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**Testimony on the Demographic Characteristics of Gay, Lesbian and Bisexual Latinos and
Latinos in Same-Sex Couples**

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American Bar Association Commission on Hispanic Legal Rights & Responsibilities

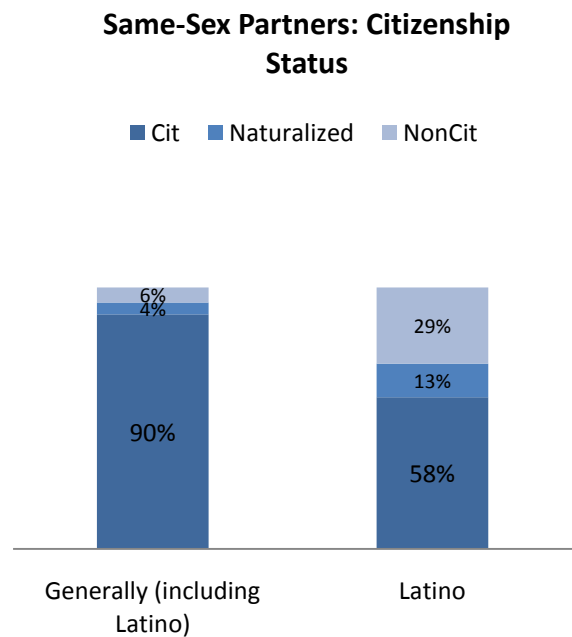
West Coast Hearing, Written Testimony

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Abstract: *Many of the issues that Latino Lesbian Gay Bisexual and Transgender (LGBT) individuals face are insufficiently understood. This testimony explains that existing demographic data about Latino LGB individuals show that these individuals, who constitute the greatest number of same-sex partners of color in the United States, differ significantly from their non-Latino LGB counterparts, as well as from straight Latino individuals in numerous ways. Furthermore, there are important differences within LGB Latino/Latina groups, especially between men and women. Finally, while there are no population based data sources regarding Latino transgender individuals, limited existing data show that these individuals experience discrimination often at multiples time that of non-Latino transgender individuals. These is a vital need for further data collection to assess discrimination within, and the legal needs of, the Latino LGBT community.*

Many of the issues that the Latino Lesbian, Gay, Bisexual and Transgender community face are insufficiently understood. Survey instruments usually do not measure sexual orientation, and nearly never ask about gender identity. The American Community Survey administered by the U.S. Department of the Census, and the California Health Interview Survey (CHIS) provide some demographic information regarding the lesbian, gay and bisexual community. However, these instruments are limited both in the level of statistical significance regarding specific minority groups, and in the questions they ask. Most notably, the CHIS does not include a question regarding transgender status. Census Bureau instruments do not ask about sexual orientation or gender identity. However, same-sex couples are identified in households where the householder describes his or her relationship with another adult of the same sex as either a “husband/wife” or “unmarried partner”. These data suggest that 13% of all individuals in same-sex couples are Latino, making Latinos, by far, the largest group of individuals of color in the United States who are in same-sex couples. Data regarding these individuals may provide important insight in assessing the rights and responsibilities of Latino/as in the United States.

The best available data from recent years suggest that Latino-Latina LGBT individuals are in a unique situation, and differ significantly from their non-Latino LGBT counterparts, as well as from Latinos in different sex couples. Most clearly, LGBT Latinos face immigration issues at higher rates than non-Latino LGBT individuals. Looking at Latinos in same-sex couples, we find that only about half of

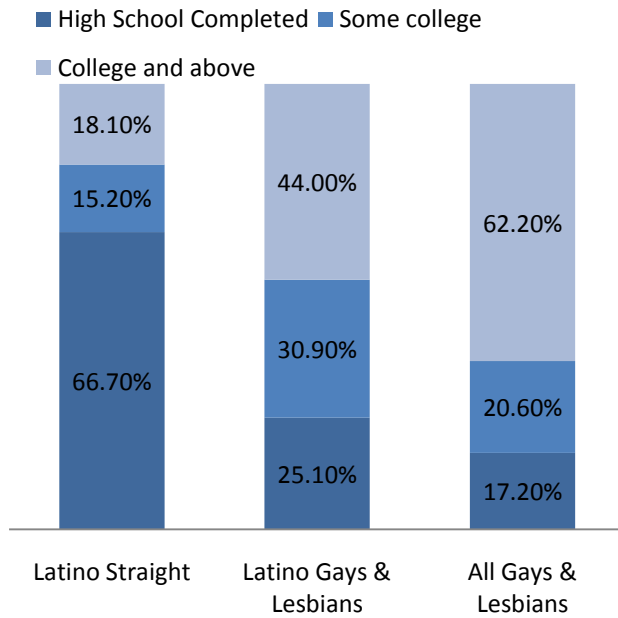


Latinos in same-sex couples are native-born citizens, much like Latinos in different sex couples, as opposed to 90% of all individuals in same-sex relationships. In California, 29% of both straight and lesbian and gay Latinos are non-citizens. Turning to non-citizens in same-sex couples, we find that 40% of these non-citizens are from Mexico, and nearly half of all non-citizens in same-sex couples are of Hispanic origin.

Other factors differentiate Latino individuals in same-sex couples from non-Latino couples. These Latino individuals are on average, 5-7 years younger than white individuals in same-sex couples. Like other Latino individuals, the majority of Latinos in same-sex couples live in California, Texas, Florida, New York and Arizona, in that order. About half of all same-sex couples in which both partners are Latino/Latina raise children, which is more than twice the rate of same-sex couples in general. This resembles the approximately 50% childrearing rate among Latino individuals in different-sex couples. The number of children in same-sex couples in which both partners are Latino also resembles those of Latino different sex couples, and are significantly higher than non-Latino same- and different- sex couples.

Even though Latino individuals in same-sex couples resemble those in different sex couples, they also differ from their different-sex counterparts. For example, individuals in Latina same-sex couples are *six times* more likely to serve in the military than Latinas in different sex couples. Similarly, Latino individuals in same-sex relationships are a third less likely to partner with other Latinos than Latinos in different sex couples. Like other lesbian, gay and bisexual individuals, those Latinos in same-sex couples with children are likely to have had those children at younger ages than different sex couples.

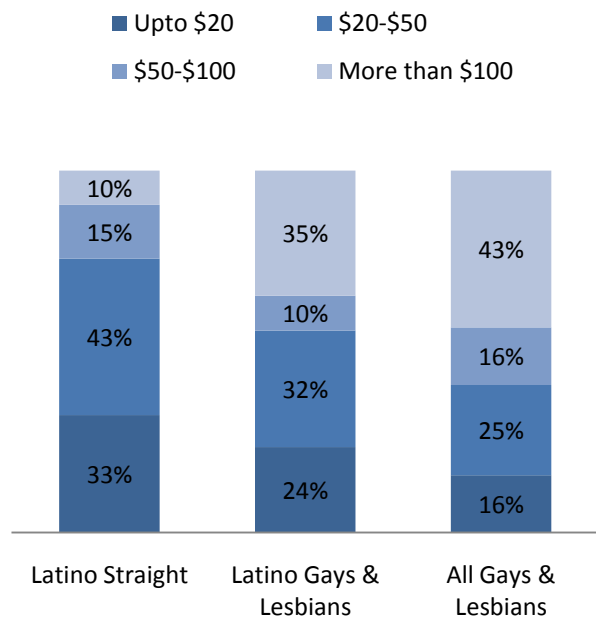
Highest Education Level Completed in California



In California, lesbian and gay Latino individuals have higher incomes and education than straight Latino individuals, but earn less, and have received less education than their non-Latino lesbian and gay counterparts. For example, 35% of gay Latino and Latinas earn above \$100,000, and 44% of these individuals have completed college. This number approaches rates in the broader lesbian and gay community: 43% of gay individuals overall earn above \$100,000 and

61% of lesbian and gay individuals have completed college. However, only 10% of straight Latino individuals earn above \$40,000, and only 18% have completed college. Similarly, 27% of straight Latino individuals speak English very well, 58% of gay Latino individuals speak English very well, and 73% of gay individuals overall speak English very well. However, note that there is a vast disparity based on the type of Latino same-sex couple. For example, what national data are available suggest that the median income of a household in which a Latino partners with a

Distribution across income brackets in thousands (California)



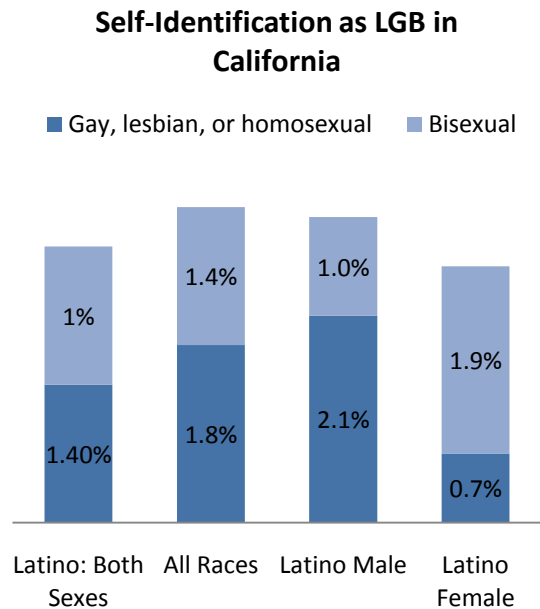
white individual is nearly twice as much as one in which both partners are Latino.

Finally, there are important differences within LGB Latino/a groups. I have already alluded to some of the differences based on the race of a Latino individual's same-sex partner. There are also

differences based on sex. Californian Latino/a LGB individuals are a third less likely to identify as LGB than white LGB individuals. Yet, Latino *men* identify as gay at a higher rate than the general population. In fact, they identify as gay at *three times* the rate as Latina women identify as lesbians, while Latina women identify as bisexual at twice the rate of Latino men. Similarly, Latino men in

different sex couple earn \$3000 more in median income than their counterparts in same-sex couples. By contrast, Latino women in different sex couples earn \$8000 less in median income than their counterparts in different sex couples. Similarly, Latina women in same-sex couples receive welfare assistance at far higher rates, with those in couples where both partners are Latina receiving assistance at nearly three times the rate as the general population. Yet, Latino men in same sex couples receive assistance at lower rates than the general population, though they earn and are educated at similar rates as Latinas in same sex couples.

Population based data sources providing data regarding transgender individuals do not exist. However, the best available data drawn from a survey of 6,450 transgender individuals by the National Gay & Lesbian Task Force and the National Center for Transgender Equality show that Latino transgender individuals face unique problems. Latino transgender individuals experienced



assault at three times the rates of other transgender individuals on presenting identification that did not accord with their gender presentation. Similarly, Latino individuals were half as likely as white individuals to be able to change their gender on their passports or social security records after receiving surgery. Moreover, Latino transgender individuals, as well as undocumented transgender individuals, were nearly twice as likely to experience family violence because of their gender non-conformity, at rates approaching 40%. Latino transgender individuals were nearly 5 times as likely to be HIV positive than other transgender individuals, and three times as likely as other transgender individuals to be placed in a cell for their gender identity due to police bias. Notably, undocumented noncitizens faced physical and sexual assault at work at three times the rates of other trans individuals and were 50% more likely to lose their jobs.

To conclude, there is a need for data collection in the LGBT Latino-Latina community to identify many unique problems that these individuals face. Should this Commission wish to collect such information, the Williams Institute has produced, and is in the process of further developing, reports regarding collection and analysis of data regarding LGBT individuals. These methods could be applied to surveys and studies the Commission may recommend, examining legal needs assessment of Latino LGBT individuals, their experiences of discrimination, and various other characteristics.