

THE MOMENTUM REPORT – 2009 EDITION

An Analysis of Key Indicators of LGBT Equality in the U.S.



October 2009



movement advancement project ▶

Movement Advancement Project

The LGBT Movement Advancement Project (MAP) is an independent resource for LGBT organization executives and donors, funded by a small number of committed, long-term donors to the movement. MAP's mission is to speed achievement of full social and political equality for LGBT people by providing donors and organizations with strategic information, insights, and analyses that help them increase and align resources for highest impact.

The Momentum Report

The Momentum Report measures progress toward the LGBT movement's ideal end-state: that of equal opportunities, rights, and responsibilities for all people, regardless of their sexual orientation or gender identity or expression. This publication is the second edition of *The Momentum Report*; the next edition will be released in 2011.

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Disclaimer: *The opinions expressed in this report reflect the best judgment of MAP based on analyzed data collected from research studies and published materials. These opinions do not necessarily reflect the views of our funders or other MAP members.*

Contact Information

LGBT Movement Advancement Project (MAP)

2215 Market Street
Denver, CO 80205
303-292-4455

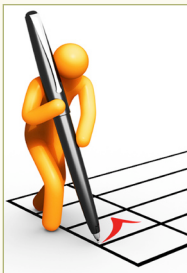
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EXECUTIVE SUMMARY

The Movement Advancement Project's *Momentum Report* organizes and analyzes indicators of the lesbian, gay, bisexual, and transgender (LGBT) movement's success in securing political and social equality for its constituents. Specifically, the report measures the movement's progress working toward an ideal end-state for LGBT Americans: equal opportunities, rights, and responsibilities for all people, regardless of their sexual orientation or gender identity or expression.




Most of the report's indicators reflect very positive news for LGBT people and the movement. The American public has become very supportive of our issues in recent years, and state legislatures are more likely to pass pro-LGBT legislation than laws that harm us. As a result of these positive changes, nearly half of the United States population now lives in a state that has nondiscrimination laws based on sexual orientation, and nearly one-third is covered by a state nondiscrimination law based on gender identity or expression. Those numbers would be even higher if we factored in local laws and regulations. One-third of all LGB adults in the U.S. live in states with relationship recognition laws for same-sex couples, with a growing percentage having access to full marriage equality.

Of course, we have more work to do. For example, many more people need access to relationship rights and nondiscrimination legal protections. A few states have recently scaled back LGB adoption rights. HIV/AIDS is resurgent among men who have sex with men, and the disease disproportionately impacts men of color. Gay men and lesbians are still barred from serving openly in the U.S. military. And the number of hate crimes based on sexual orientation is beginning to increase, after a few years' decline.

Many members of the U.S. Congress support legislation that would greatly enhance the LGBT population's legal equality, including trans-inclusive employment nondiscrimination and hate crimes bills, ending Don't Ask, Don't Tell, and repealing the Defense of Marriage Act. The Obama White House also appears to support these issues, but both Congress and the Administration have made it clear that LGBT movement organizations must make the case for these laws and work hard for their passage. Doing so requires extensive financial resources, which are in dwindling supply as the economy remains mired in the worst recession since the 1930s.¹

To help LGBT organizations and donors navigate the current economic and political landscape, *The Momentum Report* provides a quick yet comprehensive overview of the movement's recent progress and most pressing challenges. In particular, *The Momentum Report* tracks 20 indicators, which we group into three categories: Cultural and Social; Political and Legal; and LGBT Movement Capacity. We chose these 20 indicators after extensive research on data and information from a wide range of sources, including the U.S. Census, several major polling firms, LGBT organizations, the Centers for Disease Control, and academic journals.

The table below provides top-line findings for the three types of indicators.























Cultural and Social Indicators	
	<ul style="list-style-type: none"> • Since the early 1980s, the general public has become increasingly supportive of lesbian and gay issues, especially related to employment rights. • An increasing number of Americans support marriage equality, although a majority still opposes marriage. A clear majority, however, supports some type of legal recognition for same-sex couples. • Protestants and Catholics are increasingly supportive of relationship rights for same-sex couples (although not of marriage, per se).
Legal Indicators	
	<ul style="list-style-type: none"> • A clear majority of LGB people still do not have access to formal relationship recognition laws, and most of the U.S. population is not covered by state-level nondiscrimination laws. • But the percentage of the LGB and overall U.S. population that is covered by such laws has grown dramatically in the past decade. • New laws, regulations, and court rulings are slowly eroding LGB adoption rights. • HIV/AIDS is a growing problem among men who have sex with men, while the U.S. government increasingly directs its funds for HIV prevention and treatment abroad.
LGBT Movement Capacity Indicators	
	<ul style="list-style-type: none"> • The total financial size of leading LGBT organizations had been growing steadily until the economic downturn in 2009. • The number of donors to and foundation investments in the LGBT movement are growing. • The economic recession will almost certainly negatively impact these indicators in the next year or two.

¹ For more information about how the economic downturn is impacting the LGBT movement, see MAP's *LGBT Organizations and Their Funders in a Troubled Economy*, at www.lgbtmap.org.

INDICATORS QUICK VIEW

In sum, *The Momentum Report* delivers mostly good news for the LGBT movement and recent efforts to advance LGBT equality. To be sure, many more changes must take place before we secure equality for all LGBT people, but it is undeniable that we have made substantial progress, thanks to the many local, state, and national organizations fighting for LGBT rights and the donors who support their efforts.

Unprecedented opportunities to advance and expand LGBT equality currently exist both in Washington, DC and state legislatures across the country. At the same time, economic challenges are forcing the movement to rethink its operations and strategies. Because the economic and political landscapes have undergone so many changes in recent years, we think it is especially important to step back and assess our progress as a movement. With that in mind, we offer the 2009 edition of *The Momentum Report*.

Indicator	Trend/ Status ²	Page and Figure Number
 Cultural and Social Indicators		
Public Perceptions of Homosexuality as an Acceptable Lifestyle		Page 6, Figure 4
Public Attitude Toward Legality of Same-Sex Sexual Relations		Page 6, Figure 5
Public Support of Marriage Equality for Same-Sex Couples		Page 7, Figure 6
Public Support of Equal Employment Rights for Lesbians and Gay Men		Page 7, Figure 7
Public Support of Open Military Service by Lesbians and Gay Men		Page 7, Figure 8
Number of Hate Crimes Based on Sexual Orientation		Page 8, Figure 9
Hate Crimes Rates by Race, Religion, and Sexual Orientation		Page 8, Figure 10
Protestant and Catholic Support of Marriage Equality		Page 9, Figure 11
 Legal Indicators		
Expansion of Sexual Orientation Non-Discrimination Coverage for Total U.S. Population		Page 10, Figure 12
Expansion of Gender Identity Non-Discrimination Coverage for Total U.S. Population		Page 10, Figure 13
Access to Same-Sex Relationship Recognition for U.S. LGB Population		Page 11, Figure 14
Expansion of Same-Sex Relationship Recognition for U.S. LGB Population		Page 11, Figure 15
Access to Adoption for U.S. LGB Population		Page 12, Figure 16
Access to Same-Sex Second-Parent/Joint Adoption for U.S. LGB Population		Page 12, Figure 17
U.S. HIV/AIDS Cases		Page 13, Figure 18
U.S. Federal Government Domestic Spending on HIV/AIDS		Page 13, Figure 19
State Legislative Climate		Page 13, Figure 20
 LGBT Movement Capacity Indicators		
Total Revenue of Leading LGBT Organizations		Page 14, Figure 21
Individual Donor Support for Leading LGBT Organizations		Page 14, Figure 22
Foundation Support for LGBT Organizations and Issues		Page 15, Figure 23

² The weather symbols represent MAP's overall qualitative judgment of recent progress for each indicator.

BACKGROUND

This report is the second edition of *The Momentum Report*, which the Movement Advancement Project (MAP) first released in 2007. The report organizes and analyzes indicators of the LGBT movement's success in securing political and social equality for the LGBT population. Specifically, we aim to measure progress toward an ideal end-state for LGBT Americans: equal opportunities, rights, and responsibilities for all people, regardless of their sexual orientation or gender identity or expression. The report also advances a shared understanding among organizations and funders of the LGBT movement's overall challenges and strategic choices. Ultimately, we hope to speed achievement of full equality for LGBT Americans by giving funders and organizations a strategic framework for discussing, building, and maintaining focus on big picture goals and objectives. As in all of MAP's work, this report is limited in scope to the U.S. MAP will next update *The Momentum Report* in 2011.

Measuring progress toward advancing the equality of LGBT people in the U.S. is more art than science. U.S. Census Bureau data on the LGB population is growing and improving, and groups like the Williams Institute are helping the movement maximize use of Census numbers that do exist.³ Also, polling organizations, academic research centers, and LGBT organizations produce a number of social, political, and economic markers that relate to LGBT equality. Taken together and presented in one place, these indicators provide a broad picture of the strength and recent accomplishments of the LGBT movement.

Indicators Framework

In preparing the first edition of *The Momentum Report*, MAP staff researched and examined a wide range of information and data in an attempt to identify potential indicators that would be most useful for tracking the long-term progress of the LGBT movement. Specifically, we looked for data that was easily accessible, regularly produced, and easily grasped. After careful consideration, we included 23 indicators in the 2007 report⁴ and grouped them into the following categories: indicators of cultural and social progress; indicators of legal and political progress; and indicators of the LGBT movement's capacity to effect change.

The first two components of our indicators framework are displayed in *Figure 1*.

Improved social attitudes and values will not only allow LGBT people to openly enjoy their full equality as it is achieved, but doing so will also speed progress toward this ideal end-state as more non-LGBT citizens begin supporting political leaders who will fight for LGBT equality at all levels of government.

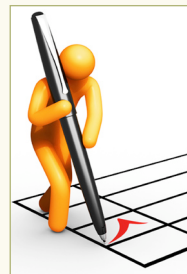
The third component of our framework, shown in *Figure 2*, tracks progress toward growing and strengthening the LGBT movement of organizations that support and advocate for LGBT

Figure 1: Discrimination Comes from Two Primary Sources



Harmful Culture

- Social stigma and prejudice
- Anti-LGBT religious teachings
- Violence and harassment
- Unsafe schools and homes
- Hostile workplaces



Discriminatory Rules

- Lack of relationship recognition and rights
- Discrimination in employment, housing, education, healthcare, and the military
- Parenting and adoption bans
- Diminished access to government/social services

Figure 2: LGBT Movement Works for Positive Cultural and Policy Changes



Movement Capacity

- Size and strength of movement organizations
- Number of individual donors supporting the movement
- Foundation support and funding of the movement

rights. Tracking indicators of leading organizations' overall financial health and donor support should stimulate actions to maintain and strengthen the movement's capacity.

Data Overview and Challenges

We acquired the data for the indicators from various polling firms, LGBT organizations, research institutes, media outlets, government agencies, and MAP's Standard Annual Reporting (SAR) project. In some cases, we could use the data as-is (e.g., we have simply reproduced Gallup polling data on how Americans view LGBT people). In other cases, we had to recode or reanalyze the data (e.g., we recast FBI hate crimes data to derive rates of hate crimes targeted at various minority groups as a proportion of those groups' U.S. population size).

³ One shortcoming of this data is that it does not include any specific information on the transgender population.

⁴ Note that the 2009 edition of the report includes 20 indicators. Please see the report's appendix for information on how and why we changed the number of indicators.

Several indicators rely on the Williams Institute's estimates of the size of the LGB population in the U.S.⁵ Based on this data, we calculated the percentage distribution of the adult LGB population in each state and Washington, DC, allowing us to estimate, for example, how many LGB people live in states that provide some form of same-sex relationship recognition or allow LGB individuals or same-sex couples to adopt.⁶

The biggest data challenge that we face is a lack of long-term, comprehensive, and sound information on the LGBT population's health, socio-economic status, and overall wellbeing (what could be collectively called the "lived experience" of LGBT people). The few state or national survey questions about LGBT people focus on very narrow health outcomes and behaviors (e.g., tobacco or alcohol use). The Williams Institute is currently working to build data on LGBT lived experiences, and MAP will incorporate this information into future reports whenever possible.

Another data challenge is that some LGBT people do not answer survey questions about their sexual orientation or gender identity/expression, especially if they fear that doing so will "out" them in some way. This problem is especially relevant when trying to collect data on younger LGBT people (who are still highly dependent upon families for their care and wellbeing), older people (who are less likely to be out), people living in certain geographic regions (e.g., the Deep South), and other demographic groups.

Finally, please note that MAP is aware of the lack of indicators specific to the transgender community and LGBT people of color. It was nearly impossible to find long-term and reliably representative indicators of equality or wellbeing for these populations (again, we are faced with limited information on the lived experiences of all LGBT people, but especially the transgender population and LGBT racial and ethnic minorities). MAP's *Advancing Transgender Equality* report, released in early 2009, provides an extensive overview and meta-analysis of local surveys on transgender health and wellbeing. Our *2009 Outlook on the LGBT Movement* presentation provides an overview of poverty levels among same-sex couples based on race and ethnicity (using Williams Institute data). We encourage readers to review these materials at www.lgbtmap.org for more information on these populations.

LGBT Movement Timeline

Due to data availability and quality concerns, many of the indicators we present date back only to the mid-1990s. We present the following timeline on the LGBT movement to acknowledge its long history and some of the events, organizations, and people that established the foundation for today's movement.

Figure 3: Struggle for Civil Rights Has Been Longtime Effort


1920	1924 – Earliest known gay rights group formed (Society for Human Rights, Chicago)
	1948 – Alfred Kinsey's <i>Sexual Behavior in the Human Male</i> reveals that homosexuality is far more widespread than commonly believed
1950	1951 – First national gay rights group formed (Mattachine Society)*
1960	1962 – First state, IL, decriminalizes private, consensual homosexual acts
	1969 – Stonewall riots incite widespread protest for equal rights and acceptance. Led by trans people of color, patrons of a gay bar in NYC fight police, sparking three days of riots
1970	1973 – American Psychiatric Association removes homosexuality from list of mental disorders
1980	Early 1980s – AIDS crisis leads to new organizing and advocacy within LGBT community
	1982 – First state, WI, outlaws discrimination based on sexual orientation
1990	1990 – Ryan White and Americans with Disabilities Acts become law. RWA provides federal funds for people with HIV/AIDS; ADA includes protections for people with HIV/AIDS
	1993 – President Clinton signs Don't Ask, Don't Tell compromise on gays in military
1995	1996 – U.S. Supreme Court strikes down CO's Amendment 2, which denied gays and lesbians protections against discrimination, calling them "special rights." Court found "nothing special in the protections Amendment 2 withholds"
2000	2000 – VT becomes first state to legally recognize civil unions after VT Supreme Court rules gays can't be denied state benefits of marriage
	2003 – MA Supreme Court rules that barring gays and lesbians from marrying violates state constitution because it "denied the dignity and equality of all individuals" and made them "second-class citizens"
	2003 – U.S. Supreme Court strikes down sodomy laws in <i>Lawrence v. Texas</i>
	2004 – Same-sex marriages become legal in MA
2005	2005 – CT legislature is first to legalize civil unions without court mandate
	2006-09 – Rapid progress, as 7 states enact relationship equality laws, & 6 states enact non-discrimination laws
	2008 – Marriage for same-sex couples is legal in CA for several months, until voters pass Prop. 8. Protests erupt nationwide

⁵ Gary Gates' *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey*, released in October 2006, estimates the number of same-sex couples and LGB adults living in all 50 states and Washington, DC.

⁶ Our estimates assume a fixed distribution of the LGB population over time. We have not taken into account any migration of LGB citizens resulting from favorable or unfavorable policies of various locales.

*First national Lesbian Rights group, Daughters of Bilitis, appears in 1956.

EIGHT INDICATORS OF CULTURAL AND SOCIAL PROGRESS

Cultural and Social Indicators	
	<ul style="list-style-type: none"> • Since the early 1980s, the general public has become increasingly supportive of lesbian and gay issues, especially related to employment rights. • An increasing number of Americans support marriage equality, although a majority still opposes marriage. A clear majority, however, supports some type of legal recognition for same-sex couples. • Protestants and Catholics are increasingly supportive of relationship rights for same-sex couples (although not of marriage, per se).

General Public Perceptions of Lesbians and Gay Men⁷

Public perceptions of lesbians and gay men have steadily improved over time. In the early 1980s, for example, most people thought that homosexuality was not an acceptable “alternative lifestyle.” As *Figure 4* shows, in 2009 57% of the public consider homosexuality to be acceptable (a full 23 percentage-point increase since 1982), with just 40% saying it is not.

- *These numbers are nearly unchanged from the 2007 edition of The Momentum Report, when 57% said homosexuality is acceptable and 39% said that it is not.*

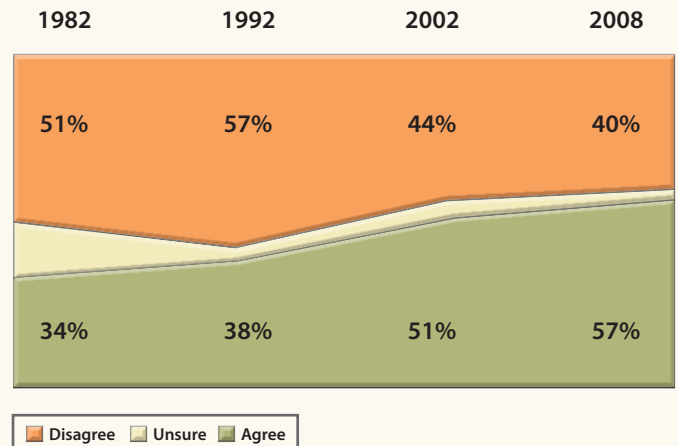
In the early 1980s, the public was fairly evenly divided when they were asked if same-sex sexual relations between adults should be legal or illegal. But as *Figure 5* shows, for a time the public increasingly thought these relations should be illegal: in 1988, nearly 60% of Americans thought same-sex sexual activity should not be legal. In the past 20 years, the public has consistently trended in favor of viewing same-sex sexual relations as legal. In 2009, 56% said they should be legal, compared to 40% who said they should be illegal.

- *This indicator is nearly unchanged since the 2007 edition of The Momentum Report, when the split was 59% vs. 37% (with about 4% of those polled being unsure about their answer, this 3% fluctuation should not be cause for too much concern).*

Attitudes toward Relationship Recognition

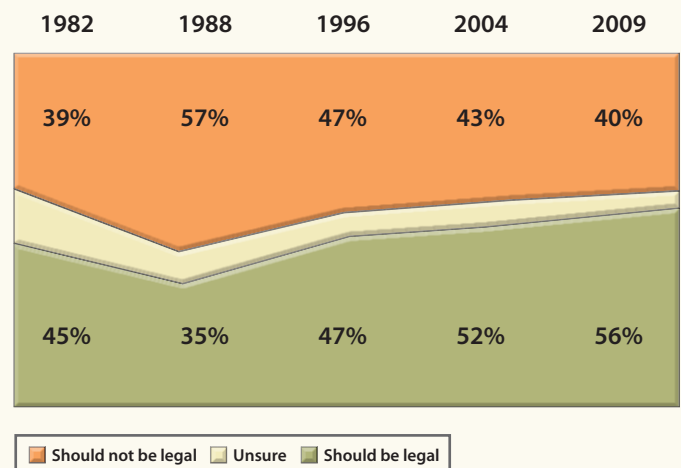
A slowly increasing percentage of the U.S. population supports marriage equality for same-sex couples. *Figure 6* shows that in 1996 only 27 percent of Americans supported same-sex marriage rights, but by 2009, that number increased to 40 percent. Over the same period, opposition to same-sex marriage fell 11 percentage points,

Figure 4: Most Americans Find Homosexuality an Acceptable “Alternative Lifestyle”



Source: Gallup Poll’s “Pulse of Democracy” Survey, 2008.

Figure 5: Most Americans Now Say Same-Sex Sexual Relations Should be Legal



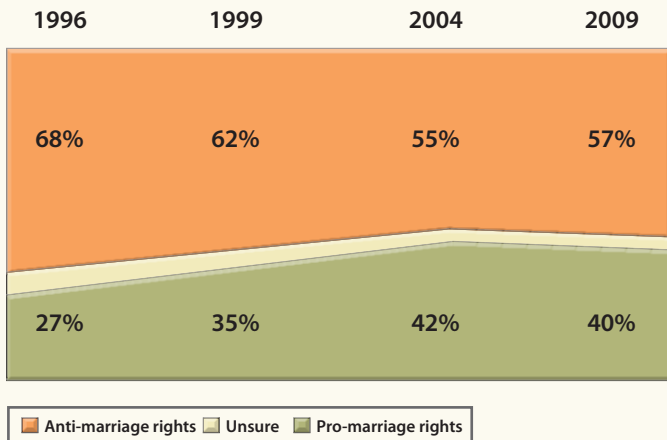
Source: Gallup Poll’s “Pulse of Democracy” Survey, 2009.

from 68 percent to 57 percent. Other recent data show that 76% of Americans support some form of legal relationship recognition for same-sex couples (38% support marriage, while another 38% support civil unions or domestic partnerships).⁸

⁷ Note that the polling firms sometimes use less-than ideal language in their questions (e.g., “homosexuality,” “alternative lifestyle”). The firms developed these questions several decades ago, and have maintained the outdated language because they believe that doing so will give them consistent survey responses. Some LGBT advocates are working with the firms to update this language, which we believe will actually result in more accurate data.

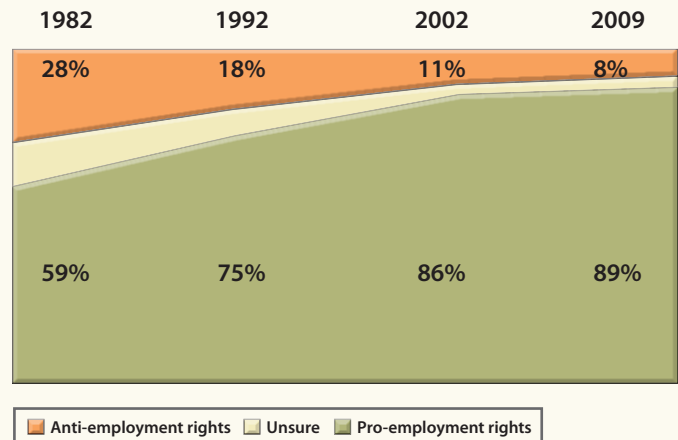
⁸ Harris Interactive poll, 2008.

Figure 6: Americans Trending Toward More Support of Equal Marriage Rights



Source: Gallup Poll's "Pulse of Democracy" Survey, 2009.

Figure 7: Large Majority of Americans Support Equal Employment Rights



Source: Gallup Poll's "Pulse of Democracy" Survey, 2009.

- The LGBT movement has lost some ground around marriage since the 2007 edition of The Momentum Report, when only 53% of Americans opposed marriage and 46% supported it. The high profile marriage fight in California, as well as recent rapid expansion of marriage rights in New England and Iowa, likely influenced these numbers. For example, a similar drop in support for marriage happened in the year immediately following the Goodrich decision in Massachusetts. The numbers then rebounded the year after that.

Attitudes toward Employment and Military Service

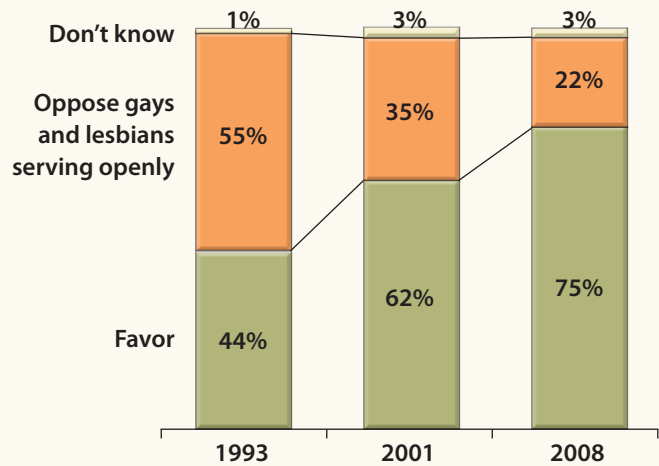
A strong, solid, and stable majority of Americans support equal job opportunity rights for gay men and lesbians, as *Figure 7* shows, with 89% of Americans supporting such rights in 2009. This number has been steadily increasing since at least 1982, when 59% of Americans favored employment equality. Only 8% were against equal employment rights in 2009, down from 28% in 1982.

- These numbers have not changed since the 2007 edition of The Momentum Report.

Similarly, a growing number of Americans support allowing lesbians and gay men to serve openly in the military. In 1993—right when Congress and the Clinton White House were debating Don't Ask, Don't Tell—44% of Americans supported open service, while 55% were opposed. By 2008, 75% of the public favored open service (an increase of 31 percentage points), while those who were opposed dropped to just 22%. See *Figure 8*.

- We use a new data source for this indicator in 2009, so comparisons to 2007 are not possible.

Figure 8: More Americans Support Open Military Service for Gays and Lesbians



Source: ABC News/Washington Post Poll, 1993, 2001 and 2008.

Hate Crimes

Although all violent crime is deplorable, crimes that target people because of their specific race, for example, impacts everyone who belongs to the race targeted. The same can be said for hate crimes based on someone's perceived religion, sexual orientation, or gender identity/expression. Although these crimes seriously impact and seriously harm the person who is targeted, they also threaten the security of much larger groups of people.

We see regular fluctuations in hate crimes based on real or perceived sexual orientation, in both the number of victims and the number of incidents, as *Figure 9* shows. The numbers of victims and incidents increased throughout the mid and late 1990s, before peaking in 2001. From 2002 through 2005, the numbers decreased sharply. But now we see the numbers increasing once more, with 1,512 victims and 1,265 incidents in 2007 (the last year for which data are available).

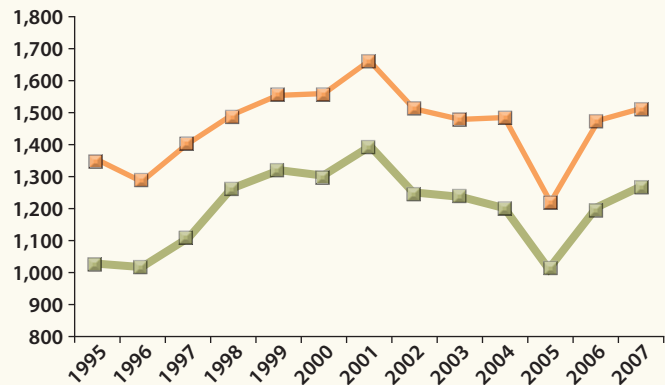
- Overall, the current edition of *The Momentum Report* shows a 20% increase in the numbers of hate crimes victims and incidents compared to the 2007 edition.⁹

Many activists and researchers dispute the credibility of the FBI's hate crimes data because of varying (and sometimes incredibly weak) collection and reporting methods by city, county, and state law enforcement agencies. Most experts agree that hate crimes of all types, including LGB¹⁰-related crimes, are drastically underreported.¹¹ Despite these drawbacks, we use FBI data because the agency also collects hate crimes data for other minority groups. Making comparisons between LGB-related crimes and crimes directed toward these other groups (in relation to their shares of the total U.S. population) provides more context than simply presenting the raw numbers of incidents and victims.

In *Figure 10*, the FBI data, coupled with information about population sizes, show that hate crimes against lesbians and gay men occur with greater frequency than those against African-Americans, but with lower frequency than those against people who are Jewish.

- Compared to the 2007 edition of *The Momentum Report*, we see an increase in the crimes against the LGB and Jewish populations, with a sharp uptick in attacks against the Jewish community.

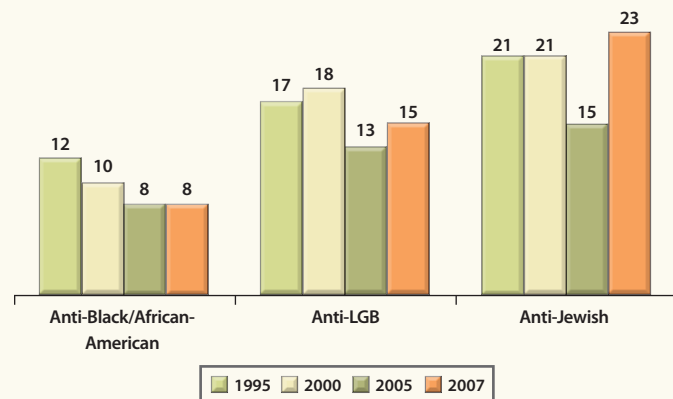
Figure 9: Hate Crimes Based on Sexual Orientation Start Heading up



Source: FBI's Uniform Crime Reports, 1997-2009.

Figure 10: Anti-LGB Hate Crimes Rate is Comparable to Other Minorities'

Number of Hate Crime Victims per 100,000 Individuals:



Source: U.S. Census Bureau, 1995, 2000, 2005, 2007; North American Jewish Data Bank, 1995 and 2000; Jewish Virtual Library, 2007; FBI Uniform Crime Reports, 1997, 2002, 2007, 2009; MAP estimates of LGB populations using Williams Institute data, 2006.

⁹ However, this change could simply reflect better reporting methods in some jurisdictions.

¹⁰ The FBI does not currently track hate crimes based on gender identity or expression.

¹¹ See, for example, the National Coalition of Anti-Violence Programs' *Anti-Lesbian, Gay, Bisexual, and Transgender Violence in 2005*. This report counted 1,792 incidents of hate crimes based on sexual orientation in 2004, versus the 1,200 that the FBI counted that year.

Spirituality

Research shows that a person's religious commitment is correlated with his or her support of LGBT rights.¹² Generally speaking, a high religious commitment is correlated with opposition to LGBT rights, while a lower commitment correlates with support for these rights. Considering this relationship—and recognizing that spirituality is important to many LGBT people—several LGBT organizations are trying to increase the number of denominations and religious people who support LGBT people, issues, and rights.

Polling data suggest that this work is making slow progress among the nation's Catholics and Protestants, who make up about 75% of the U.S. population. *Figure 11* shows that in 2004 65% of all Protestants in the U.S. opposed marriage equality, while 25% supported it. By 2009, the number of Protestants opposed increased slightly to 67%, with 24% supporting marriage. (Over the same time period, White Evangelical Protestants, who are consistently the religious group most opposed to marriage equality, increased their opposition from 81% to 83%, while White mainline Protestants saw a drop in opposition, from 55% to 44%.) U.S. Catholics became noticeably more supportive over the same period. Thirty-nine percent supported marriage equality in 2009, compared to just 33% in 2004, while the number of Catholics opposing marriage equality dropped a full 9 percentage points, from 54% to 45%.¹³

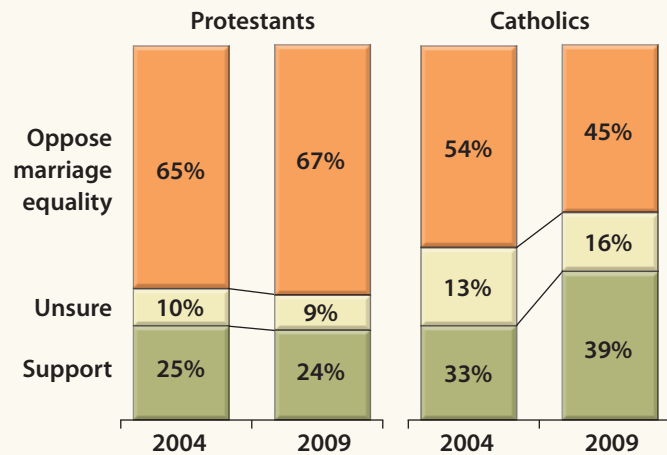
We see even more improvement when looking at opinions on civil unions for same sex couples. In 2004, a Pew study showed that 60% of Protestants opposed civil unions; that number dropped to 50% by 2009. Catholic opposition to civil unions fell from 40% to 28% over the same period. White Evangelical opposition to civil unions fell the most, from 81% opposed in 2004 to just 58% opposed in 2009.

- *This indicator is new in 2009, so comparisons to 2007 are not possible.*

¹² Baylor Institute for Studies of Religion, *American Piety in the 21st Century*, September 2006; Pew Forum on Religion and Public Life Polling Data, 2006.

¹³ People of the Jewish faith have traditionally been very supportive of LGBT equality. For example, according to the *Jewish Review*, only 8% of Jewish voters in Los Angeles supported Prop 8's ban on marriage equality in the 2008 elections.


Figure 11: US Christians Moving Toward Support of Marriage Equality



Source: Pew People and the Press survey, July 2009.

NINE INDICATORS OF LEGAL PROGRESS

Summary of Legal Indicators



- A clear majority of LGB people still does not have access to formal relationship recognition laws, and most of the U.S. population is not covered by state-level nondiscrimination laws.
- But the percentage of the LGB and overall U.S. population that is covered by such laws has grown dramatically in the past decade.
- New laws, regulations, and court rulings are slowly eroding LGB adoption rights.
- HIV/AIDS is a growing problem among men who have sex with men, while the U.S. government increasingly directs its funds for HIV prevention and treatment abroad.

Non-Discrimination Laws

As national LGBT organizations fight for a federal law barring discrimination based on sexual orientation and gender identity or expression, many states over the past decade have enacted their own anti-discrimination laws. *Figure 12* shows that in 1995 state sexual orientation anti-discrimination laws covered 24% of the total U.S. population. Little expansion took place through the early 2000s, but advocates have made significant progress in recent years. By 2005, 34% of the U.S. population was covered by nondiscrimination laws. Today, 44% of the country lives in a state with a sexual orientation nondiscrimination law.

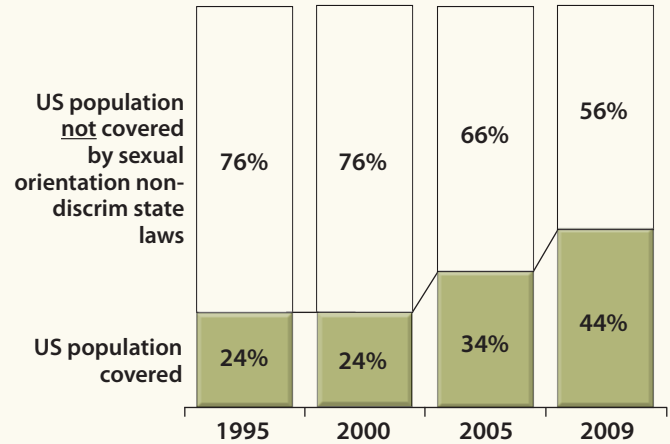
- *This indicator has not changed from the 2007 edition of The Momentum Report.*

LGBT movement organizations have made even more rapid progress advancing state-level protections based on gender identity or expression. Until 2001, only Minnesota prohibited discrimination based on gender identity, representing just 2% of the entire U.S. population. But as *Figure 13* shows, in 2009, 29% of the U.S. population lives in a state that prohibits discrimination based on gender identity or expression.

- *This indicator has not changed from the 2007 edition of The Momentum Report.*

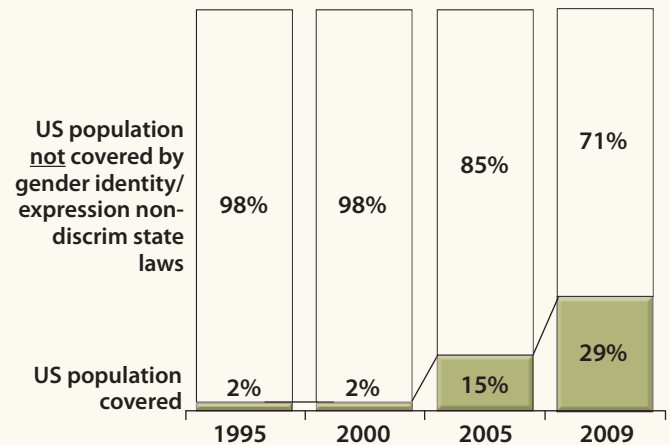
Many towns, cities, counties, and other local jurisdictions also have sexual orientation and/or gender identity nondiscrimination laws. The National Gay and Lesbian Task Force estimates that at least 52 percent of the U.S. population lives in a town, city, county, or state that has a nondiscrimination law based on sexual orientation, and at least 37 percent lives in a jurisdiction offering gender identity and expression coverage.¹⁴

Figure 12: Recent Progress in Sexual Orientation Non-Discrimination Coverage



Source: MAP analysis of *State Nondiscrimination Laws in the U.S.*, National Gay and Lesbian Task Force, 2009; and U.S. Census Data, 1995-2009 (includes revised Census data for 2005).

Figure 13: Recent Progress in Gender Identity Non-Discrimination Coverage



Source: MAP analysis of *State Nondiscrimination Laws in the U.S.*, National Gay and Lesbian Task Force, 2009; and U.S. Census Data, 1995-2009 (includes revised Census data for 2005).

President Bill Clinton's 1998 executive order prohibiting discrimination based on sexual orientation for federal civilian employees extended employment protections to another 2 million U.S. workers. President Barack Obama's administration is drafting policies that will extend these protections to transgender federal public workers. Several states and local jurisdictions have implemented similar protections for their public employees.

¹⁴ National Gay and Lesbian Task Force, "Unprecedented Series of Gains Coast to Coast for Lesbian, Gay, Bisexual and Transgender People," May 9, 2007 (www.thetaskforce.org/press/releases/prstates_050907).

Family and Relationship Laws¹⁵

Figure 14 shows that most LGB people (64%) in the U.S. currently live in states that lack any type of formal relationship recognition. Among the 36% that live in a state with an LGB-friendly relationship law, 7% reside in states that have full marriage equality (Connecticut, Iowa, Maine, Massachusetts, New Hampshire, and Vermont), 3% reside in states with civil unions (New Jersey), 22% are in states with domestic partnership laws (California, Nevada, Oregon, the District of Columbia, Washington, and Wisconsin), and 4% reside in states that provide some other form of relationship benefits (Colorado, Hawaii, and Maryland).

Despite the current low levels of access to relationship laws, Figure 15 shows that coverage of such laws has been rapidly expanding. In 1995, only 1% of the LGB population had access to some form of relationship recognition, but by 2009 that percentage increased to 36 percent.

- In the 2007 edition of *The Momentum Report*, 29% of the LGB population had access to relationship recognition rights, compared to 35% in 2009. We can attribute much of this growth to the expansion of marriage rights in New England and Iowa.

Considering the recent onslaught of state-level defense of marriage acts and state constitutional amendments banning marriage equality, the fact that more than one-third of the LGB population now has access to state-sanctioned relationships—and the benefits they confer—is remarkable. Of course, the rights associated with most relationship types available to LGB people fall far short of full marriage rights, but these new pro-LGB laws were unthinkable just 10 years ago, as the federal Defense of Marriage Act took full effect and the LGBT movement faced broad opposition to almost all forms of relationship recognition.

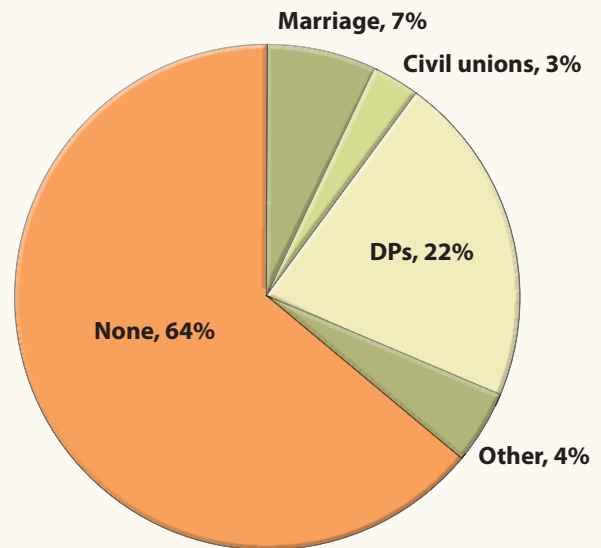
As LGBT advocates have gained relationship recognition for the LGB population, we see a consistent erosion of LGB adoption rights, with new laws, regulations, and judicial rulings. Figure 16 shows that a smaller percentage of the LGB population can adopt today (81% of the LGB population) compared to 1995 (90% of the LGB population).

- Because we track this data differently in 2009, we cannot make comparisons to 2007.

Many states also have unclear laws regarding same-sex second-parent or joint adoptions, with about 17% of the LGB population living in a state with ambiguous second-parent or joint adoption laws. Another 19% lives in states that effectively ban same-sex second-parent or joint adoptions. The good news is that the majority of LGB people live in states where they have access to either full (42%) or at least partial (22%) second-parent or joint adoption laws. See Figure 17.

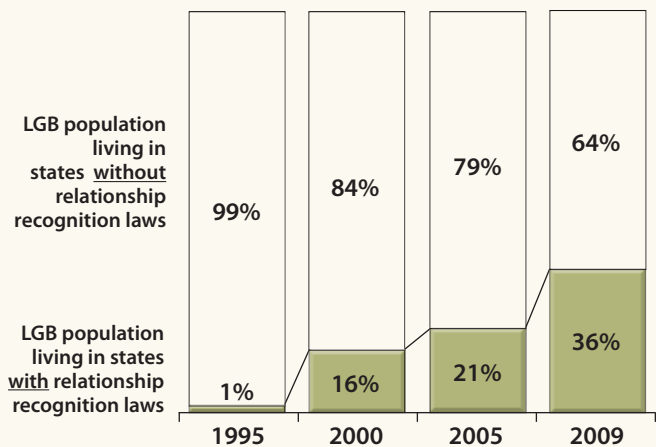
Figure 14: Most LGB People Lack Relationship Recognition and Rights

Availability of LGB Relationship Recognition
% of LGB population living in states with ...



Source: MAP analysis of *Relationship Recognition in the United States*, HRC, 2009; MAP estimates of LGB populations using Williams Institute data, 2006. Does not include the impact of New York and DC recognizing out-of-state marriages, or of Rhode Island recognizing marriages from Massachusetts.

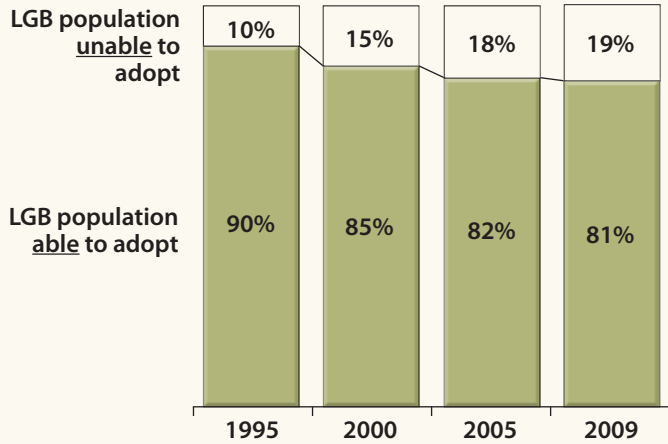
Figure 15: Recent Progress in Relationship Recognition Laws



Source: MAP analysis of *Relationship Recognition in the United States*, HRC, 2009; MAP estimates of LGB populations using Williams Institute data, 2006. Does not include the impact of New York and DC recognizing out-of-state marriages, or of Rhode Island recognizing marriages from Massachusetts.

¹⁵ The 2009 edition of *The Momentum Report* tracks adoption rights slightly differently than the 2007 edition. First, we now track barriers that confront individual LGB people and same-sex couples, and combine these trends into the indicator presented in Figure 16 (the indicator in the previous edition of the report only tracked barriers that individual LGB people faced). Second, we now include laws related to joint adoption, rather than only second-parent adoption (second-parent adoptions allow a same-sex parent to adopt his or her partner's biological or adopted child, without terminating the legal rights of the first parent). We present these combined trends in Figure 17.

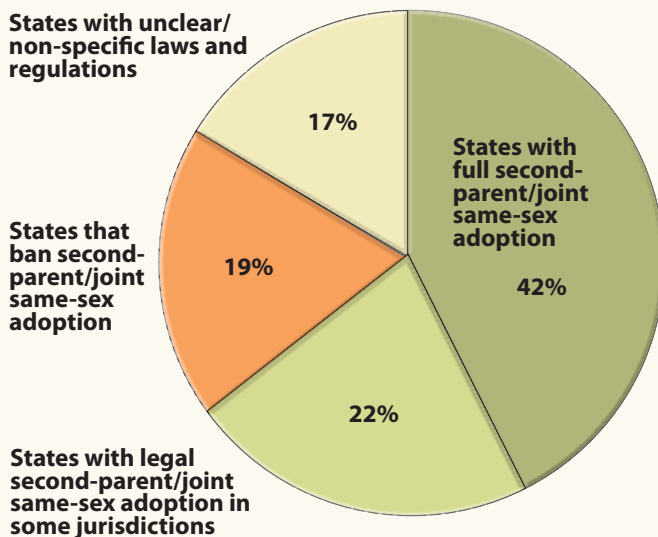
Figure 16: Recent Adoption Rights Losses for LGB Couples and Individuals



Source: MAP analysis of *Adoption Laws in the U.S.*, The Task Force, 2009; MAP estimates of LGB populations using Williams Institute data, 2006. Note that adoptions are frequently determined on a case-by-case basis—state laws can be trumped by judicial rulings.

Figure 17: Many LGB People Have Access to Second-Parent/Joint Adoption Rights

Availability of LGB-Friendly Adoption Laws
% of LGB population living in...



Source: MAP analysis of HRC's *Second-Parent/Stepparent Adoption Laws in the U.S.*, 2009, and other policy analysis; MAP estimates of LGB populations using Williams Institute data, 2006.

HIV/AIDS

Government statistics show that HIV/AIDS—after first appearing nearly 30 years ago—is still a significant and growing problem in the U.S., with an increasing number of men contracting HIV through male-to-male sexual contact. *Figure 18* shows that in 2000, 62% of new male HIV/AIDS cases were the result of male-to-male sex. This number increased to 75% by 2007 (the last year for which data are available). Further, in 2004, there were 208,401 men living with HIV/AIDS who got the disease through same-sex sexual activity. This number increased to 253,804 by 2007—a 22% increase. By comparison, in 2004, 62,422 men were living with the disease after contracting it through intravenous drug use. This number increased only 3%, to 64,335, by 2007.

- Updated government data show that 73% of all new HIV/AIDS cases in the U.S. were caused by male-to-male sex in 2005, compared to 75% in 2007.

Further, the disease drastically and disproportionately impacts communities of color. In 2007, African-Americans made up 13% of the total population in the 34 states for which the U.S. Centers for Disease Control (CDC) most closely monitors HIV/AIDS rates, but accounted for 48% of all HIV/AIDS cases in these states. Latinos/Hispanics, who make up 12% of the population in the CDC states, accounted for 17% percent of all HIV/AIDS cases. And although they constitute a minority of the overall U.S. population, African-Americans made up 41% of all U.S. AIDS deaths from 2003 through 2007.

As HIV/AIDS continues to spread in the U.S., discretionary federal spending on the disease continues to increase, from \$3.2 billion in 1990 to \$12.6 billion in 2009. At the same time, however, the government devotes an increasingly larger share of total federal HIV/AIDS spending to the global fight against the disease. For example, in 2000 the government spent just 4% of its discretionary HIV/AIDS budget internationally, but that grew rapidly to 22% by 2004 and 46% by 2008.¹⁶ See *Figure 19*.

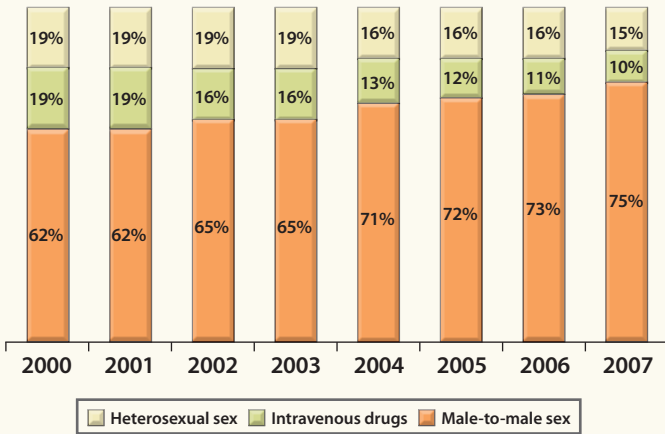
Further, George W. Bush's administration directed funds for HIV/AIDS services at home and abroad largely to programs that were based more on ideology rather than on science. The Administration especially neglected programs that serve men who have sex with men. Health researchers and advocates hope that the Obama Administration substantially changes this approach.

- Overall, HIV spending indicators in the 2007 edition of *The Momentum Report* continue trending in the same direction in this new edition. The government is spending more money on HIV/AIDS each year, but devotes an increasing percentage of those funds to international treatment efforts and services.

¹⁶ Note that we are not minimizing the need for the U.S. government to provide funding for HIV/AIDS services abroad, but rather giving a comparison of overall funding trends.

Figure 18: HIV/AIDS Once Again a Growing Problem

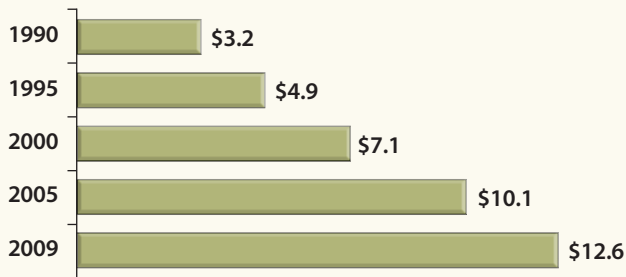
New HIV/AIDS Cases (Male Only)
% by Transmission Category



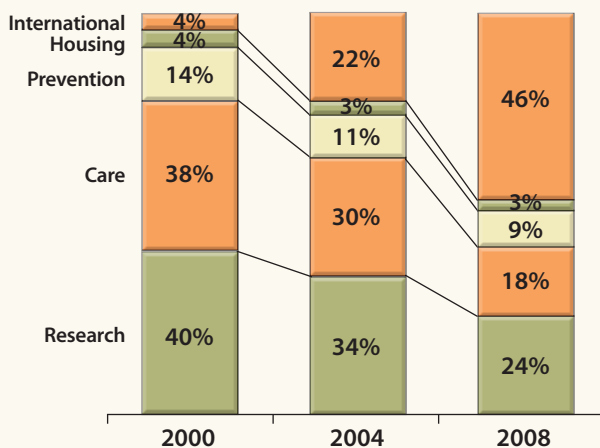
Source: Centers for Disease Control, *HIV/AIDS Surveillance Report*, 2003, 2005, 2007.

Figure 19: United States Federal Government Spending on HIV/AIDS

U.S. Federal Discretionary HIV/AIDS Funding Totals
US\$ Billions (constant 2009 dollars)



U.S. Federal Discretionary HIV/AIDS Funding
% Total HIV/AIDS Budget



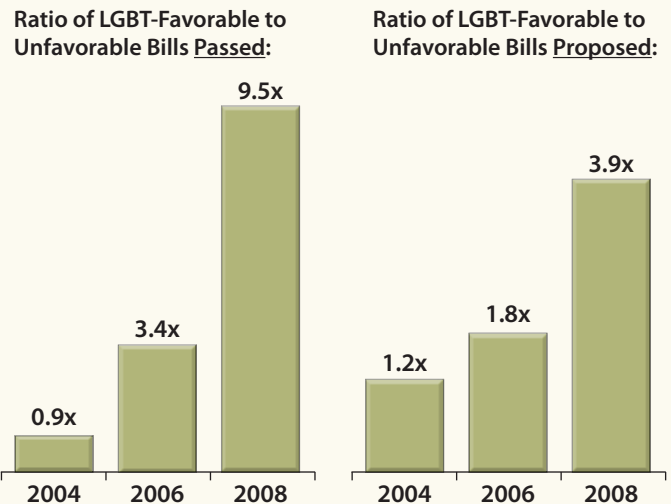
Source: The Henry J. Kaiser Family Foundation; *Trends in U.S. Government Funding for HIV/AIDS Fiscal Years 1981 to 2004*; Congressional Research Service, "AIDS Funding for Federal Government Programs, FY 1981-2008," 2008.

Legislative Environment

State legislatures have become overwhelmingly more supportive of LGBT-specific issues, according to data from the Human Rights Campaign. In 2004 states passed fewer favorable (18) than unfavorable (21) LGBT-specific bills. In 2008, however, states passed nearly 10 times as many favorable as unfavorable LGBT-specific bills (19 vs. 2). The numbers and ratios of favorable and unfavorable bills considered in state legislatures were also very encouraging.¹⁷ See *Figure 20*.

- Comparing the 2009 numbers to those in the 2007 edition of *The Momentum Report*, we see state legislative bodies becoming much more supportive of LGBT equality based on their actions on LGBT-specific legislation.

Figure 20: Increasing LGBT Support in State Legislatures

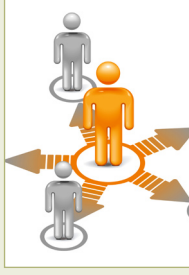


Source: MAP analysis of HRC's *Equality from State to State*; 2004, and 2006, 2008.

¹⁷ As another measure of a changing political environment, Freedom to Marry's research shows that state legislators who support marriage equality are consistently reelected by their constituents: "By November 2008, four states had seen legislative votes which explicitly sought to end marriage discrimination for gay couples. . . In all 499 instances, legislators who voted to support marriage equality and ran for office in the following general election . . . won re-election." See "Pro-Marriage Legislators Win Elections," January 2009.

THREE INDICATORS OF INCREASING CAPACITY OF THE LGBT MOVEMENT

Summary of Capacity Indicators



- The total financial size of leading LGBT organizations had been growing steadily until the economic downturn in 2009.
- The number of donors to and foundation investments in the LGBT movement are growing.
- The economic recession will almost certainly negatively impact these indicators in the next year or two.¹⁸

Organization Revenue

The aggregate revenue of 53 leading LGBT organizations steadily increased from 2005 through 2008, as *Figure 21* shows. In 2009, however, budgets dropped 20% compared to 2008, from \$290 million to \$231 million. Despite this recent setback, over the entire five years we see an average annual growth rate of 4%. This indicator merits careful watching as LGBT organizations continue to struggle with fundraising during the current economic downturn.

- The 2007 edition of The Momentum Report included data on only 25 organizations, which were the groups that participated in the pilot year of MAP's SAR project, so two-year comparisons cannot be made.*

LGBT Donor Participation

Financial support from individual donors is on the rise. In 2005, about 281,000 individuals gave at least \$35 to the 53 LGBT organizations participating in SAR. By 2008 this number increased to 361,000 individuals (an average annual growth rate of about 9%). Donors giving at least \$1,000 also increased, from 17,000 in 2005 to just over 19,000 in 2008 (an average annual growth rate of about 4%).²⁰ See *Figure 22*. This indicator also merits close monitoring, especially since we do not yet have final numbers for 2009, when organizations (and individuals) saw the worst effects of the economic downturn.

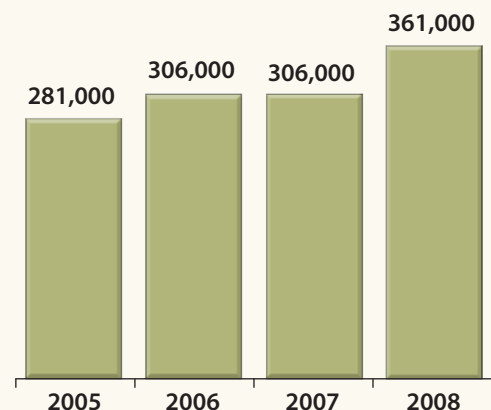
- Again, the 2007 edition of The Momentum Report included data on only 25 organizations, which were the groups that participated in the pilot year of MAP's SAR project.*

Figure 21: Total Revenue of 53 Leading LGBT Organizations Falls in 2009



Source: 2009 LGBT Movement Standard Annual Reporting, MAP. We show values in constant 2009 dollars.

Figure 22: Increasing Numbers of Individual Donors for 53 Leading LGBT Organizations



Source: 2009 LGBT Movement Standard Annual Reporting, MAP. Number of donors giving at least \$35 in each year (note that donor names have not been de-duplicated across organizations).

¹⁸ Again, see MAP's *LGBT Nonprofits and Their Funders in a Troubled Economy* for data on how the recession is impacting the LGBT movement (available at www.lgbtmap.org).

¹⁹ These organizations participate in MAP's Standard Annual Reporting project. An overview of these organizations and their financial and operating information can be found at www.lgbtmap.org. Note that it was beyond our capacity to survey the many hundreds of local and informal groups serving and advocating for LGBT people.

²⁰ If an individual gave money to more than one organization, he or she is counted multiple times; i.e., these numbers do not reflect total unique individual donors to these organizations.

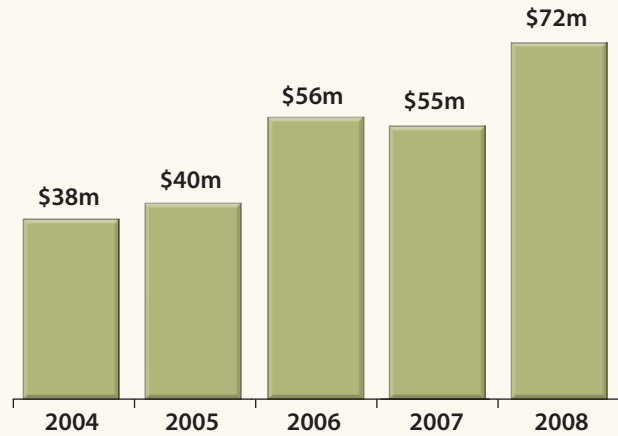
Foundation Support

In addition to growth in individual donor support of the LGBT movement, we also see an increase in foundation support. *Figure 23* shows that in 2004, 19 of the largest foundations supporting the LGBT movement gave \$38 million in grants to LGBT organizations and issues.²¹ By 2008, this increased to \$72 million, which translates into an average annual growth rate of about 17%.²² Again, this indicator will likely change in the months to come. Foundation spending usually lags a few years behind economic trends, since a current year's grantmaking levels are generally set by investment returns and asset levels from the previous year or two.

- *This indicator is new in 2009, so comparisons to 2007 are not possible.*

Given the amount of time it takes for individuals and foundations (as well as corporations and the government) to adjust their giving levels to reflect their own financial situations, we expect to see reductions in revenue to the LGBT movement for at least the short-term. Organization budgets, therefore, could shrink even after the recession technically ends.

Figure 23: Increasing Grantmaking by Leading Foundations Supporting U.S. LGBT Rights



Source: 2009 LGBT Movement Standard Annual Reporting, MAP. We show values in constant 2009 dollars. Figures reflect only U.S. grantmaking.

²¹ These foundations participate in MAP's *Standard Annual Reporting* project. An overview of these funders and their specific funding priorities (including populations supported) can be found at www.lgbtmap.org. Note that the 2004 and 2005 data are based on grantmaking by 19 funders; the other years reflect the giving of two additional funders, bringing the total to 21.

²² Funders for Lesbian and Gay Issues' data, which covers nearly 300 foundations, shows similar trends to MAP's smaller sample. For example, Funders' data shows that in 2005, foundations made \$53 million in LGBT grants, which grew to \$77 million in 2007. See www.lgbtfunders.org for more information.

CONCLUSION

The indicators in the 2009 edition of *The Momentum Report* paint a largely positive picture of the LGBT movement and growth in LGBT equality and acceptance. By most measures, U.S. citizens are becoming more supportive of LGBT equal rights and have increasingly favorable opinions about LGBT people. And despite a recently hostile political climate in the U.S., advocates have made substantial advancements in LGBT legal equality in the previous ten years. To be sure, much work remains before we secure equality for all LGBT people, but it is undeniable that we have made substantial progress in recent years, thanks to the many local, state, and national organizations fighting for LGBT rights and the donors who support their efforts.

Many opportunities to advance and expand LGBT equality currently exist both in Washington, DC and state legislatures across the country. At the same time, the economic downturn has reduced the overall capacity of LGBT organizations and donors. As the downturn's full impact is realized, the LGBT movement will need to become more strategic and use its resources more carefully than ever before. We hope this report helps movement organizations and funders make better resource and strategy decisions in light of the rapidly changing political and economic climates. Most of all, we hope it helps us all grasp the remarkable progress the LGBT movement has made in recent years, and the opportunities that currently exist to further our political and social equality.

APPENDIX: INDICATOR CHANGES AND NEEDED DATA IMPROVEMENTS

Indicator Changes

We made several changes to this edition of the report. First, for the several charts that rely on long-term public polling data, we offer fewer data points than in the first edition of the report. We think this makes it easier for readers to see overall trends. Second, we used data from a different opinion poll on the question of military service (this change allowed us to get more recent data on this issue). Third, we use a different indicator related to religious views on LGBT rights, mainly because we could not find updated data for the original indicator. Fourth, we modified the two indicators looking at LGB adoption rights, as we explained earlier. Fifth, we dropped three indicators from the 2007 report in an effort to make the 2009 report more concise.²³ Finally, we replaced one of the movement capacity indicators from 2007, on intellectual resources supporting the movement, using instead data on foundation support for LGBT organizations and issues. We felt this switch provides more useful information to readers, especially given the current economic climate.

Needed Data Improvements

Several broad topics and issues lack reliable, easily accessible, or consistent data. Funding is needed to gather this information so the entire LGBT movement's progress, strengths, and weaknesses can be better assessed. We think the following data would be especially helpful:

- Reliable data on the **"lived experience" of LGBT people**. For example:
 - *LGBT youth harassment rates compared to their heterosexual peers*. Currently these data are only collected occasionally in a handful of states, but are not analyzed consistently from year to year. This information is key to understanding how LGBT youth are faring, what support services they might need, and how supportive of LGBT equality future generations might be.
 - *Educational and income differentials between straight and LGBT populations*. This information is key to understanding how a lack of workplace and other nondiscrimination laws are impacting the day-to-day lives of the LGBT population. The Williams Institute is developing these measures, but we do not yet have reliable, year-to-year data on this topic.
- A **race perspective** was absent in the data collected and analyzed. The Williams Institute and National Gay and Lesbian Task Force analyses of U.S. Census data include some race-specific projects, and hopefully this work will at least continue—if not expand—in the coming years. Once several years of this data are available, we will include it in *The Momentum Report*.

- Data related to **gender identity and expression**—and the overall health and wellness of the transgender population—are essentially non-existent on a national scale. A serious effort is needed to collect reliable data that more accurately assesses the current state and needs of the transgender community.²⁴
- We found it difficult to find reliable, representative data on **religion and spirituality**. Few public disclosure requirements exist for religious organizations, and many religious leaders are reluctant to reveal data and information on LGBT issues. Surveys of specific denominations would be especially helpful, but they would likely yield a low response rate unless researchers launched an intensive (and expensive) effort to encourage participation.
- Except for aggregate federal expenditures on HIV/AIDS, data on **government spending** for LGBT issues or services are sparse and/or difficult to identify. Federal spending data would be ideal, as would spending data from several key states, such as California, Florida, Illinois, Texas, and New York, which have the highest concentration of LGB adults.

²³ The three dropped indicators are: public opinions on whether homosexuality is innate or learned; how widely accepted Americans want homosexuality to be; and the number of "out" LGBT candidates for public office.

²⁴ See MAP's *Advancing Transgender Equality* report at www.lgbtmap.org for specific recommendations on improving data collection on the transgender population.



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2215 Market St. • Denver, CO 80205
Fax: 303-292-2155 • www.lgbtmap.org