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Jumping Beyond the Broom

Why Black Gay and Transgender Americans
Need More Than Marriage Equality

Aisha C. Moodie-Mills January 2012

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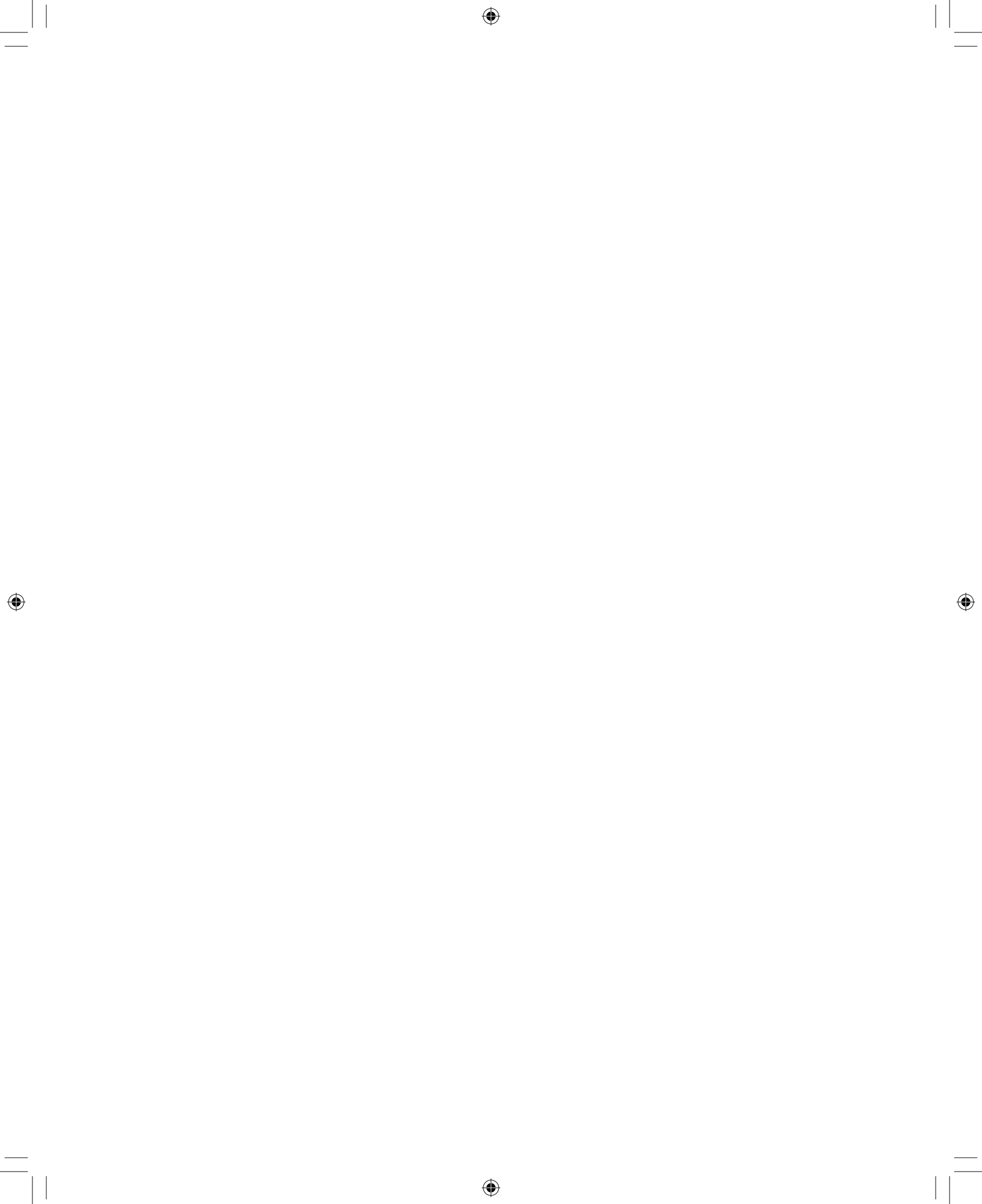
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Contents

1 Introduction and summary

7 Overview of the research on black gay and transgender populations

11 Recurring themes and research constraints

17 Addressing the needs of black gay and transgender Americans

17 Economic insecurity

23 Low educational attainment

27 Health and wellness disparities

31 Why we need more data on the black gay and transgender population

35 Components of a more comprehensive, long-term approach to tackle disparities

35 Data collection advocacy

36 Policy research roadmap

40 Other populations

41 Conclusion

42 Appendix

46 About the author and acknowledgements

47 Endnotes

Introduction and summary

Liberty and justice for all is not yet a reality in America. Despite the election of our nation's first African American president, black Americans continue to trail behind their white counterparts in education, employment, and overall health and wellbeing. And while some states and the federal government continue to expand protections for lesbian, gay, bisexual, and transgender people, more than half of all states still deny them basic civil rights. Such systemic inequities render people of color who are also gay and transgender among the most vulnerable in our society.

Black gay and transgender Americans in particular experience stark social, economic, and health disparities compared to the general population and their straight black and white gay counterparts.¹ According to the data we currently have, families headed by black same-sex couples are more likely to raise their children in poverty, black lesbians are more likely to suffer from chronic diseases, and black gay and transgender youth are more likely to end up homeless and living on the streets.

These issues, along with the others laid out in this report, can and should be addressed through a policy agenda that seeks to understand and tackle the structural barriers—discriminatory systems, conditions, and institutions around socioeconomic status, race, sex, sexual orientation, and gender identity—that perpetuate negative economic, health, and other life outcomes among this population. The strength of our society depends on the resilience, health, and wellbeing of all Americans, especially marginalized groups such as black gay and transgender people. They too deserve to be counted and to have their needs met, so we must work to bridge these gaps.

Doing so will require fresh thinking about the root causes of these problems as well as the political will needed to employ new strategies to address them. As this report highlights, the quality of life of many black gay and transgender people remained relatively unchanged over the last decade despite the significant gains the gay and transgender movement achieved. This suggests that some of the gay headline policy priorities that garnered the most research, analysis, and advocacy—such as mar-

riage equality—underserve this population when taken alone even though they are important for overall progress. This also applies to broad racial justice priorities that overlook gay and transgender people within their constituencies.

In short, black gay and transgender people fall through the cracks when lumped under either a gay or black umbrella. Such categorical thinking ignores the fact that black gay and transgender people are at once both gay and transgender and black. As a result they experience complex vulnerabilities that stem from the combination of racial bias and discrimination due to their sexual orientation and/or gender identity. So advocacy agendas that prioritize the eradication of one bias over the other do not fully respond to the needs of the population—nor will they eliminate the inequities discussed in this report.

Going forward, it is necessary to find policy solutions that will empower black gay and transgender people rather than fragment them. And we need to move beyond the dichotomy of race versus sexual orientation or race versus gender identity to do so. Scholars such as Kimberle Crenshaw, Cathy J. Cohen, and C. Nicole Mason offer frameworks for applying this intersectional lens to policy analysis and advocacy in order to understand how race, class, gender, sexual orientation, and gender identity influence public policy choices at the national, state, and local levels, as well as individual outcomes. Our analysis is drawn in part from their theories.²

At the most basic level, we believe that this fine-tuned approach will best capture how public policy shapes the day-to-day experiences of the black gay and transgender population. We also believe it will encourage both gay and transgender and racial justice advocates and policymakers to understand how their approaches engage constituents who are members of other groups as well. By doing so, we can highlight new opportunities to address their needs.

This report by the Fighting Injustice to Reach Equality, or FIRE, initiative at the Center for American Progress offers the foundation on which to build this approach. We aim to establish a common understanding and knowledge bank of the data and policy research on black gay and transgender people since no consolidated inventory of literature or data on the population's issues currently exists. Through our review, we developed a high-level summary of what we know about the black gay and transgender population in terms of economic security, educational attainment, and health and wellness.

We define these issues and frame policy measures that will enhance quality of life for black gay and transgender people. Our recommendations for dealing with the issues include policies that can be enacted by Congress, as well as changes to administration policy. These include gay and transgender specific measures along with others with a broader focus that would best tackle the issues we've identified.

Recommendations for addressing economic insecurity

- Adopt inclusive family policies and safety net programs.
- Pass housing antidiscrimination laws.
- Take a comprehensive federal approach to gay and transgender youth homelessness.
- Make consumer financial protection a priority.
- Pass employee nondiscrimination laws.
- Support gay and transgender entrepreneurs.
- Legally recognize same-sex relationships.

Recommendations for addressing low educational attainment

- Adopt school safety policies.
- Enforce existing federal civil rights laws.
- Review school discipline policies.

Recommendations for addressing health and wellness disparities

- Implement the Affordable Care Act.
- Work toward health equity.
- Examine domestic violence among same-sex couples.

Our key finding, though, is that there is a dearth of data available to fully understand the disparities faced by this population. This limits our ability to develop a credible, data-driven agenda that will help policymakers, advocates, and researchers craft effective solutions for eliminating them.

The need for high-quality data to inform policy decisions and help design effective programs that will address the needs of black gay and transgender people cannot be underscored enough. High-quality data is an indispensable part of any policy

or advocacy work because it allows us to paint a more precise picture of society as a whole and focus on hard-to-reach populations—such as black gay and transgender people—who are most at risk of slipping through the cracks.

Unfortunately, few federal and state surveys ask respondents their sexual orientation and gender identity, which severely limits our ability to analyze and understand the needs of gay and transgender Americans regardless of their race or ethnicity. In order to fully understand and be responsive to the needs of this population, every opportunity to expand data collection at all levels of government should be pursued.

Nonetheless, existing research and literature reveal that exposure to antigay and/or antitransgender policies and institutionalized racial discrimination derails black gay and transgender Americans' financial stability, creates barriers to accessing quality health care, and erodes safeguards for black gay and transgender families. We teased out areas that we found or hypothesized to disproportionately affect the black gay and transgender population and each of these warrants additional research, analysis, and/or advocacy to begin to address these issues.

The research and advocacy roadmap outlined below presents an opportunity to insert black gay and transgender perspectives into the policy dialogue, and inform the policy and regulatory work currently underway in these areas. These are components for a long-term approach to tackling disparities among this population.

Data collection advocacy

- Collect comprehensive data on gay and transgender populations across all federal agencies and health measures.

Areas for additional research

- Ensuring inclusive family policies and safety net programs
- Addressing unfair punishment of black gay and transgender youth in schools
- Reducing barriers to quality health care for black lesbians
- Protecting black lesbian and bisexual women from violence
- Protecting gay and transgender prisoners of color
- Identifying structural barriers that perpetuate high rates of HIV/AIDS in the black community

- Instituting antibullying policies and safe spaces in schools serving predominantly black populations
- Analyzing the impact of conservative political and cultural climates on black gay families in the South
- Supporting black transgender and gender nonconforming populations
- Reducing housing discrimination and homelessness among black gay and transgender populations

This report is just a starting point in identifying policy areas beyond the gay and transgender headline issues that would go a long way toward addressing the disparities black gay and transgender populations face. In the meantime it is important that the issues discussed in this report be actively inserted into mainstream conversations and policy debates on both gay and transgender equality and racial justice.

Overview of the research on black gay and transgender populations

It is not an exaggeration to say that black gay and transgender people in the United States are drastically undercounted and understudied.

Two reviews of the literature on gay and transgender populations published between 1972 and 1999 make this clear. The first, a review of 3.8 million citations of articles in the national Library of Medicine, found just 0.1 percent related to gay and transgender issues. Eighty-five percent of these failed to include any mention of the racial or ethnic background of the individuals studied.³

The National Youth Advocacy Coalition produced a similar review of the published literature on the health and mental health concerns of lesbian, gay, bisexual, transgender, and queer youth of color in 2002 by Dr. Caitlyn Ryan, director of the Family Acceptance Project.⁴ Dr. Ryan identified 166 publications on gay and transgender youth from the previous 30 years in professional journals serving school practitioners. Those publications represented just 1 percent of all adolescent research conducted during that time. Only 18 of the studies concerned gay and bisexual youth of color (3.6 percent of the 1 percent), and not a single study addressed transgender youth of color.⁵

Our literature review reveals a similar dearth of data and analysis on black gay and transgender populations. Our analysis is based on a broad scan of the existing knowledge base on black gay and transgender populations over the past 15 years from the following sources:

- Federally funded studies and reports from government agencies
- Statewide studies and reports from state agencies
- Gay and transgender advocacy organizations
- Nongay and nontransgender think tanks and policy institutes
- Academic research and scholarly articles

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We reviewed the literature for credible research and data analysis on black gay and transgender people that could help drive public policy and inform the programs and policies that directly impact their lives. We honed in on analyses that addressed issues particularly shaped by societal constructs and institutions—specifically economic security, health and wellness, and educational attainment—and looked for studies with representative or large sample sizes that could be generalized to the black gay and transgender population overall.

Of note, sexuality studies and identity-based works comprise a significant portion of the research since much of the literature on black gay and transgender populations historically centers on how this population navigates rigid stereotypes and expectations (both internalized and external) to develop healthy sexual identities and resilience despite these obstacles.⁶ While this approach is groundbreaking and important, we chose to focus mainly on resources that discuss how systems and institutions shape experiences, rather than reports on an individual’s psychosocial functioning, identity development, or psychological distress, since these best illuminate the impact of policy decisions on the population.

We also found the literature on identity politics, namely black sexual politics—the critical theory pioneered by Patricia Hill Collins that examines how race, class, and gender intersect to affect the lives of African Americans—insightful, and these works helped to frame our thinking on the needs of black gay and transgender populations as well as our recommendations on how public policy should respond.⁷

Research and analysis on gay and transgender populations that did not disaggregate the data by race or ethnicity were generally excluded from our review, with the exception of those that offered compelling comparison data on issues known to also affect black populations.

For instance, we reviewed a recent report finding that nonheterosexual youth suffer disproportionate school and criminal justice punishments, even though the sample of black gay and transgender youth in this study is unknown.⁸ From this, we may still be able to infer that black gay and transgender youth are most affected by these issues since we also know that black youth in general are overrepresented in school discipline cases and juvenile justice systems.

We also avoided “people of color” datasets—which group multiple ethnic groups into a single category—wherever possible because such monolithic thinking regarding race and ethnicity may miss the complexity of issues distinct popula-

tions face (though we recognize that small sample sizes often dictate the use of this research approach). Since black Americans are culturally different than Asian, Latino, or Native Americans, their issues and interests cannot simply be captured in one broad “minority” stroke. This principle also holds true for gay and transgender populations within these groups.

We narrowed down the thousands of articles and publications in our literature search to approximately 130 based on the criteria above. We found this smaller body of literature, which pertains to individuals, couples, and their families, to offer the most robust, data-driven analysis on black gay and transgender populations that could be translated into a policy agenda. This body of knowledge is the basis of our review.



Recurring themes and research constraints

Several themes emerged throughout the literature. They highlight the pros and cons of the existing data in developing a policy agenda that addresses the needs of black gay and transgender people:

- Limited data from federally funded and statewide surveys
- Lack of statistically representative data
- Deficit-driven analysis
- Health research focused largely on HIV/AIDS among black gay and bisexual men
- Research framed to support marriage equality
- Few tangible models to support policymaking

Limited data from federally funded and statewide surveys

No federal surveys, and only a handful of state surveys, currently ask respondents their sexual orientation or gender identity despite collecting a wide range of other demographic characteristics such as age, race, education, and income.

The U.S. Census, which is taken every 10 years, and the related annual American Community Survey do, however, allow same-sex cohabitating couples to identify themselves as nonmarried partners. These surveys also collect data on race and ethnicity, and together they offer the most comprehensive count of black same-sex couples and their families in the United States.

These data, however, only capture couples. They overlook singles and noncohabitating partners. Despite this limitation, the Williams Institute, a national think tank that advances sexual orientation and gender identity law and public policy, uses this data to estimate state-level populations of people who are gay, lesbian, or bisexual.⁹

The California Health Interview Survey, administered every two years, offers one of the largest and most widely used statewide samples of lesbian, gay, and bisexual

populations that also collects data on race and ethnicity.¹⁰ While the survey does not collect data on transgender people, it has been extremely useful in highlighting some key demographic points on black gay and bisexual populations, including poverty levels and family structure.¹¹ These can be useful in expanding public policy debates.

The California data was also a key dataset that CAP examined in its 2009 analysis of gay and transgender health disparities overall and among different racial and ethnic groups.¹²

Finally, the Massachusetts Department of Public Health 2009 report, “The Health of LGBT Persons in Massachusetts,” performed one of the broadest statewide studies of the full gay and transgender community, including transgender persons, to date. But this report did not disaggregate the data by race and/or ethnicity.¹³

Lack of statistically representative data

Many studies of black gay and transgender populations rely on convenience samples since researchers have few robust data sources to work with. In these studies participants are chosen based on convenience and availability rather than random sampling, so the findings, while illuminating, cannot simply be generalized to the population as a whole. Studies such as the 2000 Black Pride Survey fall into this category, as we will discuss later in this report.

Random sampling of these populations is nearly impossible, so researchers must directly contact participants who self-select through social events, networks, and organizational memberships. The result is a skewed sample that is likely more educated and boasts higher incomes than black gay and transgender people in general. Nonetheless, this methodology has provided us with the most robust assessments of the black gay and transgender community to date.

Deficit-driven analysis

Much of the academic research and data gathered on black gay and transgender populations is framed in disparities, victimization, and hardship. By almost every measure, studies report that black gay and transgender Americans fare worse than their straight black and white gay and transgender counterparts when looking at

indicators such as poverty rates, health care access, incidence of certain physical diseases and mental illnesses, and hate-crime rates.

Researchers have done little analysis on the experiences of black gay and transgender people who are economically stable, have good health outcomes, and enjoy full acceptance by their families and communities. As noted above, the convenience samples used in many of these studies include participants with above average education levels and socioeconomic status, but the recipe for their success is often overlooked. Indicators such as family and community acceptance, access to strong social networks, and presence of nondiscrimination policies in their states and localities likely contribute to their resilience. Understanding their life experiences could inform best practices for policy measures and resources designed to bridge the stark disparities that we see.

Health research focused largely on HIV/AIDS among black gay and bisexual men

The Library of Medicine study noted above also found that 61 percent of all citations related to gay and transgender issues focused on sexually transmitted diseases and infections, mostly HIV/AIDS.¹⁴ This is especially true for health research on black gay and transgender populations since the overwhelming majority of literature we found was on HIV/AIDS among black men who sleep with men that suffer disproportionately from the disease.

Much has been written on the role of the “down-low”—the phenomenon of black men who sleep with men but do not disclose this to their female sexual partners—in the spread of the virus among heterosexual black women, even though this theory continues to be critiqued and debunked by HIV/AIDS experts such as David Malebranche and Gregorio Millett.¹⁵

Black men who sleep with men are also overrepresented in the health research beyond HIV/AIDS, including mental health, stress, and substance abuse. Black lesbians and transgender people are all but neglected in the research with far less scholarship dedicated to their health concerns such as the importance of mammograms for lesbians and bisexual women or the cardiovascular health of transgender individuals.

Research framed to support marriage equality

Gay and transgender advocacy organizations have produced several polls and reports that aim to enlist black gay people and the black community overall in fending off conservative attacks against marriage and antigay ballot measures. In fact, these organizations published more data-driven research studies that substantiate marriage rights for black gay couples over the past decade than any policy measures moving on the federal or state levels.¹⁶

There are, for example, no exclusive reports on the effects of employment discrimination on black gay and transgender people, no studies of domestic violence among the population, and only one finding, which lingers from 2003, made the case that dissolving the military's gay ban helps black women most.¹⁷

Surely there are issues beyond marriage that would help strengthen black gay and transgender families. But little attention is given to them in the literature we reviewed or within the context of general gay and transgender policy analyses.

Few tangible models to apply to policymaking

A growing body of literature highlights how discrimination due to sexual orientation and gender identity contributes to negative health and economic outcomes for gay and transgender Americans, but the persistent disparities black gay and transgender people face relative to their white counterparts suggest that these inequities do not exist in a vacuum.

Several federally funded reports from the Department of Health and Human Services, Institutes of Medicine, Centers for Disease Control, and Office of National AIDS Policy, among others, concur and highlight that race, ethnicity, gender, poverty, and other characteristics marked by discrimination also matter, and must be addressed simultaneously in order to achieve full equality for marginalized populations like black gay and transgender people who are impacted by multiple forms of oppression.¹⁸

But few data-driven examinations of issue cross-sections, or robust models of how to effectively apply this lens to policy development, exist. This makes it difficult for practitioners to translate these theories into practice.

Summing up

It is not surprising that the most widely cited reports on black gay and transgender populations stem from gay and transgender advocacy organizations themselves because this analysis is crucial to their goal of advancing public policies to achieve full equality.

Four groundbreaking reports from the National Gay and Lesbian Task Force in partnership with the National Black Justice Coalition and National Center for Transgender Equality, and the Zuna Institute, offer some of the most robust sample sizes of this population to date, and are among the most widely referenced studies in the national discourse on black gay and transgender issues. (See Appendix for report summaries.) Collectively, they helped frame what we currently know of black gay and transgender Americans. Most of these reports also were covered in the mainstream press—particularly those outlets that analyze Census data.

Their use to inform policy decisions is limited, however, because they study black gay and transgender populations outside the context of broader society. This approach misses the complex realities of this group's experience, which is also defined by culture, location, and institutions. It also limits our ability to fully understand this population relative to other racial and ethnic groups and society as a whole. This is why it is critical to collect data on sexual orientation and gender identity in larger population-based studies alongside questions of race, ethnicity, education, and income.

As noted above, the reports themselves and their recommendations often aim to advance a broader gay and transgender agenda (namely marriage equality) and do less to address the immediate needs of black gay and transgender people. The two are not always the same, as we'll see in the next section.

Addressing the needs of black gay and transgender Americans

There are approximately 85,000 black same-sex couples in the United States. This is approximately 7 percent of all same-sex households counted in the 2000 Census. Fifty-one percent of black women in same-sex households are raising children, more than twice that of their white counterparts (20 percent). Twenty-eight percent of black men in same-sex households are raising children, which is also significantly higher than their white counterparts (6 percent).¹⁹

The issues black gay and transgender populations face are often simplified under either a gay or black disparity category since little research has explored the compounding effect of both.

At a glance, the experience of black gay and transgender Americans mirrors the black community as a whole. They share similar health insurance coverage rates, household incomes, and patterns of chronic illnesses. And the gaps in health and economic wellbeing between black and white gay and transgender populations may mistakenly be assumed to be a reflection of the broader disparities between blacks and whites generally. Looking deeper, however, it becomes clear that the issues facing this population are indeed unique.

We examine these issues in this section, along with policies to address them:

- Economic insecurity
- Low educational attainment
- Health and wellness disparities

Economic insecurity

The existing research on black gay and transgender Americans reveals that this community is one of the most economically insecure in our society, despite the stereotype perpetuated by mainstream media images dominated by white,

middle-class, gay and transgender people suggesting that gay people are more affluent than the general population.

Though black same-sex couples earn about the same median income (average of \$41,500) as their black straight counterparts, they lag behind white same-sex couples (\$63,500) in household income.²⁰ Households headed by black lesbian couples experience substantial disparities in earnings compared to their black married heterosexual counterparts, making \$10,000 less.

This gender wealth gap echoes analysis by the Williams Institute that shows black lesbian couples have poverty rates of 21.1 percent compared to just 4.3 percent for white lesbians and 14.4 percent for gay black men.²¹ Further, black lesbians raising children are twice as likely to be living in poverty.

Black transgender individuals fare worse by nearly all measures of economic well-being. “Injustice At Every Turn: A Report of the National Transgender Discrimination Survey” by the National Gay and Lesbian Task Force and the National Center for Transgender Equality found that at the time of the survey, black transgender and gender nonconforming respondents experienced quadruple the unemployment rate (28 percent) compared to the general population at the time (7 percent).²² (These rates are prior to the Great Recession of 2008 and are undoubtedly worse today.)

Black transgender people also face extreme housing discrimination, which often leads to homelessness. Whereas one in five transgender Americans are denied a home or apartment on the basis of their gender identity, that figure doubles to two in five for black transgender Americans, according to the “Injustice at Every Turn” study.

Black gay youth in general are highly vulnerable to homelessness. While only 5 percent to 7 percent of the overall youth population is gay or transgender, these youth comprise approximately 20 percent of all homeless youth. An estimated 320,000 to 400,000 gay and transgender youth experience homelessness at some point each year. The data, from a survey of homeless gay youth in New York City, found that 44 percent of these youth are black—which suggests that between 140,800 and 176,000 homeless black gay and transgender young people are on our nation’s streets.²³

High rates of rejection, violence, and discrimination within their families, churches, and the black community in general factor into the overrepresentation of black gay and transgender youth among the homeless youth population. Youth today are

coming out at earlier ages, often in their teen years when they still depend on their families to meet their material needs. They are particularly vulnerable if their family outright rejects them. This is the case for many black gay and transgender youth.

Policies to address economic insecurity among black gay and transgender populations

The economic disparities facing black gay and transgender populations can be addressed through the following policy measures:

Inclusive family policies and safety net programs

We know that more than 50 percent of black lesbian couples are already raising children, and that many of these families are among the poorest in our society.

Mother adopts her child to secure parenting rights

Tevonda Hayes Bradshaw and Erica Bradshaw

Tevonda Hayes Bradshaw and Erica Bradshaw live in New Jersey with their infant son, Teverico Barack Hayes Bradshaw. Tevonda and Erica are in a civil union in New Jersey, but they know that civil unions aren't well understood and aren't always recognized out-of-state. So, even though both Tevonda and Erica are legally presumed to be Teverico's parents, they have spent time, energy, and money to ensure that they have multiple legal documents to protect both their relationship and their legal ties to their son.

For instance, just months after Teverico's birth, Erica had to undergo a court-related examination of her background, including being fingerprinted, so that she could officially adopt Teverico.

Every child deserves to have a legal relationship with their parents no matter what state they reside in, which is why laws and policies should ensure that all families, including those headed by gay and transgender parents, are treated equally.



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Tevonda Hayes Bradshaw (center, partly obscured) and Erica Bradshaw (left) with their son, Teverico. Erica was forced to undergo fingerprinting so that she could become a legal parent to her son.

Source: Adapted from Movement Advancement Project, Family Equality Council, and Center for American Progress, "All Children Matter: How Legal and Social Inequalities Hurt LGBT Families" (October 2011).

In fact, these families are more likely to rely on assistance programs such as Temporary Assistance for Needy Families, Medicaid, and Social Security.

But these government “safety net” programs and laws intended to support and protect children fail to provide equal protections for those who do not live with a married mother and father—which includes many children with gay and transgender parents. So broadening public assistance programs to include couples headed by same-sex families, as well as strengthening those benefits for all recipients, will go a long way to support struggling black gay families, especially those headed by lesbians, who are most likely to live below the poverty line.

Further, every child deserves to have a legal relationship with both of his or her parents. Under current federal law, and most state laws, they do not. Laws and policies that would ensure all gay couples can legally adopt children, and that these children have the same legal ties to both of their parents that all children have, would help address this problem.

Housing antidiscrimination laws

As noted, black gay and transgender people experience significant rates of homelessness and housing discrimination. Nondiscrimination laws that prohibit discrimination based on sexual orientation and gender identity in shelters, renting, and housing are critical to help create stable living conditions for black gay and transgender individuals and their families.

Comprehensive federal approach to gay and transgender youth homelessness

Advancing a federal strategy to end gay and transgender youth homelessness is critical given the high and disproportionate number of gay and transgender youth—and especially black gay and transgender youth—who are homeless. The Departments of Labor, Health and Human Services, Housing and Urban Development, and Education should develop a policy and service response that meets the needs of all gay and transgender youth. This would include access to culturally competent health services, educational opportunities, job training, and safe and stable housing.

Consumer financial protection

Black gay families, especially black lesbian couples, report relatively low earnings and homeownership rates, have lower rates of wealth accumulation overall, and are more likely to need programs such as Social Security to supplement their income in later years.

Black gay families, then, have a clear stake in policies that encourage low-income families to save and build wealth in the present, as these programs will also help them boost their economic security and strengthen their families. These policies should be fully accessible to gay and transgender people and their families.

Let go for no good reason

Ashland Johnson

Imagine you're in the ICU at the hospital recovering from blood clots in both lungs when a FedEx envelope from your employer arrives. Instead of the standard "Get Well" card from your fellow employees wishing you a speedy recovery, it's a document informing you that you are no longer employed at the place you'd been working for more than a year.

This is exactly what happened to Ashland Johnson in 2006. A couple of months before the letter at the hospital informed her she was let go, Ashland refused to sign a "voluntary" letter of resignation from her Georgia employer. Ashland was asked to sign the letter after her supervisor discovered she was a lesbian. In the following days she was systematically locked out of her office, left out of department meetings, and ignored by administrative officials.

Sadly, Ashland had no legal recourse despite the fact that her employer had an antidiscrimination policy that included sexual orientation. Since antidiscrimination policies in Georgia are internally formulated and voluntarily instituted, her employer was not required to uphold the policy.

Ashland's hands were tied without a federal law that protected her against employment discrimination on the basis of sexual orienta-



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tion. There was nothing she could do to get her job back or hold her employer responsible.

Ashland's story is an example of what gay and transgender individuals live in fear of on a daily basis—being denied employment because of their sexual orientation or gender identity. While some states may provide this protection, federal passage of employment non-discrimination policies is the only way to ensure that it is illegal in all states to deny employment on the basis of sexual orientation and gender identity. Without it, millions of Americans like Ashland will continue to be discriminated against.

Source: Ashland Johnson

Employee nondiscrimination laws

The high unemployment and poverty rates among black gay and transgender people suggest that this population faces significant discrimination in the workplace due to their sexual orientation, gender identity, and gender expression. Gay and transgender people in most states and on the federal level have no legal recourse against this discrimination and can still lose their jobs in most states simply because of their sexual orientation, gender identity, or gender expression. Job insecurity often results in insufficient income, lack of health care, and inadequate or unsafe housing, among other issues.

Nondiscrimination laws that protect all gay and transgender workers on the local, state, and federal levels are essential to boosting the economic security of black gay and transgender families.

Supporting gay and transgender entrepreneurs

Gay- and transgender-owned businesses often face hurdles such as difficulty securing loans and access to other capital, which are similar to those obstacles faced by minority- and women-owned businesses. Such challenges impede their ability to compete and gain access to federal and private procurement markets.

Despite these disadvantages, many state and local governments and the federal government do not offer targeted business development support programs for gay and transgender entrepreneurs that are currently available to other enumerated groups.

Federal, state, and local procurement policies should level the playing field by ensuring that gay- and transgender-owned businesses are fully included in their supplier diversity initiatives. Further, every effort should be made to ensure that these businesses have access to the incentives and support programs currently available to small and minority-owned businesses.

Relationship recognition

There are two essential steps to achieving full equality for all gay and transgender Americans, and these measures will certainly help achieve economic security for gay and transgender families. These include repealing laws which generally

obstruct government benefits for, and require more taxes of, families headed by same-sex couples, and enacting relationship recognition laws that put gay couples on equal footing with their straight counterparts.

But it is important to note that marriage alone is insufficient to address all of the needs of poor black gay couples and black gay and transgender youth. So it is important to expand the policy agenda to directly address the causes of economic, health, and other quality-of-life issues this population faces.

Low educational attainment

Black gay and transgender couples report lower educational attainment than their white counterparts. Data from Mental Health America show that 28 percent of all gay students drop out of school, which is more than three times the average dropout rate of their heterosexual counterparts.²⁴ Coupled with already high dropout rates of black students, we can infer that the dropout rates for black gay and transgender youth are likely just as high.

Census data reveal that of the black same-sex couples that do report having finished high school, only 40 percent also report having completed some level of postsecondary education, compared to 67 percent of white same-sex couples.²⁵ The Gay and Lesbian Student Education Network finds a grade gap that could make all the difference when applying for college: Black gay and transgender students who are harassed earn grade-point averages a half-point lower than students who do not experience harassment in school.²⁶

These lower educational attainment rates are likely due in part to the harassment and violence black gay and transgender youth experience in schools. Eighty-five percent of black gay and transgender youth report having “gay” used as an attack against them, and 69 percent have been called other homophobic slurs.²⁷

This harassment often forces students into truancy. In fact, about a quarter of black gay and transgender students have missed at least one full day of school in the past month because they felt unsafe or uncomfortable, compared to just 6.3 percent of all black youth and 3.5 percent of all white youth.²⁸

Black students in some cases are already behind the curve academically compared to their peers, and monthly missed school days due to bullying further negates

their ability to learn and achieve.²⁹ Bullying and harassment may also lead to depression and isolation, which further derails their academic performance.

Research suggests that school climate is the top predictor of gay and transgender youth succeeding in America's schools.³⁰ Black gay and transgender students, particularly those in schools where the student population is predominantly black, are less likely to attend schools with affirming policies and programs such as Gay-Straight Alliances, student organizations that are intended to provide a safe and supportive environment for lesbian, gay, bisexual, and transgender youth and their straight allies. These programs can help provide safe havens and buffers to antigay and antitransgender bias and bullying. This is in part due to the antigay attitudes and "don't ask, don't tell" policies regarding gay and transgender issues that exist within the communities surrounding these schools.

Creating safe spaces and welcoming school climates for gay and transgender students is also likely to fall to the bottom of the priority list at these schools since many likely also face low test scores, limited academic resources, and overcrowding, even though reducing the risks of violence and suicide that these youth face is just as pressing and directly impacts overall school performance.

Students that report having a Gay-Straight Alliance at their school are less likely to hear antigay slurs and insults, so the expansion of these programs into schools with large black populations could go a long way toward improving their school climate and ultimately boosting education outcomes for black gay and transgender youth.

Policies to address low educational attainment among black gay and transgender populations

Under the current patchwork of state laws and regulations, a student's level of protection at school depends on where he or she resides—a circumstance most likely beyond his or her control. Federal legislation would ensure geographic location does not determine the right of an adolescent to a safe school environment.³¹

The following policies and steps should be considered to improve school climates and safeguard youth, thereby enhancing their overall educational attainment.

School safety policies

A comprehensive federal law that would require schools to take steps to prevent antigay and antitransgender bullying and harassment from happening in schools is necessary to protect all students from harassment based on actual or perceived sexual orientation and gender identity.

Three antibullying bills were introduced in Congress this year that offer varying approaches.

The Safe Schools Improvement Act would amend the Elementary and Secondary Education Act to require public schools receiving federal funding to adopt anti-bullying policies that explicitly include gay and transgender students.

Trouble in school

Kyeon

Kyeon, like many gay and transgender youth, attends a school in New Orleans that isn't inclusive for gay students and creates an unwelcoming climate. These types of environments not only make it hard for gay and transgender youth to focus on schoolwork but also leave them vulnerable to bullying and harassment.

Kyeon was ridiculed at school because of his sexual orientation, and the harassment went unchecked because the school did not have antibullying policies in place to protect gay, transgender, and gender-nonconforming youth. The hostile climate disrupted his ability to pay attention in class and thrive academically, and the taunts by classmates, who spread rumors that he was gay, ultimately lead to a fight with another student. Kyeon and the other student were arrested for the incident and incarcerated in a juvenile detention center—a harsh punishment for what felt like self-defense for Kyeon.

His story is all too familiar for gay and transgender youth in this country. Unsafe schools and unfair criminalization of gay and transgender students can perpetuate a vicious cycle where gay and transgender youth, especially those of color, are pushed through the juvenile justice



JUVENILE JUSTICE PROJECT OF LOUISIANA, 2010

system and then end up back in the same hostile school climates where their troubles began.

Groups like BreakOut!, a New Orleans advocacy organization working to end the unfair criminalization of gay youth, are addressing these issues. Their efforts would be bolstered by passage of safe school legislation and antibullying policies at the federal, state, and local levels, and will go a long way toward mitigating this school-to-prison pipeline for young people such as Kyeon.

Source: Wesley Ware, "Lesbian, Gay, Bisexual, and Transgender Youth in Louisiana's Juvenile Justice System" (Louisiana: Juvenile Justice Project of Louisiana, 2010); www.youthbreakout.org

The Student Nondiscrimination Act is modeled after Title IX and requires public schools that receive federal funds to expand protections against harassment and bullying based on sexual orientation and gender identity.

Finally, the Tyler Clementi Higher Education Anti-Harassment Act provides similar protections for college and university students by requiring higher education institutions receiving federal student aid dollars to adopt policies that prohibit discrimination and specifically include gay and transgender students.

Existing federal civil rights laws

Many civil rights laws, if enforced, would help create safer environments for gay and transgender students.

Both Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 make it illegal to discriminate based on sex, including both sexual harassment and discrimination based on gender nonconformity. The Educational Opportunities Section of the Civil Rights Division at the Department of Justice, in coordination with the Department of Education, has the authority to investigate violations of protections guaranteed through Title IV and Title IX.

Any educational institution, including postsecondary schools, that receives federal financial support is required to be in full compliance with civil rights law in protecting students from harassment and discrimination. The Departments of Justice and Education have intervened to enforce existing civil rights laws that protect gay and transgender students in the Mohawk Central School District in upstate New York and the Tehachapi Unified School District in California, among others. They should continue to do so.

School discipline policies

Zero-tolerance policies that enforce harsh disciplinary punishments, such as weeks of out-of-school suspension or referral to the juvenile justice system, have a disparate impact on both black students and gay and transgender students. A recent study in the *Journal of Pediatrics* found that administrators, teachers, and law enforcement officials disproportionately punish students who are assumed to be gay or transgender, which creates a hostile school climate for these young people.³² The research

on bullying and school climate suggests that many gay and transgender youth are involved in conflicts at school or act out in response to being harassed.

School discipline policies that remove these students from the classroom, rather than address the antigay climate that sparked the situation, restrict their ability to learn and thrive academically. What's worse, such disciplinary responses can fuel a school-to-juvenile justice pipeline for gay and transgender youth that results in unfair criminalization of LGBT youth. Black youth are overrepresented in this system, which suggests that black gay and transgender youth are as well.

The Department of Education has issued guidance aimed at reducing the disparate impact of school discipline policies on youth of color. Similar policies that are fully inclusive of gay and transgender youth are needed.

Health and wellness disparities

There is a clear health and wellness gap between black gay and transgender people and the general population. Yet little comprehensive data beyond HIV/AIDS rates is available to gauge the full extent of these disparities.

The focus on HIV/AIDS among black men who sleep with men found in the literature is in response to the alarming rates of infection among this population. Black gay and bisexual men contract the disease at a startling rate of six times higher than that of white gay men. Black transgender populations also are disproportionately affected, with 28 percent of black transgender women in some communities testing positive for HIV.³³

But we need to know about and work on many more health issues beyond HIV/AIDS given what we know about other health disparities among black gay and transgender people. We know, for example, that 20 percent of black gay and transgender adults have diabetes, a rate 2.5 times higher than the rest of the black population and four times more than white gay and transgender and heterosexual individuals.³⁴ Yet little research seeks to understand why these rates are so high or try to reduce them.

Moreover, there is scant research on the health of black lesbians, though initial findings from some studies indicate that the negative health outcomes among these women are striking.

We need to work
on many more
health issues
beyond HIV/AIDS.

For instance, in comparison to white lesbians and black heterosexual women, black lesbians have shorter life expectancies; higher death rates from heart disease, diabetes, and cerebrovascular disease; lower levels of physical activity; and poorer nutrition.³⁵ They also have a greater lifetime prevalence of mental health disorders such as alcohol dependence, drug use, attempted suicide, and depression than heterosexual white women, and they suffer higher rates of abuse and domestic violence. Finally, close to half of all black lesbians have experienced some form of domestic violence—most of it unreported—compared to 25 percent of heterosexual women.³⁶

Despite all of these risk factors, black lesbians are less likely than white lesbians or black heterosexual women to visit the doctor for regular checkups than their white counterparts.

Research also shows that black gay and transgender populations are dramatically uninsured and underinsured due to discrimination in relationship recognition, employment, and health insurance industry practices such as the use of pre-existing condition exclusions to deny coverage. The California Health Interview Survey, for example, found that 31 percent of black gay and bisexual people are uninsured in the state, and the rates of uninsurance are likely even higher for black transgender people.³⁷

Because of a potent combination of structural racism and antigay discrimination, as well as a widespread lack of cultural competence among medical providers, black gay and transgender people who have health insurance are still less likely to be able to utilize it and to be able to access regular medical care than their white gay and transgender or nongay black counterparts.³⁸

Thirty percent of black gay and bisexual adults report being likely to delay or forgo medically necessary medication, compared to 19 percent of black heterosexual adults and 15 percent of white gay and transgender adults. Access to preventive care is also particularly difficult for black gay and transgender people: Only 35 percent of black lesbians and bisexual women had a mammogram in the past two years, compared with 69 percent of straight women and 60 percent of white lesbians and bisexual women.

Policies to address the health and wellness problems among black gay and transgender populations

Several laws and proposed policies could help improve the health and wellbeing of black gay and transgender people.

The Affordable Care Act

President Barack Obama signed the Affordable Care Act into law in 2010. It can help the black gay and transgender population in four main ways.³⁹

Data collection—Most federal and state surveys that seek to identify racial, ethnic, and other health disparities do not ask respondents about their sexual orientation and gender identity. The lack of these data means that the full extent of the disparities affecting gay and transgender people, particularly gay and transgender people of color, remains unknown. Under Section 4302 of the Affordable Care Act, the Department of Health and Human Services will soon begin to collect more data on a range of health disparities, including those associated with sexual orientation, gender identity, and race.

Coverage expansion—Poverty and rampant discrimination in employment and relationship recognition cause numerous barriers to health insurance coverage for black gay and transgender people. The Affordable Care Act creates new mechanisms for expanding coverage to the more than 40 million Americans who are uninsured, including state-based health insurance exchanges with sliding-scale premium subsidies up to 400 percent of the federal poverty level and new standards for Medicaid eligibility, which will be set at 138 percent of the federal poverty level for all adults in every state beginning in 2014.

Community Transformation Grants—The Affordable Care Act creates a \$15 billion Prevention and Public Health Fund to fund a wide variety of prevention and wellness initiatives. One of the fund's centerpieces is the Community Transformation Grants program, which will support broad community-based strategies to eliminate health disparities by targeting resources to underserved communities, including black gay and transgender communities, and ensuring their participation in the process of shaping the nation's prevention and wellness agenda.

Action plan to reduce racial and ethnic health disparities—The Affordable Care Act requires the Department of Health and Human Services to develop a nationwide action plan to reduce racial and ethnic health disparities. This plan, in conjunction with the National Stakeholder Strategy for Achieving Health Equity developed by the Department of Health and Human Services' Office of Minority Health, begins to lay out a long-term policy framework for addressing health disparities that arise at the intersections of race, sexual orientation, and gender identity.

Health equity

The Congressional Black Caucus, in partnership with the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, has put forth landmark health equity legislation that includes numerous provisions addressing the disparities that affect black gay and transgender individuals, families, and communities.

These provisions include enhanced data collection on factors including race, sexual orientation, gender identity, and socioeconomic status; a definition of “family” that recognizes and includes the broad diversity of families in America today; a focus on HIV/AIDS and other chronic diseases that disproportionately affect black gay and transgender people; and a requirement that our nation’s health system provide care to everyone who needs it, without discriminating on the basis of sexual orientation or gender identity, among other protected classes.

Domestic violence

Black lesbian and bisexual women, including transgender women, experience domestic violence at alarming rates. To respond to this, we need to ensure all domestic violence policies incorporate same-sex couples within the definitions of domestic violence and related parties and are as gay-and-transgender-inclusive as possible.

Why we need more data on the black gay and transgender population

Simply put, data drives policy priorities. Decision makers use data to help them understand pressing issues, allocate resources, and evaluate the impact of policy measures. And today's penny-wise fiscal climate necessitates a thoughtful and quantifiable approach to policymaking across the board. An effective policy agenda that addresses the needs and priorities of black gay and transgender Americans must be both compelling and data driven.

Without data, the policymaking process will be left to rely on stereotypes and political deal-making to determine the programs, laws, and regulations that shape the lives of black gay and transgender people—tactics that historically left this population behind.

Policy experts, researchers, and advocates recognize the need for more comprehensive data collection on the gay and transgender population, and they are pursuing a concerted effort to add questions of sexual orientation and gender identity to all large-scale federally supported surveys of the American people.

In November 2010 CAP recommended that the Obama administration institute a comprehensive data collection plan across federal agencies that includes questions on sexual orientation and gender identity.⁴⁰ The New Beginning Initiative of the National Gay and Lesbian Task Force, a coalition of 27 gay and transgender and ally organizations working to secure federal agency and regulatory policies that help and support the lives of LGBT people, also prioritizes this issue.⁴¹

Further, federally funded studies such as the Gay and Lesbian Medical Association's "Healthy People 2010: Companion Document for LGBT Health" and The Institute of Medicine's "The Health of Lesbian, Gay, Bisexual, and Transgender People" both call for comprehensive data collection on gay and transgender people across federal surveys.⁴² The IOM report goes on to make the case that comprehensive data will also enhance our understanding of the racial and socioeconomic dimensions of gay and transgender health issues, which will help reduce disparities.

Without data, policymaking will be left to rely on stereotypes and political deal-making—tactics that leave black gay and transgender Americans behind.

We're seeing progress as a result of these efforts and others. In June the Department of Health and Human Services announced plans to improve data collection across federally funded health surveys by developing questions on sexual orientation and gender identity, along with standards for race, ethnicity, sex, disability status, and primary language.⁴³

These actions will greatly help researchers, policymakers, health providers, and advocates identify health disparities among all gay and transgender populations, especially black gay and transgender people, and to develop effective strategies for eliminating them. And for the first time researchers will be able to cross-tabulate the data by race and sexual orientation, and race and gender identity for an in-depth look at how these factors converge and influence health and other outcomes for black gay and transgender people.

The next step in the full federal recognition of gay and transgender people in the United States should be to include questions that identify gay and transgender individuals in a wide range of federal surveys. This recognition requires adding questions on sexual orientation and gender identity to a wide range of surveys that already include questions of race and ethnicity.

The following seven large-scale federally supported surveys would be the best places to start given their connection to important policies for blacks and the gay and transgender community:

Health disparities surveys (National Health Interview Survey, Behavioral Risk Factor Surveillance System)

The national health objectives set forth in "Healthy People 2020" direct the Department of Health and Human Services to monitor and eliminate health disparities among different segments of the population. As discussed above, a growing body of research suggests that measures of mental and physical health may differ between black gay and transgender people and their white and heterosexual counterparts. Inclusion of sexual orientation and gender identity questions on the National Health Interview Survey, which provides data to track health status, health care access, and progress toward achieving national health objectives, and the core questions for the Behavioral Risk Factor Surveillance System, that tracks health conditions and risk behaviors in the United States, would help us better understand

these differences, identify policy targets, and monitor progress toward closing these health disparities.

Families surveys (American Community Survey)

Understanding American families and households requires the ability to identify all families in the United States. As noted throughout this report, more than half of black lesbian couples and more than a quarter of black gay male couples identified in the Census are raising children. But not all black gay and transgender people live with partners—meaning that many are not identified through the Census and thus not counted. This makes inclusion of sexual orientation and gender identity questions crucial on surveys such as the American Community Survey, which provides communities with current information needed to plan investments and services for each year. Such inclusion would allow researchers to assess characteristics of the entire gay and transgender population—not just those who are part of a same-sex cohabiting couple—along with the diversity within the black community.

Employment and earnings surveys (Current Population Survey, Survey of Income and Program Participation)

Getting an accurate picture of the economic standing of individuals and families in the United States means understanding the possible differences in employment outcomes of population subgroups such as blacks and gay and transgender people. An expanding body of research using the General Social Survey and the Census finds that gay black men (or black men with same-sex partners) earn less than all other men, and black lesbians earn less than other lesbians and \$10,000 less than heterosexual couples. Further, recent surveys of the black transgender population suggest substantial economic hardship among transgender people.

Such findings could help outlaw employment discrimination based on sexual orientation and gender identity. Adding sexual orientation and gender identity questions to the Current Population Survey, which provides the primary source of information about the labor force characteristics of the U.S. population, and the Survey of Income and Program Participation, which provides detailed information on cash and noncash income on a subannual basis, would identify pressing economic needs and tracking of the economic position of all gay and transgender people, as well as a focused analysis of black gay and transgender populations.

Violence and personal safety surveys (National Crime Victimization Survey, National Incident-Based Reporting System)

Preventing and responding to hate crimes and domestic violence against gay and transgender people requires better data about the nature of these crimes (how often, where, and when they take place). This information could be used to better enforce existing laws that include the gay and transgender population; train law enforcement officers about how to best serve gay and transgender people who have been victims of violence; and help mental health professionals and other health care providers treat and support victims of violence.

Adding sexual orientation and gender identity questions to the National Crime Victimization Survey, which collects data on the frequency, characteristics, and consequences of criminal victimization in the United States, and the National Incident-Based Reporting System, a reporting system that collects data that include the nature and types of specific offenses in an incident, characteristics of the victim(s) and offender(s), types and values of property stolen and recovered, and characteristics of persons arrested in connection with a crime incident, would help a wide range of service providers do this work and help improve the personal safety and wellbeing of all gay and transgender people.

As an example, these data would help agencies better help black lesbian victims of domestic violence who are most likely to be abused but are the least likely to report attacks due to the lack of culturally competent police forces and related services that are sensitive to their unique situation.

Funding for nongovernmental research

Additionally, public and private funding streams should be made available for nongovernmental institutions, including academia and research organizations, to take on additional large-scale research studies including longitudinal research and analysis on black gay and transgender populations. This would further contribute to our understanding of this population.

Components of a more comprehensive, long-term approach to tackle disparities

In general, we can say that many black gay and transgender people and their families are disadvantaged looking at the few metrics on them currently available through existing data. But this is only part of the story. These disparities are not simply the cause and effect of racism or antigay bias but the compounding effect of both, along with the cycle of socioeconomic issues discussed above.

There are also opportunities and lessons we can learn from the resilient members of this population that are not captured in the data and analyses we currently have. What we know about the economic status of black gay and transgender populations is summed up through a broad analysis of U.S. Census data that emphasizes income and poverty rates. But we may gain further insights through a more thorough examination of the experiences of black gay and transgender people who are part of the middle or upper economic class. Unfortunately, virtually no research has explored the issues and interests of successful black gay and transgender people that might inform our economic policies.

This report is just a starting point in a longer process that identifies policy areas beyond the priority gay and transgender headline issues (or examines the headline issues from a new perspective). We believe this approach will help to better understand and ultimately reduce the disparities faced by black gay and transgender people, as well as other racial and ethnic minority groups.

In particular, we think this approach should include the following components going forward:

Data collection advocacy

Advocacy efforts should target all moving policy measures that could expedite including sexual orientation and gender identity questions in all federal surveys.

There are lessons we can learn from resilient black gay and transgender Americans that must be explored.

An example is the Health Equity Accountability Act sponsored by the Congressional Tri-Caucus, which is made up of the Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Asian Pacific American Caucus. This act is the showpiece Tri-Caucus health equity legislation, and CAP's participation in the coalition of health equity organizations involved in helping to draft the bill was key to ensuring the inclusion of gay and transgender issues.

A particular focus is the section of the bill concerning data collection, which calls for data collection on sexual orientation and gender identity, along with race, ethnicity, disability status, sex, primary language, and socioeconomic status, in all Health and Human Services surveys and programs.

At the agency level, advocates should work with the Obama administration—including the White House and the Departments of Health and Human Services, Justice, Labor, Education, and Commerce—and ally organizations to secure inclusion of sexual orientation and gender identity questions in the key federal surveys listed in the previous section (and others).

Policy research roadmap

The issues mentioned throughout this report each warrant substantive research and data analysis. Taken together, they form an initial research and advocacy roadmap that presents an opportunity to insert black gay and transgender perspectives into current policy dialogues and address pressing issues the community faces.

We see the need for research in the following areas:

Inclusive family policies and safety net programs

As noted in the “snapshot” section, family policies driven by traditional definitions of family leave the children of black gay and transgender families behind. Many of these families use some form of public assistance to make ends meet. What is needed is an analysis of how to expand these programs to strengthen all families, including those headed by gay or transgender parents.

Unfair punishment of black gay and transgender youth in schools

Much of the focus on school climate for gay and transgender youth is about bullying and interactions among peers. But a recent study in the *Journal of Pediatrics* found that administrators, teachers, and law enforcement officials disproportionately punish students who are assumed to be gay or transgender, which creates a hostile school climate for these young people.⁴⁴ These findings, coupled with the disproportionately high number of black youth in the juvenile justice system, suggest that black gay and transgender youth may be particularly vulnerable to bias and unfair treatment by school authorities. Additional research will shed more light on this issue.

Black lesbian health

Black lesbian health is less covered in the literature on gay and transgender health disparities, though we know that they have shorter life expectancies; higher death rates from heart disease, diabetes, and cerebrovascular disease; lower levels of physical activity; and poorer nutrition.⁴⁵ A deeper dive into this population is overdue.

Violence facing black lesbian and bisexual women

As noted earlier, 42 percent of black lesbians report being in a domestic violence situation. Research shows that black lesbians may face unique family obstacles when they need to report or leave violent relationships, so it is imperative that policies to protect women against violence consider the unique issues black lesbians face. Again, this includes working with the Department of Justice on reinterpreting existing domestic violence laws to include violence between same-sex partners and also educating lawmakers about the importance of making domestic violence legislation more gay and transgender inclusive.

Gay and transgender prisoner population

The prison population is overwhelmingly black, and among them are black men who have sex with men and transgender prisoners who are particularly vulnerable to sexual violence. The Department of Justice is currently updating the Prison

Rape Elimination Act regulations to ensure gay and transgender prisoners are protected, and that culturally competent measures are in place to adequately address the issues that may arise among this population.

It is important to ensure this approach is framed through the perspective of black men who have sex with men who are less likely to identify with mainstream gay and transgender culture and norms, or even identify as a member of the community.

Case in point: A study of the Los Angeles County prison population found that the screening process for gay and transgender inmates fosters racial bias in favor of white prisoners who constitute 30 percent of the unit designed to protect gay and transgender inmates even though they only make up 14 percent of the Los Angeles County jail as a whole.⁴⁶ The screening questions test an inmate's knowledge of mainstream gay culture, terminology, and out experiences, most of which black gay and transgender inmates are unlikely to know or experience.

The regulations should ensure all screening processes are culturally appropriate and accurately identify and protect all those who are most vulnerable.

Structural conditions that perpetuate high rates of HIV/AIDS in the black community

It is important that we push the narrative on HIV/AIDS among the black gay and transgender population beyond the current one that suggests that risky behavior or negligence on the part of black men who have sex with men is solely responsible for the spread of the virus among the black community.

Studies showing that black people in general, and those who are gay and bisexual, do not engage in behavior that is any riskier than white populations debunk this notion.⁴⁷ Black men who have sex with men, for example, do not use fewer condoms, nor do they have more sexual partners than white men who have sex with men. So this theory alone does not fully explain the high rates of HIV/AIDS among the community and in fact does more to perpetuate stereotypes of sexual deviancy among black men who have sex with men.

More research on the structural conditions that impact the spread of the virus among black gay and transgender people and the broader black community, such

as housing accommodations, incarceration rates, and lack of health insurance and health care, is needed to enhance our understanding of the epidemic.

Antibullying policies and safe spaces in schools serving predominantly black populations

As mentioned earlier, school climate is a top predictor for academic performance and the health and wellness of students. But black gay and transgender students, particularly those in schools where the student population is predominantly black, are less likely to attend schools that have affirming policies and programs such as Gay-Straight Alliances, or GSAs. The lack of GSAs and other inclusive groups in predominantly black schools can be attributed to the commonly accepted notion that being gay or gender nonconforming is a “white issue” as well as the “don’t ask, don’t tell” policy that some black communities apply to people who are LGBT.

Programs such as GSAs could help keep black gay and transgender students mentally healthy, physically safe, and doing well in school until they receive their diploma on graduation day. Focused research and advocacy should be done to ensure schools serving predominantly black populations have affirming climates.

The impact of conservative political and cultural climates on black gay families in the South

The variance in cultural and political climate by region affects black gay and transgender families as well. Census data highlight that there is a high concentration of black gay families living in the South, but no analysis exists on how this population fares relative to those in other regions. Such an analysis would help us better understand how geography, together with race, sexual orientation, gender identity, and economics, might impact black gay and transgender families.

Support for black transgender and gender nonconforming populations

By all measures, black transgender and gender nonconforming people are extremely vulnerable, from homelessness rates, to unemployment, to employment in criminalized trades such as sex work or drug sales, to HIV/AIDS. The National

Transgender Discrimination Survey highlights a multitude of data on this population, and it warrants a more in-depth analysis and recommendations on policy measures to support them.

Housing discrimination and homelessness among black gay and transgender populations

Additional research is also needed on the breadth of issues that leave this population economically insecure. CAP performed extensive research on gay and transgender youth homelessness and found that black gay and transgender youth make up the highest numbers. More research should be done on the conditions that force black gay and transgender youth onto the streets, the barriers to safe and stable housing they face, and the economic and health impacts of being homeless.

Other populations

A literature and data review similar to the one in this report should be conducted for other gay and transgender races and ethnicities—Asian and Pacific Islanders, South Asians, Latinos, and Native Americans—as well as the follow-up policy analysis that we propose above for the black gay and transgender population. The data will likely be just as sparse on these additional populations. But as we stated earlier, we believe it is important to look at the full diversity of the gay and transgender population and not just assume that it can be cleanly broken into “white” and “nonwhite.”

Conclusion

There are still a multitude of questions yet to be explored regarding black gay and transgender Americans. And they cannot be answered without robust data that highlight the intersections of race, economics, sexual orientation, and gender identity, and fully reflect what marginalized populations experience. Additional data will further illuminate the day-to-day lives of this population, and from that information we will be able to better address these issues.

In the meantime, the data and analysis highlighted here should be inserted into the mainstream narratives on gay and transgender equality and racial justice issues. Doing so will dispel the stereotypes that gay and transgender issues are white, middle-class, male issues, and that the black community is monolithic and lacking in diversity. Both of these notions impede our progress toward achieving full equality for all in America and pit the black and gay communities against one another rather than leveraging opportunities for collaboration and strategic alliances among them.

In sum, the policy recommendations laid out in this report present an opportunity for many people and organizations to work together to advance solutions that will improve the lives of black gay and transgender people, as well as demonstrate the progressive and fundamental values of our nation.

Appendix

Key research and reports

Four key studies offer the largest sample sizes of black gay and transgender populations and the most robust analysis to date, despite some important limitations. Each of these reports frames the issues and recommendations in a policy context. This helps define a targeted strategy for advancing policy measures that support, and are responsive to, black gay and transgender populations.

“Say It Loud, I’m Black & I’m Proud”

“Say It Loud, I’m Black & I’m Proud: Black Pride Survey 2000,” or the “Black Pride Survey” of the National Gay and Lesbian Task Force, is the largest survey of black lesbian, gay, and bisexual people published to date.⁴⁸ It contains a sample size of 2,645 self-identified black gay and transgender respondents who were recruited at nine Black Gay Pride events around the country in 2000. Just 1 percent of the sample are transgender individuals, creating a sample of black transgender people that is smaller than the one collected and analyzed in a recent transgender discrimination survey, which we discuss below.

The study could be considered the first national black gay census, and it offers an initial look at the population across age, income, geography, and family composition; overall health and wellness; experiences and attitudes about religion, socialization, and discrimination; and policy and political priorities and perspectives.

But the sample and the findings are not based on random selection, so it is not fully representative of the black gay community. In particular, respondents were more likely to be male, more highly educated, and higher earners than our best estimates for the general black gay and transgender population.

Nonetheless, a key finding of this report is that race, gender, class, and sexual orientation are not separate identities but intersecting ones that collectively color the everyday lives of black gay and transgender people. The report also highlights that black gay and transgender people have much in common with the overall black community and share many common concerns with gay and transgender people of other races. But they do have unique experiences and issues due to racism within the broader gay and transgender community as well as homophobia and rigid gender stereotypes within the black community. These must be addressed.

The study also offers a comprehensive set of policy recommendations on this population. Black Pride Survey respondents show consensus on prioritizing HIV/AIDS issues; combating hate crime violence; and securing the same rights as married heterosexuals, including equitable access to government programs. The report offered a host of recommendations on each of these issues as well as family policy, nondiscrimination legislation, and additional research to respond to the needs of black gay and transgender populations.

An updated study was performed in 2010 using a similar self-administered survey. But its findings are not available as of this report's publication. Upon release we will review the new study to note whether it reveals any shifts in the population over the last decade.

"Black Same-Sex Households in the United States"

The National Gay and Lesbian Task Force partnered with the National Black Justice Coalition to analyze U.S. Census data on black same-sex cohabitating couples in 2005. The report, "Black Same-Sex Households in the United States: A Report from the 2000 Census," was the first credible attempt to count the number of black same-sex households in the United States.⁴⁹

The study found approximately 85,000 black same-sex couples living in America in 2000. It makes clear that the traditions of the tight, strong, African American family are alive and well in black same-sex households. This report also shows how thoroughly black gay Americans participate in our communities and serve our nation despite the barriers to inclusion and laws that discriminate against them.

For instance, partnered black women in same-sex households in the United States are more likely to serve their country in the military than married or straight cohabiting black women in the United States. And partnered black men in same-sex households are more likely to serve in the armed forces than partnered white men in same-sex households.

A central finding from this report is that black same-sex couples are disproportionately harmed by antigay policies. The report frames these threatening policies in the context of antigay marriage ballot initiatives, which were a key tool of the right wing in the early to mid-2000s. Given this framing, the marriage-based policy recommendations are the most thoroughly fleshed out in the report, with less attention given to issues beyond marriage that also affect the quality of life of black gay and transgender people.

The report also gives less notice to issues related to marriage, such as other forms of relationship recognition, access to family and medical leave to care for same-sex spouses, access to employer-based health insurance benefits for same-sex partners, or the eligibility of a family headed by same-sex couples to access food stamps.

This study is based on Census data from 2000. An updated analysis of the new 2010 Census numbers is in order.

"Black Lesbians Matter"

The Zuna Institute's 2010 report on their national study of black lesbians presents both quantitative and qualitative data from two efforts undertaken in 2009: the National Black Lesbian Needs Assessment, an electronically administered survey of approximately 1,600 respondents, and four focus groups in New York, Denver, Chicago, and Atlanta.⁵⁰

The Zuna Institute disseminated the survey through their substantial membership base and community partnerships with regional, statewide, and local organizations around the country that support black lesbians. Community partners in each of these cities hosted focus groups, and participants were largely drawn from Zuna Institute affiliates.

The sampling for this study was not random, so it does not offer a fully representative sample of black lesbians. The study achieved geographic diversity, but participants had disproportionately high incomes and higher education levels than the general population. Eighty-four percent of respondents, for example, hold undergraduate degrees and maintain an annual salary of at least \$51,000. Comparatively, only 27.5 percent of all Americans and 17 percent of blacks hold bachelor's degrees. And the average income for households headed by black same-sex women was \$39,000 according to Census data.⁵¹

Still, this study reveals black lesbians' very specific needs and priorities for the first time. And it highlights opportunities for policy to respond to these issues. Forty-two percent of survey respondents, for example, report being in a domestic violence situation. Fourteen percent report a domestic violence situation with a man, while 28 percent report one with a woman.

Research shows that black lesbians may face unique family obstacles to reporting or leaving violent relationships.⁵² So it is imperative that policies to protect women against violence consider the unique issues black lesbians face.

Further, close to 45 percent of respondents are raising children or plan to co-parent, and nationwide we know that 51 percent of all black lesbian couples are raising kids.⁵³ Antigay parenting policies in the United States, such as adoption laws that ban same-sex parents from legally adopting their nonbiological children, may disproportionately affect black lesbian parents or would-be parents, so policies must expand definitions of family to include them.

“Injustice at Every Turn”

“Injustice at Every Turn: A Report of the National Transgender Discrimination Survey,” a groundbreaking report from 2011 by the National Gay and Lesbian Task Force and the National Center for Transgender Equality, offers the largest sampling of black transgender and gender nonconforming populations to date with 290 respondents, which constitutes 5 percent of the study sample.⁵⁴ The organizations reached out to more than 800 active, transgender-specific or trans-related organizations and about 150 listservs across the United States for help disseminating the survey to their members and affiliates.

This report offers the most comprehensive insight into the cycle of bias-related events that lead to insurmountable challenges and devastating outcomes for black transgender and gender nonconforming populations.

The black respondents, for example, were the hardest hit by job discrimination. Thirty-six percent reported losing their jobs because of their gender identity, and 28 percent were unemployed, which was four times the rate among the general population at the time (a time of economic stability before the Great Recession hit in 2008). This employment insecurity prompted large numbers (53 percent) of black transgender and gender nonconforming people to turn to work in the underground economy, such as sex work or drug sales, in order to survive.

This study also offers a robust assessment of the relationship of housing discrimination, criminal justice, and workplace discrimination to overall health and wellness, which we will explore further in a separate issue brief. This deeper examination of black transgender and gender nonconforming populations will help us better understand how relevant policies can be developed and advanced.

About the author

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Endnotes

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