

# LGBTQ Rights and Activism

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# Transgender Issues

By any standard the status of gay, lesbian, and bisexual Americans has improved dramatically since the time of Stonewall. In most of the country, coming out as gay or bisexual no longer results in the loss of job, home, and family. On the contrary, several million Americans live quite openly as gay men and women. The bulk of Americans support the right of gay and lesbian people to marry and adopt children. Advertisers aim their products at gay audiences. Mainstream movies, books, and television shows include gay men and lesbians as well-rounded, important characters. While prejudice and bias still exist, the gay community enjoys far more rights and acceptance than it did fifty years ago.

That is not the case, however, for transgender Americans. People who are transgender—those who do not identify with the gender they were assigned at birth—not only have experienced significant prejudice, discrimination, and even hatred in the past but continue to do so in the present. The facts are stark. “Significant evidence suggests that transgender persons are often especially . . . vulnerable to harassment and persecution,”<sup>37</sup> reads a judicial opinion in a 2015 court case. Studies indicate that transgender adolescents attempt suicide at a rate up to three times higher than the general teenage population. And transgender people are

at least twice as likely to be murdered than people who are not transgender.

Transgender Americans suffer in other ways too. According to the advocacy group National Center for Transgender Equality, about a quarter of transgender Americans have lost jobs on account of their transgender status. Many of the rest have experienced discrimination at work. Lack of money is an issue as well. Transgender individuals are about twice as likely to be homeless as members of the general population—and up to four times as likely to live in extreme poverty. Finally, transgender people often suffer from poor health. AIDS, for example, is more prevalent among transgender Americans than among almost any other group.

In light of these challenges, advocacy for transgender people has been growing. It has taken several forms. One emphasis is on increasing awareness, with transgender people discussing the challenges of being transgender in an often-hostile world. Advocacy can also take a more overtly political approach, with activists staging demonstrations and leading marches intended to push for change. And like activism on behalf of gay and lesbian people, activism for the transgender community also focuses heavily on the legal system. Advocates work with lawmakers and in the courts to improve the lives of transgender Americans.

## Gender Expression

The term *transgender* encompasses a variety of people and gender expressions. Some are people who are assigned one gender at birth but identify as a member of the opposite gender later in life. These people are often referred to as trans women (females who were assigned the male gender at birth) or trans men (males originally assigned the female gender). Some of the best-known transgender people in the United States have followed this route. Caitlyn Jenner, for example, was born Bruce Jenner in 1949. Bruce Jenner grew up identifying as male and became a star athlete who won the decathlon at the 1976 Olympic Games. In

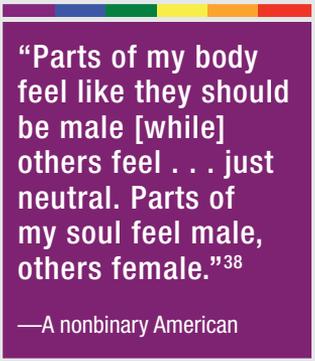


*In 2015 former decathlon-winning Olympian Bruce Jenner publicly announced that he identified as a woman and from that day forward would be known as Caitlyn Jenner (pictured).*

2015, however, Jenner came out as a woman, adopting her new name and announcing that she would no longer live as a man.

Even within the world of trans men and trans women, there is plenty of variation. Some people do not come out as transgender until they are relatively old; Jenner did not announce that she was a woman until she was well past sixty. Others transition to their preferred gender as young adults, teenagers, or children. Many transgender people take hormones—typically estrogen for trans women and testosterone for trans men. Hormones modify their bodies to enhance the characteristics of their preferred gender. This could include a deeper voice for trans men and less facial hair for women. Some, but not all, undergo sexual reassignment surgery, in which their genitals are altered to match their gender.

And not all transgender people identify as either men or women. Some transgender Americans say they are nonbinary, gender



“Parts of my body feel like they should be male [while] others feel . . . just neutral. Parts of my soul feel male, others female.”<sup>38</sup>

—A nonbinary American

nonconforming, or genderqueer—all terms that imply neither female nor male. People in this category argue that traditional ideas of gender simply do not apply to them. Some feel that they are neither male nor female. Some see themselves as a combination of the two. “Parts of my body feel like they should be male,” reports one nonbinary person, while “others feel . . . just neutral. Parts of my soul feel male, others female.”<sup>38</sup>

## State and Local Policies

The United States has no overarching federal policy on transgender people. No national law specifically protects transgender people from discrimination. As a result, legal treatment of transgender people varies by state and sometimes even by municipality. As early as 2002, for example, New York City made it illegal to discriminate against people according to their status as transgender or gender nonconforming. Other large cities such as Phoenix, Arizona, and St. Louis, Missouri, have also enacted such laws. Many smaller cities have followed suit: in Pennsylvania, for example, several dozen municipalities have nondiscrimination laws on the books. About twenty states, too, have laws offering protections in housing, jobs, or other public accommodations for transgender people. These include Iowa, New Mexico, and Connecticut, among others.

At the same time, many other states and municipalities do not provide any antidiscrimination protection for the transgender community. Idaho, Oklahoma, and West Virginia are examples. The reasons for the refusal to enact antidiscrimination laws vary. When a nondiscrimination bill was proposed in 2018 in Cleveland, Ohio, for example, one opponent argued that the bill “tramples religious freedom.”<sup>39</sup> This person argued that employers and landlords whose religions taught that gender was unchangeable would be forced to recognize the rights of people who had changed theirs. Whatever the reasons, a transgender person

living in Bozeman, Montana; Fort Worth, Texas; or anywhere in Colorado has the same right to a job and an apartment as anyone else. This does not hold true in most of Mississippi and Nebraska, neither of which have laws protecting the rights of transgender individuals.

The effect of different laws can have other impacts on transgender Americans. In nearly all states, as of early 2020, people can get their birth certificates changed to reflect their preferred gender identity. In some states people wishing to change their

## Transgender Athletes

One important controversy regarding transgender individuals is the role they should—or should not—play in sports. Much of the question revolves around whether girls' high school sports should allow participation by transgender athletes. For LGBTQ activists, the answer is easy: the athletes identify as female and should be permitted to take part. But for others, the answer is equally clear in the other direction. Transgender girls, they point out, often have strong builds and high levels of muscle mass. In this view, transgender athletes have an unfair physical advantage over non-transgender athletes.

A recent example of this controversy took place in Connecticut. Like many of its neighbors, the state had decided that transgender girls would be able to play sports on girls' teams at the high school level. Then, in 2017, two highly talented transgender runners—Andraya Yearwood and Terry Miller—joined the girls' track teams at their high schools. Yearwood and Miller soon were dominating their events.

Their success distressed several runners on track teams at other Connecticut high schools. They argued that they could not compete with transgender runners. In 2020 three Connecticut runners and their families sued in an attempt to keep transgender athletes from competing in girls' sports. Supported by the American Civil Liberties Union and other civil rights groups, the transgender runners continue to compete in girls' events as they await a ruling. "Because they don't want me to run," says Yearwood, "I have to run harder."

Quoted in Mirin Fader, "Andraya Yearwood Knows She Has the Right to Compete," Bleacher Report, December 17, 2018. <https://bleacherreport.com>.

gender on their birth records must first undergo sex reassignment surgery. However, two states—Tennessee and Ohio—do not allow birth certificates to be changed. As with nondiscrimination laws, the ability to get a revised birth certificate depends in large part on where people happen to live.

The struggle for transgender equality has therefore focused in large part on passing state and local laws designed to protect the rights of transgender people. The number of cities and states passing antidiscrimination laws continues to grow. The state of New York, for instance, passed a bill offering protections to its transgender residents in early 2019. “We are finally welcoming a fairer and more equal New York,”<sup>40</sup> said an activist. And other states and municipalities that do not currently offer protections

*A transgender woman from Albuquerque, New Mexico, smiles after receiving a new birth certificate reflecting her gender change. As of early 2020 people in nearly all states can get their birth certificates changed to reflect their preferred gender identity.*



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# A Time Line of LGBTQ Rights and Activism

**1969**

The Stonewall rebellion starts the LGBTQ movement.

**1973**

The American Psychiatric Association removes homosexuality from its list of mental illnesses.

**1974**

Kathy Kozachenko becomes the first openly gay American to win a political election.

**1979**

About one hundred thousand people march for gay rights in Washington, DC.

**1983**

Lambda Legal, a gay rights group, wins the first AIDS discrimination case.

**1987**

ACT UP is founded by Larry Kramer and others.

**1993**

Don't Ask, Don't Tell is signed into law.

**1996**

President Bill Clinton signs the Defense of Marriage Act.

**2002**

New York City bans discrimination against transgender people.

**2003**

Massachusetts courts legalize same-sex marriage; US Supreme Court legalizes gay sex in *Lawrence v. Texas*.



# Organizations and Websites

## **AIDS Coalition to Unleash Power (ACT UP)**

<https://actupny.org>

ACT UP was an influential organization of the 1980s, when it used various tactics to call attention to the HIV/AIDS epidemic. The organization still exists today and lobbies on behalf of AIDS patients.

## **American Civil Liberties Union (ACLU)**

[www.aclu.org](http://www.aclu.org)

The ACLU is one of the most famous and successful civil rights organizations in the United States. Along with taking on cases of prisoners' rights, free speech, and immigrant rights, the ACLU takes a deep interest in issues involving LGBTQ rights.

## **GLBTQ Legal Advocates & Defenders (GLAD)**

[www.glad.org](http://www.glad.org)

GLAD is a civil rights organization that offers legal services for LGBTQ individuals in New England and beyond. It especially represents transgender people and people living with HIV.

## **Human Rights Campaign**

[www.hrc.org](http://www.hrc.org)

The Human Rights Campaign is a civil rights group dedicated to ensuring that LGBTQ people have the rights to which they are entitled. The organization works with lawyers, political leaders, and the media to achieve its goals.

## **Human Rights Watch**

[www.hrw.org](http://www.hrw.org)

Human Rights Watch is an international organization that calls attention to violations of various rights worldwide. One of its focuses is the rights of LGBTQ people.



## For Further Research

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