

LGBT Rights & The Law

Ways to be an Active Ally to the
LGBT Community

Goals

- Outline challenges and issues faced by the LGBT community
- Highlight the institutional nature of discrimination by explaining current federal and state laws
- Create understanding of the impact of these laws on LGBT people
- Educate participants about how to have conversations with others around these issues
- Discuss concrete steps through which allies can help create social change

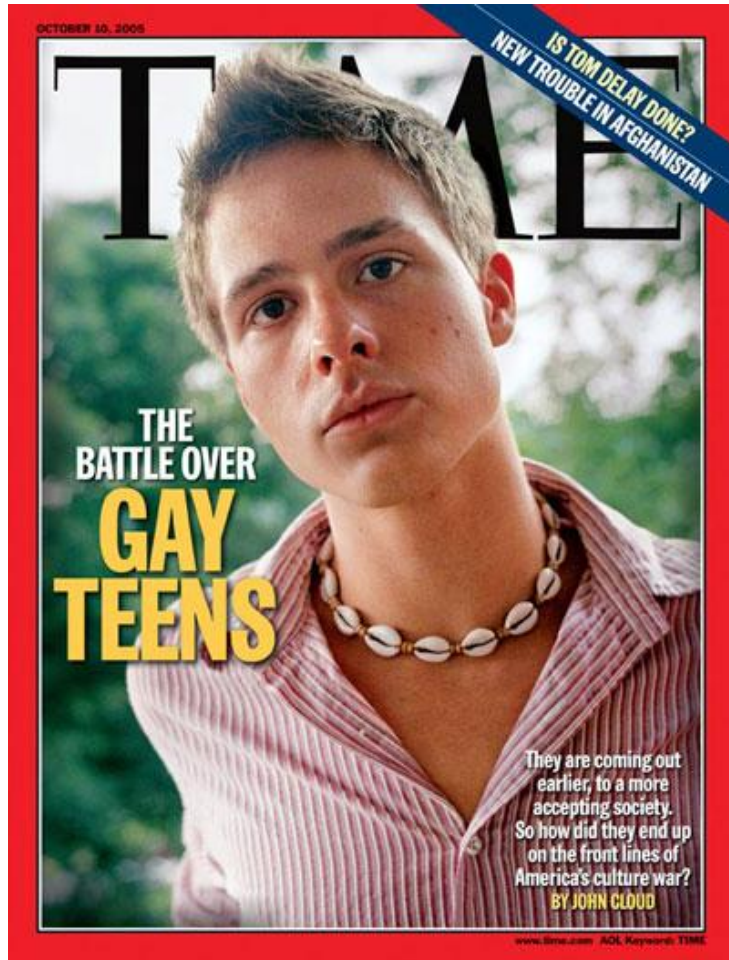
What do we know already?

- What are the main issues faced by the LGBT Community?
- What laws govern or speak to these issues?

Main areas

- Youth Issues - Coming Out, Abuse & Homelessness
- Education – Schools and Colleges
- Hate Crimes
- Non-Discrimination – Employment
- Health & Wellness
- Marriage & Family Rights
- Aging LGBT people

Youth Issues – Coming Out



Youth Issues – “Ex Gay” Movement

- “Ex-gay” movement specifically targets gay youth
- How many people believe that a person’s sexual orientation can be changed through “therapy” or “faith”?
- How many people believe that electro-shock therapy is still used today?

Youth Issues – “Ex Gay” Movement

- Justin Sawyers
- SU Alum -
Newhouse



Youth Issues – Homelessness

- Issues with family acceptance – many youth are kicked out
- 20-40% of 1.6 million homeless youth identify as LGBT
- In NY City alone, somewhere between 3,000-8,000 homeless youth are LGBT
- Homeless LGBT youth much more likely to use drugs, participate in sex work, or attempt suicide
- Homeless LGBT youth much more likely to be abused by staff & residents at shelters

Education – High School

- Typical high school student hears anti-gay slurs 25 times a day
- 5 states prevent the discussion of homosexuality in schools, or mandate that any references to homosexuality be exclusively negative (Alabama, Arizona, Mississippi, South Carolina, and Texas)
- Skip school three times as much in the past month because they felt unsafe - 19.1% of LGBT students vs. 5.6% of others.
- LGBT students three times more likely to drop out of school (28%) than heterosexual counterparts

Education – College

- Only 160 (or 4%) of college campuses have LGBT Centers
- 30% of LGBT students experienced harassment based on their sexual orientation and/or gender identity within the past year
- 20% OF LGBT undergrads feared for their physical safety because of their sexual orientation or gender identity
- 51% concealed their sexual orientation or gender identity to avoid intimidation.

Hate Crimes

- Hate crimes send a message of terror to an entire group and are therefore unlike a random act of violence
- Many LGBT people worry if they will be the next victim of a hate or bias act
- First time in US history did a federal law include LGB & Trans folks in the Matthew Sheppard & James Byrd Hate Crimes Act of 2009.
- Transgender people, and especially trans people of color, are much more likely to be murdered because of their gender identity
- <http://www.rememberingourdead.org/>

The Observer apologizes for the
absence of *Schad & Freude*.
It will return tomorrow.

THE MOBILE PARTY

COLIN HOEFMAN, JAY WADE & LAUREN ROSEMeyer



What's the easiest
way to turn a fruit
into a vegetable?



No idea.



A baseball bat.

THE OBSERVER

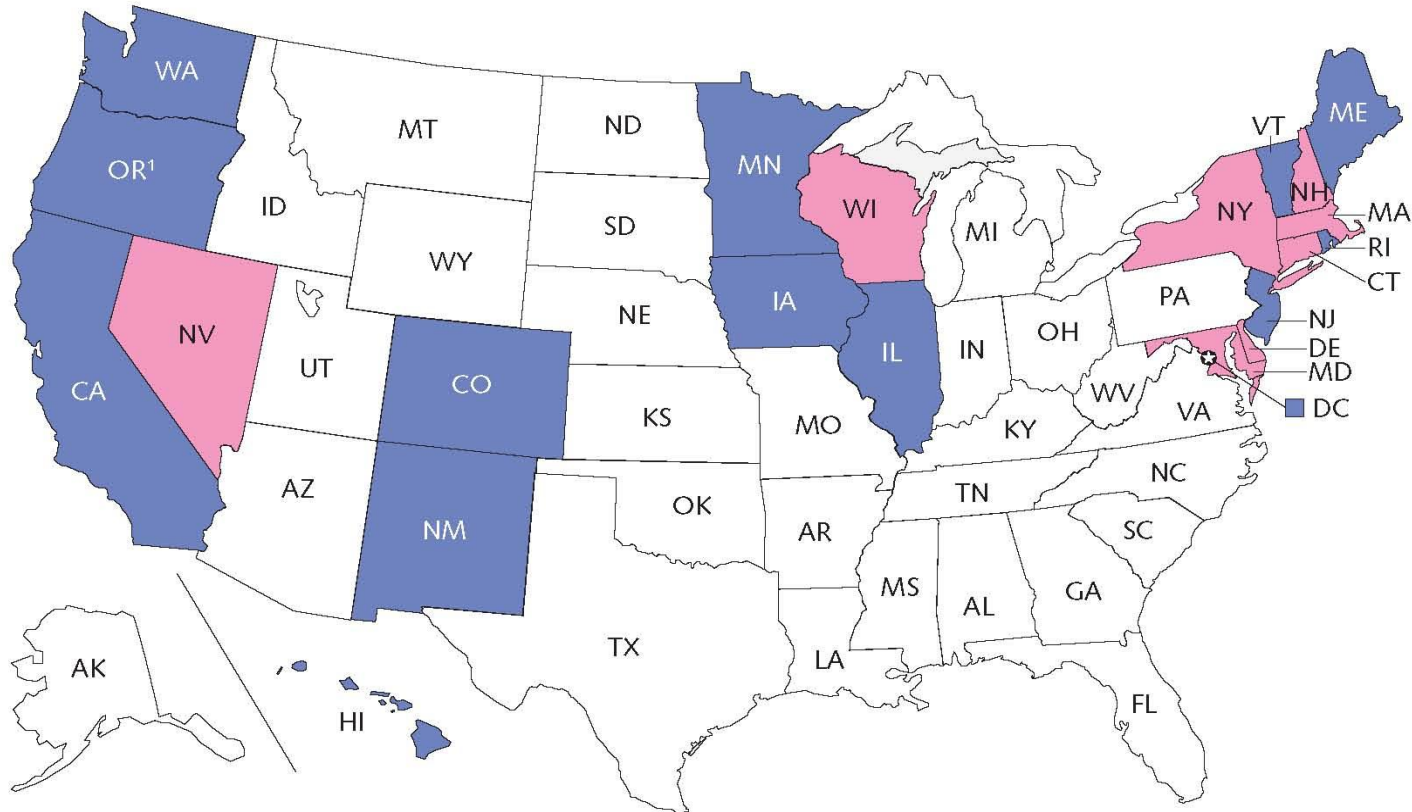
Make checks payable to
and mail to:

Non-Discrimination

- In 29 states, it is legal for someone to be fired because they are LGB
- In 37 states, it is legal for someone to be fired because of their gender identity or gender expression
- Lesbians earn up to 14% less than their heterosexual female peers with similar jobs, education, age and residence

State Nondiscrimination Laws in the U.S.

This map was last updated on July 1, 2009



States banning discrimination based on sexual orientation and gender identity/expression (13 states and the District of Columbia)

Minnesota (1993); Rhode Island (1995, 2001)¹; New Mexico (2003); California (1992, 2003)¹; District of Columbia (1997, 2005)¹; Illinois (2005); Maine (2005); Hawaii (1991, 2005, 2006)²; New Jersey (1992, 2006)¹; Washington (2006); Iowa (2007); Oregon (2007)¹; Vermont (1992, 2007)¹; Colorado (2007)

Laws banning discrimination based on sexual orientation (8 states)

Wisconsin (1982); Massachusetts (1989); Connecticut (1991); New Hampshire (1997); Nevada (1999); Maryland (2001); New York (2002); Delaware (2009)

¹California, DC, New Jersey, Rhode Island and Vermont first passed sexual orientation nondiscrimination laws, then later passed gender identity/expression laws.

²In 1991, Hawaii enacted a law prohibiting sexual orientation discrimination in employment. In 2005, it enacted a law prohibiting sexual orientation and gender identity/expression discrimination in housing. In 2006, public accommodations protections were added for sexual orientation and gender identity/expression.



Don't Ask, Don't Tell

- By the end of 2003 the U.S. military discharged over 10,000 people under DADT
- Although the policy sought to decrease military discharges of gay and lesbian, in reality the discharges of LGBT U.S. service members have climbed 72 percent since the policy went into effect in 1993
- American tax payers foot the \$25 million bill annually to replace the 3-4 service members being discharged daily!
- There are over 1 million LGBT veterans; 65,000 are currently enrolled

Health & Wellness

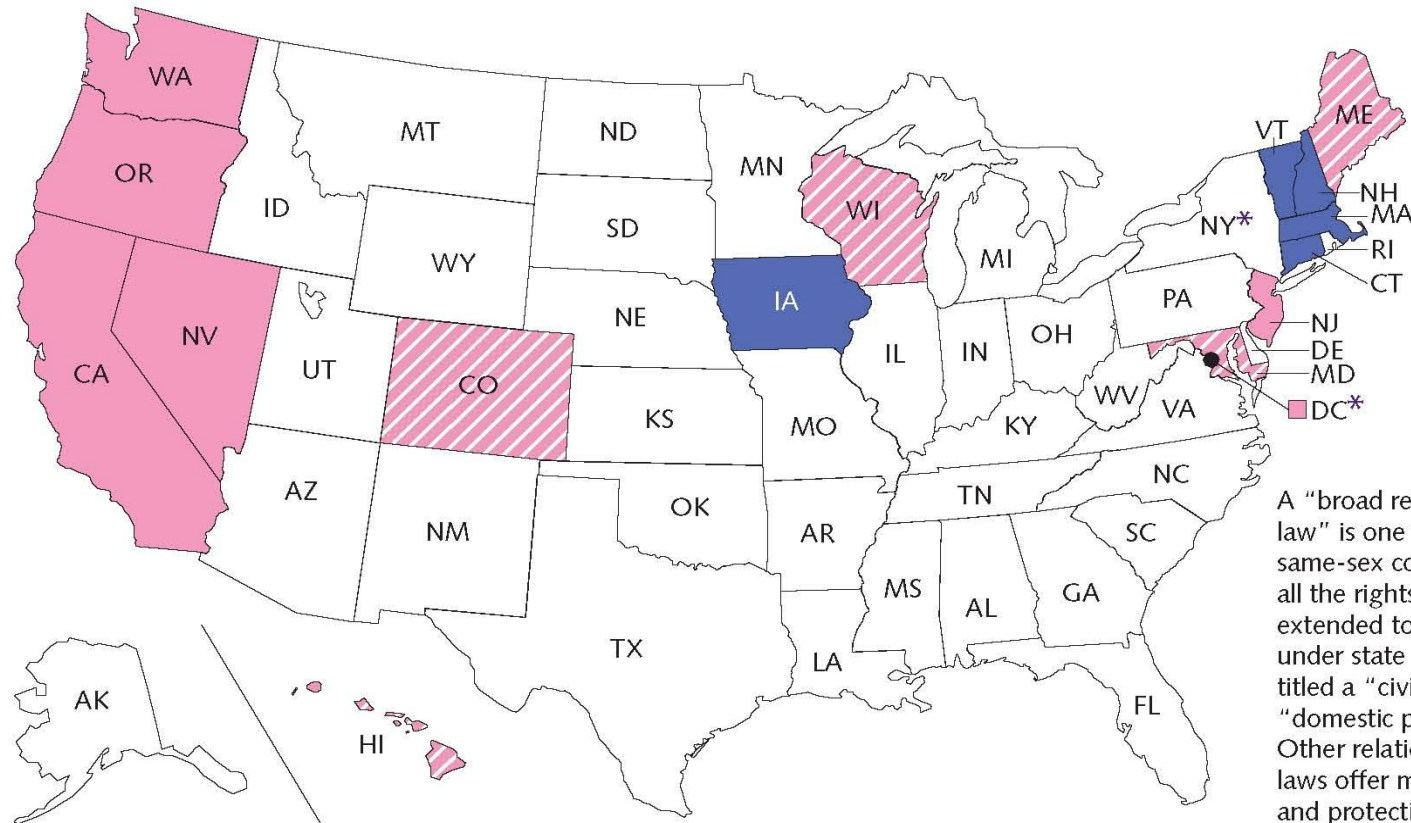
- In December 2008, US Department of Health issued an order saying that medical professionals can refuse to provide treatment on the basis of personal moral beliefs. This would allow any health practitioner or pharmacist to refuse care to LGBT individuals!
- HIV/AIDS disproportionately impacts the LGBT community (current estimates are 50-70% of current HIV+/AIDS individuals in the US to be LGBT)
- 30-50% of LGB people do not share their sexual orientation with their physician
- Gay men are banned from donating blood for life (even though all blood is tested, and current testing can detect HIV within 9 days of infection!)

Marriage & Family Rights

- Denying Marriage rights also denies
 - Hospital visitation rights
 - Rights to pension and survivor benefits
 - Ability to get spousal coverage under medical plans
 - Access to family court (divorce, custody, domestic violence)
 - Immigration benefits
 - Tax benefits (especially for survivor benefits)
 - Adoption and Foster Parenting
- Plus another 1,032 federal rights granted through marriage!

Relationship Recognition for Same-Sex Couples in the U.S.

This map was last updated on: **November 4, 2009**



A "broad relationship recognition law" is one that extends to same-sex couples all or nearly all the rights and responsibilities extended to married couples under state law, whether titled a "civil union" or "domestic partnership" law. Other relationship recognition laws offer more limited rights and protections.

States with full marriage equality

Massachusetts (2004); Connecticut (2008); Iowa (2009); Vermont (2009); New Hampshire (2009)

States with broad relationship recognition laws

civil unions: Vermont (2000); New Jersey (2006); New Hampshire (2007)
domestic partnerships: California (2005)²; Oregon (2007); Washington (2008); District of Columbia (2008); Nevada (2009)

States with limited relationship recognition laws

designated beneficiaries: Colorado (2009)
domestic partnerships: Maryland (2008)¹; Wisconsin (2009); Maine (2004)
reciprocal beneficiaries: Hawai'i (1997)

*** States which recognize same-sex marriages performed in other states**

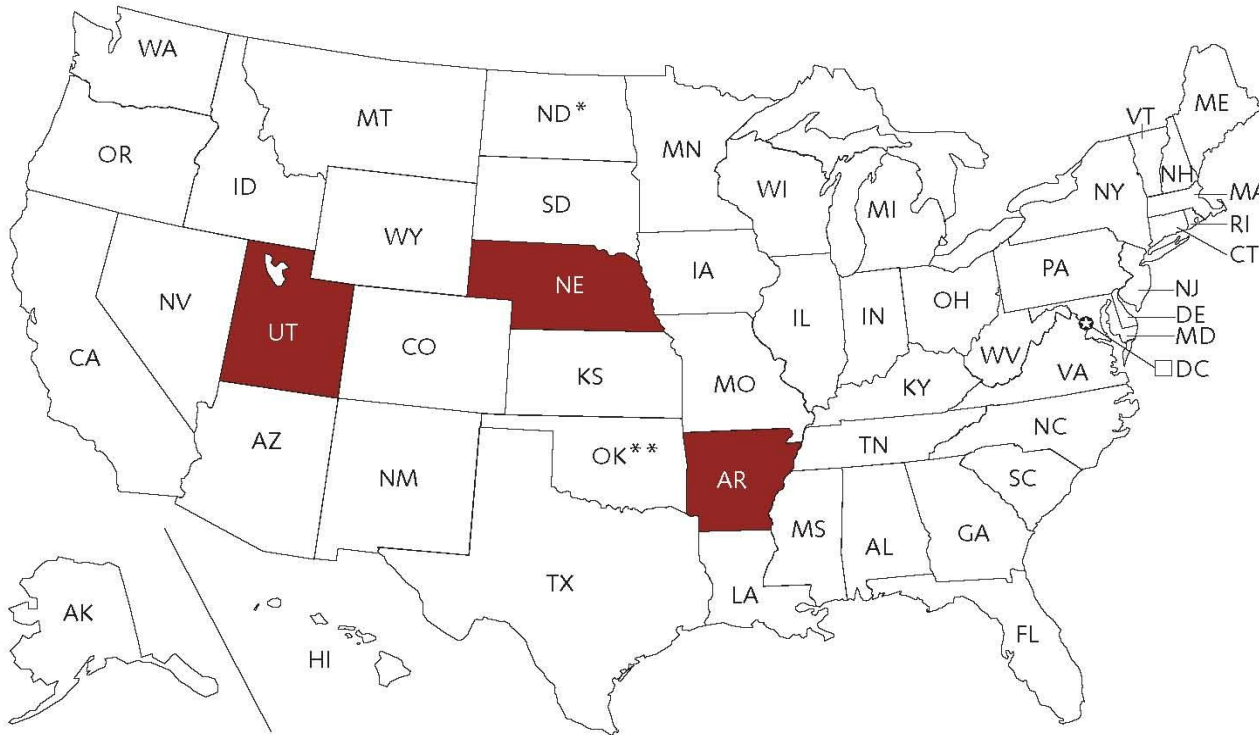
New York (2008); Washington D.C. (2009)

¹In 2008, the Maryland Legislature established "domestic partnerships" granting minimal benefits but the state does not maintain a domestic partner registry.

²California recognizes same-sex marriages legally registered inside or outside of CA prior to November 5, 2008 as marriages. CA recognizes same-sex marriages registered outside of CA on November 5, 2008 or after as domestic partnerships.

Foster Care Laws and Regulations in the U.S.

This map was last updated on: July 13, 2009



*North Dakota law, enacted in 2003, allows child-placing agencies to discriminate against prospective parents based on religious or moral objection, which could result in discrimination against prospective LGBT parents.

NOTE: Parenting rights are always determined on a case-by-case basis. If you are considering becoming a parent or are facing a parenting contest, you should contact the National Lesbian and Gay Law Association (www.NLGLA.org) to identify a lawyer licensed in your state and familiar with LGBT family law.

States with Laws Restricting Foster Parenting

Nebraska – Nebraska policy, by 1995 directive of the then director of Nebraska’s Department of Social Service, prohibits foster parenting by individuals “who are known by the agency to be homosexual or who are unmarried and living with another adult.” It is unclear if this policy is enforced. The Nebraska state constitution restricts marriage to opposite-sex couples.

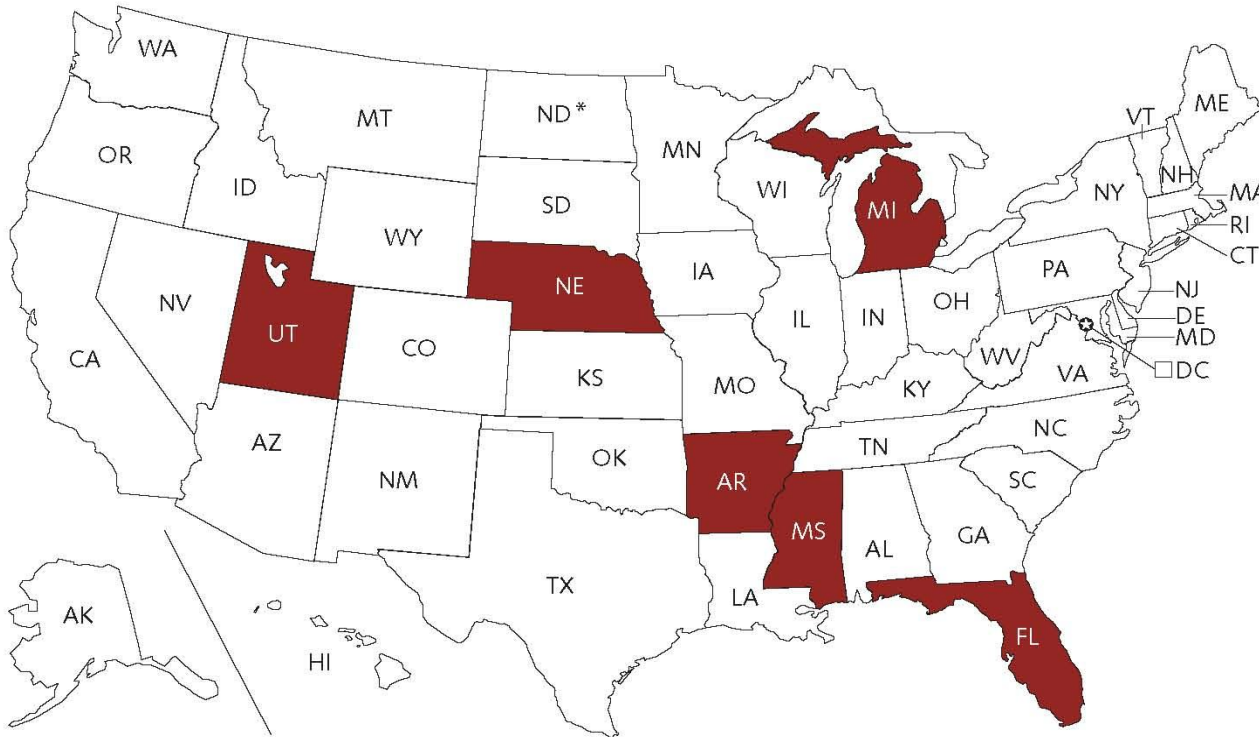
Utah – Utah law, enacted in 2000, prohibits the placement of foster children with “a person who is cohabitating in a relationship that is not a legally valid and binding marriage” under Utah state law. (Cohabiting is defined as “residing with a person and being involved in a sexual relationship with that person.”) A subsequent law, enacted in 2007, gives preference to married couples over single adults in foster care placement decisions. Utah has a state constitutional amendment and a statutory law restricting marriage to opposite-sex couples.

Arkansas – Arkansas law, enacted by a statewide vote on Nov. 4, 2008 and going into effect on Jan. 1, 2009, prohibits the placement of foster care children with an individual if the individual “is cohabiting with a sexual partner outside of a marriage.” The law applies “equally to cohabiting opposite-sex and same-sex individuals.” These same restrictions apply for adoption of children, regardless of whether it is private or public adoption.



Anti-Adoption Laws in the U.S.

This map was last updated on: **November 4, 2008**



*North Dakota law, enacted in 2003, allows child-placing agencies to discriminate against prospective parents based on religious or moral objection, which could result in discrimination against prospective LGBT parents.

NOTE: Parenting rights are always determined on a case-by-case basis. If you are considering becoming a parent or are facing a parenting contest, you should contact the National Lesbian and Gay Law Association (www.NLGLA.org) to identify a lawyer licensed in your state and familiar with LGBT family law.

States with Laws Restricting Adoption

Nebraska – Nebraska policy, by 1995 directive of the then director of Nebraska’s Department of Social Service, prohibits adoption by individuals “who are known by the agency to be homosexual or who are unmarried and living with another adult.” It is unclear if this policy is enforced. The Nebraska state constitution restricts marriage to opposite-sex couples.

Florida – Florida law, enacted in 1977, expressly prohibits “homosexual” individuals from adopting.

Michigan – In 2004, the Attorney General issued an opinion stating that same-sex couples who are married in other jurisdictions are not legally authorized to jointly adopt children in Michigan.

Mississippi – Mississippi law, enacted in 2000, expressly prohibits “adoption by couples of the same gender.”

Utah – Utah law, enacted in 2000, prohibits adoption “by a person who is cohabitating in a relationship that is not a legally valid and binding marriage” under Utah state law. (Cohabiting is defined as “residing with a person and being involved in a sexual relationship with that person.”) A subsequent law, enacted in 2007, gives preference to married couples over single adults in adoption placement decisions. Utah has a state constitutional amendment and a statutory law restricting marriage to opposite-sex couples.

Arkansas – Arkansas law, adopted in 2008, prohibits adoption by an individual “cohabiting with a sexual partner outside of marriage.” The law applies “equally to cohabiting opposite-sex and same-sex individuals.”

National Gay and Lesbian
Task Force

www.theTaskForce.org



Aging issues

- Many LGBT seniors came out when it was still seen as a “disease”, and therefore many are estranged from their families
- LGBT elders have few options for senior care facilities
- Most senior services are not trained or friendly towards LGBT seniors
- Seniors today are impacted by the loss of their friends through AIDS crisis
- Their straight peers grew up at a time when being gay was a mental illness, therefore there is lots of homophobia and transphobia to contend with!

Combined Impact



Impact on LGBT People

- Loss of self esteem
- Anger, frustration, depression
- Internalized homophobia
- Increase use of drugs & alcohol
- Living under constant threat of emotional and physical violence
- Lacked ability to care for our families – financially, lack of social support, lack of legal protections
- Feeling like a second class citizen
- Failed Bystander Effect (when friends and family see the impact of these laws, but do nothing to change it!)

Impact on Campus

- How do all of these laws impact our campus?

Impact on Campus

- Don't Ask, Don't Tell – ROTC, Solomon Amendment
- Same Sex Partner Benefits available, but taxed differentially!
- Students coming out may have their financial support revoked from families
- Homophobic incidents continue to be the most common type of bias at SU
- Hate crimes on campus
- We have blood drives on campus – impact on students?
- Others?

Impact on Campus

- How does this information make you feel?
- What does it make you think?

Creating Change

- What can we do as individuals to create change on campus?
- What can we do to create change on a local, national or state level?

Creating Change

Legislators need to hear from young people & straight allies!

- Dan Maffei: <http://maffei.house.gov/contact/index.shtml>
- Kristen Gillibrand: <http://gillibrand.senate.gov/contact/>
- Charles Schumer: <http://schumer.senate.gov/>
- David Valesky: <http://www.nysenate.gov/senator/david-j-valesky/contact>
- Stephanie Miner: <http://www.syracuse.ny.us/Contacts.aspx>
- Joanne Mahoney: <http://www.ongov.net/executive/contact.html>

Creating Change

Get involved nationally!

- Gay & Lesbian Alliance Against Defamation: www.glaad.org
- Gay Lesbian Straight Education Network: www.glsen.org
- Human Rights Campaign: www.hrc.org
- National Center for Transgender Equality: www.nctequality.org
- The National Gay and Lesbian Task Force: www.thetaskforce.org

(for a more in-depth list please visit our webpage at
<http://lgbt.syr.edu>)

Be an ACTIVE ally

Good Allies ...

- Don't just sit there ... they do something!
- start at home, making a daily concerted effort to end homophobia in your own back yard & within yourself!