

Transgender Rights

Can a long-scorned minority achieve equality?

Throughout history, people with gender-identity issues were either ignored or abused. In fact, until recently, transgender individuals — those who don't identify emotionally and psychologically with the sex they were born with — were regarded as mentally ill and were widely spurned, even by gays and lesbians. The picture is beginning to change, however, with the Obama administration championing transgender rights, the Pentagon signaling it will allow transgender soldiers and sailors to serve openly beginning next year and pop culture favorably portraying transgender celebrities. Nevertheless, transgender people continue to struggle with poor health care coverage, high rates of unemployment, violence — including murder — and suicide. Congress and most states have refused to mandate anti-discrimination protections for transgender individuals, in part because of a backlash over the issue of which public restrooms transgender people should use. While transgender individuals are experiencing growing public and political support, they have a long way to go before they can achieve full acceptance.



Political novice Kristin Beck, who served in Afghanistan as a Navy SEAL before coming out as a transgender woman, is challenging Maryland Rep. Steny Hoyer, the second-ranking Democrat in the House, in next April's primary. Despite an increasing number of political and legal victories, transgender people have yet to gain much traction as political candidates.

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Transgender Rights

BY ALAN GREENBLATT

THE ISSUES

An increasing number of young Americans are identifying as transgender, and perhaps nowhere more than in Madison, Wis. Researchers in the liberal college town found that 250 high school students in Dane County, home to Madison, identify as transgender — that is, their sense of their own gender identity does not match up with their birth sex.¹ That's about 1.5 percent of all high school students in the county, or five times the estimated share of the transgender population nationwide.²

The community in some ways has embraced this expression of gender identity among students. In October, Madison West High School (the district's largest) announced that it was making its homecoming court gender neutral after nearly 1,000 students and staff signed a petition requesting the change. Students would not be identified as prom “king” or “queen” or even necessarily be chosen by gender.

“I think this gets us closer on a whole variety of fronts to making each and every student in our building feel like a valued, recognized member of our community,” said Madison West Principal Beth Thompson.³

But many transgender students in Dane County continue to find life difficult. One survey found that 17 percent had attempted suicide, compared with 3 percent of non-transgender students.⁴ Mindy Fabian, a transgender senior at Madison West, took her own life in 2013.⁵ Skylar Marcus Lee, a transgender junior at the school, killed himself in September.



Getty Images/David Livingston

American transgender actress Mya Taylor attests to the increasing visibility of transgender people in popular culture. Taylor won a 2015 Gotham Award for her portrayal of a trans sex worker in the independent film “Tangerine,” making her the first transgender actress to win the award. “The Danish Girl,” a new film about Danish transgender pioneer Lili Elbe, stars Eddie Redmayne as one of the first-known recipients of sex-reassignment surgery.

And the same week the high school made its homecoming court gender neutral, Wisconsin lawmakers introduced a bill to require students to use restrooms and locker rooms that correspond to the sex listed on their birth certificates rather than their current gender identity.

“This bill reinforces the societal norm in our schools that students born biologically male must not be allowed to enter facilities designated for biological females and vice versa,” the bill’s two

lead Republican sponsors wrote to their colleagues.⁶

Fear about transgender individuals using the “wrong” bathroom or locker room has become the most visible expression of societal discomfort about the transgender movement. In November, voters in Houston rejected an anti-discrimination ordinance that would have provided legal protections to individuals on the basis of race and sex, as well as gender identity, following a campaign that turned on the question of bathroom use. “No men in women’s bathrooms,” Texas GOP Gov. Greg Abbott tweeted the day before the election.⁷ (See graphic, p. 1040.)

“They do not have gender identity dysphoria because they chose to,” says Brad Dacus, president of the Pacific Justice Institute, a Sacramento, Calif., organization that promotes religious freedom, referring to the condition in which people feel discomfort or distress because their biological sex does not match their gender identity. “They need to have respect and reasonable accommodations,” he says. But that “needs to be balanced with the need to have privacy for boys and

girls in bathrooms and locker rooms and showers.” His group is collecting signatures for a California ballot measure that would impose \$4,000 fines on people who use bathrooms that don’t align with their sex at birth.

An individual with gender dysphoria may have been born anatomically female but knows herself to be male, often from a young age. Researchers are unsure what causes gender dysphoria, but when it persists the person may transition to the opposite gender.

Guide to Transgender Terms

Term	Definition
Cisgender	People who are not transgender.
Cross-dresser/transvestite	People who wear clothes associated with the opposite sex but who do not necessarily identify with the opposite gender. (The older term “transvestite” is now widely viewed as pejorative.) Many male cross-dressers prefer female sex partners.
Gender dysphoria	Condition in which a person’s birth gender and gender identity differ.
Gender identity	Internal, deeply held sense of one’s gender.
Gender expression	Outward portrayal of a person’s gender through name, pronouns, clothing, behavior, voice or body characteristics.
Gender nonconforming	People — not necessarily transgender — whose gender expression differs from conventional femininity or masculinity.
Sex-reassignment (or gender-confirmation) surgery	Surgery to change one’s genital organs to those of the opposite sex; not undertaken by all transgender people.
Genderqueer	People who do not identify as either male or female.
Sex	Bodily characteristics — including chromosomes, hormones and reproductive organs — that define a person as male or female.
Sexual orientation	A person’s enduring physical, romantic or emotional attraction to other people.
Transgender	People whose gender identity and/or gender expression differs from conventions associated with their sex at birth. Transgender people can be straight, homosexual or bisexual.
Transition	Period in which transgender people change their name and appearance.
Pronoun usage	Some transgender people prefer to be referred to by gender-neutral pronouns such as “they” and honorifics such as “Mx.”

Sources: “GLAAD Media Reference Guide — Transgender Issues,” undated, GLAAD, <http://tinyurl.com/6u7k67c>; “Gender Dysphoria,” Diagnostic and Statistical Manual of Mental Disorders (DSM-5), American Psychiatric Association, 2013, <http://tinyurl.com/kxaf3m6>

The number of transgender Americans is unknown, with many afraid to come out publicly. The most widely cited estimate — from the Williams Institute, a think tank at the University of California, Los Angeles, law school

— suggests that about 700,000 Americans are transgender.⁸ That estimate is 100 times as many as was believed during the 1980s.

Some, but not all, transgender people are gay. Someone who transitions from

being female to being male — or male to female — might be attracted to either women or men. When individuals transition to the opposite sex, the change typically entails coming out to family and friends and adopting a different appearance in dress and hair, changing their name and possibly receiving psychiatric and medical treatment. Some take hormones or have cosmetic surgery, but only a minority have surgery to change genitalia.

In addition, some individuals reject the idea that gender can be split neatly into categories. Those who do not identify as either male or female are known as “genderqueer,” while those whose outward expression of gender differs from conventional femininity or masculinity are regarded as “gender nonconforming.” In rare cases, intersex people are born with genitalia of both sexes. (See *glossary*, left.)

On the whole, transgender individuals are gaining broader acceptance, or are on the cusp of doing so. A YouGov poll in June found that less than one-third of Americans (31 percent) believed that being transgender was morally wrong. Just 18 percent of those under the age of 30 believed it was wrong.⁹

Transgender figures such as Caitlyn Jenner — who was known as Bruce Jenner, an Olympic star — are celebrated in popular culture. (See *sidebar*, p. 1044.) Politicians, at least on the Democratic side, are insisting on anti-discrimination protections based on gender identity. Major corporations and local chambers of commerce are endorsing legal protections for transgender people and in some cases supporting expansion of health coverage for them.

Transgender advocates are, by and large, optimistic about the increase in social acceptance. Nonetheless, they note that serious problems remain. Transgender individuals are far more likely than the population as a whole — or even other members of the LGBT (Lesbian, Gay, Bisexual, Transgender)

community — to suffer discrimination in areas such as employment and housing. In addition, transgender individuals often live in fear of violence, with about two dozen transgender women having been killed in the United States so far in 2015. (See sidebar, p. 1046.)

And transgender individuals have not gained full legal and political acceptance, despite the Obama administration's efforts to extend transgender rights, including a likely move next year to allow them to serve openly in the military. Vice President Joseph Biden frequently calls transgender rights "the civil rights issue of our time."

Congress and most states, however, remain reluctant to protect transgender rights. A bill to offer such protection is supported by nearly all House Democrats but lacks a single co-sponsor among the majority Republicans. Fewer than half the states offer legal protection to transgender people against discrimination. (See map, right.)

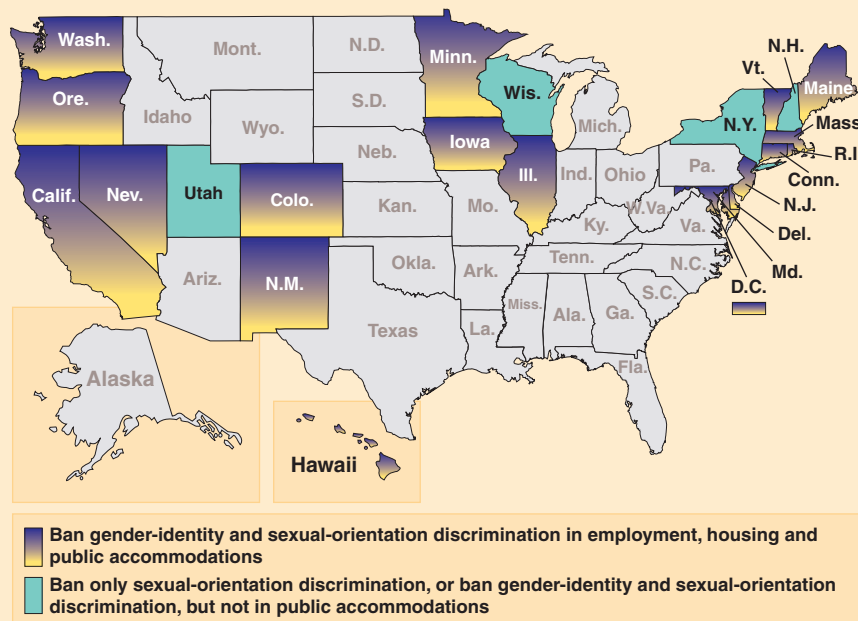
Many mainstream politicians, including social conservatives, have avoided publicly discussing transgender issues. Some describe gender identity and all that entails as a personal matter.

This year, Pope Francis rejected an academic theory that says gender exists along a changeable spectrum, calling it a denial of the "order of creation" and arguing that "the design of the Creator is written in nature."¹⁰ Other conservative denominations, such as the Southern Baptist Convention and Assemblies of God, criticize "transgender confusion."¹¹ Some other denominations, such as the Episcopal Church, the Evangelical Lutheran Church and the United Church of Christ, are welcoming to transgender individuals.¹²

"For people who have had much more conservative gender norms and sexual norms, the world must look like a very scary place" after the Supreme Court decision on gay marriage and all the recent movies and television shows depicting transgender people, says Virginia Sapiro, a political scientist

18 States Ban Transgender Discrimination

Eighteen states and the District of Columbia prohibit gender-identity and sexual-orientation discrimination in housing, employment and public accommodations. Three states ban only sexual-orientation bias, and Utah bans both gender-identity and sexual-orientation discrimination, but not in public accommodations.



Source: American Civil Liberties Union (ACLU)

at Boston University who has written about gender politics.

Pop culture — which often has depicted transgender people, or "trans," as flamboyant cross-dressers or as mentally ill — is now lavishing more positive attention on them. TV shows such as "Transparent," "Sense8," "Orange Is the New Black" and "Becoming Us" all offer sympathetic portrayals of transgender characters. Transgender advocates say the positive reception will encourage more people to come out.

"There are hundreds of thousands of trans people who are out now, and there weren't 20 years ago," says Mara Keisling, executive director of the National Center for Transgender Equality, an advocacy group in Washington. "The most important work that's going on is when people educate their families

and classmates and people they go to religious services with."

A survey released this summer by GLAAD (a group formerly known as Gay & Lesbian Alliance Against Defamation), which tracks media portrayals of LGBT people, found that 16 percent of Americans personally know or work with someone who is transgender — double the percentage in 2008.¹³ In addition, 27 percent of Millennials — those 18 to 34 years old — say they know a transgender person.¹⁴

As people get to know more about transgender issues, they tend to become more sympathetic, according to a recent Williams Institute study.¹⁵ "It's hard to be prejudiced against people they know," says Robin McHaalen, executive director of True Colors, a nonprofit that provides social services to LGBT youths in Connecticut.

As transgender equality looms larger on the national radar, here are some of the issues under debate:

Should anti-discrimination laws be extended to transgender people?

Comedian and playwright Jill Soloway created “Transparent,” a comedy available via streaming on Amazon, that portrays a family’s adjustment when its patriarch comes out as a transgender woman. In September, when she re-

lending or health insurance.

Jamie Hileman, president of the Metro Trans Umbrella Group, a support and advocacy group for transgender people in St. Louis, says, “Almost every single woman in the group has experienced or is experiencing work discrimination. I find myself, all too often, sharing the painful advice of how to deal with the situation,” says Hileman, who says she lost her previous job in the liquor wholesale business after coming out.

say, “This isn’t going to work for our company.”

The result is widespread unemployment and poverty among transgender Americans. According to a survey by the National Center for Transgender Equality and the National Gay and Lesbian Task Force, transgender people are four times as likely to have a household income under \$10,000 and are twice as likely as the average American to be unemployed. And nearly half of transgender individuals (47 percent) reported unfavorable employment outcomes, such as not being hired, being fired or being denied promotion.¹⁸

Autymn Williams, a 20-year-old transgender woman who is a student at the University of Central Oklahoma, says she consistently gets turned down for part-time jobs, even at restaurants and stores where she knows employees and managers. “You know me, and you’re still doing this,” she says she complained to one prospective employer.

The inability to find or keep a job can have serious consequences. An Indiana University study found that transgender people who face discrimination are more likely than the public as a whole to attempt suicide, abuse drugs or engage in other destructive behavior.¹⁹

Despite polls showing that most Americans support workplace protections for transgender individuals, anti-discrimination laws have been a tough sell in Congress and the 32 states without anti-discrimination laws.²⁰

Bathrooms are one reason. Most Americans are uncomfortable with the idea of someone who is anatomically male using a women’s restroom or locker room. “The focus is on the right of a young girl not to feel herself as having her privacy violated in the most intrusive way by having to dress and shower and be naked, potentially, and be visually violated by someone who is 100 percent biologically the other sex,” the Pacific Justice Institute’s Dacus says.

A CBS News poll found that 59 percent of Americans believe students



Getty Images/The Denver Post/RJ Sangosti

Six-year-old Coy Mathis and her mother appear at the Colorado statehouse in Denver on June 24, 2013, to announce that the Colorado Civil Rights Division ruled against her elementary school and said she could use the girls’ bathroom because she is a transgender person. Since an early age, Coy, who was a male at birth, has said that she identified as a female.

ceived an Emmy award for directing, Soloway pointed out that the central character could easily face discrimination in real life.

“She could, tomorrow, go and try to find an apartment and in 32 states it would be legal for the landlord to say, ‘We don’t rent to trans people,’ ” Soloway said.¹⁶

There’s a saying these days in the transgender community: You can get married on Sunday, but fired on Monday. The Supreme Court made same-sex marriage rights universal last June, but most states and cities offer no legal protections for transgender people when it comes to employment, housing,

Over the past couple of years, the departments of Justice and Education have issued numerous opinions that transgender rights fall under the protection of Title IX, the sex discrimination section of the Civil Rights Act. Eighteen states and about 200 cities have laws protecting transgender individuals in employment and housing, but the levels and types of protection vary by locality.¹⁷

“People are just plain fired because they transition,” says Amy Eisen Cislo, a senior lecturer in women, gender and sexuality studies at Washington University in St. Louis. “People transition on the job and that’s it; the boss can just

should use the bathrooms that conform to their gender at birth, as opposed to 26 percent who say students should be able to pick according to their current gender identity.²¹

Transgender advocates bemoan what they call bathroom panic, saying that for all the fear about supposedly predatory transgender people, they are the ones who are likely to be harassed or abused in public facilities. “People just want to pee in peace,” True Colors’ McHaelen says.

Concerns about bathrooms and other public accommodations seem to come up in every discrimination debate. Bills mandating bathroom use according to birth gender have been proposed in Arizona, Florida, Kentucky and other states. The Houston ordinance would have extended anti-discrimination protections in areas such as public accommodations, housing, employment and city contracting to people on the basis of sex, race, sexual identity and gender orientation. But voters rejected it in November, largely due to TV ads and other messages that warned about the bathroom issue.

“Most people think it’s gross to force little girls to share a bathroom with grown men,” tweeted Sean Davis, co-founder of *The Federalist*, a conservative online magazine.²²

Those opposed to extending anti-discrimination protections to transgender individuals believe this would burden businesses, as well as schools, hospitals and churches. Some argue it could be harder to ban discrimination on the basis of gender identity because it is more malleable than race. “The basic idea here is that race is something much more identifiable and definable,” says Ryan T. Anderson, a senior research fellow at The Heritage Foundation, a conservative think tank in Washington. In addition, he says, “it’s unclear what the costs for protecting on the basis of sex identity would be.”

Many corporations, however, support transgender rights. According to the Human Rights Campaign, two-thirds of

the nation’s 500 largest corporations have adopted gender-identity nondiscrimination policies — up from just 3 percent in 2002. A third of the companies now offer transgender-inclusive health insurance, including coverage on procedures specifically related to gender identity, up from zero in 2002.²³

Some companies are dealing with the bathroom issue by allowing employees to use whatever restroom they are comfortable with, while others are providing single-stall or gender-neutral restrooms. Some transgender individuals, however, equate gender-neutral restrooms with the “separate but equal” approach to school segregation that existed in the South during the Jim Crow era.

Still, Anderson says, the government should not rush into an area where research is needed. An anti-discrimination law protecting LGBT individuals in areas such as employment and lending, known as the Equality Act, has stalled in Congress. It has 170 co-sponsors in the House, but none belongs to the majority Republican Party.

Nonetheless, given the speed at which pop culture and public opinion are changing, some opposed to making gender identity a protected class worry that they’re losing momentum.

“We’re definitely fighting an uphill battle,” says Andrew Beckwith, president of the Massachusetts Family Institute, a socially conservative group. “Proponents have the media and a lot of big business and a lot of politicians on their side.”

Should transgender individuals serve openly in the military?

Jennifer Peace is an Army intelligence officer who has served in Iraq and Afghanistan. Her performance evaluation in April named her one of her battalion’s top captains. “Capt. Peace’s potential is unlimited,” the evaluation reads. “Promote to major and send to [an academy for majors] now.”²⁴

Nevertheless, Peace — who was born a male — remains nervous about her

career. Her commanders have known since she came out as a woman three years ago, but her peers have been ordered to refer to her as a man. She worries that a new commander could view her as unfit for duty as a transgender woman. Under current Pentagon rules, transgender soldiers and sailors are considered medically unfit and can be honorably discharged if diagnosed with “psychosexual conditions” such as “transsexualism” and “transvestism.”²⁵

The question of whether the military might pay for gender-confirmation surgery has also been a point of controversy, especially since Bradley Manning — an Army sergeant convicted in 2013 for leaking sensitive documents — came out shortly after his conviction as Chelsea Manning and successfully pressed the government to pay for hormone therapy. If the Pentagon decides to allow transgender individuals to serve openly, it is likely the military will pay for such treatment, estimated to cost the military \$5.6 million annually.²⁶

Official military policy appears likely to change in the coming months. In July, Defense Secretary Ashton Carter ordered a six-month review of policies regarding transgender personnel, making clear his desire to allow them to serve openly.

“The Defense Department’s current regulations regarding transgender service members are outdated,” Carter said. “We have transgender soldiers, sailors, airmen and Marines — real, patriotic Americans — who I know are being hurt by an outdated, confusing, inconsistent approach that’s contrary to our value of service and individual merit.”²⁷

Carter said a policy change should move forward, barring discovery of “objective, practical impediments.” A Defense Department memo suggested the ban on transgender troops could be lifted as early as May 27, 2016.²⁸

This change has drawn criticism, notably from Republican presidential aspirants. “The military is not a social experiment. The purpose of the military is [to] kill people and break things,”

former Arkansas Gov. Mike Huckabee said at the first GOP presidential debate in August. “I’m not sure how paying for transgender surgery for soldiers, sailors, airmen, Marines makes our country safer.”²⁹

At an October presidential campaign stop in Iowa, Sen. Ted Cruz of Texas made similar points: “We shouldn’t view the military as a cauldron for social experiments.”³⁰ Cruz said he would listen to the “expert judgement” of generals and admirals. But they have not been speaking out against the policy change. “The lack of vocal opposition isn’t an accurate indication of the majority of military members,” says Beckwith of the Massachusetts Family Institute. “I served in the Marine Corps for a tour. I can tell you, the nature of the military is to follow orders.”

On a recent afternoon, a small group of veterans and active-duty personnel was sitting at the bar at the Veterans of Foreign Wars (VFW) post in Richmond Heights, Mo., watching “Jeopardy.” When the topic of transgender individuals serving in the military came up, a man who said his “road name” is “Wrench” commented, “I wouldn’t want one in my freaking foxhole.”

Wrench said he served six years in the Army, including in Vietnam. “I just feel that if they’re male-to-female or female-to-male, there’s something wrong with their genetic code, and maybe their psyche,” he said.

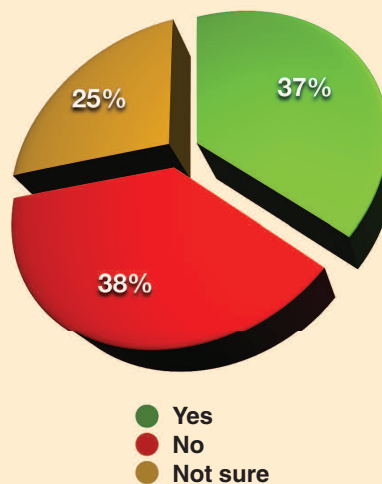
Although transgender individuals are often subject to verbal taunting and abuse, many already serve or have served in the military. UCLA’s Williams Institute estimated in 2014 that 15,500 transgender people were serving in the military, with 134,300 others retired from duty. That is 21 percent of the nation’s overall transgender population and double the 10 percent enlistment rate for the general population.³¹

However, only a couple of dozen transgender individuals — such as Capt. Peace, Army Sgt. Shane Ortega and Army Staff Sgt. Patricia King — are

Americans Divided on Restroom Use

American adults are almost evenly split on whether transgender people should be allowed to use restrooms and other public facilities that don’t match their birth gender, according to a June 2015 poll; one in four were undecided.

Should Transgender People Be Allowed to Use Public Restrooms, Dressing Rooms and Locker Rooms Not Designated for Their Birth Gender?



Source: “Poll Results: Transgender,” YouGov/The Huffington Post, June 3-4, 2015, <http://tinyurl.com/odk8s8x>. The poll of adults 18 and over featured 1,000 respondents.

serving openly in the U.S. military, hoping to draw attention to the issue.

That’s the opposite approach of most transgender soldiers and sailors. Some serve specifically because they don’t accept their gender identity, say some psychologists. They have coined the term “flight into hypermasculinity” as part of the possible diagnoses for transgender women who enlist in the military

or pursue other traditionally masculine careers, such as police officer or firefighter.³² “It’s very common for trans women [who are born male] to try to prove that masculinity when they’re in denial,” says Hileman, the Metro Trans Umbrella Group president.

Paula Sophia, a transgender woman who served in the Army as a man and had a 21-year career on the Oklahoma City police force, says it’s true some join the military to prove something to themselves and to search for — or deny — their own identities. “We’re attracted to those roles that seem definite,” she says.

She notes that the debate about transgender individuals serving openly echoes earlier debates about whether gays should serve in the military or whether women should serve in combat. Gays have been allowed to serve in the military since 2001. And in September, President Obama nominated Eric Fanning to become the first openly gay secretary of the Army.

And early this month, Defense Secretary Carter announced he was lifting the ban on women serving in combat. Carter said the military will open all combat jobs to women early next year with “no exceptions.”

“When it comes down to it, if you can physically hack the demands of that job, then you ought to be able to do it, whether you’re male or female, whether you’re trans or [nontrans],” Sophia says. “The military is a very pragmatic organization, and that’s how they ought to judge people across the board. If they can do the job, that’s it.”

Should children receive medical treatment for gender identity issues?

Due to stigma and fear, transgender people in earlier generations would often wait until well into adulthood to come out. Former Olympic star Jenner was 65 when she announced this year that she was transgender. Increasingly, however, people are coming out in their teens or even earlier.

Jazz Jennings, a transgender girl, has been in the media spotlight since giving an interview to ABC News in 2007, when she was 6.³³ Last summer, at age 14, she had her own reality TV show.³⁴

Not all parents accept the idea that the child they've known as their son is now their daughter. But levels of parental support, while not universal, appear to be increasing, according to therapists. Families must decide not only whether to support a child's social transition — changes in hair, dress and name — but whether to allow medical intervention.

Some doctors will prescribe puberty-blocking hormones, delaying the development of secondary sex characteristics such as breasts, facial hair and a more pronounced Adam's apple. Some describe this as hitting a "pause" button — giving a child more time to explore gender issues before the body undergoes developmental changes. "It provides a longer window for a person to really explore their gender identity before you undergo puberty," says Cislo, the Washington University lecturer.

Doctors have used such hormones for several decades to treat children who were entering puberty too early. Treating transgender children is what's known as an "off-label" use of the medication, meaning it hasn't been approved by the Food and Drug Administration. But some doctors offer such treatment. In fact, the Endocrine Society, the largest professional association devoted to endocrinology and hormone health, has recommended use of puberty-blocking hormones for children with gender dysphoria since 2009.³⁵

However, the society does not recommend surgery and cross-sex hormones (estrogen and testosterone) for preadolescents.

"What the medical standard is now is that you don't do anything that's irreversible for people under 18, and in some jurisdictions, 21," says Jamison Green, president of the World Professional Association for Transgender Health (WPATH), which represents

health providers and sets standards of care. "They're not getting their sex changed, they're not getting surgery."

But little research has been done about potential long-term effects of children taking hormones. Some physicians worry about the potential impact on growth, bone density and the brain. "My approach as a physician is that it's much more important to get it right than to get it fast," says Fred Berlin, a psychiatrist at Johns Hopkins University in Baltimore.

He notes that children are not trusted with major decisions such as voting or buying or selling the family car. Their brains are still developing, and their sense of identity — including

clinics continued to experience gender dysphoria as adults.³⁷ "The overwhelming majority of prepubescent children who express these feelings of gender dysphoria don't persist in these feelings later in life," Berlin says.

Some doctors and therapists believe that an early medical approach to gender transition will result in more children persisting in feelings of gender dysphoria, rather than growing out of them or potentially becoming more comfortable with the sex they were at birth.³⁸ "Even a social transition back to one's original gender role can be an emotionally difficult experience for children," writes Debra W. Soh, a sex researcher and neuroscientist at York University in Toronto.³⁹



A man urges people to vote against the Houston Equal Rights Ordinance outside an early voting center in Houston on Oct. 21, 2015. In November, voters rejected the anti-discrimination ordinance, which would have provided legal protections to individuals on the basis of race and sex, as well as gender identity. The anti-ordinance campaign turned on the question of bathroom use. "No men in women's bathrooms," Texas GOP Gov. Greg Abbott tweeted the day before the election.

gender identity — is fluid, he says.

Some studies indicate that only a minority of children who express gender dysphoria identify as transgender later in life.³⁶ A 2014 study by the Hastings Center, a bioethics research institute in Garrison, N.Y., found that only 6 to 23 percent of boys and 12 to 27 percent of girls treated in gender

Critics of the "watch and wait" approach, however, warn that not offering hormone therapy poses its own dangers. What might sound like a simple thing, such as a transgender male binding his breasts, can scar the lungs by making breathing more difficult.⁴⁰ More significantly, they point to potential mental health issues. Transgender chil-

AP Photo/Pat Sullivan

dren can become anxious and even suicidal during puberty as their bodies seem to betray them by becoming more masculine or feminine, in contrast to their gender identity.

"People with gender dysphoria that did not receive treatment had a much higher rate of hospitalizations or ER visits or doctors' visits for depression and anxiety," said Ariel Smits, medical director of a commission that recom-

go to school, and they're not self-hating, that's a pretty good indication you've made the right decision," says Nick Adams, director of transgender media at GLAAD. "There's a small cabal of sexologists who continue to think children can be talked out of being transgender, but they're on their way out as a treatment model."

Hileman, of the Metro Trans Umbrella Group, counters that most kids

have been, not having to go through the wrong adolescence," she says. "There's not a trans person I know who, if they had a chance, wouldn't take it."

Of course, not all transgender people pursue medical interventions, at any age.

"People are realizing that a lot of people live their whole life as a different sex than they were born, without hormones and surgery," says Green, the World Professional Association for Transgender Health president. ■



American transgender woman Christine Jorgensen, shown in 1954, became one of the most written about people in the 1950s when she completed hormone treatment and two surgeries in Denmark to transition from being George Jorgensen. The famous New York Daily News headline on the story was "Ex-GI Becomes Blonde Beauty."

mended Oregon's Medicaid program pay for puberty-suppressing hormone treatments. "And they had a pretty significantly high suicide rate — some studies found about 30 percent."⁴¹

Clinicians and advocates say children who are "consistent, persistent and insistent" in saying that their bodies do not match their gender identity should receive treatment.

"If you socially transition a child, and all of a sudden they're thrilled to

under 18 who go through "gender variant behavior" may be "gender playing" and are not truly transgender. "It would be wrong to prescribe them puberty blockers," she says. But Hileman, a 49-year-old transgender woman who lives in Alton, Ill., adds that children who are likely to remain transgender in adulthood would benefit greatly from hormone treatments because it would save them so much angst. "It's impossible to express what a boon it would

BACKGROUND

Outlawed

Although the term transgender has been in use for only the last couple of decades, there have always been some men who act or identify as women — or women as men. They have been mostly vilified throughout human history.

"The woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment: For all that do so are [an] abomination unto the LORD thy God," the King James version of the Bible states in Deuteronomy 22.

From their earliest days in the Western Hemisphere, European colonizers noticed that in various Native American cultures, some males assumed women's dress and duties, and vice versa. They sometimes called such people "berdache," a derogatory French term, while Native Americans used the expression "Two-Spirits."⁴²

Although native cultures accepted such people, European colonizers found them an abomination. During his 1513 expedition across Panama, the Spanish explorer Vasco Núñez de Balboa, enraged by cross-dressing men, sicced dogs against a tribal king and others; 40 died.⁴³

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Chronology

1940s-1980s

Transsexual movement gains little progress in legal rights.

1949

The term “transsexual” is coined. . . . California’s attorney general rules that surgeons can be prosecuted for genital modification.

1952

American Christine Jorgensen completes sex-change surgery in Denmark.

1962

The California Supreme Court strikes down laws against cross-dressing.

1966

Compton’s Cafeteria riot in San Francisco is one of the early protests for transgender rights. . . . Johns Hopkins University opens the first U.S. clinic offering sex-change operations.

1968

Gore Vidal’s *Myra Breckenridge*, a sensational novel about a transsexual, becomes a best-seller.

1975

The diagnosis of “transsexualism” first appears in an international psychiatric classification, followed in 1980 by its appearance in the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*.

1980

The *DSM* defines transsexualism as a disorder.

1990s-2000s

State and local governments begin extending benefits and rights protections to transgender people.

1993

Minnesota becomes the first state to offer legal protections to transsexuals.

1999

An annual Transgender Day of Remembrance is started to honor the memory of transgender people killed in hate crimes.

2000

Hilary Swank wins the Academy Award for best actress for playing Brandon Teena, a transgender man who was raped and killed in 1993, in “Boys Don’t Cry.”

2001

San Francisco becomes the first city to offer health benefits, including coverage of gender reassignment surgery, to transgender employees.

2007

Hormones are first prescribed in the United States — at Boston’s Children’s Hospital — for treating children with gender identity issues.

2009-Present

The Obama administration aggressively moves to protect transgender rights.

2009

President Obama signs a hate crime bill that includes protections for the LGBT community, the first federal law that addresses a gender identity issue.

2010

The White House appoints the first two openly transgender officials to serve in administrative posts.

2011

The White House hosts its first conference on transgender issues.

2012

Equal Employment Opportunity Commission determines Title VII of the Civil Rights Act protects transgender employees against harassment.

2013

The *DSM* drops “gender identity disorder” as a diagnosis, replaces it with “gender dysphoria.” . . . Bradley Manning, an Army soldier convicted of leaking thousands of classified documents, comes out as Chelsea Manning. . . . California becomes the first state to enshrine certain rights for transgender students into law, including access to the sports teams, locker rooms and bathrooms of their choice.

2014

Obama signs an executive order protecting federal employees from discrimination on the basis of gender identity, as well as one barring federal contractors from discriminating against LGBT people. . . . Medicare lifts the ban on coverage of gender reassignment surgery. . . . The Army agrees to recognize the new names adopted by transgender veterans. . . . Attorney General Eric Holder determines that the prohibition against sex discrimination under Title VII of the Civil Rights Act covers transgender rights.

2015

Seventeen million viewers watch Caitlyn Jenner come out as a transgender woman on ABC (April). . . . Defense Secretary Ashton Carter announces the Pentagon is moving toward a policy of allowing transgender soldiers and sailors to serve openly (July). . . . Houston voters turn down an anti-discrimination ordinance that would have protected transgender individuals (November). . . . Congress creates a Transgender Equality Task Force to examine transgender rights (November).

Transgender Movement Hails Jenner as Pivotal

"She gave people a chance to tell their stories."

For many transgender people, the huge amount of media attention paid to former Olympic athlete Caitlyn Jenner has been a breakthrough. Many compare her coming out as a transgender person to comedian and TV star Ellen DeGeneres' 1997 announcement on "The Oprah Winfrey Show" that she is a lesbian.¹

Jenner — who had long been famous as Bruce Jenner, the 1976 Olympic gold medal winner in the men's decathlon — is "a pivotal figure. She's our generation's and trans people's Ellen DeGeneres in many ways," says Paula Sophia, a transgender woman who lives in Oklahoma City and unsuccessfully ran for the state House of Representatives in 2014. "Caitlyn Jenner has made it so trans people aren't invisible anymore, more than any one person."

Jenner has helped draw attention to the lives of ordinary transgender individuals, says Mara Keisling, executive director of the National Center for Transgender Equality, an advocacy group in Washington, D.C. "She gave us an opportunity to tell the story," Keisling says. "Hundreds of trans people got interviewed by local media all over the country. She gave people a chance to tell their stories."

At the same time, Keisling stresses that no one person can serve as spokesperson for a population as diverse as the transgender community. Some transgender people worry that Jenner — a wealthy celebrity able to afford expensive surgeries — will give people the wrong impression about transgender life. (Jenner, 65, has had breast implants, had her Adam's apple shaved and has had cosmetic surgery to feminize her face.²)

Indeed, Jenner likely had the most visible coming out of any transgender person in history. In an interview with longtime

ABC News anchor Diane Sawyer last April — watched by 17 million people — Jenner discussed her long struggle with gender identity and announced, "For all intents and purposes, I'm a woman. My brain is much more female than it is male," Jenner said. "It's hard for people to understand that, but that's what my soul is."³

In the months since the interview, Jenner has been featured in thousands of news articles, including a flattering profile in *Vanity Fair*.⁴ She appeared on the cover in a glamorous photo by celebrated portrait photographer Annie Leibovitz, under the headline "Call me Caitlyn." Jenner received an ESPN award for courage and was named one of *Glamour's* women of the year.⁵ Jenner, who has said she never met a transgender person until this year, also has raised awareness of transgender individuals and the issues they face on "I Am Cait," her documentary series on E! network that was renewed for the 2016 season despite weak ratings.⁶

The Jenner phenomenon has had "a weird backlash effect on the kids we serve," says Robin McHaelen, executive director of True Colors, a Connecticut nonprofit that provides mentoring and other services to LGBT youths. "We've got one kid who won't go to school because she doesn't have the same access to resources [as Jenner], and she's never going to look like Caitlyn does."

It's not just a question of being able to afford enough plastic surgery to look good on a magazine cover. Not all transgender people want surgery, including gender confirmation surgery to alter genitalia.

"The Caitlyn Jenner thing has been a point of controversy because for people who know nothing about trans identity, it seems to solidify the idea that it's a person who fully wants

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But cross-dressers became part of American life. By the mid-19th century, industrialization meant more people were living on their own in cities and enjoying more freedom, anonymity and independence from their families and closer-knit rural communities. Starting in the 1850s, dozens of cities passed laws prohibiting individuals from wearing clothes associated with the opposite sex.⁴⁴

Hundreds of Civil War soldiers were born women, including Dr. Mary Edwards Walker, who began cross-dressing in the 1850s and received a congressional Medal of Honor as an assistant surgeon in the Union Army.⁴⁵ "People are surprised when I say we have lots of his-

torical evidence of people not necessarily identifying with the sex assigned at birth," says Cislo, the Washington University lecturer. "We have people who fought in the Civil War who we realized later had a vagina, that the soldier was, quote, 'really a woman.'"

Early in the 20th century, researchers coined many terms to describe the phenomenon of people acting or dressing like the opposite sex. *The Transvestites*, a 1910 book by Magnus Hirschfeld, a German sexologist, lent its name to a lasting expression that is now considered derogatory.⁴⁶ (Some cross-dressers, or transvestites, do not identify as transgender.)

By the 1920s a few doctors, mostly in Germany, performed "sex-change" op-

erations, currently referred to as gender-reassignment or gender-confirmation surgeries.⁴⁷ (In 1930, artist Einar Wegener underwent the first of five surgeries in Germany to transition from male to female.⁴⁸ She became known as Lily Elbe and is the subject of the new film "The Danish Girl," starring Oscar-winning actor Eddie Redmayne as Elbe.)

By the 1950s, a handful of American doctors had performed sex-change operations, but most patients who sought such procedures were rejected. While occasional sensationalistic stories appeared about "transsexuals," as transgenders were known at the time, discussion of treatments virtually disappeared from U.S. scientific journals.⁴⁹

to change their bodily appearance and appear as the opposite sex through surgeries,” says Amy Eisen Cislo, who lectures on gender issues at Washington University in St. Louis. “Transgender is so much broader than that.”

Some conservatives are mystified or even outraged that a paragon of masculinity such as an Olympic athlete now identifies as a woman. “Is it him? Her? It? I don’t even know what to call it,” a resident of Osceola, Iowa, told *The Washington Post*. “You know, don’t shove this down my throat.”⁷

For the most part, however, prominent conservative politicians are steering clear of the transgender issue. “It’s a personal decision,” Republican Gov. Scott Walker of Wisconsin told ABC News, when asked about Jenner during his recent unsuccessful presidential run. “I don’t know that there’s anything more to comment on.”⁸

Some conservatives complain the Republican Party is making a mistake by not voicing disapproval of the transgender movement. “The rapidly growing acceptance of the previously marginal idea that underlies the transgender moment was only made possible by the Republican decision to opt out of this debate entirely,” wrote Sean Fieler, chairman of the American Principles Project, a Washington organization that promotes conservative social positions.⁹

— Alan Greenblatt

¹ Joyce Chen, “Ellen DeGeneres on Coming Out as Gay: ‘I Didn’t Think I Was Going to Come Out, Period,’” *Us Weekly*, Oct. 23, 2015, <http://tinyurl.com/o4jy3nv>.

² Charlotte Wareing, “Caitlyn Jenner ‘left in constant pain’ following gender transition surgeries,” *Mirror*, Sept. 21, 2015, <http://tinyurl.com/jnvln6a>.

³ Rick Kissell, “Bruce Jenner Interview Ratings: 17 Million Watch ABC Special,” *Variety*, April 25, 2015, <http://tinyurl.com/qgrggqf>. The interview is available online at <http://tinyurl.com/n2e4s43>. “Bruce Jenner: ‘My brain is much more female than male,’” ESPN.com News Services, April 24, 2015, <http://tinyurl.com/hqrhyfu>.

⁴ Buzz Bissinger, “Caitlyn Jenner: The Full Story,” *Vanity Fair*, June 30, 2015, <http://tinyurl.com/n9awbct>.

⁵ “Glamour’s Women of the Year 2015,” *Glamour*, Oct. 29, 2015, <http://tinyurl.com/o6xgqzf>.

⁶ Pooja Bhagat, “‘I Am Cait’ Season 2 Set To Premiere in 2016: Get The Details,” *Yibada*, Oct. 26, 2015, <http://tinyurl.com/no3udzm>.

⁷ Philip Rucker and Robert Costa, “In a Fast-Changing Culture, Can the GOP Get in Step With Modern America?” *The Washington Post*, June 27, 2015, <http://tinyurl.com/o8whxua>.

⁸ “This Week’s Transcript: Gov. Scott Walker,” June 7, 2015, <http://tinyurl.com/owyqebd>.

⁹ Sean Fieler, “What Republicans Should Learn From the Transgender Moment,” *The Daily Signal*, May 27, 2015, <http://tinyurl.com/q5o2xfh>.



Getty Images/Tibrina Hobson

Caitlyn Jenner, the former Olympic decathlon champion Bruce Jenner, has been featured in thousands of news articles since she came out, at age 65, as a woman.

Pat Brown, the attorney general of California, ruled in 1949 that genital modification would cause “mayhem” and surgeons who performed them could face prosecution. “That opinion cast a pall, lasting for years, over efforts by U.S. transgender people to gain access to transsexual medical procedures in their own country,” writes Susan Stryker, director of the Institute for LGBT Studies at Arizona State University.⁵⁰

Path to Treatment

In 1952, American George Jorgensen, a World War II Army veteran, completed hormone treatment and two surg-

eries in Denmark, becoming known as Christine Jorgensen. After *The New York Daily News* broke the story — the famous headline was “Ex-GI Becomes Blonde Beauty” — Jorgensen’s experience became one of the most written about news events of the decade.⁵¹ “In the 1950s, Jorgensen made sex change a household term,” writes Joanne Meyerowitz, a historian at Yale University.⁵²

That did not open the door to widespread treatment in the United States, however. Things didn’t start to change until the mid-1960s. In 1966, endocrinologist Harry Benjamin published *The Transsexual Phenomenon*, arguing that gender identity can’t be changed so transsexuals should be helped to lead fuller, happier lives.⁵³

Within months of the book’s publication, Johns Hopkins University established the nation’s first gender reassignment clinic. “Soon afterward, other major medical centers opened their own gender identity programs that offered sex-change operations,” Meyerowitz wrote, often with financial backing from a foundation established by Reed Erickson, a wealthy transgender man born in Texas, whose family made a fortune in the petroleum industry. Erickson was born in 1917 but began masculinizing his body in the 1960s, soon after his father’s death.⁵⁴

Surgeons were unable — or unwilling — to keep up with the demand. During the first two and a half years of its existence, the Johns Hopkins program re-

Killings of Transgender People on Rise

The increase worries LGBT community as experts debate causes.

Zella Ziona was just 21 when she was killed outside a laundromat in Gaithersburg, Md., in October. The transgender woman had been surrounded by a group of young adults, one of whom has been charged in Ziona's shooting death. Authorities say the suspect possibly acted out of embarrassment that his relationship with her had become known.¹

Among transgenders, Ziona's story is tragically familiar. Nearly all the transgender individuals killed in 2015 were women of color. "Most Americans think it's been an amazing year for transgender rights," said Mara Keisling, executive director of the National Center for Transgender Equality, an advocacy group in Washington. "But for the transgender community, it's been one of the most traumatic years on record."²

The exact number of killings is unknown. Police and media reports sometimes "misgender" victims, failing to account for their transgender status. Nevertheless, activists in the lesbian, gay, bisexual, transgender and queer (LGBTQ) community believe that at least 22 transgender individuals have been killed so far this year, up significantly from the 12 trans women killed in each of the previous two years, according to the National LGBTQ Task Force, an advocacy group in Washington.³

Transgender individuals have long been subject to violence. The 1999 film "Boys Don't Cry" dramatized the real-life rape and murder of Brandon Teena, a transgender man, bringing widespread attention to the problem.⁴ In 2009, President Obama signed a hate-crime law that included gender identity as a protected category.⁵

The increase in killings has drawn attention from the White House and other politicians, primarily Democrats. Democratic

presidential candidate Hillary Clinton called it a "national crisis" in a private meeting with activists from the Black Lives Matter movement.⁶ Believing that their causes overlap, some African-American and transgender activists are working together on criminal justice issues.⁷

As more transgender people come out, and as the movement gains prominence, more may be targeted for violence, experts say. "In general, if you look at history, a lot of times whenever there are positive moves for historically marginalized groups, there tends to be a backlash," said Kevin Nadal, head of the Center for LGBTQ Studies at the Graduate Center at the City University of New York.⁸

A recent study by the National Coalition of Anti-Violence Programs, an advocacy group for the LGBTQ and HIV communities, found that transgender and gender nonconforming people (who reject the idea of a binary split between male and female) are twice as likely to face violence from a partner than those in the gay community.⁹

"Financial dependence can make it more difficult to leave an abusive relationship," write Nick Gorton and Hilary Maia Grubb, California physicians who work with transgender patients. They are "less likely to be employed and financially independent than cisgender people" and may need to stay with abusive partners in order to have food and shelter.¹⁰

About half of transgender individuals killed in 2015 worked in the sex trade.¹¹ Some transgender people who have been kicked out of their homes or have trouble finding work turn to prostitution, which can lead to violence, drug use and incarceration.¹²

ceived "almost 2,000 desperate requests" for surgery, Meyerowitz wrote, but doctors there operated on only 24 patients.⁵⁵

The medical profession saw transsexualism as a disorder, while insurers considered treatment for the disorder as cosmetic or elective. Thus, insurance coverage for the surgeries — which currently average about \$20,000 — was for the most part nonexistent.

Psychiatrists and surgeons who did offer treatment took a rigid "gatekeeper" approach. A person seeking to change genders would have to see a therapist for months before being referred to an endocrinologist, then would have to live socially as the desired gender for at least a year.⁵⁶ To get treatment, people with gender dysphoria learned

to lie about their conditions, leading providers to distrust them.⁵⁷

"You had to fit the narrative of what they called successful, willing to have every step of the process, up to and including [gender reassignment] surgery," says Adams of GLAAD. "The critical part, their idea of a successful transition, was that you would be a passable, heterosexual person and would never tell anyone you were trans."

Outside the clinics, meanwhile, police routinely harassed and arrested transsexuals. Presaging the 1969 Stonewall riots — protests in New York City against police raids that sparked the modern gay rights movement — people now called transgender had participated in a series of similar, spontaneous protests.

The demonstrations were at spots such as Dewey's lunch counter in Philadelphia in 1965 and Compton's Cafeteria in San Francisco in 1966.⁵⁸

From Rejection to Inclusion

People known as transvestites at the time were at Stonewall, but they were marginalized by the gay rights movement.

"For a long time, this sense of an identity opposite of what was assigned at birth was not accepted in the gay community," Washington University's Cislo says. Seeking wider acceptance, some gays and lesbians looked down on masculine women and feminine men. Some

A 2011 survey of 6,450 transgender and gender nonconforming people found that one-fifth of them had experienced homelessness in their lifetimes.¹³ The survey also found that 41 percent of transgender people have attempted suicide, compared with 1.6 percent of the general population. A more recent analysis of that survey showed that suicide risk was especially high among people who had experienced violence or family rejection. “Seventy-eight percent of survey respondents who suffered physical violence at school reported suicide attempts, as did 65 percent of respondents who experienced violence at work,” according to the analysis.¹⁴

Jamison Green, president of the World Professional Association for Transgender Health, a providers’ network, says suicide risk among this population can sometimes be exaggerated, but he adds that many transgender people have thought about killing themselves. Some suicides take on a special resonance, such as the death of 17-year-old Leelah Alcom of Union Township, Ohio, who killed herself by walking into Interstate traffic three days after Christmas in 2014.

Alcom’s death, which followed an attempt by her parents to use Christian-based conversion therapy aimed at returning her to her biological sex, sparked vigils and calls for Congress and state legislatures to pass a “Leelah’s Law” to ban such treatments. Some conservatives complain the law could prevent therapists from exploring whether gender identity issues can be addressed in ways other than transitioning to another gender. Still, in August, Illinois became the fourth state to ban doctors and therapists from attempting to change a minor’s sexual orientation.¹⁵

— Alan Greenblatt

lesbians in particular expressed hostility toward transgender women, whom they saw as appropriating women’s bodies and insisting on regressive and oppressive dress and stereotypes.

“As lesbian feminists saw it, transvestites were mocking women by mimicking what demeaned them,” wrote historian Lillian Faderman.⁵⁹

In 1979, women’s studies scholar Janice Raymond argued in her influential book *The Transsexual Empire: The Making of the She-Male* that “transsexuals rape women’s bodies by reducing the real female form to an artifact.”⁶⁰ Such attitudes were not universal, but through the 1990s transgender people were excluded from several gay festivals and parades.

Also in 1979, a study by the director of the Johns Hopkins clinic showed “no objective improvement” among those who had undergone sex-change surgery. Although the study was later shown to be biased, the clinic announced that it would no longer offer sex-reassignment surgeries.⁶¹ Other clinics followed suit.⁶²

Ostracized by an array of groups — social conservatives, some on the left and much of the medical and psychiatric communities — and with the outbreak of the AIDS epidemic, many transgender communities became “very inwardly focused by the 1980s,” Stryker of the Institute for LGBT Studies wrote, as they concentrated more “on providing mutual aid and support to their members than broader social activism.”

Then in the 1990s, transgender people began using the Internet to reach out to one another. Suddenly a world of information was easily shared online. “The most significant factor in the development of a national trans movement may have been the rise of the Internet in the mid-1990s,” wrote Genny Beemyn, who runs an LGBT center at the University of Massachusetts, Amherst.⁶³

In recent years treatment protocols have become more patient-friendly. In 2013, the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders (DSM)* was revised so that “gender dysphoria” replaced “gender identity disorder,” offering a less stigmatizing diagnosis.⁶⁴

¹ “Transgender Woman’s Family Believes Murder Was Hate Crime,” WUSA, Oct. 17, 2015, <http://tinyurl.com/ochte23>.

² David Crary, “Homicides of Transgender Women in U.S. Reach Alarming High,” The Associated Press, Nov. 23, 2015, <http://tinyurl.com/prnjx6l>.

³ “Stop Trans Murders,” National LGBTQ Task Force, Oct. 16, 2015, <http://tinyurl.com/na5hdsp>.

⁴ Stephanie Fairington, “Two Decades After Brandon Teena’s Murder, A Look Back at Falls City,” *The Atlantic*, Dec. 31, 2013, <http://tinyurl.com/k9pt74m>.

⁵ “National Defense Authorization Act for Fiscal Year 2010,” Government Printing Office, <http://tinyurl.com/ovzvdos>.

⁶ Darren Sands, “Activists: Hillary Clinton Called Violence Against Black Trans Women A ‘National Crisis,’” *BuzzFeed News*, Oct. 9, 2015, <http://tinyurl.com/oxmd8qs>.

⁷ Cleis Abeni, “Trans Lives Matter and Black Lives Matter Join Forces for Justice,” *Advocate*, Sept. 10, 2015, <http://tinyurl.com/of5o8ts>.

⁸ Zach Stafford, “Transgender Murders in US Have Nearly Doubled Since Last Year, Activists Say,” *The Guardian*, Nov. 6, 2015, <http://tinyurl.com/qhh9dbs>.

⁹ Chai Jindasurat and Emily Waters, “Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Intimate Partner Violence in 2014,” National Coalition of Anti-Violence Programs, Oct. 27, 2015, <http://tinyurl.com/nwwdkv2>.

¹⁰ Laura Erickson-Schroth, ed., *Trans Bodies, Trans Selves* (2014), p. 225.

¹¹ Zach Stafford, “Two LGBT murders within 24 hours leaves community in ‘state of emergency,’” *The Guardian*, Oct. 11, 2015, <http://tinyurl.com/ok8df5k>.

¹² Erickson-Schroth, *op. cit.*, p. 169.

¹³ Jaime M. Grant, Lisa A. Mottet and Justin Tanis, “Injustice at Every Turn,” National Center for Transgender Equality and the National Gay and Lesbian Task Force, 2011, <http://tinyurl.com/4hy6rb6>.

¹⁴ Ann P. Haas, Philip L. Rogers and Jody L. Herman, “Suicide Attempts Among Transgender and Gender Non-Conforming Adults,” American Foundation for Suicide Prevention and the Williams Institute, January 2014, <http://tinyurl.com/mxnamkb>.

¹⁵ Aditya Agarwal, “Illinois Bans Gay Conversion Therapy for Minors,” *Time*, Aug. 21, 2015, <http://tinyurl.com/qygb2m>.

The latest standards of care, released in 2011, “acknowledge that there’s no one way to be trans. Each case needs to be treated individually,” says the World Professional Association for Transgender Health’s Green, whose group sets treatment standards.⁶⁵

Some people can successfully transition without medical or psychological care of any kind, he says. But treatment can help.

“We know through historical data that people will be more successful in their transition if they have some social support, a very highly developed sense of their self in relation to the world and that they’re not socially or emotionally impaired,” Green says.

included in the measure, Frank said. Members of Congress will “think about people who haven’t had a physical change and at work there are communal showers — they’ll think, what if some male pervert wants to [come into] the women’s shower and says, ‘Well, I just decided — I’m transgender.’ ”⁶⁶

A poll conducted in 2007 by the Human Rights Campaign, which backed Frank’s position, found that 70 percent of LGBT respondents preferred passage of an anti-discrimination law that excluded transgender people over no law at all.⁶⁷ Still, more than 300 groups formed a coalition known as United ENDA to press for transgender inclusion. “It was the first time mainstream orga-

CURRENT SITUATION

Federal and State Actions

The Equality Act, which would prohibit discrimination in employment, housing and public accommodations on the basis of gender identity or sexual orientation, remains stalled in Congress. Although the measure, introduced in July by Rep. David Cicilline, D-R.I., has nearly universal support among Democrats, it has not been embraced by Republicans.

But the Obama administration is moving forward to extend rights to transgender people on several fronts, and about 20 states are sympathetic to the cause.

Last January Obama became the first president to use the word “transgender” in a passage in the State of the Union address about respecting human dignity.⁷⁰ In August, the White House appointed its first openly transgender staff member: Raffi Freedman-Gurspan, a former official at the National Center for Transgender Equality, who is director of outreach and recruitment for the White House personnel office.

“Her commitment to bettering the lives of transgender Americans — particularly transgender people of color and those in poverty — reflects the values of this administration,” Obama adviser Valerie Jarrett said.⁷¹ More broadly, the administration is trying to shift the government’s understanding of gender by making it easier for people to change their sex classification on Social Security cards and other government documents.⁷²

The Pentagon is expected to allow transgender soldiers and sailors to serve openly in the coming months. Both the Equal Employment Opportunity Commission and the Justice Department

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Getty Images/New York Daily News/Anthony DelMundo

Brooke Guinan, the only transgender firefighter in New York City, has become, literally, the poster child for transgender rights since a poster of her in a tight T-shirt reading “So Trans So What” went viral as part of an awareness campaign for the LGBTQ advocacy group V.O.I.C.E. (Vocal Organization for International Courage and Equality).

Despite recent advances, it took time for gays, lesbians and transgender people to join forces politically. In 2007, then-Rep. Barney Frank, D-Mass., a prominent openly gay member of Congress, introduced the Employment Non-Discrimination Act, or ENDA, which offered legal protection to employees on the basis of sexual orientation but not gender identity. “We’ll never get the votes” if transgender people were

nizations raised united voices for transgender rights,” Faderman writes.⁶⁸

Over the past 20 years major gay rights groups, including the Human Rights Campaign in 2001 and GLAAD in 2013, have slowly added transgender people to their mission statements.⁶⁹ Although long neglected and sometimes spurned by the “LGBs,” transgender people are starting to benefit from the successes of the larger gay-rights movement. ■

At Issue:

Should transgender rights be legally protected?



JAMISON GREEN
PRESIDENT, WORLD PROFESSIONAL
ASSOCIATION FOR TRANSGENDER HEALTH

WRITTEN FOR *CQ RESEARCHER*, DECEMBER 2015

transgender people are not new. We have existed among every race, class and culture since human beings first appeared. What's new is that people who experience the hallmark condition of transgender people — that their gender identity or expression does not match their sex as assigned at birth — are no longer content to live in fear and shame, and they are talking about their experiences.

Knowledge about human sexual and gender diversity that was once suppressed, or that was closely held by scientists who feared being ostracized by their peers, is now more openly shared and discussed. And transgender people themselves are becoming some of the researchers, physicians, lawyers, clergy, educators and policymakers helping to shape the discourse.

Transgender people are not a threat to anyone simply for being transgender. We apparently are seen as a threat because other people would rather believe their own prejudices; they are afraid of other people's difference, and they refuse to give up those beliefs. Transgender people should be protected against discrimination because we are vulnerable to bias, prejudice, hatred and misunderstanding.

All people are deserving of respect and equality under the law. We understand that your rights end at the tip of my nose, and my rights end at the tip of yours. You can think whatever you want, you can say whatever you want, but you cannot impede my rights to peaceable assembly; my rights to freely practice my religion; my rights to an education; my rights to a job for which I am qualified; my rights to all the benefits of society, including access to health care, public accommodations, routine commerce such as shopping for groceries and clothing and access to the public restrooms that comport with my gender identity — the same rights that everyone else has.

These are not special rights; these are equal rights.

Nondiscrimination statutes exist because certain people hold opinions about us because of the way some transgender people look, or because of false propaganda about what being transgender means. Just as some people are racially targeted and suspected of conforming to negative stereotypes, transgender people are similarly targeted, and transgender people of color have even more difficulty. Nondiscrimination laws and policies give everyone hope that we can learn to overcome our worst prejudices. When we live in a society that can respect others and accommodate difference, perhaps we won't need nondiscrimination laws anymore.



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government should not take sides in the transgender debate. That's what the citizens of Houston made clear in November when they voted to repeal a local law requiring businesses to allow biological men to use women's bathrooms if they identify as women. The implications for the privacy and safety rights of adults and children are extremely serious.

The issue is not limited to Houston. The Department of Education (DOE) told an Illinois school district that it is violating Title IX, a 40-year-old law designed to guarantee women's access to education, by setting rules on transgender use of locker rooms. DOE is now interpreting the law to create special protections based on "gender identity."

At issue is the school district's decision to allow a male student who identifies and dresses as a girl to use bathrooms with private single-stalls, but to not allow him into the girls' locker rooms unless he changes behind a curtain out of respect for the privacy concerns of the surrounding students. Even this commonsense compromise was attacked by the federal government, and DOE is threatening to deny federal funding to the district if it does not drop the curtain requirement.

Virtually ignored amid these debates about gender identity are children who should not be confronted with such questions before they reach an appropriate age, as determined by their parents. Gender-identity laws would prevent schools, parents and employers from protecting children from these adult debates about sex. These situations are best handled locally, by the parents and teachers closest to the children — not by government mandates.

The Department of Health and Human Services has also gotten into the act. In September, it published a notice of proposed rulemaking to extend Obamacare's ban on sex discrimination in health care to gender identity. If implemented, this would force doctors to participate in gender-reassignment therapies and surgeries even when doing so would go against their considered medical judgment, their consciences or their religious beliefs. It also seems that it would force nearly all health care plans to cover such reassignment treatments.

Americans should respect the dignity of their neighbors. How to do so in situations related to transgender students, sex-reassignment surgeries and bathrooms is just emerging as a matter of public concern. Many concerns must be weighed by citizens immediately affected where such issues arise. The government is not justified in imposing its own ideological, one-size-fits-all "solution."

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have found that transgender rights are protected under federal sex discrimination statutes.

In September, the administration proposed a rule that would forbid most health insurers from discriminating against transgender patients.⁷³ Often, transgender patients have been denied coverage for basic services, such as prostate exams for transgender women and Pap smears for transgender men.

“Rather than mandating that insurers provide certain treatments, like gender-confirming surgeries, the proposed policy requires insurers to make sure that their policies are not designed to discriminate based on gender identity, and provides transgender patients with legal options to seek legal recourse if they are denied trans-inclusive health services,” according to the *Advocate*, a gay-interest publication.⁷⁴

In October, after the New York Legislature failed to extend legal protections to transgender people in areas such as housing and employment, Democratic Gov. Andrew Cuomo announced he would do so, joining the 18 states that already offer such protection. He noted that existing state laws protecting gay and bisexual individuals do not cover people on the basis of gender identity.

“The law left out the ‘T,’ so to speak,” Cuomo said, alluding to the acronym LGBT. “Transgendered individuals deserve the same civil right that protects them from discrimination.”⁷⁵

California Democratic Gov. Jerry Brown signed a package of bills in October designed to help LGBT individuals. On Jan. 1, California will become the first state to require major contractors — those who do more than \$100,000 worth of business with the state — to offer equal benefits to their employees, regardless of gender identity.⁷⁶

Also in October — in response to a lawsuit — California’s prison system announced the nation’s first guidelines for allowing surgical sex-reassignment procedures sought by transgender inmates.⁷⁷

Despite these political and legal victories, transgender people have yet to gain much traction as political candidates. In Maryland, Democrat Kristin Beck, a celebrated former Navy SEAL, faces an uphill battle in her effort to unseat Rep. Steny Hoyer, the second-ranking Democrat in the House. And in 2014, Sophia, the transgender woman who served in the Army as a man, came close to winning election as the first openly transgender state legislator, but lost — by only 22 votes — in a runoff in an LGBT-friendly district in Oklahoma City.

“I just let my presence in the race be statement enough about my trans status,” she says.

Bathroom Bills

Lawmakers in Republican-controlled state governments have been more skeptical about transgender equality. Legislators in Florida, Nevada, Texas, Wisconsin and elsewhere have introduced bills that would limit students or adults to using bathrooms for the gender listed on their birth certificates.

Bill sponsors say their intent is to protect the privacy and modesty rights of other individuals who object to the presence of someone with male anatomy walking into a women’s room. “I’ve got four granddaughters, and I’m not interested in anybody that has a question about their sexuality to be stepping in on them,” said Texas state Rep. Dan Flynn, a Republican.⁷⁸

Transgender advocates argue that the bathroom issue amounts to fear-mongering. Allowing transgender individuals to use the bathrooms of their choice poses no public safety issue, they say. And health and human-rights officials in states that have passed laws offering equal access to public accommodations say they have not seen an increase in assaults or harassment.⁷⁹

“It’s turning things on their head — it’s not the trans people who are doing the assaulting; it’s trans people who

are being victimized,” says Beemyn of the University of Massachusetts. “The important thing is, obviously, that everyone wants to be able to go to the bathroom and not have to fear being attacked or harassed for doing so.”

But November’s lopsided vote in Houston against an anti-discrimination ordinance, following a debate that largely focused on bathroom issues, underscored both the political sensitivity of the issue and the concerns that many people have about transgender access to intimate public spaces.

Despite the Obama administration’s insistence that transgender students must be allowed to use the facilities of their choice, some schools are asking transgender students to use unisex single-stall bathrooms or faculty lounges. In September, U.S. District Judge Robert Doumar ruled against a female-to-male transgender student in Virginia who sought to have access to the boys’ bathroom at school.⁸⁰ Justice and Education department attorneys argued in the case that not allowing transgender students to use the facilities of their choice represents discrimination on the basis of sex.⁸¹

In November, federal education officials found that by not allowing a transgender girl access to girls’ locker and bathrooms an Illinois school district had violated Title IX, which prohibits discrimination on the basis of gender in any education program that receives federal funding.⁸²

After a transgender male-to-female student in Missouri insisted on having access to the girls’ restroom at her high school this year, more than 150 of her fellow students staged a walkout in protest.⁸³ The student argued she should not have to use separate accommodations from her peers.

Although the transgender bathroom debate is a recent flashpoint, it echoes earlier civil rights debates. Nervousness about mandated unisex bathrooms fueled some of the opposition to a federal Equal Rights Amendment to protect

women in the 1970s. African-Americans in the 1950s and '60s were seeking not just voting and employment rights but the right to use the same swimming pools, drinking fountains, lunch counters — and bathrooms — as white people.

In 2011, Massachusetts extended protections to transgender people in areas such as employment and housing, but the law excluded public accommodations, due to the bathroom issue. However, state lawmakers in recent months have been considering legislation to cover public spaces.

"The argument that a nontransgender person feels uncomfortable with a transgender person using the same bathroom . . . is the same argument that was once made of people of color using public bathrooms, seating on public transportation, [using] public drinking fountains and more," writes Massachusetts state Rep. Paul Heroux, a Democrat. "It is a lack of understanding at best and hateful at worst."⁸⁴

Beckwith, of the Massachusetts Family Institute, says he "strenuously objects" to the equating of gender identity and race.

"There is not a rational basis to distinguish between people based on the color of their skin," he says. "There is, however, a very rational basis for distinguishing between biological males and females when it comes to the sharing of intimate spaces." ■

OUTLOOK

Turning Point

Despite the enormous hurdles many transgender people continue to face — discrimination, poverty, homelessness, violence and abuse — advocates say they are more hopeful than they have ever been.

"I'm incredibly optimistic," says Keisling of the National Center for Transgender Equality. "We've come so far,

so fast. The pace at which change is happening is invigorating, in general."

It's becoming increasingly unusual for Republicans to voice opposition to transgender rights as prominent transgender individuals receive more positive portrayals in the media and major Democratic politicians voice support for their rights.

That could mean that only supportive voices will be heard. "You'll see a groundswell of support for transgender rights," says Beemyn, director of the Stonewall Center. "Even people who don't support it are going to find themselves having to be tolerant. It's going to become like same-sex marriage, where there's going to be more liability in opposing it than supporting it."

Beemyn suggests acceptance will take longer among individuals from conservative religious traditions. Indeed, conservatives such as the Massachusetts Family Institute's Beckwith worry that there already is a "chilling effect," with those opposed to greater transgender rights being portrayed as misguided or bigoted. "Many people of faith believe the Bible states God has made us male and female, and they believe this is nonbiblical behavior," Beckwith says.

Conservatives also fear that the rush to extend greater rights to transgender people will cut off dissenting viewpoints. "There's a risk that only one viewpoint becomes politically correct," says Anderson of The Heritage Foundation. "Anyone marshalling any sort of argument that we need to address this coolly and calmly becomes marginalized."

Even some transgender advocates say it might be too much to hope that Congress will pass a law granting people protection from discrimination on the basis of gender identity in the coming years. "People who object will heighten the rhetoric, but I believe that will be a last gasp," says Cislo, the Washington University lecturer.

More jurisdictions and companies appear certain to extend health benefits to transgender people, including coverage of hormone treatments and gen-

der confirmation surgery. More research into the causes and treatment of gender dysphoria is also likely. "We're going to have more of a medical understanding than we do now," says Sophia, the former political candidate in Oklahoma. "By virtue of that, there will be more empathy from mainstream society."

Adams, of GLAAD, agrees that the emergence of additional facts about "the actual trans experience" will inform more discussions. Both political attitudes and media portrayals, as a result, will become more favorable, he says.

Adams hopes that in time, being transgender will be accepted as simply a part of someone's life or his or her character. "That's the point I hope we get to, that it becomes one among many facts about them," Adams says. "I'll disclose to someone that I'm trans, and they'll want to know what books I read or whether I ski."

As sociologists and other scholars have long noted, members of every minority group have hoped to gain sufficient acceptance that people will see past their ethnicity, skin color or sexual orientation. Transgender people, like members of other groups, want to be seen as something more than just transgender. "Passing becomes everything, everything," Fallon Fox, a transgender mixed martial arts athlete, told *GQ*. "Every time you go into a Starbucks and there's nothing in someone's eyes, it feels great."⁸⁵

Paula Ison, a 64-year-old transgender woman in Cincinnati, recalls that when she came out in 1993, she and other transgender individuals were pessimistic about their chances of gaining acceptance. "We were at best an oddity," says Ison, who retired recently after a long career in the insurance industry. "Fast-forward to today, and kids go to the Internet and they get everything," Ison says. "They turn on the TV and they get role models. It's more than day and night; it's just an amazing change that we've had in 50 years."

Polls back up Ison's assertion, showing that more people have grown tolerant of the transgender movement over time.

"I had a business client say this to me seven years ago: 'You're a whole person who just happens to be trans,' " Ison says.

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A sex researcher and neuroscientist argues that most children with gender dysphoria outgrow it and thus should wait to undergo gender transition.

Reports and Studies

Drescher, Jack, and Jack Pula, "Ethical Issues Raised by the Treatment of Gender-Variant Prepubescent Children," *Hastings Center*, September 2014, <http://tinyurl.com/qce5cjt>.

Only about a quarter of children treated at gender clinics identify as transgender as adults; most boys instead identify as gay.

Flores, Andrew R., "Attitudes toward Transgender Rights: Perceived Knowledge and Secondary Interpersonal Contact," *Williams Institute*, June 5, 2015, <http://tinyurl.com/qxxgu9o>.

A researcher finds that as people become more familiar with transgender issues and individuals, they grow more supportive.

Grant, Jaime M., Lisa A. Mottet and Justin Tanis, "Injustice at Every Turn," *National Center for Transgender Equality and the National Gay and Lesbian Task Force*, 2011, <http://tinyurl.com/4hy6rb6>.

A survey of 6,450 transgender and gender nonconforming Americans finds they face pervasive discrimination and high levels of unemployment and poverty. Results from an updated survey will be released in 2016.

Miller, Lisa R., and Eric Anthony Grollman, "The Social Costs of Gender Nonconformity for Transgender Adults: Implications for Discrimination and Health," *Sociological Forum*, September 2015, <http://tinyurl.com/p3js2yb>.

Gender nonconforming adults are more likely to engage in harmful activities, such as smoking and abusing drugs and alcohol, because of the discrimination they face.

"Where We Are on TV," *GLAAD*, Oct. 27, 2015, <http://tinyurl.com/nmqp7xz>.

An LGBT advocacy group's annual survey of LGBT depictions on TV finds that no scripted broadcast prime time shows have recurring transgender characters but that there are three on cable and four on streaming series, including two series leads.

The Next Step:

Additional Articles from Current Periodicals

Discrimination

Randles, Jonathan, "Saks Settles High-Profile Trans Discrimination Suit," *Law360*, March 4, 2015, <http://tinyurl.com/zg4wxla>.

Retailer Saks & Co. reached a settlement with a transgender former saleswoman who sued the company for discrimination after being fired after filing a federal employment discrimination complaint related to alleged harassment by an ex-coworker.

Seaman, Andrew M., "Transgender people face discrimination in healthcare," *Reuters*, March 13, 2015, <http://tinyurl.com/qx6csl8>.

More than four in 10 female-to-male transgender adults said in a 2008-09 survey by researchers at Wayne State University in Detroit that they were verbally harassed, physically assaulted or denied equal treatment in health care settings.

Military

Assefa, Haimy, "Study estimates cost of care for transgender troops," *CNN*, Aug. 14, 2015, <http://tinyurl.com/qb7o58w>.

The cost of providing gender-transition-related health care to troops would be insignificant in terms of military spending, according to a study by the Palm Center, a San Francisco research group that focuses on gender, sexuality and the military.

Tom, Brittany, "Serving in secret: Being transgender in the US military," *Al Jazeera America*, July 8, 2015, <http://tinyurl.com/pspx7ko>.

The Department of Defense disqualifies transgender individuals from military service, but the U.S. military and advocacy groups have drafted new discharge guidelines and approved some name changes in records as they attempt to improve transgender service member integration.

Vanden Brook, Tom, "Military transgender ban set to end next May," *USA Today*, Aug. 25, 2015, <http://tinyurl.com/p4azd8b>.

Pentagon officials are reviewing a memorandum that proposed lifting the ban on transgender service members and providing leaves of absence to service members undergoing hormonal and surgical transition-related care.

Restrooms

Clukey, Keshia, "Legal battles likely as schools put transgender policies into practice," *Politico New York*, Nov. 13, 2015, <http://tinyurl.com/j7fg5qd>.

New York school districts are complying with state and federal policies allowing transgender students to use restrooms and locker rooms that match their gender identity, but schools expect to face litigation from groups that want transgender individuals to use restrooms that match their birth gender.

Ruiz, Rebecca, "Why the obsession over bathrooms is the worst thing for transgender rights," *Mashable*, Nov. 6, 2015, <http://tinyurl.com/zmyb23c>.

Opponents of a rejected Houston Equal Rights Ordinance, aimed at protecting transgender individuals from discrimination, framed public bathroom access as a core issue in the discussion, saying the legislation would put women and children at risk.

Ura, Alexa, "Bathroom Fears Flush Houston Discrimination Ordinance," *The Texas Tribune*, Nov. 3, 2015, <http://tinyurl.com/hjxr47r>.

Houston voters rejected an ordinance that would have expanded Texas anti-discrimination measures to include sexual orientation and gender identity, arguing that it would be dangerous to allow transgender individuals born as men into women's restrooms.

Violence

Allen, Samantha, "The Trans Murder That Started a Movement," *The Daily Beast*, Nov. 20, 2015, <http://tinyurl.com/jscakgs>.

The unsolved 1998 murder of a transgender woman in Boston has inspired advocacy and activism on behalf of the transgender community, but advocates say transgender people remain at risk of violence.

Stafford, Zach, "Transgender homicide rate hits historic high in US, says new report," *The Guardian*, Nov. 13, 2015, <http://tinyurl.com/nep7zao>.

After U.S. transgender homicide rates rose sharply in 2015, the Congressional LGBT Equality Caucus was set to hold a forum to discuss violence against the transgender community and announce formation of a Transgender Equality task force.

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Jost, Kenneth. "Remembering 9/11." *CQ Researcher* 2 Sept. 2011: 701-732.

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Jost, K. (2011, September 2). Remembering 9/11. *CQ Researcher*, 9, 701-732.

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Jost, Kenneth. "Remembering 9/11." *CQ Researcher*, September 2, 2011, 701-32.

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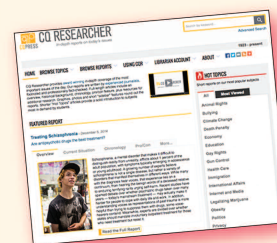
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