

# KEYNOTE SPEECH FROM “TRANSCENDENCE: LEGAL EFFORTS TO PROTECT AND ADVANCE LGBTQIA YOUTH RIGHTS”

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We have always been here. Transgender people have always been here. We are part of what it means to be human. We are as old as humanity itself. If every last one of us were erased from this earth, we would be born anew to every generation.

I’m going to take you back 4,500 years ago to Enheduanna. Enheduanna is the earliest human author in history. She wrote about the priesthood of Inana, which was a priesthood made up of transgender, gender variant, or third gender people - people whose assigned sex at birth did not match their gender identity or presentation. The very first time that symbols were pressed into clay tablets and someone decided to sign their name, they were speaking about transgender people. We have always been here, and we are part of what it means to be human, as much as writing itself.

Now, I’m going to take you 2,500 years into the future and yet still 2,000 years ago. There was a transgender empress of Rome. You never really hear about her in the books and in the history classes you likely took, but her name was Elagabalus. Accounts from the life of Ellagabalus state that she wore makeup and wigs. She once stated to a potential lover, “call me not a lord, for I am a lady.” She even offered vast sums of wealth to any physician in Rome who could give her gender reassignment surgery, and boy is that a mood. We have always been here.

If we travel another 1,000 years into the future, in 1300AD, we meet Kalonymus Ben Kalonymus. A Jewish poet, we have Kalonymus Ben Kalonymus to thank for the very first description of gender dysphoria. Now we don’t know how Kalonymus would identify today, but in their works, they wrote a poem lamenting to god that they were not born a woman, and wishing they had been. They describe the horrible feelings and realizations at the loss of that potential. And god I wish I could travel back in time and give Kalonymus estrogen, but I can’t. I can, though, give them thanks for showing that we have always been here.

In the 1890s, there was a young black trans girl by the name of Lucy Hicks Anderson. Lucy told her parents that she was a girl, and her parents didn’t know what to do so they took her to the doctor. When they did, the doctor told her parents to just let her be, that there was nothing wrong with her, and that it was OK for her to be a girl. She ran a hotel in California and became the town’s best known chef and socialite, famous for throwing incredible parties. One day, her assigned sex at birth was discovered and she was brought to jail. When that happened though, residents and the town’s wealthy banker marched down to the jail cell to bail her out, because they had a party to throw that night and they needed

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their famous cook. She eventually moved to Los Angeles and lived a quiet life with her husband, passing away in 1954. We have always been here.

But just as we have always been here, we have always faced trouble. In the 1920s in Berlin, there was a famous club called the El Dorado. Trans men and trans women would gather there to celebrate one another's company. Many were patients of the Institute of Sexology, which was founded by Magnus Hirschfeld, the first major researcher into transgender care. Whenever I look at the faces in the pictures from that club, I see the faces of my friends, chosen family, and those whom I report on every day. The atmosphere there, in many ways, was similar to what we have here today - people free to be themselves.

But of course, we all know that didn't last. Many of you will remember seeing the famous Nazi book burning images, depicted in black and white. What is rarely found in the history books is what books they were burning. Those books included the first 30 years into trans and queer research from Magnus Hirschfeld's institute. So remember when they say that there is not enough research into transgender care, they burned the first 30 years of it in Germany. So much was lost.

In the 1950s and 60s, anti-drag laws plagued the United States. These laws were used to mass-arrest LGBTQ+ people, especially gender nonconforming and trans people. Eventually, trans people had enough. First, in Compton Cafeteria, trans women rioted after they were kicked out and threatened with arrest under female impersonation laws. Then, in Stonewall, similar raids occurred. People collectively fought for their right to exist in public. That is how we got pride.

In the early 2000s, they paraded "ex-gays" around to show that being gay was "just a stage" and conversion therapy was in its prime. 29 states passed constitutional amendments on gay marriage. Things seemed bleak, and they were for a while - gay people were routinely denied hospital visitation, adoption, and marriage rights. Eventually, though, *Obergefell* changed everything, and look where we are now.

While *Obergefell* was a major moment for LGBTQ+ rights, I often refer to it as the beginning of the modern reactionary anti-LGBTQ+ movement. That's because though we got the right to marry, those who were on the other side of that case convened a conference in Arizona and developed a plan. They would target transgender people next, and the very next year, they passed a bathroom ban in North Carolina. That law was an absolute disaster. . . the NBA All-star game pulled out, concerts pulled out, Paypal and Deutsche Bank pulled out. Bathroom bans were considered extreme then. . . look at where we are now.

And that brings us to Today. Before we get into the laws that target us and the current events that I cover daily, let's talk about the cultural moment we are in. Right now, LGBTQ+ identification is up. Only 53% of gen Z identifies as exclusively attracted to the opposite sex. Because of this, it's important that we all learn how to be good friends, colleagues, and peers to queer and trans people. Furthermore, this large group of people is more under threat by legislation than ever before.

This visibility has increased across the board. According to a Gallup poll in 2021, people of all ages are more likely to identify as LGBTQ+ now. Among gen Z and millennials, that number is the highest. This has led some researchers morally opposed to LGBTQ+ people to hypothesize that what is going on here is some sort of mass social contagion. . . that you can “catch the gay” if you will. I promise you that after this talk, if you are not already queer or trans, you will not leave here suddenly queer or trans.

What is actually happening here? Well, we have an analog from the early 1900s to compare what we are currently experiencing. In the early 1900s, if you had asked someone what hand they primarily used, 3% of people would say they were lefthanded. That number shot up to 12% in the 1950s, where it has stayed ever since. What happened? Well, I can tell you it wasn’t that left-handedness was spreading around like a contagion. People were not suddenly catching south-paw dysphoria from one another.

Instead, we made accommodations for left-handed people. We built left-handed tools, left-handed scissors, and left-handed desks. We stopped beating left-handedness out of people. The rate of left-handedness rose to the rates we see today, the natural rate of left-handedness in the world, and we are seeing similar dynamics at play with LGBTQ+ people.

And so we have increased LGBTQ+ identification and increased accommodations for LGBTQ+ people. We also get a major increase in the representation of transgender people. Prior to 2011, transgender representation sucked —we were either the victim or perpetrator of a crime in a movie, or we were the butt of a joke. Now, that has changed. We have transgender movie stars and celebrities like Hunter Schafer and Elliot Page. We have Jeopardy contestants like Amy Schneider going on an absolute tear in jeopardy. And we have transgender elected officials, like Congresswoman McBride, the first transgender congresswoman ever to be elected. You’ll also see in this picture my own wife, Representative Zooey Zephyr, who I am particularly partial to - she is the first trans-elected representative in Montana and made international news when she was censured and removed from the Montana House Floor for standing up for transgender youth.

Representation matters. It allows you to see yourself reflected in the media you consume, and it normalizes people like you.

So we have increased representation, increased identification, and we also get a major change in how transgender healthcare is accessed. Prior to 2001, transgender healthcare was notoriously hard to obtain. You had to often save up tens of thousands of dollars in surgery fees before you could even get your first appointment for hormone therapy. The handful of psychiatrists around the country that would gatekeep those medications had onerous requirements: as a transgender woman, you had to show up in a full face of makeup. You had to be adequately feminine. You had to always wear dresses. You had to desire only to enter into a relationship with a man. . . a person like me, who is married to another transgender woman, would have been disqualifying.

This all changed with the advent of informed consent hormone therapy clinics. These clinics allowed transgender people of any income to transition and would monitor their hormone levels and prescribe medications that allow for transitioning. This map that you see here is a map that I have made tracking all such clinics across the world. The United States has led the way on this, but similar clinics have opened in Australia, Spain, France, Canada, and even Japan.

One thing you will note on this map is that most countries don't have these clinics. That's because despite the standards of care changing in the last 20 years, many of the leaders of transgender medical systems in places like Europe came into power under the old regime of transgender healthcare. . . and those gatekeeping apparatuses are often still in effect. For instance, in the United Kingdom, this has led to 10-year wait times to get transgender healthcare—most people there obtain their hormones through grey market sources, as is the case in many other countries.

And that brings us to now. The laws that target transgender people.

Over the last four years, there have been more anti-LGBTQ+ bills proposed than at any other time in United States History. I have tracked over 1,600 bills in the last four years, and now we see federal policies. . . things like passport bans, military bans, bathroom bans, and even funding pulled from Children's Hospitals. And internationally. . . we have seen absolute bans in Russia, with forced detransition. The same has happened in Hungary. In the UK, there is a puberty blocker ban, in Sweden, they have drawn down care. In New Zealand, they just passed a sports ban. Saudi Arabia has trafficked transgender citizens back to the country for detransition, and in Argentina, transgender people are being beaten by police. Things have gotten very hard.

How did this happen? Well, it started with sports. Organizations in that conference I mentioned earlier strategized and determined that if they could get their foot in the door by targeting sports, they could get people to accept a little bit of discrimination. . . and use that to then get people to accept more. And I get that sports is a contentious issue with plenty of nuance, but the sports bans that have passed? We have seen them target sports like fishing. . . darts. . . disc golf. . . dancing. . . and even the incredibly gendered and athletic sport of. . . Chess.

That's right, chess. The international chess organization, FIDE, determined that transgender women had no right to participate in Women's chess. There is no rational world where this makes sense.

And then after sports bans spiderwebbed, which you can see on this map here, every state that pushed sports bans successfully got other bills through. Birth certificate bans, youth transition bans, locker room laws. . . all passed in these states.

So what is the endgame here? Well, being a journalist, I managed to sneak my way into a Twitter space that many lawmakers who have sponsored these bills took part in. I listened to what they said when they thought nobody else was listening. And in fact, one of them said, "it's good that we've banned this for transgender youth here. . . but the end game is to ban this for everyone, right?" Representative

Gary Click, author of the Ohio ban, responded, “I think you’re right, but we have to do this piece by piece, bite by bite.” The end goal of this is eradication— it is a world where transgender people cannot exist, and this view holds power at the highest level in this country, the office of the Presidency.

And these gender-affirming care bans. They have also spiderwebbed. This map here shows every state with a gender-affirming care ban in the United States right now. Many of these states ban transgender youth care, but many also ban adult care. For instance, Florida banned 80% of all adult care, closing clinics across the state and forcing adults to go out of state for care. Several states ban incarcerated trans adults from getting care, and again in Florida, transgender women prisoners are having their heads shaved, and forcibly medically detransitioned.

The last map you’ll see is this one . . . a risk map of my own making, showing the risk of anti-trans legislation in your state for transgender adults. People across the United States have used this map to determine where they will go to school, where they will move, and where they will drive to get from point A to point B. We live in a country with a patchwork of laws that transgender people have to navigate every day.

In the last two months, many things have happened that are relevant to transgender and queer people, and my job as a journalist has been extremely perilous. . . . Every day, it feels like new headlines are coming out with the worst impacts on the people I report for. I’m going to talk about the headlines that we are currently seeing, and what they mean.

Earlier in January, one executive order out of several that the Trump administration issued banned transgender people from obtaining passports in their gender identity. This has led to the confiscation of passports and supporting documents. Some people who mailed in their birth certificates cannot get them back. And while trans people are restricted from being able to freely leave, the Trump administration is also targeting entry. Marco Rubio issued a directive last week that anyone obtaining a visa for entry to the United States can be permanently barred if their gender marker doesn’t match their assigned sex at birth on the application.

Another executive order banned transgender people from the military. And I want to draw your attention to this military ban . . . because in 2017, they pushed a similar military ban that said the reason for the ban was healthcare costs. That’s not the reason they give anymore. The reason given in the current ban is that being transgender “conflicts with a soldier’s commitment to an honorable, truthful, and disciplined lifestyle, even in one’s personal life.” They’re literally saying transgender people are inherently dishonorable.

Still another executive order bans gender affirming care for those under the age of 19 years old. Why 19? Who knows, but this does ban transgender healthcare for adults. I want to note that these executive orders are not legal—they are not backed by any statutory authority. Rather, they are an attempt to rule by decree.

And yet another executive order says that teachers will be investigated for supporting their transgender students. It calls being trans an “anti-American ideology.” This is where we are now.

One order has demanded the mass erasure of the word “transgender” from the internet. First, it was through the federal government, where the word transgender was removed from every government page. Even Stonewall National Monument, where transgender people stood and fought for LGBTQ+ rights and gave us pride . . . transgender people have been removed. The page now reads that it was LGB people who stood up for rights. We are erased from the very history that we helped create.

It didn’t stop there, though. Nonprofits that receive any federal funding can’t say the word publicly or that funding will be pulled. Hospitals were told to do the same. We have even seen LGBTQ+ clinics removing transgender people from their websites. NGOs have done similar. This mass overcompliance with executive orders that don’t even have legal backing is causing transgender people to be erased en masse across the United States.

You can see an example here, where transgender woman Sylvia Rivera’s page on the National Parks Service website now reads that at an early age, she began fighting for “gay and rights.” That used to say “gay and trans rights.” Now, transgender people are removed, and this transgender woman is now said to only have fought for “gay and rights.”

Now, there have been some strong responses to these executive orders. Military members have said that they have served this country honorably, and only want to continue serving. Attorneys general in several states have told the hospitals that have shut down care that doing so runs contrary to state law, and that they will sue the federal government if it tries to implement unconstitutional executive orders. Entire school systems, like Montgomery County Public Schools, have come out and said that they will not comply with the executive orders, and thankfully, many hospitals have begun restarting care.

And of course, lawsuits are ongoing. Minnesota, Oregon, and Washington have sued to end the under 19 trans care ban, and that ban is currently paused. The ACLU has done likewise in Maryland, also successfully. Meanwhile, judges have blocked the executive orders targeting DEI. But even with these orders removed, many of the organizations that have complied have not stopped complying—they are afraid of a presidency that can, at will, strip them of their funding.

So what’s next? Well . . . I can tell you I’m tracking potentials for total adult care bans, for bans on youth trans care, investigations of medical organizations, teachers, and federal school funding bans. In the courts, *Skrimetti* is going to be a massive case decided by the Supreme Court, which will determine if transgender people have equal protection under the law. Meanwhile, states continue to defend their trans people with shield laws, while criminalizing states come up with new and cruel ways to target transgender people with things like bathroom bounties.

I’ll be tracking all of it.

So I'll close off with some next steps for you. First, it's important to stay informed on legislation moving in your state and nationwide. You can do so at my website at [www.erininthemorning.com](http://www.erininthemorning.com). Also don't forget to follow your local LGBT organizations . . . and empower their local work.

For those of you in fields with strong international components, foster those global connections. Take part in the international societies, and stand up for transgender people in those spaces.

For everyone, change your media diet. Read books by trans writers. Follow trans journalists. Watch movies with trans people in them. It is so important, mere exposure can help you understand and empathize with transgender people more. I highly recommend, on this front, the documentary "Disclosure" on Netflix. It'll help you understand how our media diet affects how we think about trans and queer people.

For books, my four recs are two from trans people . . . *Whipping Girl* by Julia Serano and *Fair Play* by Katie Barnes, and two from cisgender people . . . *On Tyranny* by Timothy Snyder, and *The Origins of Totalitarianism* by Hannah Arendt.

Stay active in your professional societies . . . and lastly, find the room you can do the most good in. You'll know it when you see it, you'll have the chance to stand up for us in a space you are in. Take that chance when you get it.

Thank you for listening to me today. I will open the floor for questions.