Contents

Acknowledgments vii

Introduction ix

1 Origins of the Right to Exclude 1

2 Signs of the Times: The Dale Opinion 25

3 The Solomon Amendment Litigation and Other Consequences of Dale 43

4 The Neoliberal Proposal 63

5 Is the BSA Being as Bad as Racists?: Judging the BSA’s Antigay Policy 81

6 Why Regulate the BSA? 105

Notes 121

Index 169