come out in support of marriage here is how you should talk about it. The focus shifted from rights and federal benefits to talking about loving committed couples. That was language and framing that helped inform public statements once he did come out in support of marriage.

Q: Were there tensions in the community on SSM?

There is always tension in any community with diverse goals. But when I talk to people in other communities I'm struck by how they say the LGBT movement is so coordinated. But around marriage there was a lot of coordination. I don't know if this is because of Freedom to Marry, being the main group, made it clear that they would wrap up once the goal was reached – perhaps reducing the sense of competition between groups. I think that helps quite a bit. Just looking at the litigation plan, all groups worked together very well. We haven't seen that on other issues – maybe DADT – but not to the same extent.

Q: What do you make of direct action approaches by groups like Get Equal?

It varies. My personal take is that there is a role for direct action in terms of keeping people accountable. I do think those things are helpful. There were some that were not helpful. Around marriage it was tough because what people were asking the president to do is to say he believed in something, so I don't know if [direct action] was that effective there. I do think around the federal contracting order it was helpful at times. They would hand out pens outside an event and say "Here, the president can use any one of these to sign it."

Q: What role did the groups play in affecting the administration? Can you give an example?

One example would be the implementation of the Supreme Court's ruling on DOMA. What the advocacy groups really wanted is a place of celebration rule – meaning you get benefits based on where you get married. They provided smart legal and policy input to the administration on this matter. This is an example of the substantive engagement of the community; a lot of these movement lawyers have spent years thinking about the right courses of action. There also is symbolic engagement because when you engage advocacy groups it means they buy into an outcome or at least respectfully disagree with it rather than protest. For example, one of the things the administration felt it couldn't do was to provide social security and veterans benefits to couples living outside of marriage states. The advocacy groups were not happy but they understood the process and focused on Congress to have the laws changed.

Q: Who were most fired up in the Democratic base about LGBT issues?

When Proposition 8 passed [in California, 2008], a lot of people blamed racial minorities and Latinos. One thing we saw in 2012 was that there was pretty widespread support among several constituencies – even catholic Latinos were predominantly in support. We also saw a 17 point switch in black support [for SSM marriage] after Obama's announcement. And the president's support for marriage equality had a public health influence as well because it allowed African American communities, where there is a high rate of HIV infection, a chance to talk more openly about LGBT issues and sexual health.