

United States: Nex Benedict's suicide coincides with a wave of anti-LGBTQ+ laws - and some people's misunderstanding about transgender and nonbinary individuals

Wednesday 3 April 2024, by [GEORGE Marie-Amelie](#) (Date first published: 3 April 2024).

As states and local school boards in some places continue to pass anti-LGBTQ+ rights legislation and policies, hate crimes against young LGBTQ+ people have also increased.

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No charges will be [filed in connection](#) with a bathroom fight that happened the day before a 16-year-old nonbinary high school student, Nex Benedict, died by suicide in Oklahoma. The Tulsa County district attorney's office made the announcement on March 21, 2024.

Benedict was beaten so badly by three female students that they blacked out and had to go to the hospital for treatment. The students previously mocked Benedict and their friends "[because of the way that we dress,](#)" according to a statement Benedict gave to the police the day of the fight.

The news of [Benedict's death](#) generated [outrage from LGBTQ+ rights activists](#), who connected the tragedy to the sentiment and ideology behind a wave of anti-LGBTQ+ laws sweeping the country.

In 2024 alone, various state legislatures have introduced [almost 500 such bills](#), many of which target LGBTQ+ youth in schools. Some of these bills [restrict which restrooms](#) transgender students can use and which [sports teams they can join](#). Others [censor the information](#) that all students receive at school about sexual orientation and gender identity. As of March 2024, 189 of these proposals have advanced and 15 have been enacted.

The number of reported LGBTQ+ hate crimes committed at schools more than doubled between 2018 and 2022, [particularly in states like Florida](#), Georgia, Oklahoma and Texas, which have anti-LGBTQ+ laws. Transgender and nonbinary students, in particular, [are more likely to be harassed](#) and assaulted today than they were five years ago.

As a law professor who has written extensively on [gay and lesbian legal history](#) and [contemporary LGBTQ+ rights](#), I have studied the legislative debates over these bills in detail. What they reflect is many people's continuing discomfort with - and sometimes outright hostility to - transgender and nonbinary identity.

People attend a candlelight vigil for nonbinary student Nex Benedict, who died by suicide following a physical fight in a school bathroom at their high school. J Pat Carter/Getty Images.

Understanding transgender and nonbinary identity

Here are a few important points to understand about transgender and nonbinary individuals.

Transgender publicly emerged in the U.S. as a kind of social identity [in the 1990s](#), while the first use of the term nonbinary dates to [the early 2000s](#).

People identified as transgender or nonbinary [long before](#) either term came into existence.

However, both labels are relatively new. So is the word cisgender, the term for individuals whose gender identity corresponds to their sex assigned at birth.

Approximately [1.3 million American adults](#) – meaning 0.5% of the American population – identify as transgender or nonbinary. That rate is much higher among young adults. Approximately [5% of Americans between the ages of 13 and 18](#) identify as transgender or nonbinary.

There is some overlap between transgender and nonbinary identity, but the two categories are distinct. Transgender individuals are people whose gender identity differs from their gender assigned at birth. Many, but not all, transgender individuals identify as male or female.

Often, transgender individuals [will seek medical care](#), such as hormone therapy or surgery, so that their physical body matches both how they view themselves and their gender identity. However, not all do, in large part because the cost for this kind of treatment [is so expensive](#). Insurance policies increasingly cover the costs, but deductibles and other out-of-pocket costs can be extremely high.

Transgender individuals are also more likely to be unemployed and living in poverty than most Americans. As a result, they often do not have insurance to cover the [US\\$50,000 to \\$130,000 price tag](#) of the surgeries. Others decline surgery because it is simply not right for them personally.

Some transgender individuals identify as nonbinary. Nonbinary individuals have a gender identity that does not neatly fit the traditional categories of male or female. Some nonbinary people combine elements of both genders, while others reject gender in its entirety, such that they have a gender-neutral appearance. Still others have a fluid gender, meaning they identify at times as male and other times as female. To reflect this reality, nonbinary individuals often use [they/them pronouns](#).

The overlap between transgender and nonbinary makes it difficult to pinpoint just how many Americans identify as nonbinary.

Violence against transgender and nonbinary people

Transgender and nonbinary individuals face [widespread discrimination](#) and [high rates of violence](#).

Transgender individuals are [more than four times more likely](#) than cisgender people to be victims of violent crime. They are [especially likely](#) to be attacked when they try to use public restrooms. Compared to their heterosexual and cisgender peers, transgender adolescents are [disproportionately likely](#) to experience psychological, physical and sexual abuse.

The majority of LGBTQ+ teens [report being bullied in schools](#).

A [2022 report by the Trevor Project](#), a nonprofit focused on suicide prevention, revealed that 45% of LGBTQ+ people aged 13 to 24 seriously considered attempting suicide the previous year. Almost 20% of transgender and nonbinary young people actually tried to end their lives.

A parent in California protests during a meeting at a September 2023 Orange County school district board meeting about whether schools should tell parents when their child shows signs of being transgender. Leonard Ortiz/MediaNews Group/Orange County Register via Getty Images

Political divides

In recent years, LGBTQ+ rights advocates have secured important legal victories for transgender and nonbinary individuals. This includes [conversion therapy bans](#), which prohibit licensed mental health professionals from trying to get minors to change their sexual orientation or gender identity. There are other new laws in several states that require school districts to include stories of LGBTQ+ people and history in [civics, or social studies classes](#).

Republican-led states like Arkansas and Florida have passed laws that discriminate against LGBTQ+ people, particularly transgender and nonbinary individuals. Republican lawmakers have [opened child abuse investigations](#) against the parents of transitioning minors in Texas and [banned drag performances](#) in Montana and Tennessee, although a federal judge [struck down Tennessee's law](#).

While 61% of Democrats recognize that [a person's gender could be different](#) than their sex assigned at birth, only 31% of Republicans agree. Additionally, 66% of Republicans also believe that [society has gone too far](#) in accepting transgender individuals.

Because so many Republicans oppose transgender identity, GOP lawmakers have seized upon anti-LGBTQ+ laws [as a way of driving voters to the polls](#).

Local school boards in places like Florida and Texas have also [censored library books](#) that discuss gender fluidity and restricted transgender students' ability to [access the restroom](#) that aligns with their gender identity.

The high stakes

Some Republican politicians claim that the laws are necessary to protect the [rights of parents who object to LGBTQ+ rights](#). But the laws have created a hostile school environment that is [devastating for young LGBTQ+ students](#).

LGBTQ+ rights activists have pressed schools to instill tolerance for same-sex sexuality and transgender identity. Data shows LGBTQ+ youth who live in a community accepting of LGBTQ+ identity report [significantly lower rates of suicide attempts](#).

But many legislators have done the opposite. Eighteen states, including Arkansas, Florida, Indiana, and North Carolina, now have laws that [restrict how teachers can talk about](#) sexual orientation and gender identity. Among the list is Nex Benedict's home state of Oklahoma.

[Marie-Amelie George](#), Associate Professor of Law, [Wake Forest University](#)

P.S.

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- [Marie-Amelie George](#), [Wake Forest University](#)

I am an expert on gay and lesbian legal history and contemporary LGBTQ+ rights. My research has appeared in leading peer-reviewed and law review journals, and I am a three-time recipient of the Dukeminier Award, which recognizes the country's most influential sexual orientation and gender identity scholarship.

I currently teach at Wake Forest University School of Law. Prior to joining the Wake faculty, I was the Berger-Howe Fellow in Legal History at Harvard Law School. I also served as an Associate in Law at Columbia Law School, where I taught the Sexuality and Gender Law Clinic. I received my Ph.D in history from Yale University, and my J.D. from Columbia Law School, where I was Editor-in-Chief of the Columbia Journal of Gender and Law and a Kent Scholar. I also hold a M.St. in Women's Studies from the University of Oxford, where I was awarded a distinction on my thesis.

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