

REMARKS

REMARKS ON “TRANSCENDENCE: LEGAL EFFORTS TO PROTECT AND ADVANCE LGBTQIA YOUTH RIGHTS”

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*You're a big girl now
You've got no reason not to fight
You've got to know what they are
'Fore you can stand up for your rights
Rights, rights?
You do have rights¹*

In my role as the director of a grassroots legal services project whose mission is to serve unhoused Queer and Trans youth, I thought I was spending a lot of time thinking about how we advance the rights of LGBTQIA+ youth. Then a new administration took charge of the White House this past January, and I found myself, like so many others, in a new legal reality that is antithetical to everything I've ever practiced in my career. My role has become less about advancing and more about protecting, safeguarding, and shielding the clients who come through our doors.

In the last few months, I've sat with countless young people who are navigating fear and uncertainty and are witnessing their dignity being stripped from them, inch by inch. We find ourselves having conversations that seem to get more absurd and granular as we assess whether a young person can cross a state line, how they can apply for a work permit, and what types of speech, if any, they are truly permitted to express in these uncertain times. We're confronted with executive orders, gutted administrative agencies, and legislators refusing to stand for the rights of those who put them in office. Amidst all of that is a judicial branch that is almost groaning under the weight of its efforts to stem the tide of this administration's efforts to roll back civil rights for so many.

As I reflect on what protecting Queer and Trans youth looks like now, I confront two truths: the first is that my identity as an advocate, whether Queer or feminist or something else, has never traveled in a straight line. The second is that I've come to see that to move forward in advancing rights for the LGBTQIA+ community, we are going to have to use some old school strategies to succeed. Those strategies harken back to my college days in the 1990s when I first

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1. BIKINI KILL, *Double Dare Ya*, on BIKINI KILL (Kill Rock Stars 1992).

discovered this part of my identity. And as we do that, I'll be looking to the music that sparked some of my first acts of resistance and revolution.

I attended a small liberal college in the Northwest, and it was there, like it was for many activists, feminists, and the like that we connected with our own resistance. I came of age at the height of the third wave of feminism as we found our fight and political resistance in a time before social media, but one in which we had to invent, and reinvent, our identity along the way.

*Riot girl doing/reading/seeing/hearing cool things that validate and challenge us can help us gain the strength and sense of community that we need. . . .*²

The sounds and songs of Bikini Kill, Ani DiFranco, and Tori Amos are forever intertwined with my reading Dorothy Roberts' *Killing the Black Body*, poring over Audre Lorde poems, researching the resistance tactics of British Suffragettes, and learning the stories of the underground abortion movement in Chicago.³ The music I listened to was part of the same space I was using to understand the intersectionality of oppression and where I fit into that world as an activist. In hindsight, some of those readings that seemed anachronistic when I first encountered them – the hunger strikes, secret messages, back rooms, and covert strategies – now seem prescient as we look to organize, mobilize, and advocate for LGBTQIA+ youth.

In the 1990s, as we were coming out of the AIDS crisis, we confronted “No Promo Homo⁴” laws that silenced discussions on sexuality and gender identity in public schools. We had “Don't Ask, Don't Tell,⁵” which banned LGBTQIA+ individuals from participating in the military, and the Defense of Marriage Act⁶ (DOMA) that defined marriage as between a man and a woman and prohibited states from recognizing same-sex marriages. As I reflect on it, I wonder whether we all fell victim to our own naivety, based on the successes we garnered in the intervening years. Those glimmers of hope that we had with *Lawrence v. Texas*⁷ (right to privacy), *Obergefell v. Hodges*⁸ (same-sex marriage), and *Bostock v. Clayton*⁹ (employee protection against discrimination), now seem like they lulled us into a sense of security that was never really there. Because we now find ourselves, thirty-something years later, watching Florida assert “Don't Say Gay”

2. Bikini Kill, *Riot Grrrl Manifesto*, HISTORY IS A WEAPON, <https://perma.cc/9U38-XMPL>.

3. See LAURA KAPLAN, *THE STORY OF JANE* (1995).

4. See GLSEN, *Laws that Prohibit the “Promotion of Homosexuality”: Impacts and Implications* (2018), <https://perma.cc/UG22-2SM8>.

5. See HUMAN RIGHTS CAMPAIGN, *Repeal of “Don't Ask Don't Tell”*, <https://perma.cc/4NPH-228G>.

6. See CORNELL LAW SCHOOL LEGAL INFORMATION INSTITUTE, *Defense of Marriage Act (DOMA)*, <https://perma.cc/Z64P-84JL>.

7. *Lawrence v. Texas*, 539 U.S. 558 (2003).

8. *Obergefell v. Hodges*, 576 U.S. 644 (2015).

9. *Bostock v. Clayton*, 590 U.S. 644 (2020).

laws to ban classroom discussion on sexuality and gender identity,¹⁰ Iowa ban books,¹¹ a push for forced outing of queer youth, and the Supreme Court set to hear *Mahmoud v. Taylor*,¹² an attempt to circumvent a diverse education by allowing parents to opt out of curriculum that involves LGBTQIA+ themed literature.¹³ And, we once again find ourselves with an administration intent on declaring that there are only two genders.¹⁴

And now, as I did in the 1990s, I find myself looking at the music of resistance that surrounds me, drawing joy and strength from the renewed interest in Bikini Kill, but also from Chappell Roan and the Linda Lindas. While I firmly believe that we could all benefit from a Femininomenon, I’m more convinced than ever that we must find ways to build out our collective strength as a community for the challenges ahead.

*We can take turns taking the reins
Lean on each other when we need some extra strength
We’ll never cave or we’ll never waver
And we’ll always become braver and braver¹⁵*

Having spent years as a community lawyer, I’m less naïve than I once was as I, and so many others, strive to engage in legal acts of resistance. I find myself looking at creative avenues of litigation, whether that means pulling from state constitutions or city laws, or assessing the value of organizational plaintiffs. I’ve become hyper-aware of each client’s particular circumstances and struggles in securing identity documents, lawful immigration status, or the right to safe and stable housing. I’ve struggled with the daily onslaught of administrative changes that make protecting Trans, immigrant youth a Sisyphean struggle. All of this highlights the urgent need for continued advocacy and systemic change to ensure the safety, dignity, and rights of these vulnerable youth.

More than that, we must continue to operate in spaces with stories that don’t get any easier to hear. A young person pulled off a plane because they had an “X” on their driver’s license or passport,¹⁶ health agency websites focused on LGBTQIA+

10. *What You Need to Know about Florida’s “Don’t Say Gay” and “Don’t Say They” Laws, Book Bans, and Other Curricula Restrictions*, NAT’L EDUC. ASS’N (2022), <https://perma.cc/KPT4-UN7W>.

11. Clark Kauffman, *Battle over the legality of Iowa’s school book ban heats up*, IOWA CAP. DISPATCH (Feb. 6, 2025), <https://perma.cc/5DYS-58BY>.

12. *Mahmoud v. Taylor*, No. 24-297, 2025 WL 226842 (U.S. Jan. 17, 2025).

13. Laura Dragnic Tohá, Guillermina Pappier, Paulina Macías Ortega, & Rebecca Reingold, *SCOTUS Takes Up Inclusive Education: Mahmoud v. Taylor in a Global Context*, O’NEILL INST. FOR NAT’L AND GLOB. HEALTH L. (Feb. 13, 2025), <https://perma.cc/2G7V-QN5T>.

14. Exec. Order No. 14,168, 90 Fed. Reg. 8615 (Jan. 20, 2025), <https://perma.cc/X99R-Z96A>.

15. THE LINDA LINDAS, *GROWING UP* (Epitaph Records 2022).

16. Orion Rummier, *The State Department is blocking new passports for trans Americans*, THE 19TH (Jan. 28, 2025), <https://perma.cc/P2C9-V6DM>.

youth forced to scrub all mention of HIV/AIDS from their website,¹⁷ a young person trying to find creative ways to stockpile HRT medication,¹⁸ and others avoiding seeking legal support for their immigration needs for fear that they may encounter ICE agents on the subway or in the community spaces that they frequent on their way home from school.¹⁹ All of this, including the rise of AI looming in emails and social media, systemically creates isolation, by disconnecting the means by which a community connects with its members.

This is no resolution

This is a revolution

*You and me, we're just playing the long game*²⁰

In the last three months, I've seen firsthand how LGBTQIA+ groups like ours are embracing strategies from the 1990s to mobilize and advocate for community needs. Whether that means abandoning all electronic forms of communication and relying on word of mouth, engaging in safe words to secure private spaces, or other tactics, it's readily apparent that we must be deliberate, thoughtful, and strategic in the most minute of organizational strategies to safeguard our community's legal rights and to ensure that we can continue to provide critical legal services. This revolution is the long game. We must be ready to adapt, organize, and engage on all fronts if we are committed to continuing the work of protecting LGBTQIA+ rights. This is the fight of our lives, and we can fight together.

17. Julie Steenhuyzen & Ted Hesson, *US health agencies scrub HIV, other data to remove 'gender ideology'*, REUTERS (Jan. 31, 2025), <https://perma.cc/H3YL-FM2H>.

18. Hannah Schoenbaum & Summer Ballentine, *When states limit care, some trans people do it themselves.*, ASSOCIATED PRESS (Apr. 30, 2023), <https://perma.cc/L3EZ-A6W5>.

19. Nicole Acevedo, *Immigrants fear required ICE check-ins could lead to deportations*, NBC NEWS (Jan. 30, 2025), <https://perma.cc/AFT3-9BPD>; *Every Child Deserves Safety—ICE Raids Will Only Cause Harm*, THE YOUNG CTR. FOR IMMIGRANT CHILDREN'S RTS. (Feb. 26, 2025), <https://perma.cc/L3EZ-A6W5>.

20. THE LINDA LINDAS, RESOLUTION/REVOLUTION (Epitaph Records 2023).