

Overview of Anti LGBTQ+ Policies in the United States

By: Carson McClung (Majors: Public Policy and Women and Gender Studies)-May 6th, 2024

Introduction to LGBTQ+ Policy

First, I wanted to start by briefly introducing myself and why I am interested in LGBTQ+ policy. My name is Carson and I am a 19 year old transgender, bisexual man. Being transgender, I have faced many challenges that others don't think about. I am on testosterone hormone therapy, have had top surgery(which is the removal of breasts), and have legally changed my name and gender to male. I am super privileged that I have been able to transition because in several states, trans people are not able to transition as easily as I have. LGBTQ+ policy is an extremely important issue right now, especially for the trans community, as many states have passed anti-LGBTQ+ legislation in recent years. Through this presentation, I hope to highlight this issue while also connecting my personal experiences to these issues. Feel free to ask any questions about my personal experiences at the end!

LGBTQ+ Policy shown by the Policy Streams Model

Kingdon's Policy Streams Model pertaining to LGBTQ+ Policy

Problem Stream

- Anti-LGBTQ+ legislation passed in several states
- LGBTQ+ youth at risk and face discrimination/harassment
- Gender affirming care/legal recognition at risk

Policy Stream

- Enacting policies that protect LGBTQ+ rights and access to gender affirming care
- Access to legal recognition, making legal name + gender change easier
- Legal protections for LGBTQ+ folks

Politics Stream

- More democratic/progressive leaders in congress/senate/house of representatives
- Representation of LGBTQ+/younger voters
- Impeach governors who impose anti-LGBTQ+ legislation (ex. Ron Desantis)

Policy Window

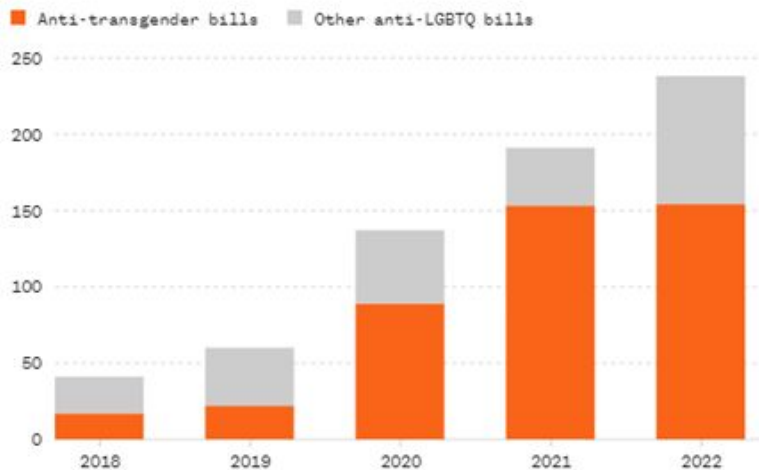
- Make protecting LGBTQ+ rights a priority
- Enact legal protections + federal protections

History of Anti-LGBTQ+ Policies

Although anti-LGBTQ laws have been on the rise, as shown in the graph, there have been past instances of anti-LGBTQ hate in American politics. While most of the focus of anti-LGBTQ legislation is on transgender people, the gay community faced the same struggles decades earlier. During the AIDS epidemic, there was a surge in anti-LGBTQ discrimination and this has made lasting impacts to this day. Both LGB and trans people have lost their lives in the AIDS epidemic, and we are seeing similar fear-mongering to this day but rather concerning trans people. This fear-mongering includes stating that trans women are predators, trans people are destroying their bodies, and how trans women are going to dominate women's sports.

Anti-LGBTQ state bills on the rise

Bills specifically targeting transgender Americans have skyrocketed since 2018, with all but three states weighing at least one since 2020.



Notes

2022 totals are as of March 15

Sources: American Civil Liberties Union, Freedom for All Americans

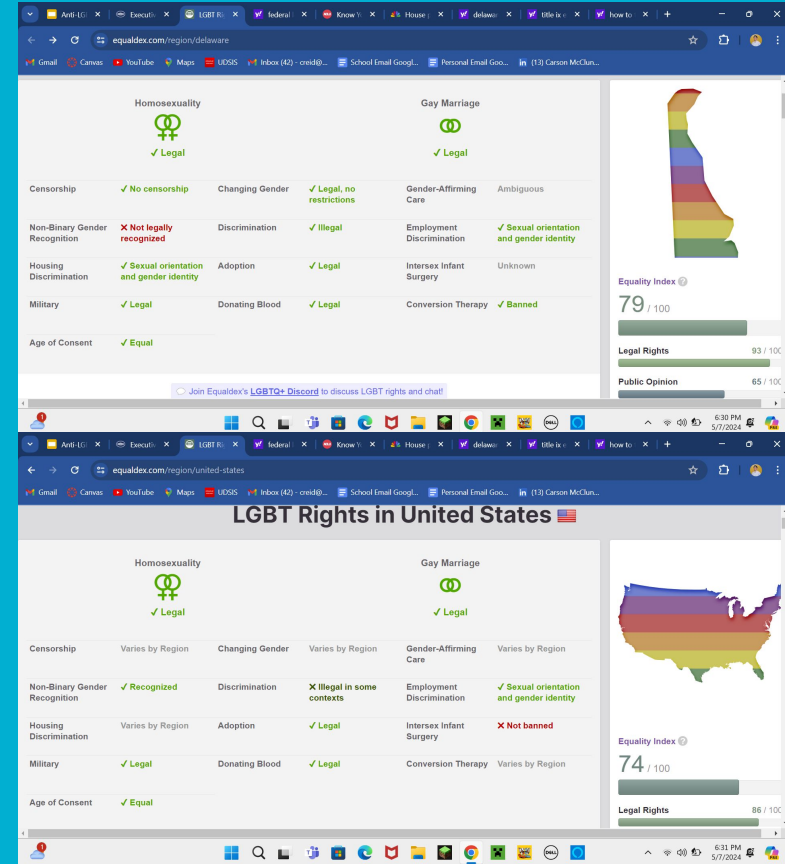
Graphic: Elliott Ramos and Nigel Chiwaya / NBC News

Federal, State, and Local LGBTQ+ Laws

Federal LGBTQ+ laws: The Federal Government aims to address harmful and discriminatory legislative attacks on LGBTQ+ youth and their families, make sure conversion therapy is banned, same sex marriage is legally recognized, Title IX was recently expanded to include LGBTQ+ people but doesn't include trans athletes, Intersex surgeries aren't banned.

State LGBTQ+ laws: These tend to vary by state, but conservative states typically have less protections and restrict access to gender affirming care or don't allow the inclusion of LGBTQ+ topics in schools. Delaware is ranked #24 in equality for LGBTQ+ citizens, according to the website Equaldex, which measures LGBTQ+ rights in states and countries. Massachusetts is ranked #1 on the list, while Alabama is ranked #52.

Local LGBTQ+ Laws: These greatly vary as well, but many cities even in red states have declared themselves LGBTQ+ safe havens including Kansas City, MO.



Official and Unofficial Policy Actors

-Some official actors include: President Biden, State governors, House of Representatives, Supreme Court, State elected officials

-Some unofficial actors include: News outlets(Them, Glaad, PinkNews), Human Rights Campaign, National Center for Transgender Equality, and Lambda Legal

-Both official and unofficial policy actors play a huge role in policymaking, so all of the groups and people listed are extremely important in the fight to combat anti-LGBTQ+ legislation.

-Notable Delaware organizations include Sussex Pride and Delaware Pride.



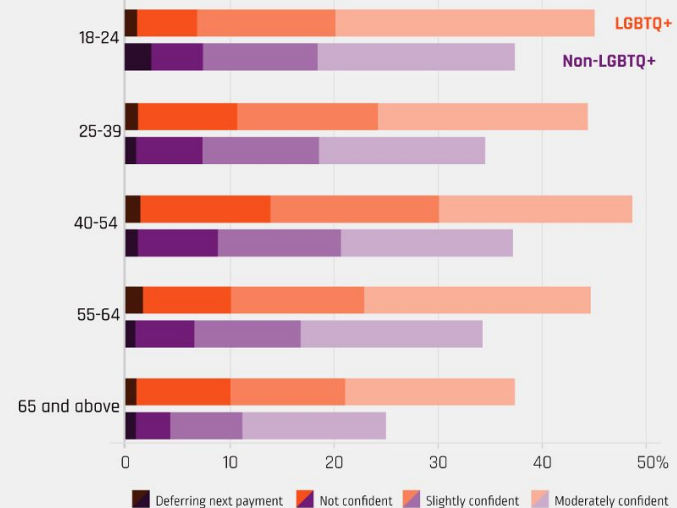
HUMAN
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Sustainability Considerations(Economic and Equity)

LGBTQ+ people face significant challenges in their lives, especially with discrimination and economic injustice. LGBTQ+ people are more likely to be homeless, make less money, experience violence, and not be able to fulfill basic needs. When addressing anti-LGBTQ+ policies, it is also extremely important to address systemic barriers faced by LGBTQ+ folks so that they can live in a more equitable world. Necessary healthcare is out of reach due to economic disparities and an unjust healthcare system. We need to address the economic barriers and provide solutions for these inequities to create sustainable change.

LGBTQ+ adults in the United States are less confident in their ability to pay their housing expenses

Reported confidence levels of adults in their ability to pay their next month's rent or mortgage payment, by LGBTQ+ identity and age, July 2021-May 2022



Source: U.S. Census Bureau, "Household Pulse Survey, Week 34-45" (2021, 2022).

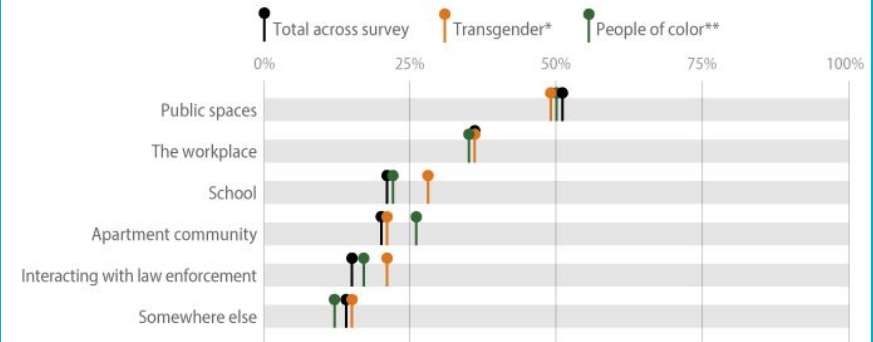
Policy Options to Address this Issue

There are several policy options that can be used to address rampant anti-LGBTQ+ legislation. These can include: enforcing anti-discrimination laws on the basis of sexuality and gender, addressing homelessness and providing shelter for LGBTQ+ folks who do not have a home, enacting protections for gender affirming care and providing access to puberty blockers and hormones, strengthen the civil rights of LGBTQ+ people, and addressing economic inequities by creating inclusive hiring initiatives. Disrupting the status quo is essential for sustaining a future of LGBTQ+ equity, as the status quo sustains harmful values such as the gender binary and heteronormativity.

FIGURE 2

LGBTQ Americans experience high levels of discrimination in public spaces, at school, and in the workplace

Share of LGBTQ Americans who reported experiencing discrimination in the previous year, by demographic group and location



* The statistics for transgender individuals include nonbinary, gender-nonconforming, genderqueer, and agender respondents.

** For the purposes of this survey, people of color include Black, Hispanic, Asian, and multiracial individuals, as well as those identifying as "other, non-Hispanic."

Source: Center for American Progress and NORC at the University of Chicago online survey, June 2020, on file with the authors.

Recommended Solutions and Policy Implications

-Having Title IX include LGBTQ+ people was a major milestone, but it really should include transgender athletes because many anti-trans bills passed target transgender athletes, especially trans girls and women. Having Title IX include ALL aspects of LGBTQ+ protection would be an excellent policy solution. This would ensure equity for transgender athletes playing sports with their identified gender.

-Enforcing anti-discrimination laws and making sure they include LGBTQ+ discrimination, along with providing protections for LGBTQ+ employees and students. Make deadnaming and misgendering seen as a form of discrimination and appropriate consequences are enforced for offenders. This would ensure LGBTQ+ folks feel safe and affirmed at their place of employment or education.

-Protecting the right to gender affirming care and making it more accessible and affordable. Provide transgender kids with access to puberty blockers, provide trans people with access to hormones and gender affirming procedures/surgeries. Along with this, we should make the legal name and gender change process easier for trans people. These policies would ensure that trans people are able to live authentically as themselves and have bodies/identity documents that reflect who they are.



Bonus: Here is the email I wrote to Sarah McBride concerning adding an X gender option for Delaware residents on identity documents! Don't be afraid to contact your reps!

Dear Sarah McBride,

My name is Carson McClung and I am a transgender person living in the State of Delaware. I want to propose a change to allow Delaware residents to self-select an "X" gender designation on legal documents and identification such as their Delaware Driver's Licenses, State IDs, and birth certificates. Currently, Delaware only has the gender designations of male and female for legal identification documents. This leaves non-binary, transgender, and intersex Delawareans having to pick between a binary gender option that may not reflect their true identity. Having an "X" gender designation on all legal identification and documents will allow all Delawareans to self-select the gender designation that best reflects their true gender identity. Transgender, non-binary, and intersex Delawareans deserve the legal recognition of their identities. In addition, having government identification that reflects all Delawareans' true identities can be life-saving for many. Having identity documents that accurately reflect Delawareans' identities increases participation in society because many facets of society such as renting or owning a home require identification documents. An accurate ID makes all Delawareans safer and more likely to participate in society. Therefore, Delaware should implement an X gender option for identification documents and legal paperwork.

Sincerely,

Carson McClung