Lesbian, Gay, Bisexual and Transgender Aging Issues Become Federal Concerns

By Loree Cook-Daniels

Most civil rights movements take place over many decades, meaning that the early activists often don’t live long enough to reap the fruits of their labors: U.S. voting rights for women were called for in 1848, at the Seneca Falls Convention, for example, but the 19th Amendment didn’t pass until 1920.

I therefore feel especially privileged to have lived long enough to see the massive changes the Obama Administration has wrought in the federal government’s treatment of its lesbian, gay, bisexual, and transgender (LGBT) citizens. Unfortunately, most of these changes have been “under the radar” and haven’t addressed the major legislation many LGBT activists are most concerned about – the formal repeal of Don’t Ask, Don’t Tell and the Defense of Marriage Act, and passage of the Employment Nondiscrimination Act – so the Administration hasn’t gotten the credit it deserves. But for those of us who have been working for these changes for decades, the new policies and practices are nothing short of miraculous. In this article, we’ll discuss what’s happened and the probable ramifications these changes will have for those who work with abused and at-risk elders and disabled adults.

First, let’s time travel back to 1996. President Clinton had appointed the first White House liaison to the gay and lesbian community the year before, and a year later South Africa would be the first country to enact a constitutional ban against discrimination on the basis of sexual orientation, but in 1996 LGBT issues were still an unaddressed topic in the elder and disabled adult abuse field. That’s the year a feisty high-level adult protective services worker recognized an elder abuse colleague’s name in a national transgender publication. She grabbed me at a conference, practically shaking with excitement: “We’ve got to do something about this in elder abuse! No one knows anything about these populations!” And then she acted: some hours later, when Dr. Toshio Tatara, then head of the National Center on Elder Abuse, announced he had secured funding for the first conference (plus a subsequent book) on elder abuse in minority communities, she publicly issued him a challenge: “That will include lesbian, gay, bisexual and transgender populations, too, won’t it?” Like me, he didn’t have the nerve to say no.

I presumed the state-level APS person and I would set up the panel together, but we were quickly disabused of that notion. Her higher-ups said there was no way they would countenance her involvement in such a workshop. Knowing me, I probably didn’t ask permission of my bosses – which included, most everyone knew – at least one fairly open gay person. Instead, I networked like mad and managed to recruit a number of researchers and activists who, while they had little direct data about elder abuse within the LGBT community, at least had a story or two and enough experience to guess at the issues. To my surprise, my supervisor pulled me aside some weeks before the conference and informed me that it had been decided that I could not represent my agency, the National Association of State Units on Aging (now called the National Association of States United for Aging and Disabilities), at the conference. I would need to be there without an affiliation, or affiliated to someone else. I believe I also had to pay my travel expenses. Since many of the attendees knew I was one of the primary staffers for the National Center on Elder Abuse (of which NASUA was a partner), the omission of my agency from my nametag and the program caused a stir. Rumors flew, and multiple people asked me what had happened. I wasn’t sure what to say.
The panel was a success, but there was a curious silence when we submitted what should have been our chapter for the subsequent book. Eventually we heard that the book wasn’t going to happen, although the reason for its demise wasn’t given. That’s when Dr. Rosalie Wolf, the founding editor of Journal of Elder Abuse & Neglect, stepped in. She would publish the article, “LGBT Elders: Elder Abuse and Neglect Issues,” which still – 13 years later -- remains one of the only papers on the subject ever published by an academic journal. Interestingly, two years later Dr. Tatara published a book on elder abuse in minority populations which included pieces by many of the 1997 conference presenters. It contained no mention of the LGBT population.

Fast forward to 2010. The current Assistant Secretary for Aging is an out lesbian, and the head of the Office of Personnel Management is an out gay man. The Administration on Aging (AoA) has funded the country’s first and only technical assistance resource center aimed at improving the quality of services and supports offered to LGBT older adults, utilizing an unprecedented consortium of 11 mainstream aging and LGBT-focused organizations. That National Resource Center on LGBT Aging boasts not only a fancy new website (www.lgbtagingcenter.org), but also a Facebook page. AoA has also granted the first major federal aging funding ($380,000) to an LGBT organization (specifically, to the Los Angeles Gay and Lesbian Community Services Center for a Community Innovations for Aging in Place project), and the National Institute of Health and the National Institute on Aging funded a multi-year, national “Caring and Aging with Pride” study to determine the wellness and health needs of LGBT people age 50 and up. The President has issued a Memorandum requiring that all hospitals that receive either Medicare or Medicaid funding extend visitation rights to same-sex partners and respect patients’ choices about who may make critical health-care decisions for them. The Institute of Medicine is studying the health needs of LGBT people, and has included aging specialists on the study panel.

The Department of Health and Human Services isn’t the only place that’s begun explicitly looking at the needs of LGBT citizens, although it’s the Department that’s made the largest LGBT-focused grant: $13.3 million to a Los Angeles coalition to address the needs of LGBT foster youth. The Department of Justice has given two large, multi-year grants to a transgender organization to focus on the needs of transgender crime victims, and the Office of Victims of Crime is developing LGBT cultural competency training for victim assistance programs across the country. The Department of Housing and Urban Development changed its definition of “family” to explicitly include safe-sex households, and has undertaken a national study of anti-LGBT discrimination in the sale and rental of housing. “A Report of the United States of American Submitted to the U.N. High Commissioner for Human Rights” includes a section entitled, “Fairness, equality, and Lesbian, Gay, Bisexual and Transgender (LGBT) Persons” that begins: “In each era of our history there tends to be a group whose experience of discrimination illustrates the continuing debate among citizens about how we can build a more fair society.”

Government-wide, President Obama’s directives have twice extended benefits to the same-sex partners of federal employees, including health care benefits, sick leave and medical evacuation, family assistance services, hardship transfers, and relocation expenses. In June of this year he issued a statement in honor of LGBT Month. Most executive branch Departments have LGBT Task Forces tasked with figuring out where the Administration can advance civil rights without Congressional involvement, and LGBT appointees meet on a regular basis to set and monitor policy agendas.

And yes, now there really is a Gay Agenda. At least two, in fact: one set and pursued by the National LGBT Policy Roundtable (consisting of leaders of major national and local LGBT groups), and one focused solely on the Executive Branch -- the New Beginnings Initiative -- which has an overlapping membership. When it comes specifically to aging issues, these efforts have been recently bolstered by three new LGBT aging policy documents: “Outing Age 2010: Policy Issues Affecting LGBT Elders” by the National Lesbian and Gay Task Force;
“Improving the Lives of LGBT Older Adults,” by the Movement Advancement Project and partners (including a forward by AARP); and “Still Out, Still Aging: the MetLife Study of LGBT Baby Boomers.” SAGE – Services and Advocacy for GLBT Elders, the largest and oldest agency devoted to LGBT aging issues – recently hired a full-time federal lobbyist, and set up his office within the National Caucus and Center on Black Aged’s (NCBA) suite. NCBA and SAGE are both part of the newly-formed Diverse Elders Coalition, which also includes the National Hispanic Council on Aging, the National Indian Council on Aging, National Asian Pacific Center on Aging, Southeast Asia Resource Action Center, and Asociacion Nacional Pro Personas Mayores, and which is dedicated to “reform[ing] our country’s safety net programs and ensur[ing] that major legislation better addresses our diverse lives” (http://sageusa.org/uploads/SageMatters_SMR’10.pdf, p. 20).

Even Congress has made some progress. The Center on Halsted, Chicago’s LGBT Community Center, received a $475,000 earmark sponsored by Congressman Mike Quigley (D-IL) to fund special projects specifically for older adults. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 extended hate crime enhancement options to crimes directed at someone because of his or her sexual orientation, gender identity, or disability. In April of this year, the Senate Special Committee on Aging held the first-ever “Briefing” on LGBT aging issues, which opened with stories of an elderly gay couple that had been kept apart during the last moments of one of the men’s life, and that had had their home and possessions sold out from under them by Adult Protective Services. Negotiations over how the Violence Against Women Act will be reauthorized in 2011 are revolving partly around the question of how LGBT populations will be explicitly addressed within the legislation. And Congresswoman Tammy Baldwin (D-WI) has staff busily working on an omnibus LGBT aging bill she hopes to introduce soon.

So what effect will all these policy changes have on either adult abuse clients or services? The answers to that question are unclear, in part because most of the changes that have been made over the past year and a half could be just as quickly reversed by a new Administration determined to restore old inequalities. But here are some of my surmises:

- Now that disability, sexual orientation, and gender identity are all covered under the federal hate crimes law, there may be an increasing number of elder or disabled adult abuse cases brought under these charges.

- Both LGBT professionals and consumers are more likely to be “out” about their identities, given the shifting climate. When I was effectively disowned by my employer in 1997, more than one closeted LGBT colleague seemed very distressed about the situation, but said nothing. These days, I doubt I’d be standing alone.

- As closeting becomes less necessary, it will lose some of its power as a tool for power and control. An abusive partner or caregiver will find it harder to threaten someone with outing if outing carries fewer economic, discriminatory, and violence ramifications.

- There will probably be growing pressure on APS workers, law enforcement officers, aging network personnel and others to become “culturally competent” in LGBT aging issues. The new National Resource Center on LGBT Aging is already planning on rolling out its first training curricula for aging professionals early in 2011.

- Collaborations with LGBT organizations will become more common and may even be required by some funders and government agencies. There is also a possibility – California has already mandated this –
that area agency on aging needs assessments and area plans specifically address the needs of LGBT elders (see http://law.justia.com/california/codes/2009/wic/9100-9114.html).

- As the legality of same-sex marriage spreads, more same-sex couples will have increased financial and legal resources to prevent and address problems of abuse, neglect, and exploitation. This will be particularly true if the Defense of Marriage Act is repealed and same-sex couples become eligible for Social Security survivors’ benefits.

- There will be growing pressure on government agencies to collect data pertaining to clients’ sexual orientation and gender identity. Expanded data gathering is the top priority of most LGBT policy agendas, since hard data is often required before funding streams will open.

Three in-progress projects may produce products that explicitly address LGBT elder and disabled adult abuse issues. The principal investigator for the federally-funded national LGBT aging study Caring and Aging with Pride, Dr. Karen Fredriksen-Golden, notes, “Data suggests that there is a higher prevalence of disability among LGBT people and the age of onset of disability appears to be younger in these communities. This research project will help us to better understand the link between victimization and abuse and health in these communities and provide important information needed to develop effective interventions that address the very real needs and experiences of LGBT elders and their caregivers” (private correspondence).

The omnibus LGBT aging bill under development by Rep. Tammy Baldwin will “certainly…include a section on elder abuse in the LGBT community,” her Legislative Assistant Amber Shipley wrote, although she doesn’t yet know precisely what it will contain.

And the name of a longtime LGBT advocate has been put forward for possible appointment to the new HHS Advisory Board on Elder Abuse, Neglect, and Exploitation, which is charged with “creating short- and long-term multidisciplinary strategic plans for the development of the field of elder justice in the U.S. The Advisory Board will examine relevant research and identify best practices and make recommendations to the Elder Justice Coordinating Council and Congress regarding improving and enhancing Federal, State, and local elder justice programs, research, training, and coordination” (see http://govpulse.us/entries/2010/07/14/2010-17197/establishment-of-the-advisory-board-on-elder-abuse-neglect-and-exploitation).

It’s an exciting time to be an LGBT aging advocate.

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