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The warp speed at which gay rights has moved in this country has left me—along with many LGBT adults -- feeling hopelessly out of touch with LGBT youths. Two years ago I returned to my high school to speak about gay rights. I got a standing ovation for my talk, had lunch with members of the gay-straight alliance, and left with the impression that the cutting-edge issue was not gay rights but transgender equality. All this would have been unimaginable when I was a student there in the mid to late '80s.

While progressive, my high school is not anomalous. Over 3,500 gay-straight alliances have now registered with the Gay, Lesbian, and Straight Education Network. Organizations like the Point Foundation have granted millions of dollars in scholarship money to talented students who have been marginalized because of their sexual orientation or gender identity. In the past decade or so, gay youths have found their voices—sometimes literally, as in the offshoot of the New York City Gay Men's Chorus called the Youth Pride Chorus.

In his fascinating 2005 book *The New Gay Teenager*, Cornell University psychology professor Ritch C. Savin-Williams offers a vivid portrait of this brave new breed. According to him, teens are becoming increasingly more relaxed about nonheterosexual behavior. They have also developed novel sexual and gender-based identities, such as "bodyke, trisexual, stem, queerboi, omnisexual, trannyfag, polygendered, and bi-dyke."

Trisexual? Stem? Having worked on LGBT issues for years, I think of myself as reasonably up-to-date. But reading about and interacting with LGBT teens makes me feel like a dinosaur. LGBT youths seem hip, confident, and completely able to take care of themselves. I keep expecting one of them to stamp up to me and say, as Liesl does to Maria in *The Sound of Music*, "I'm 16, and I don't need a governess!" And my first inclination would be to go with Maria's response: "I'm glad you told me, Liesl. We'll just be good friends."

But then an LGBT teen gets shot in the head.

## The Old Homophobia

If the attitudes of LGBT youths feel radically new, the hate crimes committed against them feel depressingly familiar. Consider the murder of Lawrence King by 14-year-old Brandon McInerney this past February. King's gay, gender-nonconforming identity was supported at the group home where he lived. He was encouraged to be himself, which for him included accessorizing his school uniform with eye shadow and high-heeled boots. He also developed a crush on McInerney and let people, including McInerney, know. Now King is dead, and McInerney will likely be in prison for most of his life.

The pattern in which a person kills an LGBT peer for making a sexual overture is unacceptably familiar in American life and law. Beginning in the late 1960s, American courts have recognized "homosexual panic" as a legal defense. The theory is that homosexual advances can be so disturbing to some individuals that they are not responsible for their immediate reactions.

While some states have abolished this defense, it is by no means a vestige of the past. Jonathan Schmitz asserted it after he killed his friend Scott Amedure for admitting on a 1995 episode of *The Jenny Jones Show* that he had a crush on Schmitz. The killers of Matthew Shepard asserted the defense in 1999. And the killers of Gwen Araujo asserted a gender-identity variant in 2004, saying they panicked when they discovered Araujo was transgender. While the defense rarely leads to exoneration, it can mitigate the punishment the killer receives. The fact that such defenses can even be presented to juries is an outrage. It suggests that no matter how many strides LGBT youths (and adults) have made, we still live in a profoundly





homophobic culture.

GLSEN's biennial National School Climate surveys highlight that reality. The 2007 report has not yet been released, but the 2005 report helpfully compares its findings to those of the 2003 and 2001 reports. The 2005 report finds no differences in student accounts of verbal harassment over the three surveys. Rates of physical harassment and assault went down from 2001 to 2003 but remained the same between 2003 and 2005. Asked whether they felt unsafe because of their sexual orientation at school, the percentages of gay students who answered "yes" in 2001, 2003, and 2005 were 69, 64, and 64, respectively. Percentages of students who said they felt unsafe because of gender expression for those three years were 46, 39, and 41.

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### Reconciling the Pictures

What explains the discrepancy between the new confident teenager described by Savin-Williams and the old homophobia described in the GLSEN surveys? When asked that question, GLSEN spokesman Daryl Presgraves answers that progress in LGBT youth rights is real but confined to particular spheres. "You can have a really safe space in the classroom where the gay-straight alliance is meeting," he says, "but then walk down the hall to the same old homophobia." This theory certainly fits King's situation: His foster home was admirably supportive of his identity, but his school -- where he was shot -- was not.

It's not breaking news that some spheres are more LGBT-friendly than others. Most LGBT adults put "time, place, and manner" restrictions on self-expression to accommodate that reality. But LGBT youths may be less equipped to make these contextual calls, especially in 2008, when the difference between a safe place and an unsafe one has become increasingly unclear. More generally, the capacity to judge social situations and relationships usually comes only with experience: Look how Liesl fell for that Nazi.

One way pro-LGBT adults can protect LGBT youths, then, is to help them help themselves. We should remind LGBT youths that even though they have a right to self-expression, accepting limits on that expression in the name of self-preservation is not the same as accepting defeat. We should tell LGBT youths to report any harassment to a sympathetic adult immediately. And we should encourage LGBT youths to start gay-straight alliances, because school groups must be student-initiated to receive certain legal protections.

Teaching LGBT youths antihomophobic jujitsu, however, is by no means a complete solution. Indeed, putting too much responsibility on LGBT teens risks blaming the victim. The real culprits here are the homophobes who prey on LGBT youths and the adults who look the other way. Our primary focus should not be on the targets of homophobia. It should be on its sources.

Fortunately, the law is slowly but surely moving to support us in those efforts. About a dozen states and the District of Columbia have laws that prohibit bullying or harassment in schools on the basis of sexual orientation. About half those jurisdictions have laws banning such acts on the basis of gender identity. I don't give exact numbers here as these laws are worded very differently, and reasonable people could disagree about the ambit of their protections. What is beyond dispute is that schools that run afoul of these or related laws are paying a high price. In 1995, a Wisconsin school paid almost a million dollars to a student after a court held that the school could be held liable for ignoring student-on-student antigay harassment. In similar cases, a California school district paid over half a million dollars to six former students who had been harassed, and a Kansas school district paid \$250,000 to a straight teenager subjected to antigay taunts. As schools realize that permitting bigotry is expensive, we can expect many of them to update their disks.

Just as important, pro-LGBT adults must insist on safe-school policies even in jurisdictions that do not legally require them. These include zero-tolerance anti-bullying policies that specifically mention sexual orientation and gender identity, age-appropriate curricular inclusion of LGBT issues, the employment of openly identified LGBT and pro-LGBT faculty members, and well-established grievance procedures for bullying and harassment.

### The Comfort of Strangers

The civil rights of children often lag behind those of adults. In laying the foundation for the landmark 1954 case *Brown v. Board of Education*, the National Association for the Advancement of Colored People focused its litigation solely on school desegregation at the graduate-school level. Thurgood Marshall -- the civil rights lawyer who would become the first African-American to serve on the U.S. Supreme Court -- justified the NAACP's decision with his characteristic dry wit. "Those racial supremacy boys somehow think that little kids of 6 or 7 are going to get funny ideas about sex and marriage just from going to school together," he mused. "[B]ut for some equally funny reason, youngsters in law school aren't supposed to feel that way."

It's often said that LGBT activists are too quick to equate orientation discrimination with race discrimination. So let me be careful about similarities and differences here. One similarity is that bigots of any stripe are going to be more worried about guaranteeing equality to kids than they are about guaranteeing it to adults. They know that if kids learn about equality in their formative years, that lesson will stay with them for the rest of their lives. In the gay context, we hear this point made a

lot, as we did during oral arguments in *Lawrence v. Texas*, the 2003 sodomy statute U.S. Supreme Court case often called the *Brown v. Board* of the gay rights movement. Justice Antonin Scalia there gave credence to the argument that the state could keep gay people from being kindergarten teachers because that would steer kids toward homosexuality (and, presumably, toward tolerance of homosexuality even if the kids didn't turn out gay).

But there is also a crucial difference between the challenges confronting nonwhite youths and LGBT youths. Nonwhite children usually have parents of their own race. LGBT children, in contrast, usually do not have LGBT parents. This means racial minorities are more likely to have an adult champion in their battles against racism. When I was in junior high, one of my teachers made a racist comment during our class. I told my parents, and they threatened to summon a winter at the school that would last a thousand years unless the teacher apologized. But when other teachers made homophobic comments, I felt I couldn't turn to my parents -- or to anyone else.

Because LGBT youths generally do not have LGBT parents, they must often rely on the comfort of strangers—namely, LGBT adults who are not biologically related to them. Without denigrating the capacity of straight parents to protect their LGBT kids, I do feel LGBT adults have a special contribution to make here. All of us went to schools that were less than safe, so we know how important it is to ensure that this new generation gets a better deal.

One difficulty here is how we LGBT adults take care of LGBT youths without being accused of meddling (or worse) by their parents. That's a complex issue, which bears much more extended discussion. Another obstacle is that LGBT youths themselves may tell us that they don't need our help. I find this issue easier. My instinct is that if we intervene with respect, sensitivity, and goodwill, LGBT teens may come to see, as Liesl did, that sometimes a governess is not such a bad thing to have.

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