

Queering the Good Life:
The Politics of Life-Making among Nonbinary
Communities of Color

By

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Abstract

Within this paper, I am looking into the factors of life making for queer people of color, specifically the nonbinary and transgender community. Identity politics determines how one can survive and how one can live within the United States. Often, the road to success in terms of material wealth and social mobility are predetermined by your race, gender assigned at birth, and your starting economic class. Those who encounter resistance based on these factors may fall into the category of radical (activism/active desire for change) or the mundane (passive desire for change/making best of the status quo) or even a combination of the two. The goal is not to demonize cisgender heterosexuals and become new oppressors, but rather give those who do not fit into societal norms a chance to live a normal life, equal to everyone else. I use a mix of queer theory, American public policy, pop culture, and quantitative data from federal & nonprofit sources to discuss my theory. My research has indicated that legislation that targets the intersectionality queer people face, will help other communities, even those that fit into the cisgender heteronormative, live better lives.

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1. Introduction

In this paper I am examining at the lives of lower-class queer people of color, specifically those within the nonbinary and transgender community. To do so, I address the intersectionality of identity within contemporary American society. This paper aims to educate heteronormative society on the intersectionality of race, sexuality, gender, disability, and class as important factors in determining a person's quality of life and whether they are surviving or thriving. The goal is not to demonize cisgender heterosexuals, but rather give theoretical space for those who do not fit in the cisgender white heteronormative a chance to live a normal life, equal to everyone else.

The United States is a superpower in the world and defines itself as the center of freedom. The constitution grants a variety of freedoms meant to facilitate a path to achieving the American dream. The American Dream is that anybody can make something of themselves if they work hard enough. The American Dream promises a life of material wealth and social mobility for the person who is resourceful, just, and good. However, there is no standard among the resources that can elevate a person and allow them to live a 'good and just' life. The ties that bind society and keep it afloat are therefore only as strong as those who are left forgotten, the Other.

Identity politics is a key resource of how quality of life within the United States can be measured. Therefore, my focus is on the outliers of normative society, the LGBTQ+ community. By focusing on this community, I show how much identity affects everyday life as an American citizen. Moving forward, to shorten the acronym LGBTQ+, I will use the term queer to describe it, for despite its dark usage within the past century, it will be helpful as an umbrella term to describe the non-normative group who reside in an odd space within society.

Queer livability cannot simply be described as living and surviving as a queer person, because what constitutes a good extends far past the closet, of hiding your queer identity because those are not the only factors you have to contend with when determining how to live a good life as your truest self. Your gender assigned at birth, gender expression, sexuality, race, disability status, and wealth determine what obstacles you face in obtaining the resources to live a good life. The ideal life for most people is not one of mass wealth, mass power, and influence. Rather it is the ability to have stable comfortable housing, to not have the color of your skin determine your worth to others, to work in a safe environment, to have fair treatment at the workplace, to have equal access to healthcare, to be protected by the police when in danger, to create a family and have children, to not be scrutinized even in private. The ideal queer life is to live a life free from persecution on the basis on their queerness or any other factor.

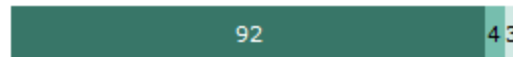
Queer people of color need access to housing, healthcare, freedom from violence, the right to privacy, the right to self-determination, the right to equal access to work, and right to community. There is a difference between living an oppressed life, doing whatever you can to survive, versus openly living your authentic life, doing what makes you happy and healthy. While being queer is the focus of my study, we would be remiss to forget that some of queer discourse fails to truly capture the intersectionality of how race and wealth effects of the queer experience. A Survey of LGBT Americans found that in general, 92% of respondents said that society has become more accepting (Pew Research Center, 2013).

The Arc of Social Acceptance

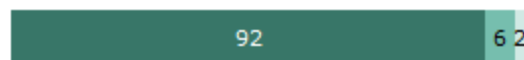
% of all LGBT adults saying

■ More accepting ■ No different ■ Less accepting

Compared with 10 years ago, society is now ... of people who are LGBT



10 years from now, society will be ... of people who are LGBT



Notes: Based on all LGBT (N=1,197). Those who didn't answer are not shown.

PEW RESEARCH CENTER

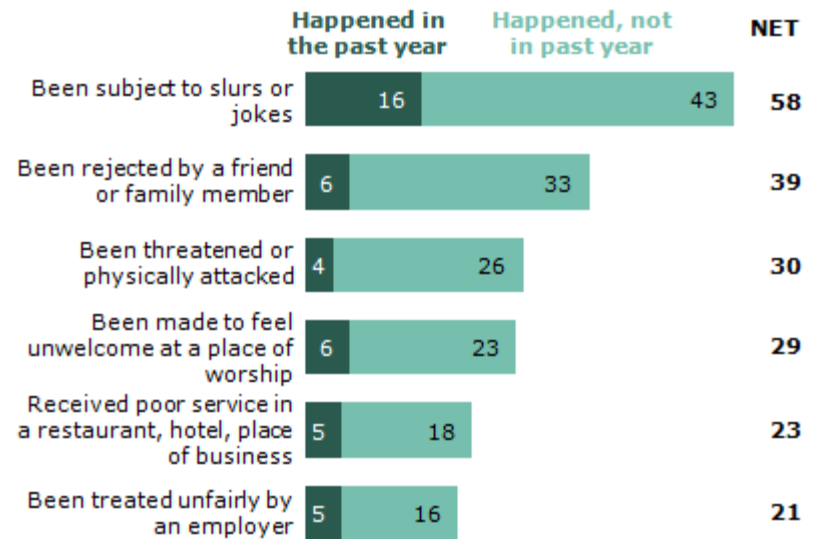
LGBT/54,55

Figure 1.1 LGBT Perceptions of Social Acceptance (Pew Research)

However, 39% of respondents say they have been rejected by a close friend or family member, 30% have been attacked, 29% have been made to feel unwelcome in a place of worship, 21% have been unfairly treated by an employer, 23% received poor services in a restaurant/hotel/business and 58% have been the target of slurs.

Perceptions of Discrimination

% saying this ... because of their sexual orientation or gender identity



Notes: Based on all LGBT (N=1,197). "Net" was computed prior to rounding.

PEW RESEARCH CENTER

LGBT/82a-f

Figure 1.2 LGBT Perceptions of Discrimination (Pew Research)

Overall, the 2013 Pew Research Center study shows that overall queer people are perceiving themselves to be more socially accepted, however they still face a lot of discrimination. When you take race into account, the numbers change. Among survey respondents, white people are more likely than people of color to say society is more accepting of queer folk (58% vs 42%).

As much as I agree with most of the results of this survey, I feel it is missing some important data. It is missing how much race affects a person in conjunction with their queer identity, not even to mention the total lack of attention to socio-economic disparities in the analysis. The survey only focuses on queer identity while only briefly acknowledging that queer people of color have a different experience than their white counterparts. It serves a good indicator of how important the right to community, protections from discrimination, and racial awareness are.

A lot of anti-LGBTQ+ legislation targets the person's right to privacy, community, and bodily autonomy. Queer people often are subject to being denied service to healthcare, food, a safe work environment and more. Their private lives are publicized, criticized, and policed. The government already policies what female bodied people can do, or what access disabled people have to basic needs, or what extent of discrimination people of color face. These systems of oppression cannot be changed until those with privilege challenge those very same systems they reap the benefits from.

In order to combat privilege and oppression, we need to understand how those systems work. Allan Johnson's "Privilege, Power, and Difference," identifies 3 key features centered around the systems of privileges (Johnson 2017, 76). He found that they are dominated by the privileged, they are identified with the privilege, and they center on the privileged. All three features support the myth of superiority used against the "undeserving" oppressed groups. Dominant groups have so much control because in systems of privilege the default is for them not only to have power, but that is it is the natural course of things.

An example of this is patriarchy. In a patriarchy power is gendered through men and their masculinity as the natural way of life. That is not to say all men are powerful; however, every man can identify with power as it is associated with their identity. This association encourages a sense of entitlement. As a counter, women in power are seen as unnatural and problematic so they cannot use it without being challenged (Johnson 2017, 76-77). Once you analyze various forms of privilege you can see a pattern of dominance and control that sustain them. It then becomes easier to identify a lack of diversity.

Those outside the system of privilege will see their interests are not represented. You will receive no encouragement to even imagine yourself as one of those with power (Johnson 2017,

78-80). Instead, only those in the privileged group can identify with the privileged position. The characteristics of the dominant groups are made to represent humanity and society. So, the characteristics of nondominant groups are seen as wrong and untruthful or incorrect be it language, appearance, physical characteristics and cultural ones. So, by associating privilege groups to not only be the ones naturally entitled to power and represent the correct way to exist, but those groups also become the center of attention. Outsiders are seen as wrong, undeserving of power, and ultimately not important enough to warrant positive attention (Johnson 2017, 84).

Once dominant groups understand how the system of privilege works, many try to deny being connected to injustice. Some folks deny it even exists, or say it was for their own good as hardship makes them stronger or flat out say it was not that bad by minimizing the impact it had (Johnson 2017, 92-93). Other methods are victim blaming. In a society of individualism, the hardship one faces is seen as a personal failure and thus only that person has themselves to blame for their lot in life. A more subtle way to deny the issue is by renaming it, thus creating the illusion of awareness but avoiding the responsibility of solving the problem i.e., impoverished are “less fortunate” and sexual assault as “a misunderstanding”. If they do not rename it, they will just say that was not their intention, as if intention erases the pain the action caused.

“Allies” are also at fault for doing this. Some of those who claim allyship will deny their participation in injustice by looking at it at a macro level while still using micro aggressive forms of oppression. Those who do not call themselves allies while being aware try to say it isn’t their responsibility. They will deflect to allies or the oppressed themselves as they see addressing the issue as tiresome and a burden on their day. At the end of the day, there is no getting off the hook, for it simply is a form of insulation from reality. Embracing the hook as it is how we can change (Johnson 2017, 94-106).

With this paper, I aim to show the types of oppression that queer people of color face and how we can break those systems for a more just society so that anyone can build a good and just life.

2. A Theory of Queer Livability

Modern conversations make the mistake in believing that much of LGBTQ+ history was an invention of the late 20th - early 21st century, however it has been around much longer. The difference between earlier generations and now is that the queer community has become more tolerated within the mainstream. I use the word “tolerated” because even now, with the seeming acceptance of queers in most areas of public life, barriers to prevent full acceptance are still prevalent. These barriers, however, do not target the LGBTQ+ community as a monolith, but rather those racial and socioeconomic minorities within the LGBTQ+ community, who face a significant amount of discrimination.

Terminology is an important facet when analyzing the history of queerness. Although not every member of the LGBTQ+ community uses labels or even has the same relationship to a certain term, it does give some historical context. The term queer is how I will broadly describe the LGBTQ+ community for this paper. To understand why I use this term as an umbrella term, one needs to look at its history.

Like many terms, queer has gone through various changes. Although there are various competing theories about what the word queer originally meant, the consensus it meant to be strange or non-normative. Over the centuries it was used to broadly describe anything seen as strange, abominable, and a contrast to normative society be it unusually happy, drunk, colorful, using rude terminology, the presence of a minority in a predominantly white group, and yes, even homosexuality and gender nonconforming presentation. The usage of terms changes with the intent of those who use it and are affected by it.

Queer was a term for social violence, coined for its usefulness to proudly accuse a citizen of being an outlier, and later primarily a sexual deviant. In many circles, queer is still used as a force of verbal violence. In order to combat verbal violence though, reconstructing the context around that weapon renders it useless as a means of violence but instead a powerful declaration that says, I am more powerful than a word. Trauma has a way of reshaping identities. Wendy Brown, in "Wounded Attachments," identifies the relation of trauma and identity as a wounded attachment. Wounded attachments are cases of forming identities through trauma and around it. There is no way we can ever detach ourselves from history, nor should we. It is in those traumatic moments that help inform how the wounded reflect themselves upon society. Brown notes that there is a danger to keep a wounded attachment, such as doing more harm to a movement than allowing progress. However, doing so may give folks the strength to keep fighting and stay united.

American identity – Americanism – has long been a source of conflict in securing queer rights. Simon Hall (2013) has argued that, faced with the charge of un-Americanism in the Cold War purge of the State Department, gays and lesbians fought back by reclaiming queer rights against discrimination and civil liberties as fundamentally American. Even more radical protest movements of the 1960s and 1970s still made appeals to fundamentally American values of equality, liberty, and rights under the law (Hall 2010). Frequent reference to the Declaration of Independence, and its promise of "life, liberty, and the pursuit of happiness" occurred even in movements like the Gay Liberation Front and have hardly faded (Hall 2010). Queer agenda has always been one seeking inclusion into America, while also acknowledging that this will mean transforming America to be for everyone.

Reforming a name from a slur into one of power was a tactic by ACT-UP. During the AIDS crisis of the late 1980s - early 1990s, activists used queer as a slogan to capture the radical energies

for sexual and gender freedom. By reclaiming a homophobic slur as the name for a movement, and even a field of study soon after, queer activists and scholars can show the significance of violence in the lived experience of the gender and sexual outliers (Love 2014). In other words, queer was meant to indicate a range of nonnormatively beyond homosexuality. Heather Love in “Queer” understands some critique for using queer as a broad term:

It is clear that the anti-identarian, anti-normalizing, and coalitional aspects of queer have been useful in articulating and furthering transgender scholarship and politics; and indeed, this shared commitment to crossing disciplinary and identity boundaries can make it hard to distinguish sharply between queer and transgender studies or to sort out these lines of influence. However, while queer at its most capacious is understood to indicate a wide range of differences and social exclusions, it has often been critiqued for functioning more narrowly in practice. (Love 2014, 173-174).

However, we must keep in mind the words of Leslie Feinberg, a queer activist who says, “While the slogans lettered on the banners may change quickly, the struggle will rage on...language is not aimed at defining but at defending the diverse communities that are coalescing” (Reimer 2019, 21). Language has a history and is necessary when analyzing the complexities of how lives were built and destroyed. Communities cannot be identified by a singular term alone but must be analyzed in the many facets that contribute to a quality of life, such as race, economics, gender, sexuality, and so on.

Historical Queerness

Queer life is demonized in public and publicized in private. Sodomy laws, sexual discrimination, social alienation can lead to killing a person's soul. Counter-publics such as certain diners, clubs, the NYC Hudson River piers, and Harlem ball culture are not only ways to freely express one's true self, but also provide a sense of community that makes the difference between life and death. The bonds it creates in the face of adversity are so important. For queer people of color, there are so many things already working against them: racism, classism, heteronormativity, toxic masculinity, and more. One of the most well-known moments of queer rebellion was the Stonewall Riot of June 1969. Police moved to raid the gay bar in New York City, in order to cleanse the area of "sexual deviants" only to clash with angry patrons who were sick of mistreatment. The riot led to a three-day protest and was credited as one of the first instances of militant queers fighting against discrimination and police brutality (STAR 2013).

However, three years prior was the Compton Cafeteria Riot, which would help set the stage for Stonewall later down the line. In August 1966, police tried to arrest a drag queen who fought back in Gene Compton's Cafeteria (Stryker 2005). The entire cafeteria erupted in violence as drag queens, transwomen, and gay hustlers and sex workers fought back at police after years of discrimination and brutality.

Compton Cafeteria had been a haven for the queer community that was well lit, affordable, and comfortable place for people to gather. The Cafeteria was situated in San Francisco's Tenderloin neighborhood. The Tenderloin was a red-light district where sex work, gambling, gangs, and drug use were commonplace, but it also housed many of the homeless queer community who did not have a place to go and be themselves openly.

Unfortunately, the community was subject to frequent harassment by law enforcement. If you did not look like a cisgender female, you were jailed for female impersonation. Sexual assault and beatings were also common. At the same time, anti-Vietnam war protests were gaining momentum while civil right activists were trying to combat poverty. Vanguard, a group of radical young queer folk, began protesting police brutality and discriminating business owners (Stryker 2005). Poverty, antiwar, civil rights, queer rights activists all felt the desire to improve their quality of life and intentionally or not, helped each other with their campaigns for one cannot exist inside a bubble. You find a way to make a life, public, private, or in a counter public.

Paris is Burning (1991) is a documentary that perfectly captures counter-publics and queer struggles. The documentary focuses on the 1980s NYC Black and Latinx queer community and ball culture. It discusses gender, sexuality, classism, and racism in the Black and Latinx community. Ball culture is typically thought of something loud, extravagant, and ethereal, but it was also a way of making a community, a home. It is a film of survival, even at the worst of times, but it is also a film of death, of which the queer community is so often used to seeing in media. One example is when Venus, the daughter of Angie Xtravangaza, was murdered by a client, a fate shared by many sex workers. The tragedy worsens by the fact the film is set during the AIDS epidemic, to which many sex workers and community members were exposed. Yet even so they found ways of trying their best to make a life. They were a family, brothers, sisters, aunties, uncles, mamas. Their blood was not there for them, so they made their own families. Their homes were the balls in someone's tiny apartment, or the hidden bar open once a week, or right out on the street on the Christopher Street Piers.

Rachel Walker, in "Toward a FIERCE Nomadology: Contesting Queer Geographies on the Christopher Street Pier," studied the queer history of Pier 45, formerly known as the Christopher

Street Pier. Contrary to the stereotypical folklore of queer life, the space was pristine and classy, and it was there she met Rickke Mananzala, a co-director of the activism group FIERCE. It stands for Fabulous Independent Educated Radicals for Community Empowerment. Mananzala explains how the site had been redeveloped for public park use, however, that is a farce. The true reasoning was less about making a nice public space and more of pushing the queer POC youth who not only frequented the pier but lived and thrived there out and away, where they can no longer afford what little they had in a space that was once safe. It was a home, a meeting grounds, a cultural center for queer life. Unfortunately, homophobia and gentrification killed off the local life there. Over the last two decades, rent has risen so high that it has driven many historic businesses and working-class queer folk out from the area. The gentrifying renovation of the Pier, along with increased policing, drastically changed one of New York's most livable social spaces for the queer community of color. Gentrification also came with a wave of racism, classism, and transphobia.

Sylvia Rivera was a Latinx queer activist who used to live on the Pier, doing sex work to make ends meet while fighting for queer rights (STAR 2013). In 1970, Sylvia Rivera and Marsha P Johnson, a black drag queen and activist, started STAR, the Street Transvestites Action Revolutionaries. She was one of the first to fight back against police and was at the Stonewall Riots alongside Johnson.

However, when Rivera delivered her "Y'all Better Quiet Down" speech in 1973 on Gay Liberation Day, she was being booed, shot down, and hated by the very people her activist group was also helping. To her Gay Power, or Gay Liberation, had been taken away from the true meaning of the right to life by the cisgender, middle-to-upper class white gay people who had the privilege of race and economic status that she, and many of those she was trying to help, did not have. Gay rights leaders who were often white, were hesitant to include transgender people,

especially those of color. The Gay Activist Alliance (GAA), which formed in response to Stonewall, frequently rejected the trans people of color who were veterans of Stonewall (STAR 2013).

Queer life was changing and being revolutionized, but not everyone reaped the benefits. Although many felt discrimination based on sexuality, police brutality, and invisibility, white cisgender homosexuals, especially cis male, were whitewashing the history of queer liberation because of the privilege their skin and gender afforded them. It was far easier to secure work and housing by posing as a cis straight man than for people like Sylvia Rivera and Marsha P. Johnson, who faced racial, financial, and sexual discrimination at a disproportionate rate. So, some made do with living on the streets, or shelters like STAR, or “houses,” like in the television show, *Pose* (2018 – 2021). Although they did not have much, those moments when they could perform, gather around for a cup of coffee, and listen to tunes on the Piers made life worth living for some folks.

Contemporary Queerness

Most popular media today depict LGBTQ+ folk as predominately white, cisgender, and middle-to-upper class. These are TV friendly representations and easier to digest for centrist liberals. However, those shows fail to fully capture the difficulties queer people of color face. The most common question children are asked is what they want to be when they grow up. Common responses are president, lawyer, doctor, artist, princess, etc. However, for queer children, the future is foggy. What path is available to them? How is a good life possible for transgender and nonbinary people of color in a racist, heterosexist, patriarchal society?

It can seem overwhelming. It is hard finding community when your race and gender presentation is not accepted. The burden is felt even more so when you do not have the financial

means to have the luxury of presenting as you want, living where you want, working when you want. It is hard to decide to be true to yourself when you have no bed and an empty stomach.

The Netflix show *Pose* stands out as a way of demonstrating how people try to make a life, either by clinging to what little they had, or by striking out against the world to fight for more, even as they are being beaten and broken. *Pose* is an important queer show because it presents the social issues of homelessness, social alienation, racism, classism, and HIV/AIDS stigma. It has very glamorous moments, but the spectacle of performance does not hide the darkness of the time period. Set in the 1980s ballroom scene in New York, *Pose* follows the life of Blanca Evangelista, her house, and the queer Black and Latinx community in Harlem during the height of the AIDS epidemic (Murphy 2018). As outcasts of their time, the characters are trying to create their own sense of normalcy while battling the dangers of a society that does not think them human.

Unlike their previous generations, young queer people today live in a culture saturated with social media and the performance of everyday life, with commercialized pride parades, marriage equality, and treatment for HIV/AIDS. Their environment gives them different struggles than those before them and *Pose* is a good example of bridging the two generations to help understand what it means to be part of the LBGTQ+ community. Those outside of ball culture may find the practice too loud, too crazy, and not for them. It is often seen as a show and, in some ways, it is a performance, but it is so much more than that. After being kicked out by families who did not accept their lifestyle, Black and Latinx queer folk banded together to make their own homes and society where they can be free to thrive as themselves.

These homes were called “houses.” The head of a house was called “Mother” or “Father”. The purpose of these houses was to replace the family environment its members had lost and give them a chosen family who will house them, educate them, and feed them. It is members,

“children,” even take on the house name as their last name and treat each other as siblings. They compete in balls for their house and can win prizes and validation. As glamorous as balls were, it could not protect them fully from racial discrimination in gay bars or workplaces. The glimmering lights could not compare to the stark white of hospitals as a negligent and ignorant medical community tell thousands of queer people that they were diagnosed with HIV and they would be forced to watch each other die.

Representation as seen in *Pose* is imperative when understanding the queer political life. Judith Butler’s “We, The People” in *Notes Toward a Performative Theory of Assembly*, was helpful in discussing identity, representation, and intersectionality. Butler sees the phrase “We, The People” so often used in speeches when addressing a community as a declaration of wants, desires, and political claims. However, this declaration is not a representation of everyone, but only those who are demanding to make their lives livable by their own standards. It shows that we are not representative of all, but that is not to say some can be helped. It allows those who cannot speak to be heard, albeit through the lens of another (Butler 2015, 154-192). Queer rights have trouble making headlines if there isn’t already a member of the elites giving it legitimacy and a platform, that entices the normative of society to the injustices to the ‘other’. Sylvia Rivera was an example of this: a Latin queer voice not given its due by racist members of her own community, much less the rest of society.

Trauma is felt by all members of the queer community; however, the degree of trauma and the types of trauma are different when you look at the subject’s relationship to a cisgender, heteronormative, racist patriarchal society. Although the community often uses their trauma to bond, ignoring how trauma differently affects people is harmful towards the cause of equal rights and creates a wounded attachment (Brown 1993). Think of yourself like paint. Everyone starts off

as a base color. Trauma could be pouring a different color, invading your sense of self and personhood: a traumatic experience. It changes your base color, your identity, and creates something new. You no longer can simply be defined by your base but now also what your life, the history you lived through, is. You can change later in life, meet different people, and even have that which initially harmed you try to rectify (to a varying degree) what it had done to you, but this process is slow, and people do not forget easily what has made them. They cannot because it is a scar dealt with by a society that informs not only yourself but others as well, your place inside and outside of society. The root word of queerness is non-normative, to be different. However, this otherness is initially because of society disowning the subject. The subject is not a separatist. They desire a community, a sense of belonging: a home that both benefits and determines being part of the queer community through some trauma to come together as a group of people who suffered and found likeminded people who can help fill the gap of being disowned.

3. Community by the Numbers

Despite the trends, many current national surveys and other data collection lack proper questions about the LGBTQ+ community, especially on sexual orientation and gender identity, with data on transgender individuals being inconsistent at best and the intersex community non-existent. (NASEM 2020, 2). Furthermore, fear of discrimination and harassment for participating in these surveys is a factor, especially due to the long history of neglect and abuse from the medical community and law enforcement to communities of color. The data portrayed below will help with understanding the rates of discrimination and harassment towards queer communities of color. However, I urge readers to remember these crimes are underreported.

Housing

Housing instability is a common issue facing those within the queer community. According to the National Center for Transgender Equality, 1 out of 5 queer people have been homeless at some point in their lives. Furthermore, queer homeless youth represent roughly 20-40% of 1.6 million homeless youth (NCTE). In August 2020, the Centers for Disease Control and Prevention (CDC) released an annual report from the data collected using their Youth Risk Behavior Surveillance survey. It showed that queer youth, especially transgender youth and queer youth of color, will experience housing instability greater than their non-queer peers. Housing instability puts teens at a greater risk of violence, health problems, and being unable to get a proper education. 22% of transgender youth and 16% of LGBTQ+ youth (raised to 17% for LGBTQ+ youth of color)

have been found to be sleeping places that is not the home of their parent or guardian (HRC 2020). These children were likely rejected from family and made homeless.

Housing instability in childhood often extends to adulthood. In New York City alone, there were reported 122,926 homeless men, women, and children in 2020 (Coalition for the Homeless 2020). If we consider the previous data, a large portion of those are queer youth and adults who faced discrimination in housing or feared violence at shelters or were rejected by family members who put them out of the street. A lack of affordable housing affects everybody; but being a queer people of color makes things even harder. Many shelters that allow members of the LGBTQ+ community are often underfunded, overpoliced, and enforce gender binaries such as forcing a transwoman to board with men (putting her in higher danger of sexual assault). Housing instability further complicates the process for getting out of poverty, getting a good job, and getting the healthcare one needs.

Workforce

Queer people face extremely high levels of discrimination and harassment within the workplace. More than a 25% queer people have been fired due to bias and more than 75% experienced some form of harassment (NCTE 2020). Harassment can include derogatory comments about queer people, repeated use of the wrong name/pronouns, and invasive personal questions especially regarding medical history & genitalia. Refusal to hire, physical/sexual violence, and privacy violations are also common. The rate of discrimination worsens further if you are queer person of color. Limited access to safe workspaces put queer people at greater risk of poverty, homeless, involvement in criminalized work, and violence.

Violence

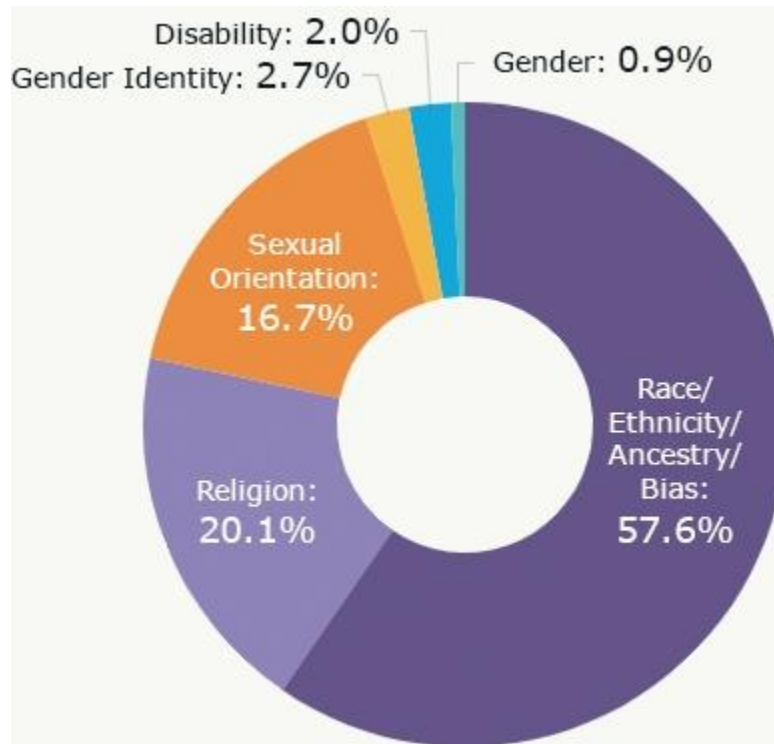


Figure 3.1 FBI 2019 Hate Crime Motivations

Violence is an ever-present shadow in queer life. Queer people of color are even more likely to be assaulted than their white queer counterparts. Of the 7,314 hate crimes reported in 2019, 57.6% racially motivated, 16.7% sexual orientation motivated, 2.7% gender identity motivated, and 2% Disability motivated (FBI, 2020, Figure 3). Further analysis shows that most of the victims were Black or other people of color, and the majority of offenders were white. If we look at how more likely queer people of color are affected by violence, then we see they are three times more likely to be assaulted. Inadequate access to healthcare services is also more likely to make people of color disabled, further compounding the discrimination queer people of color face.

Early preventive measures during childhood are key in preventing violent crimes in adulthood. Schools fall short of protecting queer youth and do not provide resources to prevent

bullying, which negatively affects mental health and academic scores. The tormentors' violent tendencies may extend to future discrimination and hate crimes. According to the CDC, about 40% of questioning youth experience bullying (43% Transgender specific, 31% LGBTQ+). 30% of questioning youth have been attacked with a weapon (29% Transgender specific, 17% LGBTQ+). With this data it is no surprised about queer youth poor attendance scores and grades, especially queer youth of color who average 63%. Poor grades and trauma will increase the risk of not obtaining a good job, contributing to poor health conditions, or worse.

Healthcare

Queer people of color are extremely vulnerable when it comes to accessing social services and healthcare. People of color already have a sordid history with the medical field, from inadequate care, unethical experimentation, and insurance being extremely expensive. Queer people of color must add onto that generational trauma with the difficulties in finding doctors who respect and affirm their identities. The struggle also extends to finding medical professionals who are even knowledgeable in queer specific care. Even after one can find a knowledge and acceptable doctor, queer people of color may also be denied health care coverage, especially those living in or near poverty and living in states where they do not have access to healthcare through Medicaid. Then, they must pay out of pockets, as lifesaving procedures for queer people are seen not as necessity in maintaining mental health. Denial from other social service programs, such as welfare, contribute to their vulnerability. Without these vital services, the risk of homelessness, health problems, sexual assault, and violent hate crimes becomes higher.

The signs of urgent need of medical aid show up in childhood. A lack of parental support, rejection from peers, inadequate services at school, and sleep deprivation all contribute to the poor

mental health of queer teens. Living in such poor conditions shows why they remain at high risk of attempting suicide and substance abuse. More than half of queer youth have depression: 61% questioning, 61% transgender specific, 54% LGBTQ+. A sizeable portion have also attempted suicide: 32% questioning, 29% transgender specific, 22 % LGBTQ+. However, the number rises to 27% for LGBTQ+ youth of color (HRC 2020). Those trying to battle their depression often do so with substance abuse, such as alcohol, cigarettes and drugs, if they cannot find aid elsewhere. HRC has found that queer teens, especially queer teens of color or transgender youth, are at a higher risk of substance abuse than their non-queer counterparts. 18% of transgender youth and 12% of LGBTQ+ youth (raised to 13% for LGBTQ+ youth of color) actively use cigarettes. 39% of transgender youth and 33% of LGBTQ+ youth (raised to 35% for LGBTQ+ youth of color) actively drink alcohol. Furthermore, about 33% of LGBTQ+ youth have used cocaine, inhalants, heroin, meth, ecstasy or steroids at least once (Human Rights Campaign 2020).

Providing emotional support, medical aid, stable housing, and proper punishments for discrimination are crucial to extending the lifespans of queer youth of color. By providing measures to combat discrimination, violence, substance abuse, and housing instability, communities will become safer. Having no bars to accessible support will lower the community's rate of crime, death, and poverty, all which people of color are disproportionately affected. By raising the quality of life of our most marginalized groups, society will benefit.

Under the Affordable Care Act, it is illegal for most health providers and organizations to discriminate against you for being queer. This includes hospital and rehab stays, community centers, nursing homes, and health clinics in schools and universities, medical residency programs, Veteran's health centers, and health services in prison. Discriminatory behavior is often refusing treatment because you are queer, denying services given to other patients because you are queer,

refusing to treat you in accordance with your gender identity (this includes bathrooms), harassment by staff or other patients, refusing for counseling/medical advocacy or other support systems because you are transgender, isolation from others based on queer status, and interfering with your ability to exercise your health care rights (NCTE 2020).

4. A Queer Agenda

A recurring debate among common folk and scholars alike, within the LGBTQ+ community and outside of it, concerns the future of queer politics. What is the queer agenda? What are the goals the queer community envisions and how do we achieve them? Anti-queer propaganda portrays the queer community as dangers to society, morals, and the children. It is as if they fear the very inhumane conditions that they enforced on the queer community will one day be turned on them.

One book on the future of the queer agenda is José Esteban Muñoz's *Cruising Utopia: The Then and There of Queer Futurity*. To Muñoz, a queer utopia is not here yet, but rather it is an ideal. It is in the future and is a potential, so it is not something we have totally achieved yet. He argues that the queer political imagination has stagnated, and that we cannot settle for what the community currently has now, trying to fit into the normative lifestyle of a corrupt society. Rather he argues the necessity of looking to the future and demanding more; to free the mind and body outside heteronormative practices and to embrace all walks of life currently deemed deviant. While it is a radical approach, in that arguing for a normative lifestyle is not simply enough and to demand more. It is easy to look at the data and say that overall, queer Americans are much happier today and feel safer (Pew Research Center 2013), but we cannot ignore how these issues persist within a community as diverse as this one.

On April 30, 2000, hundreds of protestors gathered in Washington D.C. for the Millennium March, to march for gay rights, signaling gay rights are American rights. Life, liberty, and the pursuit of happiness are the ideals that are the bedrock of American society, of which the queer

community are a part of and have the right to (Hall 2010, 536-537). Activists have long since used this creed in order to enact change. One such as Dr. Martin Luther King who emphasized the gap between the nation's founding ideals and the reality of black segregation and disfranchisement. In one of his major speeches, King says that "The great glory of American democracy was the right to protest...If we are wrong, the Constitution of the United States is wrong." (Hall 2010, 538). By this argument, to be a working-class woman, to be black, to be queer, is to embody American ideals and its protests true patriotism. That is the queer agenda.

Landmark Supreme Court Cases

To understand what progress needs to be made, we need to understand current landmark judicial decisions on constitutional protections. One of the initial landmark wins for the queer community was the *One, Inc. v. Olesen* case heard by the Supreme Court. *One: The Homosexual Magazine* was seized by the postmaster of Los Angeles in 1957 using *Roth v. United States*, in which the Supreme Court ruled that "obscene" material was not protected under the First Amendment. The publisher sued and in 1958 the Supreme Court ruled that it was not obscene, marking the first-time homosexual media was protected by the government (Mezey 2009).

However, that did not change how law enforcement treated the queer community as "sexual deviants". Rather they were often treated as second class citizens until a landmark ruling in 1995. In 1992, the Colorado state constitution added Amendment 2, which prohibited any motion intended to prevent discrimination towards the queer community. This resulted in the lawsuit, *Romer v. Evans*, which reached the Supreme Court in 1995. It was ruled that Amendment 2 was unconstitutional in treating homosexuals as second-class citizens (Urofsky 2013).

Romer would establish a precedent for many important decisions to come such as *Lawrence v. Texas*. In 1998, a neighbor filed a false police report about a man with a gun. Police entered John Geddes Lawrence's home while he was having consensual sex with another man, Garner, and arrested them both under a Texas criminal statute that forbade "deviate sexual intercourse" between people of the same sex (Urofsky 2014). Lawrence sued the state and in 2003 the Supreme Court ruled that criminalizing sexual conduct between consenting adults of the same sex unconstitutional.

The decision overturned the court's ruling in *Bowers v. Hardwick* of 1986, which upheld Georgia's sodomy laws. Sodomy laws are laws that criminalize certain sexual acts between two or more consenting adults, even when it private and was mainly used as justification to discriminate against same sex couples to "maintain public morals". However, it can also be used to punish heterosexual couples if they engage in oral or anal sex. *Lawrence v. Texas* helped both homosexual and heterosexual couples.

Lawrence also paved the way forward for *United States v. Windsor*. In 2013, Windsor sued the United States for not recognizing her marriage to her late spouse Thea Syper, who she married in Canada and recognized in New York (Oyez 2013). Typically, widows do not have to pay taxes on inheritance from spouses, however Windsor was forced to do so. Therefore, she challenged the 1996 Defense Against Marriage Act (DOMA), which defined marriage for federal purposes as between one man and one woman. The Court decided DOMA was unconstitutional.

While DOMA would not be federally upheld anymore, many states still made same sex marriage illegal. The discussion around marriage equality came full circle in 2015 with *Obergefell v. Hodges* (Oyez 2015). James Obergefell sued Ohio for discrimination when they refused to put his name on the death certificate of his husband, John Arthur, even though they were wedded

legally in Maryland. He argued the state's statute violated the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment. The court ruled in favor of Obergefell and thus granted marriage equality for same sex couples nationwide.

Most recently, in 2020, the Court ruled in *Bostock v Clayton County* that “an employer who fires an individual merely for being gay or transgender violates Title VII” (Oyez 2020). Whereas previous court rulings, to be discussed below, held against analogizing sexual minorities and minorities on the basis of sexuality, *Bostock* appears to make space for challenging this exclusionary interpretation. However, while *Bostock* is the outcome of decades of legal and activist pressure to provide workplace rights, serious limitation on its protections remain, which I will discuss further below.

Proposed Federal Legislation

Despite significant progress on legislation as aforementioned, there are many areas in which queer Americans lack certain legal protections. A patchwork of state non-discrimination laws and vague interpretations of federal laws leaves millions of queer Americans at the mercy of potential discrimination by those who would take advantage of it. Listed below are an example of proposed legislation that has been introduced to Congress that if implemented, will significantly impact not only the lives of queer people of color but all those around them.

Public Services

The Customer Non-Discrimination Act was proposed in the House in 2016. The purpose of the bill was to amend the Civil Rights Act of 1964 to prohibit discrimination based on sex,

sexual orientation, and gender identity in public accommodations. Additionally, it would update the public spaces and services covered in current law to include retail, banks, shelters, legal services, and transportation services. It also prohibits denial to a shared facility such as bathrooms/locker rooms/ dressing rooms) that aligns with the person's gender identity. Furthermore, the bill would prohibit the Religious Freedom Restoration Act of 1993 from challenging these protections (Congress 2016).

Legal

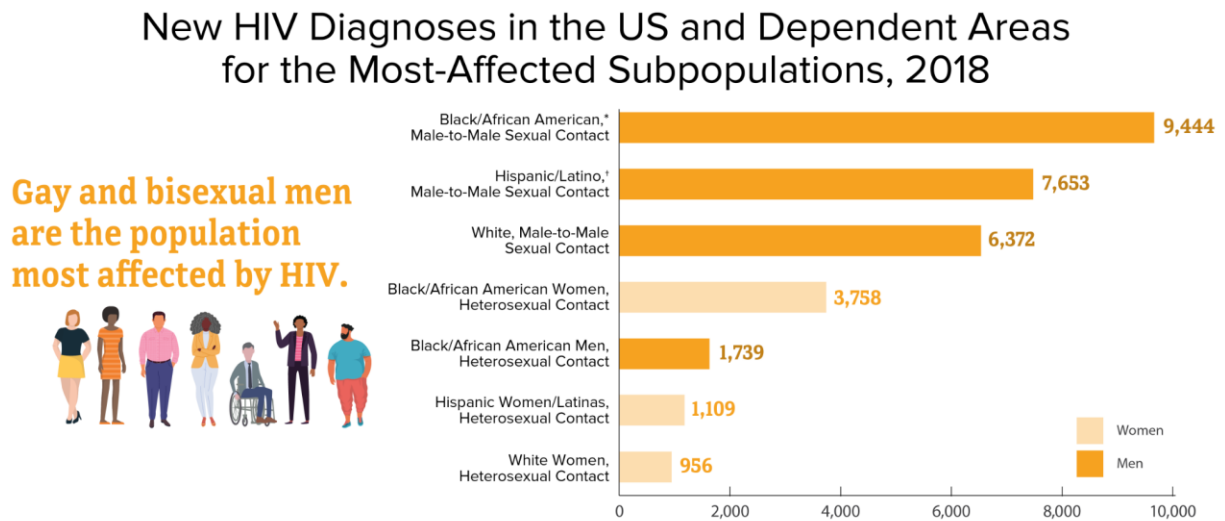
The End Racial and Religious Profiling Act was proposed in 2019. It would prohibit law enforcement (federal/state/local) from targeting a person based on perceived race, ethnicity, nationality, religion, gender identity, or sexual orientation without solid evidence linking them to a crime. It also requires the law enforcement agency to increase data collection in order to maintain proper anti-profiling policies. Furthermore, law enforcement must take additional training on the issues for profiling and bias when conducting investigations (Congress 2019).

Welfare

The Every Child Deserves a Family Act was proposed in 2019. Any child welfare agencies that receive federal funding are prohibiting from discriminating against potential foster parents or adopters based on religion, sex, sexual orientation, gender identity, or marital status. They cannot discriminate against the youth themselves for the same purpose. If discrimination is occurring, funding will be withheld. However, the bill will ensure that Health and Human Services (HHS) assist agencies during the transition (Congress 2019).

Healthcare

According to the CDC an estimated 1.2 million people aged 13 and older had HIV in the USA. Two-thirds of those new infections are among gay and bisexual men, and disproportionately affect Black and Latinx gay and bisexual men (CDC, 2020, Figure 4.1).



Subpopulations representing 2% or less of all people who received an HIV diagnosis in 2018 are not represented in this chart.

* Black refers to people having origins in any of the black racial groups of Africa. *African American* is a term often used for Americans of African descent with ancestry in North America.
* Hispanics/Latinos can be of any race.

Source: CDC. Diagnoses of HIV infection in the United States and dependent areas, 2018 (updated). *HIV Surveillance Report* 2020;31.

Figure 4.1 New HIV Diagnoses in US and Dependent Area for Subpopulations CDC 2018

Advancements in HIV prevention and treatment have decreased numbers of infections since the AIDS epidemic of the 1980s. Pre-exposure prophylaxis, or PrEP, is a once-a-day pill that prevents transmission of HIV when taken correctly. The medication can cost up to \$20,000 per year, not including copays and attendant lab fees (PrEP Daily). The PrEP Access and Coverage Act would require all private and public insurance plans to cover the HIV prevention pill and related services at no additional cost to patients (Congress 2019).

The Equality Act

Many of these proposed policies will fall under the Equality Act if it passes. The Equality Act would amend existing civil rights laws such as the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, to explicitly include sexual orientation and gender identity as protected characteristics. This also includes prohibiting discrimination in public spaces/services and federal funded programs on the basis of these characteristics (Congress 2021). In the most basic sense, the Equality Act would provide consistent protects for queer people across the USA in vital areas such as employments, housing, credit, education, public spaces, federal funding and more. Clear federal legislation is vital in decreasing discrimination and protecting vulnerable groups. I previously discussed the ruling of *Bostock v Clayton County* as being a landmark ruling for queer rights however it is not enough alone. Proper legislation is needed to make sure the changes cannot be easily removed by a future discriminatory administration. Furthermore, *Bostock v Clayton* currently does not prohibit discrimination under federally funded programs, and public spaces and services. Therefore, the Equality Act is necessary to enforce these protections. At the time of this paper, the Equality Act passed the House of Representatives and is waiting to be passed through the Senate.

Federal Policy Recommendations

Public Services

Education typically falls under State's jurisdiction however there is precedent of the Federal government to intervene in public education for the betterment of the nation, such Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504

of the Rehabilitation Act of 1973, which prohibited discrimination based on race, sex, and disability (US Department of Education 2017). Therefore, further comprehensive national legislation on education will be a great service for the queer youth population. I recommend first that primary and secondary public schools sex education be reformatted and mandated to conduct a more in-depth discussion of sexual health (like the history of STIs and the AIDS epidemic). I also recommended a program dedicated to discussing gender identities, gender expressions, sexualities, and services for them.

For public universities, I recommend mandated funding for free or reduced cost of year-long housing. Many colleges will do not allow students to live yearlong in their dorms or on-campus apartments unless they pay a substantial amount that does not adequately provide the same amount of value for the services they are paying and even then, may deny housing with or without reason. Members of the queer community risk being subject to hate crimes, homelessness, abuse, or increased suicidal tendencies if forced to return to their abusive homes and would rather live on campus where is a bit safer (for they have their own space), or live on the streets, which is not a reasonable option.

Legal

Federal and State identification documents are essential to accessing jobs, housing, health care services, public health and social benefits, and basic political and civil rights. People whose name or gender identity does not match their legal documentation will face difficulties accessing services they need such as welfare. One of the difficulties in getting a legal name change and gender marker change is cost. There is currently no standard federal package for updating legal identification documents to reflect a person's chosen name and their gender identity. Rather the process is left partly to the federal government and partly towards the state. Nor will all necessary

federal identification documents be updated even after the name change is granted. Passport books & cards, social security cards, birth certificates, and state ID are some of the legal documentations that will need to be updated.

Passports fall under federal jurisdiction and have a set fee: \$140 application fee / 35\$ acceptance fee for applicants 16 years old or older. Social Security cards are not allowed for identification (due to lacking a picture); however, they are necessary for accessing welfare benefits, among other things. There is no fee for changing them so long as you have court documents. The process for updating the names on these documents falls to the state who issues birth certificates, driver's licenses and can charge court fees, attorney fees, official copies fees, and publication fees for the process. Making a standard package that updates all your information while lowering the fees into a package deal would make it easier for anybody to get their name changed. A package without a name change for just renewal would also be helpful as well.

Housing

A person background and sexuality unfairly affect a person's access to housing. If a person can meet the income requirements to afford their choice of housing, they should not be barred from applying and living at the dwelling. Many queer people are involved in the sex work industry and face housing discrimination which makes it difficult for them to find safe affordable housing. Housing instability, as we discussed, affects your ability to enter the workforce or change jobs. Discriminatory policies and legal loopholes are constant struggles queer people face.

Ian Baldwin reconstructs the legacy of Hudson House, a queer group home in 1980s Los Angeles, as evidence of the longstanding intersection between queer rights and housing. He offers the story of an anonymous 22-year-old incarcerated person, imprisoned for a year for stolen property, was due for parole. His parole relied entirely upon him finding adequate housing. He had

the funds to rent a place as well as a job lined up. However, his convicted status in addition to his homosexuality barred him from many opportunities for housing assistance. His family disowned him for his sexuality prior so that was not an avenue available for him. Ostracization in life from family and within prison led to his mental wellbeing deteriorated so much that he had tried to commit suicide multiple times.

This young man's acceptance into Hudson House saved his life and gave him a chance to better it (Baldwin 2014, 42). Hudson House resides in Los Angeles and is a service that is not often given to most of the local queer community. Queer activists like most Angelenos, struggled with chronic housing shortage since World War 2. The situation was so severe that public housing programs received backlash for being "socialist experiments". However, unlike their heteronormative counterparts, queer Angelenos faced additional structural barriers to housing efforts. In the 1930-1940s, federal Housing and Urban Development (HUD) policies dictated that housing subsidies serve American "families" which defined those as those by blood or marriage, barring queer people from public housing assistance. Furthermore, HUD's policies extended to the Federal Housing Administration (FHA) loans and mortgage guarantees. This led to discretionary spending at the local level via Community Development Block Grants (CDBGs) which already underserved communities of color (Baldwin 2014, 44).

While programs such as Hudson House help fill in the gaps where legislation fails to protect its queer citizens, everyone deserves access to fair housing, from individuals to queer families (via marriage or found family). The welfare state has been queering by barring those within the community already, and it should not only rely on programs like Hudson House to provide services every American has a right to. Still, Hudson House provides a compelling example of how to expand housing opportunity that have been proven effective and is a model that, with the proper

funding, could quickly begin addressing the structural barriers many queer people face to secure, safe housing.

Workforce

Requiring employees to be addressed by their legal, or “deadname”, and the sex assigned at birth after being notified the subject does not identify that way should be considered discrimination, as it can lead to a hostile work environment and degradation of the employee’s mental health. The right to express one’s gender identity or even use terminology that suggests and/ or claims a non-heteronormative relationship are necessary for a safe and comfortable work environment. Traditional gender roles and heteronormative relationships are actively encouraged in the workplace. Expressing oneself can lead to harassment of various kinds that lead either to being fired or quitting. There is no evidence that proves that queer people cannot do their jobs just as well as their counterpart nor should they be seen as a reason for a poor work environment.

In 1973 in California, queer activists gathered on Good Friday to protest Pacific Telephone & Telegraph’s (PT&T) discriminatory practices against its gay work applicants. If you seemed gay or openly claimed to be gay, you were barred from employment. PT&T’s parent company AT&T had to pay a \$38,000,000 settlement with women and minorities alleged systemic sex and race discrimination the same year, but PT&T stood by its stance (Turk 2013, 424). PT&T associated gender nonconformity and homosexuality with deviance, irresponsibility, political radicalism, and liabilities for the company. The 1973 Good Friday protest was one of many demonstrations against workplace discrimination in America (Turk 2013, 425). Gay employment activists argued against these claims, saying that an employee’s gender and sexual orientation were irrelevant to their capabilities to do their job however the freedom to express those identities were essential to workplace equality. *DeSantis vs PT&T* and *Gay Law Students vs PT&T* of 1979 were

the most significant challenges to these practices however both were shot down by courts (Turk 2013, 428). This was because, as Turk explains:

[J]udges did not accept gays' analogy between sex and sexual orientation, and gay advocates had thus unwittingly compelled jurists to articulate differences between those categories before the law. Judges' reasoning left gays vulnerable to the conservative arguments, already gaining steam, that homosexuality was an immoral expression that could and should be contained or even eradicated (Turk 461).

However, since the ruling in *Bostock* (2020), which finds that LGBTQ people *do* have an analogous rights claim under Title VII the Civil Rights Act (1964).

If we are to combat homelessness, economic stagnation, and improve the quality of life in American, we need protection from discrimination in the workplace for all Americans, including those within the queer community.

Healthcare

Health services for queer people are often extremely expensive. I recommend passing legislation to make gender affirming surgeries, hormone replacement therapy, and any medications to be legally required to be covered by insurance as critical health practices and not as cosmetics.

Public Services

For Primary and Secondary schools, I highly recommend a few unisex bathrooms that are multi stalled, for students who do not identify as either male or female. Having unisex bathrooms would also benefit all students as well since it is open to everyone. Secondly, to combat poverty within schools, I recommend mandated funding in these schools for a free clothes/school

supplies/food pantry. This would help students from all walks of life feel safer at school once they have access to food/clothing and other supplies they lack due to poverty or housing instability.

5. Conclusion

Queer visibility increases every day, and it is imperative that we better understand the ways in which current laws, system, and program affect these communities. Individuals who identify differently from cisgender heteronormative will have experienced the world greatly differently than others. Furthermore, ethnicity, race, economic status, gender assigned at birth, and gender expression will vastly color the experiences they face and the challenges they encounter. My research has shown the importance to understand the disparities within and out of this populace and it is my goal we can use this information to advance equity both within and outside the LGBTQ+ community. A good life can only be built via inclusive healthcare, economic stability, housing stability, and non-discriminatory public policy.

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