

**LGBTQ YOUTH AND YOUNG ADULT SURVEY:
A JOINT PROJECT ON MARRIAGE EQUALITY OF
THE UNIVERSITY OF FLORIDA CENTER ON CHILDREN AND FAMILIES
AND THE EMORY CHILD RIGHTS PROJECT**

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Introduction

This report presents the unheard voices of LGBTQ youth. Collected through a survey, their stories articulate how they are unfairly prejudiced by marriage inequality. The survey was conducted in connection with an amicus project for the United States Supreme Court, arguing that denial of the right to marry and recognition of same-sex marriage, sanctioned by the federal Defense of Marriage Act (DOMA) and the laws of certain states, violates equal protection and substantive due process rights under the Fourteenth Amendment. These voices support social science research on LGBTQ youth that demonstrates the impact of DOMA on the lives of LGBTQ youth. This report focuses on five themes represented in the voices of LGBTQ youth. The themes embody the reflections of youth examining the denial of same-sex marriage by the U.S. government: stigmatization by their peers and society; hardships in defining their sexual identity; difficult life decisions imposed on them as a result of DOMA; the effect that the denial of same-sex marriage has on a young person's identity; and their fears and hopes for the future to be accepted and supported as full citizens. The federal government's interests are not legitimized by a tradition that is grounded in prejudice, discrimination, and legal animus enshrined by DOMA

Survey Methodology

Participants

The total number of participants at the time this Survey was compiled was 134. As of February 22, 2013, an additional 33 participants submitted responses to the survey, totaling 167 people. All participants identified themselves as members of the LGBTQ community, which may go beyond the classic acronym of Lesbian, Gay, Bisexual, Transgender and Queer, to include orientations such as pansexual, androgynous or questioning. The participants also ranged in age from 13 years old to 26 years old.

Materials

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A survey was designed through a Gmail account set up for correspondence about this project. The questions were as follows:

1. Has the denial of same-sex marriage on a federal level affected your understanding of your identity as an LGBTQ person? If so, how?
2. From your perspective as an LGBTQ person, have there been any instances or circumstances of homophobia-both symbolic and physical-that you have experienced because the United States does not permit same-sex couples to marry? It can be anything from something you may have heard on the radio, seen on television, or a conversation with your peers or friends.
3. Based on your reflections, were there any experiences at school (primary, secondary, or university) that were positive or negative because of your LGBTQ identity? Were you able to find friends or mentors who understand, or who sought to understand, your journey of expressing your sexuality in a manner different from the traditional model of heterosexuality?
4. In the recent 2012 election, marriage equality for same-sex couples was achieved in Washington State, Maryland, and Maine. A constitutional amendment that would have prohibited same-sex marriage in Minnesota was also defeated. Although these are important victories in the struggle for LGBTQ equality, on a federal level, marriage is still defined between a man and a woman, and therefore, many important federal benefits are denied to same-sex couples. Do these victories give you hope however that marriage equality will someday be provided and guaranteed on a federal level for to all Americans, including LGBTQ persons?
5. Did knowing that same-sex couples are not legally allowed to marry make it harder for you to accept your sexual orientation? If so, please explain why.
6. If you are out, did the lack of federal same-sex marriage recognition affect your feelings about whether to come out or not? If you are not out, does the lack of federal same-sex marriage recognition affect your feelings about whether to come out or not? If so, please explain how the lack of same-sex marriage recognition affected your coming out decision.
7. Imagine that you have the chance to write a letter to the Supreme Court justices to explain to them what it is like to be an LGBTQ person. What would you tell them about your life and the ways that lack of recognition for same-sex marriage affects your life?
8. Are there any additional reflections or experiences you would like to share with us concerning your LGBTQ identity as a youth or young adult?
9. If you desire, please feel free to state your name, age, gender, and any other information you would like to include, such as your profession, or if you are a student (and where ie. your university). Please also state if you would like your identity to remain anonymous should your testimonial be included in the brief. And of course, providing this identifying information is completely voluntary and optional.

Procedure

The link to the survey was uploaded to the Internet at approximately 1pm on January 19, 2013. Responses were collected until approximately 5:30 pm on January 21, 2013. Participants were asked to reflect and articulate how the lack of same-sex marriage recognition on a federal

level for same-sex couples has affected them, to share their personal story with the country's highest court, and to inform the Supreme Court Justices how DOMA and Prop 8 have impacted them.

The team relied on social media sources. Each team member sent the link of the survey to the LGBTQ organizations and list serves he or she was a part of, and asked that the link be forwarded on to those who wish to have a voice in this matter.² Further, each team member posted the link on their Facebook page, which was then shared by their colleagues and peers on their respective Facebook pages. Because the focus of the inquiry was aimed at a younger audience of LGBTQ youth, a link was posted to the survey on Reddit, a social news and entertainment website where registered users can post content in text or linked form.³

Result

The response and support for the study was overwhelmingly positive. Consequently, the task of deciphering themes and selecting the most relevant responses to highlight in the team's report was a challenging endeavor for two main reasons. First, we wanted to articulate the complexity, richness, and depth of the testimonials we had the privilege of reading. Second, as a group of four law students, we each brought our own unique perspective to this project. Yet as the themes became apparent, so did the voices of the LGBTQ youth the team was trying to represent. The participants aptly articulated what the denial of same-sex marriage by the U.S. government meant in their lives. Their reflections discussed stigmatization by their peers and society, hardships in defining their sexual identity, difficult life decisions imposed on them as a result of DOMA, the effect that the denial of same-sex marriage has on a young person's identity, and their fears and hopes for the future to be accepted and supported as fully citizens.

In an effort to appropriately identify the participants, a number was enclosed in brackets following each testimonial. This number indicates the row number that the testimonial was taken from on the master excel spreadsheet. These numbers indicate any identifying information that the participant conveyed: age, gender, profession, and/or name. Since identity was a central theme in the testimonials, the individual's gender identity is included in this Report, if they provided it. Participants specified whether or not they wished to remain anonymous should their testimonial be used in any way.

² A list serve, often spelled *listserv* is an electronic mailing list of people who wish to receive specified information from the Internet. LISTSERV. (n.d.). Collins English Dictionary - Complete & Unabridged 10th Edition. Retrieved February 23, 2013, from Dictionary.com website: <http://dictionary.reference.com/browse/LISTSERV>

³ The survey was posted to main LGBTQ-related Reddit pages as well as a page specifically devoted to academic research: reddit.com/r/ainbow, reddit.com/r/lgbt, reddit.com/r/actuallesbians, reddit.com/r/acGAYdemia, reddit.com/r/bisexual, reddit.com/r/genderqueer, reddit.com/r/pansexual, reddit.com/r/TransSpace, reddit.com/r/LGBTeens, reddit.com/r/SampleSize

Discussion

I. Stigma

What are the effects of growing up in a homophobic society, in particular to a child who is struggling to grapple with their identity as an LGBTQ person? Discriminating against individuals based on their sexual orientation through the denial of same-sex marriage forces LGBTQ children to “tragically question their own self-worth and their rightful place in a society that fails to recognize their basic human dignity.”⁴

The following testimonials, drawn from LGBTQ youth across the United States, portray the stigmatizing harm of growing up in a society that excludes LGBTQ persons from the heteronormative definition of marriage as delineated by DOMA.

Illustration A:

I was terrified to come out. Not necessarily because of my personal situation. I think it was the broader cultural stigma. I've known since at least the age of 11, but I didn't decide to tell anyone until I was 20, in college, after a long bout with suicidal depression that severely negatively impacted my grades and my social life. But I found acceptance among my closest friends, and after a bit of time, my parents. I'm getting better grades, I'm more involved in the community and I'm more willing to just go out and have fun. Hiding from myself nearly killed me. Accepting myself has allowed me to thrive. **[R19] M-20 years old**

Illustration B:

I'm scared to come out as bisexual. I hate the stigma, and I hate being afraid of the possibility of falling in love with a woman and not being able to get married. Right now I'm lucky enough to be in a relationship with a wonderful guy, but what if things hadn't worked out that way? What if I'd ended up with a wonderful girl? **[R78] F-21 years old**

Illustration C:

Every single day I walk through the halls of my incredibly liberal high school located in Port Washington, New York. Although most students approve of gay marriage, or at least aren't against it -- This year, I have some of my favorite teachers. I am so happy to be able to have them as a teacher, but because most teachers aren't incredibly open with their political and societal views, I have no idea if they would support me. It would be incredibly shattering to realize that just because my teachers know I am in a relationship with a girl, that they would then view me differently and therefore view my academic status differently. Do you think they would grade me differently? Do you think they would not like me anymore? Do you think they would be disgusted? Or maybe, just maybe they would be completely supporting. But for the most part, I am too afraid to

⁴ Anthony Michael Kreis, *Is Marriage Equality Inevitable*, HUFFPOST GAY VOICES, Sept. 13, 2012, 6:22PM, at 1, available at http://www.huffingtonpost.com/anthony-michael-kreis/is-marriage-equality-inev_b_1876010.html (last visited January 26, 2013).

even begin thinking about letting the whole student body know or my teachers, that I identify as gay. **[R45] F-15 years old**

Illustration D:

I am a nanny and babysitter, and I have held this position for several years. I take my job very seriously. It has been suggested to me before that I shouldn't have a role in the lives of children because I might confuse them in a sexual or gender related way. I think that it is good for children to be exposed to a wide spectrum of gender identity, and I don't think that my sexuality ought to affect my work at all, and so it does not. My sexuality does not affect my ability to love a child, love a pet, love a sibling, love my country, love a book or love myself. **[R60] Legally F (non-identifying) – 17 years old**

Illustration E:

It basically is saying I am a second-rate citizen. This leads me to feel as though my LGBTQ identity makes me unworthy of basic human rights in the eyes of the US gov't. I feel alienated from my own country.-- I feel as though much of the population in my own country hates me and my own government is enabling and supporting their views.

The Prop. 8 argument articulates an unfounded rejection of gay and lesbian people and the commitments they desire to form. And passed, it cements that rejection. My expectation is that while the rest of my community may disengage me because of my orientation, my government would not. Otherwise, it amplifies the rejection and legitimizes the stigma associated with Prop. 8. **[R2] M-22 years old**

Illustration F:

When my partner and I decided to tell our friends and family that we were together, we were kicked out of the church in Minnesota which we had attended for years because of our homosexuality. As the November election and the amendment to ban gay marriage drew close, there were many messages of homophobia from the church, community discussion forums, the radio, the newspaper, the internet, the television, and many other places. Apparently, God, Minnesotans, nature, biology, and families believe that I am less than a human being, not afforded the respect of humans. Thankfully, the majority of Minnesotans spoke against the ban, which restored my dignity.

The lack of federal same-sex marriage recognition did affect our decision to announce our same-sex relationship. We knew that many would disassociate with us because of our relationship. I believe that Americans take their cue from the government--if the government recognized us as equals with heterosexual couples, I believe that opinions of many ignorant Americans who just haven't had the privilege of knowing someone who is LGBTQ would change. **[R3] F-no age given**

Illustration G:

I, and numerous friends like me, have been told we can't experience true love, by friends and politicians alike. **[R20] M-18 years old**

Illustration H:

In college I was told that I should be counseled to get rid of my attractions so that I could find a girl and lead a "normal" life. My attractions were called unnatural, harmful, and I was told that I could not be happy with these attractions and would never be truly happy with them. **[R22] No gender identified-20 years old**

Illustration I:

Today's youth in my state is extremely homophobic. Gay is synonymous with stupid or bad. Fag is tossed around constantly, and it's not considered a bad word. The conditions of growing up different is absolutely horrific at times. **[R25] M-15 years old**

Illustration J:

I was bullied throughout my middle school years because I was thought to be homosexual due to my feminine characteristics. My teachers knew yet did nothing to help me. This happened much less frequently in high school, but I have never met a mentor who understood what it was like to be genderqueer. **[R26] Genderqueer-22 years old**

Illustration K:

Well, I am still in high school. There's constantly homophobia and ignorant people everywhere, but that's high school. There are certain kids that will yell "Dyke!" or "Faggots!" at me and my girlfriend in the hallway if we hold hands, but at the same time, there's friends that we have who are on the stronger side who will walk with us to see if anyone dares to yell something. None of our friends are homophobic, and are all very accepting. We are also both in the band, and on several occasions the band teacher, who is a straight gay rights activist, has helped us or other LGBTQ band members out in difficult situations involving hate and bullies. She has made sure that the band is a safe place to be out, and has kicked a few people out of band for being bigots and expressing hate. **[R35] F-14 years old**

Illustration L:

I've known I was gay since I was in 6th grade but I also knew that if I was gay I wouldn't be able to get married with that one I truly loved, therefore I wouldn't be able to share those moments in which my parents enjoyed, I thought that the bond of marriage is what keeps two together through thick and thin was not for me, and thus my adult life would not be the haven which I say as a kid. Those thoughts caused me to force down the true me and replace it with a falsetto of me, and keeping myself from enjoying the normal emotions which kids feel because I thought that lifestyle wasn't for me. **[R105], High School student**

Illustration M:

I may only be 14, but in maybe 10+ years I will be at the age where a lot [of] people marry, have kids and start a family. But if things don't change, I won't be able to marry. Adopt kids with my husband or go beyond the benefits if a civil union. I want to be just like everyone else and be able to marry who I love and be treated like any other person because I am no different. I am a human being but I am being treated as a lesser because of my sexuality. **[R134], M-14 years old**

The Effects of Stigmatization on LGBTQ Persons: The Trevor Project

Social science research studies by the Trevor Project have documented the effects of homophobia and stigma on the self-esteem, the sense of purpose, and well-being of LGBTQ children. The Trevor Project is the leading national organization in the United States that provides crisis services and suicide prevention to LGBTQ youth.⁵ The Trevor Project was created based on the 1998 film *TREVOR*, written by James Lecensne, Peggy Rajski, and Randy Stone. The film, set in 1981, portrays the coming-of-age experience of a young gay boy. He is rejected by his peers because of his sexuality, and attempts to take his life in order to eliminate the pain and alienation he experiences as a result of this rejection. The filmmakers realized that many of the young viewers of the film were also facing similar crises.⁶

The Trevor Project focuses its energies and resources in three main areas: suicide prevention and intervention, primarily through a youth hotline, building community relationships between grassroots volunteers and the Trevor Project's national headquarters, and public policy initiatives, research, and educational awareness.⁷ Its vision is to create "[a] future where the possibilities, opportunities and dreams are the same for all youth, regardless of sexual orientation or gender identity."⁸

The following statistics help to elucidate the concrete effects of the stigma attached to LGBTQ youth as portrayed in the testimonials listed above, particularly the consequences of bullying, harassment, and alienation.

First, suicide is the third leading cause of death among individuals aged 10 to 24, and accounts for 12.2% of the deaths each year for this age group.⁹ Second, LGB youth are four times more likely, and questioning youth are three times more likely, to attempt suicide in comparison to their straight peers.¹⁰ Third, LGB youth whose families reject them because of their sexual orientation or gender are up to eight times as likely to have attempted suicide as LGB peers who reported no or lower degrees of familial rejection.¹¹ Fourth, in 2011, one out of six students in the United States (grades 9-12) seriously contemplated suicide in the past year.¹²

⁵ The Trevor Project, available at <http://www.thetrevorproject.org/Programs> (last visited Jan. 25, 2013).

⁶ The Trevor Project, available at <http://www.thetrevorproject.org/Programs> (last visited Jan. 25, 2013).

⁷ The Trevor Project, available at <http://www.thetrevorproject.org/Programs> (last visited Jan. 25, 2013).

⁸ The Trevor Project, available at <http://www.thetrevorproject.org/organization> (last visited Jan. 25, 2013).

⁹ National Vital Statistics System, National Center for Health Statistics, CDC, 10 Leading Causes of Death by Age Group, United States, 2009, available at <http://www.cdc.gov/injury/wisqars/pdf/10LCD-Age-Grp-US-2009-a.pdf> (last visited Jan. 25, 2013).

¹⁰ Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9-12: Youth Risk Behavior Surveillance, CDC, 2011, available at <http://www.cdc.gov/mmwr/pdf/ss/ss60e0606.pdf> (last visited Jan. 25, 2013).

¹¹ Caitlin Ryan, Stephen T. Russell, David Huebner, Rafael Diaz, and Jorge Sanchez, *Family Acceptance in Adolescence and the Health of LGBT Young Adults*, *Journal of Child and Adolescent Psychiatric Nursing*, available at http://familyproject.sfsu.edu/files/FAP_Family%20Acceptance_JCAPN.pdf (last visited Jan. 25, 2013).

¹² Centers for Disease Control and Prevention. *Youth Risk Behavior Surveillance. MMWR 2012;61 (2011)*, available at <http://www.cdc.gov/mmwr/pdf/ss/ss6104.pdf> (last visited Jan. 25, 2013).

These broad figures become even more critical when we narrow the scope of measuring the stigmatizing effects on LGBTQ youth.

- 11.5% of gay and lesbian youth at home report being physically attacked by family members;
- 42% of homeless youth self-identify as gay/lesbian; gay people are “probably the most frequent victims of hate crimes in the United States;”
- 45% of gay males and 20% of lesbians report having experienced verbal harassment and/or physical violence as a result of their sexual orientation during high school;
- 42% of adolescent lesbians and 34% of adolescent gay males who have suffered physical attack also attempt suicide;
- 30% of gay and bisexual adolescent males attempt suicide at least once;
- 83% of adolescent lesbians use alcohol, 56% use other drugs, and 11% use crack and/or cocaine;
- 68% of adolescent gay males use alcohol, 44% use other drugs
- less than 20% of guidance counselors have received any training on serving gay and lesbian students;
- only 25% of guidance counselors consider themselves “highly competent in serving gay and lesbian youth;
- teachers fail to intervene in 97% of incidents;
- 78% of school administrators say they know of no lesbian, gay, or bisexual students in their schools, yet 94% of them claim they feel their schools are safe places for these young people.¹³

The sobering reality of suicide among LGBTQ youth becomes even more complicated and dire when we narrow the scope to racial minorities. According to a 2011 study performed by the Center for Disease Control, attempts at suicide were nearly two times higher among Black and Hispanic than White LGBTQ youth.¹⁴ Moreover, if we narrow our scope to transgendered youth, the risk of suicide increases significantly. According to the American Association of Suicidology, “nearly half of young transgender people have seriously thought about taking their lives and one quarter reported having made a suicide attempt.”¹⁵

In contrast to the negative effects of stigmatization based on sexual orientation, the positive effects of mitigating stigma have also been identified. A significant community-based ethnographic study of self-identified gay, lesbian and bisexual youth revealed the following observation concerning the reduction of stigma as a result of the increased acceptance of same-sex relationships.

¹³ Harris, Nicolyn. Dylan, Maurice. *Safe Rules or Gays' Schools? The Dilemma of Sexual Orientation Segregation in Public Education*. 7 U. Pa. J. Const. L. 183, Sept., 2004, at 21.

¹⁴ Centers for Disease Control and Prevention. *Youth Risk Behavior Surveillance*. MMWR 2012;61 (2011), available at <http://www.cdc.gov/mmwr/pdf/ss/ss6104.pdf> (last visited Jan. 25, 2013).

¹⁵ The Trevor Project, available at <http://www.thetrevorproject.org/HistoryOfTrevor> (last visited Jan. 25, 2013). See also Arnold Grossman and Anthony R. D'Augelli, “Transgender Youth and Life-Threatening Behaviors,” The American Association of Suicidology, (2007), available at <http://transformingfamily.org/pdfs/Transgender%20Youth%20and%20Life%20Threatening%20Behaviors.pdf> (last visited Jan. 25, 2013).

The rising social acceptance of same sex marriage approval, combined with information on the internet and greater media awareness of diversity, including the influence of supportive role models among celebrities in film, sports, and in public affairs has made it possible for an increasing number of young people to have greater awareness and understanding of their sexual feeling and desires and to integrate those into fabric of self and interpersonal relations early in life.¹⁶

II. Sexual Identity (Coming Out Experience)

The denial of same-sex marriage has affected the identity of LGBTQ youth. Activist and scholar Andrew Sullivan discusses how this denial permeates the socialization of LGBTQ youth.

Marriage provides...a mechanism for emotional stability and economic security...[A]s gay marriage sank into the subtle background consciousness of a culture, its influence would be felt quietly, but deeply among gay children. For them, at last, there would be some kind of future; some older faces to apply to their unfolding lives, some language in which their identity could be properly discussed, some rubric by which it could be explained – not in terms of sex, or sexual practices, or bars, or subterranean activity, but in terms of their future life stories, their potential lives, their eventual chance at some kind of constructive happiness.¹⁷

As the following testimonials illustrate, DOMA has not only affected the sexual identity of LGBTQ youth, it has also colored their social status in their schools, families, and communities.

Illustration N:

Ultimately, what stunned me the most was the ‘compassion’ that my fellow students had towards gays and lesbians. This compassion consisted of denying the right to marry to homosexual couplings. Lunch, one afternoon, I learned that everyone at the table simply could not vote No on Prop. 8 - to do so would promulgate the gay lifestyle. Now, of course, this made publicly coming out difficult, but this made accepting myself a little easier. It helped me realize that too much of my life was a dramaturgical endeavor; authenticity is much more valuable, especially as I came to understand I was no less of a person for being attracted to men. I was just as capable of goodness and goodwill.

...

I've been told that ‘Sin is sin, Mark. Homosexuality is just like any other sin.’ My desire to be in a committed relationship with another male is compared to murder and thieving and adultery. But it's not. My desire to love another person, stay committed to them, be vulnerable with them, sacrifice for them, share with them is no way comparable. There was once a time when I was prayerful, begging God to alter my orientation. Now, I'm not convinced God would have that. Coming out has been a lesson in love, what it means to

¹⁶ Michelle Marzullo and Gilbert Herdt, *MARRIAGE AND LGBTQ YOUTH: THE PRESENT AND FUTURE IMPACT OF SEXUALITY POLICY CHANGES*, *S39 Ethos* (2011), at 541.

¹⁷ Andrew Sullivan, *Virtually Normal: An Argument About Homosexuality*, (1995), at 182, 184.

know myself in order to really begin to know someone else. I am a stronger person, a better person as a young gay male. **[R2] M-22 years old**

Illustration O:

I think the only effect that federal denial of SSM has had on my identity as a bisexual male has been from the widespread discrimination in society: the factors which led to the passage of DOMA, rather than the law itself. But these factors as embodied by the law have led to an internalization of the bias, to me viewing the homosexually-attracted aspects of myself as less real, or less valid.

...

Growing up, you see yourself as the prototypical human, as representative of all that you've been told to value. And knowing that the government doesn't recognize same-sex love as valid or legitimate makes it hard to even consider the possibility of being something other than what society sees as the ideal. It is hard to come to terms with an individual identity that you are told (even only implicitly) cannot be reconciled with the laws of the country you love.

...

I think that I did delay my coming out because of the rejection of SSM on a national scale, because the discrimination that DOMA justifies makes it easier for my status as LGBTQ to negatively affect my public life. **[R10] M-20 years old**

Illustration P:

When I realized I was Bi, I realized that I had just stepped into a world where love made my life infinitely harder. I didn't understand that at first; love is supposed to be a blessing. Why should it matter to anyone else who I want to love and share my life with? It hurts when the government of a country I swore to uphold and protect will sit there and deny me the right to love and marry someone.

...

I wouldn't say I came out in a big way, but the way our laws are written, I have to come out in little ways every week, every month, every year. I have to scope out co-workers and I have to make little excuses about my boyfriend, just to keep us safe. I have to pick and choose who I come out to, and I have to be especially careful at work. I don't have the rights or the freedoms to speak or live openly. **[R15] M**

Illustration Q:

I often suppressed and hid my sexuality until college because I felt that I would never make it with my identity in society, being afraid that I would never be able to be married, and afraid of how that would affect my life with whoever I ended up with.

...

I am only out to a select few people. The lack of a legitimate view on my relationship has affected it greatly, only choosing to come out to people that would view the relationship as legitimate and accept it. With no legal recognition of marriage, I feel like coming out at this time would only be a waste of time because of prejudices I would face, and there would be no legal recognition to back us up. **[R22] No gender identified-20 years old**

Illustration R:

The federal government denying marriage equality has led to a sense of "it's against the law to be gay." It's made it very difficult to come out as myself.

...

I felt that the feelings I felt were wrong, even illegal. It took me several years to finally accept myself. Not even the government approved of me.

...

It's [the lack of marriage recognition] made me be very cautious of who I come out to. I always make sure that whoever it is accepts me because it feels like the majority won't.

...

The lack of recognition seems to have caused a feeling that if you like the same sex, there's no point in settling down. It's added a huge over-sexualization to the gay community, especially the youth. **[R25] M-15 years old**

Illustration S:

The fact that I may grow up and not be able to marry the person I love has not only affected my understanding of my identity, it has affected my understanding as a person. It makes me feel as though I am not a human being like everyone else. That anyone who is LGBTQ is less of a person. That is the reason it took me so long to accept who I am, and realize that I am a human being and that I deserve equal rights. **[R96] F-18 years old**

Echoing Andrew Sullivan's reflections at this beginning of this section, the influence of limiting marriage to heterosexual couples produces a pervasive effect that undermines the self-worth of LGBTQ youth and impinges their development in relation to their peers. It is an influence that is deeply felt and experienced, but one that has not received recognition or the proper attention it deserves.

Social Science Perspective: Sexual Diversity in the School System is not equated with Safe Environments for LGBTQ Youth

Research gives support to the intense bias and discrimination that gay students face in school. LGBTQ students "hear anti-gay slurs such as 'homo,' 'faggot,' and 'sissy' about twenty-six times a day or once every fourteen minutes. Even more troubling, a study found that thirty-one percent of gay youth had been threatened or injured at school in the last year alone." Listed below are just a few of these troubling statistics:

- 97% of students in public schools report hearing homophobic remarks from peers;
- 53% of students report hearing anti-gay remarks made by school staff;
- 80% of prospective teachers report negative attitudes toward sexual minority youth
- 67% of guidance counselors harbor negative feelings towards gay students;
- 77% of prospective teachers would not encourage a class discussion on homosexuality;
- 85% [of teachers] oppose integrating gay/lesbian themes into curricula;
- 80% of lesbian and gay youth report feelings of severe social isolation.¹⁸

¹⁸ Harris, Nicolyn. Dylan, Maurice. *Safe Rules or Gays' Schools? The Dilemma of Sexual Orientation Segregation in Public Education*. 7 U. Pa. J. Const. L. 183, (Sept., 2004), at 21.

In light of these statistics, the dominant conversation in the research literature on LGBTQ youth centers on public health concerns, situating them as at risk for suicide (Remafedi et al., 1998; Szalacha, 2000), at risk for being bullied (Halberstam, 2005), at risk for discrimination (Kosciw, 2003), at risk for low self esteem (Ngo, 2003), and perhaps most salient to sexual health, at risk for HIV/AIDS (Bockting et al., 2005; Goodenow, Netherland, & Szalacha, 2002).¹⁹

To counter these risk factors that undermine an individual's self-worth, researchers draw on the concept of resiliency. Resiliency describes individuals or groups of individuals who, despite a specific risk factor (e.g., poverty, racial discrimination), overcome the odds by surviving and thriving in life (Ream & Savin-Williams, 2005b). Sources of resiliency can come from protective factors, such as school environments or family support, and developmental assets such as expertise using the Internet. According to Ream and Savin-Williams, LGBTQ youth might experience risk factors such as "heterosexism, homophobia, and intolerance of variations in gender expression" (2005b, p. 724). Given the homophobic and silencing nature of an abstinence-only until marriage sexuality curriculum, LGBTQ youth receiving such an education might be considered at risk for experiences with heterosexism and homophobia. Resilient youth in an abstinence-only program would likely need to experience other protective or developmental factors such as the media, a supportive family or religious group, and expertise using the Internet or library for information acquisition.²⁰

III. Difficult Decisions as a Result of DOMA.

DOMA has caused many LGBTQ youth to make tough decisions regarding where to live, how to provide for their significant other, or whether or not to disclose their sexuality. Some of these may sound like simplistic decisions made by everyone. However, LGBTQ individuals are confined by social mores and legal restrictions based on their sexual orientation or gender diversity. Research supports that marriage equality has altered the way LGBTQ youth understand their intimate relationships.²¹

Below are illustrations of LGBTQ youth who have had to encounter difficult decisions whilst navigating their intimate relationships.

Illustration T:

It made me scared to pursue another woman, even when I really loved her. I was afraid that together we could never have a normal life. We would never be able to even visit one another in the hospital, adopt kids, or be recognized by our own families as being in a relationship that had any meaning to others. I would never be able to introduce my wife, but my girlfriend of x years. I shied away from my

¹⁹ Christopher Michael Fisher, *Queer Youth Experiences with Abstinence-Only-Until-Marriage Sexuality Education: "I can't get married so where does that leave me?"* Journal of LGBT Youth, Routledge Taylor & Francis Group, 61-79, 2009.

²⁰ Fisher, Christopher Michael. *Queer Youth Experiences with Abstinence-Only-Until-Marriage Sexuality Education: "I can't get married so where does that leave me?"* Journal of LGBT Youth, Routledge Taylor & Francis Group, (2009), at 65.

²¹ Michelle Marzullo and Gilbert Herdt, *Marriage Rights and LGBTQ Youth: The Present and Future Impact of Sexuality Policy Changes*, 39 *Ethos* 526-52, 537(2011).

orientation for years because of this and was very depressed to the point of being suicidal. **[R130] F-23 years old**

Illustration U:

I found the woman I love in graduate school in Minnesota, a state that doesn't yet recognize same-sex marriage. When she graduated, she found a job in Iowa, a state where same-sex marriages are legal. We hope to move back to Minnesota as that is our home with all of our friends and family, but are torn because we could get married here in Iowa. As a person who identifies as LGBTQ, it makes me feel inferior to heterosexual people knowing that I have to make a choice between marrying the person I love (and having that marriage recognized) and being close to my friends and family. **[R4] F, no age given**

Illustration V:

It is tough to be LGBTQ and fear coming out to the people who are supposed to love you. There is a chance that you could be disowned, solely because of who you love. Having same-sex marriage would make it easier knowing you and your partner would be able to be recognized just like all the other relationships. **[R112] F-18 years old**

Illustration W:

It is incredibly hard to live in a society that does not recognize the validity of the homosexual lifestyle. I might face discrimination when looking for employment, harassment by anyone I encounter, and my family could reject me entirely if I came out to them. Recognizing same-sex marriage means more than providing federal benefits, it means improving quality of life for thousands of people. **[R124] 16 years old**

Socialization is founded upon hetero-normative roles.²² This fact alone generates discontinuity between LGBTQ youth's understanding of their feelings, desires, and values, and what society expects of their sexual and gender performances.²³ Illustration W highlights the dissonance of being a homosexual in a society that does not understand or accept the homosexual lifestyle. This LGBTQ youth is fearful for the rejection they might encounter if they allow society to know who they really are. Society's heterosexual norms have instilled fear in individuals regarding the decision to come out.

Illustration X:

When I was younger and marriage was far on the horizon it really didn't bother me. But now that I am older it makes me angry at how much harder life is. "My fiance is sick and has worse medical coverage than me? Well I'll just add them to mine. Oh wait, I can't" I can't imagine the heartache that some people must go through because we are denied same sex medical coverage. **[R109] F-23 years old**

²² Marzullo and Herdt, *supra* note 9, at 537

²³ Marzullo and Herdt, *supra* note 9, at 537.

The youth who speak in Illustrations X and T have had to grow up knowing they will not receive any government benefits that are provided to heterosexual married couples. Navigating these restrictions places LGBTQ couples in precarious situations such as the inability to visit a spouse in the hospital. Yet these practical concerns are but one of many obstacles that LGBTQ couples must confront because of their sexual orientation. For instance, Illustration W emphasizes the importance of emotional support and public commitment contained within the institution of marriage.

IV. The Denial of Same-Sex Marriage and Identity

Americans are socialized to believe that marriage is the universal rite of passage into adulthood.²⁴ Hailed as “fundamental to our very existence and survival”, and as “one of the basic civil rights of man”²⁵, marriage is the avenue for expressions of emotional support, commitment, religious meaning, and a precondition for governmental benefits in The United States.²⁶ For young people, the consequences of coming to age in a society that does not recognize their right to marry, as an American and as a human being, are profound.

The following illustrations, drawn from actual LGBTQ youth testimonials, show the harm that the denial of same-sex marriage has on a child’s understanding of himself and his status in this country.

Illustration Y:

It is exhausting to have the same goals and aspirations as everyone else and yet be denied many of them, simply because of the gender of who I want to share them with. Like many other Americans, I dream of finding the love of my life and raising a family with them, passing on many of the values that my parents taught me when I was young. Yet this dream is currently denied to me on many levels, simply because my spouse and I would be the same sex. Despite many claims to the contrary by vocal opponents of marriage equality, I don't want to destroy or alter American society and values; I want to take part in them too. **[R133] M-20 years old**

Illustration Z:

In 2006 I joined the army. Don't ask, don't tell was still very much in effect and I personally knew a number of good soldiers who were discharged under that law. The risk of losing the one thing I loved over a careless comment, and the lies required to just keep the image were, quite honestly, more stressful than combat. The fact that so many young people put aside their own identities at a much higher risk than the average soldier to serve their country should speak volumes. Just like countless others, I swore to uphold and defend the Constitution of the United States of America. This document and the Bill of Rights (and later amendments) promise that all Americans are to or provided the same rights, freedoms, and protections as every other American. No individual above any

²⁴ Michelle Marzullo and Gilbert Herdt, *Marriage Rights and LGBTQ Youth: The Present and Future Impact of Sexuality Policy Changes*, 39 *Ethos* 526-52, 526 (2011).

²⁵ *Loving v Virginia*, 388 U.S. 1, 12, 87 S. Ct. 1817, 1824, 18 L. Ed. 2d 1010 (1967).

²⁶ *Tuner v Safley*, 482 U.S. 78, 95-96, 107 S. Ct. 2254, 2265, 96 L.Ed. 2d 64 (1987).

other. All I ask is that these ideas set forth by the Framers are upheld and protected.
[R122] M-23 years old

Illustration AA:

I'm white. I'm male. I'm middle class, and I'm completing my last semester as sophomore in college at the age of eighteen, meaning that I could be considered fairly intelligent. From a historical perspective, this should provide me with a life free from discriminatory legislation, and for the most part, it has. Unfortunately, I am also pansexual. Current legislation tells me that this is a problem. It attempts to regulate my love, something that should send people gasping and reeling with incredulity. But it doesn't. Instead, most seem to be perfectly willing to turn a blind eye to the marginalization, not only of a group of people, but of an emotion. The effect this has had on my self-identity is profound. I have questioned my worth as a citizen, as a human being, and, yes, my sexuality. What rational person wouldn't? When assaulted with a constant stream of negativity from every side, including that of my own government, I would have to be deeply dogmatic not to do so. While I have since decided that I am secure in my sexuality, I am not at all secure in my social role. I still often find myself thinking that I am of a lower status than my heterosexual friends and peers. In truth, I believe it at times. One day, I hope to [be] welcomed as an equal, but that seems a long way off. For now, all I can do is try to find a niche and hope that federal law will change to accept me. **[R118] M-18 years old**

Illustration BB:

I feel like I'm not accepted from a legal standpoint. I am a second class citizen. It's like denying an African American person marriage because they're not a citizen in the 1800s. I'm a citizen, I will pay my taxes when I'm 18 (my parents pay them now) but I don't share the same rights as everyone else. It makes me feel like I'm worth less than heterosexual citizens. **[R124] Androgynous Female, 16 years old**

Illustration CC:

[I]t has made me feel less as a person, as I and others like me, while a citizen, am denied the same privileges as others. - because it meant that to me that I would never be able to have a family, a wedding, or things I had dreamed about since childhood. **[R61] M-16 years old**

Illustration DD:

Marriage has been denied in the past to oppressed groups in American society, such as slaves and interracial couples, and the message sent by denying marriages to same-sex couples is clear. Marriage is a symbol of respectability that also confers rights and privileges in areas from taxes, health care, child custody, and more. Denial of marriage to same-sex couples sends the message that America finds same-sex couples and their families to be inferior, illegitimate, and unworthy of recognition. **[R83] F-24 years old**

Illustration EE:

I go about my daily life pretty content, overall, but every once in a while it hits me: I can't get married. Not according to the government. All the things I love about being American and even being human suddenly get a huge asterisk next to them...The inherent dignity

of all people, the intrinsic rights given to them by their Creator, the fundamentally equal worth of humanity, the universal and timeless importance of loyalty and love. Unless you're gay. **[R19] M-20 years old**

American society values marriage because “marriage provides an anchor...in the maelstrom of sex and relationships to which we are all prone. It provides a mechanism for emotional stability and economic security. We rig the law in its favor not because we disparage all forms of relationship other than the nuclear family, but because we recognize that not to promote marriage would be to ask too much of human virtue.”²⁷ Based on the significance we, as a society, have placed on marriage, it is no wonder that children recognize and articulate the effects of the denial of marriage to be analogous as to how they are viewed in this country; less than second class citizens and unwanted.

Illustration FF:

I feel like I shouldn't look for a significant other if I can't even marry them in the end. For a few years I did not accept the fact because I wouldn't have been able to marry my significant other and I did not want to think that way so I tried to deny my sexual orientation. **[R38] F-13 years old**

Illustration GG:

I felt as if being gay was wrong, or less than being straight -- I felt like since I wasn't able to marry another guy, that I couldn't love one, or that people would hate me for wanting to. **[R40] M-14 years old**

Illustration HH:

It's made me feel like I'm lesser than a person. If I can't love, how can I live? ...It means we aren't recognized as actual people yet. We're the next step in the civil rights movement. **[R27] No gender specified, 17**

Through the denial of same-sex marriage by the government, these young people have gotten the message that same sex relationships are not socially acceptable in this country. The reality of that stigma not only disenfranchises LGBTQ youth from the American majority, it discourages relationships, sex, and the safe and healthy practice of both. For youth who receive their sexual education in school, “[i]gnoring diverse sexualities and sexual orientations in the classroom disenfranchises LGBTQ teens and sends the message that their sexual relationships are not legitimate or worth discussing.”²⁸

V. Fears and Hopes for the Future

The reality of marriage transcends the sexual orientation of the couple;; it is about forming an intimate bond with another person for mutual support, and about the desire to create a life and a family. For LGBTQ youth, growing up in a culture that values marriage and family as a

²⁷ Sullivan, Andrew. *Virtually Normal; An Argument About Homosexuality*, First Vintage Books Edition, 182, November 1996.

²⁸ Conrey, Sarah Camille. *Hey, What About Me?: Why Sexual Education Classes Shouldn't Keep Ignoring LGBTQ Students*. 23 *Hastings Women's L.J.* 85, 2012.

normative good²⁹ while at the same time becoming aware that the law does not allow them to marry has a profound effect on their vision of their own futures. LGBTQ youth worry that they will not be able to realize their dreams of marriage and family, while remaining hopeful that laws will change so that by the time they are ready to marry and start a family, it will be legal for them to do so.

Fears for the Future

The inability to marry and the lack of federal marriage recognition due to DOMA weighs heavily even on LGBTQ young people. As they contemplate the future, they worry that their relationships will lack legal protection and express concern that they will not be afforded the same benefits as couples who are allowed to marry.

Illustration II:

I'm afraid that I'll get close to someone of the same gender and fall in love, but I won't be able to marry them. It just makes me afraid that I'll hurt myself, and whoever it would be, by putting myself in a situation where that could happen. **[R5] F-15 years old**

Illustration JJ:

[In response to recent legislative developments] It gives me hope, but sometimes I'm scared it won't be in time for me to marry, and I won't be able to have a family, and if I pass away my spouse won't be taken care of. **[R9] F-19 years old**

Illustration KK:

I have always been interested in both men and women, and it has always bothered me deep inside that if I ever fell in love with someone of the same gender as me, I would not be afforded the same benefits and respect as couples of the opposite gender. The fact that no protection is in place for gay marriages as there is for straight marriages irks me on many levels. **[R21] F-15 years old**

Illustration LL:

As a bisexual male with a boyfriend, it's painful to know that I can't marry him. Even if we solve all of the other problems that relationships are prone to, we still can't get married. I want to be a father someday, and I can't even adopt a child with him. **[R15] M-no age given**

Illustration MM:

I often avoided identifying as LGBTQ for fear of discrimination, harassment, or dating a same sex partner would lead to the inability to have a government recognized marriage.

Being in a same-sex relationship now I still fear that our relationship will be seen as illegitimate, that our feelings will be seen as such, and that the failure to include the benefits will affect our future together financially.

...

²⁹ Chai Feldblum, *Gay Is Good: The Moral Case for Marriage Equality and More*. 17 Yale J.L. & Feminism 139,167, 2005.

There is always a fear of what will happen to my partner and me in any given situation because of any legality. The lack of federal recognition gives people a reason and excuse to view us as lesser, and to view our relationship as lesser, and that affects their attitudes towards us.

...

I would tell them that any conversation with my partner about our future always brings to mind the fear for our financial situation and the restrictions that will be put on us because of the lack of federal benefits. Fears about taxes, about health and insurance and work. The fear that we will not be recognized as legitimate. And the fear that all of these factors will weigh on us and break us down. **[R22] No gender identified-20 years old**

Illustration NN:

[K]nowing I might not be able to be married to someone I love hurts me, as a person, because of the denial of a portion of myself. **[R32] M-22 years old**

Illustration OO:

Knowing that same-sex couples aren't allowed to marry-- because someone changed the definition of marriage to prevent them doing so-- crushes my hopes for acceptance. **[R46] Q-15 years old**

Illustration PP:

Right now, were I to choose to marry, not only will my taxes be more difficult, but my life will be considered a lie to the federal government. Even if the state I live in accepts my marriage, the state next door may consider my wife to be a stranger. I don't want the person I love to be a stranger.

...

Every year when my parents start filling out tax forms, I am reminded that when I start paying taxes, my future wife and I will be filling out different forms from my parents. Not because of work or income levels, but because the government is segregating us. **[R18] F-16 years old**

Hopes for the Future

While LGBTQ youth express their fears that the current marriage laws will prevent them from having the kind of future that they dream of, they are hopeful that the laws will change and that they will be able to marry someday. The hope that one day in the future they will be allowed to marry and have a family gives them a tangible goal for the future³⁰, and allows them to think, 'in terms of their future life stories, their potential loves, their eventual chance at some kind of constructive happiness.'³¹

Illustration QQ:

³⁰ Andrew Sullivan. *Virtually Normal; An Argument About Homosexuality*, First Vintage Books Edition, 183, November 1996.

³¹ Id. at 184.

Yes. I have a lot of hope. I believe that as a U.S. citizen, the constitution guarantees me the same rights as everyone else. And I believe the U.S. government will realize that one day. **[R5] F-15 years old**

Illustration RR:

I live in Minnesota and I was active in pursuing people to vote against the amendment. Look, a skyscraper is never built in a day and any contribution to building it is a victory, so is any victory in LGBTQ rights campaigns. The US is a big and extremely diverse country and so several obstacles are to be overcome, but step by step a mountain is climbed. State by state, marriage at Federal level will be possible. I am 21 now, I hope that before I die I can see the day where the US will have gay marriage everywhere! **[R8] M-21 years old**

Illustration SS:

Yes, and I am always happy to see victories like this in states to go for equality. They give me hope that there are people out there who accept LGBTQ people, that see their relationships as legitimate, and want to allow them just as many rights as everyone else, showing an understanding that they are people too. **[R22] No gender identified-20 years old**

Illustration TT:

When same sex marriage was passed by a popular vote, I realized that many people actually supported LGBTQ rights, and I felt, for the first time in a long time, that I could grow up and have a family and just live out the classic American dream. **[R25] M-15 years old**

Illustration UU:

I am actually tearing up thinking about it. Having the kind of security to be free to marry whomever I love would be a gift. And the victories recently achieved gave me hope that my identity will one day be accepted by my country. **[R28] F-No age given**

Illustration VV:

Seeing all the people in those states so happy about it, and all the couples finally getting married as soon as they were allowed made me incredibly hopeful. The thought that I might soon be upgraded to a full human, equal under the law no matter my preference for men, is very exciting for me. **[R84] M-18 years old**

Illustration WW:

I cried when I heard that in these far away states that Gender and Sexual Minority people, like myself, were being accepted by at least some of our government. I can't really put it into words what emotion this inspires in me, the thought that I too will have my gods-given rights, but if I had to try to pin the feeling down... joy. **[R65] M -19 years old**

Illustration XX:

You have no idea what legalizing marriage could do for so many people, it could save so many lives. If marriage equality is passed it is showing that as a nation LGBT people are

recognized and accepted as human beings, and that will help kids and adults suffering from discrimination feel welcomed in their own country. I'm just a normal person, that's what I want you to know, I'm just like you. **[R9] F-19 years old**

Illustration YY:

I feel we are growing as a whole and we are starting to open up more and grow towards the fact that homosexuality may someday be accepted nationwide, and maybe someday across the world! **[R37] F-13 years old**

Illustration ZZ:

I love my country and the people who live in it. I believe that all humans are equally deserving of love and respect. Someday I hope my descendants will live in a world where diverse groups of people can learn to understand each other as best they can so we can get along. Allowing people to share in the same basic human rights is fundamental to helping us see each other as human and not less than human. **[R130] 23 years old**

Conclusion

The LGBTQ youth of America have the same hopes and dreams for their lives that every young person has. Those hopes and dreams include the aspiration to one day marry someone they love and cherish, to raise, nurture, and create a family, and to celebrate and receive the same social, political, and legal recognition of their union in the same way that heterosexual couples are able to do. The denial of equal marriage rights contributes to the stigma that LGBTQ youth face, needlessly complicates their life-choices and adversely affects their understanding of themselves as persons and as Americans.