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These are "THE" REFERENCE BOOKS to begin serious study of transgender legal issues and of progressive strategies for legal changes!

The Proceedings books are available for sale. An order form is attached.

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 - 1st: 1994, Connie Moore, "Challenging the System, Honestly and Out!", IIIpp150-154
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 - 3rd: 1996, Stephen Whittle, Vpp39-43
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 - 1st: 1995, Raymond Wayne Hill (on audio tape)
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 - 1st: 1994, Cissy G. Conley, "A Successful Transition with the US Air Force Civil Service", IIIpp54-58
 - 2nd: 1995, Jane Fee, "Minnesota: The First State to Enact Legislation That Explicitly Protects the

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- 3rd: 1995, Jamison Green (on audio tape)
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– *Phyllis Randolph Frye, Executive Director, ICTLEP*

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HOUSTON, TX 77035-5515

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COURSE DATE(S): 7/3/96 TO 7/07/96 COURSE LOCATION: HOUSTON, TX
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THE ABOVE REFERENCED CLE ACTIVITY THAT YOUR ORGANIZATION SUBMITTED FOR ACCREDITATION IN TEXAS HAS BEEN REVIEWED AND ACCREDITED AS FOLLOWS:

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TO BE DETERMINED	\$0.00	\$25.00	TO BE DETERMINED

AFTER THE COURSE IS COMPLETED, CALCULATE THE REMAINING FEE DUE (IF ANY) BY MULTIPLYING THE ACTUAL NUMBER OF TEXAS ATTORNEYS IN ATTENDANCE TIMES \$5 AND SUBTRACTING THE AMOUNT ALREADY PAID. IF A BALANCE IS DUE, ENCLOSE A CHECK FOR THE REMAINING FEE WITH THE COMPLETED COURSE ATTENDANCE FORMS.

ENCLOSED ARE THE COURSE ATTENDANCE FORMS THAT ARE TO BE DISTRIBUTED TO EACH TEXAS ATTORNEY ATTENDING THIS COURSE. THE SIGNED AND COMPLETED FORMS SHOULD BE RETURNED TO THE MCLE DEPARTMENT OF THE STATE BAR IMMEDIATELY AFTER THE COURSE IS COMPLETED.

NOTICE: THE ABOVE WAS RETYPED FROM THE ORIGINAL. MDG

DECLARATION OF GENDER LIBERTY

Declaration of Gender Liberty

Houston, Texas

July 4, 1996

Script for Presentation

Participants assemble in a circle, each with a candle. There are two narrators standing together at one point in the circle. The narrators light one another's candles and in turn light the candle of the participant standing next to them, and so on, until all candles are lit. The Preamble is then read by the first narrator as shown below.

Preamble

Upholding the universal equality of humankind before us in the sacred fashion of our forebears, we too recognize self-evident truths and pursue unalienable rights. Among our endowed rights, we cherish most the freedom to choose for ourselves our own identities and to put aside the restraints of ignorant oppressors and indifferent bureaucracies.

United in common purpose and mutual resolve, we gather in this place to declare liberty from the prescriptions and constraints of gender roles constructed and thrust upon us from birth without our consent.

Affirming that all human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving, we rise as one to proclaim the fundamental right of all humankind to define and redefine their own identities.

Representing all races, nationalities, ethnicities, tongues, creeds, classes, and sexes, we profess that we are one and all a people whose diverse gifts and energies find common ground in the transcendence of conventional gender boundaries.

Recognizing that all are rooted in the human condition, we nevertheless assert the right to name ourselves and to choose such language as best characterizes both our differences and our commonalities.

Therefore, we throw off the shackles of gender tyranny to uplift the dignity of those known to themselves and to all the world as transgendered people.

We are cognizant and proud of the many contributions to the human journey made by our transgendered brothers and sisters, which contributions stretch over the centuries to the very beginnings of recorded history.

We pause to solemnly honor and celebrate transgendered heroes and heroines who have passed this way before us.

Individual voices from the audience call out the names of transgendered heroes and heroines from the following list arranged alphabetically, e.g. "Jean D'Arc". The acronym "a.k.a." should be read "also known as".

Jean D'Arc (May be pronounced "Joan of Arc".)
Yoshizaz Ayame (Yoh-shi-zahs Eye-ah-mah)
Maria Bocharova (Boh-cah-ree-vah)
Ernest Boulton, a.k.a. Lady Arthur Clinton
Christina, Queen of Sweden, a.k.a. Count Dohna
Girolamo Crescentini (Jeer-roh-la-moh Creh-shen-tee-nee)
Jacob Anthony Dennis
Julian Eltinge
Catalina de Erauso, a.k.a. Antonio de Erauso (Ah-rau-so)
Reid Erickson
Farinelli, a.k.a. Carlo Broschi (Bro-shee)
Nathaniel Field
Hannah Gray, a.k.a. James Gray
Hannah Gluckstein
Allen Hart
Tyra Hunter
Christine Jorgensen
Edward Kynaston (Kin-nah-stun)
Jenny de Savalette de Lange (de Sau-vah-lay de Lah-geh)
Constance Lee
Gaetano Majorano (Jah-tah-no Mah-jah-rah-noh)
Antonio Martinez
Charles Durkee Pankhurst
Frederick William Park, a.k.a. Fanny
Roger Peo (Pee-oh)
James Robbins
Shelley Salieri (Sal-lee-air-ree)
George Sand
Sarah Emma Edmonds Seelye, a.k.a. Franklin Thomson
William Sharp, a.k.a. Fiona Macleod
Maria van Spanje (Spon-jee)
LaDonna Stiger
Lou Sullivan
Ellen Summers
Brandon Teena
Janet Thompson
Billy Tipton
Karen Ulane (Ewe-lane)
Dr. Mary Walker
Lauren Diana Wilson

We know that our progenitors yearned for the same freedom of identity that we seek. We know that they struggled and suffered for the sake of re-imagining themselves. We know that many died in the pursuit of truth and justice. We take comfort and courage in the meaning of their lives. Their examples give us hope and light the path to freedom.

And so, in the stead of our transgendered ancestors, mindful of the dangers and pitfalls they faced, but uniformly resolute in purpose and confident of the outcome, we cheerfully take up the cause of justice and liberty to free ourselves and our posterity from the tyranny of gender.

The second narrator reads the Declaration as follows:

The Declaration

By these precepts we propose to transcend the bonds of gender oppression and prejudice:

We proclaim that our identities are not determined by virtue of our chromosomal sex, our genitalia, our assigned sex as males or females, or our initial gender roles.

We cherish and uplift above all else, the universal right to define and redefine new identities in accord with our own images and self-conceptions and without regard for the limitations and conformations dictated by the tyrant called gender.

We declare our right and duty to express self-defined identities freely and with due care for the human rights and sensibilities of all others to whom we are accountable. And, for those accountable to us, we covenant to acknowledge and respect their identities in accord with their wishes and in such fashion as we would wish to be acknowledged and respected.

We will steadfastly resist attempts to subject us, one or all, to economic deprivation by denying us opportunities to train for and pursue gainful employment while manifesting our chosen identities.

We demand equal compensation for our labor. We insist upon dignity for ourselves and for all other workers. We ask admittance to all spaces and activities to which we are entitled by virtue of our self-defined identities.

We proclaim that our bodies belong to us alone. As necessary for our continued existence, we take responsibility for the care and nurture of our bodies and assert the right to alter our bodies in such ways and by such means as are pleasing to us, the owners.

We demand competent medical care and expect equal access to the same professional services provided to others.

We refuse to permit anyone, without our consent, to characterize us as diseased, dysphoric or disordered solely by virtue of our self-defined gender identities.

We affirm our right to the free expression of our sexual natures in private, adult, consensual relationships.

We profess the right to form committed, loving relationships with one another and to enter into marital contracts by virtue of those relationships without regard to our own or our partners' perceived status as male or female.

We assert also our rights to conceive, bear, or adopt children, to nurture and have custody of children and to exercise parental capacities.

The following statements are to be read in unison by those assembled:

We deplore the actions of those who seek to stigmatize us and rob us of our dignity. We vow to work diligently to banish ignorance with enlightenment and to strive with equal fervor for the liberation of our oppressors and detractors. We abhor violence and come in peace and humility, seeking dignity, justice, and freedom not only for ourselves but for all humankind.

We vow upon our sacred honor to break the bonds of fear, degradation, oppression and bigotry. We come to build bridges of trust, dignity, compassion, and love. Hand in hand, pursuing life, liberty, and happiness, we go out with love in our hearts, care in our eyes and comfort for one another on our lips. Let it be known that we passed through this world for no other purpose than to share our special gifts for the good of all humankind.

Note: At the conclusion of the presentation it is appropriate to exchange greetings and other signs of mutual jubilation which may be enhanced as desirable with displays of fireworks.

This declaration Written by Sharon Ann Stuart.

INTERNATIONAL BILL OF GENDER RIGHTS

(As adopted July 4th, 1996, Houston, Texas, U.S.A.)

History of the International Bill of Gender Rights

The restatement of the International Bill of Gender Rights (IBGR) was first drafted in committee and adopted by the International Conference on Transgender Law and Employment Policy, Inc. (ICTLEP) at that organization's second annual meeting, held in Houston, Texas, August 26-29, 1993.

The IBGR has been reviewed and amended at subsequent annual meetings of ICTLEP in 1994, 1995 and 1996.

The IBGR is derived from two earlier documents both of which sought to articulate basic human rights for transgendered people. JoAnn Roberts of King of Prussia, Pennsylvania, drafted and disseminated a "Bill of Gender Rights" in 1991. Working independently and without knowledge of Roberts' efforts, Sharon Stuart of Cooperstown, New York, published a proposal for a "Gender Bill of Rights" in the 1991 annual meeting newsletter of the International Foundation for Gender Education (IFGE). Basic concepts in the two documents were similar although each author took a different approach.

Following the first annual meeting of ICTLEP in August of 1992, Ms. Stuart began the work of drafting an expanded Bill of Gender Rights which incorporated Ms. Roberts' work as well as her own proposal. A first draft presented in August of 1993 at ICTLEP's second annual meeting was extensively revised and refined in committee. Major contributors to the 1993 committee's efforts included Dr. Susan Stryker of Berkeley, California, Jan Eaten of Virginia, Martine Rothblatt of Silver Spring, Maryland, and Phyllis Frye of Houston, Texas.

In recent years major contributions to the IBGR's language and punctuation have been made by Alice of Houston, a consummate grammar and punctuation specialist.

Although she has not participated directly in the drafting of the IBGR, the contributions of JoAnn Roberts remain substantial, particularly in the first two sections of the IBGR which form the document's foundations. Ms. Roberts continues to promulgate and distribute her own "Bill of Gender Rights" as amended.

Additional amendments and new sections were added to the IBGR in 1994 and 1995. Minor changes followed in 1996. In her capacity as Gender Rights Director for ICTLEP, Ms. Stuart continues to act as the Principal Drafter and Compiler for the IBGR.

The Purpose and Effect of the International Bill of Gender Rights

The IBGR strives to express fundamental human and civil rights from a gender perspective. However, the ten rights enunciated below are not to be viewed as special rights applicable to a particular interest group, i.e. transgendered people. Nor are these rights limited in application to persons for whom gender identity and role issues are of paramount concern. All ten sections of the IBGR are universal rights which can be claimed and exercised by every human being regardless of their sex or gender.

The IBGR is a theoretical expression which has no force of law absent its adoption by legislative bodies or recognition of its principles by courts of law or by administrative agencies and international structures such as the United Nations.

In recent years, the IBGR's principles have been embodied in various legislative initiatives designed to protect the rights of transgendered people. Several of these initiatives have been adopted by municipalities in widely scattered sections of the USA. Meanwhile, the rights of transgendered people are gaining increased recognition and protection in such countries as Canada, South Africa, Australia, Great Britain and Western Europe.

Apart from legislative reform, individuals are free to adopt the universal truths expressed in the IBGR, and to lead their lives accordingly. In this fashion, the truths embodied in the IBGR will liberate and empower humankind in ways which transcend the powers of legislators, judges, government officials and diplomats.

As the principles of the IBGR are understood, embraced, and given expression by humankind, the acts of legislatures and the pronouncements of courts and related structures will necessarily follow. Thus, the paths of free expression trodden by millions of human beings seeking to define and express their own identities and give meaning to their lives will ultimately determine the course of our culture and civilization.

The IBGR is a transformative and revolutionary document but it is grounded in the bedrock of individual liberty and free expression. As our lives unfold these kernels of truth are here for all who would claim and exercise them.

Copyright Notice

This document, though copyrighted, may be reproduced by any means and freely distributed by anyone supporting the principles enunciated in the International Bill of Gender Rights.

The "Bill of Gender Rights" as produced by JoAnn Roberts of King of Prussia, Pennsylvania, remains a separate, distinct document, independently produced and distributed.

Requests, Comments and Contact Information

The IBGR remains subject to review and revision by ICTLEP. Proposed revisions to the IBGR and comments should be forwarded to International Bill of Gender Rights Project, PO Box 930, Cooperstown, NY 13326, USA. E-Mail Address: StuComOne@AOL.COM

Additional master copies of the IBGR suitable for duplication can be obtained on request to the above address. Please enclose \$5.00 (check or money order made payable to "ICTLEP") for printing, postage and handling.

The International Bill of Gender Rights

The Right To Define Gender Identity

All human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving. The individual's sense of self is not determined by chromosomal sex, genitalia, assigned birth sex, or initial gender role. Thus, the individual's identity and capabilities cannot be circumscribed by what society deems to be masculine or feminine behavior. It is fundamental that individuals have the right to define, and to redefine as their lives unfold, their own gender identities, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, all human beings have the right to define their own gender identity regardless of chromosomal sex, genitalia, assigned birth sex, or initial gender role, and further, no individual shall be denied Human or Civil Rights by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex, or initial gender role.

The Right To Free Expression Of Gender Identity

Given the right to define one's own gender identity, all human beings have the corresponding right to free expression of their self-defined gender identity.

Therefore, all human beings have the right to free expression of their self-defined gender identity; and further, no individual shall be denied Human or Civil Rights by virtue of the expression of a self-defined gender identity.

The Right To Secure And Retain Employment And To Receive Just Compensation

Given the economic structure of modern society, all human beings have a right to train for and to pursue an occupation or profession as a means of providing shelter, sustenance, and the necessities and bounty of life, for themselves and for those dependent upon them, to secure and retain employment, and to receive just compensation for their labor regardless of gender identity, chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to train for and to pursue an occupation or profession, nor be denied the right to secure and retain employment, nor be denied just compensation for their labor, by virtue of their chromosomal sex, genitalia, assigned birth sex, or initial gender role, or on the basis of a self-defined gender identity or the expression thereof.

The Right Of Access To Gendered Space And Participation In Gendered Activity

Given the right to define one's own gender identity and the corresponding right to free expression of a self-defined gender identity, no individual should be denied access to a space or denied participation in an activity by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, no individual shall be denied access to a space or denied participation in an activity by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex or initial gender role.

The Right To Control And Change One's Own Body

All human beings have the right to control their bodies, which includes the right to change their bodies cosmetically, chemically, or surgically, so as to express a self-defined gender identity.

Therefore, individuals shall not be denied the right to change their bodies as a means of expressing a self-defined gender identity; and further, individuals shall not be denied Human or Civil Rights on the basis that they have changed their bodies cosmetically, chemically, or surgically, or desire to do so as a means expressing a self-defined gender identity.

The Right To Competent Medical And Professional Care

Given the individual's right to define one's own gender identity, and the right to change one's own body as a means of expressing a self-defined gender identity, no individual should be denied access to competent medical or other professional care on the basis of the individual's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to competent medical or other professional care on the basis of chromosomal sex, genitalia, assigned birth sex, or initial gender role, when changing their bodies cosmetically, chemically, or surgically.

The Right To Freedom From Involuntary Psychiatric Diagnosis And Treatment

Given the right to define one's own gender identity, individuals should not be subject to involuntary psychiatric diagnosis or treatment.

Therefore, individuals shall not be subject to involuntary psychiatric diagnosis or treatment as mentally disordered, dysphoric, or diseased on the basis of a self-defined gender identity or the expression thereof.

The Right To Sexual Expression

Given the right to a self-defined gender identity, every consenting adult has a corresponding right of free sexual expression.

Therefore no individual's Human or Civil Rights shall be denied on the basis of sexual orientation; and further, no individual shall be denied Human or Civil Rights for expression of a self-defined gender identity through private sexual acts between consenting adults.

The Right To Form Committed, Loving Relationships And Enter Into Marital Contracts

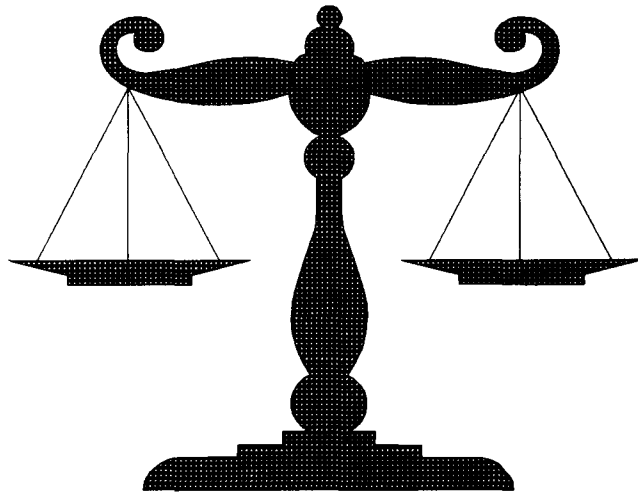
Given that all human beings have the right to free expression of self-defined gender identities, and the right to sexual expression as a form of gender expression, all human beings have a corresponding right to form, committed loving relationships with one another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore individuals shall not be denied the right to form committed loving relationships with one another or to enter into marital contracts by virtue of their own or their partner's chromosomal sex genitalia, assigned birth sex or initial gender role, or on the basis of their expression of a self-defined gender identity.

The Right To Conceive, Bear, Or Adopt Children; The Right To Nurture And Have Custody of Children And To Exercise Parental Capacity

Given the right to form a committed loving relationship with another, and to enter into marital contracts, together with the right to express a self-defined gender identity and the right to sexual expression, individuals have a corresponding right to conceive and bear children, to adopt children, to nurture children, to have custody of children, and to exercise parental capacity with respect to children, natural or adopted, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role, or by virtue of a self-defined gender identity or the expression thereof:

Therefore individuals shall not be denied the right to conceive, bear, or adopt children, nor to nurture and have custody of children, nor to exercise parental capacity with respect to children, natural or adopted, on the basis of their own, their partner's, or their children's chromosomal sex genitalia, assigned birth sex, initial gender role, or by virtue of a self-defined gender identity or the expression thereof.



HEALTH LAW STANDARDS

Preface Note: The following standards were drafted at the 1993 International Conference on Transgender Law and Employment Policy. The standards were subsequently presented to the Harry Benjamin Standards of Care Committee as an alternative to the Benjamin Standards. Since 1993, there has been some revision of thought concerning validity of the term "transsexual" since it identifies a change of gender rather than recognizing the predisposition of the individual to identify with a particular gender which may vary from the natively assigned gender based solely on the cursory visual inspection of genitalia. Since the condition is preexisting there is no real "change" of gender, but a recognition of the individual's actual gender identification. Only as medical science studies this area will the preexistence be proven; however, in the absence of firm scientific proof, the current medical, anthropological and anecdotal evidence supports the concept. The use of the term "transsexual" can still be applied since it is in common use; however, a cautionary caveat should be used to show it is denotatively and connotatively suspect.

HEALTH LAW STANDARDS OF CARE FOR TRANSSEXUALISM

Principle 1. Transsexualism is an ancient and persistent part of human experience and is not in itself a medical illness or mental disorder. Transsexualism is a desire to change the expression of one's gender identity.

Principle 2. Persons have the right to express their gender identity through changes to their physical appearance, including the use of hormones and reconstructive surgery.

Principle 3. Persons denied the ability to exercise control over their own bodies in terms of gender expression, through informed access to medical services, may experience significant distress and suffer a diminished capacity to function socially, economically and sexually.

Principle 4. Providers of health care (including surgical) services to transsexuals have a right to charge reasonable fees for their services, to be paid in advance, and to require a waiver of all tort liability except negligence.

Principle 5. It is unethical to discriminate in the provision of sex reassignment services based on the sexual orientation, marital status, or physical appearance of a patient.

Standard 1. Physicians participating in transsexual health care shall provide hormonal sex reassignment therapy to patients requesting a change in their sexual appearance subject only to (1) the physician's reasonable belief that the therapy will not aggravate a patient's health conditions, (2) the patient's compliance with periodic blood chemistry checks to ensure a continued healthy condition, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the physician may not require divorce but may also require the spouse to sign the waiver of liability form.

Standard 2. Physicians providing hormonal sex reassignment therapy shall collect and publish on an annual basis the number of hormone prescriptions they have issued and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex hormone therapy, to all prospective patients inquiring into the physician's hormone therapy services.

Standard 3. Surgeons participating in transsexual health care shall provide sex reassignment surgery to patients requesting a change in their sexual appearance subject only to (1) the surgeon's reasonable belief that the surgery will not aggravate preexisting health conditions, (2) the surgeon's reasonable determination that the patient has been under hormonal sex reassignment surgery for at least one year, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the surgeon may not require divorce may also require the spouse to sign the waiver of liability form.

Standard 4. Surgeons providing sex reassignment surgery shall collect and publish on an annual basis the number of sex reassignment surgeries they performed and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex reassignment surgery, to all prospective patients inquiring into the surgeon's sex reassignment services.

Standard 5. Physicians and surgeons shall not divulge the name or identity of any patient requesting or receiving sex reassignment services except as explicitly directed in a notarized written request by the patient.

The Health Law Standards of Care for Transsexualism, First Adopted at the 2nd International Conference on Transgender Law and Employment Policy, August 1993.

The Health Law Standards of Care for Transsexualism Shall Be Reviewed and Amended by Consensus, As Necessary, at Each Annual International Conference on Transgender Law.

The International Conference on Transgender Law and Employment Policy Shall Use Its Best Efforts to Disseminate these Health Law Standards to All Persons Involved in the Medical Treatment of Transsexualism.

Form 1. INFORMED CONSENT AND WAIVER OF LIABILITY

I, _____, having been fully informed in writing of the potential risks and complications of hormonal or surgical sex reassignment, do hereby choose of my own free will and consent to undertake this treatment because I want to alter my physical appearance to more closely reflect my gender identity.

I hereby release Dr. _____ of any and all liability for my decision to undertake a change of my sexual appearance and, for long-term use of hormones or for sex reassignment surgery, to affect on a permanent, irreversible basis my current sexual functioning. I promise not to sue Dr. _____ for any of the consequences of my hormonal sex reassignment or surgical sex reassignment unless those consequences are the result of negligence in the conduct of my hormone therapy or in the carrying out of my surgery.

Dated at _____, this _____ day of _____.

Patient Signature: _____

NOTARY:

Form 2: SPOUSAL WAIVER OF LIABILITY

I, _____, am presently married to _____ ("Patient"). I understand that Patient wishes to alter his or her physical appearance to more clearly reflect his or her gender identity, and has been trying to do so for at least _____ year(s). I have been actively involved in, and fully support, Patient's sex change process.

I have been fully informed of the nature of transsexualism and transgender surgery. I fully understand that the surgery or hormonal therapy which Patient will undergo will transform Patient into the opposite sex. I fully understand that the surgery and the effects of long-term use of the hormones is/are not reversible, and that Patient will never be able to sire or bear children after the surgery or long-term hormonal therapy. I also understand that the sex reassignment process involves dangers and risks including, but not limited to, postoperative infection, depression, emotional changes and other physical and psychological changes. It is with my full knowledge and consent that my spouse, the Patient, undergo transgender surgery or hormonal therapy to cause a change of their sex to occur.

I hereby release and hold harmless Dr. _____ from any and all claims arising out of performance of transgender surgery or hormonal therapy, actual negligence excepted. I fully understand that I will not be able to seek monetary damages for any loss of sexual companionship between Patient and myself, the loss of Patient's ability to sire or bear children or any similar problems which may arise from the performance of the transgender surgery or hormonal therapy.

Dated at _____, this _____ day of _____

Spouse Signature: _____

NOTARY:

ICTLEP

THE INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC

OPINION:

September 11, 1996

THE DEFENSE OF MARRIAGE ACT (DOMA) AND ITS IM- PACT ON SAME-SEX TRANSGENDER MARRIAGES

For over four years, ICTLEP has announced and pronounced to the lesbigratr (rhymes with alligator) community that same sex marriages already exist in the United States and that the lesbian/gay/bisexual portion of the inclusive lesbigratr community should use the transgender, same-sex marriages as both an equal protection argument to obtain same-sex marriage and as an argument against the passage yesterday of the misnamed Defense of Marriage Act (DOMA) by the US Congress.

During those four years, ICTLEP's above notices have fallen on deaf lesbian/gay/bisexual ears. Now, ICTLEP makes the following suggestions to those transgender, same-sex marriage partners who may feel the brunt of this unconstitutional law. **YOU WILL HAVE TO FIGHT FOR YOUR RIGHTS TO KEEP YOUR MARRIAGE, AND YOU WILL HAVE TO FIGHT IN THE OPEN IN THE COURT SYSTEM. YOU MAY LOSE AT THE TRIAL LEVEL, BUT ICTLEP FEELS THAT YOU WILL WIN AT THE APPELLATE LEVEL.**

Unfortunately, ICTLEP retains the incorrect perception of being a strong and well financed legal organization. We are not well financed at all, and unfortunately cannot fight your legal battles. But there are four things that we can do and hope that you will avail yourself of these four things.

First is the acknowledgment that you have a valid marriage: If you are in a legal marriage, where the two of you had different genitals at marriage, and if you do not fall into the usual void categories of bigamy or incest or being legally insane, and if you also do not fall into such voidable categories as underage, then you have a valid, legal marriage in all 50 states. And if one of you is transgendered and has either completed the transsexual transition via genital surgery or via long-term irreversible hormonal alteration without genital surgery as recognized by a court in your jurisdiction, then you **STILL HAVE** a valid, legal marriage in all 50 states. And if neither of you wishes to file for divorce, then **NO ONE**, not even the state or federal government or your parents or kids or neighbors, absolutely no one has legal standing to force you to divorce. Therefore, as ICTLEP has announced and pronounced to the lesbigratr (rhymes with alligator) for over four years, you have a valid and legal same-sex marriages in all 50 states.

Second is the strategy for the lawsuit to protect your marriage: The marriage partner that files the lawsuit to protect the marriage and to declare the application of DOMA on your marriage as being both void and unconstitutional must be, **MUST BE**, must be, the non-transgendered spouse. The logic is this: if the transgendered spouse files, a court could rule (just as they have in many other bad decisions in our past) that the transgendered person gave up their rights when they choose the transsexual alteration via genital surgery or via long-term irreversible hormonal alteration without genital surgery as recognized by a court in your jurisdiction. But when the non-transgendered spouse files and says to the court, "All I did was remain true to my marriage vow -- for rich or poor,

in sickness or in health, until death do we part," only a judicial hernia could rule the marriage invalid. The general public, quite possibly even the so-called religious public, would not stand for the marriage of the non-transgendered spouse to be attached under such a strategy.

Third is your legal advocate (or how to pick a lawyer): ICTLEP has a small but growing directory of transgender friendly attorneys and law professors. If we have one in your area, we will provide you with that name. ICTLEP also has a guide about how to find an attorney, who will not only be understanding of who you are, but who will learn the nuances (such as those above) necessary to win in a fight over subtle, transgender marriage issues. Ask for the "Non-Lawyer Checklist for Transgenders Who Consume Legal Services", which is found in the ICTLEP Proceedings, Volume III, pp102-106, or may be ordered separately.

(We suggest that you lean on your university library and your county law library to put a full set of the Proceedings on its shelves.)

Fourth is to teach yourself so that you can demand of your lawyer:

ICTLEP suggests the following articles on transgender marriage which are in the Proceedings volumes and may also be ordered separately.

- "Cramming Their Laws Down Their Throats", from the Family Law Project Report 1992, Ipp306-308, 314
- Family Law Project Report 1992, Ipp295-323; 1993, Ipp142-150, A10-2, 1994, Ipp86-87
- "Legal Aspects of Transgendered Behavior", IVpp1-5
- "Insurance, The DSM, a New Tort, Gatekeepers, No Divorce, Apartheid of Sex, Violence, and the Non-Op Option", IIIpp107-117
- "Respecting Choice: Genital Surgery as an Option", IVpp8-17
- "Taped Speech from March on Washington", Ipp168-171
- Voir Dire for Transgender Client or by Transgender Attorney, IIIpp103-104; IVpp117-118

ICTLEP is a 501(c)(3) non-profit organization that needs and actively seeks your donation of whatever amount, small or large, or monthly debit of your bank or Visa or MasterCard account.

ICTLEP

THE INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC

OPINION:

September 12, 1996

IF ENDA HAD BEEN TG INCLUSIVE, IT WOULD HAVE PASSED THE US SENATE VOTE

This week, the United States Senate voted 49 yes and 50 No, on the Bill concerning the Employment Non-Discrimination Act (ENDA) which would give limited job protection to lesbian, gay and bisexual Americans. It is the opinion of ICTLEP, that if ENDA had been transgender inclusive, it would have passed that vote. If the bill had been written to afford the same limited job protection for transgendered Americans, it would have garnered a majority of yes votes this week. To understand why ICTLEP feels this way, some history is necessary.

Although history has been almost totally rewritten by some lesbian and gay authors, the transgender community WAS involved in the Stonewall Riot in New York's Greenwich Village in 1969. Many of those transgenders were gay, but some were not. And despite the efforts of other gay and lesbian historians, transgenders WERE also among the first to wear the pink triangles in Nazi Germany. Who would be most obvious in a gay bar in the 1930's than a cross-gendered individual?

Why the transgenders did not move along in the larger gay freedom movement is a curious thing. Much has to do with closets and the ability to hide. Gays and lesbians and bisexuals can, if they choose, selectively go in and out of a closet almost at will depending upon if they are at work or with parents or in their neighborhood or at home. Transgenders cannot do so. When you change your outward gender appearance, and you do not pass well at the beginning, you are out. Therefore, transgenders tend to stay more closeted until they come out and then they are out, out and out!

Plus the dividers have cleverly put wedges between us. When someone comes out as a gay man, the dividers immediately and derisively ask, "Well, do you wear a dress too?" The social message is that it is okay to be gay if you stop at that. Or a lesbian is derisively asked, "Well, do you want to be a man?" Another divisive message. And the heterosexual part of the transgender community, when coming out as either a crossdresser or a transsexual, is derisively asked, "Well, are you queer too?" Over the decades each subgroup learns to find acceptance by disclaiming the other subgroup.

In a national political sense, the transgender community did not really get moving until July 1994. A Republican transgender activist from Vermont, named Karen Kerin, called the ICTLEP Executive Director, Phyllis Randolph Frye. Ms. Karen told Attorney Frye that Kerin's sources from her state's US Senate office was excited about an ENDA bill. Karen asked to see it, discovered it was not transgender inclusive, learned that it would have a hearing in Senate Chambers lead by Ted Kennedy, and called Attorney Frye. Kerin and Frye met in DC, attended the hearings, unsuccessfully lobbied Kennedy's people and others and were told that the political decision had been made in early 1994 by lesbian, gay and bisexual political organizations to leave the transgenders out of the bill.

Much work was done during the following months and several efforts were made to form a national transgender lobbying coalition. Many egos were involved and several management styles failed to get things going. In February 1995, prior to another such failed attempt to form a national transgender lobbying coalition, Frye called for people to stay after that organizing meeting and lobby their Members of Congress. Despite numerous transgender leader efforts to kill that February 1995 attempt to form a national transgender lobbying coalition, four people of the dozen who came had also planned to stay over and lobby with Frye. They were Kerin and significant other from Vermont, Jane Fee from Minnesota, Riki Wilchins from New

York, and Frye with spouse from Texas. This was the first national transgender event in DC. It would have been much, very much larger and set the transgender political movement eight months ahead had several egos not attacked that formation meeting prior and would have instead put out the word as vigorously as they attacked that formation meeting.

Wilchins was elated and wanted to go the next step. Both Frye and Kerin agreed and the three became the co-organizers of the second transgender national event in DC which was held in October 1995. During the time from the first to the second, a new ENDA was introduced to the new Congress and the transgenders were again intentionally omitted. We received the news in June in Houston where every leader of all but three of the national transgender organizations were at the annual ICTLEP conference. A collective "bomb" went off followed by organized resistance and demonstrations by transgendered at gay, lesbian, bisexual events all over the country. Leaders in the gay and lesbian political movement admitted their mistake in September and a truce was made.

The second national transgender event in DC, co-organized by Wilchins, Frye and Kerin, was monumental. Over 100 transgendered men, women, spouses, children, people of color, transsexual and heterosexual crossdressers, both Republican and Democrat, from 35 states came in October 1995. During two days, 520 of the 535 Members of Congress or their staffs were talked to by constituent transgenders.

The meetings with the Members of Congress or their staffs went very well. Mostly they were surprised that we did not fit their stereotypes and that we lived in their districts. During the follow-up, I chatted with several paid lobbyists for the gay and lesbian political community. They were surprised at a handful of Senators and number of the Representatives that we got good and supportive messages from. Those lobbyists had been unable to have that same rapport with that handful of Senators and number of the Representatives.

So, if ENDA had been transgender inclusive, and if transgenders weren't continuously shut out of the gay and lesbian political game in DC, would ENDA have been passed this week in the US Senate? Absolutely!!! Abso-damn-lutely!!!

What happens next? More and more lesbian, gay and bisexual organizations are coming to see the need for transgender coalition. They agree that a cooperative lesbigatr (rhymes with alligator) movement is the best and correct way to go. To their credit, the Gay, Lesbian, Bisexual Veterans of America are transgender inclusive in bylaws and literature and will probably change their name at their next convention. The National Lesbian and Gay Law Association is transgender inclusive in all of its literature and has a large transgender content in its upcoming Lavender Law Conference in New Orleans next month. The National Gay and Lesbian Task Force is transgender inclusive in all of its literature and press releases and may be considering changing its name to be bisexual and transgender inclusive.

The Human Rights Campaign has invited Frye to gather a group of transgender leaders for strategy talks in DC the day following the November elections. After a month long search, Frye has invited a team of ten who represent the geographic diversity (CA, AZ, TX, IL, MD, PA), the sexual diversity (40% TG men, next time 50%), the racial diversity (20% people of color, next time 30%), and the numerous organizations that make up the transgender community, to include ICTLEP, It's Time America, Tri-Ess, FTM International, The American Boyz, IFGE, Gender-Pac, AIDS Coalition and others. Strategy will be considered for the upcoming third national transgender event in DC to be held 23-25 February 1997 in concert with HRC's own lobbying of the Hill.

The primary sponsor of the third event, 23-25 February 1997, is ICTLEP, but ITA is also a sponsor, Tri-Ess is a tentative sponsor (its Board meeting is upcoming) and other transgender organizations are invited to be co-sponsors. This third event will dovetail with the efforts of the HRC and will also generate information to make the fourth national transgender event in DC in May 1997 even more successful. That fourth event will be sponsored primarily by Gender-Pac, of which ICTLEP, ITA, Tri-Ess and others are on its Advisory Board.

In conclusion: if the lesbian, gay and bisexual community wants ENDA to pass, they should learn from this week and join with their transgender sisters and brothers to form an inclusive lesbigatr coalition and submit a transgender inclusive ENDA in 1997.