

Broadband Internet in Delaware: Bridging the Digital Divide

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This paper addresses the importance of broadband internet in socio-economic terms and introduces the concept of the digital divide, the gap in broadband access and adoption rates between region, class, and race. After examining the causes for this gap and its perpetuation, the paper compares three policy solutions used in different regions in the United States before making a policy recommendation for the state of Delaware.

Introduction

Broadband internet is no longer a luxury. The way that broadband internet is used and sold is an ever-changing social, legal, and economic issue. This policy brief will explore that issue in the context of broadband accessibility, with policy options being considered for Delaware communities. As the topic of this report is technical in nature, it will begin with a brief overview of the history and function of broadband internet. Some additional technical terms will be defined in the report as they become relevant. After familiarizing the reader with broadband internet, the report will introduce problems relating to the accessibility and quality of wired broadband internet, describe the causes and consequences of this issue, and describe mechanisms and reasons for amending it. Following that, the report evaluates three policy options that have been implemented to address broadband accessibility and/or adoption in other locations using criteria that is relevant to the Delaware context. After comparing the proposed policy solutions and discussing them, a policy recommendation will be made.

Background

This paper will focus on wired rather than wireless broadband internet. Although some

wireless internet service providers (ISPs) might have qualified as broadband under some definitions, the practical concerns (e.g. tendency towards high cost, low bandwidth, and intermittent signal), asymmetry of wireless internet, and differences between conventional wired and wireless ISPs make it difficult to assess both wired- and wireless-focused policy solutions according to the same criteria. These reasons will be explored further later on.

The internet's economic, social, and political value has exploded on a personal and interpersonal level in the 21st Century. A home internet connection is becoming increasingly important for staying connected to vital resources. The internet allows individuals to access many essential resources,

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such as healthcare, education, social services, job opportunities, and critical real-time information. For instance, 80 percent of Fortune 500 companies only accept job applications online. The internet not only helps people to seek employment, but also enables them to keep their jobs: In the next decade, 80 percent of jobs will require a level of digital literacy that encompasses tasks that require a broadband internet connection (Leanza, 2014). An internet-connected computer allows employees to keep up-to-date with digital advances in the workplace.

More broadly, broadband internet connectivity is good for societies. Regions with better broadband infrastructure have better GDP growth, higher consumer surplus, and better standards of living than regions with worse broadband infrastructure (Du Rausas et al., 2011). Quality broadband infrastructure helps cities and municipalities to attract businesses and creates jobs (McCarthy, 2012).

The internet's increasing integration into everyday activities and essential services has shifted its status from luxury to a necessity. In 2015, the Federal Communications Commission (FCC) reclassified broadband internet as a common carrier under Title II of the Communications Act of 1934, revised in 1996. This reclassification acknowledges in writ law that broadband internet is not the luxury it once was, but rather an important service to be distributed uniformly and equitably across the country. Section 202 of the Telecommunications Act provides that:

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage (Telecommunications Act of 1996)

Now that ISPs are required to provide their broadband internet service as a common communication service, they are bound by law to avoid and prevent discriminating against any protected classes or regions in terms of service provision practices. How broadband internet's Title II status will be treated from a legal standpoint is still in debate. Title II does provide mechanisms for investigating, penalizing, restricting, and regulating common carriers that have violated Title II, including:

Unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for... or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage. (Telecommunications Act of 1996)

However, the FCC has not released any specific plans to address broadband internet's common carrier status. Furthermore, no major ISP has made plans to change its operations to accommodate the common carrier designation. As it stands currently, Title II's application to broadband internet is mostly theory, and broadband access and adoption are uneven across factors such as geography, income, age, disability, and educational attainment.

The Policy Problem

Broadband internet access and adoption rates are uneven across factors including region, income, level of education, and age. These inequalities are in conflict with broadband internet's status as a nondiscriminatory public necessity. The gap in access and adoption, and the

socioeconomic differences between those with broadband internet and those without, is commonly referred to as the “digital divide.” The remainder of this paper explores the particular context of the digital divide in Delaware, and how this divide might be bridged.

Rural areas and low-income urban areas have poorer broadband internet coverage than suburban areas and medium- and high-income urban areas. Feser states that “geographically remote and low-income urban communities...are unserved and probably will remain so for some time given the absence of sufficient current demand to motivate purely private sector investment” (2007, p. 70). Most of the estimated 26 percent of Delawareans who lacked home internet connections in 2012 was composed of persons with low educational attainment, persons with disabilities, and/or aging, rural or low-income individuals (National Telecommunications and Information Administration [NTIA], 2014).

A higher percentage of white homeowners have broadband internet service than black or Hispanic homeowners, even when controlling for income. However, a 2013 nationwide telephone survey found that almost half of polled racial minorities had used the Internet in job hunts, and 59 percent said that lacking Internet access is a major disadvantage in job searches. In the next decade, 80 percent of jobs will require digital literacy, but just 37 percent of K-12 schools in America are connected to adequate broadband internet infrastructure (Leanza, 2014). Broadband internet could be used as a tool for leveling the economic opportunity playing field, but instead it is creating yet another divide between socioeconomic classes in America. This is reflected in the gap in technological literacy, internet access, and computer ownership between low-income households and average-income households (NTIA, 2014).

Limited access to broadband internet or a disadvantage in the adoption of broadband internet is detrimental not only to discriminated groups but also the domestic economy: broadband internet access drives job creation directly through infrastructure investment, and indirectly through innovation enabled by faster and more ubiquitous networks. Additionally, greater broadband internet connectivity reduces the costs of connecting firms to potential employees, improves ‘job matching,’ and therefore improves the efficiency of the job market.

On a larger scale, there are negative economic effects of high international reliance on American internet infrastructure coupled with relatively low domestic broadband internet adoption. While international business relies disproportionately on American internet infrastructure, the United States lags behind South Korea, Singapore, Canada, and other countries around the globe in terms of broadband adoption (Cisco, 2014). This means that many Americans are unable to capture the economic benefits of the network in their own country. Another way of thinking about this is that the United States creates web-based jobs both domestically and internationally, but individuals and firms in countries with higher rates of broadband internet adoption benefit more than the American individuals and businesses making the initial investment.

There are unique causes for both inequitable access and unequal adoption of broadband internet. In terms of access, ISPs have little incentive to improve their services for two main reasons. First, major ISPs tend to lack direct competition between each other in most regions. For example, while AT&T, Comcast, and Verizon may all exist in a single region, AT&T offers DSL (AT&T, n.d.), Comcast’s trademark Xfinity is cable internet service (Comcast, n.d.), and Verizon offers fiber internet (Verizon, n.d.). These services are not comparable in terms of bandwidth or pricing and therefore the telecommunications companies are only in competition with each other in a loose sense. Only when packages bundle internet service with phone and cable (services that are much more comparable across the three companies) are they really in competition. Therefore, the growth of other ISPs does not necessarily influence an ISP’s motivations to improve pricing or quality of service. Second, it is very expensive upfront to expand an ISP’s network (Hartley, 2011), so telecommunications companies may be cost-averse to that investment in the current economic

climate. Due to the significant time, money, and planning involved in expanding broadband infrastructure, it is easy for consumer and business demand for broadband to outpace ISP supply: demand for bandwidth rose by 500 percent over the last five years (Cisco, 2014). Between the noncompetitive environment and high cost of broadband infrastructure development, it is in the interest of ISPs to concentrate service and infrastructure development to low-poverty, high-population areas. This phenomenon is observable in Delaware, where Comcast's service is restricted mostly to New Castle County and suburban Kent County (Figure 1).

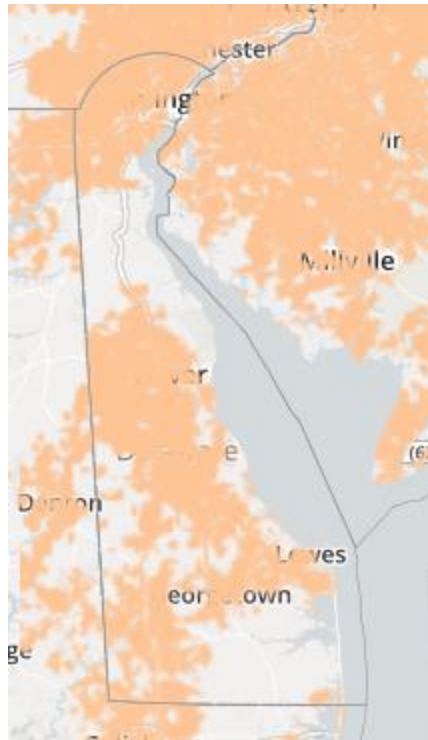


Figure 1. Orange area represents Comcast coverage by ZIP code, at advertised speeds above 3 Mbps.

Source: Federal Communications Commission, 2015

Policy Solutions

This policy report will consider only bottom-up approaches to broadband development in rural and low-income urban geographies rather than top-down approaches. A large, all-encompassing, top-down program in which the state directly enters the telecommunications market or contracts an ISP to provide service to underserved areas and individuals is unlikely to work for several reasons. A top-down program requires a broader needs assessment and greater capital (both financial and political). It would also lack the established operational contours that private ISPs have had decades and hundreds of millions of dollars to put into place.

First, to effectively implement a top-down program, the State of Delaware would first need to identify geographic gaps in broadband access. The State would also have to determine how many of those who have broadband internet access are able and willing to subscribe at private providers' current price points. Feser explains that "it has proven very difficult for states to get an accurate picture of where infrastructure gaps exist, given poor data and unwillingness of providers to supply information on their facilities and networks" (2007, p. 71). For example, when the National Telecommunications and Information Administration (NTIA) proposed its National Broadband

Map in 2008, their intention was to show data on broadband access at the block-level. However, ISPs were encouraged to release data on a voluntary basis, at the level of their discretion (Federal Communications Commission [FCC], 2015). In Delaware, Comcast’s coverage on the NTIA map is in units of ZIP codes and Verizon’s coverage on the map is in units of census tracts rather than blocks, because that is the level of measurement that each ISP provided (Figure 2).

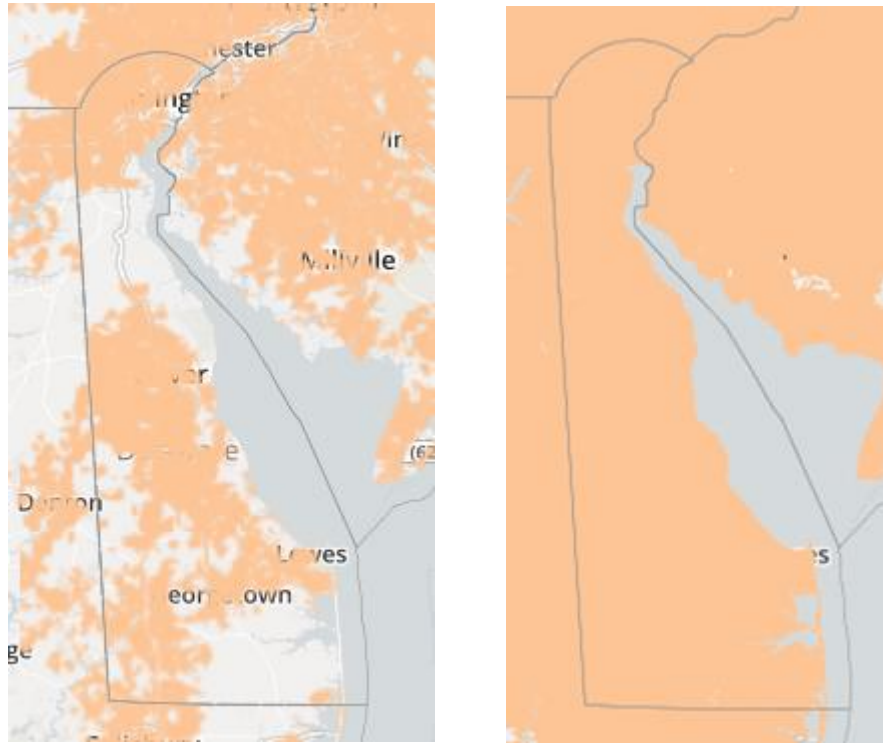


Figure 2. (Left) Orange area represents Comcast coverage by ZIP code, at advertised speeds above 3 Mbps.

(Right) Orange area represents Verizon coverage by census tract, advertised speeds above 3 Mbps.

Source: Federal Communications Commission, 2015

Because census tracts are based on population, rural census tracts are comparatively large. Even if a single household in a large rural census tract had broadband, the entire county would appear as covered by Verizon. Because of this, it appears that Verizon has 100 percent fiber-optic coverage in Delaware (a preposterous notion to anyone who has shopped around for broadband in Delaware). When the few statistics that ISPs do provide are thus obfuscated, researchers are left with very little information about the state of broadband infrastructure. Furthermore, Comcast and Verizon were not required to provide any information to NTIA, and could have chosen to provide no data at all (FCC, 2015). Therefore, most broadband access data is instead provided by third party content delivery networks such as Akamai, businesses with interests in telecommunications such as Cisco, or studies conducted by universities and nonprofit organizations such as M-Lab (FCC, 2015). Due to the fact that data is secondhand, scarce, or both, and that ISPs are unlikely to reveal the locations of their networks and facilities, the high-level needs assessment necessary for a top-down policy response to the digital divide would be very difficult to accomplish.

Second, a top-down approach to broadband development will cost more and require greater

political commitment than a bottom-up approach. While the state of Delaware is not facing as stark of a financial situation as some other states, Delaware's struggle to obtain funding for broadband development programs in the same quantities as other states during the American Recovery and Reinvestment Act of 2009 (ARRA) does not bode well for Delaware's political commitment and fundraising abilities in the arena of broadband development: during the ARRA, Delaware was a named grantee of just four of the more than 300 grants awarded (NTIA, n.d.).

Many of the quandaries that legislators might face in sponsoring a bottom-up policy approach would be magnified in the case of a top-down approach:

When state officials take up the broadband policy question, they quickly find that the environment in which they might design and implement any response is characterized by extraordinary debate, complexity, and flux, including the absence of a consensus of the appropriate role of government in broadband provisioning... rapid ongoing changes in broadband technologies and standards... shifting definitions of broadband as bandwidth demands evolve, and widespread disagreement about what speeds to target; the absence of a single optimal technological approach for all provider situations and geographic cases; broadband provisioning business models whose viability... is rather dependent on specific local or regional conditions; multiple potential provider types to address specific broadband needs... diverse sources of potential federal funding... continuing strong rates of market-driven deployment in many areas... a continuously evolving federal regulatory environment and very little state control over the thorniest regulatory issues governing competition in the broadband marketplace. (Feser, 2007, p. 70)

Many of these problems are easier to tackle with smaller programs built from the ground up than with bigger programs provided from the top down.

Finally, the time and money required upfront for the state government to directly provide a service comparable to private broadband internet service produces several additional problems. By the time that Delaware could build a public broadband internet utility that reaches rural and low-income urban households, privately-built broadband penetration may have improved to the point that the public provision was unnecessary, or the demographics of Delaware could change such that the state broadband would be targeting the wrong areas.

Due to the lack of ISP transparency and data required for a proper needs assessment, the prohibitively high political and financial capital needed, and the catching up a state-provided service would need to do, a state-level policy framework is implausible and inadvisable:

What states *should not do*, given the challenging broadband technology market and regulatory environment... is attempt a large-scale strategy that seeks to address all broadband concerns in a comprehensive fashion... States that are seeking to boost broadband deployment and utilization should adopt a policy framework that explicitly encourages innovative *locally-based* solutions to broadband-provisioning. A bottom-up approach sees state government as a catalyst, facilitator, and occasionally co-investor to local initiatives. (Feser, 2007, p. 71)

This paper only considers land-line ISPs. The dark horse of ISPs in rural and low-income urban areas is wireless internet service providers (WISPs). In 2012, 43 percent of Americans reported using mobile phones to check e-mail, and 42 percent reported using mobile phones to browse the Web. The use of mobile phones for internet activities has grown substantially, including among demographic groups that have traditionally lagged behind in terms of broadband internet

adoption and access. In 2012, mobile phone usage among households with family incomes below \$25,000 exceeded Delaware’s overall broadband internet adoption (NTIA, 2014). Indeed, a larger number of lower-income individuals connected to the internet using only mobile phones than did higher-income individuals (Table 1).

| | Mobile Device Only (Mobile Phone, Tablet) | Personal Computer Only (Desktop, Laptop) | Both |
|----------------------------|--|---|------|
| All Internet Users | 3 | 54 | 39 |
| Income < \$25,000 | 6 | 57 | 29 |
| Income \$25,000 - \$49,999 | 4 | 59 | 32 |
| Income \$50,000 - \$74,999 | 2 | 56 | 38 |
| Income \$75,000 - \$99,999 | 2 | 53 | 43 |
| Income \$100,000 or more | 1 | 44 | 53 |

Table 1. Type of device used to access the internet by income, percent, 2011.

Source: U.S. Department of Commerce, 2013

Outside of data plans on mobile phones, the utility of wireless internet declines in Delaware. Two home-oriented WISPs in Delaware, CLEAR and Open Range, have dominated the market. However, Open Range filed for bankruptcy in 2012, and CLEAR only covers the Wilmington area. Satellite internet is an option for rural Delaware, but provides low speeds at a high price (Homsey, Patterson, & O’Boyle, 2011).

Wireless internet certainly has utility in terms of its ability to bypass land-line networking concerns and put the Web in the hands of anyone in Delaware. On the other hand, a data plan that is comparable to a land-line is an unrealistic solution to the problem in areas of low access or adoption (e.g., low-income areas) due to its expense. Additionally, wireless internet plans tend to have significantly lower network speeds than their wired counterparts. Given the lower speeds of WISPs, a wireless broadband solution may not be a solution at all. Finally, there is an entirely different set of technical, political, and legal considerations to be included in a policy option that involves WISPs. Wireless internet service policymaking is a legal quagmire even outside of broadband development. While mobile phone-based internet access has its value in its decentralized network and low device requirements, the high cost of a data plan, sub-broadband speeds, and policy limitations make it difficult to incorporate policy options involving wireless internet into the same framework as options directed towards wired broadband internet provision.

Evaluative Criteria

The policy options presented in this brief will be evaluated across four key criteria. A policy addressing the problems of inequitable broadband access and adoption must address both broadband access and broadband adoption as evaluative criteria, for the simple reason that adoption and access are distinct features, and without both, a policy can fail to bridge the digital divide. Policies should also account for cost as well as political and technical feasibility. A policy that is fiscally, politically, or technically infeasible to implement may be worth a moment’s contemplation, but it should not be investigated seriously due to the current state of finances, politics, or technology.

Policy Options

Status Quo

The status quo should be considered as a policy option. It is possible that, with time, inequality in the access and rate of adoption will flatten out. Due to the combined effect of recent regulations,

gradually decreasing prices for broadband internet service, and expanding broadband internet infrastructure, the market may resolve the problem by connecting the most possible subscribers with internet service. With the reclassification of broadband internet as a common carrier under Title II, ISPs are experiencing major regulation for the first time since the early 1990s. Adjusted for inflation and changes in wages over time, the cost of broadband internet in megabits per second of advertised speed decreased or stayed the same from 2009 to 2012 (Organisation for Economic Co-operation and Development [OECD], 2014). Broadband internet infrastructure has expanded in terms of market penetration (OECD, 2014). If these trends continue, broadband internet may become widespread and affordable enough that patterns of inequality vanish. Until that time, however, the current patterns of lagging rates of access and adoption in rural communities, low-income urban communities and low-income, low-education, or elderly households will continue.

Policy Alternative 1: Outreach Program

A potential policy alternative might be an outreach program to improve broadband adoption in marginalized groups. Part of the reason that many people in areas with broadband access don't have broadband is because they don't see the value in having a high-speed home internet connection. A disproportionate share of the people who did not see a need for, or express interest in, adopting broadband were low-income and/or elderly individuals, or individuals with disabilities. However, these are also some of the groups most in need of the resources that the internet connects to them (NTIA, 2014). By focusing on outreach, policymakers can reach underserved populations that are left behind in the digital divide, especially rural and low-income households.

An outreach program with a focus on teaching internet literacy and the value of the internet could easily be folded into an existing library program or digital literacy program as a cost-saver. In fact, the public library is one of the most important resources for internet access and adoption in rural geographies. Additionally, many libraries offer technical education programs:

Rural libraries have long been a crucial part of the small-town way of life: from developing reading programs for both youth and adults, to providing a place to go on-line and ask technology questions, to simply serving as a gathering place for community events. They are often taken for granted by many residents, but are undoubtedly a source of community pride and identity. (Whitacre & Rhinesmith, 2015, para. 1)

Not only do rural libraries connect the community with public computing centers and educational programs, but they have also been shown to increase overall rates of household broadband internet adoption (Whitacre & Rhinesmith, 2015).

In terms of political feasibility, there is plenty of precedent for outreach programs like the one suggested here. Outreach programs with the goal of improving broadband internet adoption were launched nationally as recently as 2009, as part of ARRA. Included in this provision was the construction and improvement of public computing centers such as library computer labs, and projects emphasizing “sustainable broadband adoption,” with a focus on populations with a history of limited broadband internet access and low rates of adoption (NTIA, 2009). A follow-up program adjusted to the strengths and weaknesses of the outreach elements of the ARRA could have a significant impact on rate of broadband adoption.

Care should be taken when implementing outreach programs, especially in low-income urban areas and rural areas. Part of the reason that the existing outreach programs in rural libraries have been so successful in improving broadband internet adoption is because the relationships between librarians and patrons in tightly-knit rural communities lead residents to feel more confident about setting up a home connection (Whitacre & Rhinesmith, 2015). Because every small town and inner-

city neighborhood is different, a one-size-fits-all, statewide policy may not be the best solution. Working with local library staff to design and implement outreach programs is advisable.

Policy Alternative 2: Demand Aggregation

In a demand aggregation policy, the state provides a framework for community members and ISPs to interact openly and for the community to “actively demonstrate and pool regional demand for broadband offerings” (Mix, Beauchamp, & Wendt, 2009, p. 29). Communities interested in getting connected are able to make a case for broadband infrastructure development in areas that ISPs might not otherwise consider. An example of demand aggregation at work is Kentucky's broadband expansion program, ConnectKentucky, which was established in 2002 (Brodsky, 2008). ConnectKentucky provides a venue for community members lobby ISPs for broadband infrastructure development through a system called Request for Proposal (RFP) Development (ConnectKentucky, n.d.). By demonstrating to ISPs the level of demand in particular communities, a demand aggregation system significantly reduces the time and effort needed to connect ISPs and people who want service brought to their area.

There are numerous benefits to a demand aggregation policy. First, the cost is relatively low, because states already have public buildings from which to loan space, websites for hosting forums, and a capable bureaucracy with which to process and mediate formal requests like RFPs. Secondly, demand aggregation is politically feasible: ISPs want to identify potential customers, and communities want broadband (Homsey et al., 2011). In addition to ConnectKentucky, successful demand aggregation programs have been implemented in several states, including Colorado, North Carolina, and West Virginia (Connected Nation, n.d.). Finally, demand aggregation has the benefit of improving broadband access without directly involving the government in the business of building or subsidizing broadband infrastructure—which Delaware has historically struggled to fund.

As there have been a number of successful cases of demand aggregation in action, including ConnectKentucky, a set of steps for the typical demand aggregation initiative can be laid out. First, the state of regional broadband infrastructure, services, and usage is assessed. Following that, public awareness of broadband services is raised. Next, market-driven strategies to identify and pool demand (the “demand-aggregation” itself) are employed. In the case of ConnectKentucky, for example, the broadband needs of rural Kentuckian communities were assessed. Based on this, ConnectKentucky identified the actors and communities that would benefit most from regional broadband development. In most cases, these were healthcare providers, schools, and agriculture. Finally, ConnectKentucky rallied the healthcare providers, schools, agricultural entities, and individuals to pool their regional demand for broadband access. In Kentucky between 2002 (when the program was initiated) and 2008, broadband subscriptions doubled, broadband coverage increased from 60 percent to 90 percent, and home computer ownership rose 24 percent (Mix et al., 2009). If Delaware were to follow the same general steps followed by successful demand aggregation initiatives in other states, they could reasonably expect similar results in Delaware's low-access areas, such as rural regions and low-income areas. In this way, demand aggregation can be used to bridge the digital divide.

Policy Alternative 3: Broadband Cooperative

In a broadband cooperative, rural ISPs cooperate to jointly build and share broadband infrastructure in places of low access. Broadband co-ops are usually subsidized and permitted to run private wire through public conduits, in order to keep costs low and utility lines neat (Homsey et al., 2011). Of all of the policy alternatives proposed, a broadband co-op would have the greatest impact on access. However, it would also be the most costly.

Maryland implemented a broadband co-op called the Maryland Broadband Cooperative

Initiative (MDBC), to great success. With a federal grant of \$115 million, MDBC was able to run broadband in low-access areas across Maryland (Figure 3).



Figure 3. Yellow lines indicate broadband infrastructure built by the Maryland Broadband Cooperative Initiative.

Source: Maryland Broadband Cooperative, n.d.

The political and technical feasibility of this policy option is weaker than that of the other two policy options discussed above. As stated previously, Delaware has struggled to secure federal or state funding for broadband projects in the past, which may be indicative of the state's future level of success. In terms of technical feasibility, while it is very possible to create and operate a broadband cooperative like Maryland's, in which ISPs share infrastructure and run private cable in public conduit, a broadband co-op would require more changes to existing technical practice than would other policy options, which could catalyze political resistance.

The implementation of a broadband cooperative in Delaware would require significant planning, including generating initial funding, as there is a precedent for co-ops to be publicly funded. Another early concern is generating the initial support needed to establish the cooperative: "As is the case with the demand-aggregation approach, a co-operative model in Sussex would benefit from the support of influential officials and significant community institutions, such as elected officials, business groups, governments, large employers, and community foundations" (Mix et al., 2009). After initial funding has been procured and sufficient buy-in has been generated, technical needs should be assessed and areas that would benefit from cooperative broadband development should be identified. Areas that lack broadband internet access should be considered as areas where co-op service will be provided. In this way, the co-op model can be targeted towards underserved groups. Low-access areas tend to have little in the way of infrastructure, facilities, and other technical assets, and these will need to be mutually developed by the broadband cooperative. Finally, a management plan for the co-op should be co-designed between all involved parties. The management plan should address how the cooperative is to be governed, how decisions about broadband development are to be made, and how costs are to be divided (Homsey et al., 2011).

Policy Recommendation

It is recommended that a combination of outreach and demand aggregation should be implemented to begin bridging the digital divide in Delaware. Outreach focuses on increasing adoption among people in the digital gap. Demand aggregation targets areas with low-access. Therefore, these two policy options are complementary in that both adoption and access are addressed. Furthermore, since both policies are low-cost, politically feasible, and can be folded into existing operations fairly easily, this combination meets the evaluative criteria set out earlier in this report.

The broadband cooperative policy option is not recommended at this time. In a state that tends to receive little to no funding for broadband programs, an expensive broadband program is likely to be met with significant political resistance, and the programs costs are more likely to outweigh the effectiveness

Conclusion

The internet is a vital part of every home and community. The gap in broadband internet access between rural and non-rural regions, and between low-income and average- and higher-income regions, and the lag in broadband internet adoption rates in low-income, low-education, elderly, or differently-abled households are not only inequitable deliveries of an important connection to a greater community, but they also violate broadband internet's recent Title II classification. Connecting underserved communities to the internet will allow low-access and low-adoption groups to more easily access important information, career and education opportunities, government services, and the greater online community.

A combination of outreach programs and demand aggregation initiatives will help to bridge the digital divide between rural and metropolitan, low-income and high-income, uneducated and educated, and young and elderly. In addition to reducing inequitable delivery of a common carrier, these policy responses benefit everyone, through the added economic benefits that newly connected households and businesses create.

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An Urban Gay History: Knowing Roots to Move Forward

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The lesbian, gay, bisexual, trans, and queer (LGBTQ) population in the United States has undergone a violent and oppressive history. The LGBTQ population has demonstrated resilience and strength in the face of police brutality, the HIV-AIDS epidemic, and legislative discrimination. Over the course of the twentieth century, the LGBTQ population formed cultural enclaves in many cities. The density and diversity of urban centers provided conditions under which gay urbanites could foster a sense of community, solidarity, and relative security, in comparison to the opportunities offered by suburban and rural areas. The gay community enclaves that formed in many of the twentieth century's big cities allowed their residents to establish themselves socially, economically, and politically in resistance to the oppressive societal structures that they encountered outside of these enclaves.

This overview of some of the gay urban enclaves that formed during the second half of the twentieth century offers San Francisco as a basis for analysis. Did major events such as the election of Harvey Milk in San Francisco's Castro district help to build an empowering history for the LGBTQ population? Today, the fight for LGBTQ civil rights must still overcome a number of significant challenges, such as in the areas of healthcare, adoption, support services for LGBTQ youth, and protection from various sources of discrimination. By exploring the growth of urban LGBTQ communities over the last 70 years, this paper hopes to offer insight on how LGBTQ communities and their allies can continue to move forward.

Introduction: The Establishment of LGBTQ Communities in the United States

Until recently, the LGBTQ population in the U.S. was known as the gay and lesbian community, with identities like bisexual, trans,¹ and queer² more recently gaining broad

recognition in light of recent policy from the federal government. Policies such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 and the Affordable Care Act's non-discrimination

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¹ Trans is a nickname for the transgender and transsexual population. Trans people perform their gender in a manner that is different than their assigned birth sex.

² People often identify as queer if they do not want to be placed into the stereotypes that another identity category may have. It is applicable to gender expression or identity, as well as sexual identity. Those who identify as queer should not be assumed to be attracted to any particular gender identity.

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provision, which came into effect in 2014, have brought attention to the LGBTQ population and the inequities that this population experiences (The White House, 2014). Over time, the LGBTQ community has narrated their history through books, articles, documentaries, and first person accounts, providing information about how they have survived in a heteronormative United States culture. For instance, although the lesbian and gay populations were not prohibited from buying or renting homes in rural and suburban areas in the 1900s, urban neighborhoods were generally more appealing because they provided better access to resources, safety, and community. As a result, gay and lesbian communities created enclaves in cities like San Francisco and New York City. The development of gay urban communities is well-documented. It has led to the current prevailing climate in urban areas in which future policy relating to LGBTQ civil rights will be evaluated.

In the very early part of the twentieth century it was still very dangerous to openly identify as gay. It was not until the 1920s, when urban density began to increase significantly as high rise construction became more prevalent, that gay and lesbian sub-cultures began to be molded and folks could be out in underground sub-cultures (Higgs, 1999). Being out in all settings is still not a reality for the LGBT community, though the 1970s and 1980s offered more opportunities for the lesbian and gay community to be out in arenas other than sub-cultures. Nearly 100 years later, the dangers associated with being out are still present in communities across the world today.

Why Congregate in Urban Areas?

The greater density and, following the Industrial Revolution, the greater availability of jobs in cities has created highly diverse populations, in comparison to suburban or rural populations. However, a finer-grained examination of this urban diversity reveals that different ethnic groups often settled in more homogenous, segregated enclaves. In their discussions of processes by which ethnic enclaves and minority ghettos have formed, scholars such as Wirth, Park, and Levine have documented that marginalized groups of individuals will often band together in a community setting (Gottdiener & Hutchison, 2011; Levine, 1979). LGBTQ populations have followed similar patterns in the twentieth century. As it stands today, the LGBTQ community is more likely to be accepted in urban areas compared to rural or suburban areas of the United States. There is no concrete reason for an increased level of tolerance in urban centers, but is attributed to the nature of urban culture and documented by Florida in his work surrounding the creative class (Florida, 2005). With more artistic workers and high density come a diverse array of residents and opportunity of anonymity (Florida, 2005). Concentrations of artistic and creative populations are often more accepting of folks who do not fall under on the gender binary, or identify as heterosexual, which describes the LGBT community. However, discrimination and acts of hate persist on an individual, micro-aggressive level regardless of landscape. National policies have addressed some of these acts, but more legislation and cultural shifts in society are necessary to reach full acceptance in all corners of the nation.

The Interactions of Gay & Lesbian Communities

While the LGBTQ community is frequently viewed today as possessing a high degree of solidarity and cooperation, this was not always the case. In the past, lesbian and gay communities have crossed paths in social settings, yet often lived in different neighborhoods (Stryker & Van Buskirk, 1996; Faderman, 1991). By definition, these sexual identities have little reason to interact with one another. They do not view each other as potential romantic partners, nor do they identify with the same gender. Additionally, gay men and lesbians have different intersecting identities, with different privileges to reap. For instance, as non-visible minorities, white gay men were more like to be employed in high-paying jobs and were therefore more able to participate in gentrification because they were able to invest in real estate and property improvements. Because women were not encouraged to work outside the home for the greater part of the twentieth century, lesbians did not

have the same income-earning opportunities. These differences in privilege led to differences in policy agendas, with lesbians advocating primarily for women's rights, in addition to gay rights (Faderman, 1991).

Due to these differences in privileges, it is helpful to view the events that built gay and lesbian communities through an intersectional lens. For instance, references to gay communities and gay rights activities often imply that they primarily consist of men. However, lesbians participated in the street fairs, social events, AIDS support groups and the bar scene. These events were created by men, due to their economic and social privileges, yet lesbian participation was essential to the success of the community evolving as a result. Lesbians were part of a lower socioeconomic due to the fact that their gender limited their ability to earn income, and in turn, their ability to buy homes and own businesses. It is the intersection of a lesbian's sexual and gender identity that put her at a disadvantage for purchasing a home, even in a gay-friendly neighborhood. Although the two communities had many differences in identity and socialization, they banded together in times of need, such as the HIV-AIDS epidemic and gay rights movement.

The History of San Francisco's Gay Community

World War II brought thousands of young people to the San Francisco Bay Area, as the bay served as a major army port (Stryker & Van Buskirk, 1996). Gay bars became popular in the Bay Area with the rise of speakeasies during Prohibition. Even after Prohibition, many gay speakeasies transformed into legal bars that served primarily gay and lesbian populations. However, as the general population became more aware of which bars served gays and lesbians, many of these bars began to turn gay patrons away. Because it was illegal for gay people to gather in public places, be served alcoholic drinks, or "act gay" for much of the twentieth century, any behavior that deviated from prevailing sexual norms needed to be hidden from public eye. As a result, rather than becoming isolated from one another due to the dangers of publicly interacting, the gay community created a night life separate from that of the 'straight world'. In this way, they formed spaces where they could have unguarded moments together away from the eyes of the police and the public (Stein, 1997). As more gay community members gained access to San Francisco's exclusive gay nightlife, a subculture gradually solidified in the Castro District. This laid the foundation for what was to become an openly-gay and politically active community in the Castro.

By the 1960s, the Castro became a place of refuge for the gay and lesbian population due to its high vacancy rates resulting from suburbanization. In fact, the neighborhood density had decreased to such an extent that police and emergency personnel were no longer required to live in the neighborhood. The combination of high vacancy rates and lack of surveillance made it possible for the gay community to be more openly gay, and even live together, in the Castro District. However, as the gay population became increasingly well-known through the twentieth century, the intersection of a woman's gender and non-conforming sexual identity continued to be limit her access to well-paid jobs. Therefore, while gay men were able to buy properties in the Castro, lesbians were generally only able to afford to rent houses shared with other women (Stein, 1997).

As the lesbian and gay community began moving into the Castro, signs of a community identity began to appear. The Castro Theater began showing classics and art films, a metropolitan community church was formed, the first gay bar with glass windows was built, allowing passersby to see the patrons inside, and the Castro began to feel like a small town for its gay residents (Stein, 1997). These additions to the community were no different from enclaves in a 'straight' area of a city, however, the churches were open to gay parishioners, films were inclusive of the gay community, and all spaces were safe for gay community members to frequent. People were more relaxed walking around in the daylight because the threat of aggressive behavior from the straight world had vanished with the great migration to the suburbs. San Francisco became such a gay-

friendly city that, in the 1959 mayoral race, candidate Russ Wolden accused incumbent George Christopher of allowing San Francisco to become a safe haven for gay people (Stryker & Van Buskirk, 1996; Faderman, 1991). This statement helped to make visible the city's gay and lesbian voting bloc. This visibility laid the grounds for the election of Harvey Milk nearly two decades later.

As the twentieth century progressed, media attention to San Francisco's gay community helped the community to attract new residents to the open culture of the Castro. For instance, *Life* magazine reported on the "problem" of urban 'homosexuality'³ and published images of the gay bar scene in San Francisco in their June 1964 issue (Stryker & Van Buskirk, 1996). Although these reports were not meant to be positive portrayals of gay San Francisco, the publicity created greater demand among gays and lesbians to establish homes and businesses in the Bay area (Higgs, 1999). As Boyd explains, "[Growth of] urban homosexuality in the mid-1960s was not that the number of homosexuals had necessarily grown but that the public space occupied by homosexuals had expanded," as it was documented (2003, pp 202).

LGBTQ = Inclusive?

Despite its status as an enclave for an oppressed group, the Castro was by no means free of discrimination during the mid- to late twentieth century. White men made up the majority of the population. Lesbians frequently felt unwelcome in gay bars due to the dominance of the gay man's culture, which also dictated dress codes and behaviors. If lesbians were to visit a 'gay men's bar', abiding by their dress code was necessary if they wanted to stay (Faderman, 1991). Additionally, gay people of color were barred from many bars, and it was not uncommon to see Confederate flags outside of gay bars (Stein, 1997). This discrimination was a commonality for nearly all gay communities across the United States, but the Castro has been best documented (Stein, 1997).

Policy Responses to a Growing LGBTQ Community

In 1953, President Eisenhower outlawed the lesbian and gay population from holding federal jobs. This was a political statement against the growing LGBTQ community, as the federal government would not employ them in any capacity (WGBH Educational Foundation, 2013). Decades later, "Don't Ask Don't Tell" was passed in 1993, ensuring gays and lesbians would not reveal their sexual orientation or participate in any same-gender sexual behavior in the military (WGBH Educational Foundation, 2013). Though repealed under the Obama Administration, for much of the twentieth century the LGBTQ community could not be out in the military or hold a federal job. Also repealed under the Obama Administration, the Defense of Marriage Act was signed into law by President Clinton in 1996, establishing the right of states to refuse to recognize a same-sex marriage that took place in another state. This law was reversed by the Supreme Court ruling in *Obergefell v. Hodges* in 2015, which legalized same-sex marriages in all fifty states and stands as the biggest victory for the LGBTQ community in the twenty-first century to date. These policies allowing discrimination against the LGBTQ community limited their human rights to marriage, employment, and a right to express oneself while serving in the military. Policies have slowly adjusted with the growing LGBTQ out population, and a presidential administration committed to valuing all Americans equally.

Attitudes towards LGBTQ populations have been uneven across states for centuries. Two pioneers in recognizing gay rights were Illinois, which in 1962 became the first to decriminalize

³ The term 'homosexuality' was used as a medical diagnosis when 'homosexuality' was listed in the DSM-IV as a mental disorder. Since its removal in the later twentieth century, the term homosexual has been rejected by the LGBT community and is no longer accepted. Its usage here communicates the message of *Life* magazine, and the context for media portrayal.

same-gender sex acts in private between consenting adults, and Wisconsin, which passed the first piece of legislation prohibiting discrimination on the basis of sexual orientation in 1982. While national and state-level legislation continued to discriminate against gay populations through the 1990s, there were political victories in smaller geographic areas like the Castro. The Castro had become so densely populated by LGBTQ households and businesses by the 1970s that politicians could not ignore the gay community when campaigning and implementing policy. According to Stryker and Van Buskirk, “in 1974, 40,000 lesbians and gay voters turned out for the fall elections, representing 12 percent of all votes cast” (1996, p. 65).

Harvey Milk

In 1977, Harvey Milk became the first openly gay elected official in the United States when he was elected to the San Francisco Board of Supervisors. During his short time in office, Milk was responsible for introducing a gay rights ordinance which prevented gays and lesbians from being discriminated against in the workplace, as well as beginning a campaign against Proposition 6, which discriminated against gay teachers. Although Milk was assassinated by a former member of the Board of Supervisors after eleven months in office, his election to office is arguably the catalyst of the gay liberation movement, fueling creation of the “out and proud” attitude adopted by the community not long after Milk’s success (Stewart-Winter, 2009; Stryker & Van Buskirk, 1996).

Following the death of Harvey Milk, Castro’s gay population began to hang rainbow flags in the neighborhood to signify their personal and community identity to tourists and outsiders. The fact that the community became more expressive in their pride following the death of their first political leader is a testament to the strength of the social network that had formed in the Castro. As a result of the social and political traction that had been gained by the Castro during the 1970s, politicians were courting the influential gay vote by the end of 1970s (Higgs, 1999). This population was a force that could not be ignored.

Social Events & Police Brutality

Despite the social, economic and political progress of the gay and lesbian population in the twentieth century, gays and lesbians frequently suffered police harassment if they were accused of acting openly gay or deviating from the masculine/man, feminine/female norm in terms of their gender performance. Although gay bars had historically offered a safer space for gays and lesbians to be ‘out and proud’ in a social setting, they were by no means immune to police harassment. In the mid-1950s, there was a strong push from politicians and police to remove the gay and lesbian population from San Francisco (Stein, 1997). This effort began the practice among some bar owners of discretely letting gay patrons know that they were no longer welcome by giving them a card which read that the bar no longer needed their patronage (Stein, 1997).

Prior to 1962, bars could be shut down for serving gay patrons (Boyd, 2003; Stryker & Van Buskirk, 1996). Business owners were aware of this threat and took precautions like bribing local police patrol, requiring membership, or only permitting dancing on an upper floor of the premises. This dance floor arrangement was sometimes made safer by installing a red light that would flash to warn the dancers when police entered the bar downstairs, thus providing them time to switch to dance partners of the opposite gender (Faderman, 1991). However, it did not stop all police raids and violence towards the community. Despite these measures, police raids did occur, often resulting in the gay patrons being physically assaulted, harassed, or treated more harshly than heterosexuals that were arrested (Stryker & Van Buskirk, 1996). In the early 1950s, police in San Francisco would bring dogs on raids and would charge female arrestees of “frequenting a house of ill repute” (Faderman, 1991). Police also resorted to entering suspected gay bars under the cover of a gay identity. This practice became so common that gays and lesbians who wore gender-ambiguous

clothing to bars were suspected of being undercover police because they did not know how to “dress properly” (Faderman, 1991).

In 1962, the California Supreme Court ruled in *Vallegra v. Alcoholic Beverage Control* that the California Department of Alcoholic Beverage Control could not revoke a small Oakland bar of their liquor license because they had served gay patrons and allowed same-sex dancing. This ruling made it legal for gays and lesbians to gather in bars in the State of California, and was a turning point for the social lives of the gay and lesbian community (Boyd, 2003). With the ability to legally gather in public bars, the community could more easily socialize and build relationships to foster community development.

Creating Gay Spaces

The homophile movement worked to educate heterosexual allies about gay and lesbian subcultures, create safer social spaces for the lesbian and gay population to socialize without the threat of police, and eventually integrate the gay and lesbian population into mainstream society (Boyd, 2003; Faderman, 1991). A few organizations based in San Francisco that came out of the homophile movement were the Mattachine Society and Daughters of the Bilitis, founded during the 1950s, the latter being primarily a lesbian community group. Headquarters and satellite offices for these organizations offered an alternative to bars for a place for gays to meet and socialize, as they were founded prior to the 1962 California Supreme Court ruling in *Vallegra v. Alcoholic Beverage Control* (Boyd, 2003). With the 1950s serving as a stealth time for the LGBTQ community, the homophile movement was essential in providing lesbian and gay community members a chance to mobilize for acceptance.

The creation of these spaces seemed to be an extension of the sub-cultures that operated during the first half of the twentieth century. However, instead of secret meeting spaces or parties where the threat of arrest was present, these organizations could function during daylight hours. Without the education-based approach taken by these organizations to advance equality, the lesbian and gay community would have had more limited tools for protesting against discrimination, and may have been more dependent on violent forms of civil unrest. Therefore, the homophile movement served two key roles in gay liberation: creating physical spaces for the gay community to gather, and building a coalition of activists united around a cause and ready to mobilize when needed (Boyd, 2003).

HIV-AIDS as a Natural Disaster for the LGBTQ Community

After two decades of political progress, the gay and lesbian population was confronted with an unprecedented threat that is sometimes considered to be the most devastating occurrence in the gay community’s history. In 1981, the Center for Disease Control (CDC) published a report that recognized AIDS as a distinct medical syndrome, after diagnosing the first patient in 1980. The AIDS epidemic had begun, and its ground zero was in San Francisco, New York, and Los Angeles (Higgs, 1999).

In the early 1980s the world did not understand how HIV-AIDS was contracted and spread (Stein, 1997; Stryker & Van Buskirk, 1996), and AIDS was often referred to as ‘gay cancer’ or ‘gay pneumonia’ (Higgs, 1999). Due to the limited medical knowledge about AIDS in the 1980s, there were few healthcare measures for prevention or management and no treatment options; as a result, the disease spread quickly. Gay culture shifted from empowerment to sadness and fear, with political rallies being replaced by vigils for the deceased (Stein, 1997). On Castro Street, many shops closed or changed hands, and by 1984, the Castro District was nearly empty, (Higgs, 1999). Ten thousand San Franciscans had died of AIDS by the end of the 1980s (Stein, 1997). It was not until 1988 that

the CDC mailed an AIDS education brochure entitled, *Understanding AIDS* to every home in America, which explained that using condoms during sex was a key preventative measure.

In the late 1980s, when treatment⁴, testing, and education had become better informed by research, the AIDS epidemic became a rallying point (*The Castro: A documentary*, 1997). AIDS support groups were created and more churches began accepting the gay community in light of the illness, and many social events and fundraisers were organized to help the cause (Stryker & Van Buskirk, 1996). Gay and homophile spaces were turned into care centers for those suffering from AIDS.

The rate of AIDS transmission among lesbians was much lower than among gay men due to the fact that bodily fluids are far less likely to be exchanged in many forms of sexual contact between women (Faderman, 1991). However, lesbians were still emotionally affected by the loss of their fellow community members, gay friends, and political allies. Therefore, many lesbians came to traditionally man-dominated neighborhoods to help with treatment and support. The “Dyke March” became a tradition, with lesbians marching in support of the AIDS movement, thereby transforming many gay neighborhoods into lesbian enclaves for a night (Stein, 1997).

Once treatment and preventative measures became more widely available, and President Reagan began to speak out about the epidemic during his last year in office, cities became more welcoming of the next generation of gay community members (aids.gov, 2016). San Francisco regained much of its status as a safe haven for young gay people (*The Castro: A documentary*, 1997). However, today’s gay enclaves would likely look much different if the gay communities of the 1980s had not been so severely ravaged by AIDS.

Though it has been over thirty years since the beginning of the AIDS epidemic in the U.S., legislative measures continue to be introduced to combat HIV-AIDS. The Ryan White HIV/AIDS Treatment Extension Act of 2009 was passed under President Obama to ensure HIV-AIDS positive people have access to health insurance (The White House, 2014). Originally passed in 1990, this act has been amended and reauthorized four times. Its resilience is indicative of the LGBTQ community’s resilience towards the disease, and shows the commitment policy has made to prevention and treatment.

Being Gay in 2016

Although the LGBTQ community is no longer limited to gay-friendly bars, restaurants, and shops to socialize, full cultural acceptance has not yet been achieved. Legally speaking, the LGBTQ community has not been granted all of the human rights enjoyed by heterosexual, cisgender people. Because many anti-discrimination laws are enacted at the state level, it is still legal in some states to discriminate against a person on the basis of gender expression or sexual identity in areas of employment, housing, adoption, or healthcare, among others. Today, dense urban areas continue to be the safest place to live for persons that identifies as LGBTQ, because of the diversity and inclusive culture offered by an urban setting.

The 2015 Supreme Court ruling in *Obergefell v. Hodges* that legalized same-sex marriage in all states was a huge milestone for the LGBTQ community. However there are still states, such as North Carolina, that are passing legislation allowing discrimination against the LGBT community (North Carolina Public Facilities Privacy & Security Act, HB 2, 2016). With policies such as these in current day, it sometimes may feel policy is moving backwards, away from human rights for all people. Though the Religious Freedom Restoration Act has proved to be a barrier for inclusive LGBTQ legislation, any cultural changes moving towards acceptance of the LGBTQ community

⁴ The *antiretroviral* drug zidovudine (also known as azidothymidine and commonly abbreviated as AZT) was approved by the Food and Drug Administration in 1987 as the first treatment for AIDS. It is still widely used in the twenty-first century in conjunction with other antiretroviral drugs (aids.gov, 2016).

cannot be reversed. It takes large shifts in society to permanently change the perspectives of generations.

As more non-discrimination policies are implemented, there is a greater opportunity to create inclusive spaces accepting of all identities. Political activism and participation, as well as education and case law have allowed the LGBTQ population to advance to its current place in society. These same strategies can be used to continue to advance the goal of equality.

Conclusion

San Francisco exemplified the events that built an LGBTQ community within the United States, with other major urban areas following similar trajectories, though usually to a lesser and less visible extent. In present day, the diversity of urban areas continues to create an inclusive environment for the LGBTQ population. At times it takes the devastating event such as the HIV-AIDS epidemic to bring attention to a marginalized community, which can result in attitudinal changes that save lives. As awareness of the LGBTQ community increases and more anti-discrimination policies are implemented, there is hope that suburban and rural areas will become more accepting and welcoming towards LGBTQ populations. Until then, cities continue to offer space for LGBTQ populations to experience a sense of community and pride.

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