

America's War on Black Trans Women

by Annamarie Forestiere | Sep 23, 2020 | [Amicus](#), [Congress](#), [Criminal Justice](#), [Executive Branch](#), [Human Rights](#), [Legislation](#), [LGBTQ Rights](#), [Policing and Law Enforcement](#), [Poverty and Economic Justice](#), [Racial Justice](#), [Sex Equality](#) |

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The Problem: America's Treatment of Black Trans Women

Violence against Black trans women has been accurately [described as](#) "a pandemic within a pandemic." This summer, [six Black trans women](#), all under the age of 32, were murdered in the span of nine days. Their deaths are part of a horrifying pattern; hate crimes against transgender and gender non-conforming individuals have been on the rise for years, with the number of [murders in 2020](#) already almost surpassing that of 2019. Of the 26 victims so far this year and the 27 victims last year, [the majority](#) have been Black trans women under the age of 30.

Organizations like the Human Rights Campaign have released [several reports](#) detailing potential sources of this violence. In particular, Black trans women are killed at disproportionate rates because of "the intersections of racism, transphobia, sexism, biphobia and homophobia." A report from CNN's discussion with Kerith Conron, from the [Williams Institute at UCLA](#), notes that the easiest answer to why Black trans women are disproportionately victims of fatal violence is that "[t]hey're black, they're transgender, and they're women. Each of those distinct identities means that they face discrimination, prejudice and inequities on multiple fronts."

The inequities and prejudice Black trans women face don't just take the form of outright violence. A study by the [National LGBTQ Task Force](#) indicates that Black trans people have a 26% unemployment rate. That's twice as high as the unemployment rate for transgender people of all racial and ethnic backgrounds, and four times as high as the unemployment rate in the general population. The study also found other shocking disparities; 41% of Black trans people have been homeless (more than five times the general population), 34% of Black trans people have household incomes less than \$10,000 (more than eight times the general population), and nearly half of the Black trans population has attempted suicide. Although these statistics apply to the Black trans population in general and not to Black trans women specifically, based on how much more frequently Black trans women are killed, it's reasonable to assume that they also experience these harms more frequently than other Black trans people.

In short, being a Black trans woman in America means you're far more likely than most other people to experience serious roadblocks and harms, in the form of everything from extreme poverty to violent murder.

The Source: The Legal Landscape Impacting Societal Treatment of Black Trans Women

The way that American society treats Black trans women (ranging from callous disregard to outright hatred and violence) shouldn't be shocking; in many ways, it is rooted and reflected in the American legal system.

Take the Trump Administration for an example. The current administration has exemplified a series of outright attacks against both [racial/ethnic minorities](#) and transgender people, the intersection of which leaves Black trans women subject to abuse at the hands of the law. Earlier this summer, the administration removed protections for transgender people in the realm of [healthcare](#) and health insurance. This change in policy allows healthcare providers/insurers to refuse treatment of transgender people, which will likely cause Black transgender women (who are already [mistreated](#) by the healthcare industry) to not seek out medical treatment, a significant problem at all times but

especially so during an ongoing [pandemic](#). The administration also implemented a highly controversial ban on transgender people serving in the [military](#), a law which signaled the government's negative view of trans individuals.

The current executive branch is not the only part of the American legal system that harms Black trans women. Up until the Supreme Court's recent landmark decision *Bostock*, transgender people were not granted any federal antidiscrimination protections in the realm of employment. Not only that, but Congress has consistently failed to pass [The Equality Act](#), a bill that would provide more sweeping protections for the entire LGBTQ+ community including requiring prisons to "house transgender individuals in facilities that match their gender identity," a protection that is currently lacking and that leaves incarcerated transgender people [13 times more likely](#) to experience sexual assault in prison. The patchwork of federal laws [governing police brutality](#) and misconduct also leaves Black trans women [particularly vulnerable](#) to [violence](#) at the hands of law enforcement.

State laws also leave Black trans women vulnerable, which acts as a form of state-sanctioned violence against them. 28 states have [dangerous hate crime laws](#) that don't include protections for trans people. Several states also recognize the "[trans panic defense](#)," a claim that a defendant was driven to violence due to their volatile emotional state after discovering that someone is transgender, as a valid legal defense for violence against Black trans women. Some states are so bad at protecting the rights of transgender people that online lists like "[Where to Move in the United States if You're Trans](#)" have popped up; of course, if you're among the 34% of Black trans people who are extremely poor, or the 41% of Black trans people who have experienced homelessness (the bulk of whom are likely Black trans women), moving to safer states is simply not possible.

The message of our federal and state governments failing to protect (and sometimes actively harming) Black trans women is terrifying: if the government doesn't care about Black trans women, then citizens don't have to care either. In other words, because the *law* treats Black trans women with disregard and violence, it gives *individuals* a free pass to do the same.

The Solution: Changing the Law and Changing Society

A cornerstone of the Black Lives Matter movement and the recent racial justice [protests](#) is "[Black Trans Lives Matter](#)," an explicit recognition that even within a community of individuals who are in danger, the lives of Black trans people (especially women) are even more threatened. In fact, the Black Lives Matter movement has always relied heavily on the [LGBTQ+ community](#), just like the LGBTQ+ community has depended on Black trans women like [Marsha P. Johnson](#). The central focus of the Black Trans Lives Matter platform is a desire to change the treatment of Black trans people (especially women) in America by individuals and by the government.

Lawmakers would do well to listen to their voices.

A tangible way to increase the quality of life of Black trans women is to extend legal protections to them and to change the way that they are treated under the law. Some excellent starting points would be for the federal government to reinstate the healthcare protections that the Trump administration has gotten rid of, and for state governments to eliminate the trans panic defense. Extending protections to sex workers (or [completely decriminalizing sex work](#)), enacting stronger police brutality laws (or [defunding the institution of policing](#)), allowing incarcerated people to live in housing that matches their gender identity (or [eliminating prisons entirely](#)): these are all additional steps that the law could take to keep Black trans women safe.

By taking these steps, and others like them, lawmakers would do more than provide legal protections to Black trans women. They would also signal to society that Black trans women are *valued*, that their lives are to be celebrated just as much as everyone else's. They would tell the American people unequivocally that Black trans women's lives matter. Hopefully, societal attitudes toward Black trans women would then change too.