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# Queer (In)equality: an In-depth Look on Discrimination Towards the LGB Community

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**Queer (In)equality:  
an In-depth Look on Discrimination Towards the LGB Community**

By

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An Honors Thesis Submitted in Partial Fulfillment  
of the Requirements for Graduation from the  
Western Oregon University Honors Program

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## Preface

Throughout the completion of this research my strategy in addressing my thesis topic shifted dramatically. My initial project was to interview college students from across the state of Oregon, cataloging their experiences with discrimination based on sexual orientation and discussing statistics on the discrimination they experienced. As such, I would put an emotional connotation to the statistics being discussed, hopefully appealing to reader's ethics to instate a change of opinion. I began this project in the Spring of 2010, but was extremely disheartened by the loss of all works in a hard-drive crash in the Spring of 2012. With half a thesis completely wiped from existence, and multiple interviews along with it, I had to start from scratch. This narrowed the scope of my thesis to focusing specifically on statistics rather than personal experiences.

I want to emphasize, however, that the personal stories that were meant to be tied to these statistics and evaluations are essential for spurring a change for these issues. It makes a world of difference when a statistic has a human emotion tied to it, and personal stories and accounts of discrimination have historically been a major leverage point in swaying public opinion on laws, policies and acceptance of LGB people.

It is also worth noting that I began this project with one specific restriction in mind – avoid gay marriage. Through my times in college I had seen a substantial amount of publicity in regards to the marriage debate, and the implications that it would have. I consider it an important issue, but want to avoid the redundancy of such arguments by addressing the less public, but equally significant issues faced by LGB people. However, I knew when starting this project that with such a broad topic as “LGB discrimination” for a thesis, I was sure to touch on marriage equality at some point. And as it proved, as my research dove me deeper and deeper into LGB discrimination issues I found that the marriage discussion could not be avoided, as many other forms of discrimination are directly or indirectly tied to the lack of same-sex marriage availability.

## **A History of the Gay Rights Movement**

Recently in the United States there has been a strong fixation on the future of marriage equality for the Lesbian, Gay, Bisexual and Transgender (LGBT) community. However, with that topic and goal in focus there is a lack of understanding as to why the “gay rights” movement began. As such, this analysis chronicles some of the major expressions of discrimination based on sexual orientation perpetrated in the United States.

In the 1940s and early 1950s there was a definitive negative stigma towards the LGBT community. The LGBT community was recognized overall as a taboo subject matter, even for those involved in the community. Conversations about homosexuality were generally non-existent and even recognizing that people were LGBT required a knack for secret symbols and code talk. As such, LGBT existence was highly privatized; often taking place in underground meetings that incorporated an extreme level of privacy and invisibility in order to protect partaking members of the community. [Before Stonewall]

By the mid-1950s and early 1960s the U.S. LGBT movement slowly started to emerge. Participants began speaking up against oppression and violence towards themselves in what was titled the “homophile movement”. One of the first major groups to partake in this movement was the “Mattachine Foundation” a group of 5000 Californians who were dedicated to fostering a sense of

community, and challenging legislation against the LGBT community. This group, which later developed into the Mattachine Society relocated to the San Francisco area and was responsible for writing the Mattachine Review journal. [Hall]

Once the 1960s hit, the homophile movement had gained much momentum in civil rights activism. The people involved began to adopt the language and ideas necessary to identify themselves as a minority group. As such, civil right inequalities were recognized more readily by politicians and partakers in the movement itself. Organizers began planning public protests where they maintained a celebratory expression of homosexuality while openly protesting at important government buildings across the nation, including the White House. However, the public opinion of the community was highly unchanged, and in many cases, more hostile than ever. What had once been a simple taboo subject was now being thrown into the faces of the American public, spurring many small violent episodes that, due to lack of media coverage, went highly under-documented [Simon Hall].

This change to a public rather than completely privatized LGB community ushered in a new level of opposition, resulting in a number of discriminatory policies, laws, actions and attitudes of the American social structure. In fact, every State in the United States had some form of law against same-sex sodomy (sodomy originating from the biblical story Sodom and Gomorrah) [Maza]. It



wasn't until 2003, when the court case *Lawrence vs. Texas* ended with the supreme court ruling against Texas effectively striking down it's anti sodomy law under the premise that it infringed on rights to privacy, that state perspectives regarding anti-sodomy laws began to shift. However, some states have still managed to hold onto their anti-sodomy legislation, and although they are currently not actively enforced, some 18 states still had anti-sodomy laws as of August of 2011 [Maza]. However, Anti-sodomy legislation was not the only policy implementation against LGB people, and many other topics are up for discussion. As such, this project chronicles many of the major discriminatory policies and patterns seen across the United States, as well as history regarding each policy itself.

## **Military personnel and the LGB spectrum**

There has long been a conflict within our military forces in regards to the acceptance, integration and protection of LGB individuals. Much of this controversy may be due to a high sense of conservative value that tends to tie into strong levels of patriotism, and a military background. Many people who oppose the integration of LGB people into the armed forces felt/feel this way due to personal stigmatization towards the community, and an overlying idea that the straight majority will not feel safe when working with a gay individual. As such, there has recently been much debate on this subject, especially during the Obama Administration. Many government policies have been put in place to rule over the question “Can a gay person be in the military”.

This is a question that has long been under discussion within the military offices and the general public. Tracing this conversation all the way back to early colonial days we can find the story of a soldier by the name of Lieutenant Gotthold Frederick Enslin, who was outed for homosexuality in 1778 during his time serving the Continental Army in the Revolutionary War [Pasek Pg. 460]. Lieutenant Enslin had an officer’s sword beaten against his head until the sword was broken, and was then marched out of town by the drummer’s corps. This was actually a ritual that was repeated on many occasions during this time, but when they officially stopped is unknown. In 1948 President Harry S. Truman

issued executive order 9981, which ensured the equal treatment in the military regardless of “race, color, religion or nation of origin,” specifically excluding homosexuality from the order [Pasek Pg. 460]. In 1950, Truman signed the Uniform Code of Military Justice, which included a set of rules for discharging homosexual service members from service with a dishonorable discharge [Washington Post]. As such, any out member of the United States military in any branch was removed from their position and stripped of any awards, recognitions and benefits, regardless of their length of time in service. Naturally, many of the LGB soldiers were outraged by the Presidents order; however the majority of the public supported this decree. The heterosexual majority considered it overwhelmingly obvious that homosexual men and women couldn’t possibly compare to their heterosexual counterparts as far as skill, and considered the presence of homosexual people within the service to be an overall morale-dropper for their heterosexual brothers in arms. As such, this discriminatory and exclusionary bill was overall effective in suppressing open homosexuality from the military front. Following this, in 1982 President Ronald Reagan stated in a defense directive that “homosexuality is incompatible with military service”. He continued to enforce the policy placed by his predecessor Truman, reinforcing the notion that any LGB personnel in the military were to be discharged immediately. [Pasek Pg. 461]

This Truman directive lasted all the way until the time of President Bill Clinton, some 43 years after the original policy was implemented. In 1992, while Bill Clinton was running for president, he made the promise that if he were elected president he would abolish the exclusive policy left by President Truman. One year after he had been elected into office, President Clinton offered a compromise to the American people, as many were outraged by the promise he had made. However, this compromise was incomplete, as Congress decided to continue President Ronald Reagan's defense directive, therefore failing to abolish the bill. However, in 1993 President Clinton issued his own defense directive, stating that no incoming or current military personnel are permitted to be asked their sexual orientation. This policy was widely referred to as "Don't Ask, Don't Tell" (DADT). President Clinton failed to truly change the policy like he had intended, but had instead created a framework to "protect" any LGB person who served in the military, as long as they remained within the closet. [Pasek Pg. 461]

In 2006, the Supreme Court ruled that the federal government could constitutionally withhold funding to universities in order to force them into accepting military recruiters [N.Y. Times]. This ruling impacted university's personal nondiscrimination policies in place by forcing them to incorporate a discriminatory organization into their campus life. Universities recognized that the military recruiters were discriminating based on sexual orientation, and many

of the schools decided that their recruitment and involvement was overall unwelcoming to their students, and therefore should not be permitted on campus grounds. However the government itself threatened to pull funding from schools that did not permit military recruiters on campus, and with the backing of the Supreme Court, the universities were forced to comply, allowing the discriminatory recruiters onto their campus. This law was appealed but upheld in federal courts some five times. [Pasek Pg. 462]

The DADT policy itself was subject to scrutiny in 2003. Former President Clinton, having seen the harm that the DADT policy had done to the military forces, openly called for an end to the policy he had instated. In 2008, more prominent oppositions to the DADT policy began to get their footholds. During the 2008 presidential election campaigns future President Obama openly opposed the DADT policy. After Obama's election to the presidency he continued to openly oppose the DADT policy. In 2010 the House of Representatives approved an amendment that would entirely end the ban on homosexual servicemen/women in the military with the stipulation that a study must be conducted to analyze how this change would alter the military readiness of the United States. Later, Senate rejected the bill, therefore resetting the process. However, the study regarding military readiness was completed by the Committee of Armed Service as planned, and results stated that military service

members did not consider homosexuals in the military to be a high risk to military effectiveness [Pasek, Pg. 462] Finally, towards the end of 2010 the senate passed the repeal of the DADT policy, some 17 years after its implementation, but some 60 years after the issue had truly began. [Pasek Pg. 462]

So now it is time to look back at what exactly these policies did to the LGB people that they dictated over. Between the years 1980 and 1993, before the implementation of the DADT policy, there were some 19,000 service members that were discharged from the military based completely on their sexual orientation [Williams Institute]. Following that, from 1993 to 2009, during the DADT era, there were an additional 13,000 servicemembers discharged [Williams Institute]. The overall focus of the DADT policy, however, was not to remove LGB servicemembers' from the military. Instead its purpose was to offer an alternative way of continuing their service, with the tradeoff of losing an open existence. As such, much of the dialogue within the actual DADT comes across as very inclusive, and only penalizes the open disclosure or expression of homosexuality. As such, you weren't banned from the military because you were gay; you were merely banned because people knew you were gay. It was intended to be a more covert method for including LGB people but was equally as discriminatory as its preceding policies. [Pasek Pg. 462]

The biggest issue with these government policies, however, is that they institute the idea that sexual stigma and prejudice is acceptable in the military environment. Sexual stigma is categorized by “negative attitudes and regards inferior status, and relative powerlessness that society has traditionally assigned to non-heterosexual individuals, behaviors, identities, relationships, or communities” [Burk Pg. 3]. In the general public, this is often expressed in the form of heterosexism, which is a sociological term regarding the ideology that heterosexuals are the dominant and sometimes even superior community. Seeing as these policies limit the experiences and opportunities of LGB people they act to further endorse and encourage sexual stigma. Once sexual stigma is strong enough in a person’s mind it eventually can turn to external expression of that stigma, either by verbal defamations or physical attacks on people of the LGB community [Burk Pg. 3]. These verbal and physical assaults on people do not just injure the victim, but also act to victimize witnesses who identify similarly to the victim, therefore further silencing these individuals.

Beyond just physical and verbal assaults, there is also a heightened possibility for LGB people to be targeted for acts of sexual assault. A study conducted by Kwon et al. (2007) of the South Korean military showed that of 671 surveyed soldiers, a total of 15.4% had been directly victimized and 24.7% had witnessed sexual assault within the military system. The overlying reason for

these assaults seemed to be the instating of a “hierarchical ranking system” that would reinforce masculinity. As such, male victims of such assaults were perceived to be less masculine than the perpetrator, and would therefore be targeted. Gay or bisexual men were often sought out as targets as they were consistently viewed as weaker and less adept at self-defense. A majority of the instances that were cited for the study were never actually reported, and, when reported, officials tended to minimize the incident or treat it as a casual normal interaction. Although this study was done in South Korea it is still prevalent in the United States military, as sexual assault and abuse are used as tools to make LGB soldiers submissive, compliant and ashamed.

A further study conducted by the American Psychological Association Joint Divisional Task Force on Sexual Orientation and Military Service surveyed 445 LGBT veterans in 2009. The veterans were questioned in regards to victimization in the military based on their perceived or actual sexual orientation. 47.2% of the respondents stated that they themselves had been verbally, physically or sexually abused due to their sexual orientation or gender identity during their time in the military [Burk Pg. 4]. 8% of respondents reported experiencing sexual assault specifically, as well as another 8% reporting physical abuse. It was also seen that female-identifying individuals experienced more cases of sexual assault than did males. These high numbers were further exemplified in a Department of Defense



survey given to 71,500 active duty personnel, 37% of which said they had witnessed or experienced harassment or violence due to someone's sexual orientation. [Burk Pg. 4]

The issue with the DADT policy, and the policies that preceded it, is that precarious situations such as these are unlikely to be reported for fear of discharge. As such, LGB people typically don't seek help, and instead live in silence after being victimized by their fellow servicemembers. Additionally, victims often believe that if they come forward or open up about their experience it could potentially put them in a position to be targeted even more frequently by further assaults. This once again reinforces the sexual stigma towards the LGB community and further influences perpetrators to commit these acts, as male-on-male sexual assault is significantly less likely to be reported. If the victim never reports the crime, the perpetrator is guaranteed to go free for his actions, which is often what happens due to fear of further consequences. The military is a system plagued by heterosexism, sexual stigma and expected gender norms, and the DADT policy merely magnified the experiences of victims of assault due to potential further consequences. [Burk Pg. 5-6]

Since the DADT policy has been removed permanently from the U.S. Constitution, it may be argued that this shouldn't matter anymore. However, the general stigma and fear of LGB servicemembers is still prevalent in the United

States Military. It will take a long time for those wounds to heal, however there are still other military issues to be addressed on the topic of sexuality, such as medical and spousal benefits. With the recent removal of the third section of the Defense of Marriage Act (DOMA), these issues have been relatively resolved, but it's still important to revisit the issues faced immediately after DADT's repeal.

Although the soldiers are the main focus of the DADT policy and its discriminatory values, they are not the only ones affected. Same-sex partners of servicemembers were denied a multitude of different benefits that heterosexual couples had access to. In fact, only 14 kinds of benefits could be awarded to same-sex partners, and it is worth noting that all of these benefits were also receivable by any person named by the service member whether they are family, friends, or a complete stranger. [Pasek Pg. 465]

The historical context of conferring benefits provides meaningful contextual analysis. Benefit programs for dependents and spouses were once non-existent, even avoided by the American military and government. In fact, in 1847 Congress enacted a law that actually prohibited married men from enlisting in the Army, as it was perceived as a cause of decreased morale, unit cohesion and retention [Pasek 463]. The only exception to this policy was for officers, who required permission from their superiors to engage in a marriage-oriented relationship. The family members of officers received only a few benefits that

paled in comparison to the benefits offered today. These laws remained in place for nearly one-hundred years, until an amendment in 1942 at the start of World War II. [Pasek Pg. 463]

Due to this policy the United States of America's military provided no assistance to the partners or children of service members, which overall discouraged the soldier from the prospect of marriage. By 1942, married men were officially permitted to serve within the military; however a current serviceman was still required to ask permission by a superior officer before being able to marry [Pasek Pg. 464]. With this change in policy, some new studies were initiated regarding family satisfaction and retention of military personnel. The studies showed that an increased family dissatisfaction in not receiving any benefits and losing their main source of income (their husbands) had drastic effects on retention within the military [Pasek Pg. 466]. Many of the benefit programs that exist today were for the sake of retention of the military personnel and has since spawned a nearly 8 billion dollar fund by 2010 for family support programs. [Pasek Pg. 464]

Now we will analyze the benefits denied to same-sex partners, there are a few in particular that are of important note; the first of which being medical and dental health insurance. The military provides an insurance policy entitled, TRICARE to all family members of a soldier with the goal of creating and

maintaining “high morale in the uniformed services by providing an improved and uniform program of medical and dental care for members...and for their dependents” [Pasek Pg. 465]. Dependents, as defined by Title X of the U.S. Code, refers to a “spouse, single widow or widower, a child who maintains certain qualifications, a parent or parent-in-law who is dependent on the soldier, a single former spouse who meets certain conditions, or an unmarried person who is placed in legal custody of the service member”. The issue with this terminology is that Federal legislation prohibits same-sex partners from being categorized as spouses, therefore excluding them from this benefit system. [Pasek Pg. 465]

Another benefit heterosexual couples were entitled to is a basic monthly allowance for non-military housing. Although same-sex couples still had access to some assistance for housing, the rates for same sex partners were significantly reduced. In addition, after relocation for duty takes place, there were many programs in place for access to morale, welfare and recreational programs for heterosexual servicemember’s dependents. However, same-sex partners, under section 3 of DOMA, were not recognized as family, and therefore could not partake in these programs that existed to “ensure high-quality, consistent community support for servicemembers and their families” [Pasek Pg. 465-466]. This tarnishes the opportunity for same-sex partners to build social connections

with other military families, which is beneficial to their mental health and adaptation to the new environment [Pasek Pg. 467].

In 1986, prior to a majority of the benefits available today, the United States military began a five-year research program called the Army Report. The report was directed at identifying what motivators and deterrents to continuing military career were most prevalent. When the program concluded, one in five spouses stated they experienced serious difficulty in adapting to an Army lifestyle [Pasek Pg. 466]. An additional one in five spouses stated that they believe participation in the Army sacrificed the achievement of personal goals [Pasek Pg. 467]. After this study, the military concluded that families were able to meet the demands of the military, but that the needs of the family were not so easily changed. As such, many of the spouses of military personnel viewed the military itself as a contestant for their spouse's time. The Army Report also found that the most influential reason for not adapting to the new environment was social isolation [Pasek Pg. 467]. As such, by rejecting same-sex individuals from participation in social programs, the military inevitably contributed to the social isolation felt by same-sex partners, decreasing a spouse's willingness to remain in that location, and therefore applying stressors to the military personnel [Pasek Pg. 467].

The study continued to state that families were happier with the military when programs and benefits were instituted. Additionally, families that utilized these programs tended to be more satisfied with the military overall, and therefore more supportive of the military personnel. This not only affected retention rates of soldiers, but also provided support for, and contributed to readiness of the personnel by providing a stress release and motivation of work performance. However, families who had not adapted to a military lifestyle, or families who were dissatisfied with the military, proved to put “pressure on the soldier and unit” which effectively damaged the individual’s ability to serve readily [Pasek Pg. 467].

One of the biggest services denied, however, was in regards to the death of a gay service man or woman. If a soldier died in action, their same-sex partner was not able to receive the body remains of that person. A heterosexual spouse, however, would have no issues attaining their life-partner’s remains, as well as assistance in travel expenditures to attend their funeral. In conjunction with this, if a military servicemember was incapacitated at a military hospital, a same-sex partner’s right to visit without explicit consent from the hospitalized person was not recognized, which under circumstances of coma or incoherency, is not possible. [Pasek Pg. 467]

The overall sexual stigma and victimization of LGB individuals is difficult to correct, but is slowly correcting itself. Over time, as the LGB population has become more accepted and gained more rights and recognitions, this particular problem has systematically turned itself around. The support of open-minded and welcoming service members has irrevocably reduced many of the issues faced by LGB servicemembers, although not abolish them completely. The issue regarding same-sex spousal benefits has recently been resolved by the overturning of the third section of the Defense of Marriage Act, permitting same sex marriage legislation in states that recognize it who choose to enact legislation. Any married person within the military is now subject to spousal benefits, regardless of opposite or same-sex status.

The striking down of the third section of DOMA was a monumental step for military spousal benefits; however it is still a selective solution, as only residents of states that allow for same-sex marriage can readily benefit from this change in policy. It is worthy of mention, however, that with the overturning of DOMA, federal benefits to same-sex married couples are available regardless of their current state's policies on same-sex marriage. As such, even if a person resides in a state without legalized same-sex marriage, but is married in another state, they are still eligible for spousal benefits from the military. As such, any same sex couple is technically capable of being eligible for spousal benefits, but

until same-sex marriage is available in every state these benefits will not be readily available and still exemplify an inequality of LGB people. Still, the mere consideration of same-sex couples for spousal benefits is an enormous shift in perspective. Additionally, a recent NBC news article regarding the striking down of Pennsylvania's marriage ban stated that 44 percent of the United States' population now live within states that offer same-sex marriage, a huge margin and an encouraging sign that this issue won't exist much longer.

Instituting these benefits fully is still of dire importance, however, and it is possible to address the issue without taking on the marriage issue directly. To accomplish this it would be necessary to redefine either of the terms "dependent" or "spouse" in the United States legislative documents. As of right now, the term, "dependent," refers to a spouse, ex-spouse, parents, children and a few other groups, but specifically excludes same-sex partners. As such, if a same-sex life partner or an equivalent term were added to the legislation that defines who a dependent is it would solve this issue immediately, effectively including any and all lifelong romantic partners. Alternatively, altering the terminology for what qualifies as a "spouse" would also solve this issue, as if a spouse could be defined as a life partner regardless of gender or sexual orientation then it would effectively include any same-sex, or opposite-sex partnership. The issue with this solution, however is that it leaves the possibility



for any non-committed relationship to gain these benefits, as proving a relationship's longevity and commitment level is quite difficult. The U.S. military utilizes marriage registrations and documentation in order to manage the eligibility of spousal benefit distribution and without a similar format and or title for this; there could be potential abuse of the system. And seeing as these benefits can get expensive, it makes sense that the military has been hesitant to qualify more people.

This solution, of different qualifications for spousal benefits has actually recently been implemented as well. A recent memorandum from the Secretary of Defense, on February 11<sup>th</sup> of 2013, stated that "Today, our military leaders are ensuring that all America's sons and daughters who volunteer to serve our Nation in uniform are treated with equal dignity and respect, regardless of sexual orientation". The Secretary of Defense goes on to state that "it is therefore time to address the question of benefits we will extend to same-sex domestic partners of Military Service members." The memorandum goes on to state that benefits for dependents of military servicemembers will be extended to same-sex domestic partners, a huge step towards benefit equality. As such, domestic partnerships have also earned eligibility for these same-sex couples.

In looking at the statistics cited earlier, and referencing them to the steps taken with the repealing of DADT, the implementation of same-sex spousal and

domestic partner benefits and the overall expression from the Secretary of Defense that sexual orientation discrimination has no place in the military shows a dramatic shift in military inclusiveness. In a mere three years, the military went from a policy of complete removal of openly LGB service members in the military to nearly full support of LGB service members, a near full turn around. As such, the military has shown incredible progress on the front of LGB equality and as a federal institution shows a growing shift towards federal support for LGB rights.

In the next section we will analyze another form of discrimination from uniformed personnel, an issue that has had significantly less success in being resolved than that of its military counterpart.

## **Police Brutality and LGB Human Rights Violations**

A community of massive importance for protections of the LGB population is that of the police enforcement community. Police enforcement officers are entrusted with the upholding of state and federal laws while protecting citizens. However, it turns out that police officers are common perpetrators of violence, discrimination and maltreatment of LGB people. This is an issue not commonly publicized that greatly deserves public consideration.

By the late 1960s, in response to the growth of the LGB movement, referred to as the homophile movement, police began expressing anti-gay sentiments in their own way. Police routinely did rounds around recognized “gay clubs” and harassed their attendees. This harassment was not executed for entertainment purposes but was actually used to further provoke the community to retaliate. Police officers would utilize derogatory slurs, offensive language and demeaning acts to initiate a violent response from patrons of these bars. At the time, if police considered themselves to be in any dangerous or violent environment they were permitted to “defend themselves” by force if necessary. As such, the police hoped for violent responses so they could excusably and legally assault LGB individuals at these locations. This spurred many minor instances of police arrests of LGB individuals and large scale police assaults on entire gay/lesbian establishments. These attacks, disguised as an enforcement of

liquor laws, specifically targeted LGB patrons in the establishments; beating them with billy clubs, spewing homophobic slurs and outraging patrons. This was the final spark that led to the revolt that was the Stonewall Riots. [Before Stonewall]

On June 28<sup>th</sup> 1969 the Stonewall Inn, a bar located in Greenwich Village in New York City, was invaded in a police raid directed at violently attacking LGB individuals. The following response was so significant that it is now known as the true birth of the “Gay Rights” movement, though it was really only a catalyst. As the patrons of the Stonewall Inn were taken one by one to police patrol cars, one unnamed person put on a struggle. In response, hundreds of protestors came down on the police, throwing beer cans, bottles, bricks and coins from buildings above them. Craig Rodwell who was present during the riots, recounts it as a “mass anger”. One person stated that “at one point, Seventh Avenue...looked like a battlefield in Vietnam. Young people, many of them queens, were lying on the sidewalk bleeding from their head, face, mouth and even their eyes” [Mogul Pg. 46]. In the turmoil, the bar itself went up in flames and the city’s Tactical Patrol Force was sent in to control these riots, but the mob of people continued to fight back with vigor for another hour before tension was relieved. [Hall]

Following the Stonewall riots there was a significant spur of further uprisings and resistance to police arrests at gay bars across the nation. However, if we fast forward another thirty-four years from the time of the Stonewall riots,

police brutality towards the LGB population hasn't stopped. In March of 2003 a popular gay and lesbian night club called the "Power Plant" in Detroit was filled to capacity when at 3:00 a.m. somewhere between 50-100 police officers cut the lights and stormed the building, guns drawn. Officers yelled for all people to "hit the floor" at which point 350 people were handcuffed, forced to lie face down on the floor and detained for up to twelve hours. A witness to the event stated that many people were kicked in the head or back, slammed into walls and that people were forced to "sit in their own and others' urine and waste" [Mogul Pg. 46]. In addition to this, the police were once again heard using homophobic slurs, referring to people as "homos, faggots, dikes [Sic] and trannies".

Seeing these events, it is recognizable that the police forces of New York had significant roles in violence against the LGB population. In fact, in a report from the National Coalition of Anti-Violence Programs in 2008, law enforcement officers were recognized as the third most significant perpetrators of LGBT related violence in the United States [Mogul Pg. 47]. However, beyond the actual physical direct abuses that police have perpetrated on the LGB community, there are numerous other abuses the police partake in, specifically, underreporting incidents of LGB violence. For instance, in March 2002 April Mora, a lesbian teenager of African American descent was assaulted by a group of three men in a car. The men repeatedly called her a "Dyke" slitting her tongue with a razor when

she called out for help, carving the word “Dyke” into her fore arm, lacerating her face and kicking her in the gut and ribs before telling her that “she was lucky they didn’t rape her” and that the next time they would [Mogul Pg. 118]. Upon reporting this instance to the police her accounts were rendered completely illegitimate. Despite a medical examiner stating that her injuries could not have been self-inflicted, the police decided that Mora had intentionally cut herself in these fashions and therefore no legal action was taken to find the perpetrators of this violent act [Mogul Pg. 119]. The lack of action from law enforcement officers is extremely influential in facilitating a culture of violence against LGB individuals. Because of this, many LGB communities no longer look to police for protection due to the high potential for negative repercussions or ignorance from the officers altogether.

Despite reports and expressions of discontent from the NCAVP (National Coalition of Anti-Violence Programs) regarding these violent acts by law enforcement officers, little has been done to hold officers accountable and end this violence. In 1981, after many offenses became more publicized, discussions over the high hate crime rate were conversed over in some detail within the Anti-Defamation League. This response to hate crimes was effective in increasing the penalty and sentencing for people who commit hate crimes. With this draft, perpetrators would be “subject to a stiffer sentence” on the grounds that hate

crimes affect entire communities and not just the particular person targeted.

[After Stonewall]

Many multicultural organizations jumped on board with proposed legislation regarding hate crimes in the hopes of getting uniform protections for multiple minority groups. At the time it was seen that if this passed there would be a public education campaign to inform the public of the hate crime issue, thereby permitting the communities themselves to hold police accountable for enforcing such policies. This movement towards hate crime prevention was slowly orchestrated by a number of LGBT institutions including the Anti-Defamation League, American Civil Liberties Union, the National Gay Task Force among others. Most of the legislation lacked the momentum and evidence that they needed, as many people were afraid to come forward with their personal accounts of hate crimes for fear of being victimized. After years of struggling to integrate these policies into society, these organizations finally accomplished a certain level of success. By late 2009 12 states had legal protections (including the District of Columbia) for LGBT individuals while another 18 had protections only for LGB people [Mogul Pg. 121].

Following in the wake of the previous 30 states, in 2009 the federal government finally got involved in actively preventing hate crimes across the country. After the Matthew Shepard incident, where a 19 year old boy was

murdered after being falsely befriended by two men at a gay bar, and the James Byrd Jr. incident, where an African-American man was murdered by being dragged behind a truck until he was decapitated, actions were taken to further prosecute offenders of hate crimes. In order to spur change, organizations began collecting stories of abuses that they had recognized; planning to use these stories as evidence for the need of federal hate crime laws. These collections of stories were dramatically influential in progressing preventative legislation and federal hate crime acts. This emphasizes the importance of personal accounts of victimization to spark change and closure. In Particular, the personal accounts of Matthew Shepard's parents was greatly impactful, resulting in the passing of the Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act, permitting the action of the Department of Justice to assist or completely take over hate crime investigations where local authorities weren't able to or were unwilling to do so. The bill also increased penalties and sentencing for hate crime perpetrators, while creating a framework for consistent documentation of incidents [Mogul Pg. 125].

Although this legislation was not directly aimed towards ending police brutality towards the LGBT population it was still a positive step in a much broader issue. Overall, hate crimes were a rampant issue across the United States and until that issue was accurately addressed, there was not much to go on for



law enforcement accountability. It didn't make logical sense to hold police accountable for what the public didn't even recognize as a problem. The Hate Crimes Act lifted the darkness cast over these issues, bringing them to light and making them transparent and visible to the public. With the law in effect, these abuses actually had legitimacy.

Currently, many LGBT organizations such as Lambda Legal maintain to hold LGBT protection legislation as their main priority in activism, understanding that these policies express that hate crimes are unacceptable. However, the concern remains in the LGB community that law enforcement officers do not seem to care about prosecuting hate crime offenses. General stigmas towards the LGB population still remain primarily negative amongst the law enforcement community. As such, although these hate crime acts are especially effective in prosecuting and extending sentences for perpetrators, these policies do nothing to actually prevent further abuses. In particular, if we consider a person who is already committing an act of assault, rape or harassment it is unlikely that they are considering the consequences of their actions to begin with. Since the assailant is unlikely to take consequences into account at the time of the abuse, extra penalties affiliated with hate crimes do little to deter people from the offense to begin with. Furthermore, many of these violent acts are actually promoted and condoned by societal norms in regards to religion, promotion of

laws, practices and generic prejudices/stereotyping. This has posited questions about the strength of the Hate Crime Prevention Act, which has not been as effective as planned in practice, and why LGBT-related police apathy and indifference still remains rampant. As such, there is no true form of “prevention” that supporters of hate crime acts promote so vigorously and none of it managed to change any action by the police. [Mogul Pg. 125-126]

Delving deeper into the Hate Crime Prevention Act analysis we see further issues with why this legislation hasn't made a strong enough impact. Retaliation legislation, like that of Hate Crime Prevention Acts, is utterly flawed in that they require the action of law enforcement in order to be effective. However, law enforcement officials and officers remain the third highest perpetrators of LGBT violence and harassment [Mogul Pg. 47]. As such, it is difficult to believe that any form of legislative power would be substantial and effective enough to really create protection for these individuals. Protection laws cannot be as effective as necessary without proper backing from the legal system itself, and without support from law enforcement these policies are merely in place for sentimental value.

In many other cases, issues of personal domestic safety and harassment offered officers an opportunity to discriminate more readily. As an example, a gay man in Richmond Virginia gave a testimony in regards to the treatment he

received upon making a domestic violence report when his male partner had severely beaten him. "During a beating I had to call 911 and have the police come and save my life. When the cops arrived they laughed at me. I was bloody, bruised, crying and my clothes had been cut and ripped...It was by far the worst and most humiliating experience of my life. I will never trust the police again" [Mogul Pg. 130]. In this instance police not only failed to assist a gay man in distress but utilized the instance to mock and criticize him for his situation. As such, it is evident that police perspectives on this matter are honestly too conflicting with legislation to be effective.

A further issue beyond the police officers being homophobic is the consistency of homophobia and transphobia of entire departments. In 2008 a transgender woman by the name Duanna Johnson was arrested for "prostitution". Johnson had been walking around town, dressed as a woman in an area that had been known for prostitution and as such was assumed to be selling sex for money. She was arrested and detained with no evidence and later confronted by a police officer who referred to her as a "faggot" and "he-she". When she argued that she shouldn't be referred to as that and that she had a name, the officer, Bridges McRae, put on a pair of gloves, wrapped his handcuffs around his knuckles and began to brutally attack Johnson while another officer held her down [Brown]. This attack lasted some time and was all caught on tape.

This instance was not in a private area of the police station; the assault took place in an open and public room with many other people witnessing it, including other officers. After the beating ceased a nurse is seen tending to officer McRae while ignoring Johnson completely as she lay bloodied on the floor. It was evident from this case that no officer cared enough to intervene, and that many of them may have actually supported the assault, though a personal address of the police chief stated that wasn't the case. However, the Police Chief also stated at the end of his address that he "certainly didn't condone transgender or homosexuality." The two officers involved in the beating were not immediately removed from the force, but were merely given inactive duties as part of the police department until hearings rendered them guilty and they were fired. It is evident through this that legislative work truly won't have the impact necessary to alleviate the pain suffered, and being suffered by the LGBT community. [Letellier]

Johnson went on to sue the police department for having her civil liberties obstructed by excessive force by two of its officers, but she never made her court date. Johnson was attacked by three men and murdered execution style before she ever got to enter a courtroom. The identities of the assailants are unknown and hearings on the case have been dropped. [Brown]

This incidence of violence perpetrated by law enforcement officers begs the question, what could be done differently to improve this situation? Seeing as

this is such an ongoing and lengthy issue it is difficult to answer this question concisely. However, there aren't ever any truly concise answers to discrimination. Some organizations have discussed the implementation of mandatory sensitivity trainings to better educate the officers that are susceptible to these behaviors in hopes of changing perspectives and actions in the community. However, this would require a specific group for training these individuals, since training on something someone does not truly believe in is destined to be ineffective, if not counterproductive. Beyond that, extra training should not even be necessary since police are expected to uphold policies regarding excessive force in any situation. Still, some states have been implementing these trainings, although statistics on its success are difficult to come by. Although changing perspectives is the overlying necessity to alleviate these abuses, it proves difficult to do so without cooperation.

It is that cooperation that needs to be addressed; not from the police, not from the Judicial Administration, and not from the Legislative Branch of the government but from the American people as a whole. Until the LGB community is recognized as a legitimate and respectable society within the United States there can be no true change of perspective; a perspective that is necessary for LGB people to no longer be victimized by these abuses. What is required is the support and recognition of LGB people in the workforce, in religious institutions,

in our nation's school systems and political parties. Without this legitimization the LGB population will be further victimized. But, how can this be accomplished? It has already started; perspectives have shifted, with a new majority in favor of marriage equality across the nation (55% in May of 2014) [McCarthy]. Though it is by no means an immediate solution, patience accompanied with visibility and organizing is a long term goal with a likely successful outcome. We still require action to be taken now, meaning that organizations like Basic Rights Oregon, Human Rights Campaign, Lambda Legal, National Coalition of Anti-Violence Programs (NCAVP) and other LGBT organizations are a necessity to keep the community visible which will hopefully change the demographic of perspective.

However, the previous solution seems lacking in the here and now, and seems to promote a sense of passivity to facilitate change which has typically been proven to be ineffective. That is by no means what is intended, but is definitely a good point to be made for change to happen on a national level. As explained above, changing attitudes and perceptions of the LGB community among law enforcement officials will take time to become standard practice and until then there is still more that can be done within communities themselves. Primarily what needs to be done is removing the public's necessity on the police force in general. If communities were to take their own action in protecting citizens then the need for police involvement wouldn't be necessary. This would

eliminate the opportunity for police to disregard and personally attack LGBT individuals. However, this runs the risk of resulting in vigilantism, and can greatly increase crime rates when untrained citizens take law into their own hands. The implementation of police review and public opinion boards, however would greatly allow the public to hold their police force more accountable, therefore ensuring the upholding of proper law enforcement.

Another alternative would be the implementation of greater support to national organizations that are specifically dedicated to addressing LGBT rights abuses such as Lambda Legal, Human Rights Watch and Amnesty International. These organizations help hold police officers more accountable and continuously fight for the rights and freedoms of LGBT people.

All in all police brutality and apathy towards the LGBT community is still a major discriminatory offense to the LGB community here in the United States. Measures must be taken in order to change the public perspective to hold these officers more accountable for their actions and to ensure the safety of LGB people. Previous measures such as the Hate Crimes Prevention Act have been rendered only slightly successful and without further action these injustices will continue to flourish indefinitely.

In the following section we analyze a less violent but still equally important issue regarding discrimination based on sexual orientation in the work place.

## **Work Place Discrimination and the LGB Identity**

It is currently estimated that there are eight million LGBT employees in the United States work force (4% of the workforce population) [Pizer, Pg. 719]. LGBT employment discrimination has been a common issue faced by many of these people. In 1973, a bill was introduced to the United States Congress for a national law prohibiting discrimination in the workplace based on sexual orientation. Multiple similar bills have been proposed since then, but protections regarding sexual orientation and gender identity were not considered until quite recently, and no current federal law has been enacted for these protections. The current proposed federal bill, the Employment Non-Discrimination Act (ENDA) provides some nationwide protections for LGBT employees, but has yet to be enacted due to the House of Representatives voting against its passing in 2013.

In a 2008 nationwide survey entitled the General Social Survey, 37 percent of lesbian and gay employees stated they had experienced workplace harassment and 12 percent claimed to have lost a job due to their sexual orientation. [Pizer, Pg. 721] In addition to this, some 90 percent of transgender respondents claimed to have experienced harassment or mistreatment at work, and some 47 percent have reported losing a promotion or job based on their gender identity. The survey also showed that 42 percent of LGB identified respondents experienced at



least one form of employment discrimination at some point in their lives due to their sexual orientation. [Pizer Pg. 724]

In a smaller scope, local surveys within specific states expressed similar results. A 2010 survey in Utah showed that 30 percent of LGB surveyed people had experienced weekly harassment based on their sexual orientation over the course of the last year. In Colorado a 2010 survey showed that 27 percent of lesbian and gay people experienced workplace discrimination and in a 2009 survey showed that 19 percent of LGBT staff and faculty at universities had experience “exclusionary, intimidating, offensive, hostile or harassing behavior on campus in the prior year”. [Pizer Pg.724]

Controlled studies have utilized experimental procedures to better assess workplace discrimination and rejection of job applications. Researchers utilized pairs of identical resumes, with one simple difference, one application openly expressed that the applicant had been involved with an LGBTQ college campus organization. In the most recent study of this kind, 1,769 pairs of resumes were distributed out to entry-level jobs in seven different states. Results showed that a gay male would have to apply for 50 percent more job opportunities to land an interview than that of his heterosexual competitor applicant [Pizer Pg.728]. It was also observed that applications sent to states without employment

nondiscrimination laws that protect sexual orientation minorities were less successful and less likely to receive an interview.

In addition to application rejection, employers are also capable to refuse employment of an applicant due to their perceived or actual sexual orientation. Currently, 29 states across the U.S. have no legal protections for LGB employees and job applicants [Outandequal.org]. This means that employers of those 29 states can legally discriminate based on sexual orientation by firing or rejecting people perceived as, or self-identified as being LGB. Additionally, no solid evidence is necessary for this removal from the work force to take place. As such, employer recognition of LGB stereotypes is enough grounds to lawfully reject employment of individuals. Due to the lack of legislative protections for LGB people, there is no legal action that can be taken by victims of this discrimination. The Transgender community has even fewer states with protections in the workforce, having 33 states that can legally discriminate based on perceived or actual gender identity [outandequal.org].

The discrimination faced by the LGBT community does more than just negatively affect their working experience though; it has also shown to result in identity-hiding, lower pay for work, fewer employment opportunities and lower physical and mental health. In the GSS survey cited above, it was found that one-third of all LGB respondents had not disclosed their sexual orientation to any

coworkers, while only 25 percent stated that they had been completely open in the workplace [Pizer Pg. 735]. Bisexual respondents were significantly less likely to be open to coworkers, (6 percent compared to 38 percent for lesbian and gay individuals). In 2005 a similar survey was conducted with the added component of “reason for remaining closeted in the workplace”. 70 percent of the LGB respondents stated that they had remained closeted due to fear of losing work due to their identity. Additionally, 13 percent of respondents stated that they had not been open in the workplace due to the potential for personal harm or assault from coworkers [Pizer Pg. 735].

It is important to recognize the significance of these statistics and how they affect LGB employees overall. In 2007 a study of LGB employees found that employees that feared being open in the workplace due to discrimination had significantly more negative career and work attitudes, and experienced more stress-related symptoms of physical and mental health issues [Pizer Pg. 736]. This shows that discrimination in the workplace affects much more than just an employee’s ability to work efficiently. A discriminatory work environment negatively affects LGB employee’s personal health and emotional stability. As such, it is important to work towards workplace equality, in which LGB people can feel safe, comfortable and protected in the workplace, so as to help alleviate some of these emotional and health related burdens on the LGB workforce.

Between the years 2004 and 2014, over a dozen studies have been conducted analyzing the compensation rate of gay workers compared to their heterosexual coworkers. The wage gap identified between these two demographics varies significantly depending on which study is cited, but is estimated to range somewhere between 10 and 32 percent [Pizer, Pg. 738]. Lesbian women on the other hand actually tend to make more money than their heterosexual coworkers, but still less than their male equivalents of either sexual orientation. The candidates utilized in this comparison had similar credentials and overall work efficiency, the only difference between candidates was their sexual orientations. As such, unequal pay for LGB employees is an important issue within the workplace. Although unequal pay may not directly impact an LGB person's happiness or health it can impact their overall economic stability and hinder them from experiences available to their heterosexual counterparts.

Looking more specifically at the mental and physical health aspect of these statistics we can see a strong correlation between discrimination experiences and mental/physical health problems. [Pizer Pg. 739] Homophobic social environments have been identified as significant factors for LGB employees, resulting in decreased psychological and physical health. This issue has been recognized by the U.S. Department of Health and Human Services, who stated that "the issues surrounding personal, family, and social acceptance of sexual

orientation can place a significant burden on mental health and personal safety” [Pizer Pg. 739]. A 2009 survey by the Massachusetts Department of Public Health showed that 83 percent of heterosexual respondents self-identified themselves as being in good health. Meanwhile 78 percent of lesbian and gay and 74 percent of bisexual respondents stated they were in good health [Pizer Pg. 379]. This represents a smaller population of healthy individuals and implies that LGB people overall are in a lesser health condition than are heterosexual people.

Further research had been conducted on disease progression for LGB individuals who may experience greater amounts of social stress because of their sexual orientation. Specifically, in 1996 researchers compared openly gay men infected with HIV with closeted gay men with HIV in regards to the progression of their disease. These HIV positive men were surveyed for nine years, taking note of patients being either asymptomatic or experiencing significant AIDS-related diseases, such as pneumonia. The results showed that the HIV infections in closeted men progressed more rapidly over the nine years than men who openly disclosed their identity [Pizer Pg. 740]. These results were consistent even after some variables were controlled, such as medication use and sexual behaviors. More recent studies with similar research parameters have shown similar results, despite the improvements of HIV treatment since the 1996 study. Specifically, the concealment of a person’s gay identity displayed correlation to a lowed CD4

count, which is used as a measure of HIV progression. As such, there is a potential correlation between stress and disease progression. Additionally, high levels of perceived discrimination or fear of discrimination has been connected to high amounts of stress, leading to psychiatric disorders, psychological distress and depression, as well as loneliness, low self-esteem and suicidal thoughts [Pizer Pg. 741].

These statistics demonstrate the importance of national bills such as the Employment Non-Discrimination Act (ENDA) to protect workers of sexual or gender minority groups, as employment discrimination against these groups is still prevalent today. However, ENDA doesn't provide complete protections for LGB people, especially in regard to partner benefits. The ENDA bill explicitly states that employers are not required to treat same-sex non-married couples the same as heterosexual married couples for employee benefits. In conjunction with the second section of the Defense of Marriage Act (DOMA) which allows states to not recognize other state's same-sex marriage licensure as they choose, ENDA permits businesses within states that lack same-sex marriage to refuse benefits to legally married same-sex partners of their employees under the assumption that their current state of residence doesn't recognize their marriage. Due to this issue in the ENDA bill, should it pass in the future, no legal action can be taken against businesses that reject same-sex partner benefits, as there is no

explicit anti-gay sentiment to the benefits policy. Instead, by only offering benefits to a “spouse” which is categorized by a married partner, businesses are capable of indirectly discriminating against LGB couples in states without marriage equality, even if the couple is legally married in another state. Since same-sex married couple’s marriage from another state may not be recognized in their state of residency, spousal recognition on a state level can be denied regardless of marriage status. As such, identifying an anti-gay motive behind the lack of benefits is difficult, making legal action rather challenging, often unenforceable and ineffective.

Although companies are capable of protecting themselves behind the shield of DOMA, a 2009 Kaiser Family Foundation study showed that 31 percent of firms that offered spousal benefits offered these benefits to different-sex unmarried partners, yet only 21 percent offered equal benefits to LGB domestic partners [Pizer Pg. 767]. This shows direct discrimination, as 10 percent of studied firms made exceptions for heterosexual couples who were not married, but not for same-sex couples. This likely contributes to the fact that same-sex unmarried relationships are two to three times more likely to not be insured than married heterosexual couples [Pizer Pg. 768]. This statistic is important when taking health risks for LGB people into consideration. Studies have shown that LGB adults have a poorer health overall, and research has shown that LGB people

have higher rates of cancer [Pizer Pg. 768]. As such, having less access to health insurance can be detrimental to overall longevity of life.

Workplace discrimination and inequality is still highly prevalent within the LGB community and greatly impacts the health and happiness of LGB employees and their same-sex partners. To achieve true workplace equality will take a multitude of different measures to be completely successful. The most important measure to be taken is the reformation and passing of ENDA to be a fully inclusive and effective national law. Current drafts of ENDA only provide a few rights and benefits to employees but fail to completely equilibrate an employee's status. A major issue that requires ENDA recognition is the lack of spousal benefits for same-sex couples. Currently there are two ways to effectively fix this issue. A clause within ENDA, ensuring equality in marriage benefits between heterosexual married couples and same-sex married couples/domestic partners/civil unions, or couples in an equivalent relationship status, would effectively fix this issue when and if ENDA is passed. As such, antigay businesses could be better held accountable for their discriminatory policies, rendering them incapable of hiding behind other laws such as DOMA.

An alternative solution includes the changing of DOMA itself. The Defense of Marriage Act currently mandates that marriage can be recognized for same-sex and opposite-sex partners, but that it is up to each individual state's



discretion to decide whether same-sex marriages should be permitted and/or recognized. By repealing DOMA in its entirety the LGB population would be capable of being both state and nationally recognized in the institution of marriage. As such, same-sex married partners would be identified as “spouses,” therefore requiring companies to grant benefits to same-sex spouses by their current policies. Alternatively, although permitting same-sex marriage would effectively alleviate this issue, it is possible to remedy this injustice without having marriage eligibility for same-sex partners. The definition of a spouse in federal legislation restricts it to being a married person. However, by redefining the term “spouse” to include other credentials, it is possible to create the alternative same-sex partner spousal eligibility. This would permit same-sex partners to reach the spousal standard needed for receiving benefits without having to directly take down DOMA, assuming companies don’t alter their policies to continue discriminating.

The second possibility listed above has been explored and enacted in some detail in the past. The concept of a domestic partner or a civil union relationship has been implemented in multiple states, which helps give identity to long-term committed relationships that include both heterosexual and same-sex partnerships. Domestic partnerships and civil unions grant some of the same protections and rights that marriage does, but has proven to be inconsistent in

these rights from state to state. Additionally, civil unions and domestic partnerships still do not currently create spousal eligibility for same-sex partners, and therefore are not guaranteed to be recognized for partner benefits from employers. Recently though, many United States companies have begun recognizing same-sex domestic partnerships and civil unions for benefits, but current laws and standards do not require all companies to do so.

It is important to also address the issues with the workplace atmosphere towards LGB individuals themselves. The primary issue regarding the workplace atmosphere is that of an employer's attitude towards LGB people causing fear of rejection or even job loss. This is a difficult issue to address, as changing the actions and perceptions of an employer is difficult to initiate successfully. One way to accomplish this is by creating penalties for employers who choose to discriminate based on sexual orientation within the workforce, either on job retention, hiring, promotions, wages and other areas of inequality. By generating penalties for discriminatory employers, there would be more pressure for employers to be inclusive in their policy making for fear of financial or legal repercussions. However, for such penalties to be successful it is necessary to have proper legal procedures and standards that do not permit employers to hide behind other laws such as DOMA. Additionally, Identifying the true core

reasoning for firing an employee will always be difficult, and as such legal penalties overall are unlikely to be completely effective.

It is possible that legally institutionalized penalties are not necessary though and that overall workplace competitiveness can help alleviate many of these issues. In 2002 the Human Rights Campaign created the Corporate Equality Index (CEI) which documents the overall equality of LGB individuals in specific corporations across the country. The CEI, which is released in the fall of every year, utilizes surveys of large business's CEOs on issues of transgender health care, recognition of domestic partners/civil unions for spousal benefits and a plethora other areas of potential workplace discrimination/concern. These surveys are then processed to generate an overall CEI score for that business. A perfect score of 100 represents a business that is fully inclusive of LGBT individuals on a corporate level.

The CEI has generated an overall competitive atmosphere within the fortune 500 companies in the United States. Businesses have now recognized that with greater inclusivity, comes greater happiness and desire to be within their companies. As such, by generating more inclusive policies, companies are witnessing increased productivity of employees and greater rates of general satisfaction with their career, due to employees feeling safe and appreciated in their workplace. In 2014, the CEI showed that 304 large companies had a perfect

score of 100 percent for 2014 [2014 Corporate Equality Index, Pg. 3] compared to a mere 13 in 2002 [2002 Corporate Equality Index, Pg. 3]. This shows a rapid change in workplace equality over the last 12 years, with nearly thirty times more inclusive companies. Additionally, the 2014 index states that 91 percent of fortune 500 companies had explicit protections on the basis of sexual orientation and 67 percent offered same-sex partner benefits [2014 Corporate Equality Index, Pg. 3].

These numbers show a dramatic shift in workplace equality and show that big businesses are capable of making the necessary changes for workplace equality without the institution of legislation. Inclusive corporations have even begun pressuring state legislators to implement legal protections for LGBT people in hopes of bringing in more potential employees. In fact, hundreds of corporations urged the Supreme Court to strike down DOMA, and California's Prop 8, and 120 businesses attended HRC's Business Coalition for Workplace Fairness, showing public support for ENDA. However, despite companies being more inclusive of their LGBT employees and fighting for their legal protections, it doesn't alter the fact that in 29 states a person can be legally fired for their perceived or actual sexual orientation, and that smaller, less competitive or more conservative companies are still fully capable of legally discriminating against the community. Still, it is encouraging to see large companies take matters into their

own hands in lieu of the lack of protective legislation of LGB people, and the CEI creating public rankings of inclusiveness has done wonders for making a more inclusive working community for many employees.

Coworker perceptions are important to put into consideration as well when analyzing the inclusiveness of the work environment. As such, it is still important to implement methods for increasing coworker support of LGB persons. One way to do this would be the implementation of educational programs within major corporations across the country to educate employees on the difficulties faced by the LGB community. These educational programs would hopefully diminish the stigma towards LGB workers and allow them to feel more comfortable in their working environment, effectively alleviating fears of being out and contributing to the overall health of LGB employees.

Overall, despite the support of many major businesses across the nation, employment discrimination is still prevalent in the LGB community and requires action to create an equal and welcoming working environment. The need for a national bill providing FULL protections of LGB people in the workplace is essential for providing a comfortable and inclusive work environment and should be prioritized in response to this issue. Without action it is likely that LGB discrimination will continue, therefore continuing to contribute to low mental and physical health of LGB people.

Along with high instances of joblessness in LGB people, there is also a corresponding relationship to high levels of homelessness for LGBT youth. The following section analyzes the reasoning and potential solutions behind the disproportionate number of homeless youth who are LGBT.

## **Homelessness and Bullying in LGB adolescents**

Adolescence has long been categorized as a time of self-discovery and maturation. However, on the contrary, it is also commonly a life stage filled with bullying, depression and victimization due to any perceived difference from society's expectations. This bullying, along with other issues such as the threat of parental abandonment have been strong factors contributing to the rising number of homeless lesbian, gay, bisexual and transgender youth. In this chapter, we analyze the different ways that society influences and propagates high LGBT youth homelessness rates, how this affects the individuals, and possible solutions.

Although the total number of LGB homeless people in the United States is not known, it is estimated that of these LGB people, some 320,000 to 400,000 of them are youth [Quintana, Rosenthal, & Kehely, 2010]. In addition, it is estimated that some 40% of homeless youth identify as gay, lesbian, bisexual or questioning [Young Gay and Homeless...But Not Alone]. Additionally, it is estimated that some 30-45% of homeless adolescents utilizing drop-in centers, homeless youth agencies and housing programs are LGBT [Durso & Gates, 2012]. This statistic, in conjuncture with the estimates that 3% of youth in the United States identify as LGB shows a disproportionate number of LGBT homeless youth compared to heterosexual youth. It is necessary to analyze the causation of this

disproportionally high number of LGB homeless youth, as it is becoming a widespread issue across the United States [Keuroghilan].

In 2007 the State of Massachusetts department of Elementary and Secondary Education issued a “Risk Behavior Survey” to a total of 6,317 public school students grade 9-12. Of the students surveyed, approximately 25% of lesbian and gay students and 15% of bisexual students stated that they were currently homeless at the time of taking the survey. This was in direct contrast to the 3% of heterosexual students who reported being homeless [Corlis Pg. 3]. The reasoning behind these two demographics being homeless was shown to be different in further investigation, with a majority of heterosexual homeless youth stating they were homeless due to financial insecurity, while a majority of LGBT youth stating they were homeless due to parental abandonment [Corlis Pg. 3]. Additionally, of the surveyed students who identified as being some category of homeless, 20% identified as lesbian, gay or bisexual. However, of all the students surveyed, homeless or not, only 5% of students identified with these minority sexual orientations, showing a disproportionate number of LGBT homeless rates in these youth. This study was also limited in only being conducted among high school students, and required students to attend school the day the survey was released, thereby excluding any students who may have withdrawn from school due to homelessness or who didn’t attend that day. Sexual minority groups are



significantly more at risk of homelessness than their heterosexual classmates due to stigmatization and rejection from peers and family members directed at the community. This study, along with similar ones like it, have repeatedly reported that sexual-minority groups are somewhere between 4 and 13 times more likely to be homeless than their heterosexual classmates [Corlis Pg. 1].

In recent years, the concept of LGB bullying and its repercussions have been commonly highlighted and focused on by news programs and many organizations. One such case widely reported concerned Tyler Clementi, an 18 year old man who was a freshman at Rutgers University. Clementi's roommate, Dharun Ravi, suspected Clementi to be gay, and set up a video camera within his and Clementi's room. He used the video recording to live stream the acts of Clementi within the dorm, which included a sexual encounter with another man. The stream was live across the internet for anyone's viewing access. Ravi posted on Twitter before live streaming the video. The tweet stated: "Roommate asked for the room till midnight. I went into molly's [Sic] room and turned on my webcam. I saw him making out with a dude. Yay" [Parker]. Two days later Ravi directed his 150 Twitter followers to watch the live video of Clementi's sexual encounter. In response to finding out that his privacy had been so greatly violated, Clementi, in sheer horror and emotional distress, posted the following to his Facebook profile - "jumping off the gw bridge sorry" [Parker]. Clementi

ended up committing suicide by jumping off of the George Washington Bridge shortly after his Facebook post. Clementi's story is an example of LGB bullying, more specifically cyber bullying, and how it can have detrimental effects on the longevity and positive self-image of LGB people.

In a 2010, a survey titled the "Washington State Healthy Youth Survey", LGBT youth as bullying targets was analyzed to assess the victimization rates and overall quality of life of students within the Washington State School System. In this study, some 27,752 students were surveyed on their experiences in the school, including experiences of bullying based on perceived sexual orientation. In this study, an average of 12% of male students and 8% of female students had been targeted by bullying due to their perceived sexual orientation [Donald Pg. 2]. Respondent's Quality of Life Scores were measured by a 6-item scale comprised of 6 statements such as "I feel I am getting along with my parents or guardians", and "I look forward to the future". Surveyed students were asked to rank the accuracy of each statement's accuracy for themselves on a scale of 0, for not true at all, to 10, meaning completely true. Of all respondents, students who were bullied based on perceived sexual orientation held the lowest mean quality of life value compared to other demographics [Donald Pg. 3]. In addition, this demographic also exhibited a high number of individuals experiencing depressed moods and contemplation of suicide than other groups. These results seemed to

compound for males over time, as the number of male students bullied for PSO (perceived sexual orientation), whom experienced depression and suicidal ideation increased by grade. Females however showed a constant rate of depression or suicidal ideation after being bullied for PSO. These results also showed that being bullied for PSO produced a higher rate of depression and suicidal thoughts than did bullying for other reasons (race, socioeconomic class, etc.). [Donald Pg. 3]

The lasting effects of bullying are hard to quantify, but can result in damaging repercussions for victims, and often correlates to a high dropout rate. A study done in Virginia by Cornell et. al (2008) showed that small changes in student's prevalence of teasing and bullying correlated to significantly larger dropout rates, with an average of 29% more dropouts than the average dropout rate. Additionally, the study showed that schools with lower than average prevalence of teasing and bullying had a 28% lower dropout rate than the average.

There are multiple factors that contribute to this dropout rate increases from bullying. Traditionally students who drop out from high school tend to experience or undergo a large degree of separation from their place of study. As such, bullying contributes to dropout rates by creating an unsafe and stressful environment for students, therefore causing them to begin or further

disassociate themselves from their schools. The disengagement results in lesser attendance, greater tardiness and lower satisfaction rates of education for these students. Additionally, teasing and bullying can often be reciprocated with violent or aggressive outbursts from the victim as well, resulting in disciplinary consequences from the administration of the schools. This discipline further disengages the student from their studies and increases their risk of dropping out.

The same study by Cornell et. Al (2008) also found that there was no correlation between the number of student reports of bullying and dropout rates. This implies that instances of bullying are going highly underreported in schools. A Potential theory behind underreporting is the idea that informing an authority figure of bullying, or “snitching” will worsen the bullying perpetrated on the victim, or that the faculty and staff are unable to help in some way, which may further influence the disengagement of the student.

Dropout rates for LGBT individuals have been relatively under studied. It is unclear whether bullying based on perceived sexual orientation has had a significant effect on high school completion, therefore more research should be done in this area, to identify a potential correlation to bullying based on PSO and retention/graduation rates. Looking at the two separate studies completed by Donald and Cornell, it would be safe to assume that LGBT people face higher

rates of bullying and a lower quality of life at school likely causing them to drop out. Lacking a high school education can substantially reduce financial stability for a person, as a high school diploma is often a requirement for many decent paying jobs. High dropout rates of LGBT people likely contribute to the increasing size of LGBT homeless youth, as they lack the ability to financially support themselves. A significant correlation has been made between homeless youth and high school dropout rates, however, it is unclear whether this correlation implies causation and if so which variable is independent.

One of the other major causal factors of this increased homelessness rate in LGB youth is the high possibility of rejection and or disownment from family members. It is a common occurrence that, upon coming out to their parents, LGBT youth end up homeless due to unsupportive environments at home. These unsupportive environments are commonly due to anti-gay attitudes of parental figures and general stigmatization against LGBT people. In fact, in a scientific survey of 425 homeless youths age 16-20, 73% of gay/lesbian surveyed individuals and 26% of bisexuals stated that their primary reason for being homeless was due to disapproval from parental figures in their household. [Rew] In addition to this, sexual abuse from parental figures was reported more often for gay and lesbian students (21%) as compared to the heterosexual population

(10%), which also coincides with a higher rate of physical abuse for LGB students as well [Rew].

The average time of first homelessness occurrence for an LGBT person is 14 years of age [Bassuk, 2004]. However, it is often observed that LGB homeless individuals do not actually disclose their orientation until well after being removed from the household. This suggests two possible theories for causation; LGBT youth run away as a coping mechanism, or there is specific victimization based on particular stereotypical character traits. For many adolescents, running away from a problem seems like a simple and immediately effective solution. If animosity towards a sexual minority identity is observed within a household, it is quite common for the teenager to leave the household before that animosity shifts to them. These self-preservation acts, due to fear, influence many teenagers to flee from their homes preemptively, knowing it to be an unsupportive environment. Additionally, it is possible that LGBT youth may be rejected by parental figures due to gender-nonconforming actions and tendencies, which are stereotypical indicators of a sexual minority identity.

The issues of parental acceptance can easily compound with the issues of low academic investment. If bullying within the school results in a lower academic or educational involvement for a student, then parents often discipline their children. This disciplining is important for keeping the student on track to

success when they stray, however it can also lead to an overall disconnect from both school and home, which worsens the emotional state of the person in turmoil. As such, if parental figures tend to be more punishing than supportive it can have an overall decrease on childhood success and potential increase in the potential for leaving home and/or school.

These factors strongly influence the high rate of homelessness in LGB people of this age demographic. However it is important to note that, after becoming homeless, LGB youth also show an increased risk of physical and sexual abuse, as well as mental health problems, substance abuse, depression, PTSD, and suicidal tendencies. In fact, it is estimated that some 73% of LGB youth are in need of counseling and support services regarding suicide ideation, and that some 57.1% had attempted suicide at least once in their lifetime [Keuroghilan Pg. 2]. In addition, homeless LGB youth have disproportionately high sexual health risks, showing a higher rate of unprotected sex, sexually transmitted diseases and number of sexual partners. These factors can create lasting negative health consequences throughout the remainder of the youth's life, hindering mental health recovery and overall success rates [Keuroghilan Pg. 2].

It is important to address the different causal factors listed above when solidifying a plan for reducing LGB homelessness rates. Cohesive, supportive and welcoming learning environments are essential for adequately establishing

greater LGBT high school completion rates. High school education is an important factor in generating opportunities for youth success, and therefore graduation is an important milestone on the way to success. It is necessary for schools to strive towards making their learning environments more welcoming to students of sexual minority groups. This could be instated in a multitude of different ways. The implementation of school-supported Gay Straight Alliances could help bridge the gap of detachment from education that many LGB students experience. Additionally, faculty and staff members should undergo extensive sensitivity training that puts a large focus on assisting LGB students.

In addition to educational programs implemented for faculty and staff, it is important to reduce the cryptic atmosphere around the LGB community. A large amount of animosity towards the LGB community is due to a lack of education, or a surplus of misinformation about the community, with a combination of judgmental or biased values. The current curricular normality of explicitly overlooking the existence of queer leaders in history, literature and global politics, along with ignoring the LGBT sexual health matters during sexual education and the overall avoidance of the concept of same-sex attraction can definitely contribute to the aggression and bullying towards this minority group. The integrating or mention of LGBT rights and LGBT individuals into curriculum will help to normalize the stigmatization/invisibility/exclusion of LGB people.



Additionally, the implementation of student education programs and sensitivity trainings would be beneficial in helping reduce bullying. Such programs are unlikely to change the actions of bullying perpetrators, but can provide witnesses of bullying with tools to recognize and address the situation properly, and therefore allow students to take a more active role in keeping each other safe. This method would also greatly increase the sense of inclusion at these education centers, therefore increasing educational investment for LGB students and increasing graduation rates.

Overall many of these program's success levels would be difficult to quantify as the overall ability for them to be implemented in different school districts varies drastically. Some school districts have pushed back exceptionally hard to anti-LGB bullying programs for students, stating that bullying is a normal part of high school experiences and that students should just acclimate themselves to it [Out in the Silence, 2009]. However, parents and students have the right to take legal action against school systems that do not take their personal concerns into account, and therefore the victims and friends of victims of LGB bullying are capable of making change in their communities, as long as they take the initiative to do so. [Out in the Silence, 2009]

Although the above solutions address the school environment, they do little to address the systemic issues faced at home regarding disapproving

families. It is possible to implement further educational programs for parental figures to help educate them on how to properly support and raise an LGBT youth. Such a direct program would likely be unsuccessful, due to the unlikelihood of anti-gay parents attending. However, the implementation of general education programs for a multitude of different issues faced by high school students could be successful, therefore providing parents with the tools for being successful parents of LGB youth while providing information about other issues (holding students accountable for school work, balancing class loads etc.). Such a program could get the information out to parents in the hopes of them taking the information and applying it to their overall parenting methods. Additionally, addressing these issues from the perspective of how to support a student who is being bullied could provide additional opportunities to distribute supportive information to parents without risk of anti-LGBT parents rejecting the information and without outing the student in need as LGBT.

Taking proactive measures and implementing safe schools and anti-bullying campaign efforts help to effectively prevent homelessness. Organizations such as the “It Gets Better Project”, which allows any LGBT individual to create their own hope inspiring video regarding how life got better for them, have recently headed the charge in trying to provide LGBT youth with relatable experiences of hope. This helps reduce feelings of loneliness and provide hope to

the youth, therefore reducing their chances of depression and suicide ideation. Other programs, such as the “Trevor Project”, act to help youth already contemplating suicide by providing suicide hotlines for LGBT youth and other support programs. These programs have been influential in increasing the visibility of the LGBT bullying, homelessness and suicide rate issue and have worked tirelessly to create supportive, inclusive communities. Additionally, the “Gay, Lesbian and Straight Education Network” (GLSEN), has enacted a safe schools campaign, to help educate students and provide a safer, more welcoming environment for LGBT youth in education.

These national programs are important in fighting the LGBT victimization issue, reducing bullying and parental rejection, therefore reducing homelessness rates, but do not particularly benefit youth who are already homeless. However, there are currently some programs, such as the GLBT Host Home program based in Minneapolis that are attempting to reduce the high homeless LGBT numbers. The program was created in 1998 in response to high LGBT homeless youth rates and assists in finding safe and supportive home environments for a small group of LGBT homeless youth. Currently the program supports about 10 homeless youth in that area, and according to their webpage the program has “...intentionally kept this program small and non-institutional”. This is likely to avoid issues similar to those faced by LGBT youth in the foster care system, who often experience

homelessness due to rejection from their foster home's parental figures.

Instating more programs of a larger scale would greatly benefit the LGBT youth across the nation by specifically dedicating a larger staff to assisting LGBT youth in finding safe and supportive households, therefore reducing the homelessness rate of these youth.

The high rates of homelessness in LGBT people are greatly tied to the overall issue of LGB rejection/stigmatization. Until greater LGBT acceptance is achieved and stigmatization is reduced it is unlikely that LGB bullying will ever completely end, and that homelessness rates of LGB people will remain high for some time to come. However there are measures that can be taken to help alleviate some of these issues and challenges faced by LGB youth and with the implementation of these measures and the increasing supportive majority for LGB people it is possible to dramatically reduce LGB homelessness across the nation.

The greatest asset to clearing up the issues of stigmatization and judgment towards the LGB community is visibility. The Trevor Project, GLSEN and the It Gets Better Project have done wonders for increasing the visibility of the LGBT community, and directly addressing their respective issues, but this visibility isn't everywhere and therefore acceptance of LGBT youth are continuing to face bullying. Removing the invisibility and taboo nature of the entire LGBT

community will progressively reduce the rates of LGBT bullying and help solve LGBT issues. In the next section we will look into more detail on one of the most well publicized issues of the LGB rights movement, which has the potential to greatly increase LGBT visibility - Marriage Equality.

## **Marriage Equality:** **The Comprehensive Solution**

Over the last decade, debates regarding same-sex marriage have been in high abundance, privately, politically and socially. Until June 26, 2013, the Defense of Marriage Act (DOMA) had been a foreboding obstacle in the process of generating marriage equality across the country. The passing of DOMA in 1996 institutionalized the allowance of discrimination on a nationwide scale, effectively prohibiting marriage for same-sex couples across the entire country. Here we analyze the history of same-sex marriage legislation, the sections of the bill itself, the issues it causes within society, and potential solutions to these issues.

Although same-sex marriage hasn't existed for centuries, it wasn't until the 1970's that same-sex marriage issues were truly brought into public scrutiny. On May 18<sup>th</sup> of 1970, Jack Baker, an Air Force veteran, and his partner, Michael McConnell, applied for a marriage license in Minneapolis. The application was quickly denied, considered by the general public to be a radical joke or stunt. During this time homosexuality was still considered a mental illness by the American Psychiatric Association, and therefore the concept of a same-sex marriage was queer at best. The public expression of McConnell's sexuality

ended up costing him his job. Meanwhile, McConnell's partner, Baker, filed a law suit for this injustice. [Von Drehle]

The Minnesota Supreme Court rejected Baker's claim, citing the Book of Genesis as one of its counter arguments to the institutionalization of same-sex marriage. Baker then appealed to the United States Supreme Court, which disregarded his appeal. This was the first legal challenge to heteronormativity in the institution of marriage within the United States, and helped connect same-sex marriage to the issues of privacy in matters of sexual intimacy rights. In 1986, Justice Harry Blackmun, in response to the prosecution of Michael Hardwick for committing same-sex sodomy, wrote that even though "religious groups condemn the behavior" of homosexuality, this condemnation "gives the state no license to impose their judgments on the entire citizenry. The Legitimacy of secular legislation depends, instead, on whether the state can advance some justification for its law beyond its conformity to religious doctrine" [Von Drehle]. This argument exemplified the progressive idea of separation of church and state, which insinuated that religious beliefs, affiliation and backgrounds should not be basis for legislative doctrines or policies. Seeing as a majority of anti-gay beliefs were rooted in religious backgrounds, this was a revolutionary argument for the gay rights movement.

An analysis of religious affiliation with anti-gay sentiment finds that condemnation of homosexuality was not always tied to the Christian faith. John Boswell, a faculty member at Yale in 1980 published a commonly cited text titled, "Christianity, Social Tolerance, and Homosexuality". This award winning book analyzed medieval attitudes towards homosexuality, finding very little evidence of homosexual condemnation prior to the Middle Ages, and that some Christian churches even performed same-sex union ceremonies during early Catholicism. Boswell's book ushered in a revolutionized view of homosexual prejudice, revealing the deep seated hate from religious texts to be nothing but repercussions from the rampant Catholic Church of the middle ages. [Von Drehle]

In the early 1990's, despite the increasing publicity surrounding the gay marriage issue, most gay-rights organizations focused on smaller, yet equally as important tasks, such as the repeal of the Don't Ask, Don't Tell policy. Evan Wolfson, a Harvard Law School student who was swayed in favor of LGB rights after reading Boswell's book regarding religion's history of discriminating based on sexual orientation, saw the importance of the gay marriage issue. Upon graduating, he joined Lambda Legal, a leading gay rights legal organization. Despite orders to put the marriage equality issue to the wayside Wolfson continued to work on a marriage equality agenda on his own time. Later in his life, Wolfson founded the organization called "Freedom to Marry" which is now



the leading organization on the marriage equality front for LGB people. However, Wolfson's work initially resulted in some backlash after spurring an attorney in Hawaii to file a suit on behalf of three same-sex couples, stating that limiting marriage to opposite-sex partners was against the state constitution. When the Hawaiian courts found potential merit in these claims in 1993, many conservative antigay groups retaliated. Traditionalist groups feared that Hawaii's consideration of same-sex marriage would result in nationwide recognition of same-sex marriages. Shortly thereafter the Defense of Marriage Act was drafted, introduced and passed in congress. [Von Drehle]

DOMA ensured three specific things; permission for states to choose for themselves whether gay marriages would be permitted within their state, permission to deny recognition of same-sex marriages from other states within its own boundaries, and a federal definition of marriage to be used in national legal documents, specifically, that a married couple could only be two opposite sex people. The enactment of a national law effectively denied federal protections and rights to same-sex married couples, as they did not fit the traditional definition of marriage.

In response to this federal legislation restricting same-sex marriage many states sought alternative solutions to the marriage issue. The implementation of domestic partnerships and civil unions was a compromise to the LGB population,

allowing a higher level of same-sex couple recognition without altering the traditional definition of marriage. Civil unions and domestic partnerships effectively granted some, but not all, of the rights for same-sex couples on a state level. However, each state's recognition policies and benefits offered to same-sex domestic partners or civil unions were different. Therefore, it was questionable whether a domestic partnership would be recognized in a state where it wasn't issued, and even if it was the rights offered by the new state may not be the same as the state of origin.

Domestic partnerships and civil unions offered an alternative solution to the marriage issue. However, the implementation of a second, lesser/inconsistently recognized institution for same-sex couples generated an overall stigma of second-class citizenry. Essentially, LGB people's relationships were rendered illegitimate in the concept of marriage, therefore further perpetuating a stigmatization of LGB people being lesser than their heterosexual majority. Domestic partnerships and civil unions are not effective measures in creating LGB relationship equality, and other means must be explored to create a more inclusive community.

Currently, the Defense of Marriage Act is still enshrined and codified in law, despite much scrutiny, but that is not to say that it hasn't undergone some serious changes. The *United States vs. Windsor* court case, an influential case for

the fight against DOMA, regarded a suit from a woman named Edith Windsor, who was married to Thea Spyer in Ontario Canada. In 2009, after 45 years of their relationship, Spyer passed away, leaving her entire estate to Windsor. However, Windsor, under the current directive of the third section of DOMA, didn't qualify for the tax exemption for surviving spouses, and as such was forced to pay \$363,053 in estate taxes [Supreme Court Document]. The Internal Revenue Service refused Windsor's appeal for a refund on these taxes, causing Windsor to file a law suit against the United States, challenging the third section of DOMA. In 2013, the Supreme Court ruled that the third section of the Defense of Marriage Act was unconstitutional. The abolition of the third section of DOMA permitted same-sex married couples across the United States access to federal benefits. However, the second section of DOMA, which permitted each individual state to choose whether to permit and recognize same-sex marriage was not affected by this case. [Greenberg]

It is important to understand that, for same-sex married couples, many of the national issues have been resolved by the repeal of DOMA's third section. However, the overturn of DOMA only affected those couples already married within their state, and as such provides no state rights to couples in states that do not currently permit same-sex marriages. However, a decision was made to federally recognize the place of "celebration" over place of residence when

qualifying for federal benefits. As such, many of the analyses to follow utilize the assumption that most LGB same-sex partnerships are not marriages; even though 44 percent of the United States population lives in states with marriage equality [Time]. With this assumption in mind we can better analyze the detrimental effects of how marriage inequality negatively impacts LGB couples.

Marriage, as a legal institution between two people, offers a multitude of rights. As listed by the Human Rights Campaign, a national LGBT rights organization, there are some 1,138 benefits, rights and protections that are provided to marriage. Some of these major rights include: Social Security survivor's benefits, tax rights, Family and Medical Leave, immigration upon marriage, employee benefits (see section 3 – "Workplace Discrimination and the LGB Identity", Pg. 39), Health Insurance Coverage, and Military spouse survivor's benefits and programs (see Section 1 - "Military Personnel and the LGBT Spectrum", Pg. 9).

Social Security is an important national social welfare program dedicated to providing financial stability after retirement, disability insurance and financial support of dependent family members after death as well as many other programs. The social security system functions in the collection of employment taxes that supplement the Social Security Trust Fund. As such, every working individual pays into Social Security with each paycheck they receive, regardless of

sexual orientation. However, inequality in marriage recognition results in a disproportionate number of programs that same-sex partners can utilize.

[[www.ssa.gov](http://www.ssa.gov)]

Also, spousal rights regarding medical care are also strongly impacted by the lack of recognition and availability of marriage equality. The Family and Medical Leave Act is a national bill instated to protect employee's jobs if the need arises to temporarily leave the work force to take care of family members. This act is specific to spousal relationships, and thusly many same-sex partners are not protected by this act when taking care of same-sex partners due to a lack of same-sex marriage eligibility.

In addition to this, visitation rights and more importantly, right to make health care decisions for same sex-partners are also absent in non-married same-sex couples. In the event that a person is unable to consciously make decisions regarding medical operations or care, a spouse may make decisions for the incapacitated person. However, if a same-sex or opposite-sex couple is unmarried they are barred from this process in care. Recently this issue was publicized, when Janice Langbehn had visitation rights denied when her partner of 18 years, Lisa Marie Pond, suffered a severe stroke while on vacation in Florida. In their 18 years together, Pond and Langbehn had adopted four children, three of which were on the cruise ship with them. Pond was admitted to a Miami hospital, but

Langbehn was denied visitation rights, as well as denied the right to information regarding Pond's condition. This was even after Langbehn's lawyer faxed her documents listing her with Power of Attorney. This tragic experience brought the issue of visitation rights for same-sex couples to the public eye, and later spurred Obama to informally request that all U.S. hospitals allow visitation rights for same-sex partners [TCPalm]. Hospitals still have the right to refuse visitation rights to same-sex partners as they choose. This once again expresses another challenge faced by the LGB population when marriage is not readily accessible. Had marriage been available for Pond and Langbehn on a national level, visitation rights would not have been an issue. Additionally, if a same-sex partner were to die in medical care, only specific family members would be allowed to visit the body, and same-sex partners are not required to be recognized as such unless married. [HRC]

Another important issue in marriage inequality is the ineligibility of a LGB person to help their same-sex partner gain citizenship within the U.S. as a family member. As such, same sex couples are capable of being separated due to deportation by the authorities. However, as discussed on the Immigration Equality website, an organization dedicated to protecting and assisting immigrants, many LGBT immigrants are at risk of severe punishments upon deportation, even death. Trina Olson, Immigration Equality's Interim Executive

Director stated that “We represent clients who have been robbed, stoned, beaten, set on fire and left for dead in their country of origin simply for being gay or transgender”. The fear of deportation, along with the occasional victimization or fining of partners of resident or non-resident aliens has resulted in some U.S. citizens migrating to other their spouse’s nation of origin where their partnership can be legally recognized [Immigration Equality].

Looking at the issues listed above, it is easy to see that the Defense of Marriage Act has done more harm than good for LGB couples. DOMA institutionalized a national sentiment that “gay is not the way,” and demonstrated a federal support of LGB discrimination. This justification of discrimination is likely to have had strong effects on other LGB issues listed in this thesis, although such conclusions should not be assumed without proper statistical evidence.

Overall, the breakthrough in repealing the third section of DOMA has been a crucial step in the process of reaching marriage equality in the United States. Marriage equality holds a unique ability to effectively alleviate many of the issues faced by LGB people because of discriminatory policies and laws. Institutionalizing the acceptance of same-sex marriage across the nation would immediately resolve issues regarding employee benefits, military spousal

benefits, medical decision/visitation rights, tax rights, immigration, and Social Security for same-sex couples who chose to pursue marriage.

Beyond the total repeal of DOMA, federal support of marriage equality would overall generate a national understanding that LGB people are part of the community, and that their relationships are legitimate and recognizable institutions of love and commitment. If the federal government and rather, the Supreme Court, reforms these policies to provide equality for same-sex couples, much of the stigmatization and prejudice perpetrated on LGB people would disappear over time. This could improve LGB sensitivity and reduce stigmatization, therefore reducing the issues regarding police brutality, and LGB homelessness and bullying. A pro-LGBTQ, pro-marriage equality nation could result in greater happiness, health and success among LGB people.

Given that repealing DOMA's third section has opened up the possibility of marriage for same-sex couples in specific states, the process of winning same-sex marriage on a state by state basis is a tedious, expensive and redundant process. In 2004, Massachusetts was the first state to legalize same-sex marriage, and in the last ten years eighteen more states have followed in its wake. Now, although ten years seems like a long length of time for only two-fifths of the nation's states to recognize same-sex partnerships, it is worth mentioning that ten of those states have passed same-sex legislation in the 18 months between Nov. of 2012



and May of 2014 [gaymarriage.procon.org]. This rapid progression of same-sex marriage legislation in multiple different states represents a distinctive shift in public opinion in favor of marriage equality. However, a more rapid solution lies in the abolishing of the Defense of Marriage Act in its entirety, effectively and completely permitting same-sex partner equality across the nation. This in turn would express federal support for the equality of LGB people, reducing the prevalence of LGB discrimination, and effectively provide relationship recognition rights to LGB people and their spouses.

In the long run the passing of same-sex marriage legislation in every state individually will eventually provide the same rights as national legislation. However, the striking down of DOMA offers a unique opportunity for the United States Government and Congress to publicly support same-sex marriage. As such, although current forecasts expect for a majority of states to legalize same-sex marriage [HRC], the state by state process doesn't enact the same sentiment that national legislation would. As such, I propose that DOMA be the main focus of legislative action of LGB national organizations, to hold our government accountable for making our citizens feel welcome, appreciated and validated. This should not take away from the progression of other legislation for LGB rights, but a majority of efforts should be directed towards the marriage equality front.

## Closing Remarks

It is important to note that not all forms of discrimination faced by the LGB community will ever be able to be fully quantified. As such, there are a large number of other discriminatory acts that could be up for discussion. One topic in particular that was chosen to not be discussed in my research is the relationships between LGB people and religion, (despite a short mention in the marriage equality section) as such a topic is so vast that it, in and of itself, would constitute enough information to classify as a thesis topic on its own. However, if you are seeking information regarding Christianity's view on homosexuality I highly suggest the video "The Gay Debate: The Bible and Homosexuality" by Matthew Vines, a 21 year old gay Christian who utilizes his expertise in scripture and biblical era connotations of text to analyze the 6 biblical passages that mention or discuss homosexuality.

In retrospect I find it interesting that, throughout this project, my intention in avoiding the gay marriage discussion was an irrevocable failure. As my research continued on throughout this process I discovered one overlying issue that propagated a multitude of other forms of discrimination, and that was a lack of same-sex marriage. And so with this project I can address the fact that marriage equality is and should be the major focus of the LGB movement at this day and time.

Overall, the LGB movement has seen a dramatic shift in favor of LGB people, and a majority of young people in this day and age are in favor of LGB inclusion and equality. However, it is important to recognize the need for more work to be done before equality is accomplished, and hopefully this project can give a connotation of what issues, as well as give tools for addressing these issues for future activists.

## Works Cited

- Hall S. The American Gay Rights Movement and Patriotic Protest. *Journal Of The History Of Sexuality* [serial online]. September 2010;19(3):536-562. Available from: Academic Search Premier, Ipswich, MA. Accessed May 20, 2013.
- Ungar M. State Violence and Lesbian, Gay, Bisexual and Transgender (lgbt) Rights. *New Political Science* [serial online]. March 2000;22(1):61-75. Available from: Academic Search Premier, Ipswich, MA. Accessed May 20, 2013.
- Mogul, Joey L., Andrea J. Ritchie, and Kay Whitlock. *Queer (in)justice: The Criminalization of LGBT People in the United States*. Boston: Beacon, 2011. Print.
- Before Stonewall the Making of a Gay and Lesbian Community*. Prod. John Scagliotti, Janet Baus, and Dan Hunt. Cinema Guild, 1985. DVD.
- After Stonewall the Making of a Gay and Lesbian Community*. Prod. John Scagliotti, Janet Baus, and Dan Hunt. Cinema Guild, 1999. DVD.
- Ansen D, Thomas D. Walk Like a Man, Talk Like a Man. *Newsweek* [serial online]. October 11, 1999;134(15):85. Available from: Academic Search Premier, Ipswich, MA. Accessed May 21, 2013.
- Letellier P. TRANSACTIONS: A Transgender News Update. *Lesbian News* [serial online]. July 2008;33(12):15. Available from: Academic Search Premier, Ipswich, MA. Accessed May 21, 2013.
- Gates, Trevor G. "Why Employment Discrimination Matters: Well-Being and the Queer Employee." *Journal of Workplace Rights* 16.1 (2011): 107-28. Ebsco Host. Web.
- "EMPLOYMENT DISCRIMINATION AGAINST LGBTQ PERSONS." *Georgetown Journal of Gender & the Law* 14.2 (2013): 363-95. Ebsco Host. Web. 14 Apr. 2014. Pizer J, Sears B, Mallory C, Hunter N. EVIDENCE OF PERSISTENT AND PERVASIVE WORKPLACE DISCRIMINATION AGAINST LGBT PEOPLE: THE NEED FOR FEDERAL LEGISLATION PROHIBITING DISCRIMINATION AND PROVIDING FOR EQUAL EMPLOYMENT BENEFITS. *Loyola Of Los Angeles Law Review* [serial online]. Spring2012 2012;45(3):715-779. Available from: Academic Search Premier, Ipswich, MA. Accessed May 25, 2014.
- "Overview | Out & Equal Workplace Advocates." Overview | Out & Equal Workplace Advocates. N.p., n.d. Web. 28 May 2014.
- Hyman S, Aubry T, Klodawsky F. Resilient Educational Outcomes: Participation in School by Youth With Histories of Homelessness. *Youth & Society* [serial online]. March 2011;43(1):253-273. Available from: Academic Search Premier, Ipswich, MA. Accessed May 8, 2014.
- Corliss, Heather L., Carol S. Goodenow, Lauren Nichols, and S. Bryn Austin. "High Burden of Homelessness Among Sexual-Minority Adolescents: Findings From a Representative Massachusetts High School Sample." *American Journal of Public Health* 101.9 (2011): 1683-689. Ebsco Host. Web. 14 Apr. 2014
- Keuroghilan, Alex. "Out on the Street: A Public Health and Policy Agenda for Lesbian, Gay, Bisexual, and Transgender Youth Who Are Homeless." *American Journal of Orthopsychiatry* 74.1 (2004): 92. Ebsco Host. Jan. 2014. Web. 29 Apr. 2014.
- Quintana, S. N., Rosenthal, J., & Kehely, J. (2010). *On the streets: The federal response to gay and transgender homeless youth*. Washington, DC: Center for American Progress (CAP).

Corliss, H. L., Goodenow, C. S., Nichols, L., & Austin, S. B. (2011). High burden of homelessness among sexual-minority adolescents: Findings from a representative Massachusetts high school sample. *American Journal of Public Health*, 101, 1683–1689.

Durso, L. E., & Gates, G. J. (2012). *Serving our youth: Findings from a national survey of service providers working with lesbian, gay, bisexual, and transgender youth who are homeless or at risk of becoming homeless*. Los Angeles, CA: The Williams Institute with True Colors Fund and The Palette Fund.

Rew L, Whittaker TA, Taylor-Seehafer MA, Smith LR. Sexual health risks and protective resources in gay, lesbian, bisexual, and heterosexual homeless youth. *J Spec Pediatr Nurs*. 2005;10(1):11-19

PARKER I. THE STORY OF A SUICIDE. *New Yorker* [serial online]. February 6, 2012;87(47):36-51. Available from: Academic Search Premier, Ipswich, MA. Accessed May 8, 2014.

Aragon, Steven R., V. Paul Poteat, Dorothy L. Espelage, and Brian W. Koenig. "The Influence of Peer Victimization on Educational Outcomes for LGBTQ and Non-LGBTQ High School Students." *Journal of LGBT Youth* 11.1 (2014): 1-19. Ebsco Host. Web. 14 Apr. 2014.

Asakura, Kenta, and Shelley L. Craig. "" ... but How? Exploring Resilience Development in the Accounts of LGBTQ Adults." *Journal of Human Behavior in the Social Environment* 24.3 (2014): 253-66. Ebsco Host. Web. 14 Apr. 2014.

Cornell, Dewey, Anne Gregory, Francis Huang, and Xitao Fan. "Perceived Prevalence of Teasing and Bullying Predicts High School Dropout Rates." *Journal of Educational Psychology* 105.1 (2013): 138-49. Ebsco Host. Web. 8 May 2014.

Patrick, Donald L., Janice F. Bell, Jon Y. Huang, Nicholas C. Lazarakis, and Todd C. Edwards. "Bullying and Quality of Life in Youths Perceived as Gay, Lesbian, or Bisexual in Washington State, 2010." *American Journal of Public Health* 103.7 (2013): 1255-261. Ebsco Host. Web. 14 Apr. 2014.

United States of America. Pentagon. Department of Defense. Subject: Extending Benefits to Same-Sex Domestic Partners of Military Members. By Chuck Hagel. N.p.: n.p., 2013. Print.

Burks, Derek J. "Lesbian, Gay, and Bisexual Victimization in the Military: An Unintended Consequence of "Don't Ask, Don't Tell"?" *American Psychologist* 66.7 (2011): 604-13. Ebsco Host. Web. 14 Apr. 2014

Pasek, Daniel. "Love and War: An Argument for Extending Dependent Benefits to Same-Sex Partners of Military Service Members." *Harvard Law & Policy Review* 6.2 (2012): 459-72. Ebsco Host. Web. 14 Apr. 2014.

Biddix, Joseph M., Catherine I. Fogel, and Beth Perry Black. "Comfort Levels of Active Duty Gay/Bisexual Male Service Members in the Military Healthcare System." *Military Medicine* 178.12 (2013): 1335-340. Ebsco Host. Web. 14 Apr. 2014.

Estrada, Armando X., Gia A. Dirosa, and Arwen H. Decostanza. "Gays in the U.S. Military: Reviewing the Research and Conceptualizing a Way Forward." *Journal of Homosexuality* 60.2-3 (2013): 327-55. Ebsco Host. Web. 14 Apr. 2014.

Kwon, I., D.-O. Lee, E. Kim, and H.-Y. Kim. "Sexual Violence Among Men in the Military in South Korea." *Journal of Interpersonal Violence* 22.8 (2007): 1024-042. Academic Search Premier. Web. 20 May 2014.

A History of "Don't Ask, Don't Tell" Washington Post. The Washington Post, n.d. Web. 28 May 2014.

Greenhouse, Linda. "Supreme Court Upholds Law on College Military Recruiting." *Nytime.com*. N.Y. Times Newspaper, n.d. Web.

"Discharges Under the "Don't Ask, Don't Tell" Policy." DISCHARGES UNDER THE (n.d.): n. pag. Williams Institute. law.ucla.edu. UCLA. Web.

Goldberg, A. E. "Will I Marry If My Parents Can't? Young Adults With LGB Parents Consider Marriage for Themselves." *Journal of Family Issues* 35.2 (2013): 151-80. Ebsco Host. Web. 14 Apr. 2014

Feinberg, Jessica R. "Avoiding Marriage Tunnel Vision." *Tulane Law Review* 88.2 (2013): 257-315. Ebsco Host. Web. 14 Apr. 2014.

NeJaime, Douglas. "Marriage Inequality: Same-Sex Relationships, Religious Exemptions, and the Production of Sexual Orientation Discrimination." *California Law Review* 100.5 (2012): 1169-238. Ebsco Host. Web. 14 Apr. 2014.

Williams, Reginald. "Same-Sex Marriage and Equality." *Ethical Theory and Moral Practice* 14.5 (2011): 589-95. Ebsco Host. Web. 14 Apr. 2014.

Finn, Thomas M. "Marriage Equality: A Historical View." *National Catholic Reporter* 49.21 (2013): 15-20. Ebsco Host. Web. 14 Apr. 2014.

"An Overview of Federal Rights and Protections Granted to Married Couples." Human Rights Campaign. Human Rights Campaign, n.d. Web. 26 May 2014.

Greenberg B. DOMA'S GHOST AND COPYRIGHT REVERSIONARY INTERESTS. *Northwestern University Law Review* [serial online]. Fall2013 2013;108(1):391-399. Available from: Academic Search Premier, Ipswich, MA. Accessed May 26, 2014.

Buffie, William C. "Public Health Implications of Same-Sex Marriage." *American Journal of Public Health* 101.6 (2011): 986-90. Ebsco Host. Web. 14 Apr. 2014.

Williams, Pete. "Judge Strikes Down Pennsylvania Same-Sex Marriage Ban - NBC News." NBC News. NBC, 20 May 2014. Web. 29 May 2014.

Von Drehle, David. "How Gay Marriage Won | TIME.com." *Swampland.time.com*. Time Magazine, 28 Mar. 2013. Web. 29 May 2014.

UNITED STATES v . WINDSOR, EXECUTOR OF THE ESTATE OF SPYER, ET AL." *SUPREME COURT OF THE UNITED STATES* (n.d.): n. pag. *Www.supremecourt.gov*. United State Supreme Court. Web. 29 May 2014.

Maza, Carlos. "State Sodomy Laws Continue To Target LGBT Americans." *Equality Matters*. Equality Matters, 08 Aug. 2011. Web. 29 May 2014.

*CORPORATE EQUALITY INDEX 2014: Rating American Workplaces on Lesbian, Gay, Bisexual and Transgender Equality*. Washington, D.C.: Human Rights Campaign Foundation, 2014. Print.

*CORPORATE EQUALITY INDEX 2012: Rating American Workplaces on Lesbian, Gay, Bisexual and Transgender Equality*. Washington, D.C.: Human Rights Campaign Foundation, 2012. Print.

Brown, Robbie. "Memphis Killing Revives Anger at Assault by Police." *The New York Times*. The New York Times, 17 Nov. 2008. Web. 30 May 2014

Keuroghlian, Alex S., Derri Shtasel, and Ellen L. Bassuk. "Out On The Street: A Public Health And Policy Agenda For Lesbian, Gay, Bisexual, And Transgender Youth Who Are Homeless." *American Journal Of Orthopsychiatry (American Psychological Association)* 84.1 (2014): 66-72. *Academic Search Premier*. Web. 30 May 2014.