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LGBT IDENTITY: A DEMOGRAPHER'S PERSPECTIVE

*Gary J. Gates**

In a recent study, the Author of this Article estimated that the self-identified lesbian, gay, bisexual, and transgender (LGBT) community makes up 3.8 percent of the American population. The Author's estimate was far lower than many scholars and activists had contended, and it included a relatively high proportion of persons self-identifying as bisexuals. This Article responds to two of the central criticisms that arose in the controversy that followed. First, in response to claims that his estimate did not account for people who are in the closet, the Author describes how demographers might measure the size of the closet. Second, in response to those who either ignored the reported large incidence of bisexuality or misconstrued the meaning of that incidence, the Author considers how varying frameworks for conceptualizing sexual orientation might alter the ratio of lesbian or gay individuals to bisexuals. This Article goes on to offer observations about the challenges and implications that are associated with the varying estimates of the size of the LGBT population. And it concludes by arguing that, today, the size of the LGBT community is less important than understanding the struggles of its members and informing crucial policy debates with facts rather than stereotype and anecdote.

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This Article focuses on lesbian, gay, bisexual, and transgender (LGBT) identity. In that spirit, it offers a set of reflections on how demography, or at least this demographer, thinks about LGBT identity. Demographers may view the idea of LGBT identity somewhat differently from lawyers or even other fellow social scientists since a demographer's focus is primarily population-based.

I will begin with a definition. Demography is "the statistical study of human populations, especially with reference to size and density, distribution, and vital statistics."[1] The operative word in this definition is population. The demographer is always thinking about how to identify and measure populations. So the demographer has a keen interest in considering just who constitutes the LGBT population. Such a question requires careful thinking about how we define both sexual orientation and gender identity.

Measurement marks the other important consideration for a demographer. Having been defined, can a population be measured? And if we measure it in different ways, do those differences matter? Do different measurement strategies change the size, the density, and the vital statistics of a population? My training is also in public policy, so I believe it is important to consider the legal and political implications of these various definitions. What does it mean to pick and choose among different ways in which we might define the LGBT population?

The American Psychological Association (APA) defines sexual orientation as "an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions."[2]

From the perspective of a demographer, this definition includes a variety of conceptually distinct constructs. The first is the construct

1. *Demography Definition*, MERRIAM-WEBSTER.COM, http://www.merriam-webster.com/dictionary/demography (last visited Feb. 25, 2012).

2. AM. PSYCHOLOGICAL ASS'N, ANSWERS TO YOUR QUESTIONS: FOR A BETTER UNDERSTANDING OF SEXUAL ORIENTATION & HOMOSEXUALITY 1 (2008) [hereinafter APA, SEXUAL ORIENTATION & HOMOSEXUALITY], *available at* http://www.apa.org/topics/sexuality/sorientation.pdf.

of identity. It is notable that the definition does not actually include the idea of identifying oneself with specific terms like gay, lesbian, bisexual, or queer. None of those words appear in the definition even though measuring sexual orientation identity in some sense depends precisely on the willingness of individuals to describe themselves using those terms. However, the definition does include the construct of community membership or affiliation. That affiliation or membership could certainly be considered an identity construct.

The second prominent construct in the APA definition is the idea of an enduring pattern of attractions. Thinking about the issues with measuring the LGBT population again, the question becomes what kind of attractions are being considered by this definition, and how enduring are they? Emotional, romantic, and sexual attractions are all very different things. You can be emotionally attracted to someone who you are not sexually attracted to and you can be sexually attracted to someone with whom you do not necessarily want to have a romantic relationship. Those are potentially very different constructs to measure. The definition also states that these attractions should be enduring. Does "enduring" mean for several years, for a lifetime, or does it perhaps depend upon the context of a particular relationship?

Finally, the third construct in the APA definition refers to behaviors "related" to attractions. Presumably, this refers primarily to sexual behaviors and the extent to which individuals engage in sexual relationships with same-sex or different-sex partners. While measuring sexual behavior may seem relatively straightforward, this construct still raises issues with regard to the frequency and timing of that behavior. For example, is one consensual same-sex sexual encounter in a lifetime really a factor in an individual's sense of sexual identity? Is it a factor in some objective sense of sexual identity?

Unlike the definition of sexual orientation, the APA definition of gender identity begins with an identity term: transgender.[3] The definition is as follows:

3. AM. PSYCHOLOGICAL ASS'N, ANSWERS TO YOUR QUESTIONS: ABOUT TRANSGENDER PEOPLE, GENDER IDENTITY, AND GENDER EXPRESSION 1 (2011) [hereinafter APA, TRANSGENDER PEOPLE, GENDER IDENTITY, AND GENDER EXPRESSION], *available at* http://www.apa.org/topics/sexuality/transgender.pdf.

> Transgender is an umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth. Gender identity refers to a person's internal sense of being male, female, or something else; gender expression refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice, or body characteristics.[4]

As we did with the definition for sexual orientation, we can also disentangle this into distinct constructs, again through the lens of a demographer thinking about measurement. As already observed, the first construct is identity. The definition begins with the word transgender, which I would tend to think of as an identity. But in this case, it is used as a definitional "umbrella" term that includes two articulated constructs: (1) gender identity; and (2) gender expressions or behaviors related to discordance between birth sex and that identity. The sense of discordance between birth sex and gender identity is perhaps more analogous to the sexual orientation construct of attraction, which is essentially an internal sense of one's sexual attraction.[5] In this case, the definition states that gender identity is an internal sense of one's gender[6] (perhaps distinct from one's external physical manifestation of biological sex). The definition of gender expression is essentially a behavioral construct. Unlike the sexual orientation definition, the gender identity definition includes ways in which that identity might manifest itself: clothing, hairstyle, voice, or body characteristics.[7] Like the sexual orientation definition, however, the gender identity definition does not really delineate boundaries on how much or how frequent these distinctive behaviors must be to classify an individual as transgender.

The APA definitions of sexual orientation and gender identity have several things in common. Both include multiple concepts that could be components in accurate measurement. These concepts are

4. *What Does Transgender Mean?*, AM. PSYCHOLOGICAL ASS'N, http://www.apa.org/topics/sexuality/transgender.aspx (last visited Feb. 25, 2012).

5. APA, TRANSGENDER PEOPLE, GENDER IDENTITY, AND GENDER EXPRESSION, *supra* note 3, at 2.

6. *What Does Transgender Mean?*, *supra* note 4.

7. *Id.*

somewhat similar: identity, behavior, and an internal sense of sexual attraction or gender that potentially guides or underlies both identity and behaviors. While these concepts present measurement challenges, what is perhaps more notable about these definitions is that they really do not provide a terribly clear guide to determining who to include when defining the LGBT population.

* * *

The most frequent question that I am asked as a demographer is, "How many LGBT people are there?" Before I consider some of the methodological and political complexities of defining exactly who is LGBT, let me share the findings and critiques of a recent study I did that was designed to offer an answer to that question.[8] As part of this study, I reviewed eleven population-based surveys: four national surveys, four international surveys, and three state-level surveys.[9] These surveys included questions about three aspects of sexual orientation: identity, sexual behavior, and attraction.[10] Two state-level surveys considered gender identity.[11]

The surveys all utilized fairly standard phrasing designed to capture sexual orientation or gender identity using a question stem that reads, "Do you consider yourself to be . . . ?" or "Do you think of yourself as . . . ?"[12] Such phrasing constitutes a classic identity question (this is how most race and ethnicity questions are asked) since it asks about one's own perception of oneself as opposed to some external criteria.[13] For sexual orientation, the response options usually included the following choices: (1) gay, lesbian, homosexual; (2) bisexual; and (3) straight, heterosexual.[14] Two state-level surveys

8. GARY J. GATES, THE WILLIAMS INST., HOW MANY PEOPLE ARE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER? (2011), *available at* http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf.

9. *Id.* at 2, 8.

10. *Id.* at 2.

11. FIELD RESEARCH CORP., CAL. DEP'T OF HEATH SERVS., CALIFORNIA LESBIANS, GAYS, BISEXUALS, AND TRANSGENDER TOBACCO USE SURVEY 7 (2004); Kerith J. Conron et al., *Transgender Health in Massachusetts: Results from a Household Probability Sample of Adults*, 102 AM. J. PUB. HEALTH 118, 118 (2012).

12. *E.g.*, UCLA CTR. FOR HEALTH POLICY RESEARCH, CHIS 2009: ADULT QUESTIONNAIRE VERSION 3.4, at 44 (2011), *available at* http://www.chis.ucla.edu/pdf/CHIS2009 adultquestionnaire.pdf.

13. GATES, *supra* note 8, at 2.

14. *E.g.*, UCLA CTR. FOR HEALTH POLICY RESEARCH, *supra* note 12.

included a transgender identity question.[15] These surveys defined transgender using language that describes a transition in life from one gender to another or the notion that one is born into one sex but feels like he or she is a different gender.[16] The surveys then asked respondents if they considered themselves to be transgender.[17] This is an example of how questions can be constructed that conflate potentially distinct concepts. While phrased like an identity question, these questions actually conflate identity with something more akin to behavior (transitioning) or with the internal sense of gender.

The findings in my analyses of the surveys show quite a bit of variance in population estimates across surveys—from a low of just above 1 percent to a high of nearly 6 percent of adults identifying as lesbian, gay, or bisexual.[18] However, if you take out those extremes, the variance narrows across seven surveys to a window of about 2 percent to 4 percent.[19] The transgender measures were both relatively small, ranging from 0.1 percent to 0.5 percent.[20]

To consider how many people self-identify as LGBT in the United States, I averaged findings across the U.S.-based surveys. All are credible, population-based surveys, but all also have potential methodological issues that could bias estimates both upward and downward.[21] Averaging across surveys provides a way to smooth out the impact of any individual survey bias. I found that the average across all surveys is 3.8 percent of adults self-identifying as lesbian, gay, bisexual, or transgender. That implies that there are roughly nine million LGBT-identified Americans.[22] Within the LGB portion (an estimated 3.5 percent of adults), roughly half identify as lesbian or gay and half identify as bisexual, though this differs somewhat

15. CAL. DEP'T OF HEALTH SERVS., *supra* note 11; Conron et al., *supra* note 11.
16. GATES, *supra* note 8, at 5.
17. *Id.*
18. *Id.* at 3.
19. *Id.*
20. *Id.* at 5.
21. For example, a pencil-and-paper survey taken in the presence of a survey taker may bias estimates downward if an LGB person thinks that the survey taker might see responses to questions about sexual orientation. An Internet survey may bias results a bit high if the LGB population constitutes a larger portion of Internet users or if they are more comfortable using a web-based interface than the population in general.
22. GATES, *supra* note 8, at 5.

between men and women.[23] Women are more likely to identify as bisexual while men are more likely to identify as gay.

I should be clear that the report included substantially more information about the size of the LGBT community. The subsection of the brief titled "How many lesbian, gay, bisexual and transgender people are there in the United States?" includes the nine million estimate along with estimates suggesting that 8.2 percent of Americans (nearly nineteen million) report having had some same-sex sexual behavior since age eighteen and approximately 11 percent (nearly twenty-six million) report at least some same-sex sexual attraction.[24] The report also discusses why it is important to consider all three of these dimensions when assessing the size of the LGBT community.

The response to the release of this report was fascinating. The Associated Press news report that appeared moments after the study was released included the headline "U.S. Has 4 Million Gay Adults, 1.7 percent of Populace."[25] Bisexuals were simply ignored. There was apparently nothing very noteworthy about them. The implication of the headline (and the accompanying story, for that matter) was that less than 2 percent of the population was gay or lesbian. In response to the fact that the estimate included a large proportion of bisexuals, Peter Sprigg of the conservative Family Research Council said, "I see this as somewhat of a problem for the gay political movement. . . . It undermines the idea that being born homosexual is an immutable characteristic that can't be changed."[26] His implication was that bisexuality suggests that you are somehow indifferent to the sex of your partners and bisexuals can essentially "choose" to be gay or not gay by selecting either same-sex or different-sex sexual partners. Under that type of reasoning, he argued that my findings suggest that the majority of LGBT people can, in fact, choose to be gay or lesbian. The one common theme to the responses by the Associated Press and the Family Research Council was the strange

23. *Id.* at 6.

24. *Id.* at 7.

25. David Crary & Terry Tang, *U.S. Has 4 Million Gay Adults, 1.7 Percent of Populace, Study Says*, HONOLULU STAR-ADVERTISER (Apr. 7, 2011, 4:02 PM), http://www.staradvertiser.com/news/breaking/119403244.html.

26. *Id.*

way in which the evidence of a relatively large group of bisexuals was handled. In one case, the bisexuals were deemed uninteresting, and in the other, they were deemed so interesting that they bolstered the long-held assertion made by opponents of LGBT rights that sexual orientation is a choice. Virtually every survey that asks people to identify their sexual orientation finds a very large group of bisexual-identified people, yet that finding still seems to create angst in many people.[27]

A second set of responses to my report focused on the overall estimate that less than 4 percent of adults self-identify as LGBT.[28] Noted author and longtime LGBT activist Larry Kramer called me a "horse's ass" and went on to say, "God save us from statisticians who, along with epidemiologists are the enemy."[29] (The only solace I can give you in that regard is that I am technically neither a statistician nor an epidemiologist so I think for the moment the world is relatively safe from me.) Another example of this group of responses came from Alex Blaze, who at the time was an editor of Bilerico, a popular LGBT blog. He noted that "[a] study that just asks people will produce numbers. . . . The numbers will be useless, but they'll be numbers."[30] In this assertion, Blaze is essentially waving his hands saying, "You just do all this measurement but there's so many problems with this that it's meaningless." Finally, Brian McNaught, very well-known for his work addressing LGBT workplace diversity issues and a lifetime achievement award winner this year from Out & Equal,[31] said, "I think what Gates did was a bit

27. *See, e.g.*, GATES, *supra* note 8, at 3–4 figs.1, 2 & 3 (breaking down the results of the nine surveys used in the Author's own study into "Gay/Lesbian" and "Bisexual" categories).

28. *Id.* at 1.

29. E-mail from Larry Kramer to Richard Socarides (Sept. 4, 2011, 20:39:00 PST) (on file with author).

30. Alex Blaze, *The LGBT Population Is Not 9 Million*, THE BILERICO PROJECT (Apr. 7, 2011, 7:00 PM), http://www.bilerico.com/2011/04/the_lgbt_population_is_not_9_million.php.

31. *See Brian McNaught Presented with Selisse Berry Leadership Award*, OUT & EQUAL WORKPLACE ADVOCS. (Oct. 17, 2011), http://outandequal.org/node/423 ("Brian McNaught has been working to help people to better understand the unique challenges and opportunities faced by LGBT people in the workplace since 1974. . . . His work has reached hundreds of professional and university audiences, and has been pivotal to changing how the corporate world views the LGBT community.").

irresponsible. Gay and lesbian people are homosexual even if they don't self-identify."[32]

One common theme in this second set of comments is "the closet." Kramer is well-known for arguing that a very large portion of adults are gay, and to suggest otherwise undermines the political and social aspirations of the gay community.[33] The broader context of Blaze's critique argues that measurement of the LGBT community is fraught with complexity, including the fact that stigma and the closet simply make a credible assessment impossible.[34] McNaught's remark is the most direct, implying that my work simply ignores those who may choose to hide their sexual identity.

* * *

In light of these critiques, this Article will focus on two issues of measurement related to the LGBT population. First, I will explore how we might measure the size of the closet. Second, I will consider how different constructs in measuring lesbian and gay individuals versus bisexuals might affect the relative sizes of those two groups.

I have already demonstrated how population estimates for the LGBT community can vary substantially depending on what definition one uses for who is considered to be lesbian, gay, bisexual, or transgender. In order to measure the closet, we must also construct a working definition of exactly whom we consider to be closeted. One of the most simplistic ways that many people conceptualize the closet is essentially everyone who has some type of same-sex attraction or behavior but does not identify as lesbian, gay, or bisexual. The analogous definition for transgender individuals might be those who are not openly transgender but who engage in some type of gender non-conforming behaviors or have some sense that their gender and the sex they were assigned at birth somehow are not completely aligned. By this definition, anyone who does not identify

32. *How Many Gay People Are There?*, BRIAN MCNAUGHT'S GAY & TRANSGENDER ISSUES IN THE WORKPLACE BLOG (Apr. 11, 2011, 1:18 PM), http://diversityguides.com/gay_workplace/?p=509.

33. *See* Larry Kramer, Comment to *The Most Important LGBT Group You've Never Heard Of*, THE ADVOC. (Aug. 15, 2011, 12:23 PM), http://www.advocate.com/News/Daily_News/2011/08/15/The_Williams_Institute_Is_the_Most_Important_LGBT_Group_You/.

34. Blaze, *supra* note 30.

as LGBT but experiences any aspect of a same-sex sexual orientation or a transgender gender identity is in the closet.

My personal definition of the closet is somewhat more nuanced. In my definition, the closet is more pathological, as it is associated with discordance in people's lives between how they identify these constructs and how they behave or how they feel. In this case, the closet is not the discordance, per se, but rather the pathology that the discordance creates.

In either case, how might we measure the closet? In essence, we are attempting to measure a population that, by definition, does not want to be measured. Clearly, the closet is not an identity. With regard to sexual orientation, my estimates of the size of the LGB community clearly show that the proportion of individuals who self-identify as lesbian, gay, or bisexual is much smaller than the proportion of those who either say they have at least some same-sex attractions or have had same-sex sexual behaviors.[35] In an initial attempt to measure the closet, I have analyzed data from the General Social Survey (GSS), a nationally representative sample of adults in the United States conducted by the National Opinion Resource Center at the University of Chicago.[36] Both the 2008 and 2010 GSS surveys asked respondents about the sex of their sexual partners since age eighteen, in the last five years, and in the last year.[37] The surveys also asked respondents an identity question about their sexual orientation.[38] For these analyses, I can unfortunately only consider sexual orientation measures, since comparable data that would consider various aspects of gender identity is not available on a national sample. It is important to note that my analyses of the GSS data are based on relatively small samples. Over the two years of the GSS data I used, 108 respondents self-identified as LGB and 193

35. *See* GATES, *supra* note 8, at 3 fig.1, 5 fig.4.

36. GEN. SOC. SURVEY, http://www.norc.org/GSS+Website/ (last visited Feb. 13, 2012).

37. GEN. SOC. SURVEY, 2008 GSS CROSS-SECTION QUESTIONNAIRE V2, at 223–25 (2008) [hereinafter 2008 GEN. SOC. SURVEY], *available at* http://www3.norc.org/NR/rdonlyres/21403184-C064-4E20-944F-0CFCABC9BB5E/1307/BALLOT2XSECEnglish.pdf; GEN. SOC. SURVEY 2010, GSS CROSS-SECTION QUESTIONNAIRE V2, at 181–84 (2010) [hereinafter 2010 GEN. SOC. SURVEY], *available at* http://publicdata.norc.org/GSS/DOCUMENTS/OTHR/Ballot2_AREA_English.pdf.

38. 2008 GEN. SOC. SURVEY, *supra* note 37, at 228–29; 2010 GEN. SOC. SURVEY, *supra* note 37, at 187.

reported at least one same-sex sexual partner since age eighteen.[39] Thus, the findings should be considered more suggestive than definitive.

Analyses suggest that estimates of the size of the closet based on discordance between sexual behaviors and sexual orientation identity are very sensitive to the timing of the sexual behaviors. If we consider those who have had any same-sex behaviors since age eighteen and then add those who self-identify as gay, lesbian, and bisexual, we find that about 7.7 percent of adults either self-identify as lesbian, gay, or bisexual or report that they have had a same-sex sexual encounter.[40] Of that group, two-thirds (5.2 percent) are people who say they have had same-sex sexual behavior but identify as heterosexual.[41] This could represent one estimate of the closet.

However, the 2008 GSS included several questions commissioned by the Williams Institute that specifically asked respondents if they had told anyone else about their sexual orientation. Analyses of those responses show that about 0.3 percent of adults self-identify as LGB but indicate that they have never told anyone about their sexual orientation—even though they identified as LGB on the survey.[42] Arguably, that group represents a direct measurement of the closet. Combined, then, the GSS analyses suggest that 5.5 percent of adults either indicate that they are LGB but have not told anyone about their sexual orientation or have had a same-sex sexual encounter as an adult but consider themselves to be heterosexual. If we assume that anyone who has had a same-sex sexual encounter or self-identifies as lesbian, gay, or bisexual is, in truth, LGB, then this definition implies that more than 70 percent of the LGB population is closeted.

What happens if we limit our definition of the LGB population only to those who identify as such or have had more recent same-sex sexual behaviors, either in the last five years or in the last year?

39. *SDA: Survey Documentation and Analyses*, U. OF CAL., BERKELEY, http://sda.berkeley.edu/cgi-bin/hsda?harcsda+gss10 (last visited Feb. 14, 2012) (specific search criteria on file with author). This Article's analyses use an online utility provided by the University of California, Berkeley's Survey Documentation and Analysis for analyses of the 2008 and 2010 GSS.

40. *Id.*

41. *Id.*

42. *Id.*

Findings from the GSS analyses suggest that, under this definition, the discordance between same-sex sexual behavior and sexual orientation identity is substantially smaller. Only about 1 percent of adults say they have had same-sex sexual behavior in the last five years but do not identify as LGB.[43] If we define the LGB population as those who either self-identify as LGB or who have had relatively recent same-sex sexual behavior, and we define the closet as including those who are discordant with regard to recent behavior and identity along with those who indicate that they intentionally hide their LGB identity, the closet will be much smaller. If we only consider sexual behavior over the last five years, then the GSS data imply that about 1.3 percent of adults are in the closet, representing about 37 percent of the LGB population.[44] If we consider only sexual behavior in the last year, then about 1 percent of adults are closeted, representing just 30 percent of the LGB population.[45] As a proportion of the LGB community, the closet under the latter two definitions is half of what it would be when compared to an LGB definition that includes lifetime same-sex sexual behaviors.

These findings differ between men and women. Even though the overall percentage of men and women who report any same-sex sexual behavior since age eighteen or self-identify as LGB is roughly the same (7.5 percent and 8 percent, respectively), women are much more likely to self-identify as LGB.[46] Using sexual behavior since age eighteen along with LGB self-identification as our definition of LGB, the findings suggest that nearly six in ten women are closeted.[47] But for men, the figure is more than eight in ten.[48] These differences narrow if we consider more recent same-sex sexual behaviors in our definition of LGB, but it remains true that women are more likely to be LGB than men under this definition. Roughly 5 percent of women either self-identify as LGB or report same-sex sexual behaviors in the last year or the last five years compared to just 2 percent of men.[49] But the proportions of LGB men and women

43. *Id.*
44. *Id.*
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id.*
49. *Id.*

in the closet are more similar: 30 percent to 35 percent of women and 30 percent to 40 percent of men appear to be in the closet.[50] These findings suggest that defining the LGB population based on the timing of same-sex sexual behaviors not only affects estimates of the size of the LGB population, but also changes the degree to which we think LGB people are closeted.

A second topic considered by this Article is how varying definitions of sexual orientation might change the ratio of lesbian and gay individuals to bisexual men and women. Among heterosexually identified men and women, about 5 percent report having experienced both same-sex and different-sex sexual partners since age eighteen.[51] Nearly 90 percent report having had exclusively different-sex sexual partners and 5 percent say they have not had any sexual partners.[52] Among those who identify as lesbian or gay, about half say they have had both same-sex and different-sex sexual partners.[53] Roughly four in ten respondents (42 percent) report only same-sex sexual partners and one in ten (9 percent) say they have not had a sexual partner.[54] Among men and women who identify as bisexual, seven in ten (71 percent) have had both same-sex and different-sex sexual partners, 22 percent report only different-sex sexual partners, and 7 percent have not had a sexual partner.[55]

These findings essentially comport with what we would expect—gay- and lesbian-identified individuals are the most likely to report exclusively same-sex sexual partners, bisexuals are the most likely to report having had both same-sex and different-sex sexual partners, and heterosexuals are the most likely to report having only different-sex sexual partners. But the correlation between sexual behaviors and identity is far from perfect. One in twenty heterosexually identified adults report having had same-sex sexual partners.[56] Half of gay- and lesbian-identified individuals have had both same-sex and different-sex sexual partners, and more than one

50. *Id.*
51. *Id.*
52. *Id.*
53. *Id.*
54. *Id.*
55. *Id.*
56. *Id.*

in five individuals who identify as bisexual have had exclusively different-sex sexual partners.[57]

There are also differences between men and women. Bisexual men, in particular, are more likely than bisexual women to have had exclusively different-sex sexual partners and not report any same-sex sexual partners (29 percent versus 16 percent, respectively).[58] One issue raised by these findings regards how we treat the relatively large portion of bisexuals who only report different-sex sexual partners. If not the sex of their sexual partners, what is the distinguishing characteristic of their bisexual identity? The answer could certainly be related to the observed complex relationships among identity, behavior, and attraction. But it is still interesting to note that bisexuality is not necessarily associated with same-sex sexual behavior for many individuals.

Using identity as our definition of LGB when analyzing the GSS data, we find that 1.2 percent of adults are bisexual compared to 1.4 percent who are lesbian or gay.[59] This implies that among LGB adults, just over half are lesbian or gay and just under half are bisexual. But if we define LGB based solely on behavior, those proportions change substantially. Since age eighteen, 6.8 percent of adults report both same-sex and different-sex sexual partners compared to just 1 percent who say they have had only same-sex sexual partners.[60] Under this definition, nearly nine out of ten LGB adults (87 percent) are bisexual.

But if we only consider sexual behaviors in the last five years or in the last year, the results are much more similar to findings using only the identity measure. In the last five years, 1.9 percent of adults have had exclusively same-sex sexual partners and 1.5 percent have had both same-sex and different-sex partners.[61] Under this definition, about 55 percent of LGB people are gay or lesbian and 45 percent are bisexual. If we restrict the definition of the LGB population to analyses of sexual behaviors in the last year, then just 0.6 percent of adults report both same-sex and different-sex sexual behavior while

57. *Id.*
58. *Id.*
59. *Id.*
60. *Id.*
61. *Id.*

2 percent report exclusively same-sex sexual behavior.[62] This would imply that less than a quarter of LGB people (23 percent) are bisexual. Clearly, recent sexual behavior measures comport much more closely with identity measures. Also, if we only consider sexual behavior in the last year, we find proportionally more same-sex or "gay and lesbian" behavior than what we might consider bisexual behavior (having had both same-sex and different-sex sexual partners). Within the past year, relatively few adults report having had both different-sex and same-sex sexual partners.

When comparing men and women, the data evidence few differences in lifetime sexual behaviors but clear differences when we consider sexual behavior in the last year or last five years. Considering just identity, more women identify as LGB than men (3.2 percent versus 2 percent, respectively).[63] Also, among LGB-identified adults, bisexuals constitute a majority (56 percent) among women and less than a third (30 percent) of men. In contrast to these differences, lifetime sexual behavior patterns for men and women are much more similar. About 1 percent of both men and women report having only had same-sex sexual partners since age eighteen.[64] In addition, 6.5 percent of women and 7.1 percent of men report having had both same-sex and different-sex partners.[65] Under this lifetime behavioral measure of sexual orientation, 86 percent of LGB women and 88 percent of LGB men are bisexual.

The pattern of proportionally more bisexuals among women is more evident if we consider recent same-sex sexual behavior. Over the last five years, 4.5 percent of women and 2.2 percent of men report at least one same-sex sexual partner.[66] But 2.3 percent of women and just 0.6 percent of men report both same-sex and different-sex sexual partners.[67] This would imply that 53 percent of LGB women and just 28 percent of LGB men are bisexual. If we limit our definition of LGB to only sexual partners in the past year, 3.4 percent of women report at least one same-sex sexual partner

62. *Id.*
63. *Id.*
64. *Id.*
65. *Id.*
66. *Id.*
67. *Id.*

compared to 1.7 percent of men.[68] Within those groups, more than a quarter of women (27 percent) report having both same-sex and different-sex partners compared to less than one in six men (16 percent).[69]

These data demonstrate how sensitive estimates of the size of the LGB community, the size of the closet, and the composition of the LGB population are to definitions associated with identity and behavior. So which definition is the "right" one? As evidenced by the critical responses to my estimates for the size of the LGBT community, there is clearly no simple answer to that question. But I will offer one observation—recent sexual behavior, particularly behavior within the past five years, is strongly associated with sexual orientation identity. Under the five-year threshold, similar proportions of adults both identify as LGB and report that they have had at least one same-sex sexual partner. For both men and women, the proportion of bisexuals within the group is similar to the proportion that reports having had both same-sex and different-sex sexual partners. Compared to men, a larger percentage of women report an LGB identity and report having any same-sex sexual partners. Bisexual identity and behavior (reporting both male and female sex partners) constitutes a larger proportion of LGB women than LGB men. The general consistency between recent sexual behavior and sexual orientation identity provides some evidence that comparing them may represent the best framework for assessing the size of the closet. If the closet is defined as discordance between sexual behaviors in the last five years and sexual orientation identity, then more than a third of LGB adults (37 percent) are closeted because they report at least some same-sex behavior while self-identifying as heterosexual. This represents about 1 percent of the entire adult population.

These findings shed some light on why attempts to estimate the size and characteristics of the LGBT population can generate great angst focused on the closet and bisexuality. Across all of the definitions I considered, lesbian and gay identity and reports of exclusive same-sex sexual activity were quite consistent, with

68. *Id.*
69. *Id.*

between 1 percent and 2 percent of adults either self-identifying as lesbian or gay or reporting only same-sex sexual partners since age eighteen in the past year or in the past five years.[70] The variation in estimates is largely the result of including those who have had both same-sex and different-sex partners. This represents less than 1 percent of adults if we consider only sexual partners in the last year but constitutes nearly 7 percent of adults if we consider sex partners since age eighteen.[71] If we define the closet as discordance between these behaviors and identity, then estimates of the proportion of LGB adults who are closeted range from 29 percent to 70 percent. That level of variability may explain why critiques of my LGBT estimates focused so heavily on the closet and bisexuality.

* * *

I will conclude with some observations about the methodological challenges and demographic implications associated with variation in how we might measure the LGBT population. Measurement of LGBT identity has some resonance with another identity construct used in demographic research: race and ethnicity. In both cases, we ask individuals if they consider themselves to be or think of themselves as LGBT or as a particular racial or ethnic identity like African-American, Latino/Latina, or Asian. But the analyses of the GSS data reveal that an exclusive focus on identity as a definition for LGBT people minimizes the notion of the closet.

Given the salience of the closet in the lives of most LGBT people, limiting the LGBT population to those who explicitly adopt those identities presents inherent difficulties. Analyses will likely fail to capture the experiences or characteristics of a relatively large portion of sexual minorities. Identity definitions may be particularly problematic with regard to gender identity, where a transgender identity is perhaps not as widely used or understood by the population as sexual orientation identities. The analyses of the GSS data also suggest that the conceptualization of lesbian or gay identity may differ from that of bisexual identity. Lesbian and gay identity and exclusive same-sex behaviors are quite consistent across various definitions of the LGB population, while we observe substantial

70. GATES, *supra* note 8, at 6.
71. *SDA: Survey Documentation and Analyses*, *supra* note 39.

variation between bisexual identity and sexual behavior patterns across different definitions. Analyses also suggest that the conceptualization of identity constructs may differ between men and women.[72]

This Article has focused on how the concordance of identity and the sex of sexual partners varied across time intervals. Among those who report at least one same-sex partner since age eighteen, 91 percent of men say, in the last five years, that they have had only different-sex partners. The same is true for 70 percent of women. It may be important to assess not only the timing of behaviors but also the number of partners or the extent of the attraction between partners. Is there a difference between a heterosexually identified person who has had ten same-sex partners since age eighteen and someone who reports only having had one same-sex partner?

Some aspects of gender identity and expression could benefit from greater conceptual clarity. There are ways to frame gender identity constructs that parallel the paradigm that we use for sexual orientation of identity, behavior, and attraction. Behavior constructs would focus on how you express your gender, whether that involves surgical or medical procedures or changes in your appearance. Sexual attraction constructs focus on a person's internal sense of sexuality, similar to how we might construct a gender identity construct based on a person's internal sense of identity, regardless of particular behaviors or identities. While there is a general consensus that the joint constructs of identity, behavior, and attraction encompass our understanding of sexual orientation, there is less clarity about the degree to which identity, behavior, and an internal sense of gender encompass gender identity.[73]

To be clear, I am not advocating for a consensus definition of exactly who we should consider to be LGBT across academic disciplines, policy makers, the media, and the public. Such consensus may neither be possible nor desirable. But, I do advocate that when we use these terms, we think more critically about providing explicit clarity about whom we are including in any particular definition. From a demographic perspective, there are clear implications

72. GATES, *supra* note 8, at 4–5.
73. *Id.* at 2.

associated with the decision to define the LGBT population in different ways.

Demographically, comparing adults who have had at least one same-sex sexual partner since the age of eighteen to those who have only had recent same-sex sexual partners reveals substantial differences. For women, the former group is more likely to have children, more likely to be older, and less likely to have a college degree. They are substantially more likely to have been married and they are more politically conservative. The differences are even more dramatic for men. They are two to nearly three times more likely to have had a child. They are also substantially more likely to be older, much less likely to have a college degree, more likely to have been married, and twice as likely to be politically moderate or conservative.

It may also be useful to consider what the implications of this discussion of the classification of LGBT people might be for the legal understanding of a suspect class. One somewhat controversial lens through which we consider suspect classification is the presence of immutable and distinguishing characteristics. One of the challenges these analyses reveal is that regardless of whether or not sexual orientation and the internal sense of gender are immutable, it is clear that almost every method we use to measure these constructs suggests substantially less immutability. Identities can change over time along with associated behaviors. These changes likely affect the distinctive nature of characteristics we may associate with the LGBT population. There are also clear differences between men and women, which raise important questions about how we think about immutability. The consideration of bisexual identity and behavior provide an example of the challenge. If a bisexual has an immutable internal attraction to both men and women but only expresses that attraction through different-sex relationships, what is the salience of that immutable characteristic for legal purposes?

With regard to gender identity, gender expression and behaviors are not necessarily immutable. Given that, what are the distinguishing characteristics that delineate the transgender population? Is it what you call yourself? Is it whether you have had surgical or medical interventions associated with your gender identity? Is it how you express your gender through clothing and

general appearance? These are all areas that could benefit from more critical assessment by both academics and policy makers.

Such assessments would have clear implications for policy and politics. Narrowly defining the LGBT population within the framework of identity yields much smaller population estimates. Does it matter if we say that 4 percent of adults are LGBT versus 10 percent? Given the reactions to my work, some clearly believe it matters quite a bit. A recent Gallup poll found that the average American thinks that about 25 percent of the population is LGBT.[74] Convincing the population that LGBT people exist was an important factor in the decision of early LGBT advocates to promote the idea that 10 percent of the population was gay. That figure was large enough to "matter" and convince an American public skeptical about the very existence of LGBT people that, in a gathering of ten friends, at least one might be LGBT. But the Gallup poll findings suggest that Americans no longer need to be convinced of the existence of LGBT people. This does not mean that the population estimates do not matter. The utility and accuracy of LGBT population estimates is now more salient in assessing and understanding the needs of the LGBT community and evaluating the programs designed to meet those needs.

That said, it remains problematic when we limit our definition to identity measures, as this inherently minimizes the salience of the closet. The closet can be an important aspect in how we document discrimination and how we assess stigma. However, some stigma could actually be more pronounced when we focus exclusively on identity. For example, hate crimes are more common in gay areas where more people self-identify as such.[75] A Williams Institute-commissioned study using 2008 GSS data showed that LGB-identified individuals were twice as likely to report workplace harassment when compared to those who were heterosexual but had had same-sex behaviors.[76] Broader definitions that consider behavior

74. Lymari Morales, *U.S. Adults Estimate That 25% of Americans Are Gay or Lesbian*, GALLUP (May 27, 2011), http://www.gallup.com/poll/147824/adults-estimate-americans-gay-lesbian.aspx.

75. *See* APA, SEXUAL ORIENTATION & HOMOSEXUALITY, *supra* note 2.

76. BRAD SEARS & CHRISTY MALLORY, THE WILLIAMS INST., DOCUMENTED EVIDENCE OF EMPLOYMENT DISCRIMINATION & ITS EFFECTS ON LGBT PEOPLE 2 (2011), *available at*

and attraction certainly yield larger population estimates. But these definitions may actually minimize the salience of identity and the importance that identity can play in the lives of LGBT people. Conversely, behavioral and attraction-based measures—particularly when shown to be discordant with identity measures—shed needed light on the salience of the closet. They can also reveal important distinctions to help us understand lesbian and gay versus bisexual orientation.

Demographers always want to find effective measurement strategies for populations of interest. We require conceptual clarity about who we consider to be members of a given population. Constructs like sexual orientation identity, behavior, and attraction do have a fair degree of conceptual clarity, as do constructs regarding an internal sense of gender, the notion of a transition in people's lives from one gender to another, and non-conforming gender expression. The challenge is that, while all of these constructs are fairly clear, clarity in how we combine them to produce an estimate of the size of the LGBT population can be substantially more elusive. Linguistically, we use identity terms to describe a group that we understand to be something more than those identity terms.

The evolution of racial and ethnic identity may be constructive in how we think about these issues. Fifty years ago, the Census categorized your race based upon the Census enumerator looking at your skin color.[77] Today, individuals are free to define their racial and ethnic identities separate from how they look.[78] We consider this to be an advance in how we think about race and ethnicity in our society.[79] In the LGBT framework, we might ask, is it correct to impose an LGBT identity based on observation of particular behaviors rather than on personal affiliation? If we do so, we are faced with the added burden of determining how the timing and

http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf.

77. Campbell Gibson & Kay Jung, *Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States* 1 (U.S. Census Bureau, Population Div., Working Paper No. 56, 2002), *available at* http://www.census.gov/population/www/documentation/twps0056/twps0056.pdf.

78. *Race*, U.S. CENSUS BUREAU, http://www.census.gov/population/race (last visited Feb. 5, 2012).

79. *See* Gibson & Jung, *supra* note 77, at 2.

amount of particular behaviors affects inclusion in the LGBT population. With regard to racial and ethnic identity, how many generations back do you have to go to still claim a particular identity? In the last twenty years, the American Indian population in the United States has more than doubled.[80] This is not due exclusively to an explosive birth rate within this group.[81] Instead, two important factors may help to explain this population increase: federal surveys allow individuals to select multiple racial and ethnic identities, and ancestry research has become much more accessible, allowing many more people to document American Indian heritage.[82] Given that we routinely include all of these self-identified American Indians in tabulations of this population,[83] does this suggest that including anyone with any type of same-sex sexual experiences in their lifetime is the right metric for measuring the size of the LGBT population?

These are challenging questions with no explicitly correct answers. The good news is that strong evidence suggests that, politically at least, the stakes in this discussion are no longer rooted in an urgent need to prove the very existence of LGBT people. This progress hopefully provides the space to more critically and thoughtfully assess these issues in an environment where a sense of urgency is not paramount. Today, the size of the LGBT community is less important than understanding the daily lives and struggles of this still-stigmatized population and informing crucial policy debates with facts rather than stereotype and anecdote.

80. Edna L. Paisano, *Population Profile of the United States: The American Indian, Eskimo, and Aleut Population*, U.S. CENSUS BUREAU, http://www.census.gov/population/www/pop-profile/amerind.html (last visited Feb. 5, 2012).

81. *Id.*

82. *Id.*

83. STELLA U. OGUNWOLE, U.S. CENSUS BUREAU, WE THE PEOPLE: AMERICAN INDIANS AND ALASKA NATIVES IN THE UNITED STATES 1 (2006), *available at* http://www.CENSUS.gov/prod/2006pubs/censr-28.pdf.