

Representation of Lesbians and Gay Men in Federal, State, and Local Bureaucracies

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ABSTRACT

Using a 5% sample of the 2000 Census, we present the first estimates of the percentages of federal, state, and local government employees who are lesbian, gay, or bisexual (LGB). For each state, we estimate that percentage not only for its total state and local government workforce but also for three occupations where active representation of LGB interests may be the most important: managers, teachers, and police. We then try to explain variation in LGB representation. Using states as units of analysis, we examine the effects of the LGB share of the labor force, gay rights laws, executive orders, and supportive public opinion on LGB representation. Using individual-level data, we examine whether differences in education, work experience, gender, race/ethnicity, and occupation explain differences between partnered LGBs and heterosexuals in probabilities of working for government.

Do lesbians, gay men, and bisexuals (LGBs)¹ face employment discrimination in the public sector? Certain evidence suggests not: half the states prohibit anti-LGB discrimination in government employment, the federal civil service prohibits it through administrative interpretation, and 9-in-10 Americans support the principle of equal employment opportunity for LGBs. Still, many Americans strongly disapprove of homosexuality, many LGBs report experiencing discrimination in hiring and on the job, and the quality of job protections in the public sector is mixed. Due largely to inadequate data, however, no previous study has examined whether LGBs are as likely as comparable heterosexuals to obtain government jobs or whether they receive comparable pay in the public sector. This article addresses the employment issue.

Representative bureaucracy theory suggests that the level of LGB representation in the public sector has implications for LGBs outside government as well. If civil servants tend to use their discretion in ways that advance the interests of people like themselves, an LGB presence in the bureaucracy may increase the probability that LGB perspectives influence

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¹ The acronym is typically “LGBT,” but our data do not identify transgendered individuals. The overwhelming majority of people living with same-sex partners are probably lesbian or gay rather than bisexual.

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personnel, programmatic, and policy decisions that impact LGBs. LGB managers may be more sympathetic to hiring or promoting other LGBs and providing benefits to the domestic partners of LGB employees. Schools with LGB teachers may be more likely to accommodate same-sex couples with children in public schools, condemn anti-gay bullying, and allow school clubs that support LGB students. Police departments with LGB officers may take anti-LGB harassment and hate crimes more seriously. In general, agencies with LGB civil servants may be more likely to treat LGB clients with respect.

We begin with a brief history of LGBs in the public sector, a synopsis of the representative bureaucracy research, and an application of representative bureaucracy theory to LGBs. Using a 5% sample of the 2000 Census, we then produce the first estimates of the percentages of partnered federal, state, and local employees who have same-sex partners. For each state, we estimate that percentage not only for its total state and local workforce but also for three occupations where active representation of LGB interests may be the most important: managers, teachers, and police. To better understand why representation levels vary, we examine potential explanations at the state and individual levels. At the state level, we see whether states with large numbers of LGB residents, gay rights laws, executive orders, and supportive public opinion employ more LGBs. At the individual level, we examine whether differences in the characteristics of partnered LGBs and heterosexuals can explain differences in their probabilities of working for government.

LGBs IN THE PUBLIC SECTOR

Although Congress committed the United States to creating a “Federal workforce reflective of the nation’s diversity” in the Civil Service Reform Act of 1978 (Naff 2001, 7), it has never explicitly included sexual orientation in its commitment to diversity. Though proponents have long argued that the federal government should be a “model employer” of women and racial/ethnic minorities, the federal government explicitly prohibited the military, federal civilian agencies, and federal contractors from employing homosexuals during the Cold War (Bérubé 1990; Brown 1958). Federal courts did not overturn the ban on federal civilian employment until the mid-1970s (Johnson, 1994–95; Norton 1969; *Society for Individual Rights* 1973), and LGBs faced nearly insurmountable hurdles to security clearances until the Clinton administration (Lewis 2001). The ban on open service in the military persists, and protection for federal civilian employees comes not from an explicit rule against anti-LGB discrimination, but from administrative interpretation of “prohibited personnel practices” (Lewis 1997), an interpretation that was challenged by the Bush Administration (Najafi 2005).

Many state and local governments (SLGs) also prohibited LGB employment in the 1950s and 1960s, though several now do more than the federal government to provide positive protections (Colvin and Riccucci 2002; Riccucci and Gossett 1996). After years of upholding schools’ right to fire LGB teachers, state courts established the principle that schools had to show a rational relationship between homosexuality and job performance to justify a dismissal (Morrison 1969; Harbeck 1997). About 130 local governments prohibited anti-LGB discrimination in their workforces by 1996 (Button, Rienzo, and Wald 1997; Haider-Markel 1997). By 1999, nine states prohibited discrimination on the basis of sexual orientation in both public and private employment (20 states and the District of Columbia do so today), and governors in eight other states had issued executive orders prohibiting it in SLG employment (Colvin 2004), though we have little information on

how well those prohibitions are being enforced (Ricucci and Gossett 1996). In contrast, 90% of Fortune 500 companies currently ban discrimination based on sexual orientation, and over half extend benefits to the partners and children of LGB employees (Human Rights Campaign 2008).

Polling data show that Americans are now committed to the principle of equal employment rights for LGBs but are less certain about laws to ban anti-LGB discrimination, partly because many have strong reservations about LGBs and their suitability for some jobs (Lewis and Rogers 1999). Nearly 90% have agreed that “homosexuals should . . . have equal rights in terms of job opportunities” for over a decade. Support for laws to guarantee those rights has lagged somewhat, but two-thirds to three-quarters now support laws to prohibit anti-LGB employment discrimination. Fewer than 60% believe that “homosexuals should . . . be hired . . . [as] elementary school teachers,” however, and majorities opposed hiring LGB teachers into the early 1990s. Half of Americans not only believe that homosexual relations are morally wrong but that homosexuals share “none” or “hardly any” of their “moral and ethical values.”² Surveys of convenience samples suggest that 16%–68% of LGBs have experienced discrimination at work (Badgett et al. 2007). A recent national probability sample indicates that 15% of lesbians and gay men believe they have been fired or denied a promotion or job due to their sexual orientation, though only 5% of bisexuals report having experienced job discrimination (Herek 2009).

Theory of Representative Bureaucracy

The employment patterns of LGBs in public service have potential consequences for LGB citizens as a whole. Representative bureaucracy theorists argue that government employees often engage in *active representation* in favor of services and policies that benefit citizens who share their social and cultural experiences (Meier 1975; Mosher 1968), making adequate passive representation essential to achieving democratic goals and advancing minority interests. Two conditions may be necessary for passive representation to become effective active representation: the shared demographic trait must be salient to the policy context, and bureaucrats must have discretion (Keiser et al. 2002; Meier and Bohte 2001; Ricucci and Meyers 2004; Sowa and Selden 2003). Early research on active representation tended to focus on managers, who clearly had the necessary discretion to translate passive into active representation (e.g., Meier and Nigro 1976). As documentation of the discretion of street-level bureaucrats has mounted (Hill and Hupe 2002; Lipsky 1980; Maynard-Moody and Musheno 2003; Ricucci 2005), the research focus has shifted to frontline workers.

Empirical evidence is accumulating that adequate bureaucratic representation has important policy impacts for racial and ethnic minorities and for women. Students of color

2 Most recently, a May 8–11, 2008 Gallup survey of 1,017 respondents found that 89% supported “equal . . . job opportunities” and that 48% considered homosexual relations to be morally wrong. Several surveys in the past decade provide similar figures. Estimates of support for gay rights laws vary widely, due partly to varying question wording. A January 13–March 30, 2005 Princeton Survey Research Associates survey of 2,558 found that 64% said “there should . . . be laws to protect gays and lesbians from prejudice and discrimination in job opportunities.” May Gallup surveys from 2001, 2003, and 2005 found 56%, 61%, and 54% support, respectively, for hiring homosexuals as elementary school teachers; in a June 1977 Gallup poll, support was only 27%. The finding that 57% thought homosexuals shared few, if any, of their moral and ethical values comes from a July 29–August 18, 1998 survey of 2,025 sponsored by the Washington Post, Henry J. Kaiser Family Foundation, and Harvard University. All survey data were found using iPOLLS searches of the holdings of the Roper Center for Public Opinion Research.

have better educational outcomes in public schools with higher racial/ethnic representation among teachers (Meier 1993; Meier et al. 1999, 2001; Pitts 2007). U.S. Equal Employment Opportunity Commission district offices that employ more people of color pursue EEO complaints more aggressively (Hindera 1993). More people of color qualify for loans when racial/ethnic representation in the Farmers' Home Administration increases (Selden 1997).

Evidence is less clear for gender. Three of these studies (Hindera 1993; Meier et al. 2005; Selden 1997) find no link between passive representation and women's interests, and Saidel and Loscocco (2005) find no improvement in social service outcomes for women when women's representation increases. Others, however, find that greater employment of women in child support enforcement improves outcomes for female service recipients (Wilkins 2007; Wilkins and Keiser 2006), that female representation in law enforcement improves sexual assault outcomes for women (Meier and Nicholson-Crotty 2006), that female student math scores benefit from schools with more female math teachers (Keiser et al. 2002), and that female federal executives have more positive attitudes toward government spending on programs that benefit women (Dolan 2002).

In addition, women and minorities may need to achieve a critical mass to escape token status and accrue the influence to improve outcomes for other women and minorities. Kanter (1977) suggests that female managers are considered tokens until they reach a critical mass of 15%. Meier (1993) finds that Latino students benefit from attending schools in districts where at least one-quarter of all principals are Latinos. Meier et al. (1999) find that students of color benefit when teachers of color reach a critical mass of 22%.

Public employment of LGBs may, thus, improve policy and program outcomes for LGBs outside government, though only one representative bureaucracy study has incorporated LGBs empirically. Thielemann and Stewart (1996) found that people living with AIDS prefer service providers of their own sexual orientation, suggesting that LGBs perceive services they receive from other LGBs to be of higher quality. LGB elected officials appear to shift policy in favor of LGB citizens (Haider-Markel 2007; Haider-Markel et al. 2000; Smith and Haider-Markel 2002), suggesting that LGB bureaucrats with policy discretion will do the same.

For LGB bureaucrats to effectively represent LGB interests, they must have discretion to act, and sexual orientation should be salient to their work. We focus on three occupations where these conditions seem to exist: managers, teachers, and police officers. All have significant discretion and at least occasionally address issues salient to LGBs. The presence of LGB managers could be crucial for rejecting anti-LGB prejudice in hiring and promotion decisions and for creating inclusive organizational cultures.³ LGB teachers can help create supportive conditions for LGB students, who are more likely than other students to be harassed or assaulted (Harris Interactive and GLSEN 2005) and may be the most victimized and least supported subgroup in public schools (Murdock and Bolch 2005), especially if they do not adhere to traditional gender norms (Horn 2006). Though the police harassment that sparked the Stonewall Riots has diminished greatly, evidence suggests that police still do not respond as quickly or effectively to crimes involving LGB victims (Comstock 1991; Vickers 1996; Wolff and Cokely 2007). Hate crime laws have been priorities on the LGB

³ When openly gay John Berry was sworn in as director of the US Office of Personnel Management, he honored Frank Kameny, who had led the early campaign to end the prohibition on federal employment of homosexuals, and he emphasized his commitment to "excellence and diversity" (Chibarro 2009). He has since taken a strong position in favor of domestic partner benefits for federal LGB employees (Davidson 2009).

political agenda at the state and national levels, and police liaisons to the LGB community are a priority for many local LGB rights organizations (Buhrke 1996).

Achieving a critical mass of 15% or more of an agency's employees is a tall order for LGBs, but the critical mass needed for LGB representation may be smaller. Lim (2006) suggests that minority bureaucrats change the behavior of majority bureaucrats through such means as calling them on inappropriate treatment, causing them to check their own behavior to avoid disapproval and, eventually, re-socializing them into a greater understanding of and sympathy for minority groups. Given strong evidence that knowing someone gay increases support for gay rights (Herek and Allen 2007; Herek and Capitanio 1996; Lewis 2007; Lewis and Gossett 2008), even low levels of LGB representation are likely to facilitate such a socialization process.

Given the historical obstacles to LGB employment in the public sector, our first task is to determine whether LGBs hold government jobs in proportion to their numbers in the population. We estimate LGB representation by level of government and by state for overall employment and in three jobs with substantial discretion in addressing issues important to LGBs (management, teaching, and law enforcement). Our second analysis tries to explain public sector LGB employment at the state level by regressing LGB representation on a series of explanatory variables that reflect the political and social environment of the state. We expect substantial interstate variation in representation in the SLG workforce because LGBs are much more likely than heterosexuals to live in urban areas, on the West Coast, and in New England (Black et al. 2000, 2002, 2007; Gates and Ost 2004). LGB representation in the population is likely to be the strongest determinant of LGB representation in SLG as higher concentrations of LGBs should mean more LGB applicants for government jobs and greater political support for hiring LGBs.

Stronger employment protections for LGB workers—both formal and informal—may also increase representation. Executive orders prohibiting discrimination in public employment should increase public sector representation because they create protections not available in the private sector. Gay rights laws might either increase representation (by demonstrating the government's commitment to fair treatment of LGBs) or decrease it (by creating new protections in the private sector). Public opinion may also be important: state populations vary widely in their acceptance of homosexuality and support for LGB employment rights (Lewis 2003; Lewis and Oh 2008; Lax and Phillips 2009). Hiring officials in states with more LGB-supportive populations should be less likely to discriminate.

In our third analysis, we move the unit of analysis from the state to the individual employee, using a series of logistic regressions to predict whether an individual works for government. We are primarily interested in the impact of sexual orientation, but our models control for a variety of characteristics and choices that affect whether a person works in the public sector. On average, public sector workers are substantially better educated and older than private sector workers. Women, people of color, and veterans are more likely than white males both to want and to have government jobs, perhaps because of superior job protections in the public sector (Blank 1985; Lewis and Frank 2002). Governments also employ people in very different occupations than the private sector (Braden and Hyland 1993; Hundley 1991), so occupational choice influences choice of sector of employment.

People with same-sex partners are more educated but younger than married people (Black et al. 2007), which should have opposing effects on representation in public

employment. Coupled gay men are less likely to qualify for veterans' preference than married men, but women with same-sex partners are much more likely than married women to have served in the military (Gates 2004). Same-sex couples broadly match the population in race and gender, but LGBs tend to work in different jobs than heterosexuals (Badgett 2001; Blandford 2003), with LGBs more likely to hold gender-atypical occupations. No one has examined whether LGBs or heterosexuals have occupational mixes more similar to that of the public sector.

Finally, LGBs may be less likely than others to want to work for government. Although employment protections may draw women and racial minorities into public sector employment, Fortune 500 companies are more likely than governments to explicitly prohibit discrimination on the basis of sexual orientation and to provide domestic partner benefits. Public service motivation attracts many people to government employment (Perry 2000; Perry and Wise 1990), but Badgett and King (1997) argue that past discriminatory experiences often motivate lesbians and gay men interested in social change to seek employment in nonprofit organizations. Lewis (forthcoming) finds that people with same-sex partners are much more likely than comparable married people to work for the nonprofit sector (also see Badgett 2003). On the other hand, LGBs may be drawn to the public sector because recruitment and selection has historically been guided by centralized recruitment and selection, which may protect them against discrimination even in the absence of explicit anti-discrimination policies.

DATA AND METHODS

We use the Public Use Microdata Sample (PUMS) of the 2000 Census, which provides detailed information on individuals in a random 5% sample of US households, including whether each worker's employer is a private company, a nonprofit organization, or a local, state, or federal government. Although respondents may misidentify employers, Census data processors check responses on sector "for consistency with answers to questions on employer name, location, industry, and occupation" (Leete 2001, 145). We restrict our sample to full-time full-year employees. Eliminating the self-employed and part-time workers may affect our findings somewhat, especially for women, as married women are much more likely than partnered lesbians to work part time. Because PUMS provides information on the location of the household rather than the workplace, we will mistakenly assign some employees in border counties to state or local governments in the wrong state.

Empirical research on LGBs is hampered by the virtual impossibility of drawing random samples of this population and by controversy over whether the population should be defined by sexual orientation/attraction, homosexual behavior, or LGB identity. Because of the stigma attached to homosexuality, some people who experience same-sex sexual attraction do not engage in homosexual behavior, and some who have homosexual sex do not identify as LGB. The public health community has long referred to "men who have sex with men" rather than homosexuals or gay men because behavior has greater impact than orientation or identity on public health issues.

The Census allows us to identify a certain subset of LGBs, those who live with a same-sex partner. In every household, one person is designated the householder, and all others are identified by their relationships to him or her. The Census lists 23 categories of relationships, including "unmarried partner." If the householder and the unmarried partner are the

same sex, we classify both as members of a gay or lesbian couple.⁴ Our sample includes 8,000 men and 8,000 women with same-sex partners. Although a small percentage of them may not identify as LGB, the overwhelming majority of those who not only live with a same-sex partner but reveal that to the Census must do so. Only an estimated 28% of gay men and 44% of lesbians have partners (Black et al. 2000; Gates and Ost 2004, 13), and one-quarter of them may have chosen some label other than “unmarried partner” for their relationship, partly due to concerns about confidentiality (Badgett and Rogers 2003; Gates and Ost 2004, 13). As partnered lesbians and gay men are, on average, older and better educated than single LGBs (Badgett and Rogers 2003; Carpenter 2003; Carpenter and Gates 2008), their employment patterns are not likely to be representative of LGBs generally. To make LGB-heterosexual comparisons fairer, we drop people who do not live with their spouse or partner because we have no evidence of their sexual orientation. We compare partnered LGBs to people who live with a spouse or unmarried opposite-sex partner, controlling for other individual characteristics available in the Census.⁵

We begin by comparing the percentages of full-time, full-year employees with same-sex and different-sex partners or spouses who work for federal, state, and local governments, nonprofits, and for-profit firms. Since LGBs are much more likely than heterosexuals to earn bachelor’s degrees (Black et al. 2007), we also estimate representation among college graduates only. Next, we examine whether and how LGB representation at the state and local levels varies by state for all employees, managers, teachers, and police officers, as well as separately for men and women.

To examine the factors that affect LGB representation, we first run regressions using states as the units of analysis. Our four dependent variables are the percentages of partnered employees, managers, teachers, and police who have same-sex partners. The percentage of partnered private sector employees who are in same-sex relationships is our proxy for the prevalence of LGBs in the state’s workforce. Two dummy variables measure formal protections against employment discrimination. The first is coded 1 for the nine states that banned discrimination in both public and private employment in 1999. The second is coded 1 for the eight states that had executive orders prohibiting discrimination only in SLG employment.⁶ Because hiring officials should discriminate against LGBs less in states whose populations support gay rights, we add a factor score that combines two public opinion measures for 1999: support for hiring homosexuals as elementary school teachers (Lewis 2003) and support for allowing same-sex marriage (Lewis and Oh 2008); Cronbach’s alpha is .90.

To assess the impact of individual-level factors, we run logit analyses for sector of employment using individual employees as the units of analysis. We predict federal employment and state/local employment using separate models, dropping federal employees from the state/local government employment model. Because people with same-sex

4 When apparently same-sex couples entered their marital status as “married,” the Census Bureau changed their marital status and relationship codes, recoding them as “unmarried partners.” Black et al. (2006) show convincingly that most couples who had their marital and relationship status “allocated” in this way had actually made an error in recording the sex of one of the spouses. Following their advice and the practice of others (e.g., Carpenter and Gates 2008), we have dropped everyone whose sex, marital status, or relationship code was “allocated.”

5 LGB-straight differences were a bit larger when we compared partnered LGBs to married people.

6 In 1999, California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, Rhode Island, Vermont, and Wisconsin had gay rights laws. Colorado, Louisiana, Maryland, New Mexico, New York, Ohio, Pennsylvania, and Washington had executive orders (Colvin 2004).

partners are more likely than similar married people to work for nonprofit organizations (Lewis forthcoming), we repeat the analyses after dropping employees of nonprofit organizations.

Coefficients on two dummy variables coded 1 for men with male partners and for women with female partners show differences in the log-odds of public sector employment between partnered LGBs and comparable heterosexually partnered people (those living with their spouse or opposite-sex partner). Model 1 controls for a variety of individual characteristics. We measure education in years and add a set of dummy variables for bachelor's and graduate degrees. We estimate work experience as *Age–Education–6* and use both linear and quadratic terms to allow for curvilinear effects. We include nine dummy variables for race/ethnicity and sex (e.g., *African American Male*), with non-Hispanic white males as the reference group. Additional dummy variables indicate whether the employee is a naturalized citizen, is not a citizen, has limited English ability, or has a disability. To control for differences in government size and other state-level characteristics, we include 50 dummy variables for state of residence.

Model 2 adds 21 dummy variables for broad occupational grouping to account for the possibility that different occupational choices drive sector choices for LGBs and heterosexuals. We add occupation separately, as employers may assign workers to occupations (e.g., managers) and workers may choose employers and occupations simultaneously. As occupational choice may well be endogenous, estimates from the two models may bound unexplained LGB-heterosexual differences in government employment.

FINDINGS

Patterns of LGB Representation

Men with male partners are one-sixth less likely than heterosexually partnered men to work for government (14.3% versus 16.6%), but the pattern varies across the three levels (table 1). Men with wives or female partners are one-third more likely than partnered gay men to work for both federal (5.3% versus 4.1%) and local governments (6.8% versus 5.2%), but they are one-tenth less likely to work for state governments (4.4% versus 5.0%). Restricting the analysis to those with college degrees yields similar results: partnered gay men remain 2.5 percentage points less likely than heterosexually partnered men to work for government overall (19.1% versus 21.6%), with all the underrepresentation at the federal and local levels. As shown in the bottom half of table 1, partnered gay men comprise 0.32% of all partnered employees but only 0.27% of partnered government employees. Among college graduates, they comprise 0.53% of employees but only 0.41% of government employees.⁷

In contrast, women with female partners are 2.8 percentage points more likely than heterosexually partnered women to work for government, largely reflecting greater representation at the state level (8.3% versus 6.4%). This is primarily due to their higher educational levels: among college graduates, 29.3% of partnered lesbians and 28.9% of other partnered women work for government. Partnered lesbians are 0.31% of the full

⁷ Because of the huge sample sizes, all differences in percentages between partnered gay and heterosexual men are significant at the .01 level, except for differences in SLG employment for college graduates. For women, all differences are significant at the .01 level for the full group, but only the difference in state government employment is significant for female college graduates.

Table 1
LGB Representation by Sector

	Government				Non-Profit	For-Profit	Total
	Total	Federal	State	Local			
Percentage working in each sector							
Men with							
Male partner	14.3	4.1	5.0	5.2	10.3	75.4	8,160
Wife or female partner	16.6	5.3	4.4	6.8	4.5	78.9	1,601,230
Women with							
Female partner	21.2	3.9	8.3	8.9	13.7	65.1	7,860
Husband or male partner	18.4	4.0	6.4	8.0	10.3	71.4	910,007
Total	17.2	4.8	5.2	7.3	6.7	76.1	2,527,257
College graduates only							
Men with							
Male partner	19.1	4.7	7.6	6.7	15.5	65.4	3,761
Wife or female partner	21.6	6.7	7.5	7.4	9.2	69.1	460,328
Women with:							
Female partner	29.3	3.8	13.1	12.4	21.7	49.0	3,631
Husband or male partner	28.9	4.3	11.1	13.6	16.6	54.5	247,817
Total	24.2	5.8	8.8	9.6	11.9	63.9	715,537
Percentage of each sector who are							
Men with male partner	0.27	0.28	0.31	0.23	0.50	0.32	0.32
Women with female partner	0.38	0.25	0.50	0.38	0.64	0.27	0.31
College graduates only							
Men with male partners	0.41	0.43	0.46	0.37	0.69	0.54	0.53
Women with female partners	0.61	0.33	0.76	0.66	0.93	0.39	0.51

sample and 0.38% of the government sample. Among college graduates, the percentages are 0.51% and 0.61%. The only evidence of under-representation of partnered lesbians is at the federal level.

State-Level Variation in LGB Representation

In SLG, representation of partnered lesbians and gay men combined is in line with population figures, but patterns vary across the occupations (table 2). Coupled LGBs comprise 0.6% of partnered employees in the private sector and 0.7% in SLGs. LGB representation is higher among SLG managers (1.0%) and public school teachers (0.8%) but lower among police officers (0.4%). Representation varies across states. LGBs comprise 1.0% or more of the partnered workforce in the District of Columbia, four New England states, three West Coast states, and Colorado, but they make up 0.25% or less of the partnered workforce in 10 states, all located in the Midwest, Mountain West, and South.

Interstate variation in LGB representation largely mirrors the concentration of LGBs in the state (table 3). The percentage of partnered employees in the private sector who have same-sex partners is the strongest predictor of all four representation measures. Its coefficient is highly significant in all four models and does not differ significantly from one in three models (a coefficient of 1 would imply that a 1 percentage point increase in LGB representation in for-profit firms was associated with an identical 1 percentage point

Table 2
LGB Representation in SLG

	LGBs as Percentage of Partnered					No. of SLG Employees
	All SLG				Private Employees	
	Employees	Managers	Teachers	Police		
All	.70	.97	.82	.45	.63	313,364
Washington, DC	3.59	5.88	9.62	.00	5.84	306
Oregon	1.47	.76	2.92	.89	.77	4,288
Vermont	1.46	1.22	2.42	2.6	.73	754
Washington	1.43	1.85	1.27	1.40	.96	7,914
California	1.33	2.16	1.52	.99	1.05	35,223
New Hampshire	1.13	.71	1.05	.00	.68	1,328
Massachusetts	1.08	1.57	1.53	.61	1.05	6,138
Colorado	1.04	1.29	.92	.66	.88	5,363
Maine	1.03	.57	1.13	1.54	.72	1,547
Rhode Island	.87	1.49	.62	.99	.87	921
Maryland	.84	1.70	.96	.36	.73	6,467
New Mexico	.80	1.17	.00	.00	.80	2,637
Utah	.77	.65	.66	.00	.40	2,723
Florida	.77	1.35	.47	.50	.88	18,226
Alaska	.71	1.08	.00	.00	.60	840
New York	.70	.51	1.23	.35	.77	21,699
Connecticut	.69	.59	.43	.37	.66	3,191
Virginia	.66	1.22	.67	.45	.63	8,939
Indiana	.66	.80	.65	.30	.48	5,153
New Jersey	.65	1.56	1.03	.12	.58	7,667
Ohio	.60	.86	.84	.30	.45	11,648
Arizona	.59	1.38	.57	.52	.91	6,075
Michigan	.59	.67	1.09	.56	.45	9,486
Hawaii	.59	.87	1.38	.50	.53	1,708
Louisiana	.59	.67	.90	.23	.61	5,408
Minnesota	.58	.70	.23	.35	.49	5,835
Georgia	.53	.46	.57	.35	.76	10,323
Texas	.52	.69	.68	.34	.54	26,154
North Carolina	.52	1.05	.56	.35	.50	10,282
Nevada	.52	.00	.55	.51	.77	2,299
Illinois	.49	.76	.59	.26	.51	11,508
Tennessee	.49	.76	.93	.35	.41	5,545
Wisconsin	.48	.50	.76	.49	.44	6,218
Pennsylvania	.46	.25	.88	.06	.47	9,543
Missouri	.46	.72	.52	.60	.45	6,477
Delaware	.41	1.28	.00	.00	.80	734
Kentucky	.39	.53	.43	.55	.34	3,836
Oklahoma	.37	.43	.11	.16	.31	4,915
Wyoming	.34	.00	.00	.89	.06	886
South Carolina	.33	.46	.49	.16	.40	4,588
Kansas	.29	.25	.29	.23	.34	3,854
Montana	.24	.00	.59	.72	.21	1,276
Mississippi	.24	.00	.34	.00	.24	3,382
West Virginia	.24	.00	.63	.00	.27	2,077
South Dakota	.22	.00	.00	.00	.13	925

Continued

Table 2 (continued)
LGB Representation in SLG

	LGBs as Percentage of Partnered					Private Employees	No. of SLG Employees
	All SLG						
	Employees	Managers	Teachers	Police			
Iowa	.21	.52	.16	.25	.24	3,835	
Nebraska	.21	.00	.51	.47	.32	2,344	
Idaho	.18	.00	.00	.00	.21	1,664	
Alabama	.18	.00	.20	.00	.32	5,109	
North Dakota	.13	.00	.00	.00	.09	798	
Arkansas	.12	.00	.00	.23	.15	3,308	

increase in LGB representation in SLGs). The relationship is even stronger for managers, where a one-point increase in LGB representation in for-profit firms corresponds to a 1.96-point increase in SLGs.

Surprisingly, LGB representation is significantly higher in states with gay rights laws that prohibit anti-LGB discrimination in both public and private employment but not in those that have executive orders banning anti-gay discrimination only in SLG employment. The models suggest that LGB representation is 0.17 percentage point higher overall and 0.45 percentage point higher among managers in states with gay rights laws than would be predicted by the number of LGBs in the private sector. These are strikingly large effects, as they represent 25% and 50% increases from the base percentages of 0.70% and 0.97% in table 2.⁸ Coefficients on both formal and informal protections are positive but statistically insignificant for teachers, and we find even less evidence that the legal environment affects representation among police officers.

Patterns were strikingly different for lesbians and gay men. In the men-only model, both gay rights laws and executive orders had significant (and large) effects, and gay men's SLG representation was expected to rise with, but more slowly than, the gay male percentage in the private sector workforce. In contrast, neither the gay rights law nor the executive order coefficient approached statistical significance in the women-only model, but partnered lesbians' share of SLG employment was predicted to rise more rapidly than their percentage of the private sector workforce.

In the manager models (data not shown), the coefficient on private sector employment was significantly higher than 1, and the gay rights law coefficient was statistically significant for both men and women. In the teacher models (also not shown), the private sector representation coefficient was less than 1 for both the partnered lesbian and gay male shares of public teachers (coefficients were .84 and .88, respectively), and legal protections were not statistically significant. Partnered lesbian representation is far better than that for partnered gay men in law enforcement: 3.3% of the women and only 0.1% of the men in law enforcement live with same-sex partners, perhaps reflecting LGBs' greater willingness to take jobs historically held by the opposite gender. The coefficient on their share of the

⁸ When we combined laws and executive orders into a single dummy variable and added an interaction between that protection and the LGB percentage of the private sector workforce, the coefficient on the interaction term was positive in all four models and significant at the .05 level in two, implying that employment protections increase representation more in state with more LGB residents.

Table 3
Regression Models for Percentage of Partnered Employees in SLG Who Have Same-Sex Partner

	All SLG	Managers	Teachers	Police	Men	Women
Percentage of all partnered private sector employees with same-sex partner	1.04** (7.53)	1.96** (7.13)	0.71* (2.30)	0.80 ** (3.79)	.73** (6.90)	1.40** (7.43)
State has law banning anti-LGB employment discrimination in public and private employment	0.17* (2.03)	0.45** (2.74)	0.22 (1.17)	0.09 (0.72)	0.23** (3.64)	0.04 (0.32)
State has executive order banning anti-LGB discrimination in public employment	0.07 (1.02)	0.02 (0.12)	0.17 (1.09)	-0.08 (0.78)	.12* (2.36)	-.06 (0.54)
Public support for same-sex marriage and hiring LGB teachers	0.00 (0.01)	-0.12 (1.23)	0.13 (1.20)	0.01 (0.17)	-.06 (1.70)	.10 (1.23)
Constant	-0.02 (0.25)	-0.39* (2.08)	0.29 (1.41)	-0.05 (0.35)	.01 (0.12)	-.14 (0.87)
Adjusted R^2	.75	.70	.41	.40	.67	.77

Note: Absolute value of t statistics in parentheses.

*Significant at 5%; **significant at 1%.

private sector workforce is significantly greater than 1 in the female police model (4.31) but significantly less than 1 (.23) in the male police model.

Individual-Level Variation in Government Employment

As found in previous research, women and minorities are more likely than comparable white males to work for government, especially at the state and local level (table 4). With non-Hispanic white men as the reference group, almost all race and gender coefficients are positive, though white women are less likely than comparable white men to work for the federal government, whether we control for occupation or not, and Asian and Hispanic women are also less likely than comparable white men *in the same occupations* to be federal employees. Asian men are less likely than comparable white men to work for SLGs, but that difference flips once occupation is controlled. In general, women are more likely than men of the same race/ethnicity to work for SLGs, but they were less likely to work for the federal government.

In contrast, immigrants are much less likely than native-born Americans to work for government, and the difference widens if they are not US citizens or have limited English ability. Disability status, however, has no impact on public sector employment. As expected, the probability of working for government rises with both work experience and education. Oddly, advanced degrees have positive effects on SLG employment, beyond what was expected by years of education alone, but additional education beyond a bachelor's degree has little impact on whether one works for the federal government.⁹

Controlling for differences on these characteristics (Table A1), men with male partners are significantly less likely than heterosexually partnered men (those with wives or female partners) to work for the federal government. If one assumes that a heterosexually partnered man has a 5.3% chance of working for the federal government (table 1 shows that 5.3% of them do), Model 1 predicts that a partnered gay man with the same individual characteristics would have only a 3.7% chance of doing so, and Model 2 predicts only a 3.2% probability if he is also in the same occupational category. Men with same-sex partners are also less likely than comparable heterosexually partnered men to work for SLG. If a heterosexually partnered man has a 13.2% probability of working for an SLG (as indicated in table 1), a comparable partnered gay man has an 10.3% probability of doing so (Model 1), a probability that rises to 12.1% if he is also in the same occupational category (Model 2). Lesbians and gay men may choose nonprofit sector employment when comparably motivated heterosexuals would choose government jobs (Badgett and King 1997; Lewis 2007), but even if we drop nonprofit employees from the analysis (see the bottom panel), restricting the choices to for-profit and public employment, partnered gay men remain significantly less likely than heterosexually partnered men to work for government in three of four models.

Controlling for occupation widens the gap for federal employment, indicating that partnered gay men have occupations more like the mix in the federal service than do

⁹ We coded holders of master's, professional, and doctoral degrees as having 18, 19, and 20 years of education, respectively. The education coefficient of .312 in the federal model implies additional effects of .624, .936, and 1.248, respectively, beyond those with 16 years of education. However, differences between the coefficients for these degrees (-1.311, -1.493, and -1.794) and for the bachelor's degree (-.761) almost completely counteract those positive effects.

Table 4
Logit Models for Public Sector Employment, 1999

	Federal Employment		State and Local Employment	
	Model 1	Model 2	Model 1	Model 2
Man with male partner	-0.371** (6.45)	-0.525** (8.97)	-0.282** (7.50)	-0.098* (2.40)
Woman with female partner	-0.084 (1.42)	0.134* (2.22)	0.004 (0.13)	0.015 (0.43)
Asian female	0.261** (9.13)	-0.147** (5.01)	0.248** (12.67)	0.379** (17.90)
African American female	0.448** (29.93)	0.047** (2.94)	0.830** (80.46)	0.750** (62.83)
Hispanic female	0.043* (1.97)	-0.434** (19.15)	0.679** (55.63)	0.592** (42.80)
Other race female	0.505** (18.22)	0.097** (3.39)	0.543** (26.04)	0.503** (21.75)
White female	-0.324** (40.92)	-0.788** (87.53)	0.309** (68.03)	0.242** (40.73)
Asian male	0.635** (28.02)	0.480** (20.77)	-0.090** (4.90)	0.142** (7.13)
African American male	0.603** (48.63)	0.547** (42.80)	0.628** (67.45)	0.498** (45.46)
Hispanic male	0.393** (24.93)	0.368** (22.90)	0.383** (35.56)	0.277** (22.41)
Other race male	0.522** (22.93)	0.529** (22.68)	0.341** (19.06)	0.258** (12.49)
Disabled	-0.019* (2.03)	0.008 (0.85)	0.001 (0.21)	-0.015* (2.17)
Has limited English ability	-0.377** (10.23)	-0.209** (5.61)	-0.288** (13.91)	-0.370** (16.58)
Naturalized citizen	-0.334** (20.33)	-0.295** (17.68)	-0.519** (47.48)	-0.398** (33.22)
Not a citizen	-1.146** (46.78)	-1.090** (44.07)	-1.026** (73.00)	-0.900** (59.45)
Years of education	0.312** (95.86)	0.235** (68.93)	0.141** (77.53)	0.098** (49.42)
College graduate	-0.761** (60.41)	-0.588** (45.30)	0.104** (13.44)	0.119** (13.55)
Master's degree	-1.311** (65.95)	-0.953** (46.43)	0.523** (45.55)	0.432** (33.67)
Professional degree	-1.493** (54.82)	-1.323** (43.96)	-0.094** (5.60)	0.032 (1.68)
Doctoral degree	-1.794** (55.40)	-1.548** (45.82)	0.685** (36.94)	0.988** (49.68)
Work experience	0.027** (21.80)	0.029** (23.64)	0.039** (51.02)	0.054** (62.20)
Work experience squared	-0.000** (10.89)	-0.000** (13.27)	-0.000** (24.90)	-0.001** (33.96)
Observations	2,519,409	2,519,409	2,405,445	2,405,445
Excluding nonprofit employees				
Man with male partner	-0.312** (5.39)	-0.471** (8.00)	-0.212** (5.55)	-0.043 (1.00)
Woman with female partner	-0.056 (0.94)	0.152* (2.51)	0.061 (1.91)	0.085* (2.23)
Observations	2,351,419	2,351,419	2,237,455	2,237,455

Note: Absolute value of z statistics in parentheses. Model 1 also includes 50 dummy variables for state of residence. Model 2 adds 22 dummy variables for broad occupational category.

*Significant at 5%; **significant at 1%.

heterosexually partnered men. Controlling for occupational group narrows the gap for SLG employment, however, indicating that gay men's occupational mix predicts they would be less likely than heterosexually partnered men to work for SLGs. That is, gay men's occupational choices help explain why they are less likely than to work for SLGs, but they should have made them more likely than they are to work for the federal government.

In contrast, women with female partners may be a little more likely than comparable heterosexually partnered women to work for government, but only when occupation is controlled. Even then, the difference is statistically significant only at the .05 level (in a huge sample) in three of four models that control for education. Partnered lesbians appear slightly more likely than other partnered women in the same occupations to work for SLGs, but only when nonprofit employees are excluded from the analysis.

Do employment protections make a difference? Table 5 repeats the SLG models separately for states with gay rights laws, with executive orders, and with no protections. When controlling only for individual characteristics, the partnered gay male coefficient is significant and negative in all three groups of states, but it is nearly twice as large in states with no employment protections. When occupation is also controlled, the gay male coefficient shrinks by about 0.2 in each set of states; partnered gay men are as likely as comparable heterosexually partnered men in the same occupations to work for SLGs in states with gay rights laws or executive orders, but they remain significantly less likely to do so in states with no protections. In contrast, women with female partners are as likely as comparable heterosexually partnered women to work for SLGs in all three groups of states, with or without controlling for occupation, but the point estimates suggest that employment protections also draw more lesbians into SLGs.

To test whether the difference was statistically significant, we included all states in the same model, created a dummy variable coded 1 for states with either gay rights laws or executive orders, and added interaction terms between that dummy variable and all the other independent variables. Coefficients on both the partnered lesbian and partnered gay male interaction terms (data not shown) were about .15 and were significant at the .05 level; this implies that the odds of working for SLGs was about 16% higher for lesbians and gay men in states with than without protections. Contrary to the state-level analysis in table 3, banning anti-LGB employment discrimination appears to increase the probability that lesbians and gay men will work for SLGs by about the same amount.

CONCLUSION

Public administration scholars have only recently begun researching the status of LGBs in the public sector, despite many reasons to believe they face discriminatory treatment. The federal government and many SLGs officially prohibited the employment of homosexuals until the mid-1970s, most still do not explicitly prohibit anti-LGB discrimination, and many existing prohibitions are weak. Although the vast majority of Americans support the principle of equal job opportunities for homosexuals, a substantial minority still opposes hiring LGBs as teachers and into some other occupations, and half consider homosexual relations morally wrong, suggesting that many LGBs face prejudice from supervisors and coworkers.

Despite this, these first estimates of LGB representation in government find only limited reason for concern. Partnered lesbians are at least as likely as heterosexually partnered women to hold government jobs, and partnered gay men are as likely as other partnered men to work for state governments. Partnered LGBs' share of management jobs in SLGs is

Table 5
Logit Models for SLG Employment by Level of Protection

	Model 1			Model 2		
	States with Gay Rights Law	States with Executive Order	States with No Protections	States with Gay Rights Law	States with Executive Order	States with No Protections
Man with male partner	-0.241** (3.72)	-0.217** (2.86)	-0.385** (6.60)	-0.062 (0.86)	0.011 (0.14)	-0.207** (3.27)
Woman with female partner	0.100 (1.80)	0.031 (0.50)	-0.085 (1.81)	0.079 (1.25)	0.005 (0.07)	-0.035 (0.65)
McFadden's pseudo R^2	.060	.050	.059	.243	.236	.248
Observations	538,188	535,584	1,331,673	538,188	535,584	1,331,673

Note: Absolute value of z statistics in parentheses. Sample excludes federal employees. Model 1 includes all variables from Model 1 in table 4. Model 2 adds 21 dummy variables for broad occupational grouping.

*Significant at 5%; **significant at 1%.

higher than their share of either SLG or private sector employment. Further, although public support for hiring LGBs is weaker for school teachers than for almost any other occupation, LGBs are overrepresented among elementary and secondary teachers. LGB representation varies widely across the states, but LGB residential patterns explain most of the variation.

Underrepresentation exists in other regards, however. Partnered gay men are less likely than heterosexually partnered men to work for government, and the differences remain significant after controlling for a wide array of individual characteristics and for occupational choice. Compared to a comparably educated and experienced heterosexually partnered man, a partnered gay man's odds of working for the federal government are only two-thirds as high and his odds of working for an SLG are three-fourths as high (they rise to nine-tenths if they are in similar occupation and they become equal if they live in a state with a gay rights law or an executive order prohibiting discrimination in public employment). Gay men's concentration in nonprofit employment helps explain their underrepresentation, but it persists even when the comparison is to for-profit employment. In addition, partnered gay men remain substantially under-represented in law enforcement.

Public policy makes a difference. Partnered gay men's representation is higher in states with gay rights laws or executive orders prohibiting anti-LGB discrimination in public employment, even after controlling for their share of the private sector workforce. This finding holds up to individual-level analysis: partnered gay men are as likely as comparably educated and experienced heterosexually partnered men to work for SLGs in states with gay rights laws or executive orders but not in states with no protections. Partnered lesbians are also more likely to hold SLG jobs in states with than without protections. Further, partnered lesbians and gay men both comprise higher shares of SLG managers in state with employment protections.

Does passive representation of LGBs lead to effective active representation of LGB interests? This research cannot tell us. If minorities need to reach a critical mass of 15% to convert from tokens to representatives (Kanter 1977; Meier et al. 1999, 2001), the opportunities seem limited for a minority that accounts for less than 1% of government employees. A threshold of 15% may be reachable in some AIDS agencies and in a variety of agencies in West Hollywood, San Francisco, and other LGB enclaves but not in many other situations. Instead, LGBs need to work through the more indirect routes that Lim (2006) outlines: calling their colleagues on heterosexist behaviors and thought patterns and helping them remember that their customers include LGBs, whose needs or interests may differ from those of other customers.

This raises an additional question about LGB representation: does passive representation count if LGBs are not out at work? Unlike women and racial minorities, many LGBs choose to "pass" as heterosexual on the job, especially if they think that being open about their sexuality will lead to discrimination or a more hostile work environment. If they do not feel comfortable revealing their own sexual orientation, are they likely to advocate for the interests of other LGBs? Quiet networks of closeted LGBs may still have some impact through an open colleague or a straight ally, and closeted individuals may quietly stand up for individual clients, but a critical mass of open LGBs (probably much lower than 15%) may well be necessary for effective action.

A primary obstacle to research on LGBs in the public sector is lack of data. Census data provide no information on single LGBs, so we cannot generalize our findings to them, and data sets that identify single LGBs are too small to say much about those in the public

sector. Adding an LGB identifier to a survey of federal employees could provide a wealth of data on employment patterns, job satisfaction, perceptions of discrimination, turnover intentions and, perhaps, even management styles. When the American National Election Studies added a sexual orientation question to its 2008 survey, only 1% chose not to answer the question and 4% identified as LGB. A similar question on the Federal Human Capital Survey could give scholars a sample of over 1,000 LGB federal employees to study.

Additional research approaches may be necessary. If, as our data suggest, LGB representation is concentrated in pockets of government, case studies on those pockets would assist in determining what factors encourage active representation for LGBs. Targeted online surveys of LGB teachers, police officers, social workers, and managers would be unlikely to yield random samples, but they could yield insights into the circumstances in which they advocate for LGB clients or interests. Mixed methods that included both qualitative and quantitative components would be ideal for disentangling the causal mechanisms at work while producing generalizable empirical findings. Future research might also distinguish between trends among lesbians and gay men in order to discern if there are systematic differences between the two groups.

LGBs face special challenges as both employees and customers of government. Research can help us understand the depth of those challenges and the policy and administrative responses that can help overcome them. Representative bureaucracy research has produced important policy-relevant conclusions for women and people of color, and as data become available, it may be possible to do the same for LGBs.

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APPENDIX

Table A1
Descriptive Statistics

	Partnered Gay Men	Other Men	Partnered Lesbians	Other Women
Means				
Estimated work experience	18.0	22.7	18.0	21.5
Years of education	14.6	13.5	14.7	13.6
Percentages				
Bachelor's degree	28.5	18.1	26.1	18.1
Master's degree	11.1	6.9	14.0	6.6
Professional degree	4.2	2.2	3.3	1.7
Doctoral degree	2.3	1.6	2.9	0.8
Asian	1.8	3.1	1.1	4.0
Black	5.1	6.7	7.0	8.1
Hispanic	10.0	9.5	7.9	8.2
Other minority	2.4	1.9	2.7	2.1
Disabled	10.6	13.9	11.2	12.0
Has limited English ability	1.9	2.9	1.3	2.5
Naturalized citizen	3.5	5.5	2.7	5.9
Not a citizen	4.9	6.2	3.0	4.8
Married	0.0	92.8	0.0	90.1

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