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LGBTIQ politics

How the "bathroom bills" feed bigotry

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They mouth support for the victims in Orlando, but weeks earlier, many political leaders were backing anti-LGBTQ legislation.

Political leaders in Florida and across the country, Republican and Democrats alike, are expressing their horror and outrage at the unbelievable act of anti-LGBTQ violence at the Pulse nightclub in Orlando on June 12.

Republican Florida Gov. Rick Scott joined in the mourning for victims of the mass shooting that took 49 lives and injured many dozens more—a murder spree that began on the dance floor in a place they considered a refuge from bigotry in the early morning hours of June 12.

But while politicians like Scott have decried the massacre, they don't acknowledge the connections between anti-LGBTQ violence and the discrimination that LGBTQ people face every day, often legalized by laws these politicians wrote and support.

It's rank hypocrisy for them to stand among the families and friends of the slain at Pulse when, just a month earlier, they were opposing same-sex marriage or supporting so-called "bathroom bills." These bills have a very real effect, re-enforcing anti-LGBTQ stereotypes and consigning LGBTQ to second-class status.

After spending the first day concentrating on blaming ISIS for the massacre, and not even saying the words "gay" or "LGBT," Scott finally denounced the anti-LGBTQ attack, as he visited a memorial on Tuesday. But he obviously sees no connection with the violence at Pulse and the anti-LGBTQ scapegoating that he and other politicians use to score political points with the right.

Scott is a long-time opponent of same-sex marriage and fought hard to preserve a state ban, which was adopted by voters in 2008 but then ruled unconstitutional by a federal court in 2014. Scott appealed the court's decision and lost. This March, he signed into law a so-called "pastor protection" bill with language that specifies clergy don't have to marry same-sex couples.

Florida is among more than a dozen states where legislators attempted to pass discriminatory bills that bar transgender people from using bathrooms and locker rooms that match their gender identity—and that restrict public bathrooms by "biological sex."

When the Obama administration announced guidelines calling on U.S. public schools to allow transgender students to use bathrooms and locker rooms that match their gender identity, conservative legislators in several states tried to get the order overturned.

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The biggest battleground for these so-called "bathroom bills" is in North Carolina.

On March 23, Gov. Pat McCrory signed into law the Public Facilities Privacy and Security Act, better known as House Bill 2 (HB 2), the most far-reaching and discriminatory anti-transgender law in the country.

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The law has several components. First, it prohibits city governments from passing anti-discrimination laws that override state legislation—specifically overturning a recent ordinance passed in Charlotte banning discrimination against LGBTQ people.

Second, it mandates that all public schools require people to use the bathroom that aligns with the sex indicated on their birth certificate. Third—and this has been the most overlooked feature of the bill—it prohibits cities from raising the minimum wage above the current state level.

With the Charlotte ordinance about to come into effect, Republican lawmakers rushed HB 2 into law in a special session, giving legislators and the public no time to review it. Every Republican and 11 Democrats voted in favor of the bill in the House. In protests against the GOP's maneuvering, Senate Democrats walked off the floor, and HB 2 passed unanimously.

McCrory and his Republican colleagues have deployed a slew of vile transphobic rhetoric to justify their bigotry and discrimination, claiming that trans people are "deranged" and that anti-discrimination laws are nothing but a cover for predators to victimize women and children.

This, of course, is a total lie. There have been zero reported cases of trans people assaulting women or children in bathrooms. However, there have been countless cases of trans people being verbally harassed, physically assaulted and even killed in bathrooms.

In the most recent national Transgender Discrimination Survey report, 63 percent of respondents reported experiencing a serious act of discrimination in their lifetime, and according to a 2013 Williams Institute report, 70 percent of trans people report being denied entrance, harassed or assaulted while trying to use the restroom.

In addition to codifying discrimination and second-class citizenship, North Carolina's bill whipped up a climate of transphobia and gave confidence to the worst forms of bigotry.

This climate has had a clear effect. Trans Lifeline, a crisis hotline for transgender people in North Carolina, has reported a 150 percent increase in calls since last month when the bill passed. Many young people calling in report feeling like they have "lost hope" that things will get better for them.

Transphobia kills, and Gov. McCrory and every legislator that played a role in passing HB 2 has blood on their hands.

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Many people are asking: Why now? With the Supreme Court legalizing same-sex marriage, the growing cultural visibility of trans people and legal victories for trans rights, North Carolina's law seems like a relic from a bygone era. But around the country, anti-transgender laws continue to rear their ugly heads.

Lawmakers in 15 other states, including South Carolina, Tennessee, Kansas, Illinois and Minnesota, took up so-called bathroom bills this year, with North Dakota passing one in February that was vetoed by the governor.

On one level, these laws are an attempt by the Religious Right to create new scapegoats in a period of increasing austerity and budget cuts. Nothing makes this connection more clear than HB 2's restriction on raising the minimum wage.

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North Carolina has become a haven for companies looking for low-wage, nonunionized labor. Over the past 30 years, North Carolina has attracted businesses by implementing neoliberal economic policies that have lowered taxes on corporations and the rich, while doling out huge sums of government subsidies.

One of the ways the state has accumulated money is by remodeling the tax structure and shifting the burden onto workers and the poor in the form of an increasing sales tax. The state has also worked hand in hand with corporations to keep wages low and shut out unions, making North Carolina's union membership rate the lowest in the country. Just 1.9 percent of wage earners in a union—meanwhile, more than 1.7 million people, or about 20 percent of the population, lives in poverty.

In a society with such extreme inequality, it's necessary to divide working-class and poor people who would otherwise have everything in common with one another.

Scapegoating oppressed groups for society's ills—whether it be LGBTQ people, people of color, immigrants, public-sector workers, Arabs and Muslims or any other marginalized group—has been a longstanding tactic of the American ruling class to maintain its rule by fragmenting the majority and redirecting class anger away from the economic and political elites responsible for engineering exploitation and oppression.

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Thankfully, HB 2 has been met with widespread opposition in North Carolina and nationally, an indication that the struggle for trans rights is at a critical turning point.

Contrary to what some on the left have argued, the legalization of marriage equality and the movement it took to win it played a big part in kicking down social prejudice and paving the way for the widespread support for trans rights taking place today.

Even Corporate America and the White House have felt the pressure to come out against HB 2. Eager to distance themselves from open bigotry—and any potential financial losses a boycott might cause—more than 120 "leading business leaders and CEOs" signed an open letter sponsored by the Human Rights Campaign in opposition to HB 2. Among the signers were Facebook founder Mark Zuckerberg, Yahoo CEO Marissa Mayer, Starbucks CEO Howard Schultz and Apple CEO Tim Cook.

The Obama administration's Department of Justice filed a federal lawsuit against North Carolina for civil rights violations, and Attorney General Loretta Lynch pledged to stand behind trans people in their fight for progress.

This shows that the "bathroom bills" are a maneuver—and a not particularly effective one—for the Religious Right to regain ideological ground in a culture war it's been badly losing over the past decade.

The Obama administration issued its guidelines for public school bathrooms in large part as a result of years of protest and organizing in support of LGBTQ rights, including all the federal rights that come as a result of equal marriage. The hard work of grassroots activists played a key role in changing the broader public discussion over LGBTQ rights and shifting more people in favor of equality.

The Obama administration likely would have done nothing had activists not put their feet to the fire.

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The widespread support to overturn HB 2 is a watershed moment in the fight for trans equality. Overturning HB2 will be a major win for the LGBT movement, but the fight has to extend beyond North Carolina.

Trans people still lack federal protection from discrimination in employment, housing and public accommodations and face disproportionately high rates of unemployment, poverty, homelessness and incarceration. Bathroom access is just the tip of the iceberg.

But activists can't wait for change to come from the corporate boardroom or halls of Congress. The only remedy for overturning HB 2 and winning full equality and social justice for trans people will be through building on the solidarity and struggle on display in the streets of North Carolina and extending it nationwide.

In the aftermath of the Orlando massacre, we can see the devastating effects of bigotry and anti-LGBTQ scapegoating. But as thousands of people come together in vigils and gatherings to condemn the attack, we are also seeing the possibility for building solidarity and resistance in the face of this bigotry.

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