

Gender Nation: A pair of painful losses

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Abstract

Gender Nation is a bi-weekly column by Gwendolyn Ann Smith, the founder of the Transgender Day of Remembrance, reviewing news affecting the trans, intersex, and genderqueer community. Obama-era trans prison policies rolled back A federal lawsuit in Texas is at the heart of an attempt by the Justice Department to roll back protections for transgender inmates [...]

Article



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Obama-era trans prison policies rolled back

A federal lawsuit in Texas is at the heart of an attempt by the Justice Department to roll back protections for transgender inmates and is the latest in a string of rights losses under the Trump administration.

In a revised Transgender Offender Manual, the Bureau of Prisons will now use “biological sex” to determine housing and facilities for trans inmates. What’s more, the manual also directs prisons to only house an inmate in a facility based on their gender identity in “rare cases.”

The change is on the heels of a Federal Lawsuit, Rhonda Fleming vs. the United States of America, filed by a number of evangelical Christian women in Texas. The suit claims that housing them with transgender women “violates the privacy of female inmates; endangers the physical and mental health of the female Plaintiffs and others, including prison staff; [and] increases the potential for rape.”

Of course, this will likely violate the privacy of trans women inmates, endanger the physical and mental health of trans women in jail, and increase the potential that trans people will be raped behind bars.

According to the Bureau of Justice Statistics, there were over 3,200 transgender people in prisons in 2011-2012, of which 39.9% reported a case of sexual abuse or sexual assault. An additional 1,700 trans people were held in jails during that timeframe, of which 26.8% reported assaults or abuse. This is ten times the average for prisoners in general.

While the previous administration initially moved to protect trans feminine inmates in 2012, Obama’s guidance memo on transgender inmates was one of his final acts, taking place just two days before Trump’s inauguration.

A similar tactic is being used to roll back transgender healthcare, once again due to a Federal court case in Texas. That case, from 2015, claimed that providing health care to transgender people would impose on caregiver’s religious freedom.

Trans equality loses in Wyoming schools

The Eastern Wyoming College Board of Trustees has dropped a pair of policy proposals that could have aided transgender students and faculty. The policies were designed to protect the privacy of transgender people, including gender-neutral housing as well as ensuring transgender peoples participation in athletics. These would also provide equal opportunity in hiring regardless of gender identity.

More than 120 people crammed into the boardroom housing the vote, including local religious leaders and politicians, with many in the opposition using outdated and irrelevant arguments to fight against the policy proposals.

One resident, Steve Davis, spoke of his experiences in the military in West Virginia in the late 1960s. Davis said he “experienced a lot of homosexual activity” and “It was a very evil, wicked environment.” This, of course, does not directly impact transgender people, although many are gay, bisexual, or lesbian-identified.

Of course, bathroom issues came up in these discussions as well, with another resident, Kathy Russel, speaking of her granddaughter’s time in college. “My granddaughter had barely turned 14 before she started taking college courses. If she had walked into a bathroom and saw a male there, it would not be a good thing. It’s her privacy rights that are at issue.”

In a unanimous vote taken during the meeting, the board declined a third reading of the proposed policies, effectively killing them.

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