

Work and Sexuality in the Sunbelt: Homophobic Workplace Discrimination in the U.S. South and Southwest, 1970 to the Present

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In 2016, PayPal, a multinational financial services company canceled an expansion into North Carolina worth millions of dollars and with hundreds of jobs. The cancellation was in response to the state legislature's passage of a transphobic law. The Public and Facilities Privacy and Security Act restricted transgender and nonbinary individuals from using public restrooms consistent with their gender identity. The act also overturned broader local non-discrimination ordinances.¹ PayPal's corporate activism in support of the rights of sexual minorities and gender nonconformists reflected a half-century of activism by lesbian, gay, bisexual, and transgender (LGBT) activists who demanded workplace rights and benefits through their employer when cities and states refused to provide nondiscrimination protections. The majority of LGBT people had no federal protection against discrimination in employment until the U.S. Supreme Court ruled sexual orientation and gender identity are protected characteristics under Title VII of the Civil Rights Act (1964) in June 2020.² Even after the achievement of same-sex marriage in 2015, few southern states provided workplace protections for sexual minorities. Workers across the South and Southwest could therefore be married to someone of the same sex but be fired by their homophobic boss for being gay.³

"Work and Sexuality in the Sunbelt" examines how sexual minorities reshaped the corporate workplace to provide protections in areas where federal, state, and local governments fell short. Pressure in this arena was successful to the extent that most major companies now prohibit discrimination and openly campaign for equality. Several case studies of homophobic discrimination are examined. Chapters on individual companies including Apple, Cracker Barrel, Duke University, and ExxonMobil shed light on mainstream LGBT strategies for equality within corporations as well as the extent to which victories at these companies

1. "PayPal withdraws plans for Charlotte expansion over HB2," *Charlotte Observer*, April 5, 2016.

2. *Bostock v. Clayton County*, 590 U.S. ____ (2020).

3. Research at the intersection of labor, sexuality, and political economy is currently growing. Key scholarship includes: Bérubé, *My Desire for History*; Canaday, *Straight State*; John D'Emilio, "Capitalism and Gay Identity"; Frank, *Out in the Union*; Balay, *Semi Queer*. My work also builds on the intervention of historians who have demonstrated the relevance of the corporate sphere to our understanding of social rights of minorities. See MacLean, *Freedom Is Not Enough*; Moreton, *To Serve God and Wal-Mart*; Orleck, *We Are All Fast-Food Workers Now*.

impacted wider rights for sexual minorities in southern cities. Similarly, case studies on organizations of business elites in Sunbelt cities, including Houston, Texas, and Charlotte, North Carolina, demonstrate how battles over workplace rights in both the private and public sectors informed conservative rhetoric in opposition to and, in some cases, acceptance of LGBT rights during the closing decades of the twentieth century. It uncovers the central role that battles for workplace protections for gays and lesbians in the Sunbelt region have played in the development of broader national strategies for LGBT equality. It establishes how these rights remained tenuous because of reliance on the goodwill of corporations and have only recently been solidified in federal law.

Activists across the United States South and Southwest not only advanced multiple strategies to win local antidiscrimination measures but also placed demands on individual corporations to protect LGBT workers and provided equal benefits in the face of the AIDS crisis. Key industries and workplaces in the U.S. Sunbelt, such as oil, high technology, higher education, and fast-food service work became major battlegrounds in the fight for workplace protections, including nondiscrimination policies and domestic partner benefits from 1970 to 2020. The Sunbelt focus is important because the U.S. South and Southwest witnessed rapid employment growth and profitability in the same period that movements for sexual liberation and equality became more visible calling for people to exit the closet and demand rights in the workplace as well as the broader political sphere.⁴ The entrenchment of conservatism in the Sunbelt during this same period created a volatile situation in which demands and gains for LGBT employment protections precipitated a political backlash that centered the private workplace as a key arena in which rights were fought for, won, repealed, and won again.

The concept of the Sunbelt emerged in the early 1970s as journalists, political strategists, and scholars sought to understand the political and economic realignments that were taking place in the United States. It has come to refer to those cities that enjoyed rapid and substantial economic and population growth in the second half of the twentieth century. It includes major metropolises below the thirty-seventh parallel that attracted business, investments, and workers to migrate from the Northeast and Midwest “Rust-belt.” Alongside the economic growth of the region, “Sunbelt” also came to denote a conservative realignment that was taking place during this period. Business boosters promoted their antiunion, low tax, and generally probusiness climate to investors in the North. Alongside this was an antigovernment intervention line of rhetoric that ignored the outsized role of the federal government in helping to create such a region.⁵

The gay liberation and equality movements of the 1970s placed demands on corporations and public officials for nondiscrimination protections and later for same-sex domestic partner benefits.⁶ Some Sunbelt companies, including the telecommunications giant AT&T, were

4. For further definition and discussion of the term “Sunbelt,” see Cunningham, *American Politics in the Postwar Sunbelt*; Abbott, *New Urban America*; Bernard and Rice, *Sunbelt Cities*; Jewell, *Dollars for Dixie*; Kruse, *White Flight*; Elizabeth Shermer, *Sunbelt Capitalism*. For a useful review of recent Sunbelt scholarship, see Guberman, “Is There a Sunbelt After All?”

5. For more on the development of the Sunbelt for conservative political operatives, see Phillips, *Emerging Republican Majority*. For more on the role of the federal government, see Bullock and Deitz, “Transforming the South”; see also Schulman, *From Cotton Belt to Sunbelt*.

6. Frank, *Out in the Union*.

initially receptive and in 1975 it became the first Fortune 500 company to confirm a non-discrimination policy on the basis of sexual orientation.⁷ However, the drive to workplace rights quickly came up against opposition as employers and politicians used any tools at their disposal to push back against workplace rights claims of sexual minorities. These tools included antisodomy laws, antiunion laws, public referendums, withdrawal of tax incentives for pro-LGBT businesses, insurance discrimination, disability discrimination, and transphobia. These structures of exclusion and discrimination were not used *exclusively* in the Sunbelt, but they were used extensively. In so doing, they extended existing patterns of marginalization to sexual minorities.

By drawing on a wealth of primary sources, including company records, community newsletters, and newspaper clippings, and by placing these in conversation with oral histories, my work offers an in-depth qualitative examination of the impact that a lack of employment protections has had on claims to sexual citizenship within the corporate workplace.⁸ It demonstrates how LGBT activist strategies for equal protections and workplace rights in the South diverged from the national trajectory because of the limited power of unions and the ascendancy of Christian morality that has reshaped free-market politics in the region.

Dissertation Structure

Part One: Nondiscrimination and the Structures of the Sunbelt

Work and Sexuality in the Sunbelt is divided into two main parts that run chronologically from the mid-1970s to the present. The first part examines the structures of oppression that activists contended with in the Sunbelt as they pushed for workplace nondiscrimination protections and the right to privacy. These structures included antisodomy laws, antiunion “right-to-work” laws, resistance to affirmative action measures as well as resistance to other forms of government intervention and religious discrimination. All these elements underpinned broader notions of southern conservatism. Nationally, the 1970s and 1980s were marked by a shift in the experience of sexual dissidents as they exited the closet and demanded their rights. Yet in the South and Southwest, the strategy of coming out and demanding workplace rights was complicated by the entrenchment of antisodomy laws, as well as an antilabor and anti-affirmative action climate that complicated strategies for advancing movement goals of nondiscrimination protections.⁹ For instance, activists were challenged by the notion of how to legislate against discrimination when one’s sexual activity and identity is understood to be

7. For more on AT&T and activism in corporations across the United States, see Raeburn, *Changing Corporate America from Inside Out*.

8. “Work and Sexuality in the Sunbelt” draws on collections from multiple libraries and archives across the United States, including the Atlanta History Center; David M. Rubenstein Rare Book & Manuscript Library, Duke University; Special Collections and Archives, Georgia State University, Atlanta; ONE National Gay & Lesbian Archives, Los Angeles, California; Stonewall National Museum & Archives, Fort Lauderdale, Florida; and The Wilson Library, University of North Carolina at Chapel Hill.

9. For an excellent introduction to the queer history of the South, see Howard, *Men Like That*.

illegal. Activists were forced to first challenge and remove antisodomy laws alongside fighting for antidiscrimination protections on the basis of a right to privacy.¹⁰

Conservatives also adapted their arguments in favor of discrimination in this era. First, they argued against the act of same-sex intimacy as sinful, immoral, and dangerous. Second, they argued against the homosexual as a person with particular traits for which they should be removed from the workplace, which was especially true with regards to teachers. Finally, they acted against the “homosexual” as an employee who they argued should be denied protections afforded to other minorities due to those two other aspects. The dissertation considers the way LGBT people fought as sexual minorities who needed protections against specific forms of discrimination. This was because of their outlaw status under antisodomy laws and because as workers in the Sunbelt they experienced broader forms of precarious employment due to weakened unions and laws that allowed bosses to fire them “at-will.” As such, it contributes to our understanding of all workers in the United States who need social rights, as well as employment rights, through the workplace. By examining the ways in which these issues were contested through the 1980s, it is possible to understand how both vitriolic homophobia and a grassroots activist response to it emerged at the Cracker Barrel restaurant chain in 1991, a case study at the center of the dissertation. The first section, therefore, considers gays and lesbians as employees—teachers, city government workers, and service workers in the restaurant industry—who found themselves in the vanguard of early workplace struggles over sexuality: the struggles that revealed the structures of discrimination at the heart of southern and Sunbelt culture.

As gays and lesbians began to win workplace rights in the 1970s, a backlash emerged that specifically targeted those who were teachers and also their allies. Sunbelt conservatives used antisodomy laws and public ordinances to force gay and lesbian teachers out of the classroom and back into the closet. Chapter One establishes how movements by both conservative politicians and liberal gay and lesbian activists developed as they did battle over teachers rights in the late 1970s and early 1980s. Campaigns such as Anita Bryant’s “Save Our Children” in Florida and John Briggs’s Proposition 6 in California centered gay and lesbian teachers in their reaction to the rights claims of sexual minorities.¹¹ While these episodes have received historical attention, less scholarship has focused on teachers in the South and Southwest; yet, unlike Briggs, conservatives in Oklahoma were successful in banning gay and lesbian teachers and their allies.¹² The chapter first reexamines the Briggs initiative in California, where unions and a broad liberal movement succeeded in halting his plan, before it pivots to understand the importance of challenging antisodomy laws for wider workplace rights by probing the activism of Donald Baker, an openly gay teacher who sought to halt antisodomy laws in Texas in the early 1980s, and temporarily succeeded.¹³

Donald Baker’s challenge to the Texas antisodomy statute opened space for a liberal coalition in Houston to protect the workplace rights of sexual dissidents. The second chapter

10. For more on challenges to antisodomy laws, see Eskridge, *Dishonorable Passions*.

11. For more on Anita Bryant’s campaign, see Frank, “Civil Rights of Parents.” See also Lassiter, “Inventing Family Values.”

12. “Teachers Under Fire,” *Gay Community News*, May 13, 1978; see also Mason, *Oklahoma*, 74.

13. “Texas Ban On Homosexual Conduct Struck Down,” in *New York Times*, August 18, 1982.

examines how Sunbelt boosters in 1985 successfully repealed a nondiscrimination ordinance that specifically protected public workers on the basis of sexuality.¹⁴ The chapter details the ways in which sexual minorities were used as scapegoats for a local economic crisis by these business elites and conservative politicians. Those elites charged that the nondiscrimination ordinance endangered the city's growth as businesses that considered relocating there would be deterred by the idea that sexual minorities should be protected. In doing so, they argued that bias was good for business and that sexual minorities should not be awarded "special privileges." The chapter demonstrates how antiunion and anti-affirmative action rhetoric was adapted by business elites to target sexual minorities as scapegoats for economic turbulence.¹⁵ It also demonstrates the tenuous nature of workplace protections in the Sunbelt city in an era of conservative ascendancy and the AIDS crisis.

Chapter Three focuses on the challenges that the AIDS crisis posed to gay and lesbian activists, employers, and conservative politicians across the South throughout the 1980s. The chapter demonstrates the insidious ways that New Right activists were able to openly discriminate against sexual minorities by using the AIDS crisis as cover. A victory by North Carolina activists in winning a nondiscrimination campaign to protect people with AIDS in 1989 was quickly undermined by restaurant owners who won an exemption from coverage that weakened the resultant legislation.¹⁶ They opened space for further opportunities for discrimination in the service sector. One such example was the Cracker Barrel restaurant chain that in 1991 used the context of the AIDS crisis to institute an openly discriminatory policy to fire employees "whose sexual preferences fail to demonstrate normal heterosexual values."¹⁷ It became the first corporation to put in writing a policy of open discrimination against gay and lesbian employees. The chapter traces the grassroots movement that emerged to win back the jobs of several employees who were fired under this homophobic policy. As Cracker Barrel continued to expand its operations across the country, activists staged sit-ins and demonstrations against the company's policy of discrimination.

Faced with the failure of national politicians to win a federal Employment Non-Discrimination Act in the mid-1990s, the campaign around Cracker Barrel shifted to focus on changing that company's nondiscrimination policy from within. Activists became involved in a campaign to sell shares in Cracker Barrel to gay and lesbian communities to force a vote in favor of nondiscrimination policy at shareholder meetings.¹⁸ As a result, in the 1990s the movement shifted focus from grassroots to corporate activism. This shift in corporate activism had the consequence of directing the movement to narrower demands within individual workplaces. This led activists to prioritize demands for forms of heteronormative, monogamous marriage and the private social safety net rather than for more expansive visions that would have directly challenged these broader structures of inequality.

14. "Houston defeats gay rights issues," *Houston Chronicle*, January 20, 1985.

15. Barbara Canetti, "Closet Politics: What the Gay Rights Referendum Meant," *Houston City Magazine*, March 1985.

16. "AIDS Anti-Discrimination Will Become Law," *The Front Page*, August 15, 1989.

17. Howard, "Cracker Barrel Restaurants."

18. Carl Owens Cracker Barrel Restaurant Collection, Q129, Gender and Sexuality Collections, Special Collections and Archives Department, Georgia State University, Atlanta.

Part Two: Queering the Sunbelt Corporation

Through examining case studies of corporations such as Apple Computer, ExxonMobil, and Research Triangle universities, the second section expands our understanding of how sexual minorities reshaped the corporate workplace in the neoliberal era to the extent that most major companies now prohibit discrimination and openly campaign for equality. This dissertation uncovers the central role that battles for workplace protections for gays and lesbians in the Sunbelt region have played in the development of broader national strategies for LGBT equality. It establishes how these rights have remained fragile from a reliance on the goodwill of corporations and a lack of codification in federal law. Case studies are drawn from several states that are representative both of Sunbelt growth and of battles over sexuality in this period. These include incidents that took place in Texas, North Carolina, and Georgia. Although each of these are locally distinctive, they also represent broader regional and national trends, movements, and tensions that make them particularly compelling.

Whereas the first section examines the structures of oppression and direct incidents of discrimination against sexual minorities, the second section demonstrates the ways in which sexual minorities were able to shift corporate culture in the 1990s to become more welcoming and protective. The shift in activists' strategy at Cracker Barrel is an example of a wider trend in which employees focused on transforming corporate culture in light of the decreasing opportunities to win federal nondiscrimination protections for sexual minorities. As Human Rights Campaign activist George Kronenberger spelled out in 1991:

Corporate anti-discrimination policies are a primary concern for lesbians and gays that don't have state or local civil rights ordinances protecting them. A basic statement that employees are given the same opportunities to enter, advance and succeed in an organization sets the tone for how that organization relates to lesbians and gays.¹⁹

This focus on the corporate sphere provided opportunities and helped to constrain the broader vision of the LGBT movement for employment rights.

Chapter Four examines how the successes of employees at the Apple Computer Corporation in winning antidiscrimination protections and domestic partner benefits were undermined by southern politicians as the company sought to expand. In 1993, politicians in Williamson County, Texas, denied Apple a tax incentive to open a new state-of-the-art campus because the company provided domestic partner benefits for employees' same-sex spouses.²⁰ The chapter highlights how questions of sexual diversity continued to divide Sunbelt boosters in 1985, almost a decade after Houston. It examines how Silicon Valley employment practices posed new challenges to Sunbelt conservatism in an era in which Republican Party officials debated their stances over the free market and family values in the wake of their defeat to Bill Clinton in 1992.²¹ For gay and lesbian activists, the episode further demonstrated the need to

19. George K. Kronenberger, "Out of the Closet," *Personnel Journal*, June 1991, in Box 2.12, Brian R. McNaught Papers, Cornell University Library.

20. "Apple Controversy Goes to Core of Divided Williamson County," *Houston Post*, December 5, 1993.

21. Wayne Slater, "GOP Centrists Criticise Leaders for Vote on Apple tax issue," *Dallas Morning News*, December 7, 1993.

prioritize winning protections at individual corporations, like Apple, rather than winning nondiscrimination protections and domestic partner benefits at the local level. Such a strategy entrenched economic disparities within gay and lesbian communities as increasingly wealthy executives found protections and benefits while other workers in the Sunbelt did not. In the end, Apple moved elsewhere, leaving potential local employees without jobs or rights.

Chapter Five examines the success of this movement at private universities in the South as faculty, staff, and students went beyond defending their visibility on campus to demanding domestic partner benefits. To win these rights and benefits, students and faculty at Duke University mobilized booster arguments of the need to remain competitive with other private universities.²² The success of this strategy, however, was not replicated on public campuses where similarly placed activists faced greater resistance because of those colleges' reliance on conservative legislators for funding. Whereas activists at private universities, such as Duke, could rely on an argument of competition with other private, elite universities, their neighbors at the University of North Carolina at Chapel Hill were unable to mobilize such arguments as convincingly.²³ The continued presence of antisodomy laws in North Carolina further undermined the movement on public campuses and limited the ability of activists to extend their struggles to include workers at public universities in the state. Thus, private universities became islands of rights and privileges in locations where communities of sexual minorities were criminalized. Nevertheless, after a successful campaign, Duke workers won domestic partner benefits for both student workers and permanent staff.

The Persistence of the Corporate Closet

By the early 2000s, scores of Fortune 500 corporations had installed nondiscrimination protections on the basis of sexuality, and some also provided domestic partner benefits. Chapter Six examines the staunchest of corporate holdouts to these demands: Exxon. Not only did the oil giant refuse to acquiesce to demands for nondiscrimination protections but also the company leadership actively repealed them from companies they acquired, as was the case with Mobil in 1999.²⁴ Buoyed by the neoconservatism of George W. Bush and the security of oil extraction in this era, ExxonMobil could ignore activists who sought to convince them that bias was bad for their profit. The Sunbelt oil industry was therefore able to buck national trends of corporate acceptance of sexual diversity due to size and power. The 2003 repeal of antisodomy laws nationally made claims on Sunbelt corporations more viable but it also led to a backlash against the rights of sexual minorities. When the company finally did enshrine nondiscrimination protections and benefits, it was in the wake of the Supreme Court's 2015 decision to rule same-sex marriage legal and constitutional.²⁵

22. Letter to President Nannerl O. Keohane from University Task Force on Lesbian, Gay, and Bisexual Matters members, June 4, 1997, in Box 1, Hazirjian Papers-Duke, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

23. "UNC-CH to Offer Partnership Benefits," *The Front Page*, October 27, 1995.

24. James B. Stewart, "Exxon Defies Calls to Add Gays to Anti-Bias Policy," *New York Times*, May 24, 2013.

25. Engel, *Fragmented Citizenship*, 150–151.

Yet at this same moment, other corporations—mainly based in the Sunbelt—sought to roll back domestic partner benefits after the Supreme Court’s ruling. They argued that such benefits were only a stop-gap for gays and lesbians because historically they could not be married like their colleagues in different-sex relationships.²⁶ The failure of the movement to extend domestic benefits to different-sex couples in the South led to the entrenchment of family as the unit in which economic security, rights, and benefits are awarded in the privatized welfare system that is unique to the United States. As such, the disparity between the workplace rights and benefits afforded to those who are married and those who are not has been upheld with ongoing consequences in the welfare and health care provisions available for sexual minorities.²⁷

The epilogue follows the tensions of LGBT corporate activism and Sunbelt business conservatism up to the present by demonstrating the ways in which workplace rights remain tenuous in the Sunbelt. This is due in part to the continued lack of local and federal non-discrimination protections in the region until 2020 and in part to the ongoing reliance on a corporate strategy to push back against southern conservatism. Most notably, as noted earlier, PayPal canceled plans for a multimillion-dollar facility in Charlotte in 2016 when North Carolina enacted anti-LGBT measures via the state legislature. Yet, as seen with the repeal of domestic partner benefits, the historic reliance of the movement on the goodwill of individual corporations means that workplace rights and benefits can be weakened when companies no longer view them as profitable. The Trump administration era highlighted the fragile nature of LGBT employment rights throughout the United States. The administration sought to limit LGBT workplace rights by asserting that Title VII of the Civil Rights Act (1964) does not cover sexual orientation.²⁸ It also actively discriminated against transgender military personnel by attempting to exclude them on the basis of healthcare costs.²⁹

After same-sex marriage became law of the land in 2015, and until the Supreme Court ruling in *Bostock v. Clayton County, Georgia* in 2020, many southern workers could be married to someone of the same sex but be legally fired if their homophobic boss found out. This “fragmented citizenship” was compounded for transgender workers in this period as they faced so-called “bathroom bills” that explicitly targeted their rights at work, such as the North Carolina’s Public Facilities Act (2016) detailed at the start of this article.³⁰ The latter Supreme Court ruling helped to alleviate some of the effects of this fragmented citizenship. Yet, in several ways, the workplace rights of LGBT people continue to remain contested and unstable in an era of increasing political polarization.

26. Leon Stafford, “Gay Marriage Puts Domestic Partner Benefits in Doubt,” *Atlanta Journal-Constitution*, July 16, 2015.

27. For a longer history of marriage and cohabitation in the US, see Pleck, *Not Just Roommates*.

28. Mary Emily O’Hara, “LGBTQ Advocates Say Trump’s New Executive Order Makes Them Vulnerable to Discrimination,” *NBC News*, March 20, 2017. <https://www.nbcnews.com/feature/nbc-out/lgbtq-advocates-say-trump-s-news-executive-order-makes-them-n740301>

29. Andrew Chung and Jonathan Stempel, “U.S. Court Lets Trump Transgender Military Ban Stand, Orders New Review,” *Reuters.com*, June 19, 2019. <https://www.reuters.com/article/us-usa-trump-transgender-idUSKCN1TF1ZM>

30. For more on the concept of fragmented citizenship, see Engel, *Fragmented Citizenship*.

A reliance on the profit model has underpinned mainstream LGBT activist demands for workplace protections since the 1980s. Activists argued with homophobic boosters and politicians that antisodomy laws and workplace bias was bad for business. They sought to convince private businesses, including Apple, Cracker Barrel, Duke University, and Exxon-Mobil, that their employees would be more productive with nondiscrimination protections and benefits for their same-sex partners. While this argument proved compelling to some, such as Apple, it was not to others, such as ExxonMobil. Regardless of the success in winning over most Fortune 500 companies, the extension of protections was not forthcoming for the majority of LGBT people who did not work in such corporations or universities. Without a focus on a more expansive vision of equality or liberation with demands for public protections for all, not simply those who wish to marry, LGBT communities, as with the rest of society, remain stratified by the structures of class, gender, race, and ability.

From grassroots sit-ins at Cracker Barrel to top-down corporate activism at Apple and Bank of America, LGBT activists have proven successful in gaining and defending their rights in whatever way they could while they reckoned with a conservative political culture that suggested little may be gained. Without federal protections based on sexual identity, many people have been vulnerable to discrimination with little recourse until very recently. Even as these protections are enshrined in law, they remain inadequate, especially for the LGBT communities in the Sunbelt—and increasingly across the United States. The antiunion, antigovernment interventionist nature of Sunbelt business, with its reliance on at-will employment laws, privatized health care system, and recent attacks on benefits leaves all workers less secure, and those already vulnerable to marginalization due to their sexuality more likely to lose out.

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Stonewall National Museum & Archives, Fort Lauderdale, Florida
The Wilson Library, University of North Carolina at Chapel Hill

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