Tuck: Shopping for sex toys can sometimes feel overwhelming or dysphoric, but shopenby.com aims to create a better experience for the queer, trans, and gender nonconforming community. You need lube? They’ve got lube. You need a vibrating butt plug with a rainbow unicorn tail? They’ve got that too. Two percent of all profits are donated to organizations focused on improving the lives of queer and trans people of color. Visit shopenby.com, that’s S-H-O-P-E-N-B-Y.com and use the code “gendereveal” at checkout to get ten percent off and support the show.

[Gender Reveal theme music plays]

Tuck: Welcome to Gender Reveal, a podcast where we hopefully get a little bit closer to understanding what the hell gender is. I’m your host and resident gender detective, Tuck Woodstock.

[Music ends]

Tuck: Hey everyone. Hope you’re all hanging in there. This week on the show I am really excited to share my chat with Chase Strangio, who you surely already know as *the* trans lawyer involved with many, many landmark trans rights cases in the U.S. over the past decade. In this episode, we talk about how biological sex only exists in the law to exclude trans people, what new legal horrors are coming down the pipeline, how to stay updated on all those legal battles without constantly retraumatizing yourself, and how sometimes the most helpful thing you can do is just try to have a good time.

Chase [interview excerpt]: The more we share and express our joy, that’s actually a political counterpoint to what they’re actually saying.

Tuck: Stay to the end of the interview to find out why Chase’s kid is my personal gender hero. But before we get to that, quick reminder that this is the last week to grab stuff out of our merch store for at least the rest of this year, so if you’re hoping to do some gender-y holiday shopping that also supports trans artists and trans organizations, head to bit.ly/gendermerch through November 30th. And now, it’s time for *This Week in Gender*.

[This Week in Gender music plays]

Tuck: So, hilariously, after talking about the Olympics on two consecutive episodes, we have been hit with enormous Olympic gender news, which is that the International Olympic Committee released new guidelines that suggest against requiring specific testosterone levels or medical procedures in order for trans and intersex women to compete as women, and even though that is *exactly* the type of news that this segment was made for, we are not going to talk about it because it is simply too much Olympics, so we will put a link in the show notes if you’d like to read about it. Maybe we’ll revisit it later, but for now, we’re going to talk about something that is much less consequential and much more annoying.

[Music starts]

Last month, California Governor Gavin Newsome signed a flurry of 770 state bills into law, and at least one of those bills has incited a new moral gender panic among conservatives. Bill 1084 requires large retail stores in California to create gender-neutral toy sections, and the question you may be asking yourself is, “I didn’t ask for this. Who asked for this?” And the answer is some guy named Evan. Democrat Evan Low currently represents parts of the South Bay and Silicon Valley in the California State Assembly, where he has been called California’s most prolific lawmaker. Another fun fact, in 2009, when he was twenty-six, he served as the mayor of Campbell, California, becoming the youngest openly gay, Asian-American mayor in the country, which is an extremely specific title, but good for him.

Evan claims that this law was inspired by the daughter of one of his staffers who asked why certain toys were only located in the boy’s section. As he told the Associated Press, “We need to stop stigmatizing what’s acceptable for certain genders and just let kids be kids. My hope is that this bill encourages more businesses across California and the U.S. to avoid reinforcing harmful and outdated stereotypes.”

But, even Evan admits that this bill was largely performative. The new law doesn’t take effect until 2024 and only applies to companies with at least five hundred employees. It does not apply to clothes, only to toys and hygiene products like toothbrushes, and it doesn’t get rid of traditional boys’ and girls’ sections of department stores. Instead, it requires that the store also have a gender-neutral section to display “a reasonable selection of items regardless of whether they have been traditionally marketed for either girls or boys.”

[Music ends]

If, in three years, a retail store fails to create that gender-neutral section, they will be fined $250 for the first violation and $500 for additional violations, a number that is effectively $0 to any company with five hundred or more employees. So, while we can obviously agree that we need to stop stigmatizing what’s acceptable for certain genders and just let kids be kids, we can hopefully also agree that this law doesn’t really do much to meaningfully change that, especially considering that retailers like Target eliminated their gender-specific toy sections years ago.

I would say that this law does nothing, but it actually does one thing really well, which is that it makes conservatives very, very upset. We have government overreach. We have gender roles. We have children. We have the free market. This is like a right-winger’s wet dream of things to yell at Democrats about. Conservative outlet The Economist wrote an article about the law, with the kicker, “Toying with the Nanny State,” asking, “Should it be the government’s role to tell businesses how to display merchandise?” Meanwhile, people with Twitter handles like @raymond44061963 are now tweeting things like, “I’m sure the gender-neutral toy aisles will kill COVID.” And while that was a real tweet to Gavin Newsome himself, other people are directing their ire not at the governor, or the state legislator, but aaat, say it with me, trans people. A quick bit of scrolling found people mentioning the gender-neutral toy aisle in the same breath as complaints about trans guys getting top surgery, trans women in women’s restrooms, trans girls playing sports, and just like the concept of trans people in general. This is despite the fact that trans people did not ask for this, and if anything, we asked them to please stop doing this and focus on, like, healthcare.

[Music starts]

So, if we have anyone listening who is considering doing a gesture of performative allyship on the basis that it cannot be worse than doing nothing, may I suggest that it actually can be worse than doing nothing. If you do something that creates a tantalizing rhetorical tool for the right without providing any meaningful tangible benefit for trans or gender nonconforming people, you might be actively making things worse. Every trans victory leads to some kind of conservative backlash, so when we get the backlash without the victory, feels like a lose-lose situation. No offense to Evan, I’m sure he’s very nice.

[Music ends]

Wow, I really thought that would be light and fun to talk about toys but maybe we should have talked about the Olympics. Okay, here’s one thing. The new IOC guidelines say that athletes shouldn’t be sex tested and that “unless robust and peer-reviewed research determines otherwise, athletes should not be deemed to have an unfair disproportionate competitive advantage due to their sex variations, physical appearance, or transgender status.” So, that’s good. This has been *This Week in Gender*.

[This Week in Gender music plays]

Okay, look, I know we already did an ad, but I have to make sure you remember about the Bistitchual Yarn Shop! As you know, they offer a wide range of beautiful queer and/or Canadian indie-dyed yarn and handmade accessories. Looking to learn but don’t know where to start? They offer knitting and crochet Zoom classes at all levels, so you can join in from anywhere in the world. Visit them in person at 708 Annette Street in Toronto or shop online at bistichual.ca for free international shipping for orders over $100.

[Gender Revealtheme music plays]

Tuck: Chase Strangio is deputy director for trans justice with the ACLU’s LGBT and HIV Project. He specializes in legislative advocacy and impact litigation on behalf of trans and nonbinary people, and has been counsel in several major trans rights cases over the past decade.

[Music ends]

Tuck: So, the way we always start the show is by asking, in terms of gender, how do you describe yourself?

Chase: Oh my god, just coming out with the big questions. I have to reveal my gender? Right from the start?

Tuck: Right from the start. You know I actually have rethought this, where I’m like, “It is really aggressive to do that first question when I have built no rapport,” but it is the structure of the podcast so I do do it still.

Chase: No, it’s good. I think, you know, I both wish and don’t wish it was easier for me. I sort of love that I’m like, “I don’t know, it’s such a complex journey. I’m still figuring it out.” But I think I sort of describe myself as a transmasculine, trans, nonbinary person.

Tuck: Yeah, like a year and a half ago maybe, you and I were doing something for NPR and they asked you what your gender was, and I think you just said transgender, and I remember being like, “I didn’t know you could do that.” I didn’t know that was one of the options when people asked.

Chase: Yeah, no. I’m like, “Oh yeah, I’m transgender. Nothing else.” I don’t know. No modifier. I live in a liminal space.

Tuck: Yeah. I mean I feel like that would be challenging because when I look at press of you or just public discussion of you, it’s “Chase Strangio, trans man, he/him.” So, is that something that you feel fine with, or just something that you’re tired of correcting? Not that you’re not a he/him, but like more of a he/they energy.

Chase: Yeah, I definitely feel a he/they energy. You know, I don’t know that I’ve ever felt the need to correct it either. I’m definitely not like, “Oh I identify as a man, or “I am a man,” that’s not me. But there’s nothing about sort of public narrative or media framing that feels ever exactly right, you know. It’s just sort of like everything is constrained. It’s constrained in law; it’s constrained in discourse; and so yes, it’s sort of like one narrative construction of me that I relate to or not. Just as when I’m walking down the street in my mask and I get ma’amed or she’d all the time, I also don’t do a lot of correcting. I’m just sort of like, “Well, the world is not understanding me,” and that’s always been something that I’ve contended with, and it happens in different ways, in different moments, and I think it’s interesting. I just sort of never came out as anything. I just sort of was like, “I am who I am,” and people are reacting to me. And that, you know, at various points, I’ve been like, “Yes, I’m queer,” and “Yes, I’m trans,” and those things are true. But they mean different things to me at different times and they mean different things to different people, depending on who those people are.

And so I think about my current sort of public self as this ACLU lawyer. When I was hired at the ACLU, I mean, in my life I sort of did use he/him pronouns and didn’t. I just was sort of like, “Oh, pronouns, it’s so stressful.” But, I was seen as this trans lawyer, and law, particularly at the time, was so binary. It was like, “Well, you are a man. You are a he/him. Otherwise, we’re misgendering you,” which was true. I definitely didn’t want to be she’d, and that was something that I felt really strongly about. But I think the more sort of conservative arenas you enter, the impulse towards a binary identity are much stronger and, sort of, you get constructed around that no matter what you do, and so, I think at times there’s a utility to talking about transness in relation to binary. I think there’s real downfalls and dangers to that. It has never really felt right to me personally, but obviously, in the way that we talk about law and transness, there is a real binary, and so I fit in the public in that, even though I’ve also been told, “Stop using your hands when you talk” and, “You’re such a queen,” you know, but as much as I am cast in one way, if you look at me, you’re seeing something else too, and so there’s always that tension.

Tuck: Yeah. When you were just speaking, I think you said something about the law being binary, at least in the past. Do you feel like there’s some sort of movement towards less binariness in some way in the law?

Chase: So, yes and no. I mean, even that has to be not binary, right? So the law is not nuanced, sort of by its nature. The law can’t contend with complexity. It can’t contend with mess, which is one of the many reasons why it’s such a disaster as a tool. You know, you think about, sort of the history of even sort of basic discrimination cases. If you’re a black woman being discriminated against, the law is like, “Well, we don’t know if it’s because you’re black or if it’s because you’re a woman, so we can’t do anything,” instead of both of these concepts and structures in law, race and sex, are sort of mutually constituting each other, so it’s discrimination compounding discrimination. Instead, they’re like, “Well, there must not be discrimination at all.” It goes in that exact opposite direction when there’s any nuance. And the impulse, of course, is to maintain power, not to destabilize it, and that’s what the law does, you know, so in every sense, there’s that draw toward extremes, towards binaries. I think when we think about sort of how the trans rights, you know, rights as opposed to justice, in particular, framework has emerged, it has been a lot of binary constructions of trans people, of transness. You know, “I am a man who happens to be transgender. I’m just like all other men.” And that is sort of part of the legitimatizing impulse of law.

That said, I think that there’s also room to sort of think about when we complicate categories, which we do in our litigation, even if we’re doing the litigation on behalf of binary people, it opens up more room for thinking about space and identification along a spectrum in a more nuanced way. So even if you think about something like the way that sex discrimination jurisprudence has evolved, and notions of sex stereotyping, there is an incredibly sort of nuanced capacity within that. The law forbids different actors, whether they’re the government or private actors, employers, landlords, from assuming that men and women must behave and act in a particular way, and what is a man and a woman is also, sort of could be in flux, and so I do think there’s some room. I think I’d like to believe we can continue to use creative strategies in legal advocacy, but we do have to recognize that in general, the law has so many constraints, and one of them is its complete lack of capacity for nuance.

Tuck: Absolutely. When you were just talking about sex stereotyping, it reminded me that when I was doing research for this episode, I heard you say something about how biological sex as a phrase didn’t exist in law until five years ago. Can you say more about that, and also how the definition keeps changing?

Chase: Yeah. I mean, one of the main things that I am harassed for on the internet is for saying that biological sex isn’t real. And what I mean by that is that sort of the way that we’re hearing biological sex in discourse as this sort of fixed and binary thing that can be named in law is not a real thing, in the sense of it didn’t exist until there was a political imperative for it. And so when you look at statutes, laws in the United States, whether that’s at the state level or the federal level, there was never the phrase “biological sex” anywhere in law up until around 2016, when you started seeing the anti-trans bathroom bills. And the first sort of codified definition of biological sex in law was in HB2 in North Carolina, because up until that point, we had sex in law, and sex meant a lot of different things, and it often wasn’t defined, and biological sex as a legal category emerges in exclusively anti-trans terms. It comes in for the sole and exclusive purpose of saying that we are going to move from a notion of sex that is, you know, more amorphous and undefined, to this so-called category of “biological sex,” which means essentially the construction of a sex category designed to exclude trans people from where they should and want to be.

Because, you know, one of the really interesting things about—it’s not interesting, it’s ridiculous—about Gavin Grimm’s case, which was the case that we brought in 2015 on behalf of Gavin Grimm, who at the time was a young man in high school who was trans and wanted to use the boy’s bathroom, and was able to at first, because his principal was like, “Well, seems like not a big deal to me,” and then, of course, there’s this political outrage and the school board passes this policy excluding Gavin and all trans people from the bathrooms under this framework of what they call biological gender. And over the course of the six years that the case is being litigated, the definition of their, biological gender, it changed every time. You know, it starts out and it was like, “Well, it’s what’s on your birth certificate,” and when Gavin changed his birth certificate, they were like, “Well, actually that’s not it. Biological gender is whether you’ve had surgery.” And then, you know, when Gavin’s like, “Well, I’ve had surgery,” then they’re like, “Well, actually biological gender is your chromosomes.” And so ultimately what the case showed, as many of these cases do show, is that it’s just this moving target which means that we’re constantly going to change the definition for the purpose of excluding some category of people from a space, and so, yes you can look in medicine and know that there are biological characteristics that are related to our sex, but this so-called coherent binary concept of biological sex, it doesn’t exist either in medicine or in law, until very recently, in law, and that’s only to attack trans people.

Tuck: Yeah. I’m just thinking about a little testing station outside the bathroom where you have to get your chromosomes checked before you can pee. So, obviously, in the legal fights for trans rights you’re a part of, like that one, the folks you’re up against, their arguments don’t make any sense. They don’t know anything about trans people. They don’t care. They don’t give a shit. How do you approach your job when the opposing argument is not based in any real logic or common sense? I feel like that would be harder.

Chase: Yeah. I mean, what’s hard is that it’s both based in no logic or common sense and grounded in such disdain and hate, and at the same time is being accepted by large numbers of people, and in some cases, by courts. And so I think it’s trying to figure out sort of both how to highlight the absurdity of the argument, but without sort of dismissing it out of hand, because as advocates, especially as advocates engaging in the legal system in one way or another, we are in a position to sort of have to appeal to some decision maker that, you know, may feel more sympathy towards our opponents than to us, or more familiarity with our opponents than with us. And so I think that in a lot of ways, it’s been about compartmentalizing, and trying to sort of take the emotional part, the reactive part of me that is furious about it and personally hurt by these arguments, and then sort of contend with them in sort of strategic ways which is to say, “Well, what is this most like?” and “How can we make connections for the court to understand?”

And I think we were really effective in neutralizing a lot of the arguments when it came to the bathroom bills, when it came to a lot of these policies around restrooms over, you know, a period of three to four years. I think what’s concerning is we’re now in this moment where the courts are much more conservative, and the escalation of attacks are much higher and more frequent. And we’re dealing with two contexts, you know, the context of mostly youth in sports, as well as healthcare access for minors, and we’re up against a lot of challenges in these spaces. And I really believe that the other side’s arguments are sort of patently absurd, and yet, we are losing many of these fights. You know, coming out of 2021, where, you know, we had thirteen anti-trans laws pass. We were able to stop almost every other trans law for the past decade other than HB2 in North Carolina in 2016, and so it’s been disconcerting to sort of contend, not just with arguments on their own terms, but with relative public support for them.

Tuck: Yeah. I think lots of trans people, even lots of trans people who are sort of professionally trans, who work in this space, have a tendency to try to avoid the constant coverage of all of these bills and cases. I’m thinking about your interview with Laverne Cox, which was absolutely amazing, and how cathartic it was for me to hear Laverne be like, “Yeah, I actually try to avoid hearing too much about this because when I—” obviously, she does a bunch of incredible advocacy, but also, “Sometimes, I have to avoid this ’cause it makes me too upset.” But you can’t avoid it; that’s your whole job, is just to be in it and deal with it actually firsthand. So I guess two questions: One is just how do you process and metabolize all of that? Is it just compartmentalization? Is there something you’re doing to be even sort of remotely okay in this onslaught?

Chase: Yeah, no, good question. I think it remains to be seen. I mean, I’ve been at the ACLU in my current role for almost nine years, and before that, I was at the Sylvia Rivera Law Project doing trans work, and I spent most of law school doing work so, you know, I think the scope of what I’ve been doing has been mostly just all of this for the last thirteen years, and then at the ACLU for the last nine, and it’s as bad as it’s always been. The last two have just been so so so much worse, and by a number of different metrics. What do I do? So… I would say, am I okay? Is *anyone*? So I think then also, on top of that, we’re living through a pandemic. I have a child at home, thank god at school now, but I think there is a way where, no, I don’t know that I’m the model of how to manage this effectively. I don’t have all the tools, and I’m sort of trying to seek them out more, because it is really exhausting to spend as much of one’s life as I spend, sort of reading and immersed in a discourse and a set of policy enactments and efforts that are just fundamentally counter to your whole existence. I do also feel an incredible amount of gratitude and privilege to be able to do the work that I do, and so that does drive me to an extent. You know, I have the ability to go to court and try to stop things from happening and that is, as draining and as exhausting as that is, that is also very sustaining. I mean, in the middle of the summer when, you know, after all these bills had passed and I was so demoralized, I also got to fly to Little Rock and argue in court to try to block their healthcare ban from going into effect. And all of our clients were there, and Miss Major was there, and if you think about these beautiful defining moments of my life, that would definitely be one of them, as exhausting as it is. And then, you know, I am, you know, I have been at the ACLU for a long time. I have colleagues who really support me and obviously have been in community with so many people and trans people in New York for over a decade, and find a lot of grounding and support there. I think what I’m scared about is where we’re going next. I mean, it’s only going to get worse and I think all of us need to figure out, well, what are the ways we’re going to care for ourselves and each other? Because it is, I would say, about to get much worse, on a lot of different axes, and that’s really hard to emotionally prepare for.

Tuck: I don’t know if I want to know, but what are the axes in which it is going to get worse, Chase?

Chase: Umm, yeah. I mean, so here’s what I can say, sort of big picture, structurally, that’s coming. I mean, you can even see in sort of recent elections that we’re already going to see an even further rightward shift in our political climate, particularly when you look at state-level politics, and the majority of bad things are coming out of the states. And a product of us as a country not focusing on what happens at the states is that we also sort of have an ever-decreasing grasp over access to the vote, because at the state level, that’s where these voter suppression laws are passed, that’s where gerrymandering happens. And so there’s this rightward shift in state legislatures, which then, of course, dilutes the vote further, the black and brown vote in particular, and allows for these incredibly right-leaning legislatures to maintain and consolidate power, and then use that power to push a lot of really scary things, like the anti-so-called Critical Race Theory bills, the anti-abortion bills, and the anti-trans bills.

If we think about, in addition to the anti-voter rights bills that are sort of the organizing principle, then on the substance, there’s anti-trans, anti-abortion, anti-learning-about-race. And so we are now in this context where things have gotten so far to the right in so many places, it’s going to be very hard to stop things. And because of the way in which the Trump administration stacked the federal judiciary, it’s also very hard to effectively challenge things in court, so we have those two sort of structural problems before us. And then, on the substance, we now have about ten states that passed anti-trans sports bans. That’s a lot. That’s a fifth of the country. The only state that passed a ban on healthcare for trans minors was Arkansas, and thankfully we were able to block that law before it went into effect, although that’s on appeal before the Eighth Circuit, which is not a good place to be on appeal.

You know, it’s almost January 2022, you know, so we’re about to start this whole thing up again, and I would imagine that every state that passed a sports ban is going to aggressively be pushing for a healthcare ban, and that is scary because as bad as the sports bans are, the healthcare bans are much worse. And not that we want to sort of categorize the types of horribleness, but these healthcare bans are going to take away healthcare from trans kids. They’re going to start a process of making our healthcare, which is already inaccessible by every metric, even further out of reach, in some cases criminalized, and that’s going to lead the way to sort of further erosion into the access of care to trans people and access to just public space, and so I think there’s a lot to be concerned about there.

We’re also seeing a huge increase in the public conversations, and what I imagine we’re going to start to see are bills that do a number of things, particularly in the context of schools, which will either allow or *force* teachers to misgender students. And also, we’re starting to see these forced disclosure bills, requiring schools to notify parents or guardians if the person is exploring their LGBT identity in any way, and this is again part of this so-called parental rights discourse that is combined with the anti-mask discourse, with the anti-critical race theory discourse, but is, of course, completely at odds with what’s happening in the healthcare context. Because in that context, those bills take away parental autonomy to direct their children’s medical care, because the only time minors have access to gender-affirming care is if their parents are consenting to it. So we’re in just a total hellscape of hypocrisy. But I think on the structural political side and on the substantive legislative side, we’re going to see some really, really upsetting things in the next few months and then escalating over the next year. I’m such a beacon of joy. (laughs)

Tuck: No, it’s good. So when I hear all this legislation to try to get rid of trans people, I just come back to my brain screaming at me like, “What’s the point?” And I was at this panel for the launch of *Atmospheres of Violence*, and Jules Gill-Peterson said something about like, “Oh, there just isn’t a point,” and it’s really hard for us to cope with the knowledge that lives are being destroyed and there’s no point. So I’m curious if you think that all the state violence against trans people has… a point. Is there a reason this is happening?

Chase: Like from their perspective? What is their goal?

Tuck: Yeah.

Chase: So I would say, not a *valid* one, obviously, because their goal is to eradicate us and so on some level, there’s that genocidal impulse. I would say a few things. So, I think if you look back on sort of the history of various state-building projects, that there is a strong impulse in all of them to control bodies, to control family structures, and to control sex and sexuality. And so part of it is just this impulse to maintain power and control through this really theological vision of the Christian, white, nuclear, heterosexual family, and this is a part of that, that the trans person, the trans body represents a deviance from that. And if those who have this particular theological orientation combined with this state power impulse, you know, properly situate transness as a threat, what that does is it empowers the state to further control people’s bodies. And this is the same thing that we see in the abortion and reproductive justice context; it’s the same thing we see with the expansion of the criminal punishment system; that it’s all about surveillance, control, and power, and that’s, of course, part of what’s going on here.

Of course, the number of people who actually are moving based on that theological vision is, percentage-wise, very small. What is actually happening is a political capture. If you talk to most of the Republicans in these places, they don’t care about this. They don’t actually think these are good bills. They are largely more libertarian in their orientation; they think it’s ridiculous for the state to get involved in this way. But they’re acting based on political interest in two ways. One is they’re trying to mobilize their most rabid base, and two, that there are very conservative people in leadership who ensure that if people don’t support this type of legislation that they will get primaried from the right. And if you think about the way these political systems are operating, like in a place like Texas, you know, for example, where a very small number of Republican lawmakers actually wanted to pass their sports ban for example, but 100% of them are going to vote for it if it hit the floor, or even in committee. You know, all of these are happening with these political calculations because someone on the far right will say, “If you don’t vote for this, I’m going to put a lot of money to fund an opponent of you in a primary election.”

And that’s where the gerrymandering comes in too, because the more the districts are set up to sort of leverage conservative and far-right power, the easier it is to threaten more moderate lawmakers with the right-leaning primary. And so in some senses, the point is just political power, and in some senses, the point, of course, is this larger theological vision of power, family control, through the mechanisms of these state-building enterprises. And so I think it’s all of those things at once. And then in some cases, it’s about power in a different way, which is what I think we’re seeing in a sort of so-called “protect women”-type discourse, particularly in the sports context coming from, you know, largely white, middle-aged cis women, is that they tend to do whatever they can to maintain their own power. Which is why if you look at the recent governor’s election in Virginia, where you have the Republican winning, it’s white women who put the Republican over the edge, just as it was white women with Trump. And I think the protection of white womanhood as this very powerful political construct is at the core of so much monstrosity, and that’s also at play here.

Tuck: So we’ve established everything is so bad, and that there’s just so much of it, and also that most trans people are trying to not be completely consumed by it at all times. So I’m curious if you have suggestions, either ways that folks can support you without just being constantly submerged in it; is there a specific case or issue that you think people should be focusing on? Just sort of any guidance for folks who are like, “I do want to try to help, but I can’t be constantly tracking all of this, or I will die”?

Chase: Yeah, no. So I will continue to try to, on the regular, distill things into like, “Here’s the most pressing things, and here’s how to engage,” and it is constantly in flux, and so I think trying to follow me, or ACLU, or Equality Federation, or others that are sort of tracking these specific attacks, and who needs what, when, and where, and so there’s that. We, or I’ll speak for myself, I will try to continue to make it sort of more digestible, in terms of you don’t have to read every bill, you don’t have to look at the broad scope, but it may be that on February, you know, 15th, we’re going to need everyone to call someone in Alabama, you know, and so thinking about it in those sort of more concrete terms. I really think so much is incumbent upon non-trans people and sort of allies to sort of do the work of, especially for cis women, saying, “Not in my name, you know. I don’t want trans people to be eradicated in the service of protecting me.” And I think there’s a real responsibility that cis women, in particular, have to sort of engage here. And I think that helping people understand the importance of state-level fights. If we think about what happens in presidential election years, everything is about Congress, everything is about the president, but we lose our local and state-level engagement. And the damage is then felt in so many different ways. And I think to the extent, people can help mobilize at the state-level or help raise awareness about what’s happening in their state. That’s incredibly useful.

I think just doing the things that people love to do is important, because the more content we have, the more art we have, the more conversations we have, that’s actually what’s going to get us there in end. We’re going to lose many of these legal and political fights because everything is stacked against us. What we won’t lose is the fact that we exist, and we won’t lose the progress that we make the more we talk with each other, and the more we build our own communities, the more we create our own content. That can’t get taken away, as hard and as horrible as things may be, so a lot of it is to sort of continue doing what you love and what feels good and what is sort of quintessentially your trans experience. I think that is part of the activism and organizing of challenging these attacks. And then finally, because so much is sort of focused on trans bodies, and sort of the notion of transness as perversion—and not in the way some of us like to think of ourselves…

Tuck: …that it’s fun and hot? Yeah.

Chase: Not in a good way, in their minds! What’s so troubling and perhaps even interesting, is in our litigation, the other side is constantly raising these expert testimonies that are like, “Trans people are just miserable people who will never be loved and never be supported and if you give them care, they will be miserable, even more miserable,” which of course we all know is just fundamentally untrue. Our care makes us much happier, and being trans and coming to terms with who we are makes us much happier, and we live full, happy, joyful lives, and as horrible as the world is, the more we share and express our joy, that’s actually a political counterpoint to what they’re actually saying. It’s hard to experience joy when they’re saying it over and over again, but if people are just living their full lives and sharing themselves, that is the counterpoint to what is happening in all of these contexts, and we just have to keep supporting people’s ability to do it, and for all of us to be able to share it.

Tuck: This kind of leads into another question. I do a lot of DEI work, despite not believing in DEI, and it is so interesting how impactful it seems to just show up in a space and be fun and a human being and people are like, “Oh my gosh. You’re trans, but you are not a miserable alien crying in the corner,” and that is somehow helpful to them, and I’m like, “Yes, trans people can be fun and hot and smart and good. Glad that you learned that today.” But anyways, so I do a bunch of DEI work. I don’t have faith in DEI. You have said that you have to have a lot of faith in the courts do to do what you do, but you don’t have that faith in the courts. So how do you think that lack of faith in the legal system affects how you approach your job?

Chase: Yeah, I mean, so I don’t have faith in the legal system in the sort of big structural sense. It is not our path to liberation. I don’t think it will distribute just outcomes, because it simply is not designed for that. That said, I believe in the power of narrative, and legal narrative, to be a mobilizing force, to be a harm reduction tool. And so everything I do, I do like, a hundred—for better or for worse; it’s very chaotic. So I can not believe in something, but believe in it just enough to think it’s the right choice in that moment, and I will go all out. And part of my approach to the work that I do is to try everything, and so it’s tell the stories in the media, it’s try to lobby in legislatures, it’s go meet with Republicans if that’s what it takes, it means go file this case in court. And I’m not sure I’m always doing it right; I’m not sure it’s always the right approach; but it’s oriented towards mitigating harm and creating more space for people to live and thrive and grow and organize. And so that’s, I think, my orientation towards the work.

I take it very seriously. Because, you know, I’m sort of a goofy, lead with humor person, I think oftentimes, especially in leading up to litigation, people think, “Well, are you going to walk into court as a serious person?” And I’m like, “Fuck off, of course I am.” It’s like—excuse my language. (Tuck laughs) I know the rules, and I know how to traverse space, and will show up as myself. I will show up as a trans person, but I will show up as a serious trans person who knows why I’m there. And so I think knowing how to take very seriously the responsibilities of my job, without taking too seriously what the system can do. Each engagement with it, you know, I’m going hard, I’m going one hundred, and I’m going to show up. And it matters sometimes to be a visibly trans person in a space that people are not expecting you to be there at all, and they’re not expecting whatever it is that they’re seeing in you. And so it remains incredibly important and incredibly powerful for trans people to be showing up as the lawyer advocates, to be taking the depositions of experts, to be arguing in court, as hard and unwelcoming set of places that those forums are.

Tuck: Yeah. So, you’ve said repeatedly in interviews, so these are your words, I promise, that you felt like a freak a lot, and that was one of the reasons you became a lawyer. And it reminded me of this thing that I think about all the time, which is that my whole work is trans education; I’m a national expert on this; and somehow, random cis people who don’t know what gender is, have never thought about it for five minutes, think that they can argue with me, and think that they’re winning because they see me as inherently not credible because I’m trans, and if I think I’m trans, I’m already wrong, so I’ve already lost all the other arguments. So, what I’m asking, I think, is, do you feel like you’re still seen as freaky and untrustworthy because you’re trans? Or do you feel like you are able to transcend when you are like, “I am a trans lawyer and I know what the fuck I am doing”?

Chase: I mean so, yes and no. I mean, I think there was this way where I had this sense of feeling destabilized in the world around just being seen as a freak, having a sort of messy set of experiences and ways of showing up in the world perhaps that didn’t fit neatly into any professional package. I thought, “Okay, well, I’ve always used my brain,” or sort of what I understood to be sort of validation that I got by being viewed as smart in one way or another— which is its own form of problematic structural ableism—as sort of my defense mechanism, and as something that I over-relied on to defend against things that felt scary and unstable in my life. You know, I think going to law school and seeking out this very sort of traditional and conservative professional degree that had this legitimizing force is definitely part of sort of how I imagined myself contending with my own insecurities, anxieties, and sense of dysregulation in the world. That was definitely one of the goals or something, I was like, “Well, you may not understand me, but if you ask me what I do, and I say I’m a lawyer, that means something.” And I was going to use that as a shield, or maybe a sword, who knows? And so, that was definitely one of my intentions.

I think it took me many years to feel like I was taken seriously at all, anywhere. And that’s saying a lot as a white, transmasculine lawyer who was in relatively elite spaces, still sort of having that visible gender deviance that was being read by people sort of making me seem, you know, that I didn’t belong, or that I wasn’t to be trusted, or that I wasn’t serious, whatever the hell that means. And so I’ve now been a lawyer for eleven and a half years, and I’ve been at the ACLU, as I think I’ve mentioned, for nine. I do feel more like a respected authority than I did before, but what happens more often than not, and this happens to, I mean, almost all lawyers of color, and especially women of color, is when I show up and I am smart or I know what I am talking about from the paradigm of whatever the context is, people are continually surprised. And even my own colleagues sometimes are like, “Oh, you really knew what you were talking about in that meeting,” and I was like, “But why wouldn’t I know what I was talking about?” First of all, I’ve been doing this for so long; it’s my area of expertise. It should not be shocking that someone who spends their life doing something actually knows what they’re talking about. And not only that, it’s like my whole existence.

But you know, it’s also, I believe in perfecting my craft, and continuing to grow. I will always bring a sense of humility to it. I have so much to learn. I’m relatively young in my career, and want to continue to learn and grow more. And so I’m willing to sort of, put myself in somewhat terrible, insufferable situations to continue to gain skills that I continue to bring back for my community. And hopefully, what I haven’t been the best at is finding ways to mentor younger trans lawyers. I think because I, myself, get really burned out and tired and feel that it’s really hard when you’re one of the only, to figure out how to sort of—I want to, of course, make the space, but also actually be an active mentor. Because there are very few out trans lawyers litigating high-profile trans cases, and we need more, and the only way we’re going to get more is if people feel supported and mentored, and so I think there’s just a lot more work to do in that way.

Tuck: Yeah. I mean, we need more and they need to be mentored, but also we need more so you can take a break sometimes, so I think those two things are at odds a little bit. But yeah, so much of your work is doing really basic one-on-one trans explaining with people who are really unfamiliar or just openly hostile. And we are here in a space where we all know those things. So is there anything, it doesn’t even have to be legal-related, it can be, but like, trans-related, gender-related, queer -elated, that you don’t typically get to talk about but you just wish you could talk about more?

Chase: Oh my god. I mean, I will say that yes, I’m constantly doing a trans one-on-one in spaces where people don’t care to, or have sort of base understandings of transness and our bodies. And at the same time, I get to really contend with sort of complex and novel legal arguments all the time. And so, thinking about like, how to bridge those two things. And maybe this is not very responsive, but one thing that I’ve really been struck by in the last two years in particular, and this is my own experience too, is that we just aren’t really taught anything about how our government works. And I think part of why people feel so overwhelmed and disempowered is because everything is so deliberately confusing. And so one thing that I really wish I could do more of is to sort of sit with people and talk them through like, how do these different branches of government work, and what is happening in our lives, and where do we have the tools to exert power and what are things contingent on? Because it can be, you know, so confusing, and it’s taken me so many years of sort of in-person, direct experience with legal education to try and figure out some of these systems.

And I wish that we could all just sort of do more learning together. There’s so many things I want to learn about, and I love learning from my community, and so I think in general I just want space for sort of collective learning and sharing. We just don’t have as much room and space for talking about trans joy and trans desire and all the different types of families that we create, because we’re so busy saying, “Oh, no, we’re not fake” and, “Oh, no, we’re not miserable.” And we may be miserable, and it’s fine to be miserable, and that’s part of being alive, but that’s not the inherent condition of transness. And sort of thinking about what do these real, beautiful places of joy, desire, and family, and community look like? I wish I could spend more time in that space.

Tuck: Yeah. Well, you were just talking about, I think, learning from community, and I know you talk about Pauli Murray a lot. You co-founded the Community Bail Fund with Lorena Borjas, who we lost last year. And I just wanted to create a space, if you wanted to talk about any trans or gender nonconforming elders who have played an important role in your life that you feel like we should know more about.

Chase: Well, yeah, I mean I think Pauli is, you know, an icon, and is such an important person in my thinking. And not just about the law, but about who we are and how we inhabit our bodies, and how the way we inhabit our bodies is constrained by the time and place that we live, and sort of what might be possible. And so I encourage people to learn more about Pauli, and Lorena too. I mean, I think right now, especially as I’m contending with this next phase of gearing up for, you know, not to use war metaphors, but for battle, and having lost so many elders, it feels so hard. And Lorena was definitely such a comrade over the years, and someone who really held me to account. We worked in such different ways. And having lost her so early in COVID, to COVID, was all so destabilizing. And Flawless Sabrina was like my trans, queer grandma; this is, I’m wearing Flawless’s shirt; I have a *Queen* poster right next to me. And I was just actually answering a question for something about, you know, places in New York that are meaningful, and one of the places was Flawless’s apartment, which, you know, after her death was sort of lost, and there’s an archive, thankfully. But Flawless really loved the Alice in Wonderlandsculpture in Central Park, and just thinking about how we go revisit these places that are so meaningful to our elders who have passed, and trying to sort of call upon them to give us strength in these moments.

And Lorena too. I mean, I live in Queens, and Lorena did too, and there’s an ongoing memorial to her here, a street that was renamed for her, and sometimes I just walk by to feel like, “Okay, these folks are still with us.” And as I mentioned Miss Major, who now is in Little Rock, when we were in court on July 21st in Arkansas to block the health ban, you know, it’s like we had our clients who, you know, are between 10 and 17 years old there with their families, urging the court to let them keep their care, and then Miss Major in the courtroom as well. And thinking about, you know, well, what is this legacy of us as trans people creating both legal bills, and extra-legal structures for survival? Which also makes me think of Tourmaline, who’s younger than me, so I wouldn’t say an elder in that sense, but an elder in the movement, and a historian of trans lives. And Tourmaline and I worked together at SRLP, you know, a decade ago. And you know, I think I often turn to Tourmaline as well to sort of stay grounded in the fact that, yes, we’ll find our way, and we will care for each other. So those are some people, who many already know about, but just their personal connections to me.

Tuck: I love that. Okay, one more question about family, because when we have trans parents on the show, I try to always make time to ask how they approached gender with their kid, particularly when they were younger and couldn’t tell you their gender. So I’m just curious how you approached that when your kid was born, and how that’s changed over the last nine, ten years?

Chase: Yeah, so yeah. My kid’s nine and a half. So, I was very much like, “My kid’s going to get an assigned sex,” and you know, we didn’t raise our kid sort of gender-neutral in that sense. But I think everything was sort of just, you know, up in the air in the sense that we only know what we know. And, you know, we think of sex, and bodies, as much constructed as our expression of it. And so with my kid, it’s always been, everything is to be discussed and debated and open, and for that reason, I think, she has a very nonbinary orientation towards everything, because she’s just like “Well, what is the point of this?” And also, she’s raised by two Scorpios so she’s just sort of distrusting of everything, and she’s like, “Well, why do you want to know?” And, “Why is that the question?” And she’s mixed-race and multi-faith, and there’s so many ways that everything about the world that she inhabits is existing in complex, nuanced, nonbinary ways, and so that’s just what’s true. And I think she has such a critical lens on everything and is like, “These structures make no sense. I’m sort of okay with anything because all of it’s as fake as all of the rest of it.”

It’s always been about just conversation and possibility and, you know, when people misgender me, she’s always like, “Ugh, these people,” you know. It all just seems so foolish to her because her world is so much more complex. And what’s also true, and what I’ve noticed about a lot of younger people, especially in her generation, five to fifteen, let’s say, you know, her sense of the level of likely destruction of the world is so high. I mean, she’s so oriented towards the climate. She’s now so oriented towards the pandemic, and is just sort of like, “Why are we so intent on destruction? Why don’t we make changes in the world in these big, systemic ways?” Because these are young people who are growing up with catastrophe after catastrophe, and they don’t really know anything else. I mean, a significant part of their lives, percentage of their lives, has been a pandemic. They have a really acute understanding of climate collapse that, you know, I didn’t have, necessarily. Plus, they’re growing up in a time where they have the technology from birth of cellphones and stimulation, information.

So, yeah. I mean, I think gender’s been as salient as lots of other structural conversations, and there’s just a lot of questioning all the time. But yeah, one of my favorite stories about my kid is in preschool, which for some unknown reason, they were lining the kids up by boys and girls. And Simi was like, “Well, I’m neither so I can’t get in line,” and so the teachers were like, “Please line up with the girls.” And she had come home, and was telling me this story, and was very agitated. I was like, “Well, what did you do?” And she was like, “Well, I threw myself on the ground screaming,” and I was like, “Great.” I was like, “Not my preferred method for a lot of contexts,” but I think this sense of, if you’re going to make me do something that’s so ridiculous, then I am going to find a way to be disruptive, so that was her impulse then.

Tuck: Right. I mean, I think you’ve said this before too, but we have also wanted to throw ourselves on the floor screaming in that context.

Chase: Exactly. It’s like, no. Throw yourself on the ground screaming, especially if it’s age-appropriate and developmentally appropriate or whatever. She was three or four and that seemed fine.

Tuck: Huge fan of your kid just from this conversation. Okay, I kind of already asked this, but is there anything else that we haven’t talked about yet that you want to talk about?

Chase: I think that I would just continue to urge people to sort of do the thing that brings them joy, and know that they’re having an impact by doing that. And that there isn’t like, oh, you have to call this many legislators or you have to do this type of thing to be effective or to be engaged. And that actually the more of ourselves that we reserve for ourselves and reserve for happiness and joy, the more we build in the world, and so I would just reiterate that.

Tuck: All right. Well, the way we always end the show is by asking, in your ideal world, what would the future of gender look like?

Chase: Oh, gosh. I mean, in my ideal world, there would be so many things that we can build and create that I wouldn’t even understand how we would think about gender. Because, especially for me, as someone who’s constrained by so much, inundated with legal thinking, which is so unimaginative and so not creative, I think that we would just be building such a more collective and creative way that we wouldn’t even understand the categories as they currently operate. And we would just be celebrating our bodies and our desires and our connections to each other, and not be so fixated on how to sort and punish and surveil.

[Gender Revealtheme music starts]

Tuck: That’s going to do it for this week’s show. If this felt useful to you, please share this episode with folks in your community, and consider supporting the work we do here at patreon.com/gender, for just one dollar, gets you access to our weekly newsletter. You can and should follow Chase on Twitter and Instagram @chasestrangio and learn more about his work at aclu.org.

We are @gendereveal on social media and at genderpodcast.com, where you’ll find episode transcripts and other useful resources. Our nonprofit merch shop, which closes on November 30th, cannot emphasize that enough, is at bit.ly/gendermerch. This episode was produced and edited by Julia Llinas Goodman, and by me, Tuck Woodstock. Our logo is by Ira M. Leigh. Our theme song is by Breakmaster Cylinder. Additional music this week by Blue Dot Sessions. We’ll be back next week with more feelings about gender.

[Music ends]