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Asking the Right Questions: Making a Case for  
Sexual Orientation Data<sup>1</sup>

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**Abstract:** Currently, very little information is collected on sexual orientation in the nationally representative surveys that guide much of the investigation of social, economic, and health policy. Asking questions on sexual orientation will help to fulfill the mission of such surveys to measure outcomes both for the population as a whole and population sub-groups where a policy role is evident. In many cases, the stated purposes and current uses of survey data may even be seen to require the collection of personal characteristics such as sexual orientation. This paper will first outline the particular areas of research and policymaking that are at stake: families, social service provision, health services, economic development, employment, youth, and business decisions. It will give extended examples of the use of data on sexual orientation in family policymaking and in policies related to youth and education. Finally, the paper will outline the other areas where data collection issues on sexual orientation are most pressing.

## 1. Introduction

Much of our knowledge about the health, economic, educational, and social status of people in the United States comes from survey data. Researchers analyze data on individuals and families to understand the determinants of outcomes such as poverty, illness, unemployment, education, or income. All social and health sciences now recognize that membership in racial, ethnic, and gender groups is often a key factor that influences those outcomes of interest, and, therefore, surveys routinely ask questions about those characteristics. Survey data is particularly important for assessing the need for public policies that address any racial, ethnic, gender, or other intergroup differences in important social

outcomes, and data is necessary to evaluate the impact of those policies, as well.

One category of group membership that is at last receiving heightened academic and policy attention is sexual orientation. For many years, the invisibility of gay, lesbian, and bisexual people (GLB) and the stigma of homosexuality also affected researchers who were interested in studying the lives of GLB people (See, for instance, Taylor and Raeburn, 1995; Committee on the Status, 1995). In recent decades, research on GLB people has increased in various social science and health-related disciplines. But researchers now face a different barrier: there is virtually no high quality survey data available for large samples of GLB people. In the absence of high quality data, scholars, policymakers, and the general public run the risk of falling back on stereotypes and myths about who gay, lesbian, and bisexual people are. Researchers have had to rely on “convenience samples” for many studies of GLB life, recruiting survey participants from bars, mailing lists, or political organizations, for instance. While those studies contributed valuable insights, convenience samples do not allow generalization from the small group to a larger population.

The main source of data from large sample probability surveys that the study of a relatively small group, such as GLB people, would require are surveys conducted or funded by the federal government. The federal government spends over \$4 billion a year on statistical data collection and analysis (Office of Management and Budget, 2001), making it the most important source of data about people in the United States. However, only a few health-related surveys ask questions about sexuality or sexual orientation, and a few others (such as the Census or Current Population Survey) allow the identification of respondents who have same-sex partners.

Informal small-scale efforts to encourage the collection of data on sexual orientation in large-scale probability samples have revealed several barriers. Such barriers range from ethical concerns related to collecting sensitive information about individuals that might open them up to the harmful effects of social stigma, to practical and methodological concerns about whether meaningful and accurate responses to questions about sexual orientation can be collected. Perhaps the biggest obstacle is that designers, administrators, funders, and analysts of surveys often do not see a need to collect information on sexual orientation. (Were they to see such a need, it is likely that the other concerns could be addressed.) They argue that the usual motivations for inclusion of questions, such as government policy needs or obvious social, economic, or health differences by

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sexual orientation, do not exist. The result of these dynamics is an unfortunate Catch-22: Researchers need data to evaluate or motivate policies based on sexual orientation differences or to uncover differences in important outcomes by sexual orientation. But without the evidence that differences or policy needs exist, survey teams will not collect the data.

Researchers' productive use of the existing data on sexual orientation over the last decade offers a way out of this double-bind, however. Drawing on that body of research, I argue in this paper that a wide range of surveys conducted by the federal government, in particular, should begin to include questions on sexual orientation. In the following section, I briefly consider the guidelines and policies of the American Statistical Association that are relevant to this issue. Professional ethical standards demand that we carefully identify why researchers should collect data on sexual orientation, but ASA policies also imply that we should encourage the collection of such data if good reasons exist.<sup>2</sup> In the third section, I draw on existing motivations for federally-sponsored survey research and the research on differences in important outcomes by sexual orientation to make a scholarly case for asking questions on sexual orientation in a wide variety of areas. Such data will allow us to further our knowledge in many disciplines and areas of study. In the fourth section, I give one example of how important such data have been in the evaluation of pressing public needs. The final section draws conclusions.

## 2. Professional Obligations Related to Data

At least two aspects of policies and guidelines of the American Statistical Association clearly relate to the issue of data on sexual orientation. One protective aspect of ASA policy relates to the potential for invading the privacy of individuals, which creates an obligation for statisticians to collect only data needed for the purpose of their inquiry. The second relevant aspect of ASA policy relates to an affirmative encouragement of the ASA and its members to provide support for minority groups within ASA, including with regard to the collection of data.

*Ethical Guidelines.* The ASA Ethical Guidelines for Statistical Practice are at least one

<sup>2</sup> While the methodological issues are important, they are beyond the scope of this paper. The success of asking sexual orientation questions on some surveys plus other existing and ongoing research suggest that the practical issues are manageable, however.

potential source of researchers' objections to including sexual orientation questions on surveys:

2. Recognizing that collecting data for a statistical inquiry may impose a burden on respondents, that it may be viewed by some as an invasion of privacy, and that it often involves legitimate confidentiality considerations, statisticians should:
  - a. Collect only the data needed for the purpose of their inquiry....<sup>3</sup>

If members of the research team who are designing and implementing a survey are not interested in using variables that capture some aspect of sexual orientation, then this guideline would seem to prevent them from including questions on sexual orientation. In the case of data collected by the federal government, however, the wide range of uses that are not known in advance suggests that developers of survey instruments should be open to adding questions that are likely to be of use to researchers interested in a wide variety of questions, including those related to sexual orientation.

On top of the concern about whether the data on sexual orientation would be useful, survey administrators and designers appear to worry that people who are gay, lesbian, or bisexual are still vulnerable to the negative effects of persistent social stigma, generating a second source of privacy concerns related to confidentiality. The degree of stigmatization is evident in continuing unequal treatment in some public policies,<sup>4</sup> reports of discrimination based on sexual orientation,<sup>5</sup> and expressions of negative attitudes toward homosexuality in opinion polls.<sup>6</sup> The existence of social stigma seems to define a gay identity as something that someone would want or need to hide from other people, including researchers. Even researchers who do not have consciously negative attitudes toward GLB people might believe that GLB people have internalized the stigma or legitimately fear reprisals if confidentiality were breached and

<sup>3</sup> See "Ethical Guidelines for Statistical Practice," ASA Policy and Procedures Manual, Appendix F, at <http://www.amstat.org/about/polproc/index.cfm?fuseaction=appendixF>, accessed 10/21/04.

<sup>4</sup> Examples of discriminatory public policies: Gay couples do not have the right to marry in 49 states. Employment discrimination based on sexual orientation is legal in 36 states. Some states do not allow GLB people to adopt children.

<sup>5</sup> For a review of this evidence, see Badgett (2001).

<sup>6</sup> See, for instance, Yang, 1997.

will not, therefore, truthfully answer a question on sexual orientation.

In addition, GLB people involved in political and legal debates often frame their claims to equality as being rooted the right to privacy.<sup>7</sup> “What I do in my own bedroom is no one else’s business,” is a commonly heard slogan. Researchers interested in studying GLB people might fear to ask questions about sexuality in order to respect an apparent desire for privacy.

Of course, the ethical guidelines are not requiring statisticians to avoid asking questions about all seemingly private or personal matters, otherwise many current surveys could not exist. For instance, many people find the questions about income on the census long form to be an invasion of privacy. The obligation is rather to minimize or limit the overall psychic burden on respondents by asking only questions of direct relevance to the statistician’s research purposes. To state it a slightly different way, the ethical obligation for statisticians is not to prejudge a particular group of respondents’ need for privacy but to be able to match and justify questions with a relevant research goal. If data on sexual orientation is necessary to achieve a purpose of the survey, it may be collected. And if sexual orientation data is necessary, it is an easy step to assert that meeting the ethical obligation also entails a positive intellectual obligation to collect such data.

*Policy with respect to minorities.*

Furthermore, I would argue that the issue of a positive responsibility is also related to a professional obligation as members of the ASA. A different aspect of ASA policy suggests that statisticians may have such a positive responsibility to collect data on sexual orientation.

The ASA has “Guidelines Supporting Minorities in Statistics” that include the recognition that scientific knowledge and evaluation are central to public policy change that will improve the social and economic conditions faced by members of minority groups:

4. Resolved that the ASA supports and encourages ASA membership, ASA leadership, and the Committee on Minorities in Statistics to: ...c. Promote the

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<sup>7</sup> This is not a universal rhetorical and legal strategy within the GLB community, however. Some scholars have noted that GLB issues also include rights rooted in the public sphere as well, such as the right to have a publicly (legally) sanctioned marital relationship with someone of the same sex or to be open about one’s sexual orientation in the workplace (e.g., see Woods, 1993).

development of scientific knowledge needed to establish programs or strategies designed to improve the condition of minority populations in the US; d. Promote the implementation and evaluation of intervention methods which are designed to improve conditions among minority populations....<sup>8</sup>

While these guidelines were drawn up in the context of the situation of racial and ethnic minorities in the U.S. and in the statistics profession, such guidelines might reasonably be extended to the GLB population in the U.S. if evidence of the need for improvement of conditions existed. Examples of unequal treatment noted earlier certainly exist; below I mention studies that show other negative impacts of the stigma attached to a GLB sexual orientation.

In fact, the very connection between public policy and federal data collection efforts provides an important set of motivations for inclusion of questions on sexual orientation. The following section considers a wide variety of public and private uses of survey data and shows that information on sexual orientation would be important for fulfilling those policy aims. As a result, questions on sexual orientation would meet both the ethical and professional tests for statisticians who are considering adding such questions to surveys.

### 3. Substantive connections between existing survey topics and sexual orientation

There is a wide range of topics that researchers study using survey data collected by the federal government. In this section, I will briefly outline key questions within those topics that have special relevance for people in particular sexual orientation categories—mainly GLB people. Such questions can only be addressed and answered by researchers with more and better data. Where possible, I include a sample of citations to relevant literature that has revealed interesting and important differences or similarities between sexual orientation groups.<sup>9</sup>

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<sup>8</sup> See “Guidelines Supporting Minorities in Statistics,” ASA Policy and Procedures Manual, Appendix F, at <http://www.amstat.org/about/polproc/index.cfm?fuseaction=appendixF>, accessed 10/21/04.

<sup>9</sup> Much of the following set of topics was developed as a group effort in a series of meetings held by the Institute for Gay and Lesbian Strategic Studies in 2002-2003. In particular, John Blandford and Marieka Klawitter contributed to the wording of

*Families:* Understanding American families and households requires the ability to identify in survey data the many forms that families take in the United States. Lesbian, gay, and bisexual people form committed family relationships, and many LGB individuals and couples are raising children. Recent analyses of Census 2000 data on same-sex unmarried partners have revealed some surprising findings. For instance, in Census 2000, one third of female same-sex unmarried partner couples and a fifth of male couples have own children under 18 living in their households (Simmons and O'Connell, 2003). A recent book by Gates and Ost (2004) shows the geographic diversity of families headed by same-sex couples. Survey data related to sexual orientation would allow us to ask and answer important questions about these families:

- How many self-identified LGB or behaviorally LGB people are there?
- How many are in couples? How do GLB people in couples differ from those who are single?
- How many LGB people who are not in couples are raising children? Are children born into LGB families, or are they adopted or from prior relationship? How are the adults related to the children? What parental financial and care-taking resources are available for children in these families?
- What is the standard of living of LGB individuals and families? How many live below the poverty level? How many participate in government income support or social security programs? Do those programs meet the needs of LGB people and families?
- What are the effects on couples and communities of not providing legal recognition for those relationships? What might be the social and fiscal effects of allowing same-sex couples to marry or register as domestic partners? (See the next section for a more detailed discussion.)

*Social Services:* Information on sexual identity would be valuable for the allocation of social services at local, state, and federal levels. Demographic patterns among GLB people, and how these patterns compare to other groups, may signal differing needs and planning imperatives for government and community planners on a wide range of issues:

- child-bearing and child-rearing patterns (demands on school system, HeadStart)

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some items. The addition of cites and findings in the various literatures is my own.

- elder care (To what extent are GLB couples and individuals responsible for care of older dependents?)
- household structure (Are GLB people less likely to have an in-home caregiver in the event of serious illness?)
- How do racial/ethnic and sexual identities intersect, and how might these interactions affect the ability and willingness to access services of community-based organizations?

Furthermore, the need for sexual identity information may be critical in anticipating the impact of aging and retirement for baby boomer and later cohorts of lesbians and gays. Amplifying the overall impact of the boomer demographic bulge is the impact of their being the first cohort coming of age after the start of the modern gay social movement to negotiate retirement and aging.

- With sexual identity being an integral and often public component of their lives, retirement patterns may be quite different than those of heterosexual people or earlier generations of GLB people.
- Who are the potential caretakers of GLB people (partners, family, friends)? How are pension systems, social security, or independent retirement planning affected by sexual identity? What are the geographic patterns (i.e. do they become "snowbirds" or do they remain in tolerant urban areas)? How are health systems affected?
- What is the savings behavior of LGB people (including IRAs and 401(k) participation)?

*Health Services:* The national health objectives set forth in Healthy People 2010 mandate that the Department of Health and Human Services (DHHS) monitor and eliminate health disparities between different segments of the population. A growing body of research suggests that measures of mental and physical health may differ between heterosexual people and GLB people (e.g. Diamant, et al., 2000; Dean, et al., 2000; Cochran, 2001; Mays and Cochran, 2001; Cochran, Sullivan, and Mays, 2003), and that body of work led to the inclusion of sexual orientation in the list of disparities to be eliminated (Department of Health and Human Services, 2000). In addition, GLB people in couples appear to be much more likely to be uninsured than are married heterosexual people (Ash and Badgett, 2004), which may lead to or exacerbate some of the observed health differences. More data on health outcomes by sexual orientation are needed, however.

- Tracking and amelioration of health disparities requires collection of explicit data on sexual orientation.
- Little present capacity for this data collection exists; among the major health surveys, few collect sexual orientation data. The data collected to date have been inadequate to the HP2010 mandate, collection is intermittent, and there is no consistency across data-collection instruments. Inconsistent wording of questions and lack of on-going inclusion of sexual orientation questions undermine comparability across datasets or time periods. Additionally, much of the data collection already occurring focuses on sexual behaviors rather than sexual identity.
- Adequate monitoring of physical and mental health outcomes and disparities likely requires full collection of data on both behavior and identity.
- An Institute of Medicine panel recommended in 1999 that federal surveys include questions on sexual orientation (Solarz, 1999).

*Economic development:* Analysis of the forces that shape economic development will benefit from the identification of subgroups that might make distinct contributions to the economic development of cities and other geographic units. One study found that high technology sector growth was higher in urban areas with large numbers of people with same-sex partners than in areas with fewer same-sex couples (Florida and Gates, 2001, using data from the 1990 Census). Better identification of LGB people will allow us to better measure important inputs in economic development:

- Rates of homeownership
- The role of GLB people in urban gentrification
- Rates of small business formation
- Access to credit
- How the presence of GLB individuals might create cultural diversity that enhances creativity and local economic development

*Business:* Businesses need information about LGB people to make important decisions. Companies who want to define and locate the LGB market must largely rely on data from convenience samples, which usually lead to overestimates of the size and affluence of the gay market (Badgett, 2001). Employers who want to maintain competitive compensation packages by adding domestic partner

coverage seek data on how many people will sign up for such benefits (see Ash and Badgett, 2004), how many of their competitors offer such benefits, and how large will the tax impact be for the employer and employees. Human resource managers need better information for planning, including developing information to inform diversity training and workplace climate policy.

*Employment:* Getting an accurate picture of the economic standing of individuals and families in the United States means understanding the possible differences in employment outcomes of population subgroups, like LGB people. A growing body of research using the General Social Survey and the Census has found that gay men (or men with same-sex partners) earn less than heterosexual men, while lesbians often appear to earn somewhat more than heterosexual women (Allegretto and Arthur, 2001; Badgett, 1995; Black, Makar, Sanders, and Taylor, 2003; Blandford, 2003; Klawitter and Flatt, 1998). Such findings have potential public policy implications with respect to outlawing employment discrimination based on sexual orientation. And once such policies exist, the evaluation of their effectiveness will be important. For instance, Klawitter and Flatt (1998) found no evidence that nondiscrimination laws reduced the wage gap for men in same-sex partnerships in the 1990 Census data. We need more data to explore the wage gap, as well as other important economic outcomes:

- Unemployment rates
- Characteristics of jobs: Full-time vs. part-time; occupational positions; availability of health care benefits and retirement benefits
- Earnings and other sources of income

*Youth:* Educating and raising healthy young people requires understanding the challenges faced by sub-groups of youth, including LGB young people. A series of papers using Youth Risk Behavior Survey data have demonstrated that LGB young people face pressure and prejudice from schools and peers, and rates of certain risk behaviors, such as suicide attempts, are more common among LGB youth (Remafedi, 1990; Garofalo, 1998). More data will be needed to understand such issues as the following:

- Developing effective health programs that meet the needs of all students
- Understanding school safety issues to provide healthy learning environments
- Preventing bias-motivated violence
- Motivating high achievement

While policymakers and survey administrators may not be accustomed to thinking about the needs and contributions of LGB people, ample reasons exist to encourage the collection of data on sexual orientation on all public and private surveys that address the issues above.

#### 4. One Example of the Importance of Good Data for Creating Good Policies

In the last year, both California and New Jersey passed laws allowing same-sex couples to register their domestic partnerships and to receive some rights and responsibilities as a result of those relationships. Rights include some spousal employment benefits, reduced inheritance taxes, and potential income tax advantages. In both states, some lawmakers expressed concern that such changes would have an adverse effect on the state budget and that perhaps the state could not afford to create the new status. As a result of these concerns, a colleague and I were asked to conduct fiscal analyses of the impact of AB205 on the California budget and the Family Equality Act on the New Jersey budget (see Badgett and Sears, 2003a; Badgett and Sears, 2003b). Here I focus on the process related to the California legislation.

AB205, the bill that eventually gave domestic partners almost all of the rights of marriage in California, originally included the right for domestic partners to use the married-filing-jointly status on their state income tax returns. To estimate the likely impact on state tax revenues, we used data from the 1% PUMS sample of Census 2000 for California to simulate the taxes of same-sex couples with and without the ability to file jointly. Making some simple assumptions about deductions and exemptions, and using the actual reported incomes and household composition of same-sex unmarried partner households, we calculated that 54% of couples would pay less in state taxes, while 11% would pay more in state taxes. Overall, we predicted tax revenues would fall by roughly \$3.9 million per year. The state Franchise Tax Board initially used different assumptions (of unknown origin) to calculate a much higher tax impact. After sharing the Census data with them, however, their revised estimates were quite close to ours, providing a consistent finding that appeared to give policymakers some confidence in the estimate.

Unlike the Franchise Tax Board, we also calculated the dollar value of other fiscal impacts and concluded that the state would net a gain of \$8 to 11 million per year if AB205 were enacted. Our study was cited in the floor debate on the bill, suggesting

that lawmakers found it a useful report in the context of a very difficult budget season.

The Census data on same-sex unmarried partners have also been heavily used in research related to marriage rights same-sex couples. A revealing comparison with respect to budget analysis at the federal level would contrast the discussion of the Defense of Marriage Act in 1996, in which some Senators expressed concern that giving marriage rights to same-sex couples would create a drain on the federal budget,<sup>10</sup> to this year's discussion of a Federal Marriage Amendment. The 2004 debate in Congress led to the expression of similar concerns by lawmakers (Ramstack, 2004). In 2004, however, widespread knowledge of data from Census 2000 on unmarried partners allowed the Congressional Budget Office to use census data to estimate the actual impact of marriage equality on the federal budget. The CBO predicted that, contrary to some lawmakers' expectations, allowing same-sex couples to marry would benefit the federal budget by close to \$1 billion per year (Congressional Budget Office, 2004).

The Census 2000 data have proven to be a particularly helpful source of information for policy analysts studying the issue of marriage equality because of the focus on unmarried partner couples. The census has information on home ownership, children in the household, employment status, individual incomes, and sources of income. Therefore, policy analysts can draw on data that allow estimates of taxes and receipt of certain kinds of social welfare program benefits. Other analysts have drawn on these data for various purposes, including an analysis of the needs of gay or lesbian families with children (Bennett and Gates, 2004a), of GLB elders who have partners (Bennett and Gates, 2004b), and the impact of same-sex marriage on U.S. businesses (Badgett and Gates, 2004).

#### Some concluding thoughts

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<sup>10</sup> During the debate over DOMA, Senator Robert Byrd of West Virginia explicitly invoked concerns about the fiscal impact of letting same-sex couples marry: "How much is it going to cost the Federal Government if the definition of 'spouse' is changed? It is not a matter of irrelevancy at all. It is not a matter of attacking anyone's personal beliefs or personal activity.... What is the added cost in Medicare and Medicaid benefits if a new meaning is suddenly given to these terms?" (Debate on H.R. 3396, Sept. 10 1996, 104th Congress, U.S. Senate, p. S10110).

Over the last decade or so, the increasing utilization of data on gay, lesbian, and bisexual people from probability samples has not only revealed important social and health differences across sexual orientation groups, but this new research has revealed a path out of the difficult Catch-22 for statisticians (i.e., we can't add a question unless we know it's needed; we can't know if it's needed if we don't ask the question). Now that we have seen differences emerging between GLB people and heterosexual people on important outcomes, we can see why asking survey respondents' sexual orientation is relevant to the purposes of any survey seeking to understand all Americans' economic, social, educational, and health outcomes.

In a sense, we have been lucky that the hottest policy debates of the last year or so on gay-related issues have focused on same-sex couples. We have relatively high quality data on same-sex couples that have allowed researchers to ask and answer important questions in the academic and policy realms. The ability to provide answers to these questions has elevated the quality of the political debate and has aided policymakers in making decisions. However, the very visibility of same-sex couples in existing datasets simply invites more questions about the GLB people we still cannot see—those who are not in cohabiting same-sex couples.

Perhaps the most pressing need now is to expand our expectations of the data collected on individuals, urging all survey design teams to include an appropriate question on sexual orientation if a reasonable case can be made by future users of the data. Professional ethics allow it; professional responsibility demands it.

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