

2023's Political Climate and Effective Advocacy for Transgender People



Olivia Hunt
Policy Director
ohunt@transequality.org



Key Takeaways

- 1. Trans people are not a trend or a fad, we've been here the whole time.**
- 2. Attaining equality under law has been a journey, and the current political climate is a struggle.**
- 3. You (yes you) can make a difference by supporting trans people.**



Boring You With the Basics

- **Transgender (trans)**– a person whose gender identity is different from the gender they were thought to be at birth
- **Nonbinary** – a person who identifies as neither male or female, or a combination of male and female, or as no gender at all
- **Gender Nonconforming** – a person who does not dress, act, or present themselves in the way our society considers typical for their gender
- **Gender Dysphoria** – the psychological distress experienced by some people that arises from an incongruence between a person’s gender and their body or the gendered expectations placed on them by society (e.g. gender roles and gender presentation)
- **Intersex** – people who are born with or develop sex traits or anatomy that is different from the usual ways we think of male and female bodies. *Being intersex is not the same as being transgender, though some intersex people also identify as trans

These definitions and identities are based in a white, western-European, colonizing cultural perspective. Many cultures around the world conceive of and experience gender in very different ways.



History of Transgender Rights in the USA

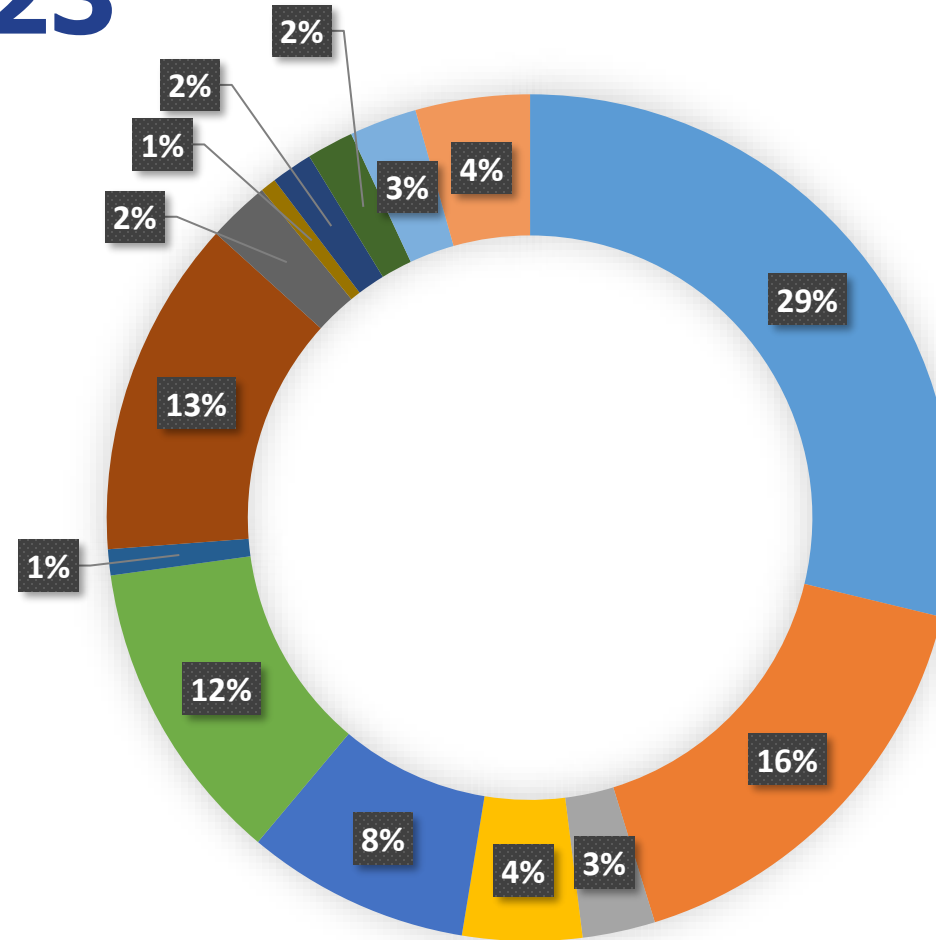
- We have always been here, and those on the furthest margins have often been the ones leading the fight
 - Frances Thompson was one of 5 black women to testify in Congress's investigation of the Memphis riots of 1866
 - Murray Hall was a NYC politician for 25 years, whose own daughter only found out he was trans when he died in 1901
 - Dr Alan L. Hart received the first documented gender-affirming surgery in the US in 1917
- Famous protests and riots
 - "Cooper Do-nuts" riot May 1959, Los Angeles
 - Dewey's diner sit-in April 1965, Philadelphia
 - Compton's Cafeteria Riot August 1966, San Francisco
 - Stonewall June 1969, New York City
- Important Cases and Policies
 - *Price Waterhouse v. Hopkins* (1989) – gender stereotyping is sex discrimination
 - *Lawrence v. Texas* (2003) – sodomy laws are unconstitutional
 - 2016 – Department of Defense lifts the ban on trans people serving openly in the military
 - 2017 – District of Columbia the first US jurisdiction to allow X gender marker on drivers license and ID
 - *Grimm v. Gloucester* (2019) – denying trans students access to restrooms matching their gender identity violates Title IX
 - *Bostock v. Clayton County, GA* (2020)– discrimination against trans people is discrimination on the basis of sex in violation of the Civil Rights Act of 1964
 - 2021 – State Department allows self-selected sex markers on US passports, and allows X gender markers
 - *Williams v. Kincaid* (2022) – gender dysphoria is protected under the Americans with Disabilities Act



Bad Bills in 2023

Anti-trans bills by year

- 2018 – 19
- 2019 – 25
- 2020 – 60
- 2021 – 120
- 2022 – 220
- 2023 – 510 so far



Health Care	145
Curriculum	83
ID Restrictions	14
Defining Sex	23
Drag Ban	43
Sports Ban	59
Bathroom Ban	5
Parental "Rights"	65
Business Boycott	12
Book Ban	3
Child Abuse	8
DEI Ban	9
Religious Rights	13
Other	22



What Do these Bills Do?

- **Health Care Restriction** – prevents trans people from receiving gender affirming care, and some religious exemption-based bills can prevent trans people from getting even basic or emergency care
- **Curriculum** – restrict teaching students about LGBTQ+ history, discrimination, or even acknowledging that transgender people exist
- **Parental Rights** – require schools disclose when a student identifies as transgender, opens schools up to criticism/pressure to remove LGBTQ+ books and resources from libraries and other areas
- **Sports Ban** – prevent trans individuals from playing sports or force them to play on teams based on the gender they were assigned at birth
- **Drag Ban** – make it illegal to dress in drag in public. Some laws specify performances where children 'may be present' are illegal, and some target all shows. These bans are also used to target trans people*



Moving Forward

- HR 5 “Parents Bill of Rights” Act

This bill makes sweeping changes in schools to discriminate against transgender students and push transgender and gender nonconforming children into the margins. The bill requires schools notify parents if a child identifies as trans, even if it is not safe for the child for the parents to know. It also allows parents to inspect library books and curriculum, making it easier for books on LGBTQ issues to be banned from school libraries and putting the teaching of LGBTQ history at risk. This bill was passed by the House in March.

- HR 734 “Protection of Women and Girls in Sports” Act of 2023

This bill prevents schools from allowing transgender women and girls from joining sports teams that align with their gender identity. The bill changes Title IX to define sex based on their “reproductive biology and genetics at birth.” This bill was passed by the House in April.

- Anti-Trans Provisions in the Appropriations Process

Anti-trans politicians are trying to place provisions attacking trans people’s access to transition-related medical care within must-pass legislation, such as the National Defense Authorization Act (NDAA).

- Opening hearts and minds

- Strengthening safe haven laws and social resources



What can you do?

Personal

- Learn transgender history as part of broader LGBTQ history
- Question your biases and assumptions about trans people

Professional

- Use pronouns in email signature and personal introductions
- Avoid gendered assumptions in pronouns and honorifics
- Support or join your LGBTQ employee resource group!!
- Advocate for workplace and client/customer-facing policies that improve trans people's access to services

Community

- Support businesses that support trans rights
- Don't support businesses that build business on discrimination

Political

- Write to your legislators
- Vote like my life depends on it

