

Buying Pride

An Analysis of Corporate “Double Dipping” in LGBTQ+ Equality

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About the Critical Corporate Theory Collection

The Critical Corporate Theory Collection is part of the *Systemic Justice Journal*, published by the Systemic Justice Project at Harvard Law School. The Collection is comprised of papers that analyze the role of corporate law in systemic injustices. The authors are Harvard Law students who were enrolled in Professor Jon Hanson's Corporations course in the spring of 2021.

The Collection addresses the premise that corporate law is a core underlying cause of most systemic injustices and social problems we face today. Each article explores how corporate law facilitates the creation and maintenance of institutions with tremendous wealth and power and provides those institutions a shared, single interest in capturing institutions, policies, lawmakers, and norms, which in turn further enhance that power and legitimates its unjust effects in producing systems of oppression and exploitation.

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ABSTRACT

LGBTQ+ people in America are vulnerable to harms at the hands of queerphobic politicians, who support and pass legislation targeting the LGBTQ+ community. Anti-LGBTQ+ politicians are not the only ones to blame for these harms; in fact, corporations play a direct role in the passage of queerphobic legislation in the United States, through their donations to these politicians. Corporations routinely donate millions of dollars to politicians who are pro-corporation, but anti-queer, which allows them to increase their profits at the expense of LGBTQ+ equality. Corporations also make money off the advancement of LGBTQ+ equality through superficial pro-LGBTQ+ actions, like funding Pride parades, which they perform in pursuit of profit. This twofold process by which corporations profit off both the oppression and advancement of LGBTQ+ people can be described as “double dipping” in LGBTQ+ equality.

This paper reveals the depth of corporate double dipping in LGBTQ+ equality and the role that this process plays in American society. Part I describes how anti-LGBTQ+ politicians harm LGBTQ+ people by passing queerphobic legislation and promoting a culture of queerphobia. Part II details several well-accepted societal narratives that disguise and legitimate the role that corporations and corporate law play in the passage of this such legislation. Part III reveals the depth of corporate involvement in harming LGBTQ+ people through this double dipping process, by which corporations make money from their donations to anti-queer politicians while also reaping the monetary benefits that come from constructing a LGBTQ+-friendly company image.

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PART I: THE PROBLEM

*In April of 2021, Arkansas became the first state in the nation to make it illegal for healthcare professionals to save the lives of transgender and gender non-conforming children by providing them with gender-affirming healthcare.*¹ This law, which was supported by a supermajority of Arkansas’ legislators, is supposed to “save adolescents from experimentation.”² In reality, gender-affirming healthcare is not experimentation, but a potentially lifesaving set of treatments for children whose gender identity does not align with their birth sex.³ Without access to gender-affirming healthcare, children in Arkansas are more likely to be among the one in every three transgender children who attempt suicide before their 18th birthday.⁴ Arkansas’ law will not “save” children, it will kill them.

This law is just one example of how anti-LGBTQ+ⁱ politicians use their power over the legal system to harm queerⁱⁱ people in America. Even

ⁱ In this article, the term “LGBTQ+” refers to anyone who identifies as having a gender or sexual orientation that is not based on the traditional gender binary. This means anyone who is not exclusively attracted people of the opposite sex (heterosexual) and anyone whose gender identity does not match their birth sex (cisgender), including but not limited to lesbians, gay men, bisexuals, asexuals, pansexuals, transgender people, non-binary people, genderfluid people, agender people, people who are questioning their gender identity and/or sexual orientation, and more.

ⁱⁱ The term “queer” is still controversial in some circles, as it used to be a derogatory slur for LGBTQ+ people. However, the LGBTQ+ community has largely reclaimed this term, and many queer people use this term to describe themselves and others who are part of the LGBTQ+ community. In the spirit of furthering my community’s reclaiming of language, “queer” and “LGBTQ+” will be used interchangeably in this article and can

though support for the LGBTQ+ community has been steadily growing,⁵ there is still a great deal of anti-LGBTQ+ animus running rampant among the general population and among American politicians.⁶ In fact, thanks to the prevalence of anti-LGBTQ+ sentiment among politicians, our federal and state governments are the source of some of the most powerful acts of violence against the LGBTQ+ community: legislation that targets the rights (and sometimes the very existence) of queer people.

Our federal and state governments are filled with elected officials who are openly anti-LGBTQ+, and who use their queerphobia to gain power and used their power to perpetuate queerphobia. One of the proudest anti-LGBTQ+ politicians is Congresswoman Marjorie Taylor Greene, who recently hung a sign outside of her office which read “There are TWO genders: MALE & FEMALE,” in an attempt to antagonize another congresswoman who has a transgender daughter.⁷ Her views echo those of Senator Tom Cotton, a career politician who once said that LGBTQ+ people in America should have “a sense of perspective,” because in other countries they would be executed “for the crime of being gay.”⁸ Highly influential politicians like Senator Ted Cruz and former Vice President Mike Pence have spoken at events held by anti-LGBTQ+ entities, Pence at a rally for a hate group⁹ that believes queer people are a cult seeking to prey on children,¹⁰ and Cruz at an event led by a pastor who calls “for homosexuality to be punishable by death.”¹¹ Although these politicians do receive criticism for their anti-LGBTQ+ animus, they also receive support from their constituents and from each other, which means that queerphobia in politics is not going away anytime soon.

“Our federal and state governments are the source of some of the most powerful acts of violence against the LGBTQ+ community: legislation that targets the rights (and sometimes the very existence) of queer people.”

The consequences of having so many openly anti-LGBTQ+ politicians in federal and state offices cannot be overstated, because queerphobic politicians do not just make anti-LGBTQ+ statements; they make anti-LGBTQ+ laws. Since the start of 2021, state legislatures have introduced at least 125 queerphobic bills,¹² a marked increase from the

be read as having the same meaning.

number of anti-LGBTQ+ bills introduced in 2020.¹³ These bills seek to restrict the rights of LGBTQ+ people, like a South Carolina bill that would allow adoption services to discriminate based on a “sincerely held religious belief or moral conviction” that being raised in a LGBTQ+ household is bad for children¹⁴ (which studies have proven false).¹⁵ Some of these bills have already become law and have had a profoundly negative impact on LGBTQ+ adults and children, especially those who are transgender or gender non-conforming. For example, in addition to Arkansas’ deadly ban on gender-affirming healthcare, transgender girls in Mississippi are now forced to play on boys’ sports teams, which increases their risk of experiencing bullying and developing severe mental health problems.¹⁶ However, even the bills that do not become law are damaging to queer people, especially children, because they send a message that queerphobia is valid and LGBTQ+ people are not.¹⁷ Moreover, many states have already had harmful anti-LGBTQ+ laws on the books for years. Missouri¹⁸ and Georgia¹⁹ both have longstanding statutory schemes that effectively criminalize having HIV, and since HIV disproportionately impacts queer people, these laws operate to criminalize the existence of LGBTQ+ people.²⁰ Anti-queer politicians at the state level have thus intentionally (and often, successfully) worked to create legal systems that single out LGBTQ+ people for serious harm.

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is valid and LGBTQ+ people are not.”*

Federal anti-LGBTQ+ politicians also use their power over the legal system to carry out legislative violence against queer people. For one thing, anti-LGBTQ+ legislation is introduced in Congress far more frequently than we might expect. Just two years ago, two queerphobic congressmen proposed a bill that would protect adoption providers who discriminate against LGBTQ+ people out of “religious beliefs or moral convictions.”²¹ Even more commonly, federal anti-LGBTQ+ politicians regularly shut down proposed legislation that could help queer people. For example, a bill has recently been proposed that would increase anti-discrimination protections for LGBTQ+ people.²² Many anti-LGBTQ+ politicians are fighting against this bill, baselessly claiming that it will increase sexual assaults of women,²³ “strip away legal protections for religious institutions . . . and potentially destroy women’s and girls’ sports.”²⁴ In reality, much of their opposition stems from blatant queerphobia, particularly the belief that transgender people are mentally ill and do not really exist.²⁵ Because of opposition like this, this

bill will probably not become law, but will instead be one of the many instances where anti-LGBTQ+ politicians used their power to harm queer people by leaving them without sufficient legal protections.

Since anti-LGBTQ+ politicians use their positions to create a legal system that harms LGBTQ+ people, it is vital to keep such politicians out of public office. Yet despite America's increasing support for LGBTQ+ equality,²⁶ anti-LGBTQ+ politicians continue to be elected. One of the biggest causes of the continual election of queerphobic politicians is hidden in plain sight, in the form of campaign contributions by purportedly queer-friendly corporations to anti-LGBTQ+ politicians. In fact, corporations donate millions to queerphobic politicians because these same politicians also support legislation that can advance corporate interests and increase corporate profits. In short, while anti-LGBTQ narratives perpetuated by queerphobic politicians help promote the harmful policies they put forth, corporations add fuel to the fire by doing just the opposite: they promote pro-LGBTQ stances for social and capital gain, while simultaneously donating to those anti-LGBTQ politicians behind closed doors.²⁷ Queerphobic legislation like the deadly anti-trans law in Arkansas is therefore often a direct result of the endless pursuit of corporate wealth.

PART II: LEGITIMATING NARRATIVES

*Although corporations play an enormous role in the election of anti-queer politicians and the subsequent passage of anti-queer laws, many Americans do not realize just how extensive their involvement is.*²⁸ Even when people are aware of these donations, there does not seem to be too much pushback; aside from a few grassroots campaigns,²⁹ some articles in online news sources,³⁰ and the occasional boycott,³¹ not much has been done to hold corporations accountable for the part they play in perpetuating a queerphobic legal system. Even campaigns for LGBTQ+ justice rarely focus on the role of corporations in perpetuating LGBTQ+ inequality.³²

“One of the biggest causes of the continual election of queerphobic politicians is hidden in plain sight, in the form of campaign contributions by purportedly queer-friendly corporations to anti-LGBTQ+ politicians.”

This collective lack of outrage is the result of a deliberate effort by corporations and corporate law to legitimate these donations, because when these donations go unquestioned, corporations can “double dip” in LGBTQ+ equality. Double dipping describes the process by which corporations make money at the expense of the LGBTQ+ community in two ways; by donating to politicians who prioritize corporate interests but also seek to oppress LGBTQ+ people, and by gaining loyal queer customers and employees through the creation and maintenance of a LGBTQ+-friendly brand image. For corporations to reap the financial benefits of being pro-LGBTQ+ while also making profitable anti-LGBTQ+ donations, donating to queerphobic politicians must be seen as a normal part of corporations’ role in society and not something that would make people see a corporation as anti-LGBTQ+. Corporations have successfully promulgated several narratives that make this possible.

Pro-LGBTQ+ Corporate Actions

Perhaps the most important narrative that legitimates corporate funding of anti-LGBTQ+ politicians is the claim that corporations can be considered LGBTQ+ friendly while still financially supporting anti-LGBTQ+ politicians. In recent years, corporations have become extremely LGBTQ+ friendly on the surface. It is common to see corporations fund Pride festivals,³³ sell rainbow-themed products, and send their LGBTQ+ employees to march in parades wearing Pride-ified company logos.³⁴ Corporations also donate money to queer charities,³⁵ enact anti-discrimination policies,³⁶ and even file briefs in Supreme Court cases supporting queer rights.³⁷ According to this narrative, these pro-LGBTQ+ actions prove that a corporation is LGBTQ+-friendly, regardless of whether the same corporation donates to anti-queer politicians.³⁸ This narrative frames these donations as in no way representative of a company’s stance on LGBTQ+ issues; political donations are just part of business,³⁹ and the real measure of a company’s LGBTQ-friendliness comes from its public pro-LGBTQ+ actions.

“Queerphobic legislation like the deadly anti-trans law in Arkansas is therefore often a direct result of the endless pursuit of corporate wealth.”

This narrative is the most essential to the double dipping process because it allows a corporation to complete both steps of the double dip,

and therefore maximize profits, without being questioned. If a corporation can be seen as pro-LGBTQ+ even though it donates to queerphobic politicians, it can profit off its reputation as a champion of LGBTQ+ equality while also making money through donations to anti-LGBTQ+ politicians who favor corporate-friendly laws. Corporations have woven this narrative throughout much of society, and now many individuals and organizations believe that corporations are capable of being LGBTQ+-friendly while also enabling the passage of queerphobic legislation through their donations.⁴⁰ This narrative thus allows corporations to double dip in profiting off the LGBTQ+ community without interference.

Corporate Free Speech Rights

*Another narrative that legitimates corporate donations to anti-LGBTQ+ politicians is the idea that corporations, like people, possess a certain number of free speech rights including the right to donate to political candidates.*⁴¹ Corporations have been perpetuating this idea for decades,⁴² and although it is controversial,⁴³ the notion that corporate political donations are protected by the First Amendment has become part of our legal system.⁴⁴ In fact, ever since a recent Supreme Court case protecting corporate free speech rights, corporations have had the green light to donate to politicians.⁴⁵ While there are a some regulations governing these donations,⁴⁶ there are plenty of loopholes, and as long as corporations technically follow these regulations, their ability to donate is largely unlimited.⁴⁷ While there is more scrutiny of these donations now than there was in previous decades,⁴⁸ the narrative that corporations have a free speech right to donate to politicians has been largely accepted by society and legitimates corporate donations to anti-LGBTQ+ politicians.

Shareholder Primacy

*A third narrative that legitimates corporate support of anti-LGBTQ+ politicians is one of the foundational principles of corporate law:*⁴⁹ *shareholder primacy.* Shareholder primacy is the idea that a corporation's sole purpose is to maximize its wealth,⁵⁰ and although there has recently been a push toward requiring corporations to use their wealth to "mak[e] the world better,"⁵¹ shareholder primacy has been the guiding principle of corporate governance for about fifty years.⁵² This narrative does not just justify corporate donations to anti-LGBTQ+ politicians: it requires them. Corporations donate to anti-LGBTQ+ politicians because these same politicians are in favor of

policies that will be profitable for the corporation in the long run.⁵³ If the entire purpose of corporations is to make money, corporations are obligated to make these donations, because they will ultimately increase corporate wealth.⁵⁴ This narrative excuses corporate donations to anti-LGBTQ+ politicians as part of the necessary pursuit of profit; in other words, “it’s not personal – it’s strictly business.”⁵⁵

PART III: THE ROLE OF CORPORATE POWER AND CORPORATE LAW

These narratives conceal an alarming truth: double dipping is a common corporate practice that goes largely unchecked, thereby allowing corporations to profit off both the oppression and celebration of the LGBTQ+ community. So, time to explain this double dipping process in a bit more detail. In the first part of the double dip, corporations donate to anti-LGBTQ+ politicians who also support a legal system that serves corporate interests (read: profit). The second part of the double dip occurs when these same corporations create a LGBTQ+-friendly brand image, a façade that helps corporations make money off loyal LGBTQ+ customers and employees. With this double dipping process, corporations can maximize their ability to profit of LGBTQ+ people.

Double Dipping Step One

The first step of the double dip, corporate donations to queerphobic politicians, is overwhelmingly common in the United States. In fact, dozens of the world’s most powerful corporations, like AT&T, Microsoft, Google, Facebook, Coca-Cola, and Amazon, have collectively donated millions of dollars to American politicians who are against LGBTQ+ rights.⁵⁶ From 2017 to 2018, AT&T alone donated almost \$3 million⁵⁷ to anti-LGBTQ+ congresspeople including Marsha Blackburn,⁵⁸ who has “been a leading voice against LGBTQ acceptance”⁵⁹ in the United States.⁶⁰ Other queerphobic politicians who have received corporate donations include Senators Ted Cruz, Tom Cotton, and James Inhofe, as well as Representatives Virginia Foxx, Bob Latta, and David Rouzer.⁶¹

Figure 1: Some Corporate Donations to Queerphobic Politicians (2017-2018)

Corporation	Donations	Corporation	Donations	Corporation	Donations
AT&T	\$2.755 million	UPS	\$2.366 million	Comcast	\$2.166 million
Home Depot	\$1.825 million	GE	\$1.380 million	FedEx	\$1.261 million
UBS	\$1.095 million	Verizon	\$1.023 million	Pfizer	\$959,000

Source: Popular Information

Corporate donations have directly funded the anti-LGBTQ+ activities of these politicians. With the help of money from FedEx, James Inhofe co-sponsored a bill that sought to permit anti-LGBTQ+ discrimination by businesses.⁶² Money from Comcast allowed Foxx to oppose hate crime protections for queer people based on her belief that hate crimes against LGBTQ+ people are a “hoax.”⁶³ Verizon’s donations to Rouzer helped him support a bill to prevent transgender people from using restrooms that align with their gender identity,⁶⁴ and the company’s donations to Latta gave him the platform to argue before the rest of Congress that LGBTQ+ equality is “against our country’s foundational values.”⁶⁵ Corporate donations to anti-LGBTQ+ politicians are not incidental to the creation of legal systems that harm LGBTQ+ people; their money produces these systems.

Corporations do not donate to anti-LGBTQ+ politicians because they hate queer people; all they care about is profit. For example, Pfizer stated that the \$900,000 the company donated to anti-LGBTQ+ politicians from 2017 to 2018⁶⁶ was given “based on [these elected officials’] support of the biopharmaceutical industry.”⁶⁷ The United Parcel Service, which has donated millions to anti-queer politicians,⁶⁸ similarly argued that these donations were made out of a desire to “achieve and maintain a stable and predictable business environment.”⁶⁹ To corporations, these donations have no moral implications, but are simply investments in a pro-business government. If a politician supports legislation that is profitable for corporations, they do not care that that same politician also supports legislation that harms queer people. Thus, corporations view their funding of legislative violence

against LGBTQ+ people as nothing more than an opportunity to make money; they profit off the oppression of the LGBTQ+ community.

Double Dipping Step Two

Corporations do not just make money off their donations to anti-queer politicians; they also make money by cultivating a façade of publicly supporting the LGBTQ+ community, which is the second part of the double dip. The same corporations that donate to anti-LGBTQ+ politicians are, on the surface, highly outspoken advocates for LGBTQ+ equality. AT&T broadcasts a film festival whose proceeds go to LGBTQ+ charities.⁷⁰ The United Parcel Service signed a commitment to protect transgender and gender non-conforming people in the workplace.⁷¹ Pfizer filed a brief before the Supreme Court supporting same-sex marriage.⁷³ Verizon and Google regularly participate in Pride parades with dozens of LGBTQ+ employees (in Google's case, the "Gayglers")⁷⁴ marching in rainbow corporate logos.⁷⁵ Home Depot sells decals of several LGBTQ+ flags,⁷⁶ and Comcast has a "dedicated LGBTQ Film & TV destination."⁷⁷ On the surface, actions like these make corporations seem like they care a lot about LGBTQ+ equality. Too bad all these companies have also donated hundreds of thousands (often, even millions) of dollars to anti-LGBTQ+ politicians.

"If a corporation can be seen as pro-LGBTQ+ even though it donates to queerphobic politicians, it can profit off its reputation as a champion of LGBTQ+ equality while also making money through donations to anti-LGBTQ+ politicians who favor corporate-friendly laws."

Corporations do not engage in pro-LGBTQ+ actions because they genuinely support queer equality; all they care about is making money, and there is a lot of money to be made by corporations with a queer-friendly image. The LGBTQ+ community possesses a global purchasing power estimated at \$3.7 trillion,⁷⁸ and queer people and their allies are significantly more likely to purchase from companies that support LGBTQ+ rights.⁷⁹ Corporations that appear to care about LGBTQ+ issues can capitalize on this buying power and loyalty. They can also make money by creating workplaces that are welcoming to LGBTQ+ employees, because queer employees are more likely to seek out and work hard for LGBTQ+-inclusive companies.⁸⁰ In fact, one study

estimates that “the US economy could add an extra \$9 billion a year if companies improved their ability to retain LGBT talent.”⁸¹ Corporations that appear queer friendly can therefore cultivate loyalty among both queer customers and employees, which allows them to complete the second part of the double dip and make money off the advancement and celebration of LGBTQ+ people.

Thanks to the narratives that legitimate double dipping, corporations can convincingly claim that their anti-queer donations do not make them any less LGBTQ+-friendly. In fact, corporations often rely on their performative support of LGBTQ+ people as a wholesale defense to any criticism of their donations to anti-LGBTQ+ politicians. For example, Pfizer claimed that its donations to queerphobic politicians did not represent its stance on LGBTQ+ issues, but that its acts of “signing on to the Equality Act [and] filing a Supreme Court amicus brief in support of same-sex marriage” did.⁸² In this way, corporations and corporate law have successfully diverted attention away from their role in the election of anti-LGBTQ+ politicians and the subsequent passage of queerphobic legislation, while focusing all the attention on the actions they take in support of LGBTQ+ equality. Corporations in America are therefore able to double dip and profit off the LGBTQ+ community through both their pro-queer and anti-queer actions.

Corporate Capture of the Human Rights Campaign

One of the biggest reasons why corporations have been able to double dip so effectively (and without much criticism) is that they have captured one of the most powerful LGBTQ+ advocacy organizations in the country: the Human Rights Campaign (HRC). HRC is the largest LGBTQ+ advocacy group in the nation and has been instrumental in advancing LGBTQ+ rights in our legal system.⁸³ One of HRC’s most influential contributions to LGBTQ+ equality is its Corporate Equality Index (CEI), a yearly evaluation which grades businesses on their LGBTQ+ friendliness.⁸⁴ The CEI considers things like workplace protections, inclusive benefits, and the very actions of social responsibility toward the LGBTQ+ community that we just discussed.⁸⁵ Corporations that receive a 100% on the CEI in a given year earn the title of “Best Place to Work for LGBTQ+ Equality,”⁸⁶ which is basically HRC’s approval of a corporations LGBTQ+-friendliness.

Having this certification from HRC is perhaps the ultimate indication that a corporation supports LGBTQ+ people, which (as we just saw) allows corporations to make a lot of money. Companies that earn a 100%

on the CEI are advertised as being a great place to work for LGBTQ+ people on some of the nation's biggest job-search websites, like Glassdoor⁸⁷ and Monster,⁸⁸ which makes them more likely to recruit loyal queer employees. Being a "Best Place to Work for LGBTQ+ Equality" also brings in more LGBTQ+ customers who prefer to shop at LGBTQ+-friendly businesses.⁸⁹ Because of the monetary potential associated with a perfect CEI score, many companies actively seek to provide HRC with pro-queer information about their corporation.⁹⁰ Some go even further and work with HRC on various LGBTQ+ rights projects.⁹¹ Notably, whenever a company is accused of being anti-LGBTQ+, a perfect CEI score is often one of the first things they bring up in defense of their LGBTQ+-friendliness.⁹²

"Corporations and corporate law have successfully diverted attention away from their role in the election of anti-LGBTQ+ politicians and the subsequent passage of queerphobic legislation, while focusing all the attention on the actions they take in support of LGBTQ+ equality."

Even though HRC markets the CEI as a comprehensive analysis of a corporation's actions regarding LGBTQ+ equality, and therefore an excellent tool LGBTQ+ people can use to determine what corporations to work at and buy from, the CEI actually operates in the best interests of corporations, not the LGBTQ+ community. This corporate capture of the CEI is evident in one crucial fact: HRC does not consider a corporation's donations to anti-LGBTQ+ politicians in the CEI calculation. In fact, many of the corporations that have donated millions to queerphobic politicians have consistently received perfect CEI scores. AT&T, the United Parcel Service, Comcast, FedEx, Verizon, and the rest of the corporations in Figure 1 (among others) have all received a 100% on the CEI in the same years that they donated millions to anti-LGBTQ+ politicians.⁹³ Given that corporate donations fund legislative violence against LGBTQ+ people, it seems unusual for HRC to claim that these corporations are perfectly queer-friendly. Yet when presented with this critique, HRC responded that "there isn't a one-size fits all way to consistently score companies on the scope and impact of their political donations."⁹⁴ In other words, it is too hard to measure how anti-LGBTQ+ these donations are, even though the CEI routinely quantifies similarly immeasurable things (like corporate donations to anti-LGBTQ+ organizations).⁹⁵ By ignoring corporate donations to anti-LGBTQ+

politicians, the CEI helps corporations receive the monetary benefits associated with a high CEI score even when they fund legislative violence against queer people. Thus, the CEI is yet another tool used to legitimate corporate double dipping in LGBTQ+ equality.

CONCLUSION

LGBTQ+ people in America experience violence at the hands of anti-LGBTQ+ politicians, who propose and pass legislation that severely harms (or even kills) queer people. Although it may not seem like it, corporations play a causal role in the passage of queerphobic legislation by donating millions of dollars to the politicians behind these laws. Corporate law justifies these donations as a legitimate pursuit of profit because they usually allow corporations to make money, by ensuring the election of corporate-friendly politicians. However, corporations do not just profit off funding the oppression of LGBTQ+ people; they also profit off the advancement of LGBTQ+ people by performing pro-LGBTQ+ actions which allow corporations to reap the numerous financial rewards that come with being seen as a champion of LGBTQ+ equality.

Corporations have thus perfected a system of double dipping, whereby they fund legislative violence against queer people while also advocating for LGBTQ+ equality, all for the sole purpose of making money. Unfortunately, there is no clear solution to the double dipping problem. We could prohibit corporate political donations entirely, require HRC to include these donations in the CEI calculation, or even go up against the shareholder primacy theory, but none of these potential solutions guarantee that double dipping will stop, and all of them would require serious changes to society's conception of the role of corporations. Then again, rethinking our view of corporations might be exactly what society needs if LGBTQ+ Americans are ever to achieve equality.

FURTHER READING

For detailed information on the hardships queer people face in America, visit [The Williams Institute](#).

For updates on the state anti-LGBTQ+ legislation being proposed, visit the [Freedom for All Americans Legislative Tracker](#).

To learn more about a grassroots movement trying to end corporate double dipping, visit [Zero for Zeroes](#).

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- ²⁵ Benjamin Siegel, *House Passes Bill that Would Prohibit Discrimination Against LGBTQ Americans After Days of Heated Debate*, ABC NEWS (Feb. 25, 2021), <https://abcnews.go.com/Politics/house-passes-bill-prohibit-discrimination-lgbtq-americans-days/story?id=76115226> (“your biological son does NOT belong in my daughters’ bathrooms . . . [w]hen men or women claim to be able to choose their own sexual identity, they are making a statement that God did not know what he was doing”).
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³⁵ Daniel Avery, *Equinox Gym Makes \$1 Million Donation to LGBT, Cancer Groups After Fallout from Trump Fundraiser*, NEWSWEEK (Aug. 15, 2019), <https://www.newsweek.com/equinox-donation-trump-fundraiser-1454558>.

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⁴³ John Dunbar, *The 'Citizens United' Decision and Why it Matters*, CENTER FOR PUBLIC INTEGRITY (Oct. 18, 2012), <https://publicintegrity.org/politics/the-citizens-united-decision-and-why-it-matters/>.

⁴⁴ Liptak, *supra* note 41.

⁴⁵ *Id.*

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⁴⁷ See, e.g., Elizabeth Warren, *Getting Big Money Out of Politics*, ELIZABETH WARREN, <https://elizabethwarren.com/plans/campaign-finance-reform>.

⁴⁸ H. Rodgin Cohen & Melissa Sawyer, *Corporate Political Contributions*, HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE (Feb. 3, 2021), <https://corpgov.law.harvard.edu/2021/02/03/corporate-political-contributions/>.

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⁵⁸ *Id.*

⁵⁹ MJ Okma, *Tennessee Congresswoman Marsha Blackburn's Anti-LGBTQ Activist History*, GLAAD (Oct. 5, 2017), <https://www.glaad.org/blog/tennessee-congresswoman-marsha-blackburns-anti-lgbtq-activist-history>.

⁶⁰ Blackburn supported the transgender military ban, opposed the Violence Against Women Act because of its LGBTQ+-friendly provisions, and described LGBTQ+-inclusive curriculum as “pushing a pro-homosexual agenda in America’s schools.” Legum, *supra* note lviii; Okma, *supra* note lix.

⁶¹ Legum, *supra* note 57; ZERO FOR ZEROS, <https://zeroforzeros.org/>.

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