

## BOOM! LAWYERED: TEXAS IS TRYING TO TAKE TRANS KIDS FROM LOVING PARENTS

Imani Gandy: Hello fellow law nerds! Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team that stans soon-to-be Assistant US Attorney General Kristen Clarke. I'm Imani Gandy.

Jessica Pieklo: I'm Jess Pieklo. Rewire News Group is dedicated to inspiring you to own your relationship to sex, abortion, parenthood and power. The Team Legal podcast is part of that mission, so a big thanks to our subscribers and a welcome to our new listeners.

Imani Gandy: Jess?

Jessica Pieklo: Yeah.

Imani Gandy: Texas won't stop Texas'ing all over the place.

Jessica Pieklo: Oh, Texas, come on man.

Imani Gandy: Can we just get it to-goddamn-gether? What is going on in Texas?

Jessica Pieklo: We adore you, Texas, but also get it together. Get it together, for real.

Imani Gandy: Seriously. We're going to get into a proposed Texas bill that is really an effort by Texas republicans to just stick it to trans kids, because that seems to be what republicans are all about these days, just sticking it to trans kids. But Texas is going a little bit further than most of these stick-it-to-trans-kids states. They have proposed a bill that would separate trans kids from their families if their families provide their own children with gender affirming healthcare.

Jessica Pieklo: I need to take a second.

Imani Gandy: I think we all do. I really think we all do. Maybe we should go get drinks and then come back.

Jessica Pieklo: I mean-

Imani Gandy: Because this is absurd.

Jessica Pieklo: This bill is bonkers. It effectively redefines child abuse to including affirming your child's gender.

Imani Gandy: The bill is called SB1646, and it would prohibit parents from administering, supplying or consenting to or assisting in the administering or supplying of puberty suppression's prescription drug, or cross-sex hormones to a child, other than intersex child, for the purpose of gender transitioning or gender reassignment. That's a lot of words to basically say that parents cannot provide

puberty blockers, hormone replacement therapy or surgery if that is what they decide, their child decides in conjunction with their doctors. They're saying, "Nope. You can't do that. That is child abuse."

Jessica Pieklo: I mean, this is unheard of, and unheard of even in all of these attacks on trans kids and their families.

Imani Gandy: It really is. Arkansas passed the country's first ever transgender medical ban for minors earlier this month.

Jessica Pieklo: Yep, we talked about that.

Imani Gandy: Right? We talked about that. That bill prohibits trans youth from accessing puberty blockers, hormone replacement therapy and surgeries. Now, there are about 17 other states like Florida and Louisiana, and all of these other regressive gerrymandered states, I'm not saying red states anymore because they are heavily gerrymandered and voter suppressed states, but these states are considering similar trans medical bans.

What makes Texas's bill unique is its target. It's just aiming its target on the parents of trans kids rather than medical providers. Texas is just one of two states that is doing this. The other is New Hampshire, which we don't really talk about New Hampshire a lot. What the hell, New Hampshire? You're usually okay. You're usually pretty cool. What are you doing? Why are you jumping on this bandwagon? It's terrible.

They're considering a trans medical ban that classifies gender affirming care as child abuse.

Jessica Pieklo: I think maybe I know where they got this idea from. Last year, there was a kind of high profile lawsuit/custody fight in legal nerd circles in Texas. It involved this very issue. There's this guy, Jeffrey Younger, and he claimed his ex-wife was abusing their child because she was supportive of their child's gender transition.

The case became a big fucking deal on the right and with men's rights activists, which surprise, surprise there.

Imani Gandy: Shocking.

Jessica Pieklo: Right? There is Imani's shocked face.

Imani Gandy: Yep.

Jessica Pieklo: It was such a big deal that even Ted Cruz and Donald Trump, Jr. chimed in to support Younger and call on the state of Texas to investigate a custody dispute. A US senator is like, "Yo Paxton, chime in on this interpersonal dispute." Like, what? So that was happening and so now conservatives in the Texas legislature

have introduced a bill on this very same issue. I'm saying it might not be a coincidence.

Imani Gandy: It doesn't really sound like a coincidence, does it?

Jessica Pieklo: No, it really doesn't. This is bad. This is really, really bad.

Imani Gandy: Really bad.

Jessica Pieklo: Do you think it's going to pass?

Imani Gandy: You know what, it doesn't even really matter because the simple fact of introducing this sort of bill does harm. If you think about-

Jessica Pieklo: Oh yeah, this is a really important point. Let's talk about this.

Imani Gandy: If you think about abortion, if you think about some of these extreme pre-  
viability abortion bans which are, say it with me-

Imani/Jess in u...: Unconstitutional.

Imani Gandy: Jazz hands. We're both doing jazz hands right now. But you get these really  
extreme six week bans, and when you say "Okay, we'll ban abortion at six  
weeks," and then maybe a John Kasich from Ohio says, "No, we're not going to  
do that. I'm going to veto the ban," it makes it seem like less extreme bans like  
20 week abortion bans are more reasonable even though 20 week bans are just  
as unconstitutional.

But folks who aren't particularly invested in this issue will make it seem... Hang  
on. Dexter.

Jessica Pieklo: He's upset at Texas, and rightly so.

Imani Gandy: He is upset.

Jessica Pieklo: Sincerely. Dexter gets it.

Imani Gandy: Dexter absolutely-

Jessica Pieklo: Why doesn't Ted Cruz get it?

Imani Gandy: I don't know. And I don't know if this is all staying in the show. I'm just going to  
say that it makes these fucking bans seem more reasonable. A law that targets  
trans kids' parents for criminalization because they just love their kids makes it  
seem like a ban that just says, "Oh, trans kids can't play sports. Trans girls can't  
play sports on girl's teams." That makes that kind of law seem more reasonable,

when they're both unreasonable, they're both trans phobic, and they're both 100% bullshit.

Jessica Pieklo: Yes.

Imani Gandy: This is an attack that is not limited to trans kids and their families. You've got to think about what law makers are doing here in Texas. They are trying to redefine what constitutes child abuse to include loving and supporting trans and non-binary kids.

Jessica Pieklo: Right. As a parent here, I'm thinking what do I do if my child is expressing any sort of gender nonconforming behavior? Do I not support them? Isn't that engaging in child abuse? Sincerely, not supporting your children is abusive and the state of Texas is like, "Nah, actually that's kind of cool."

Imani Gandy: It's absolutely shocking, and it also goes against everything that medical professionals are saying. Jeffrey Younger, who is the father of this trans girl, Luna Younger, was apparently saying, "Well, I'd be fine with-" and of course, he's misgendering and dead-naming her, which I'm not going to do, but saying, "I would be fine if she wants to dress like a girl when she's 18," but psychologists say that this sort of wait and see approach is actually damaging to children.

You're damaging your kids, and Texas is saying, "No, keep doing that please. Please keep damaging your children."

Jessica Pieklo: I feel for the families, I really do.

Imani Gandy: This is not a minor issue. This is not just picking up some outlier bill and making a big stink about it. This is a huge deal, because we have a case that the Supreme Court is going to decide in a couple of months likely called *Fulton v. City of Philadelphia*. We've done podcasts on that. You should go back and listen to them. But this case is sort of just lurking in the background like the boogeyman in the woods, and it's really frightening. So, could you just maybe share with our listeners who may not know what this case is about? Just give them a little primer on how screwed up that case is?

Jessica Pieklo: Yeah, so the Supreme Court right now is considering whether or not religiously affiliated social service agencies can get taxpayer money and discriminate in placing kids with LGBTQ families. So, Catholic Social Services had a contract with the city of Philadelphia to place kids in foster care situations and adoptive families, and decided "You know what, because we're Catholic Social Services, we're not cool with placing kids with LGBTQ families because we have a religious objection to same sex marriage," which ugh. I'm just going to let that sit there for a second.

Imani Gandy: Right.

Jessica Pieklo: And the city of Philadelphia said, "Okay, you know what, we respect your religious objection. We're just not going to give you any taxpayer money for it." And Catholic Social Services got all upset about that. They got big mad and they sued. So now the Cavanaugh Court is basically going to decide whether or not we green light that kind of discrimination. What this means is that if the court were to say "Yes, religious affiliated places like Catholic Social Services can engage in this kind of behavior," then we will see kids being taken out of loving homes and placed into repressive ones, right?

Imani Gandy: Yep.

Jessica Pieklo: Evangelicals believe in things like conversion therapy where you pray the gay away, or you in extreme case situations beat the gay away. They're claiming a First Amendment right to engage in this kind of behavior, and we've got trans kids and their families ping-ponging in this political battle. So yeah, like you said, we're waiting for the court to drop its opinion. It could drop it next week. It could drop it at the end of June.

Meanwhile, we have kids who are in state facilities in foster care situations and private homes just waiting to see whether or not they can land with families who want them or not. It's all too much.

Imani Gandy: The thing that you have to remember with these bills is that Texas lawmakers are taking a page from the anti-choice playbook by introducing copycat bills. This is AstroTurf advocacy. You get a bill in Texas that attacks the parents of trans kids, then you get a bill in New Hampshire, which really still New Hampshire, I'm confused as to why you're even involved. Usually, you're pretty cool.

Jessica Pieklo: The Granite State is usually pretty low key. What is going on?

Imani Gandy: You never hear shit about New Hampshire, right? So then you get New Hampshire's going to do it, and you could bet your bottom dollar Annie-style that Florida will follow, and Arkansas will follow, and South Dakota, North Dakota, North... There's no North Virginia. I almost North Virginia. That's not even really a state, but they'll make it state and then they will attack the parents of trans kids.

It's just they introduce these really extreme bills to make other bills seem more reasonable, and I just need people not to fall for it and to tell your friend, tell your family members who may not be too keen or too up-to-date on what these issues regarding trans advocacy involve. You have to let them know that this is bad, yes, but it's also sort of a pipeline to something that seems reasonable, but which is going to be worse because it will be spread throughout the country.

Jessica Pieklo: I want to go back to this point that you made earlier, because I think it's so important, a tax on trans folks are never limited to only trans folks.

Imani Gandy: Nope.

Jessica Pieklo: This is something that I feel like I can't shout this from the highest mountaintop here in Colorado. These attacks are not going to be limited to trans folks. How do we know? We've got the evidence. North Carolina is doing some funny business. We're not going to go into it too much, but this is just an excellent example. They've got this bill, Senate Bill 514, which would ban people under the age of 21 from getting the transition healthcare they need to.

So, like one of these copycat bills like you're saying. Except, North Carolina's bill goes further. It would also require state employees to out trans and queer kids to their parents.

Imani Gandy: What?

Jessica Pieklo: Yes.

Imani Gandy: What?

Jessica Pieklo: So listen. Listen, sincerely-

Imani Gandy: I can't. I don't want to. Do I have to?

Jessica Pieklo: Take your fingers out of your ears, Imani.

Imani Gandy: Okay.

Jessica Pieklo: We need to discuss this.

Imani Gandy: Oh, fine.

Jessica Pieklo: If a child displays "symptoms of gender dysphoria, gender nonconformity, or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex-" what? What?

Imani Gandy: I don't. I can't.

Jessica Pieklo: Then the state of North Carolina says that folks have to notify the child's parents or guardian. Like, okay. So, I want to wear pants. Does that mean that my parents get a call? It sounds extreme, but that's a legitimate question.

Imani Gandy: Absolutely. Is your son's hair a little bit long? Maybe that's expressing gender nonconformity behavior. Does your daughter like short hair? Is your daughter a tomboy?

Jessica Pieklo: This was an actual case in Nebraska not that long ago. In like 2016, there was a girl with short hair and they were like, "We don't know if she can play soccer. She looks a lot like a boy."

Imani Gandy: What is this, Ladybugs? Do you remember that movie Ladybugs with Rodney Dangerfield?

Jessica Pieklo: I do.

Imani Gandy: Where they got the boy to play on the fucking girl's soccer team. God, that movie was infuriating. But yeah, this is truly appalling. It's sort of similar to the bathroom panic, where you have people in bathrooms trying to police the way people look and attacking maybe butch lesbians for being men because they don't "conform to what women are supposed to look like". If you're not wearing a full face of makeup, and if you don't have feathered bangs, then apparently your gender nonconforming and that's a reason for you to be outed to your parents.

Jessica Pieklo: Right.

Imani Gandy: Imagine if your parents are abusive. Imagine if you're a foster child living with an abusive family because you've been taken away from your own family because Texas is trying to stick it to you. They put you in some Christian Evangelical home, and then your teacher is going to call these people up and be like, "Jess is wearing pants. Are you sure she's a girl?" What the fuck are we doing here, people?

Jessica Pieklo: Even last year when the Supreme Court heard arguments in the Bostock and the Harris Funeral Homes cases, which we've talked about a lot. Neil Gorsuch gave us that great decision that said federal employment law protects trans and LGBTQ folks. Guess what conservatives were arguing in defense of their actions? They were just enforcing dress codes. This wasn't about discriminating against trans people. They just wanted to enforce a dress code.

So remember, these attacks are never limited to trans folks and their families. They're coming for you too.

Imani Gandy: They are.

Jessica Pieklo: Is there any pushback to all of this terrible legislating? Please tell me that this isn't just happening without anybody doing something about it.

Imani Gandy: Actually, the NCAA-

Jessica Pieklo: What?

Imani Gandy: Yeah, the NCAA just announced that it considering pulling events in states with anti-trans bills. Considering there are like 28 states right now that are considering such bills, that's a pretty big deal. The NCAA, that's a huge organization. Do you remember back when North Carolina tried to pass its bathroom panic bill? The NCAA was like, "No, we're not having the Final Four here. We're out." And North Carolina was like, "Wait, wait, come back. Come back. Come back." They were Rose fucking DeWitt-Bukater on the goddamn raft being like, "Ah, come back. Come back."

I'm still mad at her. There was room on that raft, man. Move over.

Jessica Pieklo: That is too funny.

Imani Gandy: You just let your frozen boyfriend just sink to the bottom of the North Atlantic. That is rude as fuck, but I digress. I digress.

Jessica Pieklo: That's what should happen to all of these anti-trans, yes let them sink to the bottom of the Atlantic.

Imani Gandy: Sink to the bottom of the Atlantic, exactly.

Jessica Pieklo: It is a really weird place for me as a sports fan to be on the side of the NCAA, but here I am. Here I am. They should be doing this because you know what, there are states that are banning athletes from competing in their own states. So, since 2010 the NCAA has had a policy of allowing transgender women to compete in college athletics with their peers. There's a whole crop of athletes that the NCAA has to advocate for, and Louisiana, knock this shit off right?

Imani Gandy: Yep, yep.

Jessica Pieklo: They would like to show up for the Final Four.

Imani Gandy: Yeah, yeah.

Jessica Pieklo: We've got places like Tennessee, Mississippi and Arkansas who have already passed bills that would remove the ability of trans girls to participate in girls' sports. So, I don't know, those are some pretty big places when it comes to NCAA athletics. Have you been to Tennessee? Do you know how they feel about their sports? Arkansas, Fayetteville you've got some great facilities there, all right?

Imani Gandy: Sorry, and I was going to say it's not just the NCAA. It's also the NBA, right?

Jessica Pieklo: Yeah.

Imani Gandy: Remember in 2016, again going back to this bathroom panic in North Carolina, the NBA moved their 2017 All Star Game from Charlotte to New Orleans in

response to this bathroom panic. It's similar with the baseball people. The baseball people.

Jessica Pieklo: The baseball people.

Imani Gandy: Major League Baseball.

Jessica Pieklo: That hit the ball with the stick.

Imani Gandy: Yeah, the sporty stick people. You know, those people.

Jessica Pieklo: They're coming to Denver.

Imani Gandy: They're coming to Denver in response to Georgia's voter suppression law. So there is a lot of room for organizations like the NCAA, like the baseball people, like the basketball people to actually take a stand because that's what people in these states care about. They care about these big sporting events coming to their states, and if they're not coming to their states because somebody wants to use to the goddamn bathroom, then that is going to piss off people who live in the state, which in turn is going to make them mad at their representatives, which in turn might lead to rolling back these kinds of anti-trans laws.

Jessica Pieklo: Yeah, and I just think particularly with the NCAA, it is so important that they are taking a stand. I encourage them to even go further because the argument from conservatives is such bad faith. We've talked about this with Arkansas. They don't care about girls' sports. They don't care about women's athletics. They do not care about gender equity in sports.

Imani Gandy: Not at all.

Jessica Pieklo: The threat to women's athletics is not from trans equality and participation. The threat is from being under-resourced and predators in the midst in coaching. Those are the threats. There have been some really good advocacy steps by athletes in those spaces, so seeing the NCAA take a stand here and start and continue that conversation I think is important. Because like you said, we've got over half of the states in this country are considering types of legislation attacking trans families and their kids. This is just... Corporations, there's got to be muscle behind this, and standing up for trans folks and trans kids is a good place.

Imani Gandy: Yep. Yep. Please stand up for trans folks and trans kids. Stop attacking trans... Leave trans kids alone. Leave them alone.

Jessica Pieklo: There are other things to legislate.

Imani Gandy: There really are.

Jessica Pieklo: We don't need to legislate this.

Imani Gandy: Really are. Stop being panty sniffers. I don't like it. It's weird. On that note, I'm going to close on panty sniffers. If you'd like to Jess or I about anything, you can follow me on Twitter @angryblacklady. You can follow Jess on Twitter @hegemommy. You can and should follow @RewireNewsGroup on Twitter and Instagram. You should join our Facebook group, and you should give us all of your money.

RewireNewGroup.com/BoomGive. You know, you got to help us keep this Boom! Lawyered ship afloat, this Boom! Lawyered barge afloat, because it's important to do so. On that note, what are we going to do?

Jessica Pieklo: We're going to see you on the tubes, folks.

Imani Gandy: See you on the tubes, see you in the barge, see you in the inner tubes on the barge folks.

Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.