

Negotiating Transgender Identity Amidst Increasing Cases of Discrimination in Donald Trump's Presidency

Negosiasi Identitas Trans Ditengah Meningkatnya Kasus Diskriminasi Selama Kepemimpinan Presiden Donald Trump

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Submitted: 2020-10-01

Published: 2020-10-31

DOI: 10.24036/humanus.v19i2.45294

Accepted: 2020-10-30

URL: <http://dx.doi.org/10.24036/humanus.v19i2.45294>

Abstract

In contemporary society, transgender become a controversial issue since people consider the attitude violates binary gender. As transgender organization to obtain equal rights grew larger, discriminations against transgender ironically grew larger. This research aims at investigating factors which trigger the rise of discrimination cases against transgender in Donald Trump's presidency. It also analyzes efforts of transgender people to negotiate their identity in the midst of discrimination. This research employs descriptive qualitative method with the source of data are taken from U.S online newspaper, The New York Times from 2017 to 2020 throughout Trump's presidency. The study reports that the increasing cases of discrimination against transgender are perpetuated by Trump's anti-LGBT policies, racist and sexist attitude, religious Christian belief. In addition, transgender have ways to negotiate public discrimination by *concealing gender identity and modifying gender expression such as by changing legal name, pronoun, clothing, voice, and mannerism*.

Keywords: *transgender, identity, equal rights, discrimination, Donald Trump*

Abstrak

Transgender masih menjadi isu kontroversial di tengah masyarakat sampai saat ini karena banyak orang menganggap perilaku tersebut melanggar aturan binari gender, laki-laki dan perempuan. Ketika banyak organisasi transgender semakin gencar memperjuangkan hak dan persamaan, diskriminasi menentang komunitas transgender juga semakin marak. Untuk mengetahui kasus diskriminasi transgender lebih dalam, penelitian ini bertujuan untuk menyelidiki faktor pemicu kenaikan kasus diskriminasi terhadap transgender semenjak Donald Trump terpilih menjadi presiden. Penelitian ini juga menganalisis respon transgender dalam menegosiasikan identitas ditengah maraknya kasus diskriminasi. Dengan menggunakan metode deskriptif kualitatif, studi ini mengambil sumber data artikel koran online, The New York Times dari 2017 sampai 2020. Hasil dari penelitian ini menjelaskan bahwa kenaikan kasus diskriminasi dipicu oleh kebijakan anti diskriminasi yang diberlakukan Trump, perilaku Trump yang cenderung rasial dan seksis, serta kepercayaan agama Kristen. Transgender juga merubah nama,

suara, perilaku, penampilan dalam merubah identitas gender untuk mengikuti standar laki-laki dan perempuan.

Kata Kunci: *transgender, identitas, persamaan hak, diskriminasi, Donald Trump*

Introduction

The Civil Rights Act 1964 appears as a new chapter for American democracy to end segregation in employment discrimination and public places on the basis of race, color, religion, sex, and national origin. Inalienable equal rights and civil liberty emerge as a motto to convince all citizens that America is a multicultural democratic society. Naturally, democratic nation means that the rights of individual freedom should be accommodated based on society's agreement and responsibility to respect other people or groups. The participation of minorities plays major significance to establish democratic principle of a national character. However, minority groups in the U.S. have long faced discrimination, and a denial of these supposedly unalienable rights based on differences of religion, race, and culture. Even though support toward LGBTQ groups has increased in recent years, transgenderism is still a controversial subject as conservative religious groups often associate it with sexual deviance, immorality, and problematic behavior (Gonzales & McKay, 2017, pp. 83-86). Up to now, the issue of minority rights become a contentious subject between conservatism and liberalism.

In Democratic party, president Barack Obama strive to break the legacy of discrimination against LGBTQ. Since 2009, he made historic strides to abolish social hate crimes and harassment by ending anti-LGBTQ policies. In 2009, Obama signed into law the Hate Crimes Prevention Act meant to address instances of sexual and gender-based harassments (White House, 2016). The enactment of Affordable Care Act in March 2010 was also Obama's effort to guarantee LGBTQ people who received health insurance and medical care regardless of their sexual or gender orientation. On December 22, 2010, after a broad victory in both the U.S. House and the Senate, Obama signed the Murphy Amendment which repealed the Don't Ask, Don't Tell policy to finally allow LGBTQ people to openly serve in the military (Bailey, Lee, & Williams, 2013, p. 86). During his second term, Obama and then Attorney General Eric Holder declared that the Department of Justice no longer supported the Defense of Marriage Act which limited marriage to one man and one woman. This policy change gave States the power to legally recognize same-sex marriage, and eventually led to the Supreme court ruling which officially allowed same-sex couples to marry in all 50 states under the U.S law (Wesley et al., 2011, p. 158).

While Obama has brought a new hope for minorities, the triumph of Donald Trump's elected president spread a global fear towards American minorities. Since taking office, President Trump together with his administration have repeatedly reversed many Obama-era policies that combatted discrimination. His conservative agenda is characterized by his appointment of conservative cabinet members and judges in all levels of government who have enacted discriminatory anti-LGBTQ policies. In 2018, The New York Times reported that Trump altered a federal civil-rights law to define gender as a biological sex assigned since birth as either male or female (Edmondson, 2019). Due to Trump's changing policy, the federal government limit the rights of transgender people in accessing public and institutional facilities such as in educational institutions, the military, health care, and places of employment. Trans activists and LGBTQ

communities consider the Republican party to purposely violate gender equality under the Civil Rights Act, 1964 (Liptak, 2020). As stated by Cahill, Geffen, & Wang (2020), Republican party has been known as the party that resist homosexual and other minority's rights. The impact of the new definition is that several policies cause heightened risks to expand public discriminations against transgender people.

In response to the situation, on October 2018, transgender communities and LGBTQ activists congregated around the Washington Square Park, some others in front of the White House to protest against the policy carrying banners with a hashtag #WontBeErased (Liptak, 2019). The National Center for Transgender Equality, Human Rights Campaign, and The Transgender Law Center also participate to overturn the policy (Green, Benner, & Pear, 2018). #WontBeErased, #TransPeopleAreHumanRight, #ProtectTransTroops, hashtags soon went viral and erupted on various social media platforms. During the rallies, protestors expressed their concern that the proposed changes to the legal definition of sex would erode federal recognition of those who identify as trans or have legally transitioned to a different gender (Green et al., 2018).

This has been particularly true in the United States during the term of President Trump as the rate of gender based violence and sexual discrimination has increased. The Federal Bureau of Investigation (FBI) reported to The New York Times that between the years 1992 and 2017, 2017 had one of the highest rates of hate crimes of the last nearly thirty years. The data found that hate crimes and transphobia in 40 U.S. cities, counties, and states likely increased by 20% in 2017. This uptick started immediately after President Trump's election and inauguration (Edwards & Rushin, 2018). Concerning the controversial policies ratified by U.S. president Donald Trump, it is worth analyzing the socio-political barriers faced by those in the LGBTQ community, particularly transgender people, to investigate the way trans people negotiate their identity amidst increasing cases of discrimination.

In recent years, many scholars have produced research investigating attitudes toward trans people in the U.S. Nagoshi et al. (2008) suggests that gender-based violence and discrimination are typically the result of a social climate that sanctions those who do not conform to society's gender expectations (Nagoshi et al., 2008; Hill & Willoughby 2005; Lombardi et al., 2002). Most research in this subject concur that social hate crimes and systematic discriminations are often triggered by cisgender and heterosexual efforts to stabilize and reinforce the gender binary. Other research provided significant data around the amount of discrimination and instances of violence as the result of transphobia within American society. One survey used the data gathered from national poll of college students relying on cisgender, heterosexual men and women as well as trans students from across the U.S. It was found that, compared to any other group, heterosexual men reported increased negative sentiment toward LGBTQ communities and anyone not conforming to the gender binary. However, the amount of academic research examining the socio-political factors that perpetuate the increasing number of discriminative policies against LGBTQ identity groups is still lacking. Also, most of the research did not categorize the forms of discriminations by sector such as in education, health care, employment, sport, or military service. Instead, focusing on pervasive patterns of discrimination such as attempted rape, assault, physical attack, and victimization. In addition, a small body of research discussed the responses and struggles of trans people in dealing with such discrimination. Hence, further research is needed to

investigate the forms of discrimination and struggles transgender people face that have not yet been discussed in previous research.

Similar to the previous research on anti-transgender bias, the following research investigates social hate-crimes as a result of homophobia, transphobia, and trans prejudice among heteronormative U.S. college students (Willoughby & Hill, 2005; Nagoshi et al., 2008). Transphobia is reported to be greatly interrelated with conservative attitudes to adhere rigid conventional gender norms. For instance, the data showed that men possessed greater negative sentiments against transgender people due to hypermasculine ideals around manhood and their entitlement to maintain dominance over women (Nagoshi et al., 2008). Furthermore, the study reports that the notion of male superiority is stabilized by adhering to traditional masculine conventions and a heterosexual orientation. These traditional masculine conventions, in turn, appear to promulgate both transphobia and homophobia (Nagoshi et al., 2008). Other researchers conducted by Willoughby & Hill (2005) explores the underlying factors that shape anti-transgender bias and transphobic attitudes within society. The data found that public perception toward gender minorities are profoundly shaped by a person's political identity, religion, psychological traits, and familiarity such as contact with gay and transgender people. Research conducted by Connel (2010) focused specifically on how trans people experience gender inequalities at the workplace during their process of transitioning identity. From analyzing this research, transgender people frequently face obstacles when they transform their gender expression in public places. For some trans people, these obstacles can become enough of a barrier that they quit their jobs and are forced to seek employment elsewhere. In some ways, both of these studies are similar to my research, however, neither study analyzes the ways trans people negotiate and deal with gender inequalities to obtain their rights, as I will be investigating. Trump's anti-LGBTQ agenda makes the issue of discrimination against transgender people worth analyzing as there is no prior research investigating how transgender people are responding to the increasing instances of discrimination throughout Trump's presidency.

In recent years, the American media has noted numerous examples of public discrimination against LGBTQ people during Trump's administration. As a result, many international media outlets have highlighted the changes. *The New York Times* was selected as the primary sources of data in this research since they are prominent traditional newspapers with large circulation bases and international audiences. In order to validate the credibility of the claims published in these outlets, the researcher sought information from the Society of Professional Journalists (SPJ) which provides an objective and independent code of ethics for professional journalists (Ethical Journalism, 2004). This research aims at investigating why discrimination cases against LGBTQ increase in Donald Trump's presidency. Further, it purposes to reveal how transgender negotiates their identity in responding the increasing cases of discrimination in the U.S.

According to Thompson (1998), discrimination is the process by which particular people experience unequal treatments of resources, opportunities, power, and rights (p. 78). This often leads to marginalized groups and individuals being systematically disadvantaged and oppressed within the larger power dynamics of society. Thompson categorized the process of discrimination into several stages: stereotyping, prejudice, marginalization, oppression, and discrimination. The final act, discrimination is the most harmful as it often involves concrete behaviors towards marginalized groups such as excluding, prohibiting, or restricting that group from accessing equal opportunities,

facilities, or systems. Discrimination can be rooted in both verbal or nonverbal behavior. Verbal discrimination can be seen in the form of derogatory epithets, sexual harassment, and humiliation. Nonverbal discrimination can be seen in the form of verbal attack, exclusion, dismissal, unjust treatment, physical violence, and denial from accessing public facilities e.g., restroom, locker room, and health care. According to Thompson (1998), the process of discrimination comprises of several stages: stereotyping, prejudice, marginalization, oppression, and discrimination (p. 78). Anti-transgender and prevalent rates of discrimination are the result of negative stereotype and transphobia. In line with this definition, people who do not conform to the traditional gender binary could consequently experience gender-based violence and sexual discrimination, among other forms of prejudice and harassment.

Sexual prejudice causes negative perception against gender minorities which result to marginalization and violence. Thompson (1998) argues that marginalization refers to the ways “in which certain groups of people are excluded from the mainstream and at the same time pushed to the margins of society” (p. 81). Sexual prejudice is the phenomenon of someone in a majority group harboring negative perceptions or stereotypes toward gender minorities resulting in ideological imbalances which disempowers minorities, and fostering stigma which often results in marginalization and violence. Sexual prejudice leads to negative attitudes based on sexual orientation, whether the target is LGBTQ people or the cisgender, heterosexual community. In this case, trans people are often marginalized and denied from accessing public institutions including health care services. Take for example, amid the global pandemic covid-19, Trump’s administration eliminates transgender civil rights protections in health care (Kaplan, 2020). Because of the unjust treatment, trans people are not allowed to obtain medical facilities only because of their gender identity and sexual orientation.

Federal Bureau of Investigation reports that LGBTQ people are becoming the targets of hate crimes than other minorities group in America (Park & Mykhyalyshyn, 2016). Even, the statistical number of homicide cases conducted by American National Coalition of Anti-Violence Programs reveal that homophobia and transphobia remain to exist in contemporary U.S. society. Hill and Willoughby (2005) argue that transphobia is an emotional disgust and fear towards non-conforming gender. “The belief that nonconformity to conventional notions of masculinity and femininity is pathological” (p. 91). Transphobia arises from heterosexist belief systems, which values heteronormativity as the only acceptable sexual lifestyle. It leads to a pervasive pattern of widespread injustice, victimization, and discrimination as a form of rejection and anti-transgender bias. For those opposed to gender nonconformity, transgender identities pose a threat to the assumption that biological sex and gender are an innate binary construct. As a result, often people who fall outside the traditional gender binary may consequently experience gender-based violence and sexual discrimination (Lombardi, 2009; Herek, 1990).

Judith Butler suggests a phenomenological theory that behaviors which emphasize gender are developed via interactions with others across situational contexts and over time. Gender shapes social expectations of clothing, behavior, societal roles, and sexual relationships (Butler, 1993). Butler interprets gender not as the expression of a biological sex, but as performative construction influenced by culture and outside pressure. However, Butler approves that men/women are lawful to not adhere to the assigned sex at birth. For Butler, it is allowed for transgender people to transition their identity. In

this research, Butler's theory explores what changes occur in how transgender people negotiate their gender identity in response to the increasing instances of discrimination throughout Trump's presidency. Furthermore, it examines the changes that some transgender people undergo during the process of transitioning gender identity in order to reconcile their established gender.

Method

This research employs descriptive qualitative method to present the data analysis as the method which emphasizes on the researcher's interpretation towards the data (Creswell, 2013, p. 209). It analyzes the reason why the number of discriminations significantly increase in the era of Trump's presidency and the way trans people negotiate their identity to these situations. Therefore, this method compiles social and political facts as data evidences to reveal certain phenomena happening in society. The source of data in this research consists of article news taken from U.S. online newspaper, The New York Times between 2017 and 2020 throughout Donald Trump's presidency. The forms of data collection can be indirect or direct quotations of article news, figures, facts, and data surveys. The process of collecting data are done by reading and analyzing the narration of news texts to select important information regarding the research questions. Besides, this research also apply secondary data derive from published journals, online court cases, and transgender organization websites such as National Center for Transgender Equality, Lambda Legal Transgender Rights, and National Transgender Discrimination Survey. The secondary data are significantly meaningful to support data analysis in answering the research questions.

Result and Discussion

Reasons of The Increasing Number of Discrimination against Transgender

Based on the investigation, a 2016 report from the U.S. National Transgender Survey found that nearly 60% transgender underwent forms of harassment and/or physical violence, and 37 % encountered economic discrimination. Further, the year following the victory of president Donald Trump was indicated by a statistically significant increase of social hate crimes and harassments addressing minorities. This statement is supported by the data reported by Federal Bureau Investigation (FBI) that 2017 appears as one of the highest number of hate crimes after the election targeting immigrants, racial groups, and LGBT Americans (Rushin and Edwards, 2018; Gonzales and McKay, 2017, p. 85). Among LGBT people, trans people of color including black transgender women and men underwent repeated racist homicides and heterosexist behaviors. *The New York Times* reported in 2017, at least twenty-six black transgender were murdered due to transphobic and racist behavior including Ciara McElveen and Jaquarrius Holland (Park & Mykhyalyshyn, 2017). The following discussion provides the possibility of reasons that trigger the rise of discrimination cases against transgender in the United States throughout Donald Trump's presidency. Moreover, it also analyzes the way trans people negotiate their identity amid the discrimination cases throughout Trump's presidency.

Trump-Pence Discriminatory Policies

Since January 2017, Trump conservative groups have limited the scope of transgender civil rights by rescinding anti-discrimination laws under the previous president, Barack Obama. In 2018, Trump altered a federal civil-rights law to define

gender as a biological sex assigned at birth as either male or female. This policy has the potential to increase discrimination against transgender people. Feeling threatened by Trump's policies, transgender activists and communities gathered in front of White House and in New York's Washington Square Park to oppose the policy (Sanger-Katz & Green, 2020). In July 2017, *The New York Times* reported that U.S. Department of Defense (DOD) and also Department of Homeland Security (DHS) officially announced Trump's order to prohibit all transgender serving in the military and to ban them entering the armed forces. He states via Twitter that he has consulted with Generals and military experts, the United States Government has decided that it prohibits transgender individuals to serve in the Military (Trump, 2017). Transgender troops who undergo gender transition and have diagnosis of gender dysphoria which require reassignment surgery are disqualified from military service (Liptak, 2019; White House, 2016). Hence, the government allows trans people to join in the military only if they adhere to the biological sex. The policy results to various opponents who insist that it contravenes LGBTQ civil rights under U.S. Constitution to guarantee trans rights joining military service.

Despite the repeal of transgender rights to join the military troops, another backlash against discriminatory employment explodes among trans people. In March 2009, U.S. Department of Justice required the Supreme Court to set a lawful precedent that require all employers to fire transgender employees (Horwitz & Hsu, 2017). There were counterarguments between LGBTQ advocates who resist the rule and Christian conservatives who support the rule. As a reaction, transgender activists and communities organize protest against Trump's administration to legalize LGBTQ in the workplace. They blocked the street outside the U.S. Supreme Court in Washington D.C. They protested Trump's violation against Title VII Civil Rights Act which discriminated employees based on sexual orientation and gender identity (Liptak, 2020). In response to the situation, U.S. Supreme Court is expected to issue its final decision over the court cases in 2020 which determine whether discrimination based upon someone's sexual orientation is covered under Title VII. The cases are *G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission (EEOC)*; *Gerald Lynn Bostock v. Clayton County, Georgia*; including *Altitude Express Inc. v. Zarda*; *R.G. (Volokh, 2016)*

In the purpose to rescind Obama-era policy, Trump-Pence administration appointed openly transphobic individuals to lead cabinet and federal judiciary. The elected Betsy DeVos as a U.S secretary of education in 2017 has undermined Title IX legal protection of transgender students. DeVos' personal foundation has long supported and donated to anti-LGBTQ groups, such as Focus on the Family, Thomas More Law center, The Family Research Council, and Alliance Defending Freedom (Moreau, 2020, p. 625). Moreover, in 2017, the Education and Justice Departments enacted a policy that only students who conformed their biological sex are able to access bathrooms, locker rooms, and other school facilities (Peter, Becker, & Davis, 2017). Trans students are often marginalized from accessing school facilities which leads to a feeling of frustration. The Department of Education also refused to respond complaints of trans discrimination which made them sued lawsuits to the state courts (Moreau, 2020, p. 625). It is because the Secretary of Education, Betsy DeVos defined discrimination as only extreme unequal treatment which is so severe, pervasive, and objectively offensive which denies a person equal access and opportunities. As a result, schoolteachers and administrators are able to disregard many complaints of school bullying and harassment, as long as it is seen as less

severe and pervasive. Gavin Grimm, a 17-year-old transgender sued a lawsuit after being denied from accessing school bathroom. He told to *The New York Times* that many schools still lack gender-neutral bathrooms for transgender students, that equal access for all students without differentiating gender identity should be prioritized (Sult, 2019).

In reality, gender identity and sexual orientation still become a barrier to erase the rights of minorities. As Thompson (1998) said that marginalization causes trans people are excluded from the mainstream society. As a result, transgender is discriminated as heterosexuals regard them as different, sinful, and perverse. In 2018, Roger Severino on behalf of U.S. office of Civil Rights at the Department of Health & Human Service (HHS) has enforced religious liberty of policies which prompt discriminations against LGBTQ in health care sector. HHS then created the Division of Conscience & Religious Freedom which allow healthcare providers and doctors to deny care for transgender patients. The law specifies protected religious beliefs that marriage is the union between a man and a woman (Sanger-Katz, 2019). Then, in May 2019, Trump rolled back non-discrimination protection for transgender people under the Affordable Care Act 2010 (Pear, 2018). The ACA was Obamacare regulation to provide health insurance coverage for trans who suffered from gender dysphoria and medical treatment from transitioning surgery. *The New York Times* reported that Trump's remarks in the Rose Garden during the National Day of Prayer ceremony on May 13, 2019 emphasized that his policy changes were meant to appease Christian conservative health care providers in giving them the right to refuse service to patients, if their identity conflicted with their conservative values (Goldstein, Bailey, & Cha, 2019). The policy represented a major victory for Christian community as it allowed them to refuse to provide health care procedures based on religious and moral grounds.

Trump's effort to erase transgender civil rights protection in health care even still continue until today. On Friday, June 12, 2020, Trump administration finalized a U.S. regulation which removes federal protections for all transgender patients against discrimination by health insurance companies, medical, and health clinics. Severino states that "federal government want to emphasize the legal reality that sex discrimination language does not refer to the status of transgender people" (Sanger-Katz and Weiland, 2020). Responding to the statement, U.S National Center for Trans Equality insist that the regulation would turn someone away for a Covid-19 test due to he/she is a trans individual. Health advocates on behalf of American hospitals, along with medical groups and civil rights advocates opposed Trump and his administration for providing inadequate treatment for trans people because of their sexual orientation or gender identity particularly during the largest global health crisis of this generation (Kaplan, 2020). In response to these new regulations, several LGBTQ organizations such as the Human Rights Campaign, the American Civil Liberties Union, and the Lambda Legal Transgender Rights Project announced their intention to sue the government in order to repeal the policy (Kaplan, 2020).

Christian Belief and Prejudice

Conservative Christian believe that traditional gender and ideology are major contributing factors to condemn LGBTQ. *People who belong to more conservative religious groups which adhere to traditional religious views are more likely to hold negative beliefs and attitudes toward gay, lesbian, and transgender individuals* (Rowatt et al, 2006, p. 402). Christian religion believe that all men and women must perform appropriate gender roles such as man exhibits masculine behavior and woman performs

feminine behavior [39]. *This can happen because the belief of mainstream society strictly adheres to a male/female binary. As Butler (1990) argues that heterosexual matrix perceives that an assigned female/male at birth must reflect feminine/masculine attributes.* On the other side, individuals who deviate from the norm are overtly punished for not conforming to the gender binary and are seen as threats to the nuclear American family unit. Consequently, discrimination and denial of equal rights for any group lead to serious consequences and disenfranchisement, which is further exacerbated by unequal social structures and national policies that perpetuate sexual stigma and prejudice (Herek, 2000, p. 20).

Baker (2020) analyzes the relation between religiosity and homosexuality and discusses the increase of sexual prejudice amongst conservative religious groups which results in social discrimination. He conducted research in Mississippi by interviewing forty Mississippi Christians about their reasoning behind their anti LGBTQ beliefs (p. 156). Mississippi was chosen as the research location due to its large population of conservative Christians and its reputation as a state where gay and lesbian rights are highly controversial. The state of Mississippi has been largely opposed to and combative toward same-sex marriage, same-sex adoption, and the LGBTQ civil rights movements. Baker found that many respondents, especially conservative Christians demonstrated homophobic sentiments toward LGBTQ issues. One respondent explained their beliefs by saying, “granting gay, lesbian, and transgender people more rights would be an indication that Christianity; and society more broadly, was heading in a bad direction away from God’s plan” (Baker, 2020, p. 158). According to them, sincere convictions to the Biblical literalism is a major tenet of the Christian identity. Yet, the problem emerges when negative perceptions about homosexuality cause people to have negative stereotypes and prejudices toward LGBTQ community.

As a consequence, trans people face discrimination for not conforming to the expectation of heterosexual society (Butler, 1990). Social punishments as the result of violating binary gender can be in the forms of marginalization, oppression, and discrimination. In this case, the election of Donald Trump in 2016 and his strong support among conservative Christians encouraged extreme polarization and widened the chasm between religious groups and the LGBTQ community (Baker, 2020, p. 167). Furthermore, the selection of Mike Pence as Vice President was a huge victory for anti-LGBTQ conservative Christians. Pence was known for his public opposition to same-sex marriage, his openness to force gay conversion therapy, and opposition to allowing LGBTQ people to openly serve in the military. He even passed the Religious Freedom Act as Governor of Indiana, which allowed local businesses to refuse service toward LGBTQ individuals on the basis of religious freedom.

The increasing amount of discrimination toward transgender people is not merely caused by a transphobic society, but also by prejudicial viewpoints of conservative Christians who hold negative stereotypes and biases toward transgender people. A strong religious rhetoric is also reflected by Donald Trump who provokes Christian and Protestant religion during his campaign. Trump, in his entire campaign promised to defend liberty and justice in the name of Christian belief. Trump also provoked conservative Christians by drawing on Christian values when discussing U.S. policies. Pengelly (2016) argued that 2016 U.S. election was associated as conservative Christians to protect America’s religious belief and secure Christian future. Under the flag of religious rights, Trump affirms to them to implement Christian belief into policies

(Whitehead, Perry, & Baker, 2018, p. 152; Barrett-Fox, 2018, p. 511). *In reality, Trump appointed religious conservatives such as Neil Gorsuch, to the Supreme Court, Ben Carson, Roger Severino, and Betsy DeVos in the cabinet positions to repeal the Affordable Care Act and expand anti-LGBTQ policies (Joffe, 2017).* Besides, since the triumph of religious conservatives, U.S. Supreme Court in 2014 *Burwell v. Hobby Lobby Stores, Inc.*, Trump administration began to enforce religious exemption laws until today and repeal anti-LGBT discriminations policies due to religious refusal policy. Therefore, Trump's supporters from conservative Christians are motivated primarily by their opposition toward issues of same-sex marriage, adoption, and foster care. About ten U.S. states enacted religious refusal legislation to legally authorize state-licensed child welfare agencies in prohibiting children to be adopted by same-sex couple or transgender parents. Trump stated on *The New York Times* that he affirms to the conservative Christians to protect the nation by enacting religious belief into his policies (Phillips, 2016). Trump, during his campaign, repeatedly provoked conservative Christian and Protestant by bringing religious resurgence into the country to protect the rights of religious affiliations.

Gender Inequality and Hostile Racism

The selection of Donald Trump as a U.S. president was followed by a statistically significant increase in the number of hate crime and incidents of harassment against underrepresented groups. Some researchers agree that Trump's racist attitudes revealed a shift to social norm in which pro-racial equality in the U.S. expressed greater acceptance (Giani and Meon, 2019). On the other hand, majority of white Americans felt their status had already been threatened as it turned to racist sentiment. Some media outlets and a handful of researchers have attempted to investigate the number of reported hate crimes from 2016 to 2017. From the data, they found significant evidences that the number of violence and discrimination against racial minorities have escalated after the year of Trump's election (Rushin and Edwards, 2018). Furthermore, during Trump administration, gender gaps between man and women in political participation are overtly high. The presence of women in the U.S. Congress is already far from gender equality. From the 410 positions of Senate approval in which Trump has arranged nominations, only 21% are women whereas 79% are men. Compared to Obama's presidency, the appointment of official administration is 43% for women and 57% for men (Cardin, 2018).

As many U.S people rallied to protest racist behavior of George Floyd's death on June 2020, LGBTQ activists and communities also put their lens on black transgender people who are in the intersection of marginalized groups. They raise awareness of discriminations and prejudices faced by black trans people in the post Trump's election. The *New York Times* reported on June 14, 2020 that an estimated 15,000 people marched on Sunday through The "Brooklyn Liberation" in Brooklyn Museum, New York for a rally and silent parade. They raise awareness about discriminations and prejudices faced by black transgender community and the increasing cases of discrimination against trans people after president Trump was inaugurated. They carry banners saying "black trans lives matter" to protest against potential changes to the gender recognition act and the death of some black transgender people. Human Rights Campaign reported that at least 16 transgender people have been killed during 2020, 26 transgender or gender non-conforming people were violently killed in 2019 and more than 130 trans people

were killed between 2013 and 2018 which mostly came from black trans people. Some of their deaths are misreported and misidentified. The New York Times confirmed, *“Black transgender people not only bear a disproportionate burden of police violence but also face high rates of violence and harassment on the street. The American Medical Association said last fall that killings of trans women of color in the United States amounted to an epidemic”* (Patil, 2020).

The protest sparked by the killings of George Floyd and the death of a black transgender woman, Dominique Fells known as Rem’Mie who was found with a stab wounds in Philadelphia, on June 8. A day later, other transgender, Riah Milton, 25, was found shot multiple times in Liberty Township, Ohio shortly after a black trans man, Tony McDade was killed by U.S. police in Tallahassee, Florida (Paz & Astor, 2020). “A pandemic that has disproportionately affected trans people of color, an economic crisis that has effected trans people and a Supreme Court final decision on June are factors that prompt people to express their voice” (Paz & Astor, 2020). The murder of George Floyd was an unfathomable and deep grievances among black Americans. A number of black trans people have been the victims of police brutality and violence. Hence, the death of black trans people in recent years are the result of the intersections of racism, sexism, homophobia and transphobia.

Several days after the widespread movement of the Black Lives Matter across U.S. States, more than 1,000 people walked into the New York’s Washington Square Park and Manhattan to commemorate LGBT annual pride parade in Queer Liberation Movement. The movement focused primarily to link the struggle of LGBTQ community with the Black Lives Matter movement which protested against police brutality. The Washington Post reported that after the “massive march the event took a violent turn after demonstrators began shoving matches with police. The New York City Police Department confirmed three protesters were arrested for assault on 85 officers” (Caserta & Gibian, 2020). The movement rallied in a mass mobilization in Greenwich Village while bringing rainbow flag in tribute to the uprising Stonewall Riot which was initially occurred in 1970. Furthermore, Trump’s anti-LGBTQ policies to ban transgender troops in military, deny health-care service, and employment discrimination on the basis of sex also resulted in mass movements such as rally and protest. Hundreds of transgender activists, communities, and heterosexual people gathered in Times Square, U.S. Supreme Court and the White House to challenge president Trump’s abrupt ban of inadequacies of medical treatments and exclusion from military and employment (The New Yorker reported by Gessen, 2020). Activists from The National Gay and Lesbian Task Force and Human Rights Campaign also support trans by providing access in health care including helping them to file lawsuit against the policies.

Negotiating Trans Identity Amidst Increasing Cases of Discrimination

In negotiating identity, transgender consider for coming out as an act of liberation to disclose their sexual orientation by transitioning physical characteristics to conform the normative gender binary. Adams (2010) conceives coming out as an inescapable, ever-present process, and discretion to construct a binary of disclosure and transition of sexual identity (p. 238). In this context, transgender people disclose their sexual identity by transition into the normative heterosexual gender to conform to the appropriate appearance of the desired gender (Raymond, 1994). “For many, coming out includes crossing over, either permanently or temporarily, from one sex/gender category to an

acceptable alternative” (Gagne, Tewksbury, & McGaughey, 1997, p. 480). A recent national study on trans discrimination even reported that “the vast majority (78%) of those who transitioned from one gender to the other revealed that they felt more comfortable at work and other public places” (p. 481). In this case, most trans people argue that doing transitioning process by concealing their identity and modifying their expression could minimize discriminations. Transitioning process is commonly done by altering gender identity labels and presentations, for instance appearance, voice, and mannerism. Denise DuBois told The New York Times of his feeling of transitioning gender,

“Today I look back to my transition and surgery and am so happy that I persevered. No more secrets, no more deception. I’m truly the gender I was meant to be. The acceptance received while transitioning on the job directly impacted my confidence and helped me find my voice” (Bergner, 2019)

During transitioning process, transgender seek an admittance of a legal system to approve their legal name and gender marker in the purpose to legitimize gender identities. Possessing federal identifications like birth certificate, passport, and driver license in accordance with their legal name and gender marker are required to access public health benefits, medical cares, employment, and housing without undergoing discriminations and hate crimes. Since many transgender people transition their identity in the workplace, they want to be acknowledged by their chosen name and legal pronoun that affirm to their gender identity. However, many transgender face difficulties to change their legal name(s) and gender marker(s) which pose them to innumerable hassles, embarrassments, and barriers.

Besides, changing legal name in transitioning gender contribute to social recognition and gender legitimacy to avoid public stereotypes against trans people. As Thompson (1998) argues that stereotype works in a society to maintain the hegemony of dominant group. Therefore, trans people attempt to meet the expectations of mainstream heterosexual society by altering their appearances to adhere the appropriate gender rule. Hill (2018) stresses,

“Updating one’s ID may thus be understood as an important step toward gender affirmation: a process by which trans people assert social, political, and psychological legitimacy and develop internal resources to cope with gender-based mistreatment and discrimination” (p. 218).

Nevertheless, transgender people might have identities which do not align with their names or gender identities, or both which are listed on the birth certificate or on other identification documents. A 2016 report from the U.S. transgender survey found that 36 percent of transgender people struggled to legally change their name, and 63 percent of those individuals successfully completed the change (James et al., 2016). Taylor, Lewis, and Haider-Marker (2018) argues, “these non-aligning documents leave transgender individuals vulnerable to outing by the state. As such, a transgender person are subjected to discriminations and problems of accessing gender-segregated facilities” (p. 220). Moreover, cross-dressing people usually do not change their name or gender. The study reported that 30 percent completed their preferred name change on all identification document(s), while 22 percent had their preferred name(s) only on some identification documents (James et al., 2016). Besides, transgender people with lower incomes are

reluctant to process their name(s) change proposals for legal documents due to the expensive costs for a court-related fees and legal assistance (Taylor et al., 2018, p. 220).

However, the process of changing legal name commonly different among states. Some states require valid letterhead from a licensed health care professional as evidence that transgender is free from gender dysphoria. Some others oblige trans people to conduct reassignment surgery before proposing legal names' alteration. Tyler, a transgender men spoke to *The New York Times*,

"One of their biggest legal hurdles this year was the name change. Tyler's birth certificate, insurance card and everything else had the girl name. This became a problem when they visited a doctor, traveled or had any interactions with the official world. But to change a name legally, the county courts require that a public notice about the name change be published in the local newspaper" (Bergner, 2019).

Based on his experience, Tyler spoke that he must provide letter of publication as the requirement to change legal name.

Despite some complicated requirements, many trans people are allowed to legally change their name(s) except those with felony convictions. At least 17 states including Texas, Wisconsin, Illinois, and Pennsylvania ban trans people with some criminal convictions from changing their name(s), whether permanently or temporarily (Schwartzapfel, 2020). In response to this situation, three transgender Pennsylvanians sued the state over a law that bars people who have been convicted of crimes from changing their name(s). Up to 2019, Federal Bureau of Prison reported that 998 of its 175,000 prisoners are classified as transgender who experience discriminations and force them into the underground economy (The Marshall project, 2020). Under Pennsylvanians statute, trans people who have been convicted of serious crimes such as murder, rape, and robbery are prohibited from changing their legal name(s). People who are convicted of less serious crimes should wait at least two years after completing their sentence and not in the condition of probation or parole before changing their legal name (Herring, 2019).

Transitioning process also involve altering gender expressions such as clothing, voice inflection, hairstyle, and body language to adhere the ideal of the gender they want. They even seek for hormone therapy and surgery to health care professionals to alter their physical appearances. For many trans people, voice is an important part in the process of categorizing people by gender so that they often shift their speaking style as part of their gender transition. The changes are conducted through speech therapy, and sometimes reassignment surgery. Just as some trans women and men choose to take hormones or to have surgery, some seek to feminize or masculinize their voice that matches their appearance. Sophie Marat, a trans women spoke *The New York Times* that she began her weekly routine sessions with her professional voice therapist at a New York University's speech language hearing clinic (Louis, 2017). She admits that altering voice and intonation is integral part as she strives to transform gender expression. In recent years, the number of speech therapists and voice clinicians working to help transgender people has grown exponentially as more trans people want to transition their gender (Louis, 2017).

Other important parts in doing gender transition is changing cloth or dress. Goodman, Knotts, & Jackson (2007) state that "dress or clothing reinforces gender identity such as sexual orientation, ethnicity, and class. Furthermore, it shapes identities, divides

identities, and display identities” (p. 101). This statement is related to Butler’s performative theory (1988) stating that a body becomes its gender through some repeated acts, gestures, movements, and behaviors such as the way people behave, speak, and dress up (p. 525). Therefore, this constructed gender is used by heterosexuals as a parameter to designate the social and cultural aspects of maleness and femaleness. The way people dress even contributes to how societies and cultures develop and sustain what is typical, acceptable and normal. Meredith, a trans women told *The New York Times* about the process of changing gender expression,

“I was obsessed with femininity for years after I transitioned my gender. I revealed in using cosmetics and flattering outfits to look both more convincing and attractive as a woman. I wear my fussy dress and high heels. I even use estrogen to soften my features that I felt safe from people on the street calling me a man” (Talusán, 2020).

As Meredith and other transgender do explicitly means that gender transition by doing reassignment surgery, voice therapy, and other medical interventions allow trans people to conduct body alteration in order to be acknowledged as the opposite gender (Goodman, Knotts, & Jackson, 2007, p. 215). However, some trans people do not want to pass the ideal standard in accordance to the gender-normative and prefer to hide their nonconforming gender identities as they avoid to face challenging cases in public places. Some also make small adjustment to their interactional style, physical presentation, or mannerism to evaluate the safety of from their workplace and other public facilities.

Conclusion

Since the election of Donald Trump as U.S. president, many Obama-era anti-discriminations policies were rescinded by Trump’s administration which perpetuated discrimination in educational institutions, military service, health care, and employment sectors. Trump’s policies marginalized trans people and prevented them from accessing public facilities provided by the government. Gender segregated facilities, physical harassment, and gender-based bullying emerge as the result of social hate crime, and at the same time susceptible risks of Trump’s anti-transgender policies. As a consequence, many trans people finally suffer from anxiety, frustration, depression, and even suicidal thoughts and behaviors as they are persecuted because they fall outside the traditional gender binary. The enactment of religious refusal policies and repudiation from sexual discrimination, in fact, advantages only conservative people who implicitly support Trump and his cabinet members. Besides, the strict binding rules and negative stereotypes of conservative Christian consider that transgender is sinful and deviant behavior since they do not adhere to the sex assigned at birth. Consequently, transgender face ridicules and alienation from society for not conforming to the gender binary. Further, the appointee of conservative people behind the Trump administration play a significant role in enacting anti-LGBTQ policies that protect the right-wing political group while they undermine the left-wing party. In negotiating identity amidst the rise of discrimination, transgender underwent identity transitioning process in order to fit the gender-normative ideal. This research is meant to expose the reality many trans people face in the U.S. today, despite the image U.S. officially tries to project as the leading power in human rights advocacy, including gender equality, freedom of speech, and equal rights for the LGBTQ community. Further, this research is essential for trans

people, in that it exposes the discrimination they face in their everyday lives. By examining issues of public discrimination toward LGBTQ community, especially trans people, it can be revealed that gender identity or sexual discrimination, in fact, still exist in the midst of U.S society. Besides, trans people have ways of coming out into public spaces to raise awareness and visibility and to express their concern regarding the rise of discrimination.

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