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Recent Legislation on Transgender Issues

There is a small minority population steadily growing in size and social exposure in America. In a 2016 census report, funded by the Williams Institute, it states that six-tenths of a percent of the population identifies as a transgendered individual in the United States (Williams Institute, 2016, p. 5). This accounts for almost a million and a half people; as the overall population of America grew to 324,309,805 people in 2017, this minority population also continues to grow (U.S. and world, 2017). A transgender person is an individual who does not identify with the gender assigned to them at birth and takes steps to move away from that gender. These steps can be taken as far as getting one or more sex reassignment surgeries and hormonal therapy, or to simply change their physical appearance using makeup and clothing. Despite common misconceptions, sex and gender are two different concepts and cannot be used interchangeably. Sex refers to the biological component of genitalia and secondary sex traits. Gender is the social construct of male and female societal roles and behaviors (Gandy & Laub, 2008, para. 1). Transgender persons are part of a larger movement called the LGBT+ community and have gained a considerable amount of social media attention and political force concerning by raising awareness and fighting in federal and local courts for their basic civil rights. Sadly, because of how small the transgender community is, the LGBT+ movement does not fight as hard or invest the same amount of resources for transgender problems as it does for its other groups. This is a reason why in recent months, a law was easily passed in North Carolina stating that transgender people will be required to use the public restroom that corresponds to the gender stated on their birth certificate (Us says North Carolina..., 2016, para. 1). More states and counties are planning to follow North Carolina's lead in attempts to further discriminate against transgender people (Parekh, 2016, para. 12). These actions and decisions made by lawmakers in

local and federal governments will only lead to further violence and discrimination against transgender people, as well as foster toxic environments for their healthy growth as a transitioning/transitioned person. To protect against those that bring harm to people in the transgender community and cause even more mental and emotional pain than has already been inflicted, education and the spreading of information on transgender issues is essential.

Transgender people, just by existing, break most societal norms. Because of this, people are negatively predisposed towards their existence and often pose questions to them that are publicly offensive. However, now with local and state governments taking an active stand against transgender people, many individuals are under the impression that it is appropriate to behave in this manner. A collaborative study published in January of 2014 by the Williams Institute and the American Foundation for Suicide Prevention revealed that over fifty percent of transgender people who are vocal about their gender nonconformity experienced harassment and bullying at school. Furthermore, about sixty percent report that their family members refuse to speak to them. Tragically, almost seventy percent experienced homelessness as a direct result of being transgender, and between sixty to seventy percent report having experienced violence, harassment, and discrimination by law enforcement officers (Haas, Rodgers & Herman, 2014, p. 2). It is reasons like these that the transgender community experience an “...exceptionally high prevalence of lifetime suicide attempts...across all demographics and experiences.” (Haas, Rodgers & Herman, 2014, p. 2). This study was conducted during the Obama administration who were actively attempting to extinguish such discrimination for these people. Now that Trump has won the presidency, within his first one hundred days he has already isolated transgender people from the bathroom that they feel comfortable using. These actions of the Trump administration will inevitably lead to more bullying and suicides of transgender people in vulnerable states.

An extreme example of such discrimination is Seamus Johnston. In 2009, Seamus Johnston was accepted to the University of Pittsburgh at Johnstown (UPJ) with a full academic scholarship and as an honors student in their Computer Sciences program of study. He continued to be a diligent student with a healthy social and academic life until the December of 2011 when the University expelled him. Johnston had begun using the male facilities at a school gym because he was enrolled in a male only weight training class. At the time, his driver's license identified him as male and he was enrolled in the Selective Service, yet in 2011 UPJ expelled him for using a male changing room. Despite letting him enroll in the male only course, UPJ charged him with disorderly conduct, gave him several citations, and stationed campus police outside the doors of the male changing room to prevent him from using its facilities. The University even went as far as to ban him from every male restroom on the one hundred and thirty two acre campus. In Johnston's own words [from court,] he is "legally, socially, and medically recognized as a man." (*Johnston v. University of Pittsburgh*, 2015, p. 2-3). Despite all of this, when he tried to sue his school for discrimination, the judge ruled against him and he lost the court battle. Why did the University of Pittsburgh specifically go after this one man for using the changing room that matched his gender? Simply because Seamus Johnston's birth certificate indicates that he was born a female. State statute governs that he could not have it amended to male until he underwent several sex reassignment surgeries that could cost over eighty thousand dollars out of pocket (Steen, 2002, p. 20). Knowing all of this, the university still refused to change Johnston's gender status on his school documents because they believed that he had not transitioned enough to be considered a male, even though Johnston had begun taking hormonal therapy every week for a year up until that point. Due to the fact that he is a transgendered male

who has not undergone sex reassignment surgery, Seamus Johnston is now unable to continue his education.

Johnston is just one extreme example of the prejudices and discrimination against transgender people for simply using a restroom. With the change of administration in the White House from President Obama to Trump, instances like this are going to become increasingly more common (Attention turns to courts, 2017, para. 6). Bills all over the country created to discriminate against transgender people are now becoming laws. These actions in courthouses are also encouraging more people to actively harass transgender people. Simple tasks as going out for groceries have now become extremely stressful situations for trans people. They become terrified of being kicked out of what may be their only grocery store in town for visiting the restroom they feel secure in using. An ideal solution for this would be the creation of laws that protect everyone's rights no matter gender, race, sexual preference, or marital status. In a way, there is a document that provides a blanket protection for everyone participating in a federally funded program. This is Title IX of the Education Amendments Act of 1972, which protects a student's right to participate in federally funded education programs without worry of discrimination due to sex. But under President Trump's administration, this title has come under reinterpretation. With this new conservative outlook, local and state governments are able to create laws specifically targeting transgender people and preventing them from using the gendered restroom that they identify with. The mindset behind the new interpretation is that people should have the right to privacy in restrooms (Attention turns to courts, 2017, para. 1). There are many people who feel uncomfortable with the idea that there is no way to discern if an individual is genuinely transgender, and thus oppose opening sex-segregated spaces, such as

restrooms and changing rooms, to individual self-regulation. This bigotry is a root as to why people are against transgender individuals going into the restroom of their choice.

Continuing in the opposition, there are many facets who have their own views and beliefs and make their voices heard. One of these facets are organizations dedicated to the protection of victimized women, such as the Safe Spaces for Women who have “...a strong interest in ensuring that the voices of women who have suffered sexual abuse are heeded when policies are made that may directly affect their physical, emotional, and psychological well-being.” (Undoing Obama’s transgender, 2017, para. 25). These policies include allowing transgender people who have not undergone male to female sex reassignment surgery in female-only spaces. While this group holds no ill will against the transgender community, they are concerned about the possibility of survivors of sexual assault triggering into an episode of emotional and psychological trauma when seeing a biological male in a space where they are traditionally forbidden, even if the individual has no malicious intent (Undoing Obama’s transgender, 2017, para. 25). Furthermore, as Kenneth Lanning, a law enforcement officer with over forty years of experience specializing in sex crimes for the FBI, stated, “...potential sex offenses is not crimes by transgendered persons...[but instead]...offenses by males who are not really transgendered...[and]...who would exploit the entirely subjective provisions...to facilitate their sexual behavior or offenses.” (Undoing Obama’s transgender, 2017, para. 28). There is no denying that some will take advantage of this personal right/regulation of allowing transgender people to use the restroom of their choice. Yet, as Kenneth stated, those who will be the perpetrators of these crimes are those who do not sincerely identify as being transgender (Undoing Obama’s transgender, 2017, para. 28).

Another voice in agreement for the conservative interpretation of title IX are those who believe being transgender is a mental disorder. These people often believe that instead of creating laws to support transgender rights, transgender people should undergo treatment to cure their disorder. The treatment methods often used by those with this mindset are religious ones. There are attempts to use these religious methods to convince a transgender person that the way they are living is not in line with what a specific religion dictates. These people believe that the transgender lifestyle damages the integrity of their souls. Too often, these types of treatments are led by those with simply good intentions that go too far and end up further invalidating a transgender person's feelings and suppressing them. This risky approach in attempt to cure a person's transgenderism through "...religious or spiritual treatment had higher odds of them later attempting suicide than those who did not seek treatment at all..." (Gatlin & Rodriguez, 2014, para. 4). It is for reasons like this that spreading knowledge of what being transgender means and encouraging acceptance of these people for who they are is so important.

While there are many negative connotations to the term "mental disorder," there is validity in the term when defining a transgender individual. In the fifth and latest edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V), it classifies "...a conflict between a person's physical or assigned gender and the gender with which he/she/they identify." as gender dysphoria (Parekh, 2016, para. 1). All of the diagnosis criteria are congruent with those who identify with being transgender. The treatment for gender dysphoria is "counseling, cross-sex hormones, puberty suppression and sex reassignment surgery." (Parekh, 2016, para. 7). This demonstrates that though gender dysphoria may be a considered a mental disorder, the method of treatment is not the suppression of their feelings and emotions, but the acceptance and "...allow[ing] themselves to express their true selves..." (Parekh, 2016, para. 4). This method of

treatment approved by the American Psychiatric Association (APA) has been through rigorous analysis by trained clinical professionals to provide the best outcome for a transgender individual.

For many people, bills like North Carolina's House Bill Two is not as extreme as being expelled from school like Seamus Johnston, or experiencing excessive bullying that they commit suicide. Despite how most situations do not become this severe, the problem is that this type of discrimination still happens. People believe that treating transgender people as though they are less than human is appropriate because local and state governments are now perpetuating this discrimination. It is vital to the healthy growth of people in the transgender community that those who have a voice speak up about what exactly it means to be transgender. If not, those with the power to inflict harm will continue to have the freedom to do so. Transgender individuals are a nonconformist community who defy America's societal norms, and as they do not account for even a percent of the population, they need others to stand with them. The government is made by the people and for the people, and those in the transgender community are people too. It's time the government began fighting for them.

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