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FROM THE GOVERNOR'S DESK TO A BULLET IN YOUR CHEST: THE FATAL IMPLICATIONS OF
ANTI-TRANS LEGISLATION

BY

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FROM THE GOVERNOR'S DESK TO A BULLET IN YOUR CHEST: THE FATAL
IMPLICATIONS OF ANTI-TRANS LEGISLATION

BY

IYAN GC WICKEL

Submitted to the Faculty of the Graduate School of
Eastern Kentucky University
in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

2023

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DEDICATION

This thesis is dedicated to trans communities of past, present, and future. We are valid and matter. I hope for the day in which we won't fear for our lives and safety just for being ourselves. May we continue the fight and stand strong against opposition and oppression.

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ABSTRACT

Proposed discriminatory legislation in the hundreds has resulted in a renewed look at trans communities, both of support and vitriol. Just as new legislation has been proposed in recent years at a rate that is higher than ever before, so has the reported rate of murder of transgender and gender nonconforming individuals, seemingly at a similar rate with hate fueled rhetoric and legislation. This general observation was the driving force behind this study; to determine whether or not anti-trans legislation in particular coincided with the rate of murder of trans and gender non-conforming people. The study at hand examined the murders of trans people in the US between 2015 and 2022, alongside anti-trans legislation that occurred in that timespan, political majority of state governments at the time of the murders, all while utilizing intersectional frameworks so as not to discount the variability of the trans experience and potential role that intersectionality may play in terms of victimization. The data collected was analyzed through a series of bivariate correlations to further understand the sociopolitical and interpersonal variables surrounding the victims of homicide. This study gives a deeper understanding of not only trans victimization but also the fatal, sociopolitical impacts of discriminatory legislation and rhetoric.

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Chapter 1

Introduction

An onslaught of new legislation has renewed violence towards LGBTQ+ communities that has not been prevalent since the AIDS crisis in the 1980s. Legislators on the state and national level have more vehemently set their sights on discriminatory policies that target LGBTQ+ communities, specifically transgender communities, at an alarming rate throughout 2023 with 568 bills being proposed (Trans Legislation Tracker, 2023). Such discrimination has taken form through a variety of bills, such as Bathroom Bills, the Religious Freedom Act, and the Transgender military ban (Lenning et al., 2020). The goal of these bills was to enact restrictions on transgender people in public settings like the Bathroom Bills and Transgender military ban, as well as to provide justification for discriminatory actions through the Religious Freedom Act. It was not an immediate change in which hundreds of bills flowed into congress, but rather a gradual ascent, with the number of bills fluctuating through the years but nonetheless increasing in number. In 2015 there were 19 specifically anti-trans bills proposed. In 2016, this number jumped to 55 proposed bills. There is a decline in number of proposed bills between 2017 and 2019, with 2017 consisting of 45 proposed bills, 2018 having 26, and 2019 decreasing to 19. We see this declining trend end in 2020 when a sharp increase appears. In 2020, the number of bills climbed to 66, 2021 more than doubled that number with 144 proposed bills, 2022 with 174, and finally, 2023 reporting a grand total of 568 bills (and counting) (Trans Legislation Tracker, 2023).

This recent rapid increase in discriminatory policy and hostile public sentiment begs the question of how this increase in discriminatory legislation of political sentiment impacts transgender communities? This is especially important as it relates to their physical safety when navigating their everyday lives in the United States as individuals who do not adhere to the rigid gender binary. A brief review of news coverage across the United States results in several stories of states preparing to hear, and even pass, legislation that discriminates towards transgender individuals, especially trans youth, with attacks going so far as the performance of drag, which indirectly targets transgender people due to the vague language being utilized in these proposed laws (Berg-Brousseau, 2022; Krauth, 2023; Kruesi, 2023; Mattise & Kruesi, 2023; Zoledziowski, 2023;). These explicit attacks on transgender people appear to have only been increasing alongside the rate of violence towards trans communities, with the Human Rights Campaign reporting staggering numbers of murders of transgender people (Human Rights Campaign, 2022,). As of the end of 2022, the Human Rights Campaign (2022) reported “at least 38 transgender people fatally shot or killed by other violent means”. Additionally, as of September 2023, at least 15 have been reported.

This paper is exploratory due to the lack of academic literature that addresses this topic. In this paper, I address the question of whether or not sociopolitical climates impact rates of violence against the queer community. Relying on a mixed methods analysis, I explore fatal violence against transgender and gender nonconforming individuals over the course of seven years, 2015-2022. This timespan was specifically chosen in order to fully dissect the potential impacts of sociopolitical rhetoric. Within this decade, a Democratic and Republican president have served. The decade has been

one of great advancements in LGBTQ+ rights, as well as major setbacks as a result of passed legislation, the everchanging sociopolitical environment, and a change in elected leaders, both on the federal and state levels. Especially in more recent years, there has been an increase in discriminatory legislation that has gained public attention. The goal of this research is to determine if reported fatal violence is more prevalent in states that have successfully passed, or attempted to pass discriminatory legislation, all while taking into account important intersections, such as race, gender identity, location of the murder, and population rates at the time of the murder.

I begin by briefly examining relevant terms and literature before moving into a more in-depth review of the implications of violent ideologies and policies, fatal and non-fatal violence in trans communities, reporting errors and issues, and finally emphasizing the importance of utilizing intersectionality in such an analysis. I then move into the quantitative section of the paper, performing a variety of statistical analyses on a database that I have compiled via local news sites, advocacy websites, and annual reports that provide a comprehensive overview of reported murders of transgender individuals for the given years. Finally, I examine these results and relate them back to the relevant literature and what they may mean for the future of transgender communities in the United States in such a time of political turmoil. In order to fully grasp these implications, one must first understand key terms and definitions in relation to transgender communities and gender itself.

Chapter 2

Literature Review

Important Terms and Definitions

Gender is a social construct, less so what we are but more so what we do (Rogers, 2017). Gender identity relates to the ways in which an individual perceives themselves and expresses their chosen or prescribed gender. These can include, but are not limited to, identifying as a man, women, non-binary individual, agender individual, among a multitude of others. Gender binary is characterized by a linear relationship between biologically prescribed sex, gender identity, and sexual orientation (Momen & Dilks, 2021). While it may be easy to conflate these terms, there are important and distinct differences between the three. Sex is based upon biological factors, such as chromosomes and anatomy; XY indicating male and XX indicating female. It is key to note that intersex people are excluded from this strict gender binary. Sexual orientation relates to the emotional, physical, and sexual attraction and arousal to individuals of similar or different gender identities and sexes.

Cisgenderism is less an individual discriminatory attitude, but more so an ideology that is “systemic, multi-level, and reflected in authoritative cultural discourses” and “problematizes the categorical distinction between classes of people as either ‘transgender’ or ‘cisgender’ (Ansara & Hegarty, 2012, p. 141). This ideology reinforces the conflated notion that sex and gender are interchangeable, and limited to solely two categories (Rogers, 2017). This conflation produces the idea that those who are transgender only fall into one of two categories- transgender woman and transgender man. In doing so, all other identities are erased and dubbed as lesser for not

following the gender binary that has been preset by society. Following this logic, if someone does not adhere to the traditional cisgender identity, then the only alternative would be for them to still adhere to the traditional binary but just of the opposite gender identity. This is simply not the case. Underneath the transgender umbrella, there are a plethora of identities. To be transgender is to not be cisgender. Such a broad definition gives way for a number of identities to be crafted uniquely to every individual. In doing so, we see identities such as non-binary, gender fluid, agender, intergender, and transfeminine and transmasculine, just to name a few. Underneath this umbrella term also falls cultural identities found in specific ethnic, national, or religious traditions, such as two-spirit, hijra, and third gender. Each of these identities are connected to cultural identities in which groups of people are born one gender but identify and express themselves as others.

Another key concept is transphobia, which can be defined as a societal “fear or hatred of different genders” (Hill, 2002, p. 119). Transphobia plays a key role in a newer concept termed “trans panic”. Trans panic is a form of defense utilized in legal cases to attempt to lessen the severity of a crime by claiming the perpetrator acted out of panic upon discovering the trans identity of the victim. Such a defense has been utilized not only in cases of assault and battery, but also in murder charges in an attempt to mitigate the application of hate crime statutes in cases where the violence is clearly motivated by transphobia (Wodda & Panfil, 2015).

The use of “transgender communities” or for short, “trans communities” will be utilized throughout this paper in order to fully encapsulate the diversity of trans identities. Within the umbrella term of “trans communities” there are many different

subsections, some falling under cultural identities such as the aforementioned two-spirit in Indigenous communities and culture, transwomen and men, non-binary, gender-fluid, agender, etc. Each smaller community is characterized by different experiences, making it difficult, and albeit disrespectful, to lump them all into one conglomerated term while claiming to be bolstering and representing them in this thesis.

Queer criminology: An emerging area of study

Queer criminology is a burgeoning area of the field of criminology, focusing on issues within the LGBTQ+ community contrary to the heteronormative approach that most criminology takes. This area of study implements a variety of already established theories and subsets of the field and implements an intersectional approach to apply queerness to what is pre-established (Ball, 2014; Buist & Semprevivo, 2022; Peterson & Panfil, 2014). Within this literature, a variety of topics have been addressed including, but not limited to experiences with crime (Woods, 2017), victimization (Colliver & Silvestri, 2022; Langenderfer-Magruder et al., 2016; Moran & Sharpe, 2004), and the Criminal Justice system (Momen & Dilks, 2021; Peck, 2022), as well as resiliency (Asakura, 2019; Schmitz & Tyler, 2019; Singh et al., 2011). Scholars within Queer criminology and queer studies are able to focus on all aspects of the LGBTQ+ community and the interactions of queer people and the criminal justice system, both as victims and perpetrators of crime and violence. One of the earliest academic sources to recognize that queer people were criminalized and made to reinforce cultural expectations was Jeff Ferrell in *Cultural Criminology* (Ferrell, 1999). In this piece, Ferrell (1999) recognized that,

contemporary cultural criminalization is aimed time and again at marginal(ized) subcultures-radical punk musicians, politically militant black rap groups, lesbian and gay visual and performance artists-whose stylized celebration of and confrontation with their marginality threaten particular patterns of moral and legal control (p. 406).

This exemplifies the connections between current culture and the social construction of what is deemed criminal and not as the result of what the public perceives as such. If cultural criminalization is successful, public panic and discomfort can follow suit, thus furthering stigmatization and perpetuating the marginalized status of the group (Ferrell, 1999). Yet, as popular culture shifts so does cultural criminalization of marginalized groups. Culture within the United States has heavily shifted since Ferrell's writing, but not enough to the point in which the concept of cultural criminalization of queer people that Ferrell proposed has become obsolete. Despite queer advancements, both culturally and academically, criminalization of queer people and perpetuation of cultural stereotypes resulting in public panic, still persist within certain circles of society within the United States.

Violent Ideologies and Policy Implications

Despite growing visibility of the queer community and wider acceptance of the exploration of gender identity and sexuality, this still does not free the LGBTQ+ community from acts of violence as forms of backlash, specifically conservative backlash, to this ever-growing community that challenges a hegemonically heteronormative and cisgender society (Wood et al., 2019). Governmental actors contributing to violent and discriminatory sentiment towards marginalized communities

have been actively covered in academic research, but in more recent times we see new coverage regarding governmental complicity with discriminatory actions and legislation towards transgender communities (Lenning et al., 2020; Wirtz et al., 2020). This complicity, especially when it is based within a specific party and ideology, can result in violent ideologies. These violent ideologies have existed within the US criminological system for centuries, the only change being the targets of the violent vitriol. Violent ideologies are defined as “those which carry belief that a group of people are less than or unequal to a dominant group” (Lenning et al., 2020, p. 153). These violent ideologies are codified into societal understandings of the subordination of individuals directly impacted by such policies. Essentially, these policies can work to not only fail to provide protections on the federal level, but also to reaffirm/legitimize/grant credibility to the violent ideologies held by citizens. This in turn justifies and emboldens individuals and state politicians to commit violence against those who have been singled out by the legislation (Lenning et al., 2020). The idea of violent policies reflecting violent ideologies is not novel.

In an analysis of similarities between policies on lynching and violence against transgender women, Lenning et al. (2020) discuss the impacts of violent ideologies on the promulgation of legislation, as well as the perpetuation of violent policies that are cultivated in a given social and political climate. Specific to the topic at hand, citizens emboldened by state sanctioned violent policies may be more inclined to uphold such violence in order to maintain traditional norms and values. In the case of anti-LGBTQ+ ideology this would include cisgenderism, heterosexuality, and strict adherence to stringent gender norms and roles so long as they follow the traditional gender binary.

Any expression that challenges or falls outside of these predetermined cultural norms, such as being transgender, is viewed as being a rejection of cisgenderism. But within the sphere of being transgender, there is a slippery slope of acceptable identity and unacceptable. This is especially prevalent in the idea of “passing”. Passing is the collective term used to describe transgender people that, from initial glance, do not outwardly appear to be transgender. They instead are perceived as cisgender. These structural paradigms of cisgenderism and transphobia embed the gender binary into societal institutions. In doing so, this allows the justification for inevitable violence and discrimination against individuals who deviate from the acceptable binary simply due to the desire to uphold the binary (cis)gender system (Stotzer, 2008; Wood et al., 2019).

Such can be seen through the repealing of Obama administration legislation and replacing it with discriminatory legislative rhetoric from the Trump administration. The Obama legislation renewed a sense of hope and belief in the opportunity of equality and achieving human rights for the Queer community. Other such policies included the Matthew Shepard and James Byrd Hate Crimes Prevention Act (2009), the Don’t Ask Don’t Tell Repeal Act (2010), and *Obergefell v Hodges*, 576 U.S. 644 (2015), all of which were passed with full support of President Obama. These advancements for the LGBTQ+ community set a new precedent of acceptance and tolerance, reinforcing and promoting new US norms and values focused on equality and human rights. Following the 2016 election of Trump, such advancements were quickly repealed and setback by inequitable legislation that would come to pass throughout his term and even after.

Transphobic Policies of Past and Present

During his time in office, Trump reestablished discrimination in military service, enacting the Transgender Military ban, which effectively denied transgender people from enlisting into the armed forces. Despite its blockage in federal courts, the ban was still passed in 2018 with the sole caveat that those already serving in active duty be allowed to continue service (Lenning et al., 2020). The Trump administration was rife with exclusionary policies being proposed into legislative sessions, many with the goal of excluding trans people and eradicating the rights of trans youth via discriminatory proposals (Grant, 2021). One of the key policies proposed by this administration that garnered national attention was the attempted 2017 trans military ban. While this ban may not have been the first instance in which the Trump administration targeted queer people, it nevertheless created a dangerous sociopolitical climate in which the public were exposed to an explicit attack on trans rights by an institutional power. This attack encouraged and condoned lawmakers and civilians alike to rally behind discriminatory rhetoric and action because of the direct endorsement of a sitting president (Neira & Lee, 2021). From this point on, state Senate and House floors became bombarded with legislation that would only further restrict the rights of trans people, such as what became known as “bathroom bills,” sports bans, and even healthcare restrictions.

Bathroom Bills

Other setbacks for the Queer community that began during the Trump administration were the introduction of what have been collectively termed “Bathroom Bills”. These bills prohibit transgender individuals from using public bathrooms that align with their gender identity (i.e., those assigned male at birth have to use bathrooms

designated for men, and those individuals assigned female at birth have to use bathrooms designated for women). Such legislation conflates biological sex with gender, thus enforcing the aforementioned transphobic gender binary. For example, seventeen states introduced such bills, and twenty states introduced legislation specific to students or prohibition of non-discriminatory policies (Lenning et al., 2020, p. 161). Bathroom bills came into the public eye as early as 2013 in the case of Coy Mathis in Colorado. In this case, Mathis' parents filed a complaint against her school district claiming they violated antidiscrimination laws by prohibiting Mathis from using the girl's restroom (Horne et al., 2022). Following suit, states began proposing legislative policies in an attempt to bar transgender and gender non-conforming individuals from utilizing bathrooms, as well as locker rooms and changing rooms, that aligned with their gender identity (see the North Carolina HB 2 (2016) as an example) (Horne et al., 2022; Murib, 2020; Parent & Silva, 2018; Silva et al., 2022; Spencer, 2019).

Throughout 2016 and rolling into 2017, more states wrote bathroom bills of their own. A major milestone occurred in 2017 when the federal government created its own bathroom bill. February 2017 marked when the Department of Education under the Trump Administration would no longer enforce protections for transgender students to use restrooms that aligned with their gender identity, thus revoking yet again another Obama-era protection that supported and uplifted those who identified as other than cisgender (Spencer, 2019). Bathroom bills did far more than simply bar trans and gender non-conforming individuals from bathrooms, but rather they criminalized and denied their existence within certain public places (Murib, 2020; Spencer, 2019).

Sports Bans

Another form of discriminatory policies that restrict and deny the existence of trans people from the public eye are sports bans. Policies such as these have continued to permeate the political sphere even after Trump's administration ended in 2020. More recent legislation specifically targets transgender youth by instituting (or attempting to institute) heavy restrictions and regulations on young trans women in sports. Between 2020 and early 2022, 10 states had signed into law trans sports bans and another 27 had proposed their own variation of the ban (Pharr et al., 2022). These bans seek to police the bodies of trans athletes, with a specific target on trans women in an effort to "protect" cis women in sports, enforcing the binary assumption that cis women are incapable of competing against individuals whose bodies are, or were, more physiologically male (Buzuvis, 2021).

In a review of state, scholastic, and even Olympic rules and regulations in regard to the participation of trans athletes, Erin Buzuvis (2021) delves into the vastly different regulations of sports. In terms of scholastic associations, for instance the NCAA, regulations are in place for the participation of trans men and women in women's sport, but none exist in men's sport. In the NCAA trans women are eligible to compete in women's sports after a year of hormone therapy. Trans men are able to compete in women's sport until they begin hormone therapy. The International Olympic Committee permits trans women to compete in women's sport only so long as they have been identifying as trans for a minimum of four years and have undergone hormone therapy. Their testosterone levels are then measured and must fall below "10 nanomoles per litre for at least 12 months prior to her first competition" (Buzuvis, 2021, p. 443). Other

sports associations, such as World Rugby, banned all trans women from competing in women's sports regardless of hormone treatment (Buzuviz, 2021; Pharr et al., 2022). Such policies, as previously mentioned, only further police the bodies of trans individuals, especially trans women, promoting binary assumptions and stereotypes about women's abilities to compete against those who had been or have physiologically male bodies. While not all sports associations require surgery or hormone therapy (though this is not as common), it creates an expectation for hormone therapy despite the fact that such treatment may be inaccessible due to financial or state regulations that prohibit the usage of hormones for trans minors.

Healthcare Policies

In recent years, there has been a slew of healthcare bills that seek to deny or heavily restrict hormone therapy and general trans-focused health care to transgender youth (Abreu et al., 2022). These forms of healthcare can be physical or mental with a specific focus on the bodies of transgender children. Such bills often perpetuate a false notion that transgender children are accessing surgical treatment at excessively young ages without any form of preliminary care beforehand or parental consent (Abreu et al., 2022). These bills claim to be protecting children and enforcing parental choice, yet they accomplish the opposite (Grant, 2021). Research throughout the world has examined the negative impacts of denial to hormone treatment, especially puberty blockers, for trans youth (Abreu et al., 2022; Horton, 2023; Neira & Lee, 2021; Silva et al., 2021). The utilization of these policies in healthcare can ultimately result in heightened mental health and physical health issues, but the primary health impact is presented through an increase in thoughts or attempts of suicide due to the

discrimination trans youth meet at the hands of those who are meant to help them and provide them with, arguably, lifesaving care (Horton, 2023; Silva et al., 2022).

Parents of trans children have reported that these forms of policies forcibly take away the rights of both the parent and the child (Abreu et al., 2022; Horton, 2023). The denial of healthcare to trans youth under the guise of children being forced to transition is preposterous at best (Grant, 2021). This narrative is not only pushed throughout the sociopolitical sphere within the US, but also is seen cross-nationally in the UK and Europe. A UN 2020 report on conversion therapy takes the pro-trans healthcare stance, claiming that ““preventing trans young people from transition” as a [form] of conversion practices” (Horton, 2023, p. 508). Denial of access to healthcare to trans people, especially youth, maintains the stigma surrounding trans bodies and further exemplifies the disposability of trans lives. These restrictions can heighten suicidality as the result of facing reoccurring stigma through denial of rights and healthcare.

Suicidality of Transgender Individuals

One of the primary outcomes these policies have on trans people is an increase in psychological distress, mental health issues, and an increase in suicide attempts (Abreu et al., 2022; Cunningham et al., 2022; Goldblum et al., 2012; Graaf et al., 2020; Haas et al., 2011; Herman et al., 2019; Horne et al., 2022; Horton, 2023; Neira & Lee, 2021; Parent & Silva, 2018; Perez- Brumer et al., 2015, Pharr et al., 2022, 2015; Silva et al., 2022). Multiple studies have come to the conclusion that individuals who identify as LGBTQ+ report higher levels of suicidality, but that number is even higher amongst trans communities, with studies showing higher levels of suicide attempts amongst trans individuals when compared to their cisgender counterparts (Goldblum et al., 2012;

Graaf et al., 2020; Haas et al., 2011; Herman et al., 2019; Johns et al., 2019; Perez-Brumer et al., 2015; Toomey et al., 2018). These studies cite various lifetime stressors that are reported by trans individuals as reasoning behind attempted suicide, the most common being feelings of discrimination, heightened depression and anxiety disorders, non-acceptance by family and peers, and fear associated with discriminatory legislation. One particular study focused on correlations between anti-trans legislation and internet searches about depression and suicide. Cunningham et al. (2022) found that “when bills were passed it lead to an increase in the volume of searches on Google for the word ‘suicide’” (Cunningham et al., 2022, p. 8). In Texas, where the study focused its analysis, following the passage of two anti-trans bills within a week, Google searches jumped from a 13 to 17 percent increase to a 26 to 34 percent increase. It was thus concluded after statistical analysis that the passing of anti-trans legislation in Texas was linked with searches of suicide and depression within the state of Texas, especially in areas that had higher concentrations of LGBTQ+ identifying individuals (Cunningham et al., 2022). These results indicate the lethal impacts that this legislation has on trans communities and emphasizes that it is something that must be taken into account and taken seriously in order to protect trans populations.

The Culmination of It All

One key component that all of these bills have in common is their ultimate goal of upholding cisheteronormativity. Every type of bill that has been mentioned attempts to deny the existence of trans and gender non-conforming people in public and private spaces. Whether these spaces be the bathroom or the doctor’s office, the bills in questions violate the rights of trans and gender nonconforming people to privacy and

protection. Even in instances in which these bills do not make it any further than talks on the House floor, they create opportunities for those who wish to uphold cis-heteronormativity to justify their firm stances and enable biopolitics of disposability. Such policies, especially when backed by legitimized power structures such as the Trump administration or elected officials, present trans people as disposable. The restrictions that come about as the result of these policies exclude trans and gender non-conforming people from the public view, prosecuting them for existing within the public eye (Spencer, 2019). These policies do nothing more than stigmatize and attempt to erase trans people from the public purview, institutionalizing discrimination of trans people (Murib, 2020). Rather than continue the legacy of the Obama administration that worked towards human rights gains, especially for those in LGBTQ+ communities, Trump seemed to be far more willing to sacrifice such policies for political gain (McIntosh and Hellman, 2019). These violent policies only further display the complacency of the federal government and state actors and indifference to the safety and health of an entire sub-population of the United States. Such complacency solely works to dehumanize transgender communities and individuals, and condones, if not enables, the disproportionate violence and rates of murder against the Queer community.

Rates of Fatal Violence

Fatal violence rates of transgender people have been difficult to accrue due to there being no federally recognized documentation of murdered transgender people. However, based on what has been gathered by advocacy sources, a trend is identifiable, and it is accurate to state that there has been a steady increase of fatal violence over the

years with only a few outliers in which the rates slightly decreased (Waters et al., 2018). Some of this increase can be explained by other intervening factors, such as better police reporting, more awareness of the issue at hand and or of transgender communities. However, what is known for certain is that these rates have increased. Furthermore, it is theorized that the reported rates are much lower than the true number of homicides of transgender people per year. The Federal Bureau of Investigations (FBI) theorizes that the true rates of homicide of transgender individuals are as much as 40 times higher than reported rates due to misreporting of victim information by the media, incorrect filing by the police, and families' unwillingness to report the preferred name and gender of the victim (i.e., deadnaming and misgendering the victim and resulting in misidentification) (Momen & Dilks, 2021; Wood et al., 2019).

Rates of Non-Fatal Violence

To comprehend the totality of violence against transgender communities, it is important to recognize the general rates of violence that occur that are not fatal. In a study by Gyamerah et al. (2021), rates of non-fatal violence against transgender women were calculated to further explore rates of violence in the San Francisco Bay area, with a specific interest in comparison across race. A total of 45.8% of the 659 participants reported experiencing transphobic hate crimes, with Latina women reporting the highest rates at 47.3%, Black women followed close behind at 45.8%, and White women at 42.6%. In addition, 51.1% of women who experienced hate crimes did not report to police. Stotzer (2009) reports that of transgender people in Virginia, 40% reported physical assaults, with 69% of those reporting believing that the primary reason for their victimization was their gender identity. Lombardi et al. (2001) report that 59.5% of their

sample experienced violence or harassment, and Gauthier et al. (2021) similarly note that over half of their participants had been physically assaulted. Seemingly, self-reports consistently show high rates of non-fatal violence over the past 20 years. Importantly, of reported violence, sexual assaults and physical assaults remain as the most common forms of violence against transgender individuals, along with verbal abuse and harassment (Gauthier et al., 2021; Gyamerah et al., 2021; Lombardi et al., 2001; Stotzer, 2009). These instances of violence must also take into consideration a myriad of simultaneous factors that also pertain to the probability of victimization.

Reporting Errors and Issues

There are minimal statistics collected on transgender murders by the federal government and other organizations. Most of the information acquired for studies, such as this one, comes from non-governmental sources. As previously mentioned, despite an increase in murder rates of transgender individuals, the FBI theorizes that the true rates of homicide of transgender individuals are as much as 40 times higher than reported rates (Momen & Dilks, 2021; Wood et al., 2019). If one were to apply this theory to reported rates, the “true” number of murders of transgender people in the US in 2022 would be 1,520 due to the reported number being 38 (Human Rights Campaign, 2022). In the US in 2022, the Center for Disease Control and Prevention reported 26,031 deaths for the entire population, making the general murder rate in the US 7.8 per 100,000. In applying the FBI’s theory and the UCLA’s report of 1.6 million people identifying as transgender in the US, the true number of murders of transgender people would be 95 per 100,000. Of reported cases in 2022, the murder rate of trans people was 2.4 per 100,000.

Errors in police reporting can be traced to sentiments of institutional betrayal that Queer communities experience, as demonstrated through rates of non-fatal violence reported to police and non-fatal violence committed. Underreporting hinders the understanding of true rates of violence in these communities, further adding to the dearth of literature and accurate federal statistics on the extent and seriousness of the issue. Gauthier et al. (2021) defines institutional betrayal as an “institution’s failure to act or failure to protect an individual for whom that institution is responsible” (p. 5), often stemming from “experiences or perceptions that the institution will not take an individual’s report of trauma or victimization, [which] will create a more hostile environment for the reporting individual an/or not take proactive steps to address the reported experience” (p. 5).

Sentiments of institutional betrayal set a dangerous precedent for the LGBTQ+ community’s beliefs and attitudes towards the police, a social institution whose reporting of rates of violence aid in providing data for federal statistics. From what little research that does address this lack of reporting, there is a common sentiment that transgender people do not trust in police- there is a lack of faith in the police to respond effectively to the crimes committed against the LGBTQ+ community, especially when gender identity is a key factor (Gauthier et al., 2021; Gyamerah et al., 2021, Wirtz et al., 2020). Due to victimization by police, general discomfort with, and lack of faith in police, crime reports remain low in transgender communities (Gyamerah et al., 2021, Wirtz et al., 2020). This lack of trust in tandem with sentiments of institutional betrayal results in a lack of available information regarding transgender victimization. This further contributes to the void in literature regarding transgender homicides. These

sentiments can coincide with a variety of factors not just relating to gender identity, but also to factors such as race, class, and citizenship status, thus identifying the importance and need for an intersectional approach to be taken when examining violence against transgender communities.

Intersectionality as a theoretical framework

Gender identity as the sole factor of violence only limits the scope of understanding violence against transgender communities. Whether the violence be fatal or non-fatal, intersectionality must be taken into account when examining these cases. Intersectionality was originally coined by Kimberlé Crenshaw (1989) and is rooted in Black feminism. It can be best understood as referring to crucial “insights that race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities” (Momen & Dilks, 2021, p. 58). Understanding violence through an intersectional framework is crucial to understanding how and why violence occurs. Simply put, the discrimination that a white transwoman faces will be an entirely different experience than that of a Black transwoman, simply due to the intersections of race with gender identity. It becomes more complex when other variables are added into the equation, such as age, socioeconomic status, housing status, age, etc. Each variable plays a different, yet equally important role in understanding the experiences of individuals. By consolidating the transgender experience to the sole variable of gender, the critical information will be missed. Doing so also lumps together a plethora of unique experiences and individuals into one static category, which only furthers the harm to communities and to the dearth of literature. This homogenous

category ultimately perpetuates a white, middle-class experience and identity, and ultimately ignores the differences that identities present (Momen & Dilks, 2021)

Transgender communities occupy a variety of demographic factors such as race, socioeconomic status, sexual orientation, and employment status. Because of this variability, each factor can in turn exacerbate and impact violent victimization. It is crucial to situate someone's experiences within their intersecting identities because many will find themselves existing at the intersection of differing oppressive systems. In only examining one factor- for instance gender- the exploration of the information at hand will only be hindered. Oppressive systems serve as institutional mechanisms that place individuals at greater rates of harm and further victimization. For many, these systems not only oppress and inhibit an individual's ability to participate in society, but also shape experiences in very distinct ways depending on which identities the individual occupies (Momen & Dilks, 2021). Intersectionality, therefore, is also contextual as these factors cultivate "different distinctions [that] are simultaneous in their operation and inextricably linked to each other and are thus always a part of any context" (Moran & Sharpe, 2004, p. 400). In order to fully understand how victimization impacts such individuals, the multitude of identities that people occupy must be examined related to how they shape the life experiences of transgender individuals. It is important to keep in mind that racism and classism do not simply vanish due to another realm of oppression being present.

One particular component that is critical to take into consideration is race. Due to the racist history and social institutions in place in the United States, race holds a unique level of importance when it comes to examining violence, including rates of

violence against transgender people. “While data indicate that transgender people overall may not face a higher risk of victimization compared to cisgender people, Black and Latina transgender women face a higher chance of being murdered than their cisgender counterparts” (Gauthier et al., 2021, p. 4). This perfectly encapsulates why it is necessary to take into consideration intersectionality when examining violence in trans communities. An intersectional framework is crucial because the harms that transgender people experience is influenced by other aspects of their identity, both controllable and uncontrollable, and limiting such a framework only reduces the complexity of the experiences of these individuals (Meyer, 2014). An intersectional understanding of the implications of racial identity and sexuality are crucial, as homicides of transgender individuals are disproportionately made up of Black people, specifically transgender women of color (Gauthier et al., 2021; Gyamerah et al., 2021; Lenning et al., 2021; Meyer, 2014; Momen & Dilks, 2021; Stotzer, 2009; Waters et al., 2018; Wood et al., 2019).

Biopolitics of disposability

Michel Foucault (Foucault et al., 2008), among others, have theorized on the concept of biopolitics and biopower. Foucault specifically conceptualizes biopolitics and biopower as ways in which the government regulates specific populations through “biopower”, or the application of political power on the human body. This concept has paved the way for the creation of biopolitics of disposability, which utilizes this primary theory in order to further understand how the government chooses these populations to control, and further dictates them to be disposable as the result of the implementation of control through power. Biopolitics of disposability will be the primary theory that will

be primarily implemented in this paper to aid in the explanation of discriminatory legislation. First developed by Henry Giroux (2006) in his examination of the state's response to Hurricane Katrina and the disposability of Black and poor people, the biopolitics of disposability explains the relationship between the government and the populations it chooses to control through the lens of disposability. In Giroux's conceptualization, biopolitics is produced not only to control lives but also to privilege some lives over others. Doing so creates an environment in which benign neglect is able to metastasize to malign neglect. This type of environment further cultivates a sentiment in which these disposable groups are neither needed, wanted, nor cared for by society. While Giroux primarily focuses on poor people of color that were impacted by Hurricane Katrina, it can easily be equated to the state's response to trans people and bodies and their disposability through lack of care and forceful invisibility. This new form of biopolitics includes "state-sanctioned violence [and] also relegate[ing] entire populations to spaces of invisibility and disposability" (Giroux, 2006, p 181). This is further exacerbated and justified by a governmental agenda that attacks the group itself rather than focusing on attacking and getting rid of the cause for these sentiments. This is evidenced in the form of some of the aforementioned bills, like bathroom bans in which transwomen are the targets of attacks by legislation while the threat posed by cismen goes untouched (Spencer, 2019). This concept can be utilized in understanding why the targeting of trans people via legislation is more easily socially justified, further aiding in understanding the lack of formal data on trans communities due to their invisibility.

Chapter 3

Methods

Data

As of writing, there is little to no formal available database in the US that accurately captures information and frequency of transgender homicides. Rather than relying on traditional databases, here I utilized advocacy and activist websites and organizations to collect data on victim information. The websites I used were primarily the Human Rights Campaign (HRC) and annual reports from the National Coalition of Anti-Violence Program (NCAVP). These organizations were selected, specifically the Human Rights Campaign, to acquire basic information on reported homicides between 2015 and 2022 for a more in-depth data analysis to be completed. The HRC works to end discrimination against the LGBTQ+ community, publishing annual reports on violence against the community as well as releasing general pieces on current events that are impacting the LGBTQ+ community. The NCAVP shares a common goal with the HRC, achieving a future without discrimination against the LGBTQ+ community. They too work on policy reform and awareness and publish reports regarding violence. Both organizations have gathered basic information on victims of violence, trans and cis, such as race, gender identity, and age. The information compiled is then released in annual reports, which are the backbone of the current study as they provide a concise resource that can be easily utilized.

The decision to focus on 2015-2022 was a choice made with forethought. I chose this time frame in order to obtain a comprehensive timeline of events that consisted of a multitude of accomplishments of LGBTQ+ rights and setbacks. This time

frame also consisted of two presidential terms in which the residing Presidents were Republican and Democrat (Obama (D) 2008-2016, Trump (R) 2016-2020) which creates and reflects different sociopolitical environments. Both presidential terms were characterized by different morals and values held by the sitting president and those who surrounded them. I had originally planned to include 2012-2014 in my database, but due to sources being limited on proposed anti-trans legislation during these 3 years, they were ultimately excluded from the statistical analysis.

Even without 2012-2014 being included, the utilized timespan is still characterized by important milestones and setbacks in LGBTQ+ rights. In 2015, *Obergefell v Hodges* was a major milestone for the LGBTQ+ community, legalizing gay marriage on the national level. Two years later, then President Donald Trump began putting his plan into motion to ban transgender people from serving in the military (NCLR, 2019). In this time period there is a beginning of an uptick in discriminatory legislation towards the LGBTQ+ community, which has only continued to rise since. Having these monumental checkpoints in history allow for me to have reference points throughout the timeframe to reflect on, rather than paying no homage to the possible effects that these events could have had on general society and the LGBTQ+ community.

In an attempt to better understand the legislation being proposed and passed during this time, I decided to look into the political makeup of each state's Senate and House of Representatives at the time in which the murder occurred. I referred to General Assembly Directories and Ballotpedia for each state and year, as well as the political party of the Governor at the time. This is especially important when one

considers that, generally speaking, Republicans tend to be against the LGBTQ+ community and Democrats tend to be more supportive (Murray, 2022; Santhanam, 2023; Sosin, 2022). Based upon these assumptions, I would presume that Republicans would hold the Senate and House of Representatives majority, as well as position of Governor at a higher-than-expected rate in states that had proposed or passed discriminatory legislation. The total number of anti-trans legislation proposed for the corresponding year was gathered via the Trans Legislation Tracker, Track Trans Legislation, and advocacy websites such as the ACLU, HRC, and Freedom for all Americans. Each site was utilized in tandem to ensure the data set was completed with utmost accuracy.

For the purpose of verification and to address possible gaps in knowledge, I researched each case independently, utilizing hyperlinks from the Human Rights Campaign reports as well as local news outlets in order to access more in-depth information on each victim and the circumstances surrounding their deaths. This helped me to gather further information that was not listed on the HRC site. All available media were arranged into an excel spreadsheet that consists of victim name, deadname if used in media reports, age, race/ethnicity, gender identity, location of murder, basic information on how they were killed, if the case had been solved and if so, the relationship between the victim and perpetrator, as well as a more in-depth description of the murder based upon media reports, if available. In a number of cases, more information had been released to the public after the HRC had posted to their page. I made sure to consistently check the site for updates on every year researched in the event that a deceased person was found and could be added to the database. This was

especially important to do for 2022, as unknown cases tended to surface in early 2023 that had occurred at the end of the year. There were a few cases in which a body was unidentified initially but was identified after some time. Cases were removed from the statistical analyses due to failure to meet criteria for inclusion, as well as for missing variables. These cases were ones in which race was never stated on advocacy sites, media reports, or obituaries. To ensure data was not compromised, I left this variable blank on the excel sheet rather than assuming race based upon photographs of the victim. Cases in which gender identity was not listed, or in which there were conflicting reports of gender identity, were also removed to avoid the data becoming compromised and to ensure accuracy.

When considering the importance of time and place, I made sure to note the city and state population at the time of the murder for each case. I utilized Statistica to gather most of my information, as well as general cursory searches through Google and references to census data when applicable. In terms of timing, I utilized advocacy websites and reports that tracked anti-trans legislation throughout the years, such as the Human Rights Campaign, Freedom for All Americans, American Civil Liberties Union, Movement Advancement Program, Trans Legislation Tracker, and Track Trans Legislation. While not all organizations may have had data for every year in the timeframe, I was able to supplement missing information from one organization with another. In conjunction, all were able to map out a clear picture of the timeframe in terms of legislation status of each state in the US.

Variables

Due to the intersectional framework of the study and importance of timing, a multitude of variables were implemented and coded. State of murder was collapsed into binary variables, where 1 represents states that, at the time of the murder, have proposed or have already passed discriminatory legislation, and 2 represents states that have not. The city size at the time of the murder was also made into binary variables, where 1 represented population of less than 50,000, and 2 represented population of more than 50,000 citizens. Each state was coded between 1 and 4 depending on the region of the US in which it fell. One represented the West, 2 the Midwest, 3 the South, and 4 the Northeast. Race was initially examined with each individual variable presented in the database. Upon completion of tests, this variable was consolidated in order to examine if there were any changes to the results once smaller represented populations were conglomerated. This recoded variable measured race at 4 different categories, including Black, Latin(a,x,e,o), White, and Other. Due to the small representation of Asian, Indigenous, and BIPOC individuals, it was necessary to collapse them into one category so as not to remove their data entirely from the new sample for tests. Gender identity was run similarly to race, with initial testing measuring all variables from the database. In a similar manner, this variable was simplified and collapsed into five different codes, where 1 represented transwomen, 2 represented transmen, 3 represented non-binary, gender non-conforming, and gender fluid, 4 represented two-spirit, and 5 represented all other gender identities that did not fall into these categories. This was also done to examine whether or not the collapsing of variables with low representation would have any bearing on the statistical analyses. The collapsing of these variables was done to

test if there would be a difference between the more in-depth testing versus a more generalized testing. All cases with a code of “unknown” were removed from the sample. Cases in which someone was murdered in Puerto Rico were also removed due to its status as a territory, as well as the difference in culture when compared to the continental US. Population density of each state and city at the time of the corresponding murder was gathered via Statistica, and input as a continuous variable, but city size was later coded, as previously mentioned. State population remained continuous.

A variety of tests were run to identify trends from the data set. An initial frequency test was run to establish the general demographics and an understanding of the makeup of the sample. Multiple χ^2 tests for independence were run on a multitude of variables to examine hypothesized relationships, primarily between legislation status, congressional majorities of states, and sitting governor’s party of each state. Other tests included tests between race, gender identity, age, cause of death, and relationship to killer. These tests were run in order to further understand the dataset at hand. A χ^2 goodness of fit test was conducted on regions in which the murders had occurred. Finally, a bivariate correlation was run between the number of bills proposed/passed for a given year and the total number of reported murders for the corresponding year.

Chapter 4

Results

First, the frequencies of the data were analyzed in order to categorize and understand the entire data set. The dataset was made up of 84.6% transwomen, 8.3% transmen, 1.7% nonbinary, 3.3% gender non-conforming, .8% Two Spirit, .4% femandrogynous, .4% genderfluid, and .4% non-specified transgender. In terms of race/ethnicity, 69.3% were Black, 12.8% Latin(e,x,a,o), 12.4% white, 1.7% Native American, .8% Asian, and 2.5% BIPOC. For age, 5.4% of victims fell between 10 to 19 years of age, 51.9% were 20 to 29, 31.1% were 30 to 39, 7.5% were 40 to 49, and 4.1% were 50 years of age or older. There were 15 reported murders in 2015, 22 in 2016, 27 in 2017, 24 in 2018, 25 in 2019, 36 in 2020, 55 in 2021, and 37 in 2022. Of all states included in the sample, 46.5% had not proposed or passed anti-trans legislation at the time the victim had been murdered, and 53.5% had proposed or passed anti-trans legislation.

There was no statistical significance found when comparing gender identity and relationship to killer, or gender identity to the cause of death. No statistical significance was found between race/ethnicity and relationship to killer. The population of city had no bearing on murder rate as well; there was no statistically significant difference between cities of 50,000 or less and 50,000 or more. Finally, no statistical significance was found between the Governor's party during a particular year and whether or not anti-trans legislation had been proposed/passed in the corresponding state. Over the course of the timespan chosen, 50.2% of murders occurred in the southern region of the US. The differences between regions were analyzed using a χ^2 goodness of fit test. It

was found that across the entire sample from 2015 and 2022, there is a statistically significant difference in the reported number of murders in the southern region of the US compared to the West, Midwest, and Northeast ($p < .001$). Murders occurred at a statistically higher rate in the South.

When examining gender identity, statistical significance was found when relating gender identity to race. It was found there was significant differences between the representation of Black and Latina transwoman in the sample and all other transwomen ($p < .001$). Black and Latina transwomen were represented at a statistically significantly higher rate than all other races/ethnicities of transwomen. No statistically significant differences were found between Black and Latina transwomen. When examining gender across all races/ethnicities, it was found that Black victims were more likely to be transwomen than any other gender identity ($p < .001$). Victims identified as BIPOC were more likely to be nonbinary. White victims were more likely to also identify as transwomen. Native American victims were more likely to identify as Two Spirit or nonbinary, however this population was relatively small. No differences across race/ethnicity were found between Latin(e, a, x, o) and Asian victims. Upon collapsing both race and gender identity into more generic categories (White, Black, Latin(e, a, x, o), Other), representation and statistical significance did not change. Black and Latin(e, a, x, o) were represented at a statistically significantly higher rate than any other race/ethnicity.

Age was examined to determine if certain gender identities or race/ethnicities were statistically significantly more likely to be killed at younger or older ages. When comparing age and gender identity, it was found that between the ages of 10 and 19,

victims were statistically significantly more likely to identify as gender non-conforming and gender fluid ($p=.03$). No statistically significant differences were found across all other age groups and gender identities. Race and age, however, found more statistical significance across age groups. It was found that between the age of 10 and 19, victims were statistically significantly more likely to be Black than Asian and BIPOC ($p<.001$). No differences were found between Black and white victims within this age group. No statistically significant differences were found between all races/ethnicities between 20 and 29 years of age. Between the ages of 30 and 39, victims were statistically significantly more likely to be Black than white, but no differences were identified across other races/ethnicities. Between 40 and 49 found, statistically significant differences were identified between Black victims and victims who were white, Asian, and BIPOC. Victims between 40 and 49 were statistically significantly more likely to be Black than white, Asian, or BIPOC. Statistically significant differences were also identified between Black and white victims who were 50 years of age and older at the time of their death; white people were victimized at a higher frequency than Black people within this age group with statistically significant differences. When comparing differences within race, statistically significant differences were found in BIPOC victims, Black victims, and white victims ($p<.001$). No statistically significant differences in age were identified for other races/ethnicities. BIPOC victims were statistically significantly more likely to be between 20 to 39 than 40 to 49. Black victims were more likely to be between 20 and 39 at their time of death than be 40 years or older. Statistically significant differences were observed between white victims who were 50 years or older and 10 to 39 years of age, with victims more likely to fall

between 10 and 39 years of age than be 50 years or older. Overall, a majority of the victims within the dataset fell below 40 years of age, as evident by these results as well as the frequency report.

Whether or not legislation had been proposed or passed in a state at the time of the murder was examined and tested alongside the party majority of the state's House of Representatives, Senate, and governor. Multiple χ^2 tests for independence were conducted with each variable. When passed/proposed legislation and House of Representatives were tested, statistical significance was found. States in which the House of Representatives majority were Republican were statistically significantly more likely to pass or propose anti trans legislation ($p=.01$). Within Democrat majority state House of Representatives, they were less likely to pass or propose anti trans legislation. Within Republican majority state House of Representatives, they were more likely to pass or propose anti trans legislation. There are similar findings when state Senate majorities were tested. It was found that states with a Republican majority Senate were more likely to pass or propose anti trans legislation than states with a Democrat majority ($p=.003$). Within Democrat majority state Senates, they were less likely to pass or propose anti trans legislation. Within Republican majority state Senates, they were more likely to pass or propose anti trans legislation. Through χ^2 goodness of fit tests, it was found that of the database sample of murders, they occurred at a statistically significantly higher than expected frequency in states that had a Republican Senate majority ($p<.001$) and states that had a Republican House of Representatives majority ($p<.001$).

Finally, a bivariate correlation was run to determine whether or not the number of anti-trans legislation proposed or passed in a given year correlated with the number of reported murders for that year. Results indicated a strong, positive relationship between the two variables with a high confidence value ($r=.822$, $p<.001$). As the number of anti-trans bills that were proposed or passed increased, so did the number of reported homicides within this dataset.

Chapter 5

Discussion

The goal of this exploratory research was to aid in filling the dearth of literature on the role of politics and transgender victimization. In addition to exploring the interactions between intersectional factors such as gender identity, race, and ethnicity of the victim, other variables were brought into play to determine the effects of politics on victimization in order to better examine the socio-political effects of discriminatory legislation. It is important to note that all of the tests run were bivariate and not multivariate. This was done due to the novel nature of this study and to aid in setting the groundwork for future research.

The initial frequency analysis confirms the assumption that Black transwomen are targeted at a proportionately higher rate than their counterparts, with Latina transwomen also being highly represented (Gauthier et al., 2021; Gyamerah et al., 2021; Lenning et al., 2021; Meyer, 2014; Momen & Dilks, 2021; Stotzer, 2009; Waters et al., 2018; Wood et al., 2019). While it should be noted that all other groups had a much lower representation within the sample, this caveat should not take away from the results and assumption of disproportionate targeting of transwomen of color. Rather, considering the method of data collection, it should sound the alarm and affirm this assumption that is presented throughout known literature. The sample utilized within the data analysis was not done via random sampling, but rather took into account nearly all reported murders of transgender and gender non-conforming people within the timespan utilized. Of all reported murders between 2015 and 2022, transwomen of color

were targeted at a disproportionately and statistically significant higher rate than all other identities.

In the data sample, nearly all states with a Republican majority in the Senate and House had proposed or passed discriminatory legislation. When examining states with Democrat majorities, there was a nearly even split between those who had and had not proposed or passed discriminatory legislation. These differences in rates were found to be statistically significant. These specific results coincide with public sentiment that Republican run states are the states that are most likely to target the LGBTQ+ community, both socially and politically (Gabriel, 2022; Murray, 2022; Sosin, 2022). It is also important to note that there is a statistically significant difference between the frequency of Republican majority states compared to Democrat majority states represented within the sample. Considering that there is a higher representation of both Republican majority Senates and Houses of Representatives, this should also affirm the notion that Republican run states are more likely to socially and politically target the LGBTQ+ community.

One potential explanation could be that these crimes were a result of the concept of “trans panic”. Trans panic is a defense tactic used in court cases in which the victim of a crime was transgender. This defense strategy posits that the panic resulting in death or injury is a result of “being sexually attracted to or romantically interested in a transgender person and learning of that person’s biological sex” (Wodda and Panfil, 2015, p. 934). While this defense may not prove to be successful in lowering sentences, it is still pertinent when considering potential factors behind the targeting of transgender victims. However, the concept of trans panic should not take away from the true nature

of these homicides. It is not a separate notion, but rather one that interacts with the concept of cisgenderism and perpetuation of a masculine and heteronormative understanding of society and the individuals who comprise it. These values and norms ultimately shape the socio-political climates of states dependent upon their political affiliation of representatives, which can potentially perpetuate disproportionate rates of violence dependent upon these climates, as shown by the results of this study. Anti-trans legislation works in conjunction with this concept as well in the perpetuation of a sociopolitical climate. In proposing legislation that targets these communities, a particular political climate is cultivated in which the hostility and violence towards trans communities is becomes credible and justified by the politicians who push the legislation. The election of Trump aided in creating this climate through his endorsements and appointing of judges and politicians that fell in line with this type of political rhetoric, all being of the Republican party and representing red states. In understanding red states as more likely to engage in discriminatory rhetoric, one can potentially also infer potential erasure and misreporting of further violence and instances of murder in these states.

One of the most concerning, if not most important, findings that this study yielded was from the bivariate correlation performed on number of bills passed and proposed and the rate of murder for each given year. In this result being statistically significant with a strong, positive correlation, it affirms the notion that anti-trans legislation is positively associated with reported murder rates of transgender and gender non-conforming individuals. This legislation, coincided with sociopolitical sentiment towards trans people, creates a unique environment in which the explicit targeting of

these communities as normalized. In this instance, we see the biopolitics of disposability in action (Giroux, 2006). The government, through legislation and rhetoric, controls the body of trans people via the direct targeting of trans lives and control over their bodies through the types of bills that are proposed and passed, such as bathroom bills and healthcare bans and restrictions.

Biopolitics of disposability is a concept that can be utilized to better understand the topic at hand. Trans people are a minority group within a minority group, and until recent times, have been relatively invisible to dominant society. This previous invisibility was less the result of political control, but more so the result of mainstream society simply being unaware of this population in the grand scheme of things. But as this population has become relevant to the public realm, the government has begun to step in and control the population through the implementing of discriminatory legislation, thus implementing Giroux's biopolitics of disposability. Now, with legislation being passed with the aim of controlling trans people and bodies, a clear message is sent to dominant society; trans bodies are to be controlled and are disposable. This legislation is meant to enable control over these populations through restricting trans existence from the public purview, criminalizing their existence in dominant society and relegating them to legally required invisibility. The government is not focused on addressing transphobia, but rather focuses on trans people themselves and identifying them as the problem, rather than the bigots. As the result, trans people, despite their explicit targeting in politics, are abandoned by the government and those in society who find themselves supporting this forced invisibility. They are left with little protections and a flashing neon sign above them letting all know that the government

wants them invisible one way or another. The government, perhaps inadvertently, lets them die. An entire population is thus relegated to invisibility and disposability. In utilizing this concept, we are better able to come to an understanding of not just the results of this research, but also as to how and why the government has been able to decide and justify the victims of legislation and political rhetoric in the grand scheme of things. Dependent upon those in power and the sociopolitical environment that has been cultivated and allowed to fester, politicians are able to utilize biopower and biopolitics in a way that does not cause extreme distress and pushback amongst populations that are not directly impacted by the policies and legislation that would be put in place. Through the normalization of radical politics and politicians, these new policies that should cause alarm no longer hold the same impact as it would if this normalization had not occurred.

Furthering this point and considering the results, I theorize that the delayed influence and the radicalization of politics in which more far right-wing politicians were able to make their way into office throughout the Trump administration, is an explanatory factor for what has been discovered. This radicalization did not begin immediately with his induction into office, but rather took time to fester, become normalized, and grow within the political sphere, thus cultivating an environment where discriminatory legislation would feasibly be able to take hold due to the establishment of radical Republicans. Trump aided in setting a dangerous precedent and platform for legislation to follow his administration. In instituting radical judges and endorsing congresspeople that shared his far-right views, he was able to sow the seeds for an environment that would politically embolden his supporters to follow suit and initiate

and support legislation that further discriminated against the LGBTQ community. As of writing, nearly every state has either attempted to, or have successfully passed legislation that explicitly and implicitly discriminated against transgender communities (ACLU, 2021; Freedom For All Americans, 2022; Trans Legislation Tracker, 2023). A unique sociopolitical climate was able to be established through the culmination of these factors which allowed increasingly hostile attitudes to be established. These attitudes gave way to both interpersonal and institutional violence in the form of legislation and interpersonal fatal violence

Chapter 6

Limitations of Current Work and Future Research

As an exploratory study, a number of limitations presented themselves in the research. A small sample size impacted the types of tests that were able to be run on the current sample, thus potentially resulting in a Type 1 error. If every homicide case of transgender individuals were taken into account and run, different statistical results could be presented. Unfortunately, this ideal remains an ideal. A limitation on the years also proves to hold its own caveats, considering that the initial timeline was unable to be utilized due to missing information in regard to anti-trans legislation from 2012 to 2014. This could potentially signify a trend of missing information on trans people and legislation regarding them due to the lack of federal databases and recognition.

Another key limitation to this research is the high probability that a plethora of cases are missing. The practice of trans erasure renders the experiences of transgender people as invisible, potentially resulting in underreporting and misreporting of homicides (Momen & Dilks, 2021; Rogers, 2017; Wood et al., 2022). Despite completing the database for this paper in July of 2023, it is possible for new cases to be added to the HRC site for previous years due to recent identification of trans people who have been murdered. As previously mentioned in the paper, there were instances in which cases from 2022 were added during the beginning months of 2023 as they had not officially come to light at the end of 2022. The same occurred for other years in which the body of the victim was unidentified. Another consistent problem that I faced while independently researching each case was lack of consistency on name usage. One case in particular was the case of Chanelika Y'Ella Dior Hemingway. Throughout

various media reports, she was consistently deadnamed by the media, even in reports covering the conviction of her murderer (Hughes, 2022; Levy, 2022; Spectrum News, 2022). Despite the improper name being used to describe her, her case was still able to be counted and added to the, unfortunately, ever growing list of transgender people who were victims of homicide.

The same cannot be said for the others who were potentially never reported as transgender, whether that be from family not reporting accurately, or in the case where family may not be present or have control over the media narratives and police reports, the institutions that do not report accurately. Ultimately, the notion of ‘visibility’ is laden with complexities. While visibility may bring more cases to the public eye, it can simultaneously act as a facilitator for these crimes (Colliver and Silvestri, 2022). And even in instances in which cases are reported, negative media reporting can potentially lead to the devaluation of transgender lives and/or the utilization of victim blaming to lessen the seriousness and impact of the crime (Momen & Dilks, 2021; Wood et al., 2022). Furthermore, additional characteristics should be taken into consideration in future research, such as socioeconomic status, employment status, and, if available, housing status of the victim. These variables may prove to hold weight in the analysis of victim demographic and other predicting variables that may impact victimization probability.

Chapter 7

Conclusion

This exploratory paper worked towards filling in the dearth of literature on the impacts of socio-political factors and rates of violence towards transgender people. In this paper, a multitude of variables were examined to better understand fatal violence towards transgender communities and its correlation with discriminatory legislation. Results indicated that states that were run by Republican majority Senates and Houses of Representatives were statistically significantly more likely to propose or pass discriminatory legislation than their Democrat counterparts. Republican majority states were also represented within the sample at a statistically significantly higher rate than their Democrat majority counterparts. Black and Latin(x, a, o, e) transgender individuals were found to be targeted at a statistically significantly higher-than-expected frequency.

This research serves as a steppingstone to future research examining the impacts of heteronormativity in a socio-political field that promotes, emboldens, and cultivates violent ideologies that target individuals outside of the normative gender binaries. The emergent themes of this research identified the socio-political connections between state legislative status of discriminatory legislation and political affiliation of the state. This research should further call into question the socio-political values and norms of the Republican party and the potential for human rights violations, especially on the more radical end of the spectrum. This unique sociopolitical climate that came about due to the normalization of radical right-wing politics should initiate a conversation, and potentially further research, into the relationships between legislation, violence, and

rhetoric, which has already begun with the recent publication of Brightman et al. (2023) who examined this trifecta of violence of anti-trans ideology, legislation, and fatal violence.

As mentioned throughout the paper, Trump's time in office cultivated a dangerous environment for the lives of LGBTQ+ individuals, especially transgender individuals, as shown through discriminatory legislation passed that was supported by other Republicans in power. While these policies may not be the direct cause of the violence committed against transgender communities, they do contribute to the proliferation of ignorance and hate which is a precursor for dehumanization and an increase in violent ideological rhetoric, enabling biopolitics of disposability of trans people. Until transgender people are federally recognized and accounted for in statistics and reports, further empirical research will remain a challenge and researchers will have to rely on allied databases and advocate organizations. The future of transgender communities is on a dangerous precipice, and it will take federal recognition and action to ensure the safety, dignity, and respect that they deserve. There is only so much that the community can do on its own; it is time for action.

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