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March 14, 2022

What About the Rest of Us? Accessing Statistical Citizenship for Gender Identities on the U.S.

Census

Inclusive gender identity questions and self-identification options for gender, in the U.S. census, open an avenue for the trans*community to enter the public sphere. When discussing an avenue available in the public sphere it is through dissent that subset publics or counterpublics, can make space for multiplicity in “conscientious opposition to a dominant ideology and strategically subvert that ideology's construction in public discourse” (Fattal, 1). The authoritative public discourse of gender is characterized by biological sex and policed by social institutions that hold biological sex as a supreme form of classification rather than acknowledging its fluid and culturally constructed nature. Therefore, one focuses on expanding the rigid idea about gender through changing the language surrounding gender by documenting certain aspects of the population. This expansion can influence the discourse around gender which includes cisgender women and the rest of the queer community, however, limiting the paper to the effects on the expansion of gender identity for trans* people stem from their ontological differences and historical exclusion of trans* people in the LGBTQ+ movement for liberation. The erasure of trans* people (gender outlaws) as non-existent through the culturally fixed idea of gender and sex renders their political aims and need for social services illegitimate. Trans* people are not recognized by the government as a demographic with particular issues. Although having trans* issues as part of the national debate has lent itself attacks through

anti-trans legislation, trans* people cannot enter the public sphere and are told to remain that way by being silent about their transness (or by forced passing). The goal in expanding the gender identity question is not for the government to legitimize trans* people's identity and lived experience because only they can define themselves but the act of documenting a historically oppressed group grants them data for services aimed at trans* people while existing in the public sphere on their own terms.

Transgender people are individuals with different gender identities than the sex they were assigned at birth. Gender-diverse encompasses people who identify beyond the gender binary or within the binary such as non-binary or genderfluid. There are people that identify as both a woman or man, no gender at all, or an identity outside of a man and a woman. When I use transgender with an asterisk, trans*, it is an umbrella term for non-binary/genderqueer identities and those with a gender identity opposite to the sex assigned at birth. There are some trans* people who experience the need to medically transition to feel truer to themselves, at times due to gender dysphoria, the psychological distress of someone whose gender identity differs from their sex assigned at birth.

The misconceptions of biological sex are based upon simplicity, rigidity, and binaries that weaponize science to invalidate trans* people such as in legislation. Scientifically, biological diversity occurs within biological sex. Those that interchange sex and gender as synonymous believe in the "supremacy of the body in the determination of identity" (Bornstein, 30) and that it is either false or true through certain biological requirements. The usual dispositions of biological sex discuss genitalia and chromosomes, however, the main five categories that accurately encompass sex are hormones, hormones expression, sex chromosomes, internal genitalia, and external genitalia. While people with XY or XX chromosomes are assigned as

female or male at birth respectively, intersex individuals vary in their chromosome combination, have internal and external genitalia as well as atypical hormones. It is estimated that 1.7 percent of Americans are intersex, and 3 percent are gender diverse. This is a variation of biological sex that dismantles the idea that it supports the cultural categorization of males and females. Intersex individuals, as well as trans* bodies, disrupt the construct of biological sex or biological gender that do not pass as cisgender and queer the natural.

Only in the recent hundred years, has multiple understandings of gender shifted to the idea of the binary in European and non-Western civilizations. Gender systems came from western colonial strategies to govern by “naming and explaining different forms of embodiment” (Halberstam Trans*, 28) to establish social hierarchy and distribute power. There are several gender systems that differ in how they classify such as “gender by clothing, gender divine right, gender by lottery” (Bornstein, 30). Those that impose terms and categorize people to dehumanize and alienate gender variance such as the term “berdache”, a slur imposed by western anthropologists was replaced by the term “two-spirit” which refers to a range of roles and identities for indigenous North Americans. Differing from the classification and naming in the western context as two-spirited being people assigned male at birth, the process of socialization for indigenous North American tribes to be assigned two-spirited status comes from rituals during pregnancy, birth, and childhood that does not have sex as a primary indicator for gender. Gender variance in a European context, such as “Sworn virgins” in Albanian tribes were children assigned female at birth that reconstruct themselves as social men if there is not a son in the family to continue the family line, financially contribute, and maintain the property. This social construction of a son was “not perceived as different from other men” (Richards, Bouman, & Rogers, 16).

Therefore, the conception of reality, especially our gender reality, is determined by language such as commonplace speech acts and nonverbal communication that define and maintain identities through performative acts (*Performative*, Butler 278) rather than “an essential and unrealized 'sex' or 'gender'” (*Performative*, Butler 278). Gender is what one does rather than what one is. The continuation of the hegemony of heteronormative standards is through the surveillance, monitoring, and discipline of the masses to repeat gender acts such as walking, talking, and the mannerisms that were assigned to them. Similarly, Leslie Feinberg critiques the English language and its lack of gender neutrality because it unconsciously makes one believe the constructs of gender as reality. The fact that there is no language accurate to describe the experiences of people outside the binary is not over what is natural but is behavior that is compatible with the cultural expectation or otherwise known as gender normativity (Feinberg, 102).

However, as shown through the trans* history in western and non-western societies, gender variance exists and has existed throughout history. Sex is “not a bodily given on which the construct of gender is artificially imposed, but... a cultural norm which governs the materialization of bodies” (*Bodies*, Butler 2-3). The materialization of sex to sell the ideal construct of a biological fact or a natural fact is possible through a “forcible reiteration of those [regulatory] norms” (*Bodies*, Butler 2). Anne Fausto-Sterling perpetuates Butler’s idea of sex as determined by societal norms enforced and repeated rather than biologically caused. She addresses the myth of the gender binary as an innate and intrinsic part of people dismantled by doctors and parents determining the sex of an intersex infant. Intersexuality threatens the societal expectations of the gender binary. The disciplinary actions and surveillance of others continue

the repetition of gender norms to uphold gender as tied to the bodies' sex to make it appear as a natural phenomenon.

One must demystify the idea of marginalized gender identity as a new concept that has pervaded society, rather it has been a miscounted group that has been denied the opportunity to be given the political capital and funds from the census. The census has always been used as a political tool. For a government and institutions to exercise power over the society they must gather information through categorizing and labeling, a legitimate form of knowledge. There is political power in data outlining the needs and disparities within the trans* community. However, the current sex question maintains the illusion of societal expectation within the heteronormative non-existent problems through the lack of aggregative information that could be possible through the census.

The U.S. census is a decennial constitutionally mandated enumeration of the U.S. population to determine the distribution of political representation, \$1.5 trillion of federally funded programs, and the use of data for a policy or private firm investment. The social services and political representation for the gravely underrepresented community in the U.S. would benefit from the census, which strives to gather information on every person in the population. However, the census' duty to produce reasonably comprehensive categories and options to achieve equitability and impartiality for everyone is not being met through the current sex question and options. The census uses the data from the question about sex to create statistics that government agencies use to inform them about where to fund policies and programs for "women" and "men". Trans* people are asked to answer the sex question by the sex registered on their official documents to maintain the data for services that benefit cisgender men and women rather than healthcare, housing, employment, and nutrition assistance for trans* people.

Trans* individual embodying bodies that they were again not comfortable with or right in terms of how they identified. The census sets the standard for other data-collection and offer their data for men and women that perpetuates the idea of no other identities other than those two genders. Additionally, the census offers an opportunity for trans* people through compiling a massive amount of information, resulting in data set large enough for aggregative data—the extrapolation of data by various subgroup characteristics—to capture the specialized needs of certain groups in the population. The lack of federal data on trans* people (only a handful of independent data collection without the reach of the Census Bureau) make the number of trans* American unknown and the investments in the trans* community who would assist most are overlooked and seen as non-existent. While the language and conception of race and ethnicity have evolved which the census has tried to replicate in the method of collecting data through testing, sex has remained even though the conceptions and language of sex and gender have changed.

Race and ethnicity in the census have experienced a similar ever-changing and fluid identity, especially in the Latinx and Hispanic communities, necessitating a way to self-identify. The social construction of race and ethnicity is evident in the experience of Latinx communities where the classification of Hispanics has fluctuated in the census, not just because of “racial” classification changes, but also because the cultural criteria, such as language, surname, and “origin”, to determine Hispanicity have changed (Rodriguez, 107&119). The collection of personal characteristics can be based on social construction alongside the confines of this idea of biological characteristics that the Office of Management and Budget (OMB)-- a part of the Executive Office of the President--continue to use to “categorize individuals as male, female, or intersex” (“Current Measures”, 3) because it “refers to the genetic, hormonal, anatomical and physiological characteristics on whose basis one is labeled at birth as either male or female”

(“Current Measures”, 3). Before the 1960s, enumerators or census takers determined people’s race and ethnicity. Census enumerators made their decision through the perception of the person based on bias, politics, and science at the time. The only options for race in 1790, when the first census took place, were: 1) Free white males and Free white females, 2) All other free persons, and 3) Slaves. The beginning of distinctions of racial identification in the census was established in 1890 by having categories like "black," "white," "mulatto," "quadroon," and "octoroon". However, the desire of the state to perpetuate racial purity and the one-drop rule law, first adopted in Tennessee, leaving "black" and "white" as the only possible categories of racial identification. The race section has changed throughout the decades to “reflect concurrent understandings of identity, but also, less intentionally, to enforce those dominant understandings” (Somerville, 167).

Since May 12, 1977, The Standards for the Classification of Federal Data on Race and Ethnicity (Statistical Policy Directive No. 15) was issued by OMB which required a minimum of five acceptable racial and ethnic categories to be included in all federal data collection instruments. Therefore, the census provided four categories of race: "American Indian or Alaskan Native," "Asian or Pacific Islander," "Black," and "White," with the addition of an ethnic marker, "Hispanic Origin or Not of Hispanic Origin."

In the 2020 census, respondents can self-identify more than one race, in addition to multiple options of race as well as an ethnicity section. Even though respondents can fill out their Hispanic origin in “other”, they need to choose a race that they might not identify in their daily life. But the perception of others remains for sex when the options have been the same since the first census in 1790. The similarities in gender fluidity and racial/ethnic necessitate more options to truly choose what they identify as, rather than comply with the boxes available. Siobhan B.

Somerville viewed the “destabilization of “natural” categories of sex and gender but, importantly, to the ways in which racial discourses simultaneously shape and are shaped by the terms of that contestation” (170). The ability to have language that expressed people’s own subjectivity and identity rather than an illusion that the 2020 census displayed by a form of biological self-identification when answering the sex question is possible through the contestation over gender to “enact a productive search for new language and models of subjectivity” (Somerville, 170 & 175). The “vigorous suspicion about naturalized categories of bodies” (Somerville, 175) can shift from the subjugated knowledge within counterpublics and overseen and enforced through the OMB similar to Directive 15.

Although the Census Bureau states that the 2020 Census questions that involve personal characteristics like sex are based on self-identification, to select the biological sex you identify with they not only interchange sex with gender but also delimit the options for trans* people as well as intersex individuals. While this would seem as though the Census Bureau assumes everyone identifies within the binary, the Current Population Survey (which is conducted monthly by the Census Bureau on behalf of the Bureau of Labor Statistics) (Holzberg, Ellis, Virgile, Nelson, Edgar, Phipps, & Kaplan, 6-7) have made a study acknowledging the feasibility of gender identity and sexual orientation questions in the census. In the mid-20th century, the emergence of the Census Bureau conducting tests such as cognitive research, one-on-one interviews, dress rehearsals, and focus groups served to recommend changes to the next decennial census to the OMB that has the authority to define the race and ethnicity categories that the census and other federal agencies must use to collect data. Even though they acknowledge the need for a better representative sample that is more than the 132-sample size of respondents (only 8 were transgender) among other factors such as the lack of gender identity

options afforded to the participants. For instance, the wording tested for gender identity options was: 1. Male 2. Female 3. Transgender. This study replaces the binary with a trichotomy that will “alienate individuals who view gender identity as fluid, particular people who identify as genderqueer, agender, or dual/multigendered” (Schilt and Bratter, 95). This affirms Petra Doan’s concern about the census as a traditional measurement of the population that fit people in “discrete tick boxes” (92). Respondents also expressed their concern about the lack of options for gender identity. Additionally, the experience, needs, and interests of trans women are different from a trans man therefore, the choices do not account for that distinction and pile in transgender as an option that insinuates trans women are not women and trans men are not men. Even though the CPS survey testing questions included one with checkboxes options of “male, female, transfemale, transmale, genderqueer and different identity”, one can only select one box (Holzberg & al., 7). Kate Bornstein addresses a possible solution of boundaries within the binary is fluidity surrounding gender that connects to how the gender-identity section in the census should resemble so that it accounts for the shift in language, experience, labels, and categories.

Therefore, the rigid structure of the sex question in the census must be reimagined to best account for the fluidity of gender to accurately measure subjective lived experiences to fit the confines of a label. Through incorporating Doan’s idea of a queer approach of counting the diverse “subjective identities within the trans population” (98) by the expansion of the term, transgender, there are more options for gender so that one can apply it to change the census’ sex question to a gender-identity section. While Doan wanted to use the data from counting trans* people in the U.S. in order to fight against the national debate on bathrooms, the emergence of attacks on trans* people through anti-trans* bills concerning healthcare, education, and youth is prominent in not only the past decade but the last two years. In the CPS study, there are not

enough options for people to self-identify or accurately describe themselves without censoring part of their identity. In July 2021, the House Pulse Survey (HPS), a part of the Census Bureau's survey questionnaires included questions regarding gender identity and sexual orientation that resemble the CPS study with check boxes. The only difference was an option of "none of these" as a part of the "Do you currently describe yourself as male, female, or transgender?" There is still not an option for including who one self-identifies through a general write-in or the option of intersex with the question, "What sex were you assigned at birth, on your original birth certificate?". The recent benefit one is seeing through its addition is the percentage of LGBTQ+ people in every state. This may allow the redistricting of the boundaries of congressional and state legislative districts that are based on the census to reflect changes in the population. Redistricting can determine the control of Congress especially when there is a currently slim Democratic margin in the House of Representatives because 39 states leave the new maps for Congress to be drawn by the state lawmakers. A challenge in the change of the census comes from the Congress' disapproval or approval of changes to the census questionnaire through passing legislation to require changes. For instance, the LGBT Data Inclusion Act (H.R.3509), first introduced by Representative Raul M. Grijalva (D-AZ) in 2020 aimed to include sexual orientation and gender identity on all federal forms including the decennial census. The bill failed to pass in the 116th Congress, however, has been reintroduced in the 117th Congress (H.R. 4176) waiting to be passed by the House. There is a slim Democratic majority in the House of Representatives and Democrats hold a majority in the Senate through a tie-breaking vote from Vice President Kamala Harris. Hence, President Biden's actions forward must ensure the bill passes through vigorous advocacy to other party members about the importance of solidarity, to pass the bill within the timeframe of a slight Democratic majority in Congress. Advocacy groups

such as the L.G.B.T.Q Victory Fund, a national organization that is committed to having redistricting to consider gay communities as communities of interest because of their shared political interests in a campaign called We Belong Together do not have the federal data to know accurately where residents live and locations of LGBTQ businesses or health centers (Kavi, 2).

In contrast, my gender identity model presents inclusive options that the respondents can use to self-identify by providing multiple options for gender identity and sex that give rise to the emergence of a new measurement of sex and gender. Since the first U.S. census in 1790, sex has been included in every census and has never offered anything but male and female. The following is the 2020 census sex question and its options:

What is Person 1's sex? Mark one of the boxes

1. Male
2. Female

In order to have inclusive gender identity questions to distinguish between cisgender and trans* people to allocate funds aimed at trans* people's needs, I present the following questions for my reimagined gender-identity section proposal: 1. "What was the sex you were assigned at birth?" and 2. "What gender do you identify as?". Additionally, the inclusion of intersex in the first question, the option of having a fill-in option like in the Hispanic origin category, along with the most common gender identities. There will be the ability to select as many as apply to the person as well. While there are valid concerns about the use of sex in my gender identity section, I account for sex because of the legal regulation of this classification through governmental identification documents such as Social Security cards, driver's licenses, and passports. Even though the U.S. Department of State will offer an X marker for passports by 2022 and some states offer this for driver licenses, 33 states proposed 110 anti-trans bills in 2021. There is no

motion for the eradication of legal regulation of sex because 17 of those anti-trans bills were enacted mostly through their use of “sex” instead of “transgender”. This serves as evidence of the urgency in moving away from only counting sex and soliciting input from communities affected by the inaccessibility of this “statistical citizenship” that offers state and federal protections, funding from 1.5 trillion dollars of federally funded programs, and political power weighing on policy decisions. Additionally, concerns surrounding the fear of one’s privacy, individual respondents’ records are not shared with anyone including government agencies because the Census Bureau is legally bound to strict confidentiality requirements. One must acknowledge that the first enumeration of trans* people may not be indicative of all trans* people because some trans* children are unable to identify with their gender identity as their guardians fill up the forms or other trans* people that are not out yet. However, the lack of demographic presence should not hinder any significant political gain from enumeration similar to the American Indians/Alaskan native populations that are approximately 1 percent of the US population. The instability of the term American Indian/ Alaskan Native, a “large degree of fluidity and a lack of demographic presence” has not “diminished the importance of American Indian community politically or historically, and as such this community has been enumerated on nearly every census” (Schitt & Bratter, 97). Therefore, the concerns of underrepresentation of trans* people as seen as a hindrance in political power and being seen as legitimate in the public sphere are less extreme.

The dissatisfaction among data users, data providers, and the public in the race and ethnicity classification “because of the demographic and social changes taking place in the United States” (Rodriguez 166) has not translated into the disappointment in LGBTQ groups of the decision to not have sexual orientation and gender identity questions and options in the 2020

census. The Census Bureau is currently not committed to reflecting the needs of society through collecting information with adequate questions and options as seen by the lack of change in the sex question since 1970 even as they acknowledge the existence of trans* and intersex people. Additionally, denying access to statistical citizenship inhibits the ability to negotiate the reality of gender leading the heteronormative standards to worsen the lives and leave the needs of the trans* community.

The power of governing through classifying limits the number of options and language available for trans* people to accurately identify themselves sheds light on self-discipling because of gender normativity. Language has historically been weaponized to limit one's selfhood and expression. The formation of words is brought by necessity and the need of trans* people for allocating funds. And any set number of gender identities and even sex (as one established that there is biological diversity when it comes to sex such as intersex people) but especially limiting it to the binary characterize gender as a natural phenomenon when it is cultural. Persons should be able to describe themselves with the language that closely resembles their experience rather than the sex they were assigned at birth that helps them maintain the restrictive gender system when enumerated without getting their particular needs. The visibility of trans* people is being policed by silencing and using their bodies for the benefit of institutions and politicians. The more clandestine way of silencing and making trans* lives invisible is trans healthcare, specifically therapy.

Since 2013, transsexualism or gender identity disorder was deemed a mental illness in the Diagnostic and Statistical Manual of Mental Disorders (DSM), and the only condition where therapy is to "lie, hide, or otherwise remain silent" (Bornstein, 62). When trans* people are entering therapy, they are told to not tell anyone that they are transgender. Transgender

individuals were told to have stories of their past as the gender they identify to conceal their experience as trans* (as having an upbringing for an identity at odds with their identity). By living in hiding, trans* individuals perceive themselves “as a mistake: something that needed to be fixed and then placed into one of the categories” (Bornstein, 64) by agreeing on the dominant agreed up on dichotomous gender system even if they do not feel completely binary in one’s gender expression or identity. Medical professionals factored whether candidates for gender-affirmative surgeries “would be heterosexual after transition, whether they could successfully ‘pass’ as their intended gender, and whether they were willing to move and/ or change jobs so that they would not be ‘outed’” throughout the 1960s to 1970s (Doan, 93). While the moral panics of politicians threatening the dangers of trans* therapy for children, trans*people, especially trans* kids, socially transition using preferred names and pronouns or presenting in a way that aligns with their affirmed gender rather than starting immediately on medical intervention like hormones and surgeries. Bernice Hausman’s study reveals the medical industry’s desire to maintain a heterosexist society where sex is fixed to a binary and gender maintains the heterosexuality of the body by the medical surgeries on intersex people. Intersexuality disrupts the construct of binary sex and gender to maintain the body heterosexual which defines and denounces ideas of gender section. Therefore, there must be a diverse set of trans healthcare services that are centered on the trans* patient’s satisfaction with treatment rather than pathologizing the patient. The enumeration of trans* people in addition to the American Community Survey (ACS) having questions about health insurance can provide a percentage of trans* people covered by health insurance to plan government programs for trans*health as they currently do for veterans and “American Indians”.

Although trans* therapy has changed since transsexualism was removed by the American Psychiatric Association from the DSM as a mental illness, the treatment for gender dysphoria, a diagnosis in the DSM-5, replaced it in 2013 and has been used as a weapon to maintain policing trans* people and maintain the binary through using trans* bodies. Gender dysphoria is the psychological distress of someone whose gender identity differs from their sex assigned at birth. The illusion of progression by not using transsexualism as a mental disorder is evident by continuing to diagnose trans* people not for solely legitimizing the distress of their “gendered embodiment” (Halberstam, *Trans** 48) but for the continuation of gender normativity through their body. The trans* body, the one that does not pass as the cisgender body, is the exposing of the social construction of sex and gender. Additionally, there is a lack of acknowledging other factors other than gender identification such as “social exclusion, family violence, or reduced employment opportunities” (Halberstam, *Trans** 48) for people’s distress over their gender identity in the DSM-5. The diagnosis of the medical doctor from modifying the trans* patient’s experience by sorting through what fits into a biomedical paradigm, a concept Foucault coined as “the medical gaze” in *The Birth of the Clinic: An Archaeology of Medical Perception*, must be questioned through working with social organizations and researching the best way to care for trans* patients. The perspective of trans* patients as problematic and in need of fixing rather than finding the problem in trying to make them fit in the binary gendered world. The term and therapy for gender dysphoria have helped many trans* people with their individual trans* experience, however, it is also a requirement in many anti-trans* bills to fit them into their world view of a rigid binary sex system rendering them invisible.

For instance, State Senator, Carl Glimm (R-2nd District) passed Senate Bill 280 in 2021 that requires individuals that would like to update their birth records to get a court order

“indicating that the sex of the person born in Montana has been changed by surgical procedure” (SB 280). The bill makes it difficult for trans* persons to correct their birth certificate because of the expensive, time-consuming, and labor-intensive process that requires reassignment surgery. Currently, trans individuals need to convince healthcare professionals of their trans identity to gain access to transition related healthcare like reassignment surgery. The necessity of psychiatric evaluation before having reassignment surgery is a way of policing trans* people’s bodies that others with cosmetic surgery do not require unless they exhibit unstable behaviors (Halberstam Trans*, 34). Trans* people should be “the multiple meanings of the trans body” (Halberstam Trans*, 34) rather than needing to prove their transness or need permission from someone else on what they can or cannot do with their bodies. The Foucauldian discourse of legitimized and accepted forms of knowledge by medical personnel to validate their decision as otherwise they are seen as mentally unstable. This perpetuates the pathologizing of trans* people by treating transness as a disorder that they will monitor to resemble the gender normativity of cisgender people.

Additionally, the idea of needing to pass as the gender identity trans* individuals identify (while passing can be the desire for some or the matter of life or death--protected by being perceived as cisgender) can be a form of villainizing transness. The perception of trans* individuals as needing to hide their transness and “fixing” themselves for others rather than for oneself is the effect of the dominant discourse of gender to preserve the idea of transgender being about changing to belong. Our perception of ourselves through the other is maintained by the limited options for one’s experience. For instance, the discussion around the addition of a Middle Eastern, North African, or MENA category has been lobbied by advocacy groups because the lived experience of people and others’ perceptions of them has not been white even though they

have historically been categorized as white. Similarly, the exclusion and silence of the experience of trans* lives are maintained by one's option of male and female in the sex section of the census. When discussing trans* bodies, that is bodies that do not pass or are "unbuilding and building" it does not fit the ideal model for transgender activism which is a white upper class transgender people that passes as cisgender. The trans* body exposes the social construction of sex and gender. Therefore, trans* people that do not live acting within the gender norms assigned to them by the hegemonic heteronormative structures, the norms within the trans* community to pass as cisgender people is present to act as a form of discipline them to continue the illusion of gender normativity. Even though there are trans* people that may not be within the means financially, they are gender-diverse, or they do not want all gender-affirmative surgeries or treatments. Trans* bodies are in a constant state of emergence, therefore, the term, trans*, encompasses all forms of gender variance without categorizing others and allowing them to self-identify through that asterisk. Similar to ideology centered for the gender identity section I propose, the refusal to situate trans* people to "a final form... holds off the certainty of diagnosis... it makes trans* people the authors of their own categorization" (Halberstam, Trans*, 4). Those that identify with the term, trans* are highly disadvantaged by the requirements for transitioning. The transformation of one's bodies, especially trans* bodies has various gender identities depending on intersectional identities like class, race, culture, and other factors. The anti-trans bill in Montana uses trans* bodies as symbols of the binary that aid in the belief of gender as the same as sex. The trans* body is in a constant state of emerging being rather a final form or idealized destination, it is like a tangible embodiment of a counterpublic, where the fitting is where the perpetual hiding comes from.

When the dominant culture creates gender roles or “naturally-gendered people” this obscures the possibility that “the culture may in fact be creating the gendered people” (Bornstein, 12). The opposition of the dominant discourse of gender to the inquiry on the epistemological question of what gender stems from who decides what it is. Halberstam views classifying falling “less to medicine and more to political organizations” (Trans*, 28). The authority of political organizations is seen through the countless anti-trans bills in 2021 because of their lack of collaboration with social organizations. The involvement of advocacy groups in the testing and evaluation of potential changes to gender identity is necessary because the needs of particular groups are better grasped by organizations that are knowledgeable of their communities and their personalized interests/struggles. For instance, the Census Bureau considerations for bettering their count of Asian American and Pacific Islanders in the 2020 census through replacing the checkboxes with a write-in-box was contested by multiple AAPI advocacy groups that argued it would lead to losing ethnicities and national origin distinctions as seen from the Bureau’s 2010 Alternative Questionnaire Experiment.

While the former Census Bureau director John H. Thompson (who stepped down on June 30, 2017) did not find any legislative mandate to collect data on people’s sexual orientation or gender identity for the 2020 census, the changes within society in terms of language surrounding gender, trans* lives under attack and in need of better-quality healthcare (which includes insurance), housing, and discrimination under anti-trans* legislation does not corroborate the decision made. As the Census Bureau prepares for the next census in 2030, the continuance of testing and evaluating changes to the sex question through working alongside advocacy organizations to provide representative data that aid in the needs of trans* people as they exist in the public sphere with political capital (as communities of interest) and social prominence.

Annotated Bibliography

“Assessing the Feasibility of Asking about Gender Identity in the Current Population Survey:

Results from Focus Groups with Members of the Transgender Population.” Census.gov, 8

Oct. 2021, <https://www.census.gov/library/working-papers/2018/adrm/rsm2018-05.html>.

The research report documents the testing and evaluation of the different methods (which are in the form of questions and options) to include sexual orientations and other gender identities other than the binary under the review of the Census Bureau in order to consider implementing it to the decennial census. I will include the findings—that other gender identity questions are feasible, but they acknowledge the flaws in their questions and options as inadequate to reflect all gender identities-- in the paper to compare it to my proposal. The integration of factoring the race/ethnicity section as a model to creating a gender identity section where one can check as many as they identify with, the inclusion of intersex in the sex question, and the general write-in portion addresses the ideal testing questions and options that the Census Bureau should test for the 2030 census.

Bornstein, Kate. *Gender Outlaw: On Men, Women, and the Rest of Us*. United

Kingdom, Routledge, 1994.

Gender Outlaw was one of the first gender theory books by a transgender person that challenged and inquired about gender. Bornstein's cultural criticism of gender, the reason for the lack of visibility, and the silencing of transgender people provide phenomenological and epistemological answers from a trans* woman. I use the connection of public and the social institutions with Bornstein's ideas of silencing and therapy to offer a way that the lack of data for services aimed at trans* people continues to harm them. Additionally, she encourages dissent from the gender system in Western civilization which is biological gender or sex that does not consider intersex people as well as the realities of gender apart from sex. She addresses a possible solution of boundaries within the binary is fluidity surrounding gender that connects to how the gender-identity section in the census should resemble so that it accounts for the shift in language, experience, labels, and categories.

Current Measures of Sexual Orientation and Gender Identity in Federal Surveys, Accessed September 5, 2021, <https://nces.ed.gov/FCSM/pdf/buda5.pdf>

The Office of Management and Budget's acknowledgment of the distinction between sex and gender does not reflect how they interchange sex with gender that impacts policies for anti-discrimination, disparities between men and women, and investments in programs for closing the gaps of these issues. Even if the OMB views sex as biologically characteristics important to document, they acknowledge intersexuality- even the complexity of intersexuality itself (multiple forms of intersexuality)—even though it is not included in the decennial census.

Doan, Petra L. "To Count or Not to Count: Queering Measurement and the Transgender Community" *Women's Studies Quarterly* 44, no. 3/4 (2016): 89-110. Accessed September 5, 2021. <http://www.jstor.org/stable/44474064>.

This journal concludes the estimation of transgender and gender diverse people for funds and a platform for the legitimate need for safe bathroom access and social services. While Doan's argument for an immediate accurate count of transgender and gender diverse people is similar to my argument, she strays from the census because of the discrete categories of male and female. However, she does not fully think through a possibility for the format of the census to change regarding sex because of its extensive nature to be as accurate as possible. Doan's acknowledgment of the issue of categorizing gender diverse people is in alignment with my argument about the use of inclusive enumeration to initiate a platform, an interest of investment, and legitimate need of social services and political endeavors that the data will show. She finds that 3 percent of the U.S. population stray from the binary which furthers the notion of their needs and representation as imperative.

Fausto-Sterling, Anne. *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books, 2000.

Fausto-Sterling addresses the myth of the gender binary as an innate and intrinsic part of people dismantled by doctors and parents determining the sex of an intersex infant. Intersexuality threatens the societal expectations of the gender binary. Fausto-Sterling finds that the determination of sex, which at times is interchanged with gender in this, of an intersex child does not always result in accordance with that sex they were assigned because of their "inner voice". I can use, as well as extend her findings of intersex children assigned either a male or female to trans* people in general.

Fattal, Alex. "Counterpublic." *International Encyclopedia of Anthropology*, 19 Dec. 2018, <https://www.academia.edu/38009752/Counterpublic>.

The paper uses Michael Warner's idea of counter publics in his book *Publics and Counter publics* is used to explain the embodiment of trans* identity as exposing the social construction of gender as well as the complexity of being trans* (because it is not always about passing or has a universal experience or needs). Additionally, the disruption of a naturalized conception of sex and gender as the binary and dissent the dominant discourse of gender through subjugated knowledge can shift to hold space with majority accepted ideas of gender if Census Bureau adopted gender identity questions. The impact that the gender identity question will have for trans* people in light of anti-trans bills can also be a reason for counterpublics to be part of the national debate but with more political capital and investments in programs that cater to the needs of trans* people.

Feinberg, Leslie. *Transgender Warriors: Making History from Joan of Arc to Dennis Rodman*. Beacon Press, 2005.

Feinberg documents the history of transgender and genderqueer people while arguing that the crusade against this community is the patriarchal class divisions. Additionally, the history of people that divert from the gender binary has been concealed to uphold the cultural expectation of gender. While Feinberg can have reductionist and romanticized ideals of genderqueer and trans* people like Native Americans who were two-spirited as revered in their tribes was inaccurate, his overall account of transgender history is useful for my research paper. Feinberg's concept of the gender outlaws, the history, and the theory of the attack of these identities will be used to add to the meaning of trans*. Zie believes that a socialist coalition between trans* and oppressed groups will lead to transgender liberation by resisting and rebelling against the patriarchal and capitalist barriers. Moreover, Feinberg's use of the English

language and its lack of gender neutrality, unconsciously makes one believe the constructs of gender as reality, in my argument for conscious actions to provide inclusive language in the census.

Halberstam, Jack. *Trans*: A Quick and Quirky Account of Gender Variability*. United States, University of California Press, 2018.

Halberstam's use of the umbrella term, trans* that includes the asterisk to move away from the colonial strategy of governing by classification, rather encompassing all forms of transness and their transformative bodies. The naming and classifying remains because the power of excluding and including is at the hands of the other limits the ability for trans* people to identify themselves accurately. The transformation of one's bodies, especially trans* bodies has various gender identities depending on intersectional identities like class, race, culture, and other factors. He argues trans* people should be able to change their bodies at their will if they have stable behaviors rather than at the will of medical professionals' permission. Unlike Kate Bornstein, Halberstam discusses the current trans* representation in films and on TV that have positive depictions of gender-variant bodies with the adversity of trans* lives.

Hausman, Bernice L. *Changing Sex: Transsexualism, Technology, and the Idea of Gender*. Durham: Duke University Press, 1995.

Hausman's study reveals the medical industry's desire to maintain a heterosexist society where sex is fixed to a binary and gender maintains the heterosexuality of the body by the medical surgeries on intersex people. She finds intersexuality as the core argument for the distinction of biological sex and social gender. Additionally, she challenges the idea of being transgender as a disorder through medical knowledge and technological advancements. When

writing about the misconceptions and use of language as the arbiter of change among the way we think about gender identity and expression, Hausman's study about the history of sex and gender will be useful. Also, the critics and observations of intersexuality as the disruptions of the construct of binary sex and gender in order to maintain the body heterosexual can be an avenue, I explore in defining and denouncing ideas of gender section.

Kavi, Aishvarya. "As Redistricting Process Begins, Advocates Push for States to Keep

L.G.B.T.Q. Communities in Mind." The New York Times, The New York Times, 11 Aug. 2021, <https://www.nytimes.com/2021/08/11/us/politics/lgbtq-redistricting-elections.html>.

I will use the article in my paper to include the current 2020 census' impact on redistricting especially for LGBTQ+ advocacy organizations in addition to the benefit of having the LGBTQ community as a community of interest to have more "legitimacy" in pursuing sexual orientation and gender identity questions in the decennial census. I connect the issue with redistricting with the LGBT Data Inclusion Act because the majority of anti-trans* bills have been introduced and passed by Republicans therefore, the gerrymandering that occurs can change the slim majority of Democrats in the House of Representatives as it reflects the seats allocated for each seat based on the 2020 census.

Richards, Christina, Walter Pierre Bouman, and Meg-John Barker. Genderqueer and Non-

Binary Genders. London: Palgrave Macmillan, 2017.

While the book intended to offer an insight into the genderqueer and non-binary field for medical professionals, Richards, and the other authors' demystification about the inherent and immutable traits of people regarding sex is useful for the beginning of my paper. The discussion

of laws globally concerning trans* people, the histories of non-binary/genderqueerness, activism, and psychology can help with accounting for the different experiences of trans* people through a medical, historical, and legal way.

Rodriguez, Clara E., "Changing Race: Latinos, the Census and the History of Ethnicity" (2000).

Sociology Faculty Books.

Rodriguez focuses on the difficulty to categorize Latinos (I do not use Latinx here because the term was not used around the time she published and it has a different identity she does not cover in her book), as their fluid ethnic and racial identities challenge the pre-existing racial classifications using interviews, census data, and historical research. She concludes that race and ethnicity are subjective, and Latinos have managed to disrupt the rigid ideas of race and ethnicity. Latinos define themselves while also asserting they cannot be a “fixed” measurement. Her book thoroughly examines the census data and historical evolution of Latinos. I will use Rodriguez’s findings on the change of race and ethnicity within the Latino community as well as produce a parallel between trans* people and the pre-existing classification. Similarly, the trans* experience cannot be fixed and perfectly measured thus, the need to reshape how the census counts these communities.

Somerville, Siobhan B. *Queering the Color Line Race and the Invention of Homosexuality in American Culture*. Duke University Press, 2012.

In *Queering the Color Line Race and the Invention of Homosexuality in American Culture*, Somerville integrates the changes throughout the race and ethnicity section and its role in not only the pursuit of new language and forms of subjectivity for all types of naturalized concepts of bodies. She includes a timeline and the relevant events that serve as background

history of the changes in the race/ethnicity section evolving alongside the suggestions of advocacy groups as well as legislation like Directive 15. Ultimately, the book exposes the way dissent of socially constructed identities has also been essential in advocating for communities without the recognition of existing and being distinct from other identities in order to push against dominant and cultural expectations already established.