

OPINION



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Being Trans Was Scary. Now It's Terrifying

New order would deny we exist

BY ROBIN CARVER

I'm a trans woman, and I'm terrified.

Already, on any given afternoon, I'm regularly and publicly catcalled,



mocked, laughed at and treated as an object of social disgust. Trans women are one of the most assaulted and murdered demographics in the United States, especially when they're non-white.

We're the frequent and favorite target of even liberal-leaning culture outlets like Saturday Night Live. Even Democratic darling Kamala Harris repeatedly fought to deny life-saving medical treatment to incarcerated trans women when she served as California's attorney general.

Even lesbian, gay, and bisexual advocacy organizations like the Human Rights Campaign took decades to support trans activism.

Worse still, in 29 states we can

be legally fired or evicted from our homes simply for being trans. And a recent Department of Health and Human Services policy allows any medical provider to deny trans people care of any kind, even in emergency rooms.

Some small progress came with the Obama administration, which updated the guidelines for changing the sex marker on important ID documents. The Obama-era

Departments of Education, Health and Human Services, and several others began adopting more inclusive terminology that expanded already existing civil rights protections to trans people.

In May of 2016, Attorney General Loretta Lynch sued North Carolina over its controversial "bathroom bill." In a speech delivered at that time, Lynch said, with specific reference to the trans community, "This country was founded on a promise of equal rights for all, and we have always managed to move closer to that promise. ... It may not be easy, but we'll get there together."

That promise is gone.

The New York Times reports

that the Trump administration's Department of Health and Human Services is working across multiple agencies to establish an official definition of sex as "a person's status as male or female based on immutable biological traits identifiable by or before birth."

The memo continues, "The sex listed on a person's birth certificate, as originally issued, shall constitute definitive proof of a person's sex unless rebutted by reliable genetic evidence."

This definition goes to absurd lengths to define broad swaths of trans people as explicitly belonging to the sex they were coercively assigned at birth. It flies in the face of the broad consensus of the medical community that treats trans people and worldwide standards for trans health care.

It's a fundamental denial of our most basic and important claim: that our sex and gender cannot be accurately identified at or before birth, and they are not sufficiently explained by a binary of female/male, woman/man, or XX/XY.

It's the policy equivalent of telling trans people that we don't exist. It's flatly absurd.

This policy, if put into effect, would expose trans children to violence and psychological trauma at school. It would deny trans adults critical access to appropriately gendered homeless shelters, prisons, and restrooms. It would specifically eliminate the basis on which we could make any case for discrimination of any kind at the federal level.

Even worse, Congress has no say over the implementation of this policy. In theory, it could be overturned in the courts, but a conservative majority there is unlikely to support trans rights.

Even when Trump leaves office (whether after 2020 or 2024) the next president would have to undo two to six years of precedent to get us back to where we are now — which they could only do if the right-wing Supreme Court doesn't strike a blow in the intervening time.

Being a trans person in America was already scary enough. Now it's downright terrifying.

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