

The Institutionalized Closetization of LGBTQ+ Identity

How Decades of Policy Harmed Generations

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No minority group in the history of the United States has made more legal progress in protecting their rights than the LGBTQ+ community. Just a short decade ago, all presidential candidates on both the Republican and Democratic side of the aisle sat in front of millions of Americans and answered questions regarding the institution of marriage with Pastor Rick Warren. The answer they gave to Pastor Warren was marriage is an institution between a man and a woman. Fast-forwarding to 2018, marriage equality is established, and legislatures across the 50 states are passing legislation adding additional protections under the law for the LGBTQ+ community. Whether it is non-discrimination legislation based on one's sexual orientation or sexual identity, or even legislation banning conversion therapy on minors (a treatment that claims it is possible to change the sexual orientation or sexual identity from transgender to cisgender or homosexual to heterosexual) legal progress is occurring rapidly.

For such a small minority with in the United States to be claiming headlines and legislative agendas to the capacity they are shows a continuous belief from society that those who are members of the LGBTQ+ community are in fact perfectly equal to their heterosexual peers and deserve the same rights and protections under the law as everyone else. It is important to state that in addition to the legislation, ordinances, and court orders that are progressing the LGBTQ+ community forward in our society, there are still states and communities that are doing everything in their power to keep the status quo or repeal the progress that has been made. In response to many court orders, states have passed and signed into law religious freedom bills, designed to protect an individual's faith that homosexuality is wrong.



These laws have serious consequences to the LGBTQ+ community as they serve in direct contrast to the progress they have claimed legally over the past decade and continue to claim today.

However, even these progressive pieces of legislation cannot be interpreted as the final remedy to the issues facing the LGBTQ+ community at large. These pieces of legislation, court orders, and ordinances provide a legal framework that promotes accountability for those individuals that would seek to make the community lesser in their actions toward them. Although accountability is pertinent to any public organization, municipal government, state government, and the federal government. This linear belief that a law solves all problems ignores the micro levels of interactions that humans have within our society. These micro levels of interaction from the street, a local restaurant, and even the workplace have significance when it comes to the LGBTQ+ community.

Therefore, additional questions must be asked regarding the concept of social justice and equality for the LGBTQ+ community. If all these legal protections are present within our government, why do the problems faced solely by this community still linger and in many cases continue to get worse? How do micro levels of interaction affect the overall environment of the nation? Are their comparisons we can look to in order to better understand the LGBTQ+ community's progress or lack thereof historically? There are unique challenges the LGBTQ+ community faces, not just on legal level but on all levels within our economy, popular culture, and even our religious institutions. Disparities, discrimination, violence, and personal struggles are all issues faced by the community in our



society. All of these issues stem from a long established legal, economic, and popular culture creating the American environmental culture that has led to the institutionalized closetization of identity, which has led to far more issues and challenges for the LGBTQ+ community in realms other than legal policies.

The aim of this piece is to establish how environment of the United States, through its legal, economic, and political culture has led to the institutionalized closetization of LGBTQ+ identity resulting in the ongoing crises facing the community today and providing insight in how to best to create social justice and equality for the community.

How We Got Here: A Legal History

As with every modern social movement, we cannot fully understand it nor grasp where it is going unless we are able to examine its history. For the LGBTQ+ community, this is certainly the case. Under the sociopolitical and socioeconomic culture of the United States in the form of its legal system, LGBTQ+ Americans faced incredible institutionalized closetization of identity. Its first appearance on a mass governmental scale starts with the end of World War II and the beginning of the Cold War. Examining the different levels of government and their historical interactions with the LGBTQ+ community will shed light on the current public affairs regarding the LGBTQ+ community in the public sphere.

Federal Policy



If we are able to set up the dynamic of the dominant sociopolitical and socioeconomic culture as three individual fields that interact with one another in the American context, then the legal front historically is where the most institutionalized closetization of identity started. After the Axis powers surrender to the Allies at the end of World War II, came the next great challenge that would engulf the world, the Cold War. The center target of the Cold War was communism and stopping its spread around the globe became the mission of the United States until the Soviet Union collapsed in the early 90's. Homosexuals were somehow linked to Communism by leaders inside the Federal Government and "like communism, homosexuality was seen as a threat to national security" and therefore must be stopped (Shibusawa 2012).

This began the Lavender Scare within the Federal Government, resulting in the first official public policy regarding the LGBTQ+ community, excluding institutions that were categorized based on a fit or unfit basis such as the military, immigration, and welfare (Shibusawa 2012). Fears of communism and sexual morality infiltrated the State Department and thus President Harry Truman signed an executive order that called for Federal Employees to establish their loyalties to the United States. This program secretly dismissed homosexual employees based off of an interpretation of "immoral or notoriously disgraceful behavior," a provision found in any code of conduct within most agencies of the Federal Government today (Johnson 2004).

The idea behind this thinking was that if an individual was homosexual, they were more vulnerable than other men working within the government. Being



vulnerable to the department simply meant more sympathizing to communism. To have communists within the Federal Government would be the ultimate surrender in the fight against communism, leading to the utter destruction of western civilization. Senator McCarthy's accusations against the State Department having communists within its walls only served to make things worse. Regardless of any proof Senator McCarthy had regarding his claims of homosexual workers being a threat to national security and communist sympathizers, public opinion and the news headlines all were engrossed into the narrative.

It was in 1953 when President Dwight D. Eisenhower signed executive order 10450, "a revision of Truman's 1947 loyalty order that added criteria related to personal character" (Shibusawa 2012). These new categories under Executive Order 10450 now included information regarding an individual's "criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sex perversion" (Executive Order 10450). This action directly put homosexuals in the crosshairs of American policy. By linking the sexual minority group to communism, the enemy of the United States, the American public, including the other realms of society, such as economics and popular culture followed suit. Hundreds of dedicated State Department employees were fired simply because they were homosexual, not because they were communists. Due to the effects of Executive Order 10450, "more than 8000 people had been removed from their government jobs as security risks" with far more social implications to come for the LGBTQ+ community (Fone 2000). This is the first policy that quickly changed the lives of the LGBTQ+ community. The first step



was taken to institutionalize the closetization of identity for the LGBTQ+ community.

This policy was not the end of the federal government's policy making that directly forced LGBTQ+ individuals into the closet, denying their entire existence. Thirty years after Executive Order 10450 was signed by President Eisenhower and despite an additional three decades of state and local policy that institutionalized the closetization of LGBTQ+ identity, a new public debate was occurring. Should gays and lesbians be allowed to serve in the United State's military? A public debate that started in the 80's that didn't receive an answer until 1993 with President Bill Clinton. Despite Clinton campaigning on the policy of letting everyone serve openly, regardless of sexual orientation, Congress passed a national defense authorization act and within it contained the policy regulating gays and lesbians in the military known as the "Don't Ask, Don't Tell, Don't Pursue" (Public Law 103-160). This provision within the law was meant to be a compromise between the forces against inclusion. The idea behind it was to ensure military officials do not ask of an individual's sexual orientation so as to protect them. The ramifications however illustrated a different story.

Parco and Levy studied the ramifications of Don't Ask Don't Tell through a series of surveys of service members. Work such as this prior to Don't Ask Don't Tell's repeal would have been a great risk to any service member who came forward. The findings of these surveys illustrate the effects this policy had on the LGBTQ+ service members, furthering the institutionalized closetization of identity. Through this critical work Parco and Levy "discovered multiple occurrences of



physical harm (suicide attempts, rape, alcohol abuse), psychological harm (depression, PTSD, harassment), and damage to one's career (blackmail, coercion, adverse personnel action), all of which are results from the institutionalized closetization of the LGBTQ+ identity (Parco and Levy 2013). Through this policy identity was not only linked to the harm suffered, but to the lack of justice each of the policy's victims. Through the decades American's have loved policy compromises, but little to no attention has been paid to the ramifications of these compromises. Parco and Levy sum up the policy:

"Even though don't ask don't tell may have seemed like a viable political compromise in 1993, it turned out to be a policy that could never work because It took voice away from everyone. Gays couldn't speak out to seek help for the harms they endured, for fear of being discharged. Those in positions of authority to recognize the perils of don't ask don't tell we're unable to speak out either because they were forced to process discharges for openly gay service members. Don't ask don't tell didn't work, and, yet, it continued to perpetrate a self-sustaining illusion for nearly 2 decades by suppressing the very voices that could invalidate it from within."

The idea of voice and its silencing is all too familiar for those within the LGBTQ+ community. As policy is implemented across the different levels of government, there are ramifications and unforeseen consequences. In the case of Don't Ask Don't Tell, the closetization of identity led to a lack of justice for felony



level crimes perpetrated. And for those LGBTQ+ service members to seek justice would mean losing their entire livelihood.

One of the last federal policies that institutionalized the closetization of the LGBTQ+ identity is the Defense of Marriage Act. States wrestled with the concept of marriage for same sex couples and due to the intertwining of special privileges with the institution of marriage, it was not long that the federal government had to enact some sort of policy. Rob Barr, a Republican Congressman out the state of Georgia filed the Defense of Marriage Act in 1996 and President Clinton signed it. The Defense of Marriage Act established “no state or Indian tribe in the United States would be required to recognize relationships between sing sex couples or recognize same-sex marriage from other states. For federal government purposes, it defined marriage as a union between one man and one woman as husband and wife and spouse as a person of the opposite sex,” once again institutionalizing the closetization of the LGBTQ+ identity as not equal (Pelts 2014). This law did not sanction states from passing marriage equality, but rather made a marriage in a state that did not recognize same-sex marriage as invalid.

Just as Don’t Ask Don’t Tell and Executive Order 10450 has ramifications for the LGBTQ+ community; the Defense of Marriage did as well. Though there was states that passed same sex marriage, there were many that went in the opposite direction. According to the Freedom to Marry website, over half the states passed Constitutional Amendments to define marriage within their states (Freedom to Marry). This meant over half of the states in the union would not only refuse



marriage licenses but were forbidden to recognize marriages from other states that allowed for same-sex marriage.

Marriage within the context of the United States comes with many legal and social benefits. Pushing same-sex couples further into the closet by claiming their lifetime commitment causes great harm and closets the identity of the LGBTQ+ person. According to the American Journal of Public Health, there is a “significant positive correlation between legal marriage and psychological well-being for both same-sex and opposite-sex couples” (Pelts 2014). What would be considered a simply legal policy from the federal government would turn around and have the potential to harm the psychological health of LGBTQ+ people. In addition to this factor, this policy would “deny access to matters the impact every facet of life such as survivor benefits, retirement income, hospital visitation rights, immigration, and inheritance” (Pelts 2014). These ramifications were not hypothetical situations for the community but an everyday occurrence. In marriage, a spouse takes the sole responsibility for decision-making regarding matters where the other cannot. Under the Defense of Marriage Act, that responsibility is stripped away and given to the parents. In many of these cases, these parents have already dismissed their children for being lesbian, gay, bisexual, or transgender.

The final ramification that needs to be mentioned regarding the Defense of Marriage Act and the institutionalized closetization of the LGBTQ+ identity regards the children of same-sex parents. By turning the institutions of marriage over to the state as it was, the law showed generations of children that a same-sex relationship is not equal to that of an opposite-sex relationship. This further pushes the LGBTQ+



individual into the closet. Their existence becomes invisible because there is no means for representation when all legal rights are taken away. This runs contrary to the founding principles of the United States where “all men are created equal and they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness” (Declaration of Independence). For federal policy to run counter to the principle of freedom is to perpetuate a policy that chains an individual, barring them from freedom. To utilize federal policy in such a manner, the federal government stifled LGBTQ+ people’s right to life (to exist) and institutionalized the closetization of their identities.

State and Local Policy

There is no way to definitively know what event started the panic of LGBTQ+ people being apart of the American society, but Executive Order 10450 and the federal level policies set it off. The Lavender Scare and Senator McCarthy’s panic about communism being linked to homosexuality gave cause for states and local governments to pass their own policies that would further the institutionalized closetization of the LGBTQ+ identity. States and localities revamped their sodomy laws as well as added additional sex crime laws that were specifically designed to make the LGBTQ+ person’s existence illegal. In her work, *Walking the Bridgeless Canyon* Kathy Baldock looks at these local laws and finds:



“The definition of what constituted a sex crime and the late 1940s was revised in the 1950s to include sex offenses such as pornography, homosexuality, sodomy, indecent exposure, and voyeurism. All over newly listed under the heading of rape and sexual homicide. The driving inclusion of these related crimes inflated sex crime statistics to make it look like America was in crisis. To further elevate statistics, additional pressures replacement police officers conduct more arrests. It appeared as though America we’re under the seizure of sexual perverts, but the fact is, there was no actual increase in sex crimes during this period.”

States and localities were able to make the existence of LGBTQ+ people illegal through these revamped sodomy laws. American society often debates the concept of morality being linked to immorality. This was the case in terms of prohibition before this period of time and is still going on today. That being the case, it comes to no shock that LGBTQ+ existence was not just considered illegal, but their existence was immoral. In the case of the sodomy laws, “the first American lawmakers imported them into colonial codes, adopting the prohibition against sodomy rooted in the British common-law. Sodomy laws were not invented to regulate homosexual sex, though people associate sodomy with homosexual sex and homosexuals with sodomites” (Brewer 2002). Sodomy traditionally was associated with bestiality but the expansion of these laws’ definition gave great powers to the states and local governments to detain LGBTQ+ people just for existing.

The punishment for being LGBTQ+ in America was not just prison detention. As Baldock notes in her work again, “they were incarcerated in prisons and mental



institutions throughout the United States for being gay or suspected of being gay, and even for consensual same-sex sex. They were subjected to very medically advised treatments designed to cure their homosexuality” (Baldock 2014).

Electroshock, vomit inducing drugs, castration, and lobotomies were just some of the treatments LGBTQ+ individuals was subjected to after being convicted of their crimes. “Because so many states had passed sexual psychopath laws giving state officials complete control, force involuntary incarceration and mental health treatment facilities was allowed by law” furthering the institutionalized closetization of the LGBTQ+ identity (Baldock 2014). These psychopath laws went one step further than sodomy laws. These laws gave law enforcement agents the ability to detain individuals for actions done within the privacy of their own homes. The fear the rest of society had for LGBTQ+ people pushed the bounds of public policy into raiding homes and the mass incarceration of LGBTQ+ people. The late 1940’s and 1950’s became a nightmare for LGBTQ+ people just in terms of the law alone.

This did not stop leaving the 1950’s however. All over the country local policy and laws were changed to further push LGBTQ+ people away from their own existence. LGBTQ+ individuals became targets in the 1960’s and 1970’s as well. On top of the sex perversion laws that were passed legislation was designed to bar LGBTQ+ individuals from teaching in schools no matter the level of education. For instance, “the state of Florida ‘actively pursued lesbian and gay school workers, subjecting them to interrogation, fired them from teaching positions and revoked their professional credentials” (Heffernan 2013). Led by Christian activists Anita



Bryant and Jerry Falwell tracked across the country pushing states and localities to take actions against LGBTQ+ teachers and “in Oklahoma and Arkansas, legislators and gays and lesbians and in teaching in public schools. Fundamentalist Christian groups filed five referenda to repeal antidiscrimination legislation in rapid-fire succession and St. Paul, Wichita, Seattle in Eugene, Oregon each initiative was successful” (Heffernan 2013).

Places that would be considered liberal bastions today were passing or attempting to pass similar policies. In California, Senator Briggs got Proposition 6 on the ballot. This initiative would have barred LGBTQ+ people from teaching in public schools. The measure failed miserably, in part because of Ronald Reagan’s opposition to the measure. This failed policy proposal left to the population of California was a small victory for the LGBTQ+ community, but it was not enough to get them equal status across the nation.

With the statutes, laws, and policies that deemed LGBTQ+ existence illegal came a firestorm of outspoken voices that linked LGBTQ+ people to immorality. Regardless of their claims being true nor not, gave rise to a new wave of policy that was adopted due to the crisis in the 1980’s known as HIV and AIDS. This condition, is not prevalent in the LGBTQ+ community alone, however as Michael Bronski writes in his work *A Queer History of the United States*, “because it was first detected in gay males and rapidly spread through the gay male community, it immediately became associated with gay men in the public imagination” (Bronski 2011). Generally, from a public policy standpoint any outbreak of disease entices the government to act on behalf those who are sick. In case of HIV and AIDS and the



LGBTQ+ community however, there were additional laws passed to harm the community, rather than help it. Bronski writes:

“First, gay male sexuality, now synonymous with the fatal illness, became more stigmatized than ever before. Second, the stigmatization let’s numerous laws that discriminated against people with AIDS and insurance, the workplace, and housing. In some municipalities, children who were HIV-positive or diagnosed with AIDS were forbidden to attend school. Third, because people with AIDS were so demonized and because they were often associated with outsider groups the media and state and federal government provided little in the way of basic education or even news coverage.”

Tens of thousands of Americans died in the 1980’s due to HIV and AIDS. Public policy on all levels of government focused on closeting the problem, rather than dealing with it in any capacity. And those fundamentalist Christians who had fought LGBTQ+ teachers were in full force talking of HIV and AIDS being God’s judgment upon their immoral existence. Their words were not challenged, but embraced as the federal government, states, and local governments did everything they could to closet the problem that was linked to LGBTQ+ identity rather than help alleviate it. The result is an ongoing crisis for the community and one that has turned into a pandemic across the globe. According to the Centers for Disease Control, “As of December 31, 2000, 774,467 persons had been reported with AIDS in the United States; 448,060 of these had died” (Centers for Disease Control 2000).



The official policies of the legal culture within the overall environment of the United States set off a firestorm of actions that institutionalized the closetization of LGBTQ+ identity. With the legal culture leading the charge, the economic culture, and the popular culture followed pushing LGBTQ+ people to deny themselves and closet themselves even with severe challenges that faced them. With the popular culture successfully preaching to the rest of American society that their existence was the result of a wrathful God, bent on punishing them for their evil. All of these cultures, led by the official policy makers out of Washington, state capitals, and city halls conspired to ensure that LGBTQ+ people closet themselves in every level and every sector our society, even to the point of denying their own existence to themselves.

Current Environment

As stated in the introduction, there has been no group in United States that has made as much legal progress in a short amount of time than the LGBTQ+ movement. However, the policies that were adopted in the past led to the institutionalized closetization of LGBTQ+ identity and that has had widespread effects on the community. From a legal standpoint there are many triumphs the community has had that will be touched on, but the ramifications of policies that were adopted upwards of sixty years ago are still present today, which are the bigger issue due to the fact that they are linked to the legal policies enacted decades



ago. This section will focus on the legal victories and the legal shortcomings for the LGBTQ+ community.

Legal Victories

In 2010, Congress passed the repeal of Don't Ask Don't Tell, officially ending the military ban based on sexual orientation (H.R. 2965). This repeal came well after some of our European counterparts enacted their own versions of the repeal. Considering the issues cited with Don't Ask Don't Tell, this was a major legal victory for the community and gave the community visibility within the military, something never done prior to this. Before its official adoption, the American public supported its repeal. Since 2005, over 60% of Americans supported the idea of having lesbian, gay, and bisexual people serve within the United States military (Gallup 2010). Once adopted, the issues that were seen within the military by those who were members of the LGBTQ+ community could now be rectified.

The traditional fighting ground for marriage equality was in the states. However, in 2015 the Supreme Court took up the case. In a 5-4 vote, the Supreme Court ruled that same-sex couples held the same rights to marriage as opposite sex couples. In his writing of the opinion of the court Justice Kennedy wrote, "The court has long held the right to marry is protected by the Constitution. In *Loving v. Virginia*, 388 U.S. 1, 12 (1967), which invalidated bans on interracial unions, a unanimous Court held marriage is 'one of the vital personal rights essential to the orderly pursuit of happiness by free men'" (*Obergefell v. Hodges* 576 U.S. 2015).



From the legal front comes a ruling that declared the marriage of a same-sex couple is equal to that of an opposite couple. This ruling not only validated LGBTQ+ marriage, but also validated LGBTQ+ existence as being equal. The effects of this ruling would have economic and popular culture consequences as well. However, it would give the constitutionally protected right to associate through marriage.

As states and localities were passing legislation to curb any progress made by the LGBTQ+ community, the city of Minneapolis in 1974 passed the United States' first nondiscrimination ordinance that protected members of the LGBTQ+ community. The ordinance was created to protect employment adding "affectional or sexual preference to the list of protected classes enumerated in the city's code of Civil Rights Ordinances, thereby extending private employment protection based on sexual orientation" (Movement Advancement Project 2015). Since then several cities, states, and counties have adopted these amendments as well. Figures 1.1 and 1.2 illustrate the states and cities that have nondiscrimination policies in place respectively (Haider-Merkel 2014).



Figure 1.1

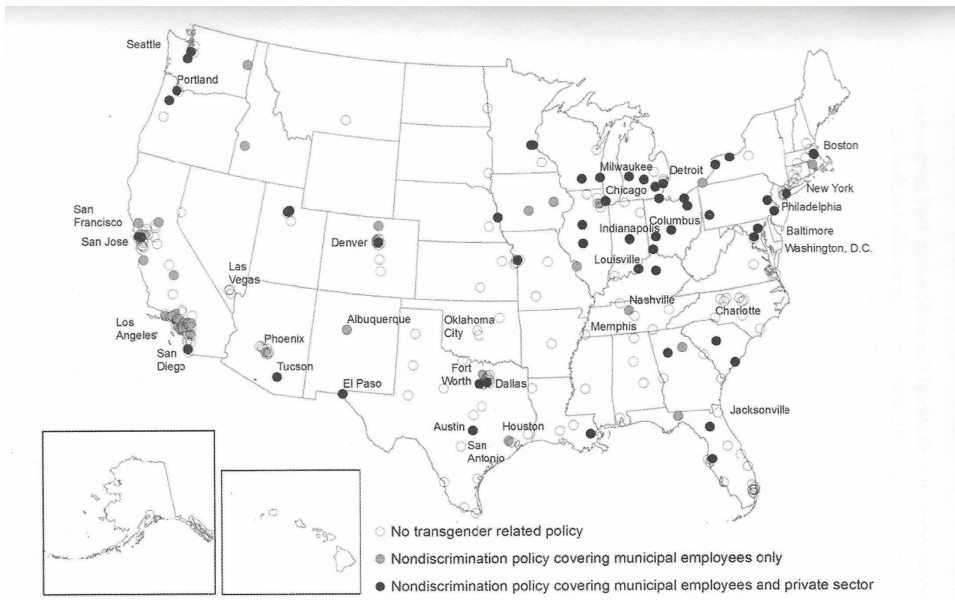


Figure 1.2

Legal Shortcomings



These legal policies are necessary and welcomed by the LGBTQ+ community. However, there are states and localities that have yet to pick up these policies, or in many cases have adopted policies that further protect the discrimination of the LGBTQ+ community. Despite the evidence laid out by the American Psychological Association declaring that homosexuality is not a mental illness and furthermore that one's sexual orientation cannot be changed through any means of therapy, there are 40 states in the United States that believe one's sexual orientation can change and allow for conversion therapy (Movement Advancement Project). Numerous studies have called for the end of this practice citing that homosexuality is a natural part of human genetic variation and therefore cannot be changed (Substance Abuse and Mental Health Services Administration 2015). Furthermore, studies have found these conversion therapies have had not only no effect in changing an individual's sexual orientation, but causes great psychological harm to the individual (Substance Abuse and Mental Health Services Administration 2015). Any state government that allows individuals to practice this type of therapy knowing its ineffectiveness on top of the dangers it poses is effectively pushing the identity of LGBTQ+ people into the closet.

The Movement Advancement Project is an organization that is dedicated to researching the various policies that are being adopted across the nation in regards to LGBTQ+ rights. In the wake of states and localities adopting nondiscrimination policies, other states acted as well by adopting religious freedom laws and preemption laws. Preemption law "prohibits cities and counties from having local nondiscrimination protections and also invalidate existing local nondiscrimination



ordinances throughout the state” (Movement Advancement Project 2018). Religious freedom laws are an example of these preemption efforts as well. According to the Movement Advancement Project, twenty states have statutory laws exempting religious individuals from serving LGBTQ+ individuals and one state (Alabama) has a constitutional law that exempts religious individuals from serving the LGBTQ+ community (Movement Advancement Project 2018). If an individual belonging to the LGBTQ+ community claims to hold this identity faces discrimination in restaurants, hospitals, transportation, as well as schools to name a few. It is a logical step to think that those belonging to this community would closet their identity or in many cases deny their identity so as to receive vital services.

States are not the only form of government attempting to roll back protections for the LGBTQ+ community. The Trump administration has ended several policies enacted by the Obama administration put into effect via executive action. Among these are the policies and regulations related to the healthcare of LGBTQ+ people as well as military service by transgender individuals. On March 23rd, 2018, President Trump released a memorandum targeting transgender military service, “the policy set forth by the secretary of defense state that transgender person with a history or diagnosis of gender dysphoria- individuals for the policy state may require substantial medical treatment, including medication and surgery are disqualified for military service except under certain limited circumstances” (Memorandum). Although legal progress has been made for the LGBTQ+ community, there are still examples of policies dedicated to closeting them from society. These policies dedicated to closeting their identity throughout



American society have more negative ramifications in areas unrelated to the legal culture.

Ongoing Crises: Effects of the Legal Policies

During the time leading to Prohibition, an argument was formed that alcohol was immoral and therefore should be illegal. Once this argument spread, law banned the sale of alcohol. This argument of illegality being synonymous with immorality is not new to the public sphere in any society throughout human history. This is the case for the LGBTQ+ community as they became more visible in American society. Members of the popular and economic culture of the United States looked upon the widespread laws being passed effectively making the LGBTQ+ existence illegal and began to look at the community as immoral.

Newspaper headlines, radio shows, and television stations all broadcast the sensationalism of homosexuality in society. This was of course, at the same time that the word homosexual was first written into the Bible (Baldock 2014). To the eyes of the popular Christian preachers and followers, the idea of homosexuality then became an affront to God as immoral and unnatural. Televangelists and radio pastors all across the nation preached against the LGBTQ+ community. This has not tampered in some religious communities even in modern times despite the legal progress that has come about for the community.

The combination of the legal, economic, and popular culture within the United States during the 1950's created fear, panic, hatred toward the LGBTQ+ community. This was the first initial wave of closeting the identity of the LGBTQ+ minority across the nation. The 1960's and 1970's brought about policies and



arguments of LGBTQ+ people being so evil that their presence around children would be dangerous, therefore LGBTQ+ people were stripped from their employment that dealt with children. Once HIV/AIDS reached the United States, a vast majority within the popular culture preached to the rest of American that this disease was God's fury and "gay cancer" chosen by God to expunge the nation of its homosexuals. Pretty soon "Gay Cancer" grabbed the headlines and spread the notion that only members of the LGBTQ+ community could contract this disease. This of course is false, but once the idea was planted into the minds of the public by non-legal individuals it became impossible to reverse. The public had made up its mind.

What does all of this do to the individual belonging to the LGBTQ+ community? The ideas of one's existence being immoral, one's existence being dangerous to the welfare of children, and one's existence being purged by God almighty through HIV/AIDS closets the individual. The individual, for their own safety and protection within society will begin to deny their own existence and they will live a life of shame (Kaufman & Raphael 1996). As been studied by numerous psychologists, those growing up during this time period would look upon all of this animosity and do everything they could to deny their own existence, even to themselves. This is what researchers and psychologists call shame. One's existence being immoral and an affront to nature and demonized by the public causes the individual to shame themselves for not being what society has taught them is normal and good. That shame that has been created leads to more problems internally.



Several hundreds of members belonging to the LGBTQ+ community who grew up during this time would deny themselves in order to protect themselves. Many would voluntarily seek out medical and psychological treatment in the form of conversion therapy because of the shame they felt being apart of the LGBTQ+ community. Despite the 1974 declaration from the American Psychological Association calling for the full acceptance of “homosexuals” into society due to the fact that sexual orientation is something that cannot be changed, 40 states today still allow the practice. The Williams Institute released a study in the early part of 2018 documenting the number of youth participants in conversion therapy. Their study found hundreds of thousands of children were subjected to conversion therapy (Mallory, Brown, & Conron 2018). In addition, other studies highlighted that those who have been subjected to conversion therapy, face more psychological health problems and increased chances of abusing substances (Fritz 2016). The idea behind this is simple, participants in conversion therapy are told they can and they will change. Once that individual realizes they have made no progress in changing their sexual orientation, anxiety, depression, and thoughts of suicide grow.

These mental health issues are not the only repercussion of the institutionalized closetization of the LGBTQ+ identity. Families that do not accept their LGBTQ+ child also increase the levels of depression and suicide. Studies show that families who do not accept their LGBTQ+ children are 8.4 times more likely to commit suicide than those who are accepted (Family Acceptance Project 2009). LGBTQ+ individuals are 3 times more likely to contemplate committing suicide than their heterosexual peers (Center for Disease Control 2016). This is not because of a



genetic predisposition to mental health issues, but because of the rampant discrimination and rejection LGBTQ+ individuals face throughout their lives in society through their experiences of victimization. The numbers are staggering for a community that only occupies around 4.1% of the human population, using liberal estimates and self-identification by certain age groups (Gates 2016).

Family rejection of LGBTQ+ minors also leads to homelessness. This can be forceful through throwing one's child out on the streets or simply making life unsafe at home, causing the child to run away from home. A study from the Williams Institute in partnership with the Palette Fund and True Colors Fund on LGBTQ+ youth homelessness revealed how dire the situation is. According to their data, upwards of 43% of youth homeless are self identifying as members of the LGBTQ+ community with 68% percent of them listing family rejection as the primary reason for their situation (Durso & Gates 2012). Furthermore the report found that over half of the homeless LGBTQ+ youth had experienced physical, emotional and sexual abuse at home (Durso & Gates 2012). The effects of this issue go beyond having a roof over one's head. A corresponding report found that "LGBT youth who are homeless have particularly high rates of mental health and substance use problems, suicidal acts, violent victimization, and a range of HIV risk behaviors (Keuroghlian, Shtasel, & Bassuk 2014). In addition this LGBTQ+ homeless youth are 70% more likely to engage in survival sex (the act of exchanging sexual encounters for food and shelter) and more likely to be physically or sexually assaulted than their heterosexual peers (Walls & Bell 2011). Finally, in the area of homelessness, there are examples of homeless shelters refusing to serve LGBTQ+ individuals because of



their deeply held religious beliefs (Permenter 2012). Organizations that have been specifically designed for the purpose of serving the homeless are turning away LGBTQ+ people because they have bought into the effects of the policies enacted decades ago designed to closet LGBTQ+ identity.

The last area that will be discussed regarding the ramifications of this institutionalized closetization of LGBTQ+ identity through legal policies of the past is hate crimes and physical safety. We have already established the higher likelihood of sexual assault and physical assault but have yet to break down the numbers from the Federal Bureau of Investigation. In 2015, the FBI found that 19.4% of hate crime perpetrated in the United States were based on sexual orientation and gender identity, which comes to a number of 1,263 (FBI 2015). Motivations for these attacks are of the same mentality created by the environmental culture of the past led by legal policies. This data shows that LGBTQ+ individuals are the number one target of violent hate crimes in the United States, outstripping anti-Semitic hate crimes that long held the number one status and are twice as likely as any other minority group within the United States to be a victim of violent hate crime (Lewis 2016). From external discrimination by means of the law to internal struggles of mental health, the LGBTQ+ community has been taught to deny their existence or face severe consequences starting as early as the late 1940's with the Lavender Scare and still face challenges today. Many policy makers and community leaders ponder on solutions to these crises and no government, organization, or agency has had a silver bullet answer.

Visibility: A Multilateral Approach



The question posed before an American policy maker now is what to do given the effects of past policies and how to break the institutionalized closetization of the LGBTQ+ identity. For many, the answer has been through nondiscrimination legislation and ordinances, but that does not solve the rest of the community's crises. The ramifications from legal policies have been so far ingrained into the other sectors of American society that a simple reversal will not bring about the social justice that is need to undo the burdens placed on the LGBTQ+ community. Some will point to the legal culture taking the lead in the past and assume after time has passed, the same will occur within the economic and popular culture as well. This point is noted, however the dynamics of the modern day culture as well as the nature of the ongoing internal crises are too different. For example, hate crimes and discrimination still occur even in jurisdictions that have legal protections in place. Simply because a law is passed does not mean the environmental culture has changed. New court cases are being fought regarding the service of the LGBTQ+ community. The most recent case has yet to be determined by the Supreme Court in *Masterpiece Cake Shop v. Colorado Human Rights Commission*. This case will decide whether businesses have the right to refuse service of LGBTQ+ people based on their sincerely held religious beliefs.

Relying on nondiscrimination legislation will not bring about the social justice and social equality the LGBTQ+ community needs. This is not to say that legal policy cannot contribute to progressing society to ward social justice and equality on other sectors of the American environment. "Qualitative studies have found that legal relationship recognition and marriage equality impact the relationships of



same-sex couples and their families of origin” by providing legal equality to that of opposite-sex marriages (Riggle, Drabble, Veldhuis, Wootton, & Hughes 2017). The legal visibility of these same-sex marriages is the factor that brings about increased social acceptance. It is visibility, not just within the legal culture, but also in the economic and popular culture that will bring about the social justice and equality the community needs.

Policies of the past institutionalized the closetization of the LGBTQ+ identity so much so that the LGBTQ+ individual felt great shame for not fitting into the heteronormative culture. As Kaufman and Raphael state “to be seen as gay opens us to ridicule and disparagement. So we hide and remain closeted in order to avoid shame, but that’s illusory- secrecy only reinforces rather than releases shame (Kaufman & Raphael 1996). The remedy for this deep institutionalized closetization of the LGBTQ+ identity or invisibility must be visibility. Kaufman and Raphael give merit to the multilateral visibility approach by not so much rejecting visibility in the legal culture but calling upon all realms within our society to increase visibility stating:

“We have not been shown images of men who love men and women loving women, especially not in our schools or in our history lessons. Until recently, even our books and films failed to include images of gay and lesbian persons and their relationships. Schools and the arts are important instruments of every culture through which both values and taboos are transmitted. We learn from what we are shown, from what we actually observe. But we also learn from what we do not see.



Despite some changes, images of gays and lesbians as normal everyday people in loving and lasting relationships with each other are glaringly absent in our culture.”

There are additional questions that arise when talking of visibility as a means of remedying the crises facing the LGBTQ+ community. One of these deals with the fact that in some areas, increased visibility can lead to additional harm. For example, looking at hate crimes and discrimination a correlation can be found between increased visibility of a community and these acts. However, it is important to note that increased visibility of the LGBTQ+ community is not meant to serve the LGBTQ+ community alone. The increased visibility does give an opportunity for LGBTQ+ people to claim their identity instead of living a life within the closet past policies designed for them. But also, increased visibility acts as an overarching policy that allows for the rest of society to learn. The crises the LGBTQ+ community faces today is a result of people learning of the immorality and danger the LGBTQ+ community posed. Increasing their invisibility across all sectors can only work to alleviate those claims, rather than add to them.

Social justice and equality for the LGBTQ+ community is not simply legal rights, but the reversal of the environmental culture of the United States denying them their identities. Due to the ramifications of past policies, LGBTQ+ individuals within the United States “are largely born to and raised by those different from us, are not burdened into a ready-made identity, and must actively seek out and construct a community and identity whose existence is predicated on that seeking” (Walters 2001). These policies not only took away the LGBTQ+ identity, but reinforced heteronormativity, which “devalues queerness as a deviation from societal



gender norms has the effect it implicitly and sometimes explicitly discouraging you from expressing their newfound self understanding” (Pullen 2014).

In terms of the legal culture and legal policy, there is only so much that can be done to increase visibility. However, even having LGBTQ+ individuals in positions of elected office, serving in appointed government roles can bring about visibility. Haider-Markel notes, “it does seem possible that the LGBT community is symbolically affected by the presence of LGBT candidates and officials. Indeed, at a minimum, we will see that many LGBT candidates or motivated to run for office because of the presence of such figures as the late Harvey Milk” (Haider-Markel 2010). Just as the legal culture of the past worked alongside the economic and popular culture to create the environmental culture that led to the institutionalized closetization of LGBTQ+ identity, the remedy must be a multilateral approach within all three cultural realms.

Numerous nonprofit organizations over the course of the last decade have been created for the purpose of increasing visibility across sectors of society. The Human Rights Campaign is the most notable for the work it does within the legal realm of the United States. There are others that go beyond the legal realm and push for visibility in the areas of economic and popular culture. On the media front within popular culture lies GLAAD, dedicated to increasing visibility and inclusion in movies and television. Most notable however is the Reformation Project, “a Bible-based, Christian grassroots organization that works to promote inclusion of LGBTQ people by reforming church teaching on sexual orientation and gender identity. We envision a global church that fully affirms LGBTQ people” (Reformation Project



2017). Sole reliance on legal policies through anti-discrimination legislation cannot bring about social justice and equality for the LGBTQ+ community due to the fact that the injustice and inequality of the community lies in the overall cultural environment that has led to the institutionalized closetization of the LGBTQ+ identity. Only a multilateral approach across all sectors of society (legal, economic and popular culture) that increases the visibility of the LGBTQ+ identity will bring about true social justice and equality.

Conclusion

The aim of this research piece was to highlight the ongoing crises the LGBTQ+ community within the United States faces by establishing the institutionalized closetization of the LGBTQ+ identity. Official policies from the legal culture in the form of governing institutions provided the groundwork for the economic and popular culture of the American environment to further cement this closetization resulting in shame and denial of existence. The most basic cognitive form of human existence is one's relation to one's self. Past policies in combination with the rest of society worked to permanently closet the LGBTQ+ identity causing widespread issues that the legal culture itself cannot fix.

Today, in 2018 there are LGBTQ+ youth being rejected from their family due to policies of the past that reinforced ideas that LGBTQ+ people are evil, immoral, dangerous, and an affront to God and nature. Disparities in medical care stemming from conversion therapy and HIV/AIDS epidemic policy cause great harm to the overall health of the community. The lack of visibility in popular culture and the animosity religious communities have toward the LGBTQ+ community continues to



do great harm to their psychological wellbeing. Although the legal actions being made everyday across the nation through nondiscrimination legislation progress the community forward, it in and of itself does not create the social justice and equality the community needs. Those concerned about the LGBTQ+ community's standing in society cannot simply focus on legislative mechanisms, but must use a multilateral approach that encompasses the economic culture and popular culture of the American environment as well. For many this is simply a matter of policy, but for the members of the LGBTQ+ community, it can be a matter of life and death.



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