

THE MOMENTUM REPORT — 2011 EDITION

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

August 2011



movement advancement project ▶

This report was authored by:

Movement Advancement Project

Launched in 2006, the Movement Advancement Project (MAP) is an independent, intellectual resource for the LGBT movement. MAP's mission is to provide independent and rigorous research, insight and analysis that help speed full equality for LGBT people.

About this report:

The Momentum Report

The Momentum Report measures progress toward the LGBT movement's goal of equal opportunities, rights and responsibilities for all people, regardless of their sexual orientation or gender identity and expression. This publication is the third edition of *The Momentum Report*; the next edition will be released in 2013.

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EXECUTIVE SUMMARY

The 2011 edition of *The Momentum Report* organizes and analyzes the lesbian, gay, bisexual and transgender (LGBT) movement's success in securing political, legal and social equality for LGBT Americans. This report examines the LGBT movement's pursuit of fair and equal opportunity for LGBT Americans to participate in American life as measured by four broad areas of progress:

- Changes in cultural, social and political climate
- Progress on key issues for LGBT Americans
- Improvements in the lived experiences of LGBT Americans
- Strength and capacity of LGBT movement organizations

A brief summary of the report's 17 key findings follows.

Key Findings

Changes in Cultural, Social and Political Climate

America's cultural, social and political climate is becoming increasingly accepting of LGBT Americans.

- **Americans are more supportive of LGBT people and issues.** In 2011, 56% of Americans considered same-sex relations to be morally acceptable compared to only 40% in 2001 (an increase of 16 percentage points).¹ Since August 2010, six national polls have found majority support for marriage equality² and polls show continued increases in the support of LGBT families. A majority of Americans support equal job opportunities, equal benefits, and equal access to leave for gay men and lesbians in the workplace.
- **Media coverage of LGBT people has grown and improved.** Today, there are 23 openly LGBT characters on primetime broadcast network television, up from 16 in 2009, and up from just six in 2001.³
- **Support for LGBT people and issues is becoming increasingly bipartisan.** More elected officials and political figures are expressing support, Republican support is increasing, and the number of openly LGBT elected officials has reached record numbers.
- **Religious denominations are increasingly welcoming LGBT Americans.** In 2011, the Presbyterian Church (U.S.A.) approved the ordination of gay and lesbian clergy, joining several other Christian denominations that also ordain gay and lesbian clergy.

Progress on Key Issues for LGBT Americans

Since the beginning of 2009, the LGBT movement has made significant legal and legislative progress, although LGBT Americans have also experienced a few major setbacks. As of this report's publication, these include:

- **Ten states plus D.C. extended marriage or relationship recognition to same-sex couples.** Since the beginning of 2009, four more states (Iowa, New Hampshire, New York and Vermont) and D.C. have extended marriage to gay and lesbian couples. In addition, six more states (Delaware, Hawai'i, Illinois, Nevada, Rhode Island⁴ and Washington State) have extended comprehensive relationship recognition to same-sex couples through civil unions or domestic partnerships. During the same period, two states (Indiana and Minnesota) advanced state constitutional amendments that would ban gay couples from marrying; these measures must be passed again by the legislature and/or approved by the voters before becoming law. Also, a Maine ballot measure invalidated marriage legislation previously passed by the legislature. And, while the federal government announced it would stop defending the so-called "Defense of Marriage Act" (DOMA), enforcement of this law continues.⁵
- **Two states' adoption bans were struck down and two states plus D.C. extended parenting rights for LGBT parents.** Discriminatory state laws in Arkansas and Florida restricting adoption and foster care by LGBT people were struck down in the past year. Two states (New Mexico and Washington State) and D.C. passed legislation granting parenting rights to the non-biological parents of children born to same-sex couples. At the same time, the availability of second-parent adoption in North Carolina was eliminated by a court decision.

¹ Gallup, "Values and Beliefs," 2011.

² CNN Opinion Research Poll, August 11, 2010; CBS News Poll, October 2010; ABC News/Washington Post Poll, "Gay Marriage," March 2011; CNN Poll, April 2011; Public Religion Research Institute, "Religion and Politics Tracking Survey," May 2011; Gallup, "Values and Beliefs Poll," May 2011.

³ This includes only those characters on the five broadcast networks (ABC, CBS, CW, Fox and NBC); GLAAD, "Where We Are On TV: 2008-2009 Season," "Where We Are On TV Report: 2010-2011 Season" and "The 2001-2002 Television Season."

⁴ This legislation was passed despite opposition from LGBT organizations because of its broad religious exemptions, which could mean that religious organizations, including religious hospitals, would not be required to recognize same-sex couples.

⁵ The so-called "Defense of Marriage Act" (DOMA) prevents the federal government from recognizing same-sex couples who were legally married in their state, and allows states to not recognize same-sex couples who were married in another state.

- **Four states passed or expanded employment non-discrimination protections, but federal legislation failed to advance.** Delaware passed legislation extending employment protections based on sexual orientation. Hawai'i, Nevada and Connecticut passed legislation prohibiting discrimination based on gender identity and expression. In a setback, legislation was passed in Tennessee prohibiting local cities and counties from passing non-discrimination ordinances (though this legislation is now facing legal challenge). At the same time, federal legislation prohibiting such discrimination was introduced but failed to advance.
- **For the first time, LGB Americans will soon be able to openly serve their country.** Legislation to repeal the "Don't Ask, Don't Tell" policy was passed, and in July 2011, the military completed the certification process, and Don't Ask, Don't Tell will be officially repealed on September 20, 2011. This legislation means that LGB Americans will soon be able to serve their country openly. Transgender Americans are still restricted from serving in the military.
- **Six states passed safe schools or anti-bullying laws, and federal legislation was introduced on this issue.** Recent high-profile cases of youth who had been bullied or harassed based on their actual or perceived sexual orientation or gender identity have sparked national conversations about school safety and bullying. Six states (Arkansas, Illinois, New Hampshire, New York, North Carolina and Washington State) passed safe schools legislation prohibiting such harassment, and federal legislation was introduced to protect students.
- **The federal hate crime law was expanded to cover LGBT Americans, marking the first time LGBT Americans were explicitly protected by federal statute.** In late 2009, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act was passed, expanding existing hate crime law to include sexual orientation, gender identity and expression, gender and disability.
- **An administrative order is helping secure hospital visitation and limited family medical leave rights for LGBT Americans.** In 2010, the Obama administration announced federal policies allowing LGBT partners to visit their loved ones in

the hospital and ensuring that LGBT parents can take time off to care for their children.

- **The federal government lifted the travel ban on individuals living with HIV/AIDS, and the federal government established the first National HIV/AIDS Strategy.** The National HIV/AIDS Strategy created a roadmap to reduce the number of new HIV infections and improve the lives of individuals living with HIV/AIDS. However, the percent of new HIV diagnoses occurring in men through male-to-male sexual contact continues to increase; in 2009, 75% of new HIV diagnoses in men were transmitted through such contact.

Improvements in the Lived Experience of LGBT Americans

- **Despite stereotypes to the contrary, LGBT Americans are often more likely to be low-income or live in poverty than heterosexual Americans.** Related to this finding, LGBT people report high rates of employment discrimination.
- **Research continues to find health disparities for LGBT Americans, including higher rates of being uninsured and lack of competent care.** However, more employers are offering domestic partner benefits, and a growing number of employers are compensating LGBT employees for the additional taxes associated with such benefits.
- **LGBT Americans continue to face discrimination, stigma and violence that affects daily living.** Institutions of education remain challenging places for LGBT students, faculty and staff. Additionally, many LGBT Americans report facing discrimination in obtaining housing. While hate crimes based on sexual orientation have declined, LGBT Americans continue to experience violent hate crimes at the highest rate in the U.S. Data from the National Coalition of Anti-Violence Programs (NCAVP) shows an increase in the number of incidents by 13% between 2009 and 2010.

Strength and Capacity of LGBT Movement Organizations

- **LGBT movement organizations have seen substantial revenue drops, and have responded by reducing staff and operating hours.** The 10 largest LGBT advocacy organizations have revenue totaling \$94.3 million, compared to \$337 million

Progress and LGBT Equality Overview

Indicator of Progress	Two-Year Trend	Current Level of Equality		Page and Figure Number
		Level	Explanation	
Cultural, Social and Political Climate				
Public Perceptions of Morality of Same-Sex Relations		N/A		Page 6, Figure 1
Public Attitudes Toward Legality of Same-Sex Relationship		N/A		Page 7, Figure 2
Public Support for Marriage for Gay and Lesbian Couples		N/A		Page 7, Figure 3
LGBT Adoption and Parenting		N/A		Page 7
Equal Employment Opportunities and Compensation		N/A		Page 7, Figure 4
Visibility of LGBT People in the Media			Improving but less than 3% of major TV characters are LGBT	Page 7
Political Support for LGBT People		N/A		Page 8, Figure 5
Number of Openly LGBT Elected Officials			Less than 3% of elected officials are LGBT	Page 8
State Legislative Climate		N/A		Page 8, Figure 6
Progress By Issue				
Marriage and Relationship Recognition			35 states offer limited or no recognition	Page 9, Figures 7-9
Joint and Second-Parent Adoption			Second-parent adoption not available or uncertain in 30 states	Page 12, Figures 10-14
Employment and Housing Non-Discrimination Protections			29 states offer no protections	Page 15, Figures 15-18
Ability to Serve Openly in U.S. Military			LGB Americans will soon be able to serve openly	Page 16, Figure 19
Freedom of Immigration and Travel			HIV travel ban lifted but LGBT Americans still cannot sponsor partners/spouses for immigration	Page 17
Coverage Under Safe-Schools and Anti-Bullying Laws			28 states have no laws	Page 18, Figure 20-21
Hate Crime Laws			Federal hate crime law and most state laws cover LGBT Americans	Page 20, Figure 22-23
Progress on HIV/AIDS			Men who have sex with men comprise growing share of new HIV cases	Page 21, Figure 24
Federal Domestic Spending on HIV/AIDS			Almost \$14 billion in spending, but much is global	Page 21, Figure 25
Lived Experience of LGBT Americans⁶				
Economic Lives of LGBT Americans	N/A		LGBT Americans more likely to live in poverty	Page 22, Figure 26
Experiences of Employment Discrimination	N/A		Up to 43% of LGB and 90% of transgender Americans face employment discrimination	Page 22
Expansion of Employer Non-Discrimination Policies			Three quarters of major U.S. businesses protect LGBT employees	Page 23, Figure 27
Health, Wellness and Access to Health Insurance	N/A		LGBT Americans face health disparities and lower rates of health insurance	Page 24, Figure 28
Access to Education	N/A		LGBT Americans more likely to be educated but also to experience bullying	Page 24
Incidents of Housing Discrimination	N/A		Between 11% and 27% of LGBT Americans experience housing discrimination	Page 24, Figure 29
Fewer Hate Crimes Based on Sexual Orientation ⁷		N/A		Page 25, Figure 30-31
LGBT Movement Capacity				
LGBT Organization Revenue			Over \$500 million in revenue but significantly out-resourced by opponents	Page 26, Figure 32
Contributions to LGBT Organizations by LGBT People			Less than 4% of LGBT Americans give to major LGBT organizations	Page 26, Figure 33

Timeline of Key Events since 2009

2009

- March: Washington State passes safe schools law
- April: Marriage in Iowa and Vermont
- May: Comprehensive relationship recognition in Nevada and Washington State
- June: Marriage in New Hampshire
- June: Census Bureau announces it will report the number of married same-sex couples in the 2010 Census
- June: North Carolina passes safe schools law
- July: Delaware prohibits discrimination based on sexual orientation
- July: D.C. passes law granting parenting rights to parents of children born via artificial insemination and parental presumption for children born to domestic partners
- October: Congress passes first federal legislation positively addressing sexual orientation and gender identity; Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act expands federal hate crime law to include sexual orientation and gender identity
- **November: Voters in Maine repeal marriage legislation previously approved by the legislature and signed by the governor**
- **December: Congress holds hearings, but the Employment Non-Discrimination Act (ENDA) fails to advance in House or Senate**
- December: Marriage in D.C.

2010

- January: New Mexico passes law granting legal parenting rights to parents of children born via artificial insemination
- January: Legislation lifting the HIV ban on immigration, signed into law by President Bush in July 2008, goes into effect
- April: Department of Health and Human Services requires hospital visitation rights for same-sex partners at all hospitals receiving Medicaid funding
- June: Department of Labor clarifies that employees caring for a domestic partner's child can take leave under the Family and Medical Leave Act
- June: State Department revises the sex marker policy for passports allowing transgender Americans to change their passports without undergoing sex reassignment surgery
- June: Illinois and New Hampshire pass safe schools laws
- July: Federal government releases first National HIV/AIDS Strategy
- July: Federal judge finds for the first time that a section of the federal Defense of Marriage Act (DOMA) is unconstitutional in Massachusetts v. Health and Human Services and Gill v. Office of Personnel Management
- August: Federal judge finds for the first time that denying same-sex couples access to marriage is unconstitutional in Perry v. Schwarzenegger, a challenge to California Proposition 8, passed in 2008
- September: Federal judge rules that the "Don't Ask, Don't Tell" policy is unconstitutional in Log Cabin Republicans v. U.S.
- September: New York passes safe schools law
- September: Florida court rules ban on adoption by gay parents is unconstitutional
- October: Department of Education issues guidance to schools about bullying and harassment
- **November: Three Iowa Supreme Court justices who were part of the unanimous pro-marriage decision are defeated in their retention election after a politicized campaign**
- December: Legislation initiating the repeal of "Don't Ask, Don't Tell" passes Congress and is signed by the President
- **December: North Carolina Supreme Court effectively eliminates second-parent adoption for same-sex couples in the state**

2011

- January: New Jersey passes safe schools law
- February: Comprehensive relationship recognition in Illinois and Hawai'i
- February: Department of Justice announces it will no longer defend DOMA in court
- March: Arkansas passes safe schools law
- **April: Legislative effort to extend marriage to same-sex couples in Maryland falls short**
- April: Arkansas court finds 2008 ban on adoption and foster care by unmarried couples is unconstitutional
- April: Hawai'i prohibits discrimination based on gender identity and expression
- **April: Indiana legislature votes in favor of a constitutional amendment banning marriage for gay couples; the measure must be passed by one more subsequent legislature and go before voters in order to become law**
- May: Delaware passes comprehensive civil union legislation (effective January 2012)
- May: Washington State passes legislation recognizing the non-biological parent of children born through artificial insemination
- May: Nevada passes legislation extending employment protections to transgender people
- May: The federal government releases guidance for departments and agencies on transgender federal employees
- **May: Tennessee enacts legislation prohibiting local cities and counties from passing non-discrimination ordinances (this legislation is now facing legal challenge)**
- **May: Minnesota legislators approve a ballot measure for a constitutional amendment to ban marriage for gay couples; measure must be approved by voters before becoming law**
- June: New York passes marriage equality legislation
- July: Rhode Island passes civil union legislation despite objections from LGBT organizations about abroad religious exemption
- July: Connecticut passes legislation extending non-discrimination protections to transgender people
- July: Federal officials certify the repeal of Don't Ask, Don't Tell, and complete repeal is scheduled for September 20, 2011

⁶ Very little trend data is available in this section. MAP expects that the 2013 edition of this report will include trend information about the economic circumstances of LGBT people and families as more data will be available, including data from the 2010 Census and subsequent years of the California Health Interview Survey.

⁷ Despite a decrease in the number of hate crimes based on sexual orientation reported by the FBI, data collected by the National Coalition of Anti-Violence Programs (NCAVP) in 2011 found that reports of anti-LGBT hate violence increased 13% from 2009 to 2010.

in revenue for the 10 largest anti-LGBT advocacy organizations. Revenue of the 39 largest LGBT social justice advocacy organizations declined by 20% from 2008 and 2009. LGBT community centers have responded to reduced revenue by reducing staff and operating hours.

- **One solution to the decline in LGBT revenue is more giving by LGBT Americans.** Individual donors represent the largest source of revenue for the largest LGBT advocacy organizations, and yet just 3.4% of LGBT Americans donated to such organizations in 2009.

INTRODUCTION

This report marks the third edition *The Momentum Report*, which the Movement Advancement Project (MAP) first released in 2007. *The Momentum Report* analyzes the LGBT movement's success in securing political, legal and social equality for lesbian, gay, bisexual and transgender (LGBT) Americans.

Methodology

The 2011 edition of *The Momentum Report* tracks four broad areas of progress:

1. Change in the cultural, social and political climate;
2. Progress on the key issues that present barriers for LGBT Americans;
3. Improvements in the lived experiences of LGBT Americans; and
4. The strength of the LGBT movement and its capacity to effect change.

Measuring progress toward equality for LGBT Americans is more art than science. Many data gaps exist, particularly comprehensive data about specific populations such as LGBT people of color or LGBT older adults, and also detailed data on the lived experiences of LGBT people.⁸ For this report, we rely on a variety of social, political and economic markers of LGBT equality.⁹ Data sources include surveys, polls, academic and LGBT movement research, media and government agency reports, and MAP's proprietary analyses.¹⁰ By presenting all of this information in one place, *The Momentum Report* provides a broad picture of recent and long-term accomplishments of the LGBT movement, as well as continuing challenges.

Who Are LGBT Americans?

LGBT Americans are much like other Americans—they have families, work hard to earn a living, pay taxes, and serve in their communities and in the military. Recent research by the Williams Institute finds that approximately 3.5% of the adult U.S. population identifies as lesbian, gay or bisexual, and 0.3% identifies as transgender.¹¹ Applying these figures to the total number of adults in the U.S., this research suggests that there are nearly 9 million LGBT adults.

The LGBT community is diverse and lives throughout the U.S.; same-sex couples can be found in every state and in 99.3% of all U.S. counties.¹² Data from the Census show that 24% of people in same-sex relationships identify as people of color, compared to 22% of people in heterosexual married couples.¹³ Similarly, a recent survey of more than 6,400 transgender Americans found that 24% identified as people of color.¹⁴

LGBT people are neighbors, partners, parents, coworkers and service members. Of the half million same-sex couples in the U.S., more than one-quarter have entered into a legally-recognized relationship.¹⁵ Today there are roughly 2 million children living with an LGBT parent.¹⁶ More than 1 million lesbians and gay men are veterans,¹⁷ and an estimated 71,000 currently serve in the U.S. military.¹⁸ Despite the fact that LGBT people have higher levels of education and are more likely to be employed than heterosexuals,¹⁹ research finds that LGBT Americans, particularly LGBT families with children and LGBT families of color, have higher rates of poverty.²⁰

⁸ For a deeper discussion of the need for richer and more complete data, see the Appendix.

⁹ In some cases, we use the data as is (i.e., we collect and share Gallup polling data on how Americans view gay people). In other cases, we recode or reanalyze data (i.e., 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).

¹⁰ Available here: <http://lgbtmap.org/2010-national-lgbt-movement-report>

¹¹ Gary J. Gates, "How Many People are Lesbian, Gay, Bisexual, and Transgender?" The Williams Institute, April 2011.

¹² Gary J. Gates and Jason Ost, *The Gay and Lesbian Atlas*, Washington, D.C.: Urban Institute Press, 2004.

¹³ Adam P. Romero, Amanda K. Baumle, M.V. Lee Badgett and Gary J. Gates, "Census Snapshot: United States," December 2007.

¹⁴ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

¹⁵ The Williams Institute, "New Estimate of 50,000 to 80,000 Married Same-Sex Couples in the U.S.," February 2011.

¹⁶ MAP analysis using data from Gary J. Gates at The Williams Institute, U.S. Census Bureau, the California Health Interview Survey, the National Survey of Family Growth, and the National Transgender Discrimination Survey.

¹⁷ Gary J. Gates, "Gay Veterans Top One Million," The Urban Institute, July 2003.

¹⁸ Gary J. Gates, "Lesbian, Gay, and Bisexual Men and Women in the U.S. Military: Updated Estimates," The Williams Institute, May 2010.

¹⁹ Of individuals in same-sex couples, 78% are employed compared to 65% of individuals in heterosexual married couples; Romero et al., "Census Snapshot: United States."

²⁰ Randy Albelda, M.V. Lee Badgett, Alyssa Schneebaum and Gary J. Gates, "Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, March 2009; Grant et al., "Injustice At Every Turn."

The Goal: Equal Opportunity to Participate in American Life

Like other Americans, LGBT Americans want to have an equal opportunity to participate in American life, including the following five broad areas:

- The pursuit of health and happiness. This includes freedom from stigma and discrimination and the ability to access competent health care and health insurance.
- The ability to earn a living and provide for one's family. This includes not being unfairly fired from a job for reasons that have nothing to do with job performance; and not being denied worker benefits, as well as tax credits and deductions, that are available to one's heterosexual colleagues.
- The ability to serve their country. This includes military service, but also volunteerism in local communities and service in public office.
- The ability to be safe in their communities. This includes being free from harassment and the threat of violence and feeling safe in their communities, schools and places of worship.
- The ability to take care of their families. This means being free to marry and to adopt and parent children; being able to take time from work to care for a sick partner or child; and enjoying medical decision-making and visitation rights.

Securing the ability of all Americans, including LGBT people, to equally participate in American life requires work and progress on four fronts: changing the social climate, addressing discriminatory and outdated laws, improving the lived experiences of LGBT Americans, and increasing the strength and capacity of LGBT movement organizations.

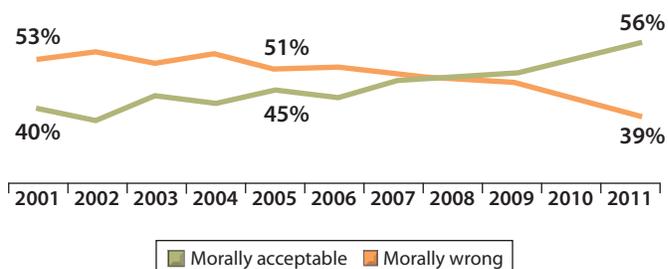
CULTURAL, SOCIAL AND POLITICAL CLIMATE

Increasing Public Support for LGBT People and Issues

Support for LGBT People. Public support for LGBT Americans is increasing steadily. As shown in *Figure 1*, in 2011 56% of Americans said they “believe gay or lesbian relations are morally acceptable,” an increase of 16 percentage points from 2001.²¹ Similarly, 64% of Americans said in 2011 that “gay or lesbian relations between consenting adults” should be legal; the public was about evenly divided on this question until 2005.²²

Support for Marriage. In August 2010, for the first time, a major national poll (by CNN) found that a majority of Americans (52%) agreed that “gays and lesbians should have a constitutional right to get married and have their marriage recognized by law as valid.”²³ Since then, five additional national polls have shown a majority of Americans in support of marriage,²⁴ including the 2011 Gallup Poll, which found that support for marriage equality rose to 53% in 2011, compared to just 40% of Americans in 2009 (see *Figure 2* on next page).²⁵ According to an analysis of marriage polls since 1988, the rate at which Americans are moving from opposition to support is increasing (see *Figure 3* on next page). To put it another way, we are seeing an accelerated increase in those who support marriage for gay couples.²⁶

Figure 1: Majority of Americans Now Say Same-Sex Sexual Relations are Morally Acceptable



Source: Gallup Poll, “Social Series: Values and Beliefs,” 2011.

²¹ Gallup, “Values and Beliefs Poll,” May 2011.

²² Ibid.

²³ CNN Opinion Research Poll, August 11, 2010.

²⁴ CBS News Poll, October 2010; ABC News/Washington Post Poll, “Gay Marriage,” March 2011; CNN Poll, April 2011; Public Religion Research Institute, “Religion and Politics Tracking Survey,” May 2011; Gallup, “Values and Beliefs Poll,” May 2011.

²⁵ Gallup, “Values and Beliefs Poll,” May 2011.

²⁶ Nate Silver, “Gay Marriage Opponents Now in Minority,” FiveThirtyEight (NYTimes.com blog), April 20, 2011.

Support for LGBT Families. Recent polls also find growing support for diverse families, including LGBT families. A May 2011 national poll found that 56% of Americans supported allowing gay and lesbian couples to adopt children, up 3% since 2010.²⁷ Data from the Pew Research Center also found that only 35% of Americans view gay and lesbian parenting as a “bad thing,” down from 50% in 2007, and a drop of 21 percentage points since 1997 (when 56% said such parenting was a “bad thing”).²⁸

Support for Equal Employment Opportunities and Compensation. A strong and stable majority of Americans support equal job opportunities for gay men and lesbians, so much so that Gallup stopped asking the question in 2008 after several consecutive years of near-90% public support (see *Figure 4*). Despite these figures showing broad support for employment protections, a 2010 national poll found that a majority of Americans (62%) were unaware that, in most states, LGBT people could be fired because of their sexual orientation,²⁹ and 89% of Americans incorrectly believed that a federal law exists prohibiting such discrimination.³⁰

Increasing Visibility of LGBT People in the Media

The increasing visibility of LGBT people in mainstream media likely both reflects and contributes to the growing acceptance of LGBT people. At the beginning of the 2010-2011 television season, there were 23 openly LGBT characters on primetime broadcast network television, up from 16 in 2009 and just six in 2001.³¹ Despite this progress, there are still no recurring transgender characters on broadcast network television, though *Degrassi: The Boiling Point*, a series on TeenNick cable television, includes Adam, a transgender teenage boy.

Television not only includes more LGBT characters, it is also providing a broader perspective of LGBT people and the unique challenges they face. For example, popular television shows in 2011 featured a gay high school student coping with bullying on Fox’s *Glee*, a gay male couple raising a child on ABC’s *Modern Family*, and a bisexual Latina on ABC’s *Grey’s Anatomy*.

²⁷ Public Religion Research Institute, “Religion and Politics Tracking Survey,” May 2011.

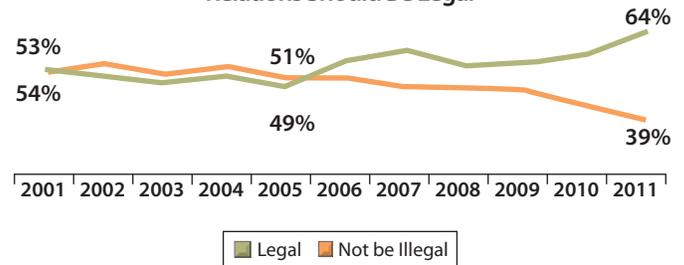
²⁸ Pew Research Center, “Beyond Red vs. Blue: The Political Typology,” May 2011; Pew Research Center, “State of the Union Mother’s Day Poll,” 1997.

²⁹ 2010 Out & Equal Workplace Survey conducted by Harris Interactive, Out & Equal and Witeck-Combs Communications.

³⁰ Jeff Krehely, “Polls Show Huge Public Support for Gay and Transgender Workplace Protections,” Center for American Progress, May 2011.

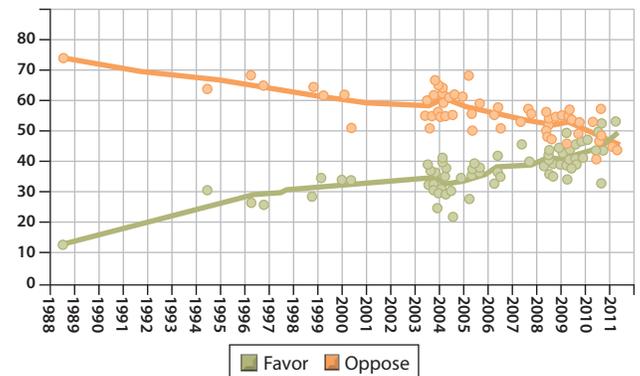
³¹ This includes only those characters on the five broadcast networks (ABC, CBS, CW, Fox and NBC); GLAAD, “Where We Are On TV: 2008-2009 Season,” “Where We Are On TV Report: 2010-2011 Season” and “The 2001-2002 Television Season.”

Figure 2: Majority of Americans Now Say Same-Sex Sexual Relations Should Be Legal



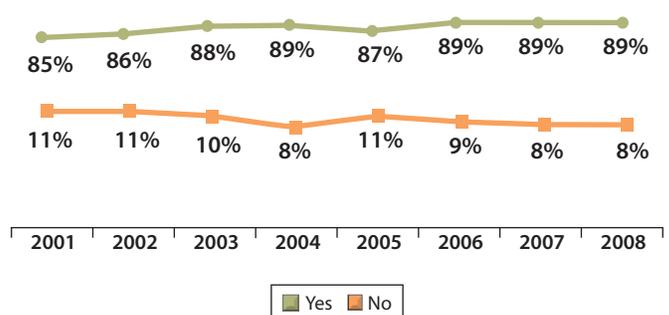
Source: Gallup Poll, “Social Series: Values and Beliefs,” 2011.

Figure 3: Support for Marriage Equality, 1988-2011
Same Sex Marriage: Public Polls since 1988



Reprinted with permission from Nate Silver, “Gay Marriage Opponents Now in Minority,” FiveThirtyEight (NYTimes.com blog), April 20, 2011.

Figure 4: Public Support for “Equal Rights in Terms of Job Opportunities Since 2001”



Source: Gallup Poll, “Social Series: Values and Beliefs,” 2011.

Public expressions of support for LGBT people have also increased, especially in social media. An example is the It Gets Better Project, created by gay columnist and author Dan Savage and his partner Terry Miller. Following a series of highly publicized suicide deaths of youth who were known or believed to be gay, It Gets Better resulted in more than 20,000 videos encouraging LGBT youth with affirming and inspirational messages by celebrities, athletes, national leaders like President Obama and Secretary of State Hillary Clinton, and LGBT people and allies across the country.

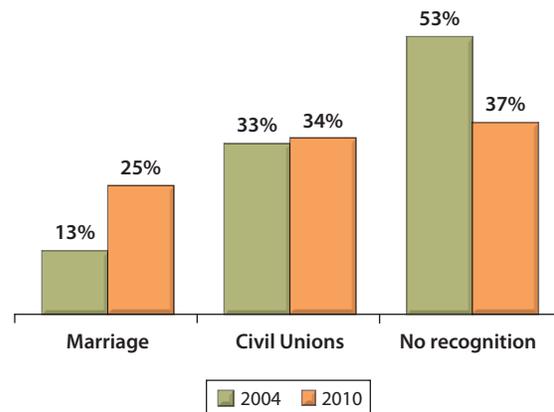
Increasing Political Support for LGBT Issues

In addition to growing public support and media visibility, there is evidence that support for LGBT people and issues is becoming increasingly bipartisan. For example, a growing number of elected officials and prominent political figures across party lines have expressed support for marriage for gay couples (see sidebar). Polling data also reflect this trend. A May 2011 poll of Republicans found that 51% supported relationship recognition for same-sex couples.³² CBS polls comparing data from 2004 and 2010 found a 12-point increase in Republican support for marriage, from 13% to 25%, with a combined 59% supporting either marriage or civil unions in 2010 (see *Figure 5*).³³

Another important political change is the growing number of LGBT elected and appointed government officials. The November 2010 elections brought the number of openly LGBT officials in public office to a record 705, including four openly gay or lesbian members of Congress.³⁴ There was also progress elsewhere in government. In 2011, for example, President Obama nominated four openly gay and lesbian lawyers to the federal bench. Also, Victoria Kolakowski, who won election as a Superior Court judge in Alameda County, Calif., became the first openly transgender judge in the U.S.³⁵ Finally, the Obama administration has appointed more than 170 openly LGBT professionals to positions within the executive branch.³⁶

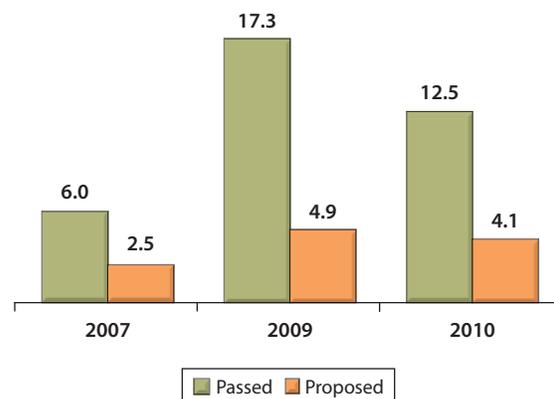
Yet another way to gauge changes in the political climate is to examine legislation introduced over the past several years. According to the Human Rights Campaign's *Equality from State to State 2010*,³⁷ there were 478 pieces of pro-LGBT state legislation introduced in 2010 versus 116 anti-LGBT bills—a ratio of 4:1 positive to negative. Of introduced legislation, 50 pro-LGBT pieces of legislation passed and only four anti-LGBT measures passed (see *Figure 6*).

Figure 5: Republican Voter Support for Relationship Recognition, 2004 and 2010



Source: CBS News Polls, May 2004 and August 2010.

**Figure 6: Increasing Support in State Legislatures
Ratio of LGBT-Favorable to LGBT-Unfavorable Bills**



Source: Human Rights Campaign, "Equality from State to State, 2010," 2011.

³² Public Policy Polling, May 2011.

³³ CBS News Polls, May 2004 and August 2010.

³⁴ Data provided by the Gay and Lesbian Victory Fund; Gay Politics, "Record Number of LGBT Candidates Elected To Office," November 3, 2010.

³⁵ There are currently two openly gay or lesbian federal judges on the bench, Deborah Batts, confirmed in 1994, and J. Paul Oetken, who was nominated by President Obama and confirmed in 2011.

³⁶ Victory Fund and the Gay and Lesbian Leadership Institute, "Presidential Appointments Project."

³⁷ Human Rights Campaign, "Equality from State to State, 2010," 2011.

PROGRESS BY ISSUE

Marriage and Relationship Recognition

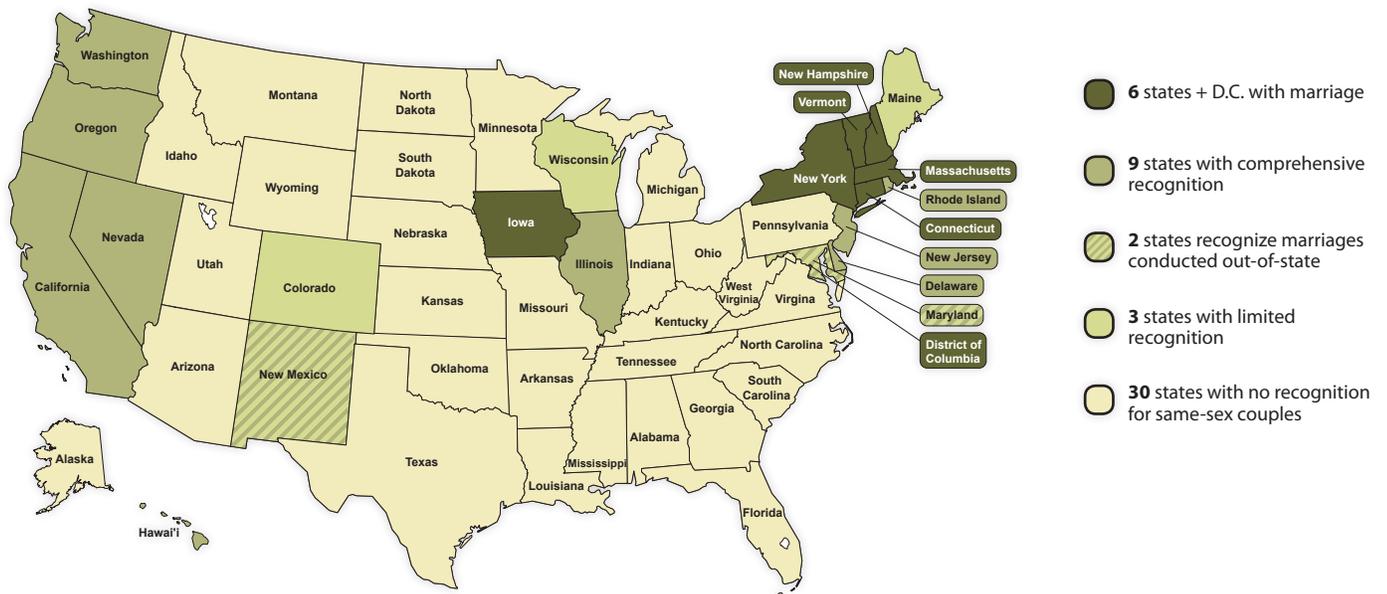
As shown in *Figures 7 and 8*, over the past decade, the U.S. has moved from one state granting comprehensive relationship recognition for same-sex couples to 15 states and D.C. allowing either marriage or comprehensive recognition. Despite this progress, most

LGBT people (53%) in the U.S. live in states that lack any type of formal relationship recognition (see *Figure 9* on next page).³⁸ Among the 47% of LGBT people who live in states with relationship recognition laws, 14% are in states that have full marriage equality; 27% are in states with comprehensive recognition, such as domestic partnerships or civil unions; and 6% are in states that provide limited recognition for same-sex couples.

Figure 7: Relationship Recognition in 2001



Figure 8: Relationship Recognition in 2011



³⁸ While Maryland and New Mexico recognize the marriages of same-sex couples conducted in other states, they are not included in these estimates because they do not directly offer relationship recognition to same-sex couples.

Recent Progress and Setbacks

State and federal progress. Considerable positive progress in marriage and relationship recognition for same-sex couples has been made since early 2009. Notable advances include:

- ✓ Four states (Iowa, Vermont, New Hampshire and New York) and D.C. all extended marriage to same-sex couples. Iowa did so through a court decision, while the other jurisdictions did so legislatively.
- ✓ Six states (Delaware, Hawai'i, Illinois, Nevada, Rhode Island and Washington State) extended comprehensive relationship recognition through domestic partnerships or civil unions. Legislation extending civil unions in Rhode Island was opposed by many LGBT organizations because of its broad religious exemptions (see "Setbacks" below).
- ✓ Two states (Colorado and Wisconsin) established limited recognition for same-sex couples.
- ✓ Attorneys general in Maryland and New Mexico issued opinions recognizing the legal marriages of same-sex couples performed out-of-state.
- ✓ Federal legislation to repeal DOMA, called the Respect for Marriage Act, was introduced for the first time in 2009 and again in 2011.³⁹

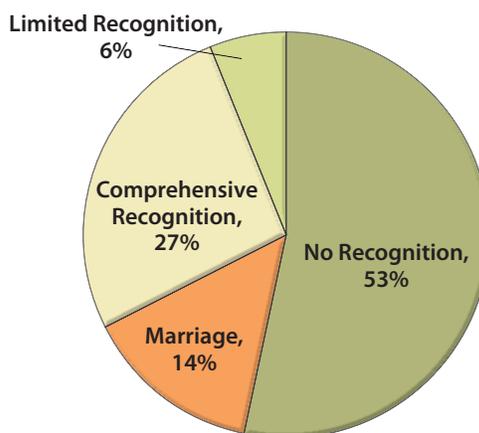
State and federal setbacks. At the same time, there have also been setbacks such as:

- ✗ Voters repealed legislation extending marriage to same-sex couples in Maine.
- ✗ Efforts to advance marriage or civil unions stalled in Colorado and Maryland despite public opinion polls showing support for such recognition.
- ✗ In Rhode Island, the broad religious exemption language included in the state's civil union law may mean that religious institutions can ignore the legal protections that the legislation ostensibly provides same-sex couples. For example, religious hospitals may be able to deny a same-sex partner hospital visitation or medical decision-making rights.
- ✗ The Indiana and Minnesota legislatures advanced constitutional amendments to ban marriage for same-sex couples (both states currently have statutes banning gay couples from marriage). To become law, the amendments must be approved again by the legislatures and/or put to a public vote. Similar attempts to amend state constitutions

Prominent Republicans and Democrats Increasingly Support Marriage for Gay Couples

- Prominent Republicans who have expressed support for marriage equality include former Vice President Dick Cheney, former Republican National Committee Chair Ken Mehlman, former First Lady Laura Bush, Cindy McCain and Meghan McCain.
- At a May 2011 Republican presidential debate, Rep. Ron Paul said the government should stay out of marriage. His comment, "If we want to have something to say about marriage, it should be at the state level and not at the federal government," received loud applause from the audience.
- Also this year, the Republican mayor of New York City, Michael Bloomberg, along with other prominent Republican donors, spoke out in support of marriage equality legislation in New York.
- In December 2010 President Obama stated that his own views on marriage equality for same-sex couples were "constantly evolving."⁴⁰ Vice President Joe Biden echoed these sentiments a few weeks later: "I think the country's evolving and I think there's an inevitability for a national consensus on gay marriage," said the Vice President.⁴¹

Figure 9: Availability of Relationship Recognition
% of LGBT population living in states with...



Source: Human Rights Campaign, "Equality from State to State, 2010," 2011.

³⁹ In July 2011, the Senate held the first hearing on the repeal of DOMA.

⁴⁰ Brian Montopoli, "Obama Stands by Opposition to Same-Sex Marriage — but Feelings 'Evolving,'" CBS News, December 22, 2010.

⁴¹ Tom Diemer, "Joe Biden on Gay Marriage: Legalization is 'Inevitable,'" Politics Daily, December 24, 2010.

to ban gay couples from marrying were initiated in Iowa, New Hampshire, New Mexico, North Carolina and Wyoming, but they have not advanced.⁴²

- ✘ Following the unanimous Iowa Supreme Court decision extending marriage to same-sex couples, three Iowa Supreme Court judges were unseated by voters due to a politicized campaign criticizing the decision.

Administrative progress. The following were among the recent advances at the administrative level in ensuring recognition of same-sex couples:

- ✓ In 2010, the Obama administration expressed support for the Domestic Partner Benefits and Obligations Act, which would allow federal employees to enroll a same-sex partner in federal health insurance benefits.
- ✓ In a striking legal move, the Department of Justice (DOJ) announced in early 2011 that it would no longer defend DOMA because it concluded the law was unconstitutional. And in July 2011, DOJ filed a brief supporting a federal challenge to DOMA, in which it acknowledged the government's "significant and regrettable role" in discrimination against gay men and lesbians.⁴³ The defense of DOMA has now been taken up by the House of Representatives and Speaker John Boehner. DOMA remains in effect.
- ✓ A federal bankruptcy court in California found a part of DOMA unconstitutional in a bankruptcy filing brought by a same-sex couple. Remarkably, 20 bankruptcy judges from the district signed the ruling.⁴⁴ The Department of Justice announced that it would no longer seek dismissal of similar cases filed by same-sex couples married under state law.⁴⁵
- ✓ The Census Bureau announced that it would report the numbers of same-sex couples who use the term *husband* or *wife* in the 2010 Census, as opposed to essentially "unmarrying" such couples by reporting them as unmarried partners.

Parental Recognition and Adoption Law

To address situations in which an LGBT parent lacks legal ties to a child whom he or she is raising,⁴⁶ some jurisdictions permit a "second-parent adoption," allowing the second parent to become a legal parent to the child without terminating the rights of the existing parent. In 2001, five states and D.C. definitively allowed second-

parent adoptions, while four states made such adoptions unavailable to LGBT families (see *Figure 10* on the next page). Today, 20 states and D.C. definitively allow such adoptions, while seven states have laws, policies or court decisions that make second-parent adoptions unavailable (see *Figure 11* on the next page).⁴⁷

Same-sex couples may also wish to form families by adopting children jointly. Currently, 17 states and D.C. expressly allow joint adoption by same-sex couples, while three states expressly prohibit same-sex couples from jointly adopting (see *Figures 12* and *13* on Page 13).⁴⁸ In the remaining states, LGBT families' ability to access joint and second-parent adoption is uncertain.

As shown in *Figure 14* on Page 13, 49% of the LGBT population can currently access second-parent adoption, while 44% can access joint adoption.⁴⁹

Recent Progress and Setbacks

State and federal progress. The past several years have brought important advances for LGBT families and their children:

- ✓ D.C., New Mexico and Washington State passed legislation granting legal parentage to both mothers of children born to lesbian couples via donor insemination.
- ✓ A Florida Appeals Court struck down the state's ban on adoption by "homosexuals."
- ✓ The Arkansas Supreme Court struck down a voter-approved ban prohibiting all unmarried couples (including all same-sex couples, who cannot legally marry in Arkansas) from adopting or fostering.
- ✓ In 2009, the first federal legislation to prohibit discrimination in federally financed adoption and foster care (the Every Child Deserves a Family Act) was introduced. The law was reintroduced in 2011 but has not yet advanced in Congress.

⁴² Efforts in North Carolina were still under consideration at the time of this report's publication.

⁴³ Chris Geidner, "DOJ: Court Should Not Dismiss Karen Golinski's Health Benefits Claim, Should Instead Find DOMA Unconstitutional," *MetroWeekly.com*, July 1, 2011.

⁴⁴ Chris Geidner, "Bankruptcy Court: DOMA Unconstitutionally Limits Same-Sex Married Couples from Joint Bankruptcy Filing," *MetroWeekly.com*, June 13, 2011.

⁴⁵ Chris Geidner, "U.S. Trustee Withdraws Appeal of Gay Couple's Bankruptcy Court DOMA Victory," *MetroWeekly.com*, July 7, 2011.

⁴⁶ For example, this might occur when the parent is functioning as a stepparent but cannot marry and complete a stepparent adoption, or when the lesbian partner of a woman who gave birth using donor insemination is not recognized as a legal mother.

⁴⁷ Kentucky, Mississippi, Nebraska, North Carolina, Ohio, Utah and Wisconsin.

⁴⁸ Mississippi, North Carolina and Utah.

⁴⁹ The 2009 edition of *The Momentum Report* included in the percent of the LGBT population with access to adoption those people living in states where such adoptions are permitted in some jurisdictions, but not throughout the entire state. In this edition, we track only the percent of the population that has access to adoption statewide.

Figure 12: Joint Adoption in 2001

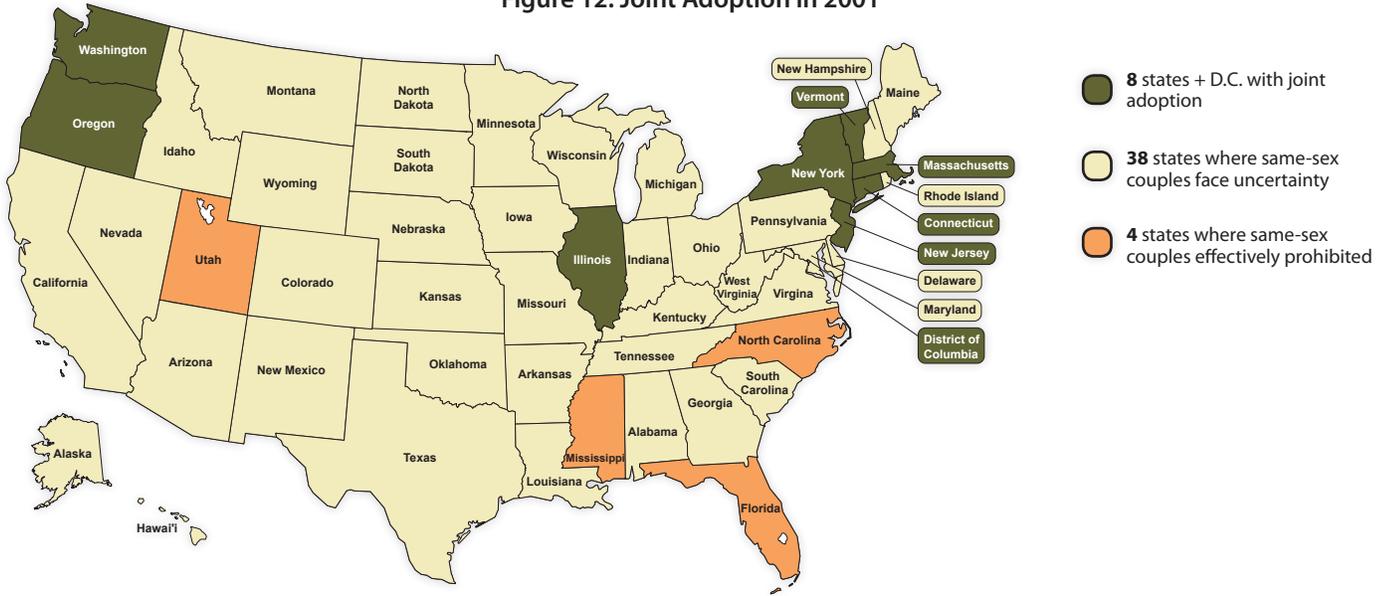


Figure 13: Joint Adoption in 2011

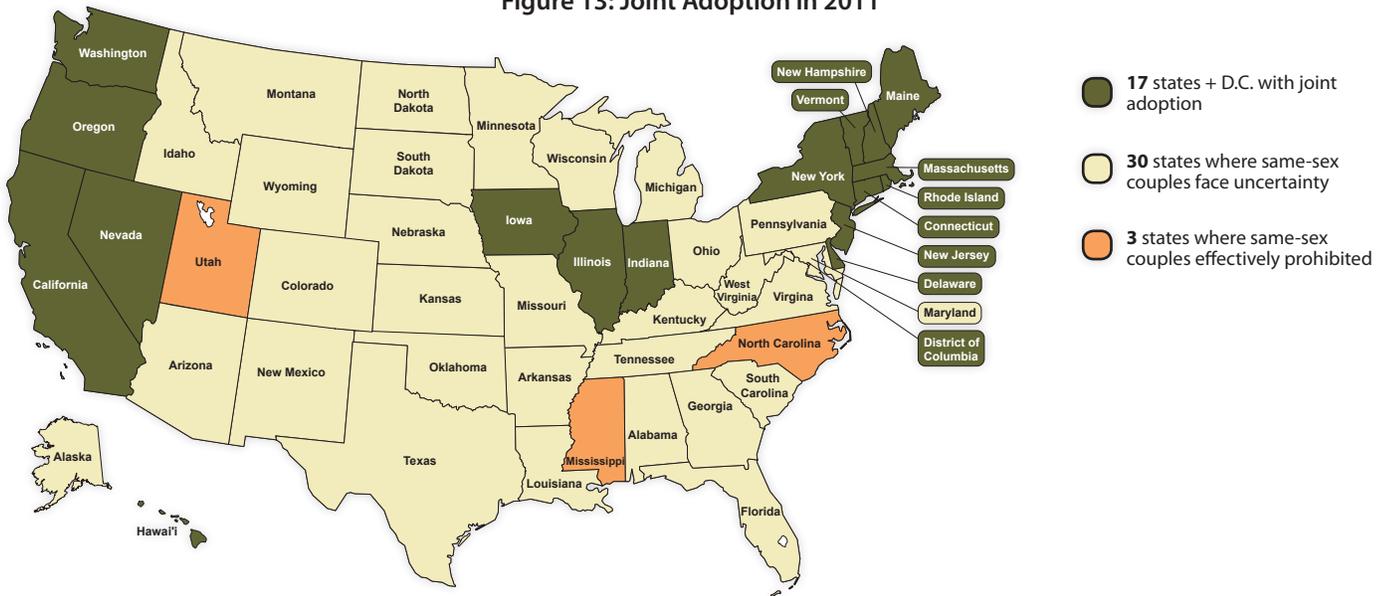
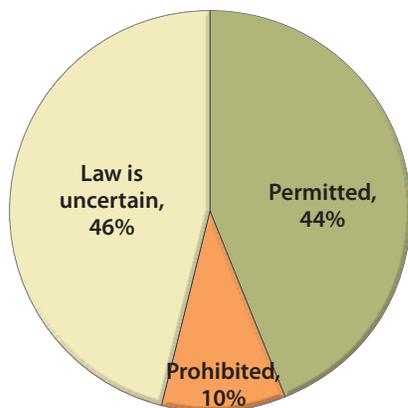


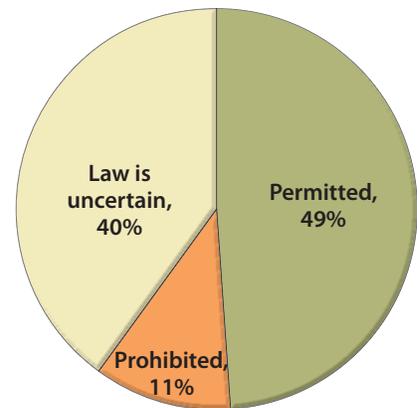
Figure 14: Parenting Rights Are Widely Unavailable

% of LGBT population living in states permitting...

Joint Adoption by Same-Sex Couples



Second-Parent Adoption by Same-Sex Couples



Source: MAP legal analysis and estimates of LGBT populations by state using Williams Institute data, 2011.

Administrative progress. Among the recent LGBT advances at the administrative level are the following:

- ✓ In June 2010, the U.S. Department of Labor clarified that the definition of “son and daughter” under the Family and Medical Leave Act allows any employee who assumes the role of caring for a child to take family leave regardless of his or her legal or biological relationship to the child.⁵⁰ This change is particularly important for LGBT parents who, if denied stepparent or second-parent adoption, may be unable to establish legal ties to children they are raising or have cared for since birth.
- ✓ In early 2011, the State Department revised passport application forms to include space for “Mother/Parent 1” and “Father/Parent 2” in recognition of the diversity of American families.

Non-Discrimination in Employment and Housing

Legal Landscape

Many Americans do not understand that in the majority of states, employers can legally fire a high-performing worker simply because that worker is LGBT. In 2001, just 10 states and D.C. had laws prohibiting discrimination in employment and housing based on sexual orientation. By 2011, 21 states and D.C. (see *Figures 15* and *16* on the next page) prohibited such discrimination. For transgender Americans, only one state’s non-discrimination law included gender identity and expression in 2001. This number had risen to 15 states and D.C. by 2011.

There is no federal law that provides workplace protections for LGBT Americans. In addition, while the federal Fair Housing Act prohibits housing discrimination based on sex/gender (among other things), it does not currently prohibit discrimination based on sexual orientation or marital status. However, the Department of Housing and Urban Development has clarified that the prohibition on sex and gender discrimination includes gender identity discrimination, providing some presumed protection for transgender people.

The percent of the LGBT population living in states with sexual orientation non-discrimination laws has increased substantially over time (see *Figures 17* and *18* on the next page). In 2000, 28% of the LGBT population lived in such states. By 2005, this number grew to 42%, and in 2011, half of all LGBT Americans (50%) lived in states with these laws.

In addition to state and federal laws, there are also many towns, cities and counties with sexual orientation and/or gender identity non-discrimination laws. The National Gay and Lesbian Task Force estimates that 41% of Americans are covered at some level by protections for sexual orientation and gender identity *and* expression.⁵¹

Recent Progress and Setbacks

State and federal progress. Despite (or perhaps in response to) the lack of federal law protecting LGBT people from employment discrimination, many states have enacted their own non-discrimination laws. Since the last edition of *The Momentum Report*:

- ✓ Connecticut, Hawai‘i and Nevada passed legislation (in early 2011) extending employment protections to transgender employees.
- ✓ Federal legislation extending COBRA health insurance coverage to domestic partners was introduced for the first time in 2010 (but has not yet advanced).
- ✓ Federal legislation to allow partners to use unpaid leave to care for a sick partner was introduced for the first time in 2009 (but has not yet advanced).

State and federal setbacks. Despite these advances, progress has been mixed. Recent setbacks include:

- ✗ Efforts to extend employment protections to LGBT people or to add transgender protections to existing legislation have so far failed in Maryland, Massachusetts and Utah.
- ✗ Some Maine legislators introduced (but fortunately could not pass) legislation that would have removed important public accommodations protections for transgender people.
- ✗ In May 2011, Tennessee passed legislation prohibiting local cities from passing ordinances protecting LGBT people from discrimination. This legislation is now facing legal challenge.

Administrative progress. The following were among the recent advances at the administrative level in preventing discrimination against LGBT people:

- ✓ At a 2009 hearing on the Employment Non-Discrimination Act (ENDA), the Obama

⁵⁰ Department of Labor, “US Department of Labor Clarifies FMLA Definition of ‘Son and Daughter,’” June 22, 2010.

⁵¹ National Gay and Lesbian Task Force, “Jurisdictions with Explicitly Trans-Inclusive Discrimination Laws,” May 9, 2011.

Figure 15: Non-Discrimination Laws in 2001

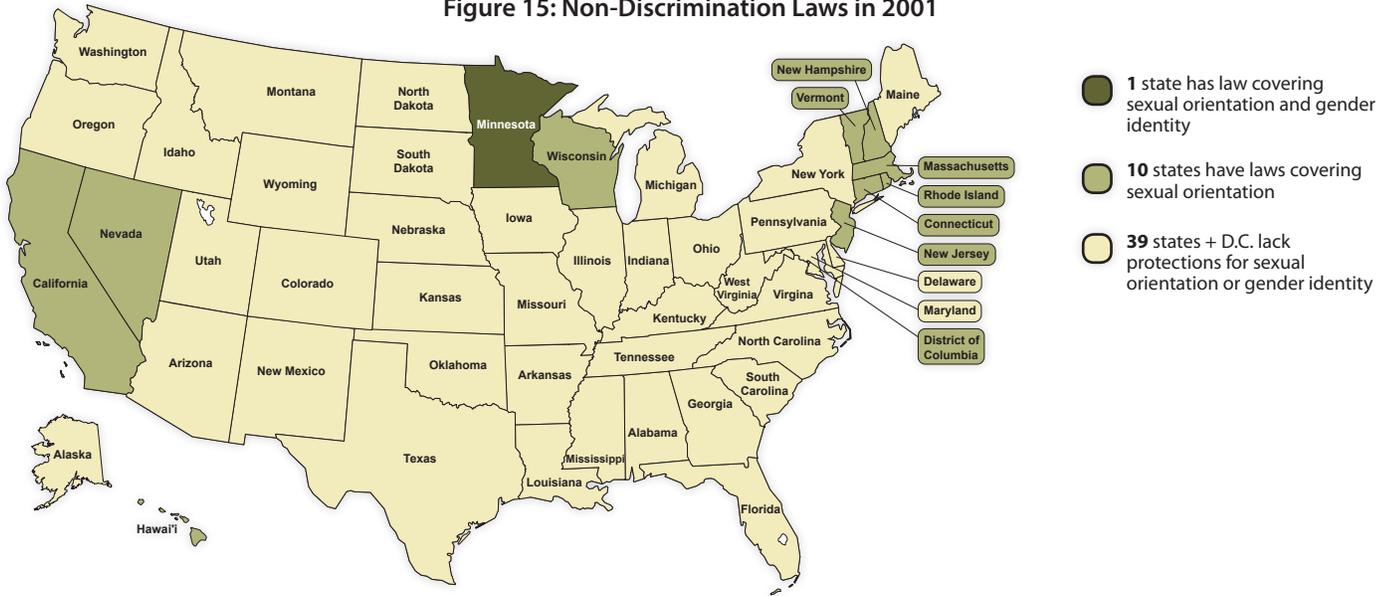


Figure 16: Non-Discrimination Laws in 2011

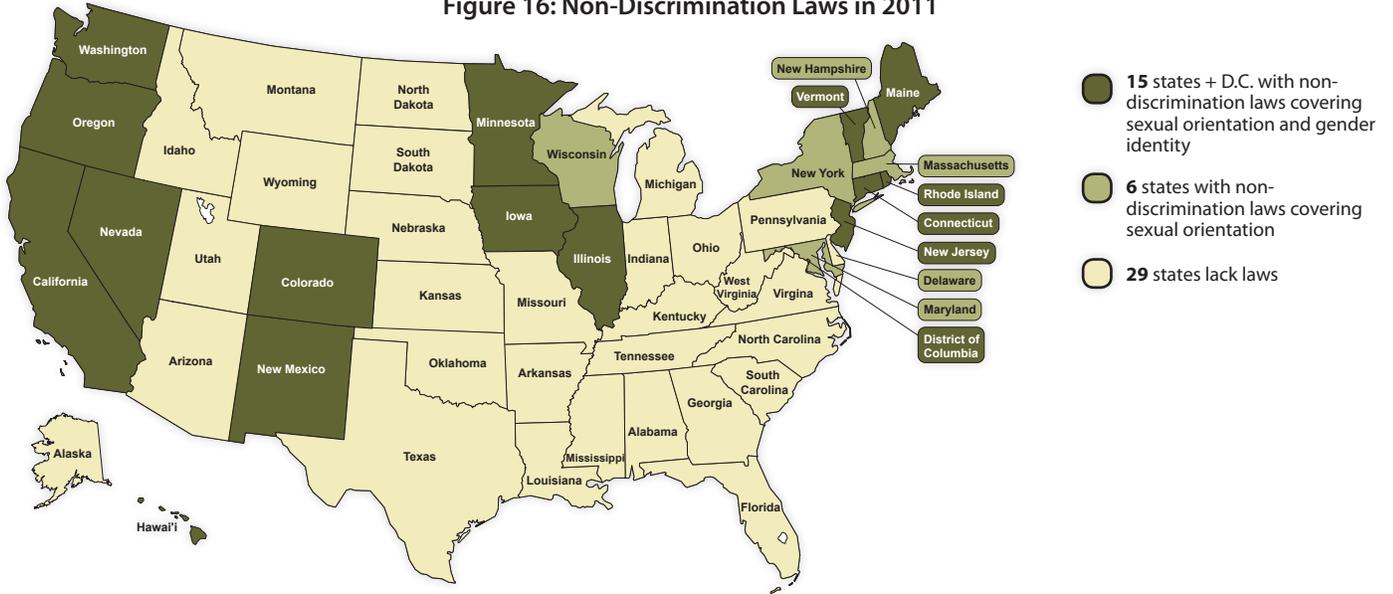
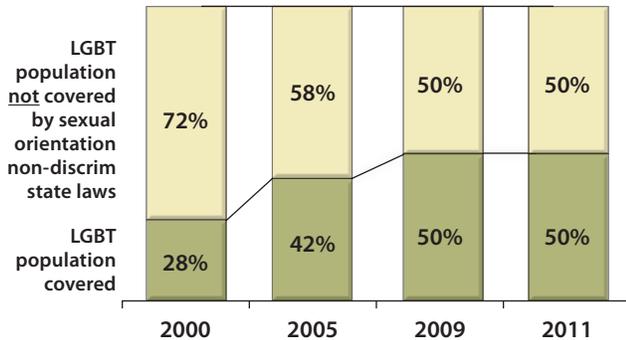
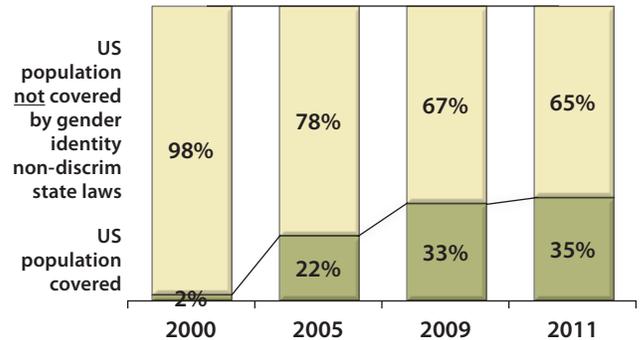


Figure 17: Recent Progress in Sexual Orientation Non-Discrimination Coverage



Source: MAP analysis of *State Nondiscrimination Laws in the U.S.*, National Gay and Lesbian Task Force, 2011; The Williams Institute, 2011; U.S. Census Data, 1995-2010.

Figure 18: 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, 2011; The Williams Institute, 2011; U.S. Census Data, 1995-2010.

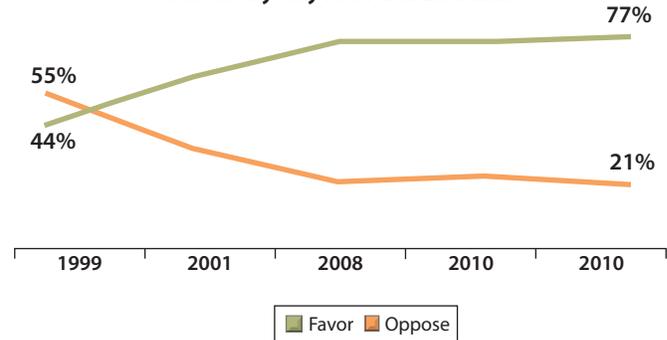
Administration became the first presidential administration to support federal legislation prohibiting employment discrimination based on sexual orientation and gender identity (though that legislation still has not advanced).⁵²

- ✓ The Obama administration issued guidance to all departments regarding the treatment of transgender employees of the federal government and added gender identity to the government's equal employment opportunity non-discrimination policies, handbooks, and notices (which already covered sexual orientation based on a 1998 executive order by President Bill Clinton).⁵³
- ✓ The administration also extended some federal benefits, such as long-term health insurance and relocation assistance, to the same-sex partners of federal employees and instructed agencies to allow employees to take leave without pay to attend to a partner's medical needs.⁵⁴
- ✓ The Department of Housing and Urban Development (HUD) issued a clarification indicating that gender identity discrimination is prohibited under federal housing law and that LGBT families qualify for housing assistance under the current definition of family.
- ✓ HUD recently announced several proposals designed to ensure equal access to housing for LGBT people. These include amending the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity,⁵⁵ studying housing discrimination against LGBT people,⁵⁶ proposing a new rule clarifying that the term *family* includes LGBT individuals and couples,⁵⁷ and providing non-discrimination training for housing agency staff.

Military Service

One of the key successes of the LGBT movement in the past several years was the passage of legislation initiating repeal of "Don't Ask, Don't Tell." For 17 years, this policy prohibited openly LGB service members from serving in the military. Prior to passage of repeal legislation in December 2010, a federal court found "Don't Ask, Don't Tell" to be unconstitutional and ordered a worldwide moratorium on any dismissals under the policy.⁵⁸

Figure 19: Many Americans Support Open Military Service by Gay Men and Lesbians



Source: ABC News/Washington Post Poll.

In July 2011, the military completed the certification process, and Don't Ask, Don't Tell will be officially repealed on September 20, 2011. Military personnel were trained and policies were written to ensure that LGB Americans can serve openly in the military without affecting military readiness. Repeal is supported both by the public (see *Figure 19*) and the troops. In an official government survey of nearly 400,000 service members and family members, 70% of service members said that having an openly gay or lesbian member in their immediate unit would have a positive, mixed, or no effect on the unit's ability to work together.⁵⁹

Unfortunately, transgender Americans are still prohibited from serving in the military under a medical exclusion. Additionally, the military does not have a non-discrimination policy covering LGB service members, which means that even once "Don't Ask, Don't Tell" is repealed, LGB service members may continue to face harassment, discrimination or other unfair treatment.

⁵² As of the printing of this publication, ENDA has not advanced in the House or the Senate.

⁵³ Office of Personnel Management, "Employment of Transgender Individuals: Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace", May 27, 2011.

⁵⁴ Ed O'Keefe, "Gay workers Can Take Leave Without Pay," *The Washington Post*, September 14, 2010.

⁵⁵ HUD, "The State of Fair Housing: Annual Report of Fair Housing FY 2009," 2010.

⁵⁶ *Ibid.*

⁵⁷ This rule would also require local housing agencies to comply with local and state non-discrimination laws covering sexual orientation and/or gender identity. In addition, the rule specifies that receipt of an FHA-insured mortgage must be based on the credit-worthiness of the applicants and not on unrelated factors such as sexual orientation or gender identity. HUD, "Proposed Rule: Equal Access to Housing in HUD Programs—Regardless of Sexual Orientation or Gender Identity," *Federal Register*, January 24, 2011.

⁵⁸ This case, *Log Cabin Republicans v. USA*, was decided in September 2010 and was the first case that found DADT to be unconstitutional.

⁵⁹ Department of Justice, Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell," November 30, 2010.

Immigration and Travel

There are an estimated 36,000 same-sex couples living in the U.S. in which one member is not a U.S. citizen. Because same-sex couples cannot marry in most states, and because even those who can are not recognized as married by the federal government, LGBT Americans are unable to sponsor their foreign-born partners or spouses for the purposes of immigration. This means that binational same-sex couples can be ripped apart. While precise numbers are not readily available, it's clear that many permanent partners of LGBT Americans have been deported because of their unequal treatment under the law.

Recent Progress and Setbacks

Administrative progress. Although full immigration rights are lacking for LGBT people, recent years have seen several positive developments in their ability to travel and immigrate to the U.S. These include:

- ✓ President Obama announced in 2009 that the U.S. government was lifting the ban on immigration and travel by individuals living with HIV.
- ✓ In May 2011, the Department of Justice put on hold an immigration decision that would have resulted in the deportation of a member of a same-sex binational couple so that the deportation case could be reviewed.⁶⁰ Deportation cases continue to be reviewed on a case-by-case basis, particularly for binational couples who are legally recognized at the state level through marriage, civil union, or domestic partnership.
- ✓ A June 2011 Immigration and Customs Enforcement (ICE) memo outlined criteria that could be taken into consideration in deportation cases, and this list includes several criteria that could be met by binational married couples.⁶¹
- ✓ The Obama administration announced that it would no longer require proof of sex reassignment surgery in order to change the sex classification on one's passport. Instead, applicants can have a doctor certify that they have received appropriate treatment for gender transition, which may or may not include sex reassignment surgery. This is a critical change for transgender Americans, who often avoided international travel rather than traveling with a passport that did not match their gender identity and/or expression.

- ✓ In June 2011, the Office of Refugee Settlement, a division of the Department of Health and Human Services, awarded a \$250,000 contract to Heartland Alliance of Chicago to create a training and technical assistance resource center to support the resettlement of LGBT refugees.⁶²

Safe Schools and Anti-Bullying Laws

The past 10 years have seen a rapid increase in the number of states with safe schools laws. Safe schools laws may generally prohibit discrimination based on sexual orientation and/or gender identity within the school setting, or they may more explicitly prohibit bullying and harassment of students based on certain characteristics, including sexual orientation and/or gender identity. Today, 15 states and D.C. have safe schools laws that protect students based on sexual orientation *and* gender identity, while an additional three states protect students solely based on sexual orientation. There were no states with such protections in 2001. (See *Figures 20* and *21* on next page).

Recent Progress and Setbacks

Expansive news coverage of several 2010 suicide deaths of youth known or believed to be gay spurred an unprecedented discussion about LGBT youth and their experiences of bullying and harassment. Part of this conversation centered on ensuring that schools are safe places for LGBT youth.

State and federal progress. Since the beginning of 2009:

- ✓ Six states passed safe schools laws, all of which protected students based on sexual orientation and gender identity and expression: Arkansas, Illinois, New Hampshire, New York, North Carolina and Washington State.
- ✓ Arkansas, which passed anti-bullying legislation in April 2011, became the first state in the South to extend such protections.
- ✓ New Jersey passed legislation augmenting existing anti-bullying legislation passed in 2002. Considered one of the toughest anti-bullying laws in the U.S., the 2010 legislation requires anti-bullying

⁶⁰U.S. Department of Justice, Matter of Paul Wilson Dorman, 25 I&N Dec. 485 (A.G. 2011).

⁶¹The memo was issued in connection with an ICE decision in late June 2011, when the deportation of Henry Velandia, a Venezuelan married to an American citizen, was canceled.

⁶²Administration of Children and Families, Department of Health and Human Services, "ACF Awards a Targeted Awareness Training Grant for LGBT Refugees," June 15, 2011.

Figure 20: Safe Schools Laws in 2001



Figure 21: Safe Schools Laws in 2011



programs in all public schools, as well as codes of conduct in public colleges and universities.

✓ In 2010, the federal Student Non-Discrimination Act was introduced for the first time. Along with the Tyler Clementi Higher Education Anti-Harassment Act, introduced in 2011, this legislation would protect students from bullying or harassment. Neither piece of legislation has advanced to date.

✓ Legislation passed in California requires that the contributions of LGBT Americans be included in public school social studies curriculum.

State and federal setbacks. Despite research showing the harms associated with bullying and harassment, several states tried to advance legislation limiting the protections and resources available to LGBT students, including:

- ✘ Legislation in Tennessee would prohibit teachers from discussing gay people in the classroom before the ninth grade. The so-called “Don’t Say Gay” bill was approved by the Senate but has not been taken up by the House.

Administrative progress. The U.S. currently lacks a federal law protecting LGBT students against discrimination. However, the Obama Administration has taken several steps to protect LGBT students, including:

- ✓ In August 2010, the Obama Administration hosted the first-ever Federal Bullying Prevention Summit. This was followed in June 2011 by the Federal LGBT Youth Summit, at which the Department of Education announced its support for the formation of gay-straight alliances (GSAs) at public high schools.
- ✓ In October 2010, the Department of Education issued a “Dear Colleague” letter to schools, colleges and universities outlining schools’ responsibilities in protecting students. Included in this letter were several examples of anti-LGBT bullying and harassment with instructions on how such bullying should be addressed.
- ✓ In March 2011, President Obama spoke at the White House Bullying Conference, to which several LGBT leaders were invited. At this conference, the Administration launched an interagency website as part of the Stop Bullying Now campaign with materials and information for educators, parents and communities.⁶³

Hate Crimes

Central to ensuring LGBT Americans’ safety are laws addressing crimes motivated by anti-LGBT bias. The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gives the Department of Justice the ability to investigate and prosecute crimes when a victim is targeted because of actual or perceived gender, sexual orientation, gender identity, or disability. This legislation also requires the collection of vital crime statistics and designates funds for the training of law enforcement.

At the state level, 30 states and D.C. have laws specifically covering hate crimes where victims are targeted based on their sexual orientation. Of these, 12 states and D.C. have broader hate crimes laws that cover both sexual orientation and gender identity and expression. The early 2000s saw a rapid increase in the number of states with hate crime legislation covering sexual orientation and gender identity and expression. See *Figures 22* and *23* on next page. However, since Washington State passed such legislation in 2009, no additional states have done so.

Recent Progress and Setbacks

State and federal progress. The following successes have happened since the beginning of 2009:

- ✓ Passed in October 2009, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expanded federal hate crime law to include sexual orientation, gender, gender identity and disability. This legislation also expanded the FBI’s mandate to collect information about crimes based on sexual orientation and gender identity bias.⁶⁴ This act represented the first affirmative federal legislation ever to address LGBT Americans.

Administrative progress. The Obama administration has taken several important stances on violence against LGBT people, including:

- ✓ In April 2011, the State Department, for the second time, included in its annual human rights report a chapter dedicated to LGBT-related incidents in virtually all countries around the world.⁶⁵
- ✓ In June 2011, the U.S. joined 85 countries at the United Nations Human Rights Council to adopt the first ever United Nation resolution on the human rights of LGBT people.

⁶³ StopBullying.gov

⁶⁴ For a discussion of the number of hate crimes based on sexual orientation and gender identity and expression, see page 24.

⁶⁵ Council on Global Equality, “The State Department’s Annual Human Rights Report,” April 14, 2011.

affects communities of color. The rate of new HIV infection among Latino men is twice that of white men, while Latinas are infected at four times the rate of white women. A 2011 Centers for Disease Control and Prevention report highlighted the impact of HIV on the African American community; despite representing approximately 14% of the U.S. population, African Americans accounted for half of new HIV infections in 2008. Together, these statistics make LGBT Americans of color among the most high-risk populations for HIV/AIDS.

Almost all states (45 and D.C.) have passed legislation calling for “universal testing.” This legislation can include measures that: make HIV testing a routine part of medical care; simplify testing procedures by eliminating pretest counseling; and remove written consent requirements (conforming to recommendations from the Centers for Disease Control). At the same time, however, 34 states have statutes that explicitly criminalize HIV exposure through sex or shared needles. Some jurisdictions go so far as to criminalize consensual sex when an individual is not aware of his or her HIV status—or when someone living with HIV spits on or bites someone (even though these latter behaviors pose no significant risk of HIV transmission).⁶⁹

Recent Progress and Setbacks

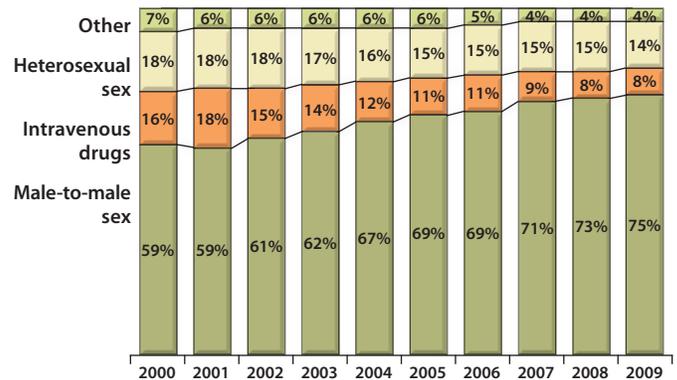
State and federal progress.

- ✓ New York passed legislation in 2010 requiring that HIV tests be offered to all patients between the ages of 13 and 64 when they receive health-related services. This legislation, like legislation introduced in Pennsylvania in 2011, changed the requirements for informed consent to permit a faster and simpler HIV testing process.⁷⁰
- ✓ Discretionary federal spending on HIV/AIDS treatment and prevention increased to \$13.9 billion in 2011, compared to \$5.3 billion in 1990 (see *Figure 25*). However, much of this federal funding is intended to address the global HIV epidemic; funding for domestic HIV/AIDS-related work has remained relatively constant since 2005.
- ✓ In October 2009, President Obama implemented 2008 legislation eliminating travel restrictions on HIV-positive non-citizens entering the U.S.

State and federal setbacks.

- ✗ Several states (e.g., Nebraska) have continued to push for HIV criminalization statutes, despite research showing that such statutes spread misinformation about HIV and do not reduce HIV infection rates.

Figure 24: New HIV Diagnosis Rates
New HIV Diagnoses (Male Only), % by Transmission Category



Source: Centers for Disease Control, HIV/AIDS Surveillance Report, 2003, 2005, 2007, 2008, 2009; Does not add to 100% due to rounding.

Figure 25: U.S. Federal Spending on HIV/AIDS
Federal Discretionary Spending in Billions of Dollars(\$)
(adjusted to reflect 2011 dollars)



Source: The Henry J. Kaiser Family Foundation, “U.S. Federal Funding for HIV/AIDS: The President’s FY 2012 Budget Request,” March 2011; “U.S. Federal Funding for HIV/AIDS: The President’s FY 2011 Budget Request,” February 2010; “U.S. Federal Funding for HIV/AIDS: The FY 2007 Budget Request,” February 2006; “Federal HIV/AIDS Spending: A Budget Chartbook, Fiscal Year 2000,” October 2000.

Administrative progress.

- ✓ In July 2010, the first federal National HIV/AIDS Strategy was released, which aims to reduce the number of people who become infected with HIV, increase access to care, and improve health outcomes for people living with HIV.
- ✓ HHS in 2010 conditioned receipt of Medicaid funding on respecting the rights of all patients in choosing who may visit them in the hospital, including same-sex partners.⁷¹

⁶⁹ The Center for HIV Law and Policy, “Positive Justice Project: HIV Criminalization Fact Sheet,” December 2010.

⁷⁰ New York City Department of Health and Mental Hygiene, “HIV/AIDS Information.”

⁷¹ The White House, “Presidential Memorandum - Hospital Visitation,” April 15, 2010.

- ✓ In April 2011, the Department of Health and Human Services (HHS) stated that LGBT health was a priority and outlined the following actions:
 - The inclusion of LGBT health objectives as a part of the decennial Healthy People 2020 report.
 - The funding of a study by the Institute of Medicine to identify research gaps and create an LGBT health research agenda.
 - The funding of the nation's first national technical assistance resource center to meet the needs of LGBT older adults.
- ✓ In mid-2011, HHS issued guidance to states giving them flexibility to apply Medicaid "spousal impoverishment protections" to same-sex couples. This action is expected to help prevent scenarios in which a healthy same-sex partner loses a family home and all assets in order to qualify a partner or spouse for Medicaid.⁷²
- ✓ In June 2011, HHS stated its commitment to including questions about sexual orientation and gender identity on national, federally-funded surveys. Shortly after, HHS announced that the National Health Interview Survey would include questions about sexual orientation by 2013, and testing was underway to develop questions about gender identity.

LIVED EXPERIENCE OF LGBT AMERICANS

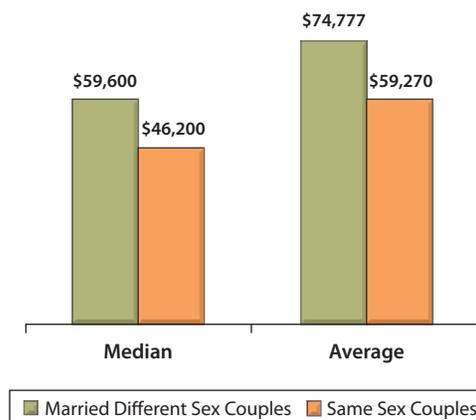
While social and legal advances are important, it is also important to understand whether and/or how such advances are changing the lived experiences of LGBT Americans. The dearth of data on LGBT Americans' lives makes it difficult to show clear trends or paint a full picture. Therefore, this report gathers and examines available data to summarize what we can confidently report about LGBT Americans' lives.

Economic Lives of LGBT Americans

Despite stereotypes to the contrary, LGBT Americans are often more likely to be low-income or to live in poverty than heterosexual Americans.

- Data from the National Survey of Family Growth shows that 24% of lesbians live in poverty, compared to 19% of heterosexual women; and 15% of gay men live in poverty, compared to 13% of heterosexual men.⁷³

Figure 26: Household Income of Families Raising Children



Source: Adam P. Romero, Amanda K. Baumle, M.V. Lee Badgett and Gary J. Gates, "Census Snapshot: United States," December 2007.

- Transgender Americans are four times more likely than the general population to have a household income of less than \$10,000 per year, and 27% of transgender Americans live in poverty.⁷⁴
- The median household income for the average same-sex couple with children is 23% less than that of a different-sex married couple with children (see *Figure 26*).⁷⁵
- Studies consistently find that LGBT people of color face substantial economic challenges. For example, Census data show that Black African American and Latino same-sex couples—male and female alike—have substantially lower household incomes than either white or Asian/Pacific Islander same-sex couples. In the National Transgender Discrimination Survey, Black and Native American transgender respondents reported more than twice the rate of unemployment compared to white transgender respondents. Similarly, transgender people of color as a whole reported nearly four times the national average rate of unemployment.

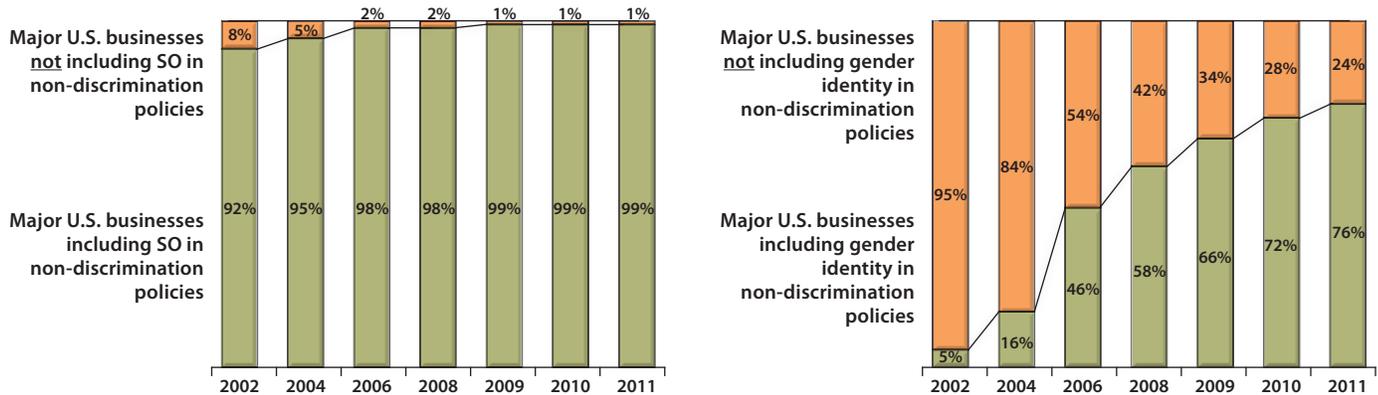
⁷² Center for Medicare and Medicaid Services, Department of Health and Human Services, "RE: Same Sex Partners and Medicaid Liens, Transfers of Assets, and Estate Recovery," SMDL#11-006, June 10, 2011.

⁷³ Albelda et al., "Poverty in the Lesbian, Gay, and Bisexual Community."

⁷⁴ Grant et al., "Injustice At Every Turn."

⁷⁵ Romero et al., "Census Snapshot: United States."

Figure 27: More Companies Provide Protections for Sexual Orientation & Gender Identity



Source: Human Rights Campaign, Corporate Equality Index, 2002-2011.

Employment

Income disparities may in part reflect the effects of employment discrimination. The National Transgender Discrimination Survey found that nearly half of transgender respondents reported being fired or denied a job or promotion because they were transgender or gender non-conforming, while 90% reported encountering some form of harassment or mistreatment at work.⁷⁶ Similarly, a Williams Institute analysis of nearly 15 studies found that between 15% and 43% of LGB people reported experiencing employment discrimination.⁷⁷

In addition to employment discrimination, LGBT Americans have more trouble making ends meet due to unequal taxation and unequal access to worker benefits such as family health insurance benefits. However, while most employers do not extend health insurance benefits to the domestic partners of LGBT employees, there has been substantial progress in protections and benefits offered by large U.S. businesses. For example, nearly all of the largest businesses in the U.S. currently include protections for sexual orientation in their non-discrimination policies, and more than three-quarters of businesses have such protections for gender identity (see *Figure 27*). Also, the number of companies that offer such protections has grown rapidly in the past 10 years.⁷⁸

Additionally, because LGBT employees (unlike married heterosexual employees) are taxed on the value of domestic partner health insurance benefits, some companies that offer such benefits have increased the compensation of covered LGBT employees to offset the added tax burden.⁷⁹ Such companies include Apple,

Bain & Company, Barclays, Cisco, Credit Suisse, Discovery Channel, Facebook, Google, Kimpton Hotels, McKinsey & Company and more. In July 2011, Cambridge, Mass., will become the first municipality in the U.S. to help defray the cost of the additional taxes paid by employees on domestic partner health insurance benefits.

Health and Wellness

LGBT Americans experience physical and mental health disparities due to a lack of access to health insurance, lack of competent care, and minority stress (the collective burden that racial, sexual, and gender minorities experience and the toll it takes on one's physical and mental health). Among key health disparities:

- Only 77% of LGB Americans have health insurance coverage, compared to 82% of heterosexual Americans.⁸⁰ In the National Transgender Discrimination Survey, 81% of transgender and gender non-conforming respondents had health insurance (see *Figure 28* on next page).⁸¹
- LGB Americans report lower overall physical health. For example, in the 2007 California Health Interview Survey (CHIS), only 77% of LGB people said they were in excellent or good overall health, compared to 83% of heterosexual people.⁸²

⁷⁶ Grant et al., "Injustice At Every Turn."

⁷⁷ The Williams Institute, "Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination," June 2007.

⁷⁸ Human Rights Campaign, Corporate Equality Index, 2011.

⁷⁹ Tara Siegel Bernard, "A Progress Report on Gay Employee Health Benefits," Bucks (NYTimes.com blog), December 14, 2010 (updated June 16, 2011).

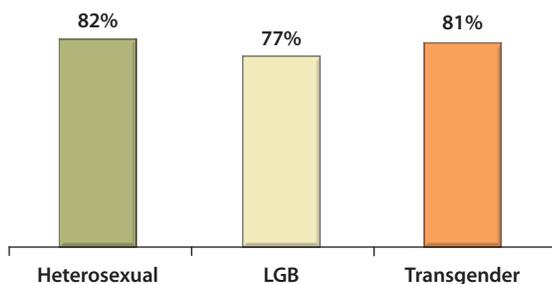
⁸⁰ Jeff Krehely, "How to Close the LGBT Health Disparities Gap," Center for American Progress, December 2009.

⁸¹ Grant et al., "Injustice At Every Turn."

⁸² Krehely, "How to Close the LGBT Health Disparities Gap."

- LGB Americans are more likely to delay or not to seek medical care or receive needed prescription medicines (22% of LGB respondents, compared to 13% of heterosexual respondents).⁸³ LGB Americans also are more likely to use emergency rooms for healthcare services than heterosexual Americans (24% of LGB respondents versus 18% of heterosexual respondents). Nearly half (48%) of surveyed transgender Americans delayed medical care because they couldn't afford it.⁸⁴
- The National Transgender Discrimination Survey reported that 41% of survey participants said they had made a suicide attempt at some point in their lives, compared to 2% of the population as a whole.⁸⁵
- Twenty percent of LGB people surveyed in California reported experiencing psychological distress, compared to only 9% of heterosexual people.⁸⁶
- The disparities that exist for LGBT people generally are magnified for LGBT people of color. Data from California show that Latino LGB people were less likely to have health insurance compared to white LGB people (64% vs. 88%), while LGB African Americans were more likely to delay or not get needed prescription medicines (30% of LGB African Americans compared to 21% of white LGB Americans).⁸⁷

Figure 28: % of People with Health Insurance



Source: Jeff Krehely, "How to Close the LGBT Health Disparities Gap," The Center for American Progress, December 2009; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

⁸³ Ibid.

⁸⁴ Grant et al., "Injustice At Every Turn."

⁸⁵ Ibid.

⁸⁶ Krehely, "How to Close the LGBT Health Disparities Gap."

⁸⁷ Jeff Krehely, "How to Close the LGBT Health Disparities Gap: Disparities by race and ethnicity," Center for American Progress, December 2009.

Education

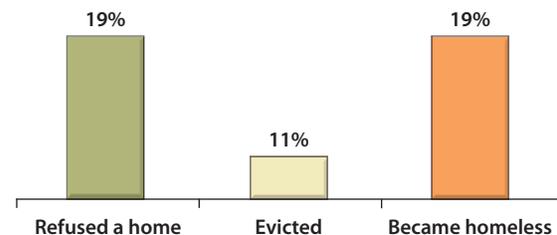
LGBT people, in general, have higher rates of education when compared to the population as a whole.⁸⁸ However, schools can be unsafe and unwelcoming places for LGBT students, educators and staff. For example:

- More than four out of five LGBT students report being verbally harassed at school because of their sexual orientation, and nearly two out of three LGBT students report being verbally harassed because of their gender identity.⁸⁹
- A study of the climate on college campuses found that 61% of LGBT students, faculty and staff indicated that they had been the targets of derogatory remarks by classmates, colleagues or others on campus, compared to 29% of heterosexual students.

Housing

Several studies have found that LGBT people face discrimination when they try to rent housing or purchase homes. A study of LGB couples in Michigan, for example, found that such couples encountered discrimination in 27% of cases where they sought to rent or buy a home.⁹⁰ The National Transgender Discrimination Survey found that 11% of transgender people had been evicted and 19% had become homeless because of their transgender status (see *Figure 29*).⁹¹

Figure 29: % of Transgender Americans Reporting Housing Discrimination



Source: Grant, Mottet, Tanis, Harrison, Herman, and Keisling, 2011.

⁸⁸ Data from the U.S. Census show that 40% of individuals in same-sex couples have a college degree compared to 27% of individuals in married different-sex couples. Data from the National Transgender Discrimination Survey show that 47% of transgender and gender non-conforming respondents had at least a college degree. Romero et al., "Census Snapshot: United States"; Grant et al., "Injustice At Every Turn."

⁸⁹ Joseph G. Kosciw, Emily A. Greytak, Elizabeth M. Diaz and Mark J. Bartkiewicz, "The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," Gay, Lesbian and Straight Education Network (GLSEN), 2010.

⁹⁰ Fair Housing Center of Southeastern Michigan, "Sexual Orientation and Housing Discrimination in Michigan: A Report of Michigan's Fair Housing Centers," 2007.

⁹¹ Grant et al., "Injustice At Every Turn."

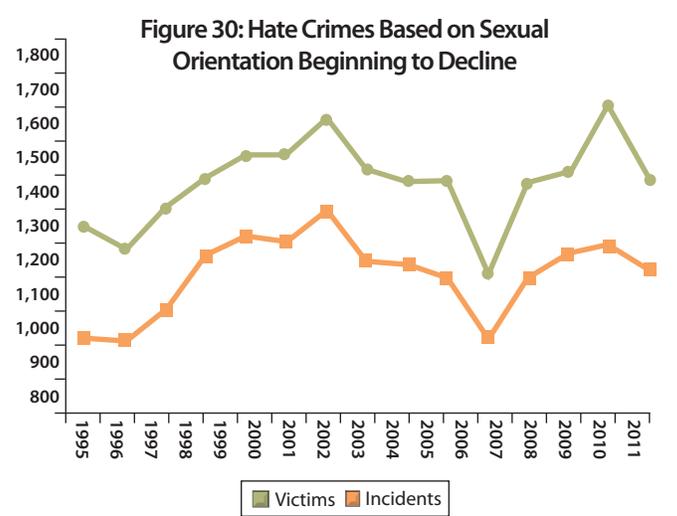
Violence and Hate Crimes

Despite the passage of federal hate crimes legislation in 2009, many LGBT people continue to live in fear of violence. While the FBI currently collects information about the number of hate crimes based on real or perceived sexual orientation, the data are widely considered to be unreliable because of varying (and sometimes very weak) collection and reporting methods by city, county and state law enforcement agencies.⁹² Most experts agree that hate crimes of all types, including LGBT-related crimes, are drastically underreported.⁹³

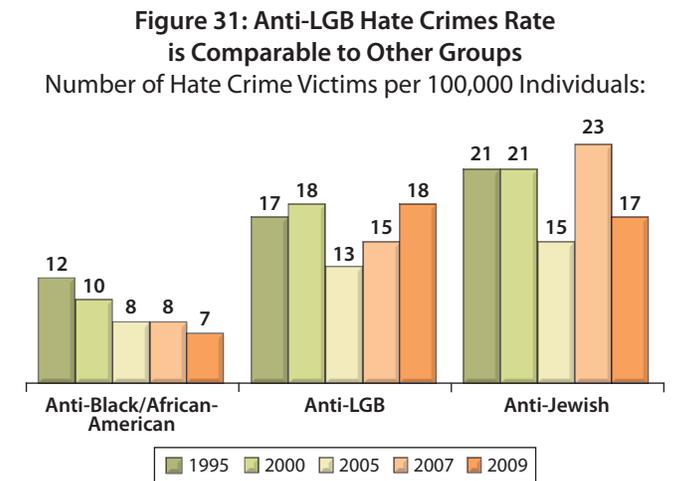
Despite these drawbacks, the FBI provides one of the few sources of hate crime data. As shown in *Figure 30*, there have been great fluctuations over the past few years in both the number of LGB victims and the number of incidents. The numbers of victims and incidents peaked in 2001, decreased sharply from 2002 through 2005, peaked again in 2008, and then drastically declined in 2009 (the most recent year for which data are available). The 2009 data count 1,482 victims and 1,223 incidents of hate crimes based on sexual orientation.⁹⁴ LGBT Americans were the most likely minority group to be targeted for hate crimes, with hate crimes against LGB people occurring with greater frequency than those against African Americans and Jewish Americans (see *Figure 31*). Although little data is available, it would appear that LGB people of color are particularly vulnerable to hate crimes.

Vicious Attack on Transgender Woman Garners National Attention

In April 2011, a transgender woman was brutally beaten at a McDonald’s restaurant in Maryland, and the attack was caught on video. Even though legislation in Maryland to extend non-discrimination protections to transgender people failed to advance in the weeks prior to the attack, many legislators vowed to reintroduce such legislation in its aftermath. As one legislator said, “The attack ... has been broadcast all over the national news, and the video has gone viral, bringing shame to the State of Maryland for allowing such things to take place. ... It is time to rectify the wrong that has been done to transgender citizens of Maryland.”⁹⁵



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



Source: US Census Bureau, 1995, 2000, 2005, 2007, 2009; North American Jewish Data Bank, 1995, 2000, 2010; Wikipedia, 2007; FBI Uniform Crime Reports, 1995-2009; Williams Institute, 2011.

⁹²The FBI does not currently track hate crimes based on gender identity or expression.
⁹³See, for example, the National Coalition of Anti-Violence Program’s *Anti-Lesbian, Gay, Bisexual, and Transgender Violence* report, which is released annually. From 2009 to 2010, NCAVP found an increase of 13% in the number people reporting anti-LGBT violence.
⁹⁴FBI, Hate Crime Statistics, 2009. This change could, however, simply reflect better reporting methods in some jurisdictions.
⁹⁵Dana Beyer, “A Perfect Storm: The Horrifying Attack on Chrissy Polis May be the Moment When the Call for Equality is Heard,” *Metro Weekly*, April 28, 2011.

LGBT MOVEMENT CAPACITY

A key driver of continuing progress for LGBT Americans is the strength, influence and health of LGBT movement organizations. These organizations work in a variety of settings, advancing the rights and opportunities of LGBT people through policy advocacy, legal work and litigation, and outreach to the media, religious institutions, business and other sectors.

Organization Revenue

MAP's analysis shows an LGBT movement universe of 553 organizations with combined revenue of \$563 million. While this revenue is impressive, it pales in comparison to the resources of anti-LGBT organizations. The 10 largest anti-LGBT organizations have combined revenue of \$337 million, almost four times the total revenue of the 10 largest LGBT advocacy organizations (\$94.3 million).

Adding to the challenge for LGBT organizations, MAP's analysis indicates that their revenue have declined in recent years. Looking at the 39 largest LGBT social justice advocacy organizations in the U.S. (which collectively represented 69% of the budgets of all LGBT social justice advocacy organizations), MAP found that these organizations' revenue decreased by 20% from 2008 to 2009 (see *Figure 32*). Likely reasons for the decline include the economic downturn and decreased giving in an off-election year.

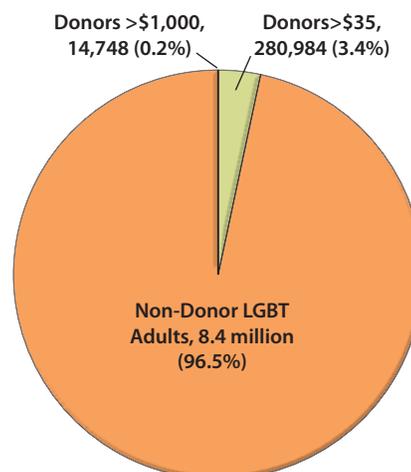
A separate analysis of LGBT community centers in 2010 also painted a picture of reduced revenue, which resulted in staff reductions and reduced operating hours. LGBT community centers around the U.S. serve more than 30,000 people in an average week, yet in the past year several LGBT community centers have come close to shutting down.⁹⁶ Among the organizations that fell victim to revenue problems was the National Youth Advocacy Coalition, an organization created to help LGBT youth. The coalition closed its doors in early 2011 citing financial difficulties.

At the same time that many LGBT organizations have been facing these money-related challenges, there has been a growing openness on the part of the federal government to help fund LGBT organizations and their work. For example, the L.A. Gay & Lesbian Center received a five-year grant from the U.S. Department of Health and Human Services (HHS) totaling \$13.3 million to help LGBT youth in the foster care system.⁹⁷

Figure 32: 2005-2010 Expenses vs. Revenue for 39 Leading LGBT Organizations
Combined Revenue, \$ Millions



Figure 33: Combined 2009 Donors vs. LGBT Population
100% = Est'd 8.7 Million LGBT Adults in US



Source: The Williams Institute (LGB population estimates); MAP Analysis ; Does not add to 100% due to rounding.

This is the largest grant ever awarded to an LGBT organization—and in many ways, one that signals a new relationship between the federal government and LGBT organizations. HHS also has funded the creation of the National Resource Center on LGBT Aging, which provides training, technical assistance and resources to older adult service providers, LGBT organizations, and LGBT older adults through a partnership with Services & Advocacy for GLBT Elders (SAGE) and other LGBT and mainstream aging organizations.

⁹⁶ Among centers dedicated to helping LGBT people who have had financial struggles in the past year are the following: Memphis Gay and Lesbian Community Center, Queens Pride House, Lyon-Martin Health Services and Howard Brown Health Clinic.

⁹⁷ Karen Ocamb, "LA Gay and Lesbian Center Receives a Landmark \$13.3 Million Federal Grant for Foster Care Program," LGBT POV, Oct. 4, 2010.

LGBT Donor Participation

Individual donors are the largest source of funding for the biggest LGBT advocacy organizations, accounting for 42% of their overall revenue. However, MAP's analysis found that fewer than 3.4% of LGBT adults have donated to one of these advocacy groups (see *Figure 33* on previous page).

CONCLUSION

The LGBT movement is making considerable progress. While some may argue whether the pace of progress is cause for celebration or dismay, the last decade (and in particular the last two years) show improvement for LGBT Americans on all but a handful of indicators.

First, there is growing public support for LGBT people and for their struggle to participate fully and equally in American life. More politicians and public officials, regardless of political party, are expressing support for LGBT equality; LGBT people are increasingly visible in popular culture and in the news; and national polls now show majority public support for marriage, as well as strong support for employment non-discrimination laws, open military service and other LGBT movement priorities.

On the legal front, growing numbers of loving, committed gay and lesbian couples can now marry or access many of the legal protections of marriage through a civil union or domestic partnership. In addition, more LGBT parents can access joint or second-parent adoptions. And, despite lack of federal employment non-discrimination protections, more LGBT Americans now live in states or jurisdictions where they are protected from being unfairly fired for reasons that have nothing to do with their job performance.

In other signs of progress, the largest employer in the country, the U.S. military, will for the first time allow gay and lesbian service members to serve openly. Other policy changes and clarifications implemented by the U.S. government in recent months have yielded additional gains for LGBT families, youth, and people living with HIV/AIDS. And, last but not least, LGBT Americans are now covered under federal hate crime law, and myriad states have passed safe schools or anti-bullying laws.

Despite this progress, challenges remain and much is still to be done. LGBT Americans are still more likely to be poor than the average American, to face employment

discrimination, or to lack access to health insurance. Meanwhile, LGBT Americans in 35 states remain legal strangers to their partners. And, in 29 states, a worker can be legally fired based on sexual orientation or gender identity.

A hostile legislative climate at the state level likely means that addressing these disparities will be a long and difficult road. Adding to the challenge, LGBT organizations have experienced significant revenue declines in the past two years and are vastly out-resourced by their opponents.

The bottom line: the LGBT movement is still a long way from its goal of ensuring that LGBT Americans have the same chance as others to pursue health and happiness, earn a living, take care of their families, be safe in their communities and serve their country. Much work remains to be done, but strong and growing public and political support, along with a growing list of legislative successes, shows that momentum is on the side of progress.

APPENDIX

Needed Data Improvements

There are still significant gaps in available data about the lives and experiences of LGBT people. Very few national surveys ask about sexual orientation, and no large, nationally representative surveys ask about gender identity or transgender status. As a result, much of what we know about LGBT people comes from the U.S. Census Bureau, a handful of national health surveys, and a few state-based surveys and community surveys.

Census data, while invaluable, only allows analysis of Americans who are living with a same-sex domestic partner or spouse, ignoring the many lesbian, gay and bisexual people who are not partnered. It also renders invisible transgender Americans. The few state or national surveys that explicitly ask about sexual orientation and gender identity focus on very narrow health outcomes and behaviors (e.g., tobacco or alcohol use), so valuable information about the lived experience of LGBT Americans is scarce.

Much has been done to document the experiences of transgender Americans, given their invisibility in large surveys. National efforts by the Transgender Law Center, the National Center for Transgender Equality and the National Gay and Lesbian Task Force have yielded important new data.

Even as surveys add questions about sexual orientation and gender identity, there will still be challenges in ensuring that diverse LGBT people are included. 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 well-being), older people (who are less likely to be out), people living in certain geographic regions (e.g., the Deep South), and other demographic groups. Similarly, researchers need to explore more culturally sensitive ways to encourage participation in surveys so that the full diversity of the LGBT community is reflected in the resulting data and analysis.



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