

**T.C.**  
**ISTANBUL AYDIN UNIVERSITY**  
**INSTITUTE OF SOCIAL SCIENCES**



**ENHANCEMENT OF HUMAN RIGHTS IN USA DURING OBAMA'S  
PRESIDENCY**

**THESIS**  
**Aydan RAHIMLI**

**Department of Political Science and International Relations**

**Political Science and International Relations Program**

**Thesis Advisor. Assist. Prof. Dr. Gülay Uğur GÖKSEL**

**AUGUST 2017**

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T.C.  
İSTANBUL AYDIN ÜNİVERSİTESİ  
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İmzası

Tez Savunma Tarihi :25/08/2017

1)Tez Danışmanı: Yrd. Doç. Dr. Gülay Uğur GÖKSEL

*Gülay Uğur Göksele*

2) Jüri Üyesi : Prof. Dr. Hatice Deniz YÜKSEKER

*Hatice Deniz Yüksek*

3) Jüri Üyesi : Yrd. Doç. Dr. Didem DOĞANYILMAZ DUMAN

*Didem Doğanyılmaz Duman*

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**Aydan RAHIMLI**



## **FOREWORD**

Accordingly, in the political thinking of the twentieth century, the main philosophical concept was the concept of human rights, which “unites” people today much more strongly than any other worldview that existed so far. All the differences, all the boundaries that people have had among themselves, are the secondary importance. USA plays significant role for the world in this issue. To my mind, Obama is one of USA presidents, who made evolution regarding Human Rights subject. That is the reason why I have chosen this thesis topic for research. I’m going to support my idea by facts, and will continue to do research about this topic in future as well.

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---

**August 2017**

**Aydan RAHIMLI**

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## **ABBREVIATIONS**

<b>ABD</b>	: Amerika Birleşik Devletleri
<b>CIA</b>	: Central Intelligence Agency
<b>DAPA</b>	: Deferred Action for Parents of Americans
<b>DHS</b>	: Department of Homeland Security
<b>DOMA</b>	: Defense of Marriage Act
<b>ENDA</b>	: Employment Non-Discrimination Act
<b>EU</b>	: European Union
<b>FSS</b>	: Federal Security Service
<b>IRCA</b>	: Immigration Reform and Control Act
<b>IRS</b>	: Internal Revenue Service
<b>LGBT</b>	: Lesbian Gay Bisexual Transsexual
<b>NATO</b>	: North Atlantic Treaty Organization
<b>NGLCC</b>	: National Gay & Lesbian Chamber of Commerce
<b>PRC</b>	: People's Republic of China
<b>UN</b>	: United Nations
<b>USA</b>	: United States of America
<b>USSR</b>	: Union of Soviet Socialist Republics
<b>WMD</b>	: Weapons of mass destruction

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## **ENHANCEMENT OF HUMAN RIGHTS IN USA DURING OBAMA'S PRESIDENCY**

### **ABSTRACT**

My research question is: Were human rights improved during president Obama's period? I'm going to analyze human rights conformability by historical order in USA. It is obvious that, we can't skip the incident on 11 September as well; because this is the most large-scale terrorist attack for the history of America. 9/11 attacks affected not only US, but also whole world. My thesis argument is about development of human rights during the Obama era. Especially, I emphasize LGBT and Immigration rights. My point of view is that the rights of immigrants and trans-genders were improved during Obama's presidency. I conduct historical research; support my argument by facts and the mixed cases as well. To illustrate transgender immigrants and their treatment while they are inside US borders is one of among many. I'll support my argument by comparing presidency periods of other US presidents with Obama. Then I'm going to compare valuable facts about human rights throughout the US history and conclude my argument. As a result in a final stage my goal is to prove correctness of my argument.

**Keywords:** *Human Rights, USA, Obama era, LGBT-Immigration Rights*

## OBAMA BAŐKANLIĐI DÖNEMİNDE ABD'DE İNSAN HAKLARININ GELİŐTİRİLMESİ

### ÖZET

Arařtırma sorum řu: Bařkan Obama'nın döneminde insan hakları geliřti mi? Bu çalıřmada Amerika'daki tarihsel açıdan insan hakları yasaları ve uygulamaları analiz edilecektir. Açıktır ki, 11 Eylül Amerika'nın insan hakları uygulamalarını derinden etkilemiřtir; çünkü bu Amerika'nın tarihinde en büyük terör saldırısı. 9/11 saldırıları yalnızca ABD'yi deđil tüm dünyayı da etkiledi. Benim tez argümanım Obama döneminde insan haklarının geliřtirilmesi ile ilgili. Özellikle vurgu yaptığım kısım LGBT ve Göçmenlik Hakları. Yapmış olduđum çalıřma göçmenlerin ve transgenderlerin haklarının Obama'nın başkanlık döneminde geliřtirildiđini desteklemektedir. Çalıřmamda Amerika içerisinde insan haklarındaki deđiřiklikleri tarihsel açıdan arařtırıyorum: argümanları gerçekler ve karıřık davalarla destekliyorum. Transgender göçmenleri ve onların ABD sınırları içerisindeyken hal ve davranıřlarını arařtırmak bunlardan bir kaçı. Diđer ABD başkanlarının başkanlık dönemlerini Obamanın ile karıřılařtırarak argümanımı destekleyeceđim. Daha sonrasında ABD tarihi boyunca insan haklarıyla ilgili deđerli faktörleri karıřılařtıracam ve argümanımı bu gerçeklerle destekleyeceđim. Nihai ařamada amacım, argümanımın dođruluđunu kanıtlamaktır.

**Anahtar Kelimeler:** *İnsan Hakları, ABD, Obama dönemi, LGBT-Göçmenlik Hakları*

## 1. INTRODUCTION

To prevent and act against human rights violations, we need to know that, what represents human rights. It is not enough simply to read the Universal Declaration of Human Rights for this. Only after understanding how these rights are applied in specific situations and taking part in the discussion of how they should be applied, one can imagine what is behind the expression "human rights".

July 4, 1776, the US Congress approved the Declaration of Independence. Its author, Thomas Jefferson wrote, "The Declaration as an explanation of why on July 2 the Congress voted to proclaim independence from Britain, more than a year after the beginning of the American War of Independence, and as a statement that 13 American colonies were no longer belong to the British Empire." Declaration of Independence was issued by Congress in several forms. Initially, it was printed on large sheets and widely distributed among the population. (<http://ru.humanrights.com/>, 2017)

From the philosophical point of view, the Declaration focused on two topics: personal rights and the rights of the revolution. These ideas received wide support among Americans, and also became known throughout the world, having especially strong influence on the French revolution. (<http://ru.humanrights.com/>, 2017)

The constitutional system of the United States has attracted and continues to attract the attention of historians due to its uniqueness. For many in the world, this country continues to be synonymous with democratic constitutional ideals. It is the United States that holds the first place in the creation of a written Constitution, which was adopted in 1787. The "Bill of Rights" – "the first ten amendments to the US Constitution, regulating the fundamental rights and freedoms of citizens, laid the legal foundation for the practical implementation of the American concept of civil rights and freedoms, which, in turn, is unique among other concepts." (Manevskaya 2007)

“The American concept of civil rights and freedoms is characterized by a large number of sources. The original "foundations" on which it is based are not only the the ancient teachings on the state and the rights of citizens but also, the philosophy of the Enlightenment, and religious and ethical norms and ideals. The principles of Roman law, English common law, particularly, such monuments of the history of British law as the “Magna Carta”<sup>1</sup> of 1215, the “Habeas Corpus Act”<sup>2</sup> of 1678, the English “Bill of Rights” of 1689, and the French “Declaration of the Rights of Man and of the Citizen” of 1789 are also lead to formation of the concept of American civil rights and freedoms.” (Holsinger 2002, p.4)

American law developed from the English law system, as the United Kingdom exercised sovereignty over American lands before the outbreak of the War of Independence of 1775. It is therefore not surprising that British law sources exerted a great influence on the formation of the American concept of civil rights and freedoms. (Geyevsky & Mishin 1987, pp.7-9)

For example, “the Magna Carta of 1215 was the first written legal act in world history, from which the basic freedoms of the individual flow. The Charter contained a list of liberties and guarantees that restrained the arbitrariness of the royal power. It also regulated the collection of taxes and fees and the establishment of certain guarantees of justice; this was the most important for American colonists.” (Geyevsky & Mishin 1987, pp.7-9)

As the chairman of the US Supreme Court, W. Berger, wrote, “this document had particular importance to the Americans in 1776, expressed in that it was a solid legal basis for the demands of the colonists to grant them all the rights that the British enjoy under the Great Charter Liberties: They demanded only what was legally theirs.” And nowadays the “Magna Carta” is considered to be an informal historical source of constitutional law in the United States. This is confirmed by the fact that its copy is kept in the National Archives of the United States along with the originals of American constitutional documents. (Randall 2015)

Another historically important document that became the forerunner of the American "Bill of Rights" was the British “Bill of Rights” of 1689, which limited the power of

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<sup>1</sup> The “great charter” of English liberties sealed at Runnymede, June 15, 1215.

<sup>2</sup>Institute of English procedural law. It received its name from the initial words of the judge's order to deliver the person deprived of liberty to the court "Habeas corpus ad subjiciendum" ("You have to bring a person to court")

the monarch and proclaimed a number of rights and freedoms of his lieges. It also said that parliamentary elections should be free, and its members should not be punished for their speeches in the debate. Adopted in 1789, the United States “Bill of Rights”, in contrast to the British “Bill of Rights” of 1689, which is the law of the parliament, made the inclusion of guarantees of individual rights a constitutional document, mandatory for the legislature. (Sogrin 1987, p.17)

Great contribution to the formation and development of the American concept of civil rights and freedoms was made by the French “Declaration of the Rights of Man and of the Citizen” of 1789, which, according to many authors, is rightly considered a philosophical and legal source of the “Bill of Rights” of the USA. The fact is that Thomas Jefferson - the main creator of the “Bill of Rights” - was inspired by ideas that dominated revolutionary France of that time. (Kalensky 1983, p.78)

“The teachings of famous philosophers - the Englishmen John Milton, Edward Cock, John Locke, Thomas Hobbes and the Frenchmen Jean-Jacques Rousseau, Voltaire, Charles Montesquieu - played a significant role in the formation of the American concept of citizens' rights and freedoms.” (Kalensky 1983, p.78)

It should be mentioned that the supporters of the natural-legal concept of individual rights and freedoms were such outstanding American thinkers as J. Adams, B. Franklin, A. Hamilton, T. Jefferson, and it was reflected in a number of the most important constitutional documents adopted in the North American Colonies and later - within the framework of the United States, formed as a state. (Kalensky 1983, p.78)

As Abraham Lincoln said about the Declaration, more than half a century after its adoption, those who signed it “simply wanted to declare the rights so that they could be implemented as soon as circumstances allow. They wanted to define a standard of the principles of a free society that would be familiar to everyone and were revered by everyone, to which everyone would be equal, for which all would fight and try to approach them, never, however, reaching them, and thereby constantly expanding and deepening their significance, bringing even more happiness and value to life of people of any color in any place.” (<https://www.nps.gov/liho/learn/historyculture/declaration.htm>, 2017)

The Constitution of the United States, written during the summer of 1787 in Philadelphia, became the fundamental law of the federal system of public administration of the United States and a significant document for the entire Western

world. This is the oldest national constitution, which continues to this day. It defines the main state bodies and their powers and the basic rights of citizens. (<http://ru.humanrights.com/what-are-human-rights/brief-history/declaration-of-independence.html>, 2017)

Adopted in 1787, the US Constitution opened a new milestone in the development of American rights and freedoms. According to some authors of the Soviet school, by the time of its adoption, the US Constitution allegedly contained no provisions concerning human rights and freedoms, which "fully met its compromise spirit and the general desire of all conservative forces not to allow deepening of radical social transformations in the country." (Mishin 1965) However, this statement cannot be accepted. From the analysis of the US Constitution, we can conclude that it contains a number of specific prohibitions against the violation of the rights and freedoms of citizens. For example, speaking of the legislative branch of government, Article I prohibits the suspension of the privilege of the order of habeas corpus<sup>3</sup>, as well as the adoption of bills of opals and laws having retroactive effect. Article III on the judicial branch of government provides that all criminal cases are reviewed by a jury, and also establishes the need for strict rules of evidence in the conviction of high treason. Article IV guarantees that "the citizens of each state are granted all the privileges and benefits of citizens of other states," and Article VI prohibits the application of the verification of religiosity as a condition for holding public office and posts. (Mishin 1965)

Other scholars of the Soviet school (for example, V.V. Sogrin) argued that ranting about the American Constitution as a "container of all and all freedoms and human rights" is nothing more than a propagandistic stretch of the bourgeois ideologists of the United States.

"The first ten amendments to the Constitution (Bill of Rights) came into force on December 15, 1791, limiting the power of the US federal government and protecting the rights of all citizens, residents and visitors in the US territory." (Schwartz 1992)

"The Bill of Rights protects freedom of speech, freedom of religion, the right to possess and bear arms, freedom of assembly and freedom to file petitions."

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<sup>3</sup> "This means that people who have committed a crime of rebellion (or even suspected on it) can be arrested without an arrest warrant, and the objects that were used in the commission of the mutiny crime can be seized without a search warrant", (<https://attheroundtable.wordpress.com/>, 29.07.2017)

(Schwartz 1992) It also prohibits unsubstantiated searches and arrests, cruel and unusual punishments and testimony against yourself under duress. “The Bill of Rights, in particular, prohibits Congress from issuing any laws on the creation of religion and prohibits the federal government from depriving any person of life, liberty or property without due process.” (Schwartz 1992) In the case of criminal cases at the federal level, it demands the indictment of a large jury for all particularly grave or disgraceful crimes, guarantees a quick public trial by an impartial jury in the district where the crime was committed, and prohibits the recourse to criminal liability for the same crime. (Schwartz 1992)

The Institute of Civil Rights and Freedoms in the United States plays a vital and ambiguous role in the constitutional law of its country. The basis of it was a rich historical, political and legal European heritage.

The rules leading civil rights and freedoms are in constant flux, and the decisions and interpretations of the US Supreme Court play a major role here. This is due to the fact that the constitutional and legal norms adopted almost three hundred years ago have ceased to meet the demands of a dynamically developing society, and therefore they are supplemented by legislative means and, above all, by judicial interpretations.

It should be noted that, despite the almost three hundred years of the history of the United States, in the science of constitutional law, the issue of the concept and list of civil rights under the American concept is still a subject of debate.

“The most important norms regulating civil rights and freedoms are contained in the First Amendment to the US Constitution, which regulates freedom of religion, speech, press, assembly. It acts as a legal, or rather constitutional, basis for the formation and functioning of all non-state bodies and organizations, as the initial legal basis for the development and publication of various legal acts regulating the internal life and activities of these institutions. Being an important form of protection of civil rights and freedoms, the First Amendment reflects the principles of natural law and free government, which played a huge role in shaping the concept of American civil rights and freedoms.” (Geyevsky & Mishin 1987, pp.7-9)

First chapter of my thesis consists of theoretical knowledge. As 1<sup>st</sup> chapter is entrance to the thesis, here I’m analyzing human rights as a concept in general.

Accordingly, my research continues by evaluating human rights from past times since to present.

Second chapter is related to traditions of declaration and protection of human rights and freedoms in USA. Firstly, I explore the history of improvement and regulation the rights and freedoms in USA. Secondly, I survey human Rights protection and rights and freedoms during federalism period. Thirdly, I talk about variety types of rights and freedoms in USA, such as: Personal immunity, Freedom of religion, judicial protection of rights and freedoms, rights of LGBT and Immigrants.

In third section of my thesis I specified specially in evolution of LGBT and Immigration rights during presidency of Obama. I do believe that, the status of such people has aroused while Obama's presidency period. I analyze this in 3<sup>rd</sup> and 4<sup>th</sup> chapters. Third chapter is about the LGBT rights before Obama era and the during Obama era. Main goal of this chapter is comparison of two periods, and evaluating of which period was satisfactory for them.

The most important and mixed chapter is 4<sup>th</sup>. Here I compare immigration rights before Obama period, and during Obama period. I support my argument by decrees and decisions what Obama gave while his presidency. Then I do survey about the people who are immigrants and belongs to non-traditional orientation as well. I have investigated such cases while my US visit. In January of 2017 I went to Washington DC, and stayed there for 2 months. While this period I got a chance to meet with Roman Morozov(belongs to LGBT) and his spouse. They got married after Obama's "gay marriage" decision. It was nice friend meeting which took part in "Momiji" café in Monumental area. This meeting helped me to think widely on this issue. They talked about their immigration experience and were glad to hear that I'm going to talk about them on my research work. So, Roman suggested me to look at his interview on [www.forumdaily.com](http://www.forumdaily.com). He said that on that website I also can reach easily the interview of other people like them. Consequently, it helped me to improve my thoughts.

It should be noted that the unforgettable incident of US history against human rights was 9/11. So, I couldn't skip it. As George W. Bush was the predecessor of Barack Obama it is directly related to my research for look to this issue in a wide aspect.



Therefore, 9/11 terrorist attack and its aftermath and the presidency period of George W. Bush should be analyzed.

In conclusion, I conclude all knowledge and information I provided. I support my argument by facts I got by studying and comparing presidency periods of other presidents, even Donald Trump with Barack Obama. I do believe that, I follow the right way on the road map of my thesis, and approved accuracy by facts.



## **2. HUMAN RIGHTS**

### **2.1. The Concept of Human Rights in General**

Universal values can be seen as a guide for the development of the world community as a whole and for an individual. Human values are reflected in international standards, which not only provide the development of human and societies, but also suppress actions that, if implemented on a large scale, can damage humanity. Especially on the basis of universal human values and mutual common interests, which is valuable and important for any society and state, regardless of the form of government, state structure, political regime, level of socio-economic development, culture and traditions, should be built by states as members of International community. The people living on the territory of different states are differ in language, culture, traditions, but they are united by the fact that they are all people, and therefore life, rights and freedoms are valuable for each of them. The latter, referring to universal values, act as "elementary particles, from which the security of mankind as a whole develops." (Kovalev 2014, p.549). Therefore, in the political thinking of the twentieth century, the main philosophical concept was the concept of human rights, which "unites people today much more strongly than any other worldview that existed so far. All the differences, all the boundaries that people have had among themselves, are the secondary importance. As S.V. Kovalev remarks, "primordial for social life is the simple fact that all of us belong to a higher order community-the human race. Human rights and freedoms recognized by the international community today have become officially recognized as universal human values, designed to provide citizens with a decent life." (Kovalev 2014, p.549).

If the former (post-war) world order was based on the primacy of state sovereignty, then the new order, formed after the fall of the bipolar world, will based on human rights. Over the past decade, the trend of actualization of international human rights standards, a departure from authoritarianism, manifested in the institutionalization and constitutionalization of public life, giving a legal character to the relations between the state and the individual, has clearly emerged. Human rights have

become even more asserted as an institution that determines relations in the world community, which allows us to speak of "globalization of human rights". The globalization of human rights confirms the universalism of human rights, the manifestation of which has been the formation of international human rights standards and their implementation in the domestic legislation of most countries of the world. (Elias 2000, p.20)

In political thinking, the ideas of human rights and freedoms were asserted hard and difficult. As the human rights concept had the important roots in Soviet Union, I'm curious about how America looks like from their side.

From the late 80's - early 90's, the Soviet and American sides began to consider cooperation in the field of human rights as compatible with national interests (each side for its own internal reasons). The essence of the new political thinking is clearly indicated in Gorbachev's report to the UN in 1988: only by placing human rights as universal values "at the center of all problems" inside the country and abroad security and lasting peace can be achieved. Recognition of the priority of universal values by the Soviet Union and then by the post-Soviet states made it possible to radically overestimate approaches to many issues of domestic and foreign policy. (Salitan 2007, p.21)

At the same time, in the basis of various approaches to human rights, according to A. Eide, conflicts of interest are found, concentrated mainly in three main spheres: the struggle between individualistic liberalism and (more or less collectivist) egalitarianism; the struggle between pluralistic democracy and authoritarian regimes, both left and right, both modernistic and traditional, including those based on religious fundamentalism; The struggle between developed and developing countries (in the "North-South" plane). In each of these spheres, there were periods of acute struggle, mutual adaptation and conflict resolution. The ways to resolve these conflicts are important from the point of view of the realization of human rights. (Eide 2001, p.121)

The problem of formulating common goals for the harmonization of interests and their active protection is being actualized with the expansion of the diversity of the international community. In recent years, the ratio of individual and common interests of states has significantly changed in favor of the latter. For example, a clear mechanism for decision-making, taking into account the national interests of all states, is the European Union, where the European Commission expresses common

interests, the Council of Ministers - the interests of states, the European Parliament - the interests of citizens. By virtue of the high level of integration processes, all citizens of the European Union have the right to participate in local government elections in the EU member states. A citizen of any EU member state is recognized as an EU citizen. So, both general and national interests of states require a higher level of cooperation, international legal regulation and protection. (Ramcharan 2011, p.145)

Human rights and freedoms have a primary importance among the system of values of the international community, enshrined in the United Nations. Currently, there are more than 70 international acts in international law that reflect the universal concept of human rights and freedoms and legally binding norms for states in various fields of human rights protection. (Salitan 2007, p.21)

“Most States have acceded to international human rights covenants with a number of significant reservations, to which certain provisions of the Covenants are not binding. To date, not all members of the Security Council are parties to the Covenants on Human Rights (for example, the United States has not ratified the International Covenant on Economic, Social and Cultural Rights). There are also facts of denunciations of pacts by one of the UN member states. So, in 1997, North Korea withdrew from the parties to these treaties, arguing that their provisions are often used to exert political pressure by individual states.” (Bailey & Daws 1998, p.228)

International practice shows that the general pattern of improvement of international cooperation in the field of human rights and freedoms increased the desire of states to participate actively in it. However, the pace of such participation depends on the actual socio-economic and political conditions at the national level human rights. In modern conditions, the concept of human rights has increasingly become associated with the state's responsibility to the international community for its policies. States, being full-fledged subjects of the international political process are obliged to proceed from international human rights standards while implementing the foreign policy. It is necessary to recognize that significant impact on the implementation and protection of human rights provide the national, historical, economic, geopolitical, religious, cultural and other features of the development of each particular state. (Ruggie 1983, pp.105-107)

The international human rights standards developed by the community contain valuable ideas for rights and freedoms, the observance of which makes the links

between the system and subsystems (both nationally and internationally) and different subsystems (between states) more stable and sustainable. The more states adhering to international standards, the more stable the system is (the international community, the world community), and the more favorable conditions for the development of subsystems are for the states. (Ruggie 1983, pp.105-107)

The fundamental principle of harmonization of any system is the principle of preserving the integrity and capacity of the system, which can be presented in more detail in the form of two principles for harmonizing the system: 1) the priority of the system before the subsystem; 2) the need for a subsystem in the system. Applying this principle to public systems, we can consider that international human rights standards are a system, and national standards and concepts of human rights in a particular country are subsystems that must function in harmony with the elements of their subsystem and the system as a whole. The stability of the system (the international community with international human rights standards) is based on harmony with subsystems (individual states with their national concept of human rights). So, on the basis of what can a harmonious relationship be built? What can unite all states as a common idea? This is the idea of human rights and freedoms. (Ruggie 1983, pp.105-107)

## **2.2. Human Rights Past to Present**

In different historical epochs the concept and scope of human rights and freedoms were not the same. Until relatively recently, right up until the beginning of this century, human rights were regulated exclusively by domestic law. The states-participants in international relations proceeded from the fact that these issues are related to their internal jurisdiction.

The boundaries of the internal jurisdiction of states are historically mobile, and the states themselves set limits to such restrictions, subjecting international law to certain aspects of internal relations.

Human rights are increasingly recognized as fundamental and inalienable in a international conventions and constitutions of many countries of the world asserted in the Charter of the United Nations. (Eliadis 2014, pp.70-76)

In international relations there are given special attention to human rights, some countries that are on the front line on this issue even say that establishing ties with

states that do not respect human rights will serve as a factor that might effect their international image. In a word, the world community, international organizations, as well as interstate organizations and institutions began to pay great attention to this issue. In different countries there are civil society and non-governmental organizations engaged in human rights activities. (Brown 2012, pp.30-38)

The list and content of human rights and freedoms are enshrined in the Universal Declaration of Human Rights, which is called the conscience of the world, and the moral standard of humanity. In this historical document, as in the UN Charter states that, all people are born free and equal in their human dignity and basic, natural rights. The Universal Declaration affirms the right of everyone to live without need and fear, personal inviolability, “freedom of speech and belief, the right to a just and universal peace, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property or other status.” (Universal Declaration of Human Rights 2017)

There are dozen international covenants, conventions or protocols have been developed on the basis of the Universal Declaration that has legal force. These covenants persistently pursue the idea that democracy and tolerance, that is, tolerance for people's opinions, beliefs, behavior, human rights and freedoms, peace and progress have the status of universally recognized universal values. The role of education in the assertion and protection of human rights is emphasized in many international documents. (Brown 2012, pp.30-38)

The foundation of modern (or, as is often said, new international) law was laid by the UN Charter. This provision is widely recognized in the doctrine. It was repeatedly pointed out by authoritative representatives of Russian science (G.I. Tunkin, D.B. Levin, A.P. Movchan, and others). The corresponding opinions were also expressed by official representatives of states (such as United Kingdom, Soviet Union and the United States). (Tunkin et al. 1993, pp.7-11) Certainly, the UN Charter did not appear in an empty place. It relies on the previous experience of regulating international relations. But the main thing is that its content reflected the special conditions that arose on the eve of the victory of democratic forces in the Second World War, the belief of people in the ability of states to unite their efforts in the name of victory not only in war, but also in the struggle for peace and prosperity of all peoples. Socially, the UN Charter has embodied universal human interests and hopes that by joint efforts of the state peace and prosperity will be ensured. It took

centuries for the dream of the ancestors of the idea of international law to begin to be realized. F. de Vittorio in 1532 wrote that the norms of the law of nations must be derived from "the consent of the greater part of the whole world, primarily for the common good of all." Appeal to social problems is one of the characteristic features of modern international law. (Tunkin et al. 1993, pp.7-11)

Politically, the provisions of the UN Charter reflected a new way of thinking. The basis of international law was the principle of cooperation. The whole mechanism of the operation of the norms of international law was to be transferred to the rails of cooperation. It can be safely asserted that both the emergence of modern international law and its development became possible owing to multilateral cooperation. (Tunkin et al. 1993, pp.7-11)

The charter prescribed the rejection of the dominant concept of the rule of force over the centuries and its replacement by the concept of the rule of law. Despite all the difficulties, on the basis of the UN Charter it was possible to achieve considerable in this direction. The charter broke with the legalization of colonial oppression, characteristic of classical international law. The role of the United Nations in the elimination of the colonial system is well known, as a result of which the factor determining the international law - the system of its subjects - has fundamentally changed. (UN Draft Committee 1996, pp.5-8)

The assertion of human rights in it is one of the most typical features of modern international law. The democratization of national systems creates suitable conditions for the functioning of international law.

The UN Charter defined common goals and principles of international law, which are the main system-forming factors. From the set of norms, law has become a system based on common goals and principles. If in the past these principles are often only declared, then after the adoption of the Charter they become an increasingly real category. (UN Draft Committee 1996, pp.5-8)

The goals and principles proclaimed in this document are vested with the highest legal force. This is primarily related to Article 103 of the UN Charter, which provides that, in the event of a contradiction in the obligations of States under any agreement, their obligations under the Charter will prevail over the latter. The position of the Charter speaks also about the special force of the principles, according to which the UN ensures that states that are not members of the UN act in

accordance with its principles, when it is necessary to maintain peace (Clause 6, Article 2). (UN Draft Committee 1996, pp.5-8)

The mechanism of the functioning of international law has changed significantly. The creation of a developed system of international organizations led to the institutionalization of the process of law-making and law enforcement. Without these organizations, modern international law could not perform its complex functions. Many other new, time-appropriate moments appeared both in law-making and in the implementation of law. (Castel 1965, pp.460-465)

Active development of national mechanisms has the particular importance for the implementation of international law. An increasing number of these norms are intended for the ultimate implementation within the framework of national legal systems. In conclusion, it should be noted that the distinctive characteristics of this type of international law are:

1. Anti-war orientation;
2. Anticolonial nature;
3. Significant quantitative growth of contractual norms, "second birth" of old branches of international law (subjects of international law, international legal responsibility, maritime law, the law of external relations, the law of international treaties, etc.);
4. The emergence of new industries conditioned by the scientific and technological revolution (the law of international security, space, economic, environmental law, the law of international organizations, human rights, etc.);
5. A sharp expansion of the spatial scope of international law (the entire globe, its land and subsoil, the World Ocean, the bottom and subsoil, as well as air, outer space, celestial bodies). (Castel 1965, pp.460-465)



### **3. TRADITIONS OF DECLARATION AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS in USA**

#### **3.1. History of Improvement**

As an independent country United States of America was promulgated in 1776. It took seven years of hard war with England for the defense of their independence. Only in 1783, under Versailles peace England recognized sovereignty of transatlantic republic. The conflict was brewing between colonies and metropolis gradually. As known, the colonization of North America began in the early seventeenth century. The majority of white settlers moved from Europe, mainly from England. There were about 2.5 million people living in the 13 colonies by the beginning of the War of Independence and 500 thousand of them were Negroes-slaves from Africa. Attempts of turning Indians into the slaves were unsuccessful. Attempts by the government of England to restrain, suspend the rapid economic growth of the American colonies and their aspiration for complete independence encountered strong resistance of the American people. (Baglay et al. 2009, pp.125-129)

Despite the fact that colonies had a legitimate broadcasters Assembly chosen by England governor could put veto to the decision of the Assembly. In 1773 "Boston Tea Party" was the beginning of open conflict the colonists and the metropolis. The country was split in two camps: the supporters and opponents of the King. (Baglay et al. 2009, pp.125-129)

April 19, 1775 between colonists and British troops began open warfare. The Second Continental Congress opened in Philadelphia on May 10th, which intermittently continued till 1779. It began to perform the function of federal representation. Colonel George Washington was appointed chief commander. The creation of a regular army was announced on June. The most important decision of the Second Continental Congress was the adoption of Declaration of Independence of USA on July 4, 1776. An important constitutional act issued during the war for independence, are the Articles of C on federation entered into force on 1 March 1781. In essence, this treaty is about of alliance and cooperation among 13 independent states. In that treaty former colonies are called states, each of them retains its sovereignty. For the

management of common affairs of the Union was planned to convene a unicameral Congress every year. Each state had one vote, but the number of delegates ranged from 2 to 7 people. (Friedman 1984, pp.21-23)

The final stage of democratic development was the adoption of the US Constitution in 1787. September 17, 1787 Convention approved the project of Constitution and it entered into force after its ratification by three fourths of the states. (Friedman 1984, pp.21-23)

### **3.2. Regulation**

“The United States Constitution provides that all national legislative power granted to Congress, consisting of two chambers - the Senate and the House of Representatives. The power of Congress in the legislation is sufficiently comprehensive and it covers almost all aspects of life of the American people. Even while ratifying the Constitution, legislative assemblies of states required to supplement its articles of rights and freedoms of citizens under the pressure of the American people. They put these requirements as a mandatory condition of entry into force of the Constitution.” (US Constitution 2012, pp.9-12) The pressure of the population, also well as the impact of the French Revolution forced the legislator to adopt the first twelve amendments to the constitution ("Bill of Rights"), which entered into force in 1789. (US Constitution 2012, pp.9-12) “The individual right to equal treatment for all citizens, regardless of their individual characteristics is also protected by the US Constitution, federal laws and state laws. These protective measures are usually summarized under the name of "civil rights" committed to the fact that certain critical decisions affecting the individual capabilities and material well-being are not accepted on the basis of individual characteristics, which are whatever and are not a fair basis in dealing with separate individuals.” (US Constitution 2012, pp.9-12)

These measures protect of the civil rights of such discrimination exists in both the US Constitution and the constitutions of the several States as well as in a variety of federal and state laws that have been adopted in response to certain types of discrimination over the years. We have a look to the basic human rights, enshrined in the first ten amendments to the US Constitution.

### **3.3. Federalism**

American federalism arose 200 years ago. It has undergone a significant evolution since then. Nowadays the bodies of state power at all levels - central, state, local play a big role in the lives of citizens than before. People's demands to the government and idea about their rights have changed.

“The authors of the Constitution rejected the confederation and unitary model of government. Instead of it, they proposed a completely new principle as the basis for governing the state: federalism.” (Tindall & Shi 2009, p.352) The Confederation is a union of states. The states retain their sovereignty in this case, and the inhabitants are citizens of the respective states, not the country in general. On the contrary, in a unitary system, a national state has sovereignty, and the states, if they exist at all, are administrative branches of the central government. In the American federal system, the sovereign is the people, who delegate certain powers to the central government and leave all other powers to the state authorities. Each person is a citizen of both the country as a whole and the state concerned.

Many questions of federalism were removed as a result of the Civil War in America (1860-1865). “The victory of the North and the subsequent adoption of the 13th, 14th and 15th amendments to the Constitution put an end to slavery, gave a clear definition of the concept of citizenship, and limited the powers of states in the field of civil rights and freedoms.” Periodically, conflicts arose on the question of federalism. There were two events that led to the expansion of the powers of the federal government. (Katz 1997, pp.85-88)

First, as a result of the "New Deal" of President Franklin Roosevelt, the functions of the federal government have drastically expanded. “In the framework of the New Deal, social security systems, unemployment benefits, federal social protection programs, programs for stabilizing prices for industrial and agricultural products, and a system of collective agreements with trade unions have emerged. Although, many of these programs have been financed from the federal budget, it was implemented by the state authorities in practice, which led to the emergence of a system of federal grants.” The US Supreme Court upheld the expanded role of the federal authorities in its decisions, and beginning from 1937, it practically permitted the federal government to determine the limits of its power. (Jackson & Bloch 2013, pp.255-278)

Secondly, in the 50's and 60's of this century, "the federal government was regarded as the main guarantor of civil rights and freedoms. The US Supreme Court adopted a number of important decisions that abolished racial segregation in the states, state laws that infringed on women's rights and state criminal procedures that did not comply with the 14th Amendment to the Constitution in due process. Thus, citizens turned their attention to federal institutions (especially the US Supreme Court) when it was required to protect their rights in conflict with the state authorities." (Jackson & Bloch 2013, pp.255-278)

These two phenomena required a revision of the concept of federalism. Prior to the "New Deal", the concept of federalism was based on the notion of "double federalism", according to which the responsibilities and powers of the central and state governments did not overlap. Thus, the issues of foreign policy and national security were the prerogative of the federal government, while the issues of education and family legislation were in the exclusive jurisdiction of the states. Alex de Tocqueville saw the value of federalism in the relationship between self-government and freedom. He saw the importance of education of citizen participation: local resident is practicing the art of management in a narrow, achievable for it area. Local governance, therefore, is a school of citizenship. Another link between federalism and personal freedom lies in the influence of federalism on the distribution of power at different levels of government. It is noted that federalism works as long as there exists separation of powers. Federalism equally reflects and encourages pluralism. The boundaries of the state are nearly of arbitrary degree. But the mood and reactions differ from one another in different parts of the country. As a free society permits the individual to flourish idiosyncrasy, as well federalism is the opposite of consistency and homogeneity. (Katz 1997, pp.85-88)

This is especially true of the modern period. I would formulate six basic questions that are currently facing America: 1. Unfunded mandates, 2. Constitutional issues, 3. Public funding, 4. Reform of public administration, 5. International trade, 6. States as research laboratories. American federalism has never been just a set of frozen rules, fixed in the American Constitution. American federalism is a dynamic multidimensional process, in which not only constitutional aspects can be identified, but also economic, administrative and political. (Friedman 2005, p.158)

### **3.4. Personal Immunity**

The right of Personal Immunity means that no one has the right to arbitrarily force or threaten to use one's actions, to subject a person to arrest or search, to damage his health, etc. Deprivation of liberty in a democratic society and state is allowed only on the verdict of the court, and temporary deprivation of liberty (arrest or police detention) only for a certain period (usually 2-3 days) and in compliance with the procedures established by law. The "habeas corpus" institution, existing in most democratic countries, plays an especially important role here, according to which every detainee has the right to demand that he be brought immediately to a judge so that he can decide on the validity of the deprivation of liberty. In its original form, the "US Constitution did not consolidate the rights and freedoms of citizens, as they were contained in the constitutions of the states, and the goal of the US Constitution was limited to the creation of a system of public authorities. But this situation caused widespread dissatisfaction of the people", which put under threat the process of ratification of the Constitution. (Baglay et al. 2005, pp.881-997)

An essential element in the government's relationship with its citizens is the maintenance and functioning of the criminal proceedings. Protecting the integrity and fairness of legal proceedings are the necessary elements of the rule of law. Magna Carta and the many bills of rights in the course of human history testify to the importance of such justice. Certainly, the Fourth, Fifth, Sixth and Eighth Amendments of the Bill of Rights to the United States Constitution are directly related to the question of justice during the criminal proceedings, it is vital. An important fact is that criminal proceedings cannot be politicized or used to punish political dissidents. Amendments of the Bill of Rights are the requirements relating to the search and seizure (Fourth Amendment); protection against punishment for the same offense and against self-incrimination (Fifth Amendment); the right to a speedy and public trial with the assistance of an impartial jury, right to be informed of all the charges, the right to confront hostile witnesses, the right to due process for the attendance of witnesses and the right to legal counsel (Sixth Amendment); prohibition of excessive bail or fines, as well as gross and unusual punishment (Eighth Amendment). (Baglay et al. 2005, pp.881-997)

Perhaps the most important guarantee of the protection of individual rights from the state in a criminal court is a presumption of innocence. Similarly, the right of Habeas

Corpus - of Appeal proceedings sentence in a criminal case and a fair sentencing, and subsequent treatment of prisoners. “To deprive a person of life, liberty and property is possible only through an independent court; the protection of rights is the primary duty of the state. (Baglay et al. 2005, pp.881-997)

### **3.5. Freedom of Religion**

“The preservation of religious freedom is one of the oldest and most important components of personal freedom.” January 16 in 1786, the Virginia General Assembly adopted the Virginia Statue on Religious Freedom. (Ragosta 2017)

Thomas Jefferson formulated the foundations of this legislative act, which was subsequently regarded as his most outstanding merit. In virtue of Jefferson Law, the practice of taxing citizens by local clergy was terminated, and it also created the protection of the civil rights of people to express their religious beliefs without fear of discrimination. The position of Jefferson also created the prerequisites and influenced the adoption of the First Amendment to the US Constitution guaranteeing freedom of religion. This is the first thing mentioned in the Bill of Rights, which opens with the words that Congress cannot issue laws that establish religion or restrict freedom of religion. “Thus, the guarantee of freedom of religion (First Amendment) is a vital component of civil rights. The importance of this freedom is proven by the history of mankind from the beginning with the Magna Carta (1215).” (Clinton 1997, p.15)

There are two of national mottos in USA, “Unity in diversity” and “In God we Trust.” The phrase "In God We Trust" is the national motto of the United States since 1956. In 1864 it was first minted on a dime of the USA, and since 1957 it can be seen on all coins and bills of the United States of America. ([http://www.religioustolerance.org/nat\\_mott.htm](http://www.religioustolerance.org/nat_mott.htm), 07.01.2017)

In the conduct of US public censuses, the question of religious affiliation is not asked, so information on the number of believers in the US is obtained from surveys conducted by non-governmental organizations and may differ slightly depending on the source.

Christianity - about 78% of the US population

Atheists or agnostics - about 15% of the US population

Judaism - about 2% of the US population

Islam - about 1.5% of the US population

Buddhism - about 0.8% of the US population

Hinduism - about 0.4% of the US population (<http://prousa.info/religion>, 2011-2016)

“Religious freedoms contain at least two important and overlapping principles - freedom of religion and unprovability of religion. To avoid interference with religious freedom and at the same time maintain compatibility with the main reasons for the unprovability of religion, it is important that the Government does not give preference to both non-religious doctrine and a particular religion. Complete protection of religious freedom may require strong and effective norms of civil law, which protect against discrimination for political reasons.” (Beale 1951, p.61)

We also can mention American secularism among other religious groups listed above.

Secularism is the most misunderstood "ism" of the American political lexicon. Secularism must be distinguished from atheism for a variety of reasons. First, these two "isms" are simply not synonymous. One of them primarily deals with political issues, while the second (anti) is metaphysical. They have different areas of interest, different intellectual bases and different histories (although it is entirely possible that the emergence of both was associated with Christian theological search). (Berlinerblau 2017)

Secularism is interested in the relationship between the church and the state. This is a flexible doctrine, within which various political decisions can be made. The rigid separation of church and state is one option, but not the only one. Nevertheless, at its core, it is deeply suspicious of any intertwining of the state and religion. (Berlinerblau 2017)

Secularism was engendered by religious thinkers such as Martin Luther, John Locke, Thomas Jefferson and James Madison. In the history of America, groups such as Baptists, Jews and progressive Catholics, as well as many less significant religious minorities, advocated secularist political ideas. (Berlinerblau 2017)

Annually, January 16 is celebrated in the United States as the Religious Freedom Day. On this day, the President of the United States calls on all Americans to remember the history of their country and the difficulties of fighting for civil rights to freedom of religion of various religions, as well as to celebrate this date by

appropriate activities in families, schools and higher education institutions and business institutions.

Practically today you can meet people professing all world religions in USA. The ratio of the number of believers to the total population in different states of the United States is not homogeneous.

Currently the Day of Religious Freedom in the United States, according to the leadership of the country, should serve as an example of the fact that everyone has the right to freely accept and practice religion, as well as express their faith in worship, teaching and observance of religious rites. Therefore, traditionally, this holiday is timed for holding festive concerts and performances in many educational institutions in America, where students depict historical personalities and events corresponding to the day. (Littel 1989, p.223)

### **3.6. Judicial Protection of Rights and Freedom**

It is quite easy to describe the main features of a typical judicial system, despite the existence of local differences, unique technical details. It can be imagined as a form of a pyramid. Below, at the first step of the pyramid, there are the lower courts scattered across the state. Such courts, as a rule, refer to municipal districts. These courts deal with the least serious misconduct and the least serious suits. “They have different names: world courts, transport police, municipal, etc. Some of them specialize in a narrow area: transport courts consider road accidents, police courts deal only with minor offenses (you cannot file a lawsuit against the homeowner or get a divorce in a police court); Claims courts never concern transport violations or cases of drunkenness.” (Bryden 1994, pp.5-12)

The base of justice is the courts. They act their activities informality. Some of them refuse to take part in the process of attorneys. Some add to the case the jury only then if one of the parties strongly insists on it. Others do not have a jury at all, and if one of the parties insists on considering their case by a jury, the case is referred to a higher court. Another reason is that, usually the judges of these lower courts are highly professional. They have a good juristic practice. (Sadurski 2002, p.286)

In the lower courts there is more debate about the justice quality. In 1970 Maureen Mileski studied the lower criminal court in a medium-sized city. 72% of cases were resolved in one minute in that court. It means that, the usual clash of citizens with the



police lasts much more than full time spent in court. The courts of the claims are also taking place in the judicial system. In 1913 the first such court was founded in Cleveland. The idea spread quickly. These courts served as courts for poor people. It was cheap, without lawyers and easy to use. In a sense, these courts are quite effective so, hundreds suits pass through such courts every year. Whether they are courts for the poor or not is another issue. US law scholars made serious accusations against them in 1990s. Such courts have become another example of the fact that justice is increasingly considered not to the benefit of the poor people. These were the courts, not for, but against the working people. In essence, they represented the interests of properties rich citizens. "Courts for the poor" phrase meant only that poor citizens were arrested before the trial and in a frightening situation were forced to confront with government apparatus or homeowners. (Mileski 1971, p.488)

The main procedural courts of society are coming in the next level of the pyramid. They are related to the general jurisdiction. There are also such courts that deal with more serious cases that are "worth" more than cases of lower courts (drunkenness). Such as, serious criminal offenses, willful killing, rape, robbery and so on. Judges sitting in such courts have to have a legal law education. The atmosphere of the court is majestic. The staff of the court are mainly consists of permanent employees. (Bryden 1994, pp.5-12)

Jurisdiction of procedural courts usually covers a wider area of law and a larger number of people than municipal courts. There is one main procedural court per district in most states. Court can be divided into "branches" in the places with a large population. "There is no uniform name for the main United States procedural courts. They are called regional courts in some states, district courts in others. Such court named a senior court in California. The names are rather oddly interwoven in New York: the main procedural court is called the Supreme Court; and the highest court in the state is Appellate Court." (<http://www.courts.ca.gov> , 2017)

In states with a small population, the loser can directly appeal to the state's highest court, called the Supreme Court. Idaho and Rhode Island are the examples. If we accept that the procedural court is in the first level, it means these states have "two-level" systems. If an appeal is filed against it, Supreme Court will contemplate any case in such small states; the court does not rank these cases for their importance. (<https://www.courts.ri.gov/Courts>, 2014)

A higher court shows hideous legibility in choosing cases for consideration in “three-level” systems. It has the right to decide which cases are confirmed for hearing and which ones are not. At least once without leaving the system levels the loser has the right to appeal. But practically he has no right to demand referring the case to hearing in the Supreme Court. If you can convince the court of the importance of your case some exceptions can occur. (Strashun 2001, pp.169-172)

Federal courts are also referring to a three-tier system. There are no federal lawsuits (the exception is District of Columbia, it has litigation and conciliation in its upper court). This is the main federal procedural court in states where the lower federal level is the regional court. (Strashun 2001, pp.169-172)

The Supreme Court of the United States and district courts are limited with their activities to appeals.

In fact, district courts are the last instance in most situations. Above them stands the Supreme Court. “Supreme Court stays on the top of the pyramid of federal courts. It can review cases that have come from the highest state courts, if they concern important federal issues, issues that are usually covered by the federal Constitution. The Supreme Court consists of nine judges. It must zealously fulfill his duties, and it fulfills them. Only a few cases from a huge crowd, knocking at its door, get inside.” (Djankov et al. 2003, p.477)

“The US Supreme Court is provided by the Constitution as an independent body, but the lower federal courts depend on the congress both on the issue of its existence and on the proceedings. In order to avoid the situation in which judges feel obligated to the executive body, the founders of the Constitution have provided for independent judiciaries, having appointed judges to serve in them for life. Thus, if judges already occupy their posts, they feel completely free to take decisions that they consider best for each particular case, regardless of the opinion of the president who appointed them.” (Strashun 2001, pp.169-172)

“In the protection of human and civil rights and freedoms, the Supreme Court has enormous power, since it represents the only body that determines the final meaning of many broad and indefinite terms in the Constitution, as well as the manner in which this document can be used in each individual case. The interpretation of the Constitution adopted by the Supreme Court can be revoked only by the Court itself or through a complex process of adopting amendments to the Constitution. This power is especially important, since the Constitution is the main law of the country

and Congress and the President take an oath to protect it, and legislation that does not coincide with it will not be implemented.” (<https://www.supremecourt.gov>, 2017)

### **3.7. LGBT**

Social and political movements of lesbian, gay, bisexual and transgender people in the United States of America was originated by the beginning of the 20th century. The movements also influenced the achievement of social progress for lesbian, gay, bisexual, transgender and transsexual people around the world.

LGBT people have a long history in these movements, of agitating for what is now commonly called LGBT rights, sometimes also called gay rights or the rights of gays and lesbians. Although there is no primary or central organization representing all LGBT people and their interests, but several LGBT human rights organizations are represented around the world.

A widely stated goal among these movements is social equality for LGBT people. Some of them also focus on the creation of LGBT communities or work towards the liberation of broad sections of society from biphobia, homophobia and transphobia. “LGBT movements today represent a wide range of political activism and cultural activities, including lobbying, street processions, social groups, media, art and research.” (Canaday 2014, pp.11-17)

One of the founding fathers of the United States, Benjamin Franklin, said: “Without continual growth and progress, such words as improvement, achievement and success have no meaning.”(<https://due.com/blog/benjamin-franklin-growth-and-progress/>, 08.01.2017) Supporting growth and progress, discussions and disagreements on pressing social issues play a vital role for the future of the United States. On the wave of the American movement for the rights of the LGBT community, a recent national dialogue on this topic helped to ensure these rights and preserve the American ideals of equality and freedom for all US residents.

“LGBT movements often adopt a kind of identity politics that sees gay, bisexual and / or transgender people in the form of a single and a fixed class of people in the form of a group or minority groups. Those who use this approach seek liberal political goals, freedom and equality of opportunity and strive to enter the political arena at the same level as other groups in society. Claiming that sexual orientation and gender identity are innate and cannot be deliberately changed, attempts to change gays,

lesbians and bisexual people to heterosexuals tend to oppose the LGBT community. Such attempts are often based on religious beliefs that perceive gays, lesbians and bisexuals as immoral.” (Cohen 2016, pp.32-33)

Just 30 years ago, 72 percent of the population was against same-sex marriage and only 13 percent approved them. (RIA NOVOSTI, 01.07.2017) Representatives of the LGBT community in the US faced hostility, discrimination and even violence in such an unpleasant atmosphere. "Stonewall Riot" was the most symbolic example of this troubled period in US history. Located in the New York area of Greenwich Village, the gay bar "Stonewall-Inn" was a haven for homosexuals in the 1960s, when homosexual relationships were banned in the US. This bar, which belonged to the mafia and did not have a license, was one of the few places where LGBT community representatives could communicate, dance and drink, because it was forbidden to sell alcohol to them. Because of the intolerant attitude towards homosexuals in America at that time, the police often raided the Stonewall Inn, intimidated clients, insulted them and threatened them with physical violence, and charged them with minor violations. But everything changed on June 28, 1969, when bar attendants refused to tolerate such treatment and clashes with the police began. The unrest lasted five days. "Stonewall riots" marked the beginning of a national dialogue, which over time grew into a movement for the rights of representatives of the LGBT community. This uprising led the LGBT community to seek political and social change. And on the first anniversary of those events in the United States, the first gay parade took place. Candidates who did not conceal their homosexual orientation began to win elections for state posts, and on the West Coast the movement for the rights of the LGBT community found a leader in the person of Harvey Milk, who, as a member of the City Council of San Francisco, fought tirelessly for the adoption of this municipal body The prohibition of discrimination on the grounds of sexual orientation. (Carter 2010, p.113)

Milk's assassination in 1978 and the subsequent trial of his murderer served as a pretext for mass demonstrations in the San Francisco area and gave impetus to the defenders of the rights of the LGBT community throughout the country - in October 1979, 75,000 of them participated in the first US national march To Washington in defense of these rights. Three years later, Wisconsin became the first state to legally prohibit discrimination based on sexual orientation. The emergence of HIV / AIDS has turned out to be a tragedy for many people, especially in a homosexual

environment, but extensive efforts to combat this disease, forcing authorities to take action, have also led to a civil dialogue on the need for a radical shift in priorities in health and the social sphere. (Weiss 1984, p.356)

The American society has a rich history of nationwide in solving important social problems. Since the suffragist movement for giving women equal rights with men to vote in the 19th century, civil rights movements of the 20th century with demands for African Americans of the same attitude as for white Americans, to the modern movement for the rights of the LGBT community, US citizens have tried to find a solution within these national movements.

According to Stephen Jimenez every American older than 30 knows the name of Matthew Sheppard, a young man 21 years old, brutally murdered in 1998 because of hatred of homosexuals. (Jimenez 2013, p.17) Cases of public manifestations of undisguised hatred, discrimination and violence have done much to start a nationwide discussion about the rights of the LGBT community, and have forced many to look into themselves. US legislation has changed, including the 2009 Law on the Prevention of Crime from Hatred as a response to the murders of Matthew Sheppard and James Byrd. It is difficult for many people to understand why it took so long to guarantee everyone such basic rights. However, social change everywhere takes time, including in the US, and they occur only when they are led by bold public figures. (Jimenez 2013, p.17)

As a result of open debates about LGBT in the United States, a wall of misunderstanding collapsed. Attitude of Americans changed in favor of the LGBT community radically. Now only one third of Americans oppose same-sex marriages, and about 58 percent of citizens approve of them. (Pew Research Center 2017)

Even President Obama's view of the rights of the LGBT community has evolved. Several years ago, Barack Obama believed that marriage can only be between a man and a woman. But after hearing the stories of representatives of the LGBT community and judging, he changed his position and agreed with the possibility of same-sex marriage. (Pew Research Center 2017)

In January of 2015, the president said that "if we are truly created equal, then undoubtedly, the feelings of love that people give to each other must also be equal." Americans agree that equality should be without reservations. Equality should be for all, regardless of gender, race, religion, social status, sexual orientation or gender

identity. This is the cornerstone of American democracy and the most important component of freedom in any country. (Nakamura 2015, pp.1-3)

The image of homosexual heroes on American television, cinema, literature, and so on has had positive impact on US society, by paraphrasing Martin Luther King, we can say that we are afraid only of those whom we do not know. Therefore, the daily appearance of homosexual, lesbian, bisexual and transgender characters in popular TV shows seen by millions of Americans has certainly helped many to realize that LGBT people are ordinary people who have family, work and care, like everyone else. In short, these are our neighbors, colleagues, friends and relatives.

In the last thirty years, this social and political pressure continues to increase, which resulted in the legalization of same-sex marriages in several states, and the Supreme Court, in its decisive decision in June 2013, abrogated the key provisions of the "Defense of Marriage Act" (DOMA). The principle of "do not ask, do not tell" has not been applied to the Armed Forces. Men and women who adhere to homosexual orientation can now freely carry out military service in the US Army. (Catapano 2011, pp.1-3)

Of course, not all Americans agree with the goals of these movements for social changes in society. There are still disagreements, sometimes hostility, and sometimes even violence. Nevertheless, despite the inevitable conflicts accompanying the discussion of disputable issues, I believe that such a discussion is of great importance for the development of any nation.

### **3.8. Immigration**

United States of America from the first day of its existence was a country of migrants. American history shows the periods when for half a century more people entered the country than lived on its territory. Probably that is why the US Constitution does not supply any restrictions on immigration, and the first laws governing the stay of foreigners on its territory appeared only in the early 19th century. "So, today there are restrictions on the issuance of immigrant visas to residents of Asia, Africa, citizens of the former socialist camp. Moreover, obtaining a nonimmigrant visa for many citizens has become quite problematic and every year everything becomes more complicated. Nevertheless, the immigration attractiveness of the United States has been and remains quite high." (Daniels 2002, p.554)

The US immigration policy is influenced by a number of factors that hamper the development of effective strategic solutions in this area. Such factors include, in particular, the influence of changeable public sentiments, a lack of understanding of the social and economic nature of immigration, the prevailing practice of favoring the indigenous population of the country to the detriment of visiting foreigners (nativism), and various narrow political considerations.

The United States of America owes its origin and dynamic history to immigrants. Therefore, the issues of regulation of immigration processes are always in the focus of attention of the American public.

The US immigration policy arose after the adoption of the Declaration of Independence in 1776. Over more than 200 years of history, its goals, tasks and methods have changed in accordance with the interests of the development of the economic system, the foreign policy of the United States and attitudes towards immigrants in American society. The initial stage of US history was characterized by the absence of any restrictions on the intensity and structure of immigration flows. The only exception was the law on hostile foreigners, adopted in 1798. But already in 1800 President Jefferson abolished this law. The next federal law regulating immigration processes was adopted in 1864. It was aimed at encouraging the influx of immigrants to meet the need for labor, exacerbated by the outbreak of the Civil War and the consequent decrease in the influx of new immigrants. The same law gave the US president authority in appointing an immigration commissioner. (Sogrin 2003, p.52)

The United States is a country founded and built by immigrants. This is a unique, amazing place where people from all over the world came to get new opportunities, to start a new life.

"The US attitude to immigration and immigrants reflects the citizens' belief in the American dream. We always believed that any person, starting from the very bottom, can rise very high, as much as his talents and energy allow. Neither race, nor place of birth does not affect this," Robert Kennedy said, as if forgetting the historical development of US immigration policy, the attitude of American citizens to people coming from other countries, the laws that the US Congress took to limit the number of immigrants, to belittle their social status and role in society. (Newland 2003, p.53) Immigrants from various countries throughout the three centuries of American history have experienced harassment from both the Americans and the US

government. But, most of all, the descendants of China suffered. Their path to one of the largest and most influential communities of the United States today was tragic, full of obstacles and humiliations. (<https://history.state.gov/milestones/1866-1898/chinese-immigration>, 05.07.2017)

Immigration to the United States is due to a number of reasons. In the extensive specialized literature, among others, the following are mentioned: “the existence of social networks that facilitate migration, the lack of jobs in the homeland of immigrants, the need for the American economy in cheap labor. In addition, immigration, primarily Mexican, is the result of the policy of economic expansion pursued by the United States. As a result of the expansion of trade and the liberalization of legislation, the links between Mexico and the Border States have become much closer. The expansion of the US economic presence led to the fact that millions of Mexicans who were not affected by economic restructuring, wanted to move to the US.” (Zuniga 2006, p.214)

Proclaiming freedom and democracy as the determining factors of national identity, the founding fathers of the United States formulated comprehensive principles based on very specific conditions. As M. Lind noted, having freed himself from the rule of the British crown at the end of the 18th century, the country was a product of British culture and could be called the English America; And even when in the nineteenth century large-scale immigration from the Old World turned the United States into European America, it did not change the nature of American society, formally going back to European political ideals. (Lawrence & Newland 2002, p.189)

By the middle of the 19th century European countries were not divided to societies, while the US maintained slavery and allowed unprecedented ethnic segregation. The almost unsolvable nature of the problems caused by this circumstance was pointed out by Gunnar Myrdal, Nathan Glazer says that multiculturalism is the price that America has to pay for its inability or unwillingness to incorporate African-Americans in the same principles and to the same extent that it has already incorporated many other groups. (Glazer 1998, p.177)

First of all, it should be mentioned that the US Constitution does not contain any provisions restricting immigration; it only empowers the US Congress to pass immigration laws, since it refers this matter to the competence of the federal government, and also establishes that immigrants must pay a certain fee for entering the country. Immigration to the United States was not a problem in the first hundred



years of the existence of the American state, since the American society was entirely made up of immigrants and had ample opportunities for employment of arriving people. There was no special law on immigration, and no official lists of arrivals were made until the beginning of the XIX century. In the XVIII century the question of limiting immigration did not arise.

In 1798, laws were passed on aliens and incitement to sedition. These laws did not aim to control immigration, but rather they were aimed at choosing people worthy of becoming citizens of America. The federalists, who were in power in the 1790s, believed that immigrants from Europe, for the most part, are supporters of the opposition; Democratic Republicans. In an effort to gain a foothold in power, the federalists increased the period of stay in the country necessary to obtain citizenship, up to fourteen years. In 1802, these laws were abolished. (Brown 1984, p.147)

In the 1850s, the so-called "Know Nothings" Party (also known as the Stars and Stripes Flag Order) was very popular, which led the nationalist policy directed against immigrant workers and Catholics. She advocated an increase in the term of naturalization, in every possible way trying to prevent all, except for those from Western European countries, in obtaining US citizenship. Party members were convinced that Eastern Europeans and Catholics by their presence undermine the cultural foundations of America. For some time, "Know Nothings" controlled the legislature of several northeastern states. With the outbreak of the Civil War, this movement has lost its force. (Anbinder 1994, p.335)

From 1870 to 1920 in the US, about 26 million people immigrated, which exceeded the entire population of the country as of 1850. During these fifty years the image of the American immigrant acquires romantic features. The points of reception of immigrants at that time were located mainly on the east coast. Immigrants sailing into the country through the New York harbor, met the Statue of Liberty, then they were brought to Ellis Island - America's largest trans-shipment point. Most of the immigrants were natives of European countries. This important circumstance is often overlooked. The immigrant contingent has changed dramatically (at the same time changing the demographic composition of the whole of America) only in the twentieth century, when most of the newcomers were descendants from Asia and Latin America. (Clarke et al. 2000, p.162)

In the states of the west coast there was growing discontent with the influx of Chinese immigrants. In 1881, California authorities announced a day off for holding

anti-Chinese rallies. The US Congress began to receive numerous petitions demanding "to take measures against the Chinese." In 1882, a law was passed on the "expulsion of the Chinese", which stopped immigration from China and the granting of citizenship rights to the Chinese who had already arrived in America. Historians believe that attempts to ban Chinese immigration were caused by a desire to weaken competition in the labor market during the economic crisis. The law significantly reduced the number of Chinese immigrants in the United States. (Brown 1984, p.185)

At the beginning of the 20th century, anti-immigrant sentiments began to grow again in the United States. During the First World War, the hostile attitude of Americans towards people from countries of Southern and Eastern Europe increased. The Immigration Act of 1917 strengthened the existing restrictions and determined the contingent of persons who were banned from entering the country (first of all illiterate, physically disabled, prostitutes, chronic alcoholics, stowaways, vagrants, and people with mental disorders). In addition, the law did not give the right to enter the US residents of a number of countries (mainly Asia and the Pacific Islands). (Sterba 2003, p.266)

By 1918, there was a scarcity of workers in the United States. In the interests of the business world of America, Congress and the Immigration Bureau worked out measures to provide the labor market with cheap labor. A program was adopted that allowed the Immigration Bureau to directly employ Mexican workers for the needs of agriculture and the construction of railways. The Immigration and Naturalization Service began to practice a flexible approach to attracting cheap labor, which led to a reduction in the social tensions associated with European immigration. (Newland 2003, p.89)

At the end of the First World War, anti-immigrant sentiments again made themselves felt. Proceeding from economic motives and considerations of nativism, in 1921 and 1924 the US Congress adopted the so-called regulations on the restriction of quotas, which marked the beginning of special restrictions on the entry of certain groups of immigrants into the United States. These groups included immigrants from Eastern Europe, Africa, Australia and Asia. Nevertheless, the representatives of the Western Hemisphere did not apply restrictions. (Higham 2003, p.61)

In the years of the Great Depression, one third of the US population was jobless. Again the voices of populists who spoke against ethnic Mexicans were heard.

“President Herbert Hoover was convinced that Mexican immigrants take jobs from Americans and that they are the cause of the decay. The California authorities passed a law prohibiting the employment of illegal Mexican immigrants. The hostile attitude of society towards Mexicans led to the fact that one-third of all Mexicans living in the US left the country or were deported forcibly.” (Mintz 2009, p.27) About 500,000 people were expelled from the country. Later, in the 1950s, the mass deportation of Mexicans and citizens of America of Mexican origin was repeated with even greater scope.

During the Second World War, the hostile attitude of Americans began to provoke immigrants from the Asia-Pacific region. In the 1940s, it seemed to many that Japanese immigrants pose a serious threat to US national security, and the Immigration and Naturalization Service, part of the Ministry of Labor, was again transferred to the Ministry of Justice, where it still remains. In addition to the measures taken, the Aliens Registration Act was issued, which ordered the department to register all visitors suspected of subversive activities and to remove fingerprints from them. As the US became more involved in the war and hostility to Japanese immigrants and ethnic Japanese increased, the terms of reference of the Immigration and Naturalization Service expanded: it now included detention, internment, conditional detention, and the deportation of "unreliable" immigrants. (Gruber 2010, p.198)

During the Korean War (early 1950s), there was again a sharp shortage of workers. Soon, almost unanimously, the law was restored, which allowed for the employment of Mexicans. The Immigration and Naturalization Service has begun recruiting workers and sending them to agricultural enterprises. By 1964, when this law ceased to exist, the Immigration and Naturalization Service provided about three million immigrants to work in the southwest plantations and ranches. (<http://www.history.com>, 2016)

In 1952, according to a new immigration plan, immigrant specialists received many benefits. The entry permit was given depending on the qualifications of the immigrant and the current needs of the economy. In 1954, in the midst of an economic downturn, dissatisfaction with Mexican immigrants was reinforced in society. Changes in attitudes toward Mexicans can be traced from the statistics of the Immigration and Naturalization Service: in 1954, the number of detainees and deportees reached 1,300,000; by 1959, approximately 3.8 million Mexicans had been

deported. This is a clear example of how difficult and dangerous consequences can lead to nationalistic sentiments in society. The activities of the Immigration and Naturalization Service aroused criticism on both sides of the border. As a result, the US Congress, in consultation with Mexico City, adopted the Migration Labor Agreements, which provided for cooperation between the governments of both countries in organizing the hiring of workers, as well as softening the policy towards illegal immigrants. (<http://www.history.com>, 2016)

In the 1950s there was an outflow of immigrant labor from the agricultural sector to the light and heavy industry with their more highly paid jobs. In large cities, where industrial production was concentrated, district immigration centers were created, in which not all places were raided. (<http://www.history.com>, 2016)

Public and political unrest in East Asia and Central America caused a large flow of refugees. In the 1960s and early 1970s, the United States adopted many immigrants from these countries in excess of existing standards. In 1980, in addition to the system of benefits introduced in 1965, the Refugee Act established a special procedure for allowing refugees to enter the country. This law gave a definition of refugee status and introduced rules for calculating the number of refugees that the state is able to accept. (<http://www.history.com>, 2016)

“In the 1980s, the number of illegal immigrants in the US increased significantly. The government tried to reduce the economic attractiveness of work in the US. Politicians expected that by creating obstacles to the employment of immigrants, they could significantly reduce their inflow. In 1986, the Immigration Reform and Control Act was enacted. The main goal of this law was to reduce the number of illegal immigrants in the US. For this purpose, two provisions were to be implemented: "On sanctions against employers" and "Legalization of immigrants". The first was to deprive immigration of attractiveness for those who sought in the US in search of work, the second legalized the stay of illegal immigrants already in the US, in order to reduce the total number of illegal immigrants.” (Tichenor 1994, pp.337-345) As a result of these innovations, about three million immigrants were able to issue documents for obtaining legal status.

The terrorist attack on September 11 on the International Trade Center and the Pentagon has entailed the need for absolutely new political decisions. Immediately after the attacks, the border services were ordered to block the borders and place agents at airports, which once again showed the purely reactive nature of the US

immigration policy. The public's attention shifted from illegal immigrants to "long-standing", immigrants who remained in the country after the visa expired. "The society demanded an answer to the question of how it could happen that several terrorists managed to enter the country "legally.'" (Kalhan 2008, pp.195-200) Politicians who are sensitive to changes in the public mood have prepared a number of initiatives of an economic nature to solve the problem of "long-term". Although the immigration specialists talked about this problem long before the terrorist attacks, only now is a new system for registering the status of foreign students and participants in the exchange program.

According to the American legislation, you can enter the country either directly on an immigration visa, or on a nonimmigrant visa (guest, student, tourist, business visa, exchange visa, temporary work, etc.). Entering the US on an immigrant visa is difficult to impossible. Such visas are issued extremely reluctantly by the embassy, and their owners are either relatives of US citizens or those who were lucky enough to win the Green Card Lottery and prove that there are means for a decent residence in the United States at first, an invitation to work from an American employer and sufficient experience and qualification for this work. For the overwhelming majority of those wishing to immigrate to the United States, there remain the paths of indirect immigration; Entry into the country for non-immigrant visas with subsequent change of status in the country. There are several ways.

1. Working visa. Issued to foreigners who have an invitation from an American employer with a subsequent extension up to one year. Two years later, provided that the status quo and the guarantee from the employer (sponsor) are preserved, the visa can be replaced by a temporary green card (residence permit in the US). To issue these visas there is a strict quota, especially it increased recently.

2. Visa of the bride. It is issued to wishing to marry a US citizen and obliges to marry within three months after entry into the country. After two years of marriage (subject to a real preservation of that) and successfully passed the interview, you can apply for a residence permit.

3. Investment visa E. This visa provides for an investment in an enterprise in the United States (or the creation of a new one) of at least \$ 1 million (in rural areas - up to \$ 500,000) and the creation of at least 10 jobs for nationals. It is given personally to the investor for 2 years, after which, subject to the fulfillment of obligations, its holder can apply for permanent residence in the United States.

4. Investment visa L. This visa provides for the opening of a branch of an operating foreign enterprise in the United States and is issued for a period of up to seven years to both the investor and his spouse. At the same time, there is no need to prove in the embassy that there are no intentions to immigrate to the United States, and one year from the beginning of work it is possible to apply for permanent residence in the United States.

5. Immigration through obtaining refugee status. (<https://travel.state.gov>, 2017)

Nevertheless, the United States is now accepting migrants from all over the world, and the amount of immigration to the country is very high. The absolute number of immigrants - people born outside the US - is now estimated at 38 million people. Only in the last decade of the twentieth century, the United States received more than 14 million immigrants who provided half of the labor force growth in the 1990s. It is expected that in the current decade the immigration influx will exceed 15 million people. The immigration stream leads to an increase in social tensions and is seen by many as a threat to both the security of the country and the cultural identity of the American population. (Zong & Batalova 2017)

### **3.9. W. Bush's Presidency and the September 11 of 2001 Attack**

On some of the most controversial presidential elections in US history, on November 7, 2000, as a result of counting and recounting votes and five-week legal proceedings, Bush wins the Democratic candidate Al Gore. During the pre-election campaign, Bush played down the details of the Clinton-Lewinsky scandal, which brought him success. Became the second in the history of the US president (after John K. Adams), who took over this post after his father. Bush also possesses another record (along with the same Adams, Jr. and two other presidents of the XIX century: Rutherford Hayes and Benjamin Harrison) - a candidate who received the majority of electoral votes, but the loser by the number of votes received by citizens (more than 0.5 million people). ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

In his inaugural speech, Bush promised to reform social insurance, as well as to reduce the tax burden. The Bush Cabinet consisted of politicians of various directions and views, from liberals to tough conservatives. In February 2001, the president presented a federal budget (\$ 1.96 trillion), which includes tax cuts,

increased allocations for education and armed forces. For the same period, the first signs of a recession in the US economy occurred. Despite the sounding criticism, the Congress in June 2001 adopted a powerful program of tax cuts (by 1.35 trillion dollars). ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

In April 2001, the Bush administration had to negotiate heavily with China on the release of pilots forced to land a reconnaissance aircraft on the territory of the PRC. At the end of the same year, bioterrorism swept across the United States, several envelopes with anthrax were sent to the offices. In 2001, George W. Bush announced the speedy creation of a full-fledged anti-missile defense system, and a year later outlined the so-called "Axis of Evil". Also, Bush froze projects of further research in the field of genetics. However, one of the defining moments of this period was the events of September 11, 2001, when Bush suddenly appeared in the role of president of the country in a state of war. ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

"Dear fellow citizens, today our way of life, our freedom has been attacked", - for many Americans, these words of President George W. Bush meant that their life would never be the same. (<https://www.youtube.com/watch?v=vIYLT1yGpYE>, 2017)

The attack of terrorists on the United States on September 11, 2001 forever changed the course of the country's history, and left a dramatic imprint on both terms of Bush's presidency.

September 11, 2001 the United States suffered the deadliest terrorist attack in history: 19 militants, "Al-Qaeda" hijacked four passenger planes and turned them into a powerful weapon. Two liners crashed into the twin towers of the World Trade Center in New York, one collapsed on the Pentagon building, another crashed in Pennsylvania. As a result of the terrorist attacks, those who were in buildings and in captured aircraft died. Victims of acts of terrorism became 2973 persons, including 343 firemen and 60 policemen. (Injieva 2013, pp.108-112)

The exact number of the damage caused by the September 11 attacks is unknown. In September 2006, US President George W. Bush announced that the damage caused by the September 11, 2001 attacks amounted to \$ 500 billion for the United States at the lowest estimate. (<https://ria.ru/spravka/20120911/747132374.html>, 2017)

The intention to deal a crushing blow to terrorism was voiced by George W. Bush in his first speech on September 11, 2001. "America, together with its friends and allies,

unites with all who want peace and security on the whole earth. Together we will win the war against terrorism," he assured the Americans. His rating soared to 90 percent, and Bush embarked on decisive action. (<https://www.youtube.com/watch?v=vIYLT1yGpYE>, 2017)

Three days later, Congress gave the president the right to use the US Armed Forces for retribution to all those who "planned, claimed, carried out or helped to carry out" the September 11 attacks and those who provided terrorists with a safe haven. (Injjeva 2013, pp.108-112)

On September 20, Bush issued an ultimatum to the authorities of Afghanistan, demanding the extradition of Al-Qaida leader Osama bin Laden and all those involved in the terrorist attacks. Kabul asked for evidence of bin Laden's guilt, promising to try him in an Islamic court. Evidence was not provided. And the founder of al-Qaeda denied involvement in the terrorist attack (in that he planned the attack, Osama confessed only in 2004). (<https://www.golos-ameriki.ru/a/a-33-2009-01-19-voa30/658773.html>, 2017)

After the Taliban refused to comply with the US demand, George Bush ordered the beginning of a military operation of American troops in Afghanistan, in whose territory the training camps of terrorists were located, and where the al-Qaeda leader Osama bin Laden was hiding. (Injjeva 2013, pp.108-112)

On October 7, the US Air Force fired first strikes on Afghan targets, launching the longest war in US history. In November, Kabul was taken, the Taliban pushed back into the mountains. But this campaign could only be called successful: Bin Laden was not captured. (<https://www.golos-ameriki.ru/a/a-33-2009-01-19-voa30/658773.html>, 2017)

The war against terrorism was conducted not only outside the borders of the US: after September 11, US politicians charged the secret services to look for enemies inside the country. President Bush signed the Patriot Act, approved by Congress, "a law that unifies and strengthens America, providing the necessary mechanisms to detect and prevent terrorism" on October 26, 2001. (Injjeva 2013, pp.108-112)

In words, the goal was quite reasonable: in a conversation with NBC News, one of the authors of the bill, a former employee of the US Department of Justice, Natan Sayles, spoke about it. "The right hand should know what the left hand is doing. Cops and scouts must be in constant contact," the ex-official explained. And he cited an example of innovations: the special services received at their disposal the



technical means previously available to the police, for example, tools for wiretapping phones. ([https://lenta.ru/articles/2016/09/12/911\\_aftermath/](https://lenta.ru/articles/2016/09/12/911_aftermath/), 2017)

On November 27, 2002, to investigate the September 11 attacks (Commission 9/11) an independent commission was established in the United States. On July 22, 2004, the commission announced the final report on the investigation of the circumstances of the tragedy. One of the main conclusions of the 600-page document was the recognition that the perpetrators of the terrorist attacks took advantage of "deep administrative failures" in the work of the US government. ([https://lenta.ru/articles/2016/09/12/911\\_aftermath/](https://lenta.ru/articles/2016/09/12/911_aftermath/), 2017)

A few months later, the president and the US National Security Council turned their attention to the threat posed to the US by Iraqi leader Saddam Hussein. The pretext for the war was Bush's statement about the presence in Iraq of weapons of mass destruction (WMD), which allegedly hides from UN inspectors, and Saddam's links with Al-Qaeda. On March 19, 2003, a military operation against Iraq began against Baghdad by a US air strike. President Bush spoke on that day with an appeal to the American people. ([https://lenta.ru/articles/2016/09/12/911\\_aftermath/](https://lenta.ru/articles/2016/09/12/911_aftermath/), 2017)

The justification of the invasion of Afghanistan from the world community did not cause doubts. Bush's decision was supported by many leaders, including Vladimir Putin. But the intention of the American president to bring troops into Iraq was condemned even by the US allies in NATO. Nevertheless, in 2003, American soldiers entered the territory of this state and, almost without resistance, overthrew the regime of Saddam Hussein. On May 1 of the same year, he announced that the mission of US troops in Iraq had been successfully completed, but as it turned out, the bloody protracted conflict in the country was just beginning. Further events did not develop as they had planned in Washington. Many world leaders, as well as experts, warned that the removal of Hussein would plunge Iraq into chaos and turn it into a foothold of Islamists - that's exactly what happened. The US troops, who were initially welcomed as liberators, became targets of violent insurgent attacks. Gradually, an internecine war broke out between Shiites and Sunnis in Iraq. (Injjeva 2013, pp.108-112)

After the whole world flew footage, capturing the humiliation of captured Afghans and Iraqis in the prisons of Bagram and Abu Ghraib, the attitude towards Americans, who had not been particularly fond of in the Middle East before, was catastrophically ruined. Many Muslims began to perceive them as new crusaders, enemies of Islam.

The ranks of jihadists were rapidly replenished. One of the consequences of Bush's reckless decision to attack Iraq is the emergence of the most famous terrorist group of our time: the "Islamic State" (IS). (<https://ria.ru/spravka/20120911/747132374.html>, 2017)

Subsequent events showed the impotence of the US administration in Iraq ahead of the wave of terrorist attacks organized by opponents of the US presence and the other powers in the country, and the increase in crime, slashed Bush's approval rating on the eve of new elections. In addition, they began to appear the statements of official and unofficial parties that no credible evidence that Iraq WMD and links Saddam to al-Qaeda at the beginning of the war the US did not have, and the invasion of Iraq was Bush's political gamble in order to improve their internal rating, decreases as a result of his failed economic policies of the American oil companies to extract oil in Iraq, of major contracts for the production of weapons by private corporations for the needs of the US Army in Iraq. (Injjeva 2013, pp.108-112)

Only after in the summer of 2007 additional units of US troops arrived in Iraq, the situation began to stabilize. However, five years after the outbreak of the war against terrorism, after the loss of American troops in Iraq exceeded 4,200, Taliban militants once again intensified their activities in Afghanistan. (<https://www.golos-ameriki.ru/a/a-33-2009-01-19-voa30/658773.html>, 2017)

Six suspected terrorists were arrested in 2002 and 2003, they spent several years in CIA prisons, and in 2006 were taken to the camp at the US base of Guantanamo in Cuba. (<https://ria.ru/spravka/20120911/747132374.html>, 2017)

On November 2, 2004, he won a presidential election over a candidate from the Democratic Party, a junior senator from Massachusetts - John Kerry. (<https://ria.ru/spravka/20120911/747132374.html>, 16.07.2017)

A new blow to Bush's image was flooding in New Orleans as a result of Hurricane Katrina in late August - early September 2005, when 80% of the city's territory was flooded; Due to the fact that insufficient measures were taken to timely evacuate the city before the hurricane, the number of victims was several hundred people. Before the hurricane, the inhabitants of New Orleans were invited to leave the city, but a significant part of the population did not have sufficient funds for this. In November 2006, Republicans suffer a crushing defeat in the midterm elections. ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

In 2007, Bush was an active supporter of the deployment of US missile defense elements in Eastern Europe, and also advocated the early entry of Georgia and Ukraine into NATO. ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

In February 2008, the US Department of Defense accused six prisoners of murder and war crimes in the framework of the September 11 terrorist attacks. ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

The charges were brought against Khalid Sheikh Mohammed, who, according to the report of commission 9/11, was the central figure in the preparation of the terrorist attacks in the USA on September 11, 2001; A native of Yemen, Ramzi Binalshib, who, according to the investigation, was engaged in logistical support of the Al-Qaeda cell in Hamburg; Mohammed al-Qahtani, who on September 11, 2001 was to become another, twentieth hijacker of four American aircraft; Nephew Khalid Sheikh Mohammed, Kuwaiti ali Abdul Aziz Ali and the Saudis Mustafa Ahmed Havsavi and Walid bin Attash. As the investigation found out, the last three were at Khalid Sheikh Mohammed on pick-up, doing rough work for the preparation of the terrorist attacks planned by the Pakistani. (<https://ria.ru/spravka/20120911/747132374.html>, 2017)

In May 2008, the Pentagon dropped the charges against Mohammed al-Qahtani.

On December 14, 2008, at a press conference in Baghdad, journalist Muntadhar al-Zaidi tried to get into George W. Bush with his shoes, flinging them toward the rostrum. None of them got into George W. Bush, who after the conference considered the incident "amusing," but in Iraq this is considered the greatest insult to both the individual and the person himself. The trick was accompanied by verbal abuse of the American president. Later, the journalist was arrested and beaten in jail. During the examination, the shoes were destroyed, the presence of explosives and other substances was not revealed. On 12 March 2009, the court sentenced Muntadhar al-Zaidi to three years in prison, but for exemplary conduct on September 11, 2009, he was released. (<https://ria.ru/spravka/20120911/747132374.html>, 2017)

Although Bush was a popular president during his first term, in the second, his rating was constantly falling. In 2009, he was replaced by Barack Obama as president. Bush returned to Texas, currently engaged in public activities, and also writes a book. ([http://usa-info.com.ua/presidents/43\\_bush\\_jr.html](http://usa-info.com.ua/presidents/43_bush_jr.html), 2017)

## **4. LGBT RIGHTS BEFORE AND DURING OBAMA ERA**

### **4.1. LGBT Rights Protection before Obama Era**

June 28, 1969 in Stonewall Inn, there was a clash between police and gays, which - then developed into riots throughout the Greenwich Village. This was the first open confrontation between the authorities and homosexuals, whose struggle for their rights had previously been exceptionally peaceful and rather unsystematic. This episode was called Stonewall Riots. (Carter 2010, pp.17-27)

The main feature of the Stonewall Inn was the opportunity for visitors to dance with each other, which was a real luxury for gays in those days. Not surprisingly, on the night of Friday to Saturday, the gay bar was usually crowded with people: at Stonewall Inn, there were bohemians and prosperous businessmen, as well as real marginal - drag-queens and transvestites, young homeless gays. Neither one nor the others were confused by the tightness, lack of a license for alcohol at the bar and sky-high prices. Stonewall Inn flourished, and its owners were engaged in the bar trade in arms and drugs, periodically repaying from the police. (Carter 2010, pp.17-27)

At 1:20 the police entered the Stonewall Inn, at that time there were 205 people. The crowd stood silently for a while, silently watching how the barmen and security guards loaded into police cars. However, the police tried to detain a woman, whose name is still unknown. She actively resisted and at one point shouted: "Guys, why do not you do anything?" This cry became a spark in a powder keg: the mob rushed to the police. (Carter 2010, pp.17-27)

The tension between people with unconventional sexual orientation and the American authorities has been growing since the early 1950s. After the war, Senator Joseph McCarthy announced the famous witch-hunt, having carried out large-scale anticommunist repressions. Starting with the search for communists and ending with repressions against all "anti-American", the McCarthy people could not ignore gays and lesbians. US Deputy Secretary of State James Webb said that homosexuals are less emotionally stable than ordinary people, so this condition can be considered pathological. (Carter 2010, pp.17-27)

Lists of homosexuals and their surroundings were created, as well as those suspected of homosexuality. Many people who fall into these lists lost their jobs and were persecuted. In the laws of 22 states, anti-homosexual laws were created, according to which any gay or lesbian could be sent to compulsory treatment, and in some states even to be neutered or sterilized. (Carter 2010, pp.17-27)

In 1952, the American Association of Psychiatrists recognized homosexuality as a disease, and in 1962, large-scale studies were conducted, according to which it was decided: homosexuality is a mental disorder that comes from childhood as a result of an unfulfilled relationship with the parent of the opposite sex. (Bayer 1981, pp.89-91)

Anyone suspected of homosexuality could be arrested on denunciation. Often the police themselves provoked such detention. As a result, homosexuals were forced to go underground, not being able to openly demonstrate their sexual preferences. (Bayer 1981, pp.89-91)

After the Stonewall riot one thing became clear: this cannot be done any further. Representatives of the then non-existent LGBT movement realized: they have the right to defend their convictions.

The gays began to create organizations to protect people with unconventional sexual orientation - one of them was the Gay Liberation Front. The Stonewall riot gave rise to the LGBT movement in that capacity in which we know it today - active and ready to fight. (Marcus 2009, pp.149-162)

There were newspapers devoted to the LGBT movement: the usual press could not even afford to use the word "gay" in the text of the article. Newspapers Gay, Gay Power, Come Out became very popular publications: each of them had more than 20 thousand readers. (Marcus 2009, pp.149-162)

On the anniversary of the Stonewall riot all over America went gay parades. Within two years almost every city has gay communities that have fought for the rights of people with non-traditional sexual orientation.

The LGBT movement continued to grow and already in 1972 it was succeed, which in the 1960s was difficult to imagine: the American Association of Psychiatrists excluded homosexuality from the official list of mental disorders. (Drescher 2015, pp.53-57)

To talk about the right of same-sex couples to legitimize their relationship began in 1996, when Bill Clinton signed his "Defense of Marriage Act", completely

prohibiting the legalization of non-traditional unions and considering marriage, as a union between a man and a woman, which is established legally. The situation did not change until 2003, until John Kerry proposed to amend the law, which would allow the authorities of each state to independently decide on legalization, regardless of the opinion of higher authorities. At that time, other countries also spoke of legalization, for example, the neighboring with US Canada. (Baker 2013, pp.1-5)

It is worth noting that the campaign for the legalization of gays in the US Armed Forces began even under Clinton, and in the midst of the Iraq war, two brigadier generals, Virgil Richard and Keith Kerr and Rear Admiral Alan Steinman gave a press conference in which they confessed that they adhere to unconventional sexual orientation. For the Conservatives, of course, it was a bolt from the blue, but gay activists cheered up and began to agitate more vigorously for the abolition of the "discriminatory rule." They referred to the experience of the British army, which had not lost its fighting capacity after the legalization of gays, and even cited the so-called "phalanxes of the lovers", the "blue" divisions of the Theban army, with the help of which it managed to defeat the Spartans in the IV century BC. (Baker 2013, pp.1-5)

"The law on the protection of marriage" pointed out that marriage is an alliance of two people of different sex, but did not give any prohibitions on unions of homosexual couples. Relying on this, the authorities of some states independently concluded such unions, without waiting for the approval of higher authorities. (Baker 2013, pp.1-5)

The Washington Post correspondent Peter Baker described the events as follows: "President Clinton waited until the late night to sign legislation aimed at preventing same-sex marriages. For Clinton the law represented a double problem. He was the first president who openly sought the support of voters from the LGBT community and promoted their agenda. On the one hand, he did not want the Republicans to outplay him on the main electoral field at the time when the polls showed the lack of public support for same-sex marriages. On the other hand, he did not want to further upset the LGBT community, which viewed his signature as a betrayal. "(Baker 2013, pp.1-5)

16 years later, in 2013, the constitutionality of the law "Defense of marriage" was contested in the US Supreme Court, along with another act relating to unisex

marriages, the so-called "Proposition 8" - adopted at the referendum in California by the amendment to State constitution. (Dolan 2014)

The Law on the Protection of Marriage states that marriage is a legal union between persons of different sex and provides that no state or any other administrative unit is required to recognize marriage as a union between persons of the same sex even if such marriage is officially recognized in another state or Another US state.

California's "Proposition 8", for which 52 percent of voters voted in a referendum in 2008, excludes same-sex marriages in the state.

Opponents of the laws disputed them, because they considered that they contradict the 14th Amendment of the US Constitution, which states that state laws should equally apply to all citizens. Opponents pointed out, in particular, that depriving persons of the same sex of the opportunity to marry deprives them of the tax and other benefits that are granted to couples both by the federal government and by state governments. (Dolan 2013)

The first state presented gay couples equal marriage became Massachusetts, in the autumn of 2003. Then eight more states followed: Iowa, Connecticut, New Hampshire, New York, Vermont, Maine, Maryland and Washington, as well as the District of Columbia. But before President Obama announced the legalization of same-sex marriages across the United States in 2015, only 37 states took advantage of the opportunity. (<https://snamesta.com/usa/odnopolye-braki>, 2017)

The Mayor of San Francisco, a city that was considered one of the most popular cities for sex minorities, in 2004 already allowed LGBT representatives to marry and give them officially confirmed documents on the marriage. So did the mayor of New Paltz. Legal relationships were recognized more than two dozen pairs, which soon became known to the special Foundation for the Protection of Marriage. Representatives of the authorities who allowed themselves freedom, brought charges in court, but the unions they concluded could not be terminated, since they were recognized as completely legal. (Mischenko 2014)

As mentioned above almost 19 years have passed since the American student Matthew Shepard was murdered in Wyoming, near the town of Laramie. In 1998 his death caused a wide public response and marked the beginning of a large-scale discussion on hate crimes, and Matthew himself became a symbol of the fight against homophobia.

21-year-old Matthew Shepard did not hide his homosexuality and was too gullible guy. That's why he told that he is gay to two random acquaintances. Then they took him outside the city, severely beaten, tied to a fence and left him to die. The next morning, Shepard's body was discovered by a cyclist. The guy looked so terrible that at first the bicyclist took Matthew for a scarecrow. At that moment he was still alive. Delivered to the hospital, Shepard died after a while, without regaining consciousness. (Hadashot 2015)

The murderers of Matthew Shepard, Russell Henderson and Aaron McKinney, were arrested and sentenced to two life terms each. Parents of Mat, Judy and Dennis Shepard created a fund named after their son, who is fighting against homophobia and hate crimes. (Hadashot 2015)

Recall that in the US at the federal level, the law adopted in the period of the first cadence of Barack Obama, named after Matthew Shepard, which tightens the punishment for crimes of hate based on homophobia. (Pilkington 2013)

Only in 2015 the city council Laramie adopted a bill on the prohibition of discrimination on the basis of sexual orientation and gender identity. Thus, Laramie became the first city in the conservative US state where such a document was voted. (Hadashot 2015)

Earlier legislators of the Wyoming legislature rejected a similar bill when it was proposed to be adopted at the state level. When the Laramie City Council discussed a bill on the prohibition of discrimination against LGBT people, Shepard's name was mentioned several times. A spokeswoman for the council, Vicki Henry, said that the city, unfortunately, had a "reputation for an unkind relationship in gays and transgender people", which must be eradicated. (<http://tguy.ru/news/29/1505.html>, 2014)

In 2014 homosexual marriages were legalized in Wyoming - after the federal appellate court finally abolished the ban on their conclusion.

#### **4.2. LGBT Rights Protection during Obama Era**

In recent years, a large number of Americans have repeated the path of Barack Obama, whose views on the rights of LGBT people, in his own words, have "evolved". This is evidenced by the new survey.



Barack Obama almost simultaneously managed to win two domestic victories: the US Supreme Court lifted the ban on same-sex marriages, and the Senate approved the proposed by the President of the immigration reform. These are exactly the measures that Obama's supporters have been seeking since 2008.

In 2008, when Obama was elected to the presidency for the first time, leading candidates from the Democratic Party (which included Hillary Clinton as well) refused to support same-sex marriages. Both Obama and Clinton spoke in favor of legalizing civil partnerships, continuing to insist that marriage should remain the prerogative of men and women. (Bowers 2012)

Former Barack Obama speechwriter John Lovett described how he used his administrative capabilities to hold a secret marriage ceremony for his gay friends at the Rose Garden of White House. Lovett, who currently writes screenplays for TV series, helped friends to arrange a secret marriage without president's knowledge. Lovett said about this at the interview of the program "The Moth Radio Hour". (Nothstine 2015)

Lovett left the administration of Barack Obama in 2011 - before the president publicly supported the legalization of gay marriages. So the wedding took place back in those days when officially Obama opposed them, arguing that civil partnerships for LGBT people would be enough. It was the first same-sex marriage held in White House. (Nothstine 2015)

It took several years for president Obama to "evolve" and change his position on this issue. On the eve of the 2012 elections, on which he again won, the American leader advocated same-sex marriages and became the first American president who voted for their legalization. Shortly before this, Vice President Joe Biden made similar support. Many argue that this was the impetus for president Obama. (Bowers 2012)

On June 26, the US Supreme Court equalized traditional and same-sex families. With five votes to four, the court quashed the provision of the federal "Marriage Protection Act," which stated that marriage is a union of a man and a woman. This provision was found to be in conflict with the Constitution, since it "violates the basic principle of the equality of all before the law". The reason for the revision of the Act was the complaint of 83-year-old lesbian Edith Windsor. After the death of her concubine, she did not want to pay 300 thousand dollars in tax for joining the rights of inheritance. After all, if her husband was a man, this would not have to be done. (Terentev Jr. 2013)

The idea of legalizing same-sex marriages in the US was supported by more than 60% of Americans, since most residents have friends, relatives who are in same-sex relationships. Many admit that personal communication with gays and lesbians has had an impact, and even if their attitude to couples of people of non-traditional orientation has been biased before, now it has radically changed. (Roberts 2012)

According to the press service of the White House, President Obama applauded the court decision, calling it "the most important victory of the gay movement." Hence, same-sex couples in America will be able to qualify for the same benefits and benefits as heterosexuals. If one of the same-sex spouses is a citizen of a foreign country, he will receive a residence permit and a green card; In the event of the death of partners, gays do not have to pay the inheritance tax. (Svargaman 2013)

Of course, the new law will only be valid in 13 US states that have already recognized same-sex marriages, because in this case state legislation takes precedence over federal legislation. Nevertheless, from a symbolic point of view, the decision of the Supreme Court plays a huge role. (Svargaman 2013)



**Figure 4.1:** USA - Laws relating to same-sex partnerships map  
 (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>)

Conservatives have already proclaimed Barack Obama "the president of gays and lesbians." Although, they must pay tribute to him, at the beginning of the first term, the president tried to maneuver between supporters and opponents of the gay

movement. At his inauguration in 2009, he simultaneously invited Reverend Rick Warren, who was in California campaigning for the so-called Eighth Amendment on the prohibition of same-sex marriage, and the New Hampshire gay bishop Gene Robinson. Organizations fighting for the rights of sexual minorities expected the black president to become their natural ally. However, for a long time Obama was afraid of decisive action. (Baim 2010, p.34)

In 2010, speaking at a charity dinner hosted by the Campaign for Human Rights, he promised only to abolish the well-known rule, "in Clinton's time," "do not ask - be silent", which allowed gays to serve in the US armed forces only if " If they do not spread their sexual orientation. Human rights activists immediately began criticizing the president for delay in this matter and staged a meeting in Washington with a demand to cancel the ban on same-sex marriages. "The policy towards sexual minorities is one of the most vivid examples of Obama's compromise strategy," said Professor Georgetown University, Stephen Wayne. (Wayne 2013, pp.221)

### **The signing of the federal law on hate crimes**

In 1998, America was shocked by the story of a Wyoming resident, Matthew Shepard, a student, an open gay man who fell victim to a brutal hate crime. In this case -homophobia.

Despite the fact that Shepard was killed for being gay, the court could not bring criminals to charges of committing a hate crime on the grounds of sexual orientation and gender identity: such a point was simply absent from the legislation. Until Barack Obama joined the office, which in 2009 signed a law, named after Matthew Shepard and James Byrd junior, an Afro-American, killed by three white racists. (Hadashot 2015)

This federal law dealt with the prevention of hate crimes and responsibility for them. Now the list of reasons for committing such crimes includes gender, sexual orientation and gender identity, as well as disability. According to the law, criminals who commit crimes of hatred anywhere in the US face accusations even if there is no such law in the state where it happened.

### **Cancellation the directive "Don't Ask, Don't Tell"**

"Don't Ask, Don't Tell" Directive was adopted as a compromise and signed by President Bill Clinton in 2003. The compromise turned out to be unsuccessful,

although it pursued a good goal at first glance: to protect homosexual servicemen from "witch hunts".

However, in fact the document was discriminatory: according to the directive, no serviceman in rank from the soldier to the general had the right to disclose his homosexual identity. At the same time, no one forbade heterosexuals to talk about their love affairs, personal relationships or families-unlike gays: as soon as the homosexuality of a serviceman for one reason or another, even accidentally, became public, he was immediately fired from the ranks of the Armed Forces. (Dubinsky & Baryshnikov 2013)

For the duration of the directive, thousands of soldiers "asked" from the army. It cost enormous expenses to the state treasury, because a lot of money spent on their training flew into the pipe. But the administration of George W. Bush strongly defended the directive. Despite protests from military officials, in 2010 Barack Obama signed a decree to repeal "Don't Ask, Don't Tell," after which gays and lesbians for the first time had the opportunity to serve in the US Army openly. (Bumiller 2011)

The servicemen were given the right to organize marriages directly on the territory of the military base or with departure from its borders, which allows the military, who are on contractual lengthy service, to marry, without waiting for dismissal. (Bumiller 2011)

As a result, under the pressure of the left-liberal camp in September 2011, the president managed to pass a bill that repeals the rule "do not ask - be silent". Politically correct America exulted, glorifying Obama. After all, according to the fighters for the rights of gays, among the violated the rule and sent as a result of the resignation of servicemen were many highly qualified specialists - scouts, analysts, translators who speak strategically important languages. (Bumiller 2011)

In May 2016, the Senate of the US Congress unanimously approved the candidacy of Eric Fanning for the post of Minister of the Army, who is subordinated to the Minister of Defense and coordinates the work of the US ground forces. (Sidorchik 2016)

Fanning, who previously served as Deputy Minister of the Air Force and Navy, and also acting as Deputy Minister of Defense, became the first US open homosexual to lead the US army. (Gould & Mehta, 2016)

The candidature of Fanning was proposed by US President Barack Obama in the autumn of 2015, but with her statement there were problems. The reason was the debate between the president and senators on the need to transfer prisoners from Guantanamo Bay to the continental United States. (Gould & Mehta, 2016)

In the Pentagon, the 48-year-old Fanning is called the "rising star" of the military department, noting his high qualifications, experience, activity and leadership qualities. Fanning is considered a person close to the current head of the Pentagon Ashton Carter. (Lovitz 2016)

Restrictions that previously existed for representatives of the LGBT community did not apply to Eric Fanning, since he works in the department as a civilian.

### **Appointment of LGBT representatives to senior positions**

Prior to Obama's presidency in America, there were virtually no open gay ambassadors and government officials. The President-Democrat tried to combat the lack of diversity with state structures and put forward candidates who did not hide their homosexuality at embassy posts.

The US Ministry of Labor published new rules (52 pages of printed text), which became the property of the press. (Hadashot 2015)

In the document, in particular, it is said that from now on the official reading of the terms "spouse" means also the life partners of gays and lesbians - employees of state bodies. This is important in view of the fact that according to the Law on Family and Medical Leave they will receive a full list of benefits and opportunities - for example, to take paid leave to care for their partner or children of a partner. The new definition will apply to any employee who has entered into same-sex marriage in any state where gay marriages are legal. Including those couples who live in the state, where same-sex marriages are not available yet. (Stenin 2016)

"The department knows that today the range of concepts relating to marriage is expanding, and that not all married people use the terms" husband and wife "in everyday life," the document says. However, even if partners in same-sex marriage do not call each other that way, they will legally be considered spouses and treated in the same way as married heterosexual couples. (Stenin 2016)

"The legal recognition of same-sex marriages is rapidly expanding, and therefore the Department expects that the number of states and countries recognizing such marriages will continue to grow in the near future," summed up. (Stenin 2016)

During his presidency, Ted Osius became Ambassador to Vietnam, Rufus Gifford in Denmark, John Berry in Australia, James Kostos in Spain, and Wally Brewster in the Dominican Republic. The special representative of the United States in the OSCE (the position equated to the embassy) also became an open gay Daniel Baer. (Hadashot 2015)

Thanks to Obama, representatives of the LGBT community took important positions in the administration. So, Megan Smith became the chief technology director of the United States, and Monique Dorsenville - the director for planning and holding official events in the White House. Both of them are open lesbians. Raffi Freedman-Gurspan is the first openly transgender who was appointed by president Obama as Outreach and Recruitment Director for Presidential Personnel in the White House Office of Presidential Personnel. (Hadashot 2015)

### **Protection of LGBT people fleeing persecution**

In 2011, Barack Obama issued a memorandum, which contained instructions for employees of government agencies. The document stated that when making a decision on assistance, as well as in case of a request for political asylum, the rights of representatives of the LGBT community must be taken into account. (Robinson 2011)

“Combating discrimination against lesbian, gay, bisexual and transgender people is a global problem that is central to US commitment to human rights,” the memorandum said. – “We are deeply concerned about the violence and discrimination against LGBT people in the world, whether it is the adoption of laws that criminalize LGBT status, the ban on peaceful LGBT activities or the murder of men, women and children because of their sexual orientation. Under our administration, institutions working abroad have already begun to take measures to promote basic human rights for LGBT people around the world. ”(Robinson 2011)

### **The US State Department and LGBT rights**

Both Secretary of State in the Barack Obama administration, Hillary Clinton and John Kerry, pursued a policy of reforming the rights of LGBT people in the department and lobbied the relevant question around the world, calling for the repeal of homophobic laws and respect for the rights of non-heteronomous people. (Hadashot 2015)

Two US permanent representatives to the UN, Susan Rice and her successor, Samantha Power, also fought for recognition of the rights of LGBT people around the world.

In 2011, in her epoch-making speech from the UN platform on behalf of the US government, Secretary of State Hillary Clinton, referring to world leaders, stated: "Homosexuals are born and belong to the world community. They are people of all ages, of all races, of all faiths: doctors and teachers, farmers and bankers, soldiers and athletes. And it does not matter whether we know about this, whether we want to admit it, they are members of our families. Being gay is not an invention of the West, it is a human reality." (Clinton 2011)

#### **Ensuring inclusiveness in the field of health and promoting non-discrimination of people living with HIV**

In 2010, Barack Obama signed the law "On Affordable Medical Care", which was a turning point in American health care and provided additional protection for LGBT people. The Accounting Chamber for the first time allowed many families of gays and lesbians to receive family health insurance in accordance with the provisions on the recognition of same-sex unions. The same law significantly eased the ability of people living with HIV / AIDS to obtain insurance according to the rules already in force. (The White House Office of the Press Secretary 2016)

#### **Assistance to the administration in recognizing the unconstitutional Act on the protection of marriage**

The act on the protection of marriage was adopted in 1996: according to this law at the federal level, the marriage was exclusively the union of one man and one woman. Various states had the right to legalize gay marriages on their territory, but they did not recognize federal structures. Therefore, a same-sex couple, a formalized relationship, say, in Massachusetts, going beyond its limits became one another. Therefore, a same-sex couple, a formalized relationship, example, in Massachusetts, going beyond its limits became stranger to one another. (Bernstein 2016)

In 2013, by a decision of the US Supreme Court, this paragraph of the Marriage Protection Act was declared unconstitutional. The verdict was pronounced at the suit of Edie Windsor, at that time a lesbian-widow (today she married again). To a large extent this was facilitated by the firm decision of the presidential administration not to uphold the legality of the Act on the protection of marriage in federal courts. (Bernstein 2016)

By the way, it was Obama who appointed Elena Kagan and Sonia Sotomayor to the Supreme Court, as a result of which pro-Jewish judges in the country's highest court became more numerous than their colleagues who did not support the promotion of the rights of the queer community. Due to this, the scales bowed in favor of LGBT people in this case, and later, when the court considered the claim for the recognition of same-sex marriages as the constitutional right of every American. (<https://www.youtube.com/watch?v=cLSNIL1vMbE>, 2010)

### **The prohibition of LGBT discrimination in enterprises that are federal contractors**

During his presidency, Barack Obama consistently supported the ENDA bill, which prohibits discrimination based on sexual orientation and gender identity in employment in all fifty states. And since the hostile Republicans hampered the document in every possible way, in 2014 Obama took the initiative and, using his presidential powers, did his best: he signed an order forbidding discrimination based on sexual orientation and gender identity in structures that are federal contractors. Thus, protection against discrimination was first extended not only to civil servants, but also to those who work under contract. (Hudson 2014)

### **Support for gay marriage**

The administration of Barack Obama had consistently supported the idea of legalizing same-sex marriage - after the president himself stated this in an election interview. This was reinforced by a number of expert opinions drawn up by his administration, on which, inter alia, the Supreme Court relied on the decision to recognize gay marriages as part of the constitutional field. (Gast 2012)

Legalization of gays in the US Armed Forces was not enough. In the second inaugural speech, Obama proclaimed the struggle for the rights of sexual minorities almost the top priority of his administration. "Our path is not completed until then," he said, "while the law does not apply to our gay brothers and sisters, just like to all the rest, for if we are truly created equal, then love cannot be divided into forbidden and Allowed ". (<https://www.youtube.com/watch?v=b715GKJNWX>, 2015)

Illinois Governor Pat Quinn issued a statement adopted here in which he welcomed the entry into force of the law on the legalization of same-sex marriages. The statement said, Illinois once again confirmed the fact that it is "on the right side of history". (Eilperin 2013)



Democrat Quinn noted that "from now all couples of Illinois will be able to receive equal rights and protection in accordance with the sacred vow of marriage." While the state legislature was debating about the legal recognition of gay marriages, Quinn actively lobbied for this issue, urging lawmakers to give all Illinois residents equal rights as soon as possible. (Eilperin 2013)

"The land of Lincoln (the official nickname of Illinois) has always been the place where anyone was accepted, and today we are again an example for the rest of the nation," Quinn writes. The governor signed the law, legalizing same-sex marriage in December last year. It came into force since June 1. In many districts of Illinois, clerks began to give marriage licenses to same-sex couples in March, so they did not have to wait for the beginning of summer. (Eilperin 2013)

The entry into force of the law, legalizing same-sex marriages in Illinois, coincided with the beginning of the Month of LGBT pride. President Barack Obama has issued a special declaration on this occasion for the sixth consecutive year. This time, the leader of the state stressed the fact that this year marks the 45th anniversary of the famous Stonewall riots, which marked the beginning of a new powerful stage of the LGBT movement. "My administration is proud to be on a par with all those who are fighting for the rights of LGBT people," Obama said in a statement. "Our commitment to promoting LGBT equality extends well beyond our borders." In many countries, LGBT people are harassed and arrested, often "With the direct assistance of the state, this is inadmissible." - The US calls on all nations to join us in the defense of fundamental human rights with respect to our brothers and sisters - representatives of the LGBT community. "(Korte 2015)

After the appropriate verdict was passed in 2015, Obama stated: "The Constitution guarantees equality of marriage. The Supreme Court confirmed that all Americans have the right to equal protection under the law. That all people should be equal - regardless of whom they are and who they love. This will put an end to the uncertainty for hundreds of thousands of same-sex couples who cannot understand whether their marriage is legal in another state, and whether they will remain with nothing if they decide to move." (CNN Staff 2013)

And Obama managed to lift the ban on same-sex marriages. The liberals proclaimed the decision of the Supreme Court "a historic victory that ends the age-old struggle for human rights." "At first women, then African Americans and finally gays gained

full civil rights," notes the left-liberal magazine The Nation. "The crusade for the truth is over."(Kim 2013)

### **Rainbow color lights of the White House**

One of the symbols of Barack Obama's presidency was that after the Supreme Court passed a decision on the constitutionality of same-sex marriages, the White House was "painted" in rainbow colors thanks to a special highlight. "Today we can say that our union has become a little more perfect," the president said in this regard. (Bedard 2015)

### **Appointment of the Envoy for LGBT Rights**

In 2015, the President established the post of special envoy for LGBT rights at the State Department. It was taken by a diplomat Randy Berry, an open gay who later said that acceptance of this post was prompted him having his own children. (<http://www.lgl.lt/en/?p=8564>, 2017)

At the new post, Berry is coordinating the State Department's internal policy towards homosexual employees, and also oversees the programs and political actions of the State Department aimed at protecting the LGBT community in various states. (Dorell 2015)

The abolition of restrictions on gay work in the US State Department occurred in the early 2000s, after it was allowed to allow LGBT representatives to questions related to state secrets. Since that time a number of homosexuals have been nominated for important positions in the department. (Dorell 2015)

### **Opposition to the leaders of homophobic countries**

Barack Obama repeatedly spoke about the position of LGBT representatives in homophobic countries himself or through the State Department and communicated with the leaders of such states. For example, when talking about his trip to Africa, Obama warned President of Kenya Uhuru Kenyatt directly during a joint press conference, saying that homosexuals should have the same rights as everyone else and be equal before the law. (Holmes 2015)

In his last speech to the United Nations as US President, Obama, addressing the leaders of the international community, called for an end to the discrimination of LGBT people on a world scale.

"Even in the remotest parts of the world, everyone's dignity must be respected, regardless of gender, race, religion, physical characteristics or sexual orientation," Obama said, reminding that LGBT people in many countries continue to be deprived

of their rights and victims of violence. According to the American leader's speech, those who judge people solely by the aforementioned characteristics deserve public censure. (<https://www.youtube.com/watch?v=PWPYyPTE8SM/>, 2015)

US President Barack Obama instructed the US diplomatic service to help protect the rights of gay, lesbian, bisexual and transgender people around the world. This was stated by Vice President Joe Biden at a meeting with members of the forum of supporters of the rights of sexual minorities, reports Voice of America. (Williams 2012)

Countries that do not strengthen the rights of representatives of the LGBT community should be responsible for inhumanity, Biden warned. The protection of the rights of sexual minorities is "the present stage of the struggle for civil rights," he noted. (Williams 2012)

Obama sharply criticized the Russian law on the prohibition of "propaganda of non-traditional sexual relations" in an interview with the NBC television channel in August 7, 2013. According to the US President, he "does not tolerate countries where intimidation and oppression of gays, lesbians and transgender people is practiced". Russia is "not unique" in its attitude towards the LGBT community and it has come up with a similar approach during a recent visit to Africa, Obama said. (CNN Staff 2014)

### **Cafe Stonewall Inn became a monument of national history**

In 2016 Barack Obama signed a decree according to which the cafe Stonewall Inn, where in 1969 the famous "Stonewalls riots" began, was awarded the status of a monument to national history. With these riots, a new powerful round of LGBT movement has begun in the US, and throughout the world. (Lederman 2016)

The president explained his decision in this way: "I believe that our historical monuments and national parks should reflect the history of the whole country - all the richness, diversity and uniqueness of the American spirit, because together we are always stronger than alone." (Walters 2016)

It is curious that the struggle for the rights of gays is now the topic number 1 not only in the US, but also in the EU countries. The European establishment and representatives of the media actively support the lifting of the ban on same-sex marriages. "The current wave of homophilia is one of the elements of globalization," Marine Le Pen, leader of the French National Front, said in an interview. "The globalists are trying to destroy not only the national sovereign states, but also other

traditional institutions, primarily the family. After all, the family allows a person to gain individuality, and individuality is something that does not have a place in a new world empire. "(Murdock 2017)

Incidentally, if in the Bush era political analysts compared the United States to Caesar's Rome during its heyday, then with the advent of Barack Obama, they increasingly began to draw analogies with the late Roman Empire. Indeed, the barbarization, glorification of homosexual culture and cosmopolitan ideology - all this is very similar to that period in the history of Pax Romana, when the barbarians stood at the gates of the Eternal City. (Merry 2014)



## **5. IMMIGRATION RIGHTS PROTECTION BEFORE AND DURING OBAMA ERA**

### **5.1. Immigration Rights Protection before Obama Era**

Speaking about immigration, we cannot fail to mention the black slaves. They were in the country against their desire. There were millions of them. As it was described on documentary film title - "The History of Slavery in America" - "Slaves from Africa began to appear on the North American continent soon after the beginning of its development; at first their number was relatively small, but with the years it increased rapidly. Demand for labor work on plantations grew quickly; since 1619, when the first ship with black slaves arrived in Virginia Jamestown, and until 1808, when the importation of slaves into the country was legally banned, hundreds of thousands of people were transported overseas. Of course, there were people who were ready to violate this law for profit as well, and the illegal importation of slaves from Africa secretly continued, but in much smaller volumes." (<https://www.youtube.com/watch?v=pDukq8npXBk>, 2017)

If in the years of its formation the country was open to almost everyone, then with the development of the state and legislation (especially after the proclamation of US independence), there was a need for more strict control of immigrants reaching the country.

At the end of the eighteenth century, relevant legislative acts began to appear already; incidentally, it was then, in 1787, the very notion of "immigrant" appeared - before this arriving in America they were called settlers and colonists. (<http://www.americansights.ru/immigration/immigration-history>, 2017)

"So, in 1790 the Law on Naturalization was adopted, implying that any white free foreigner can become a US citizen. At the same time, the first population census was carried out. To monitor and record the entry of citizens in the United States from January 1, 1820, the captain of each ship arriving in the country was required to provide a list of passengers carried on board. Thus, the year 1820 can be considered the moment from which the records of those arriving in the United States began to be

conducted fairly accurately.”

(<http://www.americansights.ru/immigration/immigration-history>, 2017)

“Potato crop failure, which occurred in Ireland in 1845, caused a massive famine and the beginning of deaths, for several years the number was about one million people; These events caused a huge wave of immigration - if in 1846 the number of arrivals from Ireland did not exceed one hundred thousand, then next year it approached two hundred thousand; In just a few years, about two million Irish arrived in America. A significant part of them settled on the west coast of the country - in New York, Pennsylvania, Massachusetts.” (Trueman 2016)

A few decades later immigration legislation became even more severe. “In 1875 a law was passed banning the entry of prostitutes and convicts into the country.”

(<https://networklobby.org/historyimmigration/>, 2017)

As it describes on documentary film title “Ellis Island - History of Immigration to the United States” - In 1891, the Immigration Service was established in the United States, and in January 1892, an immigration checkpoint was opened on Ellis Island, New York - its tasks included both checking the identity and health of citizens reaching the country, and determining their future fate - how they were going to live in the country. “Until 1945, when the point on Ellis Island was closed, more than twelve million people passed through it.”

(<https://www.youtube.com/watch?v=8X4CypTaOQs>, 2017)

Due to documentary film, “The main part of American population was made up of the British by the end of the eighteenth century (about three hundred thousand). By the military activity of Napoleon in Europe the number of British arrivals significantly decreased in the early nineteenth century - the British government was forced to ban exit from the country.” Between 1891 and 1920, more than twenty-three million people came to the United States.

(<https://www.youtube.com/watch?v=8X4CypTaOQs>, 2017)

In the nineteenth century, huge inflow of immigrants came to the US. They were people who wish to start a new life explained the great economic and political instability prevailing at that time in Europe. “A significant increase in the number of immigrants has been observed since the 1840s before last”, describes on documentary film “Ellis Island - History of Immigration to the United States”.

(<https://www.youtube.com/watch?v=8X4CypTaOQs>, 2017)

“In 1921, the Congress passed the law limiting the number of immigrants arriving in the country to three hundred and fifty seven thousand people a year, and also set a limit on the number of arriving people from one country. In 1924, the immigrant limit dropped to one hundred and sixty-five thousand people, and in 1929 - to one hundred and fifty-seven.” (<http://www.americansights.ru/immigration/immigration-history>, 2017)

The difficult years of the Great Depression left their imprint on the US immigration policy - while millions of American citizens were left without work, it was unreasonable to further strengthen competition for jobs due to the emergence of new workers in the country. (Amadeo 2017)

“The fortieth years of the last century, which took place under the banner of combating fascist aggression, gave the United States about a million immigrants. Nevertheless, in the post-war years the number of those who entered the States increased year after year; If in the fifties it was about two and a half million people, then in the next decade it exceeded three million, and continued to grow further, in the last decade of the past century, exceeding the mark of seven and a half million people.” (Reimers 1981)

The end of the American-Mexican war meant of several thousand new inhabitants.

First of all, we need to look at the statistics. “According to the analysis of the Migration Policy Institute, from 1990 to the present, Mexicans account for about a quarter of all immigrants. With regard to legal immigrants, as of 2015, the proportion of Mexicans has reached 26.9% of the total number of immigrants, approximately 11.6 million people. It is the largest ethnic group that belongs to the category of "ethnic minorities".” (<http://www.migrationpolicy.org>, 2017)

As early as 1924, the United States adopted the "Immigration Act of 1924," according to which strict requirements were imposed on those who wanted to become a US citizen or to obtain asylum in the United States. According to the document, entry quotas for citizens from South and Eastern Europe were introduced, and entry to residents of most Asian countries was completely banned. This was the first large-scale attempt to limit immigration to the United States. Further, in 1952 the above-mentioned law was revised and the "Law on Immigration and Citizenship of 1952" was adopted. The document abolished the ban on entry for citizens of Asian countries, but introduced even more strict behavior towards who shows communist

ideas and with his views and way of life threaten the interests of the United States. (<https://www.youtube.com/watch?v=HNGJ-dPVQNM>, 2017)

It is noteworthy that former US President Harry Truman sharply opposed this legislative initiative and even vetoed it, but the document was still passed by the Congress. "In the text it was said that in respect of persons applying for citizenship or asylum, "special measures and restrictions can be applied ... in accordance with the rules and regulations that the president deems necessary." It was this paragraph that was not changed in subsequent versions of the Immigration Act. That is, this provision is still in force, and the President of the United States has the right to impose those restrictions on entry into the country for immigrants and refugees who deem fit for the interests of the United States." (Waxman 2017)

In 1956, President Eisenhower signed a decree allowing American citizens abroad to bring adopted children of foreign origin with them. In the same year, on the recommendation of Eisenhower, Congress adopted an emergency assistance program for Hungarian political refugees. In 1960, a similar program was adopted for Cuban refugees. Financing of these programs was provided by the law The Mutual Security Act, adopted by the Congress. ([http://www.ontheissues.org/celeb/Dwight\\_Eisenhower\\_Immigration.htm](http://www.ontheissues.org/celeb/Dwight_Eisenhower_Immigration.htm), 2015)

In 1986 Congress passed a bill on immigration reform and control (The Immigration Reform and Control Act, IRCA). This law allowed illegal immigrants to stay in the country if they were in the United States until 1982, demonstrated high moral standards and paid a fine for illegally crossing the border. The IRCA law was presented as the final solution to the problem of illegal immigration in the United States. The application of this law often led to the destruction of families, if one of the spouses or the child did not fall under its influence. Then President Reagan granted a detachment of the department to children under the age of 18 who lived with parents who fall under the 1986 law. (Cooper & O'Neil 2005)

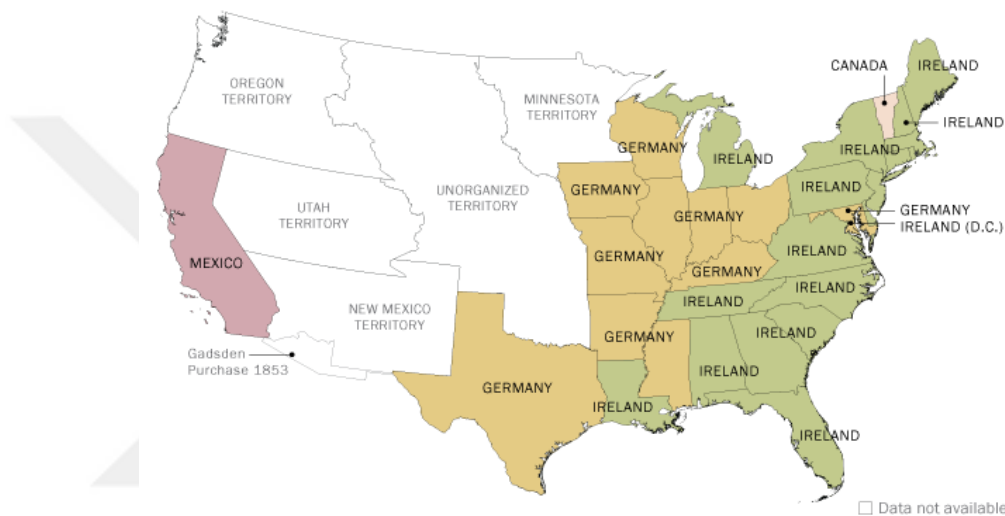
In February 1990, Bush signed a directive allowing deferment of spouses and their children if they lived since November 1986 with their parents, one of whom has the right to reside. In November of the same year, Bush signed a new immigration law that protects family members from deportation if one of the spouses received the right of residence before May 1988.

The decrees of Reagan and Bush prolonging the stay of certain categories of illegal immigrants in the US were based on the provision of the 1986 law on "foreigners



lawfully admitted to temporary residence in the United States." So, the decrees of Reagan and Bush do not go beyond the current immigration law. Illegal immigrants whose deportation was delayed were denied the right to work and the right to receive a Social Security number. (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)

The US Research Center has released a new series of maps, which can be seen: immigrants from which countries came to America in different years. So, in the 1850s immigrants from Ireland were leading, in the middle of the 20th century - from Italy and the USSR, in 2013 - from Mexico.

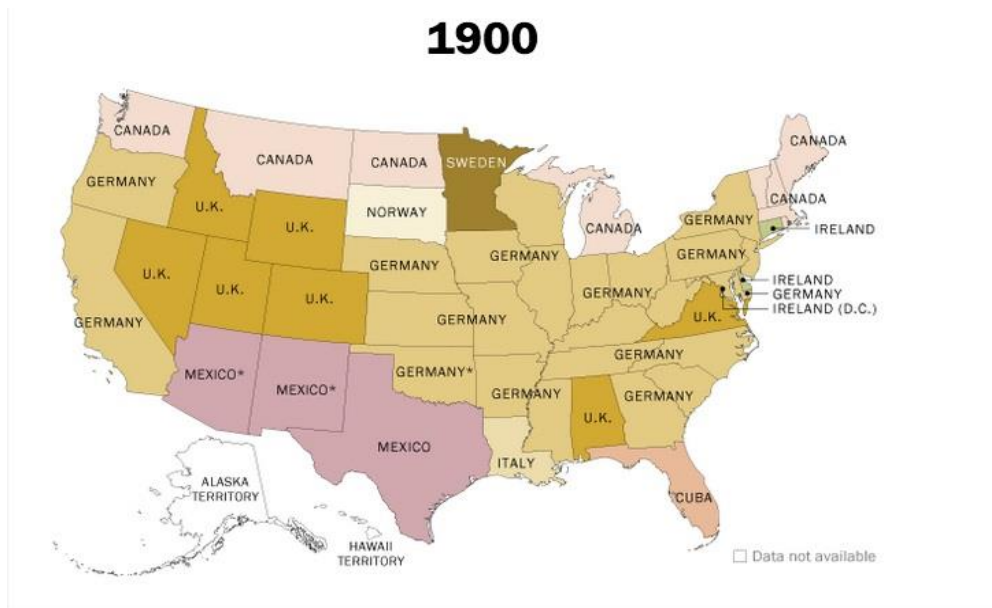


**Figure 5.1:** World - shows the countries where immigrants came in 1850s

Source: US Census/Pew Research Center

(<http://www.forumdaily.com/tendentsiya-immigratsii-v-ssha-za-160-let/>)

Maps were created based on the latest US census data. They showed that immigration to the United States for a century and a half has undergone significant changes. Let's compare, for example, the immigrants from which countries were most in various states in 1900, the 1950s and 2000s.



**Figure 5.2:** World - shows the countries where immigrants came in 1900s

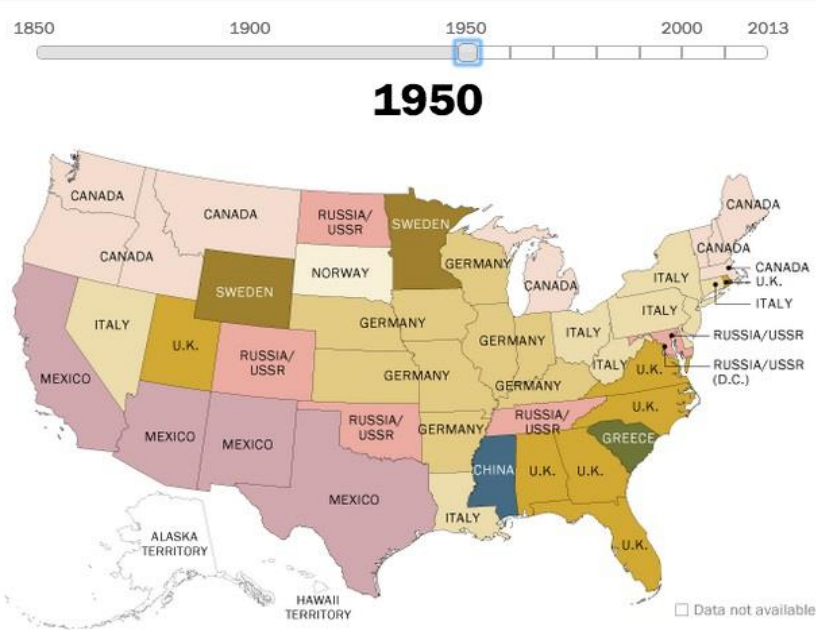
Source: US Census/Pew Research Center

(<http://www.forumdaily.com/tendentsiya-immigratsii-v-ssha-za-160-let/>)

“In the mid-nineteenth century, again a significant influx of immigrants seeking overseas salvation from economic and political instability in their homeland, came from France and Germany; an aggressive German policy before the Second World War forced many to seek asylum in other countries.” (Kraut 2001, p.155)

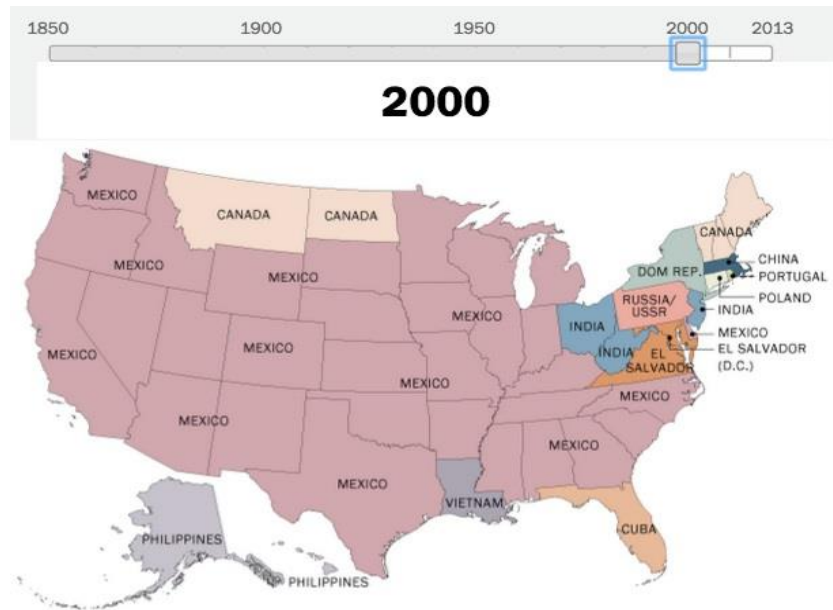
In the 1900s, 2.7 million Germans immigrated to the United States. They constituted the greater part of all immigrants. In second place were the Irish - 1.6 million. Canadians and British together shared the third place - 1.2 million people moved from Canada and Britain. The total population for 1900 was 76 million, of which 10.3 million immigrants. (Kraut 2001, p.174)

“A law was passed restricting immigration from China for a period of ten years. As for the arrival of residents from the country of the rising sun, in 1906 a so-called "gentlemen's agreement" was concluded between the United States and Japan, according to which Japanese citizens were prohibited from immigrating to the States.” (Kraut 2001, p.178)



**Figure 5.3:** World - shows the countries where immigrants came in 1950s  
 Source: US Census/Pew Research Center  
 (<http://www.forumdaily.com/tendentsiya-immigratsii-v-ssha-za-160-let/>)

By 1950, the situation had changed: the Italians were leading among the number of migrants. At that time, more than 1.5 million Italians had already moved to the country. On the second place were immigrants from the USSR - 1.1 million immigrants. Canadians are entrenched in third place - one million immigrants. The total population in 1950 increased by half compared to 1900 and amounted to 150.2 million people. 10.3 million of them were immigrants. (Robila 2008, p.545)



**Figure 5.4:** World- Shows the countries where immigrants came in 2000s

Source: US Census/Pew Research Center

(<http://www.forumdaily.com/tendentsiya-immigratsii-v-ssha-za-160-let/>)

In 2000, the situation with migrants changed dramatically in comparison with 1900 and 1950. The Mexicans made up more than nine million people. They were followed by the Chinese - 1.1 million immigrants, and Filipinos - 1.4 million people.

“It is also worth noting the appearance in the US of a significant number of Chinese; Along with the Swedes, the Chinese workers made a significant contribution to the construction of railways throughout America.” (Kraut 2001, p.200)

The population of the United States has grown to 281.4 million people, of whom 31.1 million were foreigners. Another interesting aspect is the percentage of immigrants to the total population of America. So, in 1970, the number of Americans born outside the US dropped to minus 4.7%. (Robila 2008, p.549)

Interesting data on illegal immigrants led by the US Department of Homeland Security. In the annual "Report on violations at the border crossing", as well as in the "Report on law enforcement operations for the removal of illegally crossing the border", the following figures can be found. The number of Mexicans declined: 310,000 in 2013 against 242,000 in 2015. (Kraut 2001, p.178)

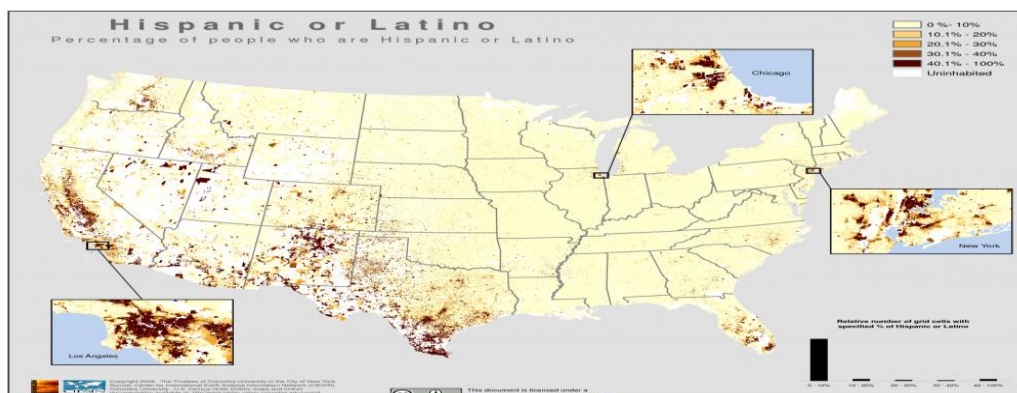
The largest "city-shelters", thus, are considered megacities of California, "sheltered" about 3 million people. But it's important to know that not all of them are Mexicans. We can include to that number Chinese and Middle East people as well.

The most interesting is that according to the data of the Ministry of Internal Security, citizens of the so-called "North Triangle" of Latin America: Salvador, Honduras and Guatemala have become more and more frequent across the US states bordering Mexico. That is, Mexico ceases to be the main source of illegal immigrants in the US, while remaining a kind of "transit point" for citizens of poor countries. That is why when Trump and his supporters constantly accuse exclusively the Mexicans; they involuntarily admit an inaccuracy that leads to an increase in the number of dissatisfied directly in the territory of the United States. (Robila 2008, p.555)

Thousands of people from different countries strive to reach the United States by any means and stay there forever in the hope of a better life. US government combating illegal immigrants every year. It is impossible to calculate the exact number of illegal immigrants but, it's quite clear that, their number is growing.

## 5.2. Immigration Rights Protection during Obama Era

Simultaneously with the historical victory in the gay issue, the Obama administration managed to conduct through the Senate a so-called "dream reform", which provides all immigrants living in the US for more than five years, a legal status. The last immigration amnesty was held in 1986 by President Reagan. At that time legal status was received by people who illegally entered the country before 1972, 6 million of them were typed. In 2013, the number of illegal immigrants in the United States was estimated at 11 million, and if the House of Representatives approve the bill after the Senate, they will have to obtain American citizenship within 13 years. (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)



**Figure 5.5:** USA - the resettlement of Hispanics.

USA - the resettlement of Hispanics.

(<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>)

Obama promised to carry out immigration reform in 2008 (and this brought him the support of the leaders of the Hispanic community). Two years later, in an address to the nation, he was already somewhat different. Calls to strengthen the protection of borders and to stop violation of the laws forced many commentators to talk about the fact that instead of liberalizing immigration policy, the new administration will go on its toughening. The Daily News even published an article entitled "Immigration reform passed away," in which the president's words were called "epitaphs" on the grave of reform. Obama's promise to ensure that immigrants who play by the rules could contribute to the American economy, experts did not take seriously, comparing it with "a bone thrown to the hungry dogs". (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)

Obama's team managed to win over moderate Republicans, along with immigration amnesty, by providing in the bill an electronic check of employment and a tight border regime (\$ 46 billion is to be allocated for border security). Nevertheless, experts argue that in the case of legalization of migrants and the influx of relatives of "new citizens", in the United States there will be a radical change: by 2020, the majority of the racial population of the country will be Hispanic. (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)



**Figure 5.6:** Mexico 1800 year – red color shows the lands captured by US  
(<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>)

In fact, the reform is a repetition of the failed 2006 Bush's Initiative. "George W. Bush, who was the governor of Texas before coming to the White House, many called the first Mexican president of the United States," states the Washington Post, "and if the immigration reform succeeds, Barack Obama may well claim to be his successor". (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)

Over the centuries, the United States has been able to play the role of a melting pot for emigrants from around the world. Successfully assimilating representatives of various ethnic groups, the States maintained a pivotal Anglo-Protestant culture, which had a decisive influence on the country's political traditions. However, according to experts, in the case of Mexican emigration, the usual schemes do not work. First of all, this is due to its massive nature. "Beggar Mexico," says the creator of the "clash of civilizations" theory, Samuel Huntington, "is separated from the United States by only a small rivulet, and annually hundreds of thousands of emigrants cross the border in search of a better life. As a result, America had risked becoming a split into two parts Anglo-Spanish society." (<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>, 2017)



**Figure 5.7** Mexico - the new Aztlan according to the forecasts of nationalists by 2080

(<http://voprosik.net/politika-obamy-i-menshinstva-v-ssha/>)

On November 21, 2014, Obama announced the largest change in the immigration law in the last 15 years. He said: "If you are in America for more than five years, if you have children who are US citizens or have the right to stay in the US, if you register, you will pass a criminal investigation and are willing to pay a fair share of taxes, you can stay in this country temporarily, without fear of deportation." Amnesty extends also to those who appeared in the US until 2010, being a minor. President Obama announced a decree by which he intends to correct a poorly functioning immigration system in the United States. (Gurevich 2014)

Let's look at the changes that immigrants in the US will feel from Obama's presidential decree in the near future.

#### **Deferred action for parents of citizens and permanent residents**

President Obama has introduced a deferred action for parents who are illegally in the US, who have a child as a citizen or permanent resident of the United States. Such a program, called "deferred action for those who arrived in the US as a child," has been successfully operating in the US since 2012. Under the new program, deferred action, or deferment of deportation (DAPA), will be received by illegal immigrants who:

- entered the United States before January 1, 2010;
- are permanently in the United States (the immigrant must be in the United States on November 20, 2014 and at the time of filing an application for deferred action);
- who on November 20, 2014 has a child a citizen or a resident of the United States;
- are in the US without a legal status on November 20, 2014;
- they did not commit serious crimes, and whose deportation case is not a priority for the state; (Romanenko 2014)

#### **Immigration reform and deferred action**

Obama's presidential decree, which gives deferred effect to some parents illegally in the US, is not immigration reform. An illegal immigrant who falls within the criteria described above can only receive a deferral of deportation and a work permit in the United States for a period of three years. Deferred action (deferment of deportation)



may be withdrawn at any time. Deferred action does not open the way to obtaining a residence permit in the United States (green card), or citizenship, as provided for by immigration reform, not held in the US Congress. (Romanenko 2014)

If the immigration reform passed a congress, illegal immigrants would get a temporary status and work permit for six years, as well as the right to return to the US after traveling abroad. Six years later in a temporary status, immigrants could apply for a green card if they worked and paid taxes. Immigration reform would allow people who arrived in the US in childhood and who were granted deferment of deportation in the United States to apply for a green card after five years of being in this status. (Romanenko 2014)

While illegal immigrants were looking forward to the news of immigration reform in the United States, one category of people had won already from Obama's presidential decree. These people are, who:

- arrived in the US until his sixteenth birthday;
- study at school or graduated from high school, or served in the army or border troops;
- were not convicted of a serious crime for a prison term of more than a year, for a significant offense, or for three or more minor offenses;
- do not pose a threat to public security. (Romanenko 2014)

#### **Requirements for filing for deferred action before Obama's presidential decree of November 20, 2014**

Prior to Obama's decree of November 20, 2014, these people could receive a deferred action and work permit for two years with the right to renew for another two years, if they could prove that

- they were born not earlier than 16 June 1981;
- permanently resided in the United States from June 15, 2007 until the time of application;
- were in the US on June 15, 2012 and at the time of application;
- arrived in the United States illegally before June 15, 2012, or on June 15, 2012 their visa was overdue. (Romanenko 2014)

#### **The changes that Obama's presidential decree issued on November 20, 2014**

President Obama by his decree of 20 November 2014 for people in this category did the following:

- Obama's presidential decree lifted the age limit. Now it does not matter how many years today the lender for deferred action for those who arrived in childhood;
- Obama's presidential decree replaced the requirement for permanent residence in the United States from June 15, 2007 to the requirement to enter and reside in the United States from January 1, 2010;
- Obama's presidential decree changed the validity period of the work permit in this category from two years to three years. (Romanenko 2014)

According to the promulgated presidential decree, amnestied illegal immigrants can get a Social Security number. In addition, they are given the right to work and to obtain a driving license. Obama promised that they will not have the right to receive medical benefits, food stamps and other benefits. (Romanenko 2014)

Obama also announced the cancellation of the Security Communities Program, one of the main elements of the current immigration law. According to this program, the Department of Homeland Security (DHS) staff in the states, together with local law enforcement agencies, identified illegals and transferred them to deportation centers. In the 2013 financial year, 82% of all deportees were identified in this way. (Romanenko 2014)

Immigration activists, together with the leftists and the absolute majority of democrats, are convinced that the illegal residence of illegal immigrants in the United States gives them the right to avoid deportation if they have not committed a crime. Therefore, activists constantly demand to stop the deportation of illegal immigrants from the country. (Romanenko 2014)

The DHS Memorandum acknowledges that "due to limited resources, DHS can not respond to all immigration violations and remove all persons illegally staying in the United States." (Romanenko 2014)

Today, the country has 11.3 million illegal immigrants. DHS has money to deport about 4 million a year. In this situation, the US president has the right to decide whom to deport first. This is called "prosecutorial authority". This advantage was taken by Obama, reorienting the work of DHS to remove from the US, primarily those who pose a serious threat to the country: terrorists, spies, members of criminal gangs, etc. Those who are sentenced to more than one year in prison for the Crime, are subject to deportation in the second turn. Those who have not committed a crime

and have been in the country for more than five years are amnestied. Almost 5 million people got it. (Gurevich 2014)

Obama went the other way - an amnesty for those who did not commit a criminal offense.

How do Obama and his supporters justify the amnesty of 5 million illegal immigrants?

They argue that the president's immigration decree does not go beyond the scope of prosecutorial powers. But prosecutorial powers allow the president to determine the sequence of deportation of illegal immigrants, and not to amnesty some of them with the right to work and green cards. Obama also refers to the presidents of Eisenhower, Reagan and Bush Sr., also amnestied illegal immigrants. (Gurevich 2014)

Obama's repeated appeals to Congress to pass a new bill announcing a large-scale amnesty to illegal immigrants were rejected by Congress. During the year Obama repeatedly stated that he was tired of waiting for Congress to adopt a new immigration bill, and therefore he is forced to act. (Gurevich 2014)

The president said on November 21 in Las Vegas: "When members of Congress ask how to make our immigration system better, I have a simple answer - to pass a bill." But that there was no doubt, he warned that he would veto any bill that would "contradict the actions of the executive authorities." Thus, Obama made it clear that he would sign only the bill that he considers fair, and without any compromise. Otherwise, he will act bypassing the Congress. (<https://www.youtube.com/watch?v=sj1yoGEvgqA>, 2017)

Obama said on November 21: "I'm not an emperor. I did not dissolve the Congress and did not arrest its members. They can adopt their own laws. (<https://www.youtube.com/watch?v=sj1yoGEvgqA>, 2017)

According to the calculations of Robert Rector, a budget analyst at the Heritage Foundation, the financial support of 5 million illegal immigrants, whom Obama allowed to stay in the US and gave the right to work, will be \$ 40 billion in five years. (Kravchenko 2017)

Currently, the federal government spends about \$ 50 million a year to support children from families of illegal immigrants. Basically, this is the cost of their medical care and free school breakfasts. (Kravchenko 2017)

Obama says that the right to work will allow amnestied immigrants to "step out of the shadows" and pay taxes. But today illegal immigrants can pay income tax, since

the IRS can assign them a taxpayer identification number. Most illegal immigrants pay local taxes. (Kravchenko 2017)

The federal law states that those who pay taxes and are legally in the US can receive benefits in the framework of federal programs, by disability and loss of breadwinner. Therefore, a work permit and the receipt of the Social Security number opens amnestied illegal immigrants access to all social benefits, including free medical care. Thus, they are on the waiting list to receive Social Security and Medicare checks. (Kravchenko 2017)

### **Obama's decree and new changes in the procedure for filing a petition for lifting the ban on entering the United States**

Obama's presidential decree allowed more illegal immigrants to apply for lifting the ban on entering the United States without leaving the United States. Now, the spouses and children of permanent residents of the United States, as well as adult sons and daughters of US citizens and permanent residents of the United States will be able to file such a petition without leaving the United States. (Romanenko 2014)

Moreover, Obama's presidential decree requires the immigration service to clarify what the "huge difficulties" that are required to prove are, in order to approve the application for lifting the ban on entering the US. There is still no clear definition of "huge difficulties." The presidential decree orders the immigration service to pay attention to the following factors when considering applications for lifting the ban on entering the US:

- the presence of relatives from an immigrant in the United States and in the country from which he came;
- circumstances in the country from which the immigrant arrived;
- the age of the American spouse or parent;
- how many years the immigrant lived in the USA;
- the health of the American spouse or parent;
- financial difficulties and problems with obtaining education

Immigration reform offers a quick and reliable solution to the issue of illegal stay in the US. Since immigration reform did not pass in the US Congress, it remains to be content with existing immigration laws and new procedures for applying for a ban on entry into the United States. Expanding the circle of people who can apply without leaving the US will help stay in the US and get a green card for the spouses and

children of US residents who illegally crossed the US border or did not leave after their nonimmigrant status ended. (Romanenko 2014)

### **5.3. Immigration Rights Protection within LGBT Cases during Obama's Presidency Period**

How many LGBT couples now divided not only the views of the public, but also the distance? As immigrants, people could not marry with US citizens. Always the fear of deportation from the country hung above such couples. Today the marriage union gives both parties the opportunity to reside on the territory of the states legally. The right to immigration had a positive impact on the situation.

The problems of divorce of gay couples in those states where they are not legal have been solved. At a time when legalization of same-sex couples was not established in all states, some districts denied legal couples a divorce, because they believed that divorce would show them a couple as legal, and their staff did not recognize the legality of same-sex marriages.

The number of children adopted by same-sex couples grows every year, but it is worth acknowledging that this right given them not easy. Such families are not considered to be legally and socially equal with heterosexual families, therefore it is extremely difficult for them to achieve the adoption of a child. In fact, the child is adopted by only one member of the family, the second is not the legal representative of the child and, in case of the death of the parent his spouse or spouse can be deprived of the child by law.

Often, representatives of sexual minorities become outcasts in society. They are facing such problems like beating, dismissing from work, not rising up the career ladder. Usually they receive formal answers while applying to law enforcement agencies, even if the case is not difficult at all. It is necessary to provide evidence about this reason while sending the request for political asylum. You should prove that, the state not protecting you, and all attempts to obtain protection for your interests and rights have not received the proper effect. Currently, the environment is not enough safe for many gays, lesbians, bisexuals and transgender people.

Many gays and lesbians are forced to leave their home countries and seek political asylum because of the negative attitude. United States of America can guarantee them support, equality like other members of society and protection from

persecution. There are formed human rights organizations for protection the rights the LGBT community worldwide. Such organizations collect the information about harassment, persecution of transgender people and help with solving the problem. The information can be used as evidence for political asylum in US. On the other hand, these organizations can provide information that the investigation into these harassment facts has not been carried out properly. That is, any information that the government either was inactive and encouraged persecution, or was itself the initiator of such harassment. (<http://www.politicalasylumusa.com/ru/порядок-предоставления-убежища/нетрадиционная-ориентация/>, 2017)

LGBT migrants are subject to ostracism doubly, on the one hand they are internally displaced persons, on the other sexual minorities. They are forced to hide their sexual identity entails a range of rejection from misunderstanding to undisguised aggression. It's not easy to find proper support for LGBT immigrants; their sexual views are not tolerated even by their relatives.

It seems quite important not only receiving an asylum, but also adaptation the new place in the shortest possible time. Modern US policy, among other things, is aimed at protecting representatives of sexual minorities. So at the end of 2011, the administration of Barack Obama issued a decree according to which the issues of international legal assistance will be related to the issue of LGBT rights in countries getting assistance from the United States. The President ranked that the issue of protecting the rights of gays as the one of the most important direction of US foreign policy. Secretary of State supported the President in this issue.

(<http://www.politicalasylumusa.com/ru/порядок-предоставления-убежища/нетрадиционная-ориентация/>, 2017)

LGBT immigration is a complicated topic. There are two options for same-sex couples. The first option is a marriage with a US citizen. The second is the application for asylum in the United States.

Option 1: Marriage between same-sex couples is now legal in the United States. Visas of the bride / groom are now available to same-sex couples. If you are in the same-sex alliance with a US citizen your American fiancé / bride can apply for a bride visa for you, like anyone else.

These visas are for brides and grooms who want to marry Americans and a get married in the United States. Such visas are called K-1 visas. If you have children

(under the age of 21, and not married) whom you would like to bring with you, then your American fiancé / bride needs to apply for a K-2 visa for children.

To get a bride visa, your American fiancé / bride needs to demonstrate that:

- He / she is a US citizen.
- You plan to marry within 90 days of your entry into the United States.
- You both can legally get married. This means that all previous marriages should have legally ended by divorce, death of the previous spouse or cancellation.

You met face to face at least once in the last 2 years before submitting the application. (<http://travel.state.gov/content/visas/english/general/IMBRA.html>, 2017)

After that you have been issued a visa, that visa allows you to enter the United States for 90 days in order to get married. After the marriage, your husband / wife must apply for your residence permit in the United States.

#### Work permit

To be honest, this is a very confusing procedure. Upon arrival in the US, you can immediately apply for a work permit. The point is that it usually takes 90 days the immigration service to send you this card, and this temporary card is valid only for these 90 days. Therefore, it makes no sense to apply for a work permit. Although immediately after the marriage in the US, you can apply for a work permit. (<http://russian-immigration.com/ru/иммиграция-в-сша/лгбт-иммиграция/>, 2017)

#### What if the marriage does not take place within 90 days?

The expiration date of your status of the bride / groom automatically ends after 90 days. The status can not be renewed. You will have to leave the US if you does not get married. If you do not leave the country, you can be deported.

#### Information about the International Marriage Broker Regulation Act

If you have met your American fiancé / bride online, for example on such sites as <http://gaymarriageagency.com> or <http://onescene.com> in accordance with the International Marriage Brokers Regulation Act, you may need to provide additional information and documents when applying for a K-1 visa, it depends on how the dating site is built. For example, you may need to provide additional documents from the site operator to the immigration service, or even provide documentation of your criminal history. This is a rather confusing process. (<http://russian-immigration.com/ru/иммиграция-в-сша/лгбт-иммиграция/>, 2017)

## Option 2:

Representatives of the LGBT community, with a well-founded fear of persecution in their country, can apply for asylum already on the territory of the United States. This means that you first need to purchase a different type of visa, for example, a tourist visa. Unfortunately, it is impossible to apply for asylum from outside the US. (<http://travel.state.gov/content/visas/english/general/IMBRA.html>, 2017)

This is a rather confusing concept, because the US allows refugees to enter its territory. However, only the United Nations (UN), through special programs for refugees, can classify someone as a refugee. At the UN there is no special program for refugees for representatives of the LGBT community. Therefore, the only option in this category is to come to the US and apply for asylum.

Not surprisingly, in such circumstances, many representatives of the LGBT community are leaving their countries. In the US, gays and lesbians can count on tolerance and friendliness. The turning point was the decision of the Supreme Court to legalize same-sex marriages in all 50 states of the country, and Barack Obama's photo appeared on the cover of the LGBT magazine "OUT", so he became the first US president who agreed to withdraw for such a thematic publication. The editorial staff of the magazine called this article "Historical moment in the historical year". (Cheredov 2016)

But despite the fact that immigrant gays and lesbians can sigh freely and not be afraid of persecution in the US, they, like other immigrants, have a hard time at first. They go through the same thorny path as other immigrants: they look for housing and work (at the beginning often illegal), they struggle with the high cost of medical services, attend free English courses, and build a new social circle.

### **Escape across borders**

Roman Morozov came to New York in December 2015. His story is worthy of a Hollywood blockbuster - with surveillance, foreign diplomats, illegal border crossings, security agents and family drama. (R Morozov 2017, pers.comm., January)

Roman was born in the Russian city of Kovrov in the Vladimir region, and at the age of 20 decided on a very brave move by Russian standards: he told his parents that he is a gay. They took it hard, but Morozov was sure that gays should not hide, otherwise in Russia you will not prove that you are "the same person as the others." (R Morozov 2017, pers.comm., January)



Coping with public censure after his "coming-out", Morozov engaged in public activities, and in 2014 he organized "The Liberation Front for Gays" together with friends in Russia. (R Morozov 2017, pers.comm., January)

"We were engaged in campaigns against homophobes in Russia, including against the singer Valeria and company LG, whose face she was <...> Helped than could beaten gay from Minsk to Mikhail Pishchevsky. Couple months later Misha died from the injuries in the hospital [the athlete who beat him, has already been released - Forum], "- says Roman. (Cheredov 2016)

In addition to the group in Facebook, Morozov and like-minded people went out into the streets, some of them organized single pickets. In September 2015, a gay activist decided to run for office in the Council of People's Deputies of the city of Vladimir. This was not the case in the history of local elections. Everyone was surprised at the election commission, the media staged a harassment on him. (R Morozov 2017, pers.comm., January)

"Journalists, if they can be called so, competed in vain how to call me worse. Many residents did not lag behind them and tried to get me down the stairs during detours of houses. Neighbors wrote me letters in the mailbox and stuck on the door ads with an unpleasant text, "- describes his election campaign Morozov. (Cheredov 2016)

As a result, the gay activist failed to collect enough signatures of voters, and he was refused registration. Roman thought that it would be much easier for him in Moscow. "But I was wrong. I'm gay and Russia doesn't need me, no matter what city I'm in. At that moment I was already in a relationship with a guy, and we were looking for a place to live in Moscow. Horror! Owners of apartments, seeing us together, simply refused to rent an apartment. We miraculously rented a room where we were not asked why we use only one bed, "- shares his impressions of the activist. (R Morozov 2017, pers.comm., January)

Soon Roman was summoned to the office of the Federal Security Service (FSS). According to the gay activist, he was going to start a criminal case on the article: "Public calls for extremist activities on the Internet." (R Morozov 2017, pers.comm., January)

"On the desk, an employee of the FSS had a folder with printed comments, dialogs from the social network Vkontakte, my articles and polemics with readers. On the same pages, the marker highlighted important details and written figures - articles from the Criminal Code, as I immediately understood. Basically, everywhere there

were 280 and 282 articles [It's about humiliating human dignity and calling for extremist activity], "says Roman. (Cheredov 2016)

On the same day, a lawyer turned to the gay activist and asked him to "hush up" the case for a fee of \$ 5,000, otherwise he faces five years in prison. (R Morozov 2017, pers.comm., January)

Returning home, the gay activist saw a police car near the entrance. He did not try fate and, conferring with a guy, decided to spend the night in a hotel and escape from the country.

Roman went to Minsk, and from there he took a train to Kiev. All the way, Morozov thought only about how he would pass the border control, because his last name, most likely, was already on the list of non-residents. (Cheredov, 2016)

"Oh, it was exciting. Smiling at the border guard, I said that I'm going to Kiev for a conference. He took the passport and turned to his partner, asking if she checked me in the database. She answered that she had not. Then the border guard said that it was not necessary, looks like a decent man," says the gay activist. (R Morozov 2017, pers.comm., January)

After reaching Kiev, Roman Morozov bought a ticket to New York and asked for help from human rights activists. "In America, I was met by a member of the mission of Ukraine in the UN. I can not name him. They gave me a little money for the first time and rented a hotel for me for a day, "- says Roman. R Morozov 2017, pers.comm., January)

Now Morozov moved to the state of Georgia. "I'm a little settled, I have a room. Until recently, I had 40 dollars in my pocket, but now I'm fine, I have enough food. In the near future I'm going to return to New York and meet with the Russian gay community. I have many ideas that I am sure I can implement in America, "says the activist. R Morozov 2017, pers.comm., January)

### **Loved Love**

Elena Goltsman, a Russian-speaking LGBT activist in New York, did not experience such persecutions as Morozov. She came to New York from Kiev 25 years ago with her husband, having immigrated on the "Jewish line". And after ten years of marriage, they divorced.

"I've known all my life that I'm a lesbian. Silence like a death. But how you can talk about this? That's what my problem was. It was a tragedy for my entire family, "she says. (Cheredov 2016)

But over time Elena was understood and accepted, and four years ago she married again - with a music teacher Barbara, a woman met in the synagogue. The wedding was played "according to Jewish culture", 150 people came, no one turned away, and the couple was supported by all the relatives.

"Russian-speaking people and children in the United States began to understand that if, for example, Mom divorced his father - this is a problem. And if my mother married a woman - this is normal. Just in the family instead of men - two women, "- explains Elena. (Cheredov 2016)

Now Elena has a great relationship with her daughter, who is proud of her mother and tells her about her lessons at school to her students.

In 2008, Elena Goltsman created an organization for Russian-speaking gays who come to America.

Elena began her social activities by renting an office in New York and pasting leaflets around the city.

"The content was something like this: if you're gay or a Lesbian and speak Russian, call that phone. And on paper I drew matryoshkas with mustache. People began to call. Many were surprised and at first were afraid to speak about themselves openly, "- says Elena. (Cheredov 2016)

With the first ten like-minded Elena began to attract new members through the popular American website meetup.com. As of today, there are about five hundred people in the group; "Rusa-LGBT" has branches in Washington, Boston, and San Francisco. And the organization has become increasingly active in fighting for the rights of gays in Russia.

Among the actions of Goltsman - calls to boycott the Olympics in Sochi, as well as demonstrations under the UN, when the General Assembly was speaking by Vladimir Putin, who signed a law that discriminated against gays. (Cheredov 2016)

In addition, Russian gays who come to the US do not know where to go and who to turn to, and then comes the help of "Rusa-LGBT". The organization is prompted by the deadlines for obtaining documents, how to arrange medical insurance and receive free assistance from lawyers.

Now every day Elena and other volunteers answer dozens of emails and Skype calls. The group has a website and a Facebook page.

Many people ask how to leave Russia. "We have no right to answer such questions and do not call on anyone to leave. We give detailed information to those gays and

lesbians who have already come here and are going to file documents for political asylum, "explains Goltsman. (Cheredov 2016)

In addition, the organization "Rusa-LGBT" draws up a letter that gays or lesbians can attach to their petition for political asylum as a kind of proof of non-traditional orientation.

### **Success story: Lev Trachtenberg**

Lev Trachtenberg is a celebrity, radio host, blogger, producer and writer in New York. He moved to the US in the early 90's, and for a long time did not dare to tell his wife about his lover. For help, he turned to a therapist.

"At that time there was another condition. An American female doctor said: do not say anything at all, otherwise you will ruin your whole life. I left the office, immediately called Russia and confessed to my wife that I am gay and was for my whole life, "Lev Trachtenberg recalls. (Cheredov 2016)

Three years ago, Lev and his partner got married in New York. The witness was the daughter of Trachtenberg.

"We have been together with Sergei for five years. Of course, most of the people around us, neighbors, perfectly understand that we have a relationship. But I've never heard ridicule in my address. Maybe it is because that we communicate with good people. It's XXI century in the yard, and we are in New York, not in Voronezh, "- says Lev. (Cheredov 2016)

Producer says that they have come a long way to legalize Sergei in the US, and encourages others not to lose belief because of difficulties and have patience. "I know many young Russian gays who came to America. And they all got up somehow - who already got a green card, who submits the documents for citizenship, some finish their studies in college, all work. In the United States, there is a system for helping visiting gays, there are public organizations, and this is a great thing, "Trachtenberg reassures. (Cheredov 2016)

As we analyzed above, United States gives the provision of political asylum for persons who are persecuted in their countries because of unconventional sexual orientation. Thus the government of US protects their lives.

## 6. CONCLUSION

US President Donald Trump began his presidential term differently than his predecessor Barack Obama. He has more than 20 presidential decrees and memorandums on his account, and all of them are as contradictory as the 45th US President Donald Trump. There is a decree "On ensuring border security and strengthening control over immigration" between them, which literally divided America. The decree was suspended by the court. But after Donald Trump signed a new decree "on protection against the entry of foreign terrorists into the country ", which came into force on March. (Moorhouse 2017)

To understand how seriously this decree has agitated the public of both the United States and many other countries of the world, it is enough to look at the statement of Canadian Prime Minister Justin Trudeau about his country's readiness to accept migrants regardless of their faith, or the words of the British Prime Minister Theresa May, who "agrees with this approach" of the United States. But D. Trump initially made it clear that the migration reform during his presidency is inevitable. While still a presidential candidate for the US, Trump formulated ten points, according to which he intended to solve the "immigration crisis in the United States." And almost all of them he began to implement in the first week of his tenure as president. (Kravchenko 2017)

It is a fact that D. Trump is not the first American president who owns the idea of erecting a wall against the illegal entries of foreigners into the US territory. In 1994 Bill Clinton was the first President-Democrat who realized this idea in several special operations of the US Border Guard and Customs. "The main goal was to reduce the number of persons involved in the criminal world trying to cross the border in the South of the United States, California. As a result of the successful completion of operations, it was decided to leave the special fences erected to solve the assigned tasks. The next stage in the development of the "wall" along the southern border of the United States was the "Defense Barrier Act" of 2006, signed by J. Bush Jr. As part of this presidential decree, the length of border facilities increased by more than 1,000 kilometers, and the border service received additional

samples of equipment and special means for capturing illegal immigrants and guarding the border. In other words, D. Trump will not build a wall from scratch, but rather will order the modification and strengthening of existing facilities along the US-Mexican border.” (Kravchenko 2017)

But fighting with illegal immigrants by building a wall to a Southern part of the country was not a single problem. Perhaps the most criticized decree of Trump was a memorandum "Protecting the Nation from Foreign Terrorist Entry into the United States." And the most controversial in the text of the document was paragraph C of section 5, which states that "the entry of refugees from Syria damages the interests of the United States and, therefore, they must be denied entry.” Trump almost doesn't hide that he does not like Muslims, thereby indulging those who put an equal sign between the concepts of "Islam" and "terrorism." The list of countries also included Yemen, Somalia, Sudan, Libya, Iran and Iraq. True, it was stipulated that the right of entry can be returned after 90 days. In addition, Trump has set a quota for the total number of refugees who can take refuge in the United States, in the number of 50 thousand people (by the way, according to the Ministry of Internal Security, in 2015 almost 70 thousand people arrived in the US). ([https://lenta.ru/articles/2016/09/12/911\\_aftermath/](https://lenta.ru/articles/2016/09/12/911_aftermath/), 2017)

In response to criticism of the policy of his administration, D. Trump recalled the actions of B. Obama, who in 2011 suspended the issuance of permission for the entry of refugees from Iraq after two terrorists, a refugee from Iraq, were discovered in a small town in Kentucky. Large-scale inspections of all Iraqi refugees began, lasting six months, after which the restrictions were lifted. To be fair, it must be said that Obama restricted the issuance of permits only for refugee status, but not an immigrant visa as such. (Moorhouse 2017)

As I mentioned in Chapter 3.2 already, most Americans supported the authorities in the matter of Obama's decisions about legalizing same-sex marriages, but there were also opponents who organized whole funds, recruited activists and fought against lesbian and gay alliances. In their opinion, such marriages violate traditional values, which were accumulated and formed over the years. People still doubt whether to hold a gay parade in their city, as persecution and hatred continue in their direction. People hack gay and lesbian pages on social networks, read their chat, put their private lives on display, turning everything in such a way that LGBT people are even more condemned by others.

It can be noted that the adoption or non-acceptance of non-traditional unions depends very much on the age of people and their place of residence. In those states where the majority of the population is people up to 30-35 years old, even older people are positive about marriages of LGBTQ minorities. And in states that are more conservative, where old foundations rule and there are pockets of homophobia, people who respond positively have much less. It is also worth noting that many who previously had a negative attitude towards LGBT representatives and the idea of same-sex marriage radically changed their minds, faced with this problem by the example of the relationship of their friends or close relatives who have unconventional connections, because such acquaintances completely turned all their views .

The legality of same-sex unions was not enough to make gay and lesbian couples feel comfortable, because most spheres of life were still limited to them. For example, not every civil servant agreed to legalize the marriages of same-sex couples, it was problematic to find an organizer for a wedding that would treat with enthusiasm, rather than with prejudice. But over time, such things learned to solve peacefully, there were new organizations that help gays and lesbians formalize the wedding and solve all state issues without problems.

America was not the most suitable country for homosexual families, but it's progressing very fast. Many presidents talked negatively about non-traditional couples for the years, now "they" have the right to marry - it is a merit for the state. Today are opening marriage agencies for gays, organizations that serve non-traditional weddings, family psychologists, and committees for the protection of LGBT marriages and so on. The life of LGBT representatives becomes easier.

Most often used the word "homosexual" - is correct, truthful and cannot insult someone else's feelings. Rougher, but still frequently used word is also the word "blue."

Almost in every city you can find quarters and streets dedicated to the lives of people of non-traditional orientation, their entertainment, social affairs and work. Cafes and clubs are created for gays and lesbians, numerous events and trainings are organized for people who have not yet recognized themselves and are only discovering their own orientation. People continue to open protection committees, support any LGBT movement, and condemn gay discrimination and the denial of same-sex families on television and in the press as completely legal. There is even a gay city in the

country's project, in which this layer of people will live comfortably, build families, without looking back at the oblique glances and whispering in the back. San Francisco is already considered the gay capital of America, which attracts gays and lesbians from different states and even countries. Those who lead the gay movement in this city have received approval from the authorities and from the entire LGBT community. The number of supporting people is growing every day.

America provides political asylum to LGBT people from other countries, as persecution of people motivated by hatred continues in many states.

Even 20 years ago the idea of same-sex marriage seemed improper and stupid to people, today thousands of people have the opportunity to enter into a legal relationship with their beloved and get the right to be called his spouse by law.

And here are all the main events that memorized Barack Obama in his post - the first black president of the United States.

#### 1. Same-sex marriages

Barack Obama supported the legalization of same-sex marriages. Equality for LGBT later reinforced when Barack allowed homosexual soldiers to serve in the army. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 2. Health Reform

This is one of the most high-profile reforms of Obama. In 2010 president of the United States signed a package of reforms of the national health system. He specifically noted that he did it on behalf of his mother. "Being a cancer patient, she struggled with insurance companies for the rest of her life," Barak said.

According to the document that regulated the US healthcare system, insurance companies did not have the right to refuse sick people in insurance, could not refuse the sick children's policy, parents could inscribe children under 26 years old in insurance.

For the first time in many years, the American market of insurance medicine changed the rules of the game. Companies have tightened requirements, expanded the list of services that have become available to citizens. The cost of reform was estimated at 940 billion dollars for ten years. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 3. Nobel Prize

In 2009, Barack Obama became a Nobel Peace Prize laureate "for his tremendous efforts to strengthen international diplomacy and cooperation between nations." In



money terms, in 2009, the premium was 10 million Swedish kronor (approximately 970 thousand euros).

The statement of the Norwegian Nobel Committee said that Obama's diplomacy is based on the concept that, those people who must rule the world should do so, based on the values and positions shared by most of the world's population. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 4. Visit to Hiroshima

At the end of May 2016, Obama made a gesture that entered into history already. This was written by the media around the world. The President of America visited the Peace Memorial Park in Hiroshima. Barak became the first US president who visited Hiroshima after the atomic bombings of 1945.

Obama embraced with a resident of Hiroshima, who survived the bombing. He called on all to live in peace and renounce nuclear weapons during the ceremony.

The limitation of nuclear weapons is one of the most important directions of the US President's foreign policy. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 5. The Assassination of Osama bin Laden

Experts call one of the most significant achievements of Obama in foreign policy the murder of the organizer of the terrorist attacks 9/11. In May 2011 Osama bin Laden was shot by the US Navy SEAL in Pakistan. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 6. The war in Iraq and Afghanistan

When Obama came to power, he promised to end the war in Iraq and Afghanistan. The campaign in Afghanistan officially ended in 2014, but at that time in the country there were about ten thousand soldiers of the US Army.

The end of the war in Iraq was announced in 2011. Then America withdrew troops. But they left their military in the country to guard the embassy in Baghdad. Only In 2014, 3.5 thousand US soldiers were sent to fight against the ISIS in Iraq as military advisers. (<http://www.amic.ru/voprosdnya/374811/>, 2017)

#### 7. International Climate Change Agreement

“At the 2016 G20 meeting, China and the United States agreed to ratify the agreement. These two countries are the world's largest emitters of greenhouse gases.” (Sutter et al. 2015.)

Obama announced carbon reduction regulations in 2014. He enacted the Clean Power Plan in 2015. It reduces carbon dioxide emissions by 32 percent from 2005 levels by 2030. (Upton 2015)

#### 8. Nuclear Agreement With Iran

On July 14, 2015, Obama brokered a nuclear peace agreement with Iran. In return, the United Nations lifted the economic sanctions it imposed in 2010. (Amadeo 2016)

#### 9. 2010 Tax Cuts

Obama and Congress agreed upon additional stimulus in the form of an \$858 billion tax cut in December 2010.

“It had three main components: a \$350 billion extension of the Bush tax cuts, a \$56 billion extension of unemployment benefits, and a \$120 billion reduction in workers' payroll taxes. Businesses received \$140 billion in tax cuts for capital improvements and \$80 billion in research and development tax credits. The estate tax was exempted (up to \$5 million), and there were additional credits for college tuition and children.” (Amadeo 2017)

These are only few accomplishments among many which were made by President Obama. His achievements had a great impact not only in life of American people, but also to whole world.

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## RESUME

### AYDAN RAHIMLI

**Date of birth:** 27.02.1991

**Nationality:** Azerbaijan

**Phone:** +905458931177

**Email:** [rahimli\\_aydan@live.ru](mailto:rahimli_aydan@live.ru)



### EDUCATION

#### Bachelor Degree

15.09.2009 – 31.05.2014

**Baku State University, Baku/Azerbaijan**

My bachelor degree was Law, my background is general law.

#### Master Degree

15.09.2014 – 25.09.2017

**Istanbul Aydin University,  
Istanbul/Turkey**

My master degree is Political Sciences and International Relations.

### WORK EXPERIENCE

#### Office Manager

12.09.2015 – 21.10.2016

**GRAND MEDICAL GROUP**

#### Assistant of Judge

5.06.2014 – 31.08.2014

**The Court of Khatai District  
Baku/Azerbaijan**

#### Internship

01.04.2013 – 30.06.2013

**Sabail District Executive Power of  
Azerbaijan Republic**

**Languages**

**English:** Advanced

**Russian:** Native

**Turkish:** Native

**Azerbaijan:** Mother tongue

