

Sexual Orientation and Gender Identity (SOGI) Human Rights Assistance in the Time of Trump

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The US government was a late adopter of support and advocacy for international sexual orientation and gender identity (SOGI) human rights. Although US support for SOGI human rights did not begin in the Obama administration, after 2011 such support was expanded, publicized, and institutionalized. Since the 2016 presidential election, many international and grassroots LGBTQI human rights activists have expressed concern about the prospects for US SOGI advocacy in the Trump administration. No definitive policy changes have been made public, but clues to the future of US advocacy for SOGI can be found in a variety of sites. These include the discourse and policy articulations of the secretary and human rights officials in the State Department as well as those of legislators who fund human rights programs and exercise oversight over it.

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SOGI YESTERDAY¹

The US government was a late adopter of international support and advocacy for sexual orientation and gender identity (SOGI) human rights. Indeed, the US followed LGBTQ and mainstream human rights civil society organizations, nations such as Sweden and The Netherlands, and multinational organizations such as the European Union and the

1. Cara Clark and Samantha Turk provided research assistance as I considered embarking on a project that focuses on US advocacy for SOGI human rights after the Obama administration.

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Council of Europe in such international advocacy (Ayoub 2016). However, US government support for SOGI human rights began quietly well before it was announced as the official position of the Obama administration. This early advocacy was not imposed by the White House or Congress; it originated within the State Department in the form of extensions to LGBTQ people of support for other vulnerable or marginalized populations. Before 2012, SOGI human rights assistance abroad was piecemeal; it was incorporated into existing programs and policies such as Country Reports on Human Rights Practices and the President's Emergency Plan for AIDS Relief (PEPFAR), into new programs such as the US Agency for International Development's (USAID) LGBT Global Development Partnership, and into the State Department's Lifeline: Embattled Civil Society Organizations Assistance Fund. Perhaps the earliest cases of US support for SOGI human rights abroad involved allocations in the final years of the Clinton administration from a fund set up to pursue concealed Holocaust-era assets, compensate survivors of Nazi persecution and their heirs, and memorialize victims of Nazi persecution (Burack 2018a, 38–41).

In December 2011, the Obama administration publicly declared its support for SOGI human rights through two coordinated mechanisms: Secretary of State Hillary Clinton's "Remarks on International Human Rights Day" delivered in Geneva, Switzerland, and Barack Obama's Presidential Memorandum on LGBT rights, directed toward US government foreign affairs agencies. Announced in Clinton's Geneva speech, the Global Equality Fund (GEF) over time has become the most significant global source for SOGI human rights funding and assistance (Hammond, Kan, and Maulbeck 2016). The GEF is an umbrella fund with 17 country partners that supports three kinds of assistance programs. These programs perform different functions and, in some cases, serve different populations. The three categories of assistance are (1) emergency support, (2) long-term technical assistance and organizational capacity building, and (3) small grants disbursed by US embassies. With its three distinct categories of assistance and many partners and grantees around the world, the GEF is the best known of the SOGI human rights programs and initiatives of the US government (US State Department n.d.[a]). Many grassroots LGBTQ activists outside the US are now familiar with this set of programs.

In addition to the GEF, International SOGI human rights advocacy also takes place in settings such as regular multilateral conferences; in a variety of other forums that represent different "tracks" of diplomacy; and in diverse

networks of advocates, representatives and organizations (Diamond and McDonald 1996). Many of these meetings are not publicized or reported in press accounts of SOGI human rights advocacy. Researchers rarely participate in quiet diplomacy that consists of interactions between US officials and representatives of regimes and civil society in places where people face discrimination or violence on the basis of SOGI. They also rarely observe meetings between US officials and LGBTQ people and activists.

Between 2013 and 2016, I consistently heard LGBTQ, SOGI, and human rights advocates in formal and informal settings in the United States, Europe, Africa, and Southeast Asia pose a question: What will happen to US support for SOGI human rights after the US presidential election? Most interlocutors believed that SOGI human rights advocacy and assistance they received or administered for other groups would be safe in a Hillary Clinton administration. However, local and international activists alike wondered openly whether US commitments to SOGI human rights might be reversed under a Republican administration. After the election, many LGBTQ/SOGI activists expressed concern about how the election of Donald Trump might reshape, and possibly disrupt, the US commitment to SOGI human rights abroad. Even before Trump took office, SOGI human rights advocates were tendering perspectives and strategies to deal with possible global consequences of the US election for SOGI human rights. Human rights advocates, grantees and implementing partners of the US State Department and the State Department-administered Global Equality Fund, and other donors were anything but indifferent to the consequences of the presidential election for US human rights assistance. In these conversations, it was clear that many grassroots and international human rights advocates were concerned about the possibility that US SOGI advocacy might come to a halt, or even that the US government might begin to amplify the anti-LGBTQ, anti-SOGI commitments of Trump's Christian conservative or white nationalist voting blocs.

What is the Trump administration's posture toward SOGI human rights and the US role in assistance to LGBTQ people confronting violence, discrimination, and other forms of human rights jeopardy? In 2018, public discourses, policies, and practices that may yet emerge from the Trump administration remain largely unknown, but available evidence suggests that the outlook for SOGI human rights continues to be unsettled. In this article, I begin by summarizing some key evidence and

arguments from my research on US advocacy for SOGI human rights abroad (Burack 2017; 2018a). Next, I provide some evidence of international concern about the possibility that the US might default on the role it has assumed in directly or indirectly providing assistance for grassroots SOGI human rights activism. The first two sections of the argument speak to the question of “demand” for US SOGI human rights assistance. Finally, I review what I see as recent “data points” for the US commitment to (SOGI) human rights in the time of Trump. In surveying these data points, I address the question of “supply” of US SOGI human rights assistance.

Regarding the supply of US SOGI human rights assistance, an extremely popular theory of state support for LGBTQ civil and human rights holds that such support is cynical and strategic: it is a way for states to construct a façade of progressive values and induct LGBT people into state-sanctioned racism and xenophobia (Puar 2008). In *Because We Are Human*, I point out many problems with the literature on homonationalism, and I do not rehearse those here. In this article, I provide some evidence necessary to build and assess theories about SOGI human rights assistance, especially in times when human rights and democracy are precarious.

ON THE TRAIL OF US SUPPORT FOR SOGI HUMAN RIGHTS

In 2015, I wrote a chapter for Marla Brettschneider, Susan Burgess, and Christine Keating’s edited volume, *LGBTQ Politics: A Critical Reader* (Brettschneider, Burgess, and Keating 2017). “Top Down, Bottom Up, or Meeting in the Middle? A SOGI Human Rights Case Study” addresses a concern of many scholars of sexuality studies: that contemporary LGBTQ politics have been captured and (re)directed by powerful interests to the detriment of LGBTQ people. Social movements of disfavored and stigmatized people certainly do suffer this fate. However, regarding US government assistance to SOGI human rights, it has been more accurate to say that grassroots LGBTQ/SOGI human rights advocates and US government officials have “met in the middle.” During the Obama administration, SOGI advocates and organizations used a variety of mechanisms to inform US and other donors of the specific needs and challenges they face, to solicit particular forms of assistance, and to provide feedback to US officials about the efficacy of the human rights assistance they received. For their part,

donors — including representatives of the United States and other members of global funds and agreements as well as a broader global community of implementing partners — have gone to venues hosted by indigenous LGBTQ human rights advocates and have hosted those advocates in meetings in partner countries. Using a variety of mechanisms, indigenous activists have informed donors about the needs and challenges they and their movements face, and they have worked with donors to design and target assistance.

To bridge the gap between information about US government SOGI human rights advocacy and the reception of this advocacy by LGBTQ activists, individuals, and organizations, in “Top Down, Bottom Up, or Meeting in the Middle?” I present a case study based on participant observation at a conference organized by an African grassroots LGBTQ human rights organization. In this study, I call this organization the African Sexual Orientation and Gender Identity Human Rights Organization, or ASOGIHRO — which conveniently can be pronounced “a SOGI hero” — for short. ASOGIHRO is a pseudonym for this indigenous regional LGBTQ advocacy organization that functions as an umbrella group to support civil society activism on sexuality, sexual health, and SOGI human rights in Africa. As an umbrella organization, ASOGIHRO is a grantor that provides resources to sexual minority groups; it is also a grantee of the US government as well as of other human rights and social justice funders.

In the summer of 2015, I attended the ASOGIHRO meeting, which was held in a location undisclosed even to attendees. My primary motivation for attending was to observe firsthand a conference planned and executed by indigenous advocates to advance the cause of SOGI human rights that also incorporated US government representatives and US assistance. By attending the conference and collecting data about the group and its partnerships with a range of donors that includes the US State Department, I hoped to accomplish two tasks. The first was to gain firsthand knowledge of how the US government engages in SOGI human rights advocacy with indigenous LGBTQ groups, and the second was to use my own observations and information collected from the meeting to confirm or contradict information about US government SOGI human rights advocacy provided by State Department officials, government documents, and other sources.

The ASOGIHRO meeting was organized by African activists, and donors — including five US government attendees — were invited guests of the organization. In remarks to the grassroots activists in one session, a

State Department official set forth goals for cooperation between US government representatives and grassroots LGBTQI activists: (1) to listen to activists about their needs and issues; (2) to travel to meet activists in locations around the world; (3) to bring activists to meetings in donor countries (including the United States); (4) to deploy knowledgeable personnel to work closely with activists to meet their needs; (5) to protect the safety and security of grantees and beneficiaries of human rights interventions; and (6) to work with grantee activists and organizations to adequately report what they accomplish with the assistance they receive.

Some LGBTQI/SOGI advocates and human rights groups that operate in parlous conditions around the world may refuse funds and assistance from the United States, other nations, and/or international organizations, either on principle or because of conditions that might be attached to such assistance. At times, it is in the interest of indigenous SOGI human rights advocates and groups to profess — to fellow citizens as well as to researchers — that they do not receive such assistance. Indeed, the State Department provides the mechanism for such professions of autonomy from US government assistance. Under most circumstances, the US government employs a marking policy that requires implementing partners and grantees to “mark,” or brand, all products of US government assistance at public meetings, on organizations’ websites, and on all other materials that might be produced from that assistance (US State Department 2016). However, the State Department’s Bureau of Democracy, Human Rights, and Labor (DRL), which administers human rights assistance, has received an exemption to this branding requirement because of the sensitive nature of many of its human rights programs and because association with the United States could place many human rights defenders at risk. US officials explain this human rights exemption to grassroots LGBTQ activists at meetings, just as a US official explained it in a session at the ASOGIHRO meeting (Burack 2015). The exemption is also noted in grant agreements that grantees and implementing partners sign when they receive aid: grantees are free to reveal their cooperation with the United States, but they are not required to publicize a grantee-grantor relationship with the US government that may leave them open to charges of colluding with the United States.

Do LGBTQI organizations make use of the human rights exemption to the State Department’s marking policy? In many cases, yes, they do. For example, even though ASOGIHRO is a grantee of the US government, no information about its relationship with the United States appears on

its website or in other materials produced by the organization. As I have investigated US government interventions on behalf of LGBTQI/SOGI human rights, I have discovered that many grassroots SOGI advocacy groups have assistance ties with the State Department that they do not reveal to the public or to researchers. As a result, researchers may regard such groups as exemplars of grassroots political organizing that achieve impressive results while accepting no outside assistance. Finally, members of some grassroots LGBTQI/SOGI groups may not be fully aware of the sources of assistance they receive from other indigenous organizations that are themselves both implementing partners with the United States for GEF funds as well as grantors to other groups.

Even before the US presidential election, the process of discerning the value of US human rights assistance for grassroots LGBTQ activists and groups was complicated. Since the election, research into the orientation of the executive branch toward SOGI human rights has only grown more difficult, a topic I take up in the final section of this article. In an attempt to assess activist responses to the election, I attended the 2016 International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) World conference held in Bangkok, Thailand. Because Trump had not yet taken office, activists could only guess how the outcome might affect SOGI human rights.

SOGI TODAY

The 2016 World Conference took place soon after Trump defeated Hillary Clinton in the presidential election. Signs of concern about US commitment to SOGI human rights were evident in the Donor Preconference held at the margins of ILGA. After Trump's surprise victory, a session entitled "Forecasting a Trump Development Agenda" was added to the preconference schedule, and a State Department official was invited to participate as a panelist. In an introductory presentation, the panel's moderator introduced a pie chart of SOGI human rights contributions published by Funders for LGBTQ Issues and Astraea's Global Philanthropy Project (GPP). The "2013–2014 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender, and Intersex Communities," is the "first comprehensive report of its kind on all foundation and government funding for LGBTI issues." The report lists US dollar figures for US government contributions in 2013–2014 and for pooled GEF funding

from member countries. It also breaks out recipients of LGBTI human rights funding by region, an approach that does not identify recipient groups or even countries where outside funding for LGBTQ groups and individuals would be culturally or legally proscribed (Hammond, Kan, and Maulbeck 2016).

The moderator acknowledged that activists could not be certain whether US financial and other contributions to SOGI human rights advocacy would disappear under a Trump administration. His goal was to highlight the US government role in SOGI advocacy because of the uncertainty that had beset SOGI advocates and their networks in the wake of the US election. In late 2016, the panelists and activists in attendance could only speculate about possible changes to US policy and strategize about how to support LGBTQ movements. Soon thereafter, however, evidence emerged that Trump's election has, indeed, influenced environments for LGBTQ activism. For example, in "The Trump Effect: Elections at Home and Abroad Dampen Liberia's Gay-Rights Revival," Robbie Corey-Boulet argues that Trump's election "alarmed" LGBTQ activists in Liberia because leaders of Liberian LGBTQ organizations "all view the U.S., and U.S.-based organizations, as critical sources of funding" and look to the US embassy for "low profile" support and advocacy. Corey-Boulet argues that

[I]t is precisely because the U.S. has been so central to the growth of Liberia's LGBT movement that last year's election of President Donald Trump alarmed Liberian activists, who feared an immediate drop in material and moral support. . . . The consequences of diminishing outside pressure to uphold these rights could be devastating in a nation that has already demonstrated a willingness to single out its LGBT citizens for abuse. (Corey-Boulet 2017, 86)

In addition to "Trump-related anxiety," in 2016 prominent Liberian political figures were scapegoating LGBTQ people and were identifying themselves with "traditional values" for political gain. Michael Bosia and Meredith Weiss identify such uses of LGBTQ people as threats to the nation and exemplars of Western decadence as instances of the global phenomenon of political homophobia (Bosia and Weiss 2013).

What are the Trump administration's orientation and goals with regard to SOGI human rights? In the absence of clearly delineated policies, clues are emerging in many sites across the US government.

SOGI TOMORROW?

In the quest to make sense of what is happening in the present regarding US advocacy for and engagement in SOGI human rights, I present eight “data points.” These points may mean little individually as clues to the administration’s orientation toward and actions on SOGI human rights; however, collectively they can inform our understanding of differences between the Obama and Trump administrations on SOGI. Just as importantly, these data points suggest that in diverse federal government institutional contexts and across levels of institutions, different conceptions of appropriate US commitment to human rights and SOGI are in competition with each other. These data points are (1) LGBTI human rights in the Country Reports on Human Rights Practices, (2) official US statements and actions related to LGBTI Pride month, (3) documents relating to the State Department’s budget, (4) the State Department’s public statements condemning the persecution of LGBTI people, (5) US participation in United Nations bodies, (6) the continued US administration of the Global Equality Fund, (7) the status of the post of Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, and (8) the status of the post of Special Envoy for the Human Rights of LGBTI Persons. I briefly consider each of these points in turn.

Country Reports

A public sign of the increased salience of SOGI human rights in the Obama administration was a revision to the State Department’s annual Country Reports on Human Rights Practices of nations throughout the world. For most of their history, Country Reports have not captured threats, violence, and discrimination based on SOGI. Before 2010, some harms perpetrated against LGBTQ people were listed under a miscellaneous category of “Other Societal Abuses and Discrimination” for each country, but there was no required category for assessing the human rights situation of LGBTQ people. Beginning with the 2009 Country Reports, targeting LGBTQ people was denoted in a distinct category, “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity” (US State Department 2010).

On March 3, 2017, Secretary Tillerson failed to attend the public release of the 2016 Reports or to hold a press conference in conjunction with that release. After what many observers regarded as a tepid defense of the US

commitment to human rights during his confirmation hearings, Tillerson's failure to place a cabinet-level imprimatur on the Reports was widely reported and criticized, including by some Republicans (Koran 2017). In early 2018, *Politico* reported that State Department officials preparing the 2017 annual reports had been directed to "pare back" sections of the reports on women's access to contraception and abortion; "societal views of family planning"; and "racial, ethnic, and sexual discrimination," including reporting on human rights violations against LGBT people (Toosi 2018).

By the time the 2017 Country Reports on Human Rights Practices were released in April, 2018, Tillerson had been fired, and Acting Secretary John J. Sullivan presented the reports at a press conference (Sullivan 2018). The 2017 Country Reports continue to employ the category "Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity." One recent report on the value of this category came from a Caribbean women's and LGBTI activist who spoke at an event organized in Washington, DC, by the Council for Global Equality. The activist addressed the value of US human rights reports that specifically include harms against LGBTI people to hold states accountable for human rights violations (Burack, 2018c).

LGBTI Pride

Embassy engagement has been one prong of official US government support for LGBTQ human rights since 2012. US embassies could report on the human rights situation for LGBTQ people in the countries they served in their annual Country Report before 2010, but they were required to so report in 2010 (for conditions in 2009). Before 2012, embassies could engage with members of LGBTQ communities to support human rights, but they were required to incorporate LGBTQ outreach and engagement beginning in 2012. In early June, 2017, the State Department confirmed that it had issued guidance to US embassies explicitly noting that embassies could recognize LGBT Pride month. In addition, Secretary Tillerson issued a press statement on LGBTI Pride in which the State Department "affirm[ed] its solidarity with the human rights defenders and civil society organizations working around the world to uphold the fundamental freedoms of LGBTI persons to live with dignity and freedom." The statement concluded with the declaration that "the United States *remains* committed to human

rights and fundamental freedoms for all persons. Dignity and equality for all persons are among our founding constitutional principles, and these principles continue to drive U.S. diplomacy” (Tillerson 2017a, emphasis added).

After Mike Pompeo took over as secretary, foreign affairs agencies continued to mark Pride Month with statements in support of LGBTI human rights. The statement released by the secretary’s office affirmed that “the United States joins people around the world in celebrating Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Pride Month, and reaffirms its commitment to protecting and defending the human rights of all, including LGBTI persons. . . . The United States stands firmly with you as you exercise your human rights and fundamental freedoms” (Pompeo 2018b). The US Mission to the UN and the office of Ambassador Nikki Haley released a statement that included a similar affirmation of US commitment to SOGI human rights (US Mission to the UN 2018).

In June 2018, I attended the Pride @ State event in the Burns auditorium of the State Department’s George C. Marshall Conference Center. For the most part, Pride @ State celebrates diversity in the State Department workforce. However, State Department Pride events also provide a platform for expressions of concern about a range of issues affecting LGBTQI people, from the history of discrimination against LGBT people in federal employment to the human rights challenges that confront LGBTQI people in the United States and abroad. In his keynote speech, Representative Mark Takano (Democrat, California) noted the stubborn persistence of human rights challenges around the world, including perceptions in many places that LGBTI people constitute a “threatening other” who deserve stigma and harm. He focused on the United States as well, noting the “narrow” decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* and reminding attendees that civil rights “progress is not irreversible.” Takano also urged Mike Pompeo, who was not present, to “do the right thing” and “finally appoint a successor to Randy Berry and fill the position of Special Envoy” (Burack 2018b).

The State Department Budget

In June 2017, Secretary Tillerson announced the agency’s budget request to Congress for fiscal year 2018, which included a plan to reduce the State

Department budget by approximately one-third. Under the budget plan, DRL funding would be nearly cut in half, from 88.5 million dollars for fiscal year 2016 to 47 million dollars for fiscal year 2018 (US Congress 2017, 102). Senators from both parties rejected the budget request as “penny wise and pound foolish” and questioned Tillerson about the foreign policy implications of retreating from diplomatic and humanitarian intervention. As the *Washington Post* reported, some senators told Tillerson directly that the State Department budget passed by Congress would not reflect the secretary’s requests (Morello and Gearan 2017).

In its fiscal 2017 budget bill, Congress had exceeded Obama’s request for fiscal year 2017 DRL funding, committing nearly 145 million dollars to DRL for its democracy and human rights programs. In a clear rebuke to Tillerson, for fiscal year 2018, Congressional appropriations for DRL mirrored the 2017 level of funding (US Congress 2017a). In addition, in the Committee Report that accompanied the 2018 draft appropriations bill, the Senate Appropriations Committee included under “global programs” explicit instructions to the State Department to continue to document official discrimination and violence against LGBTI people, to “consider such discrimination in assistance decisions,” and to continue “funding and operating the GEF” (US Congress 2017b).

Congressional concerns about the Trump administration’s priorities didn’t disappear after Tillerson’s firing. Deliberations in the Senate on a fiscal year 2019 federal budget have culminated in a Senate appropriations bill and a committee report that direct the State Department to continue to include violations against LGBTI people in country reports on human rights practices, to consider those practices in formulating assistance decisions, and to fund the Global Equality Fund (US Congress 2018, 56).

Responses to LGBT Persecution

In July 2017, the State Department issued a statement expressing disapprobation about reports of gay men and men who have sex with men being tortured, murdered, and confined in secret prisons in the Russian Republic of Chechnya. Despite condemning the violence, Tillerson told the House Foreign Affairs Committee that he had not raised the issue of antigay violence with the Russian foreign minister or other Russian officials (Lavers 2017a). The State Department also issued

statements “express[ing] concern” about state-sanctioned violence directed against gay men in Egypt and Azerbaijan (Lavers 2017b). By contrast, when Uganda passed the Anti-Homosexuality Bill in 2014 (which was later rescinded on a technicality), the Obama administration took a number of actions, including banning Ugandans involved in human rights abuses against LGBTQI people from the United States and redirecting funds originally intended for government programs to civil society (BBC News 2014).

An early response of Secretary Pompeo’s State Department to human rights violations against LGBTQI people abroad was a press release, “On the International Day against Homophobia, Transphobia, and Biphobia,” on May 17, 2018. Stating that “the United States stands for the protection of fundamental freedoms and universal human rights,” the statement confirms US opposition to “criminalization, violence and serious acts of discrimination such as in housing, employment and government services, directed against LGBTI persons” (Pompeo 2018a).

The United States at the United Nations

On September 29, 2017, the United States attracted a domestic and international outcry for voting “no” on a United Nations Human Rights Council Resolution that condemned the application of the death penalty to punish apostasy, blasphemy, adultery, and consensual same-sex relations. In the face of vociferous criticism, US Ambassador to the UN Nikki Haley defended the vote as a reasonable response to the Resolution’s condemnation of capital punishment. Indeed, the resolution raises numerous problems with the death penalty, including “*strongly deploring* the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons” (United Nations 2017). The United States was one of 13 nations voting against the resolution.

More consequential than individual votes in the council, however, was the Trump administration’s decision in June 2018 to withdraw the United States from membership in the UN Human Rights Council. Between 2011 and 2016, the council took several steps to support SOGI human rights, including designating law professor Vitit Muntarbhorn as the first UN Independent Expert on sexual orientation and gender identity. In January 2018, attorney and human rights advocate Victor Madrigal-Borloz replaced Muntarbhorn as Independent Expert. Whatever the

implications of US withdrawal from the council might be, the withdrawal may diminish US influence in international human rights venues.

State of the Global Equality Fund

Since 2012, the State Department has administered the GEF, enrolled partners, and administered assistance to LGBTQI groups and advocates around the world. At the 2016 ILGA World conference soon after the 2016 presidential election, in response to a question from an activist, a US official confirmed that administration of the GEF could pass to another member state if such a resolution became necessary to preserve the fund and coalition. Under such conditions, a member state would need to have the political will as well as the administrative resources to assume leadership of the program. Although neither of Trump's secretaries of state have spoken publicly about the GEF, the Senate Appropriations Committee — perhaps as a precaution — has directed the State Department to continue to fund the GEF.

Whatever the outlook for US support for SOGI, the GEF has continued to function and solicit applications for grants related to the goals and purposes of the program (fundsforNGOs 2017). During the Obama administration, GEF representatives (representatives of GEF country and organization members) generally met twice a year to analyze program results, process feedback from activists and grantees, analyze gaps in needs, determine priorities, and design grants and solicitations for future programs. Although such meetings are neither advertised nor open to the public, it's possible to find indirect evidence that GEF meetings continue to be held. Since Trump's election, GEF partner representatives have met at least once, in Warsaw in early November 2017 (Human Rights Campaign 2017).

Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor

The Bureau of Democracy, Human Rights, and Labor is tasked with executing foreign policy goals of “promoting freedom and democracy and protecting human rights around the world” (US Department of State n.d.[b]). Congress has mandated the DRL to administer the Human Rights and Democracy Fund (HRDF), the source of GEF funding. In June 2018, the Trump administration finally nominated

Catholic University law professor Robert Destro to serve as Assistant Secretary for Democracy, Human Rights, and Labor. Founder of the Program in Law and Religion at Catholic, Destro defended a Catholic High School in Charlotte, North Carolina, after the diocese fired a teacher — and former Teacher of the Year — who announced on Facebook his intention to marry his same-sex partner (Gordon and Funk 2018). Destro's nomination as Assistant Secretary was applauded by Christian conservative media.

LGBTI Special Envoy

Secretary of State John Kerry created the post of special envoy for the Human Rights of LGBTI Persons in early 2015 and appointed foreign service officer Randy Berry as the first special envoy. When I interviewed Berry in late December 2016, he indicated that he intended to remain in the position after Trump took office; however, the next month, Berry stepped down as special envoy (Berry 2016). In September 2018, Berry, who had most recently served as Deputy Assistant Secretary for DRL, was nominated to serve as the administration's ambassador to Nepal.

Since Trump took office, members of Congress have taken an interest not only in the budget of the State Department, DRL, and the GEF but also in the position of LGBTI Special Envoy. In its budget bill for fiscal year 2018, the Senate Appropriations Committee included the following stipulation aimed at preventing the closing or relocating of offices and the elimination of positions: "None of the funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may be used to downsize, downgrade, consolidate, close, move, or relocate to another United States Government agency — [the following, items A through T, including] (C) the Bureau of Democracy, Human Rights, and Labor, Department of State [and] (R) the Special Envoy for the Human Rights of LGBTI Persons, Department of State" (US Congress 2017a, 347–348).

Tillerson responded to expressions of concern about his management of the agency in a letter to Senator Bob Corker (Republican, Tennessee), Chairman of the Senate Committee on Foreign Relations. In it, Tillerson explained that he was writing to "alert" Corker and to "seek [his] feedback" on issues relating to special envoy positions and the functions associated with them, including Tillerson's plan to eliminate many of them. Although the letter listed more than 20 special envoys

and related positions to be “removed or retired,” Tillerson singled out the position of Special Envoy for the Human Rights of LGBTI Persons as one that he promised to retain and that would “continue to be held by a deputy assistant secretary” (Tillerson *n.d.*).

As of September 2018, Secretary Pompeo has not appointed a new LGBTI special envoy. However, in its Committee Report on the fiscal year 2019 budget, the Senate Appropriations Committee directs the State Department to fund the position of the Special Envoy for the Human Rights of LGBTI Persons (US Congress 2018, 16). In the absence of a special envoy, Deputy Assistant Secretary Scott Busby has taken on some of the public function of assuring international communities that the United States continues to be “concerned about the safety and security of LGBTI persons and their advocates, including in crisis zones” (Busby 2017). Given persistent criticisms of US advocacy for LGBT human rights by Christian conservatives during the Obama administration, it may be significant that the LGBTI special envoy post remains unfilled while former Kansas Governor Sam Brownback, a prominent anti-LGBTQ Christian conservative, has been appointed and confirmed by the Senate to serve as the Ambassador-at-Large for International Religious Freedom.

CONCLUSION

This article is my first assessment of the status of official support and assistance for SOGI human rights in the Trump administration. Many conclusions can be drawn from these and other data points on SOGI human rights in the second year of the Trump administration. In addition to a provisional conclusion that is warranted by the evidence now in hand, I briefly introduce some additional considerations that may help guide our thinking and theorizing, especially about the provision (supply) of SOGI human rights assistance. Such considerations and observations inevitably complicate totalizing theories, such as Jasbir Puar’s popular concept/theory of homonationalism, that rely on attributing motivations to the acts of a singular “state” (Puar 2007; Burack 2018a, 160–179; Currah 2013).

Trump’s Christian conservative allies have long strategized to roll back LGBTQ civil rights, and they consistently opposed the Obama administration’s advocacy for SOGI human rights. These allies also know that the president has not been a culture warrior and a consistent foe of LGBTQ civil rights (Lively 2016). Trump has responded

positively to the Christian conservative human rights agenda of Christian religious liberty in the United States and abroad. Rather than being an authentic expression of Trump's own commitments, this support for a human right to religious expression can be traced to the way Christian conservatives have mendaciously interpreted Obama as an enemy of religious freedom. Thus, by affirming (Christian) faith as a human right, Trump energizes his political base and appears to undermine Obama's political legacy.

Although Trump announced during his presidential campaign that his administration would protect LGBT people from anti-LGBTQ regimes and especially Muslim believers, such clarity of intention was short lived. During the campaign and as president, he has consistently defended the right of Christian conservatives to discriminate against LGBTQ people in the economic marketplace based on religious faith. Trump tweeted his intention to bar transgender people, including current service members, from military service, a policy that has not yet been implemented.

Still, there is little evidence *either* that the president is motivated by a particular animus toward LGBTQ/SOGI human rights of the sort that has animated many regimes (Weiss and Bosia 2013) *or* that he is committed to upholding LGBTQ civil and human rights. Indeed, Trump has shown virtually no interest in advocating human rights policies, and he is likely indifferent to human rights in general as well as to LGBTQ civil rights and SOGI human rights specifically.

So far, countervailing forces, including the administration's chaotic approach to policy and personnel, may have limited the Christian conservative movement's influence in this area. Conflicting signals have emerged in the executive and legislative branches of the federal government as well as at secretary and bureau levels of the State Department. Both Republican and Democratic members of Congress have expressed concern about the Trump administration's indifference toward human rights, at times in public statements but also in government deliberations and reports that focus on policies, personnel, and appropriations. US officials also continue to operate programs to support and advocate for the human rights of women, LGBTQI people, religious minorities, and other marginalized populations. These programs have allies and partners in US civil society and among human rights activists abroad. At least regarding SOGI assistance programs, the possibility that they might be eliminated has fueled concerns among human rights advocates that the United States will no longer take their side when their human rights are violated.

As a political theorist, I appreciate the value of theoretical inquiry, including on issues of importance to gender and sexual minorities. In my institutional home of women's, gender, and sexuality studies, two dominant modes of analysis for questions about sexuality and human rights are queer and postcolonial theory. At this juncture, I am not persuaded that queer and postcolonial theories, often propounded by humanists who distrust the progressive bona fides of political scientists, are intellectually adequate to guide our understanding of the motives and acts of elected representatives, government officials, citizens, and human rights claims makers. My position here is that to understand US government SOGI policies and programs and their reception and uses by grassroots LGBTQI activists, we must collect as much information as possible about these programs and their reception by LGBTQI people and activists abroad — that is, about both “supply” and “demand” for human rights assistance. The more data we have, the better able we will be to make judgments about whether such policies and programs have favorable or harmful effects for gender and sexual minorities in precarious circumstances as well as what standards would guide such judgments.

Scholars who worry about diminishing US support for SOGI human rights are still able to examine data points, including: the public statements and policy dispositions of administration personnel; government documents that record the concerns and policy preferences of elected officials; and evidence produced by scholars, grassroots activists, and the international human rights community that points to US interest or disinterest in human rights. When possible, we should document demand for human rights assistance. It may become ever more difficult for researchers to gather and analyze data that can be used to develop, revise, and assess theories about SOGI human rights assistance. Nevertheless, we must persist.

REFERENCES

- Ayoub, Phillip M. 2016. *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility*. Cambridge, UK: Cambridge University Press.
- BBC News. 2014 “US Imposes Sanctions on Uganda for Anti-Gay Law.” BBC, June 19. <http://www.bbc.com/news/world-us-canada-27933051>. Accessed October 29, 2017.
- Berry, Randy. 2016. Interview by the author. US State Department, Washington, DC; December 22, 2016.
- Bosia, Michael J., and Meredith L. Weiss. 2013. “Political Homophobia in Comparative Perspective.” In *Global Homophobia: States, Movements, and the Politics of*

- Oppression*, ed. Meredith L. Weiss and Michael J. Bosia, 1–29. Urbana: University of Illinois Press.
- Brettschneider Marla, Susan Burgess, and Christine Keating, editors. 2017. *LGBTQ Politics: A Critical Reader*. New York: New York University Press.
- Burack, Cynthia. 2015. Field notes. ASOGIHRO Conference. Africa; June.
- . 2017. “Top Down, Bottom Up, or Meeting in the Middle? A SOGI Human Rights Case Study.” In *LGBTQ Politics: A Critical Reader*, ed. Marla Brettschneider, Susan Burgess, and Christine Keating, 477–492. New York: New York University Press.
- . 2018a. *Because We Are Human: Contesting US Support for Gender and Sexuality Human Rights Abroad*. New York: State University of New York Press, forthcoming.
- . 2018b. Field notes. Pride @ State. Washington, DC; June 5.
- . 2018c. Field notes. “US Support for Global LGBT Equality, Obama to Trump: What Has Been Lost?” Washington, DC; June 19.
- Busby, Scott. 2017. “Public Hearing on the Human Rights of LGBTI People Outside the EU and Implementation of the EU Guidelines on the Topic” Department of State, September 25. <https://www.state.gov/j/drl/rls/rm/2017/274413.htm>. Accessed October 16, 2017.
- Corey-Boulet, Robbie. 2017. “The Trump Effect: Elections at Home and Abroad Dampen Liberia’s Gay-Rights Revival.” *World Policy Journal* 34, 3 (2017): 83–89.
- Currah, Paisley. 2013. “Homonationalism, State Rationalities, and Sex Contradictions” *Theory and Event* 16 (1). <https://muse.jhu.edu/article/501864>. Accessed May 29, 2013.
- Diamond, Louise, and John McDonald. 1996. *Multi-track Diplomacy: A Systems Approach to Peace*. West Hartford, CT: Kumarian.
- fundforNGOs. 2017. “Global Equality Fund: Strengthening Legal Protection for LGBTI Persons.” <https://www2.fundforngos.org/latest-funds-for-ngos/global-equality-fund-strengthening-legal-protection-lgbti-persons/>. Accessed February 19, 2018.
- Gordon, Michael, and Tim Funk. 2017. “Should Catholic Churches, Schools Be Able to Fire Gay Employees Who Marry Their Partners?” *Charlotte Observer*, October 9. <https://www.charlotteobserver.com/news/politics-government/article177426591.html>. Accessed June 29, 2018.
- Hammond, Naa, Lyle Matthew Kan, and Ben Francisco Maulbeck. 2016. “2013–2014 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender, and Intersex Communities.” *Funders for LGBTQ Issues*, June 20. <https://www.issuelab.org/resources/28238/28238.pdf>. Accessed July 26, 2016.
- Human Rights Campaign. 2017. Twitter post, November 1, 2:48 p.m. <https://twitter.com/HRC/status/925842118068916228>, Accessed December 22, 2017.
- Koran, Laura. 2017. “Tillerson Skips Release of the Annual Human Rights Report.” CNN, March 3. <http://www.cnn.com/2017/03/03/politics/rex-tillerson-state-department-human-rights-report/index.html>. Accessed October 8, 2017.
- Lavers, Michael K. 2017a. “State Department: Chechnya extrajudicial killings are ‘Troubling.’” *Washington Blade*, July 11. <http://www.washingtonblade.com/2017/07/11/state-department-chechnya-extrajudicial-killings-troubling/>. Accessed August 5, 2017.
- . 2017b. “State Department Expresses Concern over Egypt, Azerbaijan Crackdowns.” *Washington Blade*, October 3. <http://www.washingtonblade.com/2017/10/03/state-department-expresses-concern-egypt-azerbaijan-anti-lgbt-crackdowns/>. Accessed October 3, 2017.
- Lively, Scott. 2016. “Trump and the LGBT Agenda.” December 9. <https://barbwire.com/2016/12/09/trump-lgbt-agenda/>. Accessed May 29, 2018.
- Morello, Carol, and Anne Gearan. 2017. “Senators Sharply Question State Department Budget Cuts.” *Washington Post*, June 13. <https://www.washingtonpost.com/world/national-security/tillerson-argues-state-departments-main-focus-should-be-on-us-security/2017/06/13/>

- 0438ebdc-503f11e7-be25-3a519335381c_story.html?utm_term=.c737d75d539f. Accessed August 16, 2017.
- Pompeo, Mike. 2018a. "On the International Day Against Homophobia, Transphobia, and Biphobia." May 17. <https://www.state.gov/secretary/remarks/2018/05/282185.htm>. Accessed May 17, 2018.
- . 2018b. "Statement by Secretary Pompeo: LGBTI Pride Month." Department of State, June 1. <https://www.state.gov/secretary/remarks/2018/06/282908.htm>. Accessed June 11, 2018.
- Puar, Jasbir K. 2007. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham, NC: Duke University Press.
- Sullivan, John J. 2018. "Remarks on the Release of the 2017 Country Reports on Human Rights Practices." US Department of State, April 20. <https://www.state.gov/s/d/2018/280666.htm>. Accessed June 28, 2018.
- Tillerson, Rex. n.d. "Letter to Honorable Bob Corker, Chairman, Senate Committee on Foreign Relations." <https://www.documentcloud.org/documents/3982871-State-Letter.html#document/p1>. Accessed October 8, 2017.
- . 2017. "2017 Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Pride Month." US Department of State, June 7. <https://cu.usembassy.gov/2017-lesbian-gay-bisexual-transgender-intersex-lgbti-pride-month/>. Accessed September 18, 2017.
- Toosi, Nahal. 2018. "State Department Report Will Trim Language on Women's Rights, Discrimination." *Politico*, February 21. <https://www.politico.com/story/2018/02/21/departament-women-rights-abortion-420361>. Accessed February 22, 2018.
- United Nations General Assembly. 2017. "HRC36 The Question of the Death Penalty." September 22. http://ilga.org/downloads/HRC36_resolution_question_death_penalty.pdf. Accessed October 4, 2017.
- US Congress, Congressional Budget Justification. 2017. "Foreign Assistance: Supplementary Tables, Fiscal Year 2018." US State Department. <https://www.state.gov/documents/organization/271014.pdf>. Accessed October 4, 2017.
- US Congress, Senate, Committee on Appropriations. 2017a. "A Bill Making Appropriations for the Department of State, Foreign Operations, and Related Programs for the Fiscal Year Ending September 30, 2018, and for Other Purposes." September 7. 115 Congress, 1st session. S. 1780, 1–370.
- . 2017b. "Department of State, Foreign Operations, and Related Programs Appropriations Bill, 2018: Report to Accompany S. 1780." September 7. 115 Congress, 1st session, 1–124.
- . 2018. Department of State, "Foreign Operations, and Related Programs Appropriations Bill." June 28. 115 Congress, 2nd session. S. Rept., 1–368.
- US Department of State. n.d.[a]. "About the Fund," <http://www.state.gov/globalequality/about/index.htm>. Accessed December 3, 2014.
- . n.d.[b]. "Bureau of Democracy, Human Rights, and Labor." US Government. <https://www.state.gov/j/drl/>. Accessed October 21, 2017.
- . 2016. "The U.S. Department of State Terms and Conditions." <https://www.state.gov/documents/organization/237685.pdf> Accessed September 28, 2018.
- . 2010. "2009 Human Rights Report: Introduction." March 11. <http://www.state.gov/j/drl/rls/hrrpt/2009/frontmatter/135936.htm>. Accessed June 7, 2016.
- United States Mission to the United Nations. 2018. "Statement by Ambassador Haley on LGBTI Pride Month" US Department of State, June 6. <https://usun.state.gov/remarks/8468>. Accessed June 6, 2018.
- Weiss Meredith L., and Michael J. Bosia, editors. 2013. *Global Homophobia: States, Movements, and the Politics of Oppression*. Urbana: University of Illinois Press.