
APPELLATE LUNCHEON

Friday, August 27, 1993

Second Annual International Conference on Transgender Law and Employment Policy

Speakers include:

- *Laura Elizabeth Skaer, Employment Law Director, ICTLEP*
 - *Hon. Debra Danburg, Texas State Representative*
 - *Hon. David Mendoza, Judge, Harris County Criminal Court At Law #11*
 - *Nan Duhon, Assistant Dean for Alumni Affairs, University of Houston Law Center*
 - *Hon. Alice Oliver-Parrot, Chief Justice, 1st Court of Appeals, Texas*
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By Phyllis Frye:

I want to welcome you back to the Southwest Hilton Hotel in Houston, Texas. The hotel people have really been treating us well. I want a round of applause. We've lined them up against the wall. As I call out names, would you please raise your hand to identify to the group and afterwards, we'll have another applause. These people have made my job so much easier.

The General Manager of this hotel is Mr. Sonny Sra. Thank you. The Director of Sales is Cathy Williams. The Director of Catering is Sara Parmley. Food and Beverage Director is Debbie Mitzso. And her assistance is Larby Romback. Front Office Manager is Ellen Colgin. And our Chef, is he here? Okay. Well, you tell the Chef, his name is Tony Hernandez, and all the kitchen and banquet staff, these wonderful people who are serving us, we thank you so much.

TRANSGENDERED AND PROUD AND WE VOTE!

By Phyllis Frye:

Laura Skaer, would you please come up. Laura has a few comments she wants to make an introduction.

By Laura Skaer:

What I want to talk about here is what you see above our heads. This was — it's really a neat thing because it was — her words. One of the positions that I'm fortunate to occupy is that I am Chair of the Board of Trustees of the Winslow Street Endowment Fund which is our community's permanent endowment fund. And we have a balance of about \$45,000 or \$50,000. Two years ago when the IFGE convention was here, we made our first grant. And the purpose of this endowment fund is to help fund projects that advance our issues, help the community.

The very first grant we gave was \$500 to the First International Conference for Transgender Law and Employment Policy. And what came out of that last year when it came time to consider the grant the second time, the one slam dunk was a \$650 grant to the law conference, for this law conference. It's very, very gratifying to see that that money which is income earned on donations to the fund is being put to such good use. All of you are to be congratulated because you are helping making that money do the work it was intended to do.

We're fortunate to have two other trustees here, and I'd like to introduce them, Laura Caldwell and Abby Sapien. Our fourth trustee, Michelle Miles, lives in New York and could not be here. Laura and Abby are here because Laura directs the Strategic Planning Committee for IFGE, and Abby's on that.

Abby, at the trustees meeting when we considered our grant, this was her idea to do a banner. This banner would make a statement for our community to be primarily used initially at the March on Washington and then to be something that was not so specific to the March, but was something that could be used around the country at gatherings of events such as this and our community events. And so, when it came time to figure out what the banner should say, there was only one person to ask in my mind, and that was Phyllis Frye. So, these are her words and the Winslow Street money, and I'm really proud to have it hanging here because I think it makes a great statement for our community. Thank you.



Laura Elizabeth Skaer, Attorney,
Employment Law Director, ICTLEP

By Phyllis Frye:

For those people reading the "Proceedings" and listening to the audio, it says, "Transgendered and Proud and We Vote." It's thirty feet wide and three feet high. It's beautiful blue with white letters. We carried that through the streets of Washington. It was exciting.

We are here today for the Friday Appellate Luncheon of the Second Annual International Conference on Transgender Law and Employment Policy. My name remains Phyllis Frye. I haven't had it changed yet. I'm still an attorney in private practice and still the Executive Director of this conference.

As we meet for this luncheon, we are three quarters of the way through all of the working committee session work wherein the lay transgender community has the opportunity to meet with attorney moderators in the areas of employment, health, insurance, gender bill of rights, imprisonment, family, intervention, education in

transgender issues, personal identification and military law. During these working committee sessions, the lay community can learn and ask questions. During these working committee sessions, those attorneys attending for continuing legal education credits have the opportunity to delve into the legal details of how these legal subjects relate to the transgendered clients. This afternoon we will have our final working sessions.

MY JOB ALSO IS CONSCIOUSNESS RAISING

By Phyllis Frye:

Our first speaker is another member of the state legislature and is one of my law school classmates. She is the Honorable Debra Danburg and I've asked her to give a few words of welcome. Debra has been in the legislature long enough to have quite a bit of seniority. And she is definitely a policy maker. It's nice to have friends like that. But you know there's really only one way you can have friends like that, and that is if you are out of the closet to those people.

I'm going to ask her to talk a little bit about the last session concerning the name change statutes and the gender identification additions to the proposed human rights amendment, and I know that she can also maybe give us a few minutes of insight as to the legal fights that were going on. I want you to welcome Debra Danburg.

To give her an award is Jackie Thorne. Unfortunately, Jackie could not be here at noon today. She'll be here this evening. So she asked her evil twin brother to present this award.

By Jackie Thorne:

This is a certificate of appreciation. "May it be known, this certificate has been presented to Representative Debra Danburg, District 137, State of Texas, for outstanding acts of participation in the Gulf Coast Transgender Community and its gender support-outreach program." Signed Jackie Thorne, President, Gulf Coast Transgender Community.



Honorable Debra Danburg, Texas State Legislator
Receiving award from Jackie Thorne, ICTLEP Director
and past President, Gulf Coast Transgender Community

By Debra Danburg:

Thanks. It's good to be with you. Actually, Phyllis didn't tell me what she wanted me to speak about, so I didn't come terribly prepared and I apologize for that. But one thing I can very definitely do is welcome you to what is the, almost the most, southwest part of my legislative district. This organization has made me feel so welcomed. I met with individuals here a number of times, plus been to some of your previous workshops. And you always make me feel extremely welcome. I hope I can make you feel extremely welcomed.

You know much of Phyllis' job is probably consciousness raising. And yes, I've been in the legislature for a dozen years and have quite a track record of good successes in that regard. But as regard to the transgender issue, much of my job also is consciousness raising. As Phyllis says, "All you have to do" — I'm a very active gay rights advocate — "all you have to do is, every time you say gay rights, say gay and transgender people's rights. That, in and of itself, is a consciousness raising activity."

We don't yet have majority support in the majority of the districts in the State of Texas. I know that comes as a surprise to you. Nevertheless, on basic issues of fairness, we do have successes that we can hang our hats on — issues in which basic fairness ends up prevailing.

One of the things that I unfortunately had to be very actively involved — being involved in AIDS legislation. And I'm always quick to say that, though once the tragedy of AIDS becomes a non-issue for our extended communities because we've found cures, we want to find ways of prevention as well as ways of cures. That still doesn't leave a whole job done.

There's still so much more that needs to be done in the way of gay rights and transgendered person's rights and general civil rights being available equally to all people in this country. I got my start being active in the gay rights movement. I think that it's important that we remember that civil rights, as a basis that we come from, is something that needs to transcend any particular issues of the day. Be it AIDS or whatever other kind of immediate crises that come up. Basically, we're all involved in a civil rights movement. And we need to keep our eye on that common goal and that togetherness. Y'all have been terribly supportive to me and I really appreciate it. Thank you so much for being here and welcome.

NEAT IDEA: LAYPEOPLE AT A LAW CONFERENCE

By Phyllis Frye:

I don't see him, but I was going to recognize Jose Vasquez who was the banquet captain. We forgot to give him a round of applause. So, those of you serving the room tell Jose we clapped for him.

I want to introduce another person that I hold in very high esteem. His name is David Mendoza. He's a judge for one of our misdemeanor courts. Court No. 11. David is very dear to me because he was the very first judge to give me an appointment for indigent clients. He was the very first one who signed the first voucher for my first county paycheck for representing indigent clients on an ad hoc basis.

I met David when he was screening, running for office. And I wasn't even finished with law school yet, but I remember holding his feet to the fire during that screening. He's a very dear man. He's a fair judge and I really enjoy working in his court. I want you to give a round of applause for a very fine person with a good heart, the Honorable David Mendoza.

By David Mendoza:

Thank you Ms. Frye. Good afternoon everyone. I'm proud to be here today, to spend some time with my friends and some old friends and acquaintances. And when Phyllis Frye asked me to come by and spend a few moments with you all today and share a meal and talk a little bit about the law and about issues in the transgendered community, I remembered back to 1985. It was maybe 1986, I forget. It's been so long ago when I first screened with GLPC [*Gay and Lesbian Political Caucus*]. Phyllis asked me a question. And it had to do with how I would handle cases in terms of people coming before me, as to whether or not I would accord people their day in court regardless of their sexual orientation, their political views, their race, their ethnicity, whatever.

I told her I would do my utmost because I've had, on the occasion in my lifetime, to come across people who don't have an open mind, who don't treat everyone fairly, don't treat everyone as they would like to be treated. The point she made was, when I responded, that she's interested in liberty. She's interested, not in special extra rights. But she was interested in seeing to it that everyone, that the GLPC would endorse for support, would be people, who would not give anyone any extra rights, but who would accord everyone who came before them their equal rights, equal access to the courts, equal day in court, equal time to be heard.

Every time I see Phyllis, she comes across as a very competent, very professional, very caring. She does an excellent job. She has excellent results in trial and working on cases. And I often think about "Justice" — looks like the Statue of Liberty. Have you ever seen those scales with "Justice", the blind goddess with the scales? It reminds me a little bit of Phyllis because she's statuesque, and she's very intelligent, and she has great presence in the court. I notice and everyone notices that the statue is blindfolded.

It's blindfolded for a reason. The reason is so that justice is meted out without regard to physical attribute or political persuasion or any other attributes other than the basic dignity and human rights with which a person should be dealt with. I often think that Phyllis serves the purpose. I think, at least to me in my court and my association with her, of sometimes taking that blindfold off. You should have a blindfold when you mete out justice, but you should not be blind to the injustices out there. That's why I, on a daily basis, have that outlook, have myself on the bench without blindfold and do the best I can to keep an open mind and treat everyone as they deserve to be; as the Constitution says that all persons are entitled to due process.

This conference is interesting to me in one sense. It's very unique, other than in perhaps the obvious sense,



Honorable David Mendoza, Judge,
Harris County Criminal Court at Law #11

but it's unique in that lay people and lawyers are at a conference together to discuss issues that affect them. These lay people, I suspect, are in the business community and so on. Just people who are interested in these legal issues and transgender law. And it's unique in bar association types of conferences and legal seminars. I've never been to one where you have the lawyers and the lay people, business people, professional people, whatever, discuss the legal issues that affect them. I think it's a neat idea. I thank you for this opportunity to address you all. Thank you.

ASSERTIVE INTEGRITY: COCKROACHES SCURRY

By Phyllis Frye:

When I spoke to our next guest, I mentioned that I was having problems getting some of you to gather up the courage to come out of your closets. And as you know, I've been doing my best to make your closets more uncomfortable the whole time you've been here. I told her that you had heard me so often that you were becoming "Phyllis-deaf" and she said, "Is that the same thing as being Mom-deaf?" I said, "yeep."

Our next guest is Nan Duhon. She's a good friend and when I say good friend I mean someone that I can trust. One of the best things about being out of a closet is that you learn who you can trust and who will shy away. You know, at our house, we never have to worry with, whenever people come over for a party or anything else, if they're going to get along with each other. Because they pass the litmus test when they cross our threshold. And so, when you're out, you know who to trust because they'll let you know right up-front whether you can trust them or not.

About friendship, I recently read a column. It went like this. Quote, "I have some wonderful friends who love me but who would cheerfully ruin my life if they knew I was a cross dresser." I read this in an article. Listen to it again. Quote, "I have some wonderful friends who love me but who would cheerfully ruin my life if they knew I was a cross dresser." Unquote. Who wants friends like that? Why do we surround ourselves with friends with that? I was told to watch my language so, who gives a blank about friends like that?



Nan Duhon, Assistant Dean for Alumni Affairs,
University of Houston Law Center

Well, I have a friend. Her name is Nan Duhon. I met her in law school. She was the Assistant Director

of Admissions there. She is now the Assistant Dean of Alumni Affairs. Please welcome a very true friend, Ms. Nan Duhon.

By Nan Duhon:

I'm a bit humbled. Phyllis called and asked me to come speak and here I sit with members of judiciary, Representative Danburg. I'm a bit humbled to be speaking before this group. But Phyllis, in her usual way, convinced me that I had a perspective to share with you all that was valuable. So she conned me into coming up here to speak today. When she asked me to speak, she wanted me to share with you my perspective of going through her law school experience with her. I've been at the University of Houston twenty-three years, and at the law school sixteen years. And there are a handful of students that really make being on a campus a special experience, and Phyllis is truly one of those people. I'm still choked up by my introduction.

When Phyllis began law school in 1978, I have to confess, no one knew what to do. Phyllis may not remember this, but we actually met before her application to law school. We both took a management class, Betty Stead's management class, if you remember Phyllis. I was over in Law Admissions at the time and knew that Phyllis was applying. So we began our friendship then began discussions about how this law school was going to be able to meet her needs and she would meet our needs and work together to form a new friendship. We were not a sensitive group, I might add. Most of our buildings were not even handicapped accessible.

Phyllis and I began this friendship that began with this conversation. This was an institutional problem because everyone wanted to do what was right, but no one really knew what right was. Remember this was 1978. But we had a sensitive administration, and I believe everybody tried their darndest. Phyllis constantly, I remember the days we met in my office, in "our" office, and talked about how to deal with problems.

There were a number of students who were very bothered and Phyllis always dealt with them; I would use the words "attacked" lightly, because many of them were very vicious attacks. They were people who were not sensitive, and were not comfortable and ignorant of what was occurring. And Phyllis always dealt with that. I tried to think of the word to capsule Phyllis, and I thought "assertive integrity." She never let us off the hook. She pushed, but she always pushed with integrity unlike the people, the opponents who fought you, I might add.

And I think the administration there did a very good job of being sensitive in trying to work with you and to become friends and to understand because there was a great degree of ignorance about again what was the right thing to do and to try to support. And she did a wonderful job of educating us. In fact, I think that probably the law school learned more from Phyllis during her law school years than Phyllis learned from the law school. It was a time of growth, and I think that we've become a better institution. We continue to be a better institution by events like this, of understanding people better. Isn't that what education is all about? The role that we probably should play to the public of being more sensitive to needs and to try to meet those needs to the best of our ability.

We spent a lot of teary times together but again always worked forward and pushed forward. I thought when Judge Mendoza said "holding your feet to the fire," and you do that so beautifully. You do. So that was 1978. Phyllis has never swayed from that vision and I commend her. I commend everyone in this room on that. You know that there's a mission, there's a vision and sometimes things take longer than you would like, but you have to keep persevering. And I applaud her integrity and her ability, her stick-to-it-tiveness never swaying from that vision.

One point, that Phyllis and I discussed today when she asked me to speak today, was remember that she began this phase of her journey in 1978 at the law center. This was when we first were introduced to each other and that was 15 years ago. And there's been a lot of headway made. I think of the thing, "you've come a long

way baby," but there's still a long way to go.

And that's why you all are here together for this conference to keep that torch moving forward. She's done a tremendous job of carrying that torch. I think the message, and one of the reasons everyone has been brought together today, is to make sure that everyone in this room and people beyond this room that we all know, make sure that we bear the responsibility of picking up that torch and helping her carry it forward as we move forward into the 21st Century to make those that come and those that are not comfortable to become comfortable, out of the closet. I commend you all and Phyllis on your efforts. Thank you for having me here today.

By Phyllis Frye:

Nan Duhon is so cute. She's talking about my being aggressive. I always looked at it like turning on the lights and watching the cockroaches scurry. Because when they come after you, they don't want everybody else to know how vicious and mean they are. When you take some of their ugliness that they've put in your study carrel, or whatever, and you put it up on the bulletin board for everybody to see, they don't like that.

When you ask the professor, "Would you mind if I address the class for two minutes at the end of the class?" "Sure that's fine." At the end of the class you stand up and say, "I just wanted you to know that some wonderful people at the law school did this and this and this and this." That, my friends, is turning on lights and watching the cockroaches scurry. They love to do mean things as long as everybody thinks they are nice. They don't like for people to find out just how rotten to the core they are. You can call it assertive, that's fine.

EVERY FAILURE GETS YOU CLOSER TO SUCCESS

By Phyllis Frye:

Now it's time for the main attraction. We are here to meet someone with a view from the Appellate Bench. The Honorable Alice Oliver-Parrot, another friend that I can, as a transgendered person, trust openly, is the first woman to ever sit as a Chief Justice over any Appeals Court in Texas. She was recently nominated to the federal bench.

I first met Alice in 1980. I was interviewing for a summer job with a law firm. Now, in 1980 I knew no one would hire little-ole-cross-dressed-me, but I knew that they needed to be educated. So, I interviewed. I'm not going to say anymore because I asked her to re-tell the story. She tires of telling it, but please do it again. Welcome Judge Oliver-Parrot.

By Alice Oliver-Parrot

Thank you. And I deserve no less, I might say [*commenting on fanfare*]. My name is Alice Oliver-Parrot, and I am Chief Justice of the 1st Court of Appeals in the State of Texas which means virtually nothing to most of you since you're not from Texas, and you're not lawyers. You certainly know that to appeal something means you have already lost, and you're not interested in losing. But I'm here for a lot of reasons. Phyllis is a friend of mine, but I'm not going to waste my whole time talking about Phyllis like everybody else does. That gets me nowhere. Obviously, she's my friend and that's why I'm here. I came last year. I recognize a lot of you from last year. I'm glad to see you again. If I repeat myself, forgive me. That's a problem of old age.

But the joke as to why I'm selected for the Friday lunch as opposed to headingsomething like a seminar that I actually may know something about is Phyllis constantly makes jokes about the way I dress. I sort of find that mighty amusing coming from Phyllis, that I dress in sort of a bizarre manner. But, hey, she jokes with me, and I can joke with her. And so she invites me to her Friday lunch because she says there's no dress code and that's good. For somebody like me, that's great.



Honorable Alice Oliver-Parrot, Chief Justice,
1st Court of Appeals, Texas

I am coming up now on my 20th year in the law, and I figured out, about the first six months, I was going to do it just my way. I wasn't going to grow my hair or cut my hair or whatever it is they wanted me to do, I was going to do precisely the opposite. And actually it didn't work out at first, but it has certainly evolved, has it not, that people now appreciate difference? They're not afraid to laugh and have a little, poke a little fun at themselves or at our revered institutions. We take pleasure in being alive and participating and having one another with whom to participate.

It has changed. It has changed. Perhaps not fast enough for some of us and too fast for a majority of us, but the change is coming. It is evolving and we are all part of it.

And before I go on to what I want to talk to you about, Phyllis — she always makes me tell this story because actually it shows what an absolute uneducated person I was. But the first time I met Phyllis, she indeed did come to interview for a job. I was with a large law firm, Fullbright and Jawarski. It's an excellent firm here in Houston. When I joined it in 1975, there were 306 lawyers. I was "the" woman. Tip you off to a problem? But it started going all right and actually by 1980 I thought we were a fairly liberal bunch. They sent a team of us to interview at the University of Houston. And actually, I think you were interviewing for a clerkship, seems like you were a second year. That's what we were interviewing for.

And the fellow I was interviewing with was a graduate of Texas A&M. He was a Fightin' Texas Aggie. He'd been in the Corps and those of you from Texas will appreciate — that sort of says it all. But it was a conservative university at that time when he went and Phyllis went. It's very military in its orientation and I'll just say there's never been a Democrat that's ever graduated from there — so, not necessarily conducive to broad thoughts.

Well, this guy's a great guy, and he lets me tell this story; he doesn't mind. His name is Ottway Denny which is weird too, isn't it. He's sitting there, and I'm the "girl" interviewer, and he's the conservative. And we're flipping through these resumes. You always look at the name and then you check the grade. You're just sort of like trying to figuring out whose these people are. So I have this resume and I go, "Oh, hey, here's a girl that graduated with you from Texas A&M." He goes, "Oh, really?" Because there were a few women then, but very, very few. I said, "Yeah." He says, "Well, I'm bound to know her." It's a big university but there were like a hundred women at that time there. He goes, "Well, what's her name?" I said, "Phyllis Frye." He said, "No, I don't think so."

I said, "Well, yeah, she was in the Corps and everything." He goes, "excuse me." I said, "Well, it says right here." And it had all these little awards, not little, but all these military this, military that — I can't even remember. It looked pretty impressive. He said, "This is a con, this is a scam. There were no women in the Corps. This is a phony resume. This can't be true."

So, I'm so excited when the doors open, and in walks Phyllis. She looks as she does now. She sits down in front of us. She folds her hands, and I'm fixated on this great big old huge Texas A&M ring. And I mean to the point, I'm trying to be polite, but I cannot bring my eyes up off her hand. I, however, am handling it oh, so much, better than he is. Because you see he has seen the ring, too.

I sort of fake it for a while. And then I just can't take it anymore. I go, "Okay, okay I give up. What's the deal?" Because I had no idea. And she lays me out and tells me exactly what the deal is, and I think perhaps I had never even heard the word before because I remember I didn't let it go easily. In other words she says this is this. I don't go, "Okay." I go, "Well, what's that? Why is that?" And we get in this thirty minute intense conversation where she has to go on. I'm so insensitive. "Well, how do you do that?" She's like, "Well I guess I'll tell you. I didn't really want to do that in my law interview, but okay."

But it was such a awakening for me, not so much for him. I don't know. Maybe he was sort of stunned. But it was such a time that I just opened my heart and saw something I didn't even know possible. I grew up in Waco, Texas. You heard about it on the news — he isn't the worst guy that ever lived in Waco, Texas, nor the biggest religious fanatic.

And I had never ever been exposed to such difference. And I now have, since that time, educated myself a little further and learned to celebrate everybody's differences. And too, like you, like all of you, to take pleasure in them, to be interested, to listen when you say to somebody, "how are you?" to actually listen what they say back. When you say to someone, "Would you like to come over sometime?" to mean it. Really mean it. Follow up, give them a date, invite them by. When they need you to come to something, get on over there. Take that little bit of effort.

I will say though Phyllis, today as I was leaving downtown and it is LBJ's birthday and my holiday, that's okay. We will have to talk about the scheduling next year. But I was downtown working anyway, and I started to come out and hit the Southwest Freeway. You've all educated yourselves on this horrible freeway. And it's just shut down. It's raining, flooding on me. It's hard to know about the flooding and I thought, "Oh, my Lord, the right-wingers could be right. Maybe God is irritated by this meeting." And then, you know, I arrived safely, early with plenty of time. I discovered "SHE" doesn't really mind at all. We're all here. We are celebrating our differences.

We are educating ourselves on those issues that are important, not just to a particular community, although this particular community certainly does have issues which are important to every human being functioning in our society, period. We are educating ourselves because we're basically uneducated. Because unless we get together, unless we talk about it, unless we relax, and sort of visit and get to know one another, we will never come to those answers that we have to seek because this, what you are doing, is part of an evolution.

You know I listened to the Honorable Debra Danburg who is a fine public servant and a great legislator. I listened to the Honorable David Mendoza who is a prince of a fellow and a fabulous judge. I listened to an educator, and I never really liked people in administration of any university, but you seem like a lovely person. And I thought to myself with these personal testimonies of Phyllis did this and Phyllis did that. What we, you and I, what we were seeing in their speaking to us was an evolution of thought.

Every single one of these people were no better probably than I was at one point on understanding issues. But because we have exposed ourselves, because we opened our minds and our hearts, because we listened after we said, "How are you?" we had evolved in our thinking to such a point. We're not totally evolved to such a point that we have actually something to contribute back, not just to your community but to the larger community in which we live. And we can hopefully, together with you, have some identity of interest to educate all of us on being sensitive to one another.

Now, this little talk was headlined as an Appellate Luncheon. Nobody, nobody, wants to hear about appeals. It is so boring and so dull. In fact, the reason I wanted to get on the federal bench was basically so I can get off the Appeals Court. Because, you know, I don't look that good in black, but at least on the trial bench someone can talk to me. In Appellate Court, it's all paper.

The beauty of the Appellate Court, however, is we do make law. All those books, all those cases, some of which you think are so wrong, have come from Appeals Courts. We write opinions, we give them to the publishers, they put them in the books and that becomes the law that governs your life. It's in black and white and it's hard to change it once it's down. And so what I'm going to talk to you about is how you, layman and lawyer, can impact that law; how you can make your complaints known; and how, maybe, hopefully, you can take part of the evolution of thought and legal precedent and educate those of us that actually get to write the words. You don't get to write them so, your only hope of course is to educate us.

First, I want to say to you what you already know. Speak out. Speak in measured tones, however. There are times that you may need to shout and those times come, definitely. Sometimes it's in Washington, D.C. on a roadway. Sometimes it's in smaller surroundings. To deal with an evolution in law, you have to be very measured sometimes. And you have to make a series of steps in an evolution to bring about a real change.

Sort of, think of yourselves as pioneers. You know, like pioneers that went west. Remember that. Those pioneers were seeking change. They wanted something new, something different, and justice. A place where they could live without judgment, without dictates, primarily in their situations of class, economic class. And what they did was they pioneered and went west and most of the time, they went right in the face of adversity.

They failed many more times than they succeeded. You understand that. That is a requirement of change. You must accept the reality of failure. And you must understand that if you fail, for instance in impacting a law, or passing a piece of legislation, that by that failure, you have educated someone. You have made some step. You have sensitized if it's no one more than, and not to demean your job, but the guy or gal that's taking the words down. Someone has heard you.

And so in each and every failure, we get that much closer to the success we seek. Now, there are some issues that we must accept reality. We may never succeed in our own lifetimes. May never. A lot of pioneers died in the past, you know, the winters were hard. They were buried by the trail. But that is not necessarily an end of which we should have any fear. You know what they did was success in their doing it. They educated; they moved forward. They instigated change in others, and they set examples that allowed those other pioneers or advocates of change to go forward.

Their failures become successes. And all of a sudden, the west got pushed further and further and further until the only thing that stopped them was the sea. Because had there been another foot of land they would have gone on to it. There is no body of water to stop the evolution of change in the law. There is no physical

block. It can evolve to its complete and just conclusion. Make your complaint known. Speak up. Take measured steps if necessary. Do not be troubled by what you may perceive, or society labels, as failure. That's required to get success.

Also understand how we work. We can't do — we, these courts, these amorphous groups that you fight and complain about — we can't do anything for you until you go through several steps to get to us. You have to do something. You have to impact the law in some way. You have to, a lot of times, get yourself in trouble. You have to stay in trouble even in the good courts down below. Then you have to come on up to us and articulate what your position is and articulate it based on the one thing that is our “bible”. And that is the United States Constitution.

And in the State of Texas, I'll encourage you also to quote the Texas Constitution because it's even better than the United States Constitution. Those of you not familiar with the Texas Constitution, we had some real independent thinkers writing our Constitution. And we wrote it big and broad and wide, and we didn't want anybody messing with an individual in this state. And we gave them a document so that can happen. The United States Constitution has it, but it's sort of been — a few decisions have sort of — narrowed, but the Texas Constitution is great. So, if you're in our state, use our bible.

Speak the language that we can speak back to you. Try not to communicate with us just based on emotion. Believe me, I understand emotion. I can remember not getting jobs. I can remember a lot of things. I don't want to forget, I want to remember what I perceived to be little injustices along the way. But the thing you got to do is speak to us in our language, and our language is the Constitution. We understand, as Judge Mendoza says, due process. We understand open access to the courts. We understand a public trial and a trial by your peers. We understand equal protection. We understand those terms.

We may not understand your particular issue. Normally we don't. But you don't have to be able to manufacture widgets to make a case matter of widgets. We don't have to. We just have to understand the principles that you communicate with us.

I just went to a meeting out in San Francisco, and it was the American Trial Lawyers Association which is a real — Debra is real familiar with that group — great group, and they're sort of perceived as the bomb throwing plaintiff's lawyer liberal types of the community. Actually, they're not that liberal but they think they are. And I went to a judge's conference there, and it was the strangest — first of all, I've never been in a room with like 300 judges from around the country — sort of strange to me. I thought, for people who say they're dedicated to protecting and guarding the constitution and serving the constitution, it was sort of a dry dusty looking bunch. But what I was doing to them is what they were doing to me. I was judging them on their appearance. I wasn't giving them a chance.

We broke out in these little groups. We talked about certain issues. You will be happy to know that across the country, virtually everyone of them, male, female, minority member or not, were all dedicated to just “doing right” by the Constitution. It was a very simple goal, really.

I'm not going to say that there weren't a few that you or I would want to seek employment elsewhere. Sure. There may be a couple of these here in this room. People sometimes used good causes for their own ends. But for the most part, you can take great heart that they were not there to further agendas. And they had all gotten there in different ways. Some of them were appointments by the governors, some of them were elected like I was. Some of them were elected by very conservative constituencies. I mean it was a very interesting group. And they all seemed to be dedicated to just what they ought to be dedicated to and that's protecting the United States Constitution against any onslaught.

The reason you must help us in that is because we are threatened right now. I don't know if you see it. I feel it and sometimes I know Representative Danburg feels it. I feel so frightened — I'm not really, I'm not

really scared of anything; I'm just using the term so loosely — that they want to legislate away our Constitution. They want to put into statutes limits on things when the Constitution places no limits.

Men, using that as a generic term meaning all of us, want to dictate that life should be the way they perceive it. And they want to put it into law and type it up and pass it and stick it in the book somewhere so we all, all of us, must conform to that.

And it's not that all the laws are bad; some of them are great. It's just that, I don't know about you, but kind of like I told the guy about prayer in school. He was all over me for being opposed to prayer in school. And I mean he was — believe me down here that's a hot issue — this guy was in my face. I mean he was on me. Like I was an anti-Christ, which I thought was interesting since I'm like the biggest church goer in America. If the door opens then I'm in there burning incense or lighting candles. But I let him talk and he talked and talked and talked and talked, and I said all right. I agree with you.

In fact, I'm now the mother of six, four of my own and two beautiful stepdaughters. I'm going to tell my kids tomorrow to go to their middle schools and high school and say they want to say a prayer over the public address system. And in fact, I'm going to let my middle son do it because he's my kind of wacky kid and he's got a great prayer because he reads a lot of the Buddhism and he understands it.



Honorable Alice Oliver-Parrot, Chief Justice,
1st Court of Appeals, Texas

And I think I'll let him offer up for those two or three thousand students some philosophy that he believes they all should share with him.

This guy's looking at me. He's talking about Jesus Christ when he's talking about prayer in school. What does he know from Tibet, Nepal, or anywhere else. I said, "Sir, don't you understand? Just because we're in power, just because it gets to be our prayer this week, there's no guarantee it's our prayer next week. Nor should it be." We should not have a Constitution that has to change with society's whims. We should have a document just as we have for two hundred years that works no matter who's in power, no matter who's the majority or who's the minority, no matter what is the accepted religion and what is not or what is the accepted lifestyle and what is not. And we have to have that because there is no guarantee in the future as to what society is going to demand or accept. And because of that, we cannot let them legislate away the one document that secures that for all of us.

Now, what you can do is don't become disillusioned. See, some of you already have that. Last year when I was talking to some people here, they seemed a little jaded and a little disillusioned. I mean they went on and on and on. "Then we do this, and they won't even change our name." As Debra says, "I've changed my name many times, why can't you change your name?" She reminds me. She's known me under two or three of my names for different reasons. Life is also an evolution.

I said to them, don't be disillusioned because you see when you lose heart, we lose heart. And you must maintain your belief in the Constitution so we, the people that are there guarding it, do too. You must work within the system of laws to maintain the system of laws. And believe me, that is the only thing that will save all of us, not just you. If we allow this to become a system of men or women, and what certain men or women want or think, then we have lost the only security of freedom that we have.

You got to stop telling lawyer jokes. Don't tell those lawyer jokes. They're not that funny. They're not. I'm sorry. I know a lot of good dirty jokes that are tremendously funnier than any lawyer joke I've ever heard. They're not funny because, the reason they're not funny is, sure there are a couple of bad lawyers like a couple of bad doctors or a couple of bad professors or a couple of bad legislators or a couple of bad business people.

Lawyers, and their role in our society, are the people you should be honoring. It is the lawyer that gives you access to the court. It is the lawyer that speaks for you to make your complaint known, to argue and secure the due process and equal protection that you desire and you deserve. And if we tell a bunch of lawyer jokes, perhaps people will start taking it all as a joke. And they don't realize the seriousness of a role of a legal professional.

It's interesting, you know, we lawyers are sort of testy about these jokes now. I mean, legal principles have been going back to Magna Charta. I mean, this isn't some new thing we just dreamed up. I mean, we've been doing this for quite sometime. And it's been evolving since the roman republic of what the lawyer is. Now, that's second century B.C. So, that's been quite sometime. We fancy ourselves, and we are correct, that we are the voices for the voiceless. Sometimes the voiceless is the widow lady Jones and sometimes the voiceless is business. But without the lawyer, they have no voice in the court which serves them.

So, don't be so disillusioned. Remember a quote by Adolph Hitler. You should remember this every time you start getting mad at lawyers or police or anybody sort of in the system. Remember Adolph Hitler. It was a real big speech. I can say it in German but my Waco accent is so bad, I'm afraid somebody here really speaks German, so I won't. I'll sort of translate it. He said, "I will not rest until every German knows that it is a shameful thing to be a lawyer."

And you know why he said that. When he first started his work in Germany some little old lawyer kind of stood up and said, "Well, that really doesn't seem fair." They had a constitution, you see. Deutschland was not always a dirty word. And Deutschland had a constitution, and in that constitution it guaranteed certain freedoms and freedoms from oppression. Some poor little old Lutheran stood up and said, "You know, I don't think we ought to do that. This fellow owns his business. The State can't cease his business and send him off." So, Adolph Hitler right away figured out that we just won't have a constitution. He tore that up. And then all the lawyers, of course, got outraged. And so he said, "And next, we just won't have any lawyers." Okay. And that's what he did. It's fairly simple.

You know the little quote, the Shakespearian quote that people always say to you, "Let's kill the lawyers." That little quote, it's Henry the VI, I think. They think that little quote is against lawyers. Obviously, those guys never read any Shakespeare because the play is about an anarchy and the character that speaks those words is an anarchist. And actually his name is Jack Kaid and he works for this fellow named somebody, the butcher. His name is escaping me but what the butcher wanted to do was overthrow the government. And they said, "Okay, here's what we're going to do. We're going to bomb all the buildings and kill the king. We're going to do this and this. But first, let's kill all the lawyers." Because you see, even Shakespeare knew that the way to bring about rule by men rather than rule by law is first kill all those irritating lawyers who read our Constitution or our Magna Charta, our document that lives longer than any of us.

So, I know most of you aren't lawyers. And I am always hesitant to talk about how great we are in front of our consuming public. But understand and appreciate our role. Assist us in our work because ultimately that

work is to the best benefit of all of us.

It is a real pleasure to be here with everybody. Some of you I know real well. In fact, I — I'm still evolving in my thought. Every time I come here or talk with Phyllis or I meet new people, my thought evolves some more. You know, two or three or four or five more decades I may understand all this. Okay.

In fact, that's not important; it's not important that I understand everything. It's important that you and I, together, understand what is good for all of us. And I feel that you would not be such active participants in this conference if you didn't feel that way. I'm grateful to be a part of it. I appreciate you Phyllis for allowing me to speak. Thank you very much.

By Phyllis Fryc:

That speech deserved a standing ovation. I'm glad you got it. I heard today some very warm and complimentary words from Debra Danburg, and I thank you. I heard some warm words from David Mendoza, and I thank you. I heard some warm and loving words from Nan Duhon, and I thank you. And from Alice, I thank you also. But that's not the point.

The point is that you need to go home and you need to educate your state legislature, your Debra Danburg's, and you need to come out of the closet to your judges, your David Mendoza's and you need to interview with your Alice Oliver-Parrot's — because that's when she was interviewing for a job — and out of the closet you need to meet and educate your Nan Duhon's who are policy makers. That is where the change comes from, not from the "Phyllis Frye how", but from you, individually, going home in your community and coming out of the closet and educating the non-transgendered people.

I want to introduce one other person. I'm not going to ask her to speak. But the most important part about this law conference is what Alice referred to and that is the published books. The first law conference lives and will continue to live, and it will be used because we put together a transcribed "Proceedings". And as much as I love video and a lot of people are going to learn about this law conference by watching the



Executive Director, Sister Mary Elizabeth, and court reporter Leticia Salas

video, and as much as I love audio and a lot of people are going to be listening to this law conference in their cars on audio, it is the written word, it is our written "Proceedings" that is going to really and truly go on after this conference. I want you to meet, and I want her to come up here, our certified court reporter, Leticia Salas.



The Marquee
Hilton Southwest
Houston, Texas, U.S.A.
August 26-29, 1993



Official Plaque
International Conference on
Transgender Law and Employment Policy