



Ending Employment Discrimination in America

Lies, Damned Lies and Statistics about America's LGBT Families

By Bob Witeck

"When you say...you [gay Americans] are not a group of people who need special protection. You do well economically. You are an elite. That is precisely the argument that has been made in behalf of the worst kind of discrimination against Jewish people."

United States Senator Paul Wellstone, July 29, 1994
Responding to an extreme right spokesperson's anti-gay testimony

The late Senator Wellstone delivered that biting argument fifteen years ago, during an historic Senate hearing weighing the passage of the Employment NonDiscrimination Act (ENDA). ENDA ultimately met an aching close Senate vote, failing by one vote.

Fast forward now to 2009. Here we go again.

Familiar political distortions and myths continue being spread, notably by adversaries painting the LGBT community as rich elites. They twist reality to explain that we are rewarded more with privilege than burdened by discrimination. They argue again that ENDA is another way to seek preferential and undeserved special treatment under federal law.

The Traditional Values Coalition and other opponents, once again, selectively cherry pick data to argue that "gay incomes don't justify ENDA." In an action alert made in October 2009, the TVC writes that it doesn't appear "that LGBT individuals are suffering any widespread or systematic discriminatory treatment as employees. Clearly, the stated purpose of ENDA is based on a *falsehood* about widespread discrimination against LGBT individuals."

Paul Wellstone knew a lie when he heard one. So do most Americans.

To start, this is not a debate about privilege. All Americans regardless of their economic circumstances deserve fairness and equal treatment on the job.

The plain fairness of ENDA is so clear that in a national survey this summer conducted for Out & Equal Workplace Advocates, 86% of straight Americans agree that employers should judge employees only on their ability to perform their job, not because of their sexual orientation. Seventy-seven percent of non-LGBT Americans agree also that transgender employees ought to be judged by their performance and not because of their gender identity.

[See http://www.witeckcombs.com/news/releases/20091005_out%26equal.pdf]

That means equal justice for all, and not just for some. Justice in America is not rationed by wealth or economic status, real or fantasized. Now let us also put to rest the hurtful political distortions made about gay affluence and privilege.

For over the past decade, in our analysis of credible market research and many demographic samples including the U.S. Census and the annual American Community Survey – there is not a whisper of evidence that lesbians, gay men, bisexuals or transgender people in general earn more or, on average, are wealthier than other Americans.

In a review of the more than 40,000 American adults who self-identify as LGB and/or T and also who have voluntarily opted in as members of a specialty online panel by Harris Interactive, roughly 38% report incomes of \$35,000 or less – compared with 33% of all U.S. adults over the age of 18. Among wealthier Americans, we see a similar contrast with nearly 15% of LGBT adults reporting incomes over \$100,000, contrasted with 18% of all U.S. adults according to government data.

To make it even clearer, anecdotal evidence and social science investigators have long shown us that transgender citizens in particular are among the most stigmatized among us, and face appalling rates of joblessness, homelessness and victimization.

In addition, thanks to the thorough investigations by the Williams Institute as well as other academicians, for example, we know that employment discrimination, lack of access to marriage, and a greater likelihood of being uninsured exacerbate poverty among LGB people too. A 2007 meta-analysis from the Williams Institute of 50 studies of workplace discrimination against LGBT people found consistent patterns of bias in the workplace. Their analysis found that up to 68 percent of LGBT people reported experiencing employment discrimination, and up to 17 percent said they had been fired or denied employment.

This summer, the Williams Institute released a path-breaking study on the incidence of poverty in America, particularly among same-sex coupled families. They showed us that, comparing families with similar characteristics, gay and lesbian couple families are more likely to be poor than are heterosexual married couple families.

[See <http://www.law.ucla.edu/williamsinstitute/pdf/LGBPovertyReport.pdf>]

This recent study also suggests, in general, lesbian couples have higher poverty rates than either different-sex couples or gay male couples; African-Americans in same-sex couples have poverty rates that are significantly higher than black people in different-sex married couples; and same-sex couples who live in rural areas have poverty rates that are twice as high as same-sex couples who live in large metropolitan areas.

While that snapshot of poverty within portions of the LGBT communities sharpens, let's also consider the discriminatory economic challenges that face many same sex couples, whether or not financially advantaged. This month, the New York Times' personal finance reporting team, Tara Siegel Bernard and Ron Lieber, addressed those questions for the first time – with the aid of a small army of experts in demographics, taxes, health insurance, adoption and family services including Dr. Gary Gates and Dr. Lee Badgett at the Williams Institute.

Their quest was to find out how much more, if anything, same-sex couples must pay to achieve the same protections, safeguards and family status that heterosexual couples and their children take as their birthright.

Their front page story, entitled, "*The High Price of Being a Gay Couple*," concluded that gay couples must pay far more than their heterosexual friends and families to address the same needs, and that the gay couple's lifetime costs of being gay (worst case scenario) nearly reaches a half million dollars (**\$467,562**).

[See <http://www.nytimes.com/2009/10/03/your-money/03money.html> New York Times, October 2, 2009]

Yet, even in the best case scenario for a gay couple raising two children, and assuming one partner stays home for five years to take care of them, must pay an extra **\$41,196** on average more than a similar heterosexual couple also raising two kids.

These higher costs are found in the taxable status of health insurance benefits, as well as differences in estate taxes, pension and IRA accounts, combined with the more complicated and costly path to legal adoption in many jurisdictions, and finally, the longstanding exclusion from federal and state safety net programs from Social Security to disability benefits to veterans' pensions.

The New York Times rightly concluded: "Nearly all the extra costs that gay couples face would be erased if the federal government legalized same-sex marriage."

This picture of discrimination and unfairness is very real. While LGBT people generally do not consider ourselves "*victims*" as a class, many of our households and families are consistently penalized by unfair and unequal public policies, by our status as sexual minorities, by gender and race as well, and that is the story we find here. The passage of federal legislation such as the Employment NonDiscrimination Act, and the repeal of the Defense of Marriage Act also would begin to lift these burdens that unfairly touch the lives of millions of LGBT Americans.

Despite these persistent hallmarks of discrimination, we also see that our community's contributions to the economy remain real and measurable, as consumers, taxpayers, workers, investors, managers, and entrepreneurs – as well as parents and as family members.

We matter not to American society because we all are thought to be "*rich*," which is untrue, but because we still have decision-making power, purchasing power and entrepreneurial power to create assets, income and protection for ourselves, our family, our employers and for our community. Business leaders know this, and many of America's top corporations value us, respect us and welcome us equally with all others.

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