

Tennessee Anti-trans Bathroom Bill Gains Dubious Distinction as “The State That Likes to Hate”

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Abstract

Trans men and women around the world reacted in horror yesterday to a proposal tabled before the Tennessee General Assembly to criminalise anyone who used changing or rest room facilities that did not match the gender stated on their birth certificate. The proposed legislation (HB2279/SB2282), instantly dubbed the “police the potty” bill by Jonathan Cole [...]

Article

Trans men and women around the world reacted in horror yesterday to a proposal tabled before the Tennessee General Assembly to criminalise anyone who used changing or rest room facilities that did not match the gender stated on their birth certificate.

The proposed legislation (HB2279/SB2282), instantly dubbed the “police the potty” bill by Jonathan Cole of the Tennessee Equality Project, was introduced in the Senate and House of Representatives by Chattanooga Republicans Senator Bo Watson and Rep. Richard Floyd - although Senator Watson has since withdrawn his proposal, arguing that Tennessee legislators had more pressing matters to deal with.

Richard Floyd later drew further fire by declaring in an interview on Tennessee’s NewsChannel5 that he would assault any individual he believed to be transgender if they attempted to use a dressing room facility while his wife or daughter were present. He said: “I believe if I was standing at a dressing room and my wife or one of my daughters was in the dressing room and a man tried to go in there -- I don’t care if he thinks he’s a woman and tries on clothes with them in there -- I’d just try to stomp a mudhole in him and then stomp him dry.

The Bill is widely viewed by Equality organisations, in Tennessee and beyond, as either mischievous or - worse - a serious attempt to exclude the state’s transgender minority from public spaces altogether. This is because Tennessee, unlike many US states and Western nations, does not allow individuals to amend the gender recorded on their birth certificate: so trans men and women, even after full surgical transition, would be forced to use facilities that were completely at variance with their identified gender.

According to critics, it could also score some spectacular own goals, criminalising plumbers and cleaners - and fining parents who dared to accompany their children into the “wrong” rest room. Questions were

also being asked as to who would police such a measure - and how they would do so.

Reaction to this proposal, from the trans community and beyond, has been swift and universally condemnatory. Within hours of the proposal going live, the story was live on dozens of blogs, with one blogger describing this as “one of the most vicious attack bills ever filed against transgender people in state government”.

Elsewhere, relating this to a number of measures introduced in recent years that target the lgbt community, Tennessee was simply rechristened “the state that likes to hate”.

Analysis

While this bill will most likely turn out to be a storm in a teacup - a two-day wonder, garnering publicity and odium for the Chattanooga Republican in equal measure - it may also be taken as indicative of something ever so slightly more dramatic stirring on the gender politics front.

First is the very fact that a state legislator has seen fit to table such a bill. Transgender is no longer something that hides in dark corners but - as the Gay and Lesbian Movement did some two decades earlier - it is now out and increasingly proud. And militant.

Thus, when the state of Tennessee (again) refused to recognise trans woman Andrea Jones as female on her driving license, she protested by stripping off in a public space. Tennessee police promptly arrested her - and she spent 23 days in jail - because even though the state refuses to acknowledge her gender as female, it appears to believe her breasts are!

Confusion, much.

Also cited by Richard Floyd as reasons for bringing this bill forward is the sacking of a Macy’s employee for refusing to accept that store’s policy that allows customers to use the changing facilities appropriate to their identified gender.

So, trans people are out - and that is finally causing some of the more bigoted elements in society (including Republican state representatives) to take notice.

On the other side is a growing sense of “we’re not going to take this any more”. It may sound like a small thing, but, not being able to use a toilet while out and about, without being forced to choose between a fine or potential assault (which is the main worry for trans men and women using loos) is significantly life-limiting.

The fact that the proposer of this bill chose to express himself in such violent terms: the idea that he would “stomp” anyone he believed to be male - what: even an individual born female with a somewhat short haircut? - is evidence of where the real danger lies in these situations.

So trans is out: the reaction is beginning; and so, too, is the reaction to the reaction.

A post by Valerie Keefe in today’s Huffington Post responds to this attack on trans rights. After an interesting and wide-ranging discussion of the issues, she concludes: “what cissexists will no longer be able to do is quash trans people’s presence in public life and public spaces. Pressure is building, and the community’s tolerance for life in the shadows is waning.”

Judging by the mood on trans forums across the globe, Valerie has a point.

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