

Envisioning an Inclusive World

The Importance of the Gay Civil Rights Movement

“C onstitutional amendments should be used to expand freedom, not restrict it. Gay and lesbian people have families, and their families should have legal protection, whether by marriage or civil union. A constitutional amendment banning same-sex marriages is a form of gay bashing and it would do nothing at all to protect traditional marriages.”
➤ Coretta Scott King¹

In a world defined by difference, our strength depends on our common humanity. As a country, we’ve made great progress in improving equality for women and minorities, but there’s still room for improvement in recognizing our common humanity. Our nation was built on the ideals of fairness and equality for all, but all do not experience those values. Gay Americans still face discrimination on many levels, in the workplace and in places of worship, to name a few. Same-sex couples do not experience the same safeguards and legal rights as opposite-sex couples, such as Social Security, health insurance and unquestioned hospital visitation.



... Donna Payne
Human Rights Campaign



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Black Civil Rights Movement and Gay Civil Rights Movement

I cannot separate the African-American part of me and the lesbian part of me. They make up my whole being. However, there are concerns around equalizing the hardship that the black civil rights movement faced with that of the gay civil rights movement. There are differences between the struggles my ancestors faced during slavery and the civil rights movement, and the modern LGBT civil rights movement. However, there are shared basic inequalities that cannot be overlooked, such as housing and workplace discrimination. But civil rights are really about the way that we treat people. Discrimination shows through our behavior toward each other.

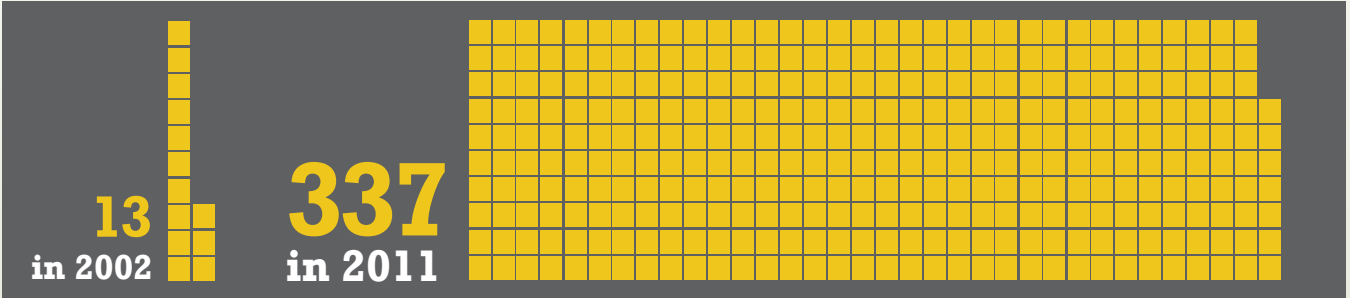
The NAACP recognizes the need for civil rights for the gay community as well. At a historic event in New York City in September 2010, Benjamin Jealous, the President of the NAACP, visited the New York Lesbian, Gay, Bisexual, and Transgendered Center and spoke to a large audience about working together. It was the first such public appearance by a sitting NAACP president openly stating that gay rights are civil rights.²

Bringing Fairness Into Focus

Fairness in the workplace has been recognized as a fundamental right protected under federal law. In the US, we are legally protected against employment discrimination on the basis of race, gender, religion, national origin or disability. However, working Americans are not legally protected against sexual orientation or gender identity and gender expression discrimination. Currently, there is no federal law that consistently protects lesbian, gay, bisexual and transgender (LGBT) individuals.

In recent years, businesses have implemented policies aimed at creating safe and productive workplaces for gay and lesbian employees. The majority of Fortune 500 companies have prohibited discrimination based on sexual orientation since 1995 and have offered partner benefits since 2006. The number of companies that receive top ratings from the Human Rights Campaign Foundation’s Corporate Equity Index rose from only 13 in 2002³ to 337 in 2011.⁴ However, more work needs to be done to translate inclusive policies into an inclusive climate as more than half of LGBT employees hide their LGBT identity at work.⁵

SIGNS OF PROGRESS: NUMBER of COMPANIES to receive top ratings from HRC’s Corporate Equality Index:



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Those rights include:

Hospital visitation, Social Security benefits, immigration, health insurance, estate taxes, family leave, nursing homes, home protection & pensions

None of these benefits are available to same-sex couples because they can't get married.

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Marriage and Relationship Recognition

At its core, the push for marriage equality is simply about making the day-to-day lives of same-sex couples and their families secure. All families deserve the ability to protect themselves with basic legal rights and safeguards. There are 1,049 benefits that come with marriage. Those rights include hospital visitation, Social Security benefits, immigration, health insurance, estate taxes, family leave, nursing homes, home protection and pensions. None of these benefits are available to same-sex couples because they can't get married! Many argue that civil unions and domestic partnership laws can offer this protection, but they only grant one-quarter of marriage protections.

The Domestic Partnership Benefits and Obligations Act (DPBO) would provide domestic partnership benefits to all federal civilian employees on the same basis as spousal benefits. These benefits, available for both same- and opposite-sex domestic partners of federal employees, would include participation in applicable retirement programs, compensation for work injuries and life and health insurance benefits. DPBO would bring employment practices in the federal government in line with those of America's largest and most successful corporations. In addition, 59 percent of Fortune 500 companies, 23 states, the District of Columbia and over 150 local governments make benefits available to public employees and their same-sex partners. This is great progress, but we need to be working toward equal rights and benefits for both opposite- and same-sex couples.

Currently, only marriage can provide families with true equality, due to the federal legal rights associated with marriage. Vermont, New Jersey and New Hampshire offer civil unions, which are, like domestic partnership recognition, a form of relationship acknowledgment that grants same-sex couples access to state-level marriage rights but not federal-level rights. In the US, same-sex marriage is legal in six states: New York, Massachusetts, Connecticut, Iowa, New Hampshire and Vermont, as well as in Washington, DC. Equality-seeking groups across the country have created marriage campaign initiatives in other states.

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In the US, same-sex marriage is legal in five states:

Massachusetts, Connecticut, Iowa, New Hampshire, Vermont, New York and Washington, DC.



Participants in an Iowa City rally celebrate after the Supreme Court legalized same-sex marriage in Iowa. The poster in the center reads, "Our liberties we prize and our rights we will maintain," Iowa's state motto.



Several countries have joined the ranks of showing support to same-sex couples and their families. The list is growing and reflects the equality that is possible.

Seeing Equality Throughout the World

Since the gay civil rights movement started, there has been progress around the world to secure protections for individuals, their relationships and families. Several countries have joined the ranks of showing support to same-sex couples and their families. The list is growing, and they reflect the equality that is possible.

- **South Africa** was the first country in the world (in 1996) to include a section in their constitution on LGBT rights, which declares, “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including sexual orientation.” Adoption rights and marriage recognition followed in 2005.
- **The Netherlands** was the first country to legalize marriage in 2001 and became the beaming light in the world that gave us all a glimpse of possibility for the future.

- **Canada** followed with marriage recognition, adoption and the banning of all discrimination including gender identity in 2003.

We are now surrounded by a path that shows us how things should be for everyone. For the past four years, more countries have recognized same-sex marriage, adoption and openness in the military and banned all discrimination against gay and lesbian individuals and families, including Norway, Sweden, Spain, Belgium, Iceland and Argentina.

Gaining Fairness in America

Nothing smells better than progress! We’re seeing it around the world and in the US. Don’t Ask, Don’t Tell, a policy that was put in place to restrict US military officials from efforts to reveal the sexuality of a service member was repealed in 2010. This policy also kept the military from adding to their ranks if a person was openly gay, lesbian or bisexual. Removal of this federally mandated law was preceded by military research showing that its repeal would not harm military effectiveness.

Another step in the right direction is the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Conceived as a response to the bias-motivated murders of Shepard and Byrd, the act gives the Department of Justice the power to investigate and prosecute bias-motivated violence by providing them with jurisdiction over crimes of violence where a perpetrator has selected a victim because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Progress is also being made in terms of relationship recognition. New federal regulations regarding patients’ hospital visitation rights have gone into effect nationally. These new regulations require all hospitals participating in Medicaid and Medicare programs, which is almost every hospital in the country, to permit patients to designate visitors of their choosing and prohibit discrimination in visitation based on a number of factors, including sexual orientation and gender identity. That’s equality!

America was founded on the ideals of liberty and justice for all. We have come a long way in strengthening civil rights for US citizens; however, progress toward fundamental fairness and equity for gay and lesbian individuals and families is still possible. At the Human Rights Campaign, our dream is of an America where lesbian, gay, bisexual and transgender people are ensured equality and embraced as full members of the American family at home, at work and in every community.

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Support Fairness in America

- 1 State your support for full marriage equality.
- 2 Patronize businesses that support equality and encourage others to implement non-discrimination policies.
- 3 Become informed of initiatives in your area, locate local LGBT advocacy groups and support their work.
- 4 Vote for candidates that support LGBT civil rights.

President Obama signs the repeal of Don’t Ask, Don’t Tell in 2010.



Public domain photo courtesy Chuck Kennedy/White House photographer

As one of the Human Rights Campaign’s (www.hrc.org) key representatives, Donna Payne works closely with our civil rights organizations and leaders across the country to increase inclusiveness of lesbian, gay, bisexual and transgender communities of color. Her work includes leading HRC’s Historically Black Colleges and Universities program. In 2009, she was chosen by TheRoot.com as one of 100 established Black Americans who are making exceptional contributions in their professions and communities. Payne is also a founding board member of the National Black Justice Coalition. She graduated from the University of Tennessee, Knoxville, in political science.

