

# TALKING ABOUT



## Transgender People & Restrooms



Author

Partners

## INTRODUCTION

Over the past several years, conversations about LGBT equality have become increasingly focused on the importance of protecting transgender people from discrimination. And one of the places where transgender people most routinely experience harassment, mistreatment and even violence is in restrooms.

Unfortunately, opponents of LGBT equality have seized on some people's unfamiliarity and discomfort with transgender people and coupled them with people's very real concerns about safety in public restrooms (concerns that have nothing to do with transgender people). They've linked these unrelated issues and created a toxic attack that is being used to deny LGBT people protection from discrimination, enact laws that invite abuse and harassment in public restrooms, and make it virtually impossible for transgender people to go about their daily lives.

This guide provides approaches for talking about transgender people and restrooms in a variety of contexts, including: education about who transgender people are and the issues they face, building support for (and helping calm concerns about) nondiscrimination protections, and opposing harmful anti-transgender "bathroom ban" laws.

This guide is divided into several sections as follows (note that some pages are intentionally left blank):

- ***Understanding How People Think & Feel About These Issues*** (Pages 1-2)
- ***Talking About Transgender People & Restrooms: Overall Messaging Approaches*** (Pages 2-4)
- ***Talking About Nondiscrimination Protections, Restrooms & Safety*** (Pages 6-8)
- ***Talking About Harmful Bathroom Ban Laws*** (Pages 10-12)
- ***Examples of Effective Messaging in Video & Ads*** (Page 14)
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It's important to note that not all of these approaches can be used in all contexts. For example, building support for a nondiscrimination law involves different messaging—and often a different tone—than opposing a bathroom ban proposal. And sometimes specific laws, especially bathroom ban laws, are written in ways that require a careful attention to detail in order to align the correct messages with the language of a proposed law. Consult with a legal or policy organization (such as Freedom for All Americans, the National Center for Transgender Equality, the Equality Federation, or the ACLU) to fully understand the nuances involved in a particular proposal or law before speaking about it publicly.

## UNDERSTANDING HOW PEOPLE THINK & FEEL ABOUT THESE ISSUES

Before starting a conversation about these issues, it's important to take some time to understand the complex thoughts and feelings that our audience—which we call the *conflicted middle* because they are generally supportive but often conflicted about the issues—brings to these discussions.

**First, people are more supportive than ever of nondiscrimination protections, and of LGBT people generally.** In the past several years, Americans have begun to understand that discrimination against LGBT people is still a problem in our society, and that nondiscrimination protections are one more tool that can help ensure that everyone is treated fairly and equally.

**However, there is still a lack of basic familiarity with transgender people.** Support for protecting transgender people from discrimination is rooted in people's basic belief in fairness and in treating others as they want to be treated. However, because so few people have strong personal connections and relationships with someone who is transgender, they tend to fill gaps in their familiarity with harmful stereotypes, negative assumptions, and flawed ideas of what it means to be transgender—such as mistaken beliefs that transgender people are "confused," "artificial" or "performing" their gender.

**Many people have real concerns about safety and privacy in restrooms—and especially about safety for women and children.** Safety for women and children is a deeply visceral issue in our society. At some point in their lives, most women have felt threatened by straight, non-transgender men—if not in restrooms, then in other public settings, or just walking down the street. These concerns are real for many women, and trying to convince women that they're not is both ineffective and alienating. What we need to do, as we'll discuss in more depth in the next section, is help people understand that protecting transgender people from discrimination will not compromise safety in restrooms—and in fact, protecting everyone from harm in restrooms is a key priority shared by the conflicted middle and by advocates for LGBT nondiscrimination protections.

**Our challenge is that support for nondiscrimination protections can fade if fears take over—especially when those fears overlap with a flawed idea of who transgender people really are.** Because many people are personally unfamiliar and uncomfortable with transgender people, and because they are concerned about safety in restrooms, opponents of LGBT equality seek to confuse and conflate

the two. And until we help the conflicted middle better understand what it means to be transgender, they can start to think their discomfort is an indication that they should oppose protecting transgender people when it comes to restrooms and other such facilities.

## TALKING ABOUT TRANSGENDER PEOPLE & RESTROOMS: OVERALL MESSAGING APPROACHES

There are three key approaches for effective conversations regarding transgender people and restroom access. First, we need to build familiarity with transgender people, including starting with an acknowledgement that many people aren't quite there yet. Second, we can emphasize the importance of safety in restrooms—for everyone—and help people calm their own concerns around safety in restrooms by reinforcing the fact that laws are already in place to keep people safe. And finally, we can help the conflicted middle understand how transgender people are hurt when they are denied legal protections from discrimination.

### 1. Build Familiarity with Transgender People—and Acknowledge That Many People Aren't Quite There Yet

Because relatively few people personally know a transgender person, they can often feel stuck and frustrated by their lack of familiarity and the discomfort that results. This frustration and discomfort can make it impossible to hear and participate in conversations about transgender people. But a simple acknowledgement of that unfamiliarity can be a powerful way to help people realize that the unfamiliarity they're feeling is normal, and that others may feel the same:

- *“It can be hard to understand what it's like to be transgender, especially if you've never met a transgender person.”*

This simple message helps people focus less on their own discomfort, and opens them to re-engaging with their own values and their desire to protect transgender people.

Acknowledging that initial unfamiliarity is only the first step. We must also help them build a more accurate understanding—and that means describing what it means to be transgender with accessible, easy-to-understand words and concepts that build on people's own lived experience of gender.

Several key elements go into an effective description:

1. Identify the person as transgender at the outset, so that people have a point of reference for everything that follows.
2. Point to the fact that a transgender person's body at birth doesn't match who they know they are on the inside.
3. Note that they always (or from an early age) felt that their gender did not match their body at birth.
4. Mention that they transitioned to live every day as the gender they've always known themselves to be (though without talking in detail about the transition process, which can result in people becoming fixated on the transition).
5. When speaking about a particular individual (or one's self), clarify one's “direction of transition” so that people can follow a transgender person's path in terms they can understand. Don't assume that even common terms like “transgender man” or “transgender woman” are self-explanatory or accurately understood—they are not.

Pulling these elements together can be easy, and can be done in a variety of ways. For example:

- *“I'm a transgender woman. I was born with a male body, but inside I always knew I was female. So I transitioned, and now I live every day as the woman I've always known myself to be.”*
- *“I'm a transgender man. When I was born, my body was female, but my brain was male. Many years ago I transitioned from female to male, and now I live life as the man I've always known myself to be.”*
- *“A transgender person is someone who grows up knowing that their body doesn't match who they know they are on the inside—so they transition and live as the gender they have always known themselves to be. For example, a transgender woman grows up knowing that she's a girl, even though she was born with a boy's body. So later in life she transitions to live as a woman.”*

While most transgender people live as men or women, some identify as neither male nor female. While this can be harder for the conflicted middle to understand and identify with, it can be described in ways that are simple, clear and relatable. For example:

- *“Most people know from a very young age that they are either male or female. But that is not true for everyone. I'm a person who has never fit into either gender. Eventually I went through a kind of transition—changing my name and the way I dressed—so I could live life every day as my authentic self.”*

## 2. Inclusively Emphasize Safety & Remind People That Current Laws Already Keep People Safe

Opponents of LGBT equality have manufactured a false choice for the conflicted middle—pitting the safety of women and children against the need to protect transgender people from discrimination. And because people’s safety-related anxieties can readily be triggered by these attacks, we must prioritize and elevate safety—for everyone—in our discussions.

This starts with a simple acknowledgement of the values we share when it comes to safety in restrooms. For example: **“Safety and privacy in restrooms is important for all of us”** and **“We all care about safety in restrooms.”**

But emphasizing our shared values is just the start. When the conflicted middle’s fears have been triggered by our opponents, we can’t assume that they know or remember that there are already laws in place that make it illegal to harm people in restrooms—or that police use these laws to arrest perpetrators and keep people safe. Likewise, we need to establish that laws protecting transgender people don’t affect these other laws, and that nondiscrimination protections have existed for a long time across many parts of the U.S. without any increase in public safety incidents.

The following are ways we can link our shared safety values with a reminder that laws protecting people’s safety in restrooms remain in place—and are important for everyone:

- **“Safety and privacy in restrooms is important for all of us. That’s why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Anyone who does that can and should be arrested and prosecuted to the fullest extent of the law. Police use these laws to prevent assault, keep people safe, and hold perpetrators accountable.”**
- **“We all care about safety in restrooms, which is why it’s important to know that more than 200 cities and 18 states have enacted and successfully implemented laws that protect lesbian, gay, bisexual and transgender people from discrimination, and allow transgender people to use the restroom that matches the gender they live every day. And there’s been no increase in public safety incidents in restrooms in any of those cities or states.”**
- **“All of us, including transgender people, are concerned about safety in restrooms. And when we stop and think about it, it’s already illegal to enter a restroom or locker room to harm someone, period. Nondiscrimination laws don’t change that. Any predator who tries to harm someone can and should be arrested and prosecuted.”**

## 3. Help People Understand How Transgender People Are Hurt When They Are Denied Access to Restrooms

Next, we focus on transgender people and the mistreatment they face in daily life when they need to do something as basic as using the restroom. We begin by creating common ground through shared values and experiences:

- **“Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else.”**

Then we factually establish the discrimination that transgender people face. Polls have repeatedly shown that many people do not realize that it is still legal under the laws of many states to discriminate against LGBT people. Acknowledging the surprise people feel when they realize this is true helps drive that point home.

- **“It’s surprising to learn that in most states, our laws don’t protect transgender people from discrimination in public places—or when it comes to using the restroom, something we all need to do every day.”**

Finally, paint a vivid picture—including examples—of how transgender people are harmed by laws that force them to use the wrong restroom, and the impossible and unsafe situations these laws create for transgender people.

- **“Some states have passed laws saying that transgender people can be arrested and even prosecuted for using the restroom that matches the gender they live every day. This kind of law makes it impossible for transgender people to go about their daily lives like other people—and it opens the door to abuse, mistreatment, and more. For example, under this law, a transgender woman, who was born with a boy’s body but has lived her entire adult life as a woman, would risk harassment and assault if she was forced to use the men’s room, but would be subject to arrest if she used the women’s room.”**

Talking about how transgender students are hurt can be particularly compelling:

- **“Every student should have a fair chance to succeed in school. But many transgender students face hostility, discrimination and bullying. Forcing transgender students into restrooms that don’t match the gender they live every day makes that even worse. For example, forcing a transgender student who lives life every day as a girl to use the boy’s restroom puts her at risk for harassment and assault.”**

## Talking About Transgender People & Restrooms: Overall Messaging Approaches

Use these three approaches when talking generally about transgender people and restrooms, and addressing concerns about safety in restrooms. For more detailed explanations of these approaches, see Pages 2-3 of this guide.

See Pages 6-8 for messaging guidance on addressing these issues while advancing LGBT-inclusive nondiscrimination laws.

See Pages 10-12 for messaging guidance on approaches for opposing harmful bathroom ban laws.

To re-download the full *Talking About Transgender People & Restrooms* guide, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides)

### Overall Messaging Approach #1:

#### Build Familiarity with Transgender People—and Acknowledge That Many People Aren't Quite There Yet

- It can be hard to understand what it's like to be transgender, especially if you've never met a transgender person.
- I'm a transgender woman. I was born with a male body, but inside I always knew I was female. So I transitioned, and now I live every day as the woman I've always known myself to be.
- I'm a transgender man. When I was born, my body was female, but my brain was male. Many years ago I transitioned from female to male, and now I live life as the man I've always known myself to be.
- A transgender person is someone who grows up knowing that their body doesn't match who they know they are on the inside—so they transition and live as the gender they have always known themselves to be. For example, a transgender woman grows up knowing that she's a girl, even though she was born with a boy's body. So later in life she transitions to live as a woman.

### Overall Messaging Approach #2:

#### Inclusively Emphasize Safety—and Remind People That Current Laws Already Keep People Safe

- Safety and privacy in restrooms is important for all of us. That's why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Anyone who does that can and should be arrested and prosecuted to the fullest extent of the law. Police use these laws to prevent assault, keep people safe, and hold perpetrators accountable.
- We all care about safety in restrooms, which is why it's important to know that more than 200 cities and 18 states have enacted and successfully implemented laws that protect lesbian, gay, bisexual and transgender people from discrimination, and allow transgender people to use the restroom that matches the gender they live every day. And there's been no increase in public safety incidents in restrooms in any of those cities or states.
- All of us, including transgender people, are concerned about safety in restrooms. And when we stop and think about it, it's already illegal to enter a restroom or locker room to harm someone, period. Nondiscrimination laws don't change that. Any predator who tries to harm someone can and should be arrested and prosecuted.

### Overall Messaging Approach #3:

#### Help People Understand How Transgender People Are Hurt When They Are Denied Access to Restrooms

- Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else
- It's surprising to learn that in most states, our laws don't protect transgender people from discrimination in public places—or when it comes to using the restroom, something we all need to do every day.
- Some states have passed laws saying that transgender people can be arrested and even prosecuted for using the restroom that matches the gender they live every day. This kind of law makes it impossible for transgender people to go about their daily lives like other people—and it opens the door to abuse, mistreatment, and more. For example, under this law, a transgender woman, who was born with a boy's body but has lived her entire adult life as a woman, would risk harassment and assault if she was forced to use the men's room, but would be subject to arrest if she used the women's room.
- Every student should have a fair chance to succeed in school. But many transgender students face hostility, discrimination and bullying. Forcing transgender students into restrooms that don't match the gender they live every day makes that even worse. For example, forcing a transgender student who lives life every day as a girl to use the boy's restroom puts her at risk for harassment and assault.

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## TALKING ABOUT NONDISCRIMINATION PROTECTIONS, RESTROOMS & SAFETY

The Overall Messaging Approaches on Pages 2-4 provide the foundation for any discussion about transgender people and restroom access. However, in conversations about policies and laws, our messaging must be tailored to the specifics of those issues. And conversations focused on advancing LGBT-inclusive nondiscrimination laws differ in many crucial ways from discussions about harmful bathroom ban laws like the one passed in North Carolina.

In this section we provide approaches for talking about transgender people and restrooms in the context of nondiscrimination protections; and in the section that follows (see Pages 10-12), we look at approaches for elevating concerns about harmful bathroom ban laws.

### 1. Use Overall Messaging Approach #1: Build Familiarity with Transgender People—and Acknowledge That Many People Aren't Quite There Yet

As discussed in the Overall Messaging Approaches, our conversations need to start with acknowledging people's lack of familiarity with transgender people. Using that as a starting point to build familiarity with transgender lives is essential to helping people understand why nondiscrimination protections matter—and to calming concerns that arise amid opponent attacks on these protections. In nondiscrimination conversations, use the guidance on Page 2 to help people better understand what it means to be transgender.

### 2. Expand Overall Messaging Approach #2: Inclusively Emphasize Safety; Remind People That Current Laws Already Keep People Safe

Just as with the Overall Messaging Approaches, it's crucial that we emphasize our shared values around safety for everyone in public restrooms. We cannot assume that people know or remember that there are already laws in place protecting public safety in places like restrooms—especially when opponents are aggressively trying to scare, confuse and mislead them.

**Note:** Some of the messaging in this section builds on the Overall Messaging Approaches on Pages 2-4. In the bulleted message examples, language carried over from the Overall section is not bolded, and any new or issue-specific language is **bolded**. Also, the table on Page 8 compiles all the messages in this section and can be used as a quick reference.

In a nondiscrimination context, supplement the original messages by restating the fact that updating our nondiscrimination laws doesn't change existing public safety laws that already make it illegal for anyone to enter a restroom to harass or assault someone, or invade their privacy. For example:

- *"Safety and privacy in restrooms is important for all of us. That's why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Anyone who does that can and should be arrested and prosecuted to the fullest extent of the law. Police use these laws to prevent assault, keep people safe, and hold perpetrators accountable. **Updating our nondiscrimination laws won't change that.**"*

In addition, we can help people think through their safety concerns by factually establishing that nondiscrimination protections for LGBT people have passed in a large number of cities and states, with no increase in public safety incidents:

- *"We all care about safety in restrooms, which is why it's important to know that more than 200 cities and 18 states have enacted and successfully implemented laws that protect lesbian, gay, bisexual and transgender people from discrimination. There's been no increase in public safety incidents in restrooms in any of those cities or states. **And that makes sense, because if nondiscrimination laws actually opened the door to sexual predators, no one would support them.**"*

We can also remind people that the basic rules and customs involved in public restroom use won't change because of a nondiscrimination law, that separate restrooms for men and women still exist, and that transgender people will use the restroom that corresponds with the gender they live every day. For example:

- *"**This law will not change the fact that separate restrooms exist for men and women. What it would do is allow a transgender person to use the restroom that matches the gender they live every day.**"*

Finally, we can bring our conversations back to the values we share, and remind people that updating the law allows us to both protect people from discrimination **and** keep people safe:

- *"**We can protect people from discrimination and continue to hold offenders accountable. That way everyone can have a fair opportunity to earn a living, be safe, meet their responsibilities, and build a better life.**"*

### 3. Expand Overall Messaging Approach #3: Help People Understand How Transgender People Are Hurt By Lack of Nondiscrimination Protections

After reminding people that our current laws already keep people safe, we must help people understand how lesbian, gay, bisexual and transgender people are affected by discrimination. Nondiscrimination protections are about much more than restrooms, although opponents would like to keep the conversation focused there so that they can play on people's fears. Lead with examples of discrimination that involve employment and housing, as well as examples of public accommodations discrimination like the denial of service in restaurants. Also, be sure to emphasize the protections these laws provide to LGB people, as well as to people who are transgender:

- *“Unfortunately, there are still people out there who want to be able to fire people, deny them housing, or refuse to serve them in stores or restaurants, simply because they’re gay or transgender.”*
- *“I believe that all people should be treated fairly and equally. That’s why it’s so shocking to realize that in this day and age, it’s actually still legal under the laws of more than half the states to fire a hardworking employee, deny them an apartment, deny them service in a restaurant, and otherwise discriminate against people simply because they’re gay or transgender.”*

A focus on restroom-related harms is often less effective than employment and housing examples in conversations about nondiscrimination. However, when opponents inevitably try to stir up fears about restrooms, it can be helpful to clarify how nondiscrimination laws can also help prevent harassment and mistreatment of transgender people in restrooms.

- *“It can be hard to understand what it means to be transgender, especially if you’ve never met a transgender person. But updating our laws to protect gay and transgender people from discrimination would help ensure that transgender people aren’t mistreated when they need to do something as basic as using the restroom.”*

### 4. Strengthen Public Support for Nondiscrimination Protections

It’s important to remember that strong majorities of Americans support laws protecting LGBT people from discrimination. However, that support cannot be taken for granted, especially when opponents introduce false, fear-based attacks around restrooms. Building and strengthening public support for nondiscrimination laws begins with emphasizing the values that are at the heart of people’s existing support for protecting people from discrimination..

Three sets of shared beliefs innately draw people toward protecting LGBT people from discrimination: *Work Values* (hard work, earning a living, providing for oneself and one’s family), *American Values* (opportunity, freedom, personal responsibility) and *Personal & Faith Values* (treating others as we want to be treated, loving your neighbor as yourself, not for me to judge). Bringing nondiscrimination conversations back to these shared values—and centering the discussion on employment protections—allows us to speak directly to the beliefs, conscience and aspirations of our audience:

- *“All hardworking people—including those who are lesbian, gay, bisexual or transgender—should be treated fairly and equally, and that’s what updating the law is all about. Nobody should have to live in fear of discrimination simply because of who they are.”*
- *“The America I believe in is a land of opportunity and freedom. Updating the law would help ensure that all people, including those who are gay or transgender, have a fair chance to earn a living, meet their responsibilities, provide for themselves and their families, and build a better life.”*
- *“Protecting people from discrimination, including people who are gay or transgender—is about treating others as we want to be treated. It’s not for me to judge. Even though we may have different beliefs, what’s most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.”*

For comprehensive guidance on building support for nondiscrimination laws that protect LGBT people, see *An Ally’s Guide to Talking About Nondiscrimination Protections for LGBT People* at [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides).

## Talking About Transgender People & Restrooms: Nondiscrimination Laws

Use these four approaches together when building support for nondiscrimination laws and addressing concerns about safety in restrooms. For more detailed explanations of these approaches, see Pages 6-7 of this guide.

To re-download the full *Talking About Transgender People & Restrooms* guide, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides)

### Approach #1:

#### Build Familiarity with Transgender People—and Acknowledge That Many People Aren't Quite There Yet

- It can be hard to understand what it's like to be transgender, especially if you've never met a transgender person.
- I'm a transgender woman. I was born with a male body, but inside I always knew I was female. So I transitioned, and now I live every day as the woman I've always known myself to be.
- I'm a transgender man. When I was born, my body was female, but my brain was male. Many years ago I transitioned from female to male, and now I live life as the man I've always known myself to be.
- A transgender person is someone who grows up knowing that their body doesn't match who they know they are on the inside—so they transition and live as the gender they have always known themselves to be. For example, a transgender woman grows up knowing that she's a girl, even though she was born with a boy's body. So later in life she transitions to live as a woman.

### Approach #3:

#### Help People Understand How Transgender People Are Hurt by Lack of Nondiscrimination Protections

- Unfortunately, there are still people out there who want to be able to fire people, deny them housing, or refuse to serve them in stores or restaurants, simply because they're gay or transgender.
- I believe that all people should be treated fairly and equally. That's why it's so shocking to realize that in this day and age, it's actually still legal under the laws of more than half the states to fire a hardworking employee, deny them an apartment, deny them service in a restaurant, and otherwise discriminate against people simply because they're gay or transgender.
- It can be hard to understand what it means to be transgender, especially if you've never met a transgender person. But updating our laws to protect gay and transgender people from discrimination would help ensure that transgender people aren't mistreated when they need to do something as basic as using the restroom.

### Approach #2:

#### Inclusively Emphasize Safety; Remind People That Current Laws Already Keep People Safe, and Nondiscrimination Laws Don't Change That

- Safety and privacy in restrooms is important for all of us. That's why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Anyone who does that can and should be arrested and prosecuted to the fullest extent of the law. Police use these laws to prevent assault, keep people safe, and hold perpetrators accountable. Updating our nondiscrimination laws won't change that.
- We all care about safety in restrooms, which is why it's important to know that more than 200 cities and 18 states have enacted and successfully implemented laws that protect lesbian, gay, bisexual and transgender people from discrimination. There's been no increase in public safety incidents in restrooms in any of those cities or states. And that makes sense, because if nondiscrimination laws actually opened the door to sexual predators, no one would support them.
- This law will not change the fact that separate restrooms exist for men and women. What it would do is allow a transgender person to use the restroom that matches the gender they live every day.
- We can protect people from discrimination and continue to hold offenders accountable. That way everyone can have a fair opportunity to earn a living, be safe, meet their responsibilities, and build a better life.

### Approach #4:

#### Strengthen Support for Nondiscrimination Protections

- All hardworking people—including those who are lesbian, gay, bisexual or transgender—should be treated fairly and equally, and that's what updating the law is all about. Nobody should have to live in fear of discrimination simply because of who they are.
- The America I believe in is a land of opportunity and freedom. Updating the law would help ensure that all people, including those who are gay or transgender, have a fair chance to earn a living, meet their responsibilities, provide for themselves and their families, and build a better life.
- Protecting people from discrimination, including people who are gay or transgender—is about treating others as we want to be treated. It's not for me to judge. Even though we may have different beliefs, what's most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.

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## TALKING ABOUT HARMFUL BATHROOM BAN LAWS

Since 2014, several states have introduced proposed laws that would restrict the use of single-sex public facilities—such as restrooms or changing rooms—to people of that “biological sex.” All of these proposals are designed and intended to make it a crime for transgender people to use the restroom that matches the gender they live every day.

While conflicted audiences initially seem supportive of “biological sex” restrictions, they quickly start to question how such laws would be enforced, and what that would mean for everyone’s daily experience of using the restroom. Would there be strangers outside of bathrooms demanding gender inspections? How would people actually prove their gender? Would people be required to carry their birth certificate in order to enter the restroom? Submit to DNA testing? And how might this kind of law be abused?

Effective conversations about these harmful bathroom ban laws are in some important ways different from our discussions about transgender people and restroom access generally, and about nondiscrimination protections in particular. While it is still important to build familiarity with transgender people and inclusively emphasize safety, our discussion of harms when it comes to bathroom bans is considerably different: it involves focusing on how enforcing a bathroom ban law would put everyone’s privacy and safety at risk, and highlighting consequences for public safety, transgender people, and small businesses.

### 1. Use Overall Messaging Approach #1: Build Familiarity with Transgender People—and Acknowledge That Many People Aren’t Quite There Yet

As discussed in the Overall Messaging Approaches, our conversations need to start with acknowledging people’s lack of familiarity with transgender people, and working to help them build that familiarity. Helping people better understand what it means to be transgender plays a crucial role in helping the conflicted middle empathize with transgender people and truly grasp the danger these harmful bathroom bans put them in.

**Note:** Some of the messaging in this section builds on the Overall Messaging Approaches on Pages 2-4. In the bulleted message examples, language carried over from the Overall section is not bolded, and any new or issue-specific language is **bolded**. Also, the table on Page 12 compiles all the messages in this section and can be used as a quick reference.

### 2. Expand Overall Messaging Approach #2: Inclusively Emphasize Safety; Remind People That Current Laws Already Keep People Safe, Making Bathroom Bans Unnecessary

When talking about bathroom ban laws, emphasizing and reinforcing our shared values around safety forms the foundation for our most important priority: reminding people that safety in restrooms is important for all of us, that we already have laws in place that make it illegal to harm or harass people in bathrooms, and that police use these laws to make arrests, keep people safe and hold offenders accountable.

This can open people’s eyes to the fact that these bathroom ban laws are unnecessary—an important supplement to our general messages:

- *“All of us, including transgender people, are concerned about safety in restrooms. And when we stop and think about it, **this law is unnecessary**. It’s already illegal to enter a restroom or locker room to harm someone, period. Any predator who did that can and should be arrested, prosecuted and locked up.”*
- ***These bathroom ban laws are unnecessary**. Safety in bathrooms is important for all of us. That’s why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Police already use these laws to prevent assault, keep people safe, and hold perpetrators accountable—which makes this new proposed law unnecessary.*
- *We all care about safety in restrooms, which is why it’s important to know that more than 200 cities across 39 states have successfully implemented policies allowing transgender people to use the restroom that matches the gender they live every day – and 18 states have enacted those laws statewide. And there’s been no increase in public safety incidents in restrooms in any of those cities or states—which is why **this new law is unnecessary**.*

### 3. Focus on How Enforcing Bathroom Ban Laws Would Put Everyone’s Privacy and Safety at Risk

When it comes to looking at the harms caused by bathroom ban laws, our next approaches may seem somewhat different from what we’ve discussed previously.

Instead of initially focusing on how transgender people are hurt, start with a broader look at how bathroom bans jeopardize *everyone’s* privacy and safety, and raise basic

questions about how these intrusive and overreaching laws would actually be enforced. Also, we can help people consider what daily life would look like—for themselves and their loved one—if people actually were required to submit to gender inspections in order to use the restroom.

We do this by asking some basic questions that help people fully consider and grapple with the government overreach involved in these intrusive laws, and the new, unsettling reality these bathroom bans would create:

- ***“This law is sheer government overreach and impossible to enforce. How will people actually prove their gender? Will people need to carry their birth certificate to use the restroom? Submit to visual inspections? Will there be gender inspectors at the door? Government simply has no place in our bathrooms.”***

Helping people imagine the real-world consequences of these laws can be enough in some cases; however, it may also be important to spell out some of those specific consequences.

#### **4. Highlight Consequences for Public Safety, Transgender People, and Small Businesses**

When needed, we can supplement the previous approach with specific consequences of bathroom bans that can help paint a vivid picture of how dangerous these laws actually are. These examples focus on three areas: consequences for public safety, for transgender people, and for small businesses.

However, it’s important to note that digging into specific consequences can often be less effective than focusing on government overreach and helping people imagine how these laws would change their own daily lives (see Approach #3 above). Use the consequences below sparingly (no more than two or three at a time), and ensure that they are accurate based on the specifics of the law or proposal in question.

##### **Consequences for Public Safety**

Outline how bathroom ban laws could open the door to abuse, harassment, aggressive behavior in restrooms, and more—threatening public safety for everyone:

- ***“This law is an invitation for abuse and harassment, and it makes people less safe. Under this law, men could demand to see a woman’s ID with her name and home address, or otherwise force her to prove her gender before allowing her to enter a public restroom.”***
- ***“This law could pave the way for criminals and predators to abuse the law and demand that a woman or young girl submit to a visual inspection or pat-down in order to use the restroom.”***

- ***“This law would open the door to aggressive behavior inside and outside of bathrooms as strangers demand other people prove their gender, making people less safe.”***

##### **Consequences for Transgender People & Students**

We can also illustrate how bathroom bans make life impossible for transgender people—and how they harm transgender students and increase bullying and harassment in schools. In both cases, people tend to gravitate toward examples that spotlight transgender women and how they can be at risk for mistreatment and violence when the law forces them to use men’s bathrooms.

- ***“This law is designed to make it impossible for transgender people to go about their daily lives like other people. For example, a transgender woman – who was born with a boy’s body but has lived her entire adult life as a woman – would face harassment and assault if she was forced to use the men’s room, but would risk arrest and prosecution if she used the women’s room.”***
- ***“Every student should have a fair chance to succeed in school. But many transgender students face hostility, discrimination and bullying. This proposal would make that even worse. For example, it would force a transgender student who lives life every day as a girl to use the boy’s restroom, putting her at risk for harassment and assault.”***
- ***“This isn’t just unnecessary, it’s hurtful. Transgender students already face bullying. This law would make that even worse. Transgender students would face even more bullying, harassment and violence in schools.”***

##### **Consequences for Small Businesses**

Many in the conflicted middle are concerned about how these bathroom bans would hurt small businesses and put small business owners at risk for fines, lawsuits, and more. Emphasize that businesses oppose these laws and that Republican governors have vetoed similar bills.

- ***“This intrusive proposal could force businesses to monitor the gender of everyone who uses their restrooms, and could force customers and employees to prove their gender just to use the restroom. It would put our small businesses at risk of government fines, frivolous lawsuits, angry customers and more.”***
- ***“There’s a reason that businesses oppose these proposals, and that Republican governors in some of the most conservative states have vetoed them. These laws are considered discriminatory, which is bad for the state and bad for business. And there is no good way to enforce these laws without invading everyone’s privacy.”***

# Talking About Transgender People & Restrooms: Harmful Bathroom Ban Laws

Use these four approaches together when talking about harmful bathroom ban laws and addressing concerns about safety in restrooms. For more detailed explanations of these approaches, see Pages 10-11 of this guide.

To re-download the full *Talking About Transgender People & Restrooms* guide, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides)

## Approach #1:

### Build Familiarity with Transgender People—and Acknowledge That Many People Aren't Quite There Yet

- It can be hard to understand what it's like to be transgender, especially if you've never met a transgender person.
- I'm a transgender woman. I was born with a male body, but inside I always knew I was female. So I transitioned, and now I live every day as the woman I've always known myself to be.
- I'm a transgender man. When I was born, my body was female, but my brain was male. Many years ago I transitioned from female to male, and now I live life as the man I've always known myself to be.
- A transgender person is someone who grows up knowing that their body doesn't match who they know they are on the inside—so they transition and live as the gender they have always known themselves to be. For example, a transgender woman grows up knowing that she's a girl, even though she was born with a boy's body. So later in life she transitions to live as a woman.

## Approach #2:

### Inclusively Emphasize Safety; Remind People That Current Laws Already Keep People Safe, Making Bathroom Ban Laws Unnecessary

- All of us, including transgender people, are concerned about safety in restrooms. And when we stop and think about it, this law is unnecessary. It's already illegal to enter a restroom or locker room to harm someone, period. Any predator who did that can and should be arrested, prosecuted and locked up.
- These bathroom ban laws are unnecessary. Safety in bathrooms is important for all of us. That's why we already have laws in place that make it illegal to harm or harass people, or invade their privacy. Police already use these laws to prevent assault, keep people safe, and hold perpetrators accountable—which makes this new proposed law unnecessary.
- We all care about safety in restrooms, which is why it's important to know that more than 200 cities across 39 states have successfully implemented policies allowing transgender people to use the restroom that matches the gender they live every day – and 18 states have enacted those laws statewide. And there's been no increase in public safety incidents in restrooms in any of those cities or states—which makes this new law unnecessary.

## Approach #3:

### Focus on How Enforcing Bathroom Ban Laws Would Put Everyone's Privacy and Safety at Risk

- This law is sheer government overreach and impossible to enforce. How will people actually prove their gender? Will people need to carry their birth certificate to use the restroom? Submit to visual inspections? Will there be gender inspectors at the door? Government simply has no place in our bathrooms.

## Approach #4:

### Highlight Consequences for Public Safety, Transgender People, and Small Businesses

#### Consequences for Public Safety

- This law is an invitation for abuse and harassment, and it makes people less safe. Under this law, men could demand to see a woman's ID with her name and home address, or otherwise force her to prove her gender before allowing her to enter a public restroom.
- This law could pave the way for criminals and predators to abuse the law and demand that a woman or young girl submit to a visual inspection or pat-down in order to use the restroom.
- This law would open the door to aggressive behavior inside and outside of bathrooms as strangers demand other people prove their gender, making people less safe.

#### Consequences for Transgender People

- This law is designed to make it impossible for transgender people to go about their daily lives like other people. For example, a transgender woman – who was born with a boy's body but has lived her entire adult life as a woman – would face harassment and assault if she was forced to use the men's room, but would risk arrest and prosecution if she used the women's room.
- Every student should have a fair chance to succeed in school. But many transgender students face hostility, discrimination and bullying. This proposal would make that even worse. For example, it would force a transgender student who lives life every day as a girl to use the boy's restroom, putting her at risk for harassment and assault.
- This isn't just unnecessary, it's hurtful. Transgender students already face bullying. This law would make that even worse. Transgender students would face even more bullying, harassment and violence in schools.

#### Consequences for Small Businesses

- This intrusive proposal could force businesses to monitor the gender of everyone who uses their restrooms, and could force customers and employees to prove their gender just to use the restroom. It would put our small businesses at risk of government fines, frivolous lawsuits, angry customers and more.
- There's a reason that businesses oppose these proposals, and that Republican governors in some of the most conservative states have vetoed them. These laws are considered discriminatory, which is bad for the state and bad for business. And there is no good way to enforce these laws without invading everyone's privacy.

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## Examples of Effective Messaging in Videos & Ads

Below are two examples of how the messaging approaches in this guide have been adapted and used to create powerful videos that build familiarity with transgender people and vividly illustrate how transgender people are hurt by the lack of nondiscrimination protections.

### Building Familiarity with Transgender People (Video)



**Steven:** We've worked all over together for years.

**Dylan (Steve's transgender coworker):** We both take a lot of pride in our work. My parents taught me to work hard and treat others fairly. If your team succeeds, you succeed.

**Steven:** One of the reasons we do work well together is because we do share the same values, hardworking, on-time, respectful to others as well as each other. But when I learned Dylan was transgender and had transitioned from female to male, I didn't know how to react

**Dylan:** And I understand that. I figured people would be uncomfortable having a transgender coworker. Not a lot of people know transgender people. Some people have never met a transgender person in their life.

**Steven:** But over time, we all got past it. Dylan is a great plumber and still works just as hard as the rest of us. We both work hard to earn a living. The law should treat everyone who works hard fairly and equally. All people should be judged on how they do their job and should be protected from discrimination, nothing more, nothing less.

*Video courtesy of the Equality Texas Foundation. To learn more about this video and watch it online, visit [www.FairnessUSA.org](http://www.FairnessUSA.org).*

### How Transgender People Are Hurt By the Lack of Nondiscrimination Protections (Video)



I'm a transgender woman. I was born with a male body, but inside I always knew I was female. So I transitioned, and now I live everyday as the woman I've always known myself to be.

It can be hard to understand what it means to be transgender, especially if you've never met a transgender person.

In most states, our laws don't protect transgender people from discrimination in public places—or when it comes to using the restroom, something we all need to do every day.

I've lived as a woman for many years. Most people, when they stop and think about it, they realize that when businesses can legally force me to use the men's room, it puts me at risk for harassment and violence.

Safety and privacy in bathrooms is important for all of us. It's already illegal to enter a restroom to harm someone, and anyone who does that can and should be arrested.

Updating the law to protect gay and transgender people from discrimination won't change that—but it would help ensure that people like me aren't mistreated when we need to do something as basic as using the restroom.

*To learn more about this video and watch it online, visit [www.FairnessUSA.org](http://www.FairnessUSA.org).*

## THINGS TO AVOID

**Don't descend into name-calling.** Calling anti-LGBT opponents "bigots" or "hateful" can alienate those who are genuinely wrestling with the issues. Using measured, relatable language does more to create empathy and a sense of how opponents' efforts to thwart nondiscrimination protections or enact anti-transgender bathroom bans harm LGBT people.

**Don't use terminology that can confuse or alienate people.** Terms like "cisgender," "nonbinary," "genderqueer" and "gender non-conforming," while familiar and comfortable for many in the LGBT community, tend to confuse and alienate conflicted audiences and are seen as insider-speak or talking over their heads. Instead, use everyday language that describes such concepts in more relatable, non-insider ways; for example, *people who are not transgender* (instead of "cisgender"), or *someone who doesn't identify as either male or female* (instead of "nonbinary"). Always explain terms that might be unfamiliar; even a term like "transgender man," used without explanation, can be misunderstood as referring to a man who transitions to live every day as a woman.

**Don't talk about transgender people "choosing" which restroom to use.** This plays into harmful stereotypes and misconceptions people have about transgender people and gender identity, as well as attacks by opponents (e.g., claims that transgender people pick which restroom they want to use on a whim). Instead, talk about transgender people using the restroom that matches the gender they live every day or, in the case of bathroom ban laws, being forced to use the wrong restroom.

**Avoid getting into arguments with the conflicted middle about gender.** For the conflicted audience, their lived experience is deeply rooted in a binary male/female understanding of gender. Discussions that they interpret as trying to argue them out of their lived experience of gender can result in even more entrenched attitudes and resistance to persuasion on the need for nondiscrimination protections. Instead, focus on personal narratives that build familiarity with transgender people using everyday, relatable language that opens the door for greater understanding and engagement.

**Don't talk about "rights," "civil rights," or make direct comparisons between different kinds of discrimination, especially when it comes to discrimination based on race.** Such comparisons can alienate many African Americans and others, creating unnecessary distance where there would otherwise be common ground.

### **Sexual Assault Prevention Organizations Support Transgender-Inclusive Nondiscrimination Protections, Oppose Bathroom Ban Laws**

Amid the national uproar over bathroom ban laws, more than 300 of the nation's leading sexual assault and domestic violence prevention organizations released a statement in April 2016 calling for an end to legislation that harms transgender people and excludes them from restrooms and other facilities. The statement read in part:

**"States across the country have introduced harmful legislation or initiatives that seek to repeal nondiscrimination protections or restrict transgender people's access to gender-specific facilities like restrooms. Those who are pushing these proposals have claimed that these proposals are necessary for public safety and to prevent sexual violence against women and children. As rape crisis centers, shelters, and other service providers who work each and every day to meet the needs of all survivors and reduce sexual assault and domestic violence throughout society, we speak from experience and expertise when we state that these claims are false."**

**"Nondiscrimination laws do not allow men to go into women's restrooms—period. The claim that allowing transgender people to use the facilities that match the gender they live every day allows men into women's bathrooms or women into men's is based either on a flawed understanding of what it means to be transgender or a misrepresentation of the law."**

**"As advocates committed to ending sexual assault and domestic violence of every kind, we will never support any law or policy that could put anyone at greater risk for assault or harassment. That is why we are able to strongly support transgender-inclusive nondiscrimination protections—and why we oppose any law that would jeopardize the safety of transgender people by forcing them into restrooms that do not align with the gender they live every day."**

To read the full statement and see the entire list of supporting organizations, visit <http://endsexualviolence.org/files/NTFNationalConsensusStmntTransAccessWithSignatories.pdf>



#### MAP's GUIDES TO TALKING ABOUT LGBT ISSUES

This is one in a series of documents on building effective conversations about lesbian, gay, bisexual and transgender (LGBT) people and the issues that affect their lives. MAP gratefully acknowledges the contributions of our partners in the development of this guide; the recommendations are those of MAP. For more resources and downloadable versions, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides) © 2016 Movement Advancement Project (MAP).