

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.)	
)	
Plaintiffs,)	
v.)	Case No. 17-cv-02459
)	
DONALD J. TRUMP, et al.)	
)	
Defendants.)	
)	

**PLAINTIFFS’ MOTION FOR PERMISSION FOR PLAINTIFF JOHN DOE
TO PROCEED UNDER PSEUDONYM, AND TO OMIT INDIVIDUAL
PLAINTIFFS’ HOME ADDRESSES FROM CAPTION**

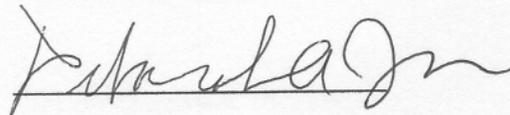
Plaintiffs Brock Stone, Kate Cole, John Doe, Seven Ero George, Teagan Gilbert, and Tommie Parker (together, the “Individual Plaintiffs”), and the American Civil Liberties Union of Maryland, Inc., by their attorneys, hereby move for permission to permit Plaintiff John Doe to proceed under pseudonym, and for permission to omit the Individual Plaintiffs’ home addresses from the caption in their Complaint, notwithstanding Local Rule 102.2(a). The grounds for this Motion are set forth in the accompanying memorandum. A proposed order is attached.

Dated: August 28, 2017

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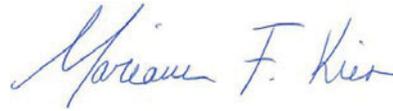
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† Admitted to the Bars of Pennsylvania and New Jersey, admission to the Bar of the District of Columbia pending; and supervised by the principals of the firm.

CERTIFICATE OF SERVICE

I hereby certify that, on August 28, 2017, a copy of the foregoing document was served on all named Defendants, via First Class Mail.

A handwritten signature in blue ink that reads "Marianne F. Kies". The signature is written in a cursive style with a horizontal line underneath it.

Marianne F. Kies, Bar No. 18606

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**PLAINTIFFS’ MEMORANDUM IN SUPPORT OF MOTION FOR PERMISSION
FOR PLAINTIFF JOHN DOE TO PROCEED UNDER PSEUDONYM, AND TO
OMIT INDIVIDUAL PLAINTIFFS’ HOME ADDRESSES FROM CAPTION**

As described in further detail in the Complaint, Individual Plaintiffs are transgender individuals serving in various branches of the United States armed forces. *See* Declarations of Individual Plaintiffs in Support of Motion for Permission to Omit Individual Plaintiffs’ Home Addresses From Caption (together, “Pls. Decls.”) at ¶ 1. Prior to the Department of Defense’s 2016 directive permitting transgender service members to serve openly in the military (the “Open Service Directive”), the Individual Plaintiffs were required to conceal their gender identity and transgender status in order to pursue careers serving in the armed forces and protecting and defending the United States of America. Pls. Decls. at ¶ 2. The Open Service Directive provided Individual Plaintiffs with the opportunity to identify themselves as transgender to military personnel and formally seek medically necessary and recommended treatment in relatively safe and private environments.

Research shows that transgender individuals face high rates of harassment just because they are transgender. Approximately 54% of transgender individuals experience verbal harassment, and 84% of victims reported that their gender identity was the reason for the verbal

harassment. *See* Exhibit A to the Declaration of Chase Strangio in Support of Motion to Permit John Doe to Proceed Under Pseudonym and to Omit Individual Plaintiffs' Home Addresses From Caption (the "Strangio Decl.") at 198-199. Similarly, a comprehensive study of over 25,000 transgender individuals showed that 13% of survey respondents had experienced physical violence at some point in their lifetime and 66% of those individuals identified their transgender status as the cause of the violence. *See* Strangio Decl. (Ex. A) at 202-203. In the same survey, 47% of respondents reported experiencing sexual assault at some point in their lives. *See* Strangio Decl. (Ex. A) at 205. Indeed, an August 2017 study found a 29% increase in LGBTQ-related hate violence and homicides from 2016 to 2017, with transgender women as a particular target. *See* Strangio Decl. (Ex. B) at 6. These crimes based on victims' gender identity and sexual orientation continue to rise. *See* Strangio Decl. (Ex. B) at 6. The risks that Individual Plaintiffs face are compounded here by the nature of this lawsuit, which challenges a highly-publicized and politically charged action of President Donald J. Trump at a time that politically motivated violence and bias crimes are on the rise.

I. Plaintiff John Doe should be permitted to proceed under pseudonym

Courts in the Fourth Circuit have recognized that the public has an "important interest in open judicial proceedings." *Doe v. Public Citizen*, 749 F.3d 246, 273 (4th Cir. 2014). However, "compelling concerns relating to personal privacy or confidentiality may warrant some degree of anonymity in judicial proceedings, including use of a pseudonym." *Id.* at 273. In determining whether to allow a party to proceed under a pseudonym, a court must balance "the party's stated interest in anonymity against the public's interest in openness and any prejudice that anonymity would pose to the opposing party." *Id.* at 274. To assist with this inquiry, the Fourth Circuit has identified the following non-exhaustive list of relevant factors: "(1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend

any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; (3) the ages of the persons whose privacy interests are sought to be protected; (4) whether the action is against a governmental or private party; and (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.” *James v. Jacobsen*, 6 F.3d 233, 238 (4th Cir. 1993). Noting that transgender individuals face particular societal stigma, courts have considered a person’s transgender status and gender identity to be important factors in permitting plaintiffs to proceed anonymously. *See Bd. of Educ. of the Highland Local School District v. U.S. Dep’t of Educ.*, No. 2:16-CV 524, 2016 WL 4269080, at *5 (S.D. Ohio Aug. 15, 2016) (*citing Doe v. Frank*, 951 F.2d 320, 324 (11th Cir. 1992); *Doe v. Blue Cross & Blue Shield of R.I.*, 794 F. Supp. 72, 72-74 (D.R.I. 1992) (“a transsexual, plaintiff’s privacy interest is both precious and fragile, and this Court will not cavalierly permit its invasion.”)). These factors weigh heavily in favor of Plaintiff Doe’s motion to proceed under pseudonym.

Plaintiff John Doe is specifically concerned with his own safety, as well as the safety of his girlfriend and her family, all of whom live in Arkansas, and his own family members, who live in Texas. *See Declaration of John Doe in Support of Motion to Permit John Doe to Proceed Under Pseudonym, and to Omit Individual Plaintiffs’ Home Addresses From Caption* (the “Doe Decl.”) at ¶¶ 5-8 (filed under seal). Arkansas is regarded as one of the most anti-transgender states in the country. The state has no formal legal protections for individuals who are transgender, and in 2017 alone, Arkansas lawmakers introduced several pieces of legislation that targeted transgender individuals and sought to effectively make it “illegal to be transgender” in the state. *See Strangio Decl. (Ex. C)*. Texas, where John Doe’s family resides, is also a state

extremely hostile to transgender individuals. *See* Doe Decl. at ¶ 8. Plaintiff John Doe is further concerned about the impact that pursuing this litigation will have on his career. John Doe is 25 years old and intends to serve a full 20 years. *See* Doe Decl. at ¶ 3. John Doe fears that being named in this litigation will cause him to suffer humiliation and unjust roadblocks in his career. *See* Doe Decl. at ¶ 8. He is also interested in pursuing defense contracting, and if he is separated because he is transgender or that information becomes public after his retirement, he is concerned that it would negatively impact his job prospects in that field. *See* Doe Decl. at ¶ 8.

Threats of harassment and violence favor allowing John Doe to proceed with anonymity. *See Doe v. New Ritz, Inc.*, No. WDQ-14-2367, 2015 WL 4389699, *2 n.12 (citing *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir., 1981) (threats of harassment and violence favored anonymity)). If John Doe's identity becomes publicly available by virtue of this litigation, his safety, as well as the safety of his girlfriend and her family, as well as his own family, will be jeopardized. John Doe will also suffer serious harm to his career and job prospects.

Additionally, permitting John Doe to proceed anonymously recognizes the right of transgender individuals to maintain medical confidentiality in light of the increased hostility they often face. *See Powell v. Schriver*, 175 F.3d 107, 111-12 (2d Cir. 1999) ("individuals who are transsexuals are among those who possess a constitutional right to maintain medical confidentiality [because] transsexualism is the unusual condition that is likely to provoke both an intense desire to preserve one's medical confidentiality, as well as hostility and intolerance from others.").

Conversely, there is no risk of prejudice to the opposing parties in this matter, particularly since the Defendants are federal government agencies and officials, and Doe's identity has no bearing on Defendants' ability to address the legal issues raised in this case. *E.W. v. N.Y. Blood Center*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003) ("where a plaintiff attacks governmental activity, for

example a governmental policy or statute, the plaintiff's interest in proceeding anonymously is considered particularly strong.”). For these reasons, Plaintiffs respectfully request that the Court permit John Doe to proceed under pseudonym in this action.

II. Individual Plaintiffs’ addresses should be omitted from the case caption

Local Rule 102.2(a) provides in part that the case caption of the original complaint “shall contain the names and addresses of all parties and the county of residence of any Maryland party.” The counties of residence of Maryland parties are included in the caption of the Complaint. However, Individual Plaintiffs fear that including their personal addresses on the public record, available to any person with access to PACER or other source of litigation filings, including public news sources that are likely to take interest in this action, presents particular risks in light of the widespread harassment and violence against transgender individuals, and the reported rise in hate crimes and politically motivated violence taking place in the United States at this time.

The general principles that apply to filing under a pseudonym similarly apply to the Individual Plaintiffs’ request to omit their home addresses. *See Public Citizen*, 749 F.3d at 273 (“in exceptional circumstances, compelling concerns relating to personal privacy or confidentiality may warrant some degree of anonymity in judicial proceedings”). The factors set forth in *James* support omitting Individual Plaintiffs’ addresses in this matter. Providing their home addresses in the caption will dramatically increase the scope of potential harassment and violence directed at Individual Plaintiffs and their families, merely for their efforts to enforce the rights they were promised, and on which they relied, when they first identified themselves as transgender to military personnel. Individual Plaintiffs fear that publicly listing their home addresses in the case caption will expose them and their families to a high risk of harassment, violence, or other injury. Pls. Decls. at ¶¶ 3-4. Individual Plaintiffs wish to omit information not

to avoid criticism, but to preserve the sensitive and private nature of their home addresses, especially in light of the risk of harassment and violence to Individual Plaintiffs and their innocent family members that this litigation presents. Courts have recognized that threats of harassment and violence especially favor anonymity. *See New Ritz, Inc.*, No. WDQ-14-2367, 2015 WL at *2 n.12 (citing *Stegall*, 653 F.2d at 186). In light of both the history of harassment and violence experienced by transgender Americans, and the particular passions that may be inflamed in a high-profile lawsuit against President Trump, Individual Plaintiffs' concerns are well-founded, and their request for the modest relief of omitting their home addresses from the case caption is a reasonable one.

There is also no risk of prejudice to the opposing parties in this matter. Plaintiffs, through their counsel, are willing to provide Individual Plaintiffs' home addresses to Defendants' counsel, if they request it and provide adequate assurances against public disclosure. Plaintiffs are also prepared to file a version of the caption listing the Individual Plaintiffs' home addresses under seal, if the Court wishes.

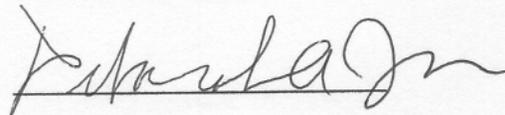
For these reasons, the motion should be granted.

Dated: August 28, 2017

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† Admitted to the Bars of Pennsylvania and New Jersey, admission to the Bar of the District of Columbia pending; and supervised by the principals of the firm.

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DECLARATION OF CHASE STRANGIO IN SUPPORT OF MOTION FOR PERMISSION FOR PLAINTIFF JOHN DOE TO PROCEED UNDER PSEUDONYM, AND TO OMIT INDIVIDUAL PLAINTIFFS' ADDRESSES FROM CAPTION

I, Chase Strangio, depose and say as follows:

1. I am a staff attorney with the LGBT & HIV Project of the American Civil Liberties Union, and I represent Individual Plaintiffs Brock Stone, Kate Cole, John Doe, Seven Ero George, Teagan Gilbert, and Tommie Parker in this action.
2. Through my professional and personal experiences, I have developed expertise in the societal treatment of individuals who are transgender.
3. Transgender individuals face staggering rates of harassment and violence, and are more likely to experience discrimination and stigma than other individuals.
4. Attached hereto as **Exhibit A** is a true and correct copy of certain portions from the "2015 U.S. Transgender Survey" published by the National Center for Transgender Equality in December 2016, which reflects the high rates at which transgender individuals face harassment and violence.
5. Attached hereto as **Exhibit B** is a true and correct copy of certain portions from "A Crisis of Hate: A Mid Year Report On Lesbian, Gay, Bisexual, Transgender, and Queer Hate Violence Homicides" published by the National Coalition of Anti-Violence Programs in August

2017, which describes the high rates at which men and women who are transgender and other gender non-conforming individuals face violent homicide.

6. In addition to continuing harassment and violence against transgender individuals, the United States is currently experiencing an increase in violence motivated by bias and political disagreements.

7. As a result of these factors, Individual Plaintiffs would face a significant risk of retaliation, harassment, and violence if their home addresses were publicly filed in connection with this litigation against President Trump.

8. There are particularly high rates of discrimination against transgender individuals in southern states like Arkansas and Texas. During the 2017 legislative session, lawmakers in Arkansas and Texas considered a slate of bills targeting transgender individuals for discrimination. The bills themselves and the debate surrounding them, exposed extensive hostility toward and fear of transgender individuals in those states.

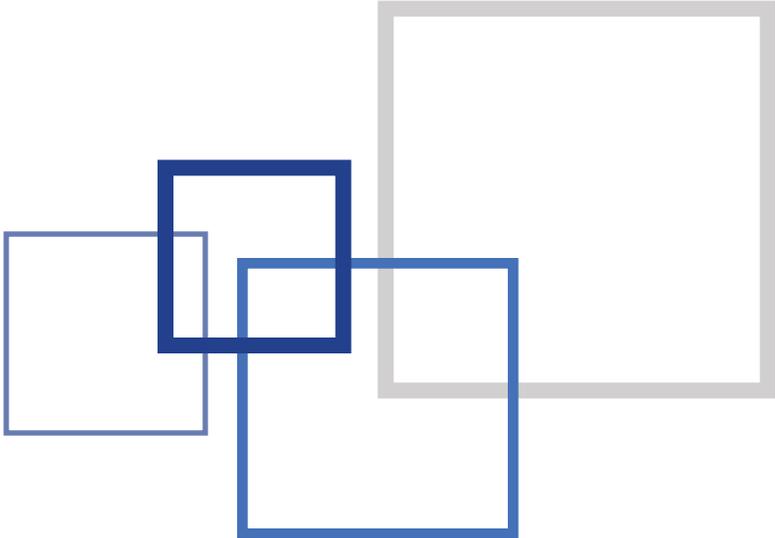
9. To highlight the type of legislation that has been introduced in states across the country, attached hereto as **Exhibit C** is a true and correct copy of “A perfect storm of hate: These Republican bills in Arkansas would make it ‘illegal to be transgender’”, published by Salon.com in March 2017, which details the Arkansas senate bill requiring people to use restrooms corresponding with the gender assigned to them at birth; the Arkansas house bill intending to expand indecent exposure laws to target transgender individuals’ restroom use; and the Arkansas house bill targeting the restroom use of transgender students in public schools.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of August, 2017.


Chase Strangio

Exhibit A



THE REPORT OF THE

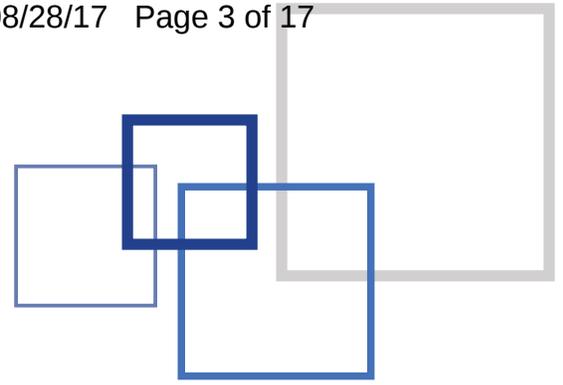
2015

U.S.

TRANSGENDER

SURVEY





CHAPTER 15

Harassment and Violence

The freedom to participate in public life without fear of discrimination, harassment, and violence has been shown to have wide-ranging impacts on health, economic stability, and other key aspects of life.¹ Transgender people, however, are often vulnerable to mistreatment in public spaces, resulting in barriers to civic and economic participation.² Transgender people also face high rates of violence, including physical attacks, sexual assault, and intimate partner violence.³

Respondents were asked about their experiences in the past year with unequal treatment or service⁴ in businesses, government agencies, and other public places (more broadly than just in public accommodations, which are covered in the *Places of Public Accommodation and Airport Security* chapter), as well their experiences with verbal harassment.⁵ They also received questions about experiences with being physically attacked or sexually assaulted in a variety of settings. Finally, they were asked about experiences with intimate partner violence. Questions were informed by several national surveys, including the National Crime Victimization Survey and the National Intimate Partner and Sexual Violence Survey.⁶ Notable differences in respondents' experiences based on demographic and other characteristics are reported throughout the chapter.

KEY FINDINGS

- ▶ Nearly half (48%) of all respondents in the sample reported being denied equal treatment, verbally harassed, and/or physically attacked in the past year because of being transgender.
 - One in seven (14%) respondents reported that they were denied equal treatment or service in a public place in the past year because of being transgender.
 - Nearly half (46%) of respondents reported that they were verbally harassed in the past year because of being transgender.
 - Nearly one in ten (9%) respondents reported that they were physically attacked in the past year because of being transgender.

- ▶ Nearly half (47%) of respondents have been sexually assaulted at some point in their lifetime.

- ▶ One in ten (10%) respondents in the survey were sexually assaulted in the past year.

- ▶ More than half (54%) of respondents experienced some form of intimate partner violence.
 - More than one-third (35%) experienced physical violence by an intimate partner, compared to 30% of the U.S. adult population. Nearly one-quarter (24%) experienced severe physical violence by current or former partner, compared with 18% of the U.S. population.

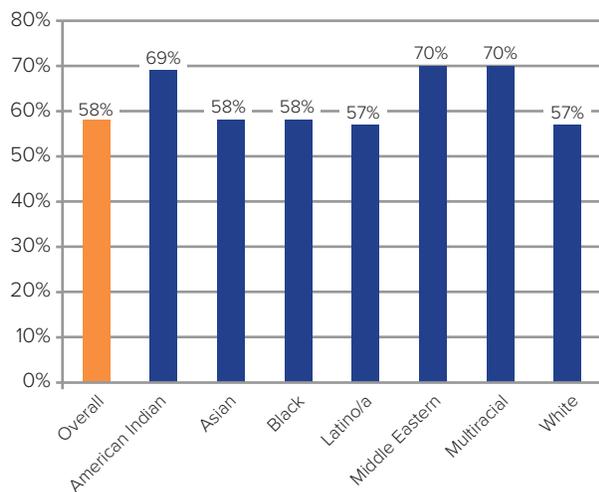
I. Overall Experiences of Unequal Treatment, Harassment, and Physical Attack

Respondents were asked if they had been denied equal treatment or service, verbally harassed, or physically attacked in the past year for any reason, regardless of whether it happened because they were transgender. This section of the chapter will examine respondents' overall experiences in the past year, and is followed by separate sections

examining denial of equal treatment, verbal harassment, and physical attacks in greater detail.

Fifty-eight percent (58%) of respondents said that they were denied equal treatment or service, verbally harassed, and/or physically attacked in the past year for any reason. Respondents who were currently working in the underground economy, such as sex work, drug sales, or other work that is currently criminalized (82%), and people with disabilities⁷ (69%) were more likely to report one or more of these experiences. Middle Eastern (70%), multiracial (70%), and American Indian (69%) respondents were also more likely to report one or more of these experiences (Figure 15.1).

Figure 15.1: Unequal treatment, verbal harassment, and/or physical attack for any reason in the past year
RACE/ETHNICITY (%)



Respondents who had one or more of these experiences were then asked what they believed the reasons were for that treatment. Eighty-four percent (84%) believed that it happened because of their gender identity or expression. This means that 48% of all respondents in the survey reported that they were denied equal treatment or service, verbally harassed, and/or physically attacked because of being transgender in the past year (Table 15.1).

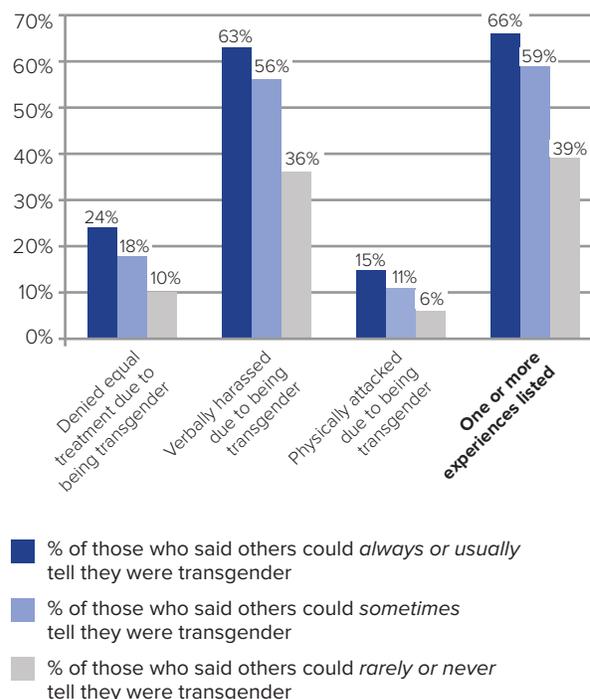
Table 15.1: Denial of equal treatment, verbal harassment, and physical attack in the past year

	Had experience for any reason (% of respondents)	Had experience because of being transgender (% of respondents)
Denied equal treatment	16%	14%
Verbally harassed	54%	46%
Physically attacked	13%	9%
One or more experiences listed	58%	48%

Nearly half (48%) of respondents reported that they were denied equal treatment or service, verbally harassed, and/or physically attacked because of being transgender in the past year.

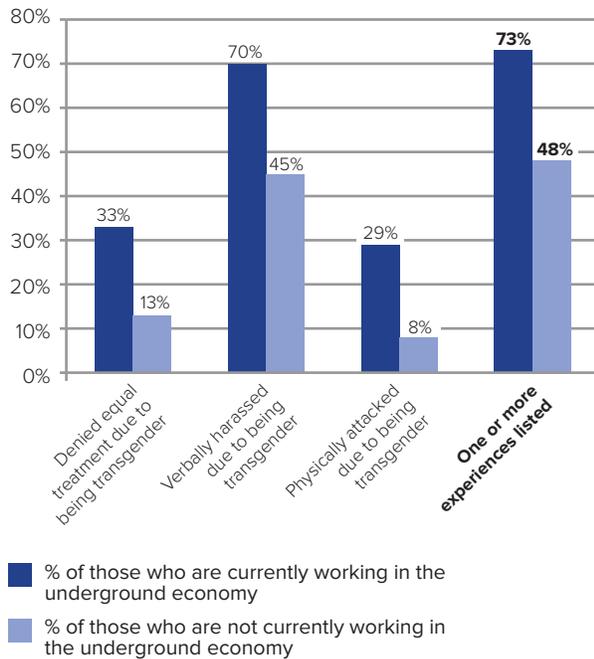
Those who said that others could usually or always tell that they were transgender (66%) were more likely to report having one or more of these experiences because of being transgender, in contrast to those who said that others could rarely or never tell that they were transgender (39%) (Figure 15.2).

Figure 15.2: Denial of equal treatment, verbal harassment, and physical attack in the past year
OTHERS' PERCEPTION OF TRANSGENDER STATUS (%)



Almost three-quarters (73%) of respondents who were currently working in the underground economy reported being denied equal treatment, verbally harassed, and/or physically attacked in the past year because of being transgender (Figure 15.3).

Figure 15.3: Unequal treatment, harassment, and physical attack in the past year
CURRENT PARTICIPATION IN THE UNDERGROUND ECONOMY (%)

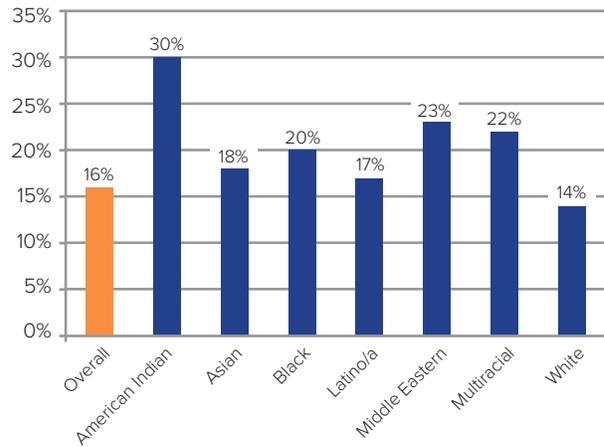


II. Unequal Treatment or Service

Sixteen percent (16%) of respondents were denied equal treatment or service in the year before taking the survey, such as at a place of business, government agency, or other public place, for any reason, regardless of whether it was related to being transgender.

People of color were more likely to have experienced unequal treatment or service. Almost one-third (30%) of American Indian respondents reported being denied equal treatment or service at a public place in the past year. Middle Eastern (23%), multiracial (22%), and Black (20%) respondents also reported higher rates (Figure 15.4). Undocumented residents (39%) were more than twice as likely to have been denied equal treatment or service as those in the overall sample, in contrast to documented non-citizens (20%) and citizens (16%).

Figure 15.4: Denial of equal treatment or service for any reason in the past year
RACE/ETHNICITY (%)



Respondents who were denied equal treatment or service were asked what they believed the reasons were for that treatment, and they selected one or more reasons from a list, such as age, race or ethnicity, and gender identity or expression (Table 15.2).

Table 15.2: Reported reasons for denial of equal treatment or service

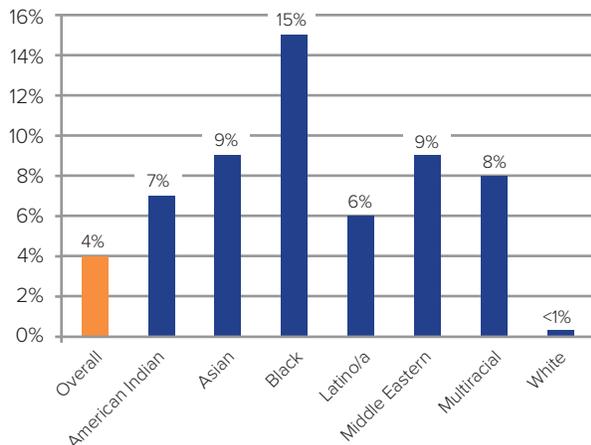
Reason for experience ⁸	% of those denied equal treatment	% of whole sample
Age	14%	2%
Disability	14%	2%
Income level or education	13%	2%
Gender identity or expression	88%	14%
Race or ethnicity	24%	4%
Religion or spirituality	5%	1%
Sexual orientation	36%	6%
None of the above	2%	<1%

Fourteen percent (14%) of all respondents said they had been denied equal treatment or service in the past year because of their gender identity or expression.⁹

Respondents also reported that they had been denied equal treatment or service because of their race or ethnicity. Among people of color, Black (15%), Asian (9%), and multiracial (8%) respondents were

most likely to report being denied equal treatment or service because of their race or ethnicity (Figure 15.5).

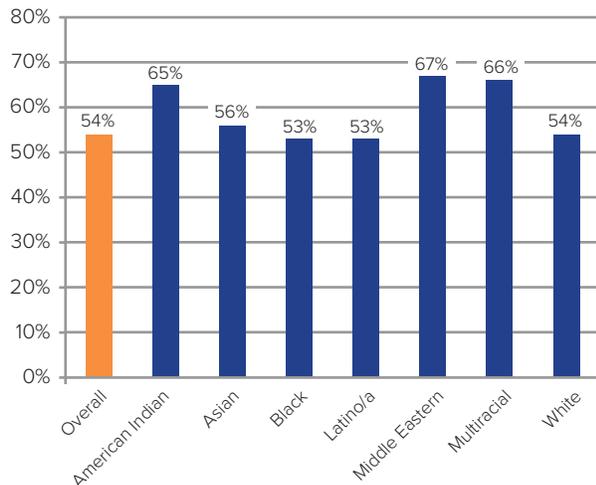
Figure 15.5: Denial of equal treatment or service in the past year because of race or ethnicity
RACE/ETHNICITY (%)



III. Verbal Harassment

Respondents were asked if anyone had verbally harassed them in the past year for any reason, regardless of whether it was related to being transgender. More than half (54%) reported that they had experienced verbal harassment. Those who were currently working in the underground economy (77%) were more likely to experience verbal harassment. Among people of color, Middle Eastern (67%), multiracial (66%), and American Indian (65%) respondents were more likely to have been verbally harassed in the past year (Figure 15.6).

Figure 15.6: Verbal harassment for any reason in the past year
RACE/ETHNICITY (%)



In Our Own Voices

“When people have tried to grope me in the street or have verbally harassed me, it’s usually either because they see me as a sexual target or because they can’t figure out whether I am a ‘man’ or a ‘woman’ and they think they have the right to demand an explanation.”

“I was sexually assaulted at my university. I was also attacked and stalked. The university didn’t do anything to help me. Instead, it threatened to punish me. I lived in terror the entire time I was on campus. I was denied a rape kit because I was transgender and the police were completely uninterested.”

“I was found in a ditch after being brutally raped for three days. I was taken to an ER. There I met an officer who told me I deserved it for attempting to be a woman and should have died. He also refused to take a report.”

“I was a victim of spousal abuse for over ten years. This grew worse when I transitioned, as [my transition] became an easy justification for verbally, emotionally and physically abusing me.”

“My trans status was used as a tool to [make me] stay with my former partner. She would say things such as ‘no one else would ever love you.’”

Respondents who were verbally harassed were asked what they believed the reasons were for that treatment (Table 15.3).

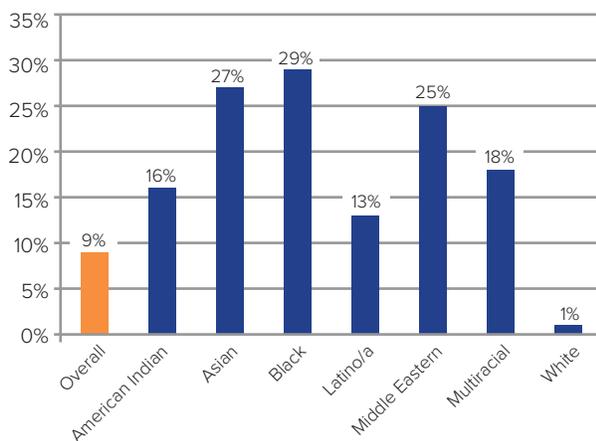
Table 15.3: Reported reasons for verbal harassment

Reason for experience	% of those verbally harassed	% of whole sample
Age	10%	5%
Disability	10%	5%
Income level or education	7%	4%
Gender identity or expression	84%	46%
Race or ethnicity	16%	9%
Religion or spirituality	5%	3%
Sexual orientation	42%	23%
None of the above	8%	4%

Nearly half (46%) of respondents in the overall sample reported they were verbally harassed in the past year because of being transgender.

Among people of color, Black (29%), Asian (27%), Middle Eastern (25%), and multiracial (18%) respondents were most likely to report being verbally harassed because of their race or ethnicity (Figure 15.7).

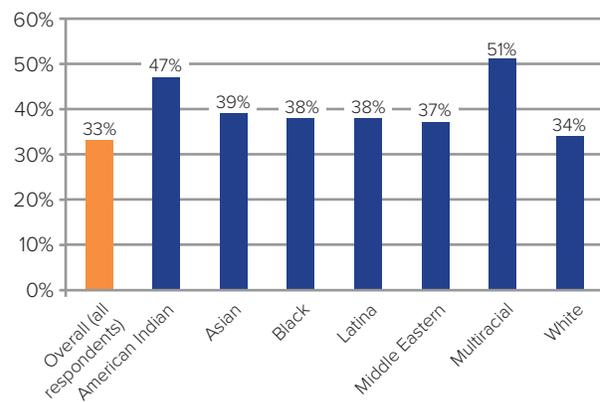
Figure 15.7: Verbal harassment in the past year because of race or ethnicity
RACE/ETHNICITY (%)



Respondents were asked if they had been verbally harassed in public by *strangers* because of being transgender in the past year.¹⁰ One-third (33%) of all respondents reported having this experience in

the past year. Transgender women of color were more likely to be harassed by strangers because of their gender identity or expression, particularly multiracial (51%) and American Indian (47%) women (Figure 15.8). Those who said that others could always or usually tell that they were transgender, even without being told (55%), were substantially more likely to have been verbally harassed by strangers, in contrast to those who said that people could rarely or never tell that they were transgender (22%).

Figure 15.8: Verbal harassment in public by strangers in the past year among transgender women
RACE/ETHNICITY (%)



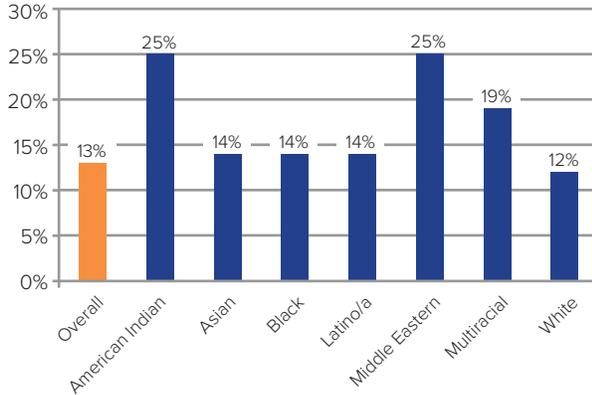
IV. Physical Attack

Thirteen percent (13%) of respondents said that someone had physically attacked them in the past year, such as by grabbing them, throwing something at them, punching them, or using a weapon against them for any reason.

Those who were currently working in the underground economy (41%) were more than three times as likely to report being physically attacked in the past year. Undocumented residents (24%) were almost twice as likely to report being physically attacked. Experiences of physical attack also varied by race and ethnicity, with American Indian (25%), Middle Eastern (25%), and multiracial

(19%) respondents being more likely to report a physically attack in the past year (Figure 15.9).

Figure 15.9: Physical attack for any reason in the past year
RACE/ETHNICITY (%)



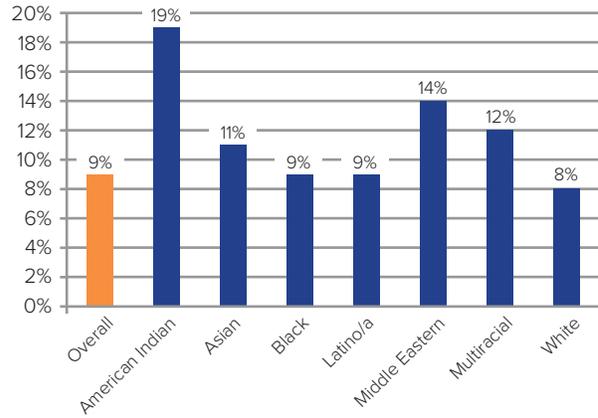
Those who had been physically attacked in the past year were asked what they believed the reasons were for that attack (Table 15.4).

Table 15.4: Reported reasons for physical attack

Reason for experience	% of those physically attacked	% of whole sample
Age	7%	1%
Disability	8%	1%
Income level or education	5%	1%
Gender identity or expression	66%	9%
Race or ethnicity	11%	1%
Religion or spirituality	3%	<1%
Sexual orientation	32%	4%
None of the above	25%	3%

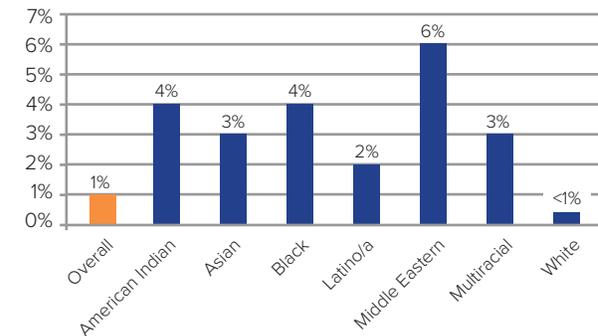
Nearly one in ten (9%) respondents in the overall sample reported being physically attacked in the past year because of being transgender. American Indian (19%), Middle Eastern (14%), multiracial respondents (12%), and Asian respondents (11%) were more likely to report being attacked because of being transgender (Figure 15.10), as were undocumented residents (23%).

Figure 15.10: Physical attack in the past year because of being transgender
RACE/ETHNICITY (%)



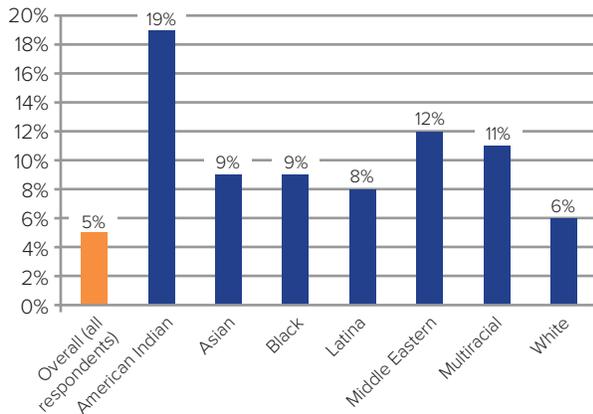
Respondents also reported that they had been physically attacked because of their race or ethnicity. Among people of color, Middle Eastern (6%), American Indian (4%), Black (4%), and Asian (4%) respondents were most likely to report being physically attacked because of their race or ethnicity (Figure 15.11).

Figure 15.11: Physical attack in the past year because of race or ethnicity
RACE/ETHNICITY (%)



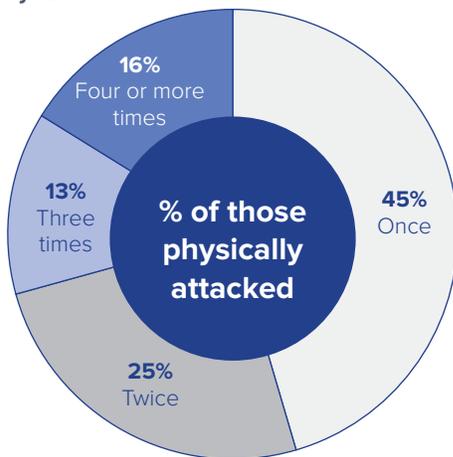
Five percent (5%) of respondents in the overall sample were physically attacked in public by strangers because of being transgender.¹¹ Undocumented residents (20%) and respondents currently working in the underground economy (20%) were four times more likely to report this experience than the overall sample. Transgender women of color were also more likely to report this experience, particularly American Indian (19%), Middle Eastern (12%), and multiracial (11%) women

Figure 15.12: Physical attack in public by strangers in the past year among transgender women RACE/ETHNICITY (%)



Respondents who were physically attacked for any reason in the past year were asked how many times they had been attacked. Forty-five percent (45%) were attacked once that year, and 25% were attacked twice. Thirteen percent (13%) were attacked three times, and 16% were attacked four or more times that year (Figure 15.13).

Figure 15.13: Number of physical attacks in the past year



These respondents were also asked to specify how they were attacked. Nearly three-quarters (73%) of those who were physically attacked in the past year reported that someone had grabbed, punched, or choked them. Twenty-nine percent (29%) reported that someone threw an object at them, like a rock or a bottle. Nearly one-third (29%)

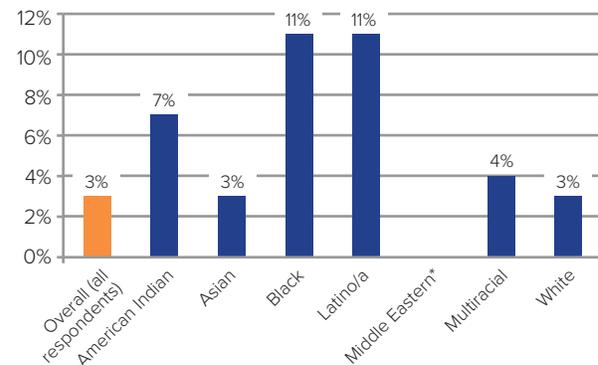
of those who reported being physically attacked were sexually assaulted.¹² (Table 15.5).

Table 15.5: Means of physical attack in the past year

Type of physical attack	% of those physically attacked
By being grabbed, punched, or choked	73%
By having something thrown at them (such as a rock or bottle)	29%
By being sexually assaulted	29%
With another weapon (like a baseball bat, frying pan, scissors, or stick)	7%
With a knife	5%
With a gun	3%
Not listed above	9%

Three percent (3%) of respondents who were physically attacked reported being attacked with a gun in the past year. Transgender women of color, particularly Black (11%) and Latina (11%) women, were nearly four times as likely to report that they were attacked with a gun (Figure 15.14). Respondents currently working in the underground economy (10%) were more than three times as likely to have been attacked with a gun, and those whose only source of income was from underground economy work (16%) were more than five times as likely to have been attacked with a gun.

Figure 15.14: Attacked with a gun among transgender women who were physically attacked in the past year RACE/ETHNICITY (%)



*Sample size too low to report

Nearly half (47%) of respondents have been sexually assaulted at some point in their lifetime.

V. Sexual Assault

In addition to questions about being physically attacked in the past year, respondents were asked questions about their experiences with sexual assault during their lifetime and in the past year,¹³ informed by questions from the National Intimate Partner and Sexual Violence Survey (NISVS).¹⁴

Nearly half (47%) of respondents have been sexually assaulted at some point in their lifetime. This included any experiences with “unwanted sexual contact, such as oral, genital, or anal contact, penetration, forced fondling, or rape.”^{15,16}

Respondents who have participated in sex work (72%), those who have experienced homelessness (65%), and people with disabilities (61%) were more likely to have been sexually assaulted in their lifetime. Among people of color, American Indian (65%), multiracial (59%), Middle Eastern (58%), and Black (53%) respondents were most likely to have been sexually assaulted in their lifetime (Figure 15.15). Experiences also varied across gender, with transgender men (51%) and non-binary people with female on their original birth certificate (58%) being more likely to have been sexually assaulted, in contrast to transgender women (37%) and non-binary people with male on their original birth certificate (41%) (Figure 15.16). Among transgender men and non-binary people with female on their original birth certificates, rates of sexual assault were higher among people of color, particularly American Indian, Middle Eastern, and multiracial people (Figure 15.17 & Figure 15.18).

Figure 15.15: Lifetime sexual assault RACE/ETHNICITY (%)

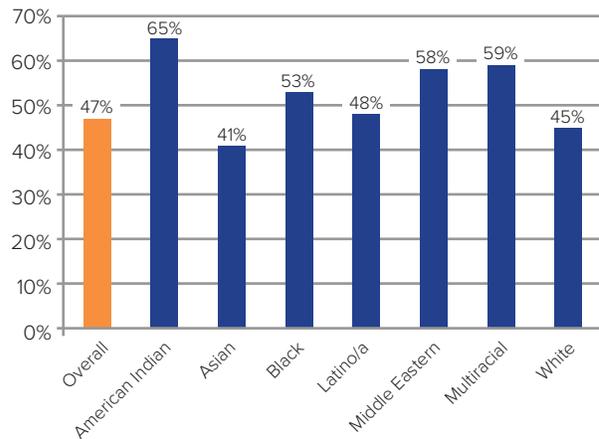


Figure 15.16: Lifetime sexual assault GENDER IDENTITY (%)

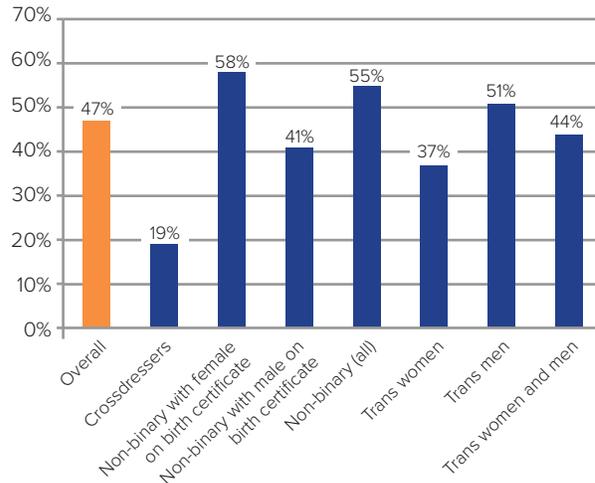


Figure 15.17: Lifetime sexual assault among transgender men RACE/ETHNICITY (%)

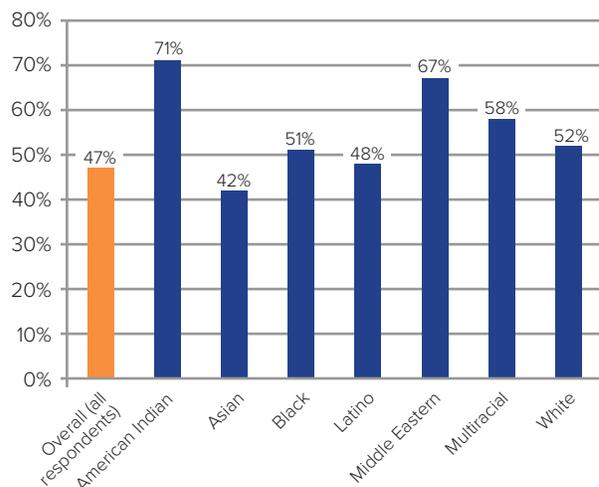
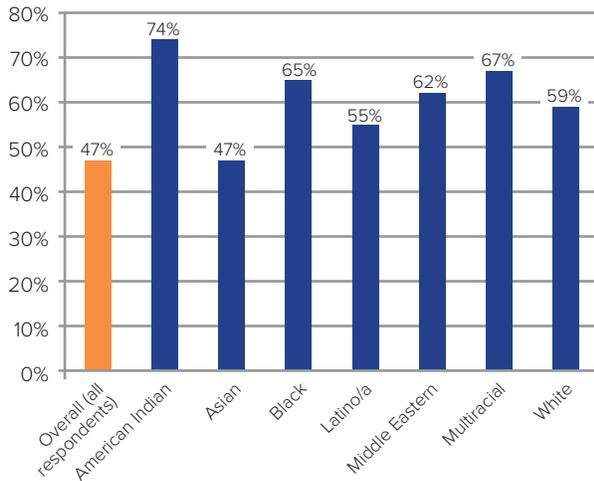


Figure 15.18: Lifetime sexual assault among non-binary people with female on their original birth certificate RACE/ETHNICITY (%)



Respondents who reported this experience were then asked who had committed the sexual assault. Approximately one-third (34%) of those who were sexually assaulted said that a current or former partner had sexually assaulted them. One-quarter (25%) of sexual assault survivors reported that a relative was the perpetrator. Nearly one-third (30%) of sexual assault survivors reported that a stranger committed the assault (Table 15.6).

Table 15.6: Person who committed sexual assault

Person who committed sexual assault	% of respondents who have been sexually assaulted
A friend or acquaintance	47%
A partner or ex-partner	34%
A stranger	30%
A relative	25%
A coworker	5%
A health care provider or doctor	4%
A teacher or school staff member	3%
A law enforcement officer	2%
A boss or supervisor	2%
A person not listed above	12%

One in ten (10%) respondents in the survey were sexually assaulted in the past year.

One in ten (10%) respondents in the survey were sexually assaulted in the past year.^{17,18} Respondents who were currently working in the underground economy (36%) were more than three times as likely to have been sexually assaulted in the past year.

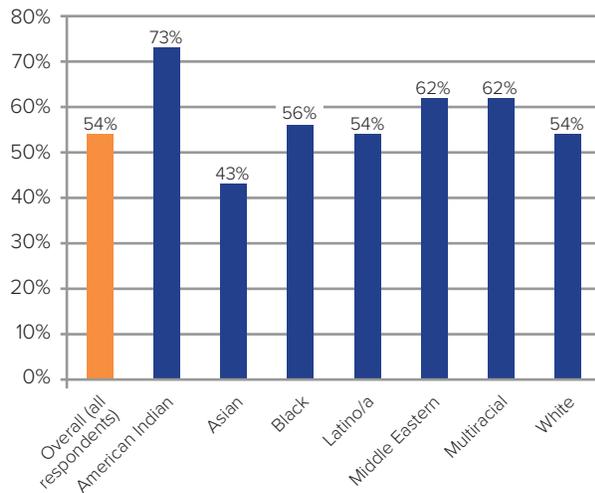
VI. Intimate Partner Violence

a. Overall Intimate Partner Violence

Respondents who reported ever having had a romantic or sexual partner received questions about their experiences with harm involving a current or former intimate partner, including physical, emotional, or financial harm, many of which were based on questions in the National Intimate Partner and Sexual Violence Survey (NISVS).¹⁹ Such acts of harm as described in the survey are defined as “intimate partner violence.”²⁰

Overall, more than half (54%) of all respondents experienced some form of intimate partner violence in their lifetime. Over three-quarters (77%) of respondents who have done sex work and nearly three-quarters (72%) of those who have been homeless experienced intimate partner violence. Undocumented residents (68%), people with disabilities (61%), and people of color, including American Indian (73%), multiracial (62%), and Middle Eastern (62%) respondents, were also more likely to report this experience (Figure 15.19).

Figure 15.19: Intimate partner violence RACE/ETHNICITY (%)



b. Intimidation, Emotional, and Financial Harm

Respondents received two sets of questions covering a range of experiences with intimate partner violence. The first set of questions involved experiences with coercive control, including intimidation, emotional and financial harm, and physical harm to others who were important to respondents. Sixteen percent (16%) of respondents reported that they had been stalked, compared to 6% in the U.S. population.²¹ One in four (25%) respondents were told that they were not a “real” woman or man by a partner, 23% were kept from seeing or talking to family or friends, and 15% were kept from leaving the house when they wanted to go (Table 15.7).

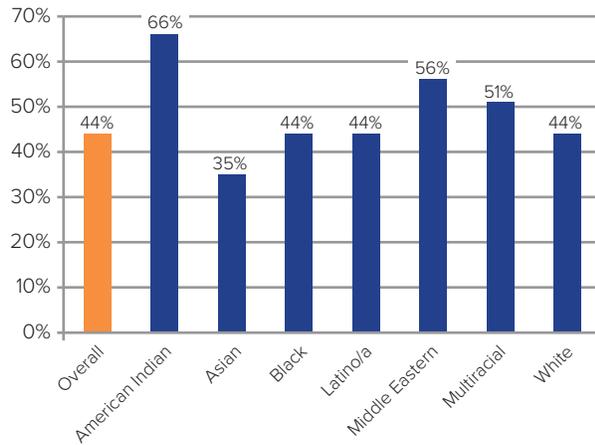
More than half (54%) of all respondents experienced some form of intimate partner violence in their lifetime.

Table 15.7: Intimate partner violence involving coercive control, including intimidation, emotional and financial harm, and physical harm to others

Type of intimate partner violence involving coercive control	% of respondents
Told them that they were not a “real” woman or man	25%
Tried to keep them from seeing or talking to family or friends	23%
Stalked	16%
Kept them from leaving the house when they wanted to go	15%
Threatened to call the police on them	11%
Threatened to “out” them	11%
Kept them from having money for their own use	9%
Hurt someone they love	9%
Threatened to hurt a pet or threatened to take a pet away	6%
Would not let them have their hormones	3%
Would not let them have other medications	3%
Threatened to use their immigration status against them	1%
One or more experiences listed	44%
One or more experiences related to being transgender listed	27%

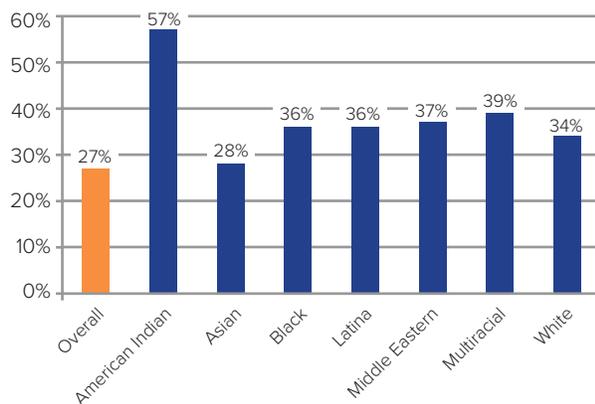
Overall, nearly half (44%) of respondents in the sample experienced some form of intimate partner violence involving coercive control, including intimidation, emotional, and financial harm. Experience with this type of intimate partner violence differed by race, with American Indian (66%), Middle Eastern (56%), and multiracial (51%) respondents reporting higher rates of these experiences (Figure 15.20). Respondents who have done sex work (66%), have experienced homelessness (62%), or were undocumented (60%) were also more likely to have experienced intimate partner violence of this form.

Figure 15.20: Intimate partner violence involving intimidation, emotional, and financial harm RACE/ETHNICITY (%)



Furthermore, more than a quarter (27%) of survey respondents reported acts of coercive control related to their transgender status, including being told that they were not a “real” woman or man, threatened with being “outed” by revealing their transgender status, or prevented from taking their hormones. Transgender women of color, including American Indian (57%) and multiracial (39%) women, were more likely to report acts of harm related to their transgender status (Figure 15.21).

Figure 15.21: Intimate partner violence related to transgender status among transgender women RACE/ETHNICITY (%)



c. Intimate Partner Violence Involving Physical Harm

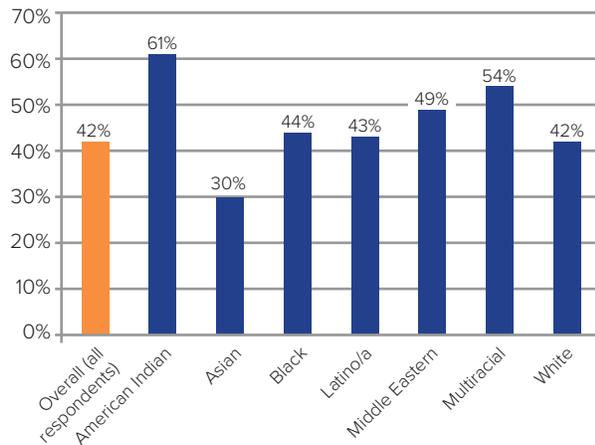
Respondents received additional questions about experiences of intimate partner violence involving physical harm inflicted on them (Table 15.8).

Table 15.8: Intimate partner violence involving physical harm

Type of intimate partner violence	% of USTS respondents	% in U.S. population (NISVS)
Pushed or shoved	30%	23%
Slapped	24%	19%
Made threats to physically harm them	20%	--
Forced them to engage in sexual activity	19%	--
Hit them with a fist or something hard	16%	12%
Slammed them against something	14%	9%
Hurt them by pulling their hair	11%	6%
Kicked	10%	6%
Tried to hurt them by choking or suffocating them	7%	9%
Beat them	6%	6%
Used a knife or gun against them	3%	3%
Burned them on purpose	2%	1%
Any physical violence	35%	30%
Any severe physical violence	24%	18%
One or more experiences listed	42%	---

Overall, 42% of all survey respondents reported experiencing some form of intimate partner violence involving physical harm, including the threat of physical violence, over their lifetime. Respondents who have done sex work (67%) or who have experienced homelessness (61%) were more likely to report intimate partner violence involving physical harm, as were undocumented (59%), American Indian (61%), multiracial (54%), and Middle Eastern (49%) respondents (Figure 15.22).

Figure 15.22: Intimate partner violence involving physical harm
RACE/ETHNICITY (%)



More than one-third (35%) experienced some form of physical violence by an intimate partner, as defined by the National Intimate Partner and Sexual Violence Survey,²² compared to 30% of the U.S. adult population.²³ Moreover, nearly one-quarter (24%) of respondents reported having experienced severe physical violence from a partner, compared to 18% in the U.S. population.²⁴

Conclusion

The findings indicated that respondents faced high levels of unequal treatment, harassment, and physical attacks in the past year, with higher rates of these experiences reported among people of color, respondents currently working in the underground economy, and those who reported that others can tell that they are transgender. Respondents also experienced high rates of sexual assault in their lifetime and in the past year, and were more likely than the U.S. population to experience physical intimate partner violence. People of color and undocumented residents were more likely to report experiences of sexual assault and intimate partner violence, as were respondents who have worked in the underground economy or who have experienced homelessness.

ENDNOTES | CHAPTER 15: HARASSMENT AND VIOLENCE

- Langton, L. & Truman, J. (2014). *Socio-Emotional Impact of Violent Crime*. DC: Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/sivc.pdf>; Lick, D. J., Durso, L. E., & Johnson, K. L. (2013). Minority stress and physical health among sexual minorities. *Perspectives on Psychological Science*, (8)521. Available at: <http://pps.sagepub.com/content/8/5/521.full.pdf+html>.
- See e.g., Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011). *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. (pp. 124–135). DC: National Center for Transgender Equality & National Gay and Lesbian Task Force.
- See e.g., Grant et al., 100, 127; Beemyn, G. & Rankin, S. (2011). *The Lives of Transgender People*. New York, NY: Columbia University Press.
- This chapter discusses general experiences with unequal treatment in public places in the past year, which includes both public accommodations as well as other public spaces. For findings related to unequal treatment in specific public places, such as stores, restaurants, and government agencies, see the *Places of Public Accommodation and Airport Security* chapter.
- This chapter discusses overall experiences with verbal harassment in the past year. Findings related to verbal harassment in specific settings are discussed in other chapters, such as the *Experiences at School, Employment and the Workplace*, and *Health* chapters.

- 6 Truman, J. L. & Morgan, R. E. (2016). *Criminal Victimization, 2015*. DC: Bureau of Justice Statistics; Breiding, M. J., Smith, S. G., Basile, K. C., Walters, M. L., Chen, J., & Merrick, M. T. (2014). Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011. *MMWR*, 63(8). Available at: <http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>.
- 7 “People with disabilities” here refers to respondents who identified as a person with a disability in Q. 2.20.
- 8 Respondents were asked to select all the reasons that applied to their experience.
- 9 The survey included both “transgender status/gender identity” and “gender expression/appearance” as answer choices so that respondents could select what they felt best represented their experience. Because there was a substantial overlap of respondents who selected both reasons, and because these terms are commonly used interchangeably or with very similar meanings, responses of those who selected one or both of these reasons are collapsed for reporting as “gender identity or expression.”
- 10 Only respondents who reported that they were verbally harassed because of their transgender status, gender identity, gender expression, or appearance received this question (Q. 17.6), which asked: “In the past year, did strangers verbally harass you in public because of your trans status, gender identity, or gender expression?” Results are reported out of the full sample.
- 11 Only respondents who reported that they were physically attacked because of their transgender status, gender identity, gender expression, or appearance received this question (Q. 17.10), which asked: “In the past year, did strangers physically attack you in public because of your trans status, gender identity, or gender expression?” Results are reported out of the full sample.
- 12 In Q. 17.8, respondents were asked if they were physically attacked with “unwanted sexual contact (such as rape, attempted rape, being forced to penetrate).”
- 13 Q.18.1 asked if respondents had ever “experienced unwanted sexual contact, such as oral, genital, or anal contact, penetration, forced fondling, or rape.”
- 14 Breiding et al. See note 6.
- 15 Respondents were asked if they had ever “experienced unwanted sexual contact, such as oral, genital, or anal contact, penetration, forced fondling, or rape” in Q. 18.1. This definition of sexual assault encompassed several categories of sexual violence as outlined in the National Intimate Partner and Sexual Violence Survey (NISVS). See note 16.
- 16 Due to differences between Q. 18.1 and the NISVS questions about sexual violence, a direct comparison to the U.S. population was not feasible for this report. However, as context for USTS respondents’ experience with sexual assault, NISVS findings indicate that an estimated 11% of adults in the U.S. population have been raped in their lifetime, 19% have experienced unwanted sexual contact, 10% have experienced sexual coercion, and 4% were forced to penetrate someone. Breiding et al. See note 6. The figures for the prevalence of sexual violence during one’s lifetime in the U.S. population were calculated by the research team to present a combined percentage for the experiences of men and women using 2011 data from the NISVS, as reported by the Centers for Disease Control. Since NISVS respondents could report experiences with multiple forms of sexual violence, an NISVS respondent’s experiences could be reflected in several categories of sexual violence. The research team was unable to avoid double counting respondents who reported more than one experience in the NISVS, and therefore, were unable to combine the percentages of NISVS respondents who experienced *any* form of sexual violence to match the broader USTS category of “unwanted sexual contact,” and make a direct comparison. Therefore, findings for the U.S. population in regard to rape, unwanted sexual contact, sexual coercion, and being forced to penetrate are presented separately, and comparisons between the NISVS and USTS findings should be interpreted with caution.
- 17 The 10% rate of sexual assault in the past year reported in this section was based on Q. 18.3. This differs from the rate of sexual assault in the past year reported in the “Physical Attack” section of this chapter (4%), which was based on Q. 17.8. This difference is likely due to the number of respondents in the sample who received each question based on skip-logic patterns. While all respondents in the sample received Q. 18.3, a limited number of respondents received Q. 17.8 based on their answer to Q. 17.3. Respondents who indicated that they had been physically attacked in Q. 17.3, received a follow-up question asking how they were physically attacked (Q. 17.8), which included an answer choice of “unwanted sexual contact.” Those respondents who did not identify their experience of unwanted sexual contact as a form of physical attack would not have received the follow-up question regarding the method of the attack, if they had not reported another form of physical attack. Additionally, the difference in reporting may partly result from the more inclusive examples of unwanted sexual contact provided in Q. 18.3 (“such as oral, genital, or anal contact, penetration, forced fondling, or rape”), in contrast to the definition of unwanted sexual contact in Q. 17.8 (“such as rape, attempted rape, being forced to penetrate”).

- 18 Due to differences between Q. 18.3 (sexual assault in the past year) and the NISVS questions about sexual violence, a direct comparison to the U.S. population was not feasible for this report. However, as context for USTS respondents' experience with sexual assault, NISVS findings indicate that an estimated 1.9% of adults in the U.S. population experienced unwanted sexual contact in the past year and an estimated 1.7% experienced sexual coercion in the past year. These figures were calculated by the research team to present a combined percentage for the experiences of men and women using 2011 data from the NISVS. Additionally, an estimated 1.6% of women were raped in the past year. Due to the small number of men who reported being raped in the past year, a reliable estimate was not available for men. An estimated 1.7% of men were forced to penetrate a perpetrator in the past year, while the number of women who were forced to penetrate a perpetrator was too low to produce a reliable estimate. Breiding et al. See note 6. Since NISVS respondents could report experiences with multiple forms of sexual violence, an NISVS respondent's experiences could be reflected in several categories of sexual violence. The research team was unable to avoid double counting respondents who reported more than one experience in the NISVS, and therefore, were unable to combine the percentages of NISVS respondents who experienced *any* form of sexual violence to match the broader USTS category of "unwanted sexual contact," and make a direct comparison. Therefore, findings for the U.S. population in regard to rape, unwanted sexual contact, sexual coercion, and being forced to penetrate are presented separately, and comparisons between the NISVS and USTS findings should be interpreted with caution.
- 19 Breiding et al. See note 6.
- 20 See Q. 19.2 and Q. 19.3 for a list of acts described as forms of intimate partner violence.
- 21 Breiding et al. See note 6.
- 22 The NISVS measure for "any physical violence" includes all of the actions listed in Table 15.8, except for forced sexual activity and threats of physical violence.
- 23 The figures for the prevalence of intimate partner violence involving physical violence and/or severe physical violence in the U.S. population was calculated by the research team to present a combined percentage for the experiences of men and women using 2011 data from the NISVS, as reported by the Centers for Disease Control and Prevention. See Breiding et al. See note 6.
- 24 According to the NISVS, "severe physical violence" includes being hurt by having one's hair pulled, being hit with a fist or something hard, kicked, slammed against something, choked or suffocated, beaten, burned, or attacked with a knife or gun.

Exhibit B



A CRISIS OF HATE

A MID YEAR REPORT ON LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER HATE VIOLENCE HOMICIDES

A report from the
National Coalition of Anti-Violence Programs

**THIS REPORT WAS WRITTEN BY THE
NATIONAL COALITION OF ANTI-VIOLENCE PROGRAMS**

A program of the New York City Anti-Violence Project

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Waters, Sue Yacka-Bible

INTRODUCTION

Since 1996, the National Coalition of Anti-Violence Programs has released national research reports on the various ways that lesbian, gay, bisexual, transgender, and queer (LGBTQ) and HIV-affected communities experience hate violence. Within these reports, NCAVP shares information about anti-LGBTQ homicides for the previous year. However, in just August of 2017, NCAVP has recorded the highest number of anti-LGBTQ homicides in our 20-year history of tracking this information.

NCAVP decided to issue this report early in hopes that it will raise awareness of the crisis of fatal violence against LGBTQ and HIV affected communities. NCAVP hopes that this sharing this information now will encourage people to reject anti-LGBTQ bias whenever it occurs, and to resist any hateful rhetoric or policies put forward by this administration or by legislators.

We are releasing this report at a time where neo-Nazis, white supremacists, and white nationalists marched through the streets of Charlottesville, Virginia shouting anti-Black, anti-Semitic and anti-LGBTQ chants, and within the context of a growing national conversation about the escalation of hate violence against so many marginalized communities.

The time for addressing this crisis of violence is now.

KEY FINDINGS OF ANTI-LGBTQ HOMICIDES IN 2017

As of August 23rd, 2017, NCAVP has recorded reports of 36 hate violence related homicides of LGBTQ and HIV affected people, the highest number ever recorded by NCAVP. This number represents a 29% increase in single incident reports from 2016. So far in 2017, there has been nearly one homicide a week of an LGBTQ person in the U.S.

- The victims of these hate violence related homicides have overwhelmingly been transgender women and queer, bi, or gay cisgender men.
- There was a significant increase of reports of homicides of queer, bi, or gay cisgender men, from 4 reports in 2016 to 17 reports in 2017.
- For the last five years NCAVP has documented a consistent and steadily rising number of reports of homicides of transgender women of color, which continued into 2017.
- In August of 2017, NCAVP has already collected information on 19 hate-violence related homicides of transgender and gender non-conforming people this year, compared to 19 reports for the entire year of 2016.
 - 16 of these homicides were of transgender women of color.
- Of the total number of homicides in 2017, 75% of the victims were people of color: 20 (56%) of the victims were Black, 3 were Latinx, 2 were Asian, and 1 was Native. Additionally, 9 (25%) of the victims were white and 1 victim's racial and ethnic identity is unknown to NCAVP at this time.
- 64% of the victims were under the age of 35.
- Guns were used in 47% of the total number of homicides thus far in 2017.
- New York and Texas had the most anti-LGBTQ homicides, with 5 victims from each state.

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SATURDAY, MAR 25, 2017 03:00 PM EDT

A perfect storm of hate: These Republican bills in Arkansas would make it 'illegal to be transgender'

Arkansas Republican state legislator Mickey Gates is determined to limit transgender access to public bathrooms

NICO LANG

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TOPICS: ANTI-TRANS DISCRIMINATION, ARKANSAS, TEXAS, POLITICS NEWS, ENTERTAINMENT NEWS



(Credit: Getty/Kangah)

The clock is ticking on a trio of bills that LGBT advocates in Arkansas claim would make it effectively “illegal to be transgender” in the state.

Republicans have until March 31, which marks the end of the 2017 legislative session, to pass House Bill 1986, Senate Bill 774 and House Bill 1894 before these proposals are tabled for the year. SB 774, known as the **Arkansas Physical Privacy and Safety Act**, is similar to North Carolina’s **controversial HB 2**. It forces trans people in the state to use public restrooms that correspond to the gender listed on their birth certificate when entering government buildings and other entities owned by the state. That legislation is currently awaiting a vote by the Senate Judiciary Committee.

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Claiming it “sets a baseline for privacy,” the bill’s author, Sen. Linda Collins-Smith, defended SB 774 on Monday. “The bill truly is about all people, all dignity — making sure all areas are safe and feel comfortable,” she told press at the state’s capitol building.

That bill has been opposed by the Little Rock Convention and Visitors Bureau, which has warned that legalizing discrimination could trigger massive **economic backlash** in the state. After **passing HB 2 exactly a year ago**, North Carolina has lost an **estimated \$600 million in revenue** following boycotts from PayPal and Deutsche Bank, which relocated scheduled expansions that cost the state hundreds of jobs. The National Basketball Association pulled the **All-Star Game** from Charlotte, which would have been held in the city in February, and the league has claimed that the state will forfeit its hosting privileges until HB 2 is repealed.

The bathroom bill, though, is just the tip of the iceberg. Further legislation being pushed by conservative lawmakers threatens to target trans individuals by making it extraordinarily difficult to be in public at all.

Often referred to as the “bathroom bill lite,” HB 1986 actually goes further than the Physical Privacy and Safety Act by allowing individuals to bring charges against trans people for “indecent exposure.” Such actions are already a crime under Arkansas law, but HB 1986 would expand existing law on the subject. The bill defines indecent exposure as an instance in which an individual “knowingly exposes his or her sex organs to a person of the opposite biological sex: (A) In a public place or in public view; or (B) Under circumstances in which the person could reasonably believe the conduct is likely to cause affront or alarm.”

"That bill would have a huge impact on the entire trans community," Miller said. "If a transgender man has top surgery, his chest could be viewed as a sexual organ, according to the language used on the bill. Anywhere his chest is in public view — like at a public pool or going to a spa — he could be in violation of the law and be arrested."

Under HB 1986, trans people could face a hefty fine, as well as jail time, if another individual feels that the alleged assailant has exposed themselves in a way that would cause "affront or alarm." If convicted of indecent exposure, transgender folks in the state would be subjected to a \$2,500 penalty, in addition to a maximum sentence of a year in prison. Multiple charges dramatically escalate the severity of punishment. Should a trans person be found guilty of the crime four or five times in a 10-year span, that carries a Class D felony charge of six years behind bars, as well as a \$10,000 fine. After one's fifth conviction, the sentence is 10 years.

To make matters worse, Rae Nelson of the Marsha P. Johnson Institute pointed out that there are a number of ways in which transgender people could be singled out under the law.

For instance, Nelson recently went on a road trip to North Carolina with some trans friends. The group stopped off at a public restroom, and a member of her party, who is a transgender man, wanted to use the men's facilities. But there was a major problem: Nelson explained that the "gap between the stalls was too wide." Given that a survey from UCLA's The Williams Institute showed that 60 percent of trans people have experienced harassment in public restrooms, it was a risk he was unwilling to take.

"If there was even a chance of a person being able to catch a glimpse of him in there, he didn't want to take it," said Nelson, who sits on the board of the trans advocacy organization.

But if the Arkansas law is passed, getting a "glimpse" of a transgender person using the

A third anti-trans bill has been reintroduced after being voted down by the House Committee on Public Health, Welfare, and Labor earlier this month. HB 1894 would bar transgender people from amending their birth certificates to match their gender identity. "If I decided I don't want to be white, well, do I get to pick my race?" asked Representative Mickey Gates, who authored the legislation, warning during legislative debate that the bill is necessary to prevent a slippery slope of trans individuals identifying in any way they so choose, even as a different ethnicity or a different age. "What happens if you have a guy and he's 24 years old and he decides he wants to be a 14-year-old guy so that he can have sex with a 14-year-old girl? Will that not be rape?"

"Just because you have the right to identify doesn't mean the state is obligated to recognize the way you feel," Gates added.

But amending your birth certificate is already extremely difficult under existing state law. In order to do so, current Arkansas guidelines state that a transgender person must have a court order from a judge, as well as a letter from their physician stating that the individual has completed surgical transition. Gender confirmation surgery is an expensive, time-consuming process that many will not be able to afford. Transgender people, especially trans women of color, **face the highest poverty rates** of any group in the U.S.

Should this bill become the law of the land, it would be next to impossible for any trans person in Arkansas to escape the aforementioned cycle of legal harassment and criminalization. Gwen Fry, president of the Arkansas Transgender Equality Coalition, argued that these bills are an attempt to "legislate the trans community out of existence."

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Miller particularly noted the impact that these pieces of legislation — which he said are the first of their kind ever introduced in Arkansas — would have on transgender youth in the state. HB 1984, the HB 2-style bathroom bill, specifically calls out facility use in state-owned buildings. That would force trans students in public schools to use restrooms and locker rooms that do not correspond with their gender identity. Transgender individuals experience a **disproportionately high rate of suicide attempts**, especially among young people, and this would only make the trauma they already face even worse.

“One in six trans youth have been sexually assaulted in schools that do not have trans-friendly bathroom policies,” Miller claimed. “One in three have been physically assaulted.”

Arkansas isn't the only state to consider legislation targeting trans rights. The Texas House of Representatives is set to hear arguments on SB 6 after the bathroom bill, which has been opposed by companies like Google, Microsoft, Amazon and Hilton, passed the state's Senate by a vote of 20 to 10. Although Lieutenant Governor Dan Patrick is **an enthusiastic supporter of the bill**, House Speaker Joe Straus has warned it would be **bad for the state's economy**. The **Texas Association of Business estimated the state could lose up to \$8.5 billion as a result**.

Miller felt that striking down Arkansas' anti-trans bills was imperative in a year where at least eight transgender women **have already been murdered**. The LGBT advocate, who frequently visits the legislature to help inform lawmakers on the issues, is disheartened that these sobering numbers have yet to change the hearts and minds of the bills' proponents.

“They would rather see you die than go to a damn restroom,” Miller claimed.

MORE NICO LANG.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Brock Stone, et al.

*

Plaintiff,

*

v.

Case No. _____

Donald J. Trump, et al.

*

Defendant.

*

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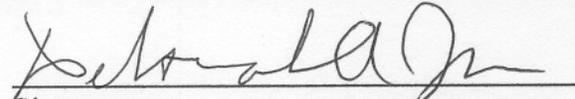
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Fax Number

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.)	
)	
Plaintiffs,)	
v.)	Case No. _____
)	
DONALD J. TRUMP, et al.)	
)	
Defendants.)	

**DECLARATION OF BROCK STONE IN SUPPORT OF MOTION FOR PERMISSION
TO OMIT INDIVIDUAL PLAINTIFFS' ADDRESSES FROM CAPTION**

I, Brock Stone, depose and say as follows:

1. I am a man who is transgender, and I am a member of the United States armed forces.
2. I came out to military personnel as transgender following the Department of Defense's 2016 directive permitting transgender service members to serve openly in the military.
3. I am concerned that as a result of this lawsuit, my personal safety may be at risk.
4. I fear that if my address is made public in these proceedings, my family and I will face an increased risk of retaliation, harassment, or violence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of August, 2017.



 Brock Stone

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

Case No. _____

**DECLARATION OF TEAGAN GILBERT IN SUPPORT OF MOTION FOR
PERMISSION TO OMIT INDIVIDUAL PLAINTIFFS' ADDRESSES FROM CAPTION**

I, Teagan Gilbert, depose and say as follows:

1. I am a woman who is transgender, and I am a member of the United States armed forces.
2. I came out to military personnel as transgender following the Department of Defense's 2016 directive permitting transgender service members to serve openly in the military.
3. I am concerned that as a result of this lawsuit, my personal safety may be at risk.
4. I fear that if my address is made public in these proceedings, my family and I will face an increased risk of retaliation, harassment, or violence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of August, 2017.



 Teagan Gilbert

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

Case No. _____

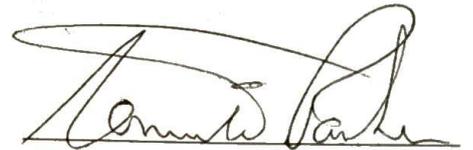
**DECLARATION OF TOMMIE PARKER IN SUPPORT OF MOTION FOR
PERMISSION TO OMIT INDIVIDUAL PLAINTIFFS' ADDRESSES FROM CAPTION**

I, Tommie Parker, depose and say as follows:

1. I am a woman who is transgender, and I am a member of the United States armed forces.
2. I came out to military personnel as transgender following the Department of Defense's 2016 directive permitting transgender service members to serve openly in the military.
3. I am concerned that as a result of this lawsuit, my personal safety may be at risk.
4. I fear that if my address is made public in these proceedings, my family and I will face an increased risk of retaliation, harassment, or violence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of August, 2017.



Tommie Parker

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

Case No. _____

**DECLARATION OF KATE COLE IN SUPPORT OF MOTION FOR PERMISSION
TO OMIT INDIVIDUAL PLAINTIFFS' ADDRESSES FROM CAPTION**

I, Kate Cole, depose and say as follows:

1. I am a woman who is transgender, and I am a member of the United States armed forces.
2. I came out to military personnel as transgender following the Department of Defense's 2016 directive permitting transgender service members to serve openly in the military.
3. I am concerned that as a result of this lawsuit, my personal safety may be at risk.
4. I fear that if my address is made public in these proceedings, my family and I will face an increased risk of retaliation, harassment, or violence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of August, 2017.

Kate Cole
Kate Cole