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Mayor Pete, *Obergefell* Gays, and White Male Privilege

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Mayor Pete, *Obergefell* Gays, and White Male Privilege

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ABSTRACT

This Article argues that Mayor Pete Buttigieg seized the national imagination and a substantial number of Democratic delegates through the combination of his gay identity and his alignment with masculinity norms generally assigned to heterosexual men, and by taking aim at more senior and qualified women candidates, namely Senators Elizabeth Warren and Amy Klobuchar. Buttigieg's unprecedented success suggests that some White gay men now enjoy a unique pathway to reclaiming their status as men and asserting White male privilege. In short, contrary to pervasive media claims, Buttigieg's success should be read as a breakthrough for certain White gay men, but not for the LGBTQ community more generally. Indeed, Buttigieg's appeal to White heterosexuals may signify a growing chasm between the "G" and everyone else who identifies with a term included in that acronym. The lack of enthusiasm for Buttigieg's candidacy—and in some cases outright repudiation of Buttigieg—among LGBTQ folks who are women, people of color, queer, transgender, and/or younger reflects an objection to the "respectability politics" that have fueled the movement since the 1990s. The Mayor Pete backlash, which was closely followed by the convergence of a historic racial uprising and a remixed Pride Month, suggests that the future of LGBTQ rights is intersectionality.

INTRODUCTION

Around the time that Mayor Pete Buttigieg was born, feminist scholar Marilyn Frye published a lacerating critique of sexism among gay men.¹ In 1983, Frye challenged the pervasive assumption that gays and lesbians are brothers and sisters in arms—united by the dominant stereotype that “she is seen as a female who is not feminine and he as a male

1. See MARILYN FRYE, *Lesbian Feminism and the Gay Rights Movement: Another View of Male Supremacy, Another Separatism*, in *THE POLITICS OF REALITY: ESSAYS IN FEMINIST THEORY* 128, 128 (1983).

who is not masculine.”² Frye argued that a candid assessment of the differences between gays and lesbians reveals that such differences are “so profound as to cast doubt on the assumption that there is any basic cultural or political affinity here at all upon which alliances could be built.”³ Gay men, Frye says, actually have more in common with straight men than lesbians, including “the presumption of male citizenship,” “contempt for women, or women-hating,” and “the presumption of general phallic access.”⁴ “The straight culture’s identification of gay men with women usually only serves to intensify gay men’s investment in their difference and distinction from the female other.”⁵ Frye asserts that the gay rights movement responds to homophobia by seeking to “educate and encourage straight men to an appreciation of the normalcy and harmlessness of gay men. It does not challenge the principles of male-supremacist culture.”⁶ Indeed, Frye argues, women are useful foils for gay men: by dominating a woman in front of a heterosexual male audience, gay men can reclaim their status as men.⁷

Over the years, I have struggled with Frye’s pessimistic, and perhaps cynical, assessment of gay men’s investment in patriarchy. Initially, I found it bracing in naming and problematizing dynamics that I had observed in gay male spaces like bars, in which some gay men “casually and cheerfully make jokes which denigrate and vilify women, women’s bodies, and women’s genitals,”⁸ and certain aspects

2. *Id.* at 129.

3. *Id.* at 130.

4. *Id.*

5. *Id.* at 139.

6. *Id.* at 144.

7. *See id.* at 139 (“What results is not alliance with women but strategies designed to demonstrate publicly gay men’s identification with men, as over and against women. Such strategies must involve one form or another of public acting out of male-dominance and female-subordination.”).

8. *Id.* It is telling that, even though studies suggest that straight men hold

of drag culture, which Frye calls a “sport in which men may exercise their power and control over the feminine.”⁹ Yet I worried that Frye had reduced gay men’s rather complex relationship with patriarchy (which I discuss below) into a simple story that generally aligns us with straight men. Still, I find Frye’s words so trenchant that I keep coming back to them. The recent ascendance of Buttigieg from a small-town mayor in the middle of nowhere¹⁰ to a frontrunner for the Democratic nomination proves, to my mind at least, the enduring power of Frye’s critique.

This Article argues that Buttigieg seized the national imagination and a substantial number of Democratic delegates through the combination of his gay identity and his alignment with masculinity norms generally assigned to heterosexual men, and by taking aim at more senior and qualified women candidates, namely Senators Elizabeth Warren and Amy Klobuchar. Buttigieg’s campaign suggests that the pathway to male dominance outlined by Frye has never been more viable for a certain type of gay White man. In short, despite pervasive media claims,¹¹ Buttigieg’s success should not be read as a breakthrough for LGBTQ rights. Rather, it signifies a growing chasm between the “G” and everyone else who identifies with a term included in that

more homophobic attitudes than straight women, straight men are rarely the target of jokes in mainstream gay culture. *See, e.g.*, Aaron J. Blashill & Kimberly K. Powlishta, *Gay Stereotypes: The Use of Sexual Orientation as a Cue for Gender-Related Attributes*, 61 *SEX ROLES* 783, 786 (2009).

9. FRYE, *supra* note 1, at 137.

10. Like Buttigieg, I am from a small Midwestern city (Dayton, Ohio).

11. *See, e.g.*, Henry J. Gomez & Molly Hensley-Clancy, *Pete Buttigieg Changed What It Means For LGBTQ Candidates To Run For Office*, BUZZFEED NEWS (Mar. 1, 2020, 11:00 PM), <https://www.buzzfeednews.com/article/henrygomez/pete-buttigieg-2020-campaign-lgbtq-drop-out>; Eugene Scott, *Pete Buttigieg’s Historic Candidacy Is Over. Where Do Gay Rights Groups Want to Go From Here?*, WASH. POST (Mar. 2, 2020, 5:19 PM), <https://www.washingtonpost.com/politics/2020/03/02/pete-buttigiegs-historic-candidacy-is-over-where-do-gay-rights-groups-want-go-here/>; Dan Merica, *Pete Buttigieg’s Unlikely Rise as a Symbol of LGBT Progress*, CNN (Apr. 8, 2019, 2:26 PM), <https://www.cnn.com/2019/04/08/politics/pete-buttigieg-lgbt-progress/index.html>.

acronym.

This story, however, is not a wholly disheartening take on the current state of LGBTQ politics. In fact, the raucous debate Buttigieg set off in the LGBTQ community suggests a robust (if imperfect) engagement with intersectionality, a skepticism of “trickle-down” identity politics,¹² and an overdue conversation about White gay male privilege. I share the disbelief of many LGBTQ people that a White gay man who climbed to the front of the race on the backs of better-qualified women and/or people of color would nonetheless prioritize the needs of marginalized communities if he were elected president. President Joe Biden’s decision to nominate Buttigieg for a cabinet position reflects party leaders’ expectation that Buttigieg is a rising star who may one day ascend to the presidency.¹³ Voters who endorse racial justice and intersectionality should judge Buttigieg’s likely future candidacy based on his ability to grow in his awareness of his White male privilege, advance the interests of the African-American community and other people of color, and invest in LGBTQ people who do not share his race and gender privilege.¹⁴

I begin by noting the aspects of Buttigieg’s identity and candidacy that broke new ground and undermined anti-gay stereotypes. I also distinguish my claim from critiques that have circulated in the media that Buttigieg is not “gay enough,” insufficiently queer (which may turn out to be the same thing), or is not representative of the entire LGBTQ community. These arguments seek to essentialize a particular aesthetic or set of sub-identities or political

12. See Marie-Amelie George, *The LGBT Disconnect: Politics and Perils of Legal Movement Formation*, 2018 WIS. L. REV. 503, 534 (2018).

13. See Michael D. Shear & Thomas Kaplan, *Buttigieg Recalls Discrimination Against Gay People, as Biden Celebrates Cabinet’s Diversity*, N.Y. TIMES (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/us/politics/buttigieg-biden-cabinet.html>.

14. See *infra* note 15 (endorsing Adiel Pollydore’s critique of Buttigieg’s campaign for failing to uplift the most marginalized queer and trans people).

commitments as central to LGBTQ identity and community and relegate others to second-class status. They are somewhat novel in that they invert respectability politics. While the gay rights movement has long favored cisgender White men, some of Buttigieg's essentialist critics¹⁵ express skepticism of such men and give fuel to the erroneous claim that intersectionality creates an "oppression Olympics" that crowns people who experience multiple forms of oppression.¹⁶

15. See, e.g., Neil Broverman, *Buttigieg Fundraiser Disrupted by 'Queers Against Pete' Protesters*, THE ADVOCATE (Feb. 18, 2020, 3:27 PM), <https://www.advocate.com/election/2020/2/18/buttigieg-fundraiser-disrupted-queers-against-pete-protesters>; Jacob Bacharach, *Why Buttigieg is Bad for the Gays*, THE OUTLINE (Apr. 8, 2019, 3:27 PM), <https://theoutline.com/post/7288/why-pete-buttigieg-is-bad-for-gays?zd=1&zi=uou5j3hn> (calling Buttigieg a "scrubbed, upwardly mobile, largely White, well-dressed, unutterably corny gay"); The Red Lettuce, *Queers Against Pete Campaign Interview: Why Being Gay Isn't Enough to Win Our Vote*, YOUTUBE (Feb. 15, 2020), https://www.youtube.com/watch?v=x7zIT-VbQSw&feature=emb_title (invoking intersectionality and discounting Buttigieg's gay identity because "Pete is still a White, cisgender, well-to-do . . . man," whose perspectives reflect those identities). Val, a Chicago community protestor, went on to say: "He just like furthers White supremacy; it's spewing out of him kind of; it's gross." *Id.* The host not only agreed; he went on to call Buttigieg a "psycho." *Id.* Both Val and the host appear to be White. Adiel Pollydore, a Black queer woman who protested a Buttigieg fundraiser in San Francisco, also cited Buttigieg's identity: "Pete Buttigieg represents a very small percentage of the experiences of queer and trans people in this country, being White and being cisgender and being a man, being someone who is highly educated." Vivian Ho, *Queer Activists Disrupt Pete Buttigieg Event in San Francisco: 'We Deserve Better'*, THE GUARDIAN (Feb. 14, 2020, 1:52 PM), <https://www.theguardian.com/us-news/2020/feb/14/pete-buttigieg-san-francisco-queer-activists-fundraiser>. Pollydore's demographic claim is perilous because Black queer women constitute an even smaller percentage of the LGBTQ community. However, Pollydore went on to make a more convincing argument: "We know queer and trans folks of color, especially Black queer and trans folks, live at the intersection of so many systems of oppression in this country. This run for president could have been a really unique opportunity to lift up those experiences and talk about all the different ways we are criminalized and our safety is constantly threatened and we are shut out of institutions on the regular. But this campaign has not been about that." *Id.* Her point is that a cis White gay man *could* have made the most marginalized LGBTQ people central to his campaign, but Buttigieg chose not to. In my view, the real issue was Buttigieg's values, not his mere identity as a cisgender White gay man.

16. Prominent examples of White men expressing identity-based defensiveness include an awkward outburst by Senator Bernie Sanders during a

Kimberlé Crenshaw coined the term “intersectionality” to denote a form of critical thinking about identity and power that sees the layered nature of power dynamics.¹⁷ Intersectionality teaches that this layering extends beyond power differences between privileged versus subordinated groups, say, Whites and Blacks, or men and women. Layered powered dynamics also operate *within* privileged and *within* subordinated groups.¹⁸ Thus, there is a power hierarchy among White people, a generally privileged group, meaning that White straight men are likely to hold more power than

Democratic primary debate, Senator Lindsey Graham’s assertion that he was told to “shut up” because he’s a “single White male” during the confirmation hearings for Justice Brett Kavanaugh, and an op-ed by *New York Times* columnist Frank Bruni, who claims White men are being silenced. Julia Crave, *What the Whitest Democratic Debate Stage Had to Say About Race*, SLATE (Dec. 20, 2019, 1:12 PM), <https://slate.com/news-and-politics/2019/12/mostly-white-democrats-debate-race.html> (“Vermont Sen. Bernie Sanders awkwardly made a joke about his Whiteness at an inopportune moment.”); Zack Beauchamp, *Lindsey Graham, Brett Kavanaugh, and the Unleashing of White Male Backlash*, VOX (Sept. 28, 2018, 12:20 PM) <https://www.vox.com/policy-and-politics/2018/9/28/17913774/brett-kavanaugh-lindsey-graham-christine-ford-backlash>; Frank Bruni, *I’m a White Man. Hear Me Out.*, N.Y. TIMES (Aug. 12, 2017), <https://www.nytimes.com/2017/08/12/opinion/sunday/identity-politics-white-men.html> (“My gayness no more redeems me than my Whiteness disqualifies me. And neither, I hope, defines me.”). Clumsy critiques of White male dominance may fuel increasingly vehement claims that White men or straight White men are the new minorities. See, e.g., Arwa Mahdawi, *Has the Term ‘Straight White Male’ Really Become an Insult?*, THE GUARDIAN (May 22, 2018, 1:56 PM), <https://www.theguardian.com/world/2018/may/22/has-straight-white-male-become-an-insult-slur>. Such claims tend to divert attention from the disproportionate power that White men continue to wield in most political, economic, and social sectors and to ignore that their valorization of White male identity is itself a form of identity politics, rather than a return to race “neutrality.” Crenshaw’s original articulation of intersectionality assailed the claims of some White male judges that recognizing Black women’s specific vulnerability would “privilege” them over White women and Black men, and open up a “Pandora’s box” of unwieldy identity issues. See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 142–45 (1989) [hereinafter Crenshaw, *Demarginalizing*].

17. See Crenshaw, *Demarginalizing*, *supra* note 16, at 140–41; Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1244 (1991).

18. See Crenshaw, *Demarginalizing*, *supra* note 16, at 140–42.

White gay and bisexual men and White women of all sexual orientations. And among LGBTQ people, a White cisgender man is more likely to hold power than a transgender Black woman, for example. Importantly, Crenshaw's description of intersectionality resists a simple "additive" model in which identity mechanically operates in such a way that one could determine a person's power or vulnerability merely by calculating the number of stigmatized identities that apply to them.¹⁹

Instead of further fragmenting the already tenuous coalition that is LGBTQ by grading people on a scale of "gayness" or "queerness" and saddling White gay men with unique identity-based burdens, the goal should be to create respect and visibility in the community for multiple identities, and just as importantly, to prioritize the content of one's values over identity alone. It should matter less to LGBTQ folks that Buttigieg is White, masculine, and middle-class than that his record as mayor and candidate indicated his disregard for people who do not share those privileged identities—most notably, Black constituents and employees in South Bend and White women contenders for the Democratic nomination.

After offering a limited defense of Buttigieg, the Article shifts gears to explain why most LGBTQ voters did not support Buttigieg's candidacy. I argue that the backlash to his candidacy can be fully understood only against the backdrop of a gay and lesbian rights movement that has strictly adhered to respectability politics as exemplified by the campaign against the military's "Don't Ask, Don't Tell" policy and the fight for marriage equality. It is no accident that two of Buttigieg's more celebrated accomplishments are a brief stint in the military and his marriage to another (White) man. Yet the very things that made Buttigieg not

19. See, e.g., *id.* 149–50. Relatedly, Crenshaw has pushed back against those who have tried to diminish intersectionality as just an effort to champion Black women's identity. See Sumi Cho et al., *Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis*, 38 SIGNS 785, 797 (2013).

just palatable but attractive to many White heterosexual Democrats represent polarizing issues in the LGBTQ community. To many LGBTQ folks, especially those who are younger, people of color, women, and/or queer-identified, Buttigieg represents an elite “*Obergefell* gay,” and these groups’ aversion to Buttigieg may signify a rejection of respectability politics in favor of an intersectional movement.²⁰

I. CHALLENGING ANTI-GAY STEREOTYPES

When Pete Buttigieg emerged on the scene as a contender for the Democratic nomination, I was initially intrigued. I found him to be a captivating speaker, with a style somewhat reminiscent of President Barack Obama.²¹ Moreover, three aspects of his identity challenged longstanding stereotypes of gay men. First, his traditionally masculine appearance undermined narrow assumptions about gay men and gender. Society has long stereotyped gay men as inherently feminine. For decades, the stereotype focused on sex act. As George Chauncey has documented,

20. Throughout this piece, I refer at times to the “gay and lesbian rights movement,” “the LGBTQ movement,” and the “queer and transgender” movement. These names suggest very different focal points: historically, gays and lesbians overshadowed others, including bisexual and transgender people; the movement evolved to embrace “LGBT,” then “LGBTQ,” and more recently “LGBTQ+” (among several other variants) in an effort to be more inclusive. Yet “L” and “G” still come first in these formulations. More recently, “queer and trans” seems to be ascendant, at least insofar as a description for young, progressive activists. This phrase leaves out gay, lesbian, bisexual and sexual minorities who find “queer” offensive. I do not attempt to settle the “right” way to describe the movement, but merely to explain why I use different terms to describe different historical periods and subcommunities. I also do not mean for my language to overstate the coherence and consistency in what may in fact be several overlapping movements. I thank Amna Akbar for comments that helped me flesh out my thinking on this point.

21. Charles Homans, *How the Internet Came to Loathe Pete Buttigieg*, N.Y. TIMES MAG. (Dec. 16, 2019), <https://www.nytimes.com/2019/12/16/magazine/pete-buttigieg.html> (“Buttigieg, like Barack Obama before him, speaks in orderly paragraphs that seem to exist primarily to advertise a calm, deliberate temperament.”).

men who were the receptive partner or “bottom” during anal sex were regarded as “fairies.”²² But men who appeared masculine and played the insertive or “top” role could be regarded as “normal.”²³ In time, the femininity stereotype overtook distinctions based on sex role.²⁴ Today, to come out as gay, or to be perceived as gay, is widely regarded as “the ultimate relinquishment of masculinity.”²⁵

As I have written elsewhere, the gay femininity stereotype saturates a large body of questionable scientific research, which, for example, claims that gay men “sway” like heterosexual women when they walk (while lesbians are said to “swagger” like heterosexual men) and that gay men reflect “female-typical brain structures.”²⁶ Another body of research demonstrates how pervasive these stereotypes remain among lay people. For example, a 2009 study of

22. GEORGE CHAUNCEY, *GAY NEW YORK: GENDER, URBAN CULTURE, AND THE MAKING OF THE GAY MALE WORLD 1890–1940*, at 47 (1994).

23. *Id.*

24. *Id.* at 48–59.

25. Russell K. Robinson & David M. Frost, *The Afterlife of Homophobia*, 60 ARIZ. L. REV. 213, 274 (2018) [hereinafter Robinson & Frost, *Afterlife*]. That said, gay men have created their own rules of masculinity, which claim masculinity as a trait of some gay men. Consider the headlines that gushed from gay websites after Buttigieg shaved his head and grew a beard. *E.g.*, Josh Milton, *Pete Proves His Gay Credentials By Shaving His Head During Quarantine*, PINKNEWS (Apr. 2, 2020), <https://www.pinknews.co.uk/2020/04/02/pete-buttigieg-coronavirus-quarantine-shaving-head-twitter-georgetown-university-gay/>; Bil Browning, *Pete Has Completed His Transformation from Gay Geek to Scruffy Stud*, LGBTQ NATION (Apr. 2, 2020), <https://www.lgbtqnation.com/2020/04/pete-buttigieg-completed-transformation-gay-geek-scruffy-stud/>; Bil Browning, *Pete Finally Gave the Gays What They Wanted. He Grew a Beard*, LGBTQ NATION (Mar. 26, 2020), <https://www.lgbtqnation.com/2020/03/pete-buttigieg-finally-gave-gays-wanted-grew-beard/>. According to some observers on Twitter, these grooming choices simultaneously bolstered Buttigieg’s masculinity and made him “gay enough.” *See id.*

26. *See* Russell K. Robinson, *Masculinity as Prison: Sexual Identity, Race, and Incarceration*, 99 CALIF. L. REV. 1309, 1332 (2011). *See also* Kerri L. Johnson et al., *Swagger, Sway, and Sexuality: Judging Sexual Orientation from Body Motion and Morphology*, 93 J. PERS. & SOC. PSYCHOL. 321, 322 (2007); William Byne, *Science and Belief Psychobiological Research on Sexual Orientation*, in *SEX, CELLS, AND SAME-SEX DESIRE: THE BIOLOGY OF SEXUAL PREFERENCE* 303, 306 (David A. Parker ed., 1995).

attitudes among college students “found that gay men were considered to be just as low in masculinity as heterosexual women and to be more feminine than lesbians.”²⁷ A 2011 study found that simply telling subjects that one of two relatively “gender-typical White men” was gay led subjects to rate the gay-identified man as less masculine.²⁸

This background made Buttigieg’s emergence appealing to me, at least as an initial matter. While I have never strongly identified with masculinity, I have various gay and bisexual friends, colleagues, and former partners who are traditionally masculine and are typically read as heterosexual. But media depictions of gay men have fixated on the most feminine men, such as the flamboyant characters Jack on *Will & Grace* and Cameron on *Modern Family*, gay men who perform drag like RuPaul, and actor Billy Porter, a Black gay man who makes headlines wearing dresses to awards shows. This pop culture preference for gay performances of femininity reinforces stereotypes and allows heterosexual men to believe that they alone are “real men.”²⁹ In my view then, Buttigieg’s ascendance to household name status offered a counterbalance—that is, an opportunity to expand the canvas of gender performances of prominent gay men and complicate heterosexual men’s exclusive entitlement to masculinity.³⁰

27. Aaron J. Blashill & Kimberly K. Powlishta, *Gay Stereotypes: The Use of Sexual Orientation as a Cue for Gender-Related Attributes*, 61 *SEX ROLES* 783, 788–89 (2009).

28. See Robert W. Mitchell & Alan L. Ellis, *In the Eye of the Beholder: Knowledge that a Man Is Gay Promotes American College Students’ Attributions of Cross-Gender Characteristics*, 15 *SEXUALITY & CULTURE* 81, 91–92 (2011).

29. To be clear, this is not a critique of men like Porter, who have every right to embrace and make visible their own authentic gender identities. Porter also helps to explode hegemonic views of Black men as uniformly “hyper-masculine” in heterosexual and gay male communities. See, e.g., Russell K. Robinson & David M. Frost, *LGBT Equality and Sexual Racism*, 86 *FORDHAM L. REV.* 2739, 2745, 2749 n.82 (2018) [hereinafter Robinson & Frost, *Sexual Racism*].

30. Some gay men, such as a *Washington Post* writer, regard Buttigieg’s masculinity as a rigid mask that he forged in the closet. E.g., Bob Moser, *Trump is Macho. Buttigieg is Stoic. Who Wins the Contest of American Manliness?*, WASH.

But this too is complicated. Gay and bisexual men hold diverse gender identities and disparate reactions and adaptations to the gay effeminacy stereotype. Few gay men (and straight men) are entirely “masculine” or entirely “feminine” as depicted in the media, and there is much debate within LGBTQ communities about the meaning of these terms. Some gay and bisexual men experience gay/bisexual identity and sex between men as offering the freedom to explore the gender spectrum and reject rigid conceptions of masculinity. At the same time, some gay/bisexual men and other men who have sex with men adhere to toxic masculinity and denigrate men who display “feminine” traits, including those who bottom. Still others reflect masculine traits and find this to be natural and authentic. Further complicating gender dynamics in the gay community, some gay men have internalized the stereotype that gay men are less than men and insist that gay men like Buttigieg are hiding an “inner girl.”³¹ And to add another layer, gay and bisexual men often date across gender identity lines, including some men on the feminine side of the spectrum expressing a preference for more masculine partners, and vice versa. (None of these vexed dynamics are evident in Frye’s otherwise insightful essay.)

The second aspect of Buttigieg’s candidacy that intrigued me was his integration of his faith and his gay identity.

POST (Feb. 21, 2020, 6:00 AM), https://www.washingtonpost.com/outlook/trump-is-macho-buttigieg-is-stoic-who-wins-the-contest-of-american-manliness/2020/02/20/8b8b290a-5411-11ea-b119-4faabac6674f_story.html. Although such explanations for his masculinity seem plausible, it is precarious for casual observers to try to psychoanalyze a public figure. Moreover, it troubles me that some think masculinity in a gay man must be explained, while they are not inclined to pick apart a straight man’s gender identity. And if Buttigieg were flamboyant, would anyone need a psychological theory to explain it? We all learn gender from cultural influences, *see generally* JUDITH BUTLER, GENDER TROUBLE (1990), and gay men are subject to performative pressures from straight *and* gay communities. *See* Russell K. Robinson, *Uncovering Covering*, 101 NW. U. L. REV. 1809, 1821 (2007) [hereinafter Robinson, *Uncovering*].

31. *See infra* text accompanying note 47 (discussing Dale Peck critique of Buttigieg).

Buttigieg speaks openly and bravely about his faith as a Christian. Because faith communities have demonized gay men and other LGBTQ people as “unnatural” and even an “abomination,” many LGBTQ people have at best a tortured or ambivalent relationship with religion. I was raised in a Christian home and attended an overwhelmingly White, evangelical school through high school graduation. This faith upbringing made it difficult for me to admit my sexual orientation until my late 20s. After coming out as gay, I realized that I also had to come out as Christian in LGBTQ circles, which tend to be secular. As an openly gay man who strongly embraces my faith and my sexuality, I have often felt like a rare bird. Thus, I was excited to hear Buttigieg, a gay Christian man, speak boldly about his faith.

Notably, Buttigieg does not regard his faith as a “private” matter with no bearing on his candidacy or the policies he promotes. To the contrary, unlike any other Democratic candidate this cycle, he frequently drew on his faith and wove it throughout his explanations for his policy positions, making manifest the blooming movement of progressive Christianity. For example, he has said that his understanding of Scripture calls us to protect “the stranger, the prisoner, and the poor person.”³² Perhaps most groundbreaking was Buttigieg’s invocation of his faith background when attacking President Trump and Vice President Mike Pence’s immorality. Based on the historical relationship between evangelical Christians and gay men, one would have expected Buttigieg to downplay his sexuality and faith and brace himself for attacks from religious right figures such as Pence. Yet Buttigieg turned the tables—ripping Pence with comments that grabbed headlines and went viral. During his breakout CNN town hall,³³ Buttigieg

32. Dan Merica, *Pete Buttigieg Calls Vice President Pence a “Cheerleader for the Porn Star Presidency”*, CNN (Mar. 10, 2019, 11:09 PM), <https://www.cnn.com/2019/03/10/politics/pete-buttigieg-mike-pence-sxsw-town-hall/index.html>.

33. *Politics of the Day*, CNN, <https://www.cnn.com/videos/politics/2019/03/11>

said to Jake Tapper: “How would [Pence] allow himself to become the cheerleader for the porn star presidency? Is it that he stopped believing in Scripture when he started believing Donald Trump?”³⁴ This attack was a startling performance of masculinity, and it effectively put Pence on the defensive. Notice that Buttigieg, a gay man, derides a straight man in gendered terms by comparing Pence to a cheerleader. It is also notable that, even though Trump is prone to tag his rivals with derogatory nicknames, he refrained from attacking Buttigieg’s masculinity or sexual orientation.³⁵ Ultimately, Buttigieg’s progressive faith-based critique of the religious right expanded the boundaries of public expectations of gay men, of Christianity, and of people who live at the intersection of faith and sexuality.

Third, Buttigieg linked his faith with his marriage to another man. This was also a deeply subversive act. Evangelicals and other religious fundamentalists tend to see same-sex marriage as a corruption of a “natural” order in which men mate with women and procreate. How many LGBTQ people have had to endure hateful chants of “Adam and Eve, *not* Adam and Steve”? Buttigieg, however, explained that his relationship with his husband “has moved [him] closer to God.”³⁶ This claim defied the traditional

/pete-buttigieg-town-hall-pence-or-trump-sot-vpx.cnn.

34. This is a reference to Trump’s extramarital affairs with porn stars, including Stormy Daniels, and extensive efforts to silence them through non-disclosure agreements.

35. Trump ridiculed Buttigieg’s height and the pronunciation of his name, and Trump compared Buttigieg to a *Mad Magazine* character, Alfred E. Newman. Marina Pitofsky, *Trump Mocks Buttigieg’s Height: “I’ve Had Him Up to Here”*, THE HILL (Sept. 12, 2019, 10:31 PM), <https://thehill.com/blogs/blog-briefing-room/news/461222-trump-mocks-buttigieg-height-ive-had-him-up-to-here>. Trump claimed that he would have no problem voting for a gay male candidate. Tim Fitzsimons, *Trump Says He Would Vote for a Gay President*, NBC NEWS (Feb. 13, 2020, 5:42 PM), <https://www.nbcnews.com/feature/nbc-out/trump-says-he-would-vote-gay-president-n1136761>.

36. Jeremy W. Peters, *Buttigieg, Gay and Christian, Challenges Religious Right on Their Own Turf*, N.Y. TIMES (Apr. 10, 2019), <https://www.nytimes.com/2019/04/10/us/politics/pete-buttigieg-sexuality-religion.html>. Buttigieg directed this comment at Vice President Pence. *See id.*

narrative in which a “gay lifestyle” leads a Christian away from God and faith and requires him to repent. Because society is more likely to associate men—and especially *gay* men³⁷—with sex than love, Buttigieg’s frequent invocation of his loving relationship with his husband is countercultural.

II. IS PETE GAY ENOUGH?

The preceding Part has tried to make visible positive aspects of Buttigieg’s candidacy that have rarely been noted in LGBTQ media. For some LGBTQ people in the press and on social media, however, Buttigieg’s candidacy was actually harmful to the community. For some, Buttigieg and his marriage were not “gay enough.” For others, he was not even gay. Yes, there actually was a hashtag #PetesNotGay.³⁸ Buttigieg’s critics sought to define “gay” or “queer” in a narrow fashion and then asserted that Buttigieg did not belong within that definition. A piece in the *Los Angeles Review of Books* dissects the May 2019 *Time* magazine cover photograph of Pete and Chasten Buttigieg under the headline “First Family.”³⁹ The photo depicts them timidly embracing in front of the porch of their home. They wear dress shirts rolled up at the sleeves, navy slacks, and brown belts. Buttigieg’s wedding ring is visible. To most people, the photo would appear unremarkable. But perhaps that banality is the problem. Greta LaFleur, a queer woman and

37. See, e.g., Long Doan et al., *The Power of Love: The Role of Emotional Attributions and Standards in Heterosexuals’ Attitudes Toward Lesbian and Gay Couples*, 94 SOC. FORCES 401, 412–13 (2015) (finding significant differences in how heterosexual subjects evaluated vignettes that were identical but for the sex of the partners; they perceived the gay male couple as less loving than the heterosexual and the lesbian couple).

38. Spencer Kornhaber, *The Shame of Pete Buttigieg*, THE ATLANTIC (Feb. 29, 2020), <https://www.theatlantic.com/culture/archive/2020/02/why-policing-pete-buttigieg-gayness-essentialist/607129/>.

39. Greta LaFleur, *Heterosexuality Without Women*, LA REVIEW OF BOOKS (May 20, 2019), <https://blog.lareviewofbooks.org/essays/heterosexuality-without-women/>; Charlotte Alter, *Mayor Pete Buttigieg’s Unlikely, Untested, Unprecedented Presidential Campaign*, TIME (May 2, 2019, 6:24 AM), <https://time.com/longform/pete-buttigieg-2020/>.

Yale professor, writes:

[T]he unmistakable *heraldry* of “FIRST FAMILY,” alongside the rest of the photograph—the tulips; the Chinos; the notably charming but insistently generic porch; the awkwardly minimal touching that invokes the most uncomfortable, unfamiliar, culturally-heterosexual embrace any of us have ever received—offers a vision of heterosexuality without straight people.⁴⁰

Under LaFleur’s gaze, tulips, Chinos, “generic” porches, and awkward embraces—or at least the combination of these features—are “heterosexual.” *Real* gay men, she implies, are far too fashionable to wear Chinos; their sense of design would never tolerate a basic white porch; and their sexual permissiveness is antithetical to “awkwardly minimal touching.” (I’m not sure what type of flowers gay men prefer, but it most certainly is not tulips.) LaFleur—a White woman—also finds the photo oppressively White.⁴¹ She implies that White gay men may have to do more to divest from heterosexuality than gay men of color. Apparently, just being gay is not enough.

LaFleur expresses particular disgust at the lack of overt sexuality on the magazine cover:

[I]t seems we’ve arrived at a moment in which it might be plausible to imagine that United States residents waiting in dentist offices, administrative waiting rooms, and drugstore lines across the country take a glance at this *Time* magazine cover, and instead of seeing the possibility of a gay man, legs high in the air, they instead see a house that could be in the Florida suburbs, inhabited by a FAMILY, with or without children.⁴²

This, we are told, is a *bad* thing: that when a suburban heterosexual sees a gay male couple, they see a family instead of a man being anally penetrated. LaFleur goes on to brand this image “a heterosexuality that could take back the

40. LaFleur, *supra* note 39.

41. *Id.* (“This photo also tells a profound story about whiteness, above and beyond the fact that almost everything in this photo is, itself, white. It’s such an all-consuming aesthetic, here, that it practically resists interpretation.”).

42. *Id.*

Presidency for the Democrats: White, centrist, and without women.”⁴³ She seemingly requires gay male couples constantly to display their sexuality—otherwise they will lapse into “heterosexuality.”⁴⁴ But she does not similarly demand that heterosexuals perform public sexuality in order to retain their status. One gets the sense that LaFleur intermittently has conflated this couple with gay stereotypes—she literally cannot see them for who they are. For instance, she refers to “Chasten and Buttigieg’s well-muscled, Ralph Lauren-clad chests.”⁴⁵ But it is far from clear that they are wearing designer shirts, and my multiple inspections of the photo did not disclose the ample muscularity that LaFleur concocts. And if in fact they did flaunt gym bodies and designer clothes, wouldn’t that undercut her thesis that they are practically heterosexual? Masha Gessen, writing in the *New Yorker*, nonetheless concurs with LaFleur’s “beautiful” assessment, concluding that Buttigieg is “profoundly, essentially conservative. He is an old politician in a young man’s body, a straight politician in a gay man’s body.”⁴⁶ While LaFleur locates Buttigieg’s heterosexuality in his aesthetic (the porch and the Chinos, but not the ostensibly designer shirt) and hardly says a word about his actual policies, Gessen concedes that Buttigieg’s body is gay, but discerns heterosexuality in his soul. It seems that when a gay man embraces centrist Democratic politics, his sexual orientation somehow makes them “profoundly” conservative. The unspoken assumption is that LGBTQ people shoulder a special obligation to endorse radical politics.⁴⁷

43. *Id.*

44. *See id.*

45. *Id.*

46. Masha Gessen, *The Queer Opposition to Pete Buttigieg, Explained*, THE NEW YORKER (Feb. 12, 2020), <https://www.newyorker.com/news/our-columnists/the-queer-opposition-to-pete-buttigieg-explained>.

47. I agree with one astute commentator’s statement that: “Boring gays are still gay. Gays who love the Dave Matthews Band are still gay. Progressive gays

Like LaFleur, Dale Peck, writing in *The New Republic*, trashes Buttigieg's aesthetic and calls out Buttigieg's Whiteness—although Peck too is White and male.⁴⁸ Buttigieg, Peck jibes, is “just another unrepentant or at least unexamined beneficiary of White male privilege.”⁴⁹ Peck's overarching critique of Buttigieg is that he is inauthentic, and this is said to extend to his gender and sexuality. Using a catty vernacular common in mainstream gay culture, Peck gives Buttigieg the feminizing nickname that even Trump eschewed. Peck repeatedly refers to “Mayor Pete” as “*Mary* Pete,” suggesting that Buttigieg's masculinity is a mere façade. Moreover, he depicts Buttigieg as a calculating phony—the gay equivalent of an “Uncle Tom”:

Every move is simultaneously cynical and morally oblivious. They're

who survey the current political landscape and bet that the way to successfully enact economic and social justice is by triangulating between Bernie Sanders and Joe Biden are—and this is the sticking point—still gay.” Kornhaber, *supra* note 38; see also Shannon Keating, *You Wanted Same-Sex Marriage? Now You Have Pete Buttigieg*, BUZZFEED (Dec. 11, 2019, 1:11 PM), <https://www.buzzfeednews.com/article/shannonkeating/pete-buttigieg-marriage-equality-lgbtq-gay-rights> (“Buttigieg is no less gay for his choices than your typical orgy-attending, polyamorous Brooklyn bottom queen is for theirs.”). *But see* Michael Boucai, *Glorious Precedents: When Gay Marriage Was Radical*, 27 YALE J. L. & HUMANS. 1, 81 n.641 (2015) (quoting 70s activist as stating “Today any CPA can be gay. Back then you had to at least be interesting”). A distinct critique of Buttigieg, suggested by Kornhaber and Peck, is that Buttigieg has strategically modulated his identity and policy positions to enhance his career. This argument does not depend on there being an authentic way of being gay or queer. However, a Buttigieg defender might reply that this simply proves that he is a politician.

48. Peck writes:

Mary Pete and I have a lot in common, but at a certain point we came to a fork in the road and I took the one less traveled and he took the one that was freshly paved and bordered by flowers and white picket fences and every house had a hybrid in the driveway and some solar panels on the ceiling, but discrete ones, nothing garish, nothing that would interfere with the traditional look of the neighborhood or the resale value of your home.

Dale Peck, *My Mayor Pete Problem*, THE NEW REPUBLIC (July 12, 2019), <https://newrepublic.com/article/154457/mayor-pete-problem> [https://web.archive.org/web/20190712204820if_/https://newrepublic.com/article/154457/mayor-pete-problem].

49. *Id.*

the steps one takes not to learn about the world but to become a marketable political candidate (hmmm, what's a good counter to the whole sleeps-with-men thing? I know: military service!) (side benefit: you're surrounded by hot guys!) and if as a Harvard-educated Rhodes Scholar you decide not to be a captain of industry, then clearly the White House is where you belong.⁵⁰

Peck claims that Buttigieg is also posing as a top:

[L]et's face it. The only thing that distinguishes the mayor of South Bend from all those other well-educated reasonably intelligent White dudes who wanna be president is what he does with his dick (and possibly his ass, although I get a definite top-by-default vibe from him, which is to say that I bet he thinks about getting fucked but he's too uptight to do it).⁵¹

Indeed, Peck warns voters that if they elect Buttigieg he will be too sex-addled to govern. Peck speculates that Buttigieg came out too late in life, made a mistake in marrying the first man that he dated, and these missteps would come to fruition in the White House:

[T]he last thing I want in the White House is a gay man staring down 40 who suddenly realizes he didn't get to have all the fun his straight peers did when they were teenagers. I'm not saying I don't want him to shave his chest or do Molly or try being the lucky Pierre⁵² These are rites of passage for a lot of gay men, and it fuels many aspects of gay culture. But like I said, I don't want it in the White House. I want a man whose mind is on his job, not what could have been—or what he thinks he can still get away with.⁵³

Peck's essay offers a right-wing wish list of anti-gay stereotypes—married gay men cannot be monogamous; gay

50. *Id.* "Mary Pete" appears to be a twist on "muscle Mary," a slang term for a gay man whose burly body masks an effeminate personality. *Muscle Mary*, URBAN DICTIONARY, <https://www.urbandictionary.com/define.php?term=Muscle%20Mary> (last visited Jan. 29, 2021).

51. *Id.*

52. This is a threesome in which the man in the middle, the "lucky Pierre," is simultaneously being penetrated by one man and penetrating another. *Lucky Pierre*, URBAN DICTIONARY, <https://www.urbandictionary.com/define.php?term=Lucky%20Pierre> (last visited Jan. 29, 2021). This reference extends Peck's obsession with Buttigieg bottoming.

53. Peck, *supra* note 48.

men crave drugs and risqué sex and will ultimately pursue these “rites of passage”; all gay men are bottoms; and sexual exploration would distract a gay President from governing—all penned by an openly gay man. This is also the only critique that triggered such controversy that it was retracted.⁵⁴ That didn’t stop some queer people from defending it. One gay male writer called it “not an act of homophobia, but one of expert gayness.”⁵⁵

The three critiques in this Part illustrate how some queer people eagerly devoured and distorted Buttigieg’s self-narrative. In assailing Buttigieg, these authors implicitly assert an “essential” or core gay or queer identity. They compare Buttigieg’s aesthetic and career decisions to this standard and find him lacking. Devon Carbado and Cheryl Harris have argued that simply calling an argument “essentialist” is insufficient because virtually all arguments about race and sexual orientation imply some essential group of people labeled as “Black” or “queer,” for instance.⁵⁶ Carbado and Harris thus urge scholars to home in on the specific harms fostered by particular essentialist arguments. In this context, I worry that narrow conceptions of what makes a “real” gay man will carry two harms. First, they may deter sexual minority men from coming out because they do not see men like them, or they are led to believe that their traits (such as being religious or masculine or having moderate politics) mean they would not belong in the gay

54. Daniel Politi, *The New Republic Drops Out of Climate Forum Amid Backlash Over Offensive Piece on Buttigieg Buttigieg*, SLATE (July 14, 2019, 1:02 PM), <https://slate.com/news-and-politics/2019/07/new-republic-drops-out-climate-forum-offensive-pete-buttigieg.html>. An editor’s note on the *The New Republic* website states: “Dale Peck’s post ‘My Mayor Pete Problem’ has been removed from the site, in response to criticism of the piece’s inappropriate and invasive content. We regret its publication.” *Editor’s Note*, THE NEW REPUBLIC (July 12, 2019), <https://newrepublic.com/article/154457/editors-note>.

55. Rich Juzwiak, *Define “Homophobic”*, JEZEBEL (July 15, 2019, 12:30 PM), <https://jezebel.com/define-homophobic-1836367531>.

56. Devon W. Carbado & Cheryl I. Harris, *Intersectionality at 30: Mapping the Margins of Anti-Essentialism, Intersectionality, and Dominance Theory*, 132 HARV. L. REV. 2193, 2212 (2019).

community. The harshness of the scrutiny heaped on Buttigieg's identity by his "own" community might very well give pause to the next LGBTQ person contemplating a run for high office. The community envisioned by these three writers is not a "safe space" that supports all sexual and gender minorities; rather, it imposes a series of litmus tests as a precursor to belonging. And those who flunk such identity-based tests risk being vilified in the most ferocious terms.

Second, those litmus tests may channel gay men and other sexual and gender minorities into mimicking LGBTQ cultural norms in order to find acceptance.⁵⁷ Assertions that gay men are any particular way perpetuate a self-fulfilling dynamic because some men will embody those traits in an effort to assimilate into the community.⁵⁸ As detailed in the next Part, the gay rights movement has predominantly relied on the most traditional and affluent and the Whitest gays and lesbians to represent the entire community. By contrast, the essentialist writers discussed in this Part label gender non-conforming, fashionable, and sexually adventurous gay men as more "authentic" than Buttigieg. (These White writers seem to think such men are less White than Buttigieg, but in my experience, mainstream gay men are not only predominantly White but also often very invested in sexual racism.⁵⁹) I reject both of these claims and argue that we should understand gay as a thin or basic identity grounded in sexual attraction predominantly to men. We ought not imbue it with political and cultural

57. Drawing on Regina Kunzel's scholarship, I have critiqued "lessons in being gay" and "lessons in being LGBTQ." See, e.g., Russell K. Robinson, *Racing the Closet*, 61 STAN. L. REV. 1463, 1494, 1496 (2009); Robinson & Frost, *Afterlife*, *supra* note 25.

58. Cf. Robinson, *Uncovering*, *supra* note 30, at 1837, 1840.

59. See, e.g., Robinson & Frost, *Sexual Racism*, *supra* note 29 (reviewing empirical literature demonstrating that gay men are more likely to prefer a White partner than straight men and lesbians); Robinson, *Uncovering*, *supra* note 29, at 1822 (arguing that mainstream gay culture teaches men sexual racism, including racially-constrained sex roles for Black and Asian men).

commitments that serve to divide the sprawling community of men who are attracted to men.⁶⁰

III. BUTTIGIEG AS A SYMBOL OF RESPECTABILITY POLITICS

This Article now pivots to provide the legal and historical backdrop that helped to produce this toxic discourse and ultimately position Buttigieg as a divisive symbol of the prevailing gay and lesbian rights movement's legal and political strategy. The "politics of respectability" is a strategy that foregrounds only the most affluent, traditional, and "all-American" gays and lesbians, and it typically excludes or marginalizes bisexual and transgender people and people of color.⁶¹ The vocal backlash to Buttigieg's campaign may represent a turning point in LGBTQ politics. Increasingly, it seems that LGBTQ people who are younger, people of color, women, queer-identified and/or gender non-conforming are demanding representation that includes the rich intersectionality of the community and are unwilling to abide by policies and strategies that "succeed" by erasing them.

It is no accident that two of Buttigieg's more celebrated accomplishments are associated with the most notable LGBTQ rights victories in the last twenty years: serving in the military and entering into a same-sex marriage. Yet the very things that made Buttigieg not just palatable but attractive to many White heterosexual Democrats are divisive issues in the LGBTQ community and fueled the

60. Thus, even someone as problematic as former Congressman Aaron Schock, who denied his sexual orientation and voted for anti-gay laws, is still gay. Ellie Hall, *Former Republican Congressman Aaron Schock Has Come Out as Gay*, BUZZFEED NEWS (MAR. 5, 2020, 1:13 PM), <https://www.buzzfeednews.com/article/ellievhall/aaron-schock-gay-comes-out>.

61. See *infra* text accompanying note 62. One might understand this strategy as the opposite of Mari Matsuda's call that we "look to the bottom" of society to define justice. Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 324 (1987); see also Devon W. Carbado, *Race to the Bottom*, 49 UCLA L. REV. 1283, 1284 n.1 (2002) (extending the concept of "looking to the bottom" and citing other CRT scholars who have made related arguments).

backlash to his candidacy. I begin this Part with a discussion of the respectability politics strategy advanced in the “Don’t Ask, Don’t Tell” and marriage equality movements that erased the experiences of queer and gender non-conforming people and people of color. In Part III.B., I analyze Buttigieg’s candidacy as a manifestation/embodiment/symbol of these respectability politics to offer an explanation for the backlash to Buttigieg’s campaign.

A. *An Examination of Racialized Respectability Politics in the “Don’t Ask, Don’t Tell” and Marriage Equality Movements*

Twenty years ago, Devon Carbado wrote a foundational critique of the racial politics of the campaign against the military’s “Don’t Ask, Don’t Tell” policy (“DADT”). His critique speaks not just to DADT, but also to the prevailing movement strategy today. Carbado argued that:

Gay rights activists selected specific individuals to function as representatives for gay and lesbian victimization . . . [and they] were deployed to give content to, or put a face on, the social, economic, and psychological costs of military discrimination for lesbian and gay people. The hope was for this strategy to convey that real people—innocent, decent, hardworking people—people who were “just like everybody else,” were being harmed by military homophobia. The real people gay rights proponents used to advance this story were themselves overwhelmingly White. More than that, they were “but for” gay people—people who, but for their sexual orientation, were perfectly mainstream. These icons of gay victimization were represented, in fact marketed, as “All American Kids”—the children next door. The images of gay identity that the gay activists presented to the American public were respectable and White.⁶²

This Part examines three figures from the DADT debate, as detailed in Carbado’s article, to manifest the boundaries of gay and lesbian political representation, which include race, gender conformity, and traditional values. First, consider this media description of one Joseph Steffan:

62. Devon W. Carbado, *Black Rights, Gay Rights, Civil Rights*, 47 *UCLA L. REV.* 1467, 1505–06 (2000).

Raised in the Midwest, Catholic, a choir boy in his local church. Steffan was the kid next door. Clean-cut, an excellent student, exceptional in track, he took as his date for the senior prom the high school's homecoming queen. From his small town in Minnesota, Joe Steffan entered Annapolis. At the Academy he was ranked in the top ten in his class, became battalion commander his senior year, and received the unique honor of twice singing, solo, the national anthem at the Army-Navy game.⁶³

This depiction marshals several signifiers of mainstream identity to argue that Steffan was not just normal, but exceptional by majority standards. The story also makes an implicit heteronormative claim: Steffan was so masculine and good at passing as heterosexual that he not only dated women, but squired the homecoming queen. Although this story appeared in the 1990s, it closely resembles how Buttigieg has presented himself to the public: raised in America's "heartland,"⁶⁴ devoutly Catholic, clean-cut, able to pass as straight until he chose to come out in his early thirties, and exceptionally smart.⁶⁵ Buttigieg's appearance is so unrecognizable as gay to some straight people that at least one homophobic voter cast a vote for him on the belief that he was heterosexual. When she learned about his sexual orientation, her first response was "Are you kidding?" She tried to retract her vote, and the incident went viral.⁶⁶

63. *Id.* at 1515–16.

64. In January 2020, Buttigieg tweeted "we need a president whose vision was shaped by America's heartland." Eugene Scott, *Voters Call on Buttigieg to Embrace a Diverse View of the "American Heartland"*, WASH. POST (Jan. 30, 2020, 10:18 AM), <https://www.washingtonpost.com/politics/2020/01/30/voters-call-buttigieg-embrace-diverse-view-american-heartland/>. A number of women of color on social media, including Ava DuVernay and Sherrilyn Ifill, clapped back at this racially-coded reference. Ifill retorted: "It erases the legitimacy of the experiences and reality of Black mid-Westerners and cloaks white mid-Western communities in a gauzy innocence and authenticity." *Id.*

65. Marie-Amelie George, *The LGBT Disconnect: Politics and Perils of Legal Movement Formation*, 2018 WIS. L. REV. 503, 506 (stating that national LGBT groups created "an internal hierarchy of interests, with gender conforming gays and lesbians at the top"). See also *id.* at 507 ("These organizations' normalization of gays and lesbians had the unwitting effect of rendering transgender individuals more visible to religious conservatives. . .").

66. See Tim Fitzsimons, *Iowa Caucusgoer Pulls Buttigieg Vote after Learning*

Carbado highlights another face of the campaign against DADT, Margarethe Cammermeyer. In a *New York Times* profile, Cammermeyer pointedly asserted her respectability:

What I hope to represent is a part of the normality of being homosexual, of not being in leather or shaving my hair, but rather showing how much we are all alike If people can see the sameness of me and you, then perhaps they won't have the walls that makes it so that they have to hate us without a cause.⁶⁷

The story states that Cammermeyer, like Steffan, had long passed as heterosexual. For sixteen years, she was married to a man, who also served in the military, and they had four boys together.⁶⁸ While the Steffan profile only gestured at the flip side of respectable gayness, Cammermeyer names and disavows it. She disassociates herself from women who shave their heads because “normal” women don't do that. (Presumably, she would be fine with *men* shaving their heads, which is standard in the military.) She seeks to distance herself from sexual minorities (typically gay men) who wear leather, because it is associated with kinky sexuality.⁶⁹ And she suggests that differences

He's Gay, Viral Video Shows, NBC NEWS (Feb. 5, 2020, 11:29 AM), <https://www.nbcnews.com/feature/nbc-out/iowa-caucusgoer-pulls-buttigieg-vote-after-learning-he-s-gay-n1130696>.

67. See Timothy Egan, *Dismissed From Army as Lesbian, Colonel Will Fight Homosexual Ban*, N.Y. TIMES (May 31, 1992), <https://www.nytimes.com/1992/05/31/us/dismissed-from-army-as-lesbian-colonel-will-fight-homosexual-ban.html>. Her lawyer praised Cammermeyer as follows: “You couldn't have a better client,” said Amy Stephson, a lawyer with the Northwest Women's Law Clinic “She is such an asset to the service. People tend to demonize the other side, but when you see that the other side is a gray-haired soldier, it changes things.” *Id.*

68. *Id.*

69. See Edward Siddons, *Why is the Gay Leather Scene Dying?*, THE GUARDIAN (Oct. 4, 2018, 5:44 PM), <https://www.theguardian.com/lifeandstyle/2018/oct/04/why-is-gay-leather-scene-dying> (“On today's gay scene, leather denotes an aesthetic and, sometimes, a set of sexual practices. . . . [F]or the more committed, it's a full look: boots, trousers or chaps, belts, shirts, jackets, overcoats, captain hats, all in premium, Black leather. The sex tends towards BDSM, from rough horseplay to sadomasochism.”). This article describes leather venues as typically excluding women, appealing to middle- and upper-class men because of the expense of purchasing multiple leather outfits, and attracting a “glaringly white”

between gays and straights are why the latter “*have to hate us.*”

Importantly, Carbado argues that Cammermeyer’s argument fuses Whiteness and normality.⁷⁰ Although she never mentions race, Cammermeyer’s argument at root is that, because sexual orientation is irrelevant, mainstream White gays and lesbians are just like White heterosexuals. A Black lesbian is outside the frame of her argument because, even if one set aside her sexual orientation, she would not be the “same” as White heterosexuals.⁷¹

Further evidence of the movement’s racial exclusivity comes from its treatment of Perry Watkins, “a black army sergeant [who] established an important milestone when he became the first openly gay serviceman to challenge successfully the military’s antigay policy.”⁷² Watkins asserted that movement organizers did not invite him to participate in the DADT campaign. Carbado reports that some organizers were concerned that he wore a nose ring.⁷³ Further, Watkins often performed in drag, including at military events, triggering the association of gay identity with gender non-conformity.⁷⁴ (Today, nose rings and drag have become so common that some may be surprised to hear that they were once counter-cultural.) Moreover, Watkins was perceived as talking about sex too much and, although this may not have been public knowledge, Watkins was HIV positive.⁷⁵ Watkins is notable because of his unapologetic embrace of his sexuality and gender identity during an era

demographic. *Id.*

70. *See* Carbado, *supra* note 62, at 1501.

71. *See id.* at 1502.

72. *Id.* at 1506.

73. *See id.* at 1510 nn.171–72.

74. *See id.* at 1510.

75. *See id.* at 1508. A few years after he won his court case, Watkins died of AIDS. *See id.* at n.178. On the law’s fixation on gay men and HIV risk, see Robinson & Frost, *Afterlife*, *supra* note 25.

when that was rare. While Cammermeyer spent years struggling to come to terms with her identity, Watkins freely acknowledged his orientation before and after he was drafted.⁷⁶ Watkins's work performance was so exemplary that the military repeatedly overlooked his gay identity . . . until it didn't.⁷⁷ Yet Watkins's courage—and the military's hypocrisy—was not enough to convince at least one White gay movement lawyer, who opined that Watkins posed a “public relations problem.”⁷⁸ Carbado argues that Watkins's race was a significant factor in the campaign organizers' decision to reject him as a spokesperson because the other traits were “fixable.”⁷⁹ Watkins could have been coached to wear a suit, remove his nose ring for public appearances, and stop talking about sex. His race, however, could not be “fixed.”

Carbado's interpretation is buttressed by marriage equality movement politics. Movement lawyers selected Edith Windsor, a White woman, to be the plaintiff and public face of its challenge to a key provision of the Defense of Marriage Act even though Windsor, like Watkins, had some “problematic” aspects of her identity. She was a very sexual person and enjoyed talking about her sex life as an octogenarian.⁸⁰ But she generally complied with her lawyer's

76. See Carbado, *supra* note 62, at 1509.

77. See *id.* (“Not until 1982 did the army discharge Watkins for the very ‘misconduct’ it had previously chosen to ignore, tolerate, and even defend.”).

78. *Id.*

79. *Id.* at 1508, 1510.

80. Ariel Levy, *The Perfect Wife*, THE NEW YORKER (Sept. 23, 2013), <https://www.newyorker.com/magazine/2013/09/30/the-perfect-wife>. In the *New Yorker* profile, Windsor stated, “I never wanted anybody inside me till Thea. And then I wanted her inside me all the time.” *Id.* Elsewhere in the article, a friend “said that she wanted to set Windsor up with a friend in town, a ninety-four-year-old redhead. ‘Is she still sexual?’ Windsor asked. ‘Very,’ Pomponio promised.” *Id.* As one commentator noted, “What's truly remarkable about the [*New Yorker*] story is that it treats lesbians as sexual creatures.” June Thomas, *The Dirtiest, Sexiest Profile The New Yorker Has Ever Run*, SLATE (Sept. 23, 2013, 2:48 PM), <https://slate.com/human-interest/2013/09/edie-windsor-profile-in-the-new-yorker-the-dirtiest-in-the-magazines-history.html>.

instruction not to talk about sex while her case was pending.⁸¹ Further, her relationship with the woman she would eventually marry was a butch-femme relationship, with clearly demarcated gender roles.⁸² However, Windsor became a desirable plaintiff because her spouse, Thea Spyer, passed away, and federal law refused to recognize their marriage.⁸³ Spyer was the butch partner in the relationship, and her death left Windsor, the femme partner, alone to represent their marriage. Windsor's long hair, tasteful makeup, and well-heeled wardrobe made her indistinguishable from many affluent, elderly, White, straight women. Indeed, Windsor joked about being invisible as a lesbian. As it turned out, this invisibility made her the "perfect plaintiff."⁸⁴ Litigators transformed her into "a non-threatening little old lady."⁸⁵ Windsor's lawyer, Roberta Kaplan, acknowledged that Windsor's physical appearance made it easy for people across the country "to feel that they understood her, that she embodied values they could relate to."⁸⁶

The airbrushed depiction of Windsor's identity was consistent with that of other plaintiffs, including those who brought the challenge to marriage laws in several Midwestern states in *Obergefell v. Hodges*.⁸⁷ Such plaintiffs

81. Levy, *supra* note 80.

82. *See id.*

83. *United States v. Windsor*, 570 U.S. 744, 752–53 (2013).

84. *See generally* Cynthia Godsoe, *Perfect Plaintiffs*, 125 YALE L.J.F. 136, 155 (2015).

85. Levy, *supra* note 80.

86. *Id.* The selection of Windsor's case also perpetuated the fusion of gay and lesbian identity with affluence, which erases poor and working-class LGBTQ people. As Shannon Keating argued, Windsor's "marriage wasn't only an important symbol of gay love's legitimacy, but a newly accessible tool that straight, white rich people have used for generations to keep money in a select few people's hands at the expense of the many." Keating, *supra* note 47.

87. Robinson & Frost, *Afterlife*, *supra* note 25, at 225.

were chosen based on their “ambassadorial value.”⁸⁸ This group of plaintiffs was more White and middle- and upper-class than the broader LGBTQ community.⁸⁹ Even though he was a middle-aged man who grew up in Ohio in the 1960s and 70s, Jim Obergefell, the named plaintiff, described a life that had hardly been touched by discrimination—other than denial of his right to marry. Both Obergefell and his husband John Arthur claimed “they’ve never known discrimination personally, never had a family member reject them because of their sexual orientation, never considered it more than a small part of who they are.”⁹⁰ It is as if the movement selected as its face the gay man who had suffered the *least* discrimination, in contrast to the many LGBTQ folks burdened by multiple, intersecting forms of oppression. Like Windsor, Obergefell’s spouse was deceased, “which meant that the Justices did not have to think about an ongoing sexual relationship between Jim and his partner.”⁹¹ Similarly, a review of photographs of the *Obergefell* plaintiffs did not show any of the couples kissing.⁹²

When the Court released its opinion, all of the plaintiffs discussed by Justice Kennedy were White gays or lesbians.⁹³ The majority opinion also divided the LGBTQ community (and others) by suggesting that marriage ennobles a person and unmarried people are necessarily lonely and locked out of an essential aspect of human happiness.⁹⁴ Moreover, Justice Kennedy linked marriage to citizenship, suggesting

88. See Boucai, *supra* note 47, at 79.

89. See Godsoe, *supra* note 84, at 137–38.

90. See Julie Zimmerman, *Obergefell, Arthur Wed on a Plane in Md*, CINCINNATI ENQUIRER (Apr. 18, 2015, 4:34 PM), <https://www.cincinnati.com/story/opinion/editorials/2015/04/18/obergefell-arthur-plane-md/25994283/>.

91. Robinson & Frost, *Afterlife*, *supra* note 25, at 225.

92. *Id.* at 226.

93. See *Obergefell v. Hodges*, 576 U.S. 644 (2015); Russell K. Robinson, *Justice Kennedy’s White Nationalism*, 53 U.C. DAVIS L. REV. 1027, 1052 (2019) [hereinafter Robinson, *White Nationalism*].

94. See *Obergefell v. Hodges*, 576 U.S. at 657–58.

that unmarried people are less central to national identity.⁹⁵ Surveys have shown that White middle-class people, such as Pete and Chasten Buttigieg, are the most likely to marry. Black and working-class people—whether LGBTQ or not—have fewer opportunities to marry.⁹⁶ The marriage equality movement and Justice Kennedy disregarded these equity issues regarding access to marriage.

B. *Analyzing Buttigieg's Candidacy as the Embodiment of the Gay and Lesbian Movement's Respectability Politics*

This movement backdrop provides important context for the ambivalent or hostile reaction to Buttigieg's candidacy among many LGBTQ people. For some straight viewers, Buttigieg's comportment and military record established his masculinity and "all-American" values and negated anti-gay stereotypes.⁹⁷ For some queer viewers, these traits were painful reminders of the discrimination afflicting LGBTQ folks who cannot pass as heterosexual (as Buttigieg did when in the military), the exclusionary campaign against DADT (surely the movement would have jumped at the opportunity to cast Buttigieg as their poster child had he been in the military in the '90s), and the fact that transgender people still cannot openly serve in the military.⁹⁸ Buttigieg's

95. See *id.* at 660; Robinson, *White Nationalism*, *supra* note 93, at 1052.

96. Russell K. Robinson & David M. Frost, "Playing It Safe" with Empirical Evidence: Selective Use of Social Science in Supreme Court Cases About Racial Justice and Marriage Equality, 112 NW. U. L. REV. 1565, 1592 (2018) [hereinafter Robinson & Frost, *Playing it Safe*].

97. See Alesha D. Doan & Donald P. Haider-Markel, *The Role of Intersectional Stereotypes on Evaluations of Gay and Lesbian Political Candidates*, 6 POLS. & GENDER 63, 73 (2010) (reporting that between 17-19% of voters admitted that they would expect a gay male candidate to be less moral, less strong, and less competent on military issues than the "typical candidate for Congress"); see also Kenneth L. Karst, *The Pursuit of Manhood and the Desegregation of the Armed Forces*, 38 UCLA L. REV. 499, 501 (1991) ("Masculinity is traditionally defined around the idea of power; the armed forces are the nation's preeminent symbol of power.").

98. See, e.g., Gessen, *supra* note 46. Moreover, anti-racists may associate Buttigieg's naval service with the many thousands of Afghan civilians who died

invocation of religion and his effort to reclaim traditional values for the Democratic party may have been greeted as refreshingly counter-stereotypical by some heterosexuals.⁹⁹ Some queer voters, by contrast, may have seen a gay man strategically distancing himself from “deviant” others in the community.¹⁰⁰ For some straight viewers, Buttigieg’s

in the War in Afghanistan *See, e.g., Afghanistan: Civilian Casualties Exceed 10,000 for Sixth Straight Year*, UN NEWS (Feb. 22, 2020), <https://news.un.org/en/story/2020/02/1057921>.

99. *See* Doan & Haider-Markel, *supra* note 97, at 73 (suggesting that gay male candidates begin at a deficit when compared to heterosexuals in that gays are expected to be less moral than the “typical candidate for Congress”).

100. There are at least three moments in which one could argue that Buttigieg “covered” or worked his identity to eschew anti-gay stereotypes. *See* KENJI YOSHINO, COVERING (2007); Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259, 1262, 1279–85 (2000). First, Buttigieg sometimes joked that he and Glezman met on a dating app, but “possibly not the app you’re thinking of,” an allusion to Grindr, a gay app mainly associated with hooking up. Bacharach, *supra* note 15. Buttigieg and Glezman met on Hinge, which markets itself as a dating app for people who “want to get off of dating apps,” and whose users are mostly heterosexual. *See id.* Second, Glezman reportedly canceled a Buttigieg fundraiser at a gay bar after the club owner refused to remove a stripper pole. Anna North, *What a Stripper Pole Controversy Says About the Buttigieg Campaign*, VOX (Jan. 22, 2020, 10:40 AM), <https://www.vox.com/identities/2020/1/22/21075501/pete-buttigieg-lgbt-lgbtq-2020-dark-lady>. Third, Buttigieg was the only candidate who refused to disclose his “celebrity crush” in a *New York Times* interview. (Elizabeth Warren’s choice was Dwayne “The Rock” Johnson: “Come on! Just look at that man. He’s eye candy.” You gotta love her.) *Candidates Up Close*, N.Y. TIMES (2020), <https://www.nytimes.com/interactive/2020/us/politics/celebrity-crush-20-questions.html>. Some critics chastise Buttigieg for not welcoming these stereotypes. *See, e.g.,* Bacharach, *supra* note 15 (claiming that embarrassment about hooking up “is a major constitutive component of a type of unthreatening, socially acceptable, vaguely conservative gay identity that folks like Mayor Pete are aggressively selling to the squares.”). I think we should hesitate to judge Buttigieg for these decisions. Bias against gay male sexuality endures in a post-marriage equality world, *see, e.g.,* Robinson & Frost, *Afterlife*, *supra* note 25; Doan, *supra* note 37, and we should train our judgment primarily on that bias rather than what may have been Buttigieg’s efforts to deflect it. Moreover, many gay men find apps like Grindr to be harmful to their mental health and even dehumanizing. *See, e.g.,* Robinson & Frost, *Sexual Racism*, *supra* note 25. My sense is that Buttigieg’s aversion to such spaces, based in part on his religious background, is genuine (which is not to deny that it may simultaneously be strategic). Additionally, arguments such as Bacharach’s quickly devolve into essentializing gay men, which can be harmful. *See supra* text accompanying note 15.

marriage and charming husband represented his wholesomeness and normality. Some queer viewers saw two privileged White men who experienced relatively little discrimination compared to the most marginalized people in the community, including women, transgender people, poor people, and people of color.

Arguably, Buttigieg's clearest endorsement of respectability politics arose as he set forth his plans for the Supreme Court. In praising Justice Kennedy as his model for future Justices,¹⁰¹ he cemented his reputation as an *Obergefell* gay. Indeed, Buttigieg even chose to include a quote from *Obergefell* in his wedding ceremony.¹⁰² Only a person who cares simply about "sexual orientation" (cognitively stripped of its intersections with gender, race, and class) could regard Justice Kennedy as his ideal. As my scholarship has shown, Justice Kennedy consistently voted against the rights of women and people of color.¹⁰³ By contrast, he was unusually open to LGBT claims, giving rise to what I have named "LGBT exceptionalism."¹⁰⁴ Moreover, during his final week on the Court, Justice Kennedy voted to uphold President Trump's travel ban, despite copious evidence that it was motivated by animus toward Muslims.¹⁰⁵ As I wrote in a recent essay, Justice Kennedy's

101. See Jessica Kwong, "Justice Kennedy" Trends as Pete Buttigieg Criticized for Wanting More Judges Like Him: "More Like INjustice Kennedy", NEWSWEEK (Oct. 24, 2019, 5:38 PM), <https://www.newsweek.com/justice-kennedy-trending-pete-buttigieg-1467611>.

102. See Guy Trebay, *Pete Buttigieg Might Be President Someday. He's Already Got the First Man.*, N.Y. TIMES (June 18, 2018), <https://www.nytimes.com/2018/06/18/fashion/weddings/mayor-peter-buttigieg-wedding-democratic-party.html>.

103. Russell K. Robinson, *Unequal Protection*, 68 STAN. L. REV. 151, 199–200 (2016) [hereinafter Robinson, *Protection*].

104. *Id.* at 171.

105. See Robinson, *White Nationalism*, *supra* note 93. See also *Deconstructed with Mehdi Hasan: Mayor Pete Buttigieg on Trump, Islamophobia, and His Presidential Bid*, THE INTERCEPT (Mar. 21, 2019, 6:00 AM) <https://theintercept.com/2019/03/21/mayor-pete-buttigieg-on-trump-islamophobia-and-his-presidential-bid/> (acknowledging that the travel ban is in

votes in immigration and national security cases often ruled against immigrants of color and narrowly construed citizenship laws and remedies meant to protect individuals against invasion of their civil liberties.¹⁰⁶ This analysis undermines Justice Kennedy’s reputation as a “neutral” moderate and makes clear the limits of Justice Kennedy’s empathy, particularly when the parties before the Court did not resemble him. This body of law apparently did not matter to Buttigieg simply because Justice Kennedy let him marry.¹⁰⁷ A candidate whose theology, he says, requires “welcoming the stranger” overlooked Supreme Court precedent arming the President with sweeping authority to turn away immigrants and refugees. As discussed more fully below in Part V, Buttigieg’s valorization of Justice Kennedy reveals a typical (although not universal) White gay male myopia (*e.g.*, marriage equality matters more than issues such as anti-racism and trans rights)—a view now in dispute because of the increasingly intersectional nature of the LGBTQ movement.¹⁰⁸

IV. RECLAIMING MASCULINE STATUS

This Part argues that Buttigieg’s sexual orientation, coupled with a masculine identity, conferred an advantage on him in his quest to be the Democratic Party’s 2020 presidential candidate, while his female competitors were systematically disadvantaged by gender. Although Buttigieg encountered hardly any anti-gay attacks,¹⁰⁹ female

fact a “Muslim ban,” and “is something that really cuts against our values and does nothing to make us safer”).

106. See Robinson, *White Nationalism*, *supra* note 93, at 1027.

107. Nick Visser, *Democratic Hopeful Pete Buttigieg Says He’s Only Married By the “Grace of a Single Vote”*, HUFFPOST (Mar. 11, 2019, 12:07 AM), https://www.huffpost.com/entry/pete-buttigieg-marriage_n_5c85d83ee4b0ed0a0014db24.

108. See *infra* Part V.

109. Perhaps the closest thing to an anti-gay attack from a rival was a commercial by Vice President Joe Biden. The ad compared Biden’s accomplishments as Vice President to Buttigieg’s as mayor of South Bend.

candidates such as Senators Warren and Klobuchar faced substantial gender-based constraints, including being repeatedly doubted because of their gender, even among women, and even among many voters otherwise inclined to support them. The question of “electability”—and specifically the looming shadow of Hillary Clinton’s unexpected loss to Donald Trump—seemed to impose a more formidable barrier for women than for Buttigieg, a masculine gay man.¹¹⁰

“Electability” permeated the political conversation more than any time in recent memory. Trump’s stunning victory over a more-experienced woman, Hillary Clinton, left many anxious Democrats scrambling to understand what fueled his victory. Was Clinton’s failure particular to her and her husband Bill’s decades of political baggage and the polarized public reaction to Hillary’s personality and campaign strategies? Or did Trump’s rise signal that the electorate was not ready to elect *any* woman as President? Women candidates in 2020 were thus subject to dual gender-based constraints: (1) Some voters resisted supporting women candidates because of various forms of sexist attitudes, beliefs, and perceptions;¹¹¹ and (2) Even some non-biased and feminist voters failed to back women candidates because

Curiously, the ad diminished Buttigieg’s achievements as primarily aesthetic in nature—stringing lights downtown and laying “decorative brick.” Igor Bobic, *Joe Biden Ad Ruthlessly Mocks Pete Buttigieg’s Experience As A Small-City Mayor*, HUFFPOST (Feb. 8, 2020, 2:57 PM), https://www.huffpost.com/entry/joe-biden-pete-buttigieg-2020_n_5e3f0321c5b6bb0ffc121ab9. This arguably aligns with stereotypes of gay men as superficial and fashionable. I have not found any examples of anyone in the mainstream press calling this out as coded homophobia.

110. See Ben Kamisar, *Pete Buttigieg Says He Didn’t “Set Out to Be the Gay President”*, NBC NEWS (Feb. 9, 2020, 10:16 AM), <https://www.nbcnews.com/politics/meet-the-press/buttigieg-i-didn-t-set-out-be-gay-president-n1133156>. (“[T]he question of any link between Buttigieg’s sexual orientation and electability has not been a major issue among his fellow Democratic presidential hopefuls . . .”).

111. See, e.g., Sarah A. Fulton, *Running Backwards and in High Heels: The Gendered Quality Gap and Incumbent Electoral Success*, 65 POL. RES. Q. 303 (2012); Kira Sanbonmatsu & Kathleen Dolan, *Do Gender Stereotypes Transcend Party?* 62 POL. RES. Q. 485 (2009).

they worried that *other* voters would reject a woman.¹¹² Fear of other people's sexism installed a formidable barrier for candidates such as Warren.

Consider work by political scientists Brian Schaffner and Jon Green. They surveyed likely Democratic primary voters to ask their preferences in terms of the traits of presidential candidates.¹¹³ They found a preference for women and Black and Latinx candidates compared to men and Whites.¹¹⁴ However, when they asked their subjects which traits made a candidate more likely to beat Trump, voter preferences flipped: White men were now on top.¹¹⁵ Schaffner and Green also specifically examined the relationship between sexist beliefs and support for Senator Warren. They asked likely Democratic primary voters if they agreed with four sexist statements.¹¹⁶ Roughly one-third of Democratic voters, on

112. According to political scientist Brian Schaffner, "People view 2016 through this lens of 'We've had a female nominee, gender issues were a big part of the campaign, and we lost' . . . 'We don't want to run that same campaign again. And if we nominate a woman, we're worried that's the kind of campaign that we might end up in again, and that we would lose it again.'" Pema Levy, *Trump's Greatest Trick Was Convincing Voters that Women Can't Win Elections*, MOTHER JONES (Jan. 29, 2020), <https://www.motherjones.com/politics/2020/01/elizabeth-warren-amy-klobuchar-electability/>. As Amelia Thomson-DeVeaux found, Warren was most popular "when respondents are given the ability to pick a presidential candidate without having to worry whether they'll beat Trump. In follow-up interviews, many of those would-be Warren supporters said the negative impact of gender was a big part of their calculus." Amelia Thomson-DeVeaux, *Why People Keep Asking Elizabeth Warren Whether She Can Win*, FIVETHIRTYEIGHT (Jan. 22, 2020), <https://fivethirtyeight.com/features/why-people-keep-asking-elizabeth-warren-whether-she-can-win/>. Surveys have also shown that most Democrats perceive that they are more supportive of a woman candidate than their neighbors. *See id.*

113. Brian Schaffner & Jon Green, *What Attributes Do Democratic Primary Voters Value?*, DATA FOR PROGRESS (July 11, 2019), <https://www.dataforprogress.org/blog/2019/7/11/what-attributes-do-democratic-primary-voters-value>.

114. *Id.*

115. *Id.*

116. Brian Schaffner & Jon Green, *Sexism is Probably One Reason Why Warren Didn't Do Better*, DATA FOR PROGRESS (Mar. 5, 2020), <https://www.dataforprogress.org/blog/3/5/sexism-one-reason-why-warren-didnt-do-better>. The statements were as follows: "(1) Most women interpret innocent

average, did not disagree with those statements.¹¹⁷ This alone should dispel assumptions that sexism is a problem only among Republican voters.¹¹⁸ Warren received almost no support from this cohort of sexist voters; her support was heavily concentrated among the least sexist voters. By contrast, Biden and Sanders drew support from voters across the sexism spectrum, including the most sexist.¹¹⁹

Another body of research speaks to the relationship between gender and competence. Sarah Fulton found that the fact that women and men are equally as likely to win when they run for Congress conceals a gender disparity.¹²⁰ She asked a sample of politically active people to rate incumbent candidates on ten traits that make a strong candidate.¹²¹ She found that her subjects rated female incumbent candidates, on average, to be higher quality candidates than their male counterparts.¹²² “To perform on par with men, women incumbents would need to be approximately one standard deviation greater on the quality scale than their male counterparts.”¹²³ Thus, women “appear to escape the electoral effects of gender discrimination precisely because they exceed their male counterparts in this respect.”¹²⁴ Fulton argued that women considering running for office know about this higher bar and they spend more

remarks or acts as being sexist. (2) Women are too easily offended. (3) Most women fail to appreciate fully all that men do for them. (4) Women seek to gain power by getting control over men.”

117. *Id.*

118. See Sanbonmatsu & Dolan, *supra* note 111, at 487–89 (finding significant gender stereotypes among Democrats and variation between Democrats and Republicans in the operation of some stereotypes).

119. *See id.*

120. See Fulton, *supra* note 111, at 304. Despite this seeming parity in recent outcomes, women remain dramatically underrepresented in congress, especially the Senate, and among governors and mayors. *Id.*

121. *See id.* at 306–07.

122. *Id.* at 307.

123. *See id.* at 308.

124. *Id.*

time building accomplishments before running.¹²⁵ By contrast, lower-quality male candidates, unimpeded by the expectation of bias, may leap into the fray, and in some cases, such men defeat their higher-quality female rivals.

These researchers did not consider how Buttigieg or gay male candidates in general are impacted by sexism. Given the rarity of openly gay male candidates and extremely limited data comparing the effects of sex and sexual orientation in electoral politics,¹²⁶ my thoughts here are necessarily preliminary. The aforementioned research suggests that gender remains a dividing line in some contexts and that women candidates face systemic disadvantages. The question then becomes whether a masculine gay man such as Buttigieg would be treated “like a woman” due to the longstanding gay effeminacy stereotype. Or, consistent with Marilyn Frye’s claim from the Introduction, would Buttigieg’s conformity to traditional masculinity (especially when linked to other markers of prestige or “all-American” identity, such as the military, the Midwest, and Christianity) enable him to deploy male privilege when competing against female competitors such as Warren and Klobuchar?

My close review of political discourse on Buttigieg’s candidacy and persona suggests that his self-identity as male was generally respected, and he was regarded as a viable alternative to other moderate White (heterosexual) male candidates, such as Beto O’Rourke and Joe Biden.¹²⁷ That is,

125. *Id.* at 310.

126. See Doan & Haider-Markel, *supra* note 97, at 68–69. Doan & Haider-Markel considered the intersection of gender and sexual orientation, but not race, and found that nearly 30% of subjects said that a gay male or lesbian congressional candidate’s sexual orientation would make them less likely to vote for him or her. *Id.* at 73. They also found that women were less likely to stereotype the lesbian candidate in some respects, but just as likely as men to stereotype gay men. *Id.* at 80.

127. See, e.g., Astead W. Herndon, *Elizabeth Warren Has a Pete Buttigieg Problem*, N.Y. TIMES (Feb. 7, 2020), <https://www.nytimes.com/2020/02/07/us/politics/elizabeth-warren-pete-buttigieg.html> (“Mr. Buttigieg has

his status as a White male was not widely discounted because of his sexual orientation. Indeed, as I argue below, his sexual orientation—which intersectionality reminds us is interwoven with his masculinity, Whiteness, religiosity, status as a veteran, and multiple other markers of mainstream identity—conferred an advantage on him when compared to White men such as O’Rourke. Moreover, Buttigieg wielded male privilege in aggressively attacking Senators Warren and Klobuchar without smudging his halo as a nice, well-behaved Midwesterner.¹²⁸ One could look at this accomplishment narrowly as a victory for (certain) gay men because Buttigieg’s sexuality did not prevent him from accessing and deploying a full measure of White male privilege against women. Buttigieg was permitted to fully embody male identity and privilege, and his outness as gay did not generally undermine his masculine status. However, gender-non-conforming White gay male, queer male of color, queer female, bisexual, transgender, and non-binary candidates are unlikely to be able to pull off this feat.

Gender roles and stereotypes pervasively structured the campaign strategies of Buttigieg and Warren. Studies have shown that attacking male rivals is a risky strategy for women.¹²⁹ Women candidates are expected to be warm and compassionate, and displaying aggression may lead voters to perceive women as gender non-conforming.¹³⁰ At the same time, stereotypically masculine traits appear to matter most when voters are electing a president rather than filling low-

been aided by the concept of electability, which has hung over the primary season and can disadvantage women running for office in particular.”).

128. Keating, *supra* note 47 (noting that Buttigieg is “compared favorably to apparently shriller, angrier candidates like Warren and Sanders even as he attacks them in debates and ads”).

129. See, e.g., Erin C. Cassese & Mirya R. Holman, *Party and Gender Stereotypes in Campaign Attacks*, 40 POL. BEHAV. 785, 801 (2018).

130. E.g., Fulton, *supra* note 111, at 305; Levy, *supra* note 112 (“Women must work harder to prove their competence to voters more skeptical of their readiness yet at the same time not put off voters who expect women to be warm and collaborative.”).

ranking offices.¹³¹ This dynamic extends from voting to corporate America and many positions of leadership. For instance, in *Price Waterhouse v. Hopkins*, the plurality opinion observed that women face a double bind.¹³² To ascend to competitive leadership positions, such as a partner in an accounting firm, a woman must display ambition and aggression. Such traits, however, are often regarded as threatening when women display them without expertly leavening them with stereotypical feminine traits, such as charm and glamour.¹³³ Warren, for instance, says she has been advised to “smile more” and speak in “vague generalities.”¹³⁴ In general, men do not have to walk this tightrope. There may be no better evidence of this double standard than the enduring appeal of Senator Warren’s progressive rival, Senator Bernie Sanders. Surely no woman could succeed with Sanders’s stern demeanor, gruff voice, and often unkempt look.¹³⁵ It is telling that the event that seemed poised to sink Sanders’s candidacy, a heart attack at age 78, ultimately boosted his struggling campaign and helped Sanders surpass Warren. By contrast, when Hillary Clinton fainted from a bout of pneumonia in 2016, Trump deployed it to question her “stamina” and readiness to be

131. *E.g.*, Fulton, *supra* note 111, at 311.

132. 490 U.S. 228, 251 (1989) (plurality opinion).

133. *See, e.g.*, Cassese & Holman, *supra* note 129, at 801 (finding that women candidates are more vulnerable than male candidates to attacks framing them as too masculine and too feminine); *id.* at 805 (“Female candidates should not simply ‘run as men’ because they must also meet voters’ expectations about feminine strengths.”).

134. Matt Viser & Annie Linskey, *Is Elizabeth Warren ‘Angry’ and Antagonistic, or Are Rivals Dabbling in Gendered Criticism?*, WASH. POST (Nov. 7, 2019), https://www.washingtonpost.com/politics/elizabeth-warren-faces-a-new-line-of-attack-shes-angry-and-antagonistic/2019/11/06/dd27b4fa-00af-11ea-8bab-0fc209e065a8_story.html.

135. *See* Paul Farhi, *Why Does Bernie Sanders Dress Like That? Because He Can.*, WASH. POST (Oct 13, 2015), https://www.washingtonpost.com/lifestyle/style/why-does-bernie-sanders-dress-like-that-because-he-can/2015/10/12/55ca840e-6141-11e5-b38e-06883aacba64_story.html.

President.¹³⁶

Recognizing the tightrope of gendered perceptions, Warren initially avoided attacking her rivals and focused on demonstrating competence by rolling out a series of highly detailed policy plans.¹³⁷ For months, pundits had predicted that Warren would be a formidable debater and anticipated her attacking rivals Sanders and Biden.¹³⁸ Yet for most of the primary season, she avoided confronting them, even when Biden shouted at her and tried to take credit for her signature achievement.¹³⁹ When a story leaked that Sanders had told Warren, while she was deciding whether to run for president, that a woman could not win after Clinton's loss, Warren, seemingly cowed by the threat of Bernie's sexist supporters, sought to de-escalate tensions.¹⁴⁰ While Warren was typically ranked among the strongest debaters, her initial refusal to go on the attack led some to regard her

136. See, e.g., Tom Kludt, *Trump Targets Clinton's Health in New Ad*, CNN (Oct. 11, 2016, 2:10 PM), <https://www.cnn.com/2016/10/11/politics/donald-trump-ad-hillary-clinton-health/index.html> (describing Trump campaign ad *Dangerous*, which depicted two men propping up Clinton as she climbed a flight of stairs); Cassese & Holman, *supra* note 129, at 786.

137. *Plans*, ELIZABETHWARREN.COM, <https://elizabethwarren.com/PLANS> (last visited May, 3, 2020).

138. See Sabrina Tavernise, *How Elizabeth Warren Learned to Fight*, N.Y. TIMES (June 24, 2019), <https://www.nytimes.com/2019/06/24/us/politics/elizabeth-warren-republican-conservative-democrat.html>.

139. See Monica Torres, *Joe Biden Stole Credit from Elizabeth Warren in a Way That's All Too Familiar to Women*, HUFFPOST (Oct. 16, 2019, 3:02 PM), https://www.huffpost.com/entry/joe-biden-elizabeth-warren-credit-taking_1_5da72b91e4b02253a2fbe909.

140. See, e.g., Constance Grady, *Why Bernie Sanders Supporters Are Trolling Elizabeth Warren with Snake Emoji*, VOX (Jan. 15, 2020, 3:00 PM), <https://www.vox.com/culture/2020/1/15/21067331/warren-is-a-snake-hashtag-explained> (describing how Sanders's supporters brandished the image of a snake to suggest that Warren is sneaky and manipulative and linking this practice to online harassment of other women); Matt Flegenheimer et al., *Bernie Sanders and His Internet Army*, N.Y. TIMES (Feb. 22, 2020), <https://www.nytimes.com/2020/01/27/us/politics/bernie-sanders-internet-supporters-2020.html>.

performances as muted and solid, but not exciting.¹⁴¹ In addition to her copious policy plans, her other signature was a promise to take a “selfie” photograph with as many voters as approached her, which consumed many hours of her time. This high-touch strategy also allowed her to demonstrate warmth and accessibility and sought to combat stereotypes that she was angry and elitist.¹⁴²

Once rivals realized the potency of Warren’s strategy, she became the target of multiple attacks. Buttigieg and Biden tag-teamed her by painting Warren as angry and argumentative, invoking longstanding gender stereotypes.¹⁴³ At the October debate, Buttigieg launched the most debilitating attack on Warren in calling out her failure to provide a plan for paying for Medicare for All.¹⁴⁴ According

141. See, e.g., Alexander Burns & Katie Glueck, *Biden and Warren Avoid Direct Conflict — But for How Long?*, N.Y. TIMES (Sept. 13, 2019), <https://www.nytimes.com/2019/09/13/us/politics/joe-biden-elizabeth-warren-debate.html>.

142. See Levy, *supra* note 112 (stating that Warren’s “famous selfie lines make for great social media and press coverage, but they’re also strategic. Who takes selfies with people who aren’t likable?”).

143. See Viser & Linskey, *supra* note 134. Buttigieg criticized Warren’s “my way or the highway approach” and asserted that she is “so absorbed in the fighting that it is as though fighting were the purpose.” Biden, meanwhile, said that she embodies “an angry unyielding viewpoint that has crept into our politics.” *Id.*

144. See Reid J. Epstein, *Pete Buttigieg Quit Playing Nice. Will He Pay for It at the Debate?*, N.Y. TIMES (Dec. 18, 2019), <https://www.nytimes.com/2019/12/18/us/politics/pete-buttigieg-2020.html?smid=em-share> (“Since September Mr. Buttigieg has mounted a sustained onslaught—most of it aimed at Ms. Warren, but also against Mr. Sanders and Mr. Biden . . .”); Chelsea Janes & Amy B. Wang, *Pete Buttigieg is Ending his Presidential Bid*, WASH. POST (Mar. 1 2020), <https://www.washingtonpost.com/outlook/2020/03/02/three-ways-looking-pete-buttigieg-2020-campaign/> (linking Buttigieg’s rise to his shift “to a more moderate lane as he tried to seize a middle ground between Biden and Sen. Elizabeth Warren (D-Mass.), whom he targeted repeatedly over universal healthcare”). That is not to say that Warren’s handling of health care provides a satisfying explanation for the demise of her campaign. For some people on the far left, Warren’s plan to phase in Medicare for All signaled less commitment than Sanders. For more moderate voters, Medicare for All was a non-starter because it would require them to give up their health insurance. After the October debate, sizable numbers of Warren supporters gravitated to Sanders (a staunch advocate

to the *New York Times*:

Mr. Buttigieg has leaned into his attacks against Ms. Warren with more enthusiasm than any other rival. In Iowa, the two are fighting for a similar bloc of voters—college-educated Whites who are paying close attention to the campaign. As a result, the contrasts he has crafted with her have been more charged and personal than any other conflict in the campaign.¹⁴⁵

Perhaps the only dispute that was more intense was Buttigieg's later attacks on another woman, Senator Amy Klobuchar. Buttigieg and Klobuchar repeatedly sparred. She memorably disparaged him as a "cool newcomer" and "perfect" Pete.¹⁴⁶ Yet attack mode seemed to bolster Buttigieg more than Klobuchar. Again, the *Times* analysis: "For Mr. Buttigieg, the strategy of going on the attack has largely worked. He didn't cement his place in the top tier of the Democratic primary until he became more aggressive."¹⁴⁷ This was unexpected because Iowa Democrats "famously say they don't like negative campaigning."¹⁴⁸ Yet they made an exception in this case: "Buttigieg has not been punished for going on the attack—in fact, he has been rewarded."¹⁴⁹

After the October debate, CNN hailed Buttigieg as a "dominant and commanding force."¹⁵⁰ Warren sought to respond days later with a more detailed health care plan than any of her rivals, yet this did not suffice to stop the

of Medicare for All) and Buttigieg (a vocal critic of Medicare for All), which complicates the claim that her position on health care explains her downfall. See Levy, *supra* note 112.

145. Epstein, *supra* note 144.

146. Nick Corasaniti, *Pete Buttigieg vs. Amy Klobuchar: An Abridged History of Midwestern Iciness*, N.Y. TIMES (Feb. 5, 2020), <https://www.nytimes.com/2020/02/25/us/politics/pete-buttigieg-amy-klobuchar-debate.html>.

147. Epstein, *supra* note 144.

148. *Id.*

149. *Id.*

150. Chris Cillizza, *Chris Cillizza's Winners and Losers from the Fourth CNN Democratic Debate*, CNN (Oct. 16, 2019, 10:29 AM), <https://www.cnn.com/2019/10/15/politics/who-won-the-democratic-debate/index.html>.

bleeding. Although few pundits realized it in the moment,¹⁵¹ this debate ended up becoming the turning point in Warren’s campaign.¹⁵² Despite Warren’s initial promise, “[i]t seemed that just as Warren had begun to overtake Biden in the national polls, a riptide of pent-up, gender-based anxiety took hold of her campaign and pulled it down.”¹⁵³

No primary candidate in the 2020 cycle benefitted from going negative as much as Buttigieg. During the first debate, Senator Kamala Harris electrified the audience by identifying as a beneficiary of school busing intended to integrate Berkeley schools and criticizing Biden’s alliances with segregationist Republicans who opposed busing.¹⁵⁴

151. Liz Mair wrote that Buttigieg “effectively attacked Warren, she deserved it, and a lot of people who think she’s grown increasingly smug, slippery and dishonest will be happy about it.” Mair’s hostility toward Warren was undisguised. She seemed to relish Buttigieg and others “roughing [Warren] up” and claimed (without basis) that Warren “almost looked like she was going to cry twice.” The New York Times Opinion writers, *Winners and Losers of the Democratic Debate*, The New York Times Opinion writers, N.Y. TIMES (Dec. 20, 2019), <https://www.nytimes.com/interactive/2019/12/20/opinion/debate-winner-losers.html>. More representative of the coverage was Vox’s conclusion:

If there was any lingering doubt that Warren has ascended to frontrunner status, this debate put it to rest. Warren was certainly treated like the frontrunner of the debate, judging by all the attacks she took. . . . The attacks shifting from Biden to Warren was a telling realignment—and signals a new political reality.

Dylan Matthews et al., *5 Winners and 3 Losers from the October Democratic Presidential Debate*, VOX (Oct. 15, 2019, 11:35 PM), <https://www.vox.com/policy-and-politics/2019/10/15/20916495/democratic-debate-october-2019-winners-losers> (listing Warren and Buttigieg as winners of the October debate). See also The New York Times Opinion writers, *Winners and Losers of the Democratic Debate*, N.Y. TIMES (Oct. 16, 2019), <https://www.nytimes.com/interactive/2019/10/16/opinion/debate-winners.html> (statement of Melanye Price) (Warren “is unsinkable. They were all attacking her. She stood up to them without breaking a sweat.”); *Winners and Losers* (Oct. 16, 2019), *supra* note 148 (statement of Will Wilkinson) (“Her stoutly poised defense against relentless attacks solidified the perception that the race is now Warren’s to lose.”).

152. See Astead W. Herndon, *The Most Important Week of the Democratic Primary in 2019*, N.Y. TIMES (Dec. 31, 2019), <https://www.nytimes.com/2019/12/31/us/politics/democratic-race-2020.html>.

153. Levy, *supra* note 112.

154. See, e.g., Greg Sargent, *Kamala Harris’s Takedown of Joe Biden Was More*

Harris initially seized headlines and garnered a polling bump, but it quickly faded, and Biden retained his frontrunner standing.¹⁵⁵ Several weeks later, former Housing Secretary Julian Castro accused Biden of forgetting what he had just said about his health care plan—which was widely regarded as a swipe at Biden’s mental fitness.¹⁵⁶ Now in both cases, Harris and Castro erred. Castro seemingly got his facts wrong,¹⁵⁷ and Harris’s attack revealed that her own stance on busing was riven with indecision.¹⁵⁸ Still, it is notable how many Democrats (including some older Southern Black voters) leapt to Biden’s defense, and how Castro and Harris were derided as angry Brown people.¹⁵⁹ These exchanges seemed to send a message to others that Biden was untouchable, despite a checkered record on race, among other vulnerabilities, and frequent verbal flubs concerning race, gender, and sexual orientation, during the

Brutal Than It Seems, WASH. POST (June 28, 2019), <https://www.washingtonpost.com/opinions/2019/06/28/kamala-harriss-lethal-precision-shows-she-can-prosecute-trump/>.

155. See Nate Silver, *Kamala Harris’s Debate Bounce is Fading*, FIVETHIRTYEIGHT (July 25, 2019, 7:31 AM), <https://fivethirtyeight.com/features/harriss-debate-bounce-is-fading/>.

156. See Suzanne Gamboa, *Julián Castro Accused Joe Biden of ‘Forgetting:’ Did He Go Too Far?*, (Sept. 13, 2019, 12:59 PM), <https://www.nbcnews.com/news/latino/juli-n-castro-accused-joe-biden-forgetting-did-he-go-n1054061>.

157. See Nick Corasaniti, *Castro Questions Biden’s Memory at Debate: ‘Are You Forgetting What You Said Two Minutes Ago?’*, N.Y. TIMES (Feb. 12, 2021, 6:42 PM), <https://www.nytimes.com/2019/09/12/us/politics/castro-biden-memory-age-debate.html>. It is interesting that Buttigieg chided Castro for going negative, see *id.*, but a few weeks later, Buttigieg adopted the same tactic and found success. See *infra* text accompanying notes 144, 146–150.

158. See Chelsea Janes, *Harris’s Views on Busing Come under Question after Her Debate Criticism of Biden’s Past Position*, WASH. POST (July 4, 2019), https://www.washingtonpost.com/politics/harriss-views-on-busing-come-under-question-after-her-debate-criticism-of-bidens-past-position/2019/07/04/b197c6cc-9e71-11e9-b27f-ed2942f73d70_story.html.

159. See, e.g., Nick Corasaniti et al., *Booker Joins Harris in Clashing with Biden Over Race*, N.Y. TIMES (July 25, 2019), <https://www.nytimes.com/2019/07/25/us/politics/biden-booker-black-voters.html>; Quint Forgey, *‘I Wouldn’t Do It Differently’: Castro Defends His Biden Attack*, POLITICO (Sept. 13, 2019, 8:44 AM), <https://www.politico.com/story/2019/09/13/julian-castro-attack-joe-biden-1494504>.

debates and elsewhere.¹⁶⁰

Several weeks later, the newly pugilistic Buttigieg had emerged as the front-runner in Iowa polling and consequently replaced Warren as the punching bag at the December debate. Warren and other candidates targeted him on various fronts, including highlighting his inexperience and courting of wealthy donors in a “wine cave,”¹⁶¹ but their charges did not seem to make a dent.¹⁶² A vocal group of leftist voters, including some young queer people, loudly protested Buttigieg’s move to the center and ties to wealthy donors and former employer McKinsey.¹⁶³ If one lived strictly

160. Eric Lach, *Why Joe Biden’s Gaffes Matter*, THE NEW YORKER (Aug. 13, 2019), <https://www.newyorker.com/news/dispatch/why-joe-bidens-gaffes-matter>.

161. See, e.g., Epstein, *supra* note 144. “Billionaires in wine caves should not pick the next president of the United States, Mr. Mayor,’ [Warren] said, punctuating it by referring to \$900 bottles of wine and addressing [Buttigieg] directly.” Aaron Blake, *Winners and Losers from the December Democratic Debate*, WASH. POST (Dec. 19, 2019), <https://www.washingtonpost.com/politics/2019/12/19/winners-losers-december-democratic-debate/>. Klobuchar took aim at Buttigieg’s thin electoral record. “We should have someone heading up this ticket that has actually won and been able to show they can gather the support that you talk about—moderate Republicans and independents as well as a fired up Democratic base” She added: “I have done it three times. I think winning matters.” Dylan Matthews et al., *3 Winners and 4 Losers from the December 2019 Democratic Debate*, VOX (Dec. 19, 2019, 11:20 PM), <https://www.vox.com/policy-and-politics/2019/12/19/21030908/who-won-december-2019-democratic-debate>. But in the end it did not really matter to voters. Buttigieg did better than Klobuchar in every single primary. Even in her shining moment, ranking third in New Hampshire, she was still behind him.

162. In the moment, *New York Times* pundits differed on whether Buttigieg suffered any significant damage from the debate. Nicholas Kristof rated him a perfect 10, writing “Buttigieg took incoming fire, particularly from Elizabeth Warren, and handled it ably: He faced his biggest debate test and passed.” By contrast, Nicole Hemmer asserted: “The other candidates finally realized they could swing at Mayor Pete, and while it wasn’t a TKO, he took a body blow on wealthy donors. His wine cave is to 2020 what Romney’s car elevator was to 2012—an image of out-of-touch wealth that people won’t soon forget.” *Winners and Losers of the Democratic Debate*, The New York Times Opinion writers, N.Y. TIMES (Dec. 20, 2019), <https://www.nytimes.com/interactive/2019/12/20/opinion/debate-winner-losers.html>. In retrospect, Hemmer’s prediction was off-base, at least if one looks beyond social justice oriented Democrats on Twitter.

163. See, e.g., Katelyn Burns, “Wall Street Pete”: Progressive Protesters Crash Buttigieg Fundraiser, VOX (Dec. 12, 2019, 1:30 PM),

on social media, Buttigieg may have appeared as a ubiquitous villain—inspiring viral memes such as “Wall Street Pete” and the proposal “Let’s Get Buttigieg To Quit.”¹⁶⁴ Yet Buttigieg went on to win the Iowa caucus and also finished a close second in New Hampshire.¹⁶⁵

Gender helps us understand Buttigieg’s ascent and resilience in the face of attacks, as well as their convergence with Warren’s decline. Warren and Buttigieg were competing for a similar slice of voters: highly-educated, mostly White, and liberal.¹⁶⁶ They were both regarded as incredibly smart.¹⁶⁷ At different points in the campaign, each candidate tried to market himself or herself as the “unity”

<https://www.vox.com/2019/12/12/21012677/pete-buttigieg-fundraiser-protest>.

164. See, e.g., Anna Iovine, *Queers Against Pete Highlights the LGBTQ Community’s Frustration with Buttigieg*, MASHABLE (Feb. 12, 2020), <https://mashable.com/article/queers-against-pete-buttigieg-lgbtq-community/>; Lucy Diavolo, *Pete Buttigieg’s 2020 Presidential Campaign Is a Lesson in “Petey” Bourgeois Politics*, TEEN VOGUE (Nov. 21, 2019), <https://www.teenvogue.com/story/pete-buttigieg-petey-bourgeois> (quoting Democratic strategist Brad Bannon as saying “In Buttigieg, [Silicon Valley and Wall Street have] found a young attractive rising candidate to be the anti-Warren”). One commentator described this phenomenon as follows:

The gravitational center of the rage against Buttigieg has been Very Online, as has the maximalism of its tone—its insistence that Buttigieg, by thriving within the American architecture of capitalism and privilege, must personally embody all its worst qualities. On left Twitter, it is axiomatic that Buttigieg is not merely a relentlessly ambitious striver but an actual “sociopath.” But offline, in Iowa and New Hampshire, he is gaining in the polls, at the expense of an online-left favorite, Warren.

Homans, *supra* note 21.

165. See *Iowa Caucus Results 2020*, N.Y. TIMES (Feb. 29, 2020), <https://www.nytimes.com/interactive/2020/02/04/us/elections/results-iowa-caucus.html> (reporting that Buttigieg received 26.2% of the vote, compared to Sanders’s 26.1%, but Sanders won more delegates than Buttigieg); *New Hampshire Primary: Live Results*, N.Y. TIMES (Feb. 27, 2020), <https://www.nytimes.com/interactive/2020/02/11/us/elections/results-new-hampshire-primary-election.html> (reporting that Sanders received 25.7% of the vote and Buttigieg 24.4%, and each candidate earned nine delegates).

166. See, e.g., Herndon, *supra* note 127.

167. See *id.*

candidate.¹⁶⁸ Therefore, although Warren was vying with Sanders for the support of progressive voters, her simultaneous but less conspicuous competition was with Buttigieg. The sexism of “Bernie Bros” is well documented.¹⁶⁹ But some reports suggest Warren also suffered when competing against a masculine gay man. News stories indicated some undecided voters describing a preference for Buttigieg because they regarded Warren as too aggressive.¹⁷⁰ Importantly, these voters included some women of Warren’s generation. In one article, a 65-year-old woman called Warren “a bit of a bulldog”; another woman, 66, was turned off by Warren’s “bellicose” persona: “It’s always fight, fight, fight, fight. Someone needs to tell her to calm down.”¹⁷¹ This critique mirrored Buttigieg’s own claim a few weeks earlier that Warren is obsessed with fighting.¹⁷² Neither woman described Buttigieg as overly aggressive. As a woman, Warren was susceptible to stereotypes that did not ensnare Buttigieg, a masculine gay man.¹⁷³ Men, after all, are

168. See, e.g., *id.* (describing Buttigieg’s “platitude-heavy message of uniting the country and restoring democracy”).

169. See, e.g., Michael Finnegan, *Bernie Sanders Again Facing Political Fallout over Supporters’ Abusive Behavior Online*, L.A. TIMES (Feb. 19, 2020, 11:13 PM) <https://www.latimes.com/politics/story/2020-02-19/bernie-sanders-supporters-toxic-online-culture> (discussing harassment of Clinton and her supporters, sexist treatment of women who worked for Sanders’s campaign in 2016, and Sanders’s dismissive initial response); Matt Flegenheimer, Rebecca R. Ruiz, & Nellie Bowles, *Bernie Sanders and His Internet Army*, N.Y. TIMES (Jan. 27, 2020), <https://www.nytimes.com/2020/01/27/us/politics/bernie-sanders-internet-supporters-2020.html>; Marie Solis, *Bernie Sanders Official Campaign Site Once Invited Supporters to “Bern the Witch”*, MIC (Mar. 11, 2016) <https://www.mic.com/articles/137707/a-bern-the-witch-event-appeared-on-bernie-sanders-official-site-and-the-internet-is-mad>.

170. See, e.g., Herndon, *supra* note 127.

171. *Id.*

172. See Cassese & Holman, *supra* note 127.

173. Warren seemed to acknowledge the costs of being perceived as an angry woman when the moderators of the December debate asked all candidates whether they would offer a gift or ask for forgiveness. Only women sought forgiveness, and Warren specifically apologized for her passion: “I know that sometimes I get really worked up. And sometimes I get a little hot. I don’t really mean to.” Jennifer Medina, *They Saw Themselves in Elizabeth Warren. So What*

supposed to fight. Some research on primary contests suggests that women candidates (Democratic and Republican) are more vulnerable to gendered trait attacks than their male counterparts, and portraying a Democratic woman candidate as insufficiently feminine is the most damaging gender stereotype of all.¹⁷⁴ In hindsight, it seems Warren's national support was broader but also ultimately more fragile than Buttigieg's in part because of gendered dynamics.¹⁷⁵

Further, Buttigieg's identity as a White man—the default identity in presidential politics—sustained him once he became the target. He was able to shrug off attacks much like Biden and Sanders. As the results rolled in from Iowa, New Hampshire, and Nevada, it was difficult to ignore that White men kept landing on top (Buttigieg and Sanders) and women trailed (Warren and Klobuchar). Even when Super Tuesday arrived, and large numbers of Black, Latinx, and Asian-American voters finally had an opportunity to disrupt the race, their favored candidates were *different White men* (Biden and Bloomberg, in addition to Sanders), not women.¹⁷⁶ Bloomberg's enduring appeal to electability-

Do They See Now?, N.Y. TIMES (Feb. 28, 2020), <https://www.nytimes.com/2020/02/28/us/politics/elizabeth-warren-women-voters.html>.

174. See, e.g., Cassese & Holman, *supra* note 129, at 802–04 (“[F]emale candidates face a greater penalty when perceived as lacking feminine strengths.”).

175. In Iowa, and some national surveys, Warren was the most likely to be named a voter's second choice among both Buttigieg and Sanders voters. See Sarah Almukhtar et al., *Iowa Caucus: Who Different Groups Supported*, N.Y. TIMES (Feb. 3, 2020), <https://www.nytimes.com/interactive/2020/02/03/us/elections/results-iowa-caucus-polls.html>.

176. Juana Summers, *Who Black, Latino and Asian American Voters Supported on Super Tuesday*, NPR (Mar. 4, 2020, 8:42 AM), <https://www.npr.org/2020/03/04/811942583/who-different-groups-supported-on-super-tuesday>. An argument voiced by several Black voters in various stories claims that: “The way the system is set up now, there is so much racism that it's going to have to be an old White person to go after an old White person.” Jonathan Capeheart, *The Ugly Lie about Black Voters and Pete Buttigieg*, WASH. POST (Nov. 8, 2019), <https://www.washingtonpost.com/opinions/2019/11/08/ugly-lie-about-black-voters-pete-buttigieg/>. This thinking helps explain Black voter disinterest

addled voters was particularly disturbing because he was Warren's main target when she finally unleashed her debate skills in a dazzling show of force.¹⁷⁷ It is difficult not to read this timing as recognition that, after months of trying to temper her personality to hew to gendered expectations, Warren recognized that she had nothing to lose if she showed up as her best self. Warren's masterful performance was widely praised,¹⁷⁸ and in a less sexist world would have expunged Bloomberg from political memory. Yet not only did Warren fail to attain the bump that Buttigieg got from attacking her, Bloomberg went on to best Warren in many primaries.¹⁷⁹

To be clear, I am not making a sweeping claim about the relative significance of sexual orientation and gender in electoral politics nationwide. My claim is mainly focused on the overwhelmingly White and heterosexual voters, Democratic Party leaders, and media gatekeepers who made Buttigieg a front-runner.¹⁸⁰ For these people, I argue, Buttigieg's sexual orientation made him new, exciting, and appear more politically progressive than he actually was. By contrast, Warren reminded voters of Hillary Clinton's gender troubles. Warren's gender identity was not "new"; it was seen

in candidates such as Harris, Booker, and Buttigieg.

177. See, e.g., Maggie Astor, *Elizabeth Warren, Criticizing Bloomberg, Sent a Message: She Won't Be Ignored*, N.Y. TIMES (Feb. 19, 2020), <https://www.nytimes.com/2020/02/19/us/politics/elizabeth-warren-debate.html> ("Ms. Warren made two things clear: She would not be ignored, and she would not hide her anger, so often a liability for women in politics."). *But see id.* (noting that some debate commentators called Warren "'mean,' 'angry' and 'nasty'").

178. See, e.g., *id.*

179. See generally Democratic Primary Results, USA TODAY (Oct. 29, 2020, 10:52 AM), <https://www.usatoday.com/elections/results/primaries/democratic/>.

180. Non-White Iowa voters, while only 9% of the primary voters, strongly favored Sanders to Buttigieg and Warren. Also, as discussed more fully below, Sanders (42%) and Warren (24%) topped Buttigieg (22%) among LGBTQ voters. Almukhtar et al., *supra* note 175. Buttigieg's clout within the party after he ended his campaign shows that his support was not limited to Iowa and New Hampshire primary voters.

as just risky.¹⁸¹ But these voters were not merely voting their own preferences. As numerous reports attested, they also factored into their decisions the country's readiness to elect a woman or a gay man. These voters' analysis might have been completely wrong-headed—clearly, subsequent voters of color did not acquiesce to this attempt to turn Buttigieg into a “gay Obama.” Yet it is important to mark these White voters' *perception* that, in 2020, a gay male candidate like Buttigieg was more scintillating or at least palatable to Democratic voters nationwide than women like Warren, Klobuchar, and Harris. This perception, I think, speaks to the shifting status of some White gay men.

None of this is to say that Senators Warren, Klobuchar, or Harris were perfect candidates, which of course has never been required for men who won the nomination. In my view, Harris, although initially one of the most promising candidates, made the most consequential mistakes and never articulated a consistent message.¹⁸² Warren and Klobuchar demonstrated more consistency and savvy. The flaws of their male rivals were glaring—at least if one were able to set aside the distorting lens of electability: Biden's multiple gaffes, racially offensive remarks, and shakiness in the debates; Sanders's socialism, heart attack at 78, and complete disinterest in expanding his base; and Buttigieg's meager experience and reliance on rhetoric over substance. White male privilege was so powerful that it offset these weaknesses from the perspectives of many voters of various races. And in the minds of many heterosexual voters, Buttigieg's sexuality did not undermine the inoculant of White male privilege.

181. Cf. Herndon, *supra* note 127 (stating that both Warren and Buttigieg are “fighting to build enthusiasm around their barrier-breaking candidacies that can later inspire voters in more diverse states”).

182. See, e.g., Jonathan Martin et al., *How Kamala Harris's Campaign Unraveled*, N.Y. TIMES (Nov. 29, 2019), <https://www.nytimes.com/2019/11/29/us/politics/kamala-harris-2020.html>.

V. THE LGBTQ COMMUNITY'S TURN TOWARD
INTERSECTIONALITY

Imagine a heterosexual doppelgänger of Buttigieg. Would he have experienced Buttigieg's breakout success? Buttigieg truly was an unlikely candidate because his primary job experience was managing the fourth largest city in Indiana.¹⁸³ No Democratic front-runner had ever made it as far as Buttigieg did with such measly experience. Buttigieg was not the only mayor in the hunt. Cory Booker was a mayor *and* a Senator. Wayne Messam, a Black heterosexual mayor from a city larger than South Bend, Indiana, never even made it to a debate stage. Midwestern and centrist candidates included Senator Klobuchar of Minnesota. Representative Tulsi Gabbard, a woman of color, is exactly Buttigieg's age and is also a veteran, and Andrew Yang and Beto O'Rourke are not that much older than Buttigieg.

What really set Buttigieg apart from this group, in the eyes of the mainstream media and Democratic elites, was his status as a gay man.¹⁸⁴ More than most of his rivals, his campaign revolved almost entirely around his personal story, including the paradoxical promise of generational change enveloped in traditional values.¹⁸⁵ Moreover, Buttigieg's version of masculinity would not be notable if performed by a heterosexual man like, say, Joe Biden. What made

183. See, e.g., Alexander Burns, *Pete Buttigieg's Focus: Storytelling First. Policy Details Later*, N.Y. TIMES (Apr. 14, 2019), <https://www.nytimes.com/2019/04/14/us/politics/pete-buttigieg-2020-writing-message.html> (describing Buttigieg as "lacking traditional qualifications for the presidency and declining, so far, to detail a distinctive policy agenda"); Matthews, *supra* note 151 ("[M]ayor of the fourth-largest city in Indiana' is not a traditional qualification for the presidency.").

184. Cf. Kornhaber, *supra* note 38.

185. See Burns, *supra* note 183 ("Mr. Buttigieg's distinctive political passion appears to be storytelling, wrapping conventional liberalism in an earnest, youthful persona that Democrats might see as capable of winning over the middle of the country.").

Buttigieg “the cool newcomer”¹⁸⁶ was that he was an openly gay man married to a man, yet demonstrating strong ties to the status quo, including Harvard, the military, Christianity, McKinsey, moderate politics, and a traditionally masculine persona.¹⁸⁷ Indeed, if one removes his gayness, there is absolutely nothing cool about Buttigieg. He is square, vanilla, and moderate (not that there’s anything wrong with that). Gayness was Buttigieg’s “secret sauce,” spicing up an otherwise bland meal.¹⁸⁸

Although few have articulated their frustration in these terms, I think some queer critics may have found Buttigieg’s

186. See Kamisar, *supra* note 110; Herndon, *supra* note 127 (quoting male voter who said of Buttigieg: “He’s new. He’s fresh. . . . The public always wants what’s next.”); Reid J. Epstein & Trip Gabriel, *For Buttigieg, a Search for Black Support that Never Arrived*, N.Y. TIMES (Feb. 29, 2020), <https://www.nytimes.com/2020/02/29/us/politics/buttigieg-black-voters-south-carolina.html> (quoting a White male teacher saying “I feel like he’s got a fresh appeal”). Even if one regards references to Buttigieg as “fresh” as allusions primarily to his youth, we should ask whether a young, minimally experienced woman would be as appealing.

187. See Epstein & Gabriel, *supra* note 186 (noting Buttigieg’s “reliance on comportment and biography to carry his campaign”).

188. See Eric Ting, *Pete Buttigieg’s Fundraiser Interrupted by ‘Queers Against Pete’ Protestors*, SFGATE (Feb. 14, 2020, 2:46 PM), <https://www.sfgate.com/politics/article/Pete-Buttigieg-San-Francisco-Queers-Against-Pete-15057323.php> (quoting activist/filmmaker Jethro Patalinghug, who argued that Buttigieg has been “using his gay card to propel his campaign” without addressing the needs of the entire LGBTQ community). Hence, the nickname “Mayo Pete.” *Mayo Pete*, KNOW YOUR MEME (2019), <https://knowyourmeme.com/memes/mayo-pete> (“The memes, which play on Buttigieg’s nickname ‘Mayor Pete,’ have two meanings both related to the color of mayonnaise. The first indicates that the Democratic presidential candidate’s policies favor White people. While the other, less incisive meaning, refers to a ‘blandness’ in Buttigieg’s campaign, similar to use of the flavor ‘vanilla.’”). My view, which is informed by intersectionality, is that Pete’s sexuality may have shaped each aspect of his record. It inflects perceptions of his status as a veteran or a Midwesterner, for instance, freshening standard political tropes. Cf. Nathan J. Robinson, *All About Pete*, CURRENT AFFAIRS (Mar. 29, 2019), https://www.currentaffairs.org/2019/03/all-about-pete?fbclid=IwAR2unPtLLwP2CwFqI4rxw9Q_X0ZCT6YSG8JB-LRvnJPR-0Ff3xke0nfhR_U (“He’s from the Rust Belt so he’s authentic, but he went to Harvard so he’s not a rube, but he’s from a small city so he’s relatable, but he’s gay so he’s got coastal appeal, but he’s a veteran so his sexuality won’t alienate rural people.”).

rise infuriating because of the confluence of three factors: (1) the perception that his sexual orientation vaulted him to the front of the race; (2) even though, as a White, masculine, middle-class, Harvard-educated gay man, he is, in fact, among the most privileged LGBTQ people; and (3) he did not acknowledge his relative privilege and use it to validate and empower the most marginalized queer and transgender people. Importantly, Buttigieg's identity alone was not the problem. It was a narrative, perpetuated predominantly by heterosexuals, that his identity signified LGBTQ equality, while downplaying his alignment with traditional metrics of privilege and his disregard for more marginalized people, particularly Blacks and women.

What infuriated many queer people about Buttigieg's ascendance was that it was fueled, in important part, by his sexual orientation, even as his persona and policies harkened back to the respectability-centric gay and lesbian movement of 2010,¹⁸⁹ rather than the increasingly intersectional movement of 2020. Since *Obergefell*, the cultural conversation and much litigation has shifted from gay and lesbian rights to transgender rights.¹⁹⁰ This is in part because the mainstream movement achieved most of what it set out to do, namely marriage and access to the military. Moreover, opponents of LGBTQ rights have learned that highlighting transgender people, rather than gender conforming gays and lesbians like Buttigieg, is a more effective cudgel against LGBTQ rights.¹⁹¹ Therefore, transgender rights seems to be displacing gay rights as the pressing civil rights issue for many younger queer-identified people.¹⁹² This is appropriate given that transgender people,

189. Homans, *supra* note 21.

190. See, e.g., Marie-Amelie George, *Expanding LGBT*, 73 FLORIDA L. REV. ____ (forthcoming 2021).

191. See, e.g., Marie-Amelie George, *The LGBT Disconnect: Politics and Perils of Legal Movement Formation*, 2018 WIS. L. REV. 503, 504, 515 (2018) (noting how claims about transgender people's bathroom access took "center stage").

192. See *infra* text accompanying notes 214–15 (discussing OUT

especially transwomen of color, experience more vulnerability, on average, than White, cisgender gay men and lesbians. As Kimberlé Crenshaw wrote decades ago, intersectionality calls for caring for people injured by one or more vehicles of social injustice, whether or not the injury can be linked strictly and solely to “race” or “gender.”¹⁹³ Younger queer people, many of whom have learned intersectional politics from college classes and activism, are more likely to understand sexual orientation as interwoven with gender identity, racism, capitalism, and various other vectors of oppression that make transgender people more likely than cisgender gays and lesbians to be injured. Moreover, younger queer people’s decision to prioritize, say, Black transgender women, can be understood as responsive to critical race scholar Mari Matsuda’s call that we “look to the bottom of society” to conceptualize justice.¹⁹⁴

It seems Buttigieg did not take these classes at Harvard and did not otherwise learn of his relative privilege as a White, cisgender gay man in an LGBTQ community that he joined just shortly before announcing his presidential bid. He has offered varying, and at times conflicting, accounts of the role of his sexual orientation in his campaign. He explained that for years he regarded being openly gay and mounting a political career as mutually exclusive.¹⁹⁵ After winning the Iowa caucus, he told NBC’s Chuck Todd that he “didn’t set out to be the gay president.”¹⁹⁶ He has described sexual orientation as something that should ultimately not matter, like having brown hair.¹⁹⁷ Some interviews suggest a

magazine/YouGov Blue survey).

193. See Crenshaw, *Demarginalizing*, *supra* note 16, at 149.

194. See Matsuda, *supra* note 61, at 324.

195. See Jeremy W. Peters, *Buttigieg’s Life in the Closet*, N.Y. TIMES (July 14, 2019), <https://www.nytimes.com/2019/07/14/us/politics/pete-buttigieg-gay.html>.

196. See Kamisar, *supra* note 110.

197. See Christina Cauterucci, *In a Diverse Candidate Field, How is Pete Buttigieg’s Sexuality Factoring Into His Appeal?*, SLATE (Mar. 28, 2019, 2:17 PM), <https://slate.com/news-and-politics/2019/03/pete-buttigieg-gay-diversity-white->

distance between Buttigieg and his husband, Glezman, who is eight years younger, but came out years before Buttigieg. Glezman has suggested that Buttigieg's coming-out is a work-in-progress, that Buttigieg has some "walls" he needs to tear down, and that "Peter's still trying to come out of his shells."¹⁹⁸

Often Buttigieg has downplayed his sexual orientation. Consider his explanation for his success when he appeared on *The Daily Show with Trevor Noah*.

Trevor Noah: Why do you think your candidacy is catching on like wildfire?

Pete Buttigieg: I think it's all the reasons that kinda made my candidacy unlikely. The fact that I'm a mayor at a time when people are frustrated with Washington, the fact that people are looking for different sources of leadership, the fact that I'm from the industrial Midwest, which is a place that Democrats have sometimes struggled to connect with, and the fact that I'm from a new generation, which I think raised some eyebrows early on, but I think it's one of the reasons why it made sense to do this. And I think all of those things that we thought might be constraints when we got into it have actually helped demonstrate that I'm not like the others, and I represent something different.¹⁹⁹

Of all the things that made him distinctive, sexual orientation did not make the cut. When Noah pressed him on whether White privilege helped to galvanize his campaign, he struggled to answer:

I'd like to believe it's my qualities and my message. But I've been reflecting on this because one of the things about privilege, especially things like White privilege or male privilege, is that you don't think about it very much. It's being in an out-group where you

male-candidate.html.

198. See Moser, *supra* note 30.

199. Pete Buttigieg – "Shortest Way Home" and His 2020 White House Bid, DAILY SHOW WITH TREVOR NOAH (Apr. 29, 2019), <http://www.cc.com/video-clips/r0t70l/the-daily-show-with-trevor-noah-pete-buttigieg-shortest-way-home—and-his-2020-white-house-bid-extended-interview>. To be fair, in some interviews, Buttigieg did include sexual orientation in a list of relevant traits. It is unclear how often he included sexual orientation, but it seems he leaned more heavily on his youth and Midwestern roots as explanations for his appeal.

are constantly reminded of it. It's not when you are in a majority or a privileged group. And so, I try to check myself and make sure I try to understand the factors that help explain why things are going well.²⁰⁰

This answer feels thin in that it does not go beyond understanding that one may be profiting from White male privilege. It does not indicate that Buttigieg has actually done the work to “check himself.” Indeed, if he had, he might have decided not to run, given the more accomplished candidates in an unusually diverse field. It is hard to imagine a queer woman and/or queer person of color with Buttigieg’s accomplishments thinking herself ready to be president and capable of surmounting better-qualified White men.²⁰¹ In a head-spinning pivot from his sexual orientation-blindness, Buttigieg, after he dropped out of the race, blamed his failure on the very traits that made him a distinctive candidate. While performing a (not very funny) monologue as guest host of *Jimmy Kimmel Live*, Buttigieg lamented: “I really thought we had a shot. But turns out, I was about 40 years too young, and 38 years too gay.”²⁰² Buttigieg’s struggle to come to terms with the interaction between his sexual orientation and White male privilege—or at least create a convincing impression that he is deeply questioning his privilege—is exacerbated by colorblind and genderblind celebrations of his candidacy by LGBTQ movement leaders.

When Buttigieg ended his campaign, Human Rights Campaign President Alphonso David, a gay man of African and African-American descent, issued the following statement:

This year, for the first time in presidential politics, a member of our

200. *Id.*

201. See Emma Goldberg, *Would a 37-Year-Old Woman Be Where Buttigieg Is?*, N.Y. TIMES (Jan. 18, 2020), <https://www.nytimes.com/2020/01/18/us/politics/pete-buttigieg-political-experience.html>.

202. See Jessica Bennett, *The Man Show Diaspora*, N.Y. TIMES (Mar. 14, 2020), <https://www.nytimes.com/2020/03/13/us/politics/jimmy-kimmel-the-man-show.html>.

community was seriously considered as a front runner. Mayor Buttigieg ran an incredible campaign that broke glass ceilings and inspired countless LGBTQ people to run for office and enter public service. His history-making, open and honest campaign gave representation to a community that has been for far too long pushed out of the spotlight. He gave a voice to millions across the country, to issues often ignored. He championed his support for LGBTQ equality and effectively articulated how issues of discrimination and inequality personally affected him and his family, undoubtedly moving our country towards a more equal society. People from all walks of life saw a viable candidate for president and evaluated him based on his ideas, not his sexual orientation. History will remember him for never backing down from a fight and never settling for less. We wish Mayor Buttigieg and Chasten all the best. His story is far from over and we look forward to continuing to work with him to push for equality.²⁰³

Although this statement may seem banal on its face, it perpetuates several distortions. This is a paradigmatic “single-axis” conception²⁰⁴ of “a more equal society.” Although Buttigieg’s failure to draw support from the Black community is the reason he had to end his campaign and although his masculine identity bolstered his campaign, neither race nor gender surfaced in this celebration of LGBTQ progress. The claim that people evaluated Buttigieg “based on his ideas, not his sexual orientation” is in tension with my core claim. I argue that if Buttigieg were straight, he would never have broken out as a front-runner given his relative inexperience. Moreover, especially in the early stages of his campaign, Buttigieg’s actual “ideas” were hazy and rarely set him apart from his competitors—whether he situated himself among progressives or later moved to the center. Instead, he made his persona the center of his brand, including his youth, experience as a small-town Midwest mayor, his sexual orientation, and his marriage to Glezman. If people such as Buttigieg and David truly believe that sexual orientation should matter no more than hair color,

203. Lucas Acosta, *HRC President on Pete Buttigieg’s Historic Candidacy*, HUMAN RIGHTS CAMPAIGN (Mar. 1, 2020), <https://www.hrc.org/blog/hrc-president-on-pete-buttigieg-historic-candidacy>.

204. Crenshaw, *supra* note 16, at 139.

then they should be troubled by the enthusiastic embrace of Buttigieg *precisely because* he's a gay man who is masculine and "all-American." In truth, Buttigieg's gay male identity made it easier for him to shatter "glass ceilings"²⁰⁵ than women candidates.

Further, David's remarks and those of former mayor Annise Parker reveal a harmful conflation. Parker was the first openly LGBTQ mayor of a major U.S. city, Houston. In her role as the head of the Victory Fund, an LGBTQ-focused political action committee, Parker endorsed Buttigieg. Parker, like David, ignored that Buttigieg's White gay male identity was key to his campaign.²⁰⁶ Buttigieg's candidacy, Parker stated, is not only "important for our community, but . . . important for our country. America needs us to step up, just as it needs Mayor Pete to step forward. Mayor Pete's progress is our progress, his journey is our journey."²⁰⁷ Parker and David suggest that Buttigieg's progress as a masculine, White, cisgender, gay man necessarily belongs to and advances the interests of all LGBTQ people. His progress, we are told, is "our progress." David is Black, and Parker is a woman, but their universal framing attempts to gloss the very real fissures that riddle the LGBTQ community.

Yet the broader community was not buying it, as evidenced by the Iowa exit poll, surveys of LGBTQ voters, and the views of grassroots activists who protested Buttigieg's lily-White fundraisers. David and Parker sought to portray Buttigieg as an LGBTQ ambassador, with that

205. Acosta, *supra* note 203.

206. See Gomez & Hensley-Clancy, *supra* note 11 ("It's not a positive that he's openly LGBT . . ."); see also *id.* (statement by Rep. David Cicilline, a Rhode Island Democrat and White, gay, former mayor, that Buttigieg's candidacy "moved our entire country forward").

207. Dan Merica, *Group Aimed at Electing LGBTQ Public Officials Backs Buttigieg at Personal Event*, CNN (June 28, 2019), <https://www.cnn.com/2019/06/28/politics/victory-fund-pete-buttigieg-endorsement/index.html>.

community standing strongly behind him. In fact, the evidence suggests that most LGBTQ voters preferred a candidate other than Buttigieg. Buttigieg's Iowa victory was driven by heterosexuals, who made up 89% of the Democratic electorate.²⁰⁸ According to the Iowa exit poll, LGBTQ voters strongly backed Sanders over Buttigieg. Forty-two percent of these voters supported Sanders, compared to 24% for Warren and 22% for Buttigieg.²⁰⁹ Thus, it is crucial to underscore that, even at his zenith in Iowa, LGBTQ voters dissented from the consensus choice of heterosexual voters.

One should also factor in that Buttigieg did not make LGBTQ issues central to his campaign. His persona and his marriage were more front-and-center than actual policy proposals concerning the LGBTQ community.²¹⁰ He also tended to deflect rather than confront homophobic critiques,²¹¹ and endorsed a world in which sexual orientation is ultimately insignificant.²¹² These factors, I suggest, help to explain why his campaign appealed predominantly to heterosexuals. Heterosexual voters could embrace a gay candidate without seriously engaging the complex and diverse broader LGBTQ community, enduring

208. See Almkhtar et al., *supra* note 175.

209. There is scant data on LGBTQ voter behavior in the other Democratic primaries. In an NBC News exit poll of 12 of the 14 Super Tuesday states, Sanders (42%) and Warren (22%) received the most support from LGBTQ voters, but Buttigieg, who received 6%, had dropped out of the race shortly before these primaries. *LGBTQ Voters Flock to Sanders, NBC News Exit Poll Finds*, NBC NEWS (Mar. 4, 2020), <https://www.nbcmiami.com/news/politics/decision-2020/lgbtq-voters-flock-to-bernie-sanders-nbc-news-exit-poll-finds/2200300/>.

210. See, e.g., Burns, *supra* note 183.

211. See, e.g., Curtis M. Wong, *Pete Buttigieg Responds to Iowa Voter Who Withdrew Support After Realizing He's Gay*, HUFF POST (Feb. 7, 2020, 10:26 AM), https://www.huffpost.com/entry/pete-buttigieg-iowa-caucus-voter-homophobic-video-response_n_5e3d6255c5b6b70886fe694b. Thus, Buttigieg's unprovoked attack on Pence, *see supra* text accompanying note 34, was actually atypical of his handling of homophobia, and Alphonso David's claim that Buttigieg "never backed down from a fight" was false. Acosta, *supra* note 203.

212. For explanations as to how these decisions riled some queer people see, for example, Cauterucci, *supra* note 196; Gessen, *supra* note 46.

discrimination, and the substantial and intersectional policy needs that remain post-*Obergefell*. Supporting Buttigieg was, in short, a form of “equality on the cheap.”²¹³ It cost heterosexuals little and allowed them to signal their virtue, just as some White voters bragged about voting for Obama.

Surveys of LGBTQ voters suggest a more critical take on Buttigieg’s candidacy and its meaning for the future of the LGBTQ community. An *Out* magazine/YouGov Blue online survey of LGBTQ people who were registered Democrat and likely to vote was conducted in November 2019, the month that Buttigieg surged to the top of Iowa polls.²¹⁴ The *Out* survey’s weighted sample was designed to be representative of the LGBTQ population, as estimated by the Williams Institute at UCLA School of Law. Buttigieg came in fourth, behind Warren, Sanders, and Biden. Warren garnered 31% support, compared to just 14% for Buttigieg. Interestingly, 53% of respondents deemed Warren electable against Trump, while 29% said that of Buttigieg.²¹⁵

The *Out* survey did not provide a demographic breakdown of subgroups by sexual orientation or other traits, but a survey commissioned by BuzzFeed News and Whitman Insight Strategies did. This survey of 801 self-identified LGBTQ people was conducted in June 2019, months before Buttigieg’s peak in early 2020.²¹⁶ Buttigieg was tied with Warren for third place at 15% support, behind Sanders (22%) and Biden (21%).²¹⁷ Among only gay men, however, Buttigieg was in the lead at 27%, compared to Warren’s 12%. Slightly

213. See Robinson, *Protection*, *supra* note 103, at 229.

214. Nico Lang, Exclusive: *Warren Leads among Self-Identified LGBTQ+ Voters in First of Its Kind Poll*, *OUT* (Nov. 25, 2019, 11:06 AM), <https://www.out.com/election/2019/11/25/exclusive-warren-leads-among-lgbtq-voters-first-its-kind-poll>.

215. See *id.*

216. Whitman Insight Strategies and BuzzFeed News, *LGBTQ in America Survey – Topline Results*, (June 2019), <https://assets.documentcloud.org/documents/6175837/Withman-Insight-Strategies-LGBTQ-in-America.pdf>.

217. *Id.* at 25.

behind Buttigieg in this demographic was Biden, another moderate White man. Warren's strongest support was among lesbians.²¹⁸ These findings suggest that for some gay men and lesbians, gender may have been a factor.²¹⁹ Buttigieg's favorability rating among gay men far outstripped his popularity among lesbians and other subgroups.²²⁰ The gay/lesbian split over Buttigieg/Warren may also arise from divergent stances on electability—gay men were the most likely (30%) to rank electability their top concern, and lesbians the least likely to value electability (12%).²²¹ The gay men in this survey seemingly converged with White heterosexual Iowa voters in valuing electability and not regarding Buttigieg's sexual orientation as an encumbrance to his electability.²²²

218. *Id.* See also Maggie Severns, *Why Some Lesbians Don't Want Mayor Pete to Be President*, POLITICO (Aug. 27, 2019, 5:02 AM), <https://www.politico.com/story/2019/08/27/lesbians-pete-buttigieg-2020-president-1475900>.

219. For an opinion by a White gay man that cites Buttigieg's gay identity as important and does not seem to consider the interests of women, people of color, bisexuals, and transgender people, see Lucas Grindley, *Yes, It Matters That Buttigieg is Gay*, THE ATLANTIC (Apr. 6, 2019), <https://www.theatlantic.com/ideas/archive/2019/04/it-matters-pete-buttigieg-gay/586618/>.

220. See Whitman Insight Strategies and BuzzFeed News, LGBTQ in America Survey, *supra* note 216, at 28 (finding that 43% of gay male respondents held "very favorable" views of Buttigieg, compared to 21% of lesbians, 23% of transgender people, 14% of bisexuals, and 11% of queer people). Notably, almost 10% of gay men held "very unfavorable" views of Buttigieg, and his unfavorability ratings were higher among gay men than every other subgroup, except transgender people (15%). *Id.* An overview of the favorability ratings of the various candidates is consistent with the idea that gay men's candidate preferences were, in general, more moderate than lesbians. Gay men favorably rated not only White male moderates like Buttigieg, Biden, and O'Rourke, but also Kamala Harris. Lesbians were slightly more enthusiastic for Sanders than Warren. *Id.* at 27-28.

221. The figure for lesbians was just a hair lower than that for bisexuals and transgender people (13%). *Id.* at 25

222. A separate series of questions found that very large majorities of all subgroups said that "America is ready" to have a president who is a woman and a president who identifies as LGBTQ. *Id.* at 30. There was also broad agreement that in general "having an LGBTQ presidential candidate helps to advance issues relevant to LGBTQ Americans." *Id.* at 31.

The survey also confirms that Buttigieg was quite polarizing for some LGBTQ people. The vitriol expressed by LGBTQ media commentators, discussed above, signified a broader discomfort with Buttigieg's rise. These findings suggested that, in a general election contest with Trump, Biden, a straight man, would draw stronger support from LGBTQ voters than Buttigieg. Sixty-six percent of all respondents said that if given a choice between Biden and Trump, they would vote for Biden, while Buttigieg received just 62%.²²³ This drop-off was driven by aversion to Buttigieg among lesbian, bisexual, and transgender respondents. In a general election contest between Buttigieg and Trump, nearly 30% of lesbians said they would vote third party or not vote at all. Further, one-third of bisexual and transgender respondents would vote third party or not vote.²²⁴

The divisive nature of Buttigieg's campaign cannot be explained solely by the theory that lesbian, bisexual, and transgender people are more liberal than gay men, because Biden is more centrist than Buttigieg yet still fared better than Buttigieg amongst lesbian, bisexual, and transgender voters. Gay male support for Buttigieg and Biden in a general election contest against Trump was very similar. Buttigieg's strongest support was among gay men, but even there, 27% (per the BuzzFeed survey) is far from a commanding lead, and some of his most vocal critics were also gay men. The survey did not ask candidates about a Warren-Trump contest, but it found that Sanders fared better than Buttigieg and Biden among LGBTQ voters; indeed, he earned ten percentage points more than Buttigieg.²²⁵ The bottom line: Buttigieg was no "gay Obama" in the sense that he failed to rally LGBTQ voters behind him the way that Obama electrified Black voters in 2008 and

223. *Id.* at 26.

224. *Id.*

225. *Id.* (reporting 72% support for Sanders, and 62% for Buttigieg).

2012.²²⁶ If Buttigieg really didn't set out to be the president of LGBTQ America,²²⁷ well, he got his wish.

This lackluster response to Buttigieg's presidential campaign can be explained, at least in part, by the transformation of the gay and lesbian rights movement of the 1990s and aughts into the LGBTQ+ movement of 2020. In the remainder of this Part, I catalog this remarkable and ongoing evolution in the scope and focus of the movement, which helps us understand the community's discomfort with Buttigieg's identity performance and politics and provides an inspiring look to the future. I begin by providing an anecdote that hopes to distill the concept of intersectionality into everyday terms.

A generative moment in my development of this line of research on intersections between race and sexuality occurred when California voters enacted Proposition 8, which eliminated the right of same-sex couples to marry. I recall various interactions at my workplace, UCLA School of Law, the day after the 2008 election in which our country first elected a Black president and California voters simultaneously stripped sexual minorities of the right to marry. It seemed that many people who saw me spontaneously mentioned the election but in a particular way. One person said "Hey! Obama! Yeah!" Then the next person who saw me looked sad and said "Sorry about Prop. 8, dude." And on it went. I was seen as either Black *or* gay, but not both. This was not intentional; nor was it motivated by hostility. It was cognitive, but it still left me feeling like some of my colleagues could not see the whole of my experience. And it made a difficult day a little bit lonelier.²²⁸

226. In 2008, 96% of Black voters backed Obama. See David Paul Kuhn, *Exit Polls, How Obama Won*, POLITICO (Nov. 5, 2008, 12:27 AM), <https://www.politico.com/story/2008/11/exit-polls-how-obama-won-015297>. In 2012, the comparable figure was 93%. See *President Exit Polls*, N.Y. TIMES, <https://www.nytimes.com/elections/2012/results/president/exit-polls.html>.

227. See Kamisar, *supra* note 110.

228. To be clear, none of these discordant interactions occurred with my

This dynamic applies as well in many LGBTQ political spaces. Whether consciously or not, LGBTQ politics has tilted toward the interests of White gay men and has had difficulty seeing and valuing the needs of people who hold multiple marginalized identities.²²⁹ In the aftermath of voters' endorsement of Prop. 8, major news outlets and White gay male media commentators, including Dan Savage and Andrew Sullivan, placed blame on the Black community, even though Black voters made up just 6% of the electorate.²³⁰ LGBTQ people took to the streets to protest, and some targeted Black voters, despite several larger, and predominantly White, demographics that backed Prop. 8.²³¹ For example, a UCLA student was "called the n-word at least twice," and three older men accosted a Black gay couple holding signs expressing opposition to Prop. 8 and shouted, "Black people did this, I hope you people are happy!"²³² A group of men approached the window of a Black female driver who opposed Prop. 8 and said, "Tell your people to be careful because it is because of them that we don't have equal rights."²³³ In the eyes of these White protestors, Black people could not be LGBTQ and Black. Their Blackness did not function simply to extract them from the LGBTQ community; it marked them as homophobic enemies.

As it turned out, the empirical basis of this blaming—an

colleagues and mentors in UCLA Law's Critical Race Studies Program, including Kim Crenshaw.

229. See, e.g., URVASHI VAID, *VIRTUAL EQUALITY: THE MAINSTREAMING OF GAY AND LESBIAN LIBERATION* 274–77 (1995); Russell K. Robinson, *Marriage Equality and Postracialism*, 61 *UCLA L. REV.* 1010, 1038–39 (2014) [hereinafter Robinson, *Postracialism*].

230. See Robinson, *Postracialism*, *supra* note 229, at 1021–23 (discussing Savage, Sullivan, and James Kirchick).

231. See *id.* at 1026–27 (discussing elderly voters, Catholics, evangelicals, parents, and men).

232. See *id.* at 1040 n.144.

233. *Id.* I organized an event to examine this racial blaming, and one of the invited speakers, a Black straight woman, was castigated in similar terms by a White gay man who confronted her while she was traveling to Los Angeles for our event. *Id.* at 1020.

exit poll that asserted that 70% of Black voters opposed same-sex marriage—was found to be methodologically flawed and likely an outlier.²³⁴ Yet this critical analysis garnered hardly any media attention compared to the numerous major news outlets, including the *New York Times* and *Los Angeles Times*, that relied on the exit poll to trumpet the Black betrayal hypothesis.²³⁵ The news cycle had swiftly moved on, but the damage to Black-gay relations was done.

Fast forward to November 2019. Buttigieg’s campaign was beginning to break out, lifted by favorable Iowa polling, but also continually beset by his failure to persuade Black voters. His rivals and media outlets persistently warned that Black voter disinterest in his candidacy would ultimately halt his ascent. Several polls found him garnering between zero and 2% support in South Carolina, a key and racially diverse state.²³⁶ The Buttigieg campaign commissioned a focus group with Black voters in South Carolina. Someone affiliated with the campaign leaked the focus group report, apparently to upbraid homophobic Blacks for the campaign’s failure to sway Black voters. The evidence that homophobia among Black voters was a significant factor holding Buttigieg back was rather thin. The report cites a grand total of four comments that could arguably reflect homophobia.²³⁷ There were a similar number of comments noting that Buttigieg’s experience as a gay man made it more likely that

234. See PATRICK J. EGAN & KENNETH SHERRILL, NAT’L GAY & LESBIAN TASK FORCE POL’Y INST., CALIFORNIA’S PROPOSITION 8: WHAT HAPPENED, AND WHAT DOES THE FUTURE HOLD? 9 (2009) (“Analysis of the full range of data available persuades us that the [National Exit Poll] overestimated African American support for Proposition 8 by ten percentage points or more.”).

235. See Robinson, *Postracialism*, *supra* note 229, at 1030–31. Most critics of California Black voters also overlooked other state votes on same-sex marriage in which Blacks were more supportive than Whites. *Id.* at 1031–32.

236. See, e.g., Elena Schneider, ‘On Life Support’: Buttigieg’s Struggles with Black Voters Threaten His Candidacy, POLITICO (Jan. 24, 2020, 5:08 AM), <https://www.politico.com/news/2020/01/24/pete-buttigieg-south-carolina-103325>.

237. See *Report From South Carolina Focus Groups Among Af Am Voters*, BENSON STRATEGY GROUP (July 21, 2019), https://www.scribd.com/document/431372932/South-Carolina-Focus-Groups-Findings#from_embed.

he could empathize with Black people, but most news outlets omitted this theme in their coverage.²³⁸ Even the “homophobic” remarks generally included a denial that the speaker had a personal objection to Buttigieg’s sexual orientation, but was puzzled by the way the campaign bio played up his sexual orientation. Recall that Buttigieg’s campaign strategy typically highlighted his personal narrative. One woman stated: “It’s like, Hey, can you kind of leave that [his marriage to a man] to the side *until we get some solid information about you?* Do you know what I’m saying? You can leave personal business out *for right now*. Let’s focus on describing some of the main things that America needs to get handled.”²³⁹ These voters saw the reference to the candidate’s same-sex marriage as a distraction and wished that the introduction had focused on policy issues. This is in fact consistent with how Buttigieg described the relevance of his sexual identity when he came out in 2015: “I’m not used to viewing this as anyone else’s business,” he wrote. “Being gay has had no bearing on my job performance in business, in the military, or in my current role as mayor.”²⁴⁰ Why is this view reasonable when Buttigieg utters it, but evidence of homophobia when an African-American says it?

Initially, this 2008-style “blame the Blacks” attack seemed to be working. Several news outlets ran stories about the Black homophobia said to be undermining Buttigieg’s prospects.²⁴¹ But this time there was strong pushback. Black reporters and columnists, including a Black bisexual *New York Times* writer²⁴² and a Black gay male columnist at the

238. *See id.* at 8–9.

239. *Id.* at 8 (emphasis added).

240. Cauterucci, *supra* note 197 (quoting op-ed published by South Bend, Indiana newspaper).

241. *See, e.g.*, Trip Gabriel, *As Buttigieg’s Courts Black Voters, His Sexuality is a Hurdle for Some*, N.Y. TIMES (Oct. 27, 2019), <https://www.nytimes.com/2019/10/27/us/politics/pete-buttigieg-south-carolina.html>.

242. *See* Charles M. Blow, *Stop Blaming Black Homophobia for Buttigieg’s*

Washington Post,²⁴³ challenged the effort to divert blame.²⁴⁴ Before long, Buttigieg’s campaign began backpedaling to dissociate itself from the report and its propagation of what many regarded as a racist narrative.²⁴⁵ This development reflects progress for the LGBTQ community and intersectionality in that, unlike in 2008, Black, out, queer writers were well positioned to refute the racial blame.

Buttigieg’s struggles with race did not end there, with additional critiques coming from grass-roots queer organizers. In mid-February 2020, Buttigieg held a fundraiser in the Mission, a historically working-class, Latino neighborhood in San Francisco. Ticket prices began at \$250, and the crowd, like most of Buttigieg’s crowds, was predominantly White.²⁴⁶ A group called Queers Against Pete protested the event, including a disruption while Buttigieg was speaking.²⁴⁷ The heavily White male audience shouted down the women protesters by turning their candidate’s name into a weapon: “Boot-edge-edge! Boot-edge-edge!”²⁴⁸ After the event, an older White man screamed at some of the people of color protesting: “You’re homophobes,

Problems, N.Y. TIMES (Nov. 6, 2019), <https://www.nytimes.com/2019/11/06/opinion/pete-buttigieg-black-homophobia.html>.

243. See, e.g., Capeheart, *supra* note 176.

244. See Rich Benjamin, Opinion, *I Fell for Pete Buttigieg At First. But He Keeps Screwing Things Up with Black Voters*, L.A. TIMES (Nov. 22, 2019), <https://www.latimes.com/opinion/story/2019-11-26/pete-buttigieg-and-black-voters>.

245. See, e.g., Ryan Grim, *Pete Buttigieg Touted Three Major Supporters of His Douglass Plan for Black America. They Were Alarmed When They Saw It.*, INTERCEPT (Nov. 15, 2019, 4:00 AM), <https://theintercept.com/2019/11/15/pete-buttigieg-campaign-black-voters/> (quoting tweet by campaign spokesperson).

246. See Ho, *supra* note 15 (stating that protestors cited Buttigieg’s fraught relationship with the Black community, his closeness with billionaire donors, and the need for free college—“issues that are not specific to the LGBTQ+ community but still affect them at certain intersections”); Epstein & Gabriel, *supra* note 186 (describing “monochrome” and “almost exclusively White” crowds in South Carolina).

247. See Ho, *supra* note 15.

248. See Broverman, *supra* note 15.

that's what you all are, you're homophobes!"²⁴⁹ "We're all gay!" a protester clapped back.²⁵⁰ All of the protestors identified as queer people of color,²⁵¹ but some of Buttigieg's White supporters, like the Prop. 8 protesters, seemed automatically to link people of color with homophobia. Adiel Pollydore, a young Black woman protestor, posted the video of this confrontation and also spoke to media outlets. On Twitter, another older White gay man lectured Pollydore, asserting that she needed to think about what the other White gay man had "probably lost," seemingly an allusion to the HIV/AIDS crisis, and arguing that it was insensitive for her group to protest at a location with historical significance for the LGBTQ community.²⁵² We can see in this exchange a debate about who belongs at the center of the community. The Twitter critic sought to reposition the conversation to cater to the perspectives and emotional needs of White gay men of his generation. Yet he made no genuine attempt to view things from the perspective of the young Black queer woman, whose objection he said had "marred" gay White men's experience of the Buttigieg appearance.²⁵³

The Queers Against Pete open letter offers a vision for

249. *Id.* A protester posted a video of part of this exchange. Adiel Pollydore (@adiel_pollydore), TWITTER (Feb. 13, 2020, 1:59 PM), https://twitter.com/adiel_pollydore/status/1228393365676294144.

250. Broverman, *supra* note 15.

251. Neill W. (@neill_pdx), TWITTER (Feb. 14, 2020, 7:45 PM), <https://twitter.com/WeeRooPDX/status/1228480415024812032>.

252. *See id.* The fundraiser was held at the National LGBTQ Center for the Arts. *See Ho, supra* note 15.

253. *See Neill W, supra* note 251. This exchange mirrors a brilliant scene in the 2019 Netflix series *Tales of the City*. In general, the series presents queer San Francisco as a racially inclusive nirvana, but one scene punctures this delusion. A young Black man accompanies his middle-aged White boyfriend to a gay dinner party in the Castro neighborhood. The White men make jokes about Latino men and Mexico City and use an epithet for transgender people. When the Black man objects to this epithet, one of the older White men unleashes a tirade about things he hates about millennial gays, including "intersectionality" and "safe spaces." The man also invokes the AIDS crisis to deflect the claim that he has any privilege as a White, affluent, gay man. *See Netflix, Tales of the City*, YOUTUBE (Jun. 28, 2019), <https://www.youtube.com/watch?v=MU4naXsKsys>.

the expansive and increasingly intersectional LGBTQ community. The authors reject simple identity politics. Buttigieg’s gay identity alone is not “proof of progress in our politics. . . . [B]eing gay is not enough to earn the support of Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQ2IA) communities.”²⁵⁴ The letter lists a number of perceived policy shortcomings, such as Buttigieg’s failure to support “complete” Medicare for All and universal childcare, his refusal to “cap credit card interest rates and guarantee a job to everyone who needs one,” and his policy of demolishing “homes of many South Bend residents who were unable to afford repairs and drastically ramp[ing] up unfair fines.”²⁵⁵

What, one might ask, do these issues have to do with sexuality and gender identity? The letter goes on to explain the disparate impact of these policies: “These gaps in Mayor Pete’s platform will fall particularly hard on LGBTQ2IA communities. Take housing as an example: 40 percent of homeless youth are LGBTQ2IA. Nearly one-third of trans people have experienced homelessness, and one in ten have been evicted from their home for being trans.”²⁵⁶ Rather than allowing the most affluent members of the community to set the policy agenda—as in the marriage equality movement—this vision attends to the needs of young, poor, and disproportionately impoverished and policed subcommunities. It also overlaps in significant respects with the Movement for Black Lives.²⁵⁷

My own aversion to Buttigieg’s candidacy began when I became aware of how he handled a dispute involving South Bend’s first Black police chief, an incident cited in the *Queers*

254. *Open Letter*, #QUEERSAGAINSTPETE, <https://www.queersagainstpete.com/letter> (last visited Mar. 2, 2021).

255. *Id.*

256. *Id.*

257. See Amna Akbar, *Toward A Radical Imagination of Law*, 93 N.Y.U. L. REV. 405 (2018); cf. Robinson & Frost, *Playing It Safe*, *supra* note 96, at 1591–92.

Against Pete letter. Buttigieg inherited a racially polarized force as evidenced by the fact that the police chief, Darryl Boykins, taped conversations between White officers who apparently used racial slurs against him.²⁵⁸ After federal prosecutors investigated whether Boykins violated federal law by recording the conversations, Buttigieg fired Boykins. Boykins sued the city for racial discrimination and prevailed.²⁵⁹ Buttigieg did not discipline the White officers who used racial slurs. Nor did he confirm or deny the content of the tapes, including the use of racial slurs.²⁶⁰ More broadly, Buttigieg continued to hire and promote White officers, making the force even more racially imbalanced.²⁶¹ When Buttigieg gave a speech intending to promote racial reconciliation, he used the noxious phrase “All lives matter.”²⁶² This word choice speaks volumes as to his lack of connectedness to Black people and racial justice advocates.

Similar lack of concern about racial justice was evident in Buttigieg’s “urban renewal” program, which strictly enforced housing laws to facilitate the destruction of homes in poor Black neighborhoods. The goal was to invite business

258. See Trip Gabriel & Alexander Burns, *Pete Buttigieg Fired South Bend’s Black Police Chief. It Still Stings.*, N.Y. TIMES (Apr. 19, 2019), <https://www.nytimes.com/2019/04/19/us/politics/buttigieg-black-police-chief-fired.html>.

259. See *id.*

260. See *id.*

261. See *id.* During Buttigieg’s first year in office, the force was 11% Black. By 2019, it was 6% Black. See Christian Sheckler, *Pete Buttigieg Says He Failed to Recruit a Diverse Police Force in South Bend. Now What?*, S. BEND TRIB. (July 1, 2019), https://www.southbendtribune.com/news/local/pete-buttigieg-says-he-failed-to-recruit-a-diverse-police/article_e68f7d81-5028-5325-b07f-f8f8682b6dda.html. Twenty-six percent of the city’s residents are Black. See *id.* Remarkably, some White pundits gave Buttigieg credit for taking responsibility for these dismal numbers and seemed to dismiss the underlying failure. See Tim O’Donnell, *Pete Buttigieg on South Bend Police Shooting: ‘I Couldn’t Get It Done’*, THE WEEK (June 27, 2019), <https://theweek.com/speedreads/849856/pete-buttigieg-south-bend-police-shooting-couldnt-done>.

262. See Matt Stevens, *Pete Buttigieg Faces Scrutiny Over ‘All Lives Matter’ Remark in 2015*, N.Y. TIMES (Apr. 4, 2019), <https://www.nytimes.com/2019/04/04/us/politics/pete-buttigieg-all-lives-matter.html>.

development and revitalize the city, yet the benefits of this program accrued largely to White people.²⁶³ Moreover, Mayor Buttigieg's appointees were disproportionately White, and in 2017, his administration awarded less than three percent of city contracting dollars to women and people of color.²⁶⁴

When a White South Bend police officer shot and killed Eric Logan, a Black man, in June 2019, Buttigieg's record on race threatened to capsize his campaign.²⁶⁵ The officer had turned off his body camera, and the killing of yet another African-American linked Buttigieg's candidacy to the Black Lives Matter movement.²⁶⁶ Buttigieg flew back to South Bend and sought to calm the storm, but the national spotlight on his handling of race did him no favors. Whereas his main moderate opponent, Vice President Joe Biden, has deep, longstanding relationships with many Black colleagues, Buttigieg seems uncomfortable around Black people. I'll never forget his scripted, stilted response when grieving Black protestors confronted him in the aftermath of Logan's death. A Black woman accused him of caring only about the political implications of the shooting and said, "You want Black people to vote for you That's not gonna happen." Buttigieg retorted: "I'm not asking for your vote."²⁶⁷ A number of Black critics questioned whether Buttigieg's presence reflected genuine concern for them or was designed to convince White Iowa voters that he could win Black

263. See Gabriel & Burns, *supra* note 258.

264. Pranshu Verma, *Buttigieg Sees Generational Opportunity to Transform the Nation's Infrastructure*, N.Y. TIMES (Jan. 21, 2021), <https://www.nytimes.com/2021/01/21/us/politics/pete-buttigieg-transportation.html>.

265. See Trip Gabriel, *Buttigieg Leaves Campaign Trail After Fatal Shooting. Reality Rears Its Head*, N.Y. TIMES (June 21, 2019), <https://www.nytimes.com/2019/06/21/us/politics/buttigieg-south-bend-shooting.html>.

266. See *id.*

267. *Mayor Pete is Not Asking For Your Vote*, YOUTUBE (June 22, 2019), <https://www.youtube.com/watch?v=xBXxPBitIQ8>.

votes.²⁶⁸ In the end, Buttigieg's failure to win Black support was the death knell for his campaign.

This is far from an exhaustive list of Buttigieg's failings on race, but it should demonstrate that voters who were favorably inclined to support a gay candidate had to decide whether the interests of Black people, including Blacks in South Bend, mattered in their determination. LGBTQ people who are also anti-racists could not simply set aside Buttigieg's checkered history on race and prioritize his gay identity and his marriage.²⁶⁹ An intersectional perspective requires us to grapple with the fullness of Buttigieg's various identities and how he relates to the privileged and especially the marginalized. In my view, Buttigieg's handling of race, his treatment of women rivals, his coziness with rich White gay male donors,²⁷⁰ and nagging ambiguity as to what he truly stands for outweighed the positive aspects of his campaign.

Apparently, I am not alone in reaching this conclusion. The *Out/YouGov* Blue survey discussed above shows how the LGBTQ community seems to be wresting itself from the grip of White gay male dominance and broadening the span of which people's lives and interests matter. One reason for Buttigieg's lackluster numbers in LGBTQ polling may be that such voters have come to see "LGBTQ rights" as just one issue among many important and interconnected social justice issues. In the BuzzFeed survey, very few respondents ranked candidate identity "a top issue," compared to the candidate's policy positions and electability.²⁷¹ The

268. See Gabriel, *supra* note 265.

269. See Benjamin, *supra* note 244.

270. See Jeremy W. Peters & Shane Goldmacher, *As Buttigieg Builds His Campaign, Gay Donors Provide the Foundation*, N.Y. TIMES (Apr. 30, 2019), <https://www.nytimes.com/2019/04/30/us/politics/pete-buttigieg-gay-donors.html> (discussing fundraisers supported by Ryan Murphy, Matt Bomer, and Greg Berlanti).

271. Just 8% of respondents said identity was the most important issue, although interestingly transgender people were the most likely subgroup to rank

Out/YouGov Blue survey reported that just 34% of respondents rated LGBTQ rights as among “the most important issues facing this country today.” Nearly as many respondents rated racism/race relations (30%) and reproductive rights (26%) as among the most important. (The racial uprising of summer 2020 likely enhanced the view that race relations is a top issue.) Slightly more respondents (37%) deemed income inequality a top issue for the country. These findings suggest a rejection of the mainstream gay and lesbian rights movement’s longstanding treatment of issues that impact people of color, women, and poor people as “not gay” and thus not a priority for its members.²⁷²

In some respects, this rejection of the mainstream gay and lesbian rights movement may suggest a revival of the gay liberation movement, which blossomed after Stonewall. Michael Boucai has excavated the political context of the first round of same-sex marriage cases in the 1970s.²⁷³ These activists intended to disrupt the mainstream, rather than fade into it. They sought to affirm that “gay is good” and saw their pursuit of marriage as interwoven with a challenge to patriarchy and racial injustice.²⁷⁴ In contrast to the era of

identity important at 20%, compared to 5% of gay men. Queer-identified people, at 3%, were the least likely to regard identity as salient. See Whitman Insight Strategies and BuzzFeed News, *LGBTQ in America Survey*, *supra* note 216, at 25. This survey also found that gay men and bisexuals were more likely to plan to vote for Trump in 2020 than lesbians and queer people, with transgender people in between. *Id.* at 26; see also Dara Z. Strolovitch et al., *A Possessive Investment in White Heteropatriarchy? The 2016 Election and the Politics of Race, Gender, and Sexuality*, 5 *POLS., GRPS., & IDENTITIES* 353, 355 (2017) (finding that lesbians provided the strongest support for Clinton in 2016, and transgender White men and White and Black bisexual men were the most likely LGBTQ subgroups to vote for Trump). For a discussion of the waning influence of identity politics in the Democratic primary, see Christina Cauterucci, *The Coalitions Aren’t Lining Up*, *SLATE* (Jan. 14, 2020, 5:40 AM), <https://slate.com/news-and-politics/2019/03/pete-buttigieg-gay-diversity-white-male-candidate.html>.

272. See, e.g., Robinson, *Postracialism*, *supra* note 228, at 1036, 1039; Allan Bérubé, *How Gay Stays White and What Kind of White It Stays*, in *THE MAKING AND UNMAKING OF WHITENESS* 234 (Birgit Brander Rasmussen et al. eds., 2001).

273. See Boucai, *supra* note 47, at 22.

274. See *id.* at 11–14 (describing marriage activists’ alliances with “Black

respectability politics,²⁷⁵ some early marriage activists disavowed “assimilation for those who ‘look like heterosexuals and behave nicely.’”²⁷⁶

Another notable survey finding is that violence against transgender people emerged as the top issue among LGBTQ issues (73%).²⁷⁷ This represents a major progression toward a queer and trans rights-focused movement. A 1999 *Advocate* magazine poll found that nearly half of respondents did not even think that transgender people belonged in the movement.²⁷⁸ A Hunter College survey of LGB people conducted in 2007 found that 75% of people ages 18-25 ranked marriage a top movement priority compared to 35% for transgender rights.²⁷⁹ Young people today, however, seem to be at the forefront of fighting for transgender and non-binary rights and visibility. In the *Out/YouGov Blue* 2019 survey, 59% of respondents described LGBTQ youth homelessness (which disproportionately impacts transgender people) as an important LGBTQ issue.²⁸⁰ This issue was not even on the radar in the 2007 Hunter College

panthers, student militants, women’s liberationists and others seeking a dramatic restructuring of the society” (quoting John Howard, Address at the Meetings of the Pacific Sociological Association: The Transformation of Stigma: An Analysis of the Gay Liberation Movement (Apr. 1970)).

275. *See id.* at 76 (pointing out that early marriage activists argued that their gay sexual orientation was intrinsically good, and their worth was not “established by various indicia of bourgeois respectability”).

276. *Id.* at 27 (quoting Jack Baker, *The Right to be Human and Gay*, MANITOBAN (Univ. of Winnipeg), Mar. 13, 1972); *see also id.* at 36 (describing movement backlash to a *Seattle* magazine cover story featuring “a young, bespectacled, clean-shaven man wearing a three-piece suit and sitting in a leather office chair” as the face of the gay male community).

277. *See Lang, supra* note 202.

278. George, *supra* note 12, at 539.

279. *See* PATRICK J. EGAN ET AL., FINDINGS FROM THE HUNTER COLLEGE POLL OF LESBIANS, GAYS AND BISEXUALS: NEW DISCOVERIES ABOUT IDENTITY, POLITICAL ATTITUDES, AND CIVIC ENGAGEMENT 26 (2008). For the overall sample, the gap between marriage and transgender rights was narrower: 53% for marriage, and 37% for trans rights. *Id.* at 25.

280. *See Lang, supra* note 214.

survey.²⁸¹ It is also noteworthy that in the *Out/YouGov* Blue survey issues that have typically been associated with gay men—the government’s ban on blood donations by sexually-active men who have sex with men (15%) and access to PrEP, a drug that prevents HIV (12%)—were much less likely to be deemed very important.²⁸² The survey results summarized in this Part, as well as media critiques of Buttigieg by LGBTQ people, reveal a restlessness with cramped conceptions of “gay rights” and respectability politics that may be creating space for more inclusive and exciting LGBTQ candidates and a more intersectional political agenda.

In late May 2020, a video went viral showing a White Minneapolis police officer killing George Floyd, a Black man, by kneeling on his neck for nearly nine minutes.²⁸³ This brutal killing followed unrest over the killings of other African-Americans, including Breonna Taylor and Ahmaud Arbery. Remarkably, this unrest spilled far beyond the Black community and culminated in marches in cities large and small that were multi-racial, and based on several reports, majority White.²⁸⁴ The LGBTQ community also was swept up in this wave of race consciousness. In particular, many people noted that a concern for Black lives could not leave out Black transgender women, who are disproportionately incarcerated, sexually abused, and killed, as compared to other Black people and other LGBTQ people.²⁸⁵ Transgender

281. See Egan, *supra* note 279, at 25–26.

282. Lang, *supra* note 214.

283. Amy Harmon & Sabrina Tavernise, *One Big Difference About George Floyd Protests: Many White Faces*, N.Y. TIMES (June 17, 2020), <https://www.nytimes.com/2020/06/12/us/george-floyd-white-protesters.html>.

284. See, e.g., *id.*

285. See, e.g., Anushka Patil, *How a March for Black Trans Lives Became a Huge Event*, N.Y. TIMES (June 15, 2020), <https://www.nytimes.com/2020/06/15/nyregion/brooklyn-black-trans-parade.html?smid=em-share> (noting that American Medical Association has declared killings of transgender women to be an epidemic); Katelyn Burns, *A rural New York country has adopted one of the most progressive trans prison policies in the U.S.*, VOX (Aug. 7, 2020, 2:10 PM), <https://www.vox.com/policy-and-politics/2020/8/7/21355867/steuben-county-new->

people devised marches that were embraced by many thousands worldwide. A Brooklyn silent march for trans rights was estimated to draw 15,000 people, including many White and cisgender people.²⁸⁶ After the organizers of LA Pride canceled their march because of the global pandemic, a group of Black people created an *All Black Lives Matter March*, which highlighted the vulnerability of Black transgender people.²⁸⁷ The inclusion of *All* is a nod to intersectionality and the #SayHerName campaign led by Crenshaw.²⁸⁸ This perspective recognizes that Black Lives Matter and the media's focus on cisgender Black men has meant that Black women, transgender and cisgender, are often relegated to the movement's margins.²⁸⁹ This march drew tens of thousands of people and seemingly led LA Pride to announce that it would no longer host its parade in the wealthy, predominantly White West Hollywood neighborhood.²⁹⁰ These developments have galvanized Black people and other people of color to fight to reconstruct LGBTQ rights and LGBTQ organizations to embrace anti-

york-trans-prison-policy.

286. See Patil, *supra* note 285.

287. See, e.g., Hailey Branson-Potts, *LA Pride Is Leaving West Hollywood After Four Decades in the City*, L.A. TIMES (July 15, 2020), <https://www.latimes.com/california/story/2020-07-15/la-pride-leaving-west-hollywood> (stating that the march was organized by “a newly formed group, Black LGBTQ+ Activists for Change, or BLAC, whose board is composed entirely of Black LGBTQ people”); Hailey Branson-Potts & Matt Stiles, *All Black Lives Matter March Calls for LGBTQ Rights and Racial Justice*, L.A. TIMES (June 15, 2020, 5:00 AM), <https://www.latimes.com/california/story/2020-06-15/lgbtq-pride-black-lives-controversy>.

288. See AFRICAN AMERICAN POLICY FORUM, *About #SayHerName*, <https://aapf.org/sayhername> (last visited Mar. 2, 2021).

289. See, e.g., Isabella Grullon Paz & Maggie Astor, *Black Trans Women Seek More Space in the Movement They Helped Start*, N.Y. TIMES (June 28, 2020), <https://www.nytimes.com/2020/06/27/us/politics/Black-trans-lives-matter.html> (“At no point have Black transgender people shared fully in the gains of racial justice or LGBTQ activism, despite suffering disproportionately from the racism, homophobia, and transphobia these movements exist to combat.”).

290. See Branson-Potts, *supra* note 287. A West Hollywood city official, responding to this announcement, asserted: “We remain the heart of the LGBT community in Southern California.” *Id.*

racism and the needs of all sexual and gender minorities.

CONCLUSION

This Article has advanced two main arguments, one focused on heterosexuals and the other on the LGBTQ community. First, my close examination of the heterosexual response to Pete Buttigieg's candidacy has sought to show that some White gay men now have access to male privilege in a way that distinguishes them from women and the remainder of the LGBTQ community. In the future, explorations of sexual orientation discrimination should consider the possibility that some White gay men may be able to work their identities in order to transcend much, but not all, discrimination and assimilate into the mainstream. Although Buttigieg did not succeed in his quest for the Democratic nomination, the dynamics identified in this Article are of continuing relevance because some in the Democratic party perceive him as a future leader of the party.

President Biden's decision to nominate Buttigieg to lead the Transportation Department replicated the problem at the heart of this Article. Buttigieg's White male entitlement propelled him to seek an appointment as U.S. ambassador to the United Nations or ambassador to China, despite no significant foreign policy experience.²⁹¹ Ultimately President-Elect Biden nominated Buttigieg to head the Transportation Department, although his meager experience as mayor of South Bend hardly made him a natural choice. Instead of being picked based on merit, Buttigieg emerged as the nominee because his gay identity allowed Biden to boast that he had shattered a barrier.²⁹²

291. Hans Nichols, *Mayor Pete May Get China Post*, AXIOS (Dec. 9 2020), <https://www.axios.com/pete-buttigieg-china-ambassador-biden-80aa9cc5-35a2-4205-836a-ca11d8af8f07.html>.

292. See Michael D. Shear & Thomas Kaplan, *Buttigieg Recalls Discrimination Against Gay People, as Biden Celebrates Cabinet's Diversity*, N.Y. TIMES (Jan. 21, 2021), <https://www.nytimes.com/2020/12/16/us/politics/buttigieg-biden-cabinet>.

The announcement of Buttigieg's nomination fixated on his sexual orientation and made little effort to show sexuality's relevance to making transportation policy.²⁹³ Buttigieg had already made a name for himself as a rising star by winning the Iowa caucuses and seizing the media spotlight. The same mainstream LGBTQ leaders who supported Buttigieg during the primary rallied behind him as their top pick for a Cabinet position. And just like during the primary, Buttigieg sailed past more experienced but less celebrated women, who did not make it into the Cabinet.²⁹⁴ Just as heterosexual primary voters applauded themselves for supporting a gay candidate, Biden utilized Buttigieg's gayness to advance his own agenda of assembling "a Cabinet of barrier-breakers, a Cabinet of firsts."²⁹⁵ Moreover, now that Kamala Harris has been elected Vice President, she may have to fend off Buttigieg's attempts to usurp her as Biden's successor.²⁹⁶ We might ultimately see a replay of the gendered electability concerns that vexed Democrats in 2020: Is a White gay man like

html.

293. *See id.*

294. At least one lesbian, Randi Weingarten, and one transwoman, Rachel Levine, were under consideration. *See, e.g.,* Laura Meckler & Valerie Strauss, *Two Outsiders Emerge as Top Contenders for Biden's Education Secretary*, WASH. POST (Dec. 16, 2020, 5:26 PM) https://www.washingtonpost.com/education/biden-education-secretary-fenwick-cardona/2020/12/16/5811142e-3fb4-11eb-8bc0-ae155bee4aff_story.html; Alix Strauss, *A Merger for the Rabbi and the Labor Leader* N.Y. TIMES (Mar. 25, 2018), <https://www.nytimes.com/2018/03/25/fashion/weddings/a-merger-for-the-rabbi-and-the-labor-leader.html> (describing Weingarten's same-sex marriage). Levine was ultimately picked for a sub-cabinet position and, as a transwoman, represents another "first" for Biden. *See* Eileen Sullivan & Winnie Hu, *Biden's Pick for HHS Role Would be First Transgender Federal Official*, N.Y. TIMES (Jan. 19, 2021), <https://www.nytimes.com/2021/01/19/us/politics/rachel-levine-transgender-health-human-services.html>.

295. Zeeshan Aleem, THE INTERCEPT (Dec. 31, 2020, 10:50 AM), *Biden's "Cabinet of Firsts" Betrays a Cynical Approach to Diversity*, <https://theintercept.com/2020/12/31/biden-diversity-cabinet/> ("Biden has at times demonstrated a thoughtless and vulgar attitude toward diversity, one that degrades its meaning and purpose—and illustrates how Democrats can use the language of multiculturalism without taking bold steps to help marginalized people.").

296. Shear & Kaplan, *supra* note 292.

Buttigieg more palatable to certain voters than a Black and Indian-American woman? By installing Buttigieg in his cabinet, Biden has set up Buttigieg to be an even stronger contender in the next presidential election, making it even less likely that a woman of color will succeed Biden as president.

Second, I have sought to explain why Pete Buttigieg's candidacy, which on its face may have appeared mundane, teaches lessons about the evolution of the LGBTQ rights movement away from respectability and toward intersectionality. In short, Buttigieg's marriage and his clean-cut, religious, and conventionally masculine personality became symbolic of what many LGBTQ people do not like about the exclusionary strategy of the gay and lesbian rights movement. While critics of the DADT and marriage equality campaigns have long existed, the accomplishment of these goals seems to have created more space for the dissenters to call for a revised vision of queer and trans community. And surveys of LGBTQ voters suggest that these critiques are gaining traction. It is too soon to proclaim victory for intersectional politics. But the raucous response to Buttigieg's ascendance and merging of Pride and Black Lives Matter protests suggest a turning point.²⁹⁷ As Peppermint, a Black trans activist in New York, stated in June: "I think the notion of intersectionality is becoming

297. The recent elections of LGBTQ candidates—many of them queer, transgender, non-binary, and/or people of color—to U.S. Congress (see Ritchie Torres, Mondaire Jones, and Sharice Davids) and state legislatures (see Park Cannon, Mauree Turner, Danica Roem, and Sarah McBride) also indicate an important shift. These officials, although not as visible as Buttigieg, defy the respectability politics of the gay and lesbian rights movement through their broader identities, and in some respects, their intersectional approaches to policymaking. See, e.g., *Meet the 2020 Rainbow Wave of LGBTQ+ Elected Victories*, ADVOCATE, <https://www.advocate.com/politics/2020/11/03/meet-2020-rainbow-wave-lgbtq-election-victories#media-gallery-media-1>; Leila Ettachfini, *This Queer, Black, Georgia Lawmaker Refuses to be Called a Politician*, VICE (May 25, 2018), <https://www.vice.com/en/article/pava9z/park-cannon-georgia-house> (Georgia House Rep. Park Cannon, a Black queer woman, explaining how her various marginalized identities have influenced her policy positions, including those concerning HIV and homelessness).

more readily available for people to understand that a win for one group or one identity doesn't necessarily equal an automatic win for the other."²⁹⁸

298. Paz & Astor, *supra* note 289.