

## **The New Lavender Scare:**

### **Sociopolitical Scapegoating of the Queer Other**

In 2019, nineteen pieces of targeted, anti-transgender legislation were considered in the United States. The following year, that number jumped to sixty-six.<sup>1</sup> Four months into 2024, the American Civil Liberties Union is tracking 484 bills under consideration across 40 states, nearly equaling the number considered in the entirety of last year.<sup>2</sup> These laws run the gamut of healthcare, education, athletics, and legal recognition. If you aren't trans, evangelical, or plugged into political news, these numbers may come as a surprise. Media coverage is sparse and most of these bills are never enacted. However, after four consecutive years of record-setting numbers for bills considered and bills passed into law, the political and social environment for trans people across the country is only getting worse.

Also in 2019, I had just come out as trans and nonbinary. Five years later, the realities of being trans in Kansas are entirely different. There are now national polls on specifically trans issues and websites tracking the safety of each state for trans residents. An abundance of think pieces have been written on the grammatical correctness of neutral, singular pronouns. Five years ago, most Americans probably didn't know that trans people existed. Now, my existence and rights are up for debate. One of the most troubling questions for me has been why my community suddenly became a target. I argue that the current wave of anti-trans legislation parallels the Lavender Scare of the 1950s. Historical analysis provides the benefit of hindsight

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<sup>1</sup> "Tracking the Rise of Anti-Trans Bills in the U.S.," Trans Legislation Tracker, accessed April 19, 2024, <https://translegislation.com/learn>.

<sup>2</sup> American Civil Liberties Union, "Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024," April 16, 2024, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>.

clarity in drawing connections between discriminatory political shifts and broader sociocultural contexts. Evaluating the current trend toward anti-trans policy through comparison with a similar historical period will provide a useful framework for making sense of how macro social and political factors contribute to the making of moralized scapegoats.

### **An Overview of the Lavender Scare**

In 1947, President Truman created a loyalty program for the federal government aimed at easing Cold War anxieties of Communist infiltration. All federal civil-service workers would be required to pass loyalty screenings. Shortly afterwards, State Department officials quietly implemented a dual loyalty/security test, modifying branch-wide standards. The loyalty portion continued to target Communists and spies, while the security portion targeted persons of weak character and moral ineptitude. In February of 1950, Republican Senator Joseph McCarthy publicly claimed to have a list of known communists working for the State Department. The purpose of this stunt was to sow doubt about the effectiveness of the loyalty program and the allegiances of the Truman administration. McCarthy and his allies orchestrated a committee hearing to embarrass the State Department. Though the Secretary and Deputy Undersecretary denied that there were communists in the department, they were forced to disclose that ninety-one homosexuals had been identified as security risks and fired. This disclosure set in motion what is now known as the Lavender Scare—a widespread moral panic about the employment of gay people in public service positions.

The general opinion of queer people in the fifties was very negative. Homosexuality was considered a serious mental disorder that psychologists sought to cure through a variety of conversion therapies. This understanding provided a scientific basis for the criminalization of sodomy that derived from religious doctrines. In contrast to distinctions between sexuality and

gender identity that are common today, homosexuality and gender nonconformity were understood as the same. Being a feminine man or masculine woman was seen as a necessary part of homosexuality. Despite overall hostility toward queer individuals, the urbanization of America allowed for queer communities to flourish in ways that they could not in rural environments. Growing visibility of these communities created an impression in the minds of religious traditionalists that WWII had generated a new, salient threat to puritanical morals and gender norms. The post-war crackdown of the Lavender Scare was, in many ways, a reaction to the effects that the New Deal and WWII period had on queer subculture.

Homophobic fears were confirmed by the publishing of Dr. Alfred Kinsey's *Sexual Behavior in the Human Male*, which found that 37% of respondents had engaged in at least one homosexual act and 4% were exclusively homosexual.<sup>3</sup> The actual purpose of the report was to refute pathologization rhetoric and endorse a view of homosexuality as part of the natural diversity of human sexuality. Unfortunately for Kinsey, it would take decades for the results to be interpreted in a pro-gay manner. Instead, psychiatrists used the report to treat homosexuality as the nation's most common disease. Many parents began monitoring their children for signs of homosexuality and seeking advice on how to ensure they would grow up to be healthy heterosexual adults. Medical professionals also cited the report to estimate that there were tens or hundreds of thousands of queer people in public service jobs, stoking the flames of the gay panic sweeping the country. However, while discussion of homosexuality dominated the media, queer people themselves remained largely unnamed. Queer people likely kept themselves out of the spotlight in the interest of safety, but their evasion proved incredibly useful for proponents of the Lavender Scare. Growing fear and queer anonymity collided to produce fantastical specters of

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<sup>3</sup> Alfred C. Kinsey, Wardell Pomeroy, and Clyde Martin, *Sexual Behavior in the Human Male*, 1948.

gay people in the minds of American politicians and the public. Homosexuals could be freely characterized as degenerate perverts, traitors, and threats to the public good. There were no real queer people to balance these accusations against, so the negative stereotypes were often the only point of reference.

This general stigma is why McCarthy and his allies decided to force the homosexual issue. It was an easy tool to politically undermine the Democratic-led executive branch. After the initial success of this strategy, they brought continued emphasis to it in hopes of securing a Republican presidency. House Republicans attempted to pass a law that would bar the Economic Cooperation Administration from employing homosexuals, advocating that the State Department's dual program should be applied to all parts of the executive branch. When the measure failed, the Democratic majority along with President Truman were accused of protecting sex offenders in government service. In private, congresspeople held up the state department's security program as an example for other agencies to follow. In public, they loudly denounced it as a scandal of rampant sexual perversion, turning it into a liability for the Truman Administration. Borrowing from McCarthy, they claimed to have records that did not exist proving the continued existence of moral deviants in the government.

In response to the claims that Truman was not taking the homosexual threat seriously, the Subcommittee on Investigations, chaired by Senator Clyde Hoey, was tasked with investigating the employment of homosexuals in the federal workforce. The Hoey Committee's final report officially enshrined the claim that all "sex perverts in government constitute security risks."<sup>4</sup> The only evidence utilized to make this conclusion was a single case: that of Alfred Redl, the

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<sup>4</sup> David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago, IL: The University of Chicago Press, 2023), 114.

homosexual head of Austrian intelligence prior to WWI who served as a double agent for the Russians. It is uncertain what role blackmail played in his espionage. Whether the committee's exaggeration of this single case was true was ultimately irrelevant. Belief in the Hoey report would transform the Lavender Scare into government-wide, bipartisan policy.

Though Democrats in Congress were getting on board, the moral panic around homosexuals remained a political boon for the Republicans. During the campaign for the 1952 elections, Senator Everett Dirksen promised that a Republican victory would mean the removal of "the lavender lads" from the state department.<sup>5</sup> The Eisenhower administration campaigned on the slogan "Let's Clean House," alluding to corruption, communists, and homosexuals. Strategic use of Cold War anxieties proved successful when the election produced a Republican-controlled White House for the first time in 20 years. It took only three months for President Eisenhower to start making good on his campaign promises. On the 27<sup>th</sup> of April 1953, he issued Executive Order 10450.<sup>6</sup> The purpose of this order was to weed out federal employees who were considered amoral and untrustworthy, replacing the loyalty system with a more general investigation of character and suitability. General moral language had already been used as euphemism to discriminate against queer people, but Eisenhower explicitly included language referencing "sexual perversion" in an unprecedented move to emphasize an intolerance of homosexuals specifically.

The term witch hunt comes from the persecution of people accused of witchcraft in Europe and the American colonies. Like accusations of witchcraft, accusations of homosexuality

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<sup>5</sup> Byron C. Hulsey, *Everett Dirksen and His Presidents: How a Senate Giant Shaped American Politics* (Lawrence, KS: Univ. Press of Kansas, 2000), 48–49.

<sup>6</sup> Office of the Federal Register, "Executive Order 10450--Security Requirements for Government Employment," National Archives and Records Administration, August 2016, <https://www.archives.gov/federal-register/codification/executive-order/10450.html>.

were based on social factors and had little concrete evidence to reference. Innocuous physical characteristics, style choices, and behavior were arbitrarily used to justify suspicions that someone was queer. Beliefs about the presentation and “signs” of queerness were based in the prevailing pseudo psychiatry of the era. Despite the lack of real evidence and the increasing frequency of tips, the vehemence of these witch hunts made it such that even the most unreliable rumors were fully investigated. Very few methods proved effective at establishing one’s heterosexuality. Even marriage and children were insufficient. Rumors of even a single past incident of homosexual activity could be enough for termination. In effect, this meant that many straight employees were also targeted by homophobic investigation. The presumption of guilt and confirmation bias resulted in most investigations “finding” homosexuals.

For Republican politicians, the Lavender Scare was an effective tool in the fight to undo the New Deal. For Democratic politicians, it was a measure needed to preserve national security and moral integrity. For many of the investigators responsible for enforcement, it was seen as providing homosexuals with a helpful push to recover and redeem themselves of their immorality.<sup>7</sup> But to queer government employees, it was a looming threat to their careers, social lives, and mental health. The progress in developing queer networks of community and support was sent backwards. Relationships of any kind between queer people became dangerous as mere association with known homosexuals was sufficient for dismissal. The evolving coercion tactics of investigators further isolated queer public servants from each other. It became routine to encourage subjects of investigations to disclose the names of other gay people, sowing distrust within communities. There were rumors that the government already had a complete list of

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<sup>7</sup> Johnson, *The Lavender Scare*, 130-131.

suspected homosexuals and many employees lived and worked constantly wondering when their name would finally come up. Discovery was feared as an inevitability.

Factors external to the workplace also contributed to the dissolving of queer communities. Initiatives to “clean up” public spaces from the moral threat of queer people manifested in practices like the Pervert Elimination Campaign by U.S. Park Police. Patrols arrested and apprehended mostly men in areas known to be queer gathering spaces. Few charges were pressed, but the purpose was primarily intimidation with the goal of eliminating visible queerness in Washington D.C. Out of this spawned civilian groups who would target the same areas with the goal of seriously injuring or killing the “perverts” that frequented them. Previously queer neighborhoods and venues were quickly abandoned for fear of arrest or violence. Law enforcement harassment of visibly queer individuals and spaces they frequented would continue to be the norm for decades.

The true number of employees affected by Lavender Scare policies is unknowable due to sparse recordkeeping and the proliferation of unofficial anti-gay employment policies outside the federal government. The fragments of data that are available indicate that, at minimum, over five thousand federal employees were terminated for suspected homosexuality. Those who were forcibly outed and fired faced social isolation and dismal employment options. An unknown number—though significant enough for the government to be aware of a pattern—committed suicide because of Lavender Scare policies. Their deaths were not recorded or publicly linked to the actions of the security programs; newspapers from the period contain only repeated stories of government workers committing suicide for no known reason.<sup>8</sup>

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<sup>8</sup> Johnson, *The Lavender Scare*, 158.

The Lavender Scare did not stop at the federal level. The government instituted an extensive lobbying campaign to convince international agencies and allied governments to ban homosexuals from government-related positions. Allies that didn't conform to homophobic security standards would end up severed from the American intelligence system. Effectively, this amounted to throwing weight around to force compliance. British, Canadian, and Australian agencies all implemented policies based on those in the U.S. Domestically, the federal model officially expanded to state and local governments. Ripple effects spawned a new industry of investigative agencies to conduct anti-gay witch hunts for private employers. The new norm for white-collar sectors was zero tolerance of suspected homosexuals. In 1958 it was estimated that one in every five employed adults had been given some form of loyalty or security screening.<sup>9</sup>

### **Comparison to Contemporary Policy Trends**

Modern anti-trans rhetoric and legislation are reproductions of the Lavender Scare playbook. While the 50s focused on government, current efforts are centered around eliminating trans and other queer people from schools and certain public accommodations. Moral panics are heavily influenced by existing fears. During the Cold War, the Lavender Scare and the Red Scare functioned because of national anxieties about security. The emphasis on education and children, then, can be understood as a natural product of decades-long conspiracies around liberal indoctrination in public schools. Prior to the overwhelming focus on trans people, the target was any curriculum about racial inequality. Negative trans and queer sentiments are also a reaction to the expansion of gay rights and the recognition of gender identity over the last two decades. The pivot to transness being the key Republican issue came as abortion could no longer be relied

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<sup>9</sup> Allan Berube, *Coming Out Under Fire: The History of Gay Men and Women in World War Two* (New York, NY: Penguin, 1991), 269.

upon to motivate the evangelical base. Overturning *Roe v. Wade* left a gap in GOP strategy that was promptly filled with another issue centered around sexuality, gender, and children. Both the historical Lavender Scare and the current moral panic are foremost political tactics. GOP candidates have been heavily relying on anti-trans rhetoric at rallies.<sup>10</sup> Here in Kansas, Attorney General Kris Kobach continues to use trans issues to oppose Governor Laura Kelly, who he lost the gubernatorial election **to in** 2018.<sup>11</sup>

A core strategy of McCarthyism is referencing proof that does not exist. Like the claims that homosexuality resulted in an increased vulnerability to blackmail, the justifications for anti-trans bills are not supported by evidence. Belief in misinformation is essential to the success of these bills. Governor Kelly recently vetoed a bill that would prevent trans youth from accessing any gender-affirming care in a healthcare setting, including aspects of “social transition” like using the child’s preferred name.<sup>12</sup> The bill was justified by legislators claiming that gender-affirming care is experimental and youth are rushed through treatment. All kinds of gender-affirming care are well-studied and well-regulated. Puberty blockers are reversible since their function is to delay puberty. They are regularly used to treat a variety of health concerns after extensive patient-provider discussions. Hormone replacement therapy (HRT) operates as a second puberty. The effects on adults and teens are well-documented and only some effects of

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<sup>10</sup> James Pollard, “GOP Candidates Elevate Anti-Transgender Messaging as a Rallying Call to Christian Conservatives,” AP News, February 18, 2024, <https://apnews.com/article/lgbtq-transgender-republicans-trump-christian-conservatives-election-83becc009d8123d96a75c2e4940ab339>; Delphine Luneau, “Extremists at CPAC Laid Bare Hatred at Root of Vile Legislation Targeting Trans People,” Human Rights Campaign, March 6, 2023, <https://www.hrc.org/press-releases/human-rights-campaign-extremists-at-cpac-laid-bare-hatred-at-root-of-vile-legislation-targeting-trans-people>.

<sup>11</sup> John Hanna, “Kansas Attorney General Sues to Prevent Transgender People from Changing Driver’s Licenses,” AP News, July 7, 2023, <https://apnews.com/article/transgender-birth-certificates-licenses-kansas-29d3a02fa44ec9dbfe28979ea8221591>.

<sup>12</sup> Cullen Peele, “Kansas Governor Laura Kelly Vetoes Bill That Would Strip Away Access to Essential Health Care for Transgender Youth,” Human Rights Campaign, April 12, 2024, <https://www.hrc.org/press-releases/kansas-governor-laura-kelly-vetoes-bill-that-would-strip-away-access-to-essential-health-care-for-transgender-youth>.

HRT are permanent. They are the same effects that are permanent results of natural puberty, but lawmakers seem unconcerned with the irreversible effects of natural puberty on trans youth. Very few minors receive gender-affirming surgery as all surgical care is highly individual. In addition to months of evaluation prior to treatment, patients sometimes face waitlists to see qualified providers. Young children do not receive any surgeries or medications. The only affirming care available to youth who have not begun puberty is social—often new clothing, haircut and name.

In public statements, Attorney General Kobach has echoed common sentiments that trans women pose a threat to “real” women in gendered spaces. In terms of bathrooms, locker rooms, and shelters, the claim is that men could pretend to be trans to gain access to these spaces and harm women. Trans people have been using these facilities for decades and there is no evidence that laws allowing trans women into these spaces leads to violence.<sup>13</sup> Additionally, anti-trans groups have admitted these scare tactics are entirely contrived.<sup>14</sup> In athletics, the argument is that people assigned male at birth have inherent biological advantages that would make trans women and girls dominate women’s sports. However, there have never been any examples of this occurring on any level of competition. Both arguments are rooted in essentialism that assumes women are inherently vulnerable and results in demonization of trans women and the erasure of trans men.

Unfortunately, the relic of treating queerness as a mental illness has not entirely died off. The idea that being trans is a psychiatric delusion fuels much of the misinformation around

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<sup>13</sup> Stephanie Ebbert, “Study Finds No Link between Transgender Rights Law and Bathroom Crimes - The Boston Globe,” BostonGlobe.com, September 12, 2018, <https://www.bostonglobe.com/news/politics/2018/09/12/study-refutes-link-between-restroom-crime-and-transgender-access/5am4LMI1IHecGvJTW4MBqN/story.html>.

<sup>14</sup> Sofia Lotto Persio, “Anti-Trans Group Admits Bathroom Predator Myth Is Made Up,” PinkNews, June 26, 2019, <https://www.thepinknews.com/2018/12/07/anti-trans-group-bathroom-predator-myth/>.

gender-affirming care. Often these are the only issues that focus on trans men, which derives from archaic sexist assumptions to paint them as hysterical women. Social contagion theory posits that youths, specifically those assigned female at birth, spread trans identity to each other like a contagious disease. It is based on a single study that has since been disproven multiple times over.<sup>15</sup> Another narrative along these lines claims that many people eventually “get over” their transness and end up regretting their medical transition. Studies have repeatedly shown that rates of medical transition regret among all trans people and among youth specifically are under one percent. A systematic review of many kinds of surgeries concluded that the average regret rate for procedures was 14.4%.<sup>16</sup> In comparison, the regret rate for gender-affirming care is astoundingly low but the marginal chance of regret is still used to restrict access.

Less than one percent of the U.S. population is trans.<sup>17</sup> This means that most Americans likely do not personally know a trans person, creating conditions that replicate the dominance of gay specters during the Lavender Scare. While we are speaking up about our experiences, most information is still sourced from stereotypes and conspiracies that turn trans people into convenient scapegoats. The most common of these are the belief that trans people are grooming children or indoctrinating them into being trans. Both talking points are dusted off versions of homophobic conspiracies from the 50s and 60s. These kinds of beliefs can only be sustained when someone has zero personal relationships with trans people.

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<sup>15</sup> Jack L. Turban et al., “Sex Assigned at Birth Ratio among Transgender and Gender Diverse Adolescents in the United States,” *American Academy of Pediatrics*, August 3, 2022, <https://publications.aap.org/pediatrics/article/150/3/e2022056567/188709/Sex-Assigned-at-Birth-Ratio-Among-Transgender-and?autologincheck=redirected>.

<sup>16</sup> Ana Wilson, Sean M. Ronnekleiv-Kelly, and Timothy M. Pawlik, “Regret in Surgical Decision Making: A Systematic Review of Patient and Physician Perspectives,” *World Journal of Surgery* 41, no. 6 (February 27, 2017): 1454–65, <https://doi.org/10.1007/s00268-017-3895-9>.

<sup>17</sup> Jody L. Herman, Andrew R. Flores, and Kathryn K. O’Neill, “How Many Adults and Youth Identify as Transgender in the United States?,” *Williams Institute*, July 10, 2023, <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>.

One salient difference between the Lavender Scare and current anti-trans sentiment is the prevalence of legal barriers to existing as a queer person in public. The patrolling of queer gathering spaces in the 50s was largely incidental and unimportant to the moral panic's focus on government jobs. In contrast, erecting barriers to public participation for trans people seems to be a major policy goal of recent legislation. Kansas passed a law that went into effect last July denying trans people access to bathrooms, locker rooms, prison facilities, domestic violence shelters, and rape crisis centers in alignment with their gender identity. Denial of access to bathrooms and locker rooms **restrict** the kinds of activities trans people can do outside of their homes and the duration they can be in public for. Because many trans people will be perceived as their gender identity rather than the sex they were assigned at birth, bathroom laws effectively create a double bind where harassment and threats can occur regardless of which bathroom a trans person uses. The other three areas of denial have specific negative impacts for trans women. Since most domestic violence and rape crisis centers are focused on women, trans women may be prevented from accessing that assistance altogether. This is especially concerning given that trans women are much more likely to be the victim of a violent crime than cisgender people and trans men.<sup>18</sup> In prisons, placing trans women with cisgender men exposes them to targeted violence that puts their lives at risk.<sup>19</sup>

The same Kansas law ended legal recognition of trans people by declaring that legal sex must be based on biological anatomy at birth. Erasure itself has profound impacts by making official state law in denial of trans people's existence. Together with "don't say gay" bills, legal

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<sup>18</sup> Andrew R. Flores et al., "Gender Identity Disparities in Criminal Victimization: National Crime Victimization Survey, 2017–2018," *American Journal of Public Health* 111, no. 4 (April 2021): 726–29, <https://doi.org/10.2105/ajph.2020.306099>.

<sup>19</sup> Nora Neus, Nick Scott, and Madeleine Stix, "Trans Women Are Still Incarcerated with Men and It's Putting Their Lives at Risk," CNN, June 23, 2021, <https://www.cnn.com/2021/06/23/us/trans-women-incarceration/index.html>.

erasure makes it easier to construct trans people as the other, a threatening stranger, or the unknown. Obscuring knowledge of transness makes it easier to construct specters that justify further discrimination. A compounding effect of the bill's erasure is that Kansas residents will no longer be able to change their birth certificates or driver's licenses to reflect their gender identities. Kobach has stated that he intends to begin requiring changes that occurred prior to the law's passage to be retroactively reversed. When your gender presentation does not match the sex indicated on identification, any situation where you must provide that identification becomes potentially dangerous. Every trans person would constantly be outed in the normal course of public life—at bars, grocery stores, and airports. Consistent gender markers on identity documents allow greater ease of access to public spaces and resources.

The effects of these laws are not symbolic. Anti-trans laws can devastate individual lives and are already changing the social environment that trans people live in. In just four years, anti-trans legislation and campaigning has had a measurable effect on the rates of violence trans people experience. The FBI's Annual Crime Report for 2022 recorded almost 500 gender identity-based hate crimes, up 33% from 2021 and accounting for 4% of all hate crimes in 2022.<sup>20</sup> From June of 2022 to April of 2023, the ADL and GLAAD reported 356 anti-queer hate and/or extremist events including bomb threats, armed protests, and assaults.<sup>21</sup> The accusation that queer people are grooming children was cited as the most common motivation for these events. There were an additional 145 incidents recorded in June of 2023 alone, marking a distinct

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<sup>20</sup> Delphine Luneau, "FBI's Annual Crime Report — Amid State of Emergency, Anti-LGBTQ+ Hate Crimes Hit Staggering Record Highs," Human Rights Campaign, October 26, 2023, <https://www.hrc.org/press-releases/fbis-annual-crime-report-amid-state-of-emergency-anti-lgbtq-hate-crimes-hit-staggering-record-highs>.

<sup>21</sup> Anti-Defamation League, "Year in Review: Anti-LGBTQ+ Hate & Extremism Incidents, 2022 – 2023," Resources, June 22, 2023, <https://www.adl.org/resources/report/year-review-anti-lgbtq-hate-extremism-incidents-2022-2023>.

spike during pride month.<sup>22</sup> The Human Rights Campaign has recorded 335 trans and gender non-conforming victims of fatal violence since 2013. Fifty-one percent have occurred in the last four years and three-quarters of all victims were trans women of color.<sup>23</sup> Texas and Florida have the highest numbers of fatalities by state and some of the most restrictive legislation targeting trans and queer people in the country. The risk of suicide among transgender adults remains extremely high compared to the general population. Eighty-one percent have thought about suicide and forty-two percent have attempted.<sup>24</sup> Increasingly hostile laws and rising violence will likely contribute to the worsening of these figures.

### **To Flee or Not to Flee**

The analysis above provides a rough outline of how the public perception of trans people relates to anti-trans policies. Both exist within a constructed moral panic preying on existing misinformation and the vulnerability of trans people as a demographic. Current anti-trans laws mimic the beginning of the Lavender Scare. Legislation is largely limited to the state level and remains a highly partisan issue. It is unlikely that the anti-trans strategy will be as effective as the Lavender Scare was for a variety of reasons. A primary reason is comparably greater tolerance existing for queer and trans people due to advances in civil rights. Another reason is the clear partisan split on many trans issues.<sup>25</sup> These factors make it unlikely that legislation will be

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<sup>22</sup> GLAAD, “Anti-LGBTQ Hate & Extremism Spike During Pride 2023,” Hate & Extremism, July 10, 2023, <https://glaad.org/anti-lgbtq-hate-and-extremism-spike-during-pride-2023/>.

<sup>23</sup> Human Rights Campaign, “The Epidemic of Violence Against the Transgender and Gender Non-Conforming Community in the United States - The 2023 Report,” HRC Digital Reports, November 2023, <https://reports.hrc.org/an-epidemic-of-violence-2023>.

<sup>24</sup> Jeremy D. Kidd et al., “Prevalence of Substance Use and Mental Health Problems among Transgender and Cisgender U.S. Adults: Results from a National Probability Sample,” *Psychiatry Research* 326 (August 2023), <https://doi.org/10.1016/j.psychres.2023.115339>.

<sup>25</sup> Ashley Kirzinger et al., “KFF/The Washington Post Trans Survey,” KFF, March 24, 2024, <https://www.kff.org/report-section/kff-the-washington-post-trans-survey-views-of-trans-people-and-issues/>.

passed at a national level without Republican control of Congress and the White House. At the state and local level, however, it will likely continue to get worse in red states and areas before it gets better. For deeply red states to improve, it may take national protections of trans rights, which are beyond a long shot in the current political environment. Courts are unlikely to protect trans people as the judiciary moves slower than the other two branches in terms of social progress. For example, judicial employment protections for trans people are still up in the air, and a strong majority of Americans already support those measures.

Recognizing that institutions will not save us, the only option for immediate action rests with the individual. Trans people across the nation are considering uprooting their lives to flee hostile states. The other options are often either risking harassment and violence or going back into the closet. All these options are undesirable, but to many the prospect of moving potentially across the country is the lesser of three evils. Parents of trans youth are in a similar situation out of fear for their children's safety. Laws that focus on public education and trans youth often have the effect of transforming school into a hostile environment **from** adults and fellow students simultaneously. The children targeted by these laws are well aware of the vitriol leveled against them despite claims that policies are motivated by protecting the youth. "Just let them hurt me," was one seven-year-old girl's response to her parents' considering moving out of their conservative state.<sup>26</sup>

The crackdown of the Lavender Scare in Washington D.C. incentivized many queer people to use similar flight tactics to restart their lives. Often, the moves to other growing urban environments were so sudden that it would seem as though they disappeared. Historical trends of

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<sup>26</sup> Kiara Alfonseca, "'Genocidal': Transgender People Begin to Flee States with Anti-LGBTQ Laws," ABC News, June 11, 2023, <https://abcnews.go.com/US/genocidal-transgender-people-begin-flee-states-anti-lgbtq/story?id=99909913>.

queer civil rights and community building show that urban areas allow for queerness to thrive despite intolerant social climates. Rural communities are increasingly correlated with a lack of safety for queer and trans residents, reflected in poll data that shows support for trans rights measures is lowest in rural, Republican areas. In recent years, many people have sought to move away from large urban environments as the cost-of-living increases while wages are left behind. However, as the states and rural towns that offer cheaper cost-of-living become virtually unlivable for openly trans individuals, we may begin to observe queer people returning to large cities and forming community organizations that make expensive city life achievable.

The question of whether to flee is a deeply personal one for me. Our attorney general and much of our state legislature do not want me to exist. I am not among the most vulnerable of my trans siblings, but I still live under constant stress that impacts my ability to focus and my mental health. The protection of queerness in law and policy is vulnerable. *Lawrence v. Texas* was only decided sixteen days after I was born. The drastic legal changes since 2020 show no signs of slowing down. Given the fragility of protections for queer and trans people, I cannot justify remaining in a state where I am uncertain what rights I will have tomorrow. In the fall, I will be attending law school on the east coast. This makes me one of the trans Kansans fleeing the state. As long as misinformation guides public discourse and policy around trans issues in Republican states, trans people will continue to leave. Difficult new beginnings will always be preferable to a horizon beyond which we cannot see our own futurity.



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