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Brush, Amanda Marie

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Political Siblinghood: Cisgender Identity Politics and Allyship Formation

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Political Science

by

Amanda Marie Brush

Committee in charge:

Professor Pei-te Lien, Chair

Professor Kum-Kum Bhavani

Professor Eric R.A.N. Smith

The dissertation of Amanda Marie Brush is approved.

Eric R.A.N. Smith

Kum-Kum Bhavani

Pei-te Lien, Committee Chair

September 2021

Political Siblinghood: Cisgender Identity Politics and Allyship Formation

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by

Amanda Marie Brush

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VITA OF AMANDA MARIE BRUSH
September 2021

EDUCATION

Bachelor of Arts in Sociology, Mills College, June 2009 (Highest Honors)
Master of Arts in Political Science, University of California, Santa Barbara, October 2015
Doctor of Philosophy in Political Science, University of California, Santa Barbara,
September 2021 (expected)

PROFESSIONAL EMPLOYMENT

Instructor of Record

Asian American Politics (2019, 2020)

Teaching Assistant:

Congressional Simulation (2020)

Parties and Democracy (2018)

Introduction to Comparative Politics (2018, 2019)

Politics of the Environment (*co-listed with the Bren School of Environmental Science*)
(2018)

Asian American Politics (*co-listed in Asian American Studies*) (2016, 2017)

The Politics of Development (2017)

Introduction to American Politics (2014, 2015, 2018, 2021)

Introduction to Sociology (2015, 2016)

Social Movement Politics (2014)

Guest Lecturer:

Politics of the Environment (UCSB)

A History of Social Movements and Organized Interests in US Politics (2018, 2019)

Department of Ethnic Studies (Mills College)

Militarism, Gender and Ethnicity (2009)

Research assistant, Professor Alice O'Connor (2020-2021)

Research assistant, Dr. Lisa Leombruni and Dr. Heather Hodges (2020)

Research assistant, Professor Pei-te Lien (2017-2019)

PUBLICATIONS

Quinn, Olivia, Amanda Brush and Eric R.A.N. Smith. 2020. "A simple forecast suggests a Democratic Sweep in 2020." *The Washington Post*. July 7.

AWARDS

Regional Equity Fellow, Interdisciplinary Humanities Center (2020-21) (\$5000)

UCSB Dean's Block Grant (2019) \$6000

Larry Adams Distinguished Teaching Award (2018) (\$1000)
Humanities and Social Sciences Grant (2017) UCSB Graduate Division, \$3000
Political Science Departmental Fee Fellowship, UCSB (2015, 2016, 2019, 2020)
Mills College Sociology Student of the Year (2009)
Mills College Alumnae Scholarship (2008-09)

FIELDS OF STUDY

Primary Field: American Politics
Secondary Field: Gender and Sexual Politics

ABSTRACT

Political Siblinghood: Cisgender Identity Politics and Allyship Formation

by

Amanda Marie Brush

This dissertation examines how cisgender political elites work in allyship and build coalitions with transgender, non-binary, and intersex (TNBI) people, communities, and constituencies in California. Political allyship and coalition building are critical in expanding rights, which entails recognizing the disenfranchisement minorities experience in informal and formal political realms. Political recognition, especially recognizing struggle and hardship, brings value to human life and is a locus of liberal democratic processes. The concept of recognition can be hard to pin down, can be measured by its absence, and denial of recognition occurs because minority citizens become objects of political animosity. Although TNBI Americans have recently received some positive recognition through informal political processes, such as depictions in some mainstream media, TNBI Americans lack civil rights and liberties. The lack of rights is evidenced by the absence of TNBI specific and inclusive statutes at the municipal, state, and federal levels. Since state legislatures enact the bulk of TNBI inclusive and expansive legislation, this dissertation provides insight into political cisgender allyship formation among California's political elites. Moreover, California is commonly believed to be a bastion of progressive politics. Since policy and legislation formation begins outside of the statehouse, this dissertation also

explores the origins of TNBI inclusive legislation and the activists, lobbyists, and bureaucrats of diverse gender sexual identities who work to enhance the political standing of TNBI Americans in California. This research ultimately spotlights solidarity, coalition building, and sustained allyship by cisgender people who seek to expand TNBI rights within formal political realms.

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Chapter 1

Introduction, background and rationale

This dissertation is an examination of how cisgender¹ political elites (legislators, lobbyists of sexual identities work in allyship and build coalitions with transgender, non-binary, and intersex (TNBI)² people, communities and constituencies. Political allyship and coalition building are critical in the expansion of rights, which entails recognizing the disenfranchisement minorities experience in informal and formal political realms. Political recognition, especially the recognition of struggle and hardship, brings value to human life and is a locus of liberal democratic processes. The concept of recognition can be hard to pin down, can be measured by its absence, and denial of recognition occurs because minorities become objects of political animosity (Juang 2006). Although TNBI Americans have recently received some positive recognition through informal political processes, such as depictions in some mainstream media, TNBI Americans remain political scapegoats, and the

¹ Cisgender “can be used to describe individuals who possess, from birth and into adulthood, the male or female reproductive organs (sex) typical of the social category of man or woman (gender) to which that individual was assigned at birth” (Aultman 2014, p. 61).

² In the 1960s, when TNBI people began to be recognized in the United States, transsexual (or more specifically transexual) tended to be the term used academic, legislative and medical language, and was originally coined by psychiatrists who used the term support the hypothesis that transgender people were trapped or born into the wrong body (Benjamin 1966; Bettcher 2014). Although no longer commonly used, transsexual refers to a person who has used hormone replacement therapy or surgical technologies to affirm their gender identity. Transgender and transsexual refer to people who live along the male-female gender binary. These definitions, however, exclude those who may reside on multiple places on the binary or outside the binary completely. Although the widespread use of transgender may be well-intentioned, it is exclusionary. Trans activist Leslie Fienberg (1992) is credited as best articulating as an umbrella term that encompasses a myriad of gender identities: "gender outlaws: transvestites, transsexuals, drag queens and drag kings, cross-dressers, bull-daggers, stone butches, androgynes, diesel dykes or berdache" (p. 206). For the ease of writing, I have chosen to use TNBI, as, from my assessments, transgender, non-binary, and

presence of TNBI Americans tends to evoke gendered, moral panics among cisgender Americans (Westbrook and Schlit 2013; Stone 2019). As a consequence, the perception of TNBI Americans is that they are viewed outsiders of the body politic (Casey 2016; Haider-Markel et al. 2017; Miller et al. 2017). The reluctance to recognize TNBI Americans as part of the body politic is evidenced by the lack of TNBI specific and inclusive statutes at the municipal, state and federal level. It is state legislatures that enact most TNBI inclusive policies, which are authored primarily by cisgender legislators (Haider-Markel 2010; Taylor et al. 2012; Sellers 2014; Taylor et al. 2018). Since substantive representation for TNBI Americans remains in the hands of cisgender elected officials, this dissertation seeks to provide insight into political cisgender allyship formation. Since authoring and passing legislation begins outside of the statehouse, this dissertation also explores the origins of TNBI inclusive legislation and the activists, lobbyists and bureaucrats of diverse gender and sexual identities who work to enhance the political standing of TNBI Americans.

Robust scholarship gives insight into how TNBI Americans are affected by inclusive and exclusionary legislation (Meadow 2010; Vipond 2015; Davis 2017; Wuest 2019). In the wake of ongoing and increasing hostility directed towards TNBI Americans (Taylor et al. 2018; Transgender Law Center 2021), including from the Executive Branch (Murib 2020, National Center for Transgender Equality 2020) it is necessary to uncover locations of cisgender solidarity and allyship through political action, including but not limited to enacting legislation. Cisgender solidarity includes finding out how cisgender people are working in allyship to TNBI communities in grassroots organizations, among lobbyists, and in the state bureaucracy and also knowing who cisgender elected representatives are and how they come to represent TNBI communities and constituencies. As of June 2020, there

intersex were the identities that were most frequently recognized and honored by TNBI and

are only 27 openly TNBI elected officials in the United States (Moreau 2020). Given that so few openly TNBI Americans hold elected office, for the time being, TNBI communities and constituencies are reliant on cisgender elected officials to work within state legislative bodies on behalf of TNBI political needs. However, it is impossible to achieve formal representation without the activism by citizens and political elites working in extra-legislative realms, such as activists, lobbyists as well as people within the state bureaucracy. The work of people in extra-legislative realms is a and crucial component of the deliberative democratic process and is essential to lawmaking, which enables the TNBI Americans' access to rights. Therefore, this dissertation also seeks to examine locations of solidarity, instances of coalition building, and sustained allyship by cisgender people who seek to expand TNBI rights within formal political realms.

Problem statement

In 2014, *Time Magazine* declared the United States was at a “transgender tipping point” (Steinmetz 2014). Although the United States is (or was) supposedly at the precipice of TNBI acceptance (or at least awareness), public support for TNBI rights among their cisgender compatriots is fledgling at best (Westerbrook and Schlit 2013; Haider Markel et al. 2017; Haider-Markel et al. 2019). Many have suggested that the acceptance of the maltreatment towards and general ignorance about TNBI political rights has enabled the violence that many TNBI Americans experience daily basis, which includes the surge of extreme violence toward and murders of Black transgender women in particular (Dvorak 2019; Rojas and Swales 2019; Torres et al. 2019; Carlisle 2020; Pawel 2020). Apathy, disregard and ignorance of TNBI rights TNBI lives is a pattern that is evidenced by the

cisgender allied participants in this dissertation.

extremely few federal legal statutes that protect TNBI Americans³. Due to the presence of a consistently polarized federal Congress and a current Executive Branch that is openly hostile to TNBI rights (Murib 2018), state legislatures have enacted the vast majority of TNBI inclusive and protective policy. The work of representing TNBI Americans is not solely carried out legislators. It is the result of a diverse coalition of TNBI, LGB and straight cisgender people at the organizational, interest group and within state bureaucracies working in tandem and as allies for TNBI rights. Scholarship has explored the role of white allyship to racial and ethnic minorities in the United States (Carmines and Stimson 1989; Pittinsky and Montoya 2009; Grose 2011; Ostrove and Brown 2018). Yet, there has been far less interrogation to the role of cisgender lesbian, gay bisexual (LGB) and straight or heterosexual allyship to TNBI Americans. In order to fill this gap in the allyship literature in political science, this dissertation seeks to understand who cisgender allies are and their motivations to work in allyship with TNBI Americans.

The political science literature in the subfield of identity politics concerning the study of race, ethnicity, and cisgender women's political experiences have become relatively robust fields of study. Although attention towards LGBTQ politics is growing in political science, TNBI politics, in particular, have received far less attention than the fairly extensive work that concerns gender and sexuality in a broad sense. LGBTQ politics, although

³Section 1557 of the Affordable Care Act prohibits insurers from discriminating against clients on the basis of sex and/or gender identity. As affirmed by *Bostock v. Clayton County* (2020), under Title VII of the 1964 Civil Rights Act, employers with more than 15 employees are prohibited from discriminating on the basis of sex and/or gender identity. A 2012 rule by the Department of Urban Housing (HUD) subjects lenders to HUD's Equal Access Rule, which prohibits discrimination on the basis of gender identity. Title IX of the 1972 Education Amendments prohibits educational institutions, which receive federal money to discriminate on the basis and sex and/or gender identity. Since 2013, the Violence Women Act (VAWA), prohibits discrimination based on sex and gender identity when victims and survivors are seeking support for intimate partner violence, domestic violence, sexual assault and stalking.

emerging, remains understudied across the social sciences (Ghaziani et al. 2016). The lack of scholarly attention towards TNBI people is that, as a group, TNBI people and communities have been eclipsed by mainstream LGBTQ politics. TNBI people and communities are certainly a part of the LGBTQ coalition, yet, public and political attention towards LGBTQ politics is typically viewed through a heteronormative lens. For example, there has been a general increase towards acceptance of same-sex marriage (Pew Research 2019), and while the expansion of marriage laws certainly benefits some TNBI people, it is not necessarily an expansion of rights for all TNBI. While there are certainly TNBI people who identify as lesbian, gay, or bisexual, many TNBI are also straight identified⁴.

Therefore, court decisions such as *Obergefell v. Hodges* may not necessarily provide mutually constitutive rights for TNBI Americans. Moreover, the discrimination that TNBI Americans face is intersectional, and may be related to gender roles and gender nonconformity, which may or may not be associated with sexual behavior (Worthen 2013). Therefore, for one to work in allyship specifically for TNBI communities and constituencies, the distinction between identity groups, such as those mentioned here, are best disaggregated.

In western societies, in Europe and the United States, TNBI, and more specifically transgender women, began to be recognized around the turn of the millennium. However, the recognition of these women was in a medical, and not political context (Meyerowitz 2002). It was not until the 1990s that transgender as a political identity began to be

⁴ As a rule, it is imperative to remember that trans men are men, trans women are women, nonbinary people are nonbinary people, and intersex people are intersex. In a similar way that people tend to use sex and gender interchangeably, people misuse gender identity and sexual identity interchangeably. “‘Gender identity’ refers to the subjective feelings of being male, female, or indeed other” (Schweizer et al. 2014). Gender identity may exist on different axis than sexual desire. Regardless of gender identity, one may be straight, gay, bisexual, or beyond (National Center for Transgender Equality).

popularly separated from a medical category, and the umbrella term of transgender “began to circulate with the connotations of gender variance associated with it” (Murib, 2015, p. 2). Perhaps one of the most important formal changes that shifted perceptions of transgender people happened in 2012, when *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* reclassified transgender people as suffering from “gender dysphoria” to having “gender-identity disorder” (Stroumsa 2014; Russell and Fish 2016). Amending *DSM-5* was a step forward advancing political rights TNBI people as it depathologized TNBI identities (Hanssmann 2016). Although changes to the *DSM-5* has not eradicated the misconception that TNBI people suffer from a mental disorder, it is part of an incremental series of political changes, and has enabled TNBI people to be included in a small handful of inclusive and protective political provisions.

Given TNBI status and recognition in the LGBTQ coalition, it can be assumed that there is a high level of allyship among the cisgender LGB community. Less however is known about straight cisgender perceptions of TNBI people and communities. Evidence suggests that even when individuals stand in favor of gay and lesbian rights, TNBI people evoke feelings of outrage and social traditionalism among cisgender populations, which is described in the political science literature as “disgust sensitivity” (Casey 2016; Haider-Markel et al. 2017; Miller et al. 2017). Quantitative studies on public opinion of TNBI people and communities are however lacking, and therefore, it is not clear how the vast majority of straight cisgender Americans perceive TNBI lived experiences and rights, including political marginalization. It is also not clear if straight, cisgender Americans grasp the difference between sex and gender, or the difference between sexual orientation and gender identity (Hatemi 2012, Worthen 2016, Chan 2018). Therefore, a possible explanation for the lack of TNBI support among straight, cisgender Americans, is that TNBI people are

often lumped together with cisgender LGB people, creating a message that TNBI and cisgender gay and lesbian policy needs are the same (Taylor 2007). Despite the LGBTQ coalition's often overlapping interests and needs, the assumption of sameness dims the distinct and multiple marginalization that are commonly experienced by TNBI people, which consolidates the political erasure of TNBI constituencies (Chan 2018). This lack of sex and gender differentiation also frequently occurs in the legislative realm, as nearly all TNBI inclusive antidiscrimination laws are concurrently attached to policies with the intent of expanding rights based on sexual orientation (Haider-Markel et al. 2019). To understand the expansion of TNBI rights, and to uncover the many places where TNBI Americans experience a democratic deficit (Flores et al. 2015), it is essential to interrogate the legislative process from snout to tail. Since the passage and expansion of TNBI rights entail some level of cooperation, coalition building and allyship from a variety of political actors, this exploration should include an investigation into LGB and straight cisgender political elites who work with and on the behalf of TNBI communities and constituencies.

There are certainly cisgender state legislators who are working in allyship for TNBI communities and constituencies. However, TNBI rights and liberties at the state level remain few and far between. Even when TNBI inclusive provisions are in place, they tend to be severely lacking. According to a 2017 policy report compiled by Movement Advancement Project (MAP) and the National Center for Transgender Equality, there are only 12 states (including the District of Columbia)⁵ are considered to have a high transgender legal protections; seven states have medium transgender legal protections⁶; eight

⁵ California, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia

⁶ Delaware, Hawaii, Maine, Nevada, New Jersey, New Mexico, and Pennsylvania,

states have low transgender protections⁷. Twenty-two states have negative transgender protections⁸, which is when a state has laws that harms transgender people. Despite this bleak outlook for TNBI Americans looking for representation, there has been an upswing in TNBI inclusive legislation passed at the state level (Colvin 2007; Taylor 2007; Taylor et al. 2012; Sellers 2014; Taylor et al. 2018), which is overwhelmingly authored and enacted by cisgender elected officials. The uptick in TNBI inclusive legislation may be an indicator of increased allyship by cisgender political elites.

Before the past few decades, TNBI existence was not a part of mainstream public discourse, which is a possible reason why there is such a limited number of TNBI affirmative policies (Stryker 2017; Taylor et al. 2018). Although there is rich scholarly work on the lived experiences of TNBI people (Feinberg 1993; Stone 1993; Bornstein 1994; Boylan 2003; Califia 2003; Serano, 2007; Mock 2014), there is little investigation into the TNBI political allyship formation and legislative development. To be politically recognized is a complicated dance, which starts at the grassroots level and filters through lobbyists and bureaucratic proxies before issues make it to legislative desks. Once TNBI-inclusive policy reaches the upper echelons of the legislature, it must go through a number of rounds of debate before being passed and finally signed into law. Currently, the penultimate rounds of legislative negotiation which determine TNBI rights tend to be in the hands of cisgender legislators, many of whom may not know much about the lived experiences or political struggles of TNBI Americans. Therefore, this dissertation is an investigation that seeks to understand the deliberation and coalition-building between TNBI constituencies and cisgender political elites that enables the passage of gender all-inclusive legislation.

⁷ Alaska, Iowa, Indiana, Florida, Michigan, Utah, and Virginia,

This dissertation seeks to fill the literature gap about cisgender allyship formation, and to add to the recently burgeoning body of knowledge about TNBI politics in political science. Despite the need to study the politics of gender and sexuality, which in tend to be subjects that are view in tandem with one another, there appears to be a lack of interest and/or skepticism toward scholarship focusing on gender and sexuality, which is evidenced perhaps most obviously by the lack of articles published in these areas of study in the major political science journals. For example, cisgender women, who are considered to have a normative gender identity, there is little evidence that political scientists take the study of gender as well as the work conducted by cisgender women seriously, and women of color suffering the most disciplinary neglect (Anonymous 2014; Claypool and Mershon 2016; Mershon and Walsh 2016; Smooth 2016; Atchison 2017; Teele and Thelen 2017). The situation is similar for cisgender lesbian, gay, bisexual and TNBI political scientists who are producing work in the area of gender and sexual politics. Novkov and Barclay (2010) underscore this point in a survey of APSA members on LGBTQ as a topic of study. The authors received tepid and mixed responses to the worthiness of the study of sexuality and gender in political science. Additionally, Novkov and Barclay's survey revealed that LGBTQ respondents routinely experience homophobia and transphobia in their home departments. In terms of heterosexual and cisgender survey participants, there was frequently a reluctance espouse support for LGBTQ politics because they were afraid that people would assume that they were gay or lesbian. The fearfulness of being perceived as LGBTQ is evidence of internalized homophobia and transphobia among scholars and within the discipline.

⁸ Alabama, Arkansas, Arizona, Georgia, Idaho, Louisiana, Kansas, Kentucky, Nebraska, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wyoming, and West Virginia,

The general taboo of studying gender and sexuality may be due to skepticism towards identity politics and that LGBTQ politics are viewed as being built around a singular issue that affects a relatively small group of people (Currah 2011). However, rather than being a singular issue, scholarship on identity is multifaceted: the politics of race reveal the politics of the white supremacy; the study of women uncovers the politics of masculinity and patriarchy; and the study of gay men and lesbian women illuminates how the United States' politics is ordered by heterosexuality (Phelen 1994; Mucciaroni 2011). Likewise, the scholarly inquiry of TNBI Americans uncloaks cisgender identity politics. Any taboo surrounding studying gender and sexuality is unfortunate, since, like it or not, gender and sexuality are parts of human life. Our access to citizenship rights is contingent on the genders and sexualities that we chose, or are forced, to inhabit. Dominant bureaucratic and sociocultural institutions assumed that gender is dichotomous. Since cisgender men currently hold the dominant power in society, gender is assumed to be normatively male and thus have no meaning. Until fairly recently and as a result of Feminist, LGBT, and Queer studies, most attention to the interaction between gender and politics centers on cisgender gay and lesbian, and heterosexual cisgender women's rights broadly. The lack of scholarship on TNBI politics is not because TNBI politics are nascent but because cisgender-normative identity formations are assumed to be a preternatural aspect at the heart of individual experiences. The gender and sexual labels that we ascribed to ourselves or are ascribed to us are sociopolitical constructions. Although gender and sexual labels are manufactured, TNBI people and communities have histories that predate industrialization, yet many people view TNBI politics as a byproduct of modern life. Cisgender identities, on the other hand, are viewed as "natural," and perhaps most importantly, in the context of this dissertation as "pre-political."

The institutional use of manufactured categories erupted with the rise of the modern nation-state, and identity categories have become “a political force and as an organizing rubric for complex democracies” (Bower and Star 1999, p. 3). While difference certainly exists, categorization of human identities for political means is an utterly human creation. Gender is the only shared mode of categorization that political systems worldwide use. Gender is therefore a crucial component of bureaucratic organizing, and although “human bodies exhibit both social and biological traits, the law retains a rigidly dichotomous view of gender” (Meadow 2010, p. 817). Although there is emerging evidence from biology and medicine that gender categories are not dichotomous (Fausto-Sterling 1992; Dregger 1998; Preves 2003; Fausto-Sterling 2012), there is an institutionalized insistence that there are only two genders. In addition to scientific accounts, there are abundant historical examples, across cultures of TNBI people. For example, many people crossed or did not live within gender boundaries during “civilized” periods of antiquity such as, and not limited to, the Roman Empire, the Renaissance, Medieval Europe, throughout Sinophone cultures, and even in Colonial New York (Stone 1992; Chiang 2014; Whittington 2014). In pre-industrial societies of the New World, gender in some locations existed without bureaucratic deterministic constraint and, therefore, may be be multifaceted or even infinite (Muñoz 2014; Driskill 2016). It was in the 1960s that Western medicine and psychiatry began to construct TNBI people as perniciously deviant, and TNBI people became bureaucratically maligned (Stone 1992). I need to point out that I am not attempting to paint a glossy, rose-colored picture of TNBI historicities or am suggesting that the lived conditions for all TNBI people were ever easy or perfect. Instead, what I am pointing out is that TNBI identities are not pre-political. Therefore, it should not be a stretch to recognize TNBI people, and at the

very least, to include TNBI people in public policy and to honor the harms done to TNBI people by bureaucratic ordering.

Despite the tragic skepticism towards the authenticity of TNBI identities, this is a political moment in which political debates surrounding sexuality and gender are a hot topic, and TNBI people have begun to receive negative and positive attention. Therefore, it is essential to understand who and what institutional factors enable TNBI political exclusion and inclusion and how classification structures access to political rights. Political systems are built around identity and identity is an integral part of the institutional design of the United States, dating back to the ratification of the Bill of Rights, which included the three-fifths compromise in Article I of the Constitution, which codified the slavery of African Americans. Three years later, Congress enacted the Naturalization Act of 1790, which granted national citizenship only to "free whites." Subsequent federal provision used the Naturalization Act to bar citizenship rights to Americans Indians, Asian Americans, Chicano/a/x and Latino/a/x. In terms of gender rights, an enduring puzzle in American political history is if (white) women were purposefully omitted from the Constitution (Lewis 2003). Although white women were apportioned representation, their rallocation prior to the ratification of the 19th Amendment was contingent on marriage (Basch 2003). Thus, in the pre-suffrage era, the only way white women could access political rights was through the sexual contract of marriage (Pateman 1988). Despite the grim state of gender, racial and ethnic rights at the founding of the American nation-state, Americans in minority categories vis à vis social movements, judicial and legislative actions immediately began the slow and ongoing process of seeking formal political inclusion.

For anyone who has scratched the surface of women's, gender, or feminist studies has probably heard the adage, "sex is between the legs and gender is between the ears."

Despite the multi-disciplinary work supporting the factual basis that gender is a social construction, it remains socially and politically unacceptable for people to deviate from the gender norms that are in some way connected to their biological or birth-assigned sex. The experience of being denied rights based on race, ethnicity, sexual orientation, and gender all differ. However, exclusion based on identity follows the same logic: if an individual or community's identity does not align with the institutional status quo, or is perceived to threaten the status quo, it is legitimate to deny groups' rights. As mentioned, TNBI identities are not new; they are only new to mainstream political discourse, which includes legislative deliberation. Before the advent of inclusive and exclusionary TNBI legislation beginning in the 1990s, TNBI people achieved political recognition through social movements (Feinberg 1992; Stryker 2008; Murib 2015; Taylor et al. 2018). Although social movements are the bedrock of democratic politics, in order for people to have their rights protected by the state, the needs of people must be formally acknowledged by legislative bodies. I am not suggesting that TNBI Americans are politically powerless outside of legislative realms. Quite to the contrary, and in the face of overt and accepted discrimination and frequent violence, TNBI individuals and populations, have made astonishing political gains. Yet in a representative democracy, having legislators who champion needs and fight for political inclusion of minority and vulnerable populations is a political necessity. Therefore, in order to fill the gap in our collective understanding of TNBI representation and struggles for political rights, this dissertation explores organizing between TNBI and cisgender allies, which results in state laws that seek to enhance TNBI rights.

Purpose of Research

What are the motivations of cisgender political elites who work in allyship to TNBI constituencies? Although it is important not to assume that TNBI identities and experiences are interchangeable with those of gay and lesbians, TNBI communities are unquestionably a part of the LGBTQ coalition. Although not always a concrete unit, the LGBTQ coalition began to solidify in the wake of the Stonewall Inn Uprising in 1969. According to various accounts of oral histories of Stonewall participants, it was gender-nonconforming and trans people, many of whom were people of color, who mostly led the uprising (Murib 2015; Evans 2017; Stryker 2017). The Stonewall uprisings did not, however, mark the full inclusion of TNBI people into the LGBTQ political coalition. Although some TNBI people are heterosexual, many TNBI people may also be gay and lesbian. Regardless of individual sexual identity, TNBI people, in many ways, have a political home in lesbian, gay, bisexual and queer communities (Minter 2000). When gay and lesbian political rights were reaching the mainstream in the 1980s, “gay people were fighting for many of the same policy issues that transgender people desired” (Taylor et al. 2019, p. 47) and the HIV/AIDS epidemic had a crystallizing effect on the LGBTQ coalition: it codified the political connection between lesbian, gay, bisexual, TNBI, and queer Americans.

Although TNBI people and communities are a part of the LGBTQ political coalition, TNBI inclusion has been met with open hostility by some radical lesbian feminists, which has been ongoing since the Stonewall Uprising (Stryker 2017). After the uprising, some lesbians felt as if they played second fiddle to the plight of gay men during gay liberation and started creating "women identified women" spaces. When trans women attempted to enter and politically participate in these spaces, many people in "the sisterhood" saw their presence as an immense threat. Therein, it became commonplace to expel trans women from so-called "women's spaces" (Enke 2018). In 1979, Janice Raymond, a women's studies

professor at the University of Massachusetts Amherst (now emerita), wrote *The Transsexual Empire: The Making of the She-Male*. The text declared that "transsexual women were the patriarchy's shock troops" whose modus operandi was to "infiltrate the lesbian community and to destroy it" (Rudacille 2005, p. 168). Although these debates were arguably at their most charged in the 1970s and 1980s, there are still fierce debates whether or not TNBI people, and most frequently trans women should be allowed to share in cisgender feminist and women's struggles for gender equality (Goldberg 2014; Jeffrys 2014; Burkett 2015; McConnell 2016; Greer 2017). Although these struggles may seem to be problems within some small sects of radical lesbians, Deborah Rudacille (2005) points out that until the 2002 publication of Joanne Meyerowitz's *How Sex Changed*, which is currently the most important work on the history of TNBI identities⁹, Raymond's text "remained the best known and most widely read and discussed book on transsexualism by an academician who was neither a physician nor a transsexual person" (p. 172). Although Raymond wrote her text forty years ago, the trope that trans women, in particular, are predatory interlopers has seeped into American perceptions about TNBI people, which is perhaps best evidenced in so-called "bathroom bills."

Although there has been a reluctance by some cisgender feminists and women to include TNBI people in their political struggles, the struggle for TNBI rights overlaps to a high degree with the struggles that cisgender women face. For example, there is a link between trans women's quest over bodily autonomy and self-determination and cisgender women's reproductive choice (Koyama 2002). The connection in the political oppression of cisgender women and TNBI people is evident when considering the rationale used to oppose bodily autonomy. Moreover, some believe that TNBI people should not possess self-

⁹ Meyerowitz refers to TNBI communities as transsexual

determination over their bodies, choices, and identities. This same mode of thought also serves as the lynchpin in the denial of cisgender women's reproductive, bodily and political rights. TNBI people and cisgender women also experience political marginalization and the denial of full citizenship rights due to the belief that gender and sexuality are biologically determined, that their bodies are subordinate, and thus should be controlled by the state. Therefore, cisgender women and TNBI people should share a common goal: dismantling biodeterministic gender-based oppression to secure political rights.

In the United States, the construction of political rights of cisgender women's and TNBI peoples' political rights are rooted in biological determinism, or biodeterminism, which is the ideology that reproductive biology assigned at birth is analogous to destiny (Mikkola 2016). In addition to reproductive choice, biodeterminism is an anti-woman typology, which is commonly used bar cisgender women from accessing education and being able to equitably participate in paid labor (Weber 2016). In similar and distinct ways, the state uses the sexed body of cisgender women and TNBI Americans to deny equal access to rights and self-determination because of gender. However, where the experiences of cisgender women and TNBI Americans diverge is that cisgender women have limited ability to divorce their gender identity from their physical bodies. TNBI Americans are not yet politically or socially permitted to distance their gender from their genitals, which is evidenced by the inordinate attention placed on genitalia and chromosomes of TNBI Americans by sociopolitical institutions. Nevertheless, because cisgender women and TNBI Americans suffer similarly under the regime of biodeterminism, in which the primacy of sexual organs has stymied the quest for political rights, and it seems that TNBI justice and inclusion should be at the forefront of cisgender feminist and women's political projects. Therefore, this research seeks to assess to what degree and in what capacities cisgender

women stand in solidarity with, build coalitions, and act as allies to TNBI people within political organizations and in the state legislature in California. Furthermore, this research seeks to identify locations of overt and latent tensions among cisgender women and TNBI people and communities.

Research Questions

In pluralist political systems, informal and formal political representation, entails coalition-building among groups who make up the society, and often members of majority groups (Dahl 1960; McFarland 2007). To understand pluralism and coalition building, this dissertation first seeks to assess who are the cisgender political elites that work with and on behalf of TNBI Americans. I expect that the primary champions of TNBI people will be cisgender gay and lesbians. I also expect that given the overlapping needs and historical tensions among cisgender women (of diverse sexual identities) and TNBI people and communities, there will be burgeoning but limited allyship by cisgender women to TNBI people. Moreover, I expect that cisgender women will be reluctantly supportive of TNBI rights. Despite the similar constraints placed on cisgender women and TNBI Americans, the relationship between TNBI people and cisgender women, and in particular, cisgender feminists, have been historically fraught, and is evidenced by the persistent chorus of Transgender Exclusionary Radical Feminists (i.e. TERFs). The event that is most associated with the rift between cisgender feminists and TNBI people can be traced back to 1979, and the publishing of Raymond's *The Transsexual Empire*, where TNBI people, and most frequently trans women were accused of dangerously encroaching on so-called "women's spaces." Other TNBI exclusion includes their deliberate omission from Human Rights Campaign's (HRC) political campaign for the Employment Non-Discrimination Act

(ENDA), and discrimination of TNBI people in admittance policies at historical women's colleges and universities (Murib 2015; Weber 2016; Nanney and Brusma 2017). Although there are some signs, such as the HRC becoming TNBI inclusive and a sizable portion of historical women's colleges and universities adopting TNBI inclusive admittance policies, the rift between cisgender women and TNBI Americans has yet to be repaired (Ring 2019). I expect that some cisgender women will use biological determinism to exclude prospective TNBI coalitional partners, despite that biodeterminism is the locus of cisgender women's political oppression. To find out if and why some cisgender women may continue to marginalize TNBI Americans, TNBI people alone should not be the sole subject of inquiry. The singular focus on TNBI people does not fully illuminate how allegedly normatively gendered people, and specifically cisgender women, may support gender regimes that marginalize TNBI people (Scott-Dixon 2006). Therefore, this dissertation explores the dynamics of resistance and inclusion among cisgender, female political elites, and if actions by these cisgender women influence the expansion of rights of TNBI Americans.

Although a central goal of feminist political projects is to dismantle sexist systems of oppression, feminist movements have struggled to maintain unity, and problems with unity within feminism are a layered problem. First, a myriad of intersecting experiences, such as being part of a racial, ethnic, and/or class group and/or sexual orientation shapes experiences and treatment of women in or by feminist and women's movements (Crenshaw 1991; Hammonds 1994; Hill Collins 1996; Cohen 1997; Smooth 2011). Therefore, "woman," and gender, must not be viewed as a singular identity. Competing forces that privilege some and disadvantage others shape women's (cisgender and trans women) lives. Unity within feminist political movements has therefore been fraught by problems of hierarchy, and some feminist and women's organizations have actively engaged in exclusionary practices when it

comes to incorporating multiply disadvantaged communities. For instance, the women's suffrage movement shunned Black women (Davis 1981), the women's liberation movement purged lesbian women (Jay 1999), and women of color have been routinely shut out from movements surrounding reproductive rights and justice (Luna and Luker 2013). The respective experiences of exclusion of women of color and lesbians are distinct. However, the basis of exclusion is rooted in the logic that minorities would further compromise the socio-political standing of white, heterosexual women and men. I suspect the challenges TNBI Americans face are both similar and different from the experiences of others who have sought to align themselves with mainstream feminist and women's political movements for gender equality.

To make feminism and women's movements more inclusive as well as to dismantle gendered systems oppression, I don't believe it is enough to merely further women's interests broadly. Gender oppression will not be broken down until feminists and women's movements and internally scrutinize problems of exclusion, which undermine the quest for gender rights and liberation. Laws dictating bodily autonomy, recognition, and respect for identity, which enable equal access to public policy based on gender, are the central locations where cisgender women's and TNBI rights overlap and coalesce. The state assumes that gender is dichotomous, and this reinforces rigid gender norms by requiring people to identify as female or male to be politically recognized. Public policy also tends to assume that gender is normatively male, which enables the exculsion of TNBI people and cisgender women. The shared exclusion of gender in legislative language disenfranchises both TNBI people and cisgender women, which underscores the importance of political coalition building among people of diverse genders. An intransigent belief diversity is a critical component of building solidarity (Heyes 2003), but it is unclear how cisgender

women and TNBI people and communities can build sustaining coalitions. Therefore, to enhance understanding of the political exclusion and influence of TNBI Americans, this dissertation seeks to understand what cisgender women, who are a part of the political status quo, are doing and are not doing to enable policymaking that is gender all-inclusive.

Overview of Methodology

I utilized a mixed-method approach to understand the political processes that enable TNBI representation. Using purposive, reputational sampling, I conducted in-depth, semi-structured interviews with twenty-one cisgender and TNBI participants. All participants are policy insiders and work at organizations that seek to expand gender rights, such as lobbyists and as members of the state bureaucracy or elected officials in California. I chose to focus only on California first because it is popularly considered to be the national leader in gay, lesbian and TNBI rights, and I wanted to investigate the validity of this claim. Secondly, and by chance, I became embedded in the state with a network of activists, lobbyists, members of the state bureaucracy, and state legislators who are working on behalf of TNBI rights. I utilized an interview guide in each interview, but the questions, although remaining relatively the same, were slightly tailored to each participant. The interviews were conducted in person, by phone, and over email. Transcription of all interviews were completed using ExpressScribe and the voice function in Microsoft Word.

Using LexisNexis State Capital, I gathered 109 TNBI inclusive chaptered bills, authored by members of the California legislature between 2000-2018. Using YoshiKoder, which is computer-assisted content analysis software, I built a dictionary to identify keywords used in legislative language to assess the legislative intent of the bills. Using

content analysis, I then discerned which policy areas these bills fit into.¹⁰ I then identified bills that were broadly inclusive to TNBI people or were TNBI targeted. I categorized bills as being broadly inclusive to TNBI people if TNBI protections were added as an addendum to broader or existing gay and lesbian rights. Bills were categorized as TNBI targeted if bills sought to create provisions separately from laws that are mutually inclusive of gay and lesbian populations. Furthermore, I took into account if provisions used language that named diverse members of the TNBI community and were not limited to transgender, non-binary, and intersex¹¹.

To test my hypotheses of which groups are most likely to support TNBI rights, I assessed the identities of all legislators who authored TNBI inclusive bills. Using state and official websites of legislators who authored TNBI inclusive policies, I recorded the known normative identity characteristics of state these legislators: gender, sexual orientation (if known), race and ethnicity, party ID, and legislative chamber (i.e., if authors were assembly members or senators). I also took into account the role authorship legislators took. According to the legislative rules in the state of California, bills may be authored, principally coauthored, or coauthored. All bills have a lead author, but not all bills have principal coauthors or coauthors. There may also be multiple authors in each category. Lead authors are legislative members who are the primary or sole author of a bill and the person(s) who introduced a bill for consideration. A principal coauthor is an author who is singled out by the lead author for special recognition as a primary supporter of the bill.

¹⁰ Disability access; youth/minor welfare; incarceration; housing; sexual assault/domestic abuse; marriage/domestic partnerships; military and veterans; senior welfare; healthcare; education; business/economy; data collection; identification; and general non-discrimination.

¹¹ There were instances wherein the legislative language included those inhabiting identities beyond the TNBI acronym, which include gender non-conforming, genderqueer, gender fluid and two-spirit. When these identities were referred to, I accounted for their use.

Principal coauthors share credit with the lead author(s) and may be a member of the house of origin or the second house. A coauthor may be a member of either house who symbolically indicates support to the bill by pledging their name as coauthor.

To discern the robustness of legislation, I separated the bills into two categories: "symbolic" and "substantive" legislation. Symbolic legislation includes joint and concurrent resolutions (regardless of which chamber introduced the legislation). Symbolic bills generally seek to commemorate or provide recognition for an event, individual, or group. An example of a bill that fits the symbolic criteria is Assembly Joint Resolution (AJR) 22 (Chaptered September 25th, 2017). AJR 22 which states "that the Legislature respectfully disagrees with statements posted on Twitter by the President of the United States proposing to ban transgender Americans from military service, and would call upon the Governor of California to direct the Armed Forces of the state to take no action that discriminates against transgender service members on the basis of their gender identity or expression, unless superseded by federal law." While I do not discount the importance and significance of legislative members officially standing in opposition to transphobic rhetoric by the Executive Branch, symbolic measures such as AJR 22 do not do much to improve the everyday lives or enhance the rights of TNBI constituencies. Conversely, substantive legislation enhances rights or expands legislation to be inclusive of TNBI constituencies. For example, Senate Bill (SB) 179 (Chaptered October 15th, 2017) allows for trans, nonbinary, and intersex people within the state of California to change the gender markers on state identification without having to go through gatekeeping medical barriers. Not only does SB 179 simplify obtaining identification, which is a necessary prerequisite for obtaining housing, employment, and economic resources, the bill also allows for identity self-determination. The synthesis mixed-methods approach paints a rich picture of how TNBI

inclusive legislation makes it to and through the state house and reveals previously unknown profiles of who TNBI legislative allies are.

All categories discussed above (i.e., policy area, authorship type, identities of authors, targeted population, type of legislation) were sorted into binary categories. Thereafter, I used SPSS 25 to examine the information. Sorting identity characteristics into binary classifications and using SPSS enabled me to run cross-tabulations and to locate percentage differences, which indicated when there was a relationship between identity and support (or lack thereof) for legislation that enhanced TNBI rights. Once authors were located, I ranked frequency that legislators, according to identity, authored bills; charted which policy area the respective legislators tend to author bills; and finally discerned in which policy areas that authors according to identity tended to author symbolic of substantive legislation and at what capacity (i.e. lead author, principal coauthor, coauthor).

Role of the researcher

I am writing this dissertation from a feminist and transfeminist perspective. Transfeminism is a political standpoint “that focuses on the intersections of sexist and transphobic oppression” (Bettcher 2013, p. 387). Thinking from a transfeminist lens moves beyond institutionalized binaries and allows scholars to understand how to theorize how TNBI people are subject to transphobic *and* sexist oppression. Political rights are intricately woven together, and the gender rights of TNBI people and cisgender women are bound together. Cisgender women and TNBI people face similar struggles, such as and not limited to gender marginalization, which exacerbates job and housing discrimination, harassment, sexual and domestic violence, and substandard medical care. Although the relationship between TNBI and cisgender feminist and women’s movements have been contentious, they

share the common goal: to weaken the grip of bureaucratic gender ordering, which excludes people from sharing equitably in rights.

Transfeminism is movement defined as by, for, and with trans women who view their liberation as being “intrinsically linked to the liberation of all women and beyond” (Koyama 2006 p. 244). I accept Koyama’s definition but wish to complicate and expand the definition, which Koyama themselves have done regarding race (Koyama 2006). Firstly, feminism and transfeminism should include trans men, non-binary, and intersex people. As Talia Bettcher (2014) points out, feminist discourses surrounding TNBI issues tend to center on trans women, and as a result, trans men receive subaltern status. I agree with Bettcher, but also have observed that nonbinary and intersex people tend to be obscured in conversations about TNBI rights. I also believe that to embrace transfeminism, and to dismantle gender oppression, static notions of the gender binary must be continuously challenged. I am not saying there is no such thing as a woman or a man (I myself am a cisgender woman), but all gender possibilities must be accounted for. In addition to taking a transfeminist standpoint, I also will partially borrow the definition of feminism outlined by Judith Butler (2006). Butler put forth the idea that feminist projects should not seek to define women and should not be grounded in the singular category of women. Instead, as Butler argues, feminists should trace how power is structured and functions to realize how concepts of power have shaped understandings of womanhood in society and feminist organizations. As with Koyama's definition of transfeminism, I aim to push Butler's thesis a bit farther to examine how power has structured gender as a concept that pushes beyond binary conceptualizations of woman and man and includes those who do not identify along the gender binary. Since gender possibilities are infinite, cisgender women and feminists should welcome that many existing theoretical models explore how the gender binary is a

tool of oppression. Finally, and because of my location as a cisgender woman, this project does not offer any subjective or normative observations of TNBI Americans, but it rather investigates the institutions created and maintained by cisgender people that have hindered TNBI rights in the United States.

Social scientific inquiry has long been criticized for engaging in the practice of "studying down," which has resulted in the erasure of subaltern voices (Spivak 1988). To work towards decolonizing social science, I believe it is crucial for researchers and scholars, such as myself, who receive a privileged status due to their race, class, and gender identity, to engage in the practice of studying up. According to anthropologist Laura Nader (1978), in advanced industrialized, bureaucratic nation-states, we are "confronted with an unprecedented situation: never before have so few, by their actions and inactions, had the power of life and death over so many members of the species" (p. 284). A location where few have the power over life and death, or at least equal treatment in life and death, is especially salient in state level policies, which doll out public resources to some of society's most vulnerable citizens. Studying up also has implications for feminist and transfeminist scholars as similar to androcentricity, many cisgender scholars may disregard how cissexism and ciscentrism obscure the experiences of TNBI people. However, understanding how gender is constructed in the American politics entails an exploration into cisgender status quo, as they are the ones who are often making the rules. Therefore studying up, and in this case, studying cisgender political formation, is necessary both to understand how gendered public policy and political resources are dispersed as well as to provide meaningful recommendations to the status quo on how to provide political resources to Americans who experience gender marginalization.

Organization of Dissertation

Chapter two of this dissertation is a literature review, which includes a review of the different meanings and understandings of allyship, coalition building and representation. The literature review will further discuss theories of gender, and how gender influences the allocation of political goods. Lastly, this chapter gives a composite history of feminist and woman's political movements and instances in which cisgender women have worked to exclude TNBI people and communities. The chapter includes cisgender people who have a vested interest in breaking down gender marginalization to work in solidarity and allyship to TNBI people and communities. The literature review enables me to trace the political processes and historical moments that enable or inhibit cisgender people from becoming allies to TNBI people.

Chapter three of this dissertation concerns the methods and methodology used in my dissertation research. The methods section precisely delineates how I collected the data used in this dissertation. In this section, I describe the methods that I used to decipher the information collected. I also discuss the choice of methodology, which is the theory behind the methods I chose to use. Exploring my methodological approach enables understanding of how the philosophical approach that I took to inform my data collection processes and which also allows me to explore the limitations I encountered in data collection and processing.

The fourth and fifth chapters of this dissertation explores my qualitative and quantitative findings. Since qualitative and quantitative data were collected and analyzed in respective phases, I will initially discuss the findings in separate chapters. In discussing the qualitative findings, I trace the diffuse processes that informed participant responses to the questions that I asked in semi-structured interviews. I then situate participant responses in

the context of broader struggles TNBI political inclusion, which include what biases participants may have which may influence their responses. The next section of this chapter will discuss my quantitative findings from the content analysis of 109 bills I analyzed. I discuss not only the content and robustness of the bills, but also the identities of the authors of bills. This chapter illuminates which types of people tend to serve as cisgender allies and in what capacity (i.e., authorship position and which type of bill was supported). Since this dissertation research takes a mixed-methods approach, the third section of these chapters synthesizes the qualitative and the quantitative findings. In these chapters, I will offer explanations to patterns discovered across qualitative and quantitative inquiries. The final section of this chapter will discuss limitations and offers insight into how future inquiries may be conducted.

The sixth chapter offers a conclusion, and will include recommendations for future research. The conclusion of this dissertation is an assertion of primary findings and is based on the integrative findings from the mixed-methods exploration into cisgender allyship formation and patterns of support for TNBI communities and constituencies. I expect the recommendations in this chapter to be actionable, and I will discuss implications both for future inquiry, and for cisgender allies seeking to work with and on behalf of fellow TNBI Americans.

Chapter 2

Literature and Theoretic Overview

This dissertation examines when, how, and which cisgender political elites stand in allyship to and substantively represent TNBI (transgender, nonbinary, and intersex) Americans. Despite not being a new identity category (Stone 1992; Chiang 2014; Muñoz 2014; Whittington 2014; Driskill 2016), scholarship into TNBI political rights is relatively new to political science, and investigations into cisgender identity are, to the best of my knowledge and research, fledgling, at best. Therefore, the bulk of the initial background investigation of this dissertation is a multidisciplinary exploration of gender identity politics, and how normative identities are bureaucratized by political systems. This dissertation explores the construction of TNBI identities, but also the formation and institutionalization of cisgender identities. Since TNBI Americans are popularly considered part of the LGBTQ political coalition, this dissertation examines the construction of sexuality in the United States, as well as the dynamics of acceptance and resistance of TNBI people into movements for sexual equality. Because cisgender people (of diverse sexual identities) are the gender status quo in the United States, this dissertation explores how cisgender people perform political allyship and substantive representation and inclusion in movements for sexual and gender equality.

Rationale, Scope, and Organization

Until recently, there has been limited scholarly inquiry that interrogates what constitutes cisgender political identity and how political scientists situate cisgender identities in the discipline (Novkov and Barclay 2010; Haider-Markel et al. 2019). Scholars who

engage with gender politics tend to reject the purely biologic conception of gender and the gender binary (Rudacille 2005; Fine 2010; Hatemi et al., 2012). However, scholarship into how cisgender identity explicitly operates within politics and society is nascent (Poteat and Karrigan 2013; Tadlock et al., 2017; Bowers and Whitley 2020; Case et al. 2020). The bulk of limited scholarship that does exist about cisgender Americans tends to be conducted in the fields of medicine, psychology, and education and pertains to (cisgender) heterosexual allies in movements for LGBTQ equality (Goldstein and Davis 2010; Fingerhut 2011; Russell 2011; Grzanka et al., 2015; Russell and Bohan 2016; Jones and Brewster 2017). Despite the robustness and utility of the aforementioned work, there is a tendency to collapse gender and sexual identities (Harper and Singh 2014; Chan 2018). There is also little discussion of how cisgender people, lesbian, gay, bisexual (LGB), and heterosexual, respectively, stand with and for their TNBI compatriots. Therefore, this dissertation seeks to fill this gap to understand gender politics, gender allyship, and cisgender political identity.

The idea of this dissertation came out of my scholarly interest in gender politics, the politics of representation, and coalition building. I also started thinking about my dissertation research when TNBI people were getting a considerable amount of popular attention (Steinmetz 2014; Brostoff 2017). The emergent awareness of TNBI populations coincided with the limited inclusion of transgender Americans¹² in Section 1557 of the Affordable Care Act and the widening of the scope the Violence Against Women Act (VAWA) widening to encompass gender identity. Yet, as soon as the popular discussion of TNBI rights began to blossom, TNBI people and politics were met with immediate political backlash (Sellers 2014; Stroumsa 2014; Stone 2019; Taylor et al. 2018; Murib 2020). The backlash was not limited to formal political realms and began to surge, especially among

cisgender women (of diverse sexual identities) and some self-proclaimed feminists (Goldberg 2014; Watson 2016; Weber 2016; Worthen 2016; Nanney and Brunσμα 2017; Earles 2018). However, the backlash to TNBI people in the United States is not new and has been especially prevalent among some cisgender women participating in movements for women's liberation (Raymond 1979; Stone 1992; Jeffreys 2014; Heaney 2016; Maltino 2016). Despite the pervasive transphobia among some sectors of the population, solidarity among cisgender and TNBI people exists (Scott-Dixon 2006; Grzanka 2015; Enke 2018; Price 2018). In terms of political science and the expansion of TNBI rights in some municipalities, states, and federal levels, some cisgender people are standing with and for TNBI people in the quest to enact policies that recognize and protect the rights of TNBI Americans.

In addition to seeking to understand who and how cisgender people are working with and on behalf of TNBI Americans, this dissertation explores the tensions surrounding gender politics. This chapter explores literature identity politics and how the bureaucratization of normative identity characteristics shapes politics to understand these puzzles. This chapter also explores how rights in the United States have been shaped both by patriarchy and cisgender hegemony. This chapter is presented into three parts. The first section explores the bureaucratic function of gender as a political category, and how the United States government recognizes, and fails to recognized people on the basis of gender. Since this dissertation is about solidarity on behalf of cisgender people; the second part of this chapter explores political representation. Representation, however, is not confined to formal political realms. The third part of this chapter examines identity politics, and the dynamics and common issues among groups of diverse gender and sexual identities who have a vested

¹² Nonbinary and intersex Americans have yet to receive federal recognition by way of

interest in securing and expanding gender rights. Together, the investigation into the bureaucratization of gender, representation, and coalitions helps uncover how, why, and when cisgender people stand with and for TNBI rights and understand the current status of fights to end gender marginalization in American politics.

The Politics of Organizational Identities

Normative identities are a political construction and used by nation-states as a mode of organization. In the United States (and across the world), race and gender are the normative identity characteristics politically created and institutionalized over space and time. There is no significant genetic difference between our socio-politically created racial categories (Boas 1921; Angier 2000; Patrinos 2004; Gravlee; 2009; Frank 2015; Morning 2015; Roberts and Rollins 2020). There is also a robust, emergent evidence that gender is not contingent on biology (Fausto-Sterling 1992; Dregger 1998; Preves 2003; Blackless et al. 2000; Fausto-Sterling 2012; Joel and Fausto-Sterling 2016; Hyde et al. 2019; DuBois and Shattuck-Heidorn 2021). There is some scholarly temptation to conflate race and TNBI identities (Brubaker 2016; Tuvel 2017). But despite the common bureaucratic utility of using race and gender as organizational categories, race and gender are distinct.

States commonly use normative race as an organizing category, and is a construction enabled by "sociohistorical processes by which racial categories are created, inhabited, transformed, and destroyed" (Omi and Winant 1994, p. 55). Although gender is, similarly, a sociopolitical construct that determines who gets and is denied political resources, gender and sex are distinct from race (Novkov 2008). Race is viewed with some fluidity, while gender is a ridged, binary category assigned by attending medical professionals at ones'

birth. To further untangle differences between race and gender, intersectionality is key to understanding the differences between organizational categories and status in society (Crenshaw 1991). Like race, cisgender identity is politically demarcated by the United States Census Bureau (Strolovitch 2006; Hochschild and Powell 2008; Westbrook and Saperstein 2005). However, unlike political conceptions of race, which is determined differently by nation-states, the binary conception of cisgender male/female gender is a near-universal mode of bureaucratic organization.

The institutional use of political identity categories arose during the birth of the industrialized nation-state and identity categories are used as "a political force and as an organizing rubric for complex democracies" (Bower and Star 1999, p. 3). While difference certainly exists, categorization for political means is an utterly human creation. Since gender is a shared model of categorization across nation-states, it is a crucial component of bureaucratic organizing, and "gender is perhaps the most pervasive, fundamental, and universally accepted way we separate and categorize human beings" (Meadow 2010, p. 815). Although there is emergent evidence from biology and medicine that gender categories are not dichotomous, viewing gender as a binary determined by the sex assigned at birth, is a global political norm.

In the United States, the denial or enfranchisement of political rights are rooted in biological determinism¹³, which is the ideology that reproductive biology assigned at birth is immutable and determines ones' place in the world (Mikkola 2016). Biological determinism has helped bolster patriarchy and enabled cisgender male hegemony. For example, biological determinism informs sociopolitical norms which are commonly used to prevent cisgender women from accessing education and equitably participating in paid labor (Weber

¹³ Sometimes referred to as determinism

2016). In similar and distinct ways, the state uses the sexed body of TNBI Americans to deny equal access to rights and bodily self-determination. The experiences of cisgender women and TNBI Americans diverge insofar as cisgender women have limited ability to divorce their gender identity from their physical bodies. Evidenced by so-called “bathroom bills,” discrimination of TNBI athletes, and criminalization of gender transition at the state level, TNBI Americans are not politically or socially permitted to distance their gender from their genitals (Wuest 2019; Sajadi 2020). The sociopolitical prohibition of denying TNBI Americans fundamental civil rights and liberties follows the historical pattern of governing institutions excluding classes of people full citizenship rights on the basis of gender.

The ongoing political disenfranchisement of people according to gender is foundational in American political development. In terms of the United States’ foundational documents, the discussion of gender is absent (Kerber 1992). Despite the lack of recognition of populations other than white cisgender men, normative identity is an integral part of the institutional design of the United States and dating back to the ratification of the Bill of Rights, which codified the three-fifths compromise in Article I, Section II of the Constitution. Three years later, Congress enacted the Naturalization Act of 1790, which granted national citizenship only to “free whites.” Subsequent federal provision used to Naturalization Act to bar citizenship rights to American Indians, Asian Americans, Chicano/a/x and Latino/a/x Americans (Gibson and Jung 2002). In terms of gender rights, an enduring puzzle in American political history is if the Framers purposefully excluded (white) women in the Constitution (Lewis 2003). Although founding documents apportioned white women representation, its allocation before the ratification of the 19th Amendment was contingent on marriage (Basch 2003). Thus, in the pre-suffrage era, the only way white women could access political rights was through the sexual contract of marriage (Pateman

1988). Despite the grim state of gender and racial rights at the founding of the American nation-state, Americans in minority categories vis à vis social movements, judicial and legislative actions immediately began the slow and ongoing process of seeking formal political inclusion.

(Cisgender) white women gained the right to vote in 1920 with the passage of the 19th Amendment. The United States did not enfranchise women of color with the right to vote until the Voting Rights Act in 1965. Congress expanded the scope of the Voting Rights Act in 1975 to give women who are language minorities the right to vote. Although voting rights are not guaranteed to access all rights (e.g., abortion), voting grants recognition and voice vis-à-vis the ballot box. Despite provisions that should grant rights and prohibit discrimination based on sex and gender, there are no legal provisions that define what sex and gender are (Caldwell 2020). While the lack of definition does, on the one hand, allow for gender self-determination, the lack of recognition of sex and gender in American jurisprudence and legislation leads to erasure. And despite the incredibly problematic ramifications of the bureaucratic organization of sex and gender, classification does serve a civil rights function. Political recognition of gender identity makes it possible for people to obtain government documentation and help curtail the harassment of TNBI people from government officials, police officers, and other members of the bureaucratic wing of the state (Kattari et al., 2016b; Clark 2019; McNamara 2020). Information on voter disenfranchisement among TNBI Americans is emergent, and there is a strong association of the institutional problem of TNBI people lacking state identification and how this leads to discrimination at the ballot box (Bowers and Whitley 2018; Casey et al. 2019).

Representation, Legislation and Public Opinion

In a constitutional republic, such as the United States, representation by political elites is a placeholder for more direct modes of democracy (Rousseau 1968). According to Pitkin (2004), the concept of representation is complicated, and not because it lacks a comprehensive definition, but that in democracies, representation “implies a paradox” (p. 335). In democratic regimes, the meaning of representation is confounding because it is unclear who, when and in what manner people politically show up for one another in representational contexts. In the United States, representation can be considered principal-agent relationship, where elected officials act as agents who, in theory, stand with and for the principle, or their constituencies (Urbinati and Warren 2008). The roles that elected officials take in standing with and for constituencies are multiple, but for the purposes of this dissertation, these roles are best understood as descriptive and/or substantive. Descriptive representation occurs when elected officials' perceived normative identity characteristics (e.g., gender) match that of their constituents (Philips 1994). According to Haider-Markel (2010), through mechanisms of “electing sympathetic elites, descriptive representation is often viewed as the most reliable way to achieve substantive political or policy representation” (p. 2). Although descriptive representation has its merits, it is not a given. Even if an elected official may physically look like their constituents, they do not necessarily represent them. Descriptive representation can also lead to reductionist essentialism. For example, feminists have hinged their commonality on “sisterhood,” but this often reflects concerns of the white middle-class status quo (Mansbridge 1999). In terms of TNBI rights, descriptive representation by LGBTQ people does not necessarily mean that cisgender LGB elected officials will always work on behalf of TNBI coalitional partners (Currah 2008; Murib 2015).

Substantive representation is the act of “‘standing for’ or ‘acting for’” (Smooth 2011, p. 438) constituencies regardless of shared characteristics. Because there is currently a deficit of scholarship on openly TNBI elected officials in political science (Casey and Logan 2015) and the pure lack of TNBI Americans in elected office (McDaniel and Garcia 2020), most existing scholarship focuses on cisgender LGB electoral officials. Since 2016, LGBTQ Americans are running for and are voted into office at record-breaking numbers (Bussey 2020). However, among LGBTQ people elected, they are overwhelmingly cisgender gay and lesbian (Haider-Markel et al. 2020). When TNBI candidates do run, people tend not to vote in their favor because of concerns over electability, partisan divisions, prejudice, and are likely to be viewed as outsiders even if they share partisan identification with voters (James et al. 2016b; Haider-Markel et al. 2017; Magni and Reynolds 2021). That voters are so apt to discriminate against TNBI candidates is evidence of their subaltern status in American politics.

Despite an increased awareness of TNBI politics and people, they “remain subject to significant discrimination and disproportionate violence” (Taylor 2007 p. 833).

Discrimination can come in the form of a lack of descriptive representation, when elected representatives do not substantively stand with and for their constituencies and when they enact legislation that curtails the civil rights and liberties of TNBI Americans. In the United States, and partly due to the current polarized nature of federal political apparatuses, there are very few laws and statutes on the books which expressly benefit TNBI Americans (Snell 2017)¹⁴. Although the judicial and executive branches have made some moves to expand

¹⁴ Section 1557 of the Affordable Care Act prohibits insurers from discriminating against clients on the basis of sex and/or gender identity. As affirmed by *Bostock v. Clayton County* (2020), under Title VII of the 1964 Civil Rights Act, employers with more than 15 employees are prohibited from discriminating on the basis of sex and/or gender identity. A 2012 rule by the Department of Urban Housing (HUD) subjects lenders to HUD’s Equal

gender and sexual policies, and given the Framers’ vision of the utility of Congressional stalemate, it is perhaps unsurprising that the federal legislature has failed to pass legislation that would benefit TNBI Americans (Bishin et al. 2020). Therefore, and in line with the United States’ federalist system, the bulk of TNBI rights reside at the state level. Before 2000, few states passed any legislation, positive or negative, which affected TNBI populations, and began to dramatically increase in 2001 (Taylor et al. 2018). Legislation that affects TNBI Americans has been a mixed bag. Since 2015, state legislatures have enacted a record-breaking number of policies that erode and attack TNBI rights and liberties (Flores et al. 2020; Transgender Law Center 2021). In a favorable view towards the United States’ federalist system, the ebbs and flows policies that affect TNBI Americans may be par for the course and present an opportunity “where a skeptical national majority could learn from state experimentation” (Bedar 2011, p. 274). Yet, the lives TNBI Americans do not exist in abstraction, and draconian policies that curtail their rights and liberties should be held as an urgent constant. Therefore, and to expedite the collective understanding of TNBI rights, it is crucial to turn our attention towards how and what positive policy changes are being made and which legislative actors are making them.

In terms of the positive policies that expand TNBI civil rights and liberties, the bulk of enacted legislation falls under the nondiscrimination umbrella (Colvin 2007; Sellers and Colvin 2014). According to Taylor et al. (2012), legislative opportunity structure and internal states policies play a vital role in expanding TNBI rights. Regional character

Access Rule, which prohibits discrimination on the basis of gender identity. Title IX of the 1972 Education Amendments prohibits educational institutions, which receive federal money to discriminate on the basis and sex and/or gender identity. Since 2013, the Violence Women Act (VAWA), prohibits discrimination based on sex and gender identity when victims and survivors are seeking support for intimate partner violence, domestic violence, sexual assault and stalking.

integral to legislative success when passing positive TNBI policies and legislative bodies are most likely to adopt positive TNBI policies “if other states in their region had done so” (Taylor et al. 2018, p. 121). In addition to geopolitical factors, legislation that positively affects TNBI populations tends to be enacted in states (and municipalities) where a significant portion of the cisgender LGB population is politically active (Taylor et al. 2014a; 2014b). In-state legislatures, cisgender legislators who are also gay or lesbian are the most vocal advocates of TNBI rights (Haider-Markel 2010; Taylor 2018). The far-reaching impacts that a robust LGBTQ coalition has for gender rights indicate that for heterosexual cisgender people, being acquainted TNBI people, through cisgender LGB compatriots may have “secondary transfer effects” (Tadlock et al. 2017). Moreover, if cisgender heterosexual people (legislators or otherwise) know cisgender LGB people, they are more likely to support TNBI rights.

Cisgender people are the most powerful and populous group in the social, political, and economic status quo. At the present moment, cisgender Americans (of diverse sexual orientations) appear to be integral characters in the journey to expand TNBI rights. Lewis et al. (2014) find that legislatures are most likely to recognize TNBI policies if passed as an addendum to existing statutes that protect cisgender LGB people. Although expanding policies written to benefit cisgender LGB people is positive, it is crucial to be mindful that sexual orientation and gender rights are not necessarily mutually exclusive. Perhaps because of the “singular focus on the same-sex marriage debate, less attention has been paid to concerns that directly impact transgender individuals” (Becker and Jones 2020 p. 2). Legislators make take steps to fix this by enacting legislation which uniquely names and benefits TNBI Americans.

It is unclear why some Americans are opposed to the creation of civil liberties and rights by governmental institutions. After all, civil liberties and rights are the cornerstone of the United States' liberal democracy and is built on the belief that all people on American soil are entitled to the same shot at individual self-determination. For Americans who do not support the expansion of TNBI rights, political polarization illuminates how ideology shapes the cisgender status quo's position on TNBI politics. As discussed by Taylor et al. (2018), since 2015, the elite debate over TNBI rights is increasingly polarized, and consistent with Zaller (1992), liberal and conservative voters have also become polarized when it comes to their opinions on TNBI rights (Lewis et al. 2017; Jones and Brewer 2018; Lewis et al. 2019). For liberal Americans, on the one hand, the legalization of same-sex marriage has provided liberal proponents of LGBTQ rights the opportunity to focus on TNBI rights. Yet, on the other hand, this has created an opening for opponents of TNBI rights "to create a moral panic" (Haider Markel et al. 2019, p. 160). Although the American public is polarized across partisan lines, support for TNBI rights is not uniform among liberals. Regardless of partisan ID, voters are less likely to support a TNBI candidate, even if voters indicated that they would support a member of a minoritized group, such as a cisgender woman, cisgender LGB person or racial minority (Jones and Brewer 2019). However, when the cisgender population is disaggregated by gender, liberal, college-educated women are more likely than cisgender men to support TNBI rights (Norton and Herek 2013; Harrison and Michelson 2019). Since TNBI Americans are politically vulnerable and because the lack of descriptive representation by TNBI people, coalition building with other groups who are sympathetic to or have aligning goals to curtail gender oppression is necessary.

Identity Politics and Allyship Formation

Identity formation is integral to the development of political movements (Bernstein 1997, p. 531). The term “identity politics” was coined by sociologist Renee Anspach in 1979, who used the term to describe the motives of social movements by and for physically and mentally differently abled people. In the decades following Anspach’s work, identity politics are used to describe “general efforts of status-based movements to foster and explore the cultural identity of members” (Bernstein 2005, p. 47). However, since the phrases’ conception, identity politics is “increasingly used as a derogatory synonym for feminism, anti-racism, and anti-heterosexism” (Fraser 1997, p. 113). Political fights for TNBI rights, liberties, and equality is an identity-based movement and are popularly conceptualized in the United States as a part of movements for sexual equality. While the importance of the LGBTQ political coalition should not be discounted, TNBI Americans are in a politically precarious position. Since TNBI people are often subsumed into other categories, the "lack of visible distinction for gender identity and gender diversity also overlooks and disconnects members of trans communities, resulting in deleterious effects, continued discrimination, and horizontal oppression" (Chan 2018, p. 44). According to Broad (2002), TNBI activism "cannot be reduced to just another example of identity politics or simply the queer ingredient complicating gay/lesbian identity politics" and TNBI activism "in the United States entails both efforts to construct and deconstruct a transgender group identity" (p. 259). Therefore, scholars and concerned citizens alike should view TNBI politics as both unique and intersectional, which sometimes encompasses and/or goes beyond the bounds of sexual orientation. For example, while *Obergefell v Hodges* upholds the constitutional rights of gay and lesbian Americans to marry, it does not benefit TNBI people who are in different-gender relationships. According to Currah and Spade (2007), the framing of TNBI issues within movements for LGBTQ equality, TNBI advocates, legislative and otherwise, “struggle to

devise policy solutions that improve the lives trans people, are politically viable in gender-binary reliant administrative contexts, and still comport with the notion that gender is not grounded in the body” (p. 1). Therefore, it is imperative to consider TNBI rights simultaneously as part of and unique from other movements for sexual and gender equality.

In political movements which honor intersectionality, allyship formation is key for coalitional building. There is a robust, interdisciplinary scholarship on allyship in movements for racial equality and the role and identity formation processes for white allies (Carmines and Stimson 1989; Schickler et al. 2010; Ostrove and Brown 2018; Pittinsky and Montoya 2009). In regard to movements for LGBTQ equality, Washington and Evans (2000), define an ally “a person who is a member of the ‘dominant’ or ‘majority’ group who works to end oppression in his or her personal and professional life through support of, and as an advocate for, the oppressed population” (p. 195). According to Jones and Brewster (2017) an LGBTQ ally is a “cisgender heterosexual person who recognizes the impact of discrimination on LGBTQ groups, aligns themselves with political social groups that challenge systematic oppression, and serves the needs of sexual and gender diverse populations through social action and activism” (p. 680). Grzanka et al. (2015) argue that the collective identities within the LGBTQ movement were produced within the movement itself, and “from this perspective, straight allies...are likewise created by the social movements in which they participate” (p. 166). Glenda Russell (2011) finds that allies tend to fall into two dichotomized categories and either are motivated by “fundamental principles (justice, civil rights, patriotism, religious beliefs, moral principles, and using privilege to positive ends)” or through “personal experiences or roles (professional roles, family relationships, valuing marriage, achieving closure on personal experiences, transforming guilt, and anger)” (p. 376). Although these understandings of allyship pertain

to LGBTQ allyship, they may be foundational frames to understand the emergence of cisgender allyship formation.

Similar to inquiries in other fields, most scholarship on allyship formation in movements for sexual and gender justice looks at the entire LGBTQ political coalition rather than singling out support for TNBI communities by cisgender allies (of diverse sexual identities). Political Scientists posit that “contact theory” or “contact hypothesis” is the primary predictor for LGBTQ political support. Contact theory originates in scholarship which examines the societal mechanisms reduce racial prejudice (Pettigrew 1998) and posits that racial diversity, in some contexts, decreases racial animosity (Oliver and Wong 2003). In terms of LGBTQ politics, Herrick (2010) finds that interpersonal contact among cisgender LGB and cisgender straight legislators increases the likelihood LGBTQ legislative support. Additionally, Herrick finds that “legislators representing well-educated, urban districts with a larger portion of their district gay or lesbian were significantly more likely to support including sexual orientation in anti-job discrimination policies” (p. 937). In terms of representation, Haider-Markel (2007) notes the importance of descriptive LGBTQ representation, and in that if there is an increase in LGBTQ legislators, there an increased introduction of substantive legislation. In line with findings on the importance of descriptive representation, Reynolds (2013) shows us that, cross-nationally, that even the small presence of LGBTQ legislators significantly increases the likelihood that a state will pass legislation that enhances the rights and status of LGBTQ constituencies. Finally, in his analysis of the Congressional LGBTQ Equality Caucus, Snell (2017) provides support that the straight allied members within the caucus (who are the majority of members) “provide votes on pivotal LGBTQ bills and are the dominant force for ensuring that issues relevant to the

LGBTQ community receive congressional—and national—attention through their consistent (co)sponsorship activity independent of which party controls the chamber” (p. 324).

There is a relationship between transgender support and knowing someone who is part of the TNBI community. In the United States, only 11% of the population reports that they know transgender (Gates 2010). Yet, according to Flores (2015) if someone "feels they have greater knowledge of transgender people and transgender rights issues are increasingly more positive in their attitudes toward transgender people" and "familiarity generates a form of parasocial contact, which corresponds with empathy and attitudinal change” (p. 406). To bolster the above findings, Tadlock et al. (2017) show there is a "secondary transfers effect on contact with gay men and lesbians has for transgender people and their rights" (p. 966). Perhaps unsurprisingly then, Tadlock et al. also find that contact with trans people increases positive attitudes towards trans rights and "Democrats, liberals, females, and the less religious support transgender people and their rights" (p. 965). Support for TNBI Americans may, however, be somewhat superficial. Haider-Markel et al. (2017) find that while voters would very likely support an LGB candidate with who they share partisanship, voters are less likely to support a hypothetical trans candidate who fits the voter's candidate criteria. Of those that would support a TNBI candidate, and consistent with findings on support for LGB people, those with higher levels of education and cisgender women are likely to support a hypothetical trans candidate. In their seminal text, Taylor et al. (2018) present data from multiple surveys, which show that cisgender women are more likely to support TNBI rights than cisgender men. However, differences in support of trans rights among cisgender women and men are marginal, and although a majority of Americans report being comfortable around trans people, "a significant portion of the public finds the concept of transgender identity as morally wrong" and "not supportive of many issues related to

transgender rights" (Taylor et al. 2018p. 85). However, when survey respondents were given a "neutral" choice (in addition to support or opposition), a significant number of survey participants chose to remain neutral, which may be an indicator that support and acceptance of TNBI Americans is increasing.

Although feminist critiques of sex and gender treat the categories as respective products of biology and sociocultural creation, there is limited inquiry into how these categories operate as independent identities and tend to consider gender and sexuality as an "indistinguishable reality" (Hatemi et al. 2012, p. 78). The tendency to collapse sex and gender explains why people tend to view struggles for LGBTQ equality as simultaneous political endeavors. A consequence of collapsing gender and sexuality is that "much of what is known about ally development has been studied from the perspective of sexuality, at times, is somewhat loosely applied to gender, often as a side note or an after-thought" and the word ally is often "preceded by the word heterosexual and not the word cisgender" (Harper and Singh 2014p. 379). According to Miller et al. (2017), "most Americans do not fully grasp the sex-gender difference and use the terms interchangeably" (p. 6). The failure of Americans to truly understand the difference between sex and gender is reflected in the academy. Since scholars most commonly consider allyship formation a process that only heterosexual people go through, there is limited attention to TNBI allyship formation that cisgender people undergo independent of sexual identity. Although cisgender LGB Americans are the most prominent allies to TNBI populations, the relationship between these groups is not necessarily easy.

Some may take that the solidity among the LGBTQ political coalition as a given. But it was not until the past several decades that TNBI people have been included in sexual and gender equality movements. Support among the LGBTQ political coalition is not necessarily

absolute, and some cisgender LGB people have been perpetrators of transphobia and TNBI political exclusion. For example, there is historical evidence that when public-facing gay organizations in the United States emerged during the 1950s, some cisgender gay male serving groups actively sought to separate sexual identity from so-called “gender deviance” (Hillman 2011, p. 156). Although trans women have become the famous face of the 1969 Stonewall Uprising, some cisgender LGB activists aggressively sought to expel TNBI people, particularly trans women, from participating in movements for sexual and gender equality (Stone 1992; Weiss 2003; Weiss 2011; Heaney 2016; Earles 2019). The unwillingness to accept TNBI people within some sectors of the LGBTQ political coalition exists in legislative realms, evidenced in the struggle to pass the 1996 Employment Nondiscrimination Act (ENDA). The Human Rights Campaign, a globally prominent LGBTQ serving public interest group, and Congressman Barney Frank removed transgender protections under the guise they would inhibit the ENDA's passage. Although the ENDA failed, the exclusion of TNBI people was an important signal that cisgender LGB leadership may not favor the full inclusion of TNBI coalitional partners (Currah 2008; Murib 2015).

Stryker (2017) discussed that in the 1990s, many formerly gay and lesbian groups started to add T to organizational acronyms. Although trans is part of the LGBTQ acronym, it represents something different, and “like class or race or physical ability, transgender functioned for them as a term that cut across the sexual orientation categories, rather than a noun describing a separate ‘species’ of sexual identity” (p. 171). According to Minter (2006), that despite transphobia among some cisgender LGB people, “many transgender people consider the gay community their only political home” (p. 142). Minter points out that although trans women were integral to the Stonewall Uprising, TNBI rights remain separate from gay liberation. Transphobia has caused splintering, and there are internal

questions in the LGBTQ political coalition about how much a diverse and fluid identity group could meaningfully organize without the institutional strength of the LGBT coalition. As Murib (2015) discusses “these competing visions of transgender political identity allowed political actors to make strategic decisions regarding how to *represent* transgender people in politics, and consequently shaped transgender political identity” (p. 11). Given the sometimes fraught relationship between TNBI and cisgender LGB people, it remains important for the LGBTQ political coalition to stay vigilant in their quest to include people of diverse sexual orientations and gender identities, which includes adopting provisions that expressly honor, recognize and seek to further the gender rights of TNBI people in ongoing fights faced by cisgender LGB compatriots.

Cisgender women and TNBI people (of all gender identities) should share common goals. For example, the mere visible presence of cisgender women and TNBI people evokes a feeling of panic among the male, cisgender status quo (Yamin 2012; Stone 2019). In particular, cisgender women and TNBI people of all gender identities, their bodies are a site of political angst (Koyama 2003; Price 2018). Formal and informal political sanctions continually seek to limit the right to have an abortion, force sterilization, question the right to decide to take hormonal treatments, and dictate the right to self-expression; the state continually questions and often outlaws TNBI people and cisgender women from having full bodily autonomy. The idea of gender coalition is rooted in feminist and transfeminist philosophical outlooks. Feminism is “the movement to end sexism, sexual exploitation, and sexual oppression” (hooks 2000, p. 33). Likewise, transfeminism is a movement and school of philosophical thought which seeks to advance in feminism but recognizes the common experiences between everybody who has experienced gender marginalization, exploitation, and oppression, based on the gender identity that one was assigned to at birth or came to

inhabit throughout one's life (Koyama 2003). Of the the scant institutionalized protections that protect gender rights (i.e., Title VII of the Civil Rights Act; Title IX of the Education Amendments; Section 1557 of ACA; VAWA), TNBI people and cisgender women share these rights. Therefore, in theory, people oppressed by gender marginalization should be actively working together as coalitional partners to uphold and further these rights.

Despite common struggles, cisgender women are still part of the gender status quo. Scholarship in political opinion tells us that support for TNBI people by cisgender women is a mixed bag. On the one hand, there is empirical evidence that some non-religious, politically progressive cisgender women are more likely than their male counterparts to support TNBI people and politics (Norton and Herek 2013; Haider-Markel et al. 2017; Miller et al. 2017; Jones and Brewer 2018; Jones et al. 2018; Lewis et al. 2019; Flores et al. 2020). Yet, some scholarship finds that cisgender women and men share unfavorable views towards TNBI peoples' political inclusion (Flores et al. 2018a; Flores et al. 2018 b; Haider-Markel et al. 2019). Support for TNBI people and politics may be blossoming among young, progressive, and college-educated cisgender women (Harrison and Michelson 2019; Brassel and Anderson 2020). Despite recent developments in support, some cisgender women have aggressively sought to exclude TNBI people, and trans women in particular from movements for gender equality since the 1970s and up to the present day (Rudacille 2005; Murib 2015; Weber 2016; Nanney and Brusma 2017; Hines 2019; Hornbury and Yao 2020; Pearce et al. 2020; Maltino 2021). Action by feminists to exclude TNBI people from movements for equality may seem like an aberration, but a close look to history show us that this ostracization on the basis of identity is not unique.

The exclusion of TNBI people from feminist movements is an enduringly complex subject. Despite the common political threats that are experienced across and between

gender and sexual identity cleavages, cisgender women (of diverse sexual identities) have failed to build a robust coalition with TNBI siblings also experiencing political gender marginalization (Heyes 2003; Connell 2012; Ahmed 2016; Maltino 2021). The exclusion of TNBI people follows a historical pattern wherein cisgender women (typically white and straight) have actively shut out minoritized communities. For example, white suffragettes ostracized Black women during the passage of the nineteenth amendment (Davis 1982), and straight women outed and exiled lesbian women during the women's liberation movement in the 1960s (Jay 1999). More recently, the white, pro-choice status quo have had a contentious relationship with women of color surrounding reproductive rights and justice (Nelson 2003; Luna and Luker 2013). The respective examples of the status quo excluding women of color, lesbians, and TNBI people from "women's movements" are distinct. However, the common thread that runs throughout all instances is the perception that expanding the parameters of group entry would compromise the political standing of women at the top of the gender, racial and sexual hierarchy.

TNBI exclusionary tendencies among feminist social movements also exist in the academy. For example, scholars generally agree that many of our identities, including gender, are created by sociopolitical forces. However, scholars often ignores the unique political situation of TNBI people, and therefore, scholarship on gender and sexuality tends to produce "cissexist or gender identity blind research," which works to "further marginalize transgender people and phenomenon within academia" (Johnson 2015, p. 23). For example, some scholarship questions the legitimacy of TNBI identities (Raymond 1979; Jefferys 2014; Brunskell-Evans and Moore 2018) but fail to interrogate cisgender identity formation (Stone 1992; Serano 2013; Johnson 2015). When TNBI existences are recognized and honored in the academy, there is a tendency, across fields, to assume that all TNBI people

are the same and ignore differences among gender, sexual orientation, race, and economic class (Harper and Singh 2014; Johnson 2015; Chan 2018; Bennett and Donatone 2020). It is necessary for scholars to take an intersectional lens and learn how TNBI people may be affected by multiple modes of oppression. Despite scholarly fights among faculty, a place where the debate over TNBI inclusion is taking place is at traditionally cisgender women's universities. According to Nanney and Brunsma (2017), the fight over admissions and inclusion challenges the bounds of Title IX. It has made traditionally cisgender women's universities a locus of how gender is institutionally categorized and presents a chance to redo gender. As Nanney and Brusman point out, "women's colleges provide a unique lens into these processes, as many are engaging with the central question of *what is woman* in a new manner, from gender as a social construction to gender as an analytic category; many are asking: *How do we determine who is a woman*" (p. 146). Some universities have therefore become a place where the bureaucratization of gender has been brought into sharp focus, and some universities have devised ways to include and honor the unique, and common, experiences of TNBI students. Universities are therefore an important laboratory to reconceptualize gender and to create inclusive policies.

Conclusion

Despite the rifts within movements for gender and sexual equality, there is excellent potential for coalition building between movements for LGB sexual rights, cisgender women's rights, and TNBI rights. According to Price (2018), each of these groups share oppression in that social and political conservatives blame the breakdown of the American family on cisgender on women who seek abortions, cisgender gay and lesbian people seeking marriage rights, and TNBI people seeking gender self-determination. According to

Price, for coalition building to occur among and between these groups, they must recognize the same “political principles and goals” of “bodily integrity and autonomy,” and “includes, not is not limited to the right to security and control over one’s body, the preservation of personal safety, the right to sexual expression, and the right to health and well-being” (p. 588). According to Simpkins (2016), cisgender women, cisgender LGB people, and TNBI people can use intersectional to understand how people seeking gender and sexual-political rights share overlapping oppression and have coalitional goals.

Strolovitch (2007) highlights that social stratification exists even among marginalized subgroups, and hierarchy creates “intersectionally marginalized subgroups,” which are groups who received subaltern status because of their gender, sexual orientation, race and/or class regarding the broader constituency. Yet, not all hope is lost, and Strolovitch finds that coalition building is a very effective way of pushing for disadvantaged subgroups’ needs. Unfortunately, groups tend to put a very low emphasis on coalitional efforts devoted to working on behalf of intersectionally disadvantaged subgroups. With this knowledge, and in the drive to become inclusive, for cisgender people pushing for TNBI equality, they should work to center and honor political exclusion of TNBI Americans. As movements for cisgender women and LGBTQ rights are becoming more inclusive, it is necessary to become intersectional (Hancock 2011; Fujiwara and Roshanravan 2018; Luna et al. 2020). In this spirit, it is necessary for those seeking to support TNBI rights in formal and informal politics to learn how they can become more attuned to the nuances of representation in order to stand with and for TNBI Americans.

Chapter 3

Methods and Methodology

This dissertation research aims to understand the motivations of cisgender political elites who work in political allyship with TNBI communities and constituencies in California. This research also seeks to understand if and how the normative identities of cisgender political elites influence the choice to work with and on the behalf of TNBI communities and constituencies. Although TNBI Americans have recently received some positive political attention,¹⁵ TNBI Americans remain political pariahs and tend to evoke gendered, moral panics among many cisgender Americans (Westbrook and Schlit 2013; Stone 2019). The consequence is that TNBI Americans tend to be viewed as undeserving of special political attention (Casey 2016; Haider-Markel et al. 2017; Miller et al. 2017). The reticence to politically recognize TNBI Americans is evidenced by a lack of federal TNBI inclusive statutes and open hostility towards TNBI Americans expressed by the current executive branch. Therefore, state legislatures enact most TNBI inclusive policies (Haider-Markel 2010; Taylor et al. 2012; Sellers 2014; Taylor et al. 2018). Enacting legislation, at any level, is a collaborative process that entails coalition building and political allyship. To explore the political processes that result in the passage of TNBI inclusive legislation, this dissertation examines coalition building and allyship formation by cisgender political elites who are working with and on behalf of TNBI communities and constituencies in California.

¹⁵ Positive attention in formal political realms is reflected in the *Bostock v. Clayton County* (2020), which ruled that transgender employees are protected under Title VII of the Civil Rights Act. As for informal politics, there have been positive representations of TNBI people in popular media over the past decade. Most recently, media that has been praised for

This chapter will discuss the methods and methodology I engaged with to understand cisgender political allyship formation in California. Methods are defined as the actual tools of research, while methodology refers to the theory of the research process itself. The first section of this chapter will detail the rationale for the research approach I took, which is mixed-methods approach to data collection and analysis. Additionally, in this section, I will discuss the philosophical approaches that guided my research. The second section of this chapter will detail the setting and context in which the research took place, the period examined, and the rationale for the research location and scope. The third section will give a detailed description of the data sources used in this dissertation, which will entail respective discussions of interview participants and legislative data sources. In this section, I will explain how participants were selected, a demographic overview of participants, and the logic for the number of interviews conducted. Additionally, this section will outline my ethical considerations in choosing my sample and protective measures used to protect the participants' identities. The last part of this section will describe and explain the data collection methods for the legislative sources. The fourth section of this chapter will detail data analysis methods and methodology. For data analysis methods, I will describe the practical toolkit I used to analyze interviews and legislation. For methodology, I will discuss the theory and rationale behind the modes of data analysis and my standpoint in data analysis processes.

Section I: Methods and Methodology

To ascertain who, how, and if political elites in California are working with and on behalf of TNBI communities and constituencies, I utilized a mixed-methods approach in

TNBI representation include the television shows *Pose*, *Billions*, and the Netflix

data collection and analysis. Mixed-methods is an integrative approach that entails the integration and mixing of qualitative and quantitative methods, which potentially generates results which go “beyond which either approach could do alone” (Gutterman et al. 2019, p. 179). Mixed methods approaches do not seek to replace qualitative or quantitative modes of data collection or analysis, and draw from the positive aspects of both approaches, while seeking to diminish their respective weaknesses. Additionally, I chose to take this approach because I view “mixed methods research as a third paradigm can also help bridge the schism between qualitative and quantitative research” (Johnson and Onwuegbuzi 2004, p. 15). For this dissertation research, data collection and analysis took place in three phases to. First, using qualitative techniques, I conducted and analyzed in-depth interviews and correspondence with 21 cisgender and TNBI political elites working in California. I operationalized political elites as organizational leaders, lobbyists, bureaucrats, and legislators. Second, I used quantitative methodological techniques (i.e, descriptive statistics and crosstabulations) to ascertain who in the California legislature and what policy areas have been affected by the passage of TNBI legislation between 2000-2018. Finally, I synthesized the qualitative and quantitative findings to understand how and which cisgender political elites represent TNBI communities and constituencies in California. The mixed-methods approach paints a comprehensive picture of the capacity cisgender political elites are working on issues specific to TNBI communities and constituencies. The composite analysis also reveals areas where cisgender political elites are not representing TNBI Californians.

The bedrock of my methodological approach is grounded theory, which is a “systematic, inductive, and comparative approach for conducting inquiry for the purpose of

documentary *Disclosure*.

constructing a theory” (Bryant and Charmaz 2011, p. 2). Grounded theory entails that researchers constantly interact with their data so they are involved with theory and discovery as it emerges in data collection and analysis processes. While I had assumptions guiding my research, I did not have a hypothesis I was testing. Instead, my discoveries about cisgender allyship came through analysis, and hypotheses about cisgender allyship were not fully formulated until after data was collected, analyzed and merged. The research position I took diverges from positivist traditions, and was interpretivist, which is "imaginative understanding of the studies phenomenon" and "assumes that there are emergent, multiple realities; indeterminacy; facts and values as inextricably linked; truth as provisional; and social life as processual" (Charmaz 2006, pp. 126-7). Nested within grounded theory, there are two general approaches: objectivist and constructivist; of which I used the latter. A constructivist approach to grounded theory begins from the perspective of doubt. Constructivist methodology requires the researcher to ask constant questions about themselves, and how their standpoint influences the questions they ask and what conclusions they are coming to in analysis. “Constructivist grounded theory relies on developing and maintaining methodological self-consciousness” which “means detecting and dissecting our worldviews, language, and meaning and revealing how they enter our research in ways we had previously not realized” (Charmaz 2017, p. 36). In taking a constructivist approach to grounded theory, the researcher's standpoint becomes evident and biases are uncovered, resulting in rich, robust conclusions.

The additional epistemological philosophies which guided this work are feminist and transfeminist standpoints. Drawing from these approaches, I do not believe that knowledge building can be conducted a neutral, context-free point of view. Furthermore, this research has the explicit goal of studying up and illuminating the institutional dynamics of oppression

and dominance (Harding 2009). Therefore, this research is not focused on individual experiences of the oppressed, but seeks to understand hierarchal systems that enable gender oppression, and how these systems are created by and for cisgender people. Throughout the research and analysis processes, I engaged in strong objectivity, which "requires that the subjects of knowledge be placed on the same critical, causal plane as the objects of knowledge" (Harding 1992, p. 458). I am a cisgender woman, which places me in a unique position to explore cisgender identity. Given my cisgender identity, I engaged in constant reflection and how I have engaged in cissexism and how I am in the process of unlearning my cisgender privilege, which entailed a strongly reflexive standpoint.

My feminist epistemological standpoint I engage with is informed by transfeminism, which "is primarily a movement by and for trans women who view their liberation to be intrinsically linked to the liberation of all women and beyond" and can be embraced by those "who are sympathetic toward the needs of trans women and consider their alliance with trans women to be essential for their own liberation" (Koyama 2003, pp. 1-2). I view feminist and transfeminist studies as siblings. For example, a concept that is foundational to feminist scholarship is the position of women relative to men classic feminist scholarship focuses on the formation of woman as a category and identity (de Beauvoir 1989). Perhaps informed by classical formations male and female categories, cisgender researchers tend to reproduce ciscentricity and cissexism, which enable "reconstruction of the social from a cisgender perspective" and "the centering and privileging of cisgender rather than transgender understandings of sex and gender" (Johnson 2015, p. 26). Male and heterosexual identities are considered normative, and women and LGBTQ people tend only to be celebrated for their differences (Novkov and Barclay 2010; Currah 2011). Work on gender and sex tends to overlook other TNBI identities by "neglecting to call into question

those of cisgender people” (Johnson 2015, p. 27). The consequence of not exploring cisgender identity is that the legitimacy and origins of TNBI identities are scrutinized without calling into question the process of cisgender identity formation (Stone 1991; Serano 2013; Johnson 2015). Exploring cisgender identity from a feminist and transfeminist standpoint illuminates how ciscentrism and cissexism have enabled TNBI oppression. Therefore, the findings from this dissertation aid in understanding how cisgender political elites may subjugate and ignore TNBI people as well as how and when cisgender people work in allyship and TNBI people to enact gender expansive policies.

Section II: Research Setting and Context

TNBI Americans currently receive the absolute minimum in terms of federal legal protections.¹⁶ Since the federal Congress is consistently polarized and the current Executive Branch is openly hostile to TNBI rights (Murib 2018), state legislatures enact the vast majority of TNBI inclusive and expansive policy. However, TNBI rights at the state level remain few and far between, and policy tends to be inconsistent its robustness. Despite the currently bleak state of policies and laws that expressly benefit TNBI Americans, there has been an upswing in TNBI inclusive legislation passed at the state level (Colvin 2007; Taylor 2007; Taylor et al. 2012; Sellers 2014; Taylor et al. 2018). Given that state legislatures are currently made up primarily of cisgender legislators, TNBI legislation is overwhelmingly authored and enacted by cisgender elected officials. However, authoring and enacting legislation is not solely carried out by legislators. Passing legislation entails years of struggle and advocacy by various political actors working in non-profit and lobbying organizations and bureaucrats working within legislative apparatuses. Therefore, to investigate state

legislative coalition building and allyship, which results in the passage of TNBI inclusive legislation, this dissertation is a case study of cisgender political elites work for and with TNBI people in California to enact TNBI inclusive legislation.

The reason for choosing California as the location for this case study is because the state is popularly considered of being at the forefront of enacting TNBI comprehensive legislation. For example, in 2016, California enacted AB 1732, which requires any establishment with a single-use bathroom to designate the facility as gender-neutral. At the time of AB 1732's passage, it was considered the most progressive bathroom bill in the nation (Schwartz 2016). In 2017, the California legislature passed SB 179, which removed medical gatekeeping practices for people who wish to change their name and/or gender identity on legal documents. California was the second nation in the state to pass such a provision (after Oregon). AB 2119, passed in 2018, made California the first state to mandate that TNBI foster children receive gender-affirming healthcare. Despite significant strides for TNBI rights, it is unclear how progressive California truly is regarding historical treatment of the LGBTQ political coalition.

There is a widespread perception that California is a laboratory for progressive policy and a pioneer in LGBTQ activism and politics. In 1994 Assemblyperson Sheila Kuehl (D) became California's first openly LGBTQ representative in the legislature. Shortly after that, in 1996, Assemblyperson Carole Midgen (D) became the second openly LGBTQ representative in the state. As soon as Kuehl and Midgen were elected, Republican legislators and interest groups in California began hammer Democrats with anti-LGBTQ legislation anti-LGBTQ bills "began to dramatically increase—one was introduced in 1995, ten in 1996, twelve in 1997, seventeen in 1998, and six and seven in 1999 and 2000,

¹⁶ Title VII of the Civil Rights Act of 1964; The Civil Service Reform Act of 1978;

respectively” (Haider-Markel 2010, p. 94). In 2008, California voters handily passed a referendum banning same-sex marriage (Prop. 8). The passage of Prop 8 seemed to follow California's long trend opposing LGBTQ civil liberties and rights. For example, over two-thirds of all anti-LGBTQ ballot referendums and initiatives between 1974-2000 were introduced in Oregon, California, Michigan, Florida, Washington, Maine, and Colorado. Among these states, California ranks second, behind Oregon, in attempted and successful anti-LGBTQ referendums and initiatives (Stone 2009). Activity by legislators and voters in California indicates even when constituencies considers itself to be liberal, self-perception does not necessarily translate to support for LGBTQ+ rights (Hansen and Treul 2015). Therefore, to assess if California is living up to its liberal reputation, I used the state as the location to examine the extent cisgender political elites are working on behalf of TNBI constituencies and communities.

Section III: Participants and Legislative Samples

This dissertation is a study of how, when, and why cisgender political elites work with and on behalf of TNBI communities and constituents in California. To try to answer these questions, I conducted a mixed-methods study to assess cisgender political allyship in California. The first step of the research process entailed a series of in-depth, semi-structured interviews with political elites in California¹⁷. The second step of the research was to collect and analyze 132 TNBI inclusive bills enacted by the California legislature between 2001-2018. This dissertation has the explicit goal of studying up. I found that studying the behavior of political elites to be tricky. Political elites have competing public and private political goals, and therefore may be reticent and not candid about their political

Executive Order 13087; Executive Order 13672

stances with outsiders (Fenno 2013). Additionally, people's attitudes towards TNBI identities and rights remain a contentious subject in American politics. I surmise that, since the subject matter of this dissertation is contentious works to explain barriers to participant recruitment for the qualitative portion of the investigation.

After the interviews, I conducting legislative analysis with the intent to fill in potential gaps that could not be captured solely in interviews. According to the logic embedded in constructivist grounded theory, research processes (qualitative or quantitative) are inherently biased. For example, I am a cisgender, white woman, who sees my gender liberation inextricably linked to the TNBI equity. Since I am also an American by birth, I have been socialized to have “Anglo-North American worldviews, particularly those based on individualism, pervade much of qualitative inquiry and foster adopting a taken-for-granted methodological individualism” (Charmaz 2017, pp. 34-35). It is evident that the information that participants share is from a subjective standpoint. In turn, responses were inevitably influenced by me, as I was, after all, the author and asker of the questions. Moreover, I revealed a lot about myself in the recruitment process, which likely shaped how participants responded to my questions. Likewise, with the quantitative data, I was not privy to the motivations for all bill authors, as well as all the processes entailed in successfully enacting TNBI inclusive legislation. Therefore, the tandem uses qualitative and quantitative modes to examine the status of TNBI politics in California paints a vibrant picture, which would have not been possible if I had used one mode of analysis.

For qualitative research, I utilized purposive, reputational sampling. I contacted, via email, sixty-five political elites working on expanding gender rights in California. I contacted each potential recruit up to three times. If there was no response after three

¹⁷ See Appendix C for a list of questions

interview requests, the individual was taken off my list of potential participants.

Recruitment materials included a form email tailored to each person I was seeking to contact,¹⁸ and included a brief description of my research, short academic and personal biography.¹⁹ The first group I contacted were those working as organizational leaders at NGOs and lobbying groups serving LGBTQ+ and TNBI populations. Simultaneously, I contacted NGOs and non-profits who have traditionally sought to serve heterosexual, cisgender women, but have stated goals TNBI inclusivity. The next population I contacted were members of the California legislature who have authored TNBI inclusive legislation. I first called their office to contact legislators and requested to speak with their legislative managers, who either denied the request for an interview or set up the interview. The group third contacted were administrators and members of the bureaucracy, and included legislative aides and high-level officials at the state-wide agencies. These were the hardest participants to reach since people in these roles typically do not have public personas. Once reached, these participants tended the most useful sources of information. They serve as direct proxies between the state and constituents, as well as between the bureaucratic apparatus and the legislature. Interviews with bureaucrats were obtained using snowball sampling techniques.

My interviews totaled twenty-one. I conducted 11 interviews in person, nine interviews were by phone, and I conducted one interview over email. If participants were able to be interviewed within a 150-mile radius of my home in Santa Barbara, I conducted interviews in person. If participants did not live in a geographically advantageous place, I conducted interviews over the phone. The one interview that was collected by email was at the participant's request, and was supplied with research questions and wrote lengthy

¹⁸ See Appendix A

responses to most questions. Fifteen of the interview participants were white, 3 participants were Latina, 2 participants were Asian American, and 1 participant was a Black woman. I am aware that this sample is overwhelming white. The sample's racial makeup was not intentional, and I had attempted to collect interviews from a racially diverse group of Californian political elites. I believe that my sample is racially skewed because of my sampling techniques, which were purposive reputational and snowball. The United States is a segregated nation, making it plausible that white participants were more likely to know white people and therefore recommend that white people be participants. Additionally, since I am white, participants may likely have referred me to other white people. The gender identity profile of the sample was fourteen cisgender women, two cisgender men, three trans men, and two nonbinary people. I attempted to obtain interviews from trans women, but no trans woman accepted my request. I suspect this because trans women are objects of cultural fascination and are thus objectified. The sexual orientation profile was six heterosexual-identified, six lesbian-identified, three bisexual identified, two gay male-identified, and two queer-identified. Two of the participants' sexual orientation is unknown. Since this research is about gender identity and not sexual orientation, none of my research questions contained a question about sexual orientation. Nonetheless, nineteen out of twenty-one participants discussed their sexual orientation during the interviews.

Except for one interview conducted over email, all interviews were conducted in person or by phone. The length of interviews ranged between 1/2 hour to 2 hours. The most common length of interviews was about forty-five minutes. Before each interview, I

¹⁹ See Appendix B

researched participant to the maximum extent I was able to²⁰ before each interview and interview questions were tailored to each participant.²¹ The rationale behind tailoring interview guides to each participant was to make participants feel comfortable. For example, I included questions and lead-ins to questions which referenced their particular work or personal biography. In addition to using an interview guide, I followed Lofland's (2006) concept of engaging in a "directed conversation," which recommends that the question structure and interviewing process be open-ended and semi-structured. No question sought to answer a hypothesis, as I did not generate a hypothesis in the research design process. The logic of grounded theory is to uncover emergent patterns, themes, and categories (Brod et al. 2009). The interview guide questions were based on my general ideas and questions I had devised during my pre-interview research process. The purpose of using an interview guide was for the organization, and also to locate patterns for future comparison. The interview dictated the sequence I asked questions (Rubin and Rubin 1995), and when questions arose that did not appear in the interview guide or materialized out of sequence, and I followed the direction the interview took itself in.

The number of interviews was determined by saturation. Saturation occurs when there is no new information, patterns, or themes observed in the data (Glaser and Strauss 1967). Since there is no agreed measure to support if qualitative results are generalizable, I used consensus theory to assess saturation. Consensus theory is the principle that qualitative research can be considered reliable if diverse group of experts and/or participants agree with each other about a problem or question. To test for consensus, I used Guest et al.'s (2006)

²⁰ The extent to which I was able to research each participant was contingent on their online presence. When they did not have an online presence, I asked probing questions the person who referred me to gain information when participants had private personas.

²¹ See Appendix C. In the interest of protecting the identities of participants, I have only provided only generalized interview guides in the appendix.

three principles of consensus theory. The first principle is that an external truth about a subject exists. To adhere to this principle, I did not restrict sources to political science and social sciences and conducted an extensive review of sources from the humanities as well as non-academic personal narratives. The second and third assumptions of consensus model are that “participants answer independently of one another and that the questions asked comprise a coherent domain of knowledge” (Guest et al. 2006, p. 75). Moreover, the second principle of consensus theory can be achieved when participants are interviewed independently and privately. Although most of my participants were in the same network, I never disclosed what had occurred or what other participants discussed in other interviews. The third guiding principle of consensus theory is themes that became apparent in the interviews. Themes became apparent when the information provided in interviews aligned with a variety of scholarship or personal accounts. In my research, saturation became very apparent after 15 interviews. By apparent, I mean that participants were responding to questions and themes in the interviews in predictable, similar and overlapping ways, and also what the participants recounted was reflected in the literature.

All participants were protected by an IRB, verified by the University of California, Santa Barbara Human Subjects Committee. To limit the risk of participant exposure, the identity, location, and exact professional position of participants is not disclosed in this dissertation, nor anywhere else. I recorded audio of all interviews, and immediately after the interview, recordings were transferred on to a password-protected, encrypted device. As stated in the IRB, as well as the consent form signed by participants,²² I did not share audio recordings with anyone. Complete anonymity of participants could not be guaranteed as research documents are not protected from subpoena.

²² See Appendix C

The second stage of data collection entailed collecting legislative data from all TNBI inclusive bills enacted by the California legislature between 2001-2018. I chose the starting point of 2001 because it is the year that the California State Legislature passed the state's first TNBI inclusive bill, AB 2294.²³ To the best of my knowledge, garnered through an extensive literature review and legislative analysis, AB 2294 is the first explicitly transgender-inclusive bill enacted by the California state legislature. It is possible that AB 2294 was not the first TNBI inclusive bill passed by the California legislature, since legislators engage in the practice of using coded language when seeking to limit or expand law and policy of a controversial subject, such as TNBI rights. For example, in 2016 North Carolina passed its so-called "bathroom bill."²⁴ The same year, the California Legislature passed its own "bathroom bill," AB 1732, which required all public buildings to designate single-use bathrooms as gender-neutral. However, AB 1732's language does not overtly make provisions for TNBI populations. As a consequence, AB 1732 was not a part of my original dataset. Therefore, it is entirely possible my dataset does not account for all TNBI inclusive bills. To ensure maximum validity, I conducted an extensive literature review to locate TNBI inclusive legislation passed in California and revised my dataset several times during the research process.

To locate TNBI inclusive legislation, I conducted a keyword search for the words "transgender," "gender non-conforming," "nonbinary," "intersex," "gay and lesbian," "LGBT," and LGBTQ" using LexisNexis State Net (formerly LexisNexis State Capital) and the California State Legislative database. I chose these keywords because they were the

²³ AB 2294 amended the Welfare and Institutions pertaining to the activity of State Foster Care Ombudspersons. 2294 required the state to resolve complaints "made by or behalf of children placed in foster care" and requires Ombudspersons to "address complaints brought by all foster youth, including gay, lesbian, bisexual, or transgender youth, regarding their care, placement, and services."

most common terms in the literature reviewed and in interviews used to describe TNBI Americans. When I was collecting data, LexisNexis State Net's records dated back to 1992. The California State Legislative database has searchable records dating back to the 1999-2000 legislative session. I chose only to collect enacted legislation because the goal of this research is to assess the concrete actions taken by political elites with and on behalf of TNBI communities and constituencies. Therefore, to assess the status of codified TNBI rights in California requires an analysis of enacted legislation.

Section IV: Data Analysis Methods and Methodology

The analysis of the information collected for this dissertation was two-fold: analysis of interview transcriptions and legislative analysis. To analyze interviews, I transcribed all recordings using ExpressScribe software and the voice function on Microsoft Word. During the interview and initial transcription process, I took extensive notes and highlighted areas where I observed patterns and emergent themes. Although questions asked did slightly differ according to the interview, questions were structurally consistent across interviews, which allowed me to comparatively assess participant responses²⁵. The primary method I used for data analysis of interviews was content analysis, which is “a set of methods for analyzing the symbolic content of communication” (Singleton and Straits 2010, p. 420). Moreover, content analysis is a more systematic observation and analysis of interviews, and for this research, entailed coding interviews.

Following Charmaz's “Coding in Grounded Theory Practice” (2006, p. 42), I coded interviews twice. The first phase was intensive and entailed a line by line reading and analysis of each transcript. The second phase was more precise and focused on the most

²⁴ HB 2, or the Public Facilities Privacy and Security Act

frequent patterns and themes that I observed across interviews, and I then sorted and organized themes into categories. The methodological reasoning for this approach was not to rely on predetermined ways of understanding or to test a hypothesis. Although I was guided by a set of research questions²⁶, content analysis and coding interviews were meant to locate patterns and themes not necessarily confined to the research questions. Coding using grounded theory is to assemble bones “into a working skeleton” (Charmaz 2006, p. 46), and therefore, allowed me to work towards developing theories to understand my findings.

The purpose of using grounded theory, was to create analytical categories to analyze a phenomenon rather than prove a theory or hypothesis (Charmaz 2011). Despite the widespread use of content analysis using grounded theory, the method is critiqued for being a blanket label for all qualitative analysis. The most pointed criticism of grounded theory is that it has become "shorthand for qualitative research and the lack of a well-articulated analytical strategy" (Timmermans and Tavory 2012, p. 168). I agree with such critiques of qualitative research and grounded theory, and believe that systematic observation needs to be rigorous. Yet, I have similar critiques of quantitative methods and positivist approaches to research and understanding. I do not believe that quantitative methods exist without bias and that social scientists should treat the phenomenon as they would a physical phenomenon such as gravity. Just as a scientist studying gravity should be aware of their training and position, they should be open to revisions and discoveries, which may invalidate what was once believed to be a universal law. I do not adhere to binary ways of knowing, and view mixed-methods as a third research paradigm, that not only produces robust theoretical observations but also may help bridge the qualitative-quantitative divide (Johnson and

²⁵ See Appendix C

²⁶ I.e., who is most likely to support TNBI communities and constituencies, and if this can be determined by identity.

Onwuegbuzi 2004). Therefore, to put flesh to the body I constructed during qualitative analysis, I took a mixed-methods approach and conducted extensive legislative analysis as a secondary step to my qualitative research processes.

The first step of legislative analysis was to sort bills. First, I sorted bills by authorship type. In the California, there are three types of bill authorship: lead author, principal co-author, and co-author. The lead author refers to the legislator, or legislators, who introduces a bill for consideration. A principal co-author is a legislator, or legislators, who are singled out by a lead author as making a unique contribution to a bill or resolution. A co-author is a member of either chamber who states that they agree with the author of the bill, and may appear on the bill as a co-author. While lead and principal co-authorship occurs as legislation is being drafted and revised, co-authors may gain this status during the bill writing process or during floor votes, making it a more symbolic type of authorship participation. The next category I coded for were the authors' gender identity, known sexual orientation, race, and ethnicity. The next categories I coded for were party ID and chamber membership. Next, I coded for if bills were symbolic or substantive. I operationalized symbolic legislation as joint and concurrent resolutions that are not legally binding and generally seek to commemorate or provide recognition for an event, individual, or group. While symbolic legislation often makes important statements, this type of legislation does not have substantive impact on public policy. Substantive legislation, on the other hand, enhances rights or expands existing legislation. I operationalized substantive legislation as assembly and senate bills that create new provisions or expand existing policy or budgetary provisions. I then sorted into legislation into two categories: bills that serve all groups considered a part of the LGBTQ political coalition, and second, bills that serve TNBI populations independent of LGB communities. The rationale behind sorting bills in this

fashion is that TNBI policies are often collapsed into LGB policies, which obscures the distinct needs of TNBI Americans. Furthermore, I wanted to determine which legislators are working expressly for TNBI constituencies and communities, which policy areas have exclusive TNBI protections, and if legislation passed for TNBI communities and constituencies tends to be symbolic or substantive. Lastly, I sorted bills into policy areas affected by enacted legislation, and includes the categories disability, youth welfare, incarceration, housing, sexual assault and abuse, marriage and domestic partnerships, security and military, senior welfare, healthcare, education, business and economy, data collection, and general non-discrimination statutes.

Categories were recording in a .csv document, using binary ordering. For example, if a bill author was a woman, then she was coded as 1. Male authors were, therefore, coded as 0. If bills sought to expand rights for the entire LGBTQ political coalition, the category LGBTQ were coded as 1. If the legislation sought to expand the rights and recognition of TNBI communities and constituencies independently, the LGBTQ category were coded as 0. All categories followed this pattern of numerical coding. The reason for binary categorization was to interpret the relationships between author identity, type of legislation, and policy area affected. After all data was compiled, I ran a series of cross-tabulations. The reason for using cross-tabulations to analyze legislation was to reveal percent differences, and if there was, or was not, a relationship between the units of analysis. When all codes were accounted for, the sample of all authors was considerably large, 1515 units of analysis in total. Therefore, I ran cross-tabulations using chi-square to test for statistical significance in SPSS 25 and Excel to assess if there was a relationship between the units of analysis and assess if bill authors' normative identities have an effect on bill sponsorship patterns and types of legislation passed.

After the qualitative and quantitative data analysis was complete, I then worked to synthesize and merge data to locate where expressions and actions of support for TNBI communities and constituencies in California differed. To examine qualitative and quantitative information gathered, I took an integrative approach (Gutterman et al. 2015). Although the outcomes and information revealed by the respective approaches sometimes differed, the data became interdependent and worked to answer the questions posed in this dissertation, namely, what is the identity of cisgender allies who working with and on behalf of TNBI communities and constituencies in California. Identity is multifaceted, and no group is monolithic. Yet, when an identity group gains supremacy, such as white, heterosexual and cisgender populations have, these identities are considered to be normative, known and unworthy of exploration. Therefore, the integration of mixed methods generates “meta-inferences” (Gutterman et al. 2019) that could not be achieved by viewing the puzzle of cisgender allyship and TNBI political representation through one methodological lens.

Chapter 4

Qualitative Findings

This dissertation explores the motivations of cisgender political elites (i.e., organizational leaders, lobbyists, high-level bureaucrats, and legislators) to support and work with transgender, nonbinary and intersex (TNBI) communities and constituencies in California. Among states, California has a reputation for its progressive politics. This research seeks to understand how well the cisgender status quo in the state stands up to its pioneering name when it comes to supporting and expanding gender rights. To understand how and if cisgender political elites are working on expanding TNBI rights in California, I took a mixed-methods approach to data collection and analysis. In this process, I collected qualitative and quantitative data separately, and in this section, I will discuss the qualitative findings. The qualitative data collection consisted of 21 in-depth interviews and correspondence with cisgender and TNBI political elites working with and on behalf of TNBI communities and constituencies in California. The recruitment of participants was not random and I used purposive reputational sampling. The criteria used to select participants were a track record of working on legislative initiatives in California to create or expand a policies that expressly benefits TNBI people. After I completed data collection, I used grounded theory (Charmaz 2006) as the basis for analysis, and my assumptions about why some cisgender political elites support TNBI politics were loose. Therefore, this investigation's theoretical outcomes, which are to understand what cisgender political allyship looks like, is grounded in the data itself.

Each interview followed the model of a "directed conversation" (Lofland 2006), and I used an interview guide in each interview²⁷. I conducted eleven in-person interviews, nine interviews by phone, and one interview over email. The one interview conducted via email was at the participant's request, and they were supplied with research questions, and wrote lengthy responses to most questions. Fifteen of the interview participants were white, 3 participants were Latina, 2 participants were Asian American, and 1 participant was Black. I am aware that this sample is overwhelmingly white, and its racial makeup was not intentional and I had attempted to collect interviews from a racially diverse group of participants. I believe that my sample is racially skewed because of my sampling techniques, which were purposive reputational. The United States tends to be racially segregated, making it plausible that white participants were more likely to know white people and recommend other white people for interviews. Additionally, since I am white, participants may have referred me to other white people. The gender identity profile of the sample was fourteen cisgender women, two cisgender men, three trans men, and two nonbinary people. I attempted to obtain interviews from trans women, but no trans woman accepted my request. I believe no trans women took my plea to participate in this study because of the long history of trans women being objectified and abused by scientists. The sexual orientation profile was six heterosexual-identified, six lesbian-identified, three bisexual identified, two gay male-identified, and two queer-identified. Two of the participants' sexual orientation was unknown.

I determined the number of interviews conducted by saturation. Saturation occurs when there are no new information, patterns, or themes observed in the data collection process (Glaser and Strauss 1967). There is no agreed-upon threshold to support if

²⁷ See Appendix C

qualitative results are generalizable. Therefore, I used consensus theory to assess generalization. Consensus theory is the principle that qualitative research is considered reliable if a diverse group of experts or participants agree about a problem or question (Guest et al., 2006). In this research, saturation became apparent after 15 interviews, and clear patterns emerged in responses to questions asked, with responses becoming predictable in similar and overlapping ways. After 15 interviews, not only did clear patterns emerge, but conversations also mirrored the literature on gender politics. Using Charmaz's logic of coding in grounded theory (2006), I coded each interview twice. The first phase involved intensive line-by-line coding and generated the initial set of codes. The second phase was to discover thematic information and patterns that appeared across interviews. All in all, I observed 32 codes²⁸. Within the codes, the most common patterns that emerged were healthcare policy, transphobia, and backlash. Each of these categories appeared in overlapping and distinct ways. Using the rationale of saturation (Guest et al. 2006), I will discuss how patterns exist externally to the interviews, how participants give similar answers (independently of one another), and how responses are situated in a broader body of literature

on gender politics.

I went in with the qualitative (and quantitative) data analysis with two expectations. The first expectation was that cisgender LGBTQ people will be the primary cisgender supporters of TNBI populations. Although I predicted that the support for TNBI people would be robust among cisgender LGBTQ people, I did not assume support will be ironclad.

²⁸ Allyship, California, ciscentricity, Coalition building, data, descriptive representation, discrimination, families, feminism, gatekeeping, gender inclusivity, healthcare, homophobia, informed consent, intersectionality, intersex, LGB identity, media, nonbinary, partisanship, pronouns, policy, religion, reproductive choice, reproductive justice, sexual orientation, substantive representation, TERFs, training, transphobia, youth + children

Despite that struggles for gender and sexual rights are distinct, there is a tendency to collapse sexual and gender rights by some LGBTQ organizations (Minter 2006; Meadow 2010; Murib 2016; McConnell et al. 2016; Russell and Bohan 2016; Chan 2018; Taylor et al. 2018). Many LGB organizations began to attach the T to their acronym by the mid-1990s, but it is important to note that LGBT(Q) is not an interlocking category, and the distinct needs of TNBI people remain secondary to struggles for sexual rights of LGB group members (Stryker 2017). However, cisgender LGB lawmakers' presence significantly increases the likelihood that legislatures will adopt laws and policies that benefit TNBI people (Taylor et al., 2012; Taylor et al., 2018). Given the coalitional support (albeit growing and changing), I expect that the most substantial cisgender support for TNBI rights will be among cisgender LGB compatriots.

The second expectation I had going into this dissertation research is that progressive cisgender women (of diverse sexual orientations) will also support TNBI rights. Cisgender women experience gender marginalization, which may enable political empathy for TNBI discrimination. However, there has been a well-documented antipathy towards TNBI people (trans women in particular) by cisgender women. These tensions have been most evident among feminists, who have actively sought to exclude TNBI people from cisgender women's and feminist movements since the 1970s and to the present day (Rudacille 2005; Murib 2015; Weber 2016; Nanney and Brusma 2017; Hines 2019; Hornbury and Yao 2020; Pearce et al. 2020). Because the contentious history within cisgender feminist and women's movements, I expected the support of cisgender women for TNBI people to be somewhat limited.

Individual and institutional healthcare experiences

In nearly all interviews, there was an emphasis on healthcare. The discourse on healthcare did not emerge independently as I asked a variety of questions on healthcare. The rationale behind these questions is that TNBI people are subject to medicalized discrimination (Meyerowitz 2002; Stroumsa 2014; MacCarthy et al. 2015; James et al. 2016; Kattari et al. 2016; Kattari and Hasche 2016; Katari; Landers and Kapadia 2017; Lelutiu-Weinberger et al. 2020; Agénor et al. 2021). However, there is a Janus faced nature to healthcare and it is one of the only places where TNBI Americans receive minimal federal protection and recognition²⁹. In California, legal battles over gender-affirming medical coverage began in the 1970s. In 2001, in the writ mandate, *Jane Doe v. Diane M. Bonta* by the Superior Court of California, ruled that gender-affirming healthcare must be covered by Medi-Cal. Even so, TNBI Californians still faced barriers to accessing medical care (Coursolle 2018)³⁰. In 2005, California state legislature enacted AB 1586 and the state became the first in the nation prohibit denying healthcare on the basis of gender identity (Coursolle 2019). Since the passage of AB 1586, the state legislature has continued to pass laws that seek to curtail gender discrimination in healthcare (Mora 2020; Padgett 2020). Despite the positive moves by California to create and expand gender all-inclusive legislation, it is unclear how robust legal protections for TNBI Americans is because of the

²⁹ Specifically, I am referring to Section 1557 in the Affordable Care Act. It was the first law of its kind and prohibited insurers from sex and gender discrimination (in addition to race, color, national origin, or disability). The statute was in place at the time of this dissertation research. In June 2020, the Trump Administration issued a series of regulations to narrow the scope of 1557, including rollbacks on discrimination of several groups, including TNBI Americans (Musumeci et al. 2020). After ruling in *Bostock v. Clayton County*, the status of the Trump rollbacks are in limbo. Although President Biden, on the first day of his presidency, signed “Executive Order 13988—Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” which seeks to expedite the scope of *Bostock*, the legality of Section 1557 and as of April 2021, remains is a pending case the Fifth Circuit Court of Appeals (Keith 2021).

lack of comprehensive federal legislation and that federal legal support does not extend past employment.

Perhaps due legislative expansions in healthcare, national organizations who have historically sought to serve cisgender women, such as, but not limited to Planned Parenthood, the American Congress of Obstetricians and Gynecologists, and Latinas for Reproductive Justice, over the past decade, have taken TNBI inclusive stances (Collier et al. 2015; Price 2018; AAPF 2019; PPFA 2020). While literature chronicling historical and current ways in which TNBI people are discriminated against by medical professionals is robust, "the published literature on healthcare provider attitudes toward transgender people is quite limited" (Poteat et al., 2013). Similar to the lack of material on healthcare providers' attitudes toward TNBI people, so are the attitudes of cisgender political elites who have a hand in drafting and enacting TNBI inclusive policies. Therefore, I asked a series of questions (of TNBI and cisgender participants) regarding their perceptions, from a policy standpoint, about TNBI healthcare access status.

Throughout the interviews, cisgender participants articulated the necessity of TNBI all-inclusive healthcare. Cisgender participants also singled out organizations Planned Parenthood as place that is friendly and open to TNBI people. The reason why healthcare organizations have begun to brand themselves as TNBI inclusive, for cisgender participants, was a no-brainer. Cisgender participants seemed to believe, and perhaps because of Hippocratic virtue, that doctors always act without bias and in the best interest of those who need medical care. For example, when I asked participant 14, a straight, cisgender woman and legislator, why some healthcare organizations have made statements of TNBI inclusivity, she responded:

“Well I think that, they see people all the time that are struggling, and that's my thing, they've seen so many people struggle, and find their place, we're all trying to find our place in life, and the great listeners, and they understand people's feelings, and that's my best bet on it. If somebody was coming in and asking me questions like I'm struggling with my identity, they're compassionate, doctors and gynecologists they're very compassionate people, so that's just my personal thing.”

Similarly, when I asked participant 11, a straight cisgender woman and legislative aid, why organizations that have historically served cisgender women are becoming TNBI inclusive, she singled out Planned Parenthood:

“Planned Parenthood for example, serves transgender women, and they serve non-binary individuals. And I think it's, they were making a statement in solidarity for equality. And they were also trying to help their clients.”

Participant 17, a cisgender lesbian woman and lobbyist also spoke about Planned Parenthood as an example of a place that is friendly for TNBI people but also connected about the importance of inclusion of diverse identities (and sexual orientation) into section 1557 of the Affordable Care Act³¹, stating that:

“I really think there is no more important issue for the LGBT community, or actually any community, that having affordable, robust accessible healthcare, that is nondiscriminatory. For the first time ever, many people in our community got health care because of the Affordable Care Act. Many trans people get health care through Planned Parenthood and so those two things to me go really hand in hand, having full funding for Planned Parenthood, including family planning and abortion services comma and having expensive policies that help people have pre-existing conditioning. I think that being

transgender used to be a disqualifier. This is a position that our organization takes comma and I do lots of and I work on other issues like teen pregnancy and STI prevention, and a lot on HIV and AIDS prevention, community health and a lot of things that are related to health, but the umbrella of course is the ACA.”

Making the connection between healthcare access and TNBI rights is vital because cisgender institutions have pathologized TNBI people (Stone 1992; Koyama 2003; Connell 2012; Norton and Herek 2013; Poteat et al. 2013). Although cisgender allies recognize the importance of healthcare, very few of the cisgender participants in this study spoke about the ongoing discrimination, institutional and personal, that TNBI people endure in seeking and receiving healthcare. The binary categories assigned at birth dominate how healthcare institutions conceptualize and deliver services (Scott-Dixon 2006; Harrison et al. 2012; James 2016; Lane 2016; Lelutiu-Weinberger et al. 2020). Therefore sex-related (e.g., pelvic exams that screen for cervical or prostate cancer) and gender-related (hormone replacement treatment) healthcare may be limited by insurance companies. Gender discrimination is a product of systemic mechanisms, but the denial of healthcare is also incredibly personal and painful. Parse in part to the institutional failures in providing healthcare to TNBI Americans, doctors are not adequately trained on how to treat TNBI patients, and the onus of "teaching" doctors on how to provide care falls on the shoulders of TNBI people (Obedin-Maliver 2011; James 2016; Morrison 2017; Grova et al. 2021). As demonstrated in the literature and by participants, not all doctors are virtuous nor treat patients equally. There is plentiful information about cisgender doctors being discriminatory toward TNBI people in exam rooms and TNBI participants in this study often recounted institutional and personal discrimination endured while seeking care. Like the cisgender participants, TNBI

³¹ I conducted the interviews before the Trump Administration's rollback of Section

participants singled out Planned Parenthood as a location where TNBI can receive care. Unlike cisgender participants, TNBI participants did not perceive Planned Parenthood as being entirely inclusive. For example, participant 1, a nonbinary queer, organizational elite, told me:

“I think that Planned Parenthood as a whole has a reputation of being trans inclusive. I would say that, they have a good reputation as a whole. But it probably depends on center to center and also the mainstream stereotype is that it is for cisgender women. So if people like, aren't, people might like, trans people might still feel hesitant to go to Planned Parenthood. But, I mean, I have some friends who work for Planned Parenthood, so maybe it is because I see on my Facebook, I see them trying to be, the media that is trying to be trans inclusive. I have seen a movement towards that, so I think that's good, but Planned Parenthood has kind of also, a liberal connotation that is supposed to be open minded and trying to give people healthcare. However, so when I went to Planned Parenthood a couple of years ago, their forms say gender: male/female and it just like, yeah, ruined my experience.”

Participant 4, a queer trans man and organizational elite, recounted an experience of being denied sex-specific care at a Planned Parenthood affiliate in California because their name contradicted the sex category listed on their drivers' license. Like with participant 1, participant 4 discussed being misgendered at Planned Parenthood upon arrival at a clinic:

“I had a positive pregnancy test, and I went to a Planned Parenthood thinking that I needed to have an abortion, and I had a horrific experience where the front desk person refused to use my legal name. Wouldn't gender me correctly, wouldn't let a person with me

in the back. I ended up crying in the waiting room, which I'm sure Planned Parenthood experiences all the time, but it just was awful."

In addition to personally traumatizing experiences, TNBI participants also discussed the institutional dynamics, nested in the bureaucratization of sex and gender categories, and systemic confusion over the distinction between sex and gender, and how cisgender ignorance inhibits TNBI people from receiving care. For example, participant 1, shared:

"In most hospitals or most healthcare centers, there's a form, and it just a nightmare for trans and non-binary people. Especially if you are getting care related to your genitals or sex, it's is important for my doctor to know that I was assigned female, however, I want them to use these pronouns and I feel like, what do you do? Do you put your gender identity? Do you put your assigning sex? And I could also see it as, trans men need to get pap smears and check-ups or different things like that. And so, if people, you know are like, you're a man, how can you be getting a pap smear, or whatever. It's so traumatizing for people."

Likewise, participant 10, a trans man (sexual orientation unknown) and organizational elite told that the lack of knowledge about the difference between gender and sex, and succinctly summed up the life and death consequences of TNBI marginalization in healthcare sectors:

"As an FTM³², depending on how far your transition, you still need to have pap smears. There are horror stories of dying of ovarian cancer"

Participant 4, a trans male and organizational elite in the healthcare industry, explained how the interaction between the bureaucratic unevenness of how insurers and

³² Female to male

medical providers perceive gender identification markers and how this creates a barrier for TNBI people seeking routine medical care:

“I went last year for a pelvic exam and routine STI testing, and because my provider logged my gender as male, it was rejected, and they rejected all of it. So they wanted me to pay for the HIV test. People of all genders and sexualities get HIV tests, that’s just a thing that happens.”

One of the most consistent patterns in receiving healthcare discussed by TNBI participants was confusion by cisgender individuals and institutions about the distinction between sex and gender. These responses indicate that there a lot of work to be done in public policy to dismantle binary notions of sex and gender and articulate how medical institutions use these categories to medically malign TNBI Americans. Despite legislative provisions, as indicated by this study’s participants, the substantive results of state responses are incomplete. Additionally, cisgender political elites who participated in this study, and even those working in the healthcare apparatuses, were not necessarily aware of state or federal level protections for TNBI people. All but two of the cisgender participants, both women (one lesbian and one straight-identified), knew about gender-inclusive legislation at the state and federal level and spoke in-depth about the complications of trying to solve sex and gender healthcare delivery woes legal statutes alone. For example, participant 9, who a cisgender, straight woman, physician and lobbyist, told me about how public policy remedies are a step in the right direction but was lukewarm in her response to how effective federal statutes are for TNBI Americans seeking medical care:

“At least it makes access easier in the case that they can find someone one who is willing to provide it, then it makes it easier. Because pre-ACA, I had to get very creative about how I was going to help people to come in. I mean, I just worked for community

health centers who have a sliding scale fee, so that was nice, so I always checked the box for the lowest coverage. And then they would get a sliding scale on that. And then we would do mail order on their medications and then for blood tests, I was ordering and trying to do a lot of stuff over the phone so they wouldn't have to come in and get charged for a visit. But if they had anything else, like diabetes, or high blood pressure, or if they needed some type of surgical procedure, I mean if they had things that didn't relate to being trans, which we all have, it was obviously a lot harder. So for trans related care at least now, I mean you still have really look for doctors who are going to do the surgeries and stuff."

A principal concern for the two cisgender participants knowledgeable about TNBI discrimination in healthcare delivery was a backlash, which intensified when the ACA included TNBI Americans (Section 1557). Although the statute presented an avenue for TNBI people to receive medical care without fear of discrimination, these participants spoke about how policymakers have used the supposed high-cost TNBI specific healthcare to rationalize medical care denial. For example, participant 16, a cisgender lesbian woman and appointed bureaucrat in the California Insurance Commission, discussed how opposition to Section 1557 began almost immediately after the statute was enacted by Congress in 2010:

"In 2011 we were hearing complaints people who were either being denied coverage for specific services because you were transgender or were being denied care related transition. The commissioner then issued regulations, and as the part of the regulation process, we did an economic analysis of what the differences would be if the coverage was provided appropriately and we are able to demonstrate that not only was it the law, and the right thing to do, that was also not costly for Health insurance to be following the laws. Under Commissioner Jones, the Department of Insurance issued the first regulations and we did

have other states follow afterwards so it was really the beginning of nondiscrimination regulations relating to care of transgender people.”

Similarly, participant 9 discussed how the supposed high cost of TNBI medical care is a fallacy:

“What’s brought up a lot, as “it’s so expensive; they’re surgeries are so expensive; and we can’t possibly afford” and that becomes a reason to reject them. So I think it’s brought up in the wrong way. When in truth, treatment is not very expensive. And doesn’t cost any more than lots of treatments that we do. We hand out blood pressure lowering medications all the time, it doesn’t cost any more than the hormone treatments are. Or how many people get open-heart surgery, which probably costs more than a gender reassignment surgery. But everyone’s up on arms “we can’t possibly have transgender people in the military because they are going to cost us millions of dollars.” And so I think that it is brought up actually perhaps too often, for the wrong reasons.”

These points, about how the supposed high cost of TNBI healthcare is used to rationalize gender discrimination are important. Not providing TNBI people healthcare on the basis of cost is immoral, but it is inaccurate. From a pure economic standpoint, and supported by decades long investigations at the municipal, state, and federal level, TNBI inclusive healthcare has a cost-saving effect (HRC 2010; Padula et al. 2016; Joseph 2017). Moreover, preventative healthcare is economically prudent and helps ensure that TNBI Americans are not subject to preventable diseases and early mortality. Despite the glut of facts that TNBI healthcare is cost-effective, participant 9 discussed that the responsibility of learning about the realities of TNBI lives, discrimination, and medical care falls on individual doctors' shoulders. To retain a medical license, doctors must receive medical education (CME), yet education on gender-related care is not required. She then made the

astute point that training, mandated by legislation, could reduce the medical maltreatment TNBI people face:

“It’s not rocket science, and you can’t make people care, so I am not entirely certain. I mean, it could be something like, say, I over the years to keep our medical licenses current, one year they said, okay, everyone has to do four hours CME on chronic pain. And we had to do, either chronic pain treatment or end of life care, and so it was like the next you came around, I think you just needed to check a box to say that we did it, so if we were audited, so they could see that we had done it. So it could be something like that, that all doctors to keep their license have to do four hours of medical education gender issues or transgender issues. What we normally do, it’s 24 hours a year and we renew every two years? So we’re just expected to keep our license current, you’re expected to do these medical education credits, and it can be in anything. But every in a while, there will be a law passed that say there’s this special thing that everyone gets. And this was years ago with end of life care, and think it’s when we weren’t treating end of life pain adequately, and I know now with opiates. So yeah, things like that happen legislatively, and so all of sudden they say “okay, everyone, if you haven’t already done it you have to do it by a certain date to renew your license.”

Although some doctors are compassionate people, this is a virtue that is requisite for entering the field. It is clear from TNBI participants' responses and a small handful of cisgender participants that there is a policy failure in medical industries that would enable cisgender doctors to learn to treat TNBI people equitably and dispel myths about the cost of TNBI care. Given how pervasive the problem of medical maltreatment that TNBI people endure is, it is disappointing that the other participants in this study were not aware of the severe discrimination that TNBI people experience when seeking medical care. These findings give insight into potential policy remedies, such as mandated education for

cisgender medical providers and administrators, which may positively affect TNBI inclusive and expansive healthcare. Yet, given that all cisgender participants were chosen on the basis of their support for and work with TNBI constituencies, what explains the lack of knowledge for cisgender political elites about what is a, if not the locus of TNBI oppression?

In the United States, the creation and expansion of rights occur in a pluralist polycscape where all voices are assumed to carry across the room with equal volume (Dahl 1956). However, political capital is believed to be scarce, and groups with the most cultural, social, and economic capital receive the most political resources in organizational pursuits (Schattschneider 1960; Scholzman et al. 2012; Gilens and Page 2014; Hindman 2019). The scarcity of political and monetary resources has enabled the emergence of classes of advantaged and disadvantaged subgroups in the polycscape and legislative spheres (Strolovitch 2006; Strolovitch 2007). For example, in terms of gender groups seeking political rights and resources, there are cisgender men and women, as well as the infinite individuals and groups under the TNBI umbrella. Members of the aforementioned groups, according to race, gender, sexual orientation and gender, may be advantaged or disadvantaged due to one or more identity characteristic. In a political system stratified by gender, TNBI political voices occupy a third tier, dominated by cisgender women who are the second tier to cisgender men, who reign supreme. All tiers are internally stratified by sexual orientation, race, ethnicity, and class. TNBI access to rights may then play second (or third) fiddle, even to well-meaning cisgender allies and coalitional partners. I am not suggesting that subaltern groups' do not have any power (and quite the contrary). What I do wonder is, if in such a stratified society, if there is worth in viewing struggles as one in the same. I certainly hope that there is value and outcomes in coalitional efforts, but perhaps

seeing and celebrating our differences is how we can come together to support one another in meaningful way.

Transphobia & Backlash

A common pattern in the literature on gender politics is the failure, reluctance, and refusal of cisgender people to build coalitions with TNBI people. Therefore, I asked all participants about the barriers put up by cisgender people in fights for gender justice. Every participant was aware institutional barriers to political inclusion TNBI Americans face. Yet, how participants responded to my questions about individual knowledge of transphobia varied according to the participant's professional position. Specifically, cisgender political elites with public-facing roles reported that they were not individually aware of transphobia in their own lives. On the other hand, cisgender political elites with non-public profiles were candid about witnessing, perpetrating and unlearning transphobic bias. It is impossible to know if answers cisgender political elites gave were deliberate. But, what makes these responses they were intentional is that answers to questions about cisgender bias and transphobia were uniform among public-facing elites *and* non-public facing elites. These public-facing participants (who were all cisgender) tended to give very short answers about cisgender bias and transphobia, which perhaps indicates that acknowledgment of TNBI discrimination is politically verboten. For example, participant 21, cisgender male legislator, the sole participant to reply via email, and gave lengthy answers to all questions except their individual knowledge about transphobia, and simply answered “n/a” to the about being privy to cisgender bias. This answer gave me pause because the participant is an active member of California LGBTQ Legislative Caucus and has served as the lead author

on some of California's most progressive statutes to expand TNBI rights *and* curtail TNBI discrimination.

Participant 21, among public-facing political elites, was not alone in giving short, quasi non-responses. In fact, all public-facing cisgender participants in this study gave similar responses. Participant 14, a lesbian, cisgender woman and legislator, also gave a one-word "no" to questions about cisgender discrimination against TNBI people in another lengthy interview. Another legislator, participant 11, a cisgender straight woman, responded, *"no, I have never seen or heard about anything like that."* Participant 2, a heterosexual, cisgender woman lead lobbyist at a national healthcare organization, responded, *"No, not at all...not at all. This would be a group of people, the board and the staff, who would absolutely be supportive of everybody. All the rights, that we all should have, without a question."* Participant 12, a heterosexual, cisgender woman, a leader national organization that advocates for women rights³³ stated *"it hasn't really come up here."* The only public-facing interviewee, participant 15, who is a legislator and cisgender lesbian, acknowledged the tension, but gave an ambiguous answer, and framed transphobia as if it was a thing of the past, stating *"Maybe, I will say that 99% of all queer individuals regardless of age that I know, are very inclusive and cool with trans right but that's the one instance where it was surprising to me, and it was somebody let body that stereotypical 1970s, and I purposely use the butch dyke, and I resonate with that as well certainly have that presentation and then that person was transphobic was really surprising to me."*

I am not making the definitive claim that these participants were duplicitous in their answers. However, it is undeniable that there was a pattern of ignorance about cisgender discrimination against TNBI people among public-facing elites. All identities were protected

to the greatest extent possible³⁴ and given the consistency of these responses about discrimination against TNBI people *and* that I selected participants because of their public support for TNBI politics, it seems public-facing participants may have been attempting to safeguard their reputations by stating they were unaware of transphobic actions perpetrated by cisgender people. For participants who are elected officials, the logic of not providing an answer that could be perceived negatively by constituents, follows Mayhew's (1974) observation that since elected officials have the primary goal of reelection, they may steer clear of controversial topics. Although public-facing organizational leaders do not face legislative reelection pressures, they are interested in protecting their reputation and that of their organization. Acknowledgment is also an important component of support, as, after all, we cannot solve political problems if they are not named first. Furthermore, one of the problems that marginalized groups, such as TNBI Americans face, is a lack of attention. This is not benign, and when a group experiences intense discrimination, as do TNBI Americans, lack of acknowledgment is a form of neglect.

My perception of public-facing elites were giving less than truthful statements was shaped by every single response provided by non-public-facing political elites, who were all acutely aware of the lack of cisgender support for TNBI populations and the pervasiveness of transphobia at the individual level. Not only were non-public facing cisgender participants witness to tensions between cisgender and TNBI people, but participants also reflected on their own biases and how they had to work on dismantling ciscentrism and transphobia in their own lives. For example, participant 13, cisgender heterosexual woman

³³ This organization, although founded to support cisgender women, has the stated goal of TNBI inclusivity

³⁴ See Appendix E

and legislative aide, who served as a primary researcher on a piece of expansive TNBI legislation in California, shared:

“Any tension or bias was my ignorance, and fortunately, folks were really patient with me. In later conversations, other said things that I had said, and I saw it ruffled their feathers, so I knew that I must have ruffled their feathers in the beginning. Especially with the prison stuff, because you’re like, how does it work if a woman goes to the man’s facility and then, there’s questions, and it was uncomfortable for me to ask and for them to be asked... I was really involved with in southern California politics and the local LGBT Democrats³⁵, there weren’t very many transgender people in that, despite being super politically active, I didn’t have a lot of exposure to transgender folks, and certainly to nonbinary before I started this whole thing and there’s gotta be lot other folks who have that same, other women, other feminists, who have that same experience, and so, just lack of exposure makes it awkward at first to work together I think.”

Participant 17, a cisgender lesbian and lobbyist for a large, national LGBTQ advocacy organization, discussed how her awareness and sensitivity towards TNBI politics was also a personal journey of discovery, and was candid in discussing reckoning with her own transphobia:

“You know I also think that the TERFs are a generation two thing. I had never heard of trans people , I graduated college³⁶ and I was upstairs in the library and I was coming downstairs comma and I thought time we had wall phones And I heard a, trans woman, I think, say: “this is Carol” and from my point of view it was like a man in a dress comma and I felt scandalized, I was so shocked and horrified comma and amazed...like what? Like someone was wearing a toga or something . I just really couldn't understand it , I was like

³⁵ Location changed for anonymity

how odd And I was like what could this mean? My consciousness did not arrive until well after I left college, so that is interesting. It was a different time in history. I'm sure if I had been living in the city³⁷ I would have seen, heard and known trans people a lot sooner.”

For some non-public facing cisgender participants, especially those with a decades long track record of working with and on behalf of TNBI rights, they readily connected political tensions between cisgender and TNBI people to long-standing patterns of transgender exclusionary feminism in particular. For example, participant 9, who is a cisgender, heterosexual woman and lobbyist at a California based gender rights advocacy group, shared:

I am part of the generation kind of where feminism was growing up. And so with trans men, my age who first identified as lesbians and then transitioned to men, definitely were like kicked out of the lesbian community, like you went to the other side, because, women are lesbians for all sorts of reasons, obviously, not that they choose that. But there some that are just like “I like women” and I think for some it is a really political thing additionally. It’s sort of like this really anti-man thing, is my impression, from thing’s I’ve read. So for a trans guy, it’s like “wait, you’re the enemy now! What happened! You betrayed us!” And I know some female spaces, they don’t want to include trans women because they don’t feel that’s safe for them because this person still has a penis, or because they were initially socialized as a male, and just don’t get it. And so they do, sometimes get into their weird little space about that.

Participant 18, who is a cisgender lesbian and lead data scientists at a large national healthcare organization, pointed out that while TNBI exclusion is unique, it follows the

³⁶ Name changed for anonymity

³⁷ Name changed for anonymity

pattern of other instances where cisgender actors within feminist movements have sought to maintain the status quo through discrimination:

“Transphobia decades and decades to the underpinnings of feminism, do you see men and women as fundamentally reified biologically different, and so really like in some factual way different, do you see gender as a social construct or are you somewhere in between, I think that it has roots in that, but sure. Goodness knows feminists don’t have any corner on being ignorant, whatever if it were in, we’re often blind to other people, like the racism of the, I don’t know what they call second wave, and first wave.”

Although some cisgender participants candidly spoke about transphobia and overcoming it, most tended to view it as a generational relic. When I asked TNBI participants the same question personal knowledge about transphobia, they were aware of it and experienced it, which sadly, was utterly anticipated by me. What I didn't expect is that transphobia tended to be an individualized, not movement experience. For example, participant 10, a lobbyist and trans man shared a recent experience with transphobia:

“I just recently met a woman through a really good friend in town, whose a lesbian, who has lived in a city down south³⁸ and she brought up a friend who is very, a lesbian, very against trans people. She treated me okay, but that’s still out there.”

Despite experiencing transphobia, participant 10 also discussed experiences of solidarity and increasing recognition from cisgender allies and related that cisgender perceptions of TNBI people seem to be shifting in a positive direction:

“Well now it’s started to change, that actually trans people may not be as crazy you might think. They are not as...they are starting to learn about this. So we’ve become more approachable. And I think, for instance, I was at, we did a table over the behavioral mental

³⁸ City named changed to protect participant anonymity

health center...it doesn't matter. We were at a table and all these different people were walking around and board members of the mental health walked around. And this gentleman and his wife came over, probably my age, very straight, very white, and they started to tell me that they're grandchild was transitioning. Well, I can't even imagine that happening five years ago, that someone would be honest about it, and not seem to have a problem with it"

Similarly, participant 4, trans man, and organizational leader also talked about experiencing transphobia on an individualized level. But when I asked participant 4 if they had experienced exclusion by cisgender women's movements, he replied:

"Not as communities. I have seen individual, scattered feminists who have anti-trans views."

Like participant 10, participant 4 then went on to discuss that although they have experienced transphobia on a one-on-one basis, there are, in their experience, that more cisgender people are standing in solidarity with TNBI people and communities:

"I think that there is a lot more support. I think that there's a lot more expectation. There's also a lot more pushback. But it's a lot more public in general. So for people who never really had a stance are taking a stance. And the people who never really had a stance occupied the default position, which was not pro-trans. That is meaningful that people, maybe people who were making the same transphobic jokes in every sitcom ever are not doing that and are now aware of how trans people fit into their lives. I think that a lot more people are aware that they know trans people now. Whereas previously people would think that they had met a trans person, and now people are like 'no, I know people who are trans, are non-binary, are gender nonconforming' and they think about that in a noted way."

Similarly to the participants above, participant 5, who is a queer, nonbinary administrator at a national LGBTQ serving interest group, they shared past and ongoing experiences of transphobia, but also how some cisgender people are also trying to dismantle both internal and institutional transphobia:

“Locally we have seen a lot more families, educators, and people, at least aware that trans is a thing, and they want to do the right thing. They don’t always know what that is, or how that is. But very often, they are very frail in their learning about it, and there’s a lot of cisgender tears (laughing) “why’s this so hard for me?” Okay great, it’s not about you, so just fucking learn and move on. That whole thing happens. It’s hard to tell, I think locally definitely we see good things shifting and changing.”

Regardless of these positive experiences of solidarity, both participants 4 and 5 discussed how they feel somewhat uneasy about cisgender recognition and how visibility, however positive, may herald backlash. For example, participant 5 stated:

“I think that if there was a backlash, there is a visibility, but the backlash itself, is continuing, and continuing to embolden itself. Which we see literally almost every day, and hate crimes against trans people, particularly trans women of color each year. That’s scary stuff.”

Likewise, participant 4 shared similar apprehensions burgeoning support from cisgender people:

“For me it seems to fit into the sort of ebb and flow what thing, how things kind of move politically. And for me, the sort of sudden upswing in visibility and support and a few years ago, made me really nervous. Because we had just had the marriage votes all over the world. There was some legal progress for other feminist issues, and then suddenly, people are talking about trans issues, and we’re due for backlash, it’s time. This is how this works,

there has been a lot movement, a lot of focus, a lot of excitement. And predictably, trans identities are really a central focus for the reactionary wave that's now coming up. And so, for me it was always temporary."

Backlash occurs when there is a perceived challenge to the status quo and may include political sanctions and violence (Faludi 1991; Mansbridge and Shames 2008; Sanbonmatsu 2008). For marginalized communities, including TNBI Americans, backlash is a sociopolitical mnemonic and a reminder "that their civic membership is always revocable" (Murib 2020, p. 296). Organized backlash, by cisgender people, against TNBI Americans has been chronicled since the 1970s, when trans women sought inclusion during (cisgender) women's liberation. Backlash is not confined to social movements and is present in legislative fights over TNBI access to public accommodations, such as access to bathrooms, health insurance and Title IX funding. TNBI backlash often occurs in tandem with TNBI visibility but not necessarily in policy gains that would extend inclusion to TNBI Americans. For example, there has been attention around TNBI access to public restrooms. and of cisgender discipline for those who do not fit into the binary established by the cisgender status quo. There has been a surge in anti-TNBI legislation introduced at the state level after the Justice Department's 2016 directive that federally funded schools must include gender inclusive accommodations (Eilperin and Brown 2016; Taylor et al. 2018; NCSL 2019). However, formal transphobic political directives that deny TNBI access to very basic needs is not new and date back to the 1990s, when groups on the Religious Right began to wage a propaganda campaign against TNBI people, and used bathroom use as a way to frame transphobia (Herman 1997; Schlit and Westbrook 2009; Westbrook and Schlit 2014; Davis 2017; Stone 2019; Flores et al. 2018; Wuest 2019). The backlash against TNBI bathroom use, and in the total known absence of crimes committed by TNBI people

connected to bathrooms has been used to legitimize and rationalize transphobia in formal and informal political realms.

In the face of the rampant and whack-a-mole nature of transphobic policies, some state legislatures continue to enact TNBI inclusive legislation, and in 2020, not only did California continue to pass TNBI expansive legislation³⁹, but federally in *Bostock v. Clayton County*. However, TNBI Americans may be experiencing backlash in the wake of *Bostock*, indicated by the disturbing uptick in anti-TNBI bills at the state level, which specifically targets TNBI youth athletes (Deliso 2021; Goldberg 2021). Despite the positive provisions at the state and federal level, violence against TNBI Americans is unchecked. For example, in 2020 alone, there were 33 hate-motivated murders of TNBI Californians (Mora 2020). Nationwide, it is estimated that 350 TNBI people were murdered in hate crimes nationwide (Wareham 2020). This number may be inaccurate because it is common for TNBI murders to be underreported or not reported accurately because TNBI murder victims are unknowingly and deliberately misgendered by law enforcement (Lee and Kwan 2014; McNamarah 2020). In the face of intense backlash, some state legislatures (including California) and the House of Representatives continue to advance legislation that advances TNBI equality. However, given the influx of anti-TNBI legislation and the persistence of gender-motivated hate crimes, it is hard to tell how effective legislation intended to enhance TNBI Americans' lives is, in and outside California. Would discrimination be curtailed if public-facing elites acknowledged transphobia? To be fair, this study did not include any public-facing TNBI participants. This study, therefore, may not completely encapsulate experiences of knowledge of and experience with transphobia among elites with public

³⁹ AB 1145; AB 2218; SB 132; SB 932; SB 1255

<https://www.gov.ca.gov/2020/09/26/governor-newsom-signs-legislation-strengthening-protections-for-lgbtq-californians/>

identities. Nonetheless, acknowledging transphobia among cisgender public-facing elites is important, as it indicates understanding and sympathy towards such a dire political problem.

Concluding remarks

These interviews show that California is a place that may be, on paper and in contrast to other states, politically friendly to TNBI individuals and communities. However, it is unclear if cisgender political elites are aware of the full extent how TNBI people in California (and throughout the United States, for that matter) face continued political marginalization. The differences between cisgender allyship according to gender and sexuality did not manifest to the degree that I expected. Instead, the most significant determinant of TNBI allyship seems to rest in the expertise and information about the political issues uniquely faced by TNBI Americans that a cisgender person possesses.

The denial, or unwillingness of public-facing cisgender "allies" to discuss transphobia is particularly troubling. A problem may be, that cisgender identity although hegemonic, is not popularly regarded as normative (i.e., gender identity—as in woman or man; sexual orientation; race/ethnicity; age). In the academy, cisgender was not named by scholars until a decade into the twenty-first century (Schlit and Westbrook 2009). It then took five years for a concise, universal definition of cisgender to appear (Aultman 2014). In California legislation, cisgender was not named in an enacted piece of legislation until 2020⁴⁰, and has yet to appear in any federal statute. I believe that in the quest to dismantle transphobic institutions, the differences between genders must be named. I agree with arguments about the danger of analogy when it comes to discussing struggles for civil rights (Novkov 2008). Yet, when it comes to understanding what hegemonic identity is, it may be

useful to borrow from critical whiteness studies to unpack cisgender dominance. Like cisgender identity, white identity is considered so ordinary that it is unworthy of study (Nayak 2007). Ray (2019) points out that although it often appears as a neutral category, whiteness grants people “access to capital, the distribution of labor, and ultimately freedom” (p. 30). The importance of critical whiteness studies is to mark, unpack and thus dismantle white supremacy so that we may, globally, build equitable political systems.

Similar to critical whiteness studies, it is necessary to interrogate the supremacy of ciscentric institutions and bureaucratic ordering. Just as institutions are organized according to masculine norms (Acker 1990), institutions are also organized according to gender hierarchies and include TNBI people (and all the categories missing in this acronym) and those who tow the cisgender line. People, political elites and otherwise, should care about dismantling cisgender orders. I am not implying that gender identities should be erased. I am a cisgender woman and for me, this identity is who I am performatively and politically. But coming to understand my cisgender identity has reified my commitment to TNBI rights. Apart from knowing that the expansion, enfranchisement and suffrage is necessary in republican governance and to advance democracy, I also see the rights of TNBI and cisgender people who have been marginalized for not adhering to cisgender norms dictated by the status quo, and inextricably linked. Understanding difference and similarity of TNBI, LGBTQ, and women’s movements is a political organizing strategy (Price 2018), and a primary step is learning about ourselves so that we can advocate for each other.

⁴⁰ AB 2218 (The Transgender Wellness and Equity Fund). Cisgender yet has to be named by a federal entity in any legal statute.

Chapter 5

Quantitative Findings

This dissertation research examines who, when and how cisgender political elites substantively represent TNBI (transgender, nonbinary and intersex) constituencies in California. California relative to other states, has enacted high numbers of TNBI inclusive and expansive legislation (Movement Advancement Project 2021), despite the lack of openly TNBI legislators. My dissertation seeks to understand the identities, actions, and motivations of cisgender political elites working to provide substantive representation for TNBI constituencies in California. It dissertation takes a mixed-methods approach to understand which cisgender legislators work on behalf of TNBI people in the state. This chapter takes a quantitative approach to describe, by the numbers, which cisgender legislators are authoring TNBI expansive legislation. It is a companion to the dissertation's qualitative research, which investigates how cisgender political elites perceive TNBI politics. The tandem approach of this mixed methodological inquiry seeks ⁴¹to spotlight the intersections between cisgender identity and political support for TNBI Americans in California.

To understand which cisgender political elites are working within legislative chambers to the author and substantively represent TNBI communities and constituencies in California, I analyzed 109 bills passed by the California State Legislature from 2001-2002 through the 2017-2018 legislative sessions. Each bill in the sample has been enacted and chaptered by the Governor and California Secretary of State. I chose to only include chaptered legislation in the analysis because I wanted to understand the status of existing

rights that TNBI people in California are entitled to access. The sample excludes bills authored in standing committees because I aim to decipher how legislators operate as individuals. Since this dissertation seeks to create a profile of who cisgender political elites are, it was necessary to examine individual actions apart from dynamics within a committee.

I chose the 2001-2002 legislative session as a start date because 2002 is the year, to the best of my knowledge, that the California State Legislature enacted its first explicitly TNBI inclusive bill, AB 2294⁴². I limited data collection to the 2017-2018 legislative session because this period roughly coincided with personal interviews collected for the qualitative portion of this dissertation. Interviews for this dissertation commenced shortly after the beginning of the 2019-2020 legislative session, and to keep pace with qualitative data collection, I stopped collecting bills once the interviews were complete. To locate TNBI inclusive legislation, I searched the California Legislature's official bill tracker and LexisNexis State Net (formerly LexisNexis State Capital), and used the keywords "transgender," "gender non-conforming," "nonbinary," "intersex," "gay and lesbian," "LGBT," and "LGBTQ" to locate TNBI inclusive and expansive legislation. I chose these terms as keywords because they are the most common terms in the literature reviewed and in interviews used to describe TNBI politics.

To the best of my knowledge, the set of 109 bills analyzed includes all TNBI inclusive or expansive bills enacted by the California state legislature up to 2019. Despite an exhaustive bill search and literature review, this data set may be incomplete. Since the expansion of TNBI rights is politically contentious, legislators may use coded language to

⁴¹ See Appendix D

⁴² AB 2294 amended the Welfare and Institutions and pertains to the activity of State Foster Care Ombudspersons. 2294 required the state to resolve complaints "made by or behalf of children placed in foster care" and calls for California Ombudspersons to "address

advance and expand all-inclusive gender rights. For example, AB 2294 (Chaptered September 30, 2002) is the first piece of legislation I located across databases that used at least one of the keywords I had defined (i.e., “transgender”). However, AB 2294 may not be the first TNBI inclusive bill passed by the California lawmakers, and legislators may have used vague, coded language to push forward prior gender-expansive legislation. Over the past two decades, state legislatures across the United States enacted increasing numbers of TNBI expansive and inclusive legislation (Taylor et al. 2018; Goldenberg et al., 2020; Mezey 2020). Despite the positive moves to expand rights and liberties for TNBI Americans, each positive advance tended to be met with opposition, evidenced by unrelenting waves of backlash for every piece of progressive TNBI policy action at the municipal, state, and federal levels (Eisenberg-Guyot 2017; Murib 2020; Perone 2020; ACLU 2021).

Legislation that improves life for people minoritized because of normative identity characteristics is a perennially contentious issue. Therefore, to shift the public gaze away from potentially controversial conversations, legislators, progressive and conservative alike, may use neutral, coded language in their quest to enact legislation. For example, Conservative policymakers and legislators have used coded language to curtail the expansion of race-based civil rights (Tonry 2010). Likewise, progressive lawmakers may have used coded language to increase the scope of rights and liberties for populations with protected characteristics (Alterman and Ivory 2009). In California, legislators have used coded language to enact TNBI inclusive legislation. For example, in 2016, some states were rapidly passing so-called “bathroom bills” to limit the civil and human rights and liberties of TNBI Americans. In the same year, the California legislature enacted AB 1732, which

complaints brought by all foster youth, including gay, lesbian, bisexual, or transgender

requires all California public buildings to designate single-use bathrooms as gender-neutral. However, AB 1732's language does not overtly make provisions for TNBI populations and may have been a deliberate legislative choice to avoid negative attention from right-wing activists. Because AB 1732 uses coded language, I did not initially include it in my dataset, and it made me doubt if my, or any legislative dataset, is comprehensive. To maximize validity, I conducted an extensive literature review to locate TNBI inclusive legislation and revised my dataset several times during the research process.

After exhaustively collecting what I believe is a complete set of bills that expand the rights for TNBI Californians, I created a schema to systemically analyze and discover patterns of the normative characteristics of cisgender legislators who author legislation that expressly benefits TNBI communities and constituencies. I also collected contextual data by exploring the bill authors' official websites, the official California State Website, and official caucus websites and recorded each authors' gender, sexual orientation, and party. To understand which legislators are authoring TNBI legislation, I disaggregated the types of authorship for each bill. In California, legislators may serve as lead authors, principal coauthors, or coauthors. All bills have at least one lead author who is the primary or sole author(s) of a bill and who introduces a bill for consideration in committee. A principal coauthor is an author who the lead author singles out for special recognition as a bill's primary supporter. A coauthor is a legislator who symbolically indicates support to the bill by pledging their name as coauthor during committee consideration and floor votes. Bills are not required to have principal coauthors or coauthors, and there may be multiple authors in all three authorship categories.

youth, regarding their care, placement, and services."

Once I collected each component of data, I input the categorical data described above into spreadsheets. I assigned each characteristic as a 0-1 dummy variable and then ran a series of crosstabs using SPSS. I used crosstabs as a mode of statistical interpretation to explore the relationship between cisgender legislator identity characteristics and support for TNBI constituencies through bill authorship. Crosstab analysis enabled me to locate positive and negative relationship patterns in the normative identity subsets of cisgender legislators and if there are percent associations for support for TNBI constituencies by authorship position, gender, sexual orientation, and party identification. Although testing a hypothesis is a common component of quantitative analysis, I approached quantitative analysis and interpretation from a grounded theoretical standpoint and did not test a hypothesis. Instead, rooted in a grounded theory approach, I based the quantitative discovery of patterns I observed during analysis.

Although I was not testing a hypothesis in quantitative analysis, I did have some assumptions of which cisgender legislators would support TNBI constituencies through bill authorship. First, I assumed that cisgender LGB legislators would be the primary champions of TNBI inclusive and expansive legislation. Scholars popularly consider the post-WWII era when cisgender LGB and TNBI coalitions in the United States emerged, and the Stonewall Uprising and the HIV/AIDS crisis as punctuations that helped solidify political relationships between LGBTQ people of diverse gender and sexual identities (Strolovitch 2007; Stryker 2008; Ghaziani et al. 2016; Taylor et al. 2018). Although legislation that benefits TNBI people tends to be scarce, the presence of LGB legislators often enables the passage of TNBI expansive legislation, which is a legislative trend observed in democracies around the world (Haider-Markel 2010; Reynolds 2013; Taylor and Lewis 2014; Taylor et al. 2018). Given the coalitional relationship and positive association between the presence of cisgender LGB

legislators and the passage of TNBI inclusive policies, I expected that LGB legislators would be the primary and most frequent authors of TNBI expansive legislation.

Regardless of the actual and reputational strength among the LGBTQ political coalition, support for and acceptance of TNBI partners is not absolute, and cisgender LGB people have been perpetrators of transphobia and TNBI political exclusion. For example, when public-facing gay organizations began to form in the United States during the 1950s, some gay male serving groups actively sought to separate sexual identity from so-called “gender deviance” (Hillman 2011, p. 156). In the wake of the 1969 Stonewall Uprising, a sizable number of cisgender LGB activists aggressively sought to expel TNBI people, particularly trans women, from participating in movements sexual and gender equality (Stone 1992; Weiss 2003; Weiss 2011; Heaney 2016; Earles 2019). This rift extends to legislative realms, evidenced in the struggle to pass the 1996 Employment Nondiscrimination Act (ENDA). Before the ENDA's floor vote, Congressman Barney Frank, who was popularly considered the US Congress's most visible gay legislator and the bill's chief sponsor, removed transgender protections under the auspice they would inhibit the ENDA's passage. Alas, the ENDA still failed. Yet, the initial exclusion of TNBI constituencies was an important signal that cisgender LGB leadership may not favor the full inclusion of TNBI coalitional partners (Currah 2008; Murib 2015). Given the uneasy nature of TNBI acceptance in informal and formal politics in the ongoing fight for cisgender gay and lesbian equality, I do not expect the support for TNBI constituencies to be ironclad among openly cisgender LGB legislators.

The second expectation in quantitative data analysis is that progressive, Democratic cisgender women (of diverse sexual orientations), second to cisgender LGB legislators, will be, by the numbers, the most frequent authors of TNBI inclusive and expansive legislation.

I believed that cisgender women would support TNBI expansive legislation on the presumption that institutionalized gender marginalization experienced by cisgender women may enable them to have political empathy and therefore actively support TNBI politics. My ideas are rooted in feminist and transfeminist philosophical outlooks. Feminism is “the movement to end sexism, sexual exploitation, and sexual oppression” (hooks 2000, p. 33); and transfeminism is an advance in feminism that recognizes the everyday experiences between all people who have experienced gender marginalization, exploitation, and oppression, based on the gender identity that one was assigned to at birth or came to inhabit throughout one's life (Koyama 2001). The state denies TNBI people and cisgender women sovereignty over their bodies and the right to self-determination; and people who the state minoritizes because of their gender should therefore be, in theory, coalitional partners in political projects to end gender marginalization

Despite common struggles, cisgender women are still part of the gender status quo. The scholarship on political opinion tells us that support for TNBI people by cisgender women is a mixed bag. On the one hand, there is empirical evidence that some non-religious, politically progressive cisgender women are more likely than their male counterparts to show tepid support for TNBI politics and people (Norton and Herek 2013; Haider-Markel et al. 2017; Miller et al. 2017; Jones and Brewer 2018; Jones et al. 2018; Lewis et al. 2019; Flores et al. 2020). Yet, other scholarship finds that cisgender women and men share unfavorable views towards TNBI peoples' political inclusion (Flores et al. 2018a; Flores et al. 2018b; Haider-Markel et al. 2019). Support for TNBI people and politics may be blossoming, among young, progressive, and college-educated cisgender women (Harrison and Michelson 2019; Brassel and Anderson 2020), but mixed support for TNBI politics among cisgender women may follow historical patterns of exclusion. Some

cisgender women have aggressively sought to exclude TNBI people, and in particular, trans women from movements for gender equality since the 1970s and up to the present day (Rudacille 2005; Murib 2015; Weber 2016; Nanney and Brusma 2017; Hines 2019; Hornbury and Yao 2020; Pearce et al. 2020; Maltino 2021). Because of the contentious history within cisgender feminists and women's movements, I expected the support by cisgender women legislators for TNBI people to be somewhat limited.

Authorship patterns in legislation

There are no known California state legislators (past and present) who identify as TNBI. Because of the lack of descriptive representation, TNBI constituencies rely on cisgender compatriots elected to legislative bodies to enact policy that expands gender-based rights. Although gender and sexuality are not mutually constitutive categories, there is a tendency over the past two decades to add TNBI rights as an addendum to laws and policies representing the larger LGBTQ political coalition (Minter 2006; Murib 2016; Taylor et al. 2018). While the trend to treat LGBTQ people as a coalition coexisting under one rainbow is not necessarily harmful, treating sexual orientation and gender identity as one runs the risk of obscuring the unique struggles that TNBI Americans face. To investigate the frequency and patterns in legislation and compare the number of bills that benefit TNBI Californians and independently of cisgender LGB people, I performed a separate analysis of bills that treat TNBI constituencies as unique (Figures 2.1-2.4) and those fold in TNBI as a categorical identity variable within the LGBTQ political coalition (Figures 1.1-1.4). The first set of analyses looks at bills that include TNBI people but treat gender and sexual rights as mutually constitutive. The second set of analyses addresses TNBI rights and expansive policy independent of sexual orientation (tables on following pages).

Breakdown of authorship for bills which benefit all members of LGBTQ political coalition*

*bills which collapse gender and sexual rights

Table 5.1 (bills by gender and sexual orientation)

		Hetero identified	LGB identified	X ²	p-value
<i>Cisgender women</i>	Count	290	78		
	% within gender	78.8%	21.2%	100%	
	% within sexual orientation	24.7%	42.2%		
<i>Cisgender men</i>	Count	885	107		
	% within gender	89.2%	10.8%	100%	
	% within sexual orientation	75.3%	57.8%		
				24.748	0.001* **

Significant at p = < 0.05**; significant at p = < 0.005***

Table 5.2 (bill authors by authorship role and gender)

		Cisgender men	Cisgender women	χ^2	p-value
<i>Lead Author</i>	Count	85	41		
	% gender within authorship category	67.5%	32.5%	100%	
	% gender among total authors	3.0%	6.3%		
				2.114	0.146
<i>Principal Coauthor</i>	Count	32	23		
	% gender within authorship category	58.2%	41.8%	100%	
	% gender of total authors	2.4%	1.7%		
				6.326	0.012**
<i>Coauthor</i>	Count	885	302		
	% gender within authorship category	74.6%	25.4%	100%	
	% gender among total authors	65.1%	22.25%		
				12.555	0.001***

Significant at $p < 0.05^{**}$; significant at $p < 0.005^{***}$

Table 5.3 (bill authors by authorship role and sexual orientation)

		Heterosexual oriented	LGB oriented	X ²	p-value
<i>Lead Author</i>	Count	85	41		
	% sexual orientation authorship category	67.5%	32.5%		
	% sexual orientation among total authors	6.3%	3.0%		
				42.371	0.001***
<i>Principal Coauthor</i>	Count	16	37		
	% sexual orientation within authorship category	32.7%	67.3%		
	% sexual orientation of total authors	1.3%	2.7%		
				14.0481	0.001***
<i>Coauthor</i>	Count	1079	108		
	% sexual orientation within authorship category	90.9%	9.1%		
	% sexual orientation among all authors	7.9%	79.3%		
				16.109	0.001***

Significant at $p < 0.05^{**}$; significant at $p < 0.005^{***}$

Table 5.4 (bill authors by authorship role and party identification)

		Democrat	Republican	X ²	p-value
<i>Lead Author</i>	Count	119	7		
	% party ID within authorship category	94.4%	5.6%	100%	
	% within all authors	8.8%	0.5%		
				12.624	0.001***
<i>Principal Coauthor</i>	Count	54	1		
	% party ID within authorship category	98.2%	1.8%	100%	
	% within all authors	4.0%	0.1%		
				9.235	0.002***
<i>Coauthor</i>	Count	966	221		
	% party ID within authorship category	81.4%	18.6%	100%	
	% within all authors	71%	16.3%		
				21.117	0.001***

Significant at $p < 0.05^{**}$; significant at $p < 0.005^{***}$

Bill authorship by gender in legislation expressly beneficial for TNBI Californians*

*independent of LGB sexual orientation

Table 5.5 (bill authors by gender and sexual orientation)

		Hetero identified	LGB identified	X ²	p-value
<i>Cisgender men</i>	Count	93	16		
	% within gender	85.3%	14.7%	100%	
	% within sexual orientation	74.4%	50.0%		
<i>Cisgender women</i>	Count	32	16		
	% within gender	66.7%	33.3%	100%	
	% within sexual orientation	25.6%	50.0%		
				7.146	0.008***

Significant at p = < 0.05**; significant at p = < 0.005***

Table 5.6

		Cisgender men	Cisgender women	X ²	p-value
<i>Lead Author</i>	Count	9	2		
	% gender within authorship category	81.8%	18.2%	10.0%	
	% gender among total authors	8.3%	4.2%		
				.880	.348
<i>Principal Coauthor</i>	Count	14	15		
	% gender within authorship category	41.3%	51.7%	10.0%	
	% gender of total authors	12.8%	31.3%		
				7.497	.006***
<i>Coauthor</i>	Count	86	31		
	% gender within authorship category	73.5%	26.5%	10.0%	
	% gender among total authors	78.9%	64.6%		
				3.597	.058**

Significant at $p < 0.05^{**}$; significant at $p < 0.005^{***}$

Table 5.7 (bill authors by authorship role and sexual orientation)

		Heteros exual oriented	LGB oriented	X ²	p- value
<i>Lead Author</i>	Count	2	9		
	% sexual orientation authorship category	18.2%	81.8%	10 0%	
	% sexual orientation among total authors	1.6%	28.1%		
				27. 279	0.00 1***
<i>Principal Coauthor</i>	Count	10	19		
	% sexual orientation within authorship category	34.5%	65.5%	10 0%	
	% sexual orientation of total authors	8.0%	59.4%		
				44. 653	0.00 1***
<i>Coauthor</i>	Count	113	4		
	% sexual orientation within authorship category	9.1%	90.9%		
	% sexual orientation among all authors	79.3%	7.9%		
				16 1.09	0.00 1***

Significant at p= < 0.05**; significant at p = < 0.005***

Table 5.8 (bill authors by authorship role and party identification)

		Democrat	Republican	X ²	p-value
<i>Lead Author</i>	Count	11	0		
	% party ID within authorship category	100%	0.0%	1.00%	
	% within all authors	7.5%	0.0%		
				.725	.395
<i>Principal Coauthor</i>	Count	29	0		
	% party ID within authorship category	100%	0.0%	1.00%	
	% within all authors	19.6%	0.0%		
				2.163	.141
<i>Coauthor</i>	Count	108	9		
	% party ID within authorship category	92.3%	7.7%	1.00%	
	% within all authors	73.0%	100%		
				3.264	0.071**

Significant at $p < 0.05^{**}$; significant at $p < 0.005^{***}$

To understand how robust substantive representation by cisgender legislators is, Figures 5.1, 5.2, 5.3, and 5.4 describe cross-tabulations of bills that collapse gender identity and sexual orientation. As presented in Table 5.1, there is a statistically significant difference between cisgender women and men, and cisgender LGB men and women who authors bills that benefit cisgender LGB *and* TNBI Californians. According to this analysis, legislators who are cisgender male or female *and* heterosexual author this set of bills at a higher rate than their cisgender LGB colleagues. I see several possible reasons for this trend. First, there are simply, by the numbers, far more cisgender heterosexual legislators than cisgender LGB legislators. California voters did not elect an openly LGB legislator to state leadership until the election of Assemblyperson Sheila Kuehl in 1992. Since then, voters have elected nineteen openly LGB members, which may explain the relative lack of LGB authors in this sample. Yet, it is also important to note that heterosexual, cisgender women and men are most likely to serve as coauthors, a largely symbolic authorship category. Therefore, it seems likely that cisgender legislators are most likely to put their name on a bill rather than to serve in an active authorship role.

The reasons for the lack of support for LGB *and* TNBI people among cisgender women are somewhat surprising, given that cisgender women, particularly women with Democratic political identification, are more likely than men to support LGBTQ rights (Fingerhut 2011; Russell and Bohan 2016; Tadlock et al., 2017; Henry et al. 2021). In addition to a possible bias among cisgender women of all sexual orientations, there is also simply a lack of women in the California legislature. One hundred twenty members (80 Assembly members and 40 State Senators) comprise the state legislature. In the 2015-2016 legislative session, only 17 women served in the Assembly, and nine women served as State

Senators. In 2017-2018, the number of women increased, but only by one. Therefore, cisgender women may just be less likely to author legislation in general. Perhaps because of sexism within the legislature, bills introduced by women may be less likely to pass or even make it out of committee. Heterosexual support for LGBT issues, and Tadlock et al. (2017) find "secondary transfers effect on contact with gay men and lesbians" (p. 966) increases the likelihood an individual will hold favorable attitudes towards transgender people and politics. Although the ratio of gay men and lesbians within the legislature is relatively equal, there are just more men than women in the legislature of all sexual orientations. Therefore, given the size of the male population in the legislature, gay and straight men may interact with one another at higher rates, enabling substantive representation by cisgender straight men standing in solidarity with their gay legislative brothers.

My analysis reveals similar trends in authorship patterns in bills that expressly benefit TNBI Californians (independent of LGB sexual orientation). Heterosexual cisgender men remain more likely to author TNBI expansive legislation than their female (LGB and heterosexual), and gay male counterparts (see Table 5.5). Just as with legislation intended to benefit the entire LGBTQ political coalition, cisgender men authors are still biggest in numbers in the coauthorship category (see Table 5.2). Although the total number of cisgender heterosexual authors is larger than cisgender LGB authors, this total may be skewed since the most significant percentage of cisgender heterosexual authors are most likely to appear in the coauthorship category (Tables 5.6 and 5.7). That cisgender LGB legislators are more likely to serve as primary and principal coauthors indicates coalitional support among LGBTQ people.

The relatively high instance of heterosexual legislators serving as authors for LGB and TNBI beneficial legislation may follow larger political trends. Despite an influx of anti-

LGBTQ political actions at the turn of the millennium (in the courts and California legislature), favorable support for LGBTQ people has dramatically increased over the past three decades and receives the highest level of support from Democrats (Flores 2014; Flores 2015). Yet, it is unclear how robust legislative support for LGBTQ Americans is. Elected officials are more likely to support LGB and TNBI rights through their votes and policy position if their district is home to large numbers of LGBTQ constituents (Bishen and Smith 2013). Given that California is home to a sizable number of LGBTQ populations (The Williams Institute 2019), heterosexual legislators may be responding to district voters. Likewise, cisgender gay and lesbian legislators in California tend to represent large and sexually diverse urban centers, which may increase the likelihood they will support TNBI constituencies. States with robust Democratic party strength are also likely to support the expansion of LGB and TNBI rights (Bishin et al., 2020). Given the party strength of Democrats California, it makes sense that cisgender legislators would support use their position to expand LGB and TNBI rights.

Why cisgender heterosexual women legislators appear to be less supportive of TNBI communities (and cisgender LGB people, for that matter) rights and justice than their male counterparts is an enduringly complex subject. Quantitatively-slanted data provides evidence that some straight-identified cisgender women are likely to support LGBTQ rights. Yet, the relationship between straight-identified cisgender women and the LGBTQ community, particularly among cisgender lesbian and TNBI people is historically fraught. Despite the common political threats that are experienced across and between gender and sexual identity cleavages, there has been a reluctance by some cisgender women to form coalitions with TNBI siblings (Heyes 2003; Connell 2012; Ahmed 2016; Maltino 2021). The exclusion of TNBI people in gender and sexual rights movements may follow a historical

pattern wherein cisgender women (typically white and straight) shut out minoritized communities. White suffragettes ostracized Black women during the passage of the nineteenth amendment (Davis 1982), straight women purged lesbian women during the women's liberation movement (Jay 1999), and the white, pro-choice status quo has denied women of color entry to movements surrounding reproductive rights and justice (Nelson 2003; Luna and Luker 2013). The respective examples of the status quo excluding women of color, lesbians, and TNBI people from "women's movements" are distinct. However, the common thread that runs throughout all instances is the perception that expanding the parameters of group entry would compromise the political standing of women at the top of the gender, racial and sexual hierarchy.

How pervasive the lack of substantive support for LGB and TNBI issues among cisgender women legislators cannot be fully known from the current database. There are bound to be multiple, competing explanations for why more cisgender women are not authoring bills to substantively represent their TNBI siblings. In his foundational study of heterosexual ally formation, Fingerhut (2011) argues that political activism taken in solidarity with LGBTQ people and communities carries "potential social sanctions" (p. 2243), which limits the likelihood that heterosexual people will mobilize for gay rights. Gzanka et al. (2015) also find that there is a prevalent stigma among allies by their straight family and friends when they "come out" as activists, causing many to remain in the "straight closet" (p. 174). In this same vein, social stigma may cause TNBI-allied cisgender women to be covert in their activism and engage in passive versus active allyship. Because of the fear of real and imagined political sanctions, some cisgender women, rather than engaging in active allyship vis-à-vis serving bill authorship, may passively support TNBI constituencies through vote share. The analysis of cisgender women's legislative support

through voting power is an avenue for scholarship in the ongoing investigation of legislation representing TNBI Americans.

Allyship development in respective struggles for racial justice and LGBTQ rights has received some scholarly attention (Goldstein and Davis 2010; Ostrove and Brown 2018; Fingerhut and Hardy 2020; Forbes and Ueno 2020; Henry et al. 2020). It remains a mystery why there has not been the same interest in cisgender identity and political allyship formation. Given the information observed in my qualitative investigation for this dissertation presented in an earlier chapter, many cisgender people struggle to think past the binary model of gender and therefore have a limited understanding of what cisgender identity is. There is also a tendency to collapse sexual orientation and gender identity, which holds the possibility of obscuring TNBI politics (Chan 2018). It also is possible that TNBI political allyship currently may not carry to same positive social rewards that engaging in anti-racist and pro-LGBTQ activism does. Whatever the causes, the lack of attention to cisgender identity and allyship patterns is unfortunate. Scholars invested in dismantling gender oppression should be striving to understand and how people show up for one another. Work that interrogates cisgender allyship formation and TNBI solidarity may help allies better understand how to stand with and advocate for people who experience gender oppression.

Cisgender people are just becoming politically aware of their own gender identity and privilege. Burgeoning awareness provides a possible explanation why some cisgender people, and even people who experience gender oppression, do not necessarily recognize the commonalities of the political mechanisms which entrench gender marginalization. I would be remiss if I did not express my disappointment in finding that so few cisgender women in the California legislature are standing with and for LGB and TNBI constituents. Women of

all sexual orientations and people who have experienced minoritization because of their biological sex, gender performance, and sociocultural ascribed gender roles should share a common goal: dismantling gender-based oppression to secure political rights. The way and degree to which individuals experience gender marginalization is contingent on race and ethnicity, sexuality, appearance, class, and geographic location. Yet, TNBI people of all gender identities and cisgender women experience the denial of full citizenship rights because gender is hierarchically bureaucratized. The political ordering of sex and gender has enabled the perception that non-cisgender-male people are inferior, leading to the state's rationalization that the rights and liberties of TNBI people and cisgender women can be denied or neglected. Therefore, the next steps in research on gender politics should uncover roots of shared oppression and identify locations of solidarity among and for people seeking to advance the rights and recognition of those who are at risk simply because of who we are.

Chapter 6

Conclusion

This dissertation explored when, why and which cisgender political elites (i.e., elected officials, organizational leaders, lobbyists, and high-level bureaucrats) stand with and for trans, nonbinary, and intersex (TNBI) constituencies in California. To find out answers to these questions, I embarked on a two-fold mixed-methods investigation. First, I conducted a series of in-depth interviews with cisgender and TNBI political elites who have a reputation for substantively standing with and representing TNBI communities and constituencies in California. The second portion of this investigation entailed collecting and analyzing the identities of bill authors of 109 pieces of legislation passed by the California state legislature between 2000-2018, which expand and recognize TNBI rights within the state. Using the logic of grounded theory, a flexible yet systemized way of analyzing data, I was not testing a hypothesis. However, I did have assumptions about the populations I was conducting analysis on. First, I assumed that cisgender LGB women and men would be the primary champions of expanding TNBI rights. Second, I assumed that cisgender women (of diverse sexual orientations) would also support creating TNBI inclusive policies. However, because cisgender women and feminist movements have had a historically fraught stance toward TNBI inclusivity, I anticipated that support by cisgender women would not be ironclad. Likewise, cisgender LGB people have not always had an easy time extending political support to TNBI people, and therefore I assumed that support among cisgender LGB people would vary. The synthesis of qualitative and quantitative methodological approaches help uncover areas of support and explain where TNBI support is lacking among cisgender political elites working to curtail institutionalized gender oppression.

My first assumption that cisgender LGB political elites would be the primary supporters of TNBI rights, to some extent, held true in this analysis. Of the 109 bills analyzed, the majority of bills (n=99), expand and include TNBI rights as an addendum to legislation that benefits the entire LGBTQ political coalition. Only ten bills analyzed uniquely benefit TNBI Californians. Although heterosexual-oriented cisgender women and men were more likely to serve as authors of legislation written to benefit the entire LGBTQ political coalition, cisgender gay and lesbians were, by far, the most frequent lead and principal coauthors for legislation written to benefit TNBI people independent of sexual orientation. Cisgender women, regardless of sexual orientation, were least likely, as compared to cisgender straight and gay men, to author legislation benefitting TNBI Californians, regardless of if said bills were written to be LGBTQ all-inclusive or expressly benefit TNBI constituencies and communities. I see several possible explanations for the lack of support among cisgender women. First, there are simply far fewer women in the California legislature than men, and women may have less opportunity to author bills. Second, given the size of the male population in the legislature, straight, cisgender men may experience "secondary transfer effects" (Tadlock et al. 2017). Moreover, relationships with cisgender gay male legislators may increase the likelihood of authoring legislation beneficial to LGB and TNBI constituencies. Third, and given the reluctance and refusal by some cisgender women to be TNBI inclusive, there may be latent and overt mechanisms of transphobia at play among some cisgender women legislators in California. It also may be possible that cisgender women legislators are offering passive support vis-à-vis vote share, which is an important avenue to explore in the ongoing analysis of TNBI rights and cisgender political support.

The qualitative portion entailed interviewing cisgender women, men, and TNBI political elites integral in the political processes, including and leading up to the passage of legislation. Therefore, I did not relegate participation in the interviews to legislators alone. Using purposive reputational sampling techniques, I recruited participants and sought out political elites with a public record and reputation for actively supporting TNBI rights. What the qualitative results show is that gender and sexual orientation are not predictors of TNBI support. Instead, those most knowledgeable and effective in supporting TNBI rights had specialized knowledge about what TNBI people themselves reported as the most significant barriers to political inclusion. The TNBI political elites who participated in this study indicated that inclusion into healthcare systems and being recognized and not discriminated against by insurance carriers, were the most pressing and prevalent concerns for discrimination and inclusion. When cisgender participants, regardless of sexual orientation, were experts in medical and insurance bureaucracy, they were most likely to be working substantively with and on behalf of TNBI Californians to reduce barriers to political inclusion.

Another key takeaway from the qualitative portion of this research was the denial of knowledge about transphobia, which was uniform among public-facing cisgender political elites, regardless of sexual orientation and cisgender identity. Not only was this pattern consistent, but the majority of non-public facing political elites interviewed, when asked the same question, tended to be emotional and vulnerable in their answers about transphobia and frequently gave candid answers about reckoning with internalized transphobia in their individual allyship formation processes. The juxtaposition in responses among public and non-public facing elites is stark and indicates that regardless of guaranteed anonymity, public-facing elites perhaps chose to save face with me. For elected officials, not

acknowledging transphobia may follow Mayhew's (1974) observation that since elected officials have the primary goal of reelection, they may steer clear of controversial topics. The same logic may be true for public-facing organizational leaders, who, while do not face reelection, are interested in protecting their reputation and that of their organization. Nonetheless, the lack of acknowledgment of transphobia among public-facing cisgender elites is disappointing. Recognition is a crucial component of support, and we cannot, individually and collectively, solve political problems if they are not named. Furthermore, one of the problems that marginalized groups face is lack of attention and when a group experiences intense discrimination, as do TNBI Americans, lack of acknowledgment is a form of neglect, which diminishes substantive representation.

The final key takeaway is the differences in the vision for the future of gender politics between cisgender and TNBI political elites. The vast majority of cisgender political elites who participated in the qualitative portion of this dissertation tended to believe that the political trajectory for TNBI political rights was on the up and up in the United States. While it is true that policies that positively affect TNBI Americans did increase in 2014, they decreased the following year and since there has been a dramatic surge in the introduction of policies at the state legislative level, which curtail and harm TNBI Americans' rights (Taylor et al. 2018; Transgender Law Center 2021). For TNBI political elites who participated in this dissertation research, in addition to ongoing concerns over political rights pertaining to healthcare and insurance access, the most pressing concern was the fear of political backlash. While TNBI participants tended to agree that people, especially more politically progressively people, are becoming increasingly aware and supportive of TNBI rights, TNBI participants uniformly agreed that the paltry TNBI political acceptance, formal and informal, is fleeting. They anticipated an adverse turn in the ongoing struggle to expand TNBI rights.

Unfortunately, the forecast of backlash by TNBI participants has come to fruition. During the research and writing of this dissertation, there have been some gains for TNBI rights in American politics. In California, legislation expanding the legal rights of TNBI Americans continues to advance (Bajko 2021). In terms of a federal response, the Judiciary affirmed the labor rights of TNBI Americans in the landmark case *Bostock v. Clayton County*. The Executive Branch has also reinstated TNBI inclusive statutes in the Affordable Care Act and in the military, which the Trump Administration had previously repealed. While the House of Representatives passed the Equality Act, which would amend the 1964 Civil Rights Act to prevent discrimination against cisgender LGB and TNBI Americans explicitly, the bill remains stalled in the Senate. Despite some positive developments, TNBI rights are fragile and are under threat. In 2021 alone, state legislatures across the United States introduced and enacted a record-breaking number of bills that aim to curtail the rights of and punish TNBI Americans. The surge in the anti-TNBI legislation is not anomalous. In fact, as soon as TNBI Americans became politically visible and won some marginal political gains, they have been met with backlash (Westbrook and Schlit 2014; Stone 2019; Wuest 2019; Murib 2020). Although the rate at which anti-TNBI bills have emerged in state legislatures is stunning, this is not without precedent. In light of anti-TNBI legislation, fears of backlash by TNBI participants is not surprising. On the other hand, it is astonishing that cisgender people, who consider themselves TNBI allies, did not also express fear of backlash.

My concluding remarks and recommendations draw on Dara Strolovitch's work and concepts laid out in *Affirmative Advocacy* (2007). In her text, Strolovitch finds that when minorized groups are working together for a common goal, that even when members share oppression (e.g., marginalization on the basis of gender identity and/or sexual orientation),

group members who are intersectionally disadvantaged do not reap the same political rewards or received the same representation as group members who have shared identity characteristics with the status quo. Because of these deficits, advocacy groups must take an affirmative stance in representing interests, which include centering the needs of intersectionally disadvantaged subgroups, promoting descriptive representation, and having evolving solidaristic commitments. Russell and Bohan (2016) warn allies must be extremely mindful not to tokenize minorized partners and that any type of performative allyship reinforces power dynamics among would be coalitional partners. Instead, allies should approach coalition-building from a mutually beneficial point of view and come to see the linkages in how institutionalized mechanisms of discrimination overtly oppress people. Therefore, "allies move toward positive change *with*, rather than *for*, the minority groups (Russell and Bohan 2016, p. 346). The principles of working with and not for are foundational for substantive representation. Hand in hand with Strolovitch's points of promoting descriptive representation and promoting the needs of groups members who are subject to high degrees of oppression, it is possible to build enduring coalitions among people whose identities are diverse but share the goal of enhancing the political standing of people who are oppressed because of sexual orientation and/or gender identity.

As I write this, there is an ongoing surge of formal political attacks at the federal and state level against TNBI and cisgender women (of diverse sexual orientations). For cisgender gay men, their rights are likewise few and far between and continue to be undermined by political actions which seek to limit identity-based civil rights and liberties. Of the scant gender and sexual-political rights that exist, rights in formal statutes are shared by the groups as mentioned above. Despite common threats, many cisgender people are only just becoming politically aware of their own gender identity. Burgeoning awareness

provides a possible explanation why some cisgender people, and even people who experience intense gender oppression, do not necessarily recognize the commonalities of the political mechanisms which entrench gender marginalization. Cisgender women and some men have experienced minoritization because of their biological sex, gender performance, and socioculturally ascribed gender roles should share a common goal: dismantling gender-based oppression to secure political rights. The way and degree to which individuals experience gender marginalization is contingent on race and ethnicity, sexuality, appearance, class, and geographic location. Yet, TNBI people of all gender identities and cisgender women and some cisgender men experience the denial of full citizenship rights because of institutionalized gender and sexual oppression. The political ordering of sex and gender has enabled the perception that non-heterosexual, non-cisgender male people are inferior, leading to the state's rationalization to deny and limit rights and liberties that would protect people because of sexuality and gender. Therefore, the next steps in research on gender politics, as well as in endeavors in coalition building, allyship, and representation, should uncover roots of shared oppression and identify locations of solidarity among and for people seeking to advance the rights and recognition of those who are at risk simply because of who we are.

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Appendix A

Project recruitment materials

Public Policy Organizations

I'm a PhD candidate at UCSB and my doctorate examines legislative and organizational coalition building across gender identities. I am particularly interested in talking with you about your role at XXX and your expertise in inclusive public policy. Please find a short project description and bio attached below.

I would like to conduct an in-person or phone interview with you. The interview will last about 30 minutes. If you are happy to be interviewed, I would, of course be happy to answer any questions about interview process and confidentiality so you feel comfortable talking with me.

Thank you in advance.

Sincerely,
Amanda

Letter to legislators

I'm a PhD candidate at UCSB and my doctorate examines legislation that serves constituents of diverse gender identities. I am particularly interested in talking with you about your efforts to reduce gender marginalization and your role in the passage of SB 179. Please find a brief project description and bio attached below.

I would like to conduct an in-person interview with you, in your office in your home district, by phone or, in a location of your choosing. The interview will last about 30 minutes. If you are happy to be interviewed, I would, of course be happy to answer any questions about the project and interview process so you feel comfortable talking with me.

Thank you in advance.

Sincerely,
Amanda

Letter to healthcare organizations

I'm a PhD student at UCSB and my doctorate examines the nexus of gender diversity and public healthcare policy in the United States. A primary focus of this work is to understand if public health care provisions, such as the Affordable Care Act, Title X, Medicaid and Medi-Cal are serving diverse populations. I am interested in, reproductive

justice, healthcare equality and equity for all people, including cisgender, trans and non-binary folks. Please find a short project description and bio attached below.

I would like to conduct an in-person interview with a person in your office or a location of your choosing. The interview will last between 30 and 60 minutes. If you are happy to be interviewed, I would, of course discuss issues of confidentiality and anonymity with you so that you feel comfortable talking with me.

Thank you in advance.

Sincerely,

Amanda

Letter to progressive, grassroots organizations

I'm a PhD student at UCSB and my doctorate examines the nexus of gender diversity and public healthcare policy in the United States. I am interested in individuals, political movements and organizations that are advocating for reproductive justice, healthcare equality and equity for diverse communities, including cisgender, trans and non-binary folks. Please find a short project description and bio attached below.

I would like to conduct an in-person interview with you, in your office or in a location of your choosing. The interview will last between 30 and 60 minutes. If you are happy to be interviewed, I would, of course discuss issues of confidentiality and anonymity with you so that you feel comfortable talking with me.

Thank you in advance.

Sincerely,

Amanda

Appendix B

Project Description and bio

Amanda Brush, doctoral thesis description

My dissertation research focuses on the dynamics of representation and the challenges of securing political rights for people of diverse gender identities in a political climate that is increasingly hostile towards cisgender women, transgender and non-binary Americans. The central areas of focus of this research is to examine how Americans are working together to build political alliances across and between gender identities, and the struggles to pass positive legislation for those who are subject to gender marginalization. To understand how gender-specific legislation is enacted at the state level across the United States, I am building a database of state legislative behavior, including voting and sponsorship activity of bills that effectively enhance or constrain gender specific citizenship rights. This database will be deeply enriched by obtaining in-depth interviews with legislators, organizational leaders, and community activists who are political advocates for gender inclusive citizenship rights. Interviews with leaders in these communities are key to understanding the challenges of championing gender rights, to identify locations of coalition building, solidarity and political successes of movements and people working together to support gender inclusivity in the United States. Funded by the University of California Humanities and Social Sciences Grant, the overall goal of this project is to contribute to scholarly endeavors that seek to understand state mechanisms that enable equal access to gender rights, as well as to support public policy and existing efforts to enhance the rights and protections for Americans across gender identities.

Amanda Brush, bio

Amanda Brush is a PhD candidate in the Department of Political Science, at the University of California, Santa Barbara. Her scholarly expertise spans American politics, federalism and public policy. Amanda is concurrently pursuing a designated emphasis in Feminist Studies, with a focus in reproductive justice. Amanda is a passionate feminist-activist scholar, who has a vested interest in designing and conducting research that bridges the academic and public divide. Her aim is to produce research and scholarship that speaks to a broad audience and contributes to efforts to increase knowledge about complex political problems, with the end goal of serving marginalized communities through the practical application of community driven research. Amanda first started engaging in community based activism as an AmeriCorps volunteer in 2000 in Austin, Texas, working at a health clinic at an inner city high school. In Texas, she was also an active volunteer with the Inside Books

Project, corresponding with and providing educational and civil rights resources to incarcerated women across the county. Amanda returned to her native Northern California in 2007 to complete her college education at Mills College, earning Bachelor of the Arts in Sociology in 2009. She and her spouse, Seth, relocated from Lake Tahoe to Santa Barbara in 2013, so that Amanda could pursue her life-long dream of engaging in community-based

activist research and scholarship. In her spare time, Amanda loves to spend time outdoors with Seth, who is a legendary rock climber. Amanda also enjoys cooking, spending time with her cats and houseplants, swimming in the ocean and unsuccessfully attempting to craft.

Appendix C

General interview guide for legislators

1. You are a member of the California Legislative Women's Caucus. Can you talk to me a little bit about the history of the women's caucus and what inspired you to join?
2. Does membership to the women's caucus facilitate work, such a bill sponsorship and support, across party lines?
3. As a member of the women's caucus, do you find yourself working with legislators may not work with otherwise?
4. You are a coauthor of SB 179. Can you tell me a little bit more about the coauthoring process?
5. Can you tell me about how you became a coauthor of SB 179?
6. There was a lot of support by way authorship and positive support for SB 179 among the majority of members of the women's caucus. Why do you think that SB 179 was important for so many members of the women's caucus?
7. What are some ways that you, as a cisgender woman, are serving constituents of diverse gender identities?
8. How do you think that legislators can further enhance the rights for constituents of people who have been marginalized because of their gender?
 1. How do you think legislators can enhance the rights for women of color?
 2. What about trans people who have experienced sex and gender marginalization?
9. SB 179 was sponsored by Equality California and the Transgender Law center. Can you tell about the process of working with these interest groups to pass SB 179?
10. According to Equality California, SB 179 also received a lot of positive support from American Congress of Obstetricians and Gynecologists, Planned Parenthood, and California Latinas for Reproductive Justice. All of these groups have traditionally served cisgender women. Why do you think that it is important groups like these decided to support SB 179?
11. There has been in recent years an increase in the visibility of transgender Americans. What do you think has caused this shift?
12. There has been, and still is in some areas, a reluctance for some people in the women's movement to support transgender rights. How do you think the support for trans rights can be encouraged among cisgender women?
13. How can cisgender women and trans communities build political coalitions and partnerships?
14. In your opinion, what are some shared interests between cisgender women and transgender Americans?
15. Do you identify as a feminist?
16. What does feminism mean to you?

17. Do you have any questions for me?
18. Is it alright if I contact you with any follow-up questions?

General guide for LGBTQ+ serving organizations

1. Tell me about your work with XXX
2. What was your role (such working with authors, getting legislators to support the bill) in the passage of SB 179?
 - a. What was the most challenging aspect of its passage from your point of view?
3. From your point of view as a lobbyist and activist, how does an issue, such as gender equality, become legislation?
4. Why do you think it is necessary for people to build coalitions across gender identities and sexual orientations?
5. What do you think causes people to build coalitions across genders, such as with the support, passage and authorship of SB 179?
6. According to a press release from Equality California, SB 179 also received a lot of positive support from American Congress of Obstetricians and Gynecologists, Planned Parenthood, and California Latinas for Reproductive Justice. All of these groups have historically served cisgender women, and perhaps more specifically, heterosexual cisgender women. Why do you think that it is important groups like these decided to support SB 179?
7. Do you think that there are shared political goals between trans, non-binary and cisgender women?
 - a. What about in terms of commonalities in the quest to end gender discrimination and marginalization?
8. The relationship between some members of cisgender women and/or feminist communities with trans people and communities has at times been fraught. Have you witnessed or experienced tension between these communities?
 - a. Are you comfortable telling me more?
9. There appears to have been an increase in the political and social visibility of transgender people recently. What do you think has led to the increases in visibility of transgender people and communities?
10. Do you think that the increase in awareness of the political, social and economic struggles of trans and non-binary people has led to an increase in support of trans people, specifically by cisgender women?
 - a. Have you witnessed an increase in support and concern for trans issues among cisgender women?
 - b. If so, what do you think has caused this shift?
11. How can trans Americans and cisgender women do to build political coalitions and partnerships?
 - a. What can cisgender women seeking to build coalitions with trans people do to better support trans people who they wish to partner with?

12. Do you have anything else that you would like to add that was not addressed in my questions?
13. Do you consider yourself to be a feminist?
14. What does feminism mean to you?
15. Do you have any questions for me?
16. Would it be okay for me to contact you with follow-up questions?

General questions for organizations which historically have represented cisgender

women

1. Why is comprehensive reproductive healthcare important?
2. In your opinion, what does “reproductive healthcare” encompass?
3. Do you think that there are any aspects of reproductive healthcare that do not receive enough of attention?
4. What do you think is the biggest obstacle for people seeking reproductive healthcare?
5. There seems to be an increase in political attacks against reproductive healthcare.
 - a. How do you feel about this?
6. Do you predict that political attacks against reproductive healthcare and women’s healthcare will continue and potentially intensify?
 - a. In the current political climate, do you think less people will be able to access necessary reproductive healthcare?
7. What do you think can be done to reduce legislative or political threats to accessing reproductive health care?
 - a. What can individual citizens do in this fight?
 - b. What can elected officials do to support people seeking reproductive healthcare?
8. There appears to have been an increase in the political and social visibility of transgender people recently. What do you think has led to the increases in visibility of transgender people and communities?
9. From my vantage point as a pro-choice cisgender woman, there seems to be some anxiety over language, such as the correct use of pronouns, that may make some women reluctant to engage with and be openly supportive of trans issues.
 - a. Not necessarily related to language, have you experienced or witnessed any reluctance to engage with trans issues?
 - b. What do you think are some of the reasons for some people, and not just limited to pro-choice women, to fully engage with or support trans issues?
10. Although some may be reluctant to openly engage with trans issues, there also seems to have been an increase in support, specifically by pro-choice cisgender women, for trans issues.
 - a. Have you witnessed an increase in support and concern for trans issues among pro-choice cisgender women?

- b. If so, what do you think has caused this shift?
11. What do you think can be done to enhance reproductive healthcare services for transgender people?
12. What commonalities do you think that cisgender women and trans people have in terms of difficulties and marginalization in accessing comprehensive reproductive healthcare?
13. In your view, is it possible for trans and pro-choice movements do to build coalitions around healthcare access?
 - a. Have you witnessed any coalition building around reproductive justice among people of diverse gender identities?
14. Do you consider yourself to be a feminist?
 - a. If so, what does being a feminist mean to you?
15. Do you have anything to add that was not addressed in my questions?
16. Do you have any questions for me?
17. Would it be alright if I contact you with any follow-up questions?

General questions for bureaucratic and legislative insiders

1. How did you become XXX legislative director?
2. Can you describe the fruition of (assembly bill or senate bill)?
 - a. How did it go from being an issue to becoming a bill?
3. Can you tell me about the process of working with interest groups in the passage of (assembly or senate bill)
4. From your point of view, what was the most challenging part of spearheading the passage of (assembly or senate bill)?
5. The bill got a lot of support from women in the Legislative Women's Caucus.
6. What do you think causes legislators to build coalitions across genders, such as with the authorship and legislative support for bills like (assembly or senate bill)?
7. What do you think legislators (at the state and local level) can do to better represent constituents whose sexual orientations and gender identities may not align with their own?
8. According to a press release from Equality California, (assembly or senate bill) also received a lot of positive support from American Congress of Obstetricians and Gynecologists, Planned Parenthood, and California Latinas for Reproductive Justice. All of these groups have historically served cisgender women.
 - a. Why do you think these groups supported (assembly or senate bill)?
9. Why do you think that it is important groups like these decided to support (assembly or senate bill)?
10. Do you think that there are shared political goals between trans, non-binary and cisgender women?
11. What about in terms of commonalities in the quest to end gender discrimination and marginalization?
12. There appears to have been an increase in the political and social visibility of transgender people recently. What do you think has led to the increases in visibility of transgender people and communities?

13. The relationship between some members of cisgender women and/or feminist communities with trans people and communities has at times been fraught. Have you witnessed or experienced tension between these communities?
 - a. Are you comfortable telling me more?
14. I am aware that this may be influenced by my own political position and location, but there seems to be an increase in support of political issues faced by trans Americans by some cisgender women.
 - a. Have you witnessed an increase in support and concern for trans issues among cisgender women?
 - b. If so, what do you think has caused this shift?
15. How can trans Americans and cisgender women do to build political coalitions and partnerships?
16. Do you self-identify as a feminist?
17. Do you have anything else that you would like to add that was not addressed in my questions?
18. What projects are you currently working on?
19. Do you have any questions for me?
20. Would it be okay for me to contact you with follow-up questions?

Appendix D

List of bills analyzed

Bills which include the entire LGBTQ political coalition

1. 1. Cal Legis. Assemb. AB 2294. Reg. Sess. 2001-2002 (2002).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200120020AB2294
2. Cal Legis. Assemb. AB 550. Reg. Sess. 2005-2006 (2005).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB550
3. Cal Legis. Assemb. AB 1102. Sess. 2005-2006 (2006).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB1102
4. Cal. Legis. Sen. SJR 11. Sess 2005-2006 (2005).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SJR11
5. Cal Legis. Assemb. AB 2920. Sess. 2005-2006 (2006).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2920
6. Cal. Legis. Sen. SB 1062. Sess. 2005-2006 (2006).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060SB1062
7. Cal Legis. Assemb. AB 102. Sess. 2007-2008 (2007).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB102
8. Cal Legis. Assemb. AB 299. Sess. 2007-2008 (2007).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB299
9. Cal Legis. Assemb. AB 394. Sess. 2007-2008 (2007).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB394
10. Cal. Legis. Sen. SJR 6. Sess. 2007-2008 (2007).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SJR6
11. Cal. Legis. Sen. SB 1729. Sess. 2007-2008 (2007).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB1729

12. Cal Legis. Assemb. AB 1003. Sess. 2009-2010 (2009).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB1003
13. Cal Legis. Assemb. AJR 11. Sess. 2009-2010 (2009).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AJR11
14. Cal. Legis. Sen. SB 13. Sess. 2009-2010 (2009).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920103SB13
15. Cal. Legis. Sen. SB 273. 2009-2010 (2009).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB273
16. Cal. Legis. Sen. SB 572. 2009-2010 (2009).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB572
17. Cal Legis. Assemb. AJR 13. . 2009-2010 (2010).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AJR13
18. Cal. Legis. Sen. SB 110. 2009-2010 (2010).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB110
19. Cal. Legis. Sen. SJR 9. 2009-2010 (2010).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SJR9
20. Cal. Legis. Sen. SJR 28. 2009-2010 (2010).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SJR28
21. Cal Legis. Assemb. AB 620. 2011-2012 (2011).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB620
22. Cal Legis. Assemb. AB 673. 2011-2012 (2011).
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Appendix E

Amanda Brush, consent form

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF POLITICAL SCIENCE

SANTA BARBARA, CALIFORNIA 93106-9420
(805) 893-3431, Department
(805) 893-3309, FAX

What the study is about: 1) To examine state protections, and the lack thereof, for constituencies of diverse gender identities 2) to identify roadblocks and successes in political and legislative processes in securing rights and recognition of people who have been marginalized due to gender 3) to provide policy recommendations to governmental and policy organization who seek to support gender equity and equality. This project is funded by the University of California Santa Barbara through the Graduate Division Humanities and Social Sciences Research Grant.

What I will ask you to do: If you decided to participate in this study, we will conduct an interview, which should take about an hour. With your permission, this interview will be audio recorded. You can change your mind at anytime about being involved in this study or not and not to answer any questions. I may ask permission to contact you for a follow up interview.

Your answers will be confidential. All of the information that I obtain from you during the research will be kept confidential. Audio recordings will be kept until the end of research and will not be shared with any other researchers. If there is any risk for you being exposed, your identity will not be disclosed in transcription, data analysis or write up. Data, including audio recordings, transcripts of recording and analysis of interview transcripts will stored securely on an encrypted laptop that requires a password for entrance. All of the data I collect will not be publicly linked to your identity in any way, unless you choose to be identified. If you choose to be identified, I may use your identifying characteristics in the written dissertation. Once the interview has been transcribed I will submit a copy of the transcript to you upon request. Absolute confidentiality cannot be guaranteed, since research documents are not protected from subpoena.

Taking part is voluntary: Taking part in this study is completely voluntary. You may skip any questions that you do not want to answer. If you decide to take part, you are free to withdraw at any time.

If you have questions: Please contact:
Amanda Brush, Doctoral Candidate
(510)289-2706
amandabrush@umail.ucsb.edu

Professor Pei-te Lien
plien@polsci.ucsb.edu

You are welcome to contact either of us at any point in the future with questions about this research project.

You will be given a copy of this form to keep for your records.

Statement of Consent: I have read the above information, and have received answers to any questions I asked. I consent to take part in the study.

Your Signature _____ Date _____

Your Name (printed) _____

