

Handbook of Gay, Lesbian, Bisexual, and Transgender Administration and Policy

edited by
Wallace Swan

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Wallace Swan

Minneapolis, Minnesota, U.S.A.



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Foreword

When hundreds rioted in Greenwich Village, New York, following the 1969 raid of the popular gay bar, The Stonewall Inn, igniting the gay rights movement in America, it is unlikely that any of them gave much thought to the public administrative implications of their actions. Their goals were much more fundamental. They wished to live in peace, free from fear of violence or arrest simply for acknowledging their sexual orientation.

Today, just a few decades later, the work of gay rights pioneers throughout the nation has transformed the lives of gay, lesbian, bisexual, and transgendered (GLBT) people. Nowhere is that change more evident than among young people, who today often find that the acceptance of communities and institutions allows them to form high school organizations for GLBT students and their friends.

With that progress comes new challenges. Public administrators are confronted with significant issues when dealing with people in the GLBT community. Great progress has been made in many states and communities throughout the country, but there is still a long way to go before people in the GLBT community achieve equality. The progress that has been made is inconsistent. While the state of Vermont has broken new ground with the legal recognition of same-sex partners, until very recently, some states still embraced the archaic sodomy laws.

Although states and communities may develop model policies, they are not necessarily best suited to communities where attitudes are still evolving. For public administrators and policy makers to simply understand the challenges is difficult when the GLBT community is not at the table. “Out of sight, out of mind” is often the rule.

When I was first elected to the Dane County (Wisconsin) Board of Supervisors and became its third openly gay member, I joined a small group of colleagues around the country who were also “out” elected officials. I remember attending my first meeting of a group that is now called the International Network of Lesbian and Gay Officials (INLGO) in 1986. This gathering of openly gay elected and appointed officials was historic. But with only 14 openly gay or lesbian elected officials in attendance, it was a support group as much as anything. Today there are 240 openly gay and lesbian elected officials in the United States, including many from state legislatures, city councils, and even school boards. These officials are in positions that enable them to inform the discussion and policy of their jurisdiction as it confronts issues relevant to the GLBT community.

In addition to direct insight, public policy makers and administrators now have the benefit of the work of the private sector to give voice and insight to GLBT concerns and challenges. Although governments typically follow public sentiment, private organizations and businesses are better positioned to provide leadership on institutional change. The critical need of corporate America to attract and retain top employees has, in many instances, led companies to institute inclusive policies, including the recognition of domestic-partner benefits.

The same is true for many educational institutions, which are interested in attracting the best and brightest students and faculty members. As young people seek, and often find, greater acceptance of who they are, the climate of prospective campuses and employers is becoming an important consideration in their life planning. The effect is that institutions that may be viewed as conservative (law, brokerage, and financial services, for example) are often taking the lead and setting an example for their communities. Their experiences in the administration of these issues provide another model for public administrators to follow.

As community acceptance and legal protections grow, public administrators will be faced with ever-growing complexities in their dealings with the GLBT community. Growing acceptance and recognition of same-sex couples and gay parenthood mean that school officials must not only address the formal interaction with gay couples (often with the limitations of law) but also consider the implications for special issues related to the children of same-sex couples. Regardless of such children’s sexual orientation, they may experience the same challenges as their GLBT classmates.

Without legal recognition, rights and privileges are often established contractually. Consequently, issues that could be addressed by a single policy in which legal recognitions and protections are provided will necessarily be handled on a case-by-case basis. This is particularly true in the health care arena.

As the Stonewall generation ages, it now brings to the forefront myriad issues related to an aging GLBT population. These too are now being confronted for the first time.

Whether public policy and administration are informed by the direct participation of those affected, by the examples of early work by public administrators, by the private sector, or by contractual arrangements, as long as the GLBT community does not have comprehensive legal protections, ambiguity, confusion, and conflict will continue to vex administrators. One need look no further than recent corporate mergers (e.g., Exxon/Mobil) to see that contractual rights, including recognition of domestic partnership, may be lost overnight.

By the same token, hostile laws may actually prevent recognition of legal or contractual protections outside of their immediate jurisdiction. Ironically, while great strides are made by state governments to establish “uniform laws” on a wide variety of commercial issues, the rise of the GLBT civil rights movement has actually prompted the passage of legislation designed for the sole purpose of creating conflict with laws of other jurisdictions. One can easily envision a time in the near future when legally sanctioned marriages will not be recognized in many jurisdictions. The implication of this one area of law for administrators in education, health, and financial services is profound.

Questions of residence, marital status, parental status, and contractual obligations are all critical. In a world in flux, the challenges that public administrators face will only grow in the coming years.

Understanding the unique challenges and issues that confront the GLBT community is an essential first step in addressing them. For the reason alone, it is important for those in positions confronting these problems on an administrative level to enhance their interaction with professional colleagues throughout the country. The insights that can be gained by these collective experiences will serve as an important proxy for the policies and practices that have emerged over many years to confront the issues presented by the population at large.

With these insights, those charged with the implementation of policy have a special responsibility to inform policy makers. Just as administrators are facing many of these issues for the first time, so too are many policy makers. Often those advancing legislation that undermines a rational administrative scheme and a policy of equality are least susceptible to education.

Good public policy and administration necessarily involve an informed decision-making process. Those on the front lines, who deal with these issues on a daily basis, have insights into and understanding of the full range of issues and problems that flow from the establishment of new public policy. As new ground on GLBT issues (and it will be), policy makers must be informed

not only of the superficial implications of their work, but also of the secondary impacts that often have the greatest impact on individuals.

This handbook will help to inform its readers of these challenges. The writings of those on the front lines of administration are valuable for colleagues, staff, academicians, and policy makers. They inform and instruct us. Like those pioneers of change at Stonewall, they shape the future.

*Tammy Baldwin
Congresswoman
Washington, D.C., U.S.A.*

Preface

The aim of this book is to communicate to mainstream public administration students, practitioners, and academicians the growth of the subfield of gay, lesbian, bisexual, and transgender public administrative theory and practice over the past few years. The era from the Stonewall rights revolution to the present involves a transformation from marginalized activity to mainstream public administrative practice not only in the United States and Canada, but also within Australia and the European Community. Even in countries where marginalized activity is still the rule, significant progress is being made.

The objective of the book is to communicate to administrators, students, and scholars that a paradigm shift has occurred, wherein a previously insignificant social movement has changed to a mainstream set of values that are being rapidly incorporated into governmental practice around the world. The values of tolerance of difference and willingness to accept a variety of sexual orientations are being incorporated into many governmental and non-profit organizations at the same time that racial, ethnic, and religious diversity is being recognized and validated.

The scope of the book is a wide variety of subject matter. Those who are interested in public policy, social work administration, public health administration, educational administration, and criminal justice administration as well as American and international developments in GLBT administrative activity will find significant new research. The book will serve as the most in-depth resource in the field of GLBT administration and policy available today. But there are also some specific areas where little or no public administrative research has previously been completed (e.g., analysis of aging and queer youth issues, issues involving health administration and the preva-

lence of prostate cancer among gay men, and studies of GLBT homicide). This is truly an innovative book because of these new emphases.

Since I began to write about public administration and policy 35 years ago, I have wanted to provide a compendium of work that would equip the audience of students, academicians, and especially mainstream public administrators to understand the ways in which the gay community can be better understood and served by government. Until recently, the niche of publishing in GLBT public administration and policy was limited to only a few articles, chapters, and books. With the publication of this volume, this is no longer the case. The field of GLBT public administration and policy has come into its own, thanks in large part to the dedication of Marcel Dekker, Inc., in recognizing the need for such a handbook.

The best government is one that is responsive to all its citizens, and the gay community is an active and vibrant part of many communities around the world. It is toward the goal of serving not only the gay community but also the community at large that many gay, lesbian, bisexual, and transgender public administrators have devoted their years of public service. It is to this purpose of responsive public service that this book is dedicated.

Wallace Swan

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Contributors

Roddrick A. Colvin National Gay and Lesbian Task Force, New York, New York, U.S.A.

Dallas S. Drake Principal Researcher and Co-Founder, Minnesota Gay Homicide Study, Minneapolis, Minnesota, U.S.A.

Mark French Osseo Area Schools, Minnetonka, Minnesota, U.S.A.

Sid Guthrie Patient Care Manager, Station 33 and Acute Dialysis, Abbott Northwestern Hospital, Minneapolis, Minnesota, U.S.A.

Paul Mazur Minneapolis, Minnesota, U.S.A.

Tracy Phariss Gay, Lesbian, and Straight Education Network of Colorado, Lakewood, and Jefferson County Public Schools, Golden, Colorado, U.S.A.

Jean K. Quam Professor, Department of Social Work, University of Minnesota, Saint Paul, Minnesota, U.S.A.

Wallace Swan Minneapolis, Minnesota, U.S.A.

Hastings Wyman Journalist, *Southern Political Report*, Washington, D.C., U.S.A.

Beth Zemsky Director, Gay, Lesbian, Bisexual, Transgender Programs, University of Minnesota, Minneapolis, Minnesota, U.S.A.

Introduction

The purpose of this handbook is to provide public administrators, including professionals, academicians, and students, with the most current information on the impact of the revolution in gay, lesbian, bisexual, and transgender public administration and policy that is occurring throughout many parts of the world. Those who work in the field of public administration need to understand the ways in which a different culture is changing the programs, the attitudes, and the lives of many people in our society. They also need to see the way in which programs can be tailored to our changing society.

I grew up during the Eisenhower years, in small towns in Washington state and Idaho, where there seemed to be no “gay” people. In fact, my introduction to the concept of “gay” people was a magazine photo of a group of homosexual men, backs to the camera, dressed in black suits. This was a portrait of the “Mattachine society” meeting in San Francisco, one of the early groups that supported the rights of “gay” people. The faces were hidden from view, since the men could lose their jobs or be imprisoned or placed in mental institutions. The message was clear to a young gay man at that time: Be open about who you are and you will lose everything. Watching the McCarthy hearings, when the senator threatened to reveal the names of homosexuals in government agencies, was indeed a revelation. So it was important to me to hide, not share my feelings with anyone else, and get married. In the 1960s, I witnessed the experience of President Johnson’s aide Walter Jenkins and decided that I should never play a prominent role in politics as a result of his exposure as a homosexual. Even though our country and parts of the world have changed dramatically in the 50 years since, not everything has changed worldwide. While young American people “come

out” in junior high school and watch “Will and Grace” and “Queer as Folk” on television, those in other parts of the world experience oppression as bad or worse than that of 50 years ago in the United States. In Iran, homosexuals have been stoned to death. The Taliban had homosexual people buried under bulldozed walls or thrown off tall buildings. In South America, gay people were among those who were “disappeared,” never to be heard of again. Until recently in China (not to mention the United States when I was in graduate school), homosexuals were given electroshock and “aversion therapy” to destroy any attraction they might have toward people of the same sex. Now, although Chinese gays struggle with the expectations of their families that they must be married, they are beginning to “come out.”

This book is a monumental effort to advance the literature on GLBT public administration and policy. It includes many innovative new areas of discussion.

The foreword is written by U.S. Representative Tammy Baldwin, the first member of Congress to be elected as an openly gay or lesbian person. Others came out after election (e.g., Congressmen Jerry Studds and Barney Frank) but never was one so daring as Representative Baldwin, who took it as a matter of course that she should be open. She is now one of 240 openly gay elected officials around the country.

Dean Paul Mazur’s two chapters illustrate the enormous gulf between the “developed world” (the United States, the European community, Canada, and Australia) and the “developing world,” where the lives of gay people are often at risk. Roddrick Colvin describes the process of policy entrepreneurship, by surveying how local and national citizens have affected gay rights in their states. In another chapter, he discusses the political parties and their relative levels of support of gay rights in both the legislative and executive branches of government. Hastings Wyman, noted columnist for the *Southern Political Report*, discusses the significant GLBT political and policy developments in the United States that have occurred in the past five years (i.e., the period since I edited a book summarizing earlier accomplishments in GLBT policy, *Gay/Lesbian/Bisexual/Transgender Public Policy Issues: A Citizen’s and Administrator’s Guide to the New Cultural Struggle*).

One of the major new developments in the field since the aforementioned book was written involves the burgeoning area of transgender and bisexual issues, which is ably handled in the current volume by Hastings Wyman. Once again, cultural changes are at work, in the sense that transgender concerns have reached the media. Difference is now beginning to be recognized as valid in some quarters. New legislation is now being passed in a number of jurisdictions to protect the rights of these minorities, following the 1993 efforts in Minnesota, which provided the first statewide protection of transgender rights. The field of transgender and bisexual rights is one of the

cutting-edge areas of public administration policy, along with the growing focus on the rights of GLBT people to have children.

Over the past few years, the literature on GLBT rights has been filled with references to concerns about GLBT youth, whose cultural problems need to be positively dealt with, as noted in the chapter by Tracy Phariss. These issues are discussed extensively in Part V, “educational administration.” Unfortunately, the massive demographic shift involving the aging of the openly GLBT population has been almost ignored, except among a few pioneers, one of whom is Professor Jean Quam, Dean of the School of Social Work at the University of Minnesota. As GLBT people age, the issues of long-term care, senior services, assisted living, and chronic disease, among many other concerns, bear new relevance because they simply have not been addressed for openly gay people.

Public health issues have received a great deal of attention over the past few years for GLBT people. As significant as the AIDS epidemic has been among the gay population, the fact is that GLBT people also have other serious health issues. My partner of 16 years, Lyle Rossman, recently was diagnosed with and received surgery for prostate cancer, and I underwent surgery for arthritis during the course of editing this book. In a gay society that emphasizes youth and sexuality, these diagnoses can be emotionally traumatizing for the many gay men who suffer from these maladies. Sid Guthrie, a nursing administrator, authors a chapter that surveys current GLBT health issues as well as one titled “No Longer Silent: The Emerging Opportunity for Gay Men to Thrive and Survive Prostate Cancer,” which illustrates not only the problems of gay men with prostate cancer, but also the dilemma of minority health care.

Mark French, an elementary-school principal in Maple Grove, Minnesota, talks about the issues of GLBT people in elementary and secondary schools, with discussion of a variety of concerns including employment, policy and law, curriculum, support systems, advocacy, and safety and harassment, as well as how to work with staff, students, and families. Beth Zemsky, director of the GLBT programs office at the University of Minnesota, has been a national leader in building a prominent gay institutional presence.

The progress on campuses is one of the major causes of the social change that is occurring with GLBT issues around the country. Zemsky’s chapter discusses GLBT issues in higher-education administration and the challenges that are prevalent on campuses. The University of Minnesota is used as a case example.

Dallas Drake and I discuss the major concerns in criminal justice as they relate to GLBT people. To some extent, the passage of time would seem to have reduced the impact of the criminal justice system on GLBT people, since

in some states the egregious sodomy statutes have been eliminated either by legislative action or by court action. However, thousands of gay men throughout the nation have been affected by the action of the criminal justice system in situations that involve illegal entrapment. In addition, GLBT people have experienced extraordinary numbers of hate crimes in the same manner as for racial, ethnic, and religious minorities.

Dallas Drake is a national leader in his emphasis on confronting and managing a particular form of hate crime—homicide—that impacts hundreds of GLBT people. His work provides an in-depth compendium for law enforcement personnel on how such criminal cases may be analyzed and resolved. The murder of Matthew Shepard illustrates how public consciousness has been raised regarding hate crimes and gay murders—a few years ago, it would have been unremarkable for a gay man to be killed as a result of his sexual orientation. I presented several workshops on hate crimes in Minnesota during the 1990s, and it was not at all surprising to find significant numbers of gay murders tracked by reporting agencies. In fact, a fair number of them occurred in what is sometimes seen as the progressive state of Minnesota. What was there about Matthew Shepard’s murder that became unique in terms of the cultural shift that has occurred? It could not have been the sheer brutality of the incident, since gay murders are often diagnosed by the very fact of savagery. Rather, it seems that the media have become more aware of the issues of hate crimes, society had changed in its attitude, and the traditional value structures relating to difference are beginning to break down. This major cultural shift is represented in the political process, and in the way that public administration (namely, law enforcement) now reacts to such issues.

In addition to the two cultural trends discussed above, what else allows GLBT lifestyles to simply become another acceptable form of behavior in the Western world? One factor is the incredible extent to which individual rights are increasingly granted, with the result that individual differences gradually become defined as normal. The work of the GLBT movement to encourage people to “come out” is another factor. We see politicians, movie and television stars, and societal leaders coming out to the point that new “coming out” experiences are rather unremarkable. In addition, Western societies have increasingly allowed free discussion of sexual issues, and sexual alternatives, to the point that homosexuality is just one of a wide variety of issues discussed. Once these trends have become evident and almost unremarkable in society, even the most conservative organizations, such as churches and political and administrative units of government, need to respond. A few years ago, the “cultural war” against gay people initiated by Patrick Buchanan at a Republican National Convention was a significant issue. Now the Bush administration thinks nothing of choosing an openly gay diplomat to serve as a U.S. ambassador.

What is it, then, that is making our society more receptive to gay issues? There is clearly a multiplicity of factors.

1. Technological change—radio, television, and the Internet make it possible for gay people to connect with one another.
2. The “rights” revolution, beginning with African-American and then women’s rights, helped to give rise to the events of Stonewall. Ever since, activists have been moving to broaden the scope of human rights for the gay community.
3. The decreasing Puritanism of the American public, at least along certain dimensions, has made it possible for gay people to increasingly look more like equal partners in our society. This decline in public Puritanism operates in strange ways. It is not unusual to see public discussion of previously private marital issues, sexual behaviors, or what some writers have called the “Disneyfication of sex.” But at the same time new boundaries and issues are discussed and defined as never before (e.g., sexual activity by clergy).
4. The increased openness of members of the gay community has led to the development of political pressures that were unthinkable 25 years ago. About 15 years ago, I included several questions about gay issues in a university-based metropolitan-wide questionnaire in the Twin Cities of Minnesota and the response rate was zero. By contrast, a Hennepin County (Minneapolis and suburbs) study initiated in 1998 resulted in hundreds of gay respondents to questions about their sexual identity and their demographics. This represents an enormous shift in attitude, representing a new safety and comfort with one’s identity.
5. The educational establishment is becoming more comfortable with issues of racial, sexual, and gender identity. This is true in elementary and secondary schools as well as in the higher-education structure. At first, colleges and universities began to offer course work on gay issues, and then programs were designed to offer support to students. But even more remarkable has been the way in which the elementary and secondary environment has evolved. Cases of harassment against gay students have been adjudicated in the courts, leading to recognition by educators that the lack of protection of gay students will lead to liability. At the same time, students are more willing to verbalize their sexual identity, due at least in part to media discussion of their issues.
6. Of course, these trends are not evident throughout the world, especially in repressive societies where there is a risk of injury or

death for gay people. But the trend is certainly evident in many places, and not only in developed nations.

7. We have moved well beyond the issue of individual rights to that of family rights. The Vermont “civil union” legislation and now the Massachusetts Supreme Court decision (*Goodridge v. Department of Public Health*) brings us to the potential for gay marriages in the United States.

Thus, this book tracks the development of new ways of responding to these cultural changes in the administrative world. It is a major step forward in the literature on GLBT public administration and policy, following in the footsteps of my initial book *Breaking the Silence: Gay, Lesbian and Bisexual Issues in Public Administration*, published by the American Society for Public Administration in 1995 (the first book published in the field on this topic) and the 1997 Haworth Public Policy book mentioned previously (*Gay/Lesbian/Bisexual/Transgender Public Policy Issues: A Citizen's and Administrator's Guide to the New Cultural Struggle*). Since these works were published, other literature has appeared in the field, including several articles in the *Public Administration Review*. But this is by far the most prominent and important work, since it solidifies the field and brings to the fore issues that have never before been discussed in a public administration text. It is my hope that this book will advance the field in ways that will allow others to build on its foundational effort for years to come.

1

The Developed World

Paul Mazur

Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

In most modern democratic societies those who have been disenfranchised from their government by policies that adversely affect them have eventually banded together to get a place at the public policy table to advocate for their rights. Whether it has been racial minorities, women, disabled people, immigrants, sexual minorities, or other groups that have been badly served within a society, people have found ways to force the issue of equal treatment under the law onto the public policy agenda in their societies.

Gay, lesbian, bisexual, and transgender (GLBT) people have made the greatest strides in obtaining recognized civil rights in those countries that have well-developed and well-practiced democracies, that have well-defined civil society, that have well-developed economies, and that have a well-developed culture and traditions of fairness and equity.

While gay, lesbian, bisexual, and transgender people still have a long way to go in gaining full acceptance even in these cultures, they have nevertheless made enormous strides in the developed countries over the last 35 years using whatever political (interest group, political party, campaign financing), economic (the power of money), cultural (film, music, and television), and judicial (lawsuits, amicus curiae briefs, etc.) means they have at their disposal. These are the same tools used by every disenfranchised group to gain at least policy acceptance, if not social acceptance, in their societies.

This chapter will provide an overview of the advancement of gay rights and a rationale for that advancement in the countries of Australia, Europe, New Zealand, and North America and will briefly focus on the progress gay, lesbian, bisexual, and transgender people have made particularly in the areas of nondiscrimination and marriage and spousal rights. This is not meant to be an exhaustive treatment of gay and lesbian issues in these countries. Research in this area is still relatively new. For more information on specific countries, the references at the end of this chapter are a good starting point.

II. THE CONDITIONS FOR THE ADVANCEMENT OF GAY RIGHTS

The so-called advanced democracies with well-established modern economic systems meet several conditions for the advancement of gay rights. First, they are open political systems with traditions of dissent and mechanisms for institutionalizing that dissent. Freedom of speech, press, religion, and assembly, while pioneered in the United States, has been widely adopted to varying degrees in all modern, stable, democratic societies. This tradition of dissent, with its allowance for citizens to petition the government for redress of grievances, is the cornerstone of true democratic political systems. Without this, true political equality is not possible, especially in heterogeneous societies.

These societies have also adopted the classical liberal belief in equality of opportunity, if not full equality, for all their citizens. This is an important point. In the United States the principle that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” is explicitly stated in the Declaration of Independence. In the European Union, Canada, Australia, and New Zealand, while many policies have been shaped around the notion that the just society is one that provides full social, political, and economic equality for all its citizens, equal social and political rights are seen as a minimum.

In such countries it is possible to run for and win an elected political office (Paris and Berlin have elected gay mayors and there are gay members of Parliament in Great Britain, Germany, Canada, the United States, and several other countries). It is possible to form interest groups to protest and challenge government policies or to carry forward a governmental and legal agenda and to fully participate in the political process. It is possible to challenge discriminatory laws in the courts—and even win some of them.

A second condition for the advancement of gay rights is an advanced global economy that requires the skills of a large and educated workforce. Such societies will have companies that understand the importance of those skills regardless of the sexual orientation of the people who possess those skills. Those companies will do whatever they must to retain skilled workers and will mirror the political goal of providing for equality of opportunity. In many of the advanced democratic countries, some of the largest corporations, and many smaller ones, provide domestic partner benefits for their gay and lesbian employees and actively recruit talented gay and lesbian people.

A third condition required for moving forward on gay rights is a tradition of tolerance for people from different cultures and backgrounds. Tied into this is the notion that religion should not be a dominant force in the development of public policies. In most of these countries, religion did play a much more prominent role in affecting government decisions in the past. England, Denmark, and other countries had an official church associated with their governments, although in contemporary times those churches have little influence. The U. S. government was specifically set up to formally separate religion from governance so that there is no officially established religion. This is not to say that people do not bring their religious beliefs into the public policy arena. In fact, in the United States, for example, various religions have exerted their power by essentially becoming interest groups, which compete in the political marketplace with other interests. And other countries have made their own accommodations for religion based on their particular historical development.

Now, for the most part, these societies have become secular societies, where religion is one voice (and in many places no longer a prominent voice) among many competing for the government's attention, especially in the area of social policy. They now have as part of their traditions and beliefs the notion that public policy should be judged on the basis of the common good, and that means guaranteeing all citizens equality before the law. However, there are some complexities that need to be explored about the role of religion in society, particularly in the United States.

A paradox exists in the United States. Its government was specifically established with an eye to separation of church and state. The government is prohibited from establishing an official religion and at the same time is to protect the right of people to believe and worship as they please. At the same time the people of the United States are considered to be among the most religious in the world.

In the United States, an important reason for the slow advance of gay rights has clearly been the existence of an organized right-wing religious movement, which has challenged each potential advance in the quest for equal

rights for gays and lesbians. Indeed, the religious right not only challenges such gains, but they continually try to roll back the gains that have already been made. For example, in the 1990s in Colorado, religious right organizations introduced a referendum, which passed, forbidding people from lobbying for equal protection of the laws based on sexual orientation. In a six to three decision the Supreme Court of the United States resoundingly rejected that referendum on the grounds that the free speech rights of gays and lesbians to petition the government for a redress of grievances were violated. In short, the Supreme Court said that no group may deny another group their free speech rights (1).

But the Court did not say that religious groups could not oppose those policies and advances with which they disagree. In fact, the religious right regularly challenges every proposed attempt at equality for gays and lesbians. They have fought in many state and local jurisdictions against the inclusion of sexual orientation in human rights laws. They have fought against consideration of hate crimes in the criminal code. And, of course, they have fought against gay and lesbian adoptions and spousal rights. It is important to note, however, that gay rights have been advancing in the United States, even in the face of this opposition, and that is a result of the ideal of tolerance embedded in the society, as well as organizing on the part of gay, lesbian, bisexual, and transgender people (2).

This powerful and organized religious right is largely absent from Canada (although they have fought the advancement of gay rights in a couple of the provinces, especially in Alberta). In most of the countries of Europe, the churches, with miniscule Sunday attendance at services, have acceded to the social changes that have taken place among their populations. In Great Britain the Church of England has not been directly involved in government and politics for nearly 300 years. Even in Italy where the Catholic church holds sway, the church has been rebuffed in recent years on a number of issues. For example, the Italian Parliament legalized divorce and abortion (with certain regulations) over the strenuous objections of the Vatican, and in 2002 Rome welcomed an international gathering of gays and lesbians, again over the objections of the Vatican.

A fourth condition that has been most important in the advancement of gay rights is a fair and just judicial system with the power to interpret the law and constitution. In addition, there must also be a deep public respect for the decisions of the courts, even if individuals or groups disagree with those decisions. It is, in fact, the courts in the advanced democracies that have provided some of the leadership to point out that discrimination against gays and lesbians affects the whole of society and threatens the breakdown of the politics of those societies.

A final condition for the advancement of gay rights is a strong tradition of civil society. This involves the legal, political, and social ability of free association, which includes the ability to form political and social groups free of the fear that government would repress those organizations with whose interests it did not agree. There are a variety of strong gay and lesbian organizations in western societies that have brought these issues to the fore and forced government and the courts to take a second look at the old traditions and policies in light of contemporary research and understanding.

III. GAY AND LESBIAN MOVEMENTS

Many of the advanced democracies have well-developed and well-organized movements of gay, lesbian, bisexual, and transgender people. Most of these are social organizations that form an important part of the civil society that gives democracy its cohesion and stability. But there are also many other types of organizations that gay, lesbian, bisexual, and transgender people have formed.

In terms of types of organizations, perhaps the most critical in advancing gay rights are the political organizations of gay citizens that press for policy change on a variety of levels. These types of organizations range from intraparty organizations like Stonewall Democrats and Log Cabin Republicans in the United States to organizations that press for redress of grievances from the courts, e.g., the Foundation for Equal Families in Canada, to non-partisan groups like the Human Rights Campaign or the Gay and Lesbian Victory Fund in the United States and the Homosexual Law Reform Society in Great Britain.

In addition to these organizations that tend to cover a broad range of issues, there are also gay and lesbian interest groups that focus on specific concerns. Most of these countries now have interest groups that lobby for more money for AIDS research and medical expenses for those with AIDS. Further, there have been groups that have taken a more radical approach to advocating for public policy change. One of these, for example, was the AIDS Coalition to Unleash Power (ACT UP), which would conduct dramatic action to bring attention to the AIDS issue.

These political organizations and interest groups often take advantage of the extensive network of other social organizations that gay people have created within their societies. Perhaps some of the more extensive social activity takes place at the gay bars. There are gay bars in most major cities in the advanced democracies and in many other smaller places. They serve as a nonthreatening way for gay people to meet and, occasionally, for political and

other social groups to set up shop as outreach to gay people. For example, the bars have been used to reach people for AIDS education and for get-out-the-vote drives.

Another type of social organization important to the gay community is that dealing with mental and physical health. These organizations have been especially spurred by the AIDS crisis among gay men and they serve as clearinghouse to help those who are HIV positive or with AIDS to deal with their situations. Many organizations have been established to help gay youth. Since most of these societies still presume heterosexuality, it is often very difficult for gay youth to come to terms with their sexuality and with coming out.

Another key player in the gay movement is the media. In most of these societies there are gay newspapers and the gay internet. Many cities have a gay-oriented press, usually as a biweekly or monthly publication. They serve to provide the gay community with news relevant to them and to be a link to gay-friendly advertisers. The internet has become increasingly important to the gay community. Many gay sites in the advanced democracies not only serve as a resource for news and information, but they also serve as a way for gay people to meet, much like the bar scene does. Chat lines are a common way for gay people to meet others in their area and set up dates or other liaisons.

IV. THE ISSUES

A. Sodomy Laws

The most fundamental way in which a society can discriminate against gay people is to ban sexual behavior by same sex partners. Sodomy laws, which are today commonly thought of as consensual anal or oral sex between two people (usually of the same gender) have been put in place by most societies over time, primarily to show the society's displeasure toward the idea of homosexual sex. (In some places sodomy has been banned among heterosexual couples; but this can be seen to be even more puritanical, perhaps an effort to enforce the missionary position, relegating sexual activity to the sole purpose of procreation.) Thus, sodomy laws have been at the core of discrimination against gay and lesbian people because an act that is at the very heart of their identity is banned.

For this reason the abolition of sodomy laws is the first and foremost effort of the gay movement. It is necessary to decriminalize the very laws that would relegate gay people to committing a crime just for having sex. Gay, lesbian, bisexual, and transgender people clearly see these laws as a denial of their very dignity.

Even in the most advanced democracies such laws have been on the books, but over the last quarter century there has been a gradual repeal of these proscriptions.

1. North America

Since the United States is a federal system of government, the repeal of sodomy has been complicated by the particular federal arrangements of its Constitution. Under Amendment 10 of the Constitution, those powers that are not specifically given to the central government in the Constitution belong to the states. Thus, the states have the power to regulate or not regulate sexual behavior. Most of the states have had sodomy laws at one time or another. But over the last 40 years, 27 states have repealed their sodomy laws, and 10 states have had their sodomy laws invalidated by the courts (3).

Sodomy laws in the remaining states were invalidated by a sweeping decision of the U.S. Supreme Court on June 26, 2003 when it overturned its own 1986 decision in *Bowers v. Hardwick* that upheld Georgia's sodomy law. In *Lawrence v. Texas*, the 2003 Court not only ruled that the *Bowers* decision was wrong, but it went much further by deciding the *Lawrence* case on privacy grounds. The Court ruled that the state cannot control people by making private, consensual sexual conduct a crime. It is this extension of the right to privacy that makes the Court's decision so important (4).

In the area of sodomy laws Canada came to its decision much earlier, and it was a conscious act of the central government, not the courts, that made the difference. The Wolfenden Report, described below, also influenced Canada, a member of the Commonwealth. In 1969 the Trudeau government repealed the Canadian Criminal Code prohibition against anal intercourse between consenting adults in private. That landmark legislation came in response to two events in the 1960s. One was the life imprisonment of a gay man for having sex with another man; the other was the Supreme Court decision upholding his imprisonment. The Liberals and New Democrats forged a coalition to pass this legislation (5).

2. European Union

Most of the countries of the European Union no longer have sodomy laws. The exception has been Great Britain. It took 10 years to fully implement the 1957 Wolfenden Report, which "laid out a framework of regulation yet tolerance, a public space controlled by the law, and a private space that is not the law's business"(6). Thus, in 1967, the British government decriminalized homosexuality but kept in place its laws on public lewdness and "buggery." It was only in 2002 that the Labour Government of Prime Minister Tony

Blair began pushing through a complete overhaul of these Victorian-era laws, which had once been used to punish Oscar Wilde in the 1890s.

Other governments of the European Union have decriminalized sodomy at different times over the last century. Denmark, for example began its decriminalization process in the 1930s, although it was not until the late 1960s that sodomy was completely decriminalized and the age of consent was equalized for males and females. Many other governments of the European Union carried out the decriminalization of sodomy laws over the last 40 years (7).

3. Australia and New Zealand

Neither Australia nor New Zealand has sodomy laws. However, like the United States and Canada, Australia is a federal system, and the states and territories of Australia have the right to set their own laws, although the federal government may find ways to supercede those local laws. As in most countries gays and lesbians had to lobby the government for these changes. In 1984 New South Wales became the first state to decriminalize sodomy. Ten years later when the United Nations Human Rights Commission ruled that some laws in Tasmania discriminated against gays and lesbians, the Australian Federal Government passed a sexual privacy act that had the effect of nullifying Tasmania's discriminatory laws (8).

B. Civil Rights

The battle for equal treatment before the law and within society has been a long and difficult struggle for gay and lesbian citizens. One reason for that prejudice is the presumption that sexual orientation is a learned behavior. This coincides with the religious beliefs of many that homosexuality is "unnatural," that it defies the laws of nature and of God. This prejudice is deeply ingrained in spite of research that demonstrates that same sex liaisons are actually common in nature among other species of animals (9).

Nevertheless, in spite of these deeply ingrained prejudices, it is in this area of law and policy that gays and lesbians have made the most strides in the developed world. This is largely true because advanced democratic societies hold out the notion of equality before the law as a principle factor in maintaining a well-organized civic society.

Civil rights here refer to the establishment of nondiscrimination policies in areas such as employment, housing, accommodation, medical and social services, education, and associations. In the area of civil rights law involving gays and lesbians, exceptions are sometimes made for churches.

1. North America

The struggle for gay and lesbian rights in the United States and Canada has been waged for a long time. The seminal event that gays and lesbians point to as the beginning of that formal struggle is known as the *Stonewall Riots*. In the summer of 1969 New York City police conducted one of their routine raids to harass gays and lesbians at the Stonewall Tavern in Greenwich Village. Uncharacteristically at that time, gays and lesbians decided they had had enough of this behavior and fought the police for three days. This event is credited by gays and lesbians as the start of their serious organizing for equal treatment under the law.

Since that time many GLBT advocacy organizations have been formed around the country. Because of the nature of its federal arrangements, it was important that organizations exist at the national, state, and local levels. At the national level, organizations like the Human Rights Campaign, which lobbies Congress and endorses gay-friendly candidates, and the Gay and Lesbian Victory Fund, which helps groom and finance gay candidates for public office, are visible examples of this organizing. The Stonewall Democrats and Log Cabin Republicans are organizations working within the two major political parties to influence their platforms and policies. The National Gay and Lesbian Task Force (NGLTF) works primarily on bringing cases to trial to win redress through the courts. Furthermore, there are many organizations that work at the state and local levels.

As a result of these efforts, 14 states and the District of Columbia now include sexual orientation in their antidiscrimination laws. The Supreme Court in recent years has decided several cases in favor of gays and lesbians. Three members of Congress and many local officials are openly gay, and both political parties now make overtures for gay support, although the Democratic party is considered to be the most gay-friendly.

Canadian gays and lesbians have been much more successful in their struggle than those in the United States. Like the United States, the Canadian federal system allows variations among the provinces. All the provinces of Canada have antidiscrimination laws on the books, some since 1987. But there is variation. While most of the provincial governments repealed their antigay laws, Alberta's antigay laws were thrown out by the Canadian Supreme Court in 1998, and the Northwest Territories, unlike the other provinces at this writing, include gender identity in their nondiscrimination protections (10).

Their efforts at obtaining equal rights were enhanced when the Constitution Act of 1982, containing the Charter of Rights and Freedoms, which provides for individual political rights, was adopted. Organizations like Equality for Gays and Lesbians Everywhere (EGALE) and the Foundation

for Equal Families have been working through the political process and the courts to win equal rights.

With some fits and starts, since that time, the Canadian Parliament has changed a number of laws and the Canadian Supreme Court has overturned a number of laws that discriminate against gays and lesbians.

2. The European Union

The European Union is a fledgling federalist system. While the European Union (EU) has broken down its borders for member states, adopted a common currency that most, but not all, of its members have bought into, and is set for expansion to include a number of states from Eastern Europe, it is not fully integrated politically. It does have a parliament with members elected from each of the member states, but the European Parliament is still relatively toothless. Key decisions for the European Union are still made at the higher executive levels.

Because the EU is a developing federal system, like federal systems elsewhere, it is not expected that each member state will adopt identical policies in all areas of the law. At the same time member states do agree to certain social, political, legal, and economic standards. In the political and social spheres, respect for human rights is a major ingredient. This is probably one of the reasons why Turkey has not yet been given a date for membership into the EU despite repeated and persistent efforts on the part of the Turkish government to show that it is a modern secular and democratic government.

All of the EU countries have antidiscriminatory laws on the books, but there are variations among them. Much of the reason for the positive treatment of gay, lesbian, bisexual, and transgender citizens in Europe is due to the pressure put on European Union member states by their own definition and quest for human rights. In recent years the European Court and courts within the various countries have made rulings on gay and lesbian job rights, spousal rights, and adoption rights. In response to these judgments governments of Europe have begun adjusting their policies to be in conformity with developing European law.

3. Australia and New Zealand

Australia began providing antidiscrimination protections for its gay and lesbian citizens as early as the 1970s, although it was not until the 1980s that homosexual acts were decriminalized. The state of South Australia was the first state to pass antidiscrimination laws for gays in 1975. That was replicated a year later in the Australian Capital Territory. Now all the states have

antidiscrimination laws that cover employment, housing, and a number of other previously discriminatory areas (11).

New Zealand also has a gay rights law that bans discrimination in employment and education, housing, and some other areas. It also provides legal protection for those who have HIV infection or AIDS (12).

C. Domestic Partner Benefits

The battle for the rights of gays and lesbians is being fought on many fronts. The latest area that is receiving attention in many countries is in the area of family law, particularly in the area of spousal benefits for same-sex couples and adoption. However, in the United States and Canada, the struggle for spousal benefits is taking place not just in the courts but also in the workplace and in the halls of government. In Canada and in the United States, thousands of private businesses provide domestic partner benefits to their same-sex employees.

While spousal benefits, custodial and adoption rights are still being fought out in the courts and legislatures of both countries, it is the Canadian courts that have created the greatest progress in these areas. It is important to highlight some of the significant advances that have been made.

1. North America

In North America, Canada is the leader in legal and policy advances with regard to spousal benefits. In 1999 the Supreme Court of Canada was presented a case from the province of Ontario, *M v. H*. It was a kind of divorce case involving two women who had been in a domestic partner situation for a number of years. The Supreme Court ruled in that case that M and H had in effect been in a common law marriage and therefore were being discriminated against if divorce laws did not allow for the equitable distribution of property for same-sex couples. In that ruling, the Court said that Ontario, in defining marriage to include only people of opposite sex, had discriminated against same-sex couples. This discrimination, the Court said, violated the Charter of Rights and Freedoms enacted in 1982. The Canadian provinces chose not to fight this ruling and many of the provinces began the process of changing their laws to allow for spousal benefits for same-sex couples. Thus, the Court changed the definition of *spouse* in Canadian law (13).

While that decision set off a furor in parts of Canada, like Alberta, most provinces proceeded to change their laws to conform to the Court's decision.

Oddly enough, Catholic Quebec was the first province to begin changing its laws. But Quebec has a history of progressive action in favor of gays and lesbians. For example, in 1977, it became the first province to add sexual

orientation to its antidiscrimination laws, and in 2002 Quebec formalized domestic partner relationships. In the spring of 2003, in response to an Ontario Court of Appeals ruling that upheld the right of gays and lesbians to marry, Canadian Prime Minister Jean Chretien announced that the Parliament would begin drafting national legislation to legally recognize same-sex marriages.

Gays and lesbians in the United States are fighting for these same benefits on many fronts, including attacking the laws head on by trying to demand full rights to marriage. These efforts have not only met limited success, but there has been a counterreaction with Congress and most state legislatures passing something called the Defense of Marriage Act (DOMA), which essentially says that marriage is reserved for opposite-sex couples.

The United States does have a provision in its Constitution that requires states to honor the civil contracts of other states. This would seem to mean that if one state were to grant marriage rights to same-sex couples, those rights would have to be honored in other states (although there are attorneys who would dispute this). However, this is one of the considerations that prompted opponents of gay marriage to adopt DOMA laws around the country.

One state did figure out a way to deal with this. After the Vermont Supreme Court ruled that Vermont was violating the state constitutional guarantee of equal treatment under the law with respect to denying gays and lesbians the right to marry, the Vermont legislature passed, and then Governor Howard Dean signed into law, an act that would create "civil unions" for same-sex couples. In effect, couples living in Vermont would get the same state benefits as if they were married. Attempts by conservative legislators and the religious right to repeal this law have thus far failed. Many same-sex couples have gone to Vermont from other states for this civil union, although they are not eligible for benefits in their home states.

2. The European Union

The countries of the European Union are also slowly but inexorably moving forward in this very important area for gays and lesbians.

Thus far The Netherlands has been the first to grant full marriage rights to same-sex couples, including the right to division of property in the event of divorce, medical decision and beneficiary rights, and immigration rights for a partner who is from another country. In 1998 The Netherlands became the first country to grant gay couples full adoption rights. The Netherlands has been ahead of most countries with respect to its treatment of gay and lesbian citizens (14).

In January 2003 neighboring Belgium became the second country in Europe to grant same-sex marriages. The new law, overwhelmingly passed by

Parliament in a country that is 75% Catholic, modifies the Belgian civil code to allow same-sex couples to contract for marriage. It grants inheritance and other rights, although it excludes adoption rights. In addition, it does not limit such marriages to Belgian citizens (15).

Sweden has a registered partners law that gives many marriage benefits to gay couples. In fact, Sweden has recently passed legislation allowing gay couples to adopt children following the same rules for adoption that heterosexual couples must follow (16).

Portugal and Denmark permit registered partnerships. Denmark was the first national government to grant nearly full spousal benefits, including adoption, to gays and lesbians, although it still does not recognize gay marriage. Portugal does not grant adoption rights to same-sex couples, nor does it provide for immigration rights for the same-sex partner of a Portuguese citizen (17).

Germany has recognized life partnerships of same-sex couples since August 2001. The German law has withstood the test of its courts. Under its law same-sex couples are entitled to inheritance, hospital visitation, and pension rights, as well as the right to be involved in medical decisions involving their partners (18).

In addition, the European Union set 2004 as the year for 10 new applicant countries to become full members. Those countries are Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. In preparation for their admission into the European Union the European branch of the International Lesbian and Gay Association has published a document entitled "Equality for Lesbians and Gay Men—A Relevant Issue in the EU Accession Process" in an effort to lobby the EU to take into account the treatment of gays and lesbians in east Europe (19). Since progress is being made in the area of gay rights within Europe, it is natural to expect that these countries would also begin making progress in that area of human rights.

While none of these countries has sodomy laws, neither have they moved into the various areas of same-sex partnerships, although such bills have been considered before the parliaments of the Czech Republic and Latvia.

3. Australia and New Zealand

In Australia, the Australian Capital Territory, Queensland, New South Wales, Victoria, and Western Australia all have some sort of domestic partner provisions in their legal code. Perhaps the most extensive of domestic partner benefits are in New South Wales (NSW) where in 1999 the NSW Parliament changed 25 laws, giving same-sex couples access to property division rights,

tax benefits, beneficiary rights when one of the partners dies without a will, and medical decision rights. The laws vary from state to state and in some of the states are quite minimal, but they are clearly showing signs of progress on this front for gay and lesbian citizens (20).

New Zealand law grants something akin to common law marriage rights, allowing both gay and straight nonmarried couples who have been together for 3 years the same property rights as married couples, and it also provides for divorce settlement.

D. Gays in the Military

The issue of whether openly gay men and lesbians should be allowed to serve in the armed forces has been generally opposed by military commanders. Having said that, a number of the advanced democracies, including Canada, Australia, Germany, France, and The Netherlands have eliminated those barriers. It has recently been debated in Great Britain and the United States.

The legal acceptance of gays and lesbians into the military forces will probably present a whole new set of issues for military leaders. Gays and lesbians in the military will probably press for more rights, benefits, and pensions; and there will be a struggle over the provision of on-base housing.

V. CONCLUSION

Looking back over the last 40 years, it is clear that gay, lesbian, bisexual, and transgender people have made great strides in obtaining full equality before the law in the societies of North America, the European Union, and Australia and New Zealand. Most of the gains that have been made have occurred in the 1980s and 1990s, although organizing for obtaining these rights began in the late 1960s.

None of this is to say that gays and lesbians have achieved full equality within their societies yet. In many of these countries there is still lingering social opposition to the development of equal treatment of gay and lesbians. Nowhere is that opposition more prominent and more effective than in the United States. Nevertheless, even there the principles of equality of opportunity and freedom of association tend to win out.

Although gay, lesbian, bisexual, and transgender people have made gains in terms of the law and public policy, they still face the hurdle of acceptance by the society at large. It seems that this will come in time. With positive gay images presented on television shows and in the movies and with younger people becoming more accepting of differences, it will only be a

matter of time before gay, lesbian, bisexual, and transgender people will be fully accepted not only in law but also by the society at large.

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2

The Developing World

Paul Mazur

Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

Outside the advanced democratic societies it is difficult to generalize about the politics, societies, and economies of the countries of Africa, Asia, Latin America, and the Middle East. Each region has its own character and many subregional variations. Furthermore, there are some countries that stand alone in their characterization. However, in many of the countries of these regions, particularly the Middle East, Latin America, and parts of Africa and Asia, there is one common theme: the role that religion plays, directly and indirectly, in the governance of many of these countries.

This chapter, therefore, will be an effort to broaden the scope of thinking about the stages of gay and lesbian public policy in countries outside of the advanced democracies.

There seem to have been three stages in the development of gay and lesbian policies in the Western world. The first of these stages involved the outright outlawing of homosexuality and homosexual acts. These laws were put into place with the backing of populations with strong homophobic cultural and religious beliefs. These laws had the effect of driving gay and lesbian people underground. The societies tolerated these activities as long as they were underground and allowed police forces and politicians to use crackdowns against gay gathering places as a way of enhancing their “moral” and political reputations.

The second stage has been the revolt by gay, lesbian, bisexual, and transgender people against these arbitrary and oppressive actions by the dominant society. This stage was facilitated by the development of gay and lesbian organizations made up of members who decided they would not go underground anymore. Their coming out and being “avowed homosexuals” helped force the politicians in the west to have to deal with what came to be serious political clout by another oppressed minority. In addition, gay and lesbian groups have been able to appeal to modern sensibilities of tolerance and equality before the law.

The third stage has involved advancing gay and lesbian rights to include full equality before the law. In this stage gays and lesbians have been waging legal and political battles over issues of hate crimes, marriage, family, and parental rights, among others. These stages often overlap with countries of the west because of the progress or lack of progress due to regional and local differences within the societies.

As we shall see, the countries of Africa, Asia, and Latin America are in one or another of these stages. In each of these regions history, culture, and religion play important roles in the shaping of policy—or lack of policy—on gay and lesbian issues and the treatment of gay, lesbian, bisexual, and transgender people within the various societies. This chapter will look at some of the policies and influences on gay and lesbian policy development within these regions.

II. THE MIDDLE EAST

Although this region of the world spans countries on the African and Asian continents, it merits special attention because of the similarities of many of the countries of the region. The countries of this region are largely governed by either a single ruler backed by the military or by other important elites or a medieval-style ruling family. The principal exception is Israel, which is the only true democracy in the region.

All the governments of the region are entangled with religion: Islam in most of the countries of the region and Judaism in Israel. While progress on gay and lesbian issues in the advanced democratic countries can be attributed to a kind of separation of church and state, the governments of the Middle East (with the exception of Israel) still ban homosexuality (or deny that it exists) largely due to their understanding of their religious principles.

In order to begin understanding the Middle East, it is very important to briefly review the major religions in the region and their beliefs.

A. Religion

Three dominant religions are at center stage in the cultures of the Middle East: Islam, Judaism, and Christianity. Islam plays a major role in most of the governments of the region, but Judaism is intertwined with the Israeli government and Eastern Orthodox and Eastern Catholic religions also play a part in the politics of the region.

Unlike Western societies where religion competes with other interests, in the societies of the Middle East religion is intertwined with government both directly and indirectly. Because religious beliefs are so deeply held by large segments of the populations of the countries of the region, political leaders—even dictators and monarchs—ignore those beliefs at their peril. Furthermore, the entanglement is sometimes more direct because many of the leaders themselves profess the faith of the dominant religions of the region, and therefore many of the beliefs and religious proscriptions are also law.

It is important to understand that these religions are largely conservative both in their theology and in their attitudes and beliefs regarding the proper structuring of society. Because these religious beliefs are so strongly held, governments of the region have to be cautious in any social advances they make, particularly in the Islamic countries.

As noted in the previous chapter, one of the salient features of modern democratic societies is the acceptance of the role of secularism in government and the esteem with which the notion of tolerance is held in multireligious societies. In the United States, there was a concerted effort to keep a formal separation of church and state while acknowledging that religious beliefs may influence public policy. In Europe, although many political parties were tied to one religion or another in the past, the practice in modern European governance has been to keep religion at arms length.

In the Middle East, however, religion has been, and continues to be, deeply intertwined with governance issues. The dominant religion of the region is Islam, and Orthodox Judaism is the dominant religion in Israel. Note, however, that there are also many Christians among the people of the region, including Chaldeans in Iraq, Maronites in Lebanon and Syria, Melkites in Syria and the West Bank, Antiochian Orthodox in Syria, and Alexandrian Orthodox in Egypt. In many of the societies considered in this article, Islam, Catholicism, and Judaism play a major role in government repression of gay, lesbian, bisexual, and transgender people.

1. Judaism

Judaism is the oldest of the three great monotheistic religions, all rooted in the Middle East. The founding father Abraham is revered in all three religions.

Jewish belief is guided by the Torah and Oral tradition, as well as by rabbinical interpretation of the scriptures and halakhah, Jewish law. There have been a number of schools of thought among rabbis over the centuries, and, consequently, a variety of ways of understanding the ways Jews should live in the world.

The three main branches of Judaism are Orthodox, Conservative, and Reformed. While they share common beliefs in one God and the authority of the Torah, all have different understandings of the application of their beliefs to modern society, especially in the area of social issues. The Orthodox branch of Judaism, which itself is divided into a variety of institutional structures and schools of thought, generally adheres to traditional beliefs regarding the roles of the sexes and sex. So in Orthodoxy, which is the branch of Judaism with a preeminent place in Israeli life, there are no female rabbis and homosexual acts are forbidden.

The Conservative and Reformed branches of Judaism are predominant in the United States and Europe.

2. Islam

It is important to discuss Islam because that religion has about 1 billion adherents worldwide and has significant influence on politics and society in Africa, Asia, and the Middle East. This section will provide an overview of Islam, but regional variations of practice, belief, and influence on politics will be noted in the sections on those regions.

Islam (meaning “submission to Allah”) was founded in the seventh century by the Prophet Mohammad who was given God’s word by the Archangel Gabriel. Mohammad lived in what is now called Saudi Arabia. But the religion he founded has taken hold especially in an area ranging from northern Africa in the west to Indonesia in the East. Now a worldwide religion, it is considered the fastest growing religion in the United States.

There are two sources of religious authority in Islam: the Quran (the word of God as given to the Prophet Mohammad) and the interpretations of the Quran by Islamic scholars, who over the centuries have often delivered contradictory opinions. Interpretations that are prevalent in some parts of the Islamic world may not be widely accepted in other parts. This helps to explain some of the variations that exist in Islam around the world.

Some interpretations may be reinforced by fatwas, religious decrees, issued by Islamic scholars. There is no legal mechanism for enforcing fatwas unless an individual country chooses to put one into law. In general, fatwas are self-enforcing; that is, individual Muslims are expected to observe the decree. One widely agreed upon fatwah is that homosexuality is wrong (1).

In terms of religious practice Islam is built on five “pillars,” which Muslims the world over are supposed to observe. They are faith (belief in one God and that Mohammad is the Prophet), prayer five times a day facing Mecca (the holiest city in Islam), zakat or almsgiving (a recommendation that Muslims give away 2.5 % of their wealth annually), fasting during the holy season of Ramadan, and the hajj (a pilgrimage) to Mecca at least once in their lifetime. Muslims are also to abstain from alcohol and tobacco. Women are supposed to wear the veil as a sign of modesty, but this practice varies from country to country and individual to individual.

At the time of its founding Islam was seen as being somewhat socially progressive. For example, women were given some rights in Muslim society, including the right to divorce and the right not to be arbitrarily thrown out by their husbands; both of these were significant advances from the practice of Arab tribes at the time.

On the hajj all pilgrims must wear white robes to denote that all men and women, rich and poor, are equal before Allah. Unfortunately, that does not extend to gay and lesbian people. Homosexuality is generally condemned within Islam.

Islam has two main branches: Sunni and Shiia. The Sunnis dominate the Muslim world, but Shiites are found in many places, especially Iran, Lebanon, and southern Iraq.

3. Christianity

The third important group of religious players in the Middle East is the Christian religions. These churches represent important but small minorities in the countries of the region. Many of the Christians of the region belong to one of the Orthodox churches: primarily the Church of Antioch (Syria), the Church of Alexandria (Egypt), or the Church of Jerusalem. Each of the Orthodox churches has a patriarch as its leader. The patriarch is equivalent in authority to the Pope. The Orthodox churches split from the Roman Catholic church some time in the eleventh or twelfth centuries C.E. The churches of the East worked out their spirituality and religious practices apart from the Western christian religions.

While the Orthodox patriarchs separated themselves from the West, there were other patriarchs who remained in communion with the Roman pontiff and have maintained their traditions in what is now referred to as the Eastern rites of the Catholic church. The Eastern Rites of the Catholic church in the Middle East include the Maronites (predominantly in Lebanon), the Melkites (largely Syrian and Palestinian), and the Chaldeans (largely Iraqi).

Since all of these churches are rooted in the same basic theology, their beliefs and theologies tend to be opposed to any social liberalization when it

comes to gender, family, and sexual orientation. And so, although they are minority religions in the region, they also serve to reinforce the dominant conservative practices and beliefs of the countries in the Middle East.

B. Gay and Lesbian in the Middle East

In much of the Middle East the issue of homosexuality is complex. While same-sex relationships go against the predominantly scholarly interpretations of the Quran and the Jewish and Christian scriptures, there had been cultural acceptance of such relationships historically (2). Further today there are covert gay bars and gay liaisons in many of those societies. Sodomy, of course, is forbidden, and same sex couples who have been found to have engaged in sodomy are punished with penalties ranging from serious time in prison (Egypt) to execution (Saudi Arabia and Iran). The tolerance practiced in secular societies is unknown in many of these countries.

Some of the countries of the Middle East ascribe to sharia or Islamic law. The application of sharia punishment to wrongdoers varies by country.

1. Arab Countries

The Saudi Arabian government, a monarchy in which members of the ruling family hold ministerial posts, considers itself the protector of Mecca and Medina, the two holiest sites in the Islamic world. The Wahabbi sect of Islam holds sway there, and it appears that the Saudi ruling family has over the years struck an informal deal with the Wahabbi leaders. The Wahabbis enforce a very strict interpretation of the Quran, and for the most part the Saudi government acquiesces in the Wahabbi interpretation of the Quran and the imposition of the Wahabbi version of sharia.

Because of this Saudi Arabia is undoubtedly the least tolerant of gay and lesbian behavior in the region. They recently beheaded two men for engaging in homosexual behavior (3).

Other governments use the oppression of gays and lesbians to take the peoples' minds off more pressing domestic problems like a poor economy.

Egypt considers itself one of the more modern of the Arab regimes. Although Egypt has elections, it does not fully follow democratic principles. Islam is a very strong force in Egypt, and in the last couple of decades a right-wing Islamic group known as the Muslim Brotherhood (which the government of Egypt has outlawed) has terrorized the country for being contaminated by western influences.

Because of the growing influence of fundamentalist Islamic groups in Egypt, the government has been more willing to crack down on gay and lesbian activities as a way of showing their adherence with Islamic belief. In

late 2001 the Egyptian government raided a boat that was thought to be hosting a gay party and arrested and tried 150 men for engaging in homosexual behavior. Because of an outcry from western gay and lesbian groups and many governments of Europe and the European Union, the Egyptian government ordered the men released and retried (4). At this writing, this issue still has not been resolved.

Other governments in the region turn a blind eye to homosexual behavior as long as it is practiced discretely. For example, there are in fact bars that cater to gay clientele in the United Arab Emirates (UAE), which is on the Saudi peninsula. Catering to European and American business, the emirates are also more modern in their treatment of women, who, for example, are not only well educated but are also not forced to wear the veil and who may drive cars, own businesses, etc. As a result, while the government outlaws homosexuality and may close down a bar for sponsoring an openly gay night (as happened in Dubai in 2001), it is interesting to note that some entrepreneur felt free enough to even advertise such an establishment (5). On the other hand, the open acceptance of homosexuality or the gay lifestyle or domestic partner benefits or gay marriage would be unheard of in these societies.

2. Israel

Israel is also a religious state with Orthodox Judaism as the established religion. Although Israel is a democracy with free elections and a European-style parliament called the *Knesset*, the right-wing parties, often associated with Orthodox Judaism, have largely been in power over the past 20 years. What is remarkable in Israel, however, is the progress gays and lesbians have made despite the influence of Orthodox Judaism in politics.

Here is a brief summary of that progress: In 1988 the Knesset repealed Israel's sodomy law. In 1992 gays and lesbians were accorded protection from discrimination in the workplace. The following year gays and lesbians won the right to be members of the Israeli Defense Forces. In 1994 through court action and individual effort, same-sex partners won some partnership benefits rights. Other rights that gays and lesbians have won in Israel since 1994 include a court ruling in Haifa that extended the word *spouse* to include opposite-sex couples and a Supreme Court ruling that the partner of a biological parent has the right to be named the second parent of the child (6).

It is important to remember that Israel is the only true democracy in the Middle East. As such, Israel has all the features of the European and North American democracies. It has a multiparty political system and an advanced civil society. The organizing by gay and lesbian groups no doubt has played a significant role in the changing of Israeli laws regarding homosexuals.

Further, many Israeli politicians, even conservative ones, have been able to separate their deeply held religious beliefs about what is right from the purpose of government to guarantee equal protection of the laws.

III. LATIN AMERICA

The countries of Latin America have turned more toward democracy in recent years, but Catholicism and a culture of “machismo” still play a major role in the attitudes toward gay and lesbian rights issues.

A. Religion and Culture

The Catholic church is the dominant religion of South and Central America. The religion was brought to the region when the Spaniards and Portuguese colonized the peoples of the region several centuries ago. Since that time the Catholic church has dominated Latin American societies (and in recent years it has been making serious inroads into the African continent.)

The Catholic church is headquartered in Vatican City, a one-square mile enclave within Rome and headed by the Pope. The Pope appoints all bishops to dioceses worldwide. This gives the Pope a great deal of power because he chooses the men who will be in charge of the local church. During the Pontificate of John Paul II, those men have been chosen to reflect the papal image, that is, they were chosen for their loyalty to Catholic doctrine, although they may also be advocates for the poor.

The church does not explicitly denigrate women or gay people, but it is obvious that there are no women in power positions within the Church. The Church is a clerical organization that vests all of its religious and jurisdictional power within the hands of clerics (all men), ordained by the bishops, who are themselves consecrated by the Pope. And the church’s Canon Law holds priests and bishops responsible for both spiritual and temporal affairs. For example, at any given Catholic parish, the pastor (an ordained priest) is ultimately responsible not only for the spiritual but also the fiscal well-being of his parish.

The Catholic church has an official position on homosexuality that states that homosexuality is fundamentally disordered. The church’s position also states that homosexuality in itself is not wrong. However, homosexual activity is a sin. The church calls on gays and lesbians to live a celibate (unmarried) and chaste (no sex) life (7). Despite its statement, the Catholic church’s position toward gay and lesbian people is hostile.

In the year 2002 the Catholic church in the United States was hit with a major scandal involving priests who had sex with boys who were not legally of

age (a relatively small number) and teenagers who were legally of age (the majority). There were also similar scandals in other countries. The Vatican has blamed this on homosexuality in the priesthood and at this writing seems to be preparing to set directives to weed out gay people from all the Church's seminaries (8).

This needs to be pointed out because, in fact, there has been and are many gay priests, and it is hypocritical to condemn homosexual acts and not acknowledge the homosexuals in their midst. This is also important because the church takes such a strong stand against homosexuality.

A second factor that has worked against the treatment of gay people in Latin American societies is the concept of *machismo*, an inflated view of masculinity that is ingrained in much of Latin America culture. Machismo is often cited by Latin American gay men to explain the violent treatment they often suffer at the hands of other men.

B. Politics and Government and Gay Rights

While for most of their histories the governments of Latin America were dictatorships, today most of the governments there are American-style presidential democracies. Each of the countries has a president elected apart from the national legislature, which are also elected. Further, there is a developing sense of civic society in most of these countries as political parties and interest groups and nonpolitical organizations are proliferating.

There are gay and lesbian political and service organizations in many of the Latin American countries. Like those in Europe, Canada, and Australia, gay and lesbian organizations began springing up after the Stonewall riots in New York. For example, Argentinian gay and lesbian organizations began springing up in the late 1960s (9). Gays and lesbians in other countries of the region began organizing in the 1970s and 1980s, and they have been using their power to lobby for better treatment under the law and to advance the rights of sexual minorities in their countries.

The development of civil society with both political and social gay organizations in many Latin American countries has led to pressure on some of the governments of the region not only to legalize same-sex relationships but also to consider other proposals like domestic partnership benefits. This is occurring in spite of the influence of the Catholic church and the culture of machismo.

While sodomy and public sex are still illegal in most of these countries, progress is being made in other areas. For example, in Brazil in the year 2000 the Brazilian government announced that it would give same-sex couples the right to inherit each other's pension and social security benefits, a first for a Latin America country (10). A former Minister of Justice supported same-sex

marriages, and in the year 2000 the Ministry of Justice opened an office in Brasilia to promote gay rights nationwide. In another sign of support for gay and lesbian rights, the President of Brazil in May 2002 endorsed a bill that would legalize same-sex unions (11).

There have been other serious advances for gay and lesbian people in several of the Latin American countries.

One of the most significant took place in Buenos Aires in December 2002. Over the strenuous objections of the Argentinean Catholic church, Buenos Aires became the first Latin American city to grant domestic partners the same health insurance benefits and pension rights that married couples have (12). But Buenos Aires has been in the forefront of recognizing the rights of gays and lesbians. In 1996 it unanimously approved adding sexual orientation to their city charter's nondiscrimination clause. This was a major victory for gays and lesbians, 20 of whom stormed the Constituent Assembly of Buenos Aires and shamed the members of the committee that had rewritten the city charter into signing a pledge to include gays and lesbians in the nondiscrimination clause of the new charter (13).

In Colombia in 2002 legislation was introduced in Congress to legalize same-sex couples by granting them inheritance and prison visitation rights, although this has run up against stiff political and religious opposition (14). Nevertheless, the fact that this kind of legislation could be considered in a country where the Constitution declares the family as a heterosexual institution is significant. It demonstrates how a country that develops democratic processes and a lively civil society will begin debating issues that fly in the face of cultural norms and an entrenched church.

In other countries of Latin America the story is not so good. In Ecuador where the Constitution guarantees the right of choosing one's sexual orientation, homosexuality itself is still outlawed. However, there are gay groups there fighting for their rights, in spite of the harassment they receive at the hands of right-wing groups who are particularly targeting gays (15).

Panama has legalized consensual gay relationships, but the government denied registration status to the first gay and lesbian organization there. And as elsewhere in Latin America gay people are harassed and beaten (16).

IV. ASIA

Asian countries have a wide variety of cultural norms that seem to lead to antigay governmental positions. In some parts of Asia Islam is the dominant religion. Buddhism, Hinduism, and Taoism are other belief systems that are important to this part of the world. Christianity is very weak in Asia. What is interesting is that the Islam practiced in some parts of Asia is somewhat

different from that practiced in the Middle East. The cultural norms in Asia vary widely. There is also a great variation of freedom of association and the acceptance of gay and lesbian activity.

In many Asian societies same-sex relationships are illegal, and gays and lesbians are harassed and beaten. Even in democratic India with a Hindu government and no specific antisodomy law on the books, the vestiges of British colonial law that forbid gay relationships and buggery are still in place and enforced. Even people who have been working to prevent sexually transmitted diseases are harassed with authorities raiding their offices and shutting them down. At the same time gays and lesbians are organizing in India and will continue the struggle for their rights. For example, in January 2003, an Indian court in New Delhi ordered the government to respond to an AIDS group lawsuit that demands an end to India's antihomosexuality laws on the grounds that it interferes with gays coming forward to get help to prevent AIDS (17).

Taiwan is another democratic country in the region where gays and lesbians have also become more active recently. In 2001 a gay and lesbian activist group endorsed a list of gay-friendly candidates for the Taipei city and county legislatures. And gay and lesbian activists protested when it was learned that the Armed Forces Police Command had a ban on gay men in the police force. The Minister of National Defense promised to lift the ban (18).

China has gradually been reducing its controls on homosexuality, while the city of Hong Kong has an extensive network of discreet gay social relationships and groups.

Most of the governments of the region still have sodomy and anti-homosexual laws on the books, but there is gay and lesbian activism in many of these countries.

V. AFRICA

The problems in Africa are grave. As a continent Africa is probably the most behind in guaranteeing human rights for its minorities, including gays and lesbians. Many of the countries of Africa have to deal with many problems, including poorly functioning economies, poverty, and the expanding AIDS and other health crises. It is unlikely that African countries can deal adequately with these problems until they resolve the several wars that are taking place on the continent and create a framework for greater political stability.

In the midst of these problems gays and lesbians are scapegoated and threatened by government leaders. The President of Uganda, for example, in 2002 said that his country has no homosexuals after his government was accused of mistreating gays and lesbians (19). Another example of this is in

Zimbabwe where President Robert Mugabe has been particularly hostile to his gay and lesbian citizens. In February of 2002 Mugabe announced that he would jail gay people and shut down any gay or lesbian organization in the country (20).

While same-sex relationships are illegal nearly everywhere throughout the continent, there is a bright spot for gays and lesbians: South Africa. South Africa's constitution explicitly prohibits discrimination against gays and lesbians. Moreover, the courts in South Africa have been expanding gay and lesbian rights. In July 2002 the Constitutional Court of South Africa (its highest court) ruled that same-sex couples should have the same financial benefits as heterosexual couples (21). In September of that year, the Constitutional Court also ruled that same-sex couples have the right to adopt children (22).

Since the end of apartheid equality and justice have been very important principles of the new government. There was a conscious effort not to repeat the mistakes of the past. Further, with the development of a fully democratized state, there have formed a number of gay and lesbian organizations, and as in other democracies gay and lesbian people have been using the court system to redress its grievances.

While many of these countries now have elections, traditions of freedom of speech, assembly, and association are still not well developed.

VI. RUSSIA

One other country that should be mentioned before leaving this chapter is Russia, which spans the European and Asian continents.

The context for looking at gay and lesbian policy in Russia is somewhat different from the other countries in this chapter, but it is important to include a brief note about gay and lesbian issues in Russia because it is an important player on the world stage.

Until 1917 the Russian Orthodox church was a dominant player in the country: it not only conferred legitimacy upon the tsar, acknowledging that the tsar was God's representative on earth, but the Russian Orthodox church had a great deal of wealth in the vast tracts of land that it owned. When the Bolsheviks took over, they sought to rein in the power of the church by going after that land and, subsequently making the church jurisdictionally subject to the state. So for 70 years of imposed secularism, churches were closed and attendance at services were discouraged. Belief never died out, however, and after the fall of the communist system, the Orthodox church began to rebuild both physically and spiritually.

The current Russian Orthodox church now sees itself under assault from other religions, especially Western Christian religions. The Roman

Catholic church has made inroads in Russia, as have Baptists, Charismatics, Evangelicals, and other more conservative Western religions.

At the same time the population had been indoctrinated into secularism for more than 70 years, and those teachings have had an effect.

When it wrote and adopted its new constitution in 1993, the Russian state had inserted language that would guarantee no discrimination against homosexuals. Since that time gays and lesbians in Russia have formed a variety of organizations, including ones dealing with gay rights, AIDS, and other social reasons. There are several Russian gay web sites, and the major cities have gay bars and discotheques.

But like gays and lesbians in other countries, these citizens have to organize and fight for their rights. Culturally, being gay or lesbian in Russia is still frowned upon. In 2002 a conservative political party introduced legislation in the Duma (the Russian legislature) that would have banned homosexuality. And the gay and lesbian organizations there are vociferously protesting in opposition to its passage (23). Thus far, this proposed piece of legislation has not passed, but it is a reminder of the struggles that still lie ahead. The society itself still does not tolerate the idea of gay and lesbian lifestyle.

VII. CONCLUSION

As can be seen from this presentation, in countries where religion, machismo culture, or denial plays a significant role in politics, acceptance of lesbians and gay men, their partnerships, or their lifestyle is nonexistent.

At the same time there are pockets of enlightenment throughout these regions of the world. Clearly, democracy with its free elections and civil society does play a major role in the granting of legal rights for gay, lesbian, bisexual, and transgender people. This was seen in countries like Argentina and Brazil, South Africa, and Taiwan.

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3

Policy Entrepreneurs and Gay Rights Policies

An Analysis of State-Level Laws

Roddrick A. Colvin

National Gay and Lesbian Task Force, New York, New York, U.S.A.

I. INTRODUCTION

Policy entrepreneurs are often considered a critical component in policy process. While their role has been acknowledged as key players in agenda setting and adoption, very little systematic research exists on what policy entrepreneurs actually do. Furthermore, research on the role entrepreneurs play in advancing gay rights policy is virtually nonexistent. My research explores state-level antidiscrimination policies in the United States and asks the question, “What role do policy entrepreneurs play in the gay right policy arena?” Specifically, I am interested in whether entrepreneurs exist, in their actions and motivations, and in the environment in which they operate. To gather exploratory data about policy entrepreneurs, organizations that have been active in advancing gay rights were surveyed. In addition to a long-standing history with the gay rights movement, these organizations were selected, in part, for their uniform presence in each state.¹ Additionally, given the ideology and mission of both the National Gay and Lesbian Task Force (NGLTF) and the American Civil Liberties Union (ACLU), policy entrepreneurs may have been active in these organizations. Finally, as a movement with over 30 years of recognized history, organizations like NGLTF and the

ACLU have the institutional and historical memories long enough to remember early policy entrepreneurs.

II. LITERATURE REVIEW

A. Policy Entrepreneurs

The idea of change agents has taken many forms in the policy literature. While there does not appear to be uniformity in the conversation about “people who seek to initiate dynamic policy change,” there is agreement that these agents play an essential role in agenda setting (Mintrom, 1997). From Cobb and Elder’s (1983) discussion of the four initiators (exploiters, circumstantial reactors, do-gooders, and readjustors) to Mintrom’s (2000) treatment of the entrepreneur as an identifiable class operating in a policy market process, the people active in promoting change have been acknowledged as increasingly important to agenda setting, policy adoption, and the overall policy process.

The definition of a policy entrepreneur varies from scholar to scholar. The most basic definition of a policy entrepreneur is an individual who changes the direction or flow of politics and public policy (Mintrom, 1994). While Kingdon (1995) defines entrepreneurs as “advocates for proposals or for the prominence of an idea,” Schneider and Teske (1992) suggest that entrepreneurs “develop new and innovative policies and galvanize otherwise difficult-to-organize, dispersed citizens to support their policies.” Critical to all of these definitions, as Kingdon suggests, is the fact that entrepreneurs are willing to invest their resources (time, energy, reputation, money) in the hopes of future returns. Returns might come in the form of policies that they approve, satisfaction from participation, or even promotion of personal interest (Kingdon, 1995).

While others have articulated the relationship between entrepreneurs and problems (Birkland, 1997; Mintrom, 1994; Roberts, 1991; Schneider and Teske, 1992), Kingdon’s (1995) model of the entrepreneurs’ role has greatly influenced the discipline of public policy. Kingdon insightfully suggests that policy entrepreneurs are responsible for forging links in the policy process; specifically, they link solutions to problems. Kingdon notes that entrepreneurs do not necessarily solve problems, but instead, promote “pet” solutions to a current problem. These pet solutions are policy changes that favor their interests. More importantly, entrepreneurs are responsible for coupling problems and solutions to the politics stream when the timing is right. To do this, policy entrepreneurs stay close to government, promoting ideas, and “softening up” policy communities and the general public to their proposals.

Kingdon (1995) notes that policy entrepreneurs are not found in any one location in the policy community. He notes that entrepreneurs “could be

in or out of government, in elected or appointed positions, in interest groups or research organizations” (Kingdon, 1995, p. 128). The decentralized nature of policy entrepreneurs is important because the location of the policy entrepreneur will determine how he or she advocates for policy solutions or ideas: a legislator might introduce a bill to “get people to talking,” whereas a prominent appointee might make many speeches around the country (Kingdon, 1995, p. 129). The policy network in which the entrepreneur operates can determine how policy solutions disseminate. An entrepreneur inside government may influence innovation differently than an entrepreneur from an interest group or academia. For example, in terms of gay rights policy, a policy entrepreneur inside government might work closely with other bureaucrats to draw attention to the issue, while an entrepreneur associated with an interest group might hold a press conference to draw attention to the issue.

Of particular interest, in recent literature, is the role of administrative entrepreneurs (Cosmo, 2001). Administrative entrepreneurs are nonelected officials, who work inside of government to move policy solutions. As Teske and Schneider (1993) note: “In some of these communities, depending on the structures and context of local politics, entrepreneurial politicians will emerge to satisfy citizen demand. When they do not entrepreneurial managers might step forward to satisfy the underlying demand for change.” In this perspective the administrative entrepreneur attempts to compensate for a lack of interest in a policy issue on the part of elected representatives.

To date, few researchers have examined exactly how policy entrepreneurs affect the policy process and none have considered their role in gay rights policy (Cosmo, 2001, Gray, 1994; King, 1988; Mintrom, 1994, 1997, 2000). However, the general consensus is that some policy entrepreneurs, or people active in seeking change, play a critical role in agenda setting and that policy adoption usually requires a policy innovator. By evaluating the role of policy entrepreneurs we can better understand their role in getting issues on the agenda and moving a policy to adoption. Furthermore, determining where entrepreneurs operate, as Kingdon notes, will help in predicting and understanding how entrepreneurs operate in various policy arenas.

B. Gay Rights Policies

In 1979, California adopted the first state level public policy banning discrimination based on sexual orientation, in the form of an Executive Order. Since then, 22 other states and the District of Columbia have adopted policies prohibiting discrimination based on sexual orientation. These policies vary greatly in terms of their nature, scope, and coverage. They range from executive orders (EO) protecting public employees to statutes prohibiting discrimination in private and public institutions, including housing, credit, union

practices, and accommodations.² Universal among these laws is the provision of employment protection for public employees.

Gay rights policies have attempted to address several areas of public employment. Prohibition against discrimination in hiring, firing, and promotion based on sexual orientation are the most common policies. However, more recently, inequities in wages and benefits have also been associated with employment discrimination research. Several studies have comprehensively examined these issues. For example, Riccucci and Gossett (1996) focus attention on hiring, firing, and benefits, while Levine (1989) looks at hiring, firing, and promotion. Simon and Daly (1992) consider the legal implications of inequities in employee benefits. Badgett (1995) studies wage disparities between homosexuals and heterosexuals, and Klawitter and Flatt (1998) study the affects of nondiscrimination policies on the overall earnings of gay men and lesbians. Taylor and Raeburn (1995) focus on hiring and promotion among gay men and lesbians in the academic field of sociology. Button, Rienzo and Wald (1995) consider the scope and enforcement of nondiscrimination policies, and Croteau and Lark (1995) consider the effects of being open about one's sexual orientation and discrimination in hiring and promotion. The United States General Accounting Office (US GAO) study (1997) considers the potential impact of a federal employment nondiscrimination law.

The efforts of policy entrepreneurs in advancing gay rights have not been thoroughly explored in the scholar literature. While some literature (Haeberle, 1996; Wald et al., 1996) has considered factors influencing gay rights policy adoption, none includes policy entrepreneurs as a factor for creating or affecting policy change. By surveying organizations active in the gay rights movement about entrepreneurs, I add a new factor that might influence policy adoption and policy process.

III. METHOD

To assess the role and affect of policy entrepreneurs on gay rights policy, two organizations in each state were surveyed: the NGLTF state affiliates and the state ACLU state offices.³ A total of 100 organizations were surveyed. The surveyed population was asked whether or not their state has a gay rights policy and, if so, the extent of coverage provided by the policy. Organizations were also asked about the existence and role of policy entrepreneurs and the general political climate of the state. (See Appendix A to review the full survey).

In the survey, policy entrepreneurs were defined as "people who have advocated policy change supporting gay rights." Given the affiliation and interests of the surveyed organizations, it is logical to assume that people

associated with these organizations would have the best historical knowledge of the gay rights movement in their state. Furthermore, in many states, these organizations may have been instrumental in advocating policy change. In cases where people were not versed in the history of the gay rights movement, they were encouraged to pass the survey along to another member of the organization in their state.

In addition to identification of policy entrepreneurs, organizations were asked to consider the motivations of entrepreneurs, actions entrepreneurs took to promote policy change, and how entrepreneurs act in terms of coalition building.

A. Survey Procedures

Three weeks prior to mailing the survey, organizations were mailed a postcard announcing the future arrival of the survey. In addition to providing advanced notice to each organization about the survey, the postcards also allowed me to verify the mailing addresses of each organization. After the surveys were sent, a reminder postcard and E-mail was also sent to each organization. Organizations not responding after the E-mail reminder were mailed a final letter and survey.

IV. RESULTS

Table 1 presents the pattern of diffusion of gay rights policy from 1979 until 2000. California was the first state to adopt a gay rights policy in 1979. Adoption of policies over the 21-year period has been somewhat sporadic, with the bulk of states adopting in the early 1990s. From 1990 until 1993, eight of the 22 states, with policies, adopted gay rights policies. This represents 36% of adopting states. The second cluster of adoptions occurs in the late 1990s, from 1995 until 1997. In this period, five states, or 22%, adopted policies.

Table 1 Adopting States and Year

1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
CA			WI	OH		NM			PA	
				NY		WA				
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
CO	CT	LA	MD		MA	IL	ME		IA	
	HI	NJ	MN		RI		NH		NV	
		VT								

A. About the Survey Results

The total survey response rate was 46%. The response rate from individual states was 32%.⁴ Of the responding states, 62.5%, or 20 states, did not have gay rights policies and 37.5%, or 12 states, did have gay rights policies in their state. Of the states with policies on the books, 50% were the result of an executive order, 41.7% were the result of legislative action, and 8.3% were the result of a referenda or popular vote. The agencies responsible for implementing and enforcing gay rights policies include state personnel offices (20%), human rights commission or board (60%), and equal opportunity office (10%). In 10% of the cases, some other agency had implementation and enforcement responsibility.

In terms of political support, respondents noted that people and organizations from local levels (cities and counties) were more commonly involved in state-level gay policy issues than people or organizations from the national level. Local level participation was present in 94.1% of the cases and national participation was noted in only 70.6% of the cases. When gay right policies were first considered in each state, the legislative and executive branches of government viewed the policy area negatively. Only in the executive branch were gay rights issues received more favorably. In the case of the upper and lower houses, negative reception of gay rights policy was noted in 86% and 90% of the cases, respectively.

B. About the Policy Entrepreneurs

In states both with policies and without policies, policy entrepreneurs were present. In the case of entrepreneurs, 83% of respondents identified change agents who supported gay right policies. Sixty-four percent of respondents identified change agents who opposed gay rights policies (Table 2). However, the chi-square tests of the existence of a gay right policy and the presence of a policy entrepreneur were not statistically significant (Table 3).

Table 2 Cross Tabulation

Gay Rights Policy	Policy entrepreneur			Total
	No	Yes	Don't know	
No	2	15	2	19
Yes	0	9	1	10
Total	2	24	3	29

Table 3 Chi-Square: Policy Presence and Entrepreneur Presence

	Value	df	Asymp. SIG (2-sided)
Pearson chi-squared	1.151 ^a	2	0.562
Likelihood ratio	1.789	2	0.409
Linear by linear association	0.122	1	0.726
No. of valid cases	29		

^a Four cells (66.7%) have expected count less than 5. The minimum expected count is 0.69.

The policy entrepreneurs were motivated to seek policy change for a number of reasons (Fig. 1). The most commonly cited motivation was moral conviction (87%), followed by personal interests (73.9%). After moral conviction and personal interests, entrepreneurs were motivated by civil responsibility (69.6%) and political interests (50%).

In terms of actions by policy entrepreneurs (Fig. 2), a large majority lobbied elected officials (90%). Entrepreneurs also wrote articles (85%) and introduced legislation (70%) in large numbers. Policy entrepreneurs were less likely to participate in passing local-level laws and to participate in general social activism.

Finally, in terms of coalition building (Fig. 3), policy entrepreneurs were mostly active in establishing civil or gay rights organizations (76.2%). After establishing and activists' organizations, entrepreneurs established a coalition of concerned citizens (47.6%).

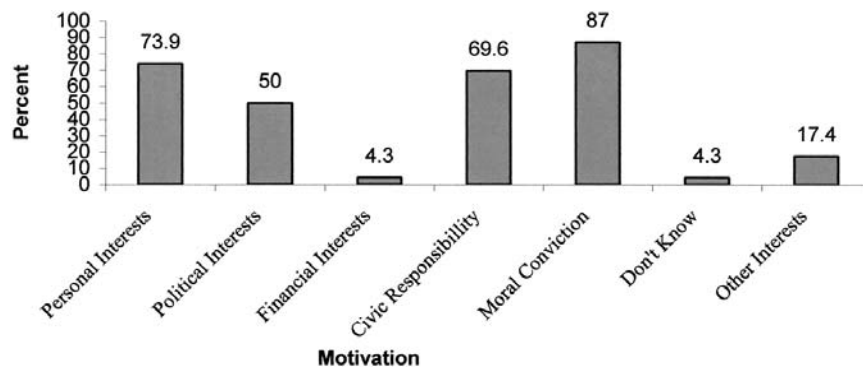


Figure 1 Policy entrepreneur's motivation.

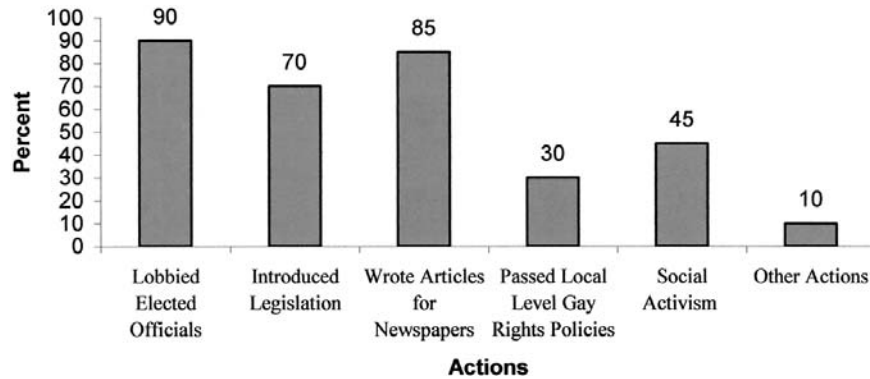


Figure 2 Entrepreneur's actions.

V. DISCUSSION

Kingdon (1995) suggested that policy entrepreneurs have the ability to “soften up” policy communities and the general public. Despite the importance that Kingdon and other scholars place on policy entrepreneurs, the statistical test suggests that the presence of policy entrepreneurs was not a significant factor in adoption of gay rights policies.⁵ My research also differs from the results of Mintrom (1997, 2000), who found entrepreneurs to be a central factor in school choice consideration and adoption of policy. Mintrom's research represents some of the most recent literature in terms of policy entrepreneurs. Our results diverge for three possible reasons: different policy areas, different time periods, and different definitions of a policy entrepreneur.

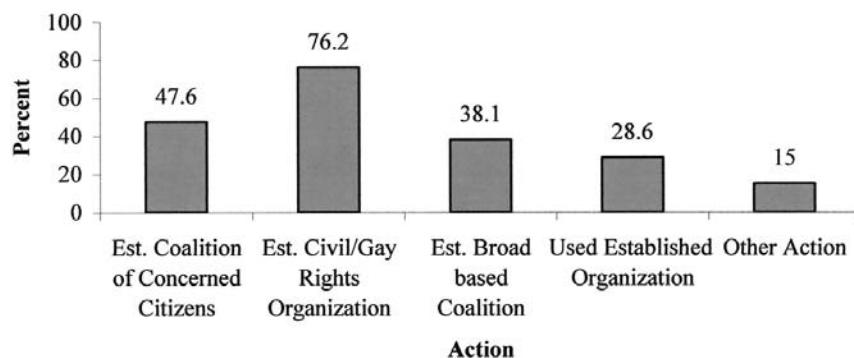


Figure 3 Entrepreneur's coalition action.

First, the policies under consideration are different: gay rights versus school choice. It is possible that policy entrepreneurs perform differently depending on the policy area. Since little empirical work has been conducted on exactly how entrepreneurs are active in various policy realms, it is hard to determine how the policy area might dictate policy entrepreneur influence.

Second, we are considering different time periods. Mintrom (1994, 1997, 2000) considered school choice adoption in a relatively short risk period for event history analysis. His risk period was from 1987 to 1992, or 5 years. In terms of collecting data about policy entrepreneurs, his surveyed population needed only to think about “active change agents” over the then recent past 5 years. Conversely, I asked my surveyed population to consider policy entrepreneurs over the previous 21 years. In many cases, entrepreneurs may have been forgotten or the date of their initial entry into the policy debate incorrect. It is far less likely on my survey that a particular entrepreneur from the 1970s would be reported and less likely that the entrepreneur would still be in the policy debate after 20 years. As the gay rights movement matured over time, policy entrepreneurs and others may have rotated out of the policy debate.

A third reason that our results might differ is our varying definitions of policy and entrepreneur. As noted earlier, scholars have used many definitions of policy entrepreneurs. These variations in meaning could affect the research results. Our differences in definition could have led our surveyed populations to think of different types of policy entrepreneurs. For example, policy entrepreneurs who were legislators and advocated school choice could be more prominent (and thus, be a stronger explanatory variable) than the leader of an ad hoc organization that advocates gay rights. The differences in the definition and types of entrepreneurs would affect the influence perceived by our respondents.

Despite the lack of statistical significance, the results of the survey suggest some interesting information about policy entrepreneurs, what they do, and gay rights.

Beyond the relationship between entrepreneurs and policy adoption, the results of the survey suggest some other interesting facts about policy entrepreneurs. First, the political landscape that policy entrepreneurs operate within is one of little support; both Congressional houses and the executive branch were more hostile than neutral or friendly. The executive branch was slightly less hostile than the others. This, in part, helps to explain why the majority of policies were in the form of executive orders.

In terms of the entrepreneurs and their motivations, most had moral or personal interest in seeking policy change. As Kingdon (1995) suggested, entrepreneurs can have a number of interests and may invest resources in hopes of future returns. In the case of gay rights policies, those returns appear to be moral justification or personal benefits from policy adoption. Given the

nature of the policy area, it not surprising that the financial interests rated lowest among the motivations of entrepreneurs.

The moral and personal motivations led to a number of different actions by entrepreneurs. Lobbying officials, introducing legislation, and writing newspaper articles all rated high in terms of entrepreneurial actions. This confirms, as Kingdon (1995) noted, that policy entrepreneurs can be found throughout the sectors. From the survey results, we can see that policy entrepreneurs are both inside and outside of government: lobbying from the outside and introducing legislation from the inside. As for administrative entrepreneurs, the results suggest that elected officials are responding to the public's demand for policy change. While administrative entrepreneurs may be present, the introduction of legislation by elected officials acknowledges the legislator as an active policy entrepreneur. An interesting anomaly is low ranking of passage of local ordinances as an action of policy entrepreneurs. Only 30% of respondents said that entrepreneurs participated in this activity. This is interesting, since local-level people and organizations were noted as influencing state-level entrepreneurs more than national-level people and organizations.

Finally, in terms of coalition building, policy entrepreneurs most often establish civil and/or gay right organizations. Based on the action and motivations of entrepreneurs, we can assume that state-level coalition building occurs at the local level more than with national organizations. As entrepreneurs, they were active in creating and building links within the lesbian and gay community but were less likely to make broader connections. This suggests mobilization of the lesbian and gay community as a mechanism for effecting change. Such action was noted by Wald et al. (1996). The authors indicate that internal resources (financial and otherwise) can be pooled and used to pressure decision makers. Wald et al. call this model of influence the mobilization model (1996). This research validates their model and confirms the importance of interest group politics (Colvin, 2000).

VI. CASE STUDY: WASHINGTON STATE

Colvin (2002) suggested that states are most likely to adopt gay rights policies, when there is a measurable gay and lesbian community, a previously adopted gay rights policy in the largest or capital city, a Democrat in the state executive office, and an upper house not controlled by Republicans. To highlight the results from my survey, I focus on Washington State as an example of how gay rights policy reached the institutional agenda and of why a gay rights policy was ultimately adopted. I consider Washington's policy adoption in the context of the important agenda setting factors examined in the empirical research: policy entrepreneurs, media attention, and trigger events. Further-

more, I will consider factors that are less emphasized in the research, such as interest group politics, social construction, and social learning.

A. Background

On December 24, 1985, Washington State became the sixth state to adopt a policy that prohibited discrimination based on sexual orientation. The policy came in the form of an executive order signed by Democratic Governor Booth Gardner. Executive Order 85-09 directed that “no state agency or institution of higher education shall discriminate in employment solely based on an individual’s sexual orientation” (EO 85-09, 1). The order also states that no agency or institution of higher education shall be required to establish employment goals based on sexual orientation. States adopting policies prior to Washington, included California (1979), Wisconsin (1982), Ohio (1983), New York (1983), and New Mexico (1983). The laws vary in terms of law and coverage. The laws range from executive orders only protecting public employees from discrimination to more comprehensive statutes protecting all the citizens of the state in employment as well as other areas, e.g., housing and accommodation. In 1985, the state of Wisconsin adopted an actual statute prohibiting discrimination based on sexual orientation; all of the other state policies were in the form of executive orders. Washington’s executive order was more comprehensive than other executive orders of the day but still carried less weight of law than a statute. There were two provisions that made it more comprehensive than other orders of the day. First, the order is sensitive to the nature of discrimination claims based on sexual orientation and provides for measures to ensure the confidentiality the claimant. Second, the order assigns implementation and oversight responsibility to carry out the requirements of the executive order. These elements distinguish Washington’s policy and enhance the likely enforcement (Colvin, 2000).

B. Broad Environment

Of course, the policy action of Washington State’s governor did not occur in isolation. Many issues and activities at the national level and in other states contributed to an acceptable climate for policy adoption. Four external factors that warrant discussion are AIDS, corporate actions, national politics, and policy actions by other states.

1. AIDS

Richard Dunne, former executive director of the Gay Men’s Health Crisis notes that the early and mid-1980s could be described as the best and worst of times for the gay and lesbian community. On July 5, 1981, the New York

Times published its first article on AIDS. On this day, most of the general public became aware of a lethal viral disease that attacked the immune system and appeared to disproportionately affect homosexual men. Early on, so little was known about the disease and its transmission that there was plenty of room for misinformation, moral edicts, and justifiable discrimination on the basis of sexual orientation. On May 24, 1983, The New York Times noted that scientists were still unsure of the causes of AIDS. Nearly 2 years after the first New York Times article about HIV and AIDS, little definitive information existed. The public debate about homosexuality and the growing AIDS epidemic ranged from compassion to moral condemnation to quarantine.⁶ In this sense, it was the worst of times. Homosexual men were dying of an unknown disease at rates higher than the general public and were being discriminated against just for being gay. Archival data suggests widespread panic about the disease and fear of people with AIDS. For example, the Wall Street Journal ran an article entitled “As Fear of AIDS Spreads” (October 10, 1985) noting an apartment owner worried about leasing to homosexuals who might “contaminate the apartments with the AIDS virus” and a pricey restaurant that closed because of a rumor that the chef had AIDS.

By the mid-1980s more informed and consistent information about AIDS began to emerge. By 1984, concerted efforts were being made by public officials to educate the public about the disease and how it was spread. After much cajoling, the Reagan Administration finally acknowledged the AIDS epidemic, public service announcements were developed for mass consumption, and news about heterosexual transmissions were revealed. Most importantly, gay and lesbian activists were spearheading prevention and education efforts within the community and leading efforts to influence public policy through politics. In this sense, it was the best of times. The gay community had coalesced into a social, political, and economic force under the specter of AIDS. The activism of gays and lesbians prompted some national candidates to actively pursue gay and lesbian voters. As the Wall Street Journal noted, gays and lesbians were seen as a potential voting bloc in the 1984 elections. In fact, Republicans and Democrats made efforts to court this emerging community, most notably, the democratic presidential contender, Walter Mondale in 1984.

As many scholars have noted, the AIDS epidemic acted as a critical catalyst in mobilizing the gay and lesbian community. To understand the development of gay rights in the middle 1980s, we must recognize that the fight for AIDS support and civil rights were intertwined. The epidemic showed the extent to which fear and ignorance could affect the livelihood of everyday people and showed how a community could mobilize to influence policymakers, despite public condemnation. Discrimination in housing, accommodation, education, and healthcare gained the attention of policy-

makers throughout the nation. However, as with other civil rights movements in the United States, discrimination in employment gained more immediate attention by officials. Employers concerned about employing homosexuals and their connection with AIDS conducted systematic firing based on sexual orientation despite the fact that this practice seemed to run contrary to American ideals. The 1985 Supreme Court case, *National Gay Task Force v. Board of Education of the City of Oklahoma, State of Oklahoma* 729 Fed.2d 1270 (1984), 33 FEP 1009 (1982) confirmed this sentiment. This ruling struck down an Oklahoma law permitting public school districts to fire teachers who openly advocated homosexual activity. By early 1985, bills to address employment discrimination had been introduced into the legislatures of both New Jersey and California (The New Jersey Record, 1985).

2. Major Corporations

The issue of employment discrimination was not just on the minds of legislatures and courts. By 1984, many of America's largest companies realized that prohibitions against hiring homosexuals did not make economic or social sense. According to the National Gay Task Force, major corporations took the lead to ban discrimination in the private sector, including Standard Oil, Citicorp, and American Motors (Business Week, 1984).

Of course, there was some retrenchment on the part of corporations with regards to equity of benefits. Concerned with extending health benefits to the gay partners with AIDS, Fortune 500 and other major corporations were reluctant to move forward due to the potential costs associated with the disease. In 1987, when the first pharmacological therapy, azidothymidine (AZT), was approved, the annual costs per patient exceeded \$10,000 (New York Times, 1987).

C. Internal Environment

Even more influential upon gay rights than the national context is the local environment inside of Washington state. Several factors may have contributed to a conducive environment for adoption of a gay rights policy, including the institutional context, and the Seattle and King County political landscapes.

Institutional Design. Washington, like other western states, was designed, in part, in reaction to the corrupt governments of the east. Western states were eager to avoid the nepotism and spoils that dominated eastern states and municipalities. Adopted into statehood in 1889, Washington's constitution was developed in the context of the Progressive Era with an emphasis on open and limited government as an antidote to government cor-

ruption, and promotion of the ethos “live and let live.” This ethos is a legacy of the frontier individualism, which characterized white western settlement.

Washington’s historical and social origins have resulted in a fragmented governmental system. Like the federal system, Washington’s fragmented structure allows for influence of government at multiple points. Interest groups have the option of targeting the executive, legislative, and/or the judicial branch when attempting to influence government. Allies with at least some influence can be found in a variety of crucial settings within the legislative, executive, and the judiciary branches.

Washington’s governors face legislatures with long-standing patterns of independence and considerable sensitivity to perceived executive meddling. Counteracting these patterns somewhat is the strength of the office of governor. The governor has many state and local offices to fill (about 600 positions a year) at his or her discretion (Mullen and Swenson, 1985). Among the most consequential of appointments are judicial, and the governor fills vacancies between elections. Most state judges have been selected in this fashion before facing their first election (Sheldon, 1985).

Washington has had more distinctively radical traditions than other states. The populism of the late nineteenth and early twentieth centuries found much support in the state. A full slate of socialists contested the 1912 state election, winning 12% of the vote. In 1924, a Progressive candidate for the U.S. presidency won 36% of the state’s voters. The Industrial Workers of the World was also a strong force, and in 1919 Seattle witnessed one of only two major general strikes in American history. In the 1930s, the Unemployed Citizens’ League of Seattle represented a radical voice of some political weight and helped to pull the state Democratic party to the left (Bone, 1895). At the time, much-quoted Democratic National Chairman James Farley spoke of “the forty-seven states and the Soviet of Washington” (Bone, 1985). This radicalism helped to create a progressive social ideology in the city. In the protest wave of the 1960s and 1970s, demonstrations and other mass actions were large and widespread, most noticeably in Seattle. In its prime, the peace movement was unusually strong in Washington, and to this day, the environmental movement has deep roots in the area (Rayside, 2002). The women’s movement has also been prominent; in both economic and political terms women have made more gains here than in most other regions of the United States (Center for Women in Government and Civil Society, 2001).

Labor also has a long and liberal history in Washington. Washington state has had higher than average union membership, and the labor movement has been typically more progressive than its counterparts elsewhere (Rayside, 2002). There is a strong left wing prepared to confront management, and unions demonstrate a readiness to take on diversity issues that the American labor movement in general has been slow to take up. This openness

to diversity led many to accept the need to confront discrimination against lesbian and gay employees.

Conservative elements exist in Washington State too. Much of the progressive culture developed in western Washington, while eastern Washington developed a more conservative culture. Both a geographic and cultural divide exist in the state: western Washington is influenced by ports, labor, and industry, and eastern Washington is influenced mostly by an agricultural, rural society. The variations in social culture within Washington is similar to other states, for example, northern and southern California and upstate and downstate New York. These differences in have led to diverging policy agendas, with conservative elements reacting to more progressive policy options.

In terms of gay rights, although their efforts coalesced later than the gay and lesbian movement, they quickly became a political force that would ultimately prevent more progressive policies from adoption at the state level. These elements became instrumental in the antigay initiatives of the early 1990s.

D. Seattle and King County Environment

The most populated county and city in Washington have been at the forefront of adopting policies that provide protection based on sexual orientation. While the state continues to struggle to pass more comprehensive gay rights policies, the city of Seattle and the county of King have been more successful in their endeavors.

In 1973, Seattle City Council passed an ordinance forbidding discrimination based on sexual orientation, becoming the first municipality in the state and one of the first in the country to do so. In 1978, Seattle voters turned back an attempt to repeal that ordinance (63–37%), making Seattle the first community in the United States to turn back an antigay referendum in the wave of such efforts led by the successful Anita Bryant crusade. By that time, the city boasted an impressive range of activist networks, including those from the progressive left that arose at the end of the 1960s. Representing a very different political current was the Dorian Group, formed in 1974 as a cautious embodiment of insider politics. These disparate currents coalesced to protest antigay police attacks in the mid-1970s, and then again to fight the repeal initiative of 1978. By this time, gay and lesbian activists were actively supported by organized labor and the Seattle Mayor's office. In addition to the Dorian Group, the lesbian and gay Democrats of Greater Seattle and the Greater Seattle Business Association (GSBA) emerged in the early 1980s as forces representing the political and economic interest of the lesbian and gay community. In the early 1980s the lesbian and gay Democrats represented

over 325 members and was one of the first gay organizations to lobby and fund raise at the state level. In coordination with the Dorian Group and the GSBA, efforts would be made to secure gay rights policies via the executive and the state legislature.

In the 1980s, King County (within which Seattle is contained) and a number of other cities and counties approved antidiscrimination measures, though Tacoma's was overturned by initiative. In 1985, King County considered and adopted a fair employment ordinance, though not without controversy. King County Councilman Paul Barden led an effort to kill the bill and rallied Christian opposition to the proposal (Seattle Gay News, 1985).⁷ King County's efforts to adopt a policy would have been much more difficult due to the rural and relatively conservative nature (with the exception of Seattle) of the larger county.

Complex factors, both internal and external, help to explain the environment that made it possible for Washington to adopt a gay rights policy. The emerging crisis of AIDS and discrimination, the historical and cultural elements of a western state with libertarian roots, and active development of a gay and lesbian political, social, and economic community helps to explain the environment but does not provide the full picture. In order to gain a systematic understanding of the policy's adoption, we should examine more closely the explanatory variables identified in my research. By considering these variables in the context of one state's experience, we can develop a more detailed understanding of agenda setting and innovation.

E. Policy Adoption

The signing of Executive Order 85-09 was one of the culminating events of the efforts of many individuals and organizations. The executive order as well as the creation the governor's task force on AIDS represented the first state-level success for the gay community in Washington State. While successful efforts had been conducted at lower levels of government, namely protections at the county (King) and city (Seattle) levels, state level politics required different tactics to achieve policy innovation. In the cases of Seattle and King County, strong gay and lesbian communities and organizations, as well as elite politics, were instrumental to policy adoptions. As mentioned earlier, organizations like the Dorian Group used political and social connections to quietly persuade policy makers to consider gay rights options. For the first time, lobbyists promoted the gay and lesbian community's interests. In addition to the elite model of policy influence, the more pluralist or activist model continued to influence local policy. Groups such as the Greater Seattle Business Association, the Lesbian Resources Center, the Duke Community Activists,

and many others who had coalesced to fight the repeal of Seattle's ordinance and to address antigay police actions strongly influenced local policies.

State-level activities differed from previous efforts because for the first time the lesbian and gay community exerted political power as an identifiable constituency. Through lobbying and, more importantly, fund-raising, lesbians and gay men became inside political players. With the formation of the Lesbian and Gay Democrats of Greater Seattle and the efforts of the Dorian Group and the Greater Seattle Business Association, efforts became more than elite politics and activists' politics; it became a movement with political, social, and economic components that had the ability to influence (or at least warrant the attention) of policy makers.

Although the gay and lesbian community had coalesced into an insider political group, their success was also contingent upon a friendly and receptive administration. In 1984, Democrat Booth Gardner unseated the incumbent Republican Governor, John Spellman, by 53% to 47%. Prior to seeking the state's highest office, Gardner was the County Executive for Pierce County, Washington's second most populous county. He had also served in the Washington state senate from 1971 to 1974. Gardner is on record as becoming a Democrat, in part, due to the party's social programs. Furthermore, during the 1984 governor's race, Gardner and his campaign were receptive to the lesbian and gay community; members of the gay and lesbian community worked on the Gardner campaign (Moreland, 2002).

Prior to Gardner's election, two events set the stage for an executive order. First, Gardner met members of the gay and lesbian community. Members of the Lesbian and Gay Democrats of Greater Seattle, Greater Seattle Business Association, and the Dorian Group as well as gay and lesbian members of Gardner's campaign discussed the major concerns of the community, namely the growing AIDS epidemic and discrimination based on sexual orientation (Moreland, 2002). Shortly after the meeting, Gardner made a verbal commitment to the gay and lesbian community about issuing an executive order banning discrimination in state employment and to support the gay and lesbian legislative goals (Seattle Gay News, January 18, 1985).

In 1985, after the election, community members stayed in close contact with the new Gardner administration and were reassured that the governor intended to keep his promise to issue an executive order. As early as February 22, 1985, the governor had publicly expressed support to pro-gay bills introduced in the state legislature (HB 474, an antidiscrimination bill, and HB 473, a malicious harassment law). The governor's expressed support of these bills initiated a backlash from conservative legislators and right-wing activists. Opposition was especially intense because King County was also considering adopting pro-gay legislation and opposition was already forming to fight the

county ordinance. As a result of the opposition, the Gardner administration backed away from its commitment to issue the executive order, citing more pressing agenda items (Seattle Gay News, July 16, 1985).

By the end of summer in 1985, Gardner still had not issued the executive order. Despite letter writing and calling campaigns by pro-executive order organizations, no conclusive decisions were made about when the order might be issued. In the fall of 1985, a second meeting was arranged with the governor. This meeting consisted of fewer community members and reiterated the community's desire for an AIDS taskforce and the executive order. The attendees of the meeting stressed the relatedness of the two issues: people were being fired from their jobs just for being gay and a rational plan needed to be developed around AIDS issues. Attendees and members of the Gardner administration stressed that the governor was very supportive; having compassion for both victims of discrimination as well as persons with AIDS. By all accounts, the governor was moved by the personal stories on both issues. He was most concerned about the conservative backlash and the threats to overturn the order by members in the legislature. The right did not sway the administration's outward determination. The governor recommitted to the order and promised to contact the Lesbian and Gay Democrats of Greater Seattle with a final decision.

To help lessen the potential political fallout of the order, the Lesbian and Gay Democrats urged the governor to sign the executive order during the Christmas and New Year break. Complying with their wishes, the governor's order was issued on December 24, 1985 to virtually no fanfare. The Seattle Times ran the story on its front page on Christmas Eve, but by December 25, the issue was buried in Section D of the newspaper. The executive order received considerable press from the gay media, but a review of mainstream newspapers and transcripts suggests that the issue escaped the attention opposition's attention. While there was postholiday opposition and conservative legislatures did introduce antigay legislation to overturn the executive order, no serious challenge was mounted. The community and administrative efforts to pass the executive order would lay the groundwork for an even more important agenda item: establishment of an AIDS taskforce to develop Washington's response to the epidemic.

F. Confirmation of Factors: Explanatory Variables

To better understand the empirical factor associated with policy adoption, the explanatory influences should be analyzed within the context of Washington State. We should consider the effects of gay and lesbian density, adoption of a law by a capital city, the party of the executive, and the party of the senate. In

addition to these variables, I will evaluate other considerations, based on the data gathered in conjunction with the Washington case study.

1. Gay Services

For the empirical portion of my study, the size or presence of the gay and lesbian community was approximated by dividing the total number of gay and lesbian services in the state by the state population. The number of services was based on the Damron Gay and Lesbian Travel guides, which began publication in 1964. The Damron guide is one of the few archival documents with continued publication over the risk period of my research. Since no definitive data exists about the number of gay and lesbian communities, I use this proxy as a substitute.

In the mid-1980s, approximately 35 publicly known gay and lesbian services operated in Washington state (Damron, 1980). While the majority of these services were located in Seattle, locations in other areas of the state are noted (e.g., smaller cities such as Bellingham). Beyond the bars listed in the Damron Guide, the gay and lesbian community in Washington had developed a cultural, political, and economic presence within the state. In addition to organizations like the Dorian Group, the Greater Seattle Business Association (GSBA), and the Lesbian and Gay Democrats of Greater Seattle, organizations like the Gay Men's Chorus, the Lesbian Resource Center, and the Gay Clinic were actively entertaining, educating, and taking care of the community.

The activities of the lesbian and gay community were not limited to internal infrastructure. The Dorian Group, via their lobbyists, worked for adoption of the malicious harassment and antidiscrimination legislation at the state level. The Gay and Lesbian Democrats of Greater Seattle actively campaigned for the Gardner ballot, while the GSBA donated resources in local and state elections. Furthermore, lesbians and gay men, and their supporters worked to address policy harassment, the AIDS epidemic, and employment discrimination by joining a number of organizations and nongay community groups (Moreland, 2002).

A well-connected and well-financed gay and lesbian community flourished in the conducive Seattle environment. By 1984, having galvanized around AIDS, police harassment, and the attempted repeal of Seattle's gay rights ordinance, the gay and lesbian community was acknowledged as a political player in city government and was ready for the first time to act as an interest group in state politics. As Moreland (2002) noted, advocacy and adoption of Washington's antidiscrimination policy, represented the first time that the community exerted political power and demonstrated presence as a political insider.

In Washington, the gay and lesbian community first coalesced in the Seattle area. The gay friendly environment and overall tolerance for diversity allowed for the development of a gay infrastructure that preceded the development of an active and organized antigay movement. The local political issues of the 1970s provided the training ground for later, state-level activities. By the 1980s, gays and lesbians were active in political campaigns, donated money to candidates, and openly lobbied representatives. By the late 1980s, the community would send the first openly gay man, Cal Anderson, to the state legislature.

2. Capital City Adoption

Both lesbian and gay mobilization and previous adoption suggests the need for political infrastructure before state-level adoption is possible. Efforts in the state capital helped to build the political and economic capacity of the community. The organization of the gay and lesbian community in Seattle prepared the community for larger efforts at higher levels of government. The previous adoptions at the city and county level most likely acted as a training ground for larger efforts as well. In Washington, the political infrastructure was not created in state capital of Olympia but in the state's largest city (Seattle) and county (King). Nearly 10 years before state adoption, Seattle had an antidiscrimination policy on the books and had defeated an effort to repeal the ordinance.

A more immediate policy adoption that kept gay rights on the agenda was the adoption of a fair employment policy in King County. This adoption occurred just months before state action in 1985, amidst much contention. Since consideration of the state and county adoption occurred simultaneously, the county's action could not be viewed as an agenda-setting factor for the state. Instead, the County's consideration and adoption mostly kept the issue on the agenda as the governor continued consideration of the issue. No doubt, the contentious battle at the county level contributed to the governor's initial hesitations about issuing the executive order. Similarly, once the county successfully adopted its fair employment ordinance, the governor was empowered to act at the state level.

3. Party of the Executive and the Party of the Upper House

The politics of the executive and legislature confirm my empirical research, but also suggests a more complicated picture. First, as my research suggests, the party of the governor was Democrat. When Booth Gardner ran for office, he actively courted the gay and lesbian community and the community actively supported him via the Lesbian and Gay Democrats of Greater Seattle.

The connection between the two groups extended beyond state-level politics, influencing King County and Seattle politics as well.

In 1984, the Democratic party controlled the senate despite the Reagan re-election wave. However, their majority was slim (27 to 22). While there was Republican support for gay rights in both houses of the legislature, support was considerably stronger among Democrats.⁸ If the gay and lesbian community coalesced in the 1970s, then the antigay community galvanized in the mid-1980s. In the effort to defeat the King County Fair Employment Ordinance, conservative elements began to exert political pressure at the state level as well. The opposition managed to influence and dominate the Republican party by 1985. Despite control of the Senate and the House by the Democrats, legislation was introduced to repeal the actions of the governor regarding gay rights. However, having a Democratic majority in both houses ensured that successful legislative retaliation, the form of antigay legislation, was not likely. According to the *Seattle Gay News*, Governor Gardner was more concerned about a conservative backlash than legislative action in response to the executive order (May 31, 1985).

G. Contributing Factors

While the empirical results of my research suggest major factors such as gay and lesbian density, previous internal adoptions, the party of the executive, and the controlling party of the senate, the Washington experience also highlights several factors that contributed to policy adoption as well: the actions of policy entrepreneurs, the media, and framing of the issue and triggering events.

1. Policy Entrepreneurs and Interest Groups

While my research focused on the efforts of individual entrepreneurs and their ability to soften up policy makers to a certain policy solution, my results did not indicate that policy entrepreneurs were an explanatory variable. The case of Washington state suggests that critical people in and around government work to change public policy. As mentioned earlier, there are a number of reasons that policy entrepreneurs may not have been identified in my research, most importantly the amount of time between adoption and analysis—over 17 years. In many cases, entrepreneurs of the 1970s and 1980s have moved on to other interests or were replaced in the movement. This is especially the case in terms of the gay right movement and the AIDS epidemic (Moreland, 2002).

Based on archival data and interviews, policy entrepreneurs associated with interest groups were clearly instrumental in getting antidiscrimination

policies on the agenda and pushing innovation of a gay rights policy. The policy entrepreneurs in Washington seemed to fall into two distinct camps, activist entrepreneurs and elite entrepreneurs. Activist entrepreneurs were people and organizations who supported community awareness efforts by campaigning, fund-raising, or volunteering. Prominent entrepreneurs attended fund-raisers, kept in contact with the Gardner Administration, and attempted to influence policy by making the gay and lesbian community a visible presence.

In conjunction with the activists, there were also many people associated with elite organizations that lobbied the executive and legislative branch and networked to change policies affecting gay men and lesbians. In addition to entrepreneurs associated with organizations outside of government, many entrepreneurs inside government supported and worked to effect gay rights policies. Many were associated with the future Gardner campaign or worked in public service prior to the executive order.

Finally, in addition to the activists and elite interest groups, several nongay organizations were active in the policy debate regarding gay rights. Prominent groups included the League of Women Voters, the National Organization for Women, the American Civil Liberties Union, the Council of Churches, Washington Women United, the Washington National Association of Social Workers, and the Washington State Psychological Association (Seattle Gay News, March 8, 1985). We can assume that interested policy entrepreneurs advocated internally and externally to support antidiscrimination policies protecting gay men and lesbians.

The various types of entrepreneurs [activists, elites (internal or external to government) individuals, or organizations] share one quality: active participation in the policy debate. The earliest known entrepreneurs were active in the 1970s and primarily worked on local (Seattle) gay rights policies (Moreland, 2002). Survey data from the National Gay and Lesbian Task and the American Civil Liberties Union did not reveal the breadth and depth of policy entrepreneur involvement that contributed to the adoption.

2. Media Attention and Framing of the Issue

Media attention and framing of the gay rights issue appeared to play a role in policy adoption. As noted earlier, a driving force behind gay rights in the 1980s was the growing AIDS epidemic. Amidst misinformation and public speculation, discrimination against gay people was realized as a growing problem. According to the New Jersey Record, 10% of homosexuals lost jobs in 1985 because of their sexual orientation (February 7, 1985). In the early and mid-1980s, AIDS was still viewed as a “gay disease,” and information about how the virus was spread was inconsistent. As a result, gays and lesbians

argued for protection in the workplace to counter the widespread discrimination. The discrimination issue was framed in the context of the right to work free from discrimination (in contrast to moral or ethical reasons for providing protection based on sexual orientation). As Washington's governor noted after signing the order, "In my administration we only intend to discriminate against one group: those who are not competent to do the job . . . if a worker can do the job in a professional manner, then state government has not right to intrude in his or her private life" (Seattle Times, December 24, 1985).

Opponents of the executive order attempted to frame antidiscrimination policy as a moral issue. As Ken Steely of the Bill of Rights Legal Foundation suggested that governor's executive order endorsed a "dirty and decadent lifestyle" and that "the people of the state need to know that they and their children are being served by good, quality, morally upright men and women" (Seattle Times, December 25, 1985).

The opponents' view might have dominated the agenda without two critical national events which helped to change the public view of AIDS and the face of discrimination: the death of Rock Hudson and Ryan White's attempt to attend public school in Kokomo, Indiana. The death of Rock Hudson and the efforts of Ryan White can be viewed as two events that reshaped homosexuality, discrimination, and AIDS in the media. The conventional view, as expressed by journalist Randy Shilts, was "that there were two clear phases to the disease in the United States: There was AIDS before Rock Hudson and AIDS after" (Shilts, 1987, p. 585). Rock Hudson was one of the first prominent public personalities known to die from complications associated with AIDS. Several scholars argue that his death introduced new substantive information about AIDS and permanently increased the media attention about the disease (Kinsella, 1989; Roger, Dearing and Chang, 1991). For many, Hudson's on screen persona and status as a gay man in his private life created incongruities about how people perceived the disease. Treicher (1988) suggests that media stories attempted to normalize Hudson. In an USA Today article on the event, a man said, "I thought AIDS was a gay disease, but if Rock Hudson can get it, anyone can" (Donovan, 1993). Hudson's death increased media attention to the issue and created a public connection to disease that had not previously existed.

Even more important to the public's perception of AIDS than Hudson's death was the case of Ryan White and his attempt to attend high school in Kokomo, Indiana. White, a 14-year-old, HIV-positive hemophiliac, won a court battle to attend school with other students. After winning in court, his family's home and car were vandalized (New York Times, July 31, 1985). The White story also served to reshuffle the prevailing ideas about people with AIDS (Donovan, 1993). As a child and a hemophiliac, White did not fit the

stereotype of a person with AIDS. White's outwardly healthy appearance on television combined with new information on the low risk of nonsexual, noninjection transmission suggested that he was being wrongfully discriminated against due to his HIV status. The changing face of the epidemic to victims beyond homosexuals and drug users and the discrimination based on status help to provide opportunities for policy makers to disconnect homosexuality, AIDS, and discrimination. Furthermore, as Donovan (1993) suggests, policy makers were able to establish policy benefits for people with AIDS since the social construction of the disease had been changed from only homosexuals to include heterosexuals, woman and children.

In the case of Washington state, policy makers discussed protections for gay men and lesbians in terms of discrimination. Since the scope and face of AIDS had been changed, proponents were able to frame the issue beyond health issues and, instead, argue for a policy to remedy wrongful discrimination. The reframing of AIDS would also help with the creation of an AIDS Taskforce in Washington in the following year in 1986.

3. Social Learning and Trigger Events

As the second hypothesis suggests, the internal events of a state can influence policy adoption. In the empirical results, adoption of gay rights policies by Fortune 500 corporations in the state and domestic partnership adoptions by universities are better predictors of policy adoption than the number of neighboring states with a gay rights policy. This suggests that policy makers learn from internal trigger events in the state. In the full model of policy adoption, the actions of Fortune 500 companies and universities did not remain significant. Despite, their insignificance in the full event history model, in Washington there is considerable evidence that internal trigger events have an impact on policy adoption.

The internal events that seem to have had an effect on policy adoption were the actions by the University of Washington and King County's adoption of the fair employment ordinance. In terms of corporate actions, none of the top companies in Washington had adopted a gay rights policy.⁹ However, there was policy action by the major university in the state. In December 1983, the University of Washington president, William P. Gerberding, revised Executive Order 31. This revision states "The University of Washington, as an institution established and maintained by the people of the State, shall not discriminate against any person because of race, color, religion, national origin, age handicap, status as a Vietnam era or disabled veteran, sex, or sexual orientation." In this case, the University inclusion of nondiscrimination based on sexual orientation precedes adoption by the

state. This inclusion may have provided guidance in terms of an executive order for the state. The 2 years between policy adoptions may have acted as a study period for the state to observe the potential impacts of an order.

In terms of more immediate trigger events, the actions of King County kept the issue on the agenda and may have triggered adoption by the state. As noted earlier, consideration of a fair employment ordinance occurred in the same year that Governor Gardner was considering the executive order. During 1985, the County came under extreme pressure from opponents of gay rights to not adopt an ordinance. In some respects, the consideration by the County helped to coalesce the right against gay rights. During this time, the governor postponed signing the executive order. News articles suggest that the antigay organizations also targeted the governor for his consideration of this kind of policy innovation. By the fall of 1985, King County had adopted its fair employment ordinance. By the end of the year the state would have also adopted its gay rights policy. In this sense, policy makers, namely the Gardner Administration, learned from both the University of Washington and King County. The actions of both entities may have acted as trigger events to get (and keep) the gay rights issue on the public agenda.

H. Case Conclusion

The case of Washington highlights the results of my survey research. As the results of the survey suggest, an active gay and lesbian community, previous adoptions, the party of the executive, and the dominant party of the senate all contribute to state policy adoption. The organized, active gay and lesbian community in the largest city and county (Seattle and King County); the previous policy adoption of Seattle, King County, and the University of Washington; the Democratic Governor Gardner, and the senate not controlled by Republicans all conform to the empirical analysis results.

In addition to these explanatory variables, my detailed analysis reveals other factors that also contributed to policy adoption. Most important among these were the actions of policy entrepreneurs in interest groups, media attention and issue framing, and internal triggering events. In addition to the empirical results, policy entrepreneurs in activist and elite organizations, the media attention that broadened AIDS, and gay rights policy framing as an issue of discrimination also contributed to keeping the issue on the agenda and to future innovation.

The case of Washington State highlights the importance of combining quantitative and qualitative information. The additional information provided by my qualitative research complements the survey data and provides critical information. This more complete and detailed picture of the policy

process offers a better understanding of gay rights policy innovation in the United States.

I. Conclusion

This exploratory research offers the first glimpse at the actions of policy entrepreneurs. Furthermore, it highlights their actions within the gay rights policy arena. At this point, the results cannot be generalized to all policy entrepreneurs or policy areas, but does offer valuable insights into both fields. By examining the actions of entrepreneurs, we can better understand their role in agenda setting, policy adoption, and the general policy process. Future research in this area should consider the actions and motivations of entrepreneurs in both the gay rights policy area and other areas as well. Research in this area will expand our overall base of knowledge about gay rights, entrepreneurs, and public policy.

NOTES

1. I use the term *gay rights* to describe policies that ban discrimination based on sexual orientation. Such policies protect both actual and perceived sexual orientation and thus protect homosexuals and heterosexuals. The term is consistent with recent scholarly literature.
2. The states with gay rights policies are California, Colorado (EO), Connecticut, Hawaii, Louisiana (EO), Maryland (EO), Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico (EO), New York (EO), Ohio (EO), Pennsylvania (EO), Rhode Island, Vermont, Washington (EO), Washington, D.C. and Wisconsin.
3. The Human Rights Campaign and the National Gay and Lesbian Task Force (a national civil rights organization that focuses on issues related to sexual orientation) have been instrumental in collecting and providing for academic research in the area of gay rights. See Badgett, (1995), Riccucci and Gossett (1996), Wald et al. (1996), Klawitter and Flatt (1997), and Colvin (2000) for examples.
4. For analysis of the data from each state, one respondent from each state was chosen. The respondent who answered the most questions was selected. In cases where both respondents fully completed the survey, the respondent noting the earliest policy entrepreneur was selected.
5. Despite the high rate among respondents of the existence of policy entrepreneurs in their state, the traditional connection between entrepreneurs and policy adoption did not hold. The relationship between the presence of entrepreneurs and policy adoption was not statistically significant. There are a number of possible design and statistical explanations for this disconnect. First, the surveyed population and the response population make it impossible to generalize to all

policy entrepreneurs. Since so few assessments have been made about policy entrepreneurs, it is difficult to know if my results would differ from others. Furthermore, since policy specific assessments of entrepreneurs are lacking, it is impossible to know if the lack of statistical significance would be confined to gay rights policy or other policy areas as well.

6. On June 8, 1984, the Centers for Disease and Control (CDC) issued a quarantine barring foreign gays from entering into the United States.
7. For a fuller account of policy adoptions, please see the National Gay and Lesbian Task Force's *Legislating Equality: A Review of Laws Affecting Gay, Lesbian, Bisexual, and Transgendered People in the United States* (1999).
8. Republican Senators Hemstead and Hailey were supporters of gay rights in the mid-1980s. Losing this key support in the 1984 election contributed to the defeat of state legislation on antidiscrimination and harassment bills (*Seattle Gay News*, January 18, 1985).
9. In 1985, the top five corporations were Boeing, Burlington Northern, Weyerhaeuser, Paccar, and Safeco.

APPENDIX A: SURVEY

INFORMATION ON GAY RIGHTS POLICES

Has your state approved a gay rights policy or adopted a policy banning discrimination based on sexual orientation?

- Yes If yes, what year was the gay rights policy *first* approved or adopted? Year _____
- No IF NO, PLEASE SKIP TO PAGE 4.

The *first* gay rights policy was a result of

- An executive order
- A legislative action (statute)
- A referendum (popular vote)

Which public sector institutions were covered: (Please check all that apply.)

- Public employment—executive divisions
- Public Employment—special districts, authorities, etc.
- Public employment—schools
- Public services
- None
- Other(s)—please specify:

Which private sector institutions were covered: (Please check all that apply.)

- Private contractors/suppliers
- Accommodations (hotels, restaurants, retail centers, etc.)

- Private rental housing
- Private employment
- Credit agencies
- Educational institutions
- Health and welfare providers
- Unions
- Banks/financial institutions
- None
- Other(s)—please specify:

What groups or organizations were specifically *exempted* from the policy?
(Please check all that apply.)

- Religious organizations
- Youth services
- Private rental housing
- Public schools
- Private schools
- Small businesses (few employees): Employment
- Nonprofit organizations
- None
- Other(s)—please specify:

What agency or board is charged with implementing the policy?

- State personnel office
- Human rights or relations board
- Equal Employment Opportunity Office
- No state implementation agency: Other agency or civil/private action
- Attorney General
- Legislative body
- None
- Other—please specify:

What major groups or organizations actively *supported* the gay rights policy prior to adoption? (Please check all that apply.)

- Gay and lesbian organization(s)
- Women's organization(s)
- Environmental organization(s)
- Jewish group(s)
- Human rights group(s)
- Liberal churches, ministers, religious group(s)
- University Group(s)
- ACLU
- Other civil rights group(s)

- Labor union(s)
- NAACP/black/other minority group(s)
- Business group(s)
- Lower level(s) of government
- None
- Other(s)—please specify:

What major groups or organizations actively *opposed* the gay rights policy prior to adoption? (Please check all that apply.)

- Conservative churches, ministers, religious group(s)
- Nonreligious conservative groups(s)
- Business group(s)
- Lower level(s) of government
- Parents group(s)
- Black/other minority group(s)
- Women's group(s)
- None
- Other(s)—please specify:

Did the media (specifically, newspapers) tend to favor, oppose, or remain neutral regarding the gay rights policy issue?

- Favored
- Opposed
- Remained neutral
- Don't know

What was the level of conflict in the politics of gay rights policies? 1 = No conflict; 7 = Intense conflict (Please circle.)

1 2 3 4 5 6 7
 (No Conflict) (Some Conflict) (Intense Conflict)

Did one or more surrounding states already have a gay rights policy before your state adopted a policy?

- Yes
- No
- Don't know

POLICY ENTREPRENEURS

Policy entrepreneurs seek dynamic policy change. They pursue policy change through redefining policy problems and by carefully working with others in and around government to build support for their ideas. Often these policy entrepreneurs do not work alone but they do appear to provide an impetus

that is critical for raising issues to the level where it receives executive or legislative consideration.

When thinking about policy entrepreneurs, consider people who have both advocated policy change supporting gay rights and people who have advocated policy change opposing gay rights. For this study, policy entrepreneurs seek policy change across the spectrum of the gay rights issue.

In your state, have there been individuals who were the *first proponents* for gay rights?

- Yes
- No
- Don't know

If yes, who were they and about what year did he or she first advocate for gay rights? (Note: I am interested in any proposals made by policy entrepreneurs, regardless of their success.)

First proponents of gay rights:

Person: _____ Year: _____

Person: _____ Year: _____

Person: _____ Year: _____

In your state, have there been individuals who were the *first opponents* of gay rights?

- Yes
- No
- Don't know

If yes, who were they and about year did he or she first advocate against gay rights? (Note: I am interested in any proposals made by policy entrepreneurs, regardless of their success.)

First opponents of gay rights:

Person: _____ Year: _____

Person: _____ Year: _____

Person: _____ Year: _____

Among the first policy entrepreneurs, who was the most prominent *proponent* (i.e., policy entrepreneur) of gay rights?

Name: _____

Was this policy entrepreneur associated with an organization?

- Yes If yes, what organization?
- No
- Don't know

What do you think were the motives of this policy entrepreneur? (Please check all that apply.)

- Personal interests
- Political interests
- Financial interests
- Civic responsibility
- Moral conviction
- Don't know
- Other—please specify:

Were there people or organizations at local levels (cities, counties, etc.) who influenced the policy entrepreneur?

- Yes If yes, who or what organization?
- No
- Don't know

Were there people or organizations at national level who influenced the policy entrepreneur?

- Yes If yes, who or what organization?
- No
- Don't know

When the idea of gay rights *first* became an issue in your state, what were the positions of the following individuals or groups?

	Positive	Neutral	Negative	Don't know
The Governor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Upper house, state legislature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lower house, state legislature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did the policy entrepreneurs you identified make a difference in the gay rights debate in your state? (Please check all that apply.)

- Yes If yes, what did he or she do?
 - Lobby elected officials
 - Introduced legislation
 - Wrote articles for newspapers
 - Passed local-level gay rights policies
 - Social activism—please specify:
 - Other—please specify:
- No
- Don't know

Frequently, policy entrepreneurs attempt to develop coalitions to help promote their ideas. Did the policy entrepreneur in your state do any of the following? (Please check all that apply.)

- Establish a coalition of concerned citizens.
- Establish a civil rights/gay rights organization.
- Establish a broad based coalition (government, other advocacy, minority leaders).
- Use an established group to advocate for gay rights.
- What group?
- Other—please specify:

Have there been policy entrepreneurs from other or neighboring states who have influenced (either positively or negatively) the gay rights debate in your states?

- Yes If yes, what state(s) did they come from?
- No
- Don't know

Finally, would you like to receive a summary of the results of this survey?

- Yes
- No

Thank you for taking the time to respond to this survey. Please return this survey in the envelope provided.

Name:

Title:

Organization:

Address:

Phone/E-mail:

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4

Political Party Support and Policy Outcomes Adopted State Gay Rights Laws

Roddrick A. Colvin

*National Gay and Lesbian Task Force, New York,
New York, U.S.A.*

I. INTRODUCTION

According to the Human Rights Campaign (HRC), for the 2002 election gay men and lesbians represented 5% of the electorate (HRC, 2002). As a voting block, 5% can be the difference between political success and failure. Comparatively, in the 2000 elections African Americans comprised of 10% of the electorate, 7% were Hispanic, and 2% were Asian (HRC, 2002). According to HRC, the gay community voted 71% Democrat, 19% Republican, 4.1% Libertarian, and 2.7% Green. The overwhelming support for the Democratic party and its candidates is not surprising. Democrats have traditionally enjoyed political support among several minority communities, including African American, Hispanic, and Jews. Likewise, gay men and lesbians, for the most part, have been aligned with the Democrats.

Despite the size and level of support, it is unclear if the Democratic party has delivered policy outcomes to the gay community. Anecdotal evidence suggested that Democrats have been more supportive than Republicans in their support of gay rights issues. However, no systematic comparison has been conducted, nor has the political party been analyzed to determine its role in policy adoption. The assumption has been that Democrats have been more supportive than Republicans and that party affiliation influenced policy

adoption. This chapter aims to test this assumption with empirical analysis. To that end, I ask, has the traditional voting support of the gay and lesbian community translated into favorable policy outcomes?

To test the effects of voting support, I employ two methodologies. First, I consider the party in control of each state executive and legislative branch from 1979 to 2000, when gay rights policies were adopted. This analysis will give us a sense of which parties have been most represented or associated with gay rights policy adoption. Second, using event history analysis, I consider the importance of political party (as compared to other political, social, and economic factors) in adoption of state-level gay rights policy. This analysis will provide additional important information about the role political parties play in the overall policy process.

II. LITERATURE REVIEW: GAY RIGHTS POLICIES AND POLICY ADOPTION

In 1979, California adopted the first state-level public policy banning discrimination based on sexual orientation, in the form of an executive order. Since then, 22 other states and the District of Columbia have adopted policies prohibiting discrimination based on sexual orientation (see Table 1). These policies vary greatly in terms of their nature, scope, and coverage. They range from executive orders protecting public employees to statutes prohibiting discrimination in private and public institutions, including housing, credit, union practices, and accommodations.

Gay rights policies attempt to address several areas of public employment. Prohibitions against discrimination in hiring, firing, and promotion based on sexual orientation are the most common policies. However, more recently, inequities in wages and benefits have also been associated with employment discrimination. Several studies have comprehensively examined these issues. For example, Riccucci and Gossett (1996) focus attention on hiring, firing, and benefits, while Levine (1989) looks at hiring, firing, and promotion. Simon and Daly (1992) consider the legal implications of inequities in employee benefits. Badgett (1995) studies wage disparities between homosexuals and heterosexuals, and Klawitter and Flatt (1998) study the effects of nondiscrimination policies on the overall earnings of gay men and lesbians. Taylor and Raeburn (1995) focus on hiring and promotion among gay men and lesbians in the academic field of sociology. Button et. al. (1995) consider the scope and enforcement of nondiscrimination policies, and Croteau and Lark (1995) consider the effects of being open about one's sexual orientation and discrimination in hiring and promotion. The United States General Accounting Office (US GAO) study (1997) considers the potential impact of a federal employment nondiscrimination law.

Table 1 Party Control of the Branches

Year	State	Policy	Control of executive branch	Control of senate	Control of House	Democratic control	Republican control
1979	CA	E	Democrat	Democrat	Democrat	3	0
1980							
1981							
1982	WI	S	Republican	Democrat	Democrat	2	1
1983	OH	E	Democrat	Democrat	Democrat	3	0
1983	NY	E	Democrat	Republican	Democrat	2	1
1984							
1985	NM	E	Democrat	Republican	Republican	1	2
1985	WA	E	Democrat	Democrat	Democrat	3	0
1986							
1987							
1988	PA	E	Democrat	Republican	Democrat	2	1
1989							
1990	CO	E	Democrat	Republican	Republican	1	2
1991	CT	S	Democrat	Democrat	Democrat	3	0
1991	HI	S	Democrat	Democrat	Democrat	3	0
1992	LA	E	Democrat	Democrat	Democrat	3	0
1992	NJ	S	Democrat	Republican	Republican	1	2
1992	VT	S	Democrat	Republican	Republican	1	2
1993	MD	E	Democrat	Democrat	Democrat	3	0
1993	MN	S	Republican	Democrat	Democrat	2	1
1994							
1995	MA	S	Republican	Democrat	Democrat	2	1
1995	RI	S	Democrat	Democrat	Democrat	3	0
1996	IL	E	Republican	Republican	Republican	0	3
1997	ME	S	Democrat	Republican	Republican	1	2
1997	NH	S	Republican	Republican	Republican	0	3
1998							
1999	IA	E	Democrat	Republican	Republican	1	2
1999	NV	S	Democrat	Republican	Democrat	2	1
2000							
Total	21		D = 16, R = 5	D = 10, R = 11	D = 13, R = 8	63.64%	36.36%

To date, little empirical research has been conducted to help us understand how and why some states adopt policies banning discrimination and the role of political parties. Over time, the rate of policy adoptions might have been influenced by previous adoptions, changes in public opinion or political conditions (Klawitter and Hammer, 2000). Additionally, policy adoption might have occurred because policy makers or citizens were influenced by the actions of their neighboring states or other influential institutions. Finally, states with similar economic or demographic characteristics might have opted to adopt similar types of policies. Currently, we do not know what factors have contributed to adoption of gay rights policies.

A. Public Opinion and Public Policy

If the recent political battle in the state of Maine over civil rights protection for gay men and lesbians denotes the general attitude of Americans, we can be certain of two things. First, Americans are very divided in their views of civil rights protection based on sexual orientation. Second, some Americans are willing to tolerate discrimination based on sexual orientation, as indicated when the voters in Maine repealed the enacted gay rights statute in a 51% to 49% split.

Although the Maine case resulted in the repeal of its antidiscriminatory laws based on sexual orientation, it also offers insight into communities' willingness to debate the issue. Few policies in recent history have elicited the range of political debate as gay rights policies. Political contention around these policies occurs at every level of government, from the 1996 congressional vote on the Employment Nondiscrimination Act (ENDA) to the decision of Troy, Iowa to offer employment protection based on sexual orientation, currently covering its two public employees. Although no federal law exists that prohibits discrimination based on sexual orientation, 22 states and the District of Columbia have independently adopted such policies.

Public opinion data support the complexity of the debate surrounding gay rights policies. While *prima facie* evidence indicates that public opinion of gays and lesbians has improved markedly, a more in-depth review shows a much more complicated picture (Lewis and Rogers, 2000; Yang, 1999). Public support for policies related to sexual orientation depends on the specific policy area. According to Yang (1999), the clearest areas of public support are housing and employment. Between 1977 and 1996, support for equal rights in term of employment rose from 56% to 84%. Additionally, 81% of Americans supported equality in housing (Yang, 1999). While the public supports employment of gays and lesbians in the general sense, support for equal employment in education or the military is not as strong. Only between 55 to 60% of Americans supported hiring and retaining homosexuals as teachers.

Lewis and Rogers (1999) confirm Yang's research that "Americans accept the principle of equal employment rights for gay people, and the trends are positive. They have a harder time accepting gay people in certain occupations" (Lewis and Rogers, 1999).

While public opinion generally supports extension of tangible benefits to gays and lesbians, support drastically drops for same-sex marriage. Yang's analysis of the Yankelovich data and the Princeton Survey Research Associates surveys suggest that two-thirds of Americans oppose extending the symbolic recognition of marriage to same-sex couples (Yang, 1999). Additionally, public opinion showed mixed support of adoption by gays and lesbians. In 1997, 40% of Americans supported adoptions by gay men and lesbians (Yang, 1999).

Varying public opinions help to explain the complex nature of gay rights policies. While communities may be willing to support employment policies, they may be less likely to support other types of policies related to sexual orientation. This suggests that adoption of gay rights policies should not be viewed as homogeneous events. As Mooney and Lee (1995) suggested, the type of policy will contribute to how diffusion of adoption will occur. Diversity of public opinion suggests that the type of gay rights policy considered will contribute to the diffusion of innovation.

The current literature does not adequately address policy adoption of gay rights policies. To date, only two sets of researchers have considered the adoption of gay rights policies. Button et al. (1997) conducted the most comprehensive study of gay rights policies and adoption in the United States. Their sample consisted of 126 valid cases (101 cities and 25 counties). These cases were identified using the National Gay and Lesbian Task Force's (NGLTF) 1993 document entitled "Lesbian and Gay Civil Rights in the United States."

Using descriptive statistics, Button, Rienzo, and Wald compare communities with gay rights policies to communities without such policies. Based on the results, Button et. al. are able to build four models to explain adoption of gay rights policies. The models group communities into four clusters: urbanism and social diversity, political opportunity structure, resource mobilization, and communal protest.

The first cluster is the urbanism and social diversity model. Button et. al. found that policy adoption usually occurred in large, densely populated communities marked by social and economic diversity (Button et al., 1997).

The second cluster is the political opportunity structure model. It acknowledges the presence of political institutions and actors who are receptive to policy adoption. Button, et. al. suggested that the minority status of gay men and lesbians requires that they enlist the help of influential allies and press to help promote policy adoption. In this model, the political

environment is conducive to adoption. Haider-Markel (1996) found this to be the most successful approach for adoption of gay rights policies, fitting what they term the *interest group model*.

The third model is the resource mobilization model. It suggests that the internal resources of the group supporting innovation will influence adoption. Unlike the political opportunity model, this model considers factors inside the community seeking innovation. In the case of gay rights policies, this model evaluates the level of organization and skill of gay leaders along with the financial condition of the gay community.

The final model is communal protest. It suggests that adoption will be contingent upon the amount of opposition encountered. This model acknowledges that organized and well-resourced opposition may deter policy adoption.

Button et. al. use internal determinants or characteristics to predict whether a community will adopt gay rights policies that include sexual orientation. Their four models delineate among major characteristics to explain policy adoption. Together, the models suggest that large communities with a supportive political environment, a well-resourced gay community, and little opposition will most likely adopt gay rights policies. These results match the findings in other research, namely Doris (1999) and Hetaerae (1996).

However, if these factors alone explained why communities adopt such policies, we would expect more communities to have adopted gay rights policies over the past 25 years. Button, Rienzo, and Weld's models assume that if the internal environment is conducive, adoption is likely. Multiple communities identified as ideal for innovation have not adopted gay rights policies. Of the over 20,000 cities and counties in the United States, only 155 had adopted such policies as of 2000. Furthermore, of the 50 states, only 22 have adopted such policies in the past 21 years. This suggests that other factors also influence adoption of gay rights policies.

Klawitter and Hammer (2000) offer the most sophisticated research in the area of diffusion of innovation and sexual orientation. They study the temporal and spatial diffusion of gay rights policies at the county level. Focusing on policies that prohibit private employment discrimination, the authors use a discrete hazard rate model to estimate the effects of several internal and external determinants. They consider the usual suspects and regional adoptions at various levels of government. In terms of temporal diffusion, Klawitter and Hammer find that gay rights policies did not follow the S-curve adoption pattern posited by Gray (1973). However, the authors suggest that the potential to approximate this pattern was not completely refutable based on their results. They also showed that spatial diffusion did not spread in the inkblot pattern that Walker (1973) suggested. While affirming the importance of some sociodemographic characteristics, Klawitter and

Hammer concluded that the innovation theories of Walker (1969) and Gray (1973) did not reflect the adoption patterns of gay rights policies. This suggests that gay rights policies act differently than the policies studied in the original diffusion research. While Klawitter and Hammer offer the best research on both innovation and gay rights policies, research in this area is just beginning and needs further elaboration. Klawitter and Hammer's research could be improved by considering specific agenda setting factors and by expanding ideas of diffusion beyond the traditional understanding of horizontal and vertical diffusion patterns.

III. METHODOLOGY

Since control of the state legislature and executive branches of a state can affect the likelihood of policy adoption, I considered the control of these branches when gay rights policy was adopted. As Kincaid suggested, political culture is "an enduring set of publicly shared and socially communicated beliefs, values, and traditions about politics which constitutes a general framework of plans, recipes, rules, and instructions for the conduct of political life, especially who gets what, when, and how" (Kincaid, 1980).

Based on the Council of State Government's Book of States and the Lambda Legal Defense Council data, I constructed a matrix of the party in control of the legislatures and executive during the year that a gay rights policy was adopted. States were scored between 0 (Republican control of both branches of government) to 3 (Democratic control of both branches of government). This matrix allowed for the construction of a simple control measure for both branches of government.

To assess the effect of political party on policy adoption, I present a quantitative analysis of initial state adoptions of gay rights policy (see Appendix A). My analytical strategy will involve developing event history analysis models and testing them on data collected via content analysis, a survey, and archival documents, including newspapers, public government records, and published books. As noted earlier, in 1979, the first state adopted a policy that included provisions banning discrimination based on sexual orientation. Since then, 22 states and Washington, D.C. have also adopted such policies. I explore why some states adopt gay rights policies but others do not.

Like Berry and Berry (1990), I incorporate internal and regional determinants into a unified theory of innovation. I analyze state level data from 1979, the year that California adopted the first gay rights policy, until 2000. The 21-year period is known on as the *risk period*. Berry and Berry (1990) suggest that it is reasonable to assume that no state is at risk of adopting a

given policy until at least one other state has acted on a similar policy. In this case, it is safe to assume that the observation period should begin after the first policy adoption has occurred.

Research literature suggests that the internal characteristics of a state (i.e., economic, social, and demographic characteristics) are not enough to explain why some states adopt policies banning discrimination based on sexual orientation. In order to understand such policy adoption, we must examine the policy process before the option of adoption, particularly the environment that led to adoption. To accomplish this, I consider agenda setting in conjunction with adoption.

Three assumptions shape my research. First, I look at the adoption of a state-level public employment gay rights policy as the first indication of adoption; any policy banning discrimination based on sexual orientation covers public employment. Public employment appears to be the most basic type of policy that includes sexual orientation. Second, I assume that policy adoption is a nonrepeatable event. While the history of gay rights policies at the local and state level is wrought with adoptions, repeals, and re-adoptions, initial adoption only occurs once. Since my research is concerned with what conditions exist when such policies get on the agenda and are considered for adoption, treating the event as single and non-repeatable is appropriate.¹ Finally, I assume that legislative and executive actions are equal policy innovations. In some cases, states have adopted legislation, and in others, executive orders have been issued. Both types of policy action attempt to achieve the same policy goal: ending discrimination based on sexual orientation. Once again, I am only interested in the conditions that led to initial adoption of the gay rights policy, not subsequent events.

A. Event History Analysis: Overview

Event history analysis is the study of events, the duration of time between events, and the probability of events occurring at selected points in time (Barton and Pillar, 1995). The goal of event history analysis is to explain a qualitative change—an “event”—that occurs in the behavior of an individual at a particular point in time (Berry and Berry, 1990).² This methodology allows us to estimate the probability of policy adoption in any given period of time, depending on a number of factors, including adoptions in previous periods. In terms of policy, event history analysis can help to predict the likelihood of the event of policy adoption by states.

Central to event history analysis are the concepts of risk set and hazard. The risk set is the group of individuals at risk of cases experiencing an event at a particular time (Berry and Berry, 1990; Barton and Pillar, 1995). In cases where events can only occur once, the number of cases in the risk set decreases once the event is experienced. The hazard is the probability or likelihood of a

case or individual experiencing the event during the at risk status (Allison, 1984). In event history analysis, the dependent variable is the hazard, which is unobservable. Although unobservable, the hazard controls the likelihood of events occurring and the pace of their occurrence (Allison, 1984). Thus, the observable variable becomes the occurrence or nonoccurrence of the event.

Event history analysis handles censoring and truncation of data that varies over time better than traditional multiple regression models. First, event history analysis can handle problems associated with censoring and truncation. Censoring exists when information about the duration of the risk period due to a limited observation period is incomplete (Yamaguchi, 1991). The risk period is the time frame or period during which individuals at risk of experiencing an event are observed. If information is missing before the beginning of the risk period, it is termed *left censoring*. If information is missing after the end of the risk period, it is known as *right censoring*. Truncation is a special type of censoring characterized by a partial observation during the risk period. Among censored observations, right truncated observations occur most frequently in social science research (Yamaguchi, 1991).

In terms of policy adoption among states, communities not experiencing the event during the risk period constitute missing and right-censored data. Linear and logarithmic regression models, in their conventional usage, do not distinguish between full observations and censored observations. A model that includes right-censored observations treats them as having experienced the event (policy adoption) when in fact they have not (Box-Steffensmeier and Jones, 1997). Event history analysis can distinguish between full and censored observations without eliminating censored observations from the data set. Elimination of observations would cause selection bias, possibly creating a data set more prone to experiencing the event. Event history analysis also eliminates the need to create an indicator variable in an attempt to measure variability (Box-Steffensmeier and Jones, 1997). Dummy variables can be used to measure variability, but the variance tends to be larger relative to event history analysis (Yamaguchi, 1991).

In addition to censoring and truncation, event history analysis also better handles data that vary over time than traditional multiple regression models. Explanatory variables or covariates are usually thought of as time-varying or time invariant (Box-Steffensmeier and Jones, 1997). Time-varying covariates change value over time. In terms of policy adoption, covariates such as public opinion, media attention, or population density could change over time. Covariates that remain the same over time, or *time invariant*, might include race, gender, or geographic region. While traditional regression models treat all variables as time invariant, event history analysis can analyze data that differs from the beginning of the risk period.

B. EHA Approach

In the tradition of Berry and Berry (1990) and Hays and Glick (1997), my research will employ event history analysis of pooled cross-sectional time series data, using nonparametric, discrete time, maximum likelihood models. These models allow me to estimate the likelihood of adoption as a function of internal, external, and agenda-setting characteristics (Berry and Berry, 1990; Hayes and Glick, 1997; Klawitter and Hammer, 2000). This approach has four advantages.

First, the model is nonparametric, making no assumptions about the distribution of the occurrence of events over time. A parametric model specifies how the hazard rate changes (i.e., assuming it would increase, decline, be stable over time) over the risk period. For example, a parametric model would be appropriate if an event occurred consistently every 2 years.

Second, it is a discrete time model that can accommodate for ties, or two simultaneous events (Yamaguchi, 1991; Barton and Pillia, 1995; Box-Steffenmeier and Jones, 1997). Discrete time models tend to be more popular than continuous time models because of this ability (Barton and Pillia, 1995). Since data is often collected at defined periods, the chance of two events occurring at the same time is high. Discrete time formulas are more appropriate than continuous time models when dealing with a continuous process with observable, interval data. When ties exist, continuous time models result in biased parameter estimates (Box-Steffenmeier and Jones, 1997). In the case of gay rights and policy adoption, the data has been collected in discrete intervals (years) and often has ties in the data set.

Third, the model ensures more meaningful predictions and interpretations by constraining estimations between 0 and 1 (Allison, 1984; Barton and Pillia, 1995). The data in the dependent variable (adoption) field will be 1 or 0. At each observation point, either a 0 (denoting no event occurrence) or a 1 (denoting the occurrence of the event) is included. Therefore, all the records in the data set representing each state year will be either 1 or 0.

Finally, a maximum likelihood model uses parameter estimates “that maximize the likelihood (probability) of observing the data that have actually been observed” (Allison, 1984; Barton and Pillia, 1995).

IV. RESULTS

Table 1 shows the state, year of policy adoption, and party control of the executive and legislative branches. For each of the 22 states that have adopted gay rights policy, either Republicans or Democrats controlled the congressional houses and the executive branch. As for the executive branch,

Democrats held the office in 17 of 22 cases. In terms of the senate, Democrats controlled the legislature in 10 of 22 cases. In terms of the house, Democrats controlled the house in 13 of 22 cases. Considering the legislative and executive branches together, and the 22-year period of gay rights policy adoption, there were 66 slots available for party control. Of the available slots, Democrats controlled 64% and Republicans controlled 36%.

Table 2 identifies the event history analysis (EHA). The analysis includes all the variables commonly associated with policy adoption at the state level (Berry and Berry, 1990; Glick and Hays, 1996; Klawitter and Hammer, 2000; Colvin 2002). To further test the predictive value of the variables and the strength of the model, an additional model is included. The results are presented in Table 3. This model includes only the significant variables identified;

Table 2 Political, Social, and Economic Factors

Variable	Coefficient	SE
Percent urban	0.006 ^a	0.029
Percent black and hispanic	-0.079 ^b	0.034
Per capita income	-0.078	0.232
College	0.152	0.108
Same-sex households 2000	0.139 ^b	0.064
Total gay services	-0.053	0.039
Percent of protesters	-0.016	0.028
Party of the executive	1.681 ^b	0.658
Control of the Senate	-0.623	0.697
Control of the House	0.031	0.738
Pro-gay rights entrepreneur	-0.255	0.573
Positive media	0.002	0.023
Impartial media	0.007	0.029
First nondisk policy by fortune 500	-1.384	0.757
Percent of Fortune 500 with nondiscrimination policy	0.423 ^c	0.084
Percent of universities with nondiscrimination policy	-0.07	0.066
First domestic partnership policy by		
University	0.289	0.681
Capital city	1.45 ^b	0.677
Largest city	0.295	0.639
Number of neighbor state		
Adoptions	0.062	0.182
<i>N</i>	897	
-2 log likelihood	185.485	

^a $p < 0.01$.
^b $p < 0.05$.
^c $p < 0.001$.

Table 3 Analysis of Significant Variables

Significant Variables	Model four coefficient	SE
Percent black and hispanic	-0.088 ^a	0.025
Same-sex household in 2000	0.108 ^b	0.039
Party of the executive	1.408 ^c	0.547
Percent of Fortune 500 with nondiscrimination policy	0.369 ^a	0.056
Capital city	1.44 ^b	0.475
<i>N</i>	897	
-2 log likelihood	194.98	

^a $p < 0.001$.

^b $p < 0.05$.

^c $p < 0.01$.

the percent of black and Hispanic people in the state, the percent of same-sex house holds in the state, capital city adoption, the party of the executive, and the percent of Fortune 500 companies adopting policies. The results confirm my hypothesis; all of the variables remained significant and the -2 log likelihood suggested a better fit. Most important, for this analysis, is the statistical significance of the party of the executive. Party affiliation was significant at the 0.05 level.

V. DISCUSSION

The results from both methodologies are clear: Democrats have been more supportive than Republicans, and their support has translated into tangible policy outcomes. First, by looking at the year of policy adoption and the party in control of the state legislatures and the executive branches, Democrats were more often in control than Republicans. Democrats held two-third of the positions available during policy adoption. In the case of the executive branch and the lower house of the state legislature, Democrats were more often in control when policies were adopted. Republicans most often controlled the state upper house of legislature. Second, using event history analysis to study 21 years of gay rights history, party control of the executive branch was found to be statistically significant in adoption of gay rights policies. In addition to control of the executive branch, there were several other significant factors. These factors include the percent of racial diversity, as measured by the percent of Hispanics and blacks in the states, the percent of reported same-sex

couples in the state, the percentage of Fortune 500 companies in the state with nondiscrimination policies, and whether the state capital has previously adopted a policy.

While statistical significance was proven for the executive branch (policy adoption was more likely during a Democratic administration), there was an interesting inverse (yet, not statistically significant) relationship with the state senate. The inverse relationship suggests that policy adoption was less likely when Republicans controlled the upper house.

In this case, the anecdotal information about Democrats and supportive gay rights policy proved to be correct. The empirical results show that tangible policy outcomes have resulted from gay support of Democratic candidates. While several factors proved to be influential in fostering policy adoption, the only two political factors that were significant were the control of the executive branch and capital city adoption. In terms of factors that can be manipulated, supporters and opponents only have the two significant factors. Policy entrepreneurs can attempt to affect the control of the state executive branch and the local politics in the capital city. This has implications for future policy developments and suggests that Button et al. (1997) consideration of the political opportunity structure could help guide future policy adoption.

NOTES

1. The event history analysis approach can be adapted to estimate hazard rates for repeatable events (Allison, 1984; Yamaguchi, 1991). Since I am interested in the initial conditions, state adoption can be considered as non-repeatable. See Mintrom (2000) for a similar application.
2. The common language in the EHA literature for the body experiencing the “event” is individual. In this discussion, I retain the common language. The term individual can be understood to mean “state”.

APPENDIX A. DEFINITIONS AND SOURCES OF VARIABLES

A. Dependent Variable

The dependent variable for these models is the adoption of a gay rights policy covering a minimum of public employment by a state. To analyze patterns of adoption, I examine the yearly events in the risk period. From the year each state adopts a policy, I develop a dataset where the cases consist of state years. For each year, I include a dichotomous (0,1) adoption variable. The variable equals 0 for every year prior to adoption and 1 for the year of adoption.

B. Independent Variables: Agenda Setting

In order to measure the influence of agenda setting on policy innovation, I evaluate nine variables, including policy entrepreneurs, media influence, trigger events, and previous adoptions.

1. Policy Entrepreneurs

A mail survey of civil rights policy experts in each state provides evidence of state-level gay rights policy entrepreneurs. I surveyed two state-level organizations that focus on issues of sexual orientation: the American Civil Liberties Union (ACLU) and a state-level contact identified by the National Gay and Lesbian Task Force (NGLTF). The Human Rights Campaign and the National Gay and Lesbian Task Force (a national civil rights organization that focuses on issues related to sexual orientation), have been instrumental in collecting and providing for academic research in the area of gay rights. See Badgett (1995), Riccucci and Gossett (1996), Wald et al. (1996), Klawitter and Flatt (1997), and Colvin (2000) for examples. The survey asks respondents to (1) name the most important policy entrepreneur in their state (if any), (2) record the year in which he or she first advocates for inclusion of sexual orientation into policy, and (3) identify entrepreneurs who have advocates opposing views and when they entered into the policy debate.

Based on the survey information, I construct a presence variable. The presence variable was coded "1" for all state years beginning with the year that the entrepreneur was identified as present. In cases where two policy entrepreneurs were identified, the earliest presence of the entrepreneur was used. The variable is coded "0" where no policy entrepreneur was present. According to my hypothesis, policy entrepreneurs should be present in states that adopt policies including sexual orientation.

2. Media and Framing

In order to assess the role of the media, I conducted a content analysis of newspaper articles in the Lexis-Nexis database for the year preceding policy adoption or 2000 if no adoption had occurred. Since I was more interested in the nature of the attention given by the media than the level of attention, I look at how issues related to gay rights were framed. Positive newspaper articles advocate adoption of such policies or report adoption of gay rights policies in other communities. Negative newspaper coverage includes articles opposing adoption of such policies or reporting the defeat of such policies in other communities. Neutral articles present the issues without a particularly positive or negative frame. My approach builds on the innovative work of Weart (1988), who coded the title of each article about nuclear energy as

either positive (hopeful about the use of nuclear energy) or negative (fearful about the uses of nuclear energy). Baumgartner and Jones (1993) apply this method to their research and found that in most cases articles could be coded by asking a simple question: If you were an industry leader, would you be pleased or unhappy to see such a headline? My research employed a similar technique. For my content analysis, I ask: If you were a gay rights leader, would you be pleased or unhappy to see such a headline? For reliability, a second coder was employed. To measure agreement between coders and coding reliability, Cohen's Kappa statistic was computed for all cases and was 0.87.

Next, I calculated the ratio of positive to negative articles in each period time period. I assumed that how articles in a given state framed gay rights issues would have a direct impact upon whether that state adopted a policy that included sexual orientation. Under this assumption, states that adopt such policies should show a higher percentage of positive newspaper articles than negative articles. Positive media coverage should help to get the issue on the legislative agenda in an adoptable form.

3. Trigger Events

To determine the extent to which universities and major corporations influence the agendas of state level government, I tracked trigger events within each state. In my research, trigger events are defined as the inclusion of sexual orientation protection in the employment policies of Fortune 500 companies and universities in the state. Data on major employers came from the Human Rights Campaign Fund and the 2000 list of Fortune 500 companies. I created two measures. Based on data from the Human Rights Campaign, I noted the first known policy adoption as a dichotomous variable, "1" indicating the adoption year. Secondly, I measured the percentage of Fortune 500 companies in the state with gay rights policies.

For major colleges and universities, I captured the first known adoption in a dichotomous variable, while additional information is collected on the percentage of schools with policies. Data on major colleges and universities came from the Statistical Abstracts of the United State and the Queer Resources directory. Any time an antidiscriminatory policy was enacted at a state's major employer or university, I considered it a trigger event.

By using these variables, I assumed that adopting states would show a higher percentage of "trigger" institutions. To better understand the influence of the institutions upon gay rights policy adoption, I also collected data about the major institutions to determine if they offered domestic partner benefits and when such benefits were introduced. This data was also drawn from the HRC Worknet database. If most of the major institutions have policies and

offer benefits to domestic partners, I hypothesize that states adopting policies will have more comprehensive policies prohibiting discrimination.

4. City Adoptions

In the same sense that actions of a region could affect a state's action in passing gay rights policies, the existence of such policies in these cities could also affect state action. It is possible that local adoption is related to state adoption. I used a dichotomous variable to indicate the existence of a gay rights policy in the state's largest city and capital city. In nine cases, the largest city and the capitol city were the same. In these cases, only the largest city was included. Adoption of a policy was coded "1" and no policy was coded "0". Research data was collected from the NGLTF.

C. Independent Variable: State Characteristics

In addition to the agenda setting variables, I considered several other external and internal determinants. As noted earlier, the best predictors of policy adoption are the internal social, economic, and demographic characteristics of a community. I attempt to confirm previous research using the following measures: population, diversity and urbanism, affluence and education, gay and lesbian population, political environment, and regional influences.

1. Population, Diversity, and Urbanism

When the unit of analysis is a city or county, population has proven to be one of the strongest predictors for the existence of gay rights policies (Wald et al., 1996; Heaberle, 1996; Dorris, 1999). Urban locations with diverse populations are more likely to have an accepting attitude about homosexuality and to support gay rights policies. Button et al. (1996; 1997) refer to these variables as the social diversity factor.

States with higher percentages of "urbanites" (as states become more urban) and diversity are more likely to adopt a gay rights policy. To test these assumptions, I consider several variables related to population and diversity. First, state level population data are collected. To determine the urbanization of a state, the percentage of the population living in an urban area is also collected. To measure diversity, I calculate the percentage of each state that is black or hispanic (minority) at interval points. Button et al. (1997) suggested that populations with higher percentages of minorities were more likely to have a gay rights policy than more homogeneous populations. Under this assumption, I expect that more heterogeneous states will be more likely to adopt a policy than those showing less diversity. All data for the population

and diversity variables were drawn from the U.S. Census annual population estimates.

2. Affluence and Education

A number of studies have identified income and education as predictors of gay rights policy adoption (Haeberle, 1996; Wald et al., 1996; Dorris, 1999). Since income is highly correlated to education, these two measures are often used interchangeably or included in a single factor (e.g., affluence). Wald et al. (1996) categorized these factors under the social diversity and urbanism factor as well. My assumption is that communities with higher incomes and/or education levels are more likely to adopt antidiscrimination policies, suggesting that affluence correlates to liberalism (Dorris, 1999). To measure affluence, I collect data on state per capita income from the Department of Commerce's Bureau of Economic Analysis and education levels are from the U.S. Census data population estimates. The measure used for education is the percentage of adults over 25 with 16 or more years of formal education.

3. Gay and Lesbian Population

Studies related to interest groups or identity politics often consider resource mobilization a factor in public policy (Wald et al., 1996; Haider-Markel and Meier, 1996; Gamble, 1997; Dorris, 1999). Communities that mobilize and focus resources are more likely to pass policies in their own favor. Scholars have identified population, density, and urbanism as determinants of gay rights policy adoption. My assumption is that a high concentration of gay men and lesbians will yield a more mobilized community that will, in turn, push gay rights policies towards adoption.

Since no authoritative data exists on the percentage of the population considered gay or lesbian, I employed unique proxy measures. One measure was the number of households with unmarried, same-sex "partners" as enumerated in the 1990 and 2000 U.S. Census. The work of Button et al. (1997), the econometric works of Badgett (1995), and the research of Klavitter and Flatt (1998) all employ this data source as a measure of the gay and lesbian population. Although not a perfect measure, since many gay and lesbians who are not living with partners would not be included in the count, Wald et al. (1996) and Haeberle (1996) did find that it correlated to policy adoption. For this reason, I employed the same measure. Unlike previous research, my dataset had two interval points: 1990 and 2000.

I used an additional measure to approximate the gay and lesbian population in each state: gay bars and services. For the interval years of 1980, 1990, and 2000, the Damron Address Book identified these specialized services. The Damron Company has published travel guides for gay and

lesbian travelers since 1964. While by no means comprehensive, the number of listed bars and services should act as a proxy for population or state tolerance for homosexuality. The total number of services for each state was compared with state population data to generate a “gay services” to population ratio. Like urbanization, I assumed that a high ratio will increase the probability of policy adoption. Wald et al. (1996) used the 1994 Damron data in their research as an estimate for population and resource mobilization.

Since opposition to gay rights policies is possible, it is necessary to measure community protest or opposition. Measuring opponents of a policy is no easier than measuring proponents. To that end, I used proxies to estimate opposition to gay rights policies that include sexual orientation. Strickland and Whicker (1992) estimated state abortion restriction and Dorris (2000) estimated gay rights laws at the local level using conservative and fundamental church membership as a measure of opposition. As Wald et al. (1996) noted, opposition to homosexuality is fundamental to the definition of the conservative movement. For this reason, I will use the same measure to estimate resource mobilization of those opposed to such policies.

4. Political Environment

The political environment of a state affects the likelihood of policy adoption. As Kincaid (1980) suggested, political culture is critical to policy adoption.

To measure the political environment, I employed two measures. The first measure is the political party of each governor for each state year. I assume that Democratic governors and legislatures will be more likely to adopt gay rights policies than Republican-controlled legislatures. Democrat governors were scored 1, and Republican governors were scored 0. The second measure was for the controlling party of the state legislatures, also coded dichotomously, Democratic as 1 and Republican as 0. These measures will possibly draw distinctions between adoption of executive orders or statutes. I hypothesize that executive orders prohibiting discrimination would be present when a Democratic governor is in office with a Republican legislature.

5. Protesters

Finally, like Strickland and Whicker (1992) and Dorris (1999), I tallied the number of Catholic, American Baptist, Church of God, Southern Baptist, Assemblies of God, Latter Day Saints (Mormons), and United Methodist members in each state. Data on the number of members were taken from the Yearbook of American and Canadian Churches and the American Religion Data Archive. While not perfect as a proxy, it will provide prima facie evidence of who would be most likely to mobilize against such policies. The total

allowed me to calculate the percentage of each state's population belonging to those denominations.

D. Regional (External) Influences

While regional effects are not the primary focus of my research, I use one measure to account for the influence of neighboring states. For the 48 contiguous states, I noted the number of neighboring states with an existing gay rights policy. This method is consistent with the approach used by Berry and Berry (1990) to evaluate regional effects.

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5

New GLBT Political and Policy Developments

Five Years of Progress

Hastings Wyman

Southern Political Report, Washington, D.C., U.S.A.

I. INTRODUCTION

As more and more gay people live their lives openly, their presence is becoming apparent throughout the nation. A 2002 study by the National Gay and Lesbian Task Force Policy Institute found the major concentration of gay people, based on 2000 census data, was in urban areas (1). However, the U.S. Census reported that people who identified themselves as part of same-sex couples were present in a wide variety of areas, for example, in every one of Mississippi's 82 counties (2).

The status of gay people, including gay men, lesbians, and bisexuals, is changing rapidly in today's society. Some of the changes are highly visible, like the growth of television programs such as "Queer as Folk," "Will and Grace," and "Queer Eye for the Straight Guy" that feature gay characters; the appearance of Washington's Gay Men's Chorus at a Kennedy Center program attended by President George W. Bush and the First Lady; or the decision of the New York Times to publish announcements of same-sex partnerships. Others receive less national attention, but are important nonetheless: The widespread enactment of gay-inclusive laws by state and local governments, the growing adoption of nondiscrimination employment pol-

icies by corporations, and the election of openly gay candidates to a variety of government offices, including legislatures, city and county councils, clerk of court, sheriff, and so on.

In former times, such vast social change took decades, but in today's rapidly changing world, change comes quickly. Spurred by television, the Internet, relatively inexpensive travel, and the migration of people to metropolitan areas, ideas and customs once deemed revolutionary quickly become an accepted part of the national culture. Thus, gay people, who were only recently on the fringes of the American community, have become an integral part of this nation's diverse and constantly self-transforming culture.

The issues affecting gay people are currently under discussion in governmental bodies from city councils, county commissions, and state legislatures, right up to the U.S. Congress. These concerns include basic civil rights (access to jobs, housing, and public accommodations without discrimination), domestic partnerships (medical and other benefits for gay "spouses" comparable to those in heterosexual marriages), and hate crimes (enhanced penalties for crimes motivated by group hatred).

For purposes of this chapter, the term *gay* refers to gay men, lesbians, and bisexual persons. Because many state and local government actions do not include transgender people, the more inclusive GLBT is not used. Transgender issues and the progress of that movement are covered in the next chapter.

II. THE NATIONAL POLITICAL CLIMATE

During the past half decade, the nation's political environment has become steadily more positive toward gay people and their concerns. President Clinton made history in 1997 as the first president of the United States to appear at a major gay function when he addressed the first annual dinner of the Human Rights Campaign (HRC), the nation's largest gay rights group. Since then, such appearances have become *de rigueur*, at least in the Democratic party, for national leaders. Other important speakers at HRC dinners have included Vice President Al Gore; Senator Joe Lieberman (D Conn.), after he became the Democratic vice-presidential nominee; and, in 2002, Senate Majority Leader Tom Daschle (D S.Dak.).

The Clinton Administration's commitment to improving the lives of gay and lesbian Americans went beyond symbolism. Early in the Clinton Administration, cabinet members had added sexual orientation to their departmental antidiscrimination policies, but they did not interpret or enforce them in a uniform manner. So in 1998, President Clinton issued an executive order prohibiting discrimination against gay civilian employees of the federal government (3).

In 1999, Clinton endorsed the Employment Nondiscrimination Act (ENDA), which bans job discrimination based on sexual orientation, and the Hate Crimes Prevention Act, which are both high priorities of the gay movement, in his state of the union message—the first time a chief executive had done so (4).

In January 2000, the Bush Administration took office with limited credibility in the gay community. On the positive side, the fact that Richard Cheney, Bush's pick for the vice-presidential nomination, has an openly lesbian daughter had served to create a more tolerant image for the Republicans.

The election of Montana Governor Marc Racicot to the chairmanship of the Republican National Committee in late 2001 also was a sign of the GOP's moderate trend on gay concerns. Although from a relatively conservative western state, Racicot brought with him a relatively progressive record on gay issues. As governor, he adopted a non-discrimination policy for state employees that included sexual orientation. He supported an ultimately unsuccessful effort to repeal the state's statute criminalizing sodomy. He also opposed a 1995 proposal to add gay people to the state's sexual offenders registry, and he made sure the Montana Republican party apologized for the proposal (5).

In office, President Bush has a mixed record on gay concerns. He has taken no steps to advance the causes backed by most of the nation's leading gay groups, such as hate crimes legislation and ENDA. However, the president did not, as many gay activists feared, rescind the order of President Clinton that provided antidiscrimination protection for federal civilian employees.

Moreover, Bush appointed a number of openly gay people to federal posts, including Scott Evertz as the Director of the Office of National AIDS Policy (unofficially, "the AIDS Czar"); Evertz later moved to the Department of Health and Human Services. In late 2002, when the White House announced its new guidelines for the president's faith-based initiative, which seeks to make it easier for religious groups to apply for federal grants for certain types of programs, the plan included the provision that religious grant applicants must comply with state and local civil rights laws (6). Since many of these laws protect gay people, many activists had worried that federal monies would go to religious groups that discriminate based on sexual orientation.

On the political front, in May of 2002, the Bush White House hosted a briefing for some 50 Log Cabin Republicans from across the country. Among those speaking to the gay GOPers were Treasury Secretary Paul O'Neil, vice-presidential aide Mary Matalin, and AIDS official Evertz.

The changing attitudes of the American public on gay issues were illustrated in the 2002 elections when a series of referenda were held on gay-related issues across the country. Although Nevada passed a state constitu-

tional amendment banning same-sex marriages, in five local referenda, the pro-gay side prevailed.

In Miami–Dade County, an effort by the Christian conservatives to repeal the recently enacted civil rights law that included gays failed by 53% to 47%; in 1970, in referenda made famous by the antigay role of entertainer Anita Bryant, a similar gay rights measure was defeated by 69% to 31% (7). In Sarasota, Florida, voters approved an ordinance banning discrimination based on sexual orientation by 73% to 27% (8). In Ypsilanti, Michigan, voters defeated an amendment that would have removed sexual orientation from the city’s civil rights laws by 64% to 36% (9). In Westwood, Me., voters refused to repeal the city’s civil rights policy that included gay people, although by a narrow 51% to 49% (10). And voters in Tacoma, Wash., also declined to remove sexual orientation from the city’s civil rights law (11).

Like most social progress, the gay liberation line on the graph is filled with downward spikes, but ultimately heads upward. One of the downturns came in the spring of 1998 when Senate Majority Leader Trent Lott (R Miss.) compared homosexuality to alcoholism and kleptomania. Lott’s remarks about gays, coming from such a high government official, raised a storm of protest in and out of the gay community. The public reaction to Lott’s statement, however, indicated that Lott, not the gay community, was outside of the nation’s mainstream. A survey conducted in June 1998 by Lake Snell Perry for HRC found that only 24% of respondents agreed with Lott that homosexuality is a sin and a disease. However, 55%, or more than twice as many Americans, agreed with the view that being gay is inherent and that all Americans should be treated fairly.

The more accepting description of homosexuality was the more popular view in both political parties. Some 62% of Democrats agreed with the “inherent–fairly” view. On the GOP side 41% agreed with the more liberal opinion, compared to only 35% who thought Senator Lott was right (12).

Lott, of course, got in considerably more trouble at the end of 2002, when at Senator Strom Thurmond’s (R–South Carolina) 100th birthday party, he said the nation would have been better off if the centenarian had won his 1948 presidential bid. Thurmond ran as a States Rights Democrat, or “Dixiecrat,” to protest the national Democratic party’s liberal civil rights platform. The outcry from the media and from officeholders, including some Republicans, forced Lott to resign.

It is noteworthy that Lott’s successor as senate majority leader, U.S. Senator Bill Frist (R–Tennessee), appears to be somewhat more open to gay concerns than Lott. Although Frist had a zero score with HRC’s latest legislative ratings on gay issues, it is due mainly to his failure to cosponsor legislation, not because of explicitly antigay votes. Significantly, Frist has spoken to the gay Log Cabin Republicans’ national convention and appeared

at an event sponsored by the Republican Unity Coalition, a group of gay and gay-friendly Republicans. As a cardiovascular surgeon, Frist has a medical background that has helped to play a major role in obtaining funding for the Ryan White Act, which provides AIDS assistance. While Frist may not reverse the Republican Senate majority's hostility to pro-gay legislation, he is likely to avoid the kind of insults, intended or otherwise, perpetrated by his predecessor (13,14). More recently, however, Frist endorsed a constitutional amendment that would restrict marriage to heterosexuals.

III. GAY POLITICAL ACTIVITIES

The newfound gay influence and respectability in American politics is a result of increased activity and visibility in politics by the gay community. The number of gay, lesbian, and bisexual voters has been measured and becomes visible to the political establishment. An exit poll taken in the 2000 March primaries in California, for example, found that 6% of the voters identified as gay, lesbian, or bisexual; in the Democratic primary alone, gay voters accounted for some 11% of the turnout.

In the 2000 General Election, nationwide exit polling found that about 4% of voters identified themselves as gay or lesbian. Another study estimated the gay, lesbian, and bisexual vote at 5% of the total, compared to 10.1% for African Americans, 4.5% for Hispanics, 3.4% for Jews, and 1.1% for Asians (15).

Gay activity in state and local politics and government got a major boost in 1999 when the Gill Foundation funded a major program, entitled "Equality Begins at Home," which was administered by the National Gay and Lesbian Task Force (NGLTF). NGLTF made a series of grants to state gay groups throughout the nation that were used to fund a series of efforts at the state level. Many of the grants were used to provide training sessions on how to lobby state legislatures, culminating in visits to lawmakers. Others were used to publicize legislative goals, such as employment protections and hate crimes measures that include sexual orientation. All told, during 1999, some 250 gay-related events, including lobbying days, news conferences, marches and cyberspace meetings, were held under the "Equality Begins at Home" aegis (16).

Subsequently, HRC began a series of Equality Fund grants to gay groups. In the 2001–2002 cycle, the grants to state gay activist groups totaled \$114,115. The grants funded lobbying and grassroots efforts to promote legislation on the state level, voter information efforts, polling to help craft messages for gay issues, among other activities. The grants went to groups in 27 states (17). This active participation of openly gay people in mainstream

politics is very apparent in states with large metropolitan areas, but the rapid changes in the public role of gay people has also extended to more conservative areas. In Virginia, a large and active gay community in Washington, D.C.'s suburbs in the Northern part of the state has carved a significant role for gays in state politics. In the 2001 election, most of these politically involved gay leaders worked for the election of Mark Warner (D) as governor. After his inauguration, gay leaders were disappointed when Warner failed to include a sexual orientation clause in his executive order banning discrimination against state employees (18).

Subsequently, however, Warner has made a number of appointments of prominent gay leaders to state positions. He named Jay Fisette, the chairman of the Arlington County Board and the state's only openly gay elected official, to the Virginia Housing Development Authority (19). Among its other duties, the authority will decide whether couples in same-sex partnerships can qualify for the authority's mortgages. Warner also appointed Adam Ebbin, a past president of the Virginia Partisans Gay and Lesbian Democratic Club, to the position of Chief Deputy Commissioner of the Department of Labor and Industry (20).

A. Gay Democrats

Most gay political activity is centered in the Democratic party, traditionally the more socially liberal of the two major parties. The movement of gays and lesbians into the Democratic party's mainstream was highlighted in the 2000 campaign when President Clinton traveled to Dallas to headline a gay fundraiser to benefit the Democratic National Committee (DNC). The event, held in September, raised some \$500,000 for the DNC. Moreover, it drew attention to candidate Bush's record of opposition to hate crimes legislation in his home state of Texas, as well as his refusal to endorse legislation to outlaw job-related discrimination on the basis of sexual orientation.

Moreover, this event underscored the importance of gay financial contributions to the political process. All told, in the 2000 election cycle, gay and lesbian operatives raised an estimated \$15 million for the Democratic party and its candidates, which may have inspired the GOP to become less hostile to the gay movement.

The current prominence of the gay movement has not always prevailed in American politics. At first, only the more liberal Democrats would ally themselves publicly with the gay movement and its issues. Senators Ted Kennedy (D Mass.), Dianne Feinstein, and Barbara Boxer, for example, were early supporters of gay efforts to enter and influence the political process.

More recently, even more conservative southern Democrats, such as Senators Max Cleland (D Ga.), who lost his re-election bid in 2000, and

Mary Landrieu (D La.), who won hers, earned impressive 100% ratings on HRC's legislative scorecard in the 107th Congress and have attended gay fund-raising events (21).

Part of the growth in influence of the gay movement in the Democratic party is attributable to the increasing prominence of the National Stonewall Democrats, an organization of gay, lesbian, and bisexual Democrats. It takes its name from the Stonewall Bar in Greenwich Village, the scene of the 1969 riot that is generally regarded as the birth of the modern gay liberation movement in the United States. By mid-2002, Stonewall had some 80 clubs across the country, which engage in voter-identification and other get-out-the-vote activities, as well as fund-raising, in Democratic campaigns at all levels. Stonewall has an advisory council of gay Democratic officeholders and also works closely with the regular Democratic party.

Other major gay Democratic efforts include the Democratic National Committee's office of liaison with the gay and lesbian community, which has helped build a computer file with the names and addresses of voters who are interested in gay and lesbian issues. And the Democratic Gay and Lesbian Leadership Council was a key part of the gay fund-raising effort in 2000.

This strong support for the Democratic party has given gay groups unprecedented access to Democratic officeholders. In the spring of 2002, the U.S. Senate's Democratic Steering and Coordination Committee, which sets policy for Senate Democrats, met with representatives of 16 of the leading national gay groups, including HRC and Stonewall. The agenda included the Employment Nondiscrimination Act (ENDA), hate crimes legislation, Social Security benefits for same-sex partners, and gays in the military (22). The gay contributions to the Democratic party, in money and in muscle, have coincided with strong support for gay causes by Democratic lawmakers. A recent study by the National Stonewall Democrats noted that over the past 10 years, Democrats with perfect scores on the HRC legislative scorecard increased from 27% to 72%, while Democrats with zero ratings declined from 5% to 2% (23).

B. Gay Republicans

The Republican Party, traditionally the more socially conservative of the two major parties, has recently lessened its hostility toward the gay movement, although it has yet to endorse the major legislative goals of the most prominent gay organizations. Nevertheless, events at the 2000 Republican convention in Philadelphia illustrated the conflict with the GOP over gay rights. The operatives of George W. Bush, the party's presumptive presidential nominee, under the leadership of Wisconsin's Governor Tommy Thompson, worked to remove language from the platform that was offensive to gay

people. Despite the high-level pressure to make the wording more inclusive, the platform committee, dominated by social conservatives, declined to make the changes. On the other hand, at the insistence of Bush, openly gay Congressman Jim Kolbe (Ariz.) addressed the convention in prime time, despite rumblings from some of the party's less tolerant delegates (24).

Only two years earlier, the Texas Republican Party got in a major battle with the state's Log Cabin Republican organization. Log Cabin operatives wanted to host a booth in the lobby of the state convention to provide material on gay issues for delegates and others. Although the Texas party allowed numerous other groups to have booths, the GOP officials denied Log Cabin a booth space. A party spokesman denounced Log Cabin, lumping the gay Republican group with Ku Klux Klan and the National Man-Boy Love Association as organizations that the state GOP would bar (25). When a group of gay Republicans, including Rich Tafel, the executive director of the National Log Cabin Republicans, held an outdoor rally to protest their exclusion, a number of Republican delegates harassed those attending the rally, evening threatening physical violence against several of the speakers (26).

Two more gay groups with a conservative bent have developed in the past few years and have begun to have an impact. The Republican Unity Coalition (RUC), after being informally active on Bush's behalf in the 2000 campaign, was officially founded in Washington in January 2001 during presidential inauguration week. At the kickoff event, former Sen. Alan Simpson (R Wyo.) was the main speaker and joined the board as cochair with Mary Matalin, an aide to Vice President Cheney. One of the key speakers was Congressman Tom Davis (R Va.), who chaired the National Republican Congressional Committee (NRCC), which raises funds for GOP campaigns. Later, former President Gerald Ford and Mary Cheney, the vice president's lesbian daughter, joined the RUC board. During the 2002 election cycle, RUC contributed \$50,000, raised primarily from gay donors, to the NRCC; another \$50,000 to the National Republican Senatorial Committee; and \$30,000 to Gov. George Pataki (R N.Y.), also an RUC board member (27).

The other gay group that began to make an impact on gay issues in national politics is the Independent Gay Forum (IGF). IGF was formed by a group of prominent gay writers and is geared toward influencing ideas rather than politics directly. The IGF Web site has featured "A Place at the Table" author Bruce Bawer, National Journal columnist Jonathan Rauch, and Chicago columnist Paul Varnell. The board chairman is Steve Herbits of Miami, a consultant who helped Defense Secretary Donald Rumsfeld put together his team of civilian employees in early 2001 and was rehired by Rumsfeld in late 2002 (28). Tim Russell, a former aide to Gov. Tommy Thompson (R Wis.), has also worked with IGF.

C. The Millennium March

One important development in the past 5 years has been the diversification of the gay community's political voice. An event that revealed a major fissure in the gay movement was the Millennium March on Washington, held in April of 2000. The march was sponsored by HRC, the heaviest hitter in the gay movement, as well as by the Metropolitan Community Church and other gay organizations.

Despite the march's high-level support, a group of activists launched a major campaign against it. The two sides conducted a very public argument that received considerable attention in the gay news media. Opponents charged it would accomplish little and would take resources away from state and local gay groups. Another argument, perhaps the most salient, was that HRC announced the march as a *fait accompli*, with little or no input from the wide range of groups that planned the previous march in 1993. Those favoring the march argued that it would be a major public relations event for the community in the first year of the new millennium. Moreover, some supporters saw the lack of a long laundry list of causes, which was the result of having so many activists involved in the 1993 march's planning, as positive because it helped focus attention on the main theme, equality for gay, lesbian, bisexual, and transgender citizens.

The march itself was a success, with a massive crowd (overestimated by the march's sponsors, underestimated by its critics) making front-page and prime-time news throughout the nation. The apparent success was marred, however, when a large sum of money disappeared from the march proceeds. In any event, after the march, the community seemed to forget the disagreement, with any lingering hostility essentially invisible in the gay media.

IV. GAY OFFICEHOLDERS

In 1991, there were only 50 openly gay elected public officials in the United States (29). By 1997, there were 127, and by early 2003, there were some 240 (30). Fifty of the 240 are state legislators, while most of the others are local officials. About 95% of today's gay officeholders are Democrats, while 5% are Republicans. Women make up about one-third of the gay people elected to office, a larger proportion than their share of all elected officials: 14% of members of Congress, 23% of state legislators (31).

In some states, the election of openly gay candidates has become "normal." In Arizona, with its Republican libertarian streak in the tradition of Barry Goldwater, there are four gay members of the state's legislature. Congressman Jim Kolbe (R Ariz.) is openly gay, as is Neil Giuliano, the

mayor of Tempe, the second-largest city (population 158,000) in the nation with an openly gay mayor (32).

There are a few state officials who are openly gay. In Vermont, Ed Flanagan, the first openly gay person to hold a statewide elective office, served four terms as state auditor but lost his bid for a U.S. Senate seat in 2000 and for state treasurer in 2002. In California, state legislator Carole Migden (D), who was term limited in 2002, ran and was elected to a seat on the state Board of Equalization, where she represents some 8 million constituents, more than any other openly gay officeholder in the nation (33).

In any case, gay candidates are beginning to attract mainstream attention. The Hill, a weekly newspaper distributed to congressional offices in Washington, D.C., headlined a front page story in 2002, "Gay and lesbian candidates find decline in prejudice." The story, which noted the success of some high-profile gay women and men, quoted suburban Chicago's 2002 congressional candidate Hank Perritt on the problems of being gay and running for office: "In a district like this, I don't think it would make much of a difference" (34).

A. Gays Win Mostly in Cities

The northeast and the west, traditionally the nation's more liberal regions, have led in the election of gay candidates, but urbanization may be a better indication than geography for the presence of gay officeholders. In Europe, Paris and Berlin both have openly gay mayors, but no major American city has followed suit. In San Francisco in 1999, Tom Ammiano, the openly gay president of the city's board of supervisors, entered the mayor's race late in the campaign as a write-in candidate. Ammiano drew 25% to Brown's 39%, forcing him into a runoff, which Brown won. In 2000, in another California big city, Los Angeles openly gay City Councilman Joel Wachs also ran for mayor, though he was eliminated in the primary. And in a third Golden State city, Long Beach (population 461,000), openly gay Councilman Dan Baker lost the runoff in his June 2002 bid to become the mayor (35).

Smaller cities, however, have elected gay mayors. In Tempe, Arizona, Neil Giuliano won the mayor's race in 2000 with 70% of the vote. Subsequently, antigay groups circulated recall petitions, using the issue of city funds for the Boy Scouts, who bar gay scouts and scoutmasters. Giuliano, however, easily survived, with 68% of the vote in the recall referendum that featured the city's largest voter turnout in modern history (36). And in 1999, Plattsburg, New York, elected Councilman Dan Stewart (R) as its mayor.

For a time, Tempe, population 162,701, was the largest U.S. city with a gay mayor. Then in 2002, Rhode Island gay state Rep. David Cicilline (D) won election as mayor of Providence, the state's capital and its largest city

(population 173,618), which is now the largest American municipality with an openly gay mayor. Several smaller towns (Key West, Florida; Pine Lake, Georgia; Carrboro, North Carolina, among others) have also elected openly gay mayors.

Openly gay members of city councils and other local governmental bodies are no longer a rarity anywhere in the country, especially in metropolitan areas, medium-size cities, and suburban communities, where there is often a significant gay population.

In New York City, there are three openly gay members (Margarita Lopez, Christine Quinn, and Philip Reed) on the 51-member city council. They have been instrumental on such matters as amending the city's civil rights laws to include transgender people.

In Chicago, in January, 2003, Tommy Tomlin (D) was appointed to a vacancy on the city council, ending that city's position as the largest U.S. municipality without a gay councilmember. Of interest is that Tomlin was chosen by the city's ruling political organization, which is the successor to the late "Boss" Daley's machine, because an independent gay candidate had announced for the seat. In response, the powers that be in Chicago understood the growing importance of the gay community and chose an openly gay candidate of their own.

In Washington, D.C., David Catania (R), a member of Akin, Gump, Straus, Hauer and Feld, one of the capital's leading law firms, holds an at-large seat on the city council. And Jim Graham, a former head of the Whitman-Walker Clinic, the city's leading health facility for gay people, was elected to represent one of the city's eight wards on the council.

In Atlanta, in 1997, out lesbian Cathy Woolard, a politically astute Georgian who had worked for the Human Rights Campaign in Washington, became the first openly gay officeholder in Georgia, and indeed, in the Deep South, when she was elected to the Atlanta city council. Woolard's election was quickly followed by the successes of other gay candidates, and in the next several years, six more gay candidates won elective office in Georgia, among them, Karla Drenner, who won a seat in the Georgia House of Representatives in 2000 (37). In 2001, Woolard ran for city council president. Citing her accomplishments on the council and running a well-organized campaign, she managed to make the runoff, where she defeated fellow council member Michael Bond, son of national civil rights leader Julian Bond, by 55% to 45% (38).

Woolard's experience in Atlanta is one of many similar tales across the country during the last half decade or so. The South, seemingly one of the least hospitable regions for openly gay politicians, has seen a noticeable increase in candidates for office who are identified as gay getting elected to public office.

On the county level, Oklahoma elected its first openly gay public official in 2002 when Jim Roth won a seat on the Oklahoma County Commission. This county includes Oklahoma City.

B. Gay Officeholders Have an Impact

The 240 openly gay elected officials represent only a miniscule proportion of the 511,039 public officials in this country who serve at the pleasure of the voting public. If the share of openly gay officials corresponded to the 4% of voters who identified as gay, lesbian, or bisexual in the 2000 election exit polls, there would be 20,442 openly gay officeholders across the United States.

But the current numbers, though a small share overall, nevertheless make a significant impact. When a lesbian or a gay man serves openly on a deliberative body, such as a city or county council or a state legislature, the other members are more likely to look favorably on proposals helpful to gay people. In California, four lesbians in the legislature, who called themselves The Lavender Caucus, were instrumental in getting a number of bills passed that included protections or programs based on gender and sexual orientation. These covered access to a number of state benefits for the domestic partners of gay state employees, as well as legislation with broader impact (39).

In Texas, state Rep. Glen Maxey (D), who stepped down in 2002 after 10 years in the House, was the major reason the legislature passed a hate crimes measure that included sexual orientation in 2001. The year was not coincidental. Republican legislators prevented passage in 2000 so that then Governor George W. Bush (R) would not have to complicate his presidential campaign by having to sign or veto such a measure. After 10 years in the state house, Maxey did not seek re-election in 2002, but he left an important legacy that will long be remembered by gay Texans.

In the last 5 years, more conservative regions of the country have begun to demonstrate that a gay sexual orientation is not necessarily a barrier to winning at the ballot box. Arizona, a hotbed of Barry Goldwater's libertarian brand of conservatism, leads the nation in the presence of openly gay officeholders as a proportion of the population. Not only has Congressman Jim Kolbe (R), who told his constituents he is gay in 1996, been reelected since, but Neil Giuliano (R) serves as mayor of Tempe, and the state legislature has one openly gay senator and three representatives—all Democrats (40).

Moreover, as more gay people get elected to office, they climb the political ladder, where they have even greater influence. In Maryland, Delegate Maggie McIntosh (D), who came out as a lesbian after she was elected, served as House Majority Leader. In California, Sheila Kuehl served as Assembly Majority Leader. And there were five openly gay state senators

elected in November of 2002, bringing the total number of gay lawmakers serving in the more influential upper chamber to nine. There are two openly gay state senators in Massachusetts and one each in Arizona, California, Connecticut, Minnesota, New York, Oregon, and Wisconsin.

The presence of gay people in local, state, and even the federal government also has benefits to the entire public, not just the minority of the population that is homosexual. In many areas, for example, the number of people seeking office is declining. But because gay people have a strong need to overcome the legacy of hostility and oppression that is still present, in varying degrees, in much of the country, government service is able to attract the talents of highly qualified women and men. Only a small portion of their time is devoted to issues of particular interest to the gay community. The rest of the time they are providing able leadership on other issues.

In Washington, D.C., Councilman Catania has played a key role in the oversight of the city's hospitals. Catania is frequently mentioned as a future candidate for mayor.

In Atlanta, City Councilwoman Cathy Woolard chaired the committee that was overseeing Hartsfield Airport during its expansion. Woolard also gained a reputation on the council for expertise on budgetary matters.

On the federal level, U.S. Representative Barney Frank (D Mass.), a graduate of Harvard College and of Harvard Law School, is the ranking Democrat on the House Financial Services Committee (more commonly known as the House Banking Committee), which played a key role in legislation to provide greater safeguards against fraudulent accounting practices in the wake of the Enron and Worldcom scandals. He also ranks second on the Democratic side on the House Judiciary Committee, which often considers legislation concerning gay issues, and is a potential contender for the U.S. Senate seat of John Kerry (D Mass.), a candidate for president.

These contributions to public service that are not specifically related to gay concerns are also important politically for gay officeholders. "You don't allow people to pigeonhole you by saying all you're going to work on is gay and lesbian issues," says Frank, adding, "The danger is that people spend a lot of time in support of the gay and lesbian community and that will make it look like that's all they're going to care about" (41).

C. Political Problems for Gays in Politics

Gay officeholders generally experience a tougher time when they first run for office and often lose, even when their prospects look promising. In November 2000, lesbian Gerrie Schipske (D) narrowly lost her challenge to Congressman Steve Horn (R), with only 1762 votes separating the two contenders (42).

Two other recent congressional losses were particularly disappointing setbacks for the gay community. In Massachusetts, state senator Cheryl Jacques (D) lost a very competitive primary in a special election in an open seat. In the primary, which occurred on September 11, the day of the attacks on the World Trade Center, Jacques received 28% of the vote to 40% for Stephen Lynch, a socially conservative legislator. Two other contenders received 16% and 14% (43). And in 2002 in Maine, state senator Susan Longley (D) lost her bid for the Democratic nomination in the 1st District, another open seat. Longley, the daughter of a former governor of Maine, received 27% to 31% for state representative Mike Michaud (D), who later won the general election (44). These two losses were unfortunate for the gay community because incumbents have a heavy reelection rate and an opportunity to run for an open seat is rare.

In 2002, another highly qualified gay candidate lost a congressional bid. Hank Perritt (D) in Illinois' 10th District, located in suburban Chicago, is a former the dean of Chicago-Kent College of Law and has written 15 books on law and technology, as well as 70 law review articles. In addition, Perritt, a former Republican who left the GOP as it became more conservative, was Undersecretary of Labor in Gerald Ford's administration. Perritt, however, lost to freshman Mark Kirk (R) by 31% to 69% (45). Perritt lost in part because Kirk is a moderate with a relatively positive record on gay issues. Even some national gay groups declined to help Perritt. The Human Rights Campaign endorsed incumbent Kirk and the Gay and Lesbian Victory Fund declined to get behind Perritt. He may also have been hurt at the time by his opposition to President Bush's policy toward Iraq: Perritt called it a "rush to war." Had Schipske won in 2000, Jacques in 2001 and Longley and Perritt in 2002, the number of openly gay members of congress would have more than doubled, from three to seven.

Some openly gay officeholders, including Congressmen Barney Frank (D Mass.) and Jim Kolbe (R Ariz.), were already in office when they told their constituents of their sexual orientation. "If the first thing that people know about you is that you're gay or lesbian," said Frank, "then it's a problem. Once people know you and learn this about you, then it's not much of a problem." Frank added, "I admire Tammy [Baldwin (D Wis.)], who ran for Congress as an out lesbian, "because that's the toughest thing to do" (46).

Once gay candidates become officeholders, voters get used to that fact that they are gay and it usually becomes a less of an issue. In November 2002, Frank had no opposition, Baldwin won with 66% of the vote and Congressman Jim Kolbe (R Ariz.) won with 63%.

One reason that gay officeholders often get reelected with ease is that they learn quickly how to appeal to straight voters, usually by paying careful

attention to issues that affect the entire public, not just their gay constituents. Baldwin has made a point of working for legislation that concerns the large farm population in her Wisconsin district. For example, she introduced legislation to allow family farmers to keep essential farm assets while they reorganize their debts (47).

Occasionally, however, gay incumbents, lose. In the 2002 Republican primary in Arizona, state representative Steve May (R), a widely admired lawmaker who was a prospect for speaker of the state's House of Representatives, lost a by a mere 58 votes in a contest with two other incumbents, a result of legislative redistricting to accommodate the 2000 census. May's loss was attributed to opinion polls which showed him with a wide lead, which gave him the confidence to spend his time working for other candidates. He was even absent from the state on primary day, serving as a monitor and consultant for elections in Macedonia (48).

V. GAY-RELATED ISSUES

While Congress and many state legislatures may be stalling on enacting legislation to provide civil rights protection, domestic partnership laws, and other policies designed to promote equal treatment for gay people, many municipalities and other local jurisdictions have moved forward.

Despite the concentration of the gay population into the nation's large cities, laws friendly to gay citizens are getting enacted throughout the nation in small and middle-sized cities in all regions of the country. Moreover, they often pass with less difficulty than expected. In January 2003, the Springfield, Ill., city council voted to add "sexual orientation" to its local rights ordinance. Local activists had predicted a 5-to-5 vote, with the mayor breaking the tie in favor of the change. But after a lively discussion, the council voted 8 to 1, with one abstention, in favor of the change. The vote reflected the interconnectedness of the gay community's growing political role: State Representative Larry McKeon (D), the Illinois legislature's only openly gay lawmaker, was in the audience for the vote and his presence was known to council members (49).

Not all local laws are enacted to help the gay community. In 2001, Oklahoma City established a policy banning "social advocacy" messages from banners displayed on the city's utility poles. In 2001, the policy was used to prevent the Cimarron Alliance, a gay activist group, from hanging up signs on the poles promoting the local "Gay and Lesbian Pride Parade." In September 2002, however, a federal judge ruled that the city could not enforce the policy against the gay pride banners (50), and in an 8-to-1 vote,

the city council accepted a settlement with the gay group (51). As a result, the banner may be placed on the city poles for future pride celebrations.

A. Employment Rights

At the top of the federal agenda of most gay political groups is passage of the Employment Nondiscrimination Act (ENDA), which bans workplace discrimination against gay people. ENDA specifically rejects quotas or preferential treatment for gay people and exempts religious organizations, as well as many small businesses, from its provisions.

The measure has been high on the congressional agenda for nearly a decade but has not managed to pass either house. In the 107th Congress, ENDA had 194 cosponsors in the U.S. House of Representatives and 44 in the Senate. In February 2002, with the Senate, under Democratic control for much of the session, the Health, Education, Labor, and Pensions Committee held hearings on ENDA, where the measure received strong support from both business and labor. In addition to the AFL-CIO, some 29 major corporations, including AT&T, Coors, Xerox, FleetBoston, Eastman Kodak, Hewlett-Packard, General Mills, and Shell Oil, endorsed ENDA (52).

The outlook for congressional passage of ENDA is mixed. In its favor, ENDA has the support of a large majority of the public. A poll taken in 2001 found that 85% of respondents favored “equal rights in terms of job opportunities” for gays and lesbians, compared with only 11% who opposed them. In 1977, only 56% favored job rights for gay people, indicating a major change in public opinion over the past several decades. Another 2001 survey, a Harris Interactive poll, found 61% favored a federal law banning job discrimination based on sexual orientation. Of special interest, some 42% of respondents thought such a law already exists (53).

Although Congress has not passed ENDA, the federal government has antidiscrimination policies in place in some 38 different agencies; these policies cover sexual orientation. In addition, President Clinton issued an executive order banning discrimination against federal civilian employees based on sexual orientation in May 1998.

In August 1998, Congressman Joel Hefley (R Colo.) introduced an amendment to an appropriations bill to overturn the Clinton executive order, but it was defeated by a lopsided 252 to 176. In July, the House Republican leadership refused to allow the reintroduction of the Hefley Amendment to another appropriations bill, this one from a subcommittee chaired by openly gay U.S. Representative Jim Kolbe (R Ariz.). While some gay groups worried that after President Bush took office, he might rescind the Clinton order, he left it in place.

1. State Job Bias Laws

On the state level, thirteen states and the District of Columbia now have laws on the books that prohibit employers, public or private, from job discrimination based on sexual orientation. These states, as of the end of 2002, are California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin. Most of these laws were passed during the 1990s and early in the 2000s. In 1999, Nevada passed an antidiscrimination law that included sexual orientation. In 2001, Maryland also passed antidiscrimination legislation that included sexual orientation, with strong backing from Governor Parris Glendening (D), whose brother who died of AIDS (54).

In December 2002, more than 31 years after its introduction in 1971, the New York State legislature passed the Sexual Orientation Nondiscrimination Act (SONDA). After an unsuccessful move to include transgenders, which many observers thought would defeat the measure, the Senate passed SONDA with the votes of 34 of 60 senators. The measure had major support from Democrats (21 of 24 supported SONDA), but with the senate under GOP control, the support of the Republican leadership and the votes of 13 of 36 Republicans was crucial, as was the strong backing of New York Governor George Pataki (R). The major lobbying muscle for SONDA was provided by the Empire State Pride Agenda, which has been pushing the legislation for years (55).

The progress for statewide measures guaranteeing basic civil rights for gay people has been uneven, however. The experience of the state of Maine is instructive. In 1995, opponents of civil rights for gay people put a measure on the ballot barring laws that grant “special rights.” While no mention was made of sexual orientation, the measure was widely understood as intended to block civil rights protections for gay people. In a statewide referendum, the measure was defeated by 53% to 47% (56). In 1997, perhaps emboldened by this result and a 20-year lobbying effort by gay groups, the Maine legislature passed a bill outlawing discrimination in employment, housing, and public accommodations based on sexual orientation. The Christian Coalition of Maine and the Christian Civic League gathered enough signatures on an initiative petition to require a referendum on the measure. In a special referendum in February, 1998, Maine voters repealed this gay rights law by a vote of 51% to 49% (57). Then in 2000, the Maine legislature again passed a civil rights bill that barred discrimination based on sexual orientation. However, this time the measure’s sponsors worked with representatives of the Roman Catholic church to write a bill the church would not oppose. Moreover, the bill also included a provision that it would not take effect until approved by the state’s voters in a referendum. Most of the state’s political

establishment, including Governor Angus King (Ind.), supported the proposal and during the campaign, polls showed the measure was likely to pass, by 63% in one survey, 59% in another (58). When the votes were counted, however, the measure lost 51% to 49%, overturning a gay rights measure in a statewide vote for the second time and by the same margin as in 1998 (59).

The state of Oregon has a parallel experience, though one with a happier ending for gay citizens. Under the instigation of a long-active group of antigay activists, this state has voted on three antigay ballot initiatives in recent years, defeating them all, albeit narrowly. The latest, "The Student Protection Act," which would have banned public school instruction about homosexuality in any way that "sanctions, encourages, or promotes such behaviors," was defeated in November 2000 by 53% to 47%.

In addition to the states that ban antigay discrimination in the public and private sectors, another nine states have laws that prohibit discrimination against government employees based on sexual orientation. These states are Colorado, Delaware, Illinois, Indiana, Montana, New Mexico, New York, Pennsylvania, and Washington (60).

2. Local Employment Rights Laws

By 1998, some 103 local jurisdictions banned antigay job discrimination by private employers. Each year since then, other cities and counties have passed similar policies: 9 in 1998, 11 in 1999, 7 in 2000, 9 in 2001, and 13 in 2002, for a total of 152 (61). Even more jurisdictions prohibit antigay discrimination against public employees. By the end of 2002, some 240 cities and counties had passed measures that prohibit employment discrimination based on sexual orientation. All of these laws or ordinances banned such job bias in public employment and some 152 applied to private employers as well. Local governments continued to pass antidiscrimination policies that included gays right up through the end of 2002. In December, the Orlando city council voted to add gays, lesbians and bisexual to its antidiscrimination law, albeit by a divided vote of 4 to 3. All told, some 2238 employers, public and private, have policies that bar antigay discrimination. At the top of the private group are some 301 Fortune 500 companies. One survey found that the higher a company is on the Fortune 500 list, the more likely it has banned discrimination based on sexual orientation (62).

3. Nongovernment Employers

Some 1243 other private employers, including nonprofit groups and unions and 370 colleges and universities, ban job discrimination against gay employees (63). One of the most significant adoptions of an antidiscrimination policy in 2002 that covered sexual orientation was the Cracker Barrel res-

restaurant chain. The new policy was a major shift for the corporation. Its 1991 policy called for the dismissal of those “whose sexual preferences fail to demonstrate normal heterosexual values which been the foundation of families in our society.” In the years following, a number of boycotts and protests were held to contest the antigay policy. The 1991 policy was rescinded, but gay employees of Cracker Barrel still lacked a clear protection until the company adopted a gay-inclusive nondiscrimination policy in November 2002 (64).

4. Demographics of Job Rights

Employment nondiscrimination policies have been implemented throughout the nation, in small towns as well as in large metropolitan areas. The 23 state governments that prohibit antigay discrimination against public employees are concentrated in the Northeast region, where 11 states have such a policy, and in the West, with eight. In the Midwest, only four states prohibit discrimination against gay state employees. And in the South, probably the nation’s most socially conservative region, no state has adopted an antidiscrimination policy that protects gay state employees (65).

On the local level, however, the municipalities and counties that prohibit discrimination against public employees based on sexual orientation are spread out fairly evenly across the country, with such policies more prevalent in the more liberal west and northeast, but also in place in significant numbers in the midwest and south, where many communities are socially liberal oases within fairly conservative states. The west leads with 69 local jurisdictions that ban antigay bias, followed by the northeast with 63. The midwest, however, has 59 communities that have banned public-employee discrimination based on sexual orientation, and the south has 48 (66).

In the midwest, for example, in October, 2002, the Decatur, Illinois city council passed an ordinance prohibiting discrimination based on sexual orientation. As in many jurisdictions, the debate was heated, but the measure ultimately passed by a 6-to-1 margin. Decatur is one of many Illinois municipalities that have implemented such laws, some of which have been overturned in popular referenda. The first city in the state to pass a civil rights ordinance that included gay people was Champaign, which passed adopted the policy in 1974 (67).

In the south, also in October, 2002, the Durham, N.C., city council, voted 4 to 3 to provide health benefits to the domestic partners of city employees, including those in same-sex relationships. The close vote was prompted in part by antigay sentiment among some Durham residents, as well as by concern about what the change would mean for the city’s finances. Durham became the third city in North Carolina to adopt such a policy (68).

B. Hate Crimes

One of the galvanizing occurrences of the past 5 years was the murder of Matthew Shepard, a gay college student, in Laramie, Wyoming. Shepard's death was particularly brutal: Two men beat him until he was unconscious and left him hanging on a fence, where he was found some 30 hours later with his skull smashed in and barely alive. He was taken to a hospital, where he died.

The event shocked the entire nation, but made a particularly deep impression on the gay community. Several days after Shepard's death, a group of gay organizations, including the Human Rights Campaign, the National Gay and Lesbian Task Force, and the Gay and Lesbian Alliance Against Defamation (GLAAD), sponsored a vigil on the steps of the nation's capitol in Washington, D.C. Speakers included Senator Ted Kennedy (D Mass.), House Minority Leader Dick Gephardt (D Mo.), openly gay Congressman Barney Frank (D Mass.), and former U.S. Senator Alan Simpson (R Wyo.). The vigil and subsequent activities of the groups launched a new push for congressional legislation that would provide for enhanced penalties for crimes motivated by hatred of a minority group, including gay people (69).

According to the Federal Bureau of Investigation (FBI), in 2001 there were 1393 "hate incidents" motivated by the victim's perceived sexual orientation. This was a 7% increase over the 1299 such incidents reported in 2000. In all, hate crimes based on sexual orientation have tripled since the FBI began compiling these statistics in 1991 (70). It is not clear whether the increase represents the commission of more hate crimes or more efficient reporting of these incidents. In either case, the numbers indicate that often-violent harassment of gay people is a significant social problem.

In November, 2002, the Pennsylvania legislature became the 28th state to amend its law providing increased penalties for crimes motivated by hatred of groups to include groups identified by sexual orientation, gender, gender identity, among others.

Some 23 state hate crimes laws include crimes based on sexual orientation (Arizona, Connecticut, Delaware, Florida, Hawaii, Iowa, Illinois, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Tennessee, Texas, Washington, and Wisconsin). Another five states and the District of Columbia cover crimes motivated by hatred of gender identity (against transgenders) as well as sexual orientation (California, Minnesota, Missouri, Pennsylvania, and Vermont). Two states (Georgia and Utah) cover crimes motivated by prejudice, but do not specify who is covered and who is not. Fifteen states (Alabama, Alaska, Colorado, Idaho, Maryland, Michigan, Mississippi, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Virginia, and West Virginia) have hate crimes laws that do not

include sexual orientation. Five states have no hate crimes laws (Arkansas, Indiana, New Mexico, South Carolina, and Wyoming) (71).

Hate crimes proposals often win support even in socially conservative areas. In South Carolina, hate crimes legislation that included sexual orientation passed the state senate in 1999. Even the gay activist who lobbied for the measure, Tony Snell, president of the South Carolina Gay and Lesbian Pride Movement, was surprised. "I thought I was in Rhode Island," Snell said (72), but the measure failed to pass the state's House of Representatives.

Aside from the two important goals of basic civil rights and hate crimes laws, gay groups are active on a wide range of federal issues, playing both offense and defense. For example, when the White House proposed legislation to provide federal funding to religious organizations, including churches and synagogues, that carry out certain charitable social services, HRC worked with Senator Joseph Lieberman (D Conn.), a supporter of the proposal, and with the White House to change the language to make sure that state and local civil rights laws that protect gay citizens were not adversely affected (73).

C. Sodomy

The existence of state laws criminalizing sodomy between consenting adults has long been a major concern of gay people. Punishment under antisodomy laws varies, from a monetary fine to as much as 20 years in prison. Even where such laws are rarely if ever enforced, they are frequently cited as justification for other forms of discrimination, such as denial of custody of children. By the end of 2002, 35 states and the District of Columbia no longer had enforceable antisodomy laws on the books. In some states, the legislature repealed what are often known as the *crimes-against-nature* laws. In other states, the state supreme court ruled the law unconstitutional. Nevertheless, some 15 states have a law which makes sodomy a crime or a misdemeanor. In four of these states, Kansas, Missouri, Oklahoma, and Texas, the law forbids the practice of sodomy (generally, oral and anal sex) only between members of the same sex. In 11 other states, (Alabama, Florida, Idaho, Louisiana, Massachusetts, Michigan, Mississippi, North Carolina, South Carolina, Utah, and Virginia) sodomy is illegal, even for heterosexuals (74).

In 2003, the U.S. Supreme Court heard a case challenging the Texas ban on sodomy. The high court ruled that all of the state laws banning sodomy are illegal, thus voiding all 15 of the state laws on the subject.

D. Family Issues

The past few decades have witnessed major changes in the structure of the typical American family. Put another way, it is no longer clear that there is a

“typical” American family. In 1970, the U.S. Census Bureau reported that 40% of American households fit the traditional definition of family: a husband and wife living together with their children. By 1998, such families accounted for only 25% of U.S. households. In addition, in 1990, the census found some 145,230 same-sex couples living together in a single household. By the 2000 census, the number had increased to 601,209. While some of the increase is probably due to greater openness by citizens in reporting their domestic status, it is clear that same-sex domestic partners are becoming a significant part of the American social structure (75). With these changes have come new issues for state and local governments.

1. Civil Unions and Same-Sex Marriage

In 1990, in a case brought by three same-sex couples who had been denied marriage licenses, the Supreme Court of Hawaii ruled that the state law limiting marriage to male–female couples was unconstitutional (76). The issue was hotly debated in the state legislature over the next few years. In 1998, as a result of measure passed by the Hawaii legislature, the state’s voters were given the opportunity to vote on a proposal that would allow the legislature rather than state’s judges to define marriage. Although an active campaign was conducted by both sides, which were fairly equally funded, the antigay marriage measure passed.

In 1999, the Vermont Supreme Court ruled that the state’s constitution required that citizens who wished to be in same-sex relationships were entitled to substantially the same rights as heterosexuals in a legally recognized marriage. The court left the details up to the state’s legislature, which engaged in a bitter battle before passing a bill that made civil unions available to same-sex couples. In 2000, Governor Howard Dean (D Vt.), a major supporter of the bill, signed the legislation, which provided that same-sex couples who enter into officially recognized civil unions are entitled to a lengthy list of benefits and protections, as well as to assume a number of responsibilities, which parallel most of those in marriage.

For the next several years, civil unions were a hotly debated issue, and a number of lawmakers who supported the new law were defeated. However, enough supporters were reelected to prevent repeal of the nation’s only law granting legal validity to same-sex relationships. Moreover, Governor Dean was reelected with 51% of the vote, while an anticivil union Republican drew 39% and a third-party candidate who supported civil unions drew 10% (77).

The fallout from Hawaii and Vermont has been widespread and mostly negative for the gay community. In 1996, Congress passed a Defense of Marriage Act, (DOMA) which received strong support from both parties

and was signed into law by President Clinton. DOMA limited the definition of marriage under federal law to male–female couples. It also provided that, should a particular state legalize same-gender marriage, persons in such unions would not be entitled to the economic and legal benefits available under federal law to opposite-gender marriages (78).

In addition, by the end of 1997, some 25 state legislatures passed measures similar in intent to DOMA, defining marriage as between a man and a woman and denying the state’s recognition to same-sex unions that might be legal in other states. From 1998 through 2002, 11 more states passed DOMA laws, bringing the total to 36 (79). In 2000, in California’s March primary, an initiative to prevent the state from recognizing same-sex marriages that might be legal in other states passed by an overwhelming 61% to 39% (80). The proposal, known as the Knight Initiative, was authored by state senator Pete Knight (R), who often takes antigay positions. In 2000, Nebraska voters, by a vote of 70% to 30%, passed a constitutional amendment that limited marriage to male–female couples and banned any state recognition of domestic partnerships (81). The latest state to enact a DOMA-style law was Nevada, which amended its state constitution to limit marriage to a male and a female. The amendment, which passed in two referenda (as required by Nevada law), was approved by 70% in 2000 and approved again by 66% in 2002 (82).

As of the end of 2002, 14 states did not have anti-same-sex marriage laws on the books, most of them clustered in the northeast: Connecticut, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Vermont, Wisconsin, and Wyoming. The Missouri legislature did pass DOMA, but the state supreme court ruled it unconstitutional in 1998 (83).

2. Domestic Partnerships

More and more companies and local governments have adopted policies designed to accommodate the domestic partners of same-sex couples. Typically, a domestic partnership policy makes a wide range of benefits available to the same-sex partners of a company’s or local government’s employees. These include health benefits, life insurance, and family and medical leave (84).

Private Employers with Domestic Partnership Policies. All told, some 4207 private companies, nonprofit groups and labor unions offer health benefits to same-sex domestic partners. This list includes 182 Fortune 500 companies. In addition, some 178 colleges and universities have adopted similar policies (hrc, 2002). In general, gay rights specialists believe it is important for a company that offers benefits to domestic partnerships also

have in place an antidiscrimination policy that includes sexual orientation. That is because some employees may feel vulnerable to discriminatory treatment, such as less chance of promotion, if they apply for company benefits for a same-sex partner but are not protected by a policy barring discrimination (85).

Some 65% of firms offering domestic partnership benefits make them available to unmarried opposite-sex partners as well as same-sex partners, while the 35% limit them to same-sex partners, who are ineligible for marriage under current law (86).

The corporations that have adopted domestic partnership benefits that cover same-sex couples include a laundry list of the nation's major businesses. The automobile industry's "Big Three" (General Motors, Ford, and Daimler-Chrysler) in conjunction with the United Auto Workers union, adopted these policies in 2000, as did Coca-Cola, General Mills, and Pillsbury. In addition, the five largest accounting firms, eight of the 10 largest airlines and all of the "baby bells," the companies formed when "Ma Bell" (AT&T) was broken up into smaller companies, have adopted domestic partnership programs. Two major aerospace contractors, Boeing and Honeywell, have also signed on to a domestic partnership policy (87).

State and Local Governments with Domestic Partnership Policies. In 1984, the city of Berkeley, California, long known for its liberal and progressive stances on a wide range of issues, became the first local government in the United States to adopt a program providing health benefits to the domestic partners of unmarried couples. The policy included the partners in both heterosexual and homosexual domestic relationships. The number increased steadily after that; in 1998, 55 local jurisdictions were covering same-sex partners in their health benefits programs. In the past 5 years, another 86 local governments provided domestic partner health benefits, and by the end of 2002, 141 local governments had adopted such policies (88).

The geographic distribution of these governmental units (mostly cities, counties, and school districts) was widespread, but not even in all parts of the country. As might be expected, jurisdictions on the two coasts, which are traditionally more liberal politically, were more apt to adopt domestic partner health benefits, while those in the midwest and south were less likely. In the west, there were 65 local governments with domestic partner health programs (including 40 in California), compared with 40 in the northeast, 20 in the midwest, and 16 in the south (89).

In addition, 10 state governments have adopted policies providing health benefits to the domestic partners of state employees in same-sex domestic relationships. In September, 2002, for example, California Governor Gray Davis (D) signed legislation, sponsored by influential lesbian state

senator Carole Migden (D), that grants the same benefits to the surviving partner in a same-sex domestic partnership that was registered with the California secretary of state's office at least 1 year before the death of one of the partners (90).

Voter reaction to domestic partnerships is not as negative as toward same-sex marriage. Nevertheless, in November 2001, Houston voters turned down that city's newly enacted domestic partnership policy by 52% to 48% (91).

3. Registries

A number of states and cities have set up domestic partner registries. In some of the jurisdictions, when a same-sex couple registers as a domestic partnership, the two women or men become eligible for certain benefits. In the nation's capital, for example, the Washington Post allows gay employees to include their partners on their health insurance. To qualify, however, the gay couple must have first registered their partnership with the registry of domestic partners (92) at the District of Columbia Department of Health, Vital Records Division. In other jurisdictions, the registry is mostly symbolic.

There are 57 jurisdictions with domestic partnership registries. These include the states of California and Hawaii as well as the District of Columbia. In addition to Washington, D.C., other major cities with domestic partner registries are Atlanta, Boston, Denver, Hartford, Milwaukee, Minneapolis, New Orleans, New York City, Portland (Maine), Seattle, and San Francisco. Counties include Broward (Ft. Lauderdale, Florida.), Los Angeles, and Travis (Austin, Texas) (93).

One side effect of domestic partner registries has been the tendency of institutions to use them for various purposes. For example, during 2002, a number of newspapers began publishing notices of same-sex unions. One of the criteria same-sex ceremonies must meet before being eligible for coverage in some of the papers is that the couple must have a legally recognized partnership, such as provided by Vermont's civil unions law or by signing an official domestic partners registry (94).

4. Wedding Notices

On September 1, 2002, The New York Times made history when it announced that "Daniel Andrew Gross and Steven Goldstein will affirm their partnership today in a civil union ceremony at the Shore Acres Inn and Restaurant in North Hero, Vermont. Assistant Judge Barney Bloom of State Superior Court in Montpelier will preside" (95). To accommodate the new policy, the newspaper changed the name of the heading in the "Sunday Styles" section to

“Weddings/Celebrations.” Moreover, in keeping with the paper’s focus on the prominent, the Times will consider “the newsworthiness and accomplishments of the couples and their families” in deciding whether to cover a same-sex ceremony, something the paper already does with traditional heterosexual wedding announcements (96).

While The New York Times was the most prestigious newspaper to run same-sex partnership announcements, it was not the first. The Gay and Lesbian Alliance Against Defamation (GLAAD) estimates that, as of mid-September, 2002, some 125 daily newspapers in the United States are running announcements of same-sex unions. Most of them made the decision with the past several years, although few report publishing very many. And some major papers only print wedding or commitment notices as advertisements, rather than as news stories (97).

The New York Times’ decision appears to be prompting more papers to take this step. Several weeks after that prestigious paper’s announcement, the Los Angeles Times followed suit, stating that it will accept gay and lesbian unions in its “Weddings” section, which it publishes twice year (98).

The Boston Globe also followed suit, and referenced current state law in deciding eligibility for publishing a same-sex union announcement. Citing the fact that Massachusetts law makes a distinction between marriages and civil unions, the Globe publishes civil unions under a separate heading rather than intersperse them in the traditional weddings section (99).

Over considerable local opposition, the Charlotte Observer also announced it would accept same-sex wedding announcements. Despite the presence of a large and active fundamentalist Christian community in the state, other daily newspapers in North Carolina had already begun to publish same-sex union notices, including Raleigh’s News & Observer and Durham’s Herald-Sun (100). Other papers that will accept a same-sex ceremony notice, either paid or as news, include the Atlanta Journal-Constitution, the Chicago Tribune, the Houston Chronicle, the Minneapolis-St. Paul Star Tribune, the Newark Star-Ledger, the Philadelphia Inquirer, the San Francisco Chronicle and the Washington Post (101).

5. Adoptions and Custody

In the waning days of 2002, Helen Rubin, a lesbian living in Vienna, Virginia, was about to give birth to the state’s first baby of 2003. Rubin, however, moved to neighboring Maryland for the baby’s birth because Virginia forbids adoptions by unmarried couples, including same-sex domestic partners. In Maryland, however, Rubin’s female partner, the child’s nonbiological mother, could adopt the child and share parental responsibilities (102). The conservative state of Virginia has made at least one liberalizing move on

adoption. State law allows for adoptions only by married couples and by single individuals, thus excluding adoptions by same-sex couples.

The Virginia Department of Social Services issued a directive last year that when an individual seeks to adopt a child, the sexual orientation of the would-be parent is not a bar to the adoption. Nevertheless, adoptions by same-sex couples are still excluded. Even had this ruling been in effect, it would have been of little help to Sharon Bottoms, a lesbian mother in Virginia who was denied custody of her child last year. State courts gave custody instead to the child's grandmother, on the grounds that being a lesbian made Bottoms an unfit mother (103).

According to the Human Rights Campaign, which conducted a survey of state laws and policies regarding gay parenting issues, 21 states and the District of Columbia do not discriminate against gay or lesbian parents in custody and visitation disputes. The study cited Delaware, New Jersey, and Washington State as the states with the best records, and Alabama, North Carolina, and Utah as those with the worst. For a comprehensive survey of laws in each state that concern gay parenting, relationships, safety in schools, and other issues of interest to same-sex couples, especially those with children, see HRC's FamilyNetNow at www.hrc.org/familynet (104).

6. Safe School Policies

Some young people are perceived as gay by their peers at an early age. These adolescents and even children (generally feminine boys or masculine girls) can be subject to cruel harassment by their fellow students at school. To help cope with this problem, some states and other jurisdictions have adopted safe school policies.

One such law was signed into law by Governor Jim McCreevey (D) in New Jersey in July, 2002. The statute directs every school district in the state to implement a policy designed to curb harassment and bullying, including incidents where sexual orientation or gender identity or expression is the motivating factor. The measure passed both houses of the New Jersey legislature unanimously: 38 to 0 in the Senate and 74 to 0 in the Assembly. As of 2002, eight states had policies prohibiting discrimination or harassment in education based on sexual orientation: California, Connecticut, New Jersey, Massachusetts, Minnesota, Vermont, Washington, and Wisconsin (105).

7. Social Security

An emerging issue within the gay community concerns the inequities of benefits available to same-sex couples in the current Social Security system. In the private sector, retirement and savings programs now often reflect the widespread changes in the makeup of the nation's families. Many private

retirement accounts, 401(k) plans and pensions allow a person to designate a same-sex partner as a beneficiary. This is not true of Social Security, however. With changes in the system under consideration to account for other changes in the population (such as the aging of the American population) now is a good time to consider making Social Security benefits available to domestic partners of same-sex couples.

Two of the nation's leading gay advocacy groups, the Human Rights Campaign and the National Gay and Lesbian Task Force (NGLTF), have begun to bring this issue to the attention of the public and of political leaders. In January 2002, NGLTF briefed members of Congress on the inequities for gay people in the Social Security system. In addition, the NGLTF Policy Institute's Aging Initiative has begun working with the American Association of Retired Persons (AARP) and other retirement groups on the Social Security issue. NGLTF calculates that gay and lesbian survivors of same-sex partnerships should be eligible for a total of some \$125 million in annual Social Security payments that they are not currently receiving. The Human Rights Campaign has also disseminated information on this issue (106).

Public support is growing for equalizing Social Security benefits so that gay and lesbian families are included. In 1998, according to one opinion, 57% of Americans favored Social Security benefits for same-sex domestic partners; by 2001, the number had increased to 70%, indicating the rapid growth in the American public for equality for gay people (107).

In January 2002, the Democratic National Committee endorsed equality for gays and lesbians under the Social Security system, the first time either major political party has supported this change (108). Gay leaders are hopeful that the Democratic platform will include a similar provision of 2004.

VI. CONCLUSION

The speed with which gay Americans have become part of the nation's mainstream is impressive. Whether in entertainment, business, the news media, or federal, state, or local governments, gay people are an open, recognized, and increasingly accepted part of the social fabric. Indeed, gay people in most large cities, where they tend to be politically powerful, feel secure in their jobs, personal safety and in the esteem of their neighbors, far beyond anything many older gay people would have thought possible a scant half-century ago.

Like other liberation movements, which have involved race, ethnicity, or gender, progress often brings demands for even more change. Whether it's the news media's focus on a horrible hate crime, or an uneasy feeling that's one's professional prospects have been hampered because of being gay, or simply a feeling of empathy for those gay people in smaller, less cosmopolitan

areas where the oppression of prejudice is still more prevalent, gay Americans today want the remaining obstacles removed. So over the next 5 years, government administrators at all levels can expect to deal with some or all of these issues and concerns.

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6

Transgender and Bisexual Issues in Public Administration and Policy

Hastings Wyman

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I. TRANSGENDER AND BISEXUAL CONCERNS

The public is generally aware of the issues espoused by gay men and lesbians, who have made their concerns widely known since the gay movement took shape after the Stonewall riots in New York City in 1969. There are, however, two other groups associated with the gay movement that are significant, bisexuals and transgender people, whose issues are less clear to the American people.

While gay men and lesbians are distinguished from the heterosexual majority by their sexual attraction to members of their own gender, bisexuals are attracted to both men and women. Transgenders are not defined by the objects of their sexual attraction; rather, they are people who, for physical or psychological reasons, identify as members of the sex opposite from the one in which they were raised.

In general, bisexuals are less active politically than transgenders, most likely because the goals of the movement center around acceptability to the community at large, both homosexual and heterosexual, and are less easily accomplished through changes in public policy. There are, however, some aspects of the bisexual movement that may be significant for public administrators and are covered at the end of this chapter.

In spite of speaking for a smaller share of the population than gays, lesbians, or bisexuals, the transgender movement is very active in pressing for changes in laws that will allow members of this minority to live fuller lives. Much of this chapter is focused on those concerns and how they have been addressed in several states and in a number of local jurisdictions.

II. WHO ARE TRANSGENDER PEOPLE?

The San Francisco municipal code defines *transgender* as “an umbrella term that includes female and male cross-dressers, transvestites, drag queens or kings, female and male impersonators, intersexed individuals, preoperative, postoperative, and nonoperative transsexuals, masculine females, feminine males, all persons whose perceived gender or anatomic sex may be incongruent with their gender expression, and all persons exhibiting gender characteristics and identities that are perceived to be androgynous” (1). Another frequently used term in discussions of policies regarding transgender people is *gender identity*, which the San Francisco code defines as “a person’s various individual attributes as they are understood to be masculine and/or feminine” (2).

Discrimination is a major concern of transgender people. At a Philadelphia City Council hearing, male-to-female transgender Charlene Moore testified that even riding a city bus was a problem. “One bus driver told me I could not use my TransPass because God did not make me a woman” (3). Moreover, existing laws that protect gay people are often not interpreted to include transgenders. “I cannot file a complaint under the human rights ordinance unless I fit into a certain category. I’m not disabled. I’m not gay. I’m not a lesbian. But I have been rejected from public accommodations because I am a ‘transwoman,’” reported a witness at a Chicago hearing (4).

III. TRANSGENDER PROGRESS IN STATE AND LOCAL GOVERNMENT

The concerns of transgender people have gradually entered the political process across the country. While those who define themselves as transgender have made progress, the movement is still a minor part of the nation’s general political environment. No openly transgender person has been elected to public office. Susan Kimberly, a male-to-female transgender, did serve in an important appointive capacity, as deputy mayor to Norm Coleman (R) when

he was mayor of St. Paul, Minn. (Coleman is now a U.S. Senator and Kimberly is his legislative director.) As transgender concerns have become part of the debate over civil rights legislation, a significant number of cities (and some states) have begun to pass legislation that protects this group. Between 1975 and 1997, some 17 governmental units, one state and 16 municipalities or counties, had enacted antidiscrimination policies that included transgender people. By the end of 2002, the number had increased to 57 (5).

A. Cities that Protect Transgender Rights

Before 2002, such major cities as Atlanta, Denver, Los Angeles, Louisville, Minneapolis, New Orleans, Pittsburgh, Portland, Oregon, Tucson, San Francisco, Seattle, and St. Paul had enacted civil rights protections for transgender people. In the year 2002, 14 more jurisdictions adopted transgender-inclusive civil rights policies, including many of the nation's largest cities, such as New York, Chicago, Dallas, Philadelphia, Boston, and Baltimore (6).

In many cities, the vote on the city councils has been lopsided in favor of including transgenders. In Boston, the vote in favor of adding transgenders was 9 to 1 (7). The Philadelphia city council added transgender to its Fair Practices Ordinance by a vote of 15 to 2 (8). The vote in Dallas was 13 to 2 (9). The vote in New York City was 45 to 5 (10). In Baltimore, the council passed a transgender-inclusive civil rights policy by a unanimous vote; all 19 council members supported it (11).

Some cities acted following years of lobbying by transgender activists and their allies. After several years of debate, the Chicago city council's Human Relations Committee recommended that the city amend its civil rights ordinance to include transgender and transsexual individuals. The Chicago city council then passed such a measure. Cook County, Ill., passed a similar ordinance.

Others have been influenced by particular incidents. San Jose, Calif., added transgender people to its antidiscrimination policy in 2002, citing the murder of Gwen Araujo in Newark, Calif., as the chief motivating factor in the city council's expansion of its policy. In addition, a number of cities have antidiscrimination policies for public employees that cover gender identity. These include Atlanta; Dane County (Madison), Wis.; Decatur, Ga.; Houston; Multnomah County (Portland), Ore.; Olympia, Wash.; Pine Lake, Ga.; and Wilton Manors, Fla. (12).

B. State Civil Rights Laws That Include Transgenders

Two state legislatures have also passed transgender-inclusive rights laws, Minnesota in 1993 and Rhode Island in 2001. Moreover, courts in three

states (Massachusetts, New Jersey, and New York) have ruled that existing bans on sex discrimination implicitly cover transgender people. Iowa's governor issued an executive order banning discrimination in public employment based on gender identity, but a subsequent court ruling invalidated the order.

Laws that cover transgender people vary in content. Often, the term *gender identity* is added to lists of categories in existing civil rights policies.

C. The Model Transgender Policy

The City of San Francisco's transgender policy is one of the most comprehensive and detailed laws on the subject and is deemed a model policy for both public and private institutions by the Transgender Law and Policy Institute. The law, passed in 1994, is administered by the city and county Human Rights Commission, which has written an implementation guide entitled "Compliance Guidelines to Prohibit Gender Identity Discrimination" (13).

The San Francisco guidelines are designed to provide services to transgenders that are equal to those of the sexual identity each individual claims for him or herself. Thus, males who choose to live as females, regardless of whether sex alteration surgery has been performed, are deemed to have the same rights as other females. Similarly, females who choose a male identity are to be treated as other males are treated. In general, the guidelines require that a "reasonable effort" be made to accommodate the needs of transgender people, allowing exceptions only if to allow equal access would impose "undue and intolerable economic hardship" (14).

1. Privacy Concerns

The most difficult problem tackled by the guidelines concerns the use of rest rooms, locker rooms, and shower facilities that are generally segregated by sex. The guidelines suggest that in areas where nudity is unavoidable, partitions or curtains be installed to guarantee privacy. As a temporary measure in such areas where nudity takes place, the guidelines suggest that only postoperative transsexuals should be permitted to use the facilities appropriate to their current gender identity. The guidelines also suggest that when new construction is undertaken, restrooms designed for use by a single individual be built so that privacy problems are eliminated (15).

2. Eligibility

In order to determine whether a transgender person is eligible to use a male-only or female-only facility, the guidelines recommend that one piece of

personal identification that designates the person as a particular gender be sufficient to provide access.

More detailed information on appropriate methods of providing equal access to transgender people may be obtained from the San Francisco Human Rights Commission, City and County of San Francisco; 25 Van Ness Avenue, #800, San Francisco, CA 94102-6033; telephone: 415-252-2500; email: sfhumanrightscom@ci.sf.ca.us.

IV. NONGOVERNMENT PROGRESS

While recognition of transgender concerns has been slowly developing in both the public and private sectors, gender identity is included in the nondiscrimination policies of a growing number of colleges and universities, private companies, and unions. While it is significant that these institutions have provided protections for transgender people, it is important to note that these organizations represent only a small fraction of the nation's economic and educational universe.

A. Colleges and Universities

By 2002, seven institutions of higher learning had adopted antibias codes that cover transgender people: American University in Washington, D.C., DePauw University in Indiana; the University of Iowa, Kalamazoo College in Michigan, Knox College in Illinois, Rutgers University in New Jersey, and the University of Washington in Washington State (16).

A number of other colleges and universities adhere to similar policies because of court rulings or because the state's civil rights laws include transgenders. These include the University of Minnesota and its related campuses, as well as other higher education institutions in the state, and the colleges and universities in Rhode Island. The Minnesota and Rhode Island institutions are included because these two states passed civil rights laws that included transgenders as well as gays, lesbians, and bisexuals (17).

In addition, a 2002 law passed in New York City provides civil rights protections for transgenders for institutions of higher learning in the city. These include Columbia University, New York University, and all the campuses of the City University of New York (18).

B. Corporations

The movement to secure employment rights for transgender people has made inroads into the private sector as well. At least 15 major American

corporations, including some of the nation's largest, have policies in place that prohibit discrimination against transgenders: Aetna, Agere Systems, American Airlines, Apple Computers, Avaya Communications, Eastman Kodak, IBM, Intel, J. P. Morgan, Lexmark, Lucent Technologies, NCR, OneSource, Verizon Wireless, and Xerox (19).

C. Unions

Another source of protection for transgender employees has come in some labor unions or in their collective bargaining agreements. In San Francisco, the contracts of Local 3 of the Office and Professional Employees International Union with universities, certain nonprofit groups, including United Way, and the San Francisco Museum of Modern Art include a nondiscrimination clause that includes "sex, sexual orientation, gender, gender identity, transgender, HIV status" among other conditions and categories. In Massachusetts, the AFL-CIO's State Federation's mission statement includes a reference to reaching out to "workers regardless of race, gender, age, sexual orientation, gender identity or expression, religion" (20).

V. HATE CRIMES

In addition to civil rights protections, the transgender movement is also concerned about violence against members of its community and has sought inclusion of transgender people in hate crimes laws. Transgender people are subject to acts of violence with greater frequency than those in other sexual minorities. While transgenders account for only a small percentage of the overall population of sexual minorities, one recent study found that from 1995 through 1998 transgender people accounted for 20% of the murders classified as hate crimes and some 40% of violence initiated by police against sexual minorities (21). On average, one person a month loses his or her life because of acts motivated by hatred of transgender people. During the year ending October 3, 2002, some 25 transgender people were killed. Among the 2002 victims were Gwen Araujo, a 17-year-old, murdered in Newark, Calif., for attending a party wearing a dress; Stephanie Thomas, 19, and Ukea Davis, 18, who were shot to death in their car in Washington, D.C.; and Hector "Arlene" Diaz, 28, who was murdered in El Paso, Texas. To highlight this violence, the transgender community has established "The Transgender Day of Remembrance." In 1998 Rita Hester, a transgender resident of San Francisco, was murdered. In 1999, area residents held a candlelight vigil in

her memory. Out of this memorial grew an annual commemoration that is held in dozens of cities around the United States and in other countries (22).

A. State Hate Crime Laws That Cover Transgenders

In 1993, Minnesota became the first state to pass hate crimes legislation that included transgender people. Five years later, California, the nation's largest state, enacted a similar measure in 1998. Then in 1999, Missouri and Vermont included transgender in their hate crimes laws. In November 2002, in a major victory for the transgender movement, Pennsylvania passed its comprehensive hate crimes statute, which included transgender people in its coverage. The measure passed the state's House of Representatives by a vote of 179 to 118 and was signed into law by Governor Mark Schweiker (R) (23).

The transgender movement may be small, but it is often able to gain support from a broad range of other sexual minority groups, as well as other organizations concerned with human rights. In Pennsylvania, for example, those supporting the hate crimes bill that covered transgenders included the Statewide Pennsylvania Rights Coalition, the Center for Lesbian and Gay Civil Rights, the Log Cabin Republicans of Pennsylvania, the Pennsylvania Gay and Lesbian Alliance and the Pennsylvania Gender Rights Coalition, along with such national groups as the Human Rights Campaign (HRC) and Parents and Friends of Gays and Lesbians (24).

Today, these five states (California, Minnesota, Missouri, Pennsylvania and Vermont) and the District of Columbia have hate crimes laws that include transgenders. This compares with 28 states, plus Washington, D.C., that have hate crimes laws covering gay people generally. Only one local jurisdiction, Ithaca, N.Y., has passed a hate crimes ordinance that includes transgenders (25).

B. Secondary Schools

A related concern is harassment of transgender students in school settings. Many gay students can, if they choose, avoid disclosing their status (i.e., remain "in the closet") but for transgender students, whose gender nonconformity is often apparent in mannerisms or dress, there is more limited opportunity for the safety of disguise. The Gay, Lesbian, and Straight Education Network National School Climate Survey, taken in 2001, found that 89.5% of transgender youth report feeling unsafe because of their gender status; the survey also found these young people to be at greater risk of suicidal behavior and other emotional distress (26).

To help protect transgender students, as well as other sexual minority students, the Gay, Lesbian, and Straight Education Network (GLSEN) supports enactment of laws that prohibit discrimination and harassment of sexual minority students. GLSEN advocates that transgenders be explicitly included in the protected categories so that school administrators and teachers have clear guidance to deal appropriately with students who harass transgenders and others (27).

VI. BIRTH CERTIFICATES

Such issues as basic civil rights (in employment, housing, and public accommodations) and personal safety are common to many minorities. But there is one issue of great importance to transgender people that is unique to this group. This concerns the changing of one's birth certificate to reflect the gender identity that differs from the sex indicated on the certificate at the time of birth. In 47 states, there is provision in the law for the issuance of a new birth certificate that reflects a new gender identity. However, the states have differing requirements. In most states, transgender applicants for a new birth certificate must have undergone some degree of sex-related surgery before being eligible. Moreover, in many areas, government administrators are unsympathetic to transgender people and often do not cooperate in expediting the new certificate. Therefore, transgender people must often obtain the services of a lawyer to get a new birth certificate (28).

VII. SETBACKS FOR THE TRANSGENDER MOVEMENT

While recent successes for the transgender community have been noteworthy, they have been accompanied by significant set-backs. The broad definition of the term *transgender* and the public unfamiliarity with people who identify as transgender have created significant resistance to the movement's progress.

A. State and Local Problems

In Eugene, Oregon, in 2002, the city council deleted a "gender identity" reference to a civil rights proposal by a vote of 6 to 2 over the issue of allowing transgender people to use either the men's or women's rest room, as they choose. The usually progressive city's mayor threatened to veto the measure if a provision affecting rest room use were included, citing privacy concerns (29).

In Maryland, the legislature declined to pass a civil rights measure based on sexual orientation unless the provision covering transgenders was deleted. In 2001, the law was enacted, minus the transgender language (30).

In December 2002, after Republican leaders in the New York State Assembly agreed to support the Sexual Orientation Nondiscrimination Act (SONDA), which Governor George Pataki (R) was backing, a group of Democratic legislators refused to vote for it unless it included transgender people in its coverage. An amendment by openly gay state senator Tom Duane (D) to include transgenders threatened to prevent the bills passage. However, an informal tally of the lawmakers showed that only 19 of the 61 favored the transgender amendment, so SONDA passed the state senate by 34 to 26 without protections for transgenders. The measure had already passed the state assembly earlier in the year by a vote of 113 to 27 and Governor Pataki signed it promptly (31–33).

B. Federal Legislation

The New York State experience parallels a similar issue before the U.S. Congress. Congressional leaders who support ENDA, the job rights bill that covers sexual orientation, have declined to include language specifically covering transgenders on the grounds that Congress will not pass the bill if it is broadened. Some proponents of ENDA, such as the Human Rights Campaign and other gay political groups, argue that major changes in civil rights laws are traditionally won incrementally. Thus, they contend ENDA should be enacted without the more controversial transgender coverage. Then at a later date, when public opinion and political climate have changed on transgender issues, the law could be amended to broaden the coverage.

Transgender activists believe that if ENDA is passed without covering transgenders there is little likelihood that a separate measure affecting only transgender people will pass in the near future. Some groups, such as the National Gay and Lesbian Task Force (NGLTF), have declined to support ENDA because of this omission.

VIII. CONCERNS OF BISEXUAL PEOPLE

Bisexuals are attracted to either sex and are uncomfortable being identified by a label, such as gay or lesbian, that does not reflect the reality of their experience. While exact figures are not available, some studies suggests that many people who are part of the nation's sexual minorities identify as bisexual, rather than as gay, lesbian, or transgender. For example, when the bisexual category was added to exit polls as a self-identification option, the

total number of persons identifying as either gay, lesbian, or bisexual increased from 1.3% in 1990 to 2.2% in 1992 (although other factors contributed to this increase as well). There is also evidence that more women than men identify as bisexual (34).

Much of the effort of the bisexual movement has focused on being included when sexual minorities are listed, either for legal or less formal purposes. In many communities, for example, there is no longer a “gay pride” celebration, or even a “gay and lesbian pride.” Rather, the acronym LGBT (for lesbian, gay, bisexual, and transgender) is used to reflect a broader spectrum of the sexual minority community.

When laws or ordinances are enacted to guarantee civil liberties, provide domestic partnership benefits, or institute hate crimes protections, bisexuals believe they should be listed as one of the categories of individuals covered by the policy. In this way, bisexuals need not fear that they will be discriminated against in some way or deemed ineligible to seek a remedy because they are not strictly homosexual.

IX. OUTLOOK FOR TRANSGENDER AND BISEXUAL ISSUES

The bisexual movement does not appear likely to bring substantial issues to public forums in the next few years. Most concerns of bisexuals that can be addressed by governing bodies are relatively easy to incorporate into laws protecting gay people. While most jurisdictions still have not fully addressed gay, lesbian, and bisexual concerns, the core of progress that has been made thus far is likely to continue, with bisexuals included.

The transgender movement has gained significant victories during the past five years as more and more jurisdictions have included transgender people in their civil rights protections and in their hate crimes laws. Transgender concerns have not reached the level of public acceptance enjoyed by gays, lesbians, and bisexuals, but given the transgender successes to date, as well as the movement’s success in gaining allies in the larger gay movement and among civil rights advocates generally, transgender progress is likely to continue. Even those state and local governments that have already implemented policies to address the concerns of gay, lesbian, and bisexual citizens are likely to confront the transgender issue soon, if they have not already.

Previous policy modification involving gay people generally indicates that changes have not come easily, either for those who have advocated the changes or for the local governing bodies that have considered them. The religious beliefs and social customs of some people frequently clash with the

concerns of gay citizens, often making for considerable controversy when gay issues have been considered.

If gay concerns have not been addressed with ease, it is likely that transgender issues, involving as they do deeply held beliefs about who is male and who is female, will provoke even greater discussion, some of it highly emotional. Moreover, the relative newness of transgender concerns on the public consciousness may make consideration even more difficult.

Nevertheless, as more and more of the public becomes educated about transgender people and their issues, it is likely that, as with gays, lesbians, and bisexuals before them, more jurisdictions can be expected to make policy changes that will significantly improve the lives of transgender people.

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7

Issues in Gay, Lesbian, Bisexual, and Transgender Aging

Jean K. Quam

University of Minnesota, Saint Paul, Minnesota, U.S.A.

Generally, in texts that speak to issues of aging, there is little or no mention of old adults who are gay, lesbian, bisexual, or transgender. In texts that address gay, lesbian, bisexual, and transgender (GLBT) issues, the focus tends to be on adolescence to middle adulthood with very little attention to old age. Thus, gay, lesbian, bisexual, and transgender individuals who are old are relatively unattended to by service providers and policy makers who know little about their needs. In the past decade there has been a modest increase in research in this area.

I. WHO ARE GLBT ELDERLY?

The group (gay, lesbian, bisexual, and transgender old adults) is a varied and complex one despite the fact that it also could be argued that as a group they are a narrow, specific slice of the population. To estimate the old GLBT population in the United States is difficult. If one begins by looking at the GLBT population in general, estimates range from as low as 1.4% of women and 2.8% of men (1), 4.2% in 1998 based on voter exit data (2), to 21% of men and 18% of women based on homosexual attraction and behavior since age 15 (3). The number is reduced based solely on behavior. According to Richard Banin, executive director of Senior Action in a Gay Environment, every year

an estimated 400,000 lesbians and gay men in the United States turn 50. If we add to these data the fact that about 12% of the population is over the age of 65, Cahill et al. (4) estimate that one to three million Americans are gay, lesbian, bisexual, or transgender based on a figure of 6% of the population being gay, lesbian, bisexual, or transgender. Further, due to the dramatic increase in the proportion of elderly in this country, by 2030, one in five Americans will be over the age of 65, which translates into 4 million gay, lesbian, bisexual, or transgender adults.

Old is equally a diverse and confusing term. For many, the word *old* describes someone who is over the age of 65. Yet studies that have been published of “GLBT elders” include individuals as young as 40 and as old as 100. One newsletter for “mature lesbians” called Purplecanoe defines the group as lesbians over 30! (See www.purplecanoe.org). Within the gerontological literature it is generally accepted that there are at least two groups of old adults; the “young old” and the “old old”. The first group refers to a population who has newly entered the ranks of being old and is generally in good health, has a steady income, and is socially active. If ages were to be attached to this group, they might be around age 65 to 75 or 80 years old. The “old old,” as a group (approximately over ages 80 to 85), have developed some serious and chronic health problems, have seen their income decline, and may be more restricted with respect to social activities and travel. Frequently a person in this group experiences a serious illness or accident that makes it difficult for them to function independently and may require financial assistance to pay medical expenses. The fastest growing group of any part of the population is women who are over the age of 80 (5). It should also be added that there are many exceptions to these categories as there may be a woman who retires at age 60 due to deteriorating health or a man who is still actively traveling and volunteering at age 85. One can join the American Association of Retired Persons at age 50 and receive Medicaid as early as age 62, although the average life expectancy continues to rise.

If one looks at these aging categories and applies them to GLBT elderly, there are two groups here also. Although the topic for this chapter specifically includes gay, lesbian, bisexual, and transgender adults, great diversity exists within these categories. The generations that grew up before Stonewall remain more closeted in most settings than members of younger generations. “Before Stonewall” has become a developmental marker in the lives of gay and lesbian adults. The Stonewall Inn rebellion occurred on June 27, 1969 at a gay bar in Greenwich Village, New York. Customers fought back when police who raided the bar tried to arrest them.

Grossman et al. (6) describe a person in their 70s today as someone who was born in 1929 and about 40 years of age at the time of the Stonewall riots which many use as a marker of the modern GLBT and civil rights movement.

This group or cohort averaged 44 years of age when homosexuality was removed from the American Psychiatric Association's list of mental illnesses in 1973, 52 years of age when the first cases of AIDS were reported in 1981 and 69 years old when the television character "Ellen" disclosed her sexual orientation to a national audience in 1997 (6).

Baby boomers, or those born between 1946 and 1964, present a major demographic change. They are a group that has experienced a revolution in new attitudes and behaviors with respect to homosexuality: civil rights legislation, domestic partnership benefits, increase in gay organizations and services, gay pride marches, open gay and lesbian adoptions, commitment ceremonies and anniversaries that are acknowledged in public newspapers, openly gay and lesbian elected officials, and gay and lesbian magazines and newspapers readily available. Researchers point out the tremendous importance of considering adult development within the context of historical changes and societal change (7,8).

It is likely that we will see these age changes reflected in the needs for social services. The pre-Stonewall group that is part of the old-old generation is more likely not to disclose their sexual orientation and not expect services than are gay and lesbian identified elders. The baby-boomer generation will look forward to GLBT housing options, GLBT social service agencies, GLBT social groups, and far more acceptance of their role as part of the aging generation.

Lastly, the terms that one uses to indicate that one is a member of this population are also confusing. Many old GLBT adults grew up in an era when *queer* was a derogatory term and yet today it is claimed by many GLBT organizations in their titles as well as by academic institutions who have queer studies programs. Some old GLBT adults are comfortable with labels, and others refer to more obscure descriptors that are known only among the group, e.g., "she sings in our choir," a "Boston marriage," or "friends of Dorothy." One group, Old Lesbians Organizing for Change (OLOC), likes being referred to as "old" rather than "older" (than whom?) or "elderly". Shevy Healy, one of the founders of OLOC, states "We name and proclaim ourselves OLD for we no longer wish to collude in our own oppression by accommodating to language that implies in any way that old means inferior, ugly, or awful" (9).

Research about GLBT aging is going through its own changes. In early studies, some researchers used clinical samples of clients in therapy to understand homosexual behavior and often presented a distorted, pathological view of development. Equally as problematic were studies that were done on convenience or snowball samples comprised of friends or acquaintances of the researcher who was gay or lesbian. Berger and Kelly (10) said these studies consisted of small groups of retired professionals who knew each other and

intentionally wanted to project a “positive image of gay and lesbian aging”. In most cases these subjects were gay, white, males who lived on the East or West Coast in large, metropolitan areas and were quite comfortable with their sexual orientation.

Furthermore, in much research it has been assumed that gay males and lesbians are the same and face the same issues and, therefore, that sexual orientation is more important than gender in understanding aging. Quam and Whitford (11) discovered that, in some instances, gender was a defining factor such that old lesbians were more like other old women in their concerns about aging than they were like old gay men. Equally true was that old gay men shared fears of aging similar to those of old heterosexual men. Let’s look at some examples of GLBT elders:

1. Ann met Sophie in a women’s book club at the neighborhood library. Ann was married with three school-aged children, and Sophie was single. They became friends and eventually lovers. It was the first lesbian relationship for each of them. Ann broke off the relationship after 2 years for fear of losing her children if her husband found out about her affair. Sophie moved away and had several different relationships with women. Sophie, age 92, now lives alone, has many gay and straight friends, most of whom are younger. She is comfortable with being identified as a lesbian and occasionally attends a lesbian breakfast club for lesbians over age 60. She is the oldest member of the group.
2. Carlos was married at age 20 to a girl named Julia he dated in high school. Julia was his best friend and they were married for 46 years. The last 2 years of their marriage Julia was quite ill and died after hospice care provided by Carlos, four of their five children, and nursing professionals for a few weeks. Before his retirement, Carlos traveled in his work and increasingly had visited gay bars and had numerous sexual encounters over the years with gay men. Carlos, however, never felt that he was gay. He had confided to his wife that he always wanted to be a woman and felt like a woman when he was with gay men. A few months after his wife’s death, Carlos attended a GLBT church service and heard a transgender woman talk about her surgery and postop adjustment at age 63. Carlos became encouraged that it might not be too late for him to change genders.
3. Donna knew she was attracted to other girls when she was a teenager. Her parents sent her to counseling and refused to help her financially when she left home. Over the course of her adult years she had relationships with males and females. Some of them were successful and some caused her to seek counseling again. For a brief

time in her late 50s, she was hospitalized for depression and alcohol abuse. At age 67 she met a woman named Ruth, who was in her mid-50s and identified as a lesbian. Donna has now lived with Ruth in a committed, monogamous relationship for over 10 years.

4. Arnie and Jack, ages 87 and 85, respectively, met over 50 years ago when they were both teachers at a high school in Milwaukee, Wisconsin. They began a secretive gay relationship for fear of losing their jobs. At times, each dated women or invited female friends to accompany them to school functions. Arnie became a high school principal in a nearby town. Shortly after that, they moved in together on a hobby farm outside Milwaukee. They have been together in a life partnership for over 42 years. Although friends and colleagues have speculated about their lives together, very few people know the exact nature of their relationship. They feel fortunate that they have both been in good health but worry what will happen when one of them becomes disabled or unable to care for themselves.
5. Marcie and Sandy are part of the baby-boomer generation. Marcie, age 53, is a professor at a large West Coast university that offers domestic partnership benefits. Sandy also has the option of domestic partnerships benefits at her job in the city planning office. Marcie and Sandy have lived together for 20 years and have two children. Sandy became pregnant with their oldest son by artificial insemination and adopted their younger son from a local agency. Marcie has completed a second parent adoption for both boys. At school, church, work, and their family clinic, they are out as a lesbian family. They feel accepted. They have both planned for their retirement and have considered a lesbian retirement facility for their future.

II. BISEXUAL AND TRANSGENDER AGING

Although research and public policy debates frequently refer to the more inclusive term of *GLBT aging* rather than gay and lesbian aging, the bisexual and transgender adults who are old remain virtually unexplored as a group and, at times, are poorly or wrongly defined. On some research the terms are merely mentioned without explanation (as one writer says, “the T is written in invisible ink”), and in others the bisexual and transgender old adults are simply included with gay and lesbian adults who are old.

George (12) points out that over the years the gay and lesbian community has been less open to bisexuals because it was felt that bisexuals were

able to benefit from heterosexual privilege when they were in a heterosexual relationship. The bisexual was seen as someone who was simply ambivalent about their sexuality and was reluctant to commit to being gay or lesbian because of negative stereotypes and homophobia. As a person aged, bisexuality was sometimes associated with being asexual and in other cases as being sexually active with both genders. One of the largest studies on bisexuality found that most of their subjects established heterosexual identities first in their lives and that homosexual activity and identity came later (Weinberg et al., 13). For some it was a long-term identity and for others it was more transitional.

Smith (14) argues that one of the biggest misconceptions about bisexuals is the belief that they cannot be satisfied with a single partner because of being attracted to people of both genders. Bisexuals can be monogamous or nonmonogamous. However, sexual orientation is not based only on sexual activity. The belief that bisexuals are simply confused about their sexual orientation is a common misunderstanding. She states: "Issues of concern to younger bisexuals will continue to be important in later years. The lack of a visible bisexual community may pose even greater challenges for elders, given the increased risk of social isolation faced by older adults" (15).

Lani Ka'ahumanu is a 59-year-old mother of two and an author of a book on the history of the bisexual movement. She makes the point that as a bisexual person, you have to speak up all the time because you are defined by the sex of your partner or potential partner or past partner. She believes that most people think that old people are not supposed to be sexual. She states, "We are desexualized as we age. There needs to be more role models . . . if you are invisible and you come out and speak up, it makes an important contribution for society" (16).

Transgender adults or transsexuals are individuals who are living full time as the gender opposite to the one they had at birth. Some have used hormones and surgical procedures to help bring their bodies, voices, and other physical 'cues' more in line with cultural expectations for the gender in which they are living (17). Those who were designated as male at birth and are now female are male-to-female transsexuals (sometimes written MTF or M2F), and female-to-male transsexuals (FTM or F2M) were born female and now are living as men. Cook-Daniels states that both MTFs and FTMs are sometimes categorized by their surgical status.

Postoperative for MTFs generally means the genitals have been surgically altered to include a vagina and a vulva. For FTMs the term may refer only to having had surgery to remove the breasts and construct a more masculine-appearing chest. Some FTMs also have surgery to create a scrotum and/or phallus. *Preoperative* refers to both MTFs FTMs who intend to have surgery but have not yet. *Nonoperative* refers to transsexually individuals who do not intend to have their bodies surgically modified.

Cross-dressers or transvestites are individuals who retain the gender identity of their birth but sometimes dress in clothing that is associated with the opposite sex more often. The term *drag queens* or *drag kings* are cross-dressers who are entertainers (18).

Cook-Daniels (19) believes that there has been no scientifically sound research done related to any transgender topic. It appears that a significant number of trans individuals transition in later life. She cites the use of the World Wide Web and available literature on gender variance as helping old adults to understand their feelings and behaviors. For some elders it is easier to transition in later life when people will not ask questions at work, children have moved away and parents may have died. For others, it may be that a health care crisis leads to the decision. There may be a sense that time is running out or that after a lifetime of doing everything everyone expected, it is time to do something for one's self. She further explains that "an elder may simply reach a point of exhaustion in her efforts to present herself as a manly man or feminine woman, and decide the charade is no longer worth upholding" (19).

While the transition from one gender to another may generally involve the same issues, there are some differences for old adults. Again, Cook-Daniels (20) cites unique problems for old transsexuals as health concerns in which chronic conditions such as heart disease and high blood pressure may make surgeries or hormone therapy risky or impossible and more entrenched social roles in which it is difficult to change speech patterns and physical mannerisms that have existed for 50 years or more. Dating difficulties, which are already hard as one ages, are made even more difficult when one needs to find a partner who is understanding of the changes (20). Legal concerns are complicated. It is difficult to change Social Security and Veterans Administration records to protect earnings and benefits. In some cases a marriage will not be valid depending on the gender of each partner and a surviving spouse will not be eligible for survivor's benefits or inheritance from an estate.

III. CHALLENGES IN GAY, LESBIAN, BISEXUAL, AND TRANSGENDER AGING

Many adults who are gay, lesbian, bisexual, and transgender will move into old age with ease and will face the regular milestones associated with any heterosexual person who ages (e.g., physical changes, loss of family and friends, retirement, death of a spouse or partner). However, there are layers of obstacles added to the typical concerns of aging that are unique to a gay, lesbian, bisexual, or transgender adult. Although they may be aware of these obstacles, many GLBT people enter midlife and old age not having actually

made the plans and arrangements necessary to make their hopes for old age a reality (21). The next few sections review some of the challenges that GLBT adults face as they age. This chapter concludes with some resources that may be of help in offering information to the aging GLBT person.

IV. PHYSICAL AND MENTAL HEALTH

The stereotype of the lonely gay male exists in many popular films, books, plays, and movies (Berger and Kelly, 22), and popular myth seems to portray both old lesbians and old gay males as depressed and isolated. In a recent study of old GLBT adults, 84% of the sample described themselves as being in good mental health with high levels of self-esteem. No relationship between age and loneliness existed (Grossman, et al., 23). As is found in heterosexual relationships, those who were living with a partner rated their mental health significantly more positively than those who lived alone.

The issue of “coming-out” was also closely related to mental health. Every day in the life of a GLBT person, each person must decide in small ways and in significant ways whether to define themselves to others as a GLBT person. The old GLBT adult has faced hundreds, maybe thousands of these decision points of whether to come out at work, come out to service providers, come out to one’s doctor, come out to the insurance agent, come out to the neighbors, and to come out to anyone with whom he or she comes in contact. It is a gay person’s choice every day of his or her life to disclose or not to disclose their sexual orientation, but each time the decision is made in a way that is uncomfortable, the person is at risk of feeling depressed and isolated. The generations that grew up before Stonewall remain more closeted in their lives than members of younger generations (24). In looking at gay men over age 50 who were volunteers from gay organizations, Schope (25) concluded that older respondents were significantly less out than younger respondents. Older respondents also had a history of being closeted. Sixty-three percent (63%) of older gay men had been completely closeted in school, and 40% were still closeted in their neighborhoods (25).

Grossman et al. (26) identified 8% of their sample of gay men who were depressed about their sexual orientation and 10% who sometimes or often considered suicide. Although youth and young adulthood is the most prevalent stage of suicide attempts, gay and bisexual men ages 55 and older were found to be as likely as their younger counterparts to have considered or attempted suicide at least once over the course of their lives (27). In data drawn from the Urban Men’s Health Study of men in several large urban areas in the 1990s, the oldest cohort reported attempting suicide an average of 1.7 times over the life course compared to 2.4 attempts for the youngest cohort (28).

V. SPIRITUALITY AND RELIGION

One of the most important aspects of adult life has been neglected by researchers who have not studied religious and spiritual concerns of older adults in general and GLBT older adults specifically. The relationship between organized religion in the United States and the gay, lesbian, bisexual, transgender population is complicated at best (29). McNeill (30) has suggested that organized religion is mostly responsible for the heterosexual majority's negative views of homosexuality and also responsible for the fact that many gays and lesbians feel alienated from the church and organized religion. However, religion takes on increased importance as we age. One could argue today that the church and some religions have become a refuge and a supportive community for GLBT adults as they age. For some, the church substitutes for family as a primary source of support as they age.

Of all the mental and physical illnesses affecting older adults, religion appears to have both a palliative and a preventative effect for elders. Harold Koenig, who is highly regarded by gerontologists, summarized the accumulating research in this area as supporting a link between mental health and religious attitudes or behaviors based in the Jewish and Christian traditions. The research includes both cross-sectional and longitudinal studies that show that religious elders are less likely to become depressed when confronted with negative life events such as a physical illness. He states "life satisfaction and social well-being appear to be maintained in many religious older adults despite declines in health, social and financial resources" (31).

Many gay and lesbian attacks have come from religious groups historically. For today's generation of old GLBT adults, while they were growing up and becoming adults, homosexuality was seen as a sin and a sign of weak moral character. With the recognition and increase of HIV/AIDS cases in the gay culture, conservative religious groups linked the illness with sin and sexuality. Recent efforts of the last two or three decades such as Anita Bryant's "Save our Children" campaign, attacks from the Moral Majority and the Christian Coalition, exclusions from leadership in the Boy Scouts of America, and the rise of support for "family values" that exclude gay and lesbian families have heightened the fears of old GLBT adults that society with the support of religious groups and organizations could again become discriminatory and exclusionary.

To counter these trends, research has found that older gays and lesbians also are finding support in religious institutions. Ramsey (32) concluded that spiritually active people are better equipped to initiate and maintain intimate relationships, cope better with stress, are healthier, have an increased capacity to survive illness and are more resilient overall in the face of life's challenges. Quam and Whitford (33) found that 34% of their sample were attending a

church that they viewed as being friendly and accepting of their sexual orientation. A number of gay congregations have formed and traditional congregations have become affirming and welcoming of gay and lesbian members. For example, Dignity and Lutherans Concerned are groups that serve Roman Catholic and Lutheran gays and lesbians, respectively. The Metropolitan Community Church welcomes gay and lesbian members. Many Jewish and Christian congregations perform commitment services for couples that want to create these non legally binding unions within the structure of a church or a religion. As GLBT adults age some are concerned about having a church or a congregation that will tend to their spiritual needs and their funerals when needed. A very useful website that summarizes current religious policy in relation to homosexuality is located at www.religioustolerance.org and has up-to-date references for most religions.

VI. HOUSING

Many GLBT adults who are old live alone. As they age, the likelihood of being alone increases. Similar to all old adults, GLBT elders want to be independent as long as possible. While new opportunities for a wide variety of housing options for old adults exist, the options may vary depending on current health, level of independence, ability to pay, and need for help such as physical therapy or medication management. Most importantly, for this population, very few choices exist for GLBT-sensitive housing (housing alternatives that affirm one's sexual orientation). However, a number of promising projects are emerging that are specifically designed for GLBT elderly.

Studies have found a strong preference among old lesbians for a lesbian-only retirement facility and a preference among old gay men for a mixed gay and lesbian housing alternative. (34–36) What is generally true is that old adults want a place where they can feel free to express their sexuality without fear of retaliation. To be old is also to feel vulnerable. One's housing choices take on even more meaning with age.

Allan (37) believes that throughout the 1980s, the AIDS crisis eclipsed any serious efforts at creating GLBT retirement housing. Many middle-aged gay males never expected to make it to old age. In the 1990s, models of different types of housing sprung up around the country: a low-cost residential community in northern California initiated by the Metropolitan Community Church, an independent living community in southern California; and a project with apartments and assisted-living units with shared recreational facilities in Florida. One of the better-known alternatives is an RV park for lesbians in Arizona. Founded by women who wanted a park that was both

safe and supportive for women traveling alone, the park evolved into a permanent home for about 400 in the winter and 60 in the summer (38).

VII. SOCIAL SERVICES

GLBT old adults face many dilemmas if they need or want to obtain social services. The vast array of social services can be overwhelming. Within the field of aging, there is an historical debate about the advantages of age-segregated vs. age-integrated services. Age-segregated services would include such things as senior centers and health care clinics for seniors or agencies that only meet the needs of those over a particular age. Services that are age integrated will serve people regardless of age and include some housing units, family service agencies, food shelves, and community centers. To complicate it even more some of these services, whether age integrated or age segregated, are also available based on need or income criteria. Some housing is available only for low-income elderly as are some transportation programs.

When we consider the issue of sexual orientation there is even more confusion. Many agencies that serve GLBT populations have not provided services for older members believing that they are better served by gerontological social services designed specially for their age cohort. When they have offered services they are sometimes poorly attended. This can be due to the providers of the services who do not understand the needs of elderly clients as well as the clients themselves. Macdonald writes movingly of being left out at a Take Back the Night March where many younger lesbians were present and ignored her (39). Equally a problem is the fact that many old GLBT adults are reluctant to be seen at gay agencies, receive literature from gay organizations, or attend gay events due to old habits, fears, and experiences with discrimination. As the cohorts of GLBT adults are changing, research suggests that we may see a greater need for GLBT services specifically designed for old adults (40).

One of the first agencies to serve an exclusively gay and lesbian aging client group was SAGE (Senior Action in a Gay Environment), which was started in New York and now has over 7000 members. SAGE has begun to affiliate with other organizations around the country into an organization called SAGENET. SAGE provides counseling, information and referral, friendly visiting for homebound, support groups, and a wide array of workshops and social events.

Music groups are a great resource for clients that can increase self-esteem, foster friendships, and combat internalized homophobia. The gay community has a rich history of using music to bring people together. Hilliard

has written about the use of gay men's choruses to provide social support (41). Moore describes how lesbians and gay men can care for a partner with Alzheimer's disease or other dementia using two proven human service delivery models: support groups and telephone conferencing (42) While these methods can be used by any caregiver, this is a good example of providing a needed service to a GLBT caregiver who might not be comfortable talking about their partner in a heterosexual group. In this case, a group is described that brings people together in a rural area where the chance of isolation is even greater. Sometimes services have been refused to GLBT caregivers or in one case, a home health aide refused to provide care when he found out that an elderly heterosexual parent (the patient) was being cared for by a son who was HIV positive.

There are a wide variety of social service agencies that are designed specifically for GLBT populations or smaller parts of that group. Some examples are GLEAM (Gay and Lesbian Elders Active in Minnesota), Golden Threads in Georgia, Silver Threads in Florida, Old Lesbian Organizing Committee (OLOC), Red Dot Girls in Seattle, Just Us in Michigan, several branches of PrimeTime for gay men, Gray Pride in Ohio, and GrIT (Inter-agency Task Force on Gay and Lesbian Aging of Greater Cleveland). Hubbard et al. (43) and Grenwald (44) describe how these programs emerged over the years and meet social service needs of GLBT adults. The history of the different phases of the development of a support group that has met monthly for more than 7 years is presented by Slusher, et al. (45).

Social service agencies can create an environment for lesbian, gay, bisexual, and transgender clients which is welcoming and feels safe. One of the first things that can be done is to create an atmosphere that does not tolerate discrimination in any form and particularly looks at issues of ageism and homophobia within the agency. This can involve educational materials or in-service training to staff about old GLBT adults and their unique needs and the resources that are available to them. It is not unusual to find agencies where the staff believe that there are no gay or lesbian clients in their agency and then are surprised that individuals are identified once services have been offered. It is critical that staff feel comfortable asking questions about individual behavior that they do not understand. A staff person who has never met a postoperative transgender male will need to understand the process of changes that have likely occurred for this client. At one point in a talk the author was giving on old lesbians and their support systems, a woman in the audience asked "How can a lesbian have children?" It was a wonderfully naive question that allowed the discussion to move to family formations and how one can create a family if you are a GLBT adult.

The agency should also include a clear policy statement or a mission statement that the agency provides services to GLBT elders. To serve as an

example, an agency should offer domestic partnership benefits such as health insurance to all employees. Agencies should review all language used in assessment forms, intake forms, brochures describing the agency, and contracts to make sure that they reflect positive regard for GLBT clients. Examine the ways in which information is collected. When a staff member asks for social history information, is a client asked his or her marital status (which assumes heterosexual identity), or are they asked to name who they live with, who takes care of them, and who has an important role in their lives? Having magazines, newsletters, and brochures about gay and lesbian activities in a program that serves the elderly says that one's sexual orientation is not an issue in that agency. In a similar manner, having magazines, newsletters, and brochures about aging services in an agency that serves GLBT clients says that they also care about issues of aging.

A client's right to privacy and confidentiality must be preserved. A GLBT person who discloses his or her sexual orientation may not want all staff to know about her personal life. Some clients may be out to everyone around him or her and others have never come out to anyone. Some clients may be comfortable with labels such as lesbian, transgender, or queer, while others are very distressed at the use of labels that may evoke past experiences of fear and discrimination. In one nursing home, an older woman kept asking to see her sister with whom she had lived for many years. Despite the fact that some staff knew the women were not sisters, they respected her wishes and did not ask her to redefine her relationship. The importance of treating identified "family" as family cannot be over emphasized. One of the biggest fears of GLBT elders is that their partners or friends won't be recognized as family if and when there is a health or economic crisis that requires decision making by a family member. Many GLBT adults have created their own new families after having been rejected by their families of origin. These are the individuals who should be consulted and who should offer support in one's old age but they are not legally recognized as having the right to do so.

In agencies that serve the elderly, activities can be designed that are neutral with respect to sexual orientation. For example, a discussion group that talked about husbands and wives when they were focusing on grief and loss changed the focus to talking about people who had been loved who were now deceased. A senior center used to offer a Valentine's Day dance that exhausted the few males who attended and danced every dance with women. The center now holds dances that teach ethnic dancing and round dances that encourage participation by everyone and do not focus on the need for male-female partners.

Lastly, all staff need to recognize that not all problems a person has are associated with being gay or lesbian or with being old. It is easy to assume that if an old lesbian is depressed, it is because of her sexual orientation when she

may very easily be depressed over a health issue or loss of a friend that has nothing to do with her sexual orientation. An old man should not be assumed to be tired all the time because he has reached a certain age. He may need to have a physical to see if there is some condition that can be corrected.

VIII. POLICY AND LEGAL ISSUES

Many policies that were designed to be supportive to old adults in general, discriminate against GLBT old adults. Gay and lesbian relationships are not legally recognized. In some instances, a GLBT adult is afraid to list a partner as a beneficiary on an insurance form for fear that the knowledge will be shared with others at his place of employment. A life partner is not legally empowered to make medical and end-of-life decisions for their partner unless there are very clear directions in advanced directives or the partner is given power of attorney to make decisions. Unfortunately, even these procedures do not secure decision-making rights for a gay or lesbian partner. In some situations, a family member has overruled the rights of a partner or a physician has refused to recognize the relationship as a valid one. There are many examples of how gay and lesbian adults are disadvantaged in our society where their relationships are not legally recognized:

- While married spouses and children are eligible for survivor benefits, an unmarried GLBT life partner is not eligible for survivor benefits or the spousal benefits.

- In states not recognizing second-parent adoption, children do not receive survivor benefits if the "second parent" dies.

- If one member of a same-sex couple becomes disabled, the other partner would receive no disability benefits as would accrue to a spouse.

- When a person with a 401(k) plan dies, his or her life partner is subject to a 20% federal withholding tax on the total amount, while a legal spouse pays no taxes on the inheritance.

- Pension plans do not pay benefits to anyone but a legal spouse upon the death of a participant in the plan.

The main issue is the nonlegal status of GLBT couples. The inequities in financial support is staggering. Consider the following example: Two women, Alice B and Cynthia D. are university professors who started at the university together as new assistant professors over 35 years ago. Both of the women are at a meeting at work. They drive home together and are killed in a car accident. Both professors had paid into a retirement plan that would pay them approximately \$50,000 a year for life upon retirement. Alice B. has a husband

who is the surviving spouse and therefore will receive the \$50,000 a year for life as a benefit of his wife's policy. Cynthia D's life partner is a woman who will receive nothing despite the fact that her partner paid in the same amount toward her retirement as Alice B. Over the course of the lifetimes of the surviving spouse and partner, the spouse may earn hundreds of thousands of dollars more than the life partner.

IX. RESOURCES

The World Wide Web offers numerous web sites for information, chat rooms, dating services, newsletters, and individual stories for GLBT adults who are aging. Some sites disappear quickly or when funding or interest runs out. The following sites are useful because they are better established and have good connections for new sites that might be of interest. I have avoided general aging web sites; however, some of them are starting to add sections specifically pertaining to gay and lesbian aging (e.g., the Administration on Aging at www.aoa.dhhs.org).

1. Lesbian and Gay Aging Issues Network (LGAIN) is an interest group of the American Society on Aging and has a newsletter, OUTWORD, and a very useful website (www.asaging.org/lgain.html).
2. National Gay and Lesbian Task Force Policy Institute, Aging Initiative (www.ngltf.org). This group has published several useful monographs including the Domestic Partnership Organizing Manual, Transgender Equality, and Outing Age: Public Policy Issues Affecting Gay, Lesbian, Bisexual, and Transgender Elders.
3. Old Lesbians Organizing for Change (www.oloc.org) is a national organization of regional groups for lesbians 60 and over with a national leadership that confronts ageism and develops educational materials.
4. Senior Action in a Gay Environment (SAGE) was founded in 1977 and is the nation's oldest and largest social service and advocacy organization dedicated to LGBT senior citizens (www.sageusa.org).
5. Transgender Aging Network (TAN) exists to improve the lives of current and future trans/SOFFS (significant others, friends, family, and allies) elders (www.forge-forward.org).
6. Gay, Lesbian, and Bisexual Veterans of America (www.glbva.org) that is now called American Veterans for Equal rights. Composed of active, reserve, and veteran members of all branches of the

Armed Services, this group wants to acknowledge and record the contributions of GLBT veterans.

7. GLARP (the Gay and Lesbian Association of Retiring Persons, Inc.) is a nonprofit public-purpose corporation whose mission is to develop senior retirement housing, which is openly lesbian, gay, bisexual, and transgender friendly (www.gaylesbianretiring.org).
8. Pride Senior Network, founded in 1995, encourage and promotes services which foster maximum health, well being, and quality of life for the aging lesbian, gay, bisexual, and transgender community through advocacy and education and research. They offer the “first newspaper for the aging GLBT community” with a readership of over 70,000 (www.pridesenior.org).
9. Gay Health (www.gayhealth.com) is a consumer-friendly website that offers information and answers questions about GLBT health concerns.
10. Gay Lesbian Medical Association (www.glma.org) provides information regarding creating a clinical environment for GLBT and intersex (GLBTI) patients and excellent resource lists.

X. CONCLUSION

Gay, lesbian, bisexual, and transgender adults are a group whose numbers are increasing. While we are learning more about their use of and needs for services, we still know very little. Overall, this is a group that does not want to be studied. Many prefer to remain closeted because historically their behavior has been seen as evil, immoral, or illegal. At a time in their lives when age increases their vulnerability, sexual orientation adds another level of vulnerability. It appears that the new cohorts of GLBT elders are more comfortable with their sexual orientation and may demand more services and policies that insure equity with their heterosexual peers.

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8

Queer Youth Issues

Tracy Phariss

*Gay, Lesbian, and Straight Education Network of Colorado, Lakewood,
and Jefferson County Public Schools, Golden, Colorado, U.S.A.*

I. INTRODUCTION

Public administration is the process by which public policy is carried out and laws are enforced. In today's society, public administration is increasingly complex because of the incredible range of tasks that government has undertaken, the need for organizing and directing millions of employees, and the billions of dollars needed to keep such a system operating (1). The political and governmental institutions that underlie the practice of public administration affect all youth. This chapter will explore the effect the various systems have on and are influenced by gay, lesbian, bisexual, and transgender (GLBT) youth.

In the United States, it is estimated there are approximately 20 million Americans who are gay, lesbian, or bisexual (2). However, there are approximately 60 million youth ages 14 to 24; therefore, there are approximately 6 million gay, lesbian, or bisexual youth in America. These youth are members of what has been called "Generation Y," "Millennials," "Echo Boomers," "Gen 2000," and "Generation Why." According to author and speaker Eric Chester (3), this generation asks questions like "Why does it matter?" "Why should I care?" and "Why should I?" Chester reminds those who work with youth that this generation has never known a world without cell phones, ATMs, personal computers, MTV, or AIDS. Coining the term *Generation Why*, Chester describes this generation with all of its stimuli as being adaptable, efficient, innovative, resilient, passionately tolerant in terms of diversity,

and astoundingly committed. Likewise, Generation Why can be impatient, desensitized, disengaged, skeptical, disrespectful, and bluntly expressive (4).

GLBT youth are often the pinnacle of Generation Why. The term *queer* is often used by GLBT youth as a bluntly expressive empowered version of GLBT. Since youth use this terminology, it is appropriate to recognize it; however, in this chapter; *GLBT* will be used when describing gay, lesbian, bisexual, and transgender individuals. When working with GLBT youth, one must recognize that the stereotypes of this generation are often correct for some but not for others. Likewise, the term *homosexual* is a clinical term referring to only behaviors and implies that gays, lesbians, and bisexuals are one-dimensional sexual beings without a culture or history; therefore, homosexual is not used when referring to persons.

Too many people tend to think of GLBT youth in terms of problems. They analyze the suicide problems that GLBT youth have. Researchers investigate the mental health problems, high-risk sexual behaviors, reduced school performance, homelessness, violence, and drug and alcohol abuse that GLBT youth have. A paradigm shift is needed. Think about these issues not as problems that GLBT youth have but as responses to GLBT youth needs that are not satisfied by societal institutions. All people's needs including GLBT youth needs should be met so that they can become productive and helpful members of society. Preparing GLBT youth for society is important, but preparing society for GLBT youth is a much more daunting task than most people recognize.

II. GLBT IDENTITY DEVELOPMENT

There are a variety of models of GLBT identity development. The various models include from three to six stages, from identifying one's own sexual orientation to disclosing or coming out to others, and eventually to the amalgamation of sexual orientation as part of one's life. The social models include Coleman (5), psychological models are represented by Troiden (6) and McDonald (7), and the psychosocial models of Cass (8) are just a few of the models that describe gay male identity development. A recent lesbian identity development model recognizes four stages (9). Very little research has been focused on bisexual people and especially bisexual youth, although one available model proposes four stages of identity development (10). Similar racial identity development models are also available (11). Since the term *transgender* is an encompassing term and includes all those who transgress gender roles and identity, no general developmental model is possible.

The Cass Model of Homosexual Identity Development (12) will be utilized in this chapter to explore how public administration influences and reacts to the different stages of identity development that GLBT youth follow

when becoming healthy productive citizens. As with most developmental models, the Cass model gives a brief overview of the various stages a person goes through. It is important to keep in mind that not all GLBT youth go through all the stages, they may skip or even repeat stages, and may not fit in any one stage at a particular time. Cass believed that it is possible to become stagnant at a stage; however, she believed that individuals can not skip stages in development (13).

III. THE CASS MODEL OF HOMOSEXUAL IDENTITY DEVELOPMENT

1. Identity confusion: In this stage, individuals begin to wonder about GLBT people but still think of themselves as members of the mainstream group. They may consider the possibility that they are GLBT, or they may reject or deny their inner feelings.
2. Identity comparison: Here, individuals begin comparing themselves to others in their surrounding environment: gays (homosexuals), nongays (heterosexuals), and others (gender benders). At this point, individuals may make contact with another gay person because they feel alienated from the general society. There is an inner struggle over what is true about their identity.
3. Identity tolerance: Individuals are becoming increasingly committed to their gay identity and may immerse themselves in the gay community. The self-image is still one of merely “tolerating” their homosexuality, culture, and history, rather than embracing it.
4. Identity acceptance: At this point, a more positive view of being gay begins to develop. Individuals may feel they fit into and feel validated and normal within the GLBT community. However, they will generally attempt to “pass” for nongay, and self-disclosure will be limited to trusted friends and family.
5. Identity pride: Individuals in this stage characteristically feel a great deal of pride about being gay. They will identify strongly with the GLBT community and feel anger at the way society treats gays as a whole and at GLBT individuals with antigay attitudes or beliefs. A youth at this stage of development no longer hides identity and can utilize the energy from pride and anger to work as an agent of change (gay activist).
6. Identity synthesis: Finally, they are at peace with themselves. At this point, they may feel “settled in” to their identity, neither ashamed of it nor needing to flaunt it. Personal and public identity become one. Therefore, they mix socially within the gay or nongay communities equally comfortably (14).

The Cass Model of Homosexual Identity Development offers a systematic overview of a person growing up with a minority sexual orientation (15).

The age at which the individual completes each level is important to public administrators. Ryan and Futterman (16) reviewed the literature and concluded that there are significant differences in the key events in identity development (the coming out process) for adolescents, depending on whether the research was based on prospective or retrospective studies. Retrospective research appears deceptive because the responses based on memory seem to add many years to the key events in identity development when compared to prospective studies. A 40-year-old man remembering their coming out process (stages of identity formation) report they were older when starting the various stages of development when compared to today's youth who are currently on the path of identity assimilation (17). Therefore, retrospective research is not valid for today's youth in respect to identity development because of the social changes around sexual orientation that have occurred during the past 30 years (18). Describing GLBT youth in today's society (utilizing only prospective research) has shown that for males the first awareness of homosexual attraction is at 9 years of age (confusion and comparison), first homosexual experience is at 13 years of age (tolerance and acceptance), and finally the self-identification as gay as at 16 years of age (pride and synthesis). Whereas for female, the first awareness of homosexual attraction is at 10 years of age (confusion and comparison), first homosexual experience is at 15 years of age (tolerance and acceptance), and finally the self-identification as lesbian is at 16 years of age (pride and synthesis) (19). Therefore, the Cass stages of identity development are being accomplished at an early age. As with all generalities, the ages that youth enter a stage of development are not set in stone.

Recent criticisms of all linear identity development models are based on the lack of inclusion of social constructs, relationships, psychological tasks of development, and the degree of openness about one's identity (20). However, when looked at in detail, the Cass model is a useful tool to help administrators understand of how GLBT youth in various stages of identity development are affected by and can influence public administration and policy.

IV. IDENTITY CONFUSION

In this stage, young persons start to wonder about GLBT people but still think of themselves as members of the mainstream group. GLBT youth see themselves as being different but do not know why they are different. This difference is not usually understood in terms of homosexuality. The individual may experience feelings of turmoil because she or he begins internal awareness

of GLBT thoughts, feelings, or behaviors. Youth often lack the verbal skills and terminology at this stage of development to express themselves accurately. They may consider the possibility that they are GLBT, or they may reject or deny their inner feelings. If they deny their inner feeling, they may internalize negative GLBT stereotypes. During this stage, the self-oppression or self-hatred can cause an individual to tell degrading jokes, participate in violence against GLBT individuals, or entertain thoughts of suicide (21).

Youth in identity confusion are introspective. They perform self-analysis and self-discovery of who they are and start to reject, deny or accept that identity. GLBT youth may take part in anti-gay verbal abuse and violence to remain part of the majority culture. GLBT youth will explore their feelings when they see negative reactions to being gay during this stage. Individuals will often reject group counseling and need individual therapy to validate internal experiences (22). Counseling professionals that work with youth, thus GLBT youth, need to address GLBT identity development (23).

The stages of development are not limited to GLBT youth. All administrators, gay and nongay, may be in identity confusion, unaware or accepting of inequities towards GLBT people in our society and thus feeling no need to support GLBT people. Such adults believe that GLBT youth make their own lives more difficult when they come out of the closet and feel that GLBT employees should not flaunt their sexual orientation or gender identity. Buying into the stereotypes of GLBT people, an administrator in identity confusion will see him or herself as “normal,” may or may not be aware of the privileges and advantages of not being gay, and will act on prejudices (unconsciously or deliberately). An administrator in identity confusion needs to learn the basics of oppression by learning about privilege (if applicable, white male privilege).

To support the needs of youth in identity confusion, public information systems like television, radio, and printed material must contain accurate information. The portrayals of GLBT adults and youth must not be stereotypical in nature or present only prejudiced and hate-filled language or actions. During this stage, youth are looking at how differences are treated in our society. Since youth in this stage do not recognize their sexual orientation or gender identity and/or expression, heterosexism, and antigay language or behavior could delay GLBT development. Fear is a powerful reason to halt identity development.

Proactive television campaigns such as MTV’s “Fight For Your Rights” include delightful examples of positive GLBT images and activism. MTV has also shown many commercials with positive GLBT individuals and families. The Gay Financial Network (24) says MTV is the leading force behind the positive gay imagery popping up in the homes of America’s youth. The Gay Financial Network recognizes corporate executives, like MTV’s executives, who not only exercise their corporate influence to shape the

direction in which their own organization is headed on issues affecting the GLBT community but are in a position to serve as role models to the mainstream corporate community as well (25). One proactive media organization is The Commercial Closet Association. It is a nonprofit educational and journalism organization that reaches out to ad agencies and other media entities to encourage more inclusive and flattering depictions of GLBT people in advertising.

Another proactive action that directly impacts youth is the passing of laws that directly include GLBT youth issues, e.g., safe schools bills. Colorado's Antibullying Law, created after the massacre at Columbine High School in Jefferson County Public Schools, requires that every Colorado school district have in place a program to reduce all forms of bullying. School districts throughout the state have implemented staff development, and several school districts offer training for students. One program that has proven to reduce bullying in the high school setting is the Mentors for Violence Prevention program (MVP). This education program was originally created at Northeastern University's Center for the Study of Sport in Society (26). The MVP program is the first large-scale attempt to enlist high school, collegiate, and professional athletes in the effort to prevent all forms of men's violence. Utilizing a bystander approach to violence prevention and bullying prevention, the MVP Program views youth not as potential perpetrators or victims but as empowered bystanders who can confront abusive peers. Program participants develop leadership skills and learn to mentor and educate younger students on these issues. The Jefferson County Public School system, the thirty-third largest school district in the nation and largest school district in Colorado (88,000 students), has installed the MVP program in most of its high schools. After extensive training, juniors and seniors in each high school work with freshmen in weekly meetings to halt harassment and violence in their school. Out of the twelve scenarios, two scenarios deal with harassment and violence towards GLBT youth or those perceived to be GLBT (27). This program is proactively reducing bullying toward GLBT youth. All institutions need to ensure that harassment trainings are inclusive and openly support bills at the state and national level that would influence GLBT youth like antidiscrimination laws.

V. IDENTITY COMPARISON

Here, individuals notice GLBT individuals who are popular within society especially music and television. Individuals begin comparing themselves to others in their surrounding environment: gays (homosexuals), nongays (heterosexuals), and others (gender "benders"). There is an inner struggle over

what is true about their identity as they accept the possibility of being GLBT. Youth want to be like the majority and try to conform by rationalizing or intellectualizing feelings. At this point, individuals may make contact with another GLBT person because they feel alienated from the general society or may believe that they are the only ones dealing with their particular issues (28).

Youth in identity comparison deal with social alienation and isolation. There are four possible responses to this stage of development:

1. Reject both self and behavior and seek to change both.
2. Accept identity but refuse to engage in homosexual behavior.
3. Accept identity but refuse identity publicly or socially, thus staying in the closet.
4. Accept feelings but deny them to friends, family, and co-workers (29).

If a person rejects both self and behavior, reparative therapy and entrapment in a heterosexual life could occur. Neither leads to a healthy and productive citizen involved in society. A position statement opposing any psychiatric treatment such as reparative or conversion therapy (designed to change a person's sexual orientation from homosexual to heterosexual) was adopted by the American Psychiatric Association (APA). The APA joins the American Psychological Association, the American Association of Social Workers, and the American Academy of Pediatrics in making a policy against reparative therapy (30).

Accepting one's identity but refusing to act on the identity because of internalized negative societal messages may cause GLBT identity development to be hindered or even repressed. The conflict between the hidden GLBT identity and the negative social message frequently results in increased psychological distress (31). In this stage of development, GLBT youth are at the highest risk for depression and the use of alcohol or drugs as self-medication (32). Youth often will deny their homosexual experiences and state "they were experimenting," "they were just drunk," or "it's just a phase." As an act of extreme denial during this time, young people might have indiscriminate heterosexual encounters, and females may become pregnant.

Accepting one's feelings but refusing that identity publicly or socially often leads youth to highly compartmentized lives. Even with today's media and print material and the Internet, many GLBT youth still believe they are the only ones in their entire high school that are going through these issues. Youth often worry about the loss of family and friends if this big secret is found out. Thus, GLBT youth may grieve over the loss of the majority culture. This depression and/or loss combined with internalized self-hatred should lead professionals to be alert for suicidal tendencies.

To support the needs of GLBT youth, administrators need to ensure that nondiscrimination, harassment, antislur, and antibullying policies are in place and enforced throughout the organization. Adults should use gender-neutral language when talking to all young people. Instead of asking a young man if he has a “girlfriend,” ask if he has “someone special in his life.” During adolescence the identity comparison stage is extremely difficult because there is the greatest pressure to conform to heterosexuality and the “white picket fence” fallacy.

School and public libraries need to contain and disseminate accurate information because learning the definitions of this new culture with its own history becomes a primary task. Many youth are afraid to check out GLBT books and therefore steal the books. Libraries need to replace and update these books on a regular basis. All public schools that receive a certain type of federal funding are required to have Internet filtering. Depending on the filtering software, GLBT youth may not be able to access accurate and age-appropriate information about GLBT issues on the World Wide Web. If accurate information is not available; youth may get stuck on this stage of development and never learn how to express themselves accurately because they lack the verbal skills and terminology. Positive role models and images of GLBT adults that challenge the stereotypical images are important to help alleviate the internal conflicts. Exploring the differences and similarities in gay and straight life—work, marriage and civil unions, friends and family, desiring children and being a member of a family—all will come up in the identity comparison. They need to learn that sexual orientation and gender identity and expression are not all or nothing but a continuum.

During the identity comparison stage of growth, an administrator, gay or nongay, becomes aware of GLBT family members, friends, employees and youth and starts to explore GLBT issues as a duty of professional growth. However, an administrator in this stage believes being different is just a phase of development that most youth “grow out of,” or he or she assumes there is no need for specialized programs for GLBT youth because youth programs meet the needs of all minority youth, including GLBT. During this stage, this individual recognizes but disbelieves the examples of oppressive behavior and attitudes that are learned or observed. An administrator in identity comparison needs to read biographies or autobiographical stories about GLBT adolescents in today’s society. Learning about oppression of other minority groups would also be beneficial.

Youth need a safe environment to explore themselves as GLBT persons. GLBT youth are torn between feeling ashamed and feeling proud of their GLBT identity. GLBT youth need to give themselves permission to keep an external heterosexual identity as long as needed. Youth looking at the GLBT culture may halt their assimilation of their major culture. This pause,

especially for GLBT youth of color, can cause a regression in ethnic assumption. Individuals in this stage of development would find group counseling most helpful to build interpersonal skills necessary to socialize with other GLBT youth.

VI. IDENTITY TOLERANCE

Individuals are becoming increasingly committed to their GLBT identity and may begin to explore the GLBT community. The self-image is still one of merely “tolerating” their homosexuality, culture, and history, rather than embracing it. By only tolerating being GLBT, which is not wholly approved of by the individual, the individual “feels better” than accepting such behavior directly (33). Youth, for the first time, accept the fact that they are not the only ones. There are other GLBT youth dealing with the same issues and emotions. Youth at this level of development understand the sexual, social, and emotional needs of GLBT individuals but separate his or her own sexual orientation into public and private lives (34).

Youth in identity tolerance seek out others in the GLBT community. Youth recognize sexual, affection, and support in relationships, but love is based on who the individual is, and youth only share this part of their life with those they truly care about. Many youth try on several different identities and may look for stereotypical behavior in others with the various identities. GLBT youth learn to communicate with others, using the newly learned language skills to explore the differences they recognize between gays and nongays and how society deals with heterosexism and antigay behavior. Passing as heterosexual and as a member of the majority culture is one mechanism to help them guard against external oppression, but this inflicts a great toll on one’s emotional and mental health. The internal walls that separate the compartmentalized lives of GLBT youth are difficult to build and maintain. Youth spend a great deal of time and energy during this stage concealing their thoughts, feelings, and behaviors from friends, family, and others. The hiding can often cause self-hatred due to internalized heterosexism. Because of the threat of being discovered by the wrong people, many GLBT youth learn to fear and stop development because they have not yet learned that there are no right or wrong individuals to share the truth about themselves. If developmental needs are not met because there are no positive role models or identification with GLBT culture and history, then GLBT youth are more likely to act out negatively with unsafe and anonymous sex, thus getting stuck in this stage. Counseling is often needed to explore self-hatred and integrate past emotions and thoughts into an integrated self. Extortion and intimidation are still a concern at this stage.

An administrator in identity tolerance feels confusion and anxiety when dealing with GLBT issues but recognizes the responsibility to meet the needs of the community. Enforcing policies concerning sexual orientation and gender identity-expression harassment and adhering to nondiscrimination policies is one step that allows administrators to recognize their professional obligations to their employees and clients. Recognizing and changing the programs they oversee implies that one needs to make accommodations for another's differences; however, there is no acknowledgment that another's identity may be of the same value as his or her own. An administrator may feel guilt and shame about the oppressive behaviors and attitudes in his or her institutions and thus allow the creation of Gay/Straight Alliances (high school clubs), GLBT counseling support groups, and GLBT employee alliances. Administrators in this stage of development need to start to learn about GLBT culture and history.

During the identity tolerance stage of development, GLBT youth must explore their community (bookstores, etc.) to find safe places to meet other GLBT youth and adult role models. Many GLBT youth programs offer Queer Prom, a traditional prom that is updated by allowing all to bring a date of their choice and dance with anyone they want. Because of the different stages of development, many GLBT youth feel more comfortable at a Queer Prom, while others attend because they do not feel invited or even safe at their high school prom. The need for separate but equal does not stop here. Schools specifically designed for GLBT youth and their supportive allies have taken root. The necessity to create "safe places" originates from the fact that GLBT youth needs are not being met by public schools. Creating separate supportive environments for GLBT youth for the long term is not learning from the past (because public institutions are repeating it). All youth, not just GLBT youth, need to have positive encounters with GLBT individuals, both adults and peers.

GLBT youth need help in finding GLBT role models in the work world. Researchers Margaret Nauta, Amy Saucier, and Leigh Woodard (35) found that GLBT youth believe it important to have role models for their sexual orientation or at least role models that support their minority sexual orientation in the workplace. Those who work with GLBT youth, which is all youth service providers, should help them connect with GLBT affirmative associations and businesses. If the youth service providers fail to help GLBT youth make connections, then as professionals they are taking detrimental actions toward GLBT youth.

Emergency shelters, group homes, and foster care programs need to be prepared for homeless GLBT youth during the identity tolerance stage. Youth sometimes run away from home to escape physical or emotional

abuse, or they are seeking out other GLBT youth and culture. Other youth, however, have been thrown away because their parents reacted negatively or found out about a youth's minority sexual orientation or gender identity and expression before the youth was ready. Approximately 20–40% of youth who become homeless each year are lesbian, gay, or bisexual, according to the National Network of Runaway and Youth Services (36). One of every 10 to 20 youth in the foster care system in America is lesbian or gay (37).

Organizations such as Gay and Lesbian Adolescent Social Service (GLASS) in Los Angeles, the Los Angeles Gay and Lesbian Community Center, and the Hetrick-Martin Institute in New York City provide services for homeless GLBT youth. Many organizations throughout the country that service GLBT youth have formed alliances with youth shelters and social service agencies in their cities. GLBT youth advocates work with their alliance agencies to ensure that staff development occurs so that all have the skills and resources to meet the needs of GLBT homeless youth. Urban Peak, in Denver Colorado, has a program specifically designed for GLBT youth, so when Rainbow Alley, the GLBT youth community center, has a young person in need of shelter, they know directly where to call when seeking assistance. Rainbow Alley also offers free and low-cost medical service and confidential HIV testing in collaboration with a different agency. A responsible administrator needs to establish collaborations with other organizations and agencies to ensure that GLBT needs are met.

Child welfare systems should safeguard children from harm and to act in their interest. However, this does not usually occur for GLBT youth. Problems throughout the child welfare system make change difficult because one caring individual cannot change the entire system single-handedly. Public administrators need to focus their attention on GLBT foster care. Foster care agencies need to specifically prohibit discrimination based on sexual orientation or gender identity and expression by adopting policies or enacting state laws. No state presently does that, including those with inclusive state nondiscrimination laws, like Connecticut (38). To be proactive, agencies need to mandate training for foster care parents and professionals on nondiscrimination that is inclusive of GLBT youth and the issues GLBT youth face in the foster care system.

VII. IDENTITY ACCEPTANCE

At this point, a more positive view of being gay begins to develop. Individuals may feel they fit into and feel validated and normal within the GLBT community. Youth will celebrate GLBT culture, activities, literatures, music,

and film, thus decreasing isolation. They accept the fact that they will be all right. Telling others is a vital function in this stage of identity development. If the experience of telling others is negative, especially with parent(s)/guardian(s), it can lower self-esteem and force youth back into previous stages (39). However, youth will generally attempt to “pass” for nongay and self-disclosure will be limited to trusted friends, family, and others anonymously (Internet chat rooms). Individuals will increase their networking, thus creating a support system (40). During this stage of development youth develop a persona that accepts being GLBT to enhance self-esteem, thus eliminating internalized negative images and beliefs. GLBT youth develop a sense of personal attractiveness and learn to function in same-sex relationships.

An administrator in identity acceptance is willing to discuss GLBT issues and starts to openly support GLBT employees and youth. The administrator takes more personal and professional risks by confronting insensitive attitudes as part of this development; works to safeguard the rights of those who are different by openly supporting the development of gay-straight alliances, GLBT counseling support groups, and GLBT employee alliances; and recognizes that the community is largely unaware of GLBT culture and history. The administrator understands how oppression has affected GLBT people and searches for a new description of him- or herself that is nonheterosexist. Seeing the change in self, an administrator at this stage see others and many institutions as sources for oppression and then accepts him- or herself as a member of an oppressive society. As a person who gives sympathy and comfort, assists others whenever possible, and readily performs favors for others, this administrator has reached nurturance of others which extends beyond tolerance by including accepting and encouraging behaviors (41).

GLBT youth at this point in life effectively integrate past self-hatred and heterosexism and attempt to fit into the gay community, and do not worry about fitting into the nongay community and family norms. Selective disclosures of identity and coming out more socially may lead GLBT youth to celebrate National Coming Out Day (October 11th), a time to tell others about their total identity. This youth does not panic if others notice him or her with others known to be GLBT individuals and is not afraid of others who might find out. GLBT youth can get stuck in this stage of development by becoming arrogant and argumentative toward nongays. Youth often feel they are the most oppressed and minimize other oppressions. If youth are dealing with both racial and sexual orientation issues, they often emphasize one oppression over another thus halting either racial or sexual orientation identity development (42).

Youth continue to explore self-hatred and integrate past emotions and thoughts into an integrated self. Institutions need allow the youth to make

decisions about where, when and to whom to disclose their identity. Adults must offer support for the proper and safe way to share their identity (coming out), like not telling parents during an argument. If youth come out to their parent(s) or guardian(s) during this stage, the adults often need their own support. An international organization that supports not only the parent(s) or guardian(s) but the entire family is Parents, Family, and Friends of Lesbians and Gays (PFLAG). PFLAG promotes the health and well being of gay, lesbian, bisexual, and transgendered individuals and their families and friends through support, education, and advocacy. Parents, Families, and Friends of Lesbians and Gays provides opportunity for dialogue about sexual orientation and gender identity and expression, and acts to create a society that is healthy and respectful of human diversity. They are an excellent resource for all youth service providers and have a very useful web page.

Generation Whys are virtually 100% connected to the Internet. If a public institution wants to reach this generation with accurate information, it should turn to the World Wide Web. For accurate information, 80% of Generation Whys turn to the Internet, whereas 57% turn to radio and 55% turn to television to get their daily news and information. Generation Whys' least favorite form to get information is print media such as newspapers and magazines (43). All institutions should prominently post on their web site exactly how their organization treats all youth equitably. Specially mentioning GLBT youth or GLBT laws and policies is important. Generation Whys want to know what services the institutions will benefit them. Without specific and detailed inclusive answers, GLBT youth will not be among the patrons.

During the pride stage of identity development, GLBT youth need accurate health information, from drug use to safe sex and STDs. The 1999 Center for Disease Control and Prevention's Youth Risk Behavior Survey (YRBS) data show smoking and tobacco-related health disparities among GLBT youth (44). Of the teens that self-identified as GLBT on the survey, 59% of them smoke compared to 35% of nongay teens in the same survey. According to the CDC, the national average among adults of 23.5%. Therefore, all youth, especially GLBT youth, significantly increased risk for hypertension, heart disease or cancer. In 2002, the National Youth Advocacy Coalition (NYAC) received a grant to build and strengthen existing tobacco prevention programs for GLBT youth (45). All youth service institutions should be involved in supporting sex education for their clients as well.

VIII. IDENTITY PRIDE

People need to know the total self. During the identity pride stage, individuals no longer hide their identity and may involve themselves in GLBT culture,

values, and activities. They will identify strongly with the GLBT community and feel anger at the way society as a whole treats gays and individuals with anti-GLBT attitudes or beliefs. Confronting nongays with their ideas and beliefs will occur because individuals in this stage characteristically feel a great deal of pride about being gay. Individuals in this stage utilize their energy from pride and anger to work in social activism (46). However, some individuals' pride will only be expressed internally and they may go through stages of grief to let go of society's expectations and the old privileges they shared in an oppressive society.

Youth during this stage of development start to recognize they too can have permanent commitments. Youth recognize that sexual activity in itself does not establish healthy self-esteem (47). Long-term relations and permanent commitments are looked at closely and halt unwise sexual activity. GLBT youth recognize that loving relationships and all their childhood dreams are still possible. Being gay does not dim a person's basic dreams of family, career, and beliefs.

If youths meet undue resistance, they may self-select to participate only in the GLBT community by becoming separatists. Thus many GLBT youth compartmentalize their life as gay (supportive) or nongay (not supportive). To them, relationships change, as do personal and social worlds. The world is either good (gay) or bad (nongay), with no area of gray. During this part of their life, LGBT youth are less willing to tolerate heterosexism or antigay behavior in social, economical, and political issues. Since they stand up for themselves, for other GLBT individuals, and for the GLBT community during this prideful stage, GLBT youth may be victims of hate crime.

A newly found sense of pride can be overwhelming and outweigh rational thought. Adults need to help youth learn not to attack or react defensively but to exchange information about who one is with honesty and heart. Counseling around the issue of anger is also important. Increased resistance to the dominant nongay culture can cause a youth to distrust nongays, and therefore a heterosexual counselor running a GLBT support group might be problematic due to the youth's anger. Nongay professionals who work with GLBT youth need to refer youth to individuals within the GLBT community. GLBT youth need coping skills when heterosexism and antigay behavior occur in their lives. However, to GLBT youth, processing family acceptance or withdrawal is more important than helping them process society's acceptance.

An administrator in the identity pride stage of development develops resources around GLBT issues for all employees and youth. An exceptional administrator in this stage increases community awareness of GLBT people and the inequities in society, recognizing the changes they, as administrators, have made in both personal and social relationships. As a supervisor of

employees, the administrator acknowledges that being different in our society takes strength and values the diversity of people. An open discussion of GLBT issues with community members in relationship to their organization is important. This administrator actively recruits GLBT youth and other employees and recognizes him- or herself as an ally against oppression, thus being a change agent.

The Day of Silence Project is one way that GLBT youth work as agents of change during this prideful stage. The Day of Silence, the largest single student-led action toward creating safer schools, is directed by Gay, Lesbian, and Straight Education Network (GLSEN) and the United States Students Association (USSA). Last year, students in more than 1900 schools across the country organized the Day of Silence, with estimated participation of more than 100,000 students. At the national level, Representative Eliot Engel introduced the first-ever resolution on the Day of Silence in Congress, which received support of 29 cosigners. Day of Silence organizing efforts appeared in over fifty media stories across the country, including USA Today, MSNBC, CNN, Voice of America and a live broadcast on NPR (48).

Many students, during the pride developmental stage, work to change their school or college environment by joining or even starting Gay/Straight Alliances (GSAs). These student-led and organized, noncurricular school clubs aim to create a safe, welcoming and accepting school environment for all youth, regardless of sexual orientation or gender identity or expression. A GSA brings together GLBT and straight students to address issues that affect all, including harassment, discrimination, and bias. Over 1000 of America's 26,000 high schools had GSAs by 2002. Even though student run, the GSAs flourish best with open support by the local adult professionals.

IX. IDENTITY SYNTHESIS

Identity synthesis is the final development and fusing of sexual orientation as just one part of total identity. Individuals acknowledge, understand, and accept the negative aspects of individuals and community, gay or nongay. The influence of positive straight people helps individuals become aware that all nongays are not bad. At this point, they may feel "settled in" to their identity, neither ashamed of it nor needing to flaunt it. Personal and public identity becomes clear; therefore, GLBT individuals mix socially within the gay or nongay communities equally comfortably (49).

An administrator in identity synthesis assumes that the differences in people are indispensable in society. This adult achieves greater congruence between his or her values and behaviors, thus encouraging GLBT members of society, especially youth, to reach their fullest potential. The administrator is

walking the walk and talking the talk and supporting others at the various stages of development.

Integrating one's sexual orientation allows GLBT youth to trust others (gay and nongays). It opens up their life from the GLBT community to include the total community. Youth explore their community and rediscover how nongays can be faithful friends and that most of society is supportive. During this stage, a GLBT individual drops the requirement that everyone accept him or her on their own terms and starts to understand and allow disagreement about issues around GLBT culture and community and sexual orientation. Supporting those in identity pride stage would benefit them so that the dichotomies of that stage [world is good (gay) or bad (nongay)] would not be detrimental.

The political aspect of being gay asserts itself during this stage. GLBT individuals recognize that only by engaging in the entire society can they achieve their fullest potential. Recognition of how oppressions of all groups are linked becomes important, and GLBT individuals work to eliminate all forms of oppression.

The Youth Force Coalition (YFC) is a collection of youth organizations that work within the political and institutional systems to promote human dignity for all by requesting that bureaucracy spend more on education, community programs, and decent employment than criminal justice. Slogans like "Books not Bars" and "Schools not Jails" instill the idea of what is needed so that young people can grow into adults who positively contribute to the community. Several GLBT youth organizations are members of the Youth Force Coalition. With over 250 youth from different races, religions, political affiliations, sexual orientations, and several other descriptors, the YFC worked to halt the expansion of a youth prison in California. GLBT youth worked within this movement and forced a reduction in the juvenile hall's size and invested the savings in detention alternatives promoted by a struggling county hospital (50). YFC is clearly a youth-led movement with GLBT youth members working hard against the prison industry nationwide to enhance the treatment of all youth. All communities offer such involvement opportunities, but adult professions may need to help GLBT youth make the connections.

GLBT youth who are in the higher stages of the Cass Model of Homosexual Identity Development (1984) model would have less psychological distress than participants in lower stages of the model (51). The invisibility of this minority is caused by societal discrimination and violence; societal institutions foster invisibility of GLBT youth and may go further to attempt to make their existence illegal or immoral: e.g., Colorado's Amendment 2 and Florida's parent adoption (52). The goal of all public administrators must be to provide the right resources and support to help GLBT youth progress to the higher, safer, and healthier stages of identity development.

X. SUMMATION

Contemporary social institutions generally presume all young people have a heterosexual orientation. Adolescence is a confusing and stress-ridden time for all youth. However, being aware that one's sexual orientation or gender identity/expression is different from the majority's compounds and multiplies growth and developmental tasks that need to be accomplished. Strong internalized and societal expectations of heterosexuality and rigid gender roles can lead to a loss of self-esteem and increased stigmatization. Several studies have consistently reported high suicide rate for GLBT youth: approximately 20–42% of all completed adolescent suicides (53). External forces that increase stress, social isolation, feelings of hopelessness, and victimization seem to be predictors of suicide among GLBT youth. It is important to realize that sexual orientation or gender identity/expression is not the reason for the high rates of suicide and suicide attempts among GLBT youth. The real cause is the external forces that are created because GLBT youth needs are not being met (54).

Unlike other minority children, GLBT youth often do not have family support for the issues and tasks at hand. GLBT youth do not grow up in GLBT families and communities or have interaction with societal institutions that share their minority status. Therefore, the transmission of values, norms, and coping strategies needed to live as a minority are discovered, learned, or achieved during the lifespan.

An African-American GLBT adolescent is being harassed at school for two different reasons: race and sexual orientation. When youth goes home the family will help them deal with the racial harassment, whereas most parents or guardians probably will not support the youth's minority sexual orientation (55). With GLBT youth belonging to racial or ethnic minorities, developmental tasks are complicated by the fact that these youth face the possibility of regressing or rejecting their ethnic background and cultural communities (56). Racial minority youth who are GLBT have additional growth and developmental tasks that need to be accomplished. With the additional tasks, there are additional difficulties. Professionals assisting youth need to help minority GLBT youth continue through the stages of development on the various paths they may travel.

Education is another arena that GLBT youth find trying and often detrimental to identity development. According to Cass (57), a youth needs to complete each development stage. When a GLBT student is in the pride stage of development and a school does not support that youth, the public school system is being detrimental to the psychological and developmental needs of the youth they serve. According to the Gay, Lesbian, and Straight Education Network (58), during 2001 more than 94% of students reported that they sometimes or frequently heard antigay comments in school. Nearly one out of three students in this survey of 904 GLBT students from 48 states reported

hearing antigay comments by school faculty and staff. This type of verbal abuse is detrimental to developing pride in GLBT youth, and professionals have a responsibility to change the situation by working to stop all forms of GLBT harassment and violence.

Learning that youth often declare their sexual orientation or gender identity and/or expression before the onslaught of sexual activity is a mystery to many adults. However, just as nongay youth understand and accept their heterosexuality before sexual activity occurs, so do GLBT youth. Societal blinders to sexual orientation or gender identity and expression in youth lead to a lack of age-appropriate and accurate information about sex, HIV and other sexually transmitted diseases (59). It is estimated that one in five Americans with AIDS were infected during adolescence (60).

New studies need to be conducted that take into account GLBT youths coming out to parent(s) or guardian(s) during middle or high school. The first-ever study of physical and mental health of GLBT youth who disclose their sexual orientation to family members during adolescence started in July 2002. This 3-year, \$876,965 grant from the California Endowment will allow researchers at San Francisco State University to understand why some youth thrive while others struggle during identity development. Little attention has been placed on the effect of parental and family support and the resiliency of GLBT youth during identity development. Does the “coming out” process and the parental and family support (or lack there of) influence the results from studies that have shown that GLBT youth have higher rates of suicide, substance use, risky sexual behaviors, victimization, depression, chronic stress, and pregnancy than their nongay peers? When this study is complete, training materials and assessments for youth providers and school practitioners and a new understanding of these complex issues will be available (61).

The political and governmental institutions that comprise public administration affect GLBT youth and adults. What affects GLBT adults affects GLBT youth because the treatment of the GLBT community and individuals influences GLBT youth as they proceed through the stages of development. Cultural oppression, in part (state and federal laws as well as community and educational policies), prevents GLBT individuals from equality. Public administration needs to reduce the discrepancies in public housing, education, employment, military service, hate crimes, adoption rights, citizenship benefits, and rights granted to married couples if the goal is help GLBT youth. Religious oppression of the GLBT community and individuals is one extremely powerful influence on GLBT youth. Recognizing that many other religious institutions support GLBT individuals and community is important to GLBT youth. To reduce the discrepancies, help GLBT youth with their identity development tasks, and proactively influence society, institutions can do a wide variety of things. (See Table 1.)

Table 1 Ways to Support GLBT Youth

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1. Provide job-shadowing opportunities.
 2. Facilitate internships.
 3. Create a list of gay-friendly contacts for youth in different companies and professions.
 4. Be a mentor.
 5. Provide GED tutoring.
 6. Arrange a power lunch (invite youth to lunch with corporate people).
 7. Provide help in resume writing.
 8. Teach job finding skills.
 9. Make presentations to school-based groups (school boards, PTAs, teachers, counselors, etc.) on what companies expect from high school graduates in the way of ability to work with diverse peoples.
 10. Donate books to school libraries.
 11. Organize scholarships.
 12. Create big brother–big sister programs.
 13. Provide technical assistance to youth groups (publicity, graphic design, organization, political and lobbying activities, etc.).
 14. Sponsor an entrepreneurship group.
 15. Support legislation affecting youth.
 16. Provide guest speakers for classes, especially during gay history month (October).
 17. Provide guest speakers for staff development classes.
 18. Offer technical assistance to statewide youth organizations and efforts.
 19. Offer technical assistance to youth service agencies.
 20. Volunteer at GLBT youth service agencies.
 21. Support the organization of school-based GLBT employee groups.
 22. Sponsor an event for youth and school staff with a well-known speaker relevant to youth.
 23. Provide facilities for youth meetings and events.
 24. Sponsor a youth group at Pride Fest.
 25. Participate in GLSEN's (Gay, Lesbian, and Straight Education Network) "Back-to-School" campaign.
 26. Make and distribute buttons supporting GLBT youth.
 27. Offer diversity workshops to school-based Human Resources staff and other administrative staff.
 28. Appoint representatives to serve on advisory committees and alliances supporting GLBT youth.
 29. Get involved in district and school committees, including PTAs.
 30. Get involved in school board elections.
 31. Serve on health advisory committees.
 32. Serve on textbook review committees.
 33. Get involved in local schools.
 34. Adopt a school.

Table 1 Continued

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35. Place ads in school newspapers and yearbooks celebrating diversity.
 36. Place ads in schools buildings or school buses celebrating diversity.
 37. Place ads in programs distributed at school and state sporting events.
 38. Contact journalism teachers to offer interviews to students for articles on workplace diversity and what companies expect.
 39. Pass out calendars or pencils with a diversity message to teachers during Teacher Appreciation Week (put items in teachers' school mailboxes).
 40. Give presentations to parents of GLBT youth through organizations like P-FLAG on what the workplace is like for GLBT people.
 41. Purchase copies of videos like "It's Elementary" and donate them to districts or schools that agree to show it to school staff.
 42. Provide computer cyberspace and technical assistance for youth web site.
 43. Donate old computers or other useful equipment to schools in the name of the employee group.
 44. Preview and publish safe web sites for GLBT youth.
 45. Provide guides for youth on gay-friendly employers in their area that hire youth.
 46. Work with local employers of youth to become more gay-friendly.
 47. Sponsor or provide vans for field trips for GLBT youth.
 48. Sponsor an alcohol and tobacco free social event for youth (dance, bowling night, movie night, etc.).
 49. Volunteer to be chaperones at school dances.
 50. Provide computer and other business-oriented classes for GLBT youth.
 51. Develop youth-oriented, youth-supportive brochures.
 52. Provide information to schools and agencies serving GLBT youth about funding opportunities available through companies (and advocate for these programs when appropriate).
 53. Facilitate donation of used office furniture and equipment to youth-serving agencies.
 54. Speak on workplace issues in youth support groups.
 55. Serve on the Boards of Directors of GLBT youth-serving agencies, providing technical assistance on effective business management practices.
 56. Advocate for and provide technical assistance, materials, and trainings to schools and youth-serving agencies on safe space and safe person programs.
 57. Facilitate and/or sponsor the formation of GLBT parents groups.
 58. Sponsor family events for GLBT parents and their kids, parents of GLBT kids, and other gay-friendly parents and kids.

Table 1 Continued

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59. Hold a photography contest involving photos of GLBT people, couples, families, etc.; frame the winners and donate the photos to a youth-serving agency or sponsor a display at a gallery.
 60. Hold a fundraiser for a youth-serving agency and donate the money raised in the form of a gift certificate for office supplies and equipment.
 61. Invite GLBT youth to a meeting and ask them how your employee group or company can support them.
 62. Collaborate with other employee groups to sponsor a statewide GLBT youth summit and speak out.
 63. Sponsor a GLBT youth sports team.
 64. Organize and/or participate in state or national diversity conferences for high school students.
 65. Sponsor the photo exhibit “Love Makes a Family: Living in Lesbian and Gay Families” and hold in a school, library, or gallery.
 66. Appear on cable access programs by and for GLBT youth and talk about workplace and family issues.
 67. Offer to sponsor diversity training for staff at a specific school.
 68. Support a school-based GLBT or gay-straight club by providing speakers, T-shirts, etc.
 69. Work with school and community agencies to bring GLBT youth and other youth to speak at workplace diversity trainings.
 70. Help GLBT youth publish a newsletter.
 71. Help provide transportation to GLBT youth support meetings.
 72. Help fund raise for specific projects such as providing art supplies, photographic equipment, safer sex supplies for GLBT youth serving agencies.
 73. Provide a workshop or class on a specific topic, e.g., accessing resources for GLBT youth through the World Wide Web, or photography.
 74. Write a history of GLBT involvement in a specific company or field and make it available to youth.
 75. Donate a pager to a local crisis line for GLBT youth.
 76. Collect and donate gay supportive posters and/or photographs to GLBT youth serving agencies.
 77. Hold an art and/or poster contest involving a GLBT youth supportive theme.
 78. Help GLBT youth publish and distribute newsletters and magazines.
 79. Donate frequent flyer miles for youth trips to national GLBT youth conferences.
 80. Be an escort for GLBT youth taking same-sex dates to school dances.
 81. Help youth do a featured segment on a local GLB TV or radio show.
 82. Share the costs of a speaker for a GLBT youth event by having them speak to your employee group or company and/or organization as well.

Table 1 Continued

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83. Collaborate with other employee groups to develop an exhibit on diversity in the workplace and loan to schools and libraries.
 84. Write letters to the editor on GLBT youth issues.
 85. Purchase a subscription to a GLBT youth magazine for a school or agency GLBT youth group.
 86. Buy an ad in a local paper to advertise lesbian and gay history month.
 87. Hold a community picnic for GLBT youth and families at a local park.
 88. Donate appropriate books and magazines on GLBT issues to your local GLBT community center or youth organization.
 89. Work with local groups providing diversity trainings for schools and youth-serving agencies to make sure they include GLBT youth issues.
 90. Develop and publish a list of gay-friendly businesses in your community
 91. Sponsor a GLBT youth dance.
 92. Sponsor a screening of a film with a GLBT theme that is age appropriate.
 93. Create an award for the youth who has done the most for the GLBT community and hold a public ceremony to announce the winner.
 94. Volunteer to be a foster parent for a homeless GLBT youth.
 95. Develop or contribute to a scholarship for GLBT youth.
 96. March with youth in your local pride parade or in an AIDS walk.
 97. Include workshops on GLBT youth in all appropriate conferences.
 98. Create a resource directory for GLBT youth programs that include the names of employee groups and their contact people and services that groups can offer.
 99. Sponsor a competition for GLBT youth on a youth issue (poster, essay, etc.), hold a ceremony, and provide a prize for the winner.
 100. Pave the way, in your company or organization, for our next generation.
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All public institutions need a proactive public relations effort to inform GLBT youth and the community at large of their efforts to meet the needs of the GLBT community members. Nurturing and a high level of acceptance is important to today's Generation Why. This generation wants lots of responsibility, lots of independence, lots of room for creativity, flexible schedules and lots of nurturing.

XI. STRATEGIES FOR MOTIVATING GENERATION WHYS

According to Eric Chester's (62) eight strategies for motivating Generation Whys as applied to GLBT youth issues, societal institutions must

1. Promote a positive future and a wonderful today. GLBT youth look for adults and institutions that are upbeat and optimistic about

their future. Telling GLBT youth about their bright future and the positive things in their lives today will give them a chance to look beyond their difficulties. Does your institution have inclusive positive posters up on the walls?

2. Tell the truth at all times. GLBT youth feel that they have been deceived all their lives by the majority culture. If a person that works directly with youth tells the truth, GLBT youth will, with time, grow to have confidence in their ability and may share their secret. If the truth is manipulated, GLBT youth will not confide, and that institution has lost a client. Talking about how a particular institution is biased or discriminatory goes a long way with GLBT youth. Knowing the actual situation, even if negatively, influences the youth for the positive.
3. Explain why rules and methodology are in place. Asking for questions from GLBT youth and then answering truthfully goes a long way to building trust. GLBT youth want to know why even if they do not ask. The rules, methodology, and rigid structure of an organization must be looked at closely for rationality. If the rationality is lacking, GLBT youth will see through the explanation quickly and decisively. Is the institution equitable toward gays and non-gays? Are there institutional or managerial heterosexism and anti-gay behavior?
4. Learn about the lives of the GLBT youth. If a GLBT youth shares, a connection to this population will be enriching for the individuals within the institution. The personal connection is very important to GLBT youth. Ask about their families and their interests. Were they harassed or bullied today?
5. Praise, it is important. GLBT youth appreciate personal rewards. However, be careful not to “out” a GLBT youth. Private rewards are appreciated, but make sure you ask if a more public reward for a particular individual might be appropriate. It is important not to judge, condemn, or out them but to affirm their identity. If a GLBT youth volunteers in an institution, recognition must occur immediately after the task is completed to be effective.
6. Model adaptively. GLBT youth think and work in multifaceted and multilayered ways without time-frame requirements. Learning one skill, then another, is boring to them. Keep the programs fun. Setting the starting point and ending point of a project and then letting the youth figure a methodology to accomplish the tasks keeps this generation alive. Perhaps the new ideas created will change how the institutionalized system believes that particular task should be performed in the future.

7. Provide opportunities to grow. GLBT youth need to continue along the stage of sexual identity development. Help with the skills needed to accomplish the tasks at each stage is what they are looking for. Individuals' and institutions' sole purpose is to meet their needs and identity development. It is important to vigorously affirm their path no matter what, be it career, religion, or their orientation or gender identity and/or expression.
8. Model appropriate behavior and attitudes. GLBT youth notice when individuals use terms like *significant others* instead of *husband* or *wife*. Walk the walk and talk the talk. Demonstrating that the institution enforces equality in par with heterosexual youth is important. When nongay individuals work with GLBT youth, they need to ensure that they have appropriate professional trainings. Creating a "safe place" by being a "safe person" is important. As an administrator, what stage of identity development are you presently at? (See Table 2.) What changes can you make in the institutional systems?

Table 2 Administrator Self-check: At What Stage of Development Are You?

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1. Identity confusion: All administrators, gay and nongay, may be in identity confusion, unaware or accepting of inequities towards GLBT people in our society and thus feeling no need to support GLBT people. Such adults believe that GLBT youth make their own lives more difficult when they come out of the closet and feel that GLBT employees should not flaunt their sexual orientation. Buying into the stereotypes of GLBT people, an administrator in identity confusion will see him- or herself as "normal," may or may not be aware of the privileges and advantages of not being gay, and will act on prejudices (unconsciously or deliberately). An administrator in identity confusion needs to learn the basics of oppression by learning about privilege (if applicable, white male privilege).
 2. Identity comparison: During the identity comparison stage of growth, an administrator, gay or nongay, becomes aware of GLBT family members, friends, employees, and youth and starts to explore GLBT issues as a duty of professional growth. However, an administrator in this stage believes being different is just a phase of development that most youth "grow out of," or he or she assumes there is no need for specialized programs for GLBT youth because youth programs meet the needs of all minority youth, including GLBT. During this stage, this individual recognizes but disbelieves the examples of oppressive behavior and attitudes that are learned or observed. An administrator in this stage of development needs to have open and honest talks with GLBT family members, friends, employees, and youth.

Table 2 Continued

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3. Identity tolerance: An administrator in identity tolerance feels confusion and anxiety when dealing with GLBT issues but recognizes the responsibility to meet the needs of the community. Enforcing policies concerning sexual orientation and gender identity or expression harassment and adhering to non-discrimination policies is one step that allows administrators to recognize their professional obligations to their employees and/or clients. Recognizing and changing the programs they oversee implies that one needs to make accommodations for another's differences; however, there is no acknowledgment that another's identity may be of the same value as his or her own. An administrator may feel guilt and shame about the oppressive behaviors and attitudes in his or her institutions and thus allow the creation of gay-straight alliances (high school clubs), GLBT counseling support groups, and GLBT employee alliances. Administrators in this stage of development need to read about GLBT culture and history.
 4. Identity acceptance: An administrator in identity acceptance is willing to discuss GLBT issues and starts to openly support GLBT employees and youth. The administrator takes more personal and professional risks by confronting insensitive attitudes as part of this development; works to safeguard the rights of those who are different by openly supporting the development of gay-straight alliances, GLBT counseling support groups, and GLBT employee alliances; and recognizes that the community is largely unaware of GLBT culture and history. The administrator understands how oppression has affected GLBT people and searches for a new description of him- or herself that is nonheterosexist. Seeing the change in self, an administrator at this stage see others and many institutions as sources for oppression and then accepts him or herself as a member of an oppressive society. As a person who gives sympathy and comfort, assists others whenever possible, and readily performs favors for others, this administrator has reached nurturance of others that extends beyond tolerance by including accepting and encouraging behaviors.
 5. Identity pride: An administrator in the identity pride stage of development develops resources around GLBT issues for all employees and youth. An exceptional administrator in this stage increases community awareness of GLBT people and the inequities in society, recognizing the changes they, as administrators, have made in both personal and social relationships. As a supervisor of employees, the administrator acknowledges that being different in our society takes strength and he or she values the diversity of people. An open discussion of GLBT issues with community members in relationship to their organization is important. This administrator actively recruits GLBT youth and other employees and recognizes him- or herself as an ally against oppression, thus being a change agent.
 6. Identity synthesis: An administrator in identity synthesis assumes that the differences in people are indispensable in society. This adult achieves greater congruence between his or her values and behaviors, thus encouraging GLBT members of society, especially youth, to reach their fullest potential. The administrator is walking the walk and talking the talk and supporting others at the various stages of development.
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In the Tony award-winning Broadway show *Rent*, there is a song titled “Seasons of Love.” This song details the many different ways that youth notice time passing; in sunrises, in midnights, in cups of coffee, and in 525,600 minutes. Youth and adults measure time differently. Changes come quickly in the lives of GLBT youth; as fast as the Internet. GLBT youth will discover themselves and their culture and history quicker than in any other time with the use of the Internet. By the time this chapter is published, many more GLBT youth will feel positive about who they are and accept all aspects of their sexual and gender identity. There will be a time, in the near future, when adults will make a young person’s minority sexual orientation or gender identity or expression more of an issue than the youth do. The youth will think that being gay is “no big deal.”

Recognizing that preparing GLBT youth for society is important. Believing a need to prepare society for GLBT youth is extremely important. Those who work in public administration need to ensure that public policies and laws are enforced, but they also have a responsibility to change political and governmental institutions if the policies and laws are not meeting the needs of all their clients; specifically gay, lesbian, bisexual, and transgender youth.

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9

A Survey of Gay and Lesbian Health Issues

Sid Guthrie

Abbott Northwestern Hospital, Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

No community can thrive and prosper without considerable attention paid to the health of its members. The gay community will be no exception. Unfortunately, with the emergence of the AIDS epidemic in the middle 1980s, little attention has been focused on other health-related issues that have surfaced in the gay community.

Considerable changes have taken place within the gay community over the last 30 years. These are causing considerable shifts in how we both view health issues as well as determine health-care services needed. More gay and/or lesbian baby boomers are “out” and as they age will require more health-care services geared to their unique health needs. It will also change the face of senior services and long-term care. A degree of tolerance along with an abundance of information has helped gay youth identify their sexual preferences much earlier, necessitating the need for development of culturally sensitive preventative health-care programs as they progress through their teen and adult years. Lesbians are no longer settling for women’s health services that are geared to predominately heterosexual women. This is most notably seen in the area of breast cancer. Lesbians have and are continuing to expand programs and services to women who have breast cancer. Many of these projects will serve as models for other programs developed for gay women.

By far the two most profound changes that have occurred are the domestic partner–same-sex marriage movement and the growth of gay

nuclear families. The concept of health care needs can no longer be isolated to just gay men or lesbians. Increasingly gay men and lesbians are choosing to have and raise children either as single parents or couples. This redefines the traditional concept of family and requires family health-care models that are supportive of these unique arrangements.

Public administrative resources as well as the health-care insurance corporations address and tailor their services primarily to a clientele assumed to be heterosexual. The task for these entities will be dealing with the changing demographics of the gay population. Exploring alternative ways to deliver and finance services will require creative reimbursement financial arrangements necessary for the future. It will also be necessary for the gay community organizations to look at their commitment to health promotion, analyzing whether the current models and services will be flexible enough to meet future needs.

Initially looking at the many issues surrounding health-care needs for gay men and lesbians may seem overwhelming for public administrators, public health administrators, and gay community leaders. Now could not be a better time. With the increased attention of health-care providers to provide culturally sensitive care and the U.S. Department of Health and Human Services addressing the issue of health disparities in minority communities, strong leaders could take this opportune time to look at how health-care services are developed, delivered, and most importantly funded (1). Within the next few years there will be sweeping changes occurring with both the Medicare and Medicaid programs. Although they are both federally and state subsidized programs the rules, regulatory requirements, and financial reimbursement rates will, as they have done historically, influence the private health-care insurance market. Public administrators and public health-care administrators will need to articulate the needs of minority communities during this restructuring process in order to ensure the public health and well being.

For politically savvy gay community leaders and entrepreneurs, this could be a catalyst to the expansion and networking of gay community and health-care centers, creation of data bases focusing on gay-related health-care issues, and provision of new services. More important is the critical need to develop funding and revenue streams from both federally and privately financed health insurance programs through provision of contracted services in order to enable gay consumers to have more choice with their health care. It is also crucial for health-care providers that offer services to the gay community to have a steady source of income for long-term budgeting purposes and not be so heavily reliant on grant money that may ebb and flow with the political tides. The health of the gay and lesbian community is important because we are important! Healthy, happy, and confident gay and

lesbian citizens are able to participate more fully in their lives, thereby making us a more vibrant and dynamic community and an integral part of our diverse American culture.

This survey chapter will begin by discussing the concept of health and then with a focus on health promotion, address briefly some of the health-care issues that are predominate in the gay and lesbian community at this time. It will also cover emerging issues that will need to be addressed by public and health-care administrators as well as gay and lesbian community leaders. The following chapter will focus on the issue of prostate cancer and gay men and will give an idea of the problems and solutions in dealing with this emerging health care issue in the gay community.

II. WHAT IS HEALTH?

According to the World Health Organization, the definition of *health* is a complete state of physical, mental, and social well-being and not merely the absence of disease or infirmity (2). The U.S. Department of Health and Human Services has taken the concept of health a step further by breaking it down into determinants of health that include the following:

1. **Biology:** These are factors that are related to the genetic make up of a person and family history.
2. **Behaviors:** These are the factors of personal choice that each individual makes to promote or hinder their health.
3. **Social environment:** These are factors such as relationships within family systems, friends, and peers. Cultural factors, religious and secular institutions as well as education and language are considered influencing factors.
4. **Policies and interventions:** These factors include health promotion programs as well as the identification and provision of accessible needed services to populations who need them.

The U.S. Department of Health and Human Services does not view these as isolated increments and realizes that the determinates are interrelated and connected. Integrally woven into this system view is the need for access to quality health care (3).

Both the definition of health, as well as the factors that determine health, are extremely important for administrators and gay community leaders to take into consideration when both developing policies and creating new programs. They can also shore up rationale for increased funding and preservation of programs that are already providing valuable services in the gay community.

III. ACQUIRED IMMUNE DEFICIENCY SYNDROME

It is estimated that there are 800,000 to 900,000 infected with the HIV virus in the United States. Also, according to the Centers for Disease Control there were 17,847 new cases of AIDS reported in 1998 that were identified as being acquired through male-to-male sexual contact (4). The good news is that this number was a decrease from 1997 and is part of a continuing trend of reduced incidence of infection acquired through men having sex with men. There is some indication though that there may be a rise in the number of younger men who acquire the virus through male-to-male sexual contact. Several studies of gay and bisexual youth have estimated that 33–52% of these youth were found to be having unprotected anal sex (5).

Much of the credit for the decreasing trend of HIV infections in gay men goes to gay community leaders who developed and sustained proactive education and support programs. This work will need to be continued as well as the development of educational and preventive strategies to reach younger gay men. Much work still needs to be done to reach African-American men since there is a disproportional percentage of the rate of infection in relation to the African-American population at large. It has been difficult to collect data on how much of their infection is due to male-to-male contact.

One of the major programs that has helped to identify, educate, and support gay men has been the use of anonymous test sites. The ability to privately and confidentially be tested without fear of disclosure has made HIV testing much less threatening and was a wise public health policy decision. Ending anonymity of testing could result in larger number of men refusing to be tested thereby endangering the public health.

HIV infection among lesbians is rare. One study done in California demonstrated 1.2 % of the lesbian and bisexual women studied were infected with the HIV virus. It was not possible to determine the rate of female-to-female transmission because many of the women in the study had previous sexual contact with male partners or had used IV drugs (6).

IV. OTHER SEXUALLY TRANSMITTED DISEASES

Gay men still continue to contract the common sexually transmitted diseases, although the rate of syphilis appeared to decline somewhat in the late 1990s which was attributed to the increasing use of condoms. There is some indication that the rate of infection has leveled off. Gonorrhea and herpes are still prevalent and are being treated in STD clinics across the country.

There are two areas of concern that the gay community and public health need to monitor. The first is the possibility of the spread of a strain of

gonorrhea that is resistant to current traditional antibiotic therapy. A study done in 1996 in Washington State found that there was a strain of gonorrhea that was resistant to traditional antibiotic therapy.

This is not a new phenomenon since resistant forms of bacteria can develop, but it is important that men who have been treated for gonorrhea be aware that the full course of their antibiotic treatment needs to be completed and that they be rechecked to make sure that the treatment was effective (7). Hepatitis B is the other sexually transmitted disease that has caused concern among gay men. The Center for Disease Control has highly recommended that men who have sex with other men be given the Hepatitis vaccination as a preventative measure (8).

Once again the rate of sexually transmitted diseases is low among lesbians unless one partner has contracted an STD from sexual relations with men and passed it on to her partner.

Here again the anonymous testing at public health and free clinics can continue to promote a discreet and safe place for men and women to be screened and treated for sexually transmitted diseases thereby limiting the spread.

V. ISSUES OF YOUTH

Both physical and mental health are important in addressing the health promotional needs of gay and lesbian youth. More importantly will be creating a safe environment where these issues can be addressed. Not only are these young people dealing with the normal growth and identity issues, but they are also grappling with their identity formation as well as learning how to take their place in the larger society. Proactive programs focusing on physical and mental health promotion can go a long way to curb self-destructive behaviors including teenage suicide, drug abuse, and sexually transmitted diseases.

Josh was stunned by the suicide of his best friend Chad. They had become close friends over the last 3 years since they were both on the high school varsity football and basketball teams. Both were star athletes as well as excellent students. Chad had secured an athletic football scholarship to the University of Minnesota, and Josh received a basketball scholarship at St. Thomas University. They formed a close bond since they had a lot of interests in common and could easily talk to each other. Their girlfriends were also friends and the four of them were considered popular on the campus.

Although they had a good friendship, it became strained last month when Chad, after a couple of beers, confided Josh that he had increasing sexual feelings toward other men and was feeling guilty and uncomfortable about it. He was worried that he might be a "fag" and didn't like it. Josh was

not sure what to say but felt uncomfortable with Chad after that episode. Chad felt this and began to isolate himself. Later he committed suicide.

Josh's mother became concerned about his behavior after Chad's funeral. He became increasingly uncommunicative and withdrawn. Although he continued to do well in school and basketball, he had broken up with his girlfriend and refused invitations to parties and school social events. Josh's mother became concerned enough to talk to their primary care physician about his behavioral changes. He agreed there was reason for concern and agreed to meet with Josh. The physician met with Josh and through careful probing and directed questioning realized that Chad's revelation of about sexual feelings and death had sparked Josh's own fears. Josh had been wrestling with his own homosexual feelings for the last 3 years and, although he had not acted out on them, was fearful of not being able to control them and being discovered. Subject to the usual negative remarks by his buddies about gay men, he was well aware of the negative attitude toward gay people among his peers.

Respectful of Josh's confidentiality, the physician persuaded Josh to see a psychologist who he would refer him to and arranged for a family conference. The psychologist to whom he referred Josh was a gay psychologist who he had referred teenagers to before and was experienced dealing with these issues. The physician arranged for a family conference and also contacted Parents Families and Friends of Lesbians and Gays (PFLAG) to have someone talk to the parents after the conference. Although Josh's father was surprised and angry, the revelations had confirmed Josh's mother's suspicions. Despite the shock, both parents agreed to the doctor's plan about Josh seeing the psychologist and meeting with the parent from PFLAG.

Josh continued to see the psychologist for several months and begin the process of dealing with his sexuality issues. He also became part of the Gay Big Brother/Sister mentoring program that the gay community center in Minneapolis has set up the year prior. His mentor had also been a high school athlete and had graduated from St. Thomas and was now an executive at one of the financial institutions downtown. He and his partner were able to serve as supportive role models for Josh as he finished high school and pursued his college degree.

It is estimated that 27 to 42% of gay male adolescents have attempted suicide (9). This may be an underestimation because one could question the number of teenage suicides in general that may not be reported identity issues as such but may have in fact been the reason for suicide. Programs directed at reaching youth early can go far to create the self-esteem and confidence necessary to mature into a confident and productive adult. Issues of high incidence among gay men of suicide, drug and alcohol abuse, and sexually transmitted disease could decline as a result of this.

VI. ISSUES OF AGING

Many issues of aging in the gay community will be little different from the society at large. There will be an increasing number of gay older adults seeking both medical care and community support. Health promotional and maintenance programs will need to be culturally specific and may be best done within the gay community.

Two issues facing gay men are prostate cancer (which will be discussed in the next chapter) and anal cancer. Anal cancer has been found to be 25% to 50% more prevalent in gay men than in their heterosexual male counterparts (10). Although this study was done on AIDS patients, there is indication that gay and bisexual men in general who have anal intercourse are at risk because this cancer may be caused by HPV virus that is passed on in sexual transmissions and that causes lesions to form in the colon and become cancerous.

Older lesbians may also be at risk for breast and cervical cancer not because of the increased incidence but for the lack of routine screening. Lesbians may not seek out screening for cancer assuming that they are at less risk for developing cancer than heterosexual women or may feel uncomfortable dealing with health-care professionals (11).

Other issues will be home care, short-term rehabilitation, and long-term care for the gay elderly. Creative programs and alternative financial arrangements will need to be devised and supported by both public and health-care administrators.

VII. GAY FAMILIES

Many gay men and lesbians are choosing to have families, which opens up many possibilities in regard to family health issues. Currently there several types of family structures in the gay and lesbian community:

1. Biological family: Lesbian and gay men where one or both partners may have their own biological children.
2. Blended family: Lesbian and gay men who bring children from a previous marriage or relationship into a new relationship.
3. Foster family: These may be single or coupled lesbian or gay men who take foster children into their homes.
4. Adoptive family: These are single or coupled lesbian and gay men who choose to adopt children.

With the increasing number of gays and lesbians choosing to have families, programs and services will need to be created and developed in order to meet these needs. There will also need to be research done on what unique

needs arise from these alternative arrangements. This will aid in prioritizing funding for the creation and developing programs and services.

VIII. CHALLENGES FOR THE FUTURE

Future challenges for the changing gay and lesbian health-care needs are going to center around two issues. The first will be the recognition of domestic partnership or same-sex marriages as legal entities. Health-care coverage, power of attorney, guardianship are all going to be important issues that administrators will need to confront especially with an increasing gay aging population and the formation of families. There can no longer be the different standard of benefit entitlements offered to heterosexual couples than there are for gay and lesbian couples. There cannot be a difference in access to quality health care for children of a heterosexual marriage and those of a homosexual union. Nor can there be a different standard of support and care for aging gay and lesbian couples.

The second challenge will be the need to have consistent funding sources to health-care providers and services that offer quality health care to gay and lesbian clients. This will enable the providers to have a consistent revenue stream that will enable them to determine budgetary priorities, finance expansions, and develop programs to serve their communities.

As mentioned in the introduction, there could be no better time. As the Medicare and Medicaid programs are scrutinized and restructured, it will be crucial that public administrators as well as gay community leaders be actively involved in representing the interests and concerns of the gay community. Development of unique financial and referral arrangements as well as documentation of quality assurance will be the tasks necessary to secure the credibility and financial backing of both government and private insurance entities.

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10

No Longer Silent

The Emerging Opportunity for Gay Men to Thrive and Survive Prostate Cancer

Sid Guthrie

Abbott Northwestern Hospital, Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

Jerry was devastated as he walked out of the doctor's office after his annual physical. During the exam, out of the blue, his physician asked if there was any history of prostate cancer in Jerry's family.

Jerry looked baffled, so the doctor went on. Based on an elevated PSA level of 9 ng/ml and the findings on the digital prostate exam, he would be referring Jerry to a urologist. He then told Jerry that he would probably need a biopsy of his prostate but that the urologist would go into more detail with him.

Only 52, the idea of prostate cancer never crossed Jerry's mind. He had always been healthy. He prided himself on maintaining a trim, fit appearance; this, the result of working out 4 days a week and disciplined eating habits. People were always surprised when he mentioned he was in his fifties. He looked like a man in his thirties.

Jerry knew little about prostate cancer. Was he not too young for something like this? He remembered his uncle, who had died 2 years ago, was under treatment for prostate cancer, but the uncle had ended up dying of a heart attack instead. Uncle John had been in his eighties.

Jerry sat in his car, turning over possibilities in his mind. He was not sure where to go next. His partner, Nathan, was 5 years younger than Jerry. They had been together 10 years now, but Jerry wasn't sure how Nathan would react to this kind of news. They had not talked about anything as serious as this before. Maybe Jerry should confide in one of their friends first before approaching Nathan? But as he ran through the names in his mind, he could not think of anyone in his friendship network who either had prostate cancer or knew anyone who did.

Nathan would know by Jerry's evasiveness that something was up. He would certainly wonder why Jerry needed to see a urologist.

Since Jerry and Nathan had been together, other than their friendships with other male couples, they had relatively little contact with the gay community in their city. Other than going to the Gay Pride Day celebrations once a year, Jerry had little exposure to services and groups that might offer information or support. Jerry was "out" to his primary physician, but he felt uncomfortable with the idea of explaining his sexual preference to a urologist with whom he had no ongoing relationship.

II. CHALLENGES OF PROSTATE CANCER FOR GAY AND BISEXUAL MEN

For most men, the thought of having cancer is traumatic enough. With prostate cancer there is an additional fear: potentially losing sexual function and becoming incontinent.

Gay men face additional issues. Where do they go for information that is culturally sensitive? Where do they find psychological support? How do they locate specialized providers who are comfortable dealing with gay and lesbian clients? These questions have become increasingly important.

As the gay community has aged, attitudes toward homosexuality have changed somewhat. But like most Americans, gays have become dependent on mainstream managed-care programs. They also look to the gay, lesbian, and bisexual community for support services and information. But are they getting it for this disease?

Gay and bisexual men like Jerry will face many questions when diagnosed with prostate cancer. What do the results of the tests mean? What treatment options are available? Should a man be out to the urologist and other health-care personnel he will encounter during the treatment process? These are significant issues. Men like Jerry will also need to think through how to approach their partner with the information and what effects it may have on their relationship.

Single gay men diagnosed with prostate cancer have the added stress of not knowing whether the potential treatment options will leave them unable

to perform sexually. For some men, attractiveness and sexual prowess may be a significant part of their gay identity. Sexual contact may also be one of the few ways some men may make contact with and relate to other gay men. In the “youth-centric” gay male culture, aging has always been a difficult life process for homosexual men. To compound it with possible inability to perform sexually could be devastating. Thinking they are old, unattractive, and unable to perform sexually, men treated for prostate cancer who could otherwise take this opportunity to make significant life changes and deal with self-esteem issues might develop feelings of alienation and isolate themselves from the gay community altogether.

III. CREATING SUPPORT AND GOOD HEALTH CARE

It is time for health-care professionals and health-care policies to seriously address the unique issues surrounding prostate cancer in gay men. At the same time, the organized gay community needs to evaluate services, support, and resources for gay and bisexual men with prostate cancer.

We need to consider the following:

1. Managed-care organizations will need to develop culturally sensitive information and support services tailored to homosexual and bisexual men who have issues that are different than those issues faced by heterosexual men.
2. Health plans that incorporate psychological support both for the client and partner need to be developed for the gay men they serve.
3. Physicians, nurses, and other allied health-care professionals need to be educated on gay-related health-care issues affecting men with prostate cancer. They need to develop a level of comfort when partnering with their gay clients during the exploration of screening and treatment options.

Equally important, the gay, lesbian, and bisexual community needs to start looking at how to support these members of their community. They need to develop information and link into networks and support groups to aid men who have or may potentially have prostate cancer. The community will also need to be proactive in prevention, looking for ways to foster health promotion and increase awareness of prostate cancer, as well as possibly recommending screening protocols for mature gay men.

Leaders and policy makers within the gay community will need to partner with the health-care industry. They will need to work with both health insurance and managed care companies to develop health-plan coverage that recognizes the unique needs of gay men and their partners. They need to make sure that client satisfaction outcome measures experienced by

homosexual and bisexual men meet or exceed those of their heterosexual clients.

Finally, gay and bisexual men will need access to information on current research protocols dealing with prevention and treatment that are funded by such institutions as the National Institutes of Health and the National Cancer Institute.

IV. FACTS ABOUT PROSTATE CANCER

Jerry got home from his appointment and got on the Internet. He learned that prostate cancer is the most common form of cancer detected in American men. It is the second leading cause of cancer-related death. While surfing through various web sites giving information on cancer, he learned the following:

1. In 2001, there were over 198,000 new cases of prostate cancer diagnosed in the United States, and over 31,500 deaths resulted.
2. According to the National Cancer Institute, about one-fifth of the men in the United States will be diagnosed with prostate cancer in their lifetime. Only 3% of the men will be expected to die from the disease.
3. The incidence of prostate cancer increases with age.
4. Thirty percent of men from ages 60 to 69 will have the disease.
5. A 50-year old American man has a lifetime risk of 40% for latent cancer, a 9.5% chance for developing cancer, and a 2.9% risk of death due to prostatic cancer.
6. There is a higher incidence of prostate cancer among men of African-American descent.

Jerry read about different detection methods used today. Although there is evidence that the incidence of prostate cancer is rising in the United States, this may be partially due to earlier detection techniques: PSA testing and transrectal ultrasound.

His doctor had been optimistic because Jerry's cancer was caught early, but Jerry learned that early detection has been controversial. Questions have arisen about the relationship of early detection to treatment and outcomes. He learned that there are currently three screening tests available.

V. TESTS AVAILABLE

A. Digital Rectal Exam

The digital rectal exam (DRE) is normally part of the standard annual physical for men 50 years of age and older. When used alone, it will only

detect from 1.5 to 7% of cancers. When used alone, the DRE screening method usually results in findings of a more advanced form of prostate cancer.

B. PSA Test

The second form of screening is the prostate-specific antigen (PSA) blood test. This test measures a glycoprotein produced only in the cytoplasm of benign and malignant prostate cells.

Normal PSA values are between 0 and 4 ng/ml. Values between 4 and 10 ng/ml are considered borderline. Anything above 10 ng/mg is considered high. Normal values are age and race dependent.

PSA testing is beneficial not only for testing the presence of prostate cancer, but useful for staging prostate cancer, monitoring response to treatment, and detecting recurrence after treatment.

C. Transrectal Ultrasound

The third screening test is transrectal ultrasound. This test provides high-definition images of the prostate. Rather than just being a standard, first line of defense in detecting prostate cancer, this test has actually been found more beneficial for staging tumors (1).

Transrectal-ultrasound-guided prostate biopsies have been found to be effective in locating and evaluating tumor cell structure. For a definitive diagnosis, a prostate biopsy is usually done on the tumor cells and evaluated by an experienced pathologist who will use the information to determine the stage and spread of the disease.

VI. TREATMENT OPTIONS FOR PROSTATE CANCER

The physician first looks at the PSA blood test and a Gleason score obtained from the prostate biopsy and the staging of the tumor. A PSA level of less than 10 usually indicates that if prostate cancer is found, it will be localized and organ contained. Levels of 10 and above usually mean the cancer will not just be confined to the localized organ.

The five-point Gleason scoring system differentiates primary and secondary cancer cell structures within the tumor. It grades the cells from well differentiated cells that would result in a score of 1 to poorly differentiated cells that would be classified as 5.

The pathologist then separately counts the number of predominant cells that are called *primary* and the second most predominant cells that are called *secondary*. Both primary and secondary grades are added together to create a

score that ranges from 1 to 10. The growth and spread of the cancer is usually proportional to the Gleason score. A higher score usually indicates greater growth and spread of the disease.

Staging of the cancer determines whether the cancer cells are organ contained or have spread to other organs and lymph nodes. Computerized tomography (CT scan) and bone scans are performed if there is suspicion that any metastasis has occurred (2).

Jerry met with the urologist when all of his tests were completed. The urologist told Jerry that he indeed did have prostate cancer with a Gleason score of five but that he was fortunate enough to have found it early.

The results from the staging system indicated that cancer growth was small, located in one lobe and contained within the prostate gland. A radical prostatectomy was recommended by the urologist. Despite his recommendation, the doctor wanted to make sure that Jerry knew all the options available. So he gave Jerry a list of web sites to research for more information, including the National Cancer Institute. Jerry had already read material on some of these sites, but he thanked him and went home to search the Internet some more.

Besides radical prostatectomy, there were several other forms of treatment available, Jerry soon learned. Some had clinical research studies in different phases of development. As he read the material, he realized that there was not just one definitive treatment for localized prostate cancer. The choices in treatment options were controversial and not as clear-cut as he thought.

A. Radical Prostatectomy

Radical prostatectomy means the removal of the seminal vesicles, prostate, and ampullae of the vas deferens. This is the surgical option when the cancer is localized to the prostate capsule itself. Postprostatectomy recurrence of cancer is low; usually from 2 to 3%.

The ideal patient for this option is someone like Jerry, someone who is generally healthy and whose cancer is localized to the prostate capsule.

The surgery itself takes about 3 hours and usually requires a hospital stay of 3 days. There are short-term and long-term side effects that often occur after surgery. The first is urinary incontinence that can last a few months or, in a small percentage of men, be indefinite. Infrequently, men can experience temporary fecal incontinence as a result of muscle damage to muscles located in the rectum. Sexual impotence will occur in 20% to 90% of men, depending on the surgical approach, age of the man, and extent of the disease.

Jerry felt discouraged reading this. Even though new surgical approaches try to use techniques that spare the nerves needed for erections, a significant percentage of men will lose some degree of sexual functioning.

B. Beam Therapy Radiation

Internal and external beam radiation therapy is another form of treatment for localized prostate cancer. External beam radiation uses high-energy x-rays. They are focused on the area where the cancer is located.

Although the radiation is carefully dosed and focused, treatment can cause damage to healthy surrounding tissues. The skin surrounding the area being treated may become red, dry, and tender. Hair loss in the area can be temporary or permanent (3).

Internal radiation of the cancer, known as *brachytherapy*, uses radioactive seeds placed inside or near the tumor. Some men may have this in conjunction with external radiation. Both forms of radiation therapy can result in impotence, although internal radiation causes less nerve damage to the nerves that control erections.

C. Cryotherapy

One of the newest treatment options for localized prostate cancer is cryotherapy. With this form of therapy, liquid nitrogen is placed around the prostate creating a frozen zone. This procedure requires significant precision. The doctor has to shape the ice balls to exactly conform to the gland.

At this point, Jerry felt really overwhelmed. He called the urologist and discussed getting a second opinion. The urologist was extremely supportive and said he would be glad to send copies of test results and any other information the other urologist might want.

VII. NEGOTIATING WITH HEALTH CARE PROVIDERS

Sarah, the oncology clinical nurse specialist, reviewed Jerry's paperwork in her office. He had just been admitted to the oncology unit 3 West and been assigned to her to case manage. Sarah, an Advanced Practice Nurse, was specialized and certified in oncology. One of the programs she helped set up and develop was for men with prostate cancer.

With the growth of managed care, Sarah saw firsthand the result of fragmented care. Six years ago when she was in graduate school, her father was diagnosed with prostate cancer. She saw the effect of limited time spent with his health-care providers and the decreasing length of hospital stays. At the time he was diagnosed, she was doing a clinical rotation in a breast cancer program and was impressed with the information and the support the women received when they received the diagnoses of breast cancer. Why did not men get the same kind of support? Sarah felt that since she worked in a large

university hospital, the same type of programs and services needed to be developed for men diagnosed with prostate cancer.

With the help of the urology department, Sarah set up a 3-month prostate cancer care program. Within the program, Sarah case managed her clients on both an inpatient and outpatient basis following surgery or radiation therapy.

Incorporated into Sarah's graduate education were family theory, cultural diversity, and concepts of holistic nursing. She was fortunate enough to have had a gay professor who gave a lecture during the family-theory course about specialized care of gay patients. The professor had shown the class an overview of the changes that had taken place in gay culture over the 30 to 40 years, especially the changes that occurred after the Stonewall Riots in New York in 1969 and the push for gay rights accelerated. He covered the impact of the AIDs epidemic on the gay community as well as the social changes that took place within the community during the 1980s and 1990s. What stayed with Sarah was the importance of respecting relationships, and that the family structure of her patients would not always be a traditional nuclear family.

Sarah called Jerry before he was admitted to do a quick preliminary assessment to get medical history, allergies, and a vague idea of his home situation. She learned that Jerry was 52, single, never married, and in good health. He lived with his male roommate Nathan. When she asked who would help him after surgery, he told her that Nathan would be available to help. From the information, she thought that Jerry and Nathan were in a homosexual relationship. She did not ask this on the phone, but made it clear to Jerry that it was important for Nathan to be present when she completed his admission interview. She also asked if he had a living will and to be sure and bring in a copy of it with him.

A few days before the surgery was scheduled, Sarah met with Nathan and Jerry. After introducing herself and explaining her role, she finished completing the medical history interview and then began the process of finding out how much both Nathan and Jerry knew about prostate cancer. She let them know that she would be working with the nursing staff to design the plan of care for Jerry. She then asked Jerry if he had evaluated all of his options and felt comfortable with his decision to have the radical prostatectomy. Then, Sarah asked them both if they were in a committed relationship or just friends.

After a moment of hesitation, Jerry said yes, they were in a committed relationship and had been in one for about 5 years. She thanked them for that information and told them that it made it easier for her to individualize the care plan and make sure that she gave them relevant resources when they go home. She also asked information on their sex life, assuring them both that the surgeon was going to use a nerve-sparing technique but that she would go over those issues before discharge.

Sarah told Jerry that his medical files were confidential. She promised that the word homosexual would not be used in the documentation just as the word heterosexual is not generally used to refer to clients. Nathan would be designated as Jerry's significant other. That would mean that he would be given information about Jerry's condition if he called by phone, would be part of the discharge process, and would be able to see Jerry in the recovery room after surgery.

She then went on to explain what would be happening over the next 24 hours. Sarah told Jerry and Nathan what to expect. After answering a few questions, she gave them both her card, shook their hands, and said that she would follow up with Nathan tomorrow morning while Jerry was in surgery.

Meeting with Sarah was a wonderful experience. Jerry and Nathan felt greatly relieved and thought she'd given outstanding care. During the surgery, this high level of care continued. On the oncology unit the staff were warm and caring. They treated both Nathan and Jerry with a great deal of respect. Sarah visited Nathan while he was in the surgical waiting room and made sure that he was able to see Jerry for a short visit while he was in the recovery room. Both men were impressed with Sarah's attention to detail, that they were consulted in the plan of care and given information on everything that was being done and why.

The evening before discharge date, Sarah met with Jerry and Nathan to discuss catheter care and arrange follow-up appointments. She also completed a short depression scale on Jerry to evaluate his psychological state. They were given information about various support groups for both men recovering from prostate cancer and groups for their spouses. She gave them a list of Internet sites that offered support to gay men and their partners and told them that she had already contacted the owner of one of the sites she particularly liked and said that he was anxious to hear from them both. Sarah pointed out that the 3-month program offered by the university hospital and clinics was covered in their medical plan and not to worry about the cost of follow-up care. She made one more visit the day of discharge to make sure that their primary nurse had given them complete discharge instructions and told them that she would call them in 2 days to see how they were doing.

VIII. WHAT IS THE REAL STORY?

Is Jerry's outstanding care normal in hospitals across the United States? It should be, but it is not. In fact the kind of care Jerry received for his prostate cancer is not even offered to heterosexual men, for the most part.

Many American men needing care for prostate cancer find themselves in a fragmented system, fraught with miscommunication. They must repeat their medical and social history to every provider with whom they interact. Their office visits are short and although most providers give as much information as possible, due to productivity models imposed by clinic administrators that set time limits with patients, many details are gone over quickly, a brochure given, and the patient asked to make a decision on a time limited basis.

Some doctors do not even suggest the man get a second opinion. Some men are not able to get one, because of the health plan they are under, which may or may not pick up that cost. Primary-care providers working for managed care organizations also usually have a consistent referral base that is determined by the health plan, and financial incentives usually pressure both primary care providers and patients to use in network providers. A urologist is usually picked from a limited pool without any regard to experience or sensitivity in working with gay and bisexual men.

There is another issue: Some of the gay and bisexual men diagnosed with prostate cancer will probably be HIV positive and may be using various medications. What does this do to their care? If not recognized and managed, it can further complicate the medical and surgical course and treatment options, since drug interactions can occur.

IX. AN UNEASY RELATIONSHIP

The relationship between gay men and health-care providers has always been uneasy. For many years, the health-care establishment considered homosexuality a disease, even criminal behavior. It was not that long ago that men who were deemed homosexuals were subject to castration, drugs, hypnotherapy, and conversion therapy in order to affect a "cure" for their condition.

It was not until the early 1970s with the gay liberation movement that attitudes began to change, albeit slowly. Even today there are articles in the medical literature that support conversion therapy.

With the early AIDS epidemic, the gay community once again saw the repugnance and discrimination by both physicians and hospitals in caring for AIDS patients. Substandard care and refusal to treat those with HIV was not uncommon. Some studies showed that as many as 72% of physicians preferred not to treat HIV-infected patients (4).

In response to the AIDS epidemic, many grassroots organizations began to spring up to provide health care, support, and social services to those with AIDS. Many of these organizations were able to expand and open up clinics from the philanthropy and grant money that was being directed

toward AIDS care and research. Clinics located in areas with large gay populations were able to expand their services. Unfortunately in most areas of the country, health-care services other than those treating AIDS-related issues are few or nonexistent (5).

Web sites of gay health-care centers show few that offer organized general health prevention or maintenance programs. Some provide primary care, usually in conjunction with an academic health center. Interestingly enough, women's health-care and pediatric programs are becoming available at many of these centers.

Most health-care information and education at these sites are focused on AIDS. The few health-care clinics that responded to the author's E-mail or phone requests for information said they did not have a support network, groups, or consistent referral mechanisms for gay men diagnosed with prostate cancer. Several sites did say that they had received calls from men with prostate cancer looking for information. Virtually none of the sites made any mention of prostate cancer.

Gay men may be reluctant to seek out preventative care within the traditional health-care environment, and when they do, they may be hesitant to give out information regarding their sexual orientation. According to an article in the *Journal of the Gay and Lesbian Medical Association*, disclosure of sexual orientation remains low due to the fear of substandard treatment and care by health professionals (6). This may be further exacerbated by managed-care programs or health plans that do not or can not support a consistent primary physician with whom a trustful relationship can be developed.

There may be another reason that many men do not want this documented in their medical records: fear of discrimination by health-insurance companies and questions about HIV status. Several studies have shown that fear of repercussions and substandard care after revealing one's sexual identity is not unfounded. In a 1989 survey of general practitioners, only 32% of those who responded stated that they felt comfortable treating gay men. A study conducted by the Gay and Lesbian Medical Association (GLMA) of their membership in 1994 found that 64% of the physicians felt that gay men received substandard care and that 52% of them observed other physicians either providing reduced care or refusing to treat gay men (7).

Compounding the problem are the barriers that exist for the gays, lesbians, and bisexuals who enter medicine. The previously mentioned GLMA study stated that over 59% of the physicians who responded to that study said that they had experienced some form of discrimination from the medical profession because of their sexual orientation. Another study revealed that almost 10% of physicians felt that gay physicians should be discouraged from entering the field of urology and that 11% of them would not refer patients to a gay urologist (8).

X. GETTING THE SUPPORT THEY NEED

The relationship between gay men diagnosed with prostate cancer and their health-care professional is crucial. As we learned from Jerry's story, the urologist and hospital staff can offer great support or can unconsciously contribute to the traumatic experience of a man undergoing cancer treatment.

A study done on informational needs of presumably straight men diagnosed with prostate cancer pointed out that over 70% of the men surveyed wanted detailed information about their disease, treatment, self-care, and survival rates (9). Jerry and Nathan were eager to get this information. The same study showed that, like Jerry, over 60% of the men wanted shared decision making with their physician about their treatment plan. And men like Jerry, who had a higher sense of optimism and psychological functioning, wanted more detailed information and asked more questions.

This has an important meaning for gay men. If they sense that the urologists, radiologists, and oncologists they are dealing with are homophobic, gay men may feel inhibited about asking questions or seeking more information. Coupled with the lack of support services from the gay community, this can create a frustrating experience and may decrease the psychological functioning of gay men and increase the chances of developing depression from their illness.

There is a solution to this crisis: education of health-care professionals.

XI. THE NEED TO EDUCATE HEALTH-CARE PROFESSIONALS

It is vital to educate primary-care providers and urologists on how to approach men about their sexuality in a nonjudgmental manner and not to assume that all men are exclusively heterosexual.

If a physician is dealing with a gay client, sensitivity must be shown in regard to the unique problems and needs that will be different from their heterosexual counterparts.

This is also true of other health-care professionals. Both nurses and social workers play a significant part in the care of patients receiving any kind of treatment for prostate cancer within a hospital setting. One important study indicated significant homophobia and heterosexism exists among these groups of professionals as well (10). Since much of the information received revolves around AIDS-related issues, there is a need to expand education about homosexuality within nursing. These findings are extremely important.

Setting up the care plan, providing information to the family or significant other, and looking into health coverage for follow-up care are

all part of the discharge planning that occurs from the moment of admission. Nurses and social workers who feel uncomfortable or unprepared to work with gay clients will not be as thorough in the questions they ask on the information they give and receptive to the overall needs of the patient. These professionals may be unaware of support networks, gay referral options, or even needs of the men post discharge.

The friends and family of gay men undergoing surgery or radiation therapy need information. They need to know how to care for their loved one, and it is the health-care professional who will tell them how best to do this. The health-care professional must find out who is the primary support person or caregiver. And unlike heterosexual patients who may have wives and children available for caretaking during and after treatment, gay men may be reliant on their partners or friends who may not be part of the immediate biological family.

If a trusting, open relationship is not established, confusion and misinformation can result. This can lead to readmission if the client has problems with such things as difficulty with bleeding or catheter care at home.

Nurses and social workers must also be aware that in certain cases the family may not be aware of the patient's sexuality or that it is just not discussed openly. Working these issues out during the admission interview and formulation of the plan of care can result in a better hospital experience and cause less stress for the nursing staff.

XII. SUPPORT GROUPS FOR THE GAY COMMUNITY

There are at least two active, ongoing support groups for gay men with prostate cancer. The oldest group is in New York City; it has been in existence for about 4 years from the date of this writing. Until 6 months ago, the group was run by a straight therapist. The facilitator realized over time that it would serve the group better if it was run by a gay facilitator. Fortunately, one of the participants who was a health-care professional and had previous experience facilitating groups agreed to take over as facilitator of the group. The group meets monthly at a hospital near the Greenwich Village area.

The second support group was started in 2001 by a grant from the University of California Medical Center, San Francisco. It is run by a social worker who had experience dealing with support groups for men with HIV. The San Francisco group also includes the partners of the men who have been treated.

Both facilitators feel that the gay men in their groups are more comfortable talking about their issues with other gay men. Although many tried the straight support groups and found them helpful, many felt uncom-

fortable “coming out” to the groups they attended. They also felt that there were significant differences in sexual practices that they felt uncomfortable bringing up with straight men in the room.

Many men in the two groups spoke about significant problems they encountered dealing with health providers. Many felt the discomfort of the urologist they were dealing with even if they appeared gay friendly. They felt as though the urologists were not sensitive to the unique problems and issues that gay men encounter. Also, some did not feel that they got as much information as they needed.

Both facilitators also agree that there still needs to be significant education for physicians about gay men’s lifestyle as well as referral mechanisms to refer gay men to either gay urologists or urologists who are sensitive to gay men’s needs.

XIII. SUPPORT FROM THE INTERNET

Jerry’s first Internet searches on sites for gay men with prostate cancer did not turn up much information. So he decided to take a risk and e-mail one of the prostate cancer support web pages to ask if they knew of any resources.

His first inquiry was to Phoenix 5. Phoenix 5 was a web site started several years ago by Robert Young, who was treated for his prostate cancer (according to a personal communication with him in 2002). Jerry found the site well organized and informative. There were also links to other web sites.

Reading through different sections, Jerry identified with many of the feelings that the other men had who had written about their experiences, even though the site was geared to heterosexual men with prostate cancer and their wives.

Jerry e-mailed the owner and asked him if he knew of any resources for gay men. Within the day, he was pleasantly surprised to receive a response. The E-mail wished him well and gave him the web site address of a support group located on the Yahoo site. Young instructed Jerry to go to the Yahoo site and look for gay men and prostate cancer under Groups.

In late January 2001, Russell Wendel, a 50-year-old man from Dallas, was diagnosed with prostate cancer. Russ was frustrated with the lack of resources for gay men who were diagnosed with prostate cancer and were going through treatment. In March, Russ set up a web-based support group on Yahoo called Prostate Cancer and Gay Men. The site opened the doors for men dealing with prostate cancer to communicate with each other. In April, after feeling somewhat recovered from surgery, he decided to set up a support group in Dallas. In June 2001 Russ and his doctor started the first gay support

group for men with prostate cancer in Texas (R. Wendell, personal communication, 2002).

There is a strong need for this kind of local support. It is also important for these groups to know about each other and exchange information. The facilitator of the support group in San Francisco asked for the URL of the Yahoo site as well as Phoenix 5. He then e-mailed that information out to the men in his group and also contacted the owner of the Phoenix 5 site and asked him to list the San Francisco group under Resources at his site. There was great receptivity from this owner of a primarily straight support group, Phoenix 5. Robert not only wanted to make sure to keep abreast of resources for gay men, but he is thinking seriously of having a separate section on his site for resources for gay men.

XIV. HOW CAN WE WORK FOR THE FUTURE?

Prostate cancer is the second leading cause of death for American men. How can this not have significant implications for gay men? Despite our sexual orientation, gay men are biological men. Yet the amount of resources and information devoted to this issue within the gay community is minuscule to say the least.

It is alarming to think that there may be a significant number of gay men out there who are at risk for prostate cancer and who are not being screened for it and also too afraid to reach out to get information. Even worse is the possibility of gay men who are diagnosed with prostate cancer becoming depressed, isolated, and cut off not aware that they are not alone.

According to Healthy People 2010, in 1998, out of every 100,000 women almost 28 died from breast cancer. Out of every 100,000 men, 32 died from prostate cancer. In the same report, out of 100,000 men and women in the United States there were five deaths from HIV infection. Yet if you go through the resources in the gay community, especially the health-care clinics and community centers, you would think that prostate cancer was nonexistent among gay men (11).

Both the Hoover Institute and National Institutes of Health have commented that HIV funding for research and support is much higher than research and support for breast and prostate cancer, even though these two diseases cause more deaths per year (12).

Lesbians have been far more proactive in garnering both financial support and setting up support networks for women with breast cancer. One only needs to go online to find the many web sites devoted to lesbians and breast cancer. Many gay health-care centers have and are opening up

women's health programs. Yet gay men, for the most part, have remained relatively silent in the area of prostate cancer.

XV. TABOO SUBJECTS: AGING AND MORTALITY

The silence may be the result of the lack of dialogue on two taboo subjects in the gay male community: aging and mortality. In the book *Golden Men* by Harold Kooden and Charles Flowers, the authors commented on attending a leadership conference supported by SAGE (Senior Action in a Gay Environment) and the reactions of gay men and women dealing with aging (13).

The lesbian panelists looked at aging in terms of valuing the changes occurring in their bodies, learning from them, and redirecting their energies in other directions. Most were very enthusiastic and accepted the process of aging as a normal phenomenon and valuing their entirety as women including intellect, personality, and accomplishments with the body only being one part of that.

In stark contrast, many of the male panelists and attendees expressed feelings of powerlessness, despair, and dread of growing older. The need to remain youthful, attractive, and virile were powerful forces that continue to predominate in a large segment of the male gay community. Memory of those feelings of shame that one grew up when first wrestling with the first discoveries of homosexual desire may resurface. That was not an issue one could openly discuss or confide to with a friend. Those issues may resurface when one is dealing with the loss of sexual performance and functioning yet once again not feel comfortable about sharing this openly or even with friends.

Look at the magazines and advertising directed toward gay men. Magazine racks are filled with glossy photos of young virile looking men with buffed bodies. Advertisements selling vitamin supplements and skin-care products use attractive and youthful looking models to bring attention to their products as well as give the illusion that by using these products, one can remain youthful and vigorous.

Middle-aged gay and bisexual men also were hit hard by the AIDS epidemic. Issues of mortality severely effected the gay community during the 1980s and still do today. Although, through better drug therapy, there have been significant strides in increasing the longevity of those living with HIV, like an albatross, HIV and its ramifications loom over the life of most gay and bisexual men.

Many men also witnessed how men with HIV were treated, especially in the early 1980s, when so many were shunned not only by society at large, but by many other gay men as well. With increased education and public awareness, the diagnosis of HIV does not carry the stigma that it used to, but there

is still significant fear of disease in general. One only need to look through the gay and bisexual personal ads in magazines, newspapers, and on the Internet to see phrases like “healthy” and “disease-free.” In the minds of a significant number of gay men, if you are “diseased” in any way, you need not apply. The message is clear.

XVI. SILENT NO MORE

It is true that being diagnosed with prostate cancer is only one of the possibilities that can strike gay and bisexual men as they age. But there is a serious lack of information and resources within the gay community for this second leading cause of death among American men. There is also a serious level of inattention paid to non-HIV-related health promotion and prevention in general.

Is the assumption that culturally sensitive education, resources, and support are available for gay and bisexual men from the mainstream health care system? This contradicts the feedback from the two active support groups directed to gay and bisexual men and entries made on the Yahoo website.

With similar annual death rates between women dying from breast cancer and men dying from prostate cancer, it is remarkable that the lesbian community has proactively stepped forward to develop programs that offer resources and support for gay women with breast cancer. This is taking place in many areas of the United States. For example, a video specifically addressing lesbians and breast cancer was made with the backing and help of the American Cancer Society. Yet, within the gay and bisexual male community, there is silence around any discussion of prostate cancer.

This reminds one of the early days of the AIDS epidemic when a small core of gay health-care and social workers realized that there was going to be huge problem. But they only encountered deaf ears from many in the gay community, who thought that only the socially undesirable (i.e., promiscuous, drug using) men developed the disease.

The gay community can no longer wait for “respectable men” and “celebrities” to acquire prostate cancer and go public about it. They need to start mobilizing resources and support now.

Nationally, health plans must open their doors as well as realize that diversity goes well beyond ethnic differences. The quality of health care for gay men is significantly determined by the socioeconomic, professional, and educational status. Yet managed care is growing, and even the well-insured will find that as costs of drugs, health-care labor, and technology keep rising the quantity and quality of their coverage will be effected. This last year alone

saw an increase of 14% increase in health-care costs; the rise next year is expected to exceed that. In order to hold the line on expenses, many insurance programs are going to look for ways to pass on the costs to consumers as well as cut benefits and reduce services.

In the outpatient world, productivity models or other plans are developed to create incentives for primary-care providers to see more patients per day and streamline the time they spend with them. Added to this are restrictions on referrals to specialists and how much of the cost is covered. Most insurance plans cover more if clients see specialists who are in the network health plan. Coverage decreases if specialists are sought out of network. And some plans do not even offer the option of out of network specialists. Patients are required to see only the specialist referred to by their primary-care provider.

Specialists, such as urologists, oncologists, and surgeons are being reimbursed increasingly less per case. This means they need to see more patients, as well as schedule more surgeries in order to meet their economic targets. Essentially this will result in their decreased ability to spend as much time as they would like to in order to make sure all information is thoroughly understood and all questions answered.

For those who cannot afford insurance or have to rely on governmental insurance programs, they may find that their options are even more limited as both the federal and state governments look at ways to curb health-care costs in order to meet state and federal budgets.

They may also find that they will be pressured to use state and city subsidized public hospitals and academic health-care centers where they may not have much say as to what provider they see.

XVII. HEALTH CARE THAT SERVES THE COMMUNITY

Jason was a 60-year-old gay man who worked as a computer software engineer. He never really thought that much about his health plan. He worked for a good company, based in Chicago, and it offered what he thought were good health care benefits. This last year he was a little irritated when his premium costs rose 12%, especially since he rarely saw the doctor for more than his annual physical. But in his discussions with other professionals with similar coverage he found this was not out of line.

The health insurance company explained that there was an increase in the health-care costs last year. Jason's company was forced to increase the amount of the amount of their premium coverage to their employees to help pay for the additional increase. Also co-pays for some outpatient procedures were added.

Until this year, Jason's annual physicals were routine. Other than making sure his cholesterol level was kept low, which he was doing by dietary means, he remained in good health. Then his primary-care provider informed him that his PSA level was high and he wanted Jason to see a urologist as soon as possible. Like Jerry, Jason left the office stunned, with the urologist's name and phone number written on the card.

Jason met with the urologist the next week. The meeting was amiable at first since he found out that both he and the urologist were Chicago Bears fans. Chicago had just won a game a few days earlier, and they talked briefly about the game. The urologist said that they would need to do a prostate biopsy within a few days as a follow up to the PSA results and then went on to give him some further information. Jason was then asked about his marital status and how sexually active he was. Feeling comfortable with the urologist, Jason freely admitted that he was a homosexual and, although he was not currently in a relationship, he was sexually active and enjoyed sex very much. Jason realized immediately that he had made a mistake. Although the urologist was polite for the rest of the visit, Jason could tell he was uncomfortable and so did not ask many more questions.

Two days later, Jason arrived at the outpatient surgery center for his prostate biopsy. He was surprised when instead of the urologist he saw previously, another physician entered the room to perform the procedure. He was told that the urologist he had seen was in the operating room and that he was his partner and would perform the biopsy. Jason accepted this but was reluctant to ask questions.

At the end of the week Jason met with the urologist to go over the results. Once again it was the partner who saw him. He was polite but businesslike and brief. The prostate biopsy showed that there was indeed cancer present but that it was contained within the prostate capsule and a radical prostatectomy was recommended. Jason who had done some research began to ask questions about alternative treatments such as radiation therapy but was cut short and told that with his grade of prostate cancer this was the best option. The urologist also recommended that Jason needed to make up his mind soon since the surgery would need to be scheduled well in advance so the urologist could reserve an operating room at the hospital covered in Jason's health plan.

Jason wanted to get a second opinion but after this experience with the health-care system, he decided just to have the surgery done and get it over with. Jason felt brushed off but felt he had no alternatives and did his best to find out what information he could through other sources.

Screening, diagnosis, and treatment options for prostate cancer are controversial and like most areas of medicine today, subject to rapid changes as drug and technological innovations that occur almost daily. With the

strides being made in oncology and genetic research, less invasive therapeutics may just be around the corner. But gay men need to be aware of them and even have the option of participating in research studies that are testing new forms of treatment.

This can only be done by the collaborative approach of health-care professionals, gay community and health-care centers, gay activists, as well as health-care policy and insurance policy architects.

XVIII. HOW BIG IS THE PROBLEM?

To answer this question, we need demographic information on how many gay men might be at risk for getting prostate cancer, as well as what information gay men know about the disease.

We can gather this information by asking questions about some risk factors already known such as smoking history, family history, and use of the steroid testosterone (used by some body builders to enhance muscle mass). We need to ask when and if screening for prostate cancer is ever brought up during periodic physicals. And we need to find out what men know about prostate cancer and its risk factors.

Men who have been treated for prostate cancer should be asked at what age were they diagnosed, the treatment used, how much information they received prior to making the decision, and what their postoperative complications were. They need to be asked about whether they are “out” to their primary-care physician and the urologist. How much information and what kind of support were given? What do they feel their quality of life is after having been treated?

Racial information also needs to be obtained since there is a higher rate of prostate cancer in African-American men. This information is crucial to developing programs for gay African-American men.

However, the first step is obtaining information on the national level by surveying selected nationally organized groups with local affiliates that cater to mature gay men, groups like SAGE and Primetimers (a group for mature gay men usually over 40). Both of these organizations have local affiliates that could survey their membership in the gay community and provide information on scope and numbers of men who are affected by the disease and get a baseline of what knowledge level of gay men have about the disease.

Then a needs assessment must be done. As we saw in Jerry and Jason’s stories, each man had different needs. Jerry wanted mostly information and some support. Jason, on the other hand, needed intensive information, support in the decision-making process, and support in coping after his surgery.

The information from such a survey and needs assessment would help pinpoint the most pressing areas and establish priorities for the initial work as well as where to target funding.

We may also find other resources already established in the community. Unique regional differences might surface which would give a more accurate picture of what is going on nationally and what local factors influence these differences.

XIX. GETTING THE WORD OUT

There is a great need for published articles, both in magazines serving gay men and journals for health-care professionals. Articles in the popular magazines should educate gay men on general information about prostate cancer and its risk factors, such as smoking, a high-cholesterol diet, and use of steroids for muscle enhancement.

Opening the door to awareness about prostate cancer could be done with stories of the courageous men who step forward and give accounts of their experiences. Hopefully, this would start a dialogue, letting men who previously felt isolated know that they are not alone and that there is support out there.

Articles need to be published in academic health-care journals so that physicians and allied health-care personnel realize what the issues are. They need tangible information and resources to help support their gay clients.

XX. GROUPS THAT NEED TO BE TARGETED:

1. Primary-care physicians
2. Urologists
3. Clinic nurses (especially those working with urologists)
4. Tertiary-care nurses
5. Nurse and social worker case managers
6. Hospital-based social workers

Additionally, as we saw with the highly effective information resources available to Sarah, the clinical nurse specialist, we need to take an inventory of the resources already available to health-care professionals who have a large gay clientele base.

We need to research and gather easily accessible information on resources for gay men with prostate cancer. These need to be available through

gay organizational outlets. A listing of gay support groups, gay community and health centers, and Internet groups should be available for all health-care providers.

Already busy providers, no matter what their knowledge level is about the gay community, would then be able help their clients tap into the resources available to them.

XXI. RESOURCES FOR THE GAY COMMUNITY

What education and support services are available to gay men who have been diagnosed and are being treated for prostate cancer? We need to find this out. This information should be readily available on gay telephone help lines, at gay community centers, and at health clinics that are frequently used by gay men. Consider these ideas:

1. A nationally sponsored gay cancer website would focus on the most prevalent forms of cancer. A page on that website devoted to prostate cancer, giving information and links to other web sites listing support, research, and clinical trials currently being conducted.
2. Chat rooms with specified times designated for the discussion of prostate cancer. Gay men from different areas of the country could dial in to participate and support each other in real time.
3. Support from local hospitals that have satellite access to create long-distance support groups. Many hospitals have interactive TV site capability and use it regularly for conferences and continuing education. A facilitator could be at one site and effectively run a group with men located at different sites within a designated geographical area.

A health-improvement plan needs to be developed to provide education related to screening for prostate cancer and what support is offered prior to, during, and after treatment. Some of this could be funded by grants from the U.S. Department of Health and Human Services under the Healthy People 2010 initiative.

Much of the expertise to do this kind of work is already available at many gay health centers where research and outcome studies are already being done with HIV. Obtaining grants from the National Institute of Health and the National Cancer Institute could go a long way to help initiate this. It could improve the quality of life for many men who have been treated for prostate cancer.

Data from the assessment phase will point to key areas. It will help prioritize both geographical areas and needs to be targeted in setting up plot

demonstration projects. Gay community activists, health-care professionals, and members of the community can use this information to evaluate the effectiveness of pilot projects that will be implemented in the different areas of the country and use what is learned to make any changes for future projects.

Finally, outcomes need to be analyzed and published. Strengths and weakness of the projects need to be looked at. What improvements were made? Was quality enhanced? What were the barriers and obstacles that may impede a larger implementation process?

We can follow the model of other minority communities such as African Americans and Hispanics who have set up organizations that focus on health disparities within their communities. Their data banks and resource centers are readily available to the public as well as health-care personnel. They are very proactive. Minority communities not only actively solicit government grants but provide funding for grants to improve care within their own communities. It is time for the gay community to do the same. In a way, we have an unprecedented opportunity to look at health promotion by focusing on one disease, prostate cancer.

What we learn from how we deal with this disease will teach us how to deal with other diseases of aging that are going to become more prevalent within an aging gay community, such as cardiovascular disease. As a community, we can no longer be silent about prostate cancer. With the current administration, both legal and political action will be necessary to bring many of these ideas to fruition. The Gay and Lesbian Medical Association has already expressed some concern at the recent cutbacks on funding for gay and lesbian health projects (14). Health promotion and support for major diseases within the gay community go hand in hand with domestic partner issues, raising healthy families, and aging well.

It is the responsibility of the gay community to partner with health-care professionals, legislators, and insurance companies to inform gay male consumers about screening, diagnostic procedures, and treatment options for prostate cancer. It is time to provide solid education and support to health and human services care for gay men with prostate cancer.

The unique needs of the gay community need to be realized and treated with the same respect and financial support that is given to other minority communities.

With the growth and development of new drugs and technologies, gay men will find themselves living longer. Programs, resources, and support must be available as more men are diagnosed and treated for prostate cancer.

There is a possibility of arresting or completely eliminating prostate cancer if it is detected early. How can we ignore this? The male gay community must take hold of this issue and be proactive with it, as gay women have done with breast cancer.

Gay men who are at risk or who have been diagnosed and treated for prostate cancer can no longer remain silent.

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11

Dealing with GLBT Issues in Elementary and Secondary Schools

Mark French

Osseo Area Schools, Minnetonka, Minnesota, U.S.A.

K-12 education seems to be a common denominator among Americans. Most folks have an opinion about our educational system based on the fact that the majority of the American public spent some time in the school setting. Unfortunately, the personal views held often are the result of our own experiences. “Well, if it was good enough for me, then it ought to be good enough for today’s kids.” Unfortunately, these attitudes and beliefs do not allow for changes in technology, information, and society. We seem to be educating students in the same ways that we always have, with an occasional bright spot out there. Curriculum and information, though updated, is presented in the same manner and with the same fears and concerns that have always been present. Schools are reluctant to address political, religious, or social issues leaving that up to families and the community. Thankfully there are those who believe that K-12 educators have a responsibility to address difficult topics in our public schools, and this would include concerns for gay, lesbian, bisexual, and transgender (herein referred to as GLBT) students, families, and staff members.

The areas addressed in this chapter include federal, state, and local policy and law, student support systems, employee rights and adult support systems, and curriculum and information in K-12 public education. These topics will be covered each in its own section with the realization and understanding that there is generally some overlap among these categories.

For example, there may be discussion of a law that requires school districts to develop policies for safe schools that could also fall under student support systems. Another caveat is that examples, resources and methods described and mentioned here are meant to be that, simply examples. The information presented here is not meant to be a comprehensive list but rather an attempt to show what is happening in our public schools related to administration and policy, and some of the possibilities and the challenges that lie ahead.

I. FEDERAL POLICY AND LAW

In understanding administration and policy as it applies to K-12 education, it is important to be aware of the policies and laws that govern our schools and its employees. Whether you are a school administrator who is gay, lesbian, bisexual, or transgender and want to understand how policy and law affects you in your position or if you are a straight administrator who wants to understand how policy and law affects the people in your employ, it is important to be knowledgeable about federal, state, and local policy and law so that you administer properly and legally and avoid potential litigation that could result from negligence.

Laws that relate to K-12 public education can be organized at the federal, state, and local levels. At the federal level, there is no national protection for gay, lesbian, bisexual, and transgender employees despite the introduction of the Employment Nondiscrimination Act, a piece of legislation championed by the Human Rights Campaign (HRC), the largest gay, lesbian, and bisexual political and advocacy organization in the country. Established in 1980 as the Gay Rights Lobby and now with a membership of 500,000, HRC introduced ENDA originally in 1996 and was voted on by the Senate on September 10, 1996 at which time it failed by a vote of 50 to 49, the closest a piece of national legislation protecting gays and lesbians in employment has ever come to becoming law (1).

Relevant Federal laws related to K-12 education most referenced are the Equal Access Act of 1984, Title IX of the Education Amendments of 1972 and the United States Constitution's Fourteenth Amendment Equal Protection Clause.

The Equal Access Act requires that public secondary schools that allow student groups, whose purpose is not directly related to the curriculum, to meet on school grounds during lunch or after school cannot deny other student groups access to the school due to the content of the students' proposed discussions. This is how many gay-straight alliances (GSAs) and other GLBT

student support groups have the legal authority to gather in our public high schools.

Title IX of the Education Amendments of 1972 states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under federally funded educational programs or activities (2). Where it can be shown that the school district and/or its agents had actual knowledge of student-on-student abuse, and where the agent or district had the authority and ability to remedy the abusive situation but failed to do so, the school district can be held liable under Title IX for failing to stop the student-on-student abuse (3).

The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution provides in relevant part (4):

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

Each of these three relevant federal pieces of legislation have been used successfully to hold school districts accountable for harassment and discrimination based on sexual orientation or identity incurred by students, families, and staff members.

In the first federal appellate case of antigay violence in schools, Lambda Legal Defense and Education Fund successfully represented Jamie Nabozny, a student who suffered severe antigay abuse in his Ashland, Wis., school district. In testimony Jamie submitted to Congress about his school's reaction to abuse that was so severe that it required hospitalization, he said (5):

My parents kept calling and meeting with the school officials, but the response was that if I was gay that I should expect this kind of treatment. The school took no meaningful actions against the boys who were harassing me, which sent the message that it was okay to keep harassing me. The school was teaching the value that disrespect for others is okay, and that violence is okay. Instead of discipline the kids beat me up, the school started to treat me like I was the problem. They moved me into separate classes, even though I wasn't the problem. Eventually they separated me even more and moved me into special education class, even though I wasn't the problem. When kids on the bus wouldn't stop throwing things at me and spitting on me, the school changed my assigned seat to the front

of the bus where I had to sit with the elementary school children, even though I was sixteen years old, and even though I wasn't the problem. Instead of teaching the value of respect for others, the school taught that if you are different you are the problem, and you are the one that has to be separated out and hidden.

In this first legal challenge to antigay violence in schools, the Seventh Circuit U.S. Court of Appeals ruled that "The Equal Protection Clause does, however, require the state to treat each person with equal regard, as having equal worth, regardless of his or her status We are unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation" (6).

The court remanded the case for trial, and, in November 1996, a jury found three school administrators liable for discriminating against Jamie Nabozny. The school quickly settled the case for just under a million dollars. The case sent the message nationwide that schools must take antigay harassment seriously.

Under Title IX of the Education Amendments of 1972 districts may be liable for student-on-student abuse. Where it can be shown that the school district and/or its agents had actual knowledge of student-on-student abuse, and where the agent or district had the authority and ability to remedy the abusive situation but failed to do so, the school district can be held liable under Title IX for failing to stop the student-on-student abuse as found in the case of *Davis v. Monroe County Board of Education*. In this case, a mother filed suit against the school district and its administrators seeking damages for the sexual harassment of her daughter by a fifth grade classmate at a public elementary school. Among other things, the mother alleged that the school's deliberate indifference to the harassing student's persistent sexual advances toward her daughter created an intimidating, hostile, offensive, and abusive school environment that violated Title IX of the Education Amendments of 1972, which, in relevant part, prohibits a student from being "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." In its decision of May 24, 1999, the U.S. Supreme Court ruled that (7)

The Eleventh Circuit Court erred in dismissing the mother's complaint. The mother alleges that her daughter was the victim of repeated acts of harassment by a fifth grade classmate over a 5-month period, and allegations support the conclusion that his misconduct was severe, pervasive, and objectively offensive. Moreover, the complaint alleges that multiple victims of the harasser's misconduct sought an audience with the school principal and that the harassment had a concrete, negative effect on (the victim's) ability to receive an education. The complaint also suggests that

the petitioner may be able to show both actual knowledge and deliberate indifference on the part of the board, which made no effort either to investigate or put an end to the harassment.

II. STATE AND LOCAL POLICY AND LAW

There are several different types of state laws and policies that can protect GLBT students from harassment and discrimination. For example, the protections can be in civil rights laws or education laws passed by the state legislature or in regulations or policies adopted by the state's executive agency overseeing education, like a department of education (with a commissioner) or a state board of education.

Protections for students may exist in a state's civil rights statute, which can cover many areas other than education, such as housing and employment. The states' legislatures pass these laws. The only state in the nation with such a general civil rights law that prohibits both sexual orientation and gender identity discrimination against students in schools is Minnesota, and the prohibition applies expressly to both public and private schools. New Jersey is an example of a state with a general public accommodation statute prohibiting sexual orientation discrimination against students in public schools. Minnesota also added a provision that is helpful to consider for inclusion in any law or policy under consideration. The provision empowers the state's human rights commission to (8)

...develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon ... sexual orientation or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life.

Protections may also exist in a state's education statutes, which are specific to the schools in the state. The states' legislatures also pass these laws. The first state to ever pass such a law prohibiting sexual orientation discrimination was Wisconsin, followed by Massachusetts, Connecticut, and California. The California statute also prohibits discrimination on the basis of gender, by cross-referencing its hate crimes statute. In Vermont, the legislature passed a statute prohibiting harassment on the basis of sexual orientation. Vermont's statute also adds provisions that increase its effectiveness by directing school boards to

1. Develop procedures for implementing the statute.

2. Provide notice of the policy and procedures to students, custodial parents or guardians of students, and staff members, with age-appropriate language for students and examples of harassment.
3. Publish the notice in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school.
4. Develop and initiate age-appropriate programs to effectively inform students about the substance of the policy and procedures (9).

Further, the Vermont statute directs the state's commissioner of education to develop and periodically update model harassment prevention policies for school districts. These added provisions increase the effectiveness of the statute by adding affirmative steps that must be taken.

Protections may exist in regulations or statements of policy by the agency that oversees the state's public education, like the department of education or a statewide board of education. Regulations are commonly what a governmental agency creates to implement the mandate that created the agency. Policies can play a similar role for an agency, and they may be easier to issue than a regulation, but they may also have less impact. Pennsylvania's statewide Board of Education issued a regulation providing "that educational programs shall be provided without discrimination on the basis of sexual orientation." In Rhode Island, the Department of Education issued a policy statement providing "that no student shall be excluded from, discriminated against, or harassed in any educational program, activity, or facility in a public school on account of sexual orientation or perception of same."

Despite the fact of harassment and discrimination based on sexual orientation and gender identity in schools, only eight states (California, Connecticut, Massachusetts, Minnesota, New Jersey, Vermont, Washington, and Wisconsin) and the District of Columbia have safe schools laws that prohibit harassment or other discrimination based on sexual orientation. Two states (California and Minnesota) have safe schools laws that expressly prohibit harassment based on gender identity. The District of Columbia also appears to prohibit harassment of transgender students under the personal appearance provision of the D.C. Human Rights Law. In some states, lower courts are using sex discrimination protections to protect transgender students. A number of other states have policies that can be interpreted to ban harassment and/or discrimination based on sexual orientation, including Alaska, Connecticut, Florida, Hawaii, Pennsylvania, and Rhode Island (10).

At the federal level, Senator Paul Wellstone (D-Minn.) introduced a bill in 2001 that would provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil

Rights, relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students. The bill, referred to the Committee on the Judiciary, makes the following findings (11):

Although Title IX of the Education Amendments of 1972 does not prohibit discrimination on the basis of sexual orientation, one section of the Department of Education's Office for Civil Rights' 1997 final policy guidance, entitled "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties" published in the Federal Register on March 13, 1997, included a determination that "sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's programs constitutes sexual harassment prohibited by Title IX under the circumstances described in this guidance." This language was unchanged in a 2001 update of the policy guidance entitled "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties" for which a notice of availability was published in the Federal Register on January 19, 2002.

That section of the 2001 "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties" went on to state: "Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond, if it rises to the level that denies or limits a student's ability to participate in or benefit from the educational program. A school must respond to such harassment in accordance with the standards and procedures described in this guidance." There is evidence that brings into question the degree to which the policy guidance on sexual harassment against gay, lesbian, bisexual, and transgender students is being implemented. For example, a 7-state study by Human Rights Watch of the abuses suffered by gay, lesbian, bisexual, and transgender students at the hands of their peers, published in 'Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools' found that such students were often the victims of abuses.

A 2002 study by the American Association of University Women focused on implementation of Title IX of the Education Amendments of 1972 more generally, and the findings of that study, published in "A License for Bias: Sex Discrimination, Schools and Title IX" included a finding that many schools and universities have not established procedures for handling Title IX-based grievances.

The 2001 report of the Surgeon General, entitled "Surgeon General's Call to Action to Promote Sexual Health and Responsible Sexual Behavior" notes "antihomosexual attitudes are associated with psychological dis-

stress for homosexual persons and may have a negative impact on mental health, including a greater incidence of depression and suicide, lower self-acceptance and a greater likelihood of hiding sexual orientation.” It goes on to report: “Averaged over two dozen studies, 80 percent of gay men and lesbians had experienced verbal or physical harassment on the basis of their orientation, 45 percent has been threatened with violence, and 17 percent had experienced a physical attack.”

The purpose of this act is to provide for an examination of how secondary schools are implementing the policy guidance of the Department of Education’s Office for Civil Rights related to sexual harassment directed against gay, lesbian, bisexual, and transgender students. The bill also includes in its scope

1. The study shall be conducted nationwide.
2. The study shall examine, at a minimum, with regard to secondary schools:

The extent to which there exists sexual harassment against gays and lesbian students in secondary schools, using the applicable standards in the policy guidance of the Office for Civil Rights described in subsection (a).

The extent to which there exists gender-based harassment that negatively affects the learning environment of gay, lesbian, bisexual, and transgender students in secondary schools, applying the definition of such gender-based harassment contained in the 2001 update of the policy guidance entitled “Revise Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” for which a notice of availability was published in the Federal Register on January 19, 2001.

The level of awareness by school officials and students of the policy guidance described in subsection (a).

The level of implementation of such policy guidance.

The United States Commission on Civil Rights was to report their findings not later than 18 months after the date of enactment of this act, and the Commission shall transmit to Congress and to the Secretary of Education:

1. A report of the commission’s findings under section 2,
2. Any policy recommendations developed by the Commission based upon the study carried out in section 2 (12).

The bill was referred to the Senate Judiciary Committee, sat there, and never made it to the full Senate for a vote.

Beyond doing what is required or mandated by federal and state law, a school district board can encourage or inhibit the development of a safe and

positive environment for all people within its boundaries through its policies. OutFront Minnesota, a statewide advocacy organization for the GLBT community, offers these actions for school boards and superintendents:

1. Determine a school district policy. Support diversity (including sexual orientation and gender) in an inclusive and safe school environment. Examine employment and/or hiring policy and practices: reflect acceptance of GLBT staff to serve as role models and resource people for gay youth.
2. Know the laws and policies. In formulation of policies consider state and national laws such as the Minnesota Human Rights Act and the guidelines for school district boards released from the Office of Civil Rights for the U.S. Department of Education on Title IX. This recently has been interpreted to include GLBT students.
3. Be clear and direct. Include strong and clear disciplinary action for those who victimize GLBT students, staff, and families.
4. Provide training. Train all staff to become advocates for all students including GLBT students.
5. Actively support GLBT staff. Support faculty members who advocate in the school and community for respect of all students, staff, and families.
6. Examine curriculum. Implement curricula that specifically acknowledge GLBT accomplishments in all subject areas.
7. Include comprehensive sexuality education with accurate information about the broad range of human sexuality and sexual health for all students.
8. Encourage outreach. Encourage community education to offer classes on GLBT issues within your district. Provide opportunities for discussion of these issues regarding sexual orientation with parents and community leaders and demonstrate to students and to the community how to have differences of opinion on a subject with respect and integrity.
9. Help educate the city, regional, and state policy makers. Advocate for other school districts to develop inclusive and supportive environments for GLBT youth, staff, and their families (13).

III. STUDENT SUPPORT SYSTEMS: STATISTICS AND CONSEQUENCES

Every student deserves a quality education in a safe, respectful learning environment. Despite the push for antiviolenence and character education

in recent years, name-calling remains one of the primary obstacles in the effort to create and maintain peaceful hallways and productive classrooms. Words hurt. More than that, they have the power, especially over time, as individual incidents accumulate to become a pattern, to make students feel unsafe to the point where they are no longer able to perform in school or conduct normal lives. Far too many students who should be able to devote their energies to learning are instead spending an inordinate amount of time trying to avoid persecution or survive hostile environments.

Many of the derogatory words and phrases commonly used in schools today include slurs that refer to GLBT people. “That’s so gay” has become the putdown du jour in schools nationwide, and “faggot,” the ultimate insult for male students. Female students who fail to conform to gender stereotypes, whether by speaking up in class, playing sports, performing well academically, or simply not seeking out or responding to male sexual attention risk being labeled as *dykes* or *lesbos*. Anti-GLBT slurs have become the insult of choice whether the targeted student is in fact GLBT, or perceived to be, or heterosexual. A host of recent studies affirm this fact, demonstrate the pervasiveness of anti-GLBT slurs in schools and confirm the power of words to wound.

1. Of the 1000 students interviewed in a 2001 national phone survey conducted by Hamilton College 88% reported having heard classmates use “gay” as a derogatory term (14).
2. Four out of five students in the 1999 Safe Schools Coalition survey who said that they had experienced anti-GLBT harassment (80%) identified as heterosexual (15).
3. According to “Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School,” a 2001 study conducted by the American Association of University Woman (AAUW), 73% of students would be “very upset” if someone said they were gay or lesbian. Among boys, no other type of sexual harassment, including physical abuse, provoked so strong a reaction (16).

Clearly, most students are hearing anti-GLBT slurs on a regular basis. Clearer still, many people who are the targets of anti-GLBT name-calling are being ostracized not for their sexual orientation but because they are somehow different whether that difference takes the form of body size, social standing, personal style, academic standing, race, gender, country of origin, gender nonconformity, or socioeconomic class. And clearest of all, a vast majority of students dread being on the receiving end of anti-GLBT rhetoric, a fact that refutes the notion of taunts like “that’s so gay” have become so

commonplace as to “not really mean anything.” The logical sum of all these parts is an equation that reads

1. Gay is bad.
2. Any kind of difference equals gay or “That’s so gay” or “They’re so gay.”
3. I sure don’t want anyone to think I’m gay.
4. Maybe if I call other people and things gay, no one will call me gay.

The statistics on anti-GLBT name-calling in schools, and its impact on students, take on another level of meaning in studies that poll students who self-identify as GLBT. For this student population, these slurs are routine, endless, and deeply personal. According to the organization Human Rights Watch, author of the 2001 study, “Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools” (17):

Nearly every one of the 140 students we interviewed described incidents or verbal or other non-physical harassment in school because of their own or other students’ perceived sexual orientation. For many lesbian, gay, bisexual, and transgender youth, relentless verbal abuse and other forms of harassment are all part of the daily routine.

For lesbian and bisexual girls, anti-GLBT slurs add another layer to the daily dosage of verbal harassment they are already subjected to just for being female. Of the 712 suburban high school girls aged 14–19 polled in a 2001 survey conducted by a Boston University professor of social work, 62% of heterosexually identified girls said that they had been called “sexually offensive names”; among girls who identified as bisexual or lesbian, the figure rose to 72% (18).

The overwhelming majority of the 900 middle and high-school aged GLBT students who responded to the GLSEN 2001 National School Climate Survey also reported hearing homophobic remarks (19). Additionally, the study found that faculty and staff often contributed to the problem either by making homophobic comments themselves or failing to intervene when they heard students making them:

1. Of GLBT students 83% reported being verbally harassed (name-calling, threats, etc.) because of their sexual orientation.
2. Eighty-four percent (84%) reported hearing homophobic remarks such as “faggot” or “dyke” frequently or often.
3. Ninety percent (90%) reported hearing the expression “That’s so gay” or “You’re so gay” frequently or often.

4. Twenty-three percent (23%) sometimes heard homophobic remarks from faculty or staff.
5. Eighty-two percent (82%) reported that faculty or staff rarely intervened when hearing such remarks.
6. Twenty-one percent (21%) reported being physically assaulted.

Faculty or staff members who take the prevalence of anti-GLBT name-calling as proof that it must not actually mean anything in particular, refer to anyone in particular, or cause any specific kind of damage, are gravely mistaken. On the contrary, the fact that so many students, regardless of their sexual orientation or gender identity or expression are harassed by people using anti-GLBT slurs should be an impetus for those adults charged with the care of youth to take special notice of this issue: “Boys will be boys,” “Well, it obviously doesn’t mean anything because everyone says it,” or “Teasing is just a part of everyone’s growing up” are all unacceptable responses. There is nothing normal or natural about prejudice or harassment or their effects.

School administrators and faculty who downplay, excuse, or ignore name-calling unwittingly foster an antagonistic environment: perpetrators feel as though they can harass others without impunity, while the students they target feel scared, helpless, and abandoned by the very adults who are supposed to ensure their well being. This is a recipe for disaster. Bullies who go unchecked tend to become more aggressive over time, extending their dominance over peers, being a law unto themselves in classrooms and hallways, and often continuing to act out once they leave school for the day in their relationships with parents, peers, and other authority figures. By contrast, the world a targeted student inhabits shrinks as fear and low self-esteem corrode their ability to concentrate on their studies or engage in the social life of the school: they become more wary of doing anything to call more attention to themselves, including speaking in class, playing sports, or participating in school clubs or trips. These increasingly isolated students wind up spending far too much of their young lives figuring out how to survive another day—physically, mentally, and emotionally.

Numerous surveys attest to the heavy toll that name-calling takes on GLBT youth: a slew of studies on youth truancy, drop out rates, suicide, depression, and alcohol and/or drug dependency document significantly greater risk for these behaviors among GLBT youth, who are subjected to a degree of alienation, persecution, and isolation even beyond that of the average adolescent.

1. The GLSEN 2001 National School Climate Survey found that 32% of GLBT students had skipped a class at least once in the

past month because they felt unsafe based on sexual orientation; 31% had missed an entire day (20).

2. According to an article in the August 2001 American Journal of Public Health, teenagers with same-sex attractions or those in gay or lesbian relationships are twice as likely as their heterosexual counterparts to commit suicide (21).
3. The 1999 Massachusetts Youth Risk Behavior Study concluded that students who described themselves as gay, lesbian, or bisexual were significantly more likely than their peers to report attacks, suicide attempts, and drug and alcohol abuse. When compared to peers, this group was
 - a. Over four times more likely to have attempted suicide.
 - b. Over three times more likely to miss school because of feeling unsafe.
 - c. Over three times more likely to have been injured or threatened with a weapon in school (22).

Indifference to name-calling among faculty and staff greatly increases the likelihood that incidents will snowball and intensify. “Damaging in itself, verbal harassment that goes unchecked may quickly escalate into physical violence, including sexual assault,” warns Human Rights Watch: “When teachers and administrators fail to act to prevent harassment and violence, they send a message that it is permissible for students to engage in harassment, and they allow the formation of a climate in which students may feel entitled to escalate their harassment of gay youth to acts of physical and sexual violence” (23).

While not all name-calling invariably leads to physical violence or sexual assault, the vast majority of those school-based cases of violence that make it into the news and the courts began with verbal harassment and might have ended there, had any of the adults present stepped forward to intervene and educate. Regardless of their personal views, all school officials need to understand that there is a legal as well as an ethical or professional mandate to stop name-calling.

IV. STUDENT SUPPORT SYSTEMS: ENDING NAME-CALLING

Faculty and staff need to adopt a “zero indifference” response to name-calling, that means never letting it go by as though nothing has happened. Consistent intervention is key to establishing a school environment where

students feel safe and respected. There is no one right way to intervene in name-calling and only three things that an educator should never do:

1. Ignore the incident.
2. Excuse it.
3. Allow yourself to be immobilized by fear or uncertainty.

An effective intervention consists of two steps: first, stopping the behavior and then educating those involved. Whether you choose to educate on the spot or privately, immediately, or at a later time, the determining factor in your decision about how and when to educate should be the needs of the targeted student. Both options have their advantages and disadvantages as spelled out below:

1. Educate on the spot.
 - a. Provides immediate information and support.
 - b. Models taking a stand.
 - c. Reassures others that this is a safe place.
 - d. Sets a compassionate tone.
2. Educate privately.
 - a. Allows harasser to “save face.”
 - b. Prevents possible embarrassment of target.
 - c. Allows you to cool down. Allows more time to explore and discuss.

Part of the job as an adult and as educator is to distinguish between what you think is right and what’s best for a given student or situation. For example, you may think it’s vital that everyone within 50 ft of a given incident hear you reprimanding the tormentors of an oft-scapegoated student loud and clear so that they will all get the message that you will not tolerate name-calling in the school, but the targeted student may cringe at the attention your very public intervention draws and wonder for their safety on the way home when you will not be there to protect them. Or the situation may be reversed. Perhaps the targeted student is an out and proud GLBT student who would love nothing more than for the whole school to know that you won’t tolerate anti-GLBT harassment. You may find yourself not wanting to draw attention to yourself for fear of reprisal when, in fact, a very public show of strength and support from you might deter later attacks on the student.

As an adult you may feel like you need to take charge and figure out what would be best for every student in every situation all on your own. That’s really not necessary, though, in many cases, it is good to ask the student what they would like you to do. First, stop the name-calling, then set aside a time to

educate the harassing student later. Find some time in between to meet privately with the targeted student and figure out what will work best for them in terms of your response. This is also a good time to learn whether the targeted student has a history of being harassed in general, whether the current offending student(s) has a history of harassing others, and whether the parties involved have an ongoing history with each other. If the answer to any of these questions is yes, you will need to take further steps both to ensure proper disciplinary response for the harasser and secure appropriate safety and/or counseling for the targeted student. Above all, do your best to not let your own fears get in the way of giving a student the support they need or, conversely, letting your own desire for justice or revenge interfere with their desire to keep a low profile and not be singled out any more than they already have been.

The response to name-calling and harassment will be impacted by both the setting in which it occurs and the time available. The choices made while walking rapidly through the hallway will, of necessity, be different from the options available with plenty of time to spare. If time and place allow for only punitive or reactive responses, or if the needs of the targeted student will be better served by speaking to the offending student(s) later, make sure to carve out a future time and place to deal with the situation more reflectively. Education will go much further than punishment.

V. STUDENT SUPPORT SYSTEMS: GAY-STRAIGHT ALLIANCES

The First Amendment and the Federal Equal Access Act establish the legal requirement that school officials not discriminate against any noncurriculum-based student club because of the message or subject matter of that club. A secondary school that provides a meeting place for any voluntary, student-initiated club is required by law to provide the same meeting facilities for all noncurriculum-related groups.

A gay-straight alliance (GSA) is a school based, student-led, non-curricular club organized to end antigay bias and homophobia in schools and create positive changes by making school welcoming, supportive, and safe places for all students, regardless of sexual orientation or gender identity. GSAs help eliminate anti-gay bias, discrimination, harassment, and violence by educating school communities about homophobia and the lives of youth and supporting GLBT students and their heterosexual allies. Since 1989, GSAs have formed in cities and towns across America. Today over 800 schools in 46 states have GSAs, a number that has doubled in slightly more than a year (24).

School-based support groups provide students with a place to meet and talk about issues relating to sexual orientation. These groups can help change the climate of a school and make it safer for all students. There are also numerous community-based groups that reach out to young people. GSAs are the most popular model for school-based support groups for students. These groups are student run and have a limited number of faculty advisors who help facilitate the group, offer resources and support, and mediate discussions. Some groups meet more often than others meeting weekly or monthly and the sizes of groups vary widely from school to school. It doesn't matter how many people go to meetings; the work GSAs do in fighting prejudice and discrimination can impact the lives of everyone in the student body.

The groups are designed to meet the needs of students who are interested in addressing issues related to sexual orientation and antigay prejudice and to address the concerns of lesbian and gay students and their friends. They provide a safe place where students can

1. Talk about their feelings and experiences regarding homosexuality.
2. Learn about homophobia and how it affects everyone.
3. Educate each other and their school community about issues relating to sexual orientation (including planning a day of awareness for the school community).
4. Have fun going to movies and plays, hosting dances, going on picnics, attending political rallies and marches, hosting speakers, writers, artists, and musicians, etc.

GSA's can help to reduce antigay violence, harassment, and discrimination by educating the school community about homophobia and by encouraging a greater degree of understanding from students and school personnel. The groups also give gay, lesbian, bisexual, questioning, and heterosexual students a safe place to discuss their feelings and fears related to sexual orientation. Most groups suggest drawing up a list of rules that might include

1. Meetings and discussions are confidential; the names of group members and anything said at meetings are to remain within the confines of that space.
2. Students, teachers, and staff participate as equal members.
3. Members are in no way obligated to declare or define their sexual orientation, nor are any assumptions to be made regarding a member's sexual orientation.

Groups tend to change their agendas for each meeting depending on the needs of the participants. Most try to strike a balance between the political

work of raising consciousness and reducing homophobia at the school and dealing with the more personal and emotional issues of the members and offering the members support.

VI. EMPLOYEE RIGHTS AND ADULT SUPPORT SYSTEMS

Administration and policy related to GLBT employees has not been explored or developed to the same degree that it has for the student population, though some of the same federal, state, and local laws have been applied to both students and staff members of a school district. The good news is that an increasing number of states, municipalities, and school districts have added “sexual orientation” to their employment nondiscrimination policies. This is visible support and protection for GLBT employees in schools.

With regard to gay, lesbian, bisexual, and transgender employees, in order to demonstrate that a school district has violated the First Amendment rights of an employee, a court will first consider “whether the employee’s speech or actions, whether inside or outside the workplace, address a matter of public concern or are otherwise protected under the First Amendment” as found in the case of *Weaver v. Nebo School District 29* (25).

Wendy Weaver was hired as a physical education teacher at Spanish Fork High School in the Nebo School District in Utah County, State of Utah on May 30, 1979. In 1982, she was assigned to teach psychology in addition to physical education and was a tenured faculty member. Over the course of her teaching career, Weaver had developed an excellent reputation as an effective and capable teacher and had consistently received superior evaluations from her peers and supervisors. In addition to her teaching responsibilities, Weaver had been the girls volleyball coach and had led her team to four Utah state championships. Prior to the end of the 1996–1997 academic year, Principal Robert Wadley requested that Weaver continue to coach the volleyball team during the next academic year. She accepted the assignment and accordingly, held team camp from June 9–13, 1997 and from July 14–18, 1997.

In April 1997, Weaver and her husband of 15 years, Gary Weaver, were divorced. Gary Weaver was also an employee of the Nebo School District. Weaver is a lesbian and since April 1997, she had been cohabiting with Rachael Smith. Weaver and Smith are in a committed, loving, and marital-like relationship. On July 17, 1997, Weaver received a call from Nebo School District Office requesting that she meet with Almon Mosher, Director of Human Resources, at the Nebo School District Office on Tuesday, July 22, 1997. On July 18, 1997, Spanish Fork High School called Weaver at home, requesting that she come to the high school to meet with Wadley on July 21, 1997. On Monday, July 21, 1997, Weaver arrived at Principal Wadley’s office.

Wadley informed Weaver that he had decided not to permit her to continue coaching the volleyball team for the upcoming academic year. When she asked him why, he stated that it was in the best interest of the school, the students, and the district that she not continue to coach the team. Weaver asked for the basis for this conclusion. Wadley said that his perception of Weaver had changed. When Weaver then asked him why she was not the same person he had known for 8 years, he was silent. On July 22, 1997, Weaver met with Mosher and Larry Kimball, Director of Secondary Education, at the Nebo School District Office. As soon as the meeting commenced, Mosher read aloud the following memorandum

Dear Ms. Weaver:

This letter is to summarize and make a matter of record our conference of Tuesday, July 22, 1997. The District has received reports that you have made public and expressed to your students your homosexual orientation and lifestyle. If these reports are true, we are concerned about the potential disruption in the school community and advise you of the following (26).

You are not to make comments, announcements, or statements to students, staff members or parents of students regarding your homosexual orientation or lifestyle.

If students, staff members, or parents of students ask you about your sexual orientation or anything concerning the subject, you shall tell them that the subject is private and personal and inappropriate to discuss with them.

This memo is to place you on notice of the expectations the school district has for you concerning this matter. A violation of these requirements may jeopardize your job and be cause for termination.

If you feel that you would like to discuss this with me, I would be happy to help you through the process. If you feel that you would like outside assistance, our Employee Assistance Program through Bloomquist Hale is available to you. Their Orem phone number is 225-9222.

Almon L. Mosher, Director of Human Resources

Larry Kimball, Director of Secondary Education

Your signature indicates that you have revealed this document, but does not mean that you are in agreement with its contents.

Wendy Weaver Date

Cc: Denis Poulsen, Superintendent

Personnel File

Apart from reading the memorandum and advising Weaver not to say anything to them about her sexual orientation, Mosher and Kimball made no further substantive comment or explanation, nor did they permit Weaver to ask questions. The July 22 memorandum expressly threatens Weaver with disciplinary action, including termination, for any violation of its require-

ments. On July 28, 1997, Weaver received a letter from Wadley, dated July 21, 1997, reiterating his decision that she not continue in her position as volleyball coach at Spanish Fork High School. On or about July 31, 1997, Weaver again went to the Nebo School District Office to seek clarification from Mosher about the scope and meaning of the July 22 memorandum. Specifically, she asked Mosher if the July 22 memorandum meant that she was not permitted to say anything, either at school or outside of school, to students or to any adults who happened to be staff or parents of students, which in any way regarded here sexual orientation. Mosher refused to provide a substantive answer, merely saying he would talk to his attorney and let her know. Subsequently, on or about August 6 or 7, 1997, Mosher advised Weaver that the July 22 memorandum would stand “as is” but refused to provide any clarification or limitation.

Weaver had never initiated any conversation with any student regarding her sexual orientation. Weaver has no intention or desire to initiate any such conversation with students. Prior to the July 22 memorandum, Weaver had never been the subject of any disciplinary action. In early June 1997, Weaver telephoned the members of her volleyball team to remind them of the upcoming camp. One of the team members, who would be entering the twelfth grade in the coming school year, told Weaver that she didn’t think she would be playing on the team during the coming school year. When Weaver asked the student why, she replied, “Can I ask you a question?” Weaver said, “Sure.” The student then asked Weaver whether she was gay, to which Weaver responded, truthfully, that she was. Weaver did not initiate this conversation, nor did it occur during school hours or on school property. Weaver’s sexual orientation came to the attention of the school officials not because of any communications initiated by her. Rather, officials learned of Weaver’s sexual orientation as a result of remarks made by her former husband, Gary Weaver, also an employee of Spanish Fork High, to other members of the Spanish Fork High community. Weaver continues to teach at Spanish Fork High School. She continues to be an excellent teacher. The school officials have not rescinded, retracted, modified, clarified, or limited the requirements in the July 22 memorandum or the threat of disciplinary action contained therein. The officials have not imposed restrictions like those imposed on Weaver on other faculty and staff at Spanish Fork High, with the exception of a restriction placed on Gary Weaver as to comments he can make about Wendy Weaver’s sexual orientation (27).

In this case the district court determined that the employee’s expressions concerning her sexual orientation are protected under the First Amendment. Considering the specific facts before it, the court in Weaver’s case determined that the school district’s interests could not outweigh those of the employees. In reaching this conclusion, the district court noted that “It cannot be said

that a single student's decision not to take part in a wholly voluntary extra-curricular activity can support a showing of a material and substantial disruption in the school's activities." Because the Nebo School district encouraged employees to promote heterosexuality, but specifically prohibited Ms Weaver from making any expressions concerning her homosexuality, the Nebo School District was engaging in a viewpoint-based restriction of expression (28).

This case illustrates the challenges for GLBT staff members in schools. Are they free to acknowledge their sexual orientation and live an open life at school? Are there protections against employment discrimination and verbal harassment? Depending on where one lives and works, the degree of employment protection varies. Thirteen states (California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin), the District of Columbia, and more than 240 local government entities prohibit discrimination based on sexual orientation in private workplaces and public-sector jobs, while 37 states have no such law. Two of those states, Minnesota and Rhode Island, also prohibit discrimination based on gender identity (29). Currently, a federal law provides basic legal protection against employment discrimination on the basis of race, gender, religion, national origin, or disability, but not sexual orientation. There is currently no federal law banning antigay discrimination or antitransgender discrimination. So, unless a school employee works in one of the states or municipalities with legal protection, being open in the school work environment can be risky. Even for those who do enjoy the legal protections, the fears about repercussions from supervisors, students, families, and the community may leave many school employees living life in the closet, not being able to be a role model for others.

The failure of states to protect GLBT teachers from job discrimination has several ramifications for GLBT youth. At worst, teachers, counselors, and administrators, regardless of their sexual orientation or sexual identity, may refuse to intervene to stop harassment of the gay students out of fear that they will then be, correctly or incorrectly, perceived to be gay themselves or to be "promoting homosexuality." Furthermore, school districts lose input from a knowledgeable group of adults who could potentially educate their peers of what GLBT youth are experiencing and help them devise intervention strategies. Finally, discrimination against adults based on their sexual orientation or gender identity is readily apparent to the youth themselves. Abusive youth justify their harassment by pointing to societal and governmental support for discrimination, and abused youth get the message that even adults in positions of authority can be attacked because of who they are. The lack of legal protection against discrimination in employment on the basis of sexual orientation leaves teachers and administrators open to attack if

they are supportive of GLBT students. One tactic is to target educators who attempt to incorporate gay content into class instruction, for example, by referring to sexual orientation discrimination issues in diversity classes or by including discussions about historical figures who were also gay or lesbian.

There are benefits of openness; the ability for teachers and administrators to publicly acknowledge their sexual orientation. For students to trust that they will not suffer discrimination based on their sexual orientation or gender identity, they need to see that adults too are protected from harassment and discrimination. When students perceive, as they often do, that teachers are gay, lesbian, or bisexual but also perceive that it is not safe for them to be open about their identity, the youth again receive a message that how they identify is unacceptable. Having a teacher who is openly GLBT does not help only students themselves who may be GLBT. A 2000 study found that having a personal acquaintance that is GLBT is linked to holding fewer negative attitudes toward GLBT individuals (30).

Thankfully, there are positive, proactive changes being made across the country. School districts are including sexual orientation in their antidiscrimination policies, employee contracts are acknowledging changing family patterns in contract language for family medical leaves, personal leaves, and bereavement leaves and including domestic partnership benefits, and schools are recognizing the need to include sexual orientation in the categories used to educate about diversity. But there still is much work to be done including recognition and support from national education organizations. For example, there is no policy statement or platform position showing support for the needs of GLBT students, families, or staff by the National Association of Elementary School Principals or by the National Association of Secondary School Principals. However, each of the following professional associations maintains a positive, proactive policy statement regarding GLBT youth (31): American Psychological Association, American School Counselor Association, National Association of School Nurses, National Association of School Psychologists, National Association of Social Workers, National Mental Health Association, and The School Social Work Association. Even the National School Boards Association in its beliefs and policies states “School boards should ensure that students are not subjected to discrimination on the basis of socioeconomic status, race, color, national origin, religion, gender, disability, or sexual orientation” (32).

The inclusion and adoption of this policy statement is one thing; the implementation of it among its member boards is another.

The National Education Association has gone much further than the NSBA by approving the Report of the NEA Task Force on Sexual Orientation at its meeting on February 8, 2002. The NEA’s report includes an in-depth examination of the needs of, and problems confronting, gay, lesbian,

bisexual, and transgender students and education employees. The report addressed information and statistics on the GLBT student population, verbal and other nonphysical harassment toward students, sexual harassment toward students, physical harassment and assault directed toward students, and consequences for GLBT students including self-endangerment or self-injury and school attendance and performance. While the number of studies and amount of information concerning GLBT students is increasing, the problem of employment discrimination against GLBT education employees, while often acknowledged, has not received the same level of systematic and comprehensive scrutiny. The NEA's report states (33)

Discrimination in schools on the basis of sexual orientation/gender identification is not confined to students. Employment discrimination directed at GLBT education employees is commonplace. Such employees frequently face dismissal or other adverse employment actions on the basis of their sexual orientation/gender identification, often as a result of private declarations of their sexual orientation/gender identification. And there is not federal legislation prohibiting employment discrimination based on sexual orientation/gender identification, and relatively few states have enacted such legislation.

The American Federation of Teachers, AFL-CIO, also believes that discrimination and stereotyping based on sexual orientation must be eliminated as evidenced by their support of a resolution passed in 2000: "RESOLVED, that the AFT actively support legislation to amend state laws to include sexual orientation as part of the protection of all AFT members and citizens, especially in the areas of employment, housing, and public accommodations, and urge its affiliated organizations to do likewise" (34).

Additionally, the AFT includes in its Constitution and Bylaws, Article III, Membership, Section 10 (35)

No discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, sexual orientation, social, political or economic status or national origin. Locals may establish procedures for admission of new members except that no discrimination shall ever be shown toward individual members or applicants for membership because of race, creed, sex, sexual orientation, social, political, or economic status, or national origin.

VII. SCHOOL CURRICULUM AND INFORMATION

Schools play an important role in ensuring that youth have the freedom to seek, receive, and impart information, a right that also includes the right to

have access to information about sexual orientation and gender identity. In addition to supporting GSAs, schools may provide students with access to information about sexual orientation and gender identity by including such information in health education classes and other parts of the curriculum, by making information available in school libraries, and by providing them with information about outside youth groups.

Many states require their public schools to provide health education to their students. Accurate health information is critical for GLBT youth because those who are victimized are more likely to engage in risky behaviors, including alcohol and drug abuse and unprotected sex. Nonetheless, most health education programs are not addressing the needs of GLBT students. The missed opportunities and resulting risks to youth are not limited to sex education. Including as matter of course information on issues relating to sexual orientation and gender identity helps to remove social stigma against GLBT individuals. An inclusive approach to health education has the potential to reduce harassment and violence against GLBT youth. Such an approach may also combat youth's sense of isolation, reduce depression and other mental health concerns, and reduce the health risks that result. The denial of accurate, relevant health information to GLBT youth is not only unwise, it is also discriminatory. It means the school district is denying GLBT youth access to information that their heterosexual counterparts are receiving. When faced with hostile laws or policies, teachers and administrators are often uncertain about what information they can give students on GLBT issues. The result is that the little information youth do get on these issues is frequently inaccurate or misleading. To compound the problem, the uncertainty and discomfort educators feel when addressing these issues allows some teachers to express their personal prejudices without challenge.

Similarly, students rarely hear anything about issues relating to sexual orientation or gender identity elsewhere in the curriculum. Schools are natural forums for presenting information to students and homosexuality should be included in the curriculum. Other subjects that affect minority groups are covered, so it seems logical that the subject of homosexuality be addressed. In addition to the usual curriculum, schools throughout the nation are used as forums for teaching about alcohol and drug abuse, race relations, child abuse, automobile safety, voting, gun safety, sex equity, AIDS, world hunger, and many other special interest topics. It is the rare school or community that addresses the needs of GLBT students. GLBT issues can readily be incorporated into existing school programs that address discrimination, civil rights, and minority groups. These issues can be raised in most subjects taught in U.S. public schools. For example, classes on the sciences, mathematics, literature, the arts, and other disciplines can note the contributions of GLBT individuals. Social studies classes can include discussions of

related current and historical figures and issues. Integrating these issues into the curriculum is beneficial to youth who are struggling with issues of sexual orientation and gender identity in much the same way that access to accurate health information is. Classroom acknowledgment of these issues reduces the sense of isolation faced by youth who are GLBT or who are questioning their sexual orientation or gender identity. Adding these issues to the curriculum has the potential to benefit all students by increasing their awareness and tolerance of those who are different from them.

The good news is that federal, state, and local policies and laws are being used to support GLBT students, families, and staff in our public schools. Many more organizations are advocating for education, awareness, and training for GLBT issues and the few bright spots across the country give hope that someday all students, families, and staff in all school districts will enjoy the kind of affirmation, support, and advocacy that they deserve.

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12

Coming Out of the Ivy Closet

Improving Campus Climate for GLBT Students,
Faculty, and Staff

Beth Zemsky

University of Minnesota, Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

Gay, lesbian, bisexual, and transgender (GLBT) students, faculty, and staff have always been a vital part of the history of American universities as teachers, scholars, student leaders, athletes, and staff members. GLBT people have added richness to the academic community by our presence. However, throughout this history, persistent homophobia and heterosexism manifested themselves in occasional incidents of blatant discrimination, harassment, or violence and in more frequent subtle incidents of exclusion, marginalization, and silence. This environment, which was not always a hospitable climate for GLBT students, faculty, and staff to learn, work, and reach their full potential, also stilted scholarship, teaching, and outreach in the pursuit of knowledge about GLBT lives.

The past decade witnessed the rapid increase of university task forces investigating GLBT campus climate issues and the creation of professionally staffed GLBT centers on many campuses. The work of these task forces and resource centers contributed to significant changes in higher education administration for GLBT faculty, staff, and students. GLBT issues are now being discussed on many campuses in ways they never have before. These changes include expansion of supportive GLBT policies such as the adoption

of equal opportunity policies inclusive of sexual orientation and gender identity, the adoption of domestic partner benefits, inclusion of GLBT issues in campus diversity initiatives, and increased interest in GLBT studies. In addition, policies and programs to support GLBT students have been integrated throughout student affairs units on many campuses. However, despite these positive changes, many campuses remain challenging environments for GLBT faculty, staff, and students to work and learn.

This article will provide an overview of the recent advances made regarding GLBT issues in higher education administration and the challenges that remain on campuses across the country. Specifically, this article will begin with a brief history of higher education institutional responses to homosexuality and GLBT students. We will then examine the growth of GLBT responses to this negative educational environment first from student activists and, later, from GLBT faculty, staff, and allied heterosexual administrators. Current initiatives to improve campus climate for GLBT students, faculty, and staff will then be explored. These initiatives include the inclusion of GLBT concerns in campus policies; the expansion of student services specifically designed for the particular challenges facing GLBT students: the integration of antihomophobia and GLBT sensitivity and awareness content into campus diversity training initiatives and the extension of domestic partner benefits to the same-sex partners of GLBT faculty, staff, and students. The University of Minnesota will be used as a case example to explore some of the issues raised.

II. HISTORICAL OVERVIEW

Describing what is like to be a lesbian in the academy in the twentieth century, Paula Bennett (1996) begins by drawing an analogy to her invisibility as a Jew during and immediately after World War II. She offers the first five lines of Muriel Rukeyser's poem, "To Be a Jew in the Twentieth Century" as a way to illustrate the tension between the fear and silence experienced by many GLBT people on campus on the one hand and the potential power of visibility and acceptance on the other. She quotes:

To be a Jew in the twentieth century
Is to be offered a gift. If you refuse,
Wishing to be invisible, choose
Death of the spirit, the stone insanity.
Accepting, take full life (Rukeyser as quoted in Bennett, 1996, p. 3.)

Bennett (1996) goes on to describe the insidious nature of homophobia in the academe as an oppression that is both institutionalized within the structure

and systems of most universities and is internalized within GLBT people who work and learn within the university settings. The individual and collective costs to intellectual creativity and campus community building due to fear, shame and silence are hard to measure, but weigh on the hearts of the people who experience this death of the spirit. Given the significant role that universities play in the construction and production of societal knowledge, the loss to the creation of our collective knowledge base is incalculable.

Historically, homophobia on campus has taken many forms. Dilley (2002) identifies four types of institutional responses over the past five decades that universities have taken to the “problem” of homosexual students. First, from approximately the early 1940s through 1960, institutions of higher education responded to perceived homosexual behavior with expulsion or other official sanctions that penalized students but sometimes allowed them to continue their education. Secondly, student surveillance and sting operations were used as a mechanism to police suspected homosexual students and same-sex liaisons from 1940s all the way through the 1990s. The incriminating information that was gathered through these surveillance mechanisms was often then included in student files and used in coerced mental health inventions (Dilley, 2002).

For example, Steven Schochet’s memories of his time at the University of Minnesota were less than positive. During the late 1950s, being openly gay meant being targeted for harassment and persecution. “At that time, the University had a dean for academic affairs, and a dean for everything else.” After being caught by the police during one of their surveillance swipes, Schochet remembers, “The University Police turned me over to the dean of everything else. His viewpoint was, ‘We don’t like it (that you’re gay), but you can stay in school if you can show us that you’re trying to change.’” Schochet agreed to see a psychiatrist in order to complete his degree. In addition, he was required to comply with the stipulation that the dean monitor his psychiatric treatment, and Schochet was also required to meet with the dean monthly. Due to this treatment by the University of Minnesota, Schochet “went back into the closet to survive.” When Schochet graduated in 1959 with a degree in mathematics, he left Minnesota immediately hoping he would never have to look back. When asked later what was it like to be a gay although closeted student at the University of Minnesota during this time, Schochet replied

What was it like? It was just fine if you didn’t mind being invisible. It was just fine if you didn’t mind the isolation. It was just fine if you didn’t acknowledge your sexuality. It was just fine if you didn’t need a mentor. It was just fine if you could pretend to be straight and play the fraternity dating game (Raffo, 1998, p. 1).¹

By the late 1960s and early 1970s, cultural changes in American society influenced how gay students viewed themselves and their potential roles on campus. Gay students began to organize more openly and challenge institutional oppression. In many locations around the country, including Minnesota, gay student activism took the lead in the burgeoning Gay Rights movement. (Dilley, 2002).

In 1969, University of Minnesota student activists formed Fight Repression of Erotic Expression (FREE) the first gay liberation organization in Minnesota and one of the first gay campus organizations in the country. Organized shortly after the Stonewall riots, FREE received official approval as a student organization from the University of Minnesota Twin Cities Student Assembly on October 24, 1969. FREE sponsored social events, acted as a support group, and from the very beginning, its founders considered it primarily a political activist and educational organization. One of the members, Jack Baker, regularly spoke in public on gay issues. In May 1970, with much publicity, he applied for a marriage license with another man, which was denied. Baker went on to become the first openly gay student body president in the country in 1971 (Wrathall, 1993). Student lead campus-based activism and community education, such as that conducted by FREE, had repercussions in the broader community. This relationship between GLBT education and organizing on and off campus was to remain an important feature leading to the changes witnessed in the past decade in universities' responsiveness to GLBT concerns.

While FREE received institutional recognition in 1969, on many other campuses, the rights of gay student groups to organize were contested or denied, resulting in time consuming and expensive litigation. Despite previous case law concerning the clear right of students to assemble and speak freely on campus, institutional attempts to prevent gay student organizing through formal legal opposition to students' rights of free speech and assembly continued throughout the 1970s and 1980s. In the 1990s the attempts to regulate GLBT student activity on campus increasing involved state legislative action rather than the courts. Known as "No Promo Homo" bills, a number of antigay activists in Alabama, Oregon, Colorado, and elsewhere attempted to limit funds to GLBT student groups by arguing that funding the group would be contrary to the religious beliefs held by the majority of students on campus (NGLTF, 1997, 1998). While this tactic did not target individual GLBT students, the measures were designed to silence discourse about homosexuality and promote and enforce heterosexual norms on campus (Dilley, 2002).

The most recent tactic is to challenge the constitutionality of providing student fee funds to support the work of GLBT student organizations. On most campuses student fees are a mandatory expense added to students' semester bill. At the University of Minnesota these fees pay for campus

related services such as student health care, the recreation sports facility, and student activity groups. At the University of Minnesota in 2001, approximately \$0.41 of each student's fees went to support the GLBT student organization, the Queer Student Cultural Center. The opponents of student fee funding for GLBT groups argue that since the student fee is mandatory, they are being compelled by the university to support an organization that they find abhorrent and contrary to their political views. College administrators and GLBT supporters counter that GLBT student groups provide essential support for GLBT and allied students and important educational and cultural programming enriching the campus environment for all students. Cases involving the University of Wisconsin and the University of Minnesota are still working their way through the court system. The litigation involving the University of Wisconsin has been heard at the circuit court level where the court found for the plaintiff's and against the University's current mechanism for funding GLBT student groups² (Southworth et al. v. Gerebe et al., 1998). These court challenges could result in fundamental changes in how universities distribute funds and support student-based and student-led activities on campuses across the country.

Despite these extensive efforts to limit the organizing of GLBT students, the number of GLBT student organizations grew significantly throughout the 1970s, 1980s, and 1990s. By 1994, nearly 1200 campus organizations for GLBT students, faculty, and staff (representing more than 600 different campuses) were identified by the National Gay and Lesbian Task Force's (NGLTF) Campus Project (Shepard et al., 1995). In addition to the exponential growth in number of these organizations, GLBT student organizations are now found on much more diverse campuses, from large state universities and Ivy League schools to small rural campuses and religious affiliated colleges. The GLBT student leaders involved in these groups have been instrumental in bringing about many of the institutional changes on campus noted above.

The final historical institutional response to the presence of GLBT students on campus was to try to "treat" them and help them with their problems (Dilley, 2002). At first glance providing treatment and help for GLBT students may seem like an enlightened and positive stance (it certainly is light-years from the practice of expulsion for gay students). Nevertheless, this stance continued to view the problem facing the university as one lodged within the body or psyche of the GLBT student. If the "problem" is seen as one that the GLBT student brings to campus, then mechanisms for redress are likely to be individualized solutions targeted at helping individual GLBT students adjust to a campus environment otherwise seen as functional and not implicated in the creation or solution of the problem. If the "problem" facing GLBT students, faculty, and staff is instead defined as an issue of

institutional and institutionalized homophobia and heterosexism, then responses on campuses begin to look very different. The likely solutions are then not individual but rather institutional.

The historical changes described above concerning campus climates, practices, and policies paved the way for the higher education institutional change efforts that included the growth of professionally staff GLBT programs and service centers, the development of GLBT studies, and additional changes in campus policies and procedures.

III. RESPONSES

After an initial enthusiasm in the 1970s, GLBT student organizing around the country waned a bit in the late 1970s and early 1980s. However, by the mid-1980s gay and lesbian campus activism was again on the increase, this time with students, faculty, and staff working together. Throughout the nation in the late 1980s, GLBT students, faculty, and staff began to become more visible and more demanding of their rights and academic freedom on college campuses. This increased visibility was assisted by, and indeed often followed, colleges and universities explicitly adding a clause to their equal opportunity statements protecting against workplace and academic discrimination due to sexual orientation. The University of Minnesota made this revision to its equal opportunity statement in 1986.

By 1994, over 240 campuses had nondiscrimination policies that included sexual orientation (Shepard et al., 1995). In addition, by 1993, eight states and over 100 cities and municipalities had added sexual orientation to the language of their human rights ordinances (Van der Meide, 2000). Also in the early 1990s, GLBT organizing in corporate, public, and non-profit workplaces had yielded significant improvements in equal opportunity protection in workplaces in various sectors of the economy (Kohn, 1999). The existence of these inclusive equal opportunity policies and an atmosphere of increased GLBT employees' expectation of nondiscrimination in employment allowed GLBT faculty and staff to publicly come out and disclose their sexual orientation without overt risk to their jobs, their academic advancement, or their professional standing. Indeed, a recent survey of campuses with staffed GLBT offices found that 100% of these centers were located on campuses with equal opportunity statements that were inclusive of sexual orientation while 39% were located in states with inclusive state human rights laws (Sanlo, 2000b).

Decreased risk for GLBT faculty and staff to publicly come out significantly altered the nature of the work on GLBT issues on campus. For approximately the first 15 years of following Stonewall, it was predominately

GLBT students who carried the charge for improving campus climate regarding GLBT issues. At times, their work to improve their institutions distracted them from their coursework and their primary function on campus, that is, to study and graduate. As a result, in addition to the significant time commitment involved in leading antihomophobia efforts on campus, GLBT students often carried the weight and the negative consequences of attempts to alter institutional systems that were bigger, more complicated, and more entrenched than their resources allowed them to influence. Once campuses began to implement equal opportunity statements inclusive of sexual orientation nondiscrimination protection, GLBT students were no longer the only voices challenging the injustices that were occurring.

IV. A FOCUS ON CAMPUS CLIMATE

The shift in consciousness from viewing GLBT students as deviants to be expelled or controlled, to troubled students in need of counseling, to students in need of a positive and affirming educational environment was a slow evolution that had implications for how universities defined the problem of GLBT people on campus. This evolution was further assisted by growing national attention to the significant problem of antigay harassment and violence on college and university campuses (Shepard et al., 1995). For example, in 1988, NGLTF's Antiviolence Project received 1411 reports of antigay incidents occurring on campuses around the country including threats, vandalism, harassment, and assault. In addition, 32% reported that antigay violence on their campus had increased from the previous year (Berrill, 1989). Many universities responded to the reports of victimization of GLBT students on campus, by creating task forces charged with investigating the institutional climate for GLBT students, faculty, and staff.

Institutional climate can be defined as "current common patterns of important dimensions of organizational life, or its members, perceptions of, and attitudes towards, those dimensions" (Rankin, 1998b, p. 278). Rankin notes that the major features of climate are its emphasis on common participant views of a wide range of organizational practices and phenomena, its focus on patterns of belief and behavior, and its ability to change. The environment of an institution is believed to have a significant impact on the people who work and study within the institution. They, in turn, contribute to the creation of the institution's environment (Rankin, 1998b). Several recent reports suggest that a primary mission of any university should be to create an environment that cultivates intellectual curiosity, celebrates difference, and exposes students to diversity. Exposure to diversity is correlated to increased educational outcomes for all students (Humphreys, 2001).

On most campuses around the country the impetus for conducting a campus assessment regarding GLBT issues was in response to either incidents of harassment or to an awareness of a lack of equity (Rankin, 1998b). At the University of Minnesota, of particular concern in the early 1990s was the perceived conflict between the policy of ROTC excluding gay men, lesbians, and bisexuals from its programs and the university's equal opportunity policy. In addition, the GLBT community was concerned about the inequality in university benefits for gay and lesbian families and a recent increase in violence directed against gay men, lesbians, and bisexuals on campus (Select Committee, 1993). In fact, a 1994 University of Minnesota Campus Diversity survey found that gay, lesbian, and bisexual students are more likely to experience discrimination or harassment on campus than any other group. One hundred percent of lesbian students, 71% of gay men, 79% of bisexual women, and 64% of bisexual men reported experiencing discrimination or harassment compared to 44% of heterosexuals in the survey. In the same sample 89% of lesbian students and 74% of gay male students said they concealed their sexual orientation to avoid intimidation. Forty-four percent of lesbians and 36% of gay men reported fearing for their safety because of their sexual orientation. In addition, in response to other questions on the survey assessing attitudes among the general student population, the report concluded that it was

clear from the numerical data and from written comments to this survey that questions about sexual orientation arouse much more heated responses than [did] any other current aspects of diversity. There [was] a segment of the student population that [was] very uncomfortable with the idea of homosexuality and particularly concerned with the University's concern for gay, lesbian, and bisexual student rights (Harrold et al., 1994, p. 5).

It was within contentious environments such as the one described at the University of Minnesota that campus GLBT task forces began their work. While the methodology used to examine campus climate varied according to the goals, purposes, and structure of the committee or task force investigating the issue, most campuses used assessment techniques such as surveys, focus groups, and interviews sampling different segments of their campus communities³ (Rankin, 1998a).

Efforts to evaluate campus climate for GLBT people at the University of Minnesota stemmed from extensive lobbying by student and faculty groups over a number of years. In response to the pressure, the President of the University of Minnesota requested the appointment of a subcommittee to the University Senate's Social Concerns Committee in the fall of 1990. This subcommittee, called the Select Committee on Lesbian, Gay, and Bisexual

(LGB) Concerns, was charged to investigate “the campus climate as experienced by lesbians, gays, and bisexuals within the University of Minnesota” (Select Committee, 1993, p. 1). The Select Committee on LGB Concerns operated for 3 years, collecting information through open forum testimonials, written testimonies, focus groups, curriculum surveys, student surveys, and audits of faculty and staff benefits at other institutions (Select Committee 1993). The effectiveness of the Select Committee owes much to the fact that it had official status with the formal governance structure of the university and a specific mandate from the president to conduct a University-wide study. It was also significant that the committee was predominately comprised of openly GLBT students, faculty, and staff, as well as a cadre of vocal heterosexual allies, in a powerful example of coalition building.

On most campuses, including the University of Minnesota, the campus surveys revealed a climate that was at best chilly and at worst openly hostile and intimidating to GLBT students, faculty, and staff and to the pursuit of scholarship in GLBT studies. On many campuses, GLBT Programs Offices or GLBT Student Services were created in attempt to respond to these endemic campus-wide problems.

A. Creation of LGBT Centers and Offices

The first professionally staffed office established to work with lesbian and gay students began at the University of Michigan in 1971. But not until 1982, when the University of Pennsylvania created its LGBT Center, did another institution follow suit. Only three other centers/offices were established in the 1980s. The vast majority of centers/offices opened in the mid and late 1990s. From 1993 to 1999, more than 40 institutions created such services for the LGBT students on their campuses (Sanlo, 2000b).

Student initiative was the leading factor in the creation of 21 centers/offices and was a significant factor in the establishment of 20 others. Seventeen centers/offices were created primarily as a result of the recommendation of a committee examining LGBT issues on campus, and an additional 14 resulted foremost from faculty and staff initiative (Beemyn, 2002).

At University of Minnesota in the fall of 1992, GLBT students were subjected to a number of incidents of homophobic harassment. These incidents shocked the administration and others within the university community. In reaction to the vehemence of these attacks, the university president requested that the Select Committee for LGB Concerns’ research be curtailed on the grounds that there was no need to “prove” the existence of homophobia in the face of the escalation of harassment and violence on campus. Instead, he asked the Select Committee to publish its report with concrete

recommendations that could be considered during the next budget planning process as to how to institutionally respond to the problems revealed through its study. The Select Committee strategically decided to keep the list of recommendations relatively short to emphasize the importance of each of the items suggested.⁴

The following five recommendations were proposed by the Select Committee for LGB Concerns:

1. Establish a gay, lesbian, bisexual, transgender programs office.
2. Provide a full benefits and privileges package for the families and children of gay and lesbian employees.
3. Establish a gay and lesbian studies program
4. Develop educational training programming on gay, lesbian, bisexual, and transgender issues and concerns.
5. Update all printed publications and materials to reflect diversity in sexual orientation (Select Committee, 1993).

The GLBT programs or service centers that formed as a result of campus climate assessments took on various missions depending on the specific needs identified in the campus surveys and the possibilities for institutional support that existed within each campus structure and prevailing campus politics. As a result, many of today's GLBT programs or service centers have different missions, structures, activities, staffing patterns, and are lodged in different positions in their institution's administrative hierarchy. The greatest number of centers/offices are freestanding units, most often (78%) within a division of student affairs or student services. A significant number are also housed under a dean of students office or an Office of multicultural affairs or a multicultural center. Three are situated within a women's center. Seventeen percent of the centers are located in academic affairs, although their daily work is much the same as the centers housed in student affairs. Since their founding, 15 centers/offices have moved within the administrative structure of their institution, generally as part of a reorganization of the school's overall administrative hierarchy rather than as a result of problems with its original location (Beemyn, 2002; Sanlo, 2000b).

Placement within an institutional hierarchy is no small matter. Placement within the university structure often influences what constituency the office can serve (e.g., students only or a broader constituency that includes students, staff, and faculty), the services it provides (student support services, counseling, and associated programming versus the additional agenda of faculty and staff issues, domestic partnership, and academic or curricula concerns), and the amount of institutional support and validation the office receives both in terms of funding and inclusion in institutional decision and policy making. Placement issues are also important given the systematic

disempowerment of student affairs-related activities that has occurred on many campuses.

At the University of Minnesota, the Select Committee on LGB Concerns and the University Senate determined that for the GLBT Programs Offices to be creditable and institutionally effective, its work needed to be linked to the core academic mission and academic activities of the university. The GLBT Programs Office was initially located within Academic Affairs in order to provide this academic link. It was also positioned with Human Resources in order to link the work of the office with ongoing policy issues such as the provision of domestic partner benefits and institutional campus climate change efforts that potentially impacted faculty and staff as well as students. Over the years, as the institutional structure at the University of Minnesota changed, so did the organizational placement of the office. The GLBT Programs Office is now a unit within the Office for Multicultural and Academic Affairs. This organizational relocation was also a reflection of the work done over the years to increase awareness about the correlation between heterosexism and other forms of institutional oppression and the importance of integrating GLBT issues into the diversity agenda of the institution.

As of June 2002, the National Consortium of Directors of GLBT Resources in Higher Education lists 67 professionally staffed GLBT programs or centers on campuses around the country. These GLBT programs can now be found on many different types of campuses from large state universities and Ivy League colleges to small rural campuses and some religious institutions. The professional staff of these GLBT centers have formed a national association, the Consortium of Directors of GLBT Resources in Higher Education, in order to network, share best practices, and provide mentorship and support for new professionals in the field (Beemyn and Barnett, 2002).

B. GLBT Programs Offices

Again, the program at the University of Minnesota is utilized as example of the type of mission and services GLBT Programs Offices offer. The GLBT Programs Office opened at the University of Minnesota on December 7, 1993, and following a national search, the author was selected as its first director of the office. The GLBT Programs Office serves as a resource for the entire university community. The office provides student support services and services for information and referral, advocacy, educational programming, program development, and community building. It should be noted that the University of Minnesota was the first campus office in the country to include transgender in the title of the office and integrated issues for the transgender community throughout its programming.

The mission of the GLBT Program Office at the University of Minnesota is to “improve campus climate for gay, lesbian, bisexual, and transgender people at the University of Minnesota and address the harmful effects of discrimination based on sexual orientation and gender identification” (GLBT Programs Office, 1993).

As noted above, the Gay, Lesbian, Bisexual, Transgender Programs Office serves the entire University of Minnesota community through its programs. All members of the University of Minnesota campus community are considered constituents and can be potential recipients of the services of the GLBT Programs Office. This includes faculty, staff, students, alumni, and community members, whether or not they identify as members of the GLBT community. Given the mission of improving campus climate relative to issues of concern to the GLBT community (including addressing issues of homophobia, heterosexism, and other manifestations of oppression), a core philosophical tenet underlying this work is that everyone on campus could potentially have need of the services and benefit from them. In addition, given the difficulty identifying and reaching an often invisible GLBT target constituency, communication about the needs of the GLBT community and the program’s services needs to be very widespread.

The GLBT Programs Office is committed to promoting diversity and equity in its programming and operations. All services attempt to recognize differences within lesbian, bisexual, transgender, and gay communities along lines of race, ethnicity, age, size, religion, income, health status, language, national origin, gender, and disability.

Recognizing the differences within the GLBT community in a way in which all members of the campus community feel valued and welcome is a challenge for any organization attempting to respond to the needs of multiple communities and multiple stake holders, all of whom have multiple identities. However, this is an essential goal in order to alter campus environments in such a way that all students, faculty, and staff can reach their full potential. Our experience at the University of Minnesota is that how issues are defined and addressed and who perceives the campus GLBT program to be for them are often influenced by one’s relationship to the categories *gay*, *lesbian*, *bisexual*, and *transgender*.

For example, shortly after beginning as Director of the GLBT Programs Office, the author met with a group of lesbian faculty and staff to gain input into the development of the mission and services of the office. One woman, who is a well-known and respected feminist leader on campus, stated that while she didn’t like the “L” and the “G” being together in the title and the work of this office, she understood why the linkage was made. On the other hand, she didn’t understand the inclusion of the “B” and the “T” at all. It is likely that this faculty member spoke for many women on this campus and

elsewhere who configure their identities first as women, then as lesbian, and hardly ever connect in their own identification to anything that could be defined as GLBT or “queer.” For these faculty women, GLBT Programs Offices may not at first glance feel like a program designed for their needs.

On another occasion, the author attended a reading given by a very well known lesbian feminist theorist and author. During the question and answer period, a number of women began discussing declining interest in Women’s Studies and self-labeling as “feminist.” The speaker suggested that perhaps this was occurring because Women’s Studies was perceived as too radical for the younger generation of women. A young student in the audience, who proceeded her comments by defining herself as a “queer girl,” quickly responded that the famous author had got it all wrong. Rather than being too radical for her, she perceived that Women’s Studies and feminism was limiting because it was not radical enough. She added that she was concerned not only with her role as a woman, but she was also interested in issues concerning the construction of race, gender, sex, and sexuality. She went on to state that she hadn’t felt like she had been welcomed in her campus’ Women Center or the Women’s Studies classes she had taken because of her understanding of her gender as “trans” or “gendered queer.”

Lastly, we present a final example: many students of color struggle to make sense of their sexuality within the cultural context of their home racial and ethnic communities. GLBT campus organizations that organize around a particular model of coming out and the assumption of the primacy of gay identity may not be viewed as environments within which a young student of color can integrate their sexuality and their racial identities. GLBT students of color may be more likely to affiliate with the campus racial and/or ethnic student organizations. In order to appropriately serve these students, GLBT programs need to develop liaisons with campus offices and student groups that primarily serve students of color (Dumas, 1998).

Given the complications of identity, campus GLBT programs need to build programs and communities that are inclusive of all the various ways students, faculty and staff identify as GLBT people and lead their lives. In order to do this, one must take into account the fact that each of a person’s multiple identifications tends to shift from foreground to background dependent on the environment or the situation they are in and the amount of stress they are under.

For example, on a personal level, when the author is grocery shopping at Christmas time, she is most aware of her identity as a Jew. When she is in administrative meetings at the University and is the only woman in the room, she is most aware of her gender. When she is coalition building around issues of diversity, she may be most aware of her whiteness. At other times, for example, when she announces the name of the office she directs to a new

group of colleagues, she is most aware of being lesbian. In other settings and responding to other issues, sometimes she is a *dyke*; sometimes, *gay*; and sometimes, *queer*. Sometimes these words and identifications are quite personally comfortable, and at other times, alienating. Similarly, for an African-American gay male student or an international student who is a lesbian from Sri Lanka, sometimes their race will be most salient to them, at other times it might be their gender, their citizenship, major in college, or their sexuality. All GLBT students, faculty, and staff possess a multitude of identities. In any given moment, as the personal examples above demonstrate, it is likely that they will tend to identify with whichever of their multiple identities is under most stress at any moment. To respond to this complexity of identity and identifications, GLBT campus programs must recognize the multiplicities and fluidities of GLBT identifications, needs, and interests in all aspects of programming.

The complexity of attempting to respond to the needs of multiple communities and multiple stakeholders, all of whom have multiple identities, serves to reaffirm the core commitment at the University of Minnesota's GLBT Programs Office to campus climate change. A core belief underlying the work of the office is that it is not possible (or advisable in terms of creating long-term institutional change) to predominately focus program energies on creating just one place on campus where all the potential GLBT constituents might find haven from the heterosexism of the institution. Rather, the focus of the work of the GLBT Programs Office needs to be to develop a campus climate where any GLBT student, faculty, or staff member could go anywhere on campus and receive appropriate services to their needs. This underlying philosophy of campus capacity building regarding GLBT issues impacts the strategic direction of all of the programs and services provided by the GLBT Programs Office at the University of Minnesota.

For example, rather than establishing a parallel track of counseling and health care services specifically for GLBT students within a GLBT center, the GLBT Programs Office provides training, on-going consultation, and support to the counseling and health care centers so that GLBT students will be served appropriately within these venues. To establish parallel campus GLBT service systems would be ineffective for many reasons. First, as noted above, not every potential constituent will experience their GLBT identity as primary and seek out services from a GLBT center. Secondly, establishing effective parallel systems is expensive and beyond the capability of most GLBT campus offices. For example, on an urban campus of approximately 70,000 potential constituents (nearly 45,000 of whom are students) the GLBT Programs Office at the University of Minnesota is currently staffed by a full-time director, a full-time assistant director, and a half-time (0.5 FTE) program associate. They are assisted by three student workers (1.5 FTE) and numerous

volunteers.⁵ In addition, the Queer Student Cultural Center at the University of Minnesota, the GLBT student run student organization that is the current embodiment of the work begun by FREE, is staffed by a full-time office manager and a board of governors comprised of student leaders. While these staffing resources may seem meager, the GLBT Programs Office and the Queer Student Cultural Center are staffed as well, if not better, than most GLBT campus centers at other universities (Beemyn, 2002). Finally, by setting up parallel systems to care for the needs of GLBT students, faculty, and staff, the institution is not held accountable to meeting the need of providing available, accessible, and appropriate services to all members of the GLBT campus community.

Toward the end of “improving campus climate for gay, lesbian, bisexual and transgender people at the University of Minnesota and addressing the harmful effects of discrimination based on sexual orientation and gender identification,” the goals of the GLBT Programs Office are to

1. Assist bisexual, transgender, gay and lesbian faculty, staff and students at the University of Minnesota in fostering a supportive community.
2. Educate and provide resources for all members of the University of Minnesota community about issues that impact the experience of transgender, gay, lesbian and bisexual staff, students and faculty.
3. Support the development of curriculum and research in the area of gay, lesbian, bisexual and transgender studies (GLBT Programs Office, 1993).

These goals are achieved through the strategic activity areas of student services, information and referral, education and training, program development and consultation, advocacy, and community building. Each area will be described below. In addition, to provide a glimpse of the scope of activity the GLBT Programs Office at the University of Minnesota provides, service delivery statistics for the 2001–2002 academic year will be provided below for each strategic activity area (GLBT Programs Office, 2002).

1. GLBT Student Services

Despite the long-term goal of capacity building for all university units so that GLBT students can receive accessible and appropriate service everywhere on campus, the reality is that this situation does not yet exist on most campuses. Until such time as the unique needs of GLBT students are taken into account in the planning and development of all student services, the need will exist for GLBT programs to offer some direct services to support the psychosocial development and academic support of GLBT students.

In campus climates that are often marked by homophobia, heterosexism, marginalization, and violence towards GLBT students, many students are struggling with sexual identity development. The struggle to define ones' sexual identity is common and developmentally appropriate for traditionally aged (18–22 year old) heterosexual and GLBT college students alike. While GLBT students are exploring their gender identity and sexual orientation, they are also discovering their identification as part of a sexual and cultural minority. For some GLBT students this may be their first experience being a target of both overt and subtle discrimination. At the same time, their heterosexual peers are also developing their sexual identities in an environment that is shaped by the fear of homosexuality, the denigration of GLBT people, and the suppression of positive images of same-sex relationships (Sullivan, 1998).

For GLBT individuals, sexual identity development, or “coming out,” can be a very complicated and lengthy process. *Coming out* can be defined as “the process of recognizing one’s sexual identity and integrating that knowledge into one’s life” (Zemsky, 1991). The average age at which youth begin the coming out process is approximately 14 years old (slightly earlier for boys than for girls) (Remefedi et al., 1992, deMontefores and Schultz, 1978). As the data indicates, 14 is the average age at which youth begin to define themselves as not heterosexual and begin the process of developing a congruent GLBT or queer identity. Even at an individual level, developing a congruent identity is a complex interpersonal and social process. It requires an individual to be able to have answers to questions such as “who am I?”, “how am I behaving?”, and “how do other people see me?” Identity development is facilitated when an individual can respond to all of these questions in a way that provides the individual with a consistent sense of self internally and across all social interactions (Cass, 1979, 1984).

Research indicates that once the coming-out process begins, it takes an average of between 7 and 10 years for individuals to fully integrate a positive GLBT identity and come out to all the significant people in their lives to whom they wish to disclose their sexual identity (APA, 1977; GLCAC, 1989; Remefedi et al., 1992). This time line places most students at college in the midst of their GLBT identity development process. One of the unique developmental challenges of identity acquisition for GLBT students is that, in the words of Michelle Cliff (1980), they are claiming an identity “they were taught to despise.” In addition, this new GLBT identity is most often not shared by the students’ families or home communities (Dumas, 1998). Coming out can be an experience filled with fears of isolation.

Coming out, like many identity acquisition processes, is thought of occurring in stages. There are many different psychological stage models describing the various psychological and behavioral tasks characteristic of

each developmental stage utilizing different language and jargon (Cass, 1979, 1984; Sullivan, 1998). However, what is common to all these models is the recognition that an important part of the coming out process is a rejection of negative messages received from a hostile homophobic and heterosexist culture and the development of a sense of pride in oneself for being who one is.

The real possibility of rejection from family, friends, and community and economic and social discrimination makes coming out and affiliation with a GLBT organization potentially very risky for most GLBT individuals. However, the support provided by campus GLBT organizations can be essential in an individual's coming out and identity development processes. GLBT campus organizations and activities provide GLBT students with important locations in which they can build congruent identities. By interacting with GLBT peers and allies, they are provided with an environment in which they can be seen by others in the way they see themselves (Cass, 1979, 1984). They can be seen as smart, competent, whole, engaged, loving people who wish to succeed in college rather than as a archetype of the societal homophobic stereotypic of GLBT people as sick, sinful, crazy, and criminal (Paul, 1982).

The transformation in psychological perspective from self-hatred to pride is often accompanied by strong emotional reactions such as anger, fear, longing, and hope (Britt and Heise, 2000). As Taylor (1995) notes, one of the roles of social justice organizations is to channel the emotions of their participants into feelings conducive to action rather than resignation or withdrawal. Activities that provide emotional channeling become sites for "articulating links between cultural ideas, inequality, and individual action," as well as sites for affirmation of identity and affiliation with a new sense of community (Taylor, 1995, p. 227). These emotional activities and investments enable individuals to see themselves as part of a new kind of "we." In this context, a transformed sense of a previously hidden and perhaps shameful personal identity into a new positive sense of self, can become a very powerful incentive to participation in GLBT activities. Also, participation in GLBT activities provides students access to the additional collective identity of "member of the GLBT community" and its accompanying sense of belonging and solidarity (Taylor and Whittier, 1999).

The nature and the type of services currently provided by GLBT offices varies widely dependent on the campus climate and the resources available on each campus. In addition, the location of the campus can greatly impact the services necessary and the resources upon which the GLBT campus center can draw. For instance, in an urban location such as Minneapolis, in a state with a strong statewide civil rights bill inclusive of GLBT civil rights, the GLBT Programs Office is able to invoke generally supportive GLBT public policies and community sentiment in its advocacy, education, and community building efforts. Such a luxury would not be offered GLBT programs on

campuses in less GLBT supportive locations. Indeed, the overt hostility toward GLBT people still present in many locations around the country and on many campuses may necessitate a much greater focus on direct student support than that provided by the GLBT Programs Office at the University of Minnesota.

Lastly, the type of student services a GLBT program may offer is dependent upon the existence of GLBT student organizations and the relationship between the GLBT student organization and the GLBT program or center. For example, on some campuses the GLBT student organization is organizationally affiliated and operates out of the GLBT center. Due to campus climate considerations, the existence of the professionally staffed GLBT center is often vitally important on these campuses to the creation of a space safe enough for these GLBT student organizations to meet, develop, and offer programming (Shepard et al., 1995; Bauer, 1998a).

Examples of the types of student services GLBT centers provide include

1. College Recruitment of GLBT Students
2. Scholarships for GLBT students
3. New student outreach through specific GLBT orientation programs
4. Student support groups (often including groups for specific constituencies such students of color, bisexual and transgender students, older students, etc.) and support for GLBT student organizations (Mallroy, 1998, Outcalt, 1998, Ward, 1998a, Shepard et al., 1995).
5. GLBT social, cultural, and educational events (Shepard et al., 1995). Mentorship and leadership development programs (Kraig, 1998, Porter, 1998).
6. Career services designed specifically to meet the needs of GLBT students (Taylor et al., 1998, Worthington et al., 1998)
7. Safe Zone programs (Hothem and Keene, 1998, Shepard et al., 1995)
8. Specific outreach and support for GLBT students in athletics and fraternities (Salkever and Worthington, 1998, Rankin, 1998a, Bauer, 1998a, Bauer, 1998b).
9. Recognition of GLBT student achievement through awards ceremonies and Lavender Graduation events (Sanlo, 2000a, 2002).

The length of this list, and the diversity of types of programs included in each of the categories above, prohibits an extensive discussion here of all of these student services. Instead, four categories will be explored in greater depth in order to provide some insight into the types of challenges currently facing GLBT students and the programs fashioned by GLBT centers to assist them. Programs at the University of Minnesota will be used for illustration.

College Recruitment of GLBT Students. Traditionally, universities have not seen GLBT high school students as a target group for college recruitment. In fact, most colleges have little, if any, mention of their campus GLBT resources in their recruitment materials. This situation leaves the onus of uncovering information about the campus climate for GLBT people completely up to the GLBT prospective student who is often not out to his or her parents or high school guidance counselor. In a large sample of current GLBT college students, a majority reported that they were self-acknowledged GLBT people before coming to college. However, while nearly one-third said that their sexual orientation influenced their choice of college, 40% reported that their choice of college would have been different had information on the climate for GLBT students at a particular institution been available (Sherrill and Hardesty, 1994). In many ways, the GLBT students in this sample were very similar to all other American college students with a few notable differences. Specifically, they tended to have higher SAT scores and higher high school grade point averages. Unfortunately, they were also nearly three times more likely to be victimized while on campus and two to three times more likely to have attempted suicide (Sherrill and Hardesty, 1994).

To address the issues facing prospective GLBT students as they transition to college, a working group of representatives from Twin Cities GLBT youth programs and GLBT college organizations began meeting in November 1996 to specifically address the needs of GLBT high school students as they transitioned to postsecondary education. In addition to a thorough review of the literature, the group conducted focus groups to assess how coming out as GLBT impacted students' experience of high school, their perception of their academic achievement, their planning for college, and what interventions they perceived might enhance their ability to succeed.

The focus group data revealed that coming out in high school was perceived to significantly effect the GLBT students' psychosocial experience of their high school education and their academic achievement. For some of the students, they reported that the harassment they received after coming out significantly disrupted their academic progress and led to a decline in their ability to concentrate, their motivation, their grades, and sometimes their school attendance. One of the key observations from the focus group data was that many GLBT youth associated being "queer" with social activities and being "straight" with academic pursuits. For example, students reported regularly attending a community based GLBT youth space and leaving their knapsacks with their school work in the corner to opt for affirming social interaction. Indeed, even the existing GLBT school-based support groups tended to have students leave their classrooms in order to attend the groups. While the psychosocial support gained from attending a community- and/or

a school-based GLBT support group is clearly vital to the overall well-being of these GLBT youth, an unforeseen secondary consequence of the way many of these support services are structured is the reinforcement of the notion that coming out as GLBT is not associated with a positive focus on academic work. Stemming from this finding, a key goal of GLBT college recruitment needs to be to relink GLBT identity with an academic environment and the achievement of academic success (Zemsky, 1997c).

For other GLBT students in the focus groups, the ostracism and threats to self-esteem that they experienced in high school contributed to their spending more time on their school work and overachieving as a way to overcompensate for their perceived difference. For example, one student noted, "I was the perfect little gay boy overachiever to make up for my gayness. It pushed me to overachieve so that I could win a scholarship and escape... It worked." Another student reported, "I was the valedictorian of a 400-student class. I spent much of my time on studying, probably running from other issues—including being gay" (Zemsky, 1997b).

When asked how being GLBT impacted their choice of college, the students reported high motivation for going to college. For many, this was in part to get out of their hometowns and be in an environment perceived as more supportive. In addition, they also noted significant concerns about finding a college environment that would be socially supportive and appropriate for nurturing their academic success. Many students reported lack of information about a college's climate regarding GLBT issues and resources for GLBT people as a barrier to their selection of an appropriate postsecondary experience. The majority of current college students in the focus groups stated that they actively looked for colleges that had liberal environments and GLBT student groups or similar organizations. For example, one student reported, "I wanted to come to a larger city. I was also glad and excited to come here, so I could meet women without the whole town knowing and condemning me for it!" (Zemsky, 1997b). However, GLBT students reported often having to seek out this information on their own, sometimes in very creative ways. As another student noted, "I visited the campus an extra time during National Coming Out week to see what it was like, and I felt very welcome. I had my 'gaydar' out and I also picked up professors who were like me and/or supportive" (Zemsky, 1997a).

As one response to the situation identified above, a coalition of Twin Cities GLBT youth and college organizations began hosting specifically GLBT college fairs. The goal of the GLBT college fair was to provide a venue for self-identified GLBT students to come without fear of harassment from their peers to gather specific information about how well a particular institution might meet their academic, career, psychosocial, and personal growth needs. In addition, our secondary goal for the GLBT college fair was

to sensitize the participating institutions to the admissions and academic planning needs of GLBT students. Evaluations of the GLBT college fair have indicated that both of these goals were met through these events (Zemsky, 1997c).

GLBT Student Support Groups and Organizations. GLBT student organizations currently fulfill a variety of roles on college campuses. These roles range from providing networking opportunities to offering social and cultural programming. Almost all GLBT student organizations offer peer support for fellow students who are dealing with issues related to their gender identity and sexual orientation. Historically, as was the case with FREE, GLBT student organizations also served as advocacy organizations pushing their campuses to respond appropriately to GLBT student needs. GLBT student activism through GLBT student organizations included challenging homophobic campus policies, presenting antihomophobia education, providing individual advocacy for GLBT students mistreated by the institution, and pushing for the creation of GLBT offices (Mallroy, 1998). The institutional advocacy role played by many GLBT student organizations was an unusual role for a student organization and speaks to the dearth of institutional resources available to respond to GLBT issues on many campuses. Once GLBT offices were created, the educational and advocacy roles previously played by GLBT student organizations were often taken up by the staff of the GLBT office. This shift allowed many GLBT student organizations on campuses with staffed GLBT offices to be able to focus on providing services similar to other student organizations; that is, cultural and social programming and vitally needed peer support.

At the University of Minnesota, the GLBT student organization (the Queer Student Cultural Center) is a separate entity from the GLBT Programs Office. It receives its own funding from student fee funds, while the GLBT Programs Office is funded through university centrally allocated funds. The mission of Queer Student Cultural Center is to serve as a resource, safe space, and community builder for GLBT students. The organization coordinates the work of six student-led member groups that meet on a regular basis during the academic year. These groups include Gender and Sexual Diversity (for bisexual and transgender people), Queer Women, Queer Men, Queer Graduate and Professional Students, Friends and Allies, and Delta Lambda Phi Fraternity (a gay male fraternity.) The organization also supports the development of affiliate groups such as Queer Medical Students, Lambda Legal Group (for law students), and ARCH, a peer led support group for students exploring their sexual identity and orientation. The Queer Student Cultural Center has its own space where most of these groups meet. In addition, the Queer Student Cultural Center sponsors cultural programming and social

events. Some of the organization's funds are allotted to pay for a full time office coordinator who manages the organization's space and assists with programming. The office coordinator is hired by and reports to the Queer Student Cultural Center's elected student leaders.⁶

The GLBT Programs Office provides support to the Queer Student Cultural Center through an ongoing liaison relationship. Staff attends all of the student board of governors meetings and serves on their official advisory committee. The staff's role in these meetings is to support student development in the operation of the organization. Concretely, this means that the staff of the GLBT Programs Office offers guidance, provides information, and gives organizational support when invited. Otherwise, the students run their own organization, including their own budget, and they have the opportunity to learn from their own successes and failures. In addition, staff meets regularly with individual GLBT students to offer personal support. The GLBT Programs Office also actively designs its programming for maximum inclusion of undergraduate student leaders in the campus and community events it sponsors.

Safe Zone Programs. A number of college and universities have implemented educational interventions with names such as *safe zone*, *safe space*, *safe harbor*, and *safe on campus*. These programs are based on recent recognition of the potential development of heterosexual allies as a strategy for making the climate of a college or university campus more tolerant toward GLBT students (Tubbs and Barnett, 2002). The safe zone concept includes identifying, educating, and supporting campus members who are concerned about the well-being and academic success of GLBT students. When a faculty or staff member volunteers to be a safe zone contact, the focus is not on their own sexual orientation but rather on reinforcing their interest in the college's GLBT students (Hothem and Keene, 1998). Typical components of these ally programs consist of a resource manual and sticker or sign that program participants display to indicate their involvement in the program. Some programs also require an orientation program or training session of varying length. Other program components may include a listserv, advisory committee, web page resources, assessment, periodic socials, and identifying objects such as key chains, buttons, and pens. The hallmark of these safe programs is the public identification of allies by placing a "safe" symbol, usually incorporating a pink triangle or rainbow, on office doors or within living spaces (Poynter and Schroer, 1999; Poynter and Barnett, 2002).⁷ Models for safe-zone programs specifically designed for fraternities and sororities also exist (Lambda 10, 2002).

On some campuses there is resistance to safe-zone programs and the idea of posting a GLBT specific sign or sticker. Some of the objections come

from faculty or staff who view the posting of a sticker as a provocative test of political correctness. Others point out that rather than a special program targeting GLBT students, the goal should be to include all people in a safe space. Still others refuse to hang a sign or sticker or to be any part of the program because it specifically serves GLBT people. As Poynter and Barnett (2002) observe, it is hard not to wonder how much homophobia and heterosexism are also coming into play in these remarks. Poynter and Barnett (2002) go on to suggest that the best way to respond to these remarks is to point out that the program is not requesting a department-wide endorsement or posting. Rather, individuals are coming forward to pledge their support and understanding for GLBT students. Recent evaluations of safe-zone programs do indicate that they are experienced as supportive by GLBT students and that they are perceived to convey a strong message of institutional support (Tubbs and Barnett, 2002).

Lavender Graduation. Sanlo (2002) observes that many GLBT students have opportunities to experience the culture of their racial, ethnic, national, or religious backgrounds but rarely experience a university-supported event directly associated with celebrating their lives as GLBT people and GLBT students. Lavender graduation is an event that was created in to give GLBT students a celebratory event in which “they not only share their hopes and dreams with one another, but where they are officially recognized by the institution for their leadership and their successes and achievements” (Sanlo, 2000a). On many campuses Lavender graduation is now an annual cultural celebration that recognizes GLBT students and acknowledges their achievements and contributions to the university as students who survived and thrived through the college experience. For many students Lavender graduation is the payoff for staying in school and the cultural celebration to which they can invite family, partners, friends, and community supporters to say thank you for the years of support while they were struggling with their identities and completing their degrees. In addition, Lavender graduation ceremonies often provide GLBT students with a positive last experience of the university cementing their relationship with the institution in such a way that will hopefully encourage them to become involved active and contributing alumni (Sanlo, 2002). A Lavender graduation and award ceremony has been held annually at the University of Minnesota since 1997. In 2002, 29 undergraduate and graduate students participated in the ceremony, and the event was attended by over 125 well-wishes.

2. Information and Referral

Information and referral to appropriate GLBT sensitive resources was perceived to be a major service need of GLBT students, faculty, and staff (Select

Committee, 1993). In order to respond to this need, the GLBT Programs Office at the University of Minnesota provides many information and referral resources. Information about campus and community resources and events, University policies, local ordinances, and education resources is available from a web site (www.umn.edu/glb) through walk-in, email, and telephone requests, informational brochures and flyers, and the office's information files and GLBT resource library. Some of the most common types of information requests include prospective and current students concerned about campus climate and curriculum; undergraduates working on research projects, faculty members looking for speakers or materials for classes, faculty and staff members with questions about domestic partner benefits, and a variety of people seeking referrals to attorneys, psychotherapists, and other community services. Usage rates from the 2001–2002 academic year indicate that these services are accessed frequently:

- Number of information and referral telephone, walk-in, and email correspondence requests: 2200
- Total GLBT Web page hits: 4022
- Number of issues of GLBT E-mail newsletter published: 39
- Average distribution per issues of GLBT e-mail newsletter: 1170
- Total number of GLBT E-mail newsletters distributed: 45,630
- Number of E-mail special event announcements or action alerts: 20
- Total distribution of special event and action alert announcements: 23,400
- Total number of brochures, flyers, and posters distributed: 13,500
- Number of GLBT informational panels painted on the campus bridge: 10
- Number of GLBT Programs Office information tables at conferences or information fairs: 10

3. Education and Training

The goals of providing campus GLBT education and training programs are to (1) improve the ability of faculty, staff, and student leaders to respond to the needs of GLBT people on campus and (2) sensitize all students to the concerns of their GLBT student colleagues. The GLBT Programs Office provides educational programming through professional in-service workshops, classroom guest lectures, campus events, training initiatives, and special guest speakers. During the 2001–2002 academic year, the GLBT Programs Office provided educational services to a wide array of campus units including housing and residential life, financial aide, university counseling, the president's leadership program, health services, men's and women's athletics, new student programs, and numerous other units. In addition, staff presented

guest lectures in courses in at least five different academic disciplines including medicine, public health, family social science, cultural studies, and human relations. Numerous student groups were also engaged in educational experiences. The staff of the GLBT Programs Office also presented workshops at four regional and two national conferences. Finally, the staff of the GLBT Programs Office was actively involved in providing professional in-service training regarding GLBT issues to corporate and community groups. Participants in these workshops included K-12 teachers, mental health professionals, health-care workers, and potential employers of university students.

Number of groups, units, or departments (unduplicated) participating in education and training programs: 75

Number of educational events: 109

Number of hours of training: 175

Number of participants in educational and training events: 2308

Media interviews (broadcast and print): 15

4. Advocacy

Despite the best attempts to improve campus climate for GLBT students, faculty, and staff, homophobic bias-related incidents and discrimination still occur. At the University of Minnesota, assistance, support, and referrals are available to students, faculty, staff, and others using university services who perceive that they have been treated unfairly because of their sexual orientation or gender identification. The GLBT Programs Office provides support and assist to individuals who have complaints and intervenes with university departments on behalf of those individuals necessary. During the 2001–2002 academic year, advocacy was provided to 18 individuals.

In addition to the support provided to individuals, the GLBT Programs Office also provides systems advocacy when an issue impacts, or potentially could impact, a class or a group of constituents within the GLBT community. This work on systems advocacy issues often requires interaction with diverse campus partners to formulate university policy or practice that would respond to the needs of the affected constituency. During the 2001–2002 the GLBT Programs Office provided systems advocacy related to two major issues:

Domestic Partnership. In 1999, a group of senior level faculty and staff filed a complaint with the Office of Equal Opportunity (OEO) concerning discriminatory practices related to the provision of benefits to same-sex domestic partners. Throughout 2001–2002, the GLBT Programs Office facilitated the complaint group's work with OEO. In addition, as the university's ability to provide equitable benefits changed as a result of the university's

decision to separate its provision of employee benefits from the State of Minnesota's benefit plan, the GLBT Programs Office took the lead communicating the complex and rapidly changing benefits information to university employees throughout the state.

Transgender Access to Campus Facilities. Transgender members of the university community need appropriate accommodations in terms of access to housing options and bathrooms consistent with their gender identification in order for them to work and learn to their full potential. This access was challenged during the 2001–2002 academic year by the actions of the Minnesota State Supreme Court in *Goins v. West* (2001). In this case, the Minnesota Supreme Court determined that access to bathroom facilities consistent with an employee's gender identification was not guaranteed by the 1993 amendment to the Minnesota state human rights law that prohibited discrimination based on sexual orientation and gender identification. The GLBT Programs Office worked closely with the Office of Equal Opportunity, human resources, and housing and residential life to make sure that access to appropriate university facilities continued for all members of the university transgender community despite this court ruling. In addition, the GLBT Programs Office, working in conjunction with the Queer Student Cultural Center, was successful in influencing the design of the campus union renovation project to include a unisex bathroom to ease transgender accommodation. Finally, GLBT Programs Office staff worked closely with housing and residential life to provide a transgender student with the housing situation of her choice and to a draft policy recommendation to insure such accommodations can be made in the future.

5. Program Development and Consultation

The GLBT Programs Office works to integrate an awareness of GLBT concerns throughout the entire University of Minnesota community by offering consultation and technical assistance to campus departments and organizations to build their capacity to respond appropriately to GLBT issues. The range of departments, units, and groups with whom consultation occurs is wide and diverse. During the 2001–2002 academic year these units included academic units such as the Academic Health Center and the Humphrey Institute for Public Policy; student affairs units such as Student Activities and Commuter Student Needs Committee; and other coordinate campuses in the University of Minnesota system around the state. During the 2001–2002 academic year, 72 individuals, departments, or organizations were assisted through over 273 contacts.

Another way the GLBT Programs Office supports the GLBT capacity building of university units, departments, and groups is through the funding of small grants. These small grants financially support the development of

programs by campus units specific to the needs of GLBT communities and reward ongoing exemplary efforts. The small grants awarded during 2001–2002 helped support a GLBT medical student peer education program, a student-lead initiative to improve understanding around GLBT issues within diverse cultures, a graduate student initiative, an all campus program with GLBT themes, and a visit to the Twin Cities by University of Minnesota-Crookston GLBT students working on improving GLBT services on their isolated rural campus.

6. Community Building

GLBT campus cultural events are important vehicles in fostering a supportive community for GLBT faculty, staff, and students at the University of Minnesota. Each year, the GLBT Programs Office sponsors campus programs, often in conjunction with other campus GLBT groups, to recognize, strengthen, and support GLBT people at the University. Campus partners for these events include the Queer Student Cultural Center, GLBT Alumni Group, GLBT Employee Network, GLBT community based organizations, and the units that comprise the Office of Multicultural Affairs and other campus partners.

An example of programming from 2002 includes the Queer Communities program that featured a monthly series of roundtable discussions focusing on diversity within the GLBT community. The topics covered in this series challenged participants to think and engage in dialogue about issues faced by GLBT people who belong to and identify with multiple communities. Programs offered during 2001–2002 included those focusing on age and generation, disability, nationality and ethnicity, spirituality, economic status, race, the transgender community, and bisexuality.

The success of GLBT campus community building often depends on the strength of the partnerships a GLBT campus program can build with on- and off-campus allies. Partnering with campus allies provides yet another avenue to strengthen the partnering unit's sensitivity and capacity to respond to the needs of the GLBT campus community. Working with off-campus GLBT allies provides vital intellectual and tangible connections for GLBT students in a way that helps them contextualize their GLBT experiences on campus. Examples of the type and range of these partnerships can be seen in additional examples of the GLBT Programs Office's community building events for the 2001–2002 academic year:

- National Gay and Lesbian/Straight Educators Network (GLSEN) Summer Leadership Institute. Served as local host for GLSEN's national conference.

- GLBT Workplace Alliance Quarterly Meeting. A gathering of GLBT employee networks from Twin Cities corporations and organiza-

tions. Cosponsored by University of Minnesota Human Resources and OutFront MN.

National Coming Out Week. Cosponsored activities with the Queer Student Cultural Center.

GLBT Alumni Homecoming Hoopla. Cosponsored by the University of Minnesota Alumni Association's GLBT alumni group and a local gay bar.

Breaking the Silence Awards & GLBT Scholarship Fundraiser. Cosponsored by GLBT Employee Network.

New Year's Women's Dance. Cosponsored by UMAA GLBT Alumni Group.

Minnesota GLBT Higher Education Meeting. Cosponsored by the Consortium of GLBT Resources in Higher Education.

GLBT Employee Spring Pride Coffee Breaks. Cosponsored by the University of Minnesota GLBT Employee Network.

Lavender Graduation and Awards Ceremony. Cosponsored by the Schochet Center, UMAA GLBT Alumni Group, and the Queer Student Cultural Center.

Minnesota GLBT Educational Student Scholarship Fund Awards. Cosponsored by Philanthrofund Foundation.

Twin Cities GLBT Pride Festival. Information booth cosponsored by the Schochet Center and the Queer Student Cultural Center.

C. Current Status of GLBT Campus Concerns

The current status of GLBT campus issues around the country varies widely. On some campuses, struggles for official recognition of the GLBT student group and for inclusion of sexual orientation in the campus Equal Opportunity statement are still being waged (Lambda Legal, 2000). On other campuses, task forces investigating campus climate for GLBT concerns are just getting underway. On still other campuses, GLBT centers or offices are functioning and are now vital parts of the fabric of these campus communities (Beemyn, 2002).

By way of illustrating how significant campus climate change might occur on a large urban campus of a state university, information from the University of Minnesota's Gay, Lesbian, Bisexual, Transgender Task Force, "Status Report of the Five Recommendations," will be outlined below. Currently, all of the recommendations proposed by the Select Committee for LGB Concerns (Select Committee, 1993) are either fully or partially implemented.

RECOMMENDATION #1: ESTABLISH A GAY, LESBIAN, BISEXUAL, AND TRANSGENDER (GLBT) PROGRAMS OFFICE. On December 7, 1993, a GLBT Programs

Office was opened to provide educational programming, training, referrals, and advocacy for the University community. The author was selected as the first program director of the office. Over 9 years the GLBT Programs Office has developed as a resource for the entire university community, including faculty, staff, students, alumni, and community members, whether or not they identify as members of the GLBT community. It should be noted that the GLBT Programs Office at the University of Minnesota was the first campus office in the country to include transgender in the title as well as address issues for the transgender community throughout its programming. The leadership of the GLBT Programs Office was critical to the creation of the Schochet Center for GLBT Studies, securing the Tretter Collection in GLBT Studies and recently obtaining full benefits for GLBT faculty staff and students.

RECOMMENDATION #2: PROVIDE A FULL BENEFITS AND PRIVILEGES PACKAGE FOR THE FAMILIES AND CHILDREN OF GAY AND LESBIAN EMPLOYEES. On September 10, 1993, the Board of Regents approved extension of benefit coverage, including health care, to same-sex domestic partners and their children consistent with the eligibility for spouses of married employees and students and the children of these partners (Board of Regents, 1993). At the time of the regents resolution extending benefits to registered same-sex partners, the University of Minnesota's employee benefit plans were tied to the State of Minnesota employee insurance plan. Despite significant sustained effort, state employees were not able to achieve domestic partner benefits in their contracts. As a result, from 1993 to 2001, the University of Minnesota offered a reimbursement program in which the university would reimburse employees for individually purchased health insurance up to the same contribution level the university provided for a spouse. While this plan provided much needed coverage for some same-sex registered domestic partners, the reimbursement plan did not provide for equitable health-care coverage, nor did it provide reasonable health care options for partners with preexisting health conditions that prohibited the purchase of an individual health plan. In 2001, the University of Minnesota decided to separate its employee benefit plans from the state of Minnesota and become self-insured, in part due to difficulties implementing a fair and equitable domestic partner health plan. Effective January 1, 2002 registered same-sex domestic partners were able to secure full health and dental benefits for their families for the first time.⁸

RECOMMENDATION #3. ESTABLISH A GAY AND LESBIAN STUDIES PROGRAM. Through the combined efforts of the author and the University of Minnesota Foundation, a potential donor was identified. A generous gift from alumnus Steven J. Schochet led to the creation of the Schochet Center for GLBT Studies. The center was officially established in July 2000 as an

interdisciplinary center under the auspices of the College of Liberal Arts. This is a cutting-edge program and is viewed as a national model. The goals of the center are:

The principal academic work of the Schochet Center is scholarship that considers the intersections of sex, gender, and sexuality as useful categories for analysis and attempts to understand the multiple ways that gender and sexuality influence everyone's personal, social, economic, and political lives. In addition to course development, the Schochet Center seeks to coordinate the wide array of courses offered in many disciplines across campus concerning sexuality. The Schochet Center also sponsors research and reading groups bringing together students and faculty from diverse disciplines interested in similar topics to engage in multidisciplinary collaborations. The Schochet Center is also committed to valuing GLBT community-based knowledge created outside of academic institutions. In support of this goal, the Schochet Center sponsors many activities such as community forums, distinguished lectures, and other public events to support the active interchange of ideas between those on and off campus (Zemsky, 1998).

In addition, shortly after the announcement of Mr. Schochet's gift, the GLBT Programs Office began working with Jean-Nickolaus Tretter to establish a GLBT Studies Archive at the University of Minnesota. Since 1972, Tretter accumulated over 20,000 items including books, periodicals, buttons, political banners, t-shirts, photos, and documents. In 2001, the University of Minnesota Libraries agreed to accept Jean-Nickolaus Tretter's donation of his collection in GLBT Studies and provide for its preservation, conservation, and accessibility to scholars and the GLBT community at large. Tretter's collection is the foundation for a remarkable GLBT studies archive and a national resource especially useful to scholars and researchers in the Upper Midwest.

RECOMMENDATION #4: DEVELOP EDUCATIONAL TRAINING PROGRAMMING ON GAY, LESBIAN, BISEXUAL, AND TRANSGENDER ISSUES AND CONCERNS. The GLBT Programs Office took the lead on developing GLBT diversity education, training, and development to respond to this recommendation and the need for education regarding GLBT issues on campus. Each year, the staff of the GLBT Programs Office conducts many training sessions for departments, units, and student groups (see 2002 program statistics above). However, in order for long-term campus climate change regarding GLBT concerns to be maintained, training and education about GLBT concerns need to be integrated into all of the broader diversity training efforts of the university.

Full implementation of this recommendation has suffered because the broader diversity education, training, and development efforts at the Uni-

versity of Minnesota, like at many other universities, are decentralized and fragmented. Since training is not institutionalized, GLBT inclusion has become dependent upon the individuals involved. Personnel turnover exacerbates the situation since currently training content is too dependent upon individuals rather than the structure. GLBT inclusive diversity training programs are needed for new employee orientation, supervisor and administrators' training, new student orientation, residential life, sororities and fraternities, student athletes, and graduate and research assistants, to name a few. While many of these programs are currently offered, without a mechanism for institutional accountability, the long-term impact of these educational interventions is compromised (GLBT Task Force, 2001).

RECOMMENDATION #5: UPDATE ALL PRINTED PUBLICATIONS AND MATERIALS TO REFLECT DIVERSITY IN SEXUAL ORIENTATION. The original plan to implement this recommendation identified the university's offices of Human Resources and Equal Opportunity to work with University faculty and staff to ensure that GLBT inclusive language, examples, and photographs be used and that diverse sexual orientations are reflected in all official university printed materials. The Select Committee for LGB Concerns (1993) saw this recommendation as an important step in the university's coming-out process that would do much to break the silence about the presence and vital contributions of GLBT people on campus.

Upon evaluation, the GLBT Task Force (2001) discovered that there was a lack of coordinated oversight to ensure that GLBT inclusive language, examples, and photographs were used. Additionally, information regarding GLBT referrals, resources, and benefits were not always included where appropriate, in both print and web-site materials. The task force determined that implementation of this recommendation fell very short of institutional compliance (GLBT Task Force, 2001).

V. CONCLUSION

A pattern emerged in the University of Minnesota GLBT Task Force's 2001 findings that tells a cautionary tale for campuses with GLBT offices or centers. While the findings indicated that the GLBT Programs Office had grown, developed successful program initiatives, and made important headway in improving campus climate for GLBT students, faculty, and staff at the University of Minnesota, the report also uncovered a lack of institutional accountability for addressing GLBT concerns. Reviewing these findings could lead one to wonder if universities believed that by creating staffed GLBT offices, their institutional responsibility for the welfare of their GLBT

constituents was met. It is almost as if once the GLBT office was created the university believed its work was done.

Unfortunately, the long history of homophobia on campus and its institutionalization in the policies, procedures, and climate of higher education informs us that this not possible. Real sustainable climate change for GLBT students, faculty, and staff will only occur when all administrators, policy makers, and opinion leaders on campus take the lead in integrating GLBT concerns into decisions, programs, and initiatives at every level of higher education institutional planning.

Universities face a challenge in taking their next steps toward achieving their mission of providing quality education and scholarship for the citizens of this country and our global partners. The challenge is to their own vision of what kind of institution they imagine themselves to be. Are universities going to continue to be places where some students, faculty, and staff need to be concerned about their safety, their livelihood, and their well-being? Are universities going to be institutions in which some students, faculty, staff, and ideas are more valued than others? Are universities going to be places where differences are permissible but only tolerated within the seemingly immutable policies and procedures of the institution? Or, are universities going to be places where differences in race, gender, class, national origin, ability, religion, and sexual orientation and gender identity are celebrated for bringing invaluable richness to the campus? It is only when the diversity of sexual orientation and gender identity is seen as indispensable to the academic experience and university community that campus climates for gay, lesbian, bisexual, and transgender students, faculty, and staff will ultimately transform. All campus administrators, policy makers, and opinion leaders need to embrace this vision and be accountable for bring it about.

NOTES

1. In 1996, alumnus Steven J. Schochet decided to leave a significant bequest to the University of Minnesota. Through his gift, the Steven J. Schochet Center in GLBT Studies was created in recognition of the need for education, awareness, and acceptance of GLBT people. When asked why he chose the University of Minnesota for his bequest given his negative experience as a gay student, Steven said,

I'm not rewarding the university, the institution. The gift is not a gift of amends but a gift of accountability. The University is accountable for its history even if it is not totally responsible for it. I want to do what I can to guarantee a future in which such situations can't happen again. I am supporting the GLBT folks on campus and trying to make their

individual and collective experience more positive and secure (Raffo, 1998).

2. In 1998, the U.S. Court of Appeals for the Seventh Circuit ruled that the University of Wisconsin at Madison cannot force students to finance campus organizations that engage in political and ideological activities. The plaintiffs in the University of Wisconsin case claimed that the use of their mandatory fees to support 18 student organizations that they considered to engage in political and ideological advocacy constituted violations of their rights of free speech and association, the Free Exercise clause of the Constitution, the Religious Freedom Restoration Act, and various state laws. The protested student groups included the campus Women's Center, the Madison AIDS Network as well as the campus GLB group, the Ten Percent Society. In 2000, the University of Wisconsin fashioned a new student fees process that the court accepted as a remedy (*Southworth v Grebe*, 1998). See the following website for a complete transcript of the court ruling. http://www.lgbtcampus.org/resources/southworth_appeals_ruling.html.
3. For an excellent overview of GLBT campus climate reports, check out Robin Miller's extensive "Campus climate report bibliography" This listing, last updated December 1, 2000 includes nearly 70 documents generated at 47 campuses. It can be found at www.lgbtcampus.org/resources/index.html.
4. For an example of the kind of recommendations made by other GLBT task forces, see *Making Colleges and Universities Safe for Gay and Lesbian Students: Report and Recommendations of the Massachusetts Governor's Commission on Gay and Lesbian Youth*, Warren J. Blumenfeld, Principal Author. The text of the summary can be found at www.lgbtcampus.org.
5. For a 2001 survey of staffing patterns of GLBT centers and offices units at American colleges and universities employing paid staff with at least a partial appointment for service to campus LGBT communities www.lgbtcampus.org/resources/index.html.
6. For more information about QSCC go to www.qscc.org.
7. For a complete list of campuses that offer some sort of safe zone program and suggestions on how to start such a program, see Nancy Jean Tubbs' excellent resource at www.lgbtcampus.org.
8. It should be noted that since the Internal Revenue Service does not recognize the validity of same-sex relationships, domestic partner benefits are taxed as if they are additional income that GLBT employees receive from the university. The taxation of benefits significantly increases the cost of health care for GLBT university students, employees, and their families.

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13

Criminal Justice Administration

A Survey of the Issues

Wallace Swan

Minneapolis, Minnesota, U.S.A.

Dallas S. Drake

Minnesota Gay Homicide Study, Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

There is no evidence at this point that GLBT people endure any higher crime rate than nongay people, except in the area of antigay crimes. Crime in the GLBT community has a more damaging effect due in part to the “terroristic effects of hate crimes” (1,2). It is perhaps in this arena of offenses that GLBT community leaders can exercise the most influence to make a safe community for all.

Over many years, one of the obstacles to the liberation of gay people has been the criminal justice system itself. At times the system would be overzealous, seeking to hunt down and prosecute GLBT people as criminals, while at other times, through intentional acts of omission, turn a blind eye toward GLBT victims of crime. In the past when gay people experienced hate crimes, frequently the justice system would not prosecute cases simply because of a belief that victims caused their negative experiences through their own immoral acts. Fortunately, attitudes such as this are becoming increasingly less tolerated.

Gay and lesbian people of color have been especially vulnerable to these sorts of disparate treatment within the criminal justice system. Not

only are they stigmatized due to abuses by the system based on their race, but they also find they lack support from within the communities of color based on their sexual orientation, and from within the gay and lesbian community for being a racial minority. This has made navigating crime incidents much more precarious, with little chance of fair treatment or a positive outcome. Racial equality continues to be a significant issue in dealing with any crime issue regardless of sexual orientation.

Gay men have been especially vulnerable to prosecution for sodomy, an archaic legal construction that made it possible to take legal action against both homosexual and heterosexual people alike precisely because of the nature of their sexual interactions. Gay men particularly were targeted for what is called *public sexual behavior*, including arrest in semipublic environments, often as a result of police entrapment activities.

Other police actions have included the closing down of art exhibits deemed to be too risqué (3). As late as the mid-1980s police were still raiding gay bars, adult bookstores, and gay bathhouses. In some cities (e.g., Minneapolis) police have even continued to raid after-hours bar parties held in private homes. Many incidents of government harassment of gay-owned businesses are ongoing, with police commonly used as the enforcement arm of the government. Some jurisdictions have resisted pressure to engage in these types of activities, and so perhaps progress is being made.

The problem of government and police harassment and intimidation of gay clients and businesses is an international problem, with far worse conditions in other parts of the world. A raid occurred in at least one gay bar in Toronto Canada in 1999. In 2002 Thai police were raiding gay saunas and many other gay businesses as part of an organized campaign by the Thai Ministry of Interior, and the raids have been under way for at least 2 years (4). Raids were also conducted in Moscow during 2001 (5). In 2002 several gay bars were raided in Aguascalientes, Mexico, where some patrons were beaten by police (6). For a more complete international listing of antigay police activities, see the International Gay and Lesbian Human Rights Commission web site (7).

During the decade of the 90s and following the period of reaction to AIDS in the mid to late 1980s, there appeared to be somewhat of a lull in the bar and sauna raids and other types of antigay enforcement action. This is perhaps due in part to so many businesses being forcibly closed. But when law enforcement realized that not all the gays would die off from AIDS, police harassment resumed. The difference this time was that since gays had increased political clout through massive organizing as a result of their response to AIDS, the government had to be more cautious in their strategy. Techniques began to focus more on nude dancing, liquor violations, such as sale to minors, illicit sex, and tax violations. It was accomplished with fewer customer beatings.

It is not surprising that gay people have been quite reluctant to support the activities of criminal justice agencies, especially when such agencies have tended to be the last organizations that would support the human rights of GLBT people (8). This negative tone has evolved from actions of both sides over the years as a result of lack of trust, and it has not been helpful to the cause of justice. Managers in criminal justice agencies and leadership within the GLBT community need to find ways to build this trust and develop lasting working relationships if success is to be achieved in fighting violent crime. Clearly, understanding and cooperation are key.

This perception of unfair behavior by the criminal justice system has slowly been changing for the better during the last decade. Societal acceptance of gay people has led to increasing acceptance by police forces of the reality of gay people's experiences. Society has become less willing to accept beatings and murders of gay people; while gay activists have become extremely competent at documenting such cases (9). Where police agencies have reached out to establish positive relationships with gay and lesbian anti-violence advocates, success has followed.

As societal attitudes have changed, so has the willingness to enforce and support sodomy laws. Recognition of the reality of discrimination in relation to housing, education, and workplace life has led to the passage of anti-discrimination statutes in states as well as in many city and county governments. Gay men and lesbians have become well known for their efforts to improve their neighborhoods, and they have begun to demand better police protection from criminal activity. Gay and lesbian police have become more comfortable in "coming out" in their workplace settings. The results of police efforts to target gay men for public sexual activity have become more problematic. In Minneapolis, where the coauthors live, its police have made many efforts to prevent semipublic sexual activity. But near Fort Lauderdale, Florida, close to a coauthor's winter residence, the predominantly gay suburb of Wilton Manors expelled an incumbent gay mayor and replaced him with a younger new mayor. One of many campaign issues was that the new mayor was perceived as being more tolerant of nontraditional forms of expression. The political power of the gay community is gradually coming to bear upon public administrators, with a result that less discrimination and more responsiveness is now expected.

Limited effort is expended by police to enforce laws against semipublic sex by heterosexuals. Cultural lore is rife with accounts of heterosexual public sex, such as sex in elevator cars or the back seat of motor vehicles, while there are few known cases of police ever arresting them. Police who catch a young heterosexual couple are much more likely to allow them to finish their affair and then let them off with a scolding. One can visit most any public park or beach and occasionally see heterosexual couples engaged in some form of sexual activity. The problem here is not that heterosexuals

are having public sex but that law enforcement focuses almost exclusively on homosexual public sex offenders.

II. CRIMINALIZING GLBT LIFE

A. History

Because of the levels of prejudice against gay activity in Western civilization, there has been a tendency to make such activity illegal. Ever since the Middle Ages, when the medieval church began to oppose homosexuality in an active manner, churches and governments have both taken the stance of criminalizing this activity. In the Middle Ages, people accused of homosexual sex were burned at the stake, from which derives the term *faggot*. In the United States, most political jurisdictions took the position that a wide range all of gay activity was illegal. “Sodomy” became a proscribed activity. Semipublic sexual activity was forbidden in most jurisdictions, even when such activity had to be expressly sought out by police staff. A large number of legal prohibitions began to emerge, including “lurking” and “indecent conduct,” among many others primarily directed against gay people.

During the middle part of the last century, homosexual behavior was regarded as a sex offense, even when it occurred in a private setting. Thus the term *sex offender* was commonly used to describe gay men arrested for consensual relations. Throughout the 1960s with the advent of the sexual revolution, sexual behavior was increasingly decriminalized and to some extent destigmatized (10). Following the peak of the AIDS epidemic of the late 1980s and early 1990s, and the death of the more liberal members of the GLBT community, a more conservative and stigmatizing attitude began to reemerge.

While the label *sex offender* is used quite appropriately for predatory behaviors of rape, sexual assault, and pedophilia, it has also been commonly used to label consensual types of sexual behavior involving GLBT people. The main focus of its associated stigma developed in relation to the sexual abuse of children. This carries excessively strong emotional connotations for heterosexuals, who historically have used attacks on children as a whipping stick against many minorities including Jews, gypsies, and people of color (11–15).

B. Criminalizing Communications

The effect of many statutes has been to prevent any type of open expression of affection between same-sex couples and even to prevent political advo-

cacy of such activity through the mechanism of active police censorship. Efforts during the early part of the twentieth century to use the mail system to allow communication between gay people by way of magazines portraying homosexual activity were prevented by the U.S. Postal Service. Substantial amounts of time on the part of the criminal justice system were dedicated to using resources to prohibit homosexual activity. This often went another step further by prohibiting meetings of people who were homosexual. Sometimes the authorities even enlisted the power of the media to publicly disclose the arrest of homosexual individuals (16). People who were arrested or who demonstrated on behalf of gay activities were summarily dismissed from their jobs or otherwise harassed.

By the late 1990s religious conservatives and crime enforcement were expanding their efforts to limit access to the Internet under the guise of protecting our children. This included enforcement of pornography and underage sex laws. While not the complete rationale for these attacks, many conservatives were concerned about the ability of young people to go to gay web sites and gay and lesbian chat rooms and gain access to same-sex erotic materials. America On Line, one of the more conservative Internet web servers, offered one of the earliest programs of controlling access to any Internet material with sexual content through the introduction of parental controls. This effectively severed the Internet connection young adults could have with the gay and lesbian community. Later, other software and Internet companies followed suit (17). The ultimate effect of these actions has undoubtedly limited the ability of young people to access information on HIV prevention or to obtain positive gay and/or lesbian information that might prevent a child from attempting suicide.

C. Sodomy

Since the Stonewall rebellion in 1969, there has been some movement in the direction of decriminalization of gay activity. In particular, the sodomy statutes were particularly difficult for gay people to deal with because of the public scrutiny resulting from media exposure of people arrested while engaged in such activity. The licensure of professionals as always involved careful scrutiny of criminal background and moral character. As a result, lawyers, electricians, doctors, social workers, plumbers, administrators, and many other such employees have been especially careful about any open discussion of their sexuality, precisely because of the potential that a violation of sodomy statutes might be used against them, thereby resulting in loss of their job. Increasingly, however, the United States has moved in the direction of reducing the applicability of sodomy statutes in numerous states. Until recently, there were still some states with such laws in effect, but

the number was reduced in recent years. Then sodomy, as a legal concept, was eliminated by the U.S. Supreme Court.

Sodomy has often been used by law enforcement as a penalty enhancement against other types of criminals. When charges against an offender seem inadequate, a broader list of associated charges is compiled. Some of these charges are used as leverage during plea agreements to sustain the main charges. Heterosexuals are alleged to engage in the act of sodomy more frequently than GLBT people do, but charges of sodomy are used more often against GLBT people (18–21). The power of sodomy charges lies not in the criminal charge, however, but in the leverage this offense affords in discourse regarding the legitimacy of homosexual relations and by labeling the sexual behaviors of GLBT people as being illegitimate and criminal.

D. Cruising

In many communities throughout the United States the issue of public cruising by gay men has come under attack. Specifically, I am referring to the practice of driving vehicles (or walking) past a particular point repeatedly or around a certain patterned area numerous times in search of companionship. This of course leads to problems in the areas where it is undertaken, especially when noticed by heterosexual residents of the community who are irritated by it and complain to the police.

Cruising is by no means strictly a GLBT phenomenon, although the public focus might make it seem so. Attacks on this type of social behavior have their roots in community attempts at dealing with heterosexual adolescent cruising. Many cities across the country have passed anticruising ordinances (similar to the one used in Salt Lake City). The problem centered around loud and often drunken heterosexual youths who clogged the main streets with their vehicles to the extent that emergency vehicles could not even gain passage (22).

Gay male cruising has seldom occurred to this degree. Of necessity, gay cruising is much more discreet and occurs predominantly in residential neighborhoods or in unpopulated parks or preserves. The enforcement strategies, which worked successfully against heterosexual teenaged youth are now being implemented across the nation in an effort to curb homosexual activity. This is true especially in areas where male prostitution attracts car traffic.

For many citizens, cruising is a quality of life issue. Not many people want to live an area that inevitably attracts prostitution or is a nightly tourist attraction. Gay and lesbian community leaders should work closely with law enforcement and others in an effort to develop alternatives when

legitimate problems develop. Public policy administrators should be on guard for enforcement strategies that might use cruising as an excuse for targeting gay men for harassment or violence.

E. Continuing Struggle

The repeal of other statutes directed against gay people have made less progress over the years, however. Police still target raids against gay men in parks, restrooms, and other environments where sexual activity is seldom observed by the public at large. Certain areas are targeted simply in order to harass gay people and embarrass them in an attempt to coerce them into adopting quasi-heterosexual lifestyles.

III. THE GREAT DIVIDE IN THE GAY CULTURE

A. Sex

One of the internal differences within the gay community is what these coauthors prefer to call the "Great Divide." On one side are those GLBT people who favor monogamy or serial monogamy and whose sexual activity is practiced in a purely private space. On the other side of this divide are those GLBT people who may practice their sexual interests in a variety of locales.

This division leads to public policy implications that provide a differential picture to outside observers. Recently, a key advisor to the Governor of Minnesota was arrested in a swim and fitness club in Minneapolis (23). Some gay organizations saw it as totally inappropriate that this behavior occurred in such a setting, while other gay men saw no problem except that he got caught and embarrassed the community. Others saw the incident as entrapment by the Minneapolis police. The governor, by contrast, saw to it that appropriate counseling was received, and his aide was reinstated in the workplace within a week (24). What was so remarkable about this case was the absence of the usual continuing harassment and relentless punitive strategies.

A similar discussion is taking place within the gay community in regard to sexual activity that has been taking place within the Catholic church. Most gay people have very serious concerns about illegal behavior involving pedophilia, as well as sexual harassment of (and sexual activity with) adolescents; but also fear that gay priests will be inappropriately persecuted (25). The Catholic church's sexual abuse problem is not limited to homosexual cases. Little attention has been focused on this aspect however. Nor has there been any examination of the sexual orientation of

the offenders to determine whether they are in fact homosexual or simply pedophiles who target children regardless of gender.

These issues point out some interesting and differing challenges regarding the response to criminal justice issues within the gay community (which often seems unified to outside observers). Clearly there tend to be unified beliefs about the protection of personal property, but beyond that the consensus begins to become a bit less clear.

Administrators need to be aware that within the gay community (as is the case in racial and ethnic communities) there are significant differences based upon class, professional and occupational status, gender, as well as simply differences of opinion. These differing concerns and points of view need to be taken into account in the development of public policy.

B. Sex Offending

Many of the antigay attacks on GLBT people involve the use of sexual stigma to intimidate or control their victims. But they also use sexual assault. Rape and male sexual assault are documented as bias crimes whenever they can be defined as such, but in most cases there are no overt accompanying behaviors that would help in this identification. The fact that the targeted victim is a sexual minority might lead one to think the crime is based on their minority status; however, as in the case of female victims, it is not clear if the motivation results from gender or sexual stigma. Seldom are male offenders who assault male victims labeled as sex offenders, in spite of the fact that their crimes are often rife with sexual content.

IV. ISSUES OF RIGHT AND WRONG

Studies of gay and lesbian culture have shown that GLBT people have a strong sense of moral values. This is true especially with regard to issues of social justice and concerns around domination and objectification (26). GLBT people are often involved in antiwar activities, equality for women, and racial equality efforts. In the last decade, the importance of teaching respect and equality has evolved into the arena of parenting, with many GLBT people forming couples and raising children, in hopes of passing their values on to a new generation.

This evolution is also precipitated in no small part by the desire to protect children. During the antigay attacks of the 1970s under the auspices of personalities such as Anita Bryant, GLBT people began to make the connection between children and GLBT justice. While crimes against

children were predominantly being committed by heterosexual family members, this suggested a cultural approach for charges against the new gay liberation movement. Some heterosexual antagonists charged gay men with acts that heterosexuals were most guilty of perhaps to divert attention from the larger percentage of heterosexual offenders.

GLBT people have long been active in the area of public justice, and not only in areas directly related to GLBT rights. Since sexual orientation crosses every minority category, the push for inclusion and unification with other communities in the struggle for human rights, peace, and justice has spread throughout the movement. While there is no shortage of GLBT criminal offending, it occurs in stark contrast to pervasive GLBT community values.

A perhaps unexpected GLBT justice issue concerns the use of the death penalty. Even in cases of antigay murder, GLBT activists have protested against its use. Through these protests, GLBT people have raised the standard of justice to that of recognizing human rights.

V. PRIVACY ISSUES

Threats to the privacy of GLBT people are one of the earliest and most basic crimes. They are used to capitalize on people who have already found misfortune. Fear of exposure was at times accompanied by extortion or behavioral coercion such as job loss, separation from community or church. While it would be wonderful to think this kind of behavior is now behind us, current instances abound. A major extortion plot was uncovered in 1997 when a "Washington D.C. police lieutenant in charge of investigating extortion plots was" himself arrested and pled guilty for extorting money from married gay men who showed up in a gay bar (27,28).

Government intervention in the sexual lives of minorities is a time-honored means of continuing cultural oppression.

VI. HATE CRIMES

A. Types and Causes

As is the case with other minority groups in the American culture, gay people disproportionately suffer from hate crimes. The case of Matthew Shepard helped to publicize the issue of hate crimes, but the problem had been in existence for many years. While gays are not the only targets of hate crime offenders, antigay incidents are more likely to involve personal violence rather than property vandalism.

Gay hate crimes are a special subset of a broader problem in the American system, i.e., the use of force to suppress difference. Antigay hate crimes are derived from (1) the desire to eliminate in others those characteristics that one dislikes the most about themselves, (2) the desire to enforce one's religious beliefs upon others, and (3) the desire to suppress difference. Antigay hate crimes specifically share the characteristic of the perpetrator attempting to eliminate the very being of the person in question. This makes such crimes particularly egregious and builds a common bond with other antiminority hate crimes.

It is thus the case that addressing hate crimes has become one of the major aims of the gay movement, where activists often work in collaboration with members of other racial and ethnic liberation movements. This work acknowledges that oppression and domination of all types are interwoven (29). Prior to the Stonewall riots of 1969, hate crimes were seldom reported. No organization existed to count and categorize such crimes, and police had little training about how to address the problems. After Stonewall, it became a major goal of the gay movement to develop antiviolence programs whose mission it was to document and prevent hate crimes and to provide victim services.

B. GLBT Reporting

The issue of hate-crimes reporting has begun to impact the field of public administration due to the increased political and media skills of the gay community. Initially gay activists attempted to count all hate crimes nationwide, using their own network of reporters. This effort failed however because such data became statistically suspect. Different mechanisms for counting hate crimes were used in many jurisdictions, and often, larger numbers of cases were reported by gay organizations than police organizations (30). Gradually, the gay community began to use standardized data-collection methods in a limited number of jurisdictions each year with the data being released annually to the press, often along with particularly egregious examples of such crimes. This data collection system became the mechanism for registration of antigay crimes, thereby building pressure upon criminal justice agencies to also collect such data. GLBT antiviolence programs continue to document a much higher rate of antigay violence than official police statistics.

An increase in the rate of hate crimes documented has increased at the national level by legislating that officers must label the incident a hate crime if the reporting party requests it. This has taken some of the guesswork out of the hands of the police and rested the decision in the hands of the victim.

GLBT antiviolence advocates discovered another simple but effective strategy for increasing hate crime reporting. Advocates and police provide training in reporting protocols for police officers. By targeting this training deficit, activists reduced intergroup animosity that commonly exists between police and the GLBT community and served to increase police officer understanding while portraying gay advocates as problem solvers.

The main problem with government collection of hate crime data is principally related to the length and quality of training given to patrol officers to make these reports. Officers can now obtain certification through the Department of Justice (DOJ) Hate-crime Curriculum intended for training of police officers in the recognition and reporting of hate crime incidents. The curriculum was developed by the Department of Justice in collaboration with several agencies and is called "Hate crime: A multidisciplinary curriculum for law enforcement and victim assistance professionals" (31).

In 1989, the first of several hate crime statutes were passed in the United States Congress, paving the way for a new strategy in the struggle against not only antigay crimes but crimes launched against many minority communities. As criminal justice agencies began to simultaneously collect data on sexual orientation, racial, and ethnic minorities of hate crime victims, a rationale grew up for passing laws that would prevent hate violence through the use of hate-crime law as a symbol that violence based on hate would not be tolerated (32). As a result a number of states passed hate crimes laws. A registry of federal crimes was also implemented and a toll free 800 telephone hotline established to facilitate reporting from anywhere in the country.

As the case of Matthew Shepard illustrates, egregious crimes persist. In past years, one of the coauthors had a rock thrown at him, experienced an attempt to run over him in a primarily gay area, and has experienced a death threat sufficiently dangerous to require disconnection of his phone listing. The phenomenon of hate crimes continues and requires the attention of both gay activists as well as criminal justice administrators.

VII. INTIMATE PARTNER VIOLENCE

The National Coalition of Antiviolence Programs reported that "females represented 46.8% of domestic violence victims, while males accounted for 47.9%. An additional 3% self-identified as gay" (33). But the National Crime Victimization Survey recorded an average of 13,740 male victims and 16,900 of female victims suffered same-sex intimate partner violence (34).

What these statistics don't show is the difference in the rate of violence based on gender. The gender ratio in the population, is about 2 to 1, gay

men to lesbian women, and this has been consistent over time regardless of the actual percentage of population that is estimated to be homosexual (35). As more accurate methods of estimating the GLBT population are developed, we will soon have a better understanding of the exact extent of intimate partner violence in same-sex relationships.

As more GLBT people are becoming coupled and less concerned about being identified as gay, law enforcement will undoubtedly come in more frequent contact with troubled relationships. Police officers and the courts need to take these calls seriously. Intervention strategies similar to those used in responding to general domestic violence calls need to be used to reduce the level and frequency of violence used to solve relational conflict.

One of the ongoing issues in dealing with intimate partner violence is fear and reluctance of victims to report the incident. When victims call the police for help, police face an especially difficult time when trying to determine who is the instigator and who is the victim. In the past police have often jailed the victim since they have tended to be the most vocal of the pair. In some departments this problem has been remedied by increased training and by instituting dual arrest policy whereby both actors in the incident are arrested.

Perhaps one of the most valuable pointers in these cases is to make contact with intervention support staff prior to any calls for service and to be aware of resources that specifically address gay and lesbian domestic violence. Many gay and lesbian antiviolence agencies now have special programs set up to deal with these incidents and regularly offer training to law enforcement and court staff.

VIII. ILLEGAL DRUG USE

A. Drug Use Common

Several studies reveal that illegal drug use exists in the GLBT community at higher rates than the rest of society (36–39). Few studies on the criminal aspect of this topic exist (since many of the studies relate more to clinical treatment for drug addiction or association with risk for HIV). The type of drugs used differs from mainstream drug use and seems to follow a cultural pattern (40). GLBT drug use is related to a desire to loosen social inhibitions in an effort to facilitate the possibility of same-sex relations, to increase the intensity of sexual feelings, and to relieve the negative feelings and deep internal pain associated with sexual stigma, HIV health risks, and antigay oppression.

Drug use is one of the more controversial issues within the GLBT community. Gay liberation was born out of the social movements of the 1960s, where drug use was used as part of the rebellion against society and helped to facilitate the free expression of sexuality. Today, drug use has an

uneasy association with the community in that while it is tolerated in some social circles, it also has been recognized as causing significant social pain.

B. Effects of Drug Use on the Individual

Drug use is criminalized for a number of reasons. Initially it was thought that drug use was a victimless crime, but eventually a number of damaging effects have now been identified. These include dangerous behaviors directed toward oneself or others. Drug use leads to impaired judgement and reduced levels of self-awareness. Users are more prone to drug overdose, depression, HIV infection, self-injury, and violence.

The accumulating damage of long-term drug use affects the human body by stressing organs such as the liver and by causing illnesses brought about by lack of proper nutrition. Some drugs strain the heart and cause cardiac arrhythmias that can cause sudden death. Drug use can also mask illnesses or other medical problems in the user, leading to further complications or death. This potential for increased morbidity comes at a time when the GLBT community is already struggling to deal with the loss of its members due to the AIDS epidemic.

C. Effects of Drug Use on the GLBT Community

When alcohol and drug use harms the individual, the community is also harmed. The use of licit and illicit drugs has been shown to increase the risk of contracting HIV and developing AIDS and adds to the continuing strain on AIDS service organizations. Drug use has also led to increases in homelessness by making people unemployable, thereby placing strain on GLBT charities who can better serve these clients than mainstream organizations. When drug users lose their jobs as a result of their use, the community feels the loss of their support and income. Drug use also has led to reduction in worker productivity and lost worker hours, which especially effects the GLBT community if the user has worked in community services or gay owned businesses. Dealing drugs while at work can lead to the demise of GLBT businesses or to seizure or forfeiture (41). In some communities the loss of a GLBT business may be devastating, as there may have been few such businesses to begin with. Many drug users end up arrested and sent to prison, with subsequent limitations upon their civil rights.

D. Types of Drugs Used

Quite prevalent in some parts of the gay community are those drugs, that are commonly referred to as *designer drugs*, or drugs that are used to achieve “chic” status through use at gay circuit parties (42). These drugs include

Ecstasy, GHB, and ketamine, otherwise known as *Special K* (43). Methamphetamine, cocaine, and a variety of other drugs are used as well. Less prevalent are the intravenous drugs commonly believed to contribute to the spread of HIV/AIDS. *Poppers*, otherwise known as amyl nitrate, were popular during the 1970s when gay liberation began and has reemerged during the late 1990s. Lesbian drug use differs somewhat from that of gay males (44).

Research has identified that poly-drug use is somewhat more prevalent in the GLBT community than in the general population. Polydrug use is described as the taking of multiple drugs. While hard drugs are being used, recreational designer drugs present more of a problem in that they are romanticized and sexualized.

Some drugs such as alcohol have been shown to decrease sexual efficacy. Other drugs such as Viagra or poppers (amyl nitrite) actually have a facilitative effect on sexual activity but can be lethal when combined with common heart medications such as nitroglycerin and some AIDS drugs (45). Some drugs are used by gay men to relax the sphincter muscle thereby making anal penetration easier. Both cocaine and methamphetamine abuse have been shown to increase risky sexual behavior in gay men (46,47). Higher rates of drug use are reported among men who are HIV positive (48).

Marijuana is probably the most widely used drug and is commonly seen as similar to cigarettes and alcohol. Marijuana has received much public attention in the GLBT community since it was first advocated as an appetite enhancer in people living with AIDS and for some types of cancer. Some marijuana promoters formed buyers clubs or purchasing collectives to make the drug more readily available. Other people grew the plant in gardens or at home. An ongoing issue in criminal justice is the morality of permitting this drug to be used for medical purposes. Across the country, charges for possession of limited amounts of marijuana for personal use have been decriminalized. Currently there is little consensus about the legalization of this drug.

It must be recognized that while drug use is prevalent in some sectors of the GLBT community, this is not at all the case for the community at large.

E. Effect of Police Enforcement

Drug use in the GLBT community offers the law enforcement community leverage in targeting GLBT businesses. Police have used illegal drug activity as justification for raids on GLBT venues that sometimes results in the loss of operating licenses and/or forfeiture of their business. In some cities, residents may lose their homes if police conduct an after bar party and find significant amounts of illegal drugs on the premises.

F. Male Prostitution and Drug Use

During the mid-1980s when the crack cocaine epidemic was well underway, drugs began to affect the GLBT community in an unexpected way. Crack addicts who needed money to buy drugs began selling themselves as male prostitutes for gay customers (49). While there has been much written about the sexual orientation of male prostitutes, it is well known that many of these hustlers were heterosexual or bisexual. Crack addicts came into the sex market and upset the pricing structure for male-to-male sex (50). These addicts were willing to perform sex for as little as \$3–5 when the going rate was \$35 (51). Crack addicts were also more willing to rob their clients since they were unworried about return business (52).

Research shows that a definite connection exists between crack cocaine and decreased interest in the gender of sexual partners (53). It is still undetermined if these men are indeed bisexual or if the willingness to have same-sex relations is an aberration caused by the using this powerful drug.

In the mid- to late 1990s methamphetamine use was on the rise among GLBT drug users and was also linked to male prostitution (54,55). Addicts often use sex to get money or to barter for drugs. “Some sex workers push meth, since the drug creates a demand for their services” by increasing sexual appetite (56).

Again it must be noted that male prostitution is found in some sectors of the gay community but is not prevalent in the community at large.

G. Treatment Programs

The GLBT community has a cultural tradition of valuing health, youth, and beauty. Oddly enough, this has helped in the quest to bring about recovery from alcohol and chemical addiction. One of the earliest programs in the United States was an outpatient chemical dependency recovery program in Minneapolis called Christopher Street, started in 1977. As GLBT people came out, they also poured into meetings of Alcoholics Anonymous and professional psychological counseling programs (57).

In 1986, Minnesota also became home to Pride Institute, the first inpatient GLBT treatment recovery program in the United States. While Pride Institute is not the only GLBT rehab center, it has since expanded to five facilities located across the country and continues to serve the special needs of gay, lesbian, bisexual, and transgendered clients (58).

While GLBT clients may recover in whatever program is offered, chemical health is more readily achieved in GLBT specific programs that can address the special needs of GLBT clients (59,60). Court ordered recovery for GLBT addicts is best attained by directing clients to GLBT sensitive pro-

grams, especially when clients have HIV/AIDS, same-sex sexual abuse, or transgender issues (61). "Prevention and treatment that are not affirming of LGBT people are not only nonproductive, they may increase problems" (62). For further information, contact the National Association for Lesbian and Gay Addiction Professionals.

IX. FRAUD AND WHITE COLLAR CRIME

Fraud has been perpetrated on GLBT people by gay and nongay people alike. White-collar crime is an area that has pretty much gone unnoticed up to this point but in the last couple of years GLBT activists are starting to take notice. At least one GLBT organization called the Movement for Accountability and Action, which is based in San Francisco, California, has been sparked to respond to incidents of fraud (63).

Perhaps the most easily identifiable fraud concerns that of embezzlement. Throughout the GLBT movement, some organizations have lost their treasuries due to insufficient accounting practices and lack of appropriate oversight. This crime affects the entire community since most GLBT organizations operate as public nonprofit corporations, which are dependent on the goodness of their individual contributors for their survival. Pilferage of these coffers reduces their ability to serve the entire community.

The GLBT movement has spent considerable time and effort in the staffing and financial development of organizations that respond to HIV/AIDS. Particularly notable are the AIDS organizations receiving large federal grants as a result of Ryan White Health-Care Act and other revenue sources (64). Gay organizations that fail to make an appropriate public accounting are at particularly high risk for fraudulent activity. Audits should be routine and public.

Audits of several AIDS organizations were prompted by complaints from both the antigay Family Research Council as well as the progay AIDS Coalition To Unleash Power (ACT UP) of District of Columbia, during 2001, which alleged fraud at several agencies (65). A report issued by the General Accounting Office did find a limited number of instances of fraud and accounting irregularities.

Embezzlement is not limited to AIDS organizations. Prior to the Gay Games in Sydney Australia, the delegation from Oklahoma lost \$50,000 to their cofounders. In 2002, Pride, St. Louis lost at least \$5000 through embezzlement by their Treasurer. In Orlando, Florida, The Center, a GLBT community organization, lost money in 1997. In West Hollywood, California in 1985, a lesbian mayor was indicted on 14 counts of embezzlement of money

from Crossroads Counseling, a federally funded program. All these and many others highlight this problem, which is not found in the majority of community organizations, but which tarnishes the programs of some agencies.

GLBT organizations, for the sake of the work they are doing, must adhere to the same standards of professionalism as nongay businesses. And in fact, these organizations must comply with all nonprofit or governmental legal expectations. Public administrators have a duty to manage their public nonprofits with great care. Problems can be prevented by demanding that financial practices in GLBT organizations come under the same scrutiny as nongay ones.

While fraud may seem an inconsequential crime, victims will not agree. Not only do all of these financial losses add up, but the community ends up paying for it in the long run, if only through increased prices or decreased services. Many times fraud is simply an associated crime, which accompanies more sinister behaviors. A crime ring of transgender offenders was uncovered in Washington D.C., where authorities charged that the suspects financed drag balls and extravagant living by means of identity theft and by obtaining stolen checks, mail, and credit cards (66). One of the suspects turned informant for the state and was subsequently murdered on the front steps of his home.

X. GLBT STAFF IN THE CRIMINAL JUSTICE SYSTEM

A. Police

Over the past few years, the workplace movement has gained prominence on the gay agenda. Gay employees have grown tired of passively listening to derogatory comments about themselves. They have lost patience with not being able to discuss their domestic lives at work. Across the country many GLBT people are winning the rights to have health and related benefits based upon their relationship status through hard-fought battles, even though similarly situated heterosexual couples who are married routinely receive such advantages as a matter of course.

The workplace movement has begun to take hold in governments and corporations around the country. It is thus not surprising that workplace movements have begun to develop for gay and lesbian people in the criminal justice area. Especially important, in large cities such as San Francisco, New York, and Minneapolis, to name a few, gay police have begun to come out.

As the gay political movement has seen it as advantageous to interact with the police on a wide variety of issues, it is not surprising that police leaders have established liaison staff to work with the gay community. In more

progressive police departments liaison staff is not necessary since all police officers are expected to work with all communities through the introduction of community-oriented policing philosophy.

In departments with healthy environments, GLBT police officers have continued to come out, and the gay workplace movement has grown. This coming out process has been a difficult one for many reasons. Many members of the gay community have problems with the criminal justice system, and see gay police as part of the problem. The paramilitary nature of the police system sometimes makes it difficult to deal with difference of any kind, although this same structure may make rapid change in attitudes and behavior possible once approval is granted. And gay police officers must deal with GLBT prisoners on a personal basis, prisoners that may be violently antigay, which would seem to be a difficult dilemma. Some officers may view arrestees as political prisoners and struggle with moral acceptance of their assignments. Pat-searching of prisoners by gay officers or trying to obtain the cooperation of antigay witnesses, informants, or antigay suspects may prove a challenge if those people are able to detect the sexual orientation of the officer. "Street smart" suspects may readily pick up on nonverbal cues such as eye contact or other cues. It should be pointed out that GLBT officers are working in many jurisdictions without any significant negative problems.

Most of the problems that occur tend to be from within the ranks of the police department. Officers have been subjected to abuse and harassment, endure rumors about their sexuality, and generally tolerate homophobic attitudes of other officers (67,68). This has led to difficult working environments and premature departures for some officers.

The growth of workplace groups has been impressive and led to increased social support for gay and lesbian officers and even participation by police in gay pride parades around the country. It has led to an increased sense of recognition of diversity in police departments and allowed for the appointment of openly gay officers to positions of leadership. In San Antonio, Texas, one deputy even had the support of his sheriff to undergo a sex-change operation while employed with the county (69).

Gay and lesbian police officer associations include the Lesbian and Gay Police Association (LAGPA) formed in 1990 in the United Kingdom, the Gay Officers Action League (GOAL) established in 1981 for gay officers in the United States, Law Enforcement Gays and Lesbians (LEGAL) also in the United States, Colorado Public Safety Employee Association (COP-SEA) of Colorado and Southern Wyoming, Golden State Peace Officers Association (GSPOA) serving peace officers of California, and GALPEN serving Sydney, Australia, AlsPol NRW Westfalia, Germany, among many others.

B. Prosecuting Attorneys

Prosecutors hold much power in the criminal justice system by determining which cases should be charged and with what charges. Prosecutors have been accused of not pursuing “harsh sentences in gay bashings and frequently decline to argue that antigay bias was the motive” (70). Sometimes prosecutors don’t bring charges at all. It was not uncommon at one time for prosecutors to dismiss gay victim cases as self-defense or as cases of justifiable homicides.

While gay attorneys probably tend to veer more toward taking the defense side in the courtroom workgroup, there are some gay prosecutors at work in the country. In Chicago, Mike McHale is an openly gay assistant Cook County prosecutor. He has successfully navigated the conservative legal profession to make a place for himself in one of the largest metropolitan areas of the United States. He is treated well by his peers and often works on cold case homicides regardless of the victim’s sexual orientation (71).

C. Judges

Judges hold the power and responsibility of providing for a fair criminal trial. Although personal biases should never enter the decision-making aspect of a case, it can never be completely eliminated. Judges decide what evidence will be admitted in a case and which of the various defenses will be allowed. Judges also have wide latitude in expressing the conscience of society. Conscience should never be allowed as a license to discriminate against a class of people. Judges do in fact sometimes have difficulty in convicting offenders in cases involving bias crimes (72). In cases where a jury convicts, judges have been known to use the tactic of jury nullification, wherein the verdict issued by a jury is discarded (73).

One Alabama judge “condemned homosexuality in a concurring opinion to a Supreme Court decision” that prevented a lesbian mom from gaining custody of her children (74). This judge even suggested that gay people should be executed for their gayness. In Illinois, a judge was formally charged with eight counts of judicial misconduct for her role in a lesbian adoption case (75). Although these are instances of civil bias, judges are expected to be unbiased and rule on the facts of the case.

Judges have the most power when it comes to sentencing, and it is in this arena where bias, if it exists, often reveals itself. A prominent case occurred in Dallas, Texas during 1988 where the judge gave the killer a lenient sentence. If that weren’t bad enough, the judge actually stated that his philosophy

included his belief that gay victims were worth less and that this led to his decision (76).

In Los Angeles, a 150-page report was issued by the Judicial Council of California that stated that “antigay bias is a major problem in the court system statewide” (77). In the lower courts, charges of judicial misconduct, if substantiated, can result in removal from the bench, censure, or reprimand. Higher courts may rely on impeachment or censure by their peers.

Certainly most judges are not problematic, and many have carried out their obligations without fear or favor. In Boston, in 1987 before the passage of modern hate crime laws, a District Court judge ruled that gays were in fact covered under the Massachusetts Civil Rights Act. The case involved a simple case of gay bashing (78). In California, Robert Sandoval (an openly gay judge) was appointed by the governor to fill a vacant spot in the Superior Court (79). Canada seems even more progressive and at increasingly higher levels. Canadian Prime Minister Jean Chretien recently appointed a progay judge to the Supreme Court of Canada. Justice Marie Deschamps is described as “a relentless champion of equal rights” (80).

The Lambda Legal Defense, a GLBT activist organization in the United States, provides assistance around the issue of GLBT equality throughout the legal process. They offer a booklet issued by the American Bar Association that urges bar groups to study sexual orientation bias in the courts. The booklet is available by contacting the Lambda Legal Defense and Education Fund.

D. Sentencing

GLBT activists from the group Queer Watch condemned the possibility of a death penalty sentence in the murder of gay victim Matthew Shepard. Other activists have also contested death penalty cases, but more commonly in cases with homosexual offenders such as that of Wanda Jean Allen. Allen, a lesbian, was convicted in the killing of her lover in 1988. Twenty-three GLBT organizations fought unsuccessfully to prevent her death. The contrast between these two cases leads one to question whether it is easier to obtain death sentences in cases with homosexual offenders. There is currently no way of assessing the answer to this intriguing question.

E. Corrections

Once a person is convicted for a crime, they must do their time. The punishment does not, however, include the many types of extra dangers and harassment that await GLBT inmates. Often the problems that remain are

typical. Gay issues in correctional environments are extremely difficult to deal with. One of the main issues is that of inmate safety. Once incarcerated the inmate may become the victim of sexual or physical assault. These situations vary depending on the type of facility and the expected duration of their stay. Corrections officers are responsible for the inmate's physical safety.

Another concern is with the delivery or accessibility of medical care, including administration of medications for asthma, HIV/AIDS, or other medical conditions. Some correctional officials have used deprivation of medical care as a type of harassment or punishment for the victim being gay or for the type of offense. The end result is that some prisoners die from this abuse.

An ongoing concern is the desire by some transgendered inmates for sex-reassignment surgery while they are incarcerated. In Boston, a U.S. District judge ruled in 2002 that an inmate could not compel the state to pay for a sex-change but ordered the corrections commissioner to initiate medical evaluation and psychotherapy with the possibility of estrogen hormonal treatment. The offender was diagnosed with a medical condition known as *gender identity disorder*. This was a substantial victory for transgender rights (81).

Increasingly, however, gay concerns are being heard in police and criminal justice agencies around the country because of the political power of the gay community.

XI. CONCLUSION

While much has been covered in this paper, many crime topics, due to limitations of space and time, have not been addressed. Crime is as diverse as the victims and offenders who become part of the criminal event. There will always be new types of crime and crimes that evolve based on developing technology. Much needs to be done in the way of crime research and analysis.

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Confronting and Managing GLBT Homicide and Its Associated Phenomena

Dallas S. Drake

Minnesota Gay Homicide Study, Minneapolis, Minnesota, U.S.A.

I. INTRODUCTION

The success and development of the modern gay and lesbian movement, which began in about 1969, has not been without substantial resistance by the dominant culture in the form of antigay violence. In this chapter, we will examine lethal violence, considered by many to be the most severe form of crime. Our consideration will include violence imposed clearly by external actors as in the form of hate crime. We will also expand to include a look at homicides resulting from the internalized effects of homophobia, such as GLBT offenders who kill GLBT victims.

Homicide is “causing the death of another, without legal justification or excuse” (1). *Murder*, a form of homicide, is the “intentional” taking of one life by another and is often considered the most severe form of crime (2). I have decided to explore deaths using the more inclusive term of *homicide*, as it allows capture of many of the incidents that do not neatly fit the pre-existing categories. Use of the term *homicide* is also intended to remove from consideration, at least temporarily for the sake of objectivity and analysis, the political and controversial issue of the offender’s intent. The examination and evaluation of the issue of intent is an important, though premature, topic.

The killing of one human being by another is a tragedy regardless of the status of the victim. When GLBT people are killed, the effect of these deaths is

compounded by the terroristic and unfounded fear that the deaths are somehow random and therefore cannot be prevented. When not numbed by the overwhelming grief and trauma of continual and horrific victimization based on membership in a stigmatized group, there exists a sense of being a sitting duck waiting for the shot of the hunter, followed by the purposeful glee of the antigay sportsman following the attack (3). Adding to this tragedy is the social disorganization, common in many minority communities, that prevents an adequate community response in the aftermath of such deaths.

II. SCOPE OF VICTIMIZATION

GLBT people have been the victims of homicide long before the advent of the modern gay movement (4). Historical accounts have documented the lives of many GLBT people who have fallen prey to criminal actions. As early as 1949, Joseph Paul De River, a psychiatrist, wrote his observations regarding the murder of homosexuals in *The Sexual Criminal* (5). In amazing detail he describes cases of homosexual murder that appear stunningly similar to those of our present day and comparable to what is occurring across many global cultures.

While many of us have harsh images of Wyoming's Matthew Shephard murder fresh in our minds, the GLBT community has never been very distant from a high profile loss by homicide. One of the earliest killings in this modern era was the assassination of San Francisco City's Supervisor, Harvey Milk, and close friend of the gay community, Mayor George Moscone. The two were gunned down in 1978 by one of their political colleagues who was antigay and a religious conservative. Milk was in the forefront of the early Gay Liberation Movement with a profound sense of vision and a distinct flair for public communication. He always viewed himself in the moment, but with a concerned view of the future.

Lesbian community activists have also succumbed to the offender's wrath. Wisconsin's Juana Vega died in November of 2001 from multiple gunshot wounds. An out latina lesbian, she was active in Milwaukee's GLBT community in pursuit of human rights (6,7).

During the summer of 1992, the body of Earl Craig, Jr. was found stabbed in his downtown Minneapolis condominium (8). Craig, who was African-American, helped found the Neighborhood Revitalization Program, that sought to redistribute power from the city council back into its neighborhoods. His mission was founded on a strong valuing of human rights and concern for issues of class and power.

With only this short list, it becomes agonizingly apparent as to the scope of great loss to individual families, the GLBT community and its culture, and to all of American society.

In order to assess the statistical impact of GLBT homicides we look to the National Coalition of Antiviolence Programs (NCAVP). This organization was founded in 1995 to act as the unifying voice of GLBT antiviolence programs across the United States. According to their reports the best we can establish are the bare minimum number of cases, not the possible or probable number. At present, reports are received from only 26 urban sites across the country. Homicide cases are documented only if they are reported to a participating agency. Up until 1997 only cases of bias-associated homicide (one type of homicide) were documented. Since that time NCAVP now also documents intimate-partner homicide.

During the summer of 1998 an academic research project was initiated in an attempt to overcome this problem. The organization called the Minnesota Gay Homicide Study was formed in Minneapolis in an attempt to address this very question and to work toward improving the quality of what we know about GLBT homicide. Preliminary results from this research showed a GLBT death rate by homicide of three to five cases per year in Minnesota alone. This rate is well over the incident figures computed by the NCAVP but includes all types of homicide, not just what is generally thought of as hate crime.

Reviewing other sources for homicide data, we find even fewer cases. Official report data provided by the FBI's Uniform Crime Reports indicates numbers that are below that of the NCAVP. The same is true for the FBI's hate crime data.

The point is, we really don't know how many GLBT people are homicide victims each year, but we need to find out. Efforts to rigorously research these deaths should be supported as a matter of public policy through government legislation and by establishing it as a global GLBT public health priority.

III. HOMICIDE IMPACT

The impact of homicide on GLBT people may be impossible to calculate. GLBT people likely experience all the pain and grief others do when someone they love is murdered. They also suffer from the secondary victimization of limited social support and victim blaming. Access to necessary social or financial support may be denied and non-GLBT citizens may challenge the legitimacy of their standing as victims, deserving of services. Understanding by friends or co-workers may be absent or strained, thus taking advantage of this period of increased anxiety and vulnerability.

The group National Organization for Victim Assistance (NOVA) lists several factors affecting homicide survivors, who are often referred to as *secondary victims*. These factors which can easily be applied to GLBT incidents

include “the intensity of the event, the suddenness of the event, whether the event was anticipated, the ability to understand the event, and our state of mind prior to the event” (9).

A homicide is different from other manners of death in that it is usually violent; it may include prolonged torture; it may involve visual mutilation of the body; and the offender may remain unidentified, free to target a witness, family member, or another victim. Unidentified offenders who have not been arrested have been identified as having significant impact on GLBT people by creating fear and anxiety.

One factor, unique to GLBT homicide, includes parents not learning of their child’s sexual orientation until the homicide event occurs. The death may result in sudden unexpected disclosure of a victim’s sexual orientation. Parents and siblings sometimes resist admitting that their relationship with the victim was not as close as they thought. For others, their inability to deal with homosexuality, or death resulting from domestic violence at the hands of someone once considered to be a trusted family member, brings immediate strife in the midst of already unbearable grief.

The impact of many GLBT homicides is intensified by the brutal nature of how the deaths were caused. GLBT homicides often include excessive injuries, torture, and taboo sexual activity. Confronting these realities places us far beyond our normal ability to cope, leads to deep emotional wounding, public embarrassment, and seemingly irreparable harm.

Antiviolence advocates and crime researchers have long recognized that anti-GLBT homicide creates an enduring impact. Whether or not the death is a hate crime, or for that matter even a homicide, its occurrence tends to ignite the fear and imagination of an entire class of people. This effect is particularly evident when suspicious deaths occur and insensitively treated survivors become mistrusting of authorities. Herein lies the hideous nature and social power of hate-crime murder.

In hate-crime homicide, the killing is not only an attack on the individual victim but a symbolic act designed to communicate a message to members of the targeted group. It is this motivation of the criminal act, or the intent, that brings an increase in penalty. If aggravating factors like an offender’s intentions could not be considered in charging, there would be no basis for separating manslaughter from premeditated murder. The penalty increases when an offender’s intent is malicious. Society also punishes thoughts or motives by charging unsuccessful attempts at crime.

One of the unique impacts of bias-motivated crime is the increased sense of vulnerability and perceptions of differential treatment experienced by victims. Bias crime capitalizes on victim stigma to prevent or hinder the criminal justice system from adequately responding to the victimization. In the case of GLBT homicide, primary and secondary victims feel isolated, discounted, ignored, and not equally treated (10).

As a result, GLBT people have developed advocacy organizations with specially trained crime victim advocates (11). The cost of this bureaucracy, which is largely funded by GLBT people, is astonishing. Whereas most people receive these services as part of their citizenship, GLBT people have felt compelled to construct their own institutions, using their own money and developing their own expertise.

Crime victim advocacy is difficult work. Addressing incidents of GLBT homicide, whether serving the partner, family, or the community, all takes its emotional and spiritual toll. Oftentimes the agency gets caught up in the political fervor of an incident, which occasionally has resulted in the complete disintegration of the advocacy organization (12,13). At the other extreme is apathy. Lack of community support for victim services, due to either overwhelmed emotions or an inability to raise the necessary money to sustain advocacy efforts (most antiviolence programs operate with “volunteer staff and private donations”), further exacerbates the social disorganization of a stigmatized and marginalized GLBT community (14).

Low pay and high turnover plague the role of the crime victim advocate. As with most community antiviolence positions, the high demand of the job can lead to employee burnout. The high turnover, which some antiviolence agencies experience, further complicates the ability of the agency to adequately respond to homicide incidents.

Since GLBT homicides are relatively infrequent, advocates have difficulty developing expertise in this area. And if they do, they move on shortly thereafter. Police department homicide detectives may contact the agency, only to learn that the advocate with whom they started to develop a rapport has now vanished. Investigators must start their relationship anew.

GLBT homicides impact the police in positive ways as well. In cities where the GLBT community is well organized, investigators may experience intense pressure, e.g., large marches demanding the investigation and the resolution of GLBT homicides. Sometimes detectives feel unfairly attacked and scrutinized for their work (15). But not all impact has been negative. An important strategy for dealing with advocacy is the establishing of rapport with police prior to a GLBT homicide incident. Relations have been attempted by organizing GLBT–Police Liaison teams, although their success has not been well documented. In cities where prior working relationships have developed, success has followed (16–18). Many communities have forged enduring partnerships credited with increasing the clearance rate in GLBT homicide cases. As a side benefit, communities feeling well-served exhibit strong support for their police personnel.

Liaison units are often established as the result of poor police-community relations. Many police departments now have GLBT officers who already have firsthand knowledge of the GLBT community (19).

IV. AN INTRODUCTION TO GLBT HOMICIDE

In criminology we look at three parts of the homicide incident. We consider the victim, the offender, and the incident as a whole. In determining what makes something a GLBT homicide we consider all three aspects.

Victims and offenders make for a GLBT homicide if one or the other possesses a gay, lesbian, bisexual, or transsexual identity. It is also a GLBT homicide if the heterosexual actor was engaging in same-sex sexual behavior or behavior that was not appropriate for one's prescribed gender role. This accounts for persons who have not yet identified (or who may never identify) as homosexual, bisexual, or transsexual.

In our final category, we locate the GLBT homicide "incident." A GLBT homicide incident is one in which the killing involves an element of homosexuality or morphing of a socially prescribed gender role, though neither actor may be identified as homosexual or transgender. In this category lies many undefined, and as yet unexplainable, crime scene behaviors and characteristics. Behaviors may go beyond one's personal appearance or sexual identity to include actions that could be considered sexual in nature and occurred between two persons of the same gender.

It is imperative to keep in mind that homicide crime data varies according to its source. Parameters for inclusion of incidents will vary according to how the data was collected, under what criteria, how well the persons closest to the homicide reported any particular incident, based on competence, interest, and level of training. Chances are good that no one is using the same criteria as this author.

Another consideration when exploring issues of GLBT homicide concerns the very nature of the crime of homicide. What causes, or leads to, a homicide? Why, when assaulted, do some people die and some people live? Homicide researchers have discovered that lethal violence is different than nonlethal violence. Most of the research and information on violence concerns nonlethal violence such as aggression and assault. In the case of a gunshot, some people duck and miss becoming a statistic, while others are gunned down, seemingly by accident. Some victims who were left for dead should have died, but instead survived.

Victimization then is affected by many factors then such as luck or chance and also by the medical care one receives. The quality of medical care can dramatically affect the homicide rate. In Chicago's Cook County Medical Center, it is reported that the efficacy of their level-one trauma center reduces the homicide rate by as much as 30%. Woe unto the victim who is attacked in a highly rural area with limited options for medical treatment and long transport times to a clinic or hospital.

The point of all this discussion is to call attention to the fact that knowledge about antigay violence does not translate well into knowing

anything about GLBT homicide. It's not unlike the case of heterosexual rape. Much is known about rape. Rape murder, however, is a totally unique phenomenon with particular characteristics that lead to the identification of an uncommon type individual.

And finally, the subcategories which fall under the rubric of GLBT homicide do not all look alike. Lesbian homicide is not the same as gay homicide. What we know about gay homicide cannot be translated over to transgender homicide. And cross-dressing, a sexual paraphilia, does not necessarily translate into transsexual homicide. Perhaps the only common characteristic tying all these categories together is sexual taboo and sexual stigma.

Who deals with homicide? A survey of the literature on GLBT homicide reveals that much of what we know about this topic was developed by sexologists, or psychiatrists, not criminologists, or sociologists. Actually, very little has been published in the academic literature about GLBT homicide (20). From a clinical perspective, homicide investigators deal with it, but normally encounter only a limited number of cases. So they tend to evolve a narrow view of the topic and follow whatever timesaving assumptions they have developed out of their well-worn experience.

Academic researchers are unlikely to find much benefit in pursuing GLBT homicide research. GLBT topics provide too narrow of a research niche and carry with it a stigma that many find would jeopardize their untenured academic career. By the time they have enough independence to pursue such topics, they've become enmeshed in institutional research agendas and are loath to identify substantive research funding. Why does GLBT homicide matter? Research about GLBT homicide is necessary if the overall homicide rate is to be reduced. The purpose of homicide research ultimately is prevention, but developing information that investigators can use to solve crime, since homicide has never been totally eradicated, is important as well. Focusing on stigmatized and underrepresented groups, and even criminals as victims, might not appear to be important. This kind of attitude helps exacerbate the crime problem and ensures that homicide will always be problematic.

The Equivalent Group Hypothesis states that criminals and victims have much in common (21–26). An offender on one day becomes the victim on the next. In our search for the “pure” victim, we find ourselves quickly disheartened. The problem with allowing offenders to have their way is that eventually, once offenders have crossed the legal line and taken a life, their targets tend to expand to include nearly anyone who would cross their path.

Another reason to promote GLBT homicide research is to find answers to questions about homicide in general that only GLBT homicide research can answer. For example, when attempting to determine the features resulting from gender during intimate-partner homicide, GLBT cases can help establish that difference.

Perhaps we can now see the deep need to address this pressing issue. The pervasiveness of GLBT homicide, and the enduring grief it causes begs us to act, but what can be done? How can we change what's happening? What response can the community formulate?

As with most social problems, we need to turn to education. Education provides the fundamental building block for changing attitudes and beliefs in an effort to create long-standing change. Education provides the information to challenge those beliefs and establishes a foundation for virtually everything we do. Just who to educate, and with what message, is more problematic than just saying we'll do it. Laws can force behavior and communicate basic moral expectations, but does little to change the heart of our fellow human actors.

Messages about GLBT homicide issues need to be targeted to several audiences, the first of which are GLBT people. Community members need to understand what is happening to them, specifically how it impacts them, how confronting it can bring individual and social empowerment, and how a more permanent form of systems change can result in a reduction in the number of all the types of victims.

We need to understand that some offenders are victims as well. Offenders, many of whom are homosexual themselves, are victims of homophobia, corroded heterosexual beliefs and attitudes, and misshapen formulations of masculine identity, leading many offenders to make tragic decisions and actions. Offender victimization lands them in prisons, removing one more member from society, for which, whether we realize it or not, we all pay a price.

For education to be of value, we also need to accurately identify and describe the problem. We need to carefully analyze what is actually happening so we can develop understanding. Analysis is the breaking down of the problem into its constituent parts for closer examination. It is only through these painstaking efforts that we can develop the useful knowledge we need to conduct education. If our analysis is incomplete, our understanding vague, or if our observations are haphazard, then our knowledge, or what we know as knowledge, is not just useless, but socially detrimental. Resources, both financial and human, are allocated based on this information. It is socially and culturally irresponsible to continually make decisions based on this bad information (27). It is a form of social disorganization, which certainly leads to increases in homicide victimization.

Accurate, reliable information is developed through the scientific social process. Facts are simply bits of information, which are generally agreed upon by all participants in the development process, based on mutual observation, testing and experimentation. Science is a social process, always open to contesting of the facts and with a constant opportunity for reformation of the information product.

Although expensive and time consuming, science is rigorous, objective, methodical, and provides us the best solutions to our problems. Other “ways of knowing,” have not yet achieved the same social acceptance that scientific fact has (28). Science has been most frequently contested by those constituents who disagree with its results. The GLBT community has been reluctant to pursue the use of facts, since sometimes facts have been used as tools of hurt. In lesbian feminist thought, science is viewed as the product of white males that excludes women and people of color from the process of constructing information. For this reason, it is imperative that researchers draw on the talent and insight of all people who could be termed interested stakeholders, and share power in the construction of scientific information.

V. PATHWAYS TO VICTIMIZATION

We turn now to the question of just how GLBT people become the victims of homicide. Certain crime researchers have developed the theory that victims do in fact contribute to their own victimization. This does not mean that we blame victims. It only means we must recognize that when two or more persons interact, both people contribute to the outcome of the incident, whether positive or negative. Criminologists have discovered that some people are more at risk for a particular crime than others. For some types of crime, people, due to their own behavior or social status, are at increased risk for repeated victimizations. This might be evident in previous severe assault encounters by a victim that could be labeled an attempted homicide.

Victim vulnerability is an area that has yet to be explored in GLBT homicide. Yet we already know, for instance, that alcohol use plays a substantial role in homicides (29). Alcohol clouds judgement, lowers inhibitions, and reduces our awareness of our surroundings (30). This can lead to an increase in risk-prone behavior (31). It can also reduce a victim’s potential to recognize a dangerous situation or defend against a homicidal attack in a competent way.

Offenders seem to prefer intoxicated victims and intuitively understand the role of alcohol in producing a more vulnerable or compliant victim. GLBT people have been found to have significantly higher rates of alcohol use than heterosexuals, although some researchers dispute this fact. While ten percent of the U.S. population is alcoholic, 19% of gay men are “frequent and heavy alcohol users” (32–34). The important point is that one does not have to be alcoholic or legally intoxicated to suffer from impaired judgement and slower reaction times that could result in greater vulnerability and increased levels of victimization.

Research needs to be conducted to determine not only what the homicide victimization risks are for GLBT people, but see if they are the same as for heterosexuals. If victim vulnerabilities are unique in GLBT populations, then prevention models and education materials must reflect this as well.

On the flip side of this discussion, we explore the protective factors or survival assets held by GLBT people. On any particular night a few hundred thousand GLBT people might participate in risk-prone behavior, but were never victimized. Even as a predator passed by unnoticed, people were in increased states of vulnerability. Why then, did they not become victims? One theory is that protective factors were at work helping to counter or offset any of their vulnerabilities.

Police officers for instance are placed in many risky situations throughout their workweek, yet nothing bad happens to them. Their gun, their training, their experience in handling difficult situations all serve them as protective factors. The more protective factors at work, the better one is able to survive with a few vulnerabilities. Again, these are under-explored areas in the arena of GLBT homicide. We need to identify these factors and test to determine their effectiveness.

The last component in discussing pathways to victimization is community disorganization. Gordon Allport in his book, "The Nature of Prejudice," says that one of the protective factors is guardianship (35). Guardianship, he states, is when people, organizations and systems are present and available to act on behalf of a targeted victim. In the absence of official guardians, GLBT community organization becomes critical. It might come as a surprise but the GLBT community suffers from substantial social disorganization similar to that found in many disempowered, minority communities.

To meet this challenge, society should be consistently and continually challenged to meet their responsibility as guardians to minority citizens. GLBT communities need to support GLBT organizations and advocacy institutions, financially and politically. GLBT administrators need to continually demand the same quality, accountability and professionalism in their workplace, as what any non-GLBT organization would demand.

VI. HOMICIDE DEATHS

GLBT people die in many of the same types of homicides that heterosexual people do. They are killed in argument-homicides, intimate-partner homicides, homicides for financial gain, sexual homicide, and mission-oriented homicide. Obviously, GLBT people are also killed in hate-crime homicides, a

category about which we know little, but generally considered part of the mission homicide type (36). Each type affects a particular victim demographic.

Homicides can be described along several different dimensions including typologies, scenarios, or characteristics of victims or offenders. They can be divided by type of weapon used, relationship of the victim to the offender, or by location. Several types of GLBT victims have been identified and some of the more common victimization scenarios are detailed below. Most of the various aspects correlate closely with the individual's sexual identity. For instance, lesbian women are killed in much different situations, and with different weapons, than gay men. Little is known about bisexual homicide victimization.

Argument homicide is one of the leading types of homicide in the United States today with two thirds of the deaths being caused by "arguments of relatively trivial origin" (37). Argument homicide results from "disputes over debts, bets, liquor consumption, and accusations of infidelity" (38). Little mention is given in any of the research reports on GLBT homicides to this type of killing. It seems as if they don't exist.

One type of homicide that goes virtually unnoticed by the GLBT community is sexual homicide. Sexual homicide is a murder that contains sexual behaviors or offender sex fantasies as part of the crime. It bears some of the same elements and characteristics of hate-crime homicide, since sadistic behavior is by its very nature, sexual. Sexual homicides are often described as unusually bizarre or extremely graphic. "The corpse is often dismembered, and the genitals may be mutilated, or may have disappeared. The presence of bizarre clues is often an indicator of the nature of the victim-offender relationship" (39).

These homicides are embarrassing to discuss, or to publicly acknowledge, due to their graphic nature. There is also a fear in the GLBT community that sexual homicide incidents might be used as a tool to shame an already battered minority group.

Further compounding this issue of sexual taboo in GLBT sexual homicides is a general lack of knowledge among homicide researchers deciphering what roles sex, hate, and gender, play in a sexual homicide incident (40). Here we regress back to the issue of struggling to identify and to accept the potentially deviant motivation for a particular killing. Many heterosexual homicides appear to be motivated by hatred of women. Similarly, hate-crime homicides of GLBT victims may be based on gender, or a violation of the victim's socially assigned sex role (41,42).

Intimate-partner homicide has only recently come into public discourse (43). In the early years of the Modern Gay Movement, intimate-partner killings went either unnoticed or ignored. The first report on intimate-partner

violence came in the mid-1990s, as the GLBT community began to face this embarrassing problem. Never has a report been issued that exclusively documents the nature and intricacies of same-sex intimate-partner homicide. The NCAVP issued a research report of GLBT homicides in 1994 (44) that tried to provide an overview of the homosexual homicide problem. Though this was a valiant first attempt, this report suffered from its major finding that gay homicides include high rates of overkill, when that was the initial criteria for a case to be included in the study.

This is significant because much has been made of the NCAVP finding that overkill is a major factor in what they label as antigay homicide. Although their finding might be true, it is not adequately supported by their research data.

Overkill is an over-used popular term developed during the rise of serial murder phenomena in the 1970s. The Federal Bureau of Investigation is working to better define just exactly what this term means, relocating it from its use in pop-culture, to give it a more accurate scientific basis. Overkill is generally defined as injuries inflicted on a victim, more than what is necessary to cause that victim's death. This definition is fraught with ambiguity since if a victim were exceptionally skillful in fighting off a knife attack, a high number of defense wounds might appear as signs of overkill. Some knife wounds are made for the purpose of sadistic pleasure and occur before or after the victim's death. The media often are unlikely to detect the difference between the various types of attacks and will use the term *overkill* in a generic sense, especially when mentioned by the police.

GLBT homicide cases are not the only place where one finds overkill to be a common characteristic of homicide. Intimate-partner homicide involving heterosexual male perpetrated overkill with female victims is found in 46% of cases, compared to 12% of cases where heterosexual women were killing heterosexual men (45). Canada had an overkill rate of 90% for heterosexual male convicts who murdered their spouses. Overkill is more commonly found in female victims, 61% (46). Overkill may be a gender-based characteristic, and many of the male victims of overkill may in fact be GLBT victims, murdered for their violation or perceived violation of social gender role.

Hate-crime homicide has perhaps received the most attention of any of the varieties of GLBT homicide. It is interesting to note then that we still are unable to accurately determine its prevalence or describe what percent of GLBT homicide results from homophobic hatred.

One of the common scenarios involves an attack on gay men in places where public cruising is popular, usually gay men or men perceived to be homosexual. This might occur in a park, restroom or beach area. It is also

common for offenders to accompany homosexual men home under the lure of providing sex. The offender gains the confidence of the victim and then murders the victim in his own home, most commonly in a bedroom or sleeping quarter.

Somewhat infrequently GLBT people are attacked in or near a gay bar or other business. Transients and male prostitutes also are occasionally targeted. More often it appears that customers of prostitutes are victims of GLBT homicide than are the prostitutes themselves. This is an extremely unique characteristic compared to heterosexual prostitution, where a prostitute is normally the homicide victim.

Cross-culturally, homicide is mainly an urban crime problem. GLBT homicides do occur in rural areas but do not appear to be as frequent as in the city. Suburban cases are somewhat unusual. This demographic can be attributed in part to emigration of GLBT people from rural to urban settings as they seek out more tolerant communities with viable support systems.

Examining the homicide literature for weapon use shows that GLBT homicides differ substantially from ones involving heterosexual victims. Knives used for cutting or stabbing lead the way, with strangulation or suffocation coming in second. Heterosexual homicide is overwhelmingly committed with a firearm. The significance of this finding may be related to the use of stabbing and strangulation in sexual or intimate-partner homicide.

This finding is not borne out in countries outside of the United States. In Australia, where the prevalence of firearms is low, knives are the most common weapon for virtually all types of homicide victims. Prior to the 1960s, knife homicides were more common due to decreased availability of firearms as a result of high cost. Over the last 30 years, the use of a knife in a homicide has been strongly correlated to the involvement of female gender in the incident.

Homicide tends to vary to some degree given the social demographics and cultural values of each particular region. In the United States, a culture of violence is said to exist in the southern states and more recently in the western United States. It is probable that GLBT people are at higher risk in these states, but we are without evidence to that effect due to lack of reliable data. Two areas of the country have claimed to experience high rates of GLBT homicide, Detroit and New York. Texas might also be experiencing high rates, though the cases are seldom publicized.

Outside of the United States Brazil is said to be the homosexual homicide capital of the world with 1600 cases reported between 1980 and 1997 (47). Many of the killings there involved the victimization of female impersonators or transgendered people who are highly visible as they carve out a queer niche in a culture of virulent machismo. It seems only effeminate

gays are targeted for murder, further evidencing the misogynist nature of antigay bias. Many Brazilian victims are young men killed in a bladed, blood-spattered frenzy.

Preliminary results of research conducted by the Minnesota Gay Homicide Study, in the United States, indicates that most deaths of gay men in Minnesota occur in the bedroom of a residence, usually an apartment home. Frequently there is no sign of forced entry, and sometimes there appears to have been a robbery as part of the crime. In New York and California, deaths much more commonly occur on the street or at an area known for public cruising.

The characteristics of GLBT homicide offenders are much less understood than of victims. Similarly, data on offenders is limited to case studies by medical examiners or psychiatrists. Little aggregate data is available and in many incidents no offender has ever been suspected let alone arrested. As a result, data is nearly useless due to the problem of missing data. To assume that missing offender information would be similar to that of identified offenders would be foolish. National homicide researchers in the United States and abroad have struggled with various imputations to deal with various kinds of missing or unknown cases, but with limited success and much controversy.

Offenders in same-sex and transgender homicides range from heterosexual to gay, lesbian, bisexual, or transsexual in orientation. For GLBT communities, it may be difficult to acknowledge the presence of GLBT offenders. It is imperative that the facts be faced and we begin working to address the corrosive internalized hatred that leads some GLBT people to target more vulnerable people of their own communities. Similar to black-on-black crime, same-sex-oriented people tend to victimize within like communities and, as we shall read later on in this chapter, incur substantially harsher penalties for having committed the crime compared to offenders perceived as heterosexual.

Serial homicide offending has received exaggerated attention in the popular culture and especially in the GLBT press. Yes, GLBT people appear to sometimes be affected by serial homicide. But whether this is a result of differential targeting or of negligent policing is another matter. By definition, a serial homicide case is one in which the police have been unable or unwilling to arrest a suspected repeat offender. If repeat offenders were caught, there would be no serial homicides.

A few major cases profiled during the 1970s and 1980s led to grave concerns in GLBT communities. Cases were dogged by denials of investigators that gays were not the targeted victim types, as the body bags continued to pile up unabated. One can only cringe when one reads of the mobilization of resources for a missing child, or abduction of a young woman, in compar-

ison to police apathy in response to a string of GLBT murders. The mistrust this has created pervades police–GLBT community relations to this very day.

Most serial offenders targeting the GLBT community have turned out to be sexually repressed homosexual or bisexual men preying on gay male or transsexual victims, while the overwhelming majority of serial homicide offenders were male heterosexuals targeting female victims.

Pseudohomicide, more commonly referred to as *suicide*, is much more common than what we traditionally think of as homicide. While suicide is not strictly a GLBT phenomenon, GLBT people are overrepresented as victims (48,49). Untreated depression is the number one cause of suicide in the United States and stress and anxiety over sexual orientation has been identified as a suicide factor in young people.

Fifty percent more people die of suicide than homicide in the United States. Compounding factors include race, social status, sexual orientation, physical disability and physical illness, mental illness, and poor adaptation to stressful life events. Political conservatives increase stress levels on GLBT people by creating, or enforcing, the kind of oppressive environments that help make living intolerable. In a sick cycle of spiritual abuse, these same conservatives preach that the proof homosexuality is so sick and sinful is their high rate of suicide.

The overwhelming sense of shame experienced by some offenders who murder GLBT people can also lead to suicide. If what some psychiatric researchers have proposed is correct, that oftentimes antigay offenders are themselves homosexual, then it would make some sense that offenders who kill a GLBT person, but who don't experience the cathartic release they expect, might then commit suicide. Some have.

VII. ASSOCIATED PHENOMENA

Other types of crimes, and various abnormal behaviors often accompany homicides. In this next section we will visit upon a select few of the associated phenomenon present in a many of the GLBT homicide incidents. Demographics may vary depending on the specific phenomena being discussed.

VIII. ROBBERY

Perhaps the most often mentioned associated crime relating to GLBT criminal homicide is robbery. *Robbery* is defined as the “unlawful taking or attempted taking of property that is under the immediate possession of

another, by force or the threat of force” (50). Once the victim is deceased, the taking of property is no longer considered robbery, unless the death was carried out for the express purpose of theft. Many of the cases of supposed GLBT robbery homicide are not in fact robberies at all; they are larcenies or theft.

According to the FBI’s Supplemental Homicide Reports, robbery of homosexual victims in the United States from 1976 to 1994, accounts for only 12% of all homosexual homicide cases (51). Robbery of gay male and bisexual victims during nonlethal assaults is extremely common (52–54). Lesbian women are rarely robbed. As stated earlier however, behaviors common in nonlethal violence do not necessarily compare to those in lethal violent incidents. It is not necessary to kill a person to rob them of money or property. Murder in the commission of a robbery is a relatively rare occurrence. Most people hand over what is asked of them.

Information from seasoned homicide investigators states that whenever a robbery occurs within the commission of a homicide, crime scene staging should be suspected (55). This staging is meant to suggest an alternative motive that might sidetrack the investigation from a probable suspect. It might also be used to support a defense other than premeditated murder. The issue of premeditation is important since it can lead to a substantial difference in sentencing. Some jurisdictions judge the accompanying felony crime of robbery to be an aggravating factor, since robbery is a violent crime against the person, with a high probability of physical harm or death of the victim.

As a matter of public policy, better data needs to be gathered on the incidence of robbery and robbery homicide of GLBT people. Documentation should be made of the value of the stolen items, status of the victim at the time of the theft (i.e., pre- or postmortem) and disposition of the merchandise following the incident.

In sexually related homicides, incidents have been documented in which the stolen item is kept by the offender as a trophy to facilitate enjoyable memories of the killing and to promote future excitement and sexual fantasy. John Wayne Gacy, who killed young male victims in Wisconsin, and saved the wallets of each of his 33 victims, exemplifies this practice.

IX. ARSON

Arson is another GLBT homicide phenomenon. According to Allen Sapp and Thomas Huff of the FBI, 26% of all arson-associated homicide victims have been homosexual or bisexual (56). Thirty three percent of offenders in arson-associated homicide were identified as homosexual or bisexual.

The use of fire or injury by burning is probably more frequent than these statistics suggest. Very little research has been conducted on adult arson-associated homicides. Arson is the illegal destruction of property. Fire used to injure or torture a human being is not arson; it's aggravated assault, or aggravated homicide if the victim perishes.

Fire is also commonly used to destroy evidence of a crime scene. Following the actual homicide, the structure is set on fire along with any implements used during the crime. It is not uncommon for the offender to set the fire and then commit suicide inside the blaze so that there is a total annihilation of the crime and the crime scene.

Sapp and Huff performed their analysis using data from the VICAP system, which is not wholly representative of the range of crimes occurring (57,58). VICAP reporting is purely voluntary, and the forms used are quite detailed thereby preventing officers from filing them (59).

The largest GLBT arson-associated homicide incident, a mass murder at the Upstairs Bar, occurred in the 1970s in New Orleans. Thirty-two people died in that fire. Other gay homicide research papers have not reported that arson-associated GLBT deaths are a significant problem. Arson vandalism against GLBT property owners is as considerable problem against other minorities as it is against GLBT people. However, no other minority group reports arson as a significant crime against the person as does the GLBT community. Fire carries with it significant religious and sexual connotations, that makes fire a weapon of symbolic "religious significance" when targeting sexual minorities (60,61).

A visit to Fred Phelps' "Godhatesfags" website shows a generous dose of mixing antigay hatred with fire (62). The slang term *faggot* is a reference to the religious persecution of homosexuals by early Christians, whose victims were burned rather than hung. Modern day slang is filled with similar references such as "he's a flamer," meaning a flaming homosexual.

X. STALKING

Many of the GLBT cases are ones where the offender went out of his way to invade the domain of the victim. It does not appear that this was a one-time occurrence. Some evidence exists to suggest that the offender was not a total stranger to the victim. Although the two were probably not friends or lovers, they had met one another previously, perhaps passing in a hallway or several times on the street.

For the offender to have been successful, he likely had to scout the area out and plan his attack. Homicide investigators have theorized that offenders picked their prey up in gay bars or cruising spots. This means that offenders

had to find these locations, become comfortable enough to enter them, and have left the safety and security of their heterosexual friends and settings to do so.

Depending on the type of relationship the victim had with the offender, the offender may have engaged in previous sexual encounters with the victim. Offenders may have followed their victim home unaware, scouting out living situations, assessing social status, or determining the presence or absence of valuables.

While the presence of stalking might not involve a specific victim, the offender at a minimum has stalked locations. Around the United States, offenders have targeted many gay cruising areas that require cultural familiarization in order to find. Offenders generally don't pick just any victim. They hunt their victims down often picking on the weakest or most vulnerable person they find.

XI. ALCOHOL AND OTHER DRUGS

As mentioned earlier in the chapter, alcohol and drugs are reported to play a particular role in homicide incidents. Studies have also revealed significant drug abuse problems within the GLBT minority community. The question then is to determine if any correlation exists between alcohol or other drug use and GLBT homicide.

Anecdotally, police investigators have shown that GLBT homicide incidents routinely include victims being last seen at a gay bar. What is not clear is what percent were actually drinking. While alcohol abuse is reportedly higher in gay communities, so is participation in recovery programs. Many bar patrons drink bottled water or soda drinks in gay bars.

No research exists at present which documents blood alcohol levels in either victims or offenders in GLBT homicide incidents. Certainly alcohol limits judgement and slows reaction times causing a potential victim to become even more vulnerable. Victims in serial homicide incidents have reportedly been plied with alcohol or drugs to assist the offender in obtaining victim compliance.

Drugs such as poppers and GHB have been routinely reported as prevalent in recreational use in the community by journalists and HIV prevention literature. It is not too far a stretch to imagine the imminent danger of drug use when in the presence of a potential homicide offender. In future research, blood alcohol levels and drug toxicology need to be compiled to determine the prevalence and severity of incapacitation due to drugs and alcohol in GLBT homicide victims. It might never be possible to determine

the same information on homicide offenders other than by offender self-report, due to the delay in apprehension of suspects.

XII. CONSPIRING

Antigay violence research has addressed aspects of the criminal process that appear to facilitate antigay attacks. One of the most problematic parts is conspiracy, or the actions of two or more participants in unity to facilitate the criminal act.

Violent rhetoric is the first part of that plan as it is communicated to the actors. Violent rhetoric not only educates potential actors or infuses them with the idea of committing the act but also provides permission to carry the act out, and is supportive of the overall violent concept. This social support is necessary for the offender to overcome prohibitions against violent or illegal behavior. It gives the offender comfort that individuals or agencies will aid them if caught. This can be viewed as guardianship for the offender.

A notable example of conspiring is believed to have occurred in the case of Eric Rudolph, a suspected U.S. domestic terrorist. After bombing a lesbian nightclub in suburban Atlanta, he disappeared into the country hillside. Many local residents near the search area say they believe Rudolph is receiving assistance from compatriots who support his political-conservative beliefs and promote its rhetoric (63). If not for this help, he might have been apprehended earlier.

Guardianship can also be thought of as protective of the victim. Oftentimes anti-gay attacks will be directed at GLBT guardians if they exist or can be identified. Just as Klan members targeted allies of blacks during the civil rights movement, many people are attacked for advocating for lesbian and gay rights.

In the absence of capable guardians, offenders feel empowered to make ever increasingly emboldened attacks. Violent rhetoric reaches out to harm GLBT supporters without leaving evidence. Rhetoric falls under the category of “free speech” and has therefore been considered protected speech.

Conspiracy also supports cycles of oppression. Because many people are acting in unison, the idea to engage in violent action against the targeted minority is institutionalized. Difficulty by the oppressed in overcoming such ingrained values can lead to prevention of agency. Such overwhelming oppression leads to despondency and fatalism.

Sometimes when an offender commits an antigay murder, the homophobic oppression is so overwhelming that the offender takes his own life as well. This homicide–suicide connection occurs when the purpose of the killing

was to create a cathartic experience for the offender to rid himself of internal homosexual feelings or attractions. There is a sense of failure in addressing these feelings, possibly combined with guilt or remorse for what now appears to be a pointless and impotent murder. Some offenders are trapped in this tension filled dichotomy. Suicide might seem the only course toward relief in the mind of the offender.

XIII. MARGINALIZING GLBT HOMICIDE CASES

GLBT activists charge that GLBT homicide cases do not receive the same attention by the criminal justice system or society, as nongay cases. These charges do not come without the baggage of an historical context, wherein gross marginalization has occurred. While progress in eliminating this inequality certainly has been made, care must be exercised to monitor and eliminate disparate treatment.

GLBT homicides are often marginalized, either overtly through personal bias, or covertly through institutionalized bias, in an attempt by the dominant or ruling class to prevent homosexual empowerment. Marginalization is accomplished by developing patterns of neglectful or apathetic behavior, which discounts the importance of GLBT deaths. GLBT homicides are also kept out of the mainstream by magnifying the unusual aspects of the killing thereby sensationalizing negative aspects of the murder.

The key actors in the marginalizing process include the immediate biological family of the victim, public safety personnel, the media, criminal justice professionals, lawmakers, the church, and the larger social community (64,65). Together these entities seek to redefine the meaning these deaths have for our community.

Politicians not only set the agenda for how we talk about violence but also construct the manner of discourse. Their own misunderstanding and the self-imposed restraints they feel from their respective constituents can limit them. Many of them do not stand up for what is right, but what they perceive will get them reelected.

Another example includes agency press releases. Police agencies, victim service agencies, and others often issue statements filled with inaccuracies, myths, rumors, and missing information that cloud our understanding and mislead us in our assessments of how homicide incidents occur. Sometimes statements simply retell what others have said without having ever checked the facts. In this day and age of fast news, many reporters fail to expound on let alone verify the facts of some press releases. They print them verbatim. Hereafter, news begins to take on a life of its own. With so many news sources

available, it is sometimes hard to correct these virulent errors. GLBT activists read these accounts and begin to believe them. And it creates much mistrust and community damage.

Antigay responses to GLBT homicide, are a more intentional and insidious problem, which capitalizes on the fear and isolation that a GLBT homicide incident creates. It also leads to marginalization, evidenced in the format of blame. Assigning responsibility for the crime, the commentator assails the individual homicide victim, the class of people from which the victim was a member, behavior of the victim, or the choices the victim may have made about where to live or work.

GLBT cases are marginalized in media descriptions then by what is said, and what is not said, in the aftermath of a GLBT homicide incident. Short descriptions, which limit our ability to inform, and understand, lead to reader confusion, fear of crime, and inhibit an effective community response, or adequate analysis for the purpose of prevention.

Blame from the religious political conservatives has been particularly virulent. Religious activists have harassed mourners at GLBT homicide funerals and defaced memorials and cemetery plots. Particular statements blame homosexuality as a cause for homicide, thus absolving the offender and providing excuse and support.

Researchers may feel it's not worth the effort to study small numbers of GLBT cases. The limited numbers of such cases, such as in transsexual homicide, are often used as a reason for discounting them. From scientific research we learn however, that outliers and small numbers hold the most potential of explanatory power, not just within the gay homicide research field, but with respect to the homicide problem as a whole.

Sometimes the terms *random* vs. *targeted* attacks are used to marginalize an incident, and it depends on the way in which the term is used. A targeted attack helps us to feel safe when we believe we are not being targeted and we are free to discount the killing or blame it on the victim. If we perceive an attack was random, we might feel more vulnerable and affected and that there is nothing we can do to prevent it. Many attacks on GLBT people may appear random, but offenders are picking and choosing their victims by targeting an entire class of people. The individual victim may be random, but the victim pool is not.

Several variations on this may occur, and over the years, GLBT cases have been trivialized and marginalized by labeling them as "justifiable homicides." The justification label allows the police to reduce their workload and protect offenders with whose motivation they might support. Many police officers have been challenged with changing values and mores about gay people. Thirty years ago, and even now in some parts of the country or the

world, homosexual people were labeled as sex offenders. This creates a sense of anomie wherein officers have trouble plotting an appropriate course of police action.

Even when they desire to treat GLBT people fairly, police may not have the cooperation or support of their administration, patrol partner, or fellow officers. Although there is no monitoring scheme to track changes in police attitudes and response patterns, especially in GLBT cases, it seems that police are making substantial progress. Society is becoming increasingly accustomed to GLBT people and the legal changes that have been made.

XIV. ANTIHOMICIDE ENFORCEMENT AND INVESTIGATION

Over the past 30 years, the message created by law enforcement response to GLBT homicides has changed dramatically in most parts of the United States and is gradually changing around the world.

Hate-crime units have become common across the United States to deal with increases in hate crimes. One of the first such units was established in Boston, Massachusetts. The role of these units is to help focus the investigations and give the added weight and meaning to the charge that hate crimes will not be tolerated and enforcement actions will be swift and certain.

With this unit designation comes added staff, increased training, and greater resources. Many departments unfortunately add the label to repel charges of unequal service. In these cities, the term *unit* means little more than the implementation of a part-time coordinator position or the establishment of a reporting hotline to overcome mistrust of police and encourage tip and crime reporting. For hate-crime units to work, political will must also continue to fund these vital services over the long term.

Hate-crime units now exist in many police departments, county attorneys' offices, and human rights commissions. The establishment of a hate-crime unit helps set a tone in the community that hate crimes will not be tolerated and that hate crimes violate community standards and reduce the quality of life for everyone.

A particularly effective response to some GLBT murders has been the introduction of the antibashing stings. This effort that began in Houston, Texas, following the murder of Paul Broussard, was designed to cut down on the assault attacks being committed against gay men. The usefulness of the strategy was not so much the enforcement against the assaults as it was the education of police decoys who suffered injuries during the operation (66). Officers were stunned by the brazen brutality exhibited once they were misidentified as being gay. The program was soon suspended due to the

serious nature of the attacks that officers incurred. Gay activists praised the efforts of the Houston Police Department for their efforts (67).

In some cities, police are forging community alliances through the implementation of the philosophy of Community Oriented Policing (COP). COP encourages a relationship of mutual participation, that is established prior to any crisis or problem, and that forms the foundation of cooperation and trust to address many issues of community disorder.

In Detroit, GLBT anti-crime activist, Jeffrey Montgomery, has long worked to establish that kind of rapport with homicide investigators. This ongoing relationship has facilitated the clearance of several homicide cases. In East St. Louis, the solving of the murder of Kenny Samples was credited to actions of the Mayor's GLBT liaison (68).

XV. PROSECUTION AND COURTS

Support in attending the aftermath of GLBT homicides is sometime found in surprising places. County Attorneys' offices have long served as advocates of victims of crime. But, the role of these agencies has expanded over the years in the interest of justice. Many prosecutors' offices now have hate-crime units and liaison representatives to the GLBT community. The role of these victim advocates is to keep the family and survivors informed about progress of the case and about the exercise of their legal rights.

Defenses in cases of homosexual homicide have come to include a wide range of unsuccessful excuses for murder. The most frequently tried defense is called *homosexual panic*, or the "panic defense," in which the offender charges that the victim initiated a sexual advance to which the offender panicked (69,70). Most courts have disallowed such claims since sexual propositions can be declined without use of force. The uninterested party can choose to leave. Furthermore, evidence needed to prove that an advance actually took place, is often absent.

Sanctions for homicide include everything from the slow grinding machinery of the criminal justice system and the associated stigma with being involved in a crime case containing homosexual content, to wrongful death civil lawsuits, that increasingly follow conviction (71). The concept of civil suits has increased in popularity, and its use has gained a strong foothold since the dog mauling death of Dianne Whipple wherein the court judge ruled that her surviving same-sex partner had standing to bring such a suit (72).

Offenders who are identified as homosexual are at increased risk of harsher court sanctions, and biased treatment (73-75). Homosexuality, especially lesbianism, is viewed as an "aggravating circumstance," when dealing

with GLBT offenders (76). In one of the first lesbian executions in the country, Wanda Jean Allen was executed during 2001, in Oklahoma (77). Several other lesbian women are now on death row. Homosexual men such as Stanley Lingar are also on death row (78). Many of them are now deceased.

For this reason, GLBT people are not united in their support for introduction of the death penalty. If society is responsible for pressures that increase the likelihood of homophobic murder, and if the people most likely to kill GLBT people are people with internalized homophobia, then ultimately, GLBT people will again be victimized, this time by the sanctions we all support.

Sentencing guidelines have come into common use in many jurisdictions, one of the first being Minnesota (79). The impetus for such action is the demonstrated disparity found in sentencing, especially among people of color and status based on class. GLBT activists have long charged that offenders who kill GLBT victims get off lightly. The cover for light sentencing often lies within the plea-bargaining process.

XVI. CRIME TRACKING

An important consideration in any discussion of GLBT homicide is a critical analysis of the source and quality of the data from which the statistics are being drawn. Ever since the Law Enforcement Assistance Administration (LEAA) was fully funded in 1968, crime research, statistical analysis, and program evaluation has become the keystone of modern police work. Effort to track crime in GLBT communities, however, is a rather new concept. Law enforcement has also been challenged by the expanding size of the GLBT community and the unique crime problems associated with its development (80). Law enforcement now needs to alter its data collection systems to capture information relevant to GLBT cases.

Officially, the Federal Bureau of Investigation tracks all crime in the United States and reports every homicide filed on a Supplemental Homicide Report (SHR). The SHR contains a category called *relationship of victim to first offender* in which one possible relationship code is "homosexual." Gender can also be determined to further disaggregate whether the victim was lesbian or gay, but not bisexual. No category exists for transgender or transsexual. Sometimes investigators erroneously label transsexuals as homosexual. Following the "hierarchy rule" the homosexual code is used only where the victim's sexual orientation is a primary factor in the incident (81). For instance, if the victim were a wife or roommate, he or she would not also be labeled homosexual. If a homosexual cab driver is murdered while being

robbed, the relationship is not recorded as homosexual. There is no capability for recording multiple response codes using this system.

A further limitation involves the scope of the entire UCR system. Not all agencies participate in SHR reporting, with underrepresentation most noticeable in rural regions of the United States. Some entire states report no cases whatsoever.

In 1980 the National Gay Task Force, an activist GLBT organization, issued its first report on antigay violence. Later, in 1989 in accordance with the passing of federal hate-crime legislation, the FBI began gathering data as well. So far, the data gathered has been sketchy and plagued with reliability issues (82). In recent years various jurisdictions have also issued gay hate-crime reports that include homicide, but virtually no agency documents homicides of GLBT people wherein sexual orientation is considered a demographic category similar to race or gender.

One of the best sources for data on GLBT victimization, including homicides, is the annual report from the National Coalition of Antiviolence Programs. Unfortunately, their report warns that data cannot be compared year to year, as the number and range of participating agencies is still unstable (83). Staffing fluctuations, funding, advocate workloads, limited training, and expertise all effect reporting quality. Additionally, the agency is unwilling to share access to data collected, which call into question the validity and motives of the agency.

An evaluation of scholarly literature on GLBT homicide reveals an extremely underresearched area. A few pilot studies and several cases studies exist on the topic. Pilot studies have been made using newspaper reports, while case studies data come from medical examiner records. Most research attention has been directed toward HIV or GLBT sexual or cultural identity. One of the best research studies to date originates in Australia where Australian Society of Criminology homicide researchers Jenny Mousos and Sue Thompson have written on gay homicide using official statistics (84). Unfortunately, their findings cannot be generalized to other countries since each country is sociologically unique. Their work does, however, lay the groundwork for more reliable and consistent analysis of GLBT homicides.

If progress is to be made toward increasing the clearance rate of GLBT homicide cases, record keeping and information management concerning these cases must improve. Uniform definitions for sexual identity and sexual behaviors must be developed, and data on same-sex cases must be documented regardless of the homicide motive.

To be reliable, research on GLBT homicide needs to incorporate data from multiple sources, including media reports, police records, and advocacy agencies. For findings to be useful in generalizing their results to the larger

GLBT community, researchers must strive to construct representative samples rather than samples constructed from passive citizen reports. Each reporting agency contributes to our further understanding of this complicated issue if we remain aware of the limitations of each data source.

XVII. POLICY ISSUES

For years criminologists have studied and researched the many issues surrounding the crime of homicide. Their focus has necessarily included understanding offender motivations, searching for crime causation, and in some cases, trying to find ways to improve investigations and prosecutions of homicide offenders. Homicide research has to some extent, a misplaced focus on dealing with the effects and aftermath of homicide. What we should be focusing on is discovering the mechanisms by which we can prevent homicide deaths in the first place. Without this common foundation of thought, prevention of GLBT homicide has never evolved as a practical consideration.

A brief search of the major scholarship databases reveals little information about homicide prevention. One source, *Studying and Preventing Homicide*, outlines a very precursory exploration of how the public health model might be used as a means for identifying and testing potential solutions (85). The authors break prevention into three types: primary, secondary, and tertiary.

Primary homicide prevention means preventing any new cases from occurring. Secondary prevention is the attempt to reduce the rate of homicide, and tertiary prevention is an attempt to reduce the impact homicide has on its victims.

All facets of prevention are predicated on the foundation of knowledge about the various mechanisms by which homicide and violence occur (86). This knowledge base is virtually nonexistent for GLBT homicide. Efforts to construct knowledge specifically about GLBT homicide through research should continue and be publicly supported.

Researchers, Mercy and Hammond, identify three arenas for homicide prevention to occur (87). They include changes in “individual behavior,” constructing “close interpersonal relations,” such as parental training and “childhood development,” and focusing on “environmental factors,” such as firearm availability. Until more specific recommendations can be developed for dealing with GLBT homicides, these general components should be considered.

Individual behavior historically has included the consideration of risk factors in dealing with the victim. The notion that all victims contribute to

their own victimization has come under increased scrutiny. Recently, emphasis has shifted to vulnerability factors. Research has shown that people who are victimized often become victims again in the future. We examine what traits or qualities that led the victim to become victimized and try to influence behavioral changes. Obviously this will not work for the victim of homicide, though perhaps we can identify certain factors and cause change to prevent deaths.

Resiliency has been identified as a violence prevention strategy (88). Building success and resiliency in GLBT people is the focus of several current research projects that hopefully will lay the groundwork for diminishing victim vulnerability at the individual and interpersonal levels.

Interpersonal relations is the arena, not only where the offender meets victim, but where the offender's values, beliefs, and demeanor shape their choices and actions with respect to the other. These values and beliefs were constructed years beforehand as the result of parental molding and reflect learned traits and behaviors. While we can't go back, we can ensure that children today have a greater sense of tolerance and appreciation for difference. We can also encourage the development of positive and affirming same-sex intimacy and relationships, whether they consist of heterosexual-heterosexual or heterosexual-homosexual men.

Environmental factors such as weapon availability can be affected. While firearm homicide is not particularly relevant to gay male homicide, it is of crucial importance in lesbian homicides (almost exclusively the result of firearms). Firearms may also be instrumental in African-American gay homicides. Black males often develop masculinity in the context of gang membership, wherein heterosexuality is compulsory and homosexuality is viewed as a weakness (89). Guns, which are symbols of toughness, become instruments for proving one's masculinity. Ninety-five percent of gang homicides in Los Angeles were reported to involve the use of firearms, and 80% of victims were black (90). Some researchers have even made the connection more clear explaining that the gang "is a kind of homosexual community" wherein women are excluded, marginalized, and ridiculed (91). Reducing weapon access and addressing issues surrounding gang membership might lead to a reduction in African-American gay homicide.

Homicide prevention has also been pursued using Domestic Violence Review Teams (DART), Child Homicide Review Teams, and reviews of police shootings. Through the use of case review or case study, evaluators try to identify potential systemic or legal improvements that could increase the chances of a future victim's survival. Teams consist of a broad spectrum of agencies, increasing the diversity of perspective, and facilitating any necessary changes. Some GLBT cases may have been reviewed through these processes,

especially DART. Implementations of findings, however, are limited to the originating jurisdiction due to the small numbers of cases and the overriding concerns for confidentiality.

Homicide prevention has also been framed as a rational choice that is deterred by increases in penalties. Historically, the death penalty provides us with the most data on this view. Studies by several researchers have shown that when someone is executed, homicide actually increases (92–96).

More recently, increased penalties have been levied as a result of hate-crimes legislation. Hate crime laws have increased the visibility of efforts by GLBT people to advocate for and defend members of their own community. These laws have also helped set the tone of what behaviors are publicly acceptable. No evidence exists to show that hate crime laws have led to a slowing of hate crimes. Instead, hate crimes have steadily increased, and in one study, a disturbing proportion of offenders arrested for hate crimes have themselves been minorities (97).

XVIII. IMPACT REDUCTION

Once a homicide has occurred, people can do little except reduce the impact it has on fellow survivors and the community. The focus of most antiviolence programs is based on impact reduction. It is especially useful when the criminal investigation has become stalled or no offender has been identified. It is also one of the few remaining options for common citizens, though criminal justice professionals can act to reduce the effects of homicide victimization at all levels of the criminal justice system.

Care for the victims of a homicide includes care for what are termed *secondary victims*. These include current or former partners, parents of the victim, friends and work partners, and increasingly, children or other dependents. On the macro level, we can also include social networks, work groups, the neighborhood, and the entire community. Crime victim services within the GLBT community have now become common in most large cities. Antiviolence programs operate in over 26 sites around the United States and in other major urban areas around the world, including Canada, United Kingdom, South Africa, Australia, Mexico, and Brazil. Antiviolence agencies are some of the first organizations to form in any developing GLBT community.

Services provided include crime reporting and surveillance, problem solving, crime victim advocacy such as counseling or referral to counseling, legal assistance, and generating supportive or accurate media stories. Advocates sometimes act as liaisons with law enforcement, monitor court proceedings and assist with developing victim impact statements. A very important

part of their work involves educating GLBT people about crime prevention and appropriate crime victim responses.

XIX. MEDIA REPRESENTATIONS

In recent years media coverage of GLBT homicides has become decidedly more objective. How GLBT homicides are reported and referenced in the media is thought to affect the incidence and severity of homicide incidents. Numerous cases such as victims James Byrd, Jr., and Matthew Shephard and offenders Andrew Cunanan, Jeffrey Dahmer, and Larry Eyler have achieved high profile status, especially in spree or serial homicide events. Some case studies have looked at how these incidents were characterized or how cases have impacted GLBT community. Much is yet to be written on this topic.

Often what makes an event newsworthy is the rarity of an event. Readers might believe that the frequency of GLBT homicide is on the rise, though there is no evidence to support this. No longitudinal studies have yet been done. Some news reporters may try to link dissimilar homicide events in an effort to create a more interesting story than what actually exists or to allege that a serial offender is at work. This can mislead readers, spread fear and panic, and further victimize the GLBT community. Reporters need to exercise caution when writing these stories and consult GLBT community leaders or experts for multiple points of view.

In some homicides, victims have been inaccurately identified as homosexual, and the killing has been stereotypically blamed on the homosexual population. Characterization of homicide victims as being homosexual has served to discount homicide victims. It has also effectively discredited homicide offenders. While this may have led to increasing emotional turmoil for individual and communal victims, it may have allowed the murder of heterosexual victims under the guise of an antihomosexual attack.

XX. GAY COMMUNITY RESPONSES

Analyzing and evaluating the pattern of community response to GLBT homicides shows that this is a particular type of advocacy with an often, temporary outcome. The most common type of activity is a vigil or memorial service. Community members gather near where the event occurred and light candles in memory of the victim. Sometimes crime victim advocates from a GLBT institution such as an antiviolence agency organize the event.

Another common response is the letter to the editor. At times a flurry of letters erupts into a public series of attacks and counter charges, and blaming of various people and institutions. What seems to be a common thread is the anger that people feel. Vigils and memorials help vent the anger, but once it is gone, so too is the motivation for long-term change. Community activism, when directed at political institutions, can lead to change, but consistent pressure is needed.

At times there is a push for increased visibility of openly gay or lesbian criminal justice professionals. During the 1990s many GLBT law enforcement workers have come out (98). Organizations such as Law Enforcement Gays and Lesbians, International (LEGAL) now exist to help officers network and deal with workplace issues (99). It still is unclear whether openly GLBT police, court workers, or corrections officials can impact the way GLBT violence or homicide is addressed.

XXI. SENTENCING AND THE DEATH PENALTY

Sentencing disparity in GLBT homicide incidents has been a source of major concern within GLBT human rights organizations. When the victim is GLBT, activists sometimes allege the perpetrators receive less severe sanctions. When the offender is GLBT or homosexual, activists allege the perpetrator receives harsher penalties. Many minority groups have expressed concern that their group also experience disparate treatment, and as a result, sentencing guidelines have been adopted by state and federal governments.

XXII. POSTHOMICIDE REACTIONS

After a homicide occurs, antigay activists often respond to further their own political objectives. Two common strategies include passive and active offensives. The passive offensive is evidenced where witnesses or neighbors intentionally ignore or minimize the homicide through noncooperation with police investigators, by scoffing at or failing to support expanded GLBT legal protections or by quickly redirecting topics of antiviolenace discourse. Often activists try to defame or dehumanize the victim to reinforce antigay stigma. People in positions of power, such as apartment managers, medical professionals, journalists, and members of the criminal justice system, sometimes perform this role (100,101).

Religious political conservatives have also been known to use GLBT homicide events as springboards for antigay offensives. These actions are planned out in anticipation of eventual opportunities to act. Tactics include

protesting against homosexuality at victims' funerals, telephone and mail harassment of victims' friends and family, letters-to-the-editor and opinion-editorial articles blaming victims for their own murder, and vigorously promoting antigay legislation through lobbying, referendums, and "public education" campaigns. All of these measures serve to further isolate and victimize GLBT people, as well as drain organizational and financial resources from the GLBT community. They also provide support and therefore encourage future criminal offenders in their decision to assault or murder GLBT victims.

Law enforcement officials and GLBT community leaders should be aware of these strategies. They should be expected, and preventative measures should be employed.

XXIII. RESOURCES

One organization cannot represent the entire GLBT community. The GLBT community exhibits all of the complexities of the rest of society. Resources should be familiar to investigators and prosecutors prior to dealing with a GLBT homicide incident so that working relationships can facilitate sharing and cooperation during an emotionally difficult period.

Resource agencies should be sensitive to GLBT people and their issues. Unfortunately, not all agencies have the tolerance and concern necessary to deal with GLBT cases. Ask to see their statement of nondiscrimination. Ask for information about what specialized GLBT services they offer, if any. Administrators should work on developing these resources.

Agencies do not necessarily have the resources to provide the services they say they offer. Many agencies, especially within the GLBT community, are understaffed, undertrained, or lack experience. They may rely on the service of devoted, though unpaid or severely underpaid, staff.

Agencies that provide services concerning homicide are limited and depend on what aspect of the case you are seeking support for. Police may rely on forensic crime scene experts, or they may seek the assistance of social scientists with a focus in criminology. A good place to find social or cultural information relevant to GLBT homicide cases is by contacting the Sociologists' Lesbian, Gay, Bisexual, and Transgendered Caucus, as well as GLBT experts on bias-related violence (102).

Prosecutors can find assistance by contacting the National Gay and Lesbian Task Force, Human Rights Campaign, or Lambda Legal Defense. Case reviews of GLBT homicide incidents are offered by the Minnesota Gay Homicide Study in an effort to assist law enforcement, prosecutors, and sometimes even family survivors (103). The review attempts to provide a

comprehensive evaluation of the incident, especially in cases where no suspect has yet been identified, and add understanding and further investigative ideas.

Few support groups exist that are specifically tailored to the families, friends, and survivors of GLBT homicide. While grief may be universal, the anger and intolerance of others may sometimes impede the sense of trust and safety necessary to share and express these feelings and to be supported. Counseling and support may only be available on an individual basis. Sometimes local chapters of national agencies, such as Parents of Murdered and Missing Children or Survivors of Homicide, can help. In other cases, survivors will need to be directed to their own pastor or spiritual advisor.

Homicide is a traumatic event for everyone involved, survivors, community leaders, investigators, medical personnel, and even grief counselors. It is possible to lessen the burden and survive its impact by trusting and sharing with one another.

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15

Conclusion

Wallace Swan

Minneapolis, Minnesota, U.S.A.

So where does the international GLBT administration and policy movement go from here? Some of the answers are relatively clearer, while others are extraordinarily ambiguous.

If nothing else, the events of September 11, 2001 point out that there is a terrible divide between the rights of GLBT people in developed nations and those in many parts of the remainder of the world. It became clear to this editor that many of those who wish to attack the symbols of Western civilization and democracy are also those who hate women's rights, gay rights, and sexuality in general. Of course the issue is complicated by the fact that globalization, international capitalism, environmental degradation, and similar phenomena often seem to follow in the footsteps of Western civilization and democracy. Western democracy under threat also gives rise to threats to individual liberty, which may at sometime endanger the rights of women and gay people as well, in addition to endangering the rights of racial and ethnic minorities. The editor, who participated in a demonstration to protect the rights of Muslim people in Minnesota, was struck by the fact that in some ways his participation could be seen as a one-way relationship. Some fundamentalist Muslims might prefer not to support any rights for gay people. On the other hand, the gay Muslims the editor reads about on an almost daily basis in the gay Muslim newsletter *Al Fatiha* are placed in the almost impossible situation of being gay people exiled from a culture that often persecutes them, while at the same time existing in a western society that is threatening their Muslim personhood during a period of xenophobia.

Administratively and policywise, there is a great deal to accomplish in the United States, as well as Europe and Canada. Although we have some states that have protection of basic rights for GLBT people, the remainder of the nation does not provide such protections. The U.S. Supreme Court has just repealed sodomy laws, which prevented basic sexual expression both for heterosexuals as well as homosexuals. Many states, despite terrible cases of antigay behavior, still do not have statutes that prevent hate crimes. Domestic partners benefits, although available for employees in many thousands of corporations, are available to employees in relatively few governmental agencies. We are treated to the spectacle of gay adoptions being forbidden in Florida, a state that will soon have the third-largest population of any American state. Family relationships are indeed one of the newest fronts in the political battle of the gay community for recognition. Having won the battle for human rights in education, housing, and employment in many states of the country, gay people now wish to move up Maslow's scale to safety and protection for the rights of foster care, adoptions as well as creation of human life. However, right-wing groups continue their battle to forbid gay adoptions, foster care, and even artificial insemination. Custody battles rage on in the individual courtrooms around the country when either a heterosexual partner married to a gay person or a same-sex couple wishes to divorce. This leaves the courts with the difficult problem of how to handle custody arrangements for the children. The law is different in almost every state, and often there is no clear case law governing how to relate to these situations. At least in Canada and Europe it is more likely that a standard administrative and policy solution will emerge since the European community and the Canadian federal system seem to generate somewhat more uniform solutions.

At the same time, one of the truly astonishing changes that is occurring in the world involves the cultural change that is making it more acceptable to live one's life as a reasonably open gay person in many parts of world. The editor's visits to China are a case in point: In several visits to Hong Kong, it became clear that gay people can lead a reasonably normal life, although extremely "out" behavior is relatively more difficult. Two of our friends in Hong Kong, a mixed American and Chinese couple, have lived together for many years with membership in a number of clubs and activities much like those that would be found for many gay men around the world. Similarly, although life in Shanghai and Beijing is somewhat more difficult, one of our tour members was given a tour of gay bars in Beijing by a gay American friend who was a teacher of English at a Chinese University. Chinese men came to the bar from miles around, discussing the fact that they were nervous about coming out to their families, to their wives, and within their workplaces. "So

what else is new?” said this editor, having heard similar conversations around the world and urban Minnesota. One must conclude this something is happening worldwide that is allowing this trend to occur. Perhaps it is the influence of television and possibly the Internet. When people in widely disparate countries can watch “Will and Grace” on television, it somehow becomes more acceptable to all. In the rural United States where gay people have been totally isolated, the Internet now links them. Both television as well as Internet access allow for self-validation and even self-actualization by gay people that would have been unthinkable 20 years ago. Since government officials also watch television and access the Internet they become more responsive to these trends as well.

Let us consider yet another cultural trend that is having an increasingly powerful influence upon public administration and policy. Transgender politics has increasingly become a force for change in the human rights arena in recent years. Although public recognition of the issue began a long time ago in the now famous case of Christine Jorgensen, it was not until 1993 that the state of Minnesota began to provide human rights protection and that cities began protection of similar rights. As was the case for many years in the issue of gay identity, the helping professions still continue using the DSM-IV to define transgender identity as problematic. Similarly, some of the most egregious hate crimes have been perpetrated against transgender people. The media has taken on the case of the killing of transgender people and turned it into a powerful instrument to identify the injustice of such attacks. But there is some kind of cultural shift, in which it has become somewhat more acceptable to exhibit cross-gender activity, even though it is somewhat less acceptable to actually implement such changes as a systematic lifestyle. In sum, the change is uneven, but the situation is considerably improved from years ago, when gender lines were so rigidly enforced.

Yet another fascinating change involves the way in which AIDS has transformed the gay world and the heterosexual world alike. Upon the initial impact of the disease, the gay community at first tasted fear, followed by mobilization of resources, and then lobbying for service programs. As heterosexuals recognized their vulnerability, national and international public policy began to change and the culture changed as well, with increased emphasis upon abstinence, serial monogamy, and increased care in selection of partners. However, more recently, some elements of the gay community have lost patience with the initial model of “safer sex” because of the continued duration of the disease as well as the availability of medications that would appear to provide an element of “chronicity” as the model rather than the original concept of a terminal disease. The press has carried numerous discussions of gay men who have discarded safe sex and replaced it with risky

sexual practices. As troublesome as this trend may be, it is the fact of familiarity with the disease that leads to the desire to return to what seemed to have been prior sexual practices. It also points to a fault line between gay men who are willing to take such risks and those who (like this editor) lived through the initial epidemic, lost 35 friends, and do not wish to partake in such risky behavior.

It is difficult to think that the effect of AIDS will not have some of the same impacts upon mobilizing gay community activism in developing nations. Despite the predominance of AIDS as a heterosexual phenomenon worldwide, the fact is that homosexual people will also continue to contract the disease; and support networks may appear, governments may intervene, and people may come out as a result.

The demographics of the gay movement deserve some attention. People are coming out at much earlier ages and the demands for government services are increasing. Efforts to respond to school harassment, suicidal behavior, needs for school mentoring, are all issues of great concern. But at the same time, millions of gay people are “aging in place” and gradually recognizing the need for services more responsive to their needs. It is unlikely that these trends are present only in the United States, since the gay movement is increasingly a worldwide phenomenon. Government agencies will certainly be impacted by these needs.

The gulf between the developed and developing world seems to be problematic and promising at the same time. We need to pay more attention to these differences.

When we think about the fundamentalist aspects of portions of the Muslim world, it is difficult to think that all of the trends are necessarily positive. And it is difficult to think that the U.S. Immigration and Naturalization Service rules allowing gay Muslim people access to the United States are going to be relaxed following the events of September 11, 2001.

But at the same time, the world (including the Latin American, Asian, and African elements) continues to absorb Western societal trends. The influence of radio, television, and the Internet will continue to provide alternative images to young people and adults around the world. And the result will be a changed attitude in regard to the acceptance of gay people.

Recent research on genetics has suggested that it is possible that one may manipulate certain genes so that parents may choose the characteristics of their children. Let us apply this theory to the birth of gay people: assuming that at least a significant part of the creation of gay children has to do with their genetic predispositions (although there may be some environmental components, having to do with the issue of how repressive the society is), where is one left when parents use new technology to ensure that

they do not have a gay child? Does this place the gay community squarely on the side of the antichoice and antigenetic modification believers who otherwise oppose everything many gay activists tend to favor?

Let us speculate about the conflict between people in the gay community who tend to oppose genetic research on animals and those who favor it. There are considerable numbers of people in the gay community who are concerned about the prevention of cruelty to animals and the way in which science exploits animals. But, clearly much of the research that is done to deal with the issue of AIDS may well need to be performed on animals. We in the gay community need to think carefully about where we stand if one position prevents scientific research that might forestall AIDS and other such diseases and another supports the need to have careful protection of animal rights.

Our president is on record as opposing all but the most limited stem cell research. My partner recently developed tremors, which might hypothetically have been one of the first signs of Parkinson's disease. I developed arthritis, which required a transplant of ligament, to replace the original tissue. As a responsible member of the gay community, am I to favor limiting stem cell research, which might prevent my partner, myself, and others from getting adequate treatment? Or am I to take the ethical position that stem cells are actually the beginning signs of life, and that they should be protected at all costs?

One of the evolutionary changes that the editor has recently noticed in his own state involves a change in the center of gravity in the gay community. In the late 1970s, there was a relatively small group of gay activists, almost all of who knew each other. But in the 1980s, the AIDS epidemic added a new dimension of people who had not been especially "out," but whose sexual orientation gradually became known as a result of the epidemic. In the 1990s, especially after passage of the human rights law, people unknown to the traditional activist community began to come out. Gay Republicans, Hispanics, African-Americans, and a whole range of gay communities began to emerge. The way in which the gay community is described has been evolving, and not necessarily in ways that would have been anticipated earlier.

Historical research has begun to point to previously unknown gay people: everyone from Langston Hughes on the left to J. Edgar Hoover on the right. The gay community has begun to be seen as something other than a group of predominantly white liberal gay men. The effect politically has been significant. Gay Catholics have begun to make an impact upon the Catholic church. The Log Cabin Republicans have begun to exert some leverage upon the Republican party. Gay Mormons and gay fundamentalists have begun to communicate with the leaders of their communities.

It is the recognition of this diversity within the gay community by the mainstream community that has had the effect of changing our national society. And we may only hope that it continues.

What is the effect that all of this is having upon the field of public administration? Politics systematically creates a calculus of consent, with ever-larger numbers of people supporting the equality of gay people. Public administrators are then charged with delivering the services that people in our society want and need. Cities and states have begun to provide domestic partners benefits and civil unions. The aging of the gay community will lead to special programs such as long term care for gay people. Health needs have resulted in AIDS services and will result in breast cancer and prostate cancer detection services for our communities. Hate crimes and gay murders will result in calls for criminal justice systems that respond more adequately to the needs of gay men. Discrimination against transgender people will lead to more inclusive human rights statutes. Custody, adoption, and foster care programs now biased in favor of heterosexual people will move in the direction of more equal treatment for gay people.

Public administrators must learn to understand the dynamics of the gay community and what the evolving needs of that community might be. This is the task of this book and of the profession at large. We are seeing a dramatic change in the kinds of needs evidenced by the gay community and the way in which government will need to respond to them. It is our job as professionals, administrators, and academicians to deal in a creative matter with these new trends. How may this goal be accomplished?

First public administrators need to pay attention to the new trends that are developing in our country and around the world. It will not be long until our country will consist of a "majority of minorities," a place where those of Caucasian background will no longer be in the majority. Our government has only grudgingly begun to respond to this changed population. And this lack of responsiveness is true of the gay community as well. Our profession must lead the way in listening and responding to these new trends.

Second, we need to think about recruiting people from the gay community into government agencies. In the editor's own county, we have many hundreds of gay employees, but they are not provided domestic partners benefits. When we go to a "Pride Festival" event and try to recruit talented gay people to work in our county, it is hard to not offer them benefits that they have as a matter of course received while working in private employment. But this is the position we are placed in.

Third, those people who work within government need to be provided the opportunity for workplace groups that support their special identity, and the kinds of issues that our employees face. For instance, in some

county governments, employees have been fired for having the audacity to display their partner's picture on their desk. The public administration profession needs to be supportive of gay employees who face these kinds of dilemmas.

Public administration is at a crossroads, where the need to respond to diversity and change is essential. Hopefully this Handbook will provide some direction to public administrators as they cope with such change.

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