

APPENDIX D

A LEGAL PATH OF ANDROGENY

by
Lynn Edward Harris

As you may have heard, Aristotle once said we're all "political animals." Charles Darwin in his "Origins of the Species" later purported, "Nature will tell you a direct lie IF she can." Somewhere in between, my story dovetails the political with Nature. I am a clinically-diagnosed True Hermaphrodite. I've presented more than sixty lectures at colleges, medical trade seminars; given interviews for nationally-syndicated radio & television, international print media; participated in research projects; and been written up in medical trade journals and anthologies.

My subject matter is Androgyny – perhaps the last frontier of Human Sexuality. Occupying the "gray zone," it is very complex because of the physiological aspect, the human interest factor, and the psycho-social/psycho-sexual importance. It's been a theme in biology, botany, psychology, anthropology, sociology, art, theatre, literature, mythology, and Old Testament scriptures.

More common than cleft palate or club foot in newborns, it might be a combination of sex characteristics of approximately eight different varieties. In primordial times Intersex was the primary form of sexual distribution before gonochorism (separation of the sexes) took place. Today, it is still prevalent in invertebrate animals, birds, insects, and flowering plants... its occurrence in human beings (approximately 0.02 per 1,000) remains shrouded with myths and misnomers such as "the proverbial one breast and one testicle" caricature.

I would like to focus upon Intersex, the modern term for Hermaphroditism (the archaic form), as a social dilemma and how government, and bureaucratic agencies address undifferentiated sex within the parameters of only two proscribed sex designations made available: "M" for "male" and "F" for "female".

I would also like to provide a cursory look at what I personally have experienced as a "political animal" within the United States, in particular California. Although there are more personal freedoms here in this country, the bureaucratic process is oftentimes absurd. What I have done, single-handedly, is break the "bureaucratic barrier" with a sonic boom by setting what is presumed to be the legal precedent case in California, if not the nation.

In the year 1950 I was born with a not-so-rare, rather complicated hypothalamic/neuro-pituitary dysfunction that left me with what literary/cultural critic Leslie Fielder termed "intermediate sex" in his book, "Freaks: Myths & Images of the Secret Self". The syndrome of combined male and female sex characteristics was clinically diagnosed by a team of specialists in 1973. Other than exploratory surgery, and a voluntary, irreversible sterilization for precautionary measures, to this day I remain surgically unaltered and unoperated with no cosmetic or reconstructive procedures to better define my internal or external anatomy.

Due to the fact my genitalia appeared somewhat ambiguous at birth – and remains to this day at a pre-pubescent stage of arrested development – I was arbitrarily designated by my parents and obstetrician/pediatrician as "female" and reared the same. Inherent in my particular syndrome was a "virilizing factor," so around age five I developed a budding penis; around age eleven to thirteen my voice dropped, and from age fifteen I began shaving almost every day. I didn't know any better than to do my best portraying the social gender role that I was assigned.

Because I knew – even before I could verbalize my thoughts – that I was of indeterminate sex both inside and out, I at age twelve begged my mother to take me to a specialist who could provide me some answers. The endocrinologist we scheduled with didn't even examine me, much less ask me to undress, as mother stood by taking full charge of my medical assay. Plaintively, I tried to explain how I was not developing or functioning like any of the other girls in my junior high school. All he said was, "Well, I could put HER through 500 dollars worth of tests, but what would it prove?!"

At that point, inconvenienced by the expense of an apparently wasted office visit and embarrassed by my alleged fabrications, my mother fiercely gripped my arm and, dragging me out of the man's office, shouted with a red face, "See, you're wrong and I'm right. You're nothing more than a late bloomer. Let Nature take its course. So just stop all these wild imaginings. It's all in your head!"

I was not permitted to ever bring up the topic again, and at age nineteen I was asked to leave home for other reasons.

At age twenty-three in 1973 I checked myself into the hospital for three days worth of laboratory tests, X-rays and exploratory surgery. Two weeks later the team of specialists (a gynecologist, an internist, and an ophthalmologist) rendered their consensus of opinion: clearly what I had was a congenital anomaly – "an Hermaphroditic situation." Since there were no cancers or tumors present anywhere in my body, or even an extra or aberrant chromosome (extremely rare) the exact etiology or causation was unable to be pinpointed through textbook data available at that time. Although I was deemed sterile from birth and non-reproductive, my chances of pregnancy were 1 in 1,000; and with my infantile development if an accident happened, it most likely would have been an ectopic hemorrhage and probably fatal. So I was dismissed and advised

by the rather baffled medical doctors, who did state on record that I was "in doubt as to my true sex" to "go home, take your vitamins and good-bye and good luck!"

From age 23 onward my body continued to rapidly masculinize. Still, I had never ovulated, never had a monthly menstrual cycle, never grown breasts or lactated, never gotten pregnant, or developed curvy child-bearing hips. Even though I had a subsized atrophied womb, a non-functioning but functional vaginal canal, I was a "non-female." And so indeed Nature did take its course.

I had a basic male skeletal structure, male musculature, male hair-growth patterns, vocal chords, a slight Adam's Apple, an uncircumcised hypospadiac boyish penis, empty scrotal lobe halves that never fused, no internal glands to produce seminal fluid or sperm; polycystic gonadal mosaicism (fragmented testicular/ovarian tissue); and male genetic patterning (a 'male-oriented brain' doctors have agreed).

Now, 22 years later in 1995 I was invited to participate in a couple research projects at Cedars-Sinai Medical (Los Angeles) on Intersex and DNA, RNA and genetic aberrations. My case was reopened, reconfirmed and expanded upon. What with the tremendous advancements made in medical science and research on undifferentiated sex over the past two decades, a specific cause of my own peculiar syndrome may finally be discovered...

In my work on the lecture circuit over the past nine years I have been apprised of 120 other Hermaphrodites (U.S. and Europe) and have met in person nine other clinically-diagnosed Hermaphrodites: four lived as men, four lived as women; and the one who possessed scant bands of gonads lived as a "neuter". With the exception of the latter, each had had between one and twenty-five cosmetic or reconstructive surgeries. A few chose to remain with the social gender role in which they were reared. None appeared to live as homosexuals, however, a few like myself admitted to being bisexual from childhood.

Healthwise, most started out as text-book cases with the customary sterility or mental retardation, or epilepsy; others suffered from pulmonary embolisms, kidney stones, diabetes, edema, etc. By comparison, I have been blessed with excellent health. My chronic hormonal deficiency was treated with supplements to balance my brain chemistry.

Back to my own story... After being mistaken numerous times by people in both social or intimate situations for a mannish lesbian or a male transvestite (lacking breasts) or male transsexual (after testicle removal but prior to penile inversion) attired as a woman (lacking breasts) my occasional, repressed doubts as to my true gender suddenly became what psychiatrists termed a case of "acute gender dysphoria", I sank into a two-year "vegetative depression" during the 'molting process'. The gender role crossover was done "cold turkey". Through the emotional implosion, I finally became intuned with optimal selfhood after much guilt and recriminations for

having been so dense for so long.

Gender was just a facade; nor was it indelible. Sex had nothing to do with the spirit or force that guided any person. For me to elect to live as a social male in the future seemed a viable solution, and a resolution to the self-delusion and travesty of my having lived as a mock female. It seemed the safer, more logical, and more comfortable thing to do. I sought relief from an emotional quagmire by divesting myself of everything fake associated with presenting this counterfeit image on a full-time basis for 29 years.

Living as a man had never occurred to me until a platonic friend, a metaphysical counselor and avowed homosexual said: "I know you've been so unhappy living as a female, do you think you could do any worse living as a man in society?" He did not coerce, but emotionally bolstered me. I instantly understood how crucial the decision was concerning my future well-being.

Unlike numerous transsexuals I have met, I never felt like one sex "trapped" inside a physical body of the other sex. My penis and vagina always held equal value. Plastic surgery, genital or urological reconstruction; or removal of atrophied, ill-functioning gonads (unless under emergency circumstances) had never been my objective at any time.

When I lived as a social female I unconsciously asserted my masculine sensibilities with head ruling heart; now, living as a social male, I unconsciously assert my feminine sensitivities with heart ruling head. Things about my personality that were juxtaposed became equalized.

My physiognomy and my wardrobe changed, but never my sexual preferences. And I grew my facial hair into a full beard and moustache.

At a later time my prescient friend quipped, "Why would a so-called heterosexual female want to live as a homosexual male in society?" Far more important to me than actually living as a social male was to fulfill a lifelong inclination to, ostensibly, relate to men as their mental/fraternal equal, not as a tomboy or equal rights-minded feminist – which I never was. Until he informed me of the obvious, only vaguely had I sensed my ultimate destination, but due to self-delusion and ignorance had never known the exact route. I had nothing left to prove to anybody, including myself... except to become legitimized as a male by the government.

From age 29 to 33 I existed in a sexual, legal limbo – living as a man while carrying an old female I.D. I had been carded twice – once by a traffic officer; another time by a sergeant-at-arms in a private club where I'd been a dues-paying member for ten years prior, and barely escaped being turned over to the authorities for allegedly carrying a woman's stolen I.D. – my own. It was time I made my change LEGAL.

My internist/endocrinologist who had treated a few transsexuals but no intersexuals

informed me that, despite my unusual medical history, the courts in California considered any case of transgenderism as a psychiatric issue. Furthermore, the legal prerequisite for a "sex change" was a minimum six months psychological evaluation; also needed was proof that the individual was NOT a "functioning female of child-bearing status". I had already accomplished that via surgical sterilization, exactly twenty years before, as proof that I was rendered "non-reproductive" – above and beyond my congenital sterility.

He admonished me to "play the game" with other doctors about needing some sex reassignment type surgery (penile augmentation, silicone testis implants, hysterectomy, etc.), even though he clearly understood my trepidation. Even in the simplest of elective surgeries requiring general anesthesia, things could go wrong.

I did not consider myself possessing any dramatic genital ailment or malformation, per se, which would have warranted emergency or even corrective surgical procedures. I was never dissatisfied with my physical or genital construct, and never had had any difficulty either urinating or climaxing.

I collected letters from fourteen friends and relatives who had remained in my life before, during and after my gender role crossover. After initial interviews with several unsympathetic analysts, including one who, after six months declared he thought all along that I was a 'he' about to become a 'she', I then spent well over a year in therapy with a psychologist. His overseeing psychiatrist eventually gave me an affidavit to present to the court in which he stated he felt I was ready for a legal change of I.D., but probably not for surgery at that time.

I followed the Code of Civil Procedure and in February 1983 filed with the Superior Court, County of Los Angeles, State of California, U.S.A. an "Order to Show Cause to Change Name" applying for a change of middle name (from Lynn Elizabeth Harris to Lynn Edward Harris), and a change of sex designation from "F" (female) to "M" (male").

For the following four consecutive weeks I had the customary "fictitious name statement" printed in Metropolitan News, a legal journal newspaper.

The court permitted me to both write and plead my own "Petition Requesting Court Order for Change of Name and Issuance of New Birth Certificate", case number # C 437625 in one procedure. I researched that the state of California happened to be one of the few states offering not only amended, but brand new Certificates of Live Birth. Some other states in the Union made no provision whatsoever.

The key paragraph in my petition read: "After investigating the pros and cons of radical sex reassignment surgery over the last four years (1979-1983), I have disavowed any desire to risk possible infection, disfigurement, mutilation or rejection of foreign implants." My concluding

remark was: "It is with great humility that I entreat the Court in its wisdom to grant a permanent legal remedy to the ambiguity, lack of continuity and presumed fraudulence associated with my present gender status."

My father, an absentee parent most of the time during my childhood and puberty, had originally claimed I was too flat chested and too fat to attract men. Years later, he claimed I looked better as a man than I ever had as a woman. He supported my court action 100 percent and stood up for me during the hearing as my chief character witness. "If Lynn wants to be my son, then I'll call him my son!"

I had purposely not informed my mother of my day in court, sensing she would object or in some way interfere with the proceedings. If she was in denial about my syndrome itself – as if seeing wasn't believing! – she'd likewise be in denial about my using it as a valid, biological excuse for switching to live as a male. Four years earlier when I confronted her with my gender role crossover she declared, "After 29 years living as a female, why bother to change. You're still my daughter, a SHE! Is this some sick phase your're going through? I understand your bisexual leanings, so wouldn't it be simpler to stay living as a female – just dress down and attract lesbians?"

Armed with my hospital records, surgical reports, the psychiatrist's affidavit and copies of my old friends' letters, Bradley A. Stoutt, Judge Pro Tem perused only my Petition and Decree Changing Name. He said, "Everything appears to be in order. In that case I see no reason why I shouldn't say 'YES' and sign this right now." For all the years spent going backwards through hell emotionally, I saw my case favorably adjudicated in about 2 and a half minutes. That so-called heterosexual '(non)-female' I lived as for 29 agonizing years did not legally exist any longer. Lynn Elizabeth Harris had become a legal non-entity at last.

When I informed my mother of my win several months after the fact, she asked if the judge had asked me to drop my pants in court. Her tone was serious and not remotely facetious. I told her if he had asked me to do so, I would have gladly obliged. As far as she was concerned, I was no part of a man, just an impostor who'd perjured myself in court.

After my appointment in Superior Court, I had a thirty-day grace period in which to merely file the changes with the Department of Social Security (who reissued my original SS# with my new name); the Secretary of State (who filed away the matter); and the Department of Vital Statistics (D.V.S), responsible for all birth records.

The latter flatly rejected my filing of the matter.

As all state and public agencies must by law uphold and enforce all favorable adjudications as they are handed down, it appeared as if the D.V.S. was attempting to go over the head of the

Superior Court and play God.

If you ever want to see a bureaucrat confounded, confront him with something new!

The D.V.S. then had the audacity to mail me a photostated page from the California Health & Safety Code reading they, the D.V.S., would issue a new birth certificate ONLY if the filing of my petition were accompanied by a plastic surgeon's affidavit attesting that I'd undergone surgical procedures giving me "characteristics of the opposite sex".

Since I had written medical proof that Nature had bestowed me with "characteristics of BOTH sexes" from birth, I wrote back the D.V.S. and asked them to explain exactly what MY "opposite sex" was! Furthermore, there was nothing in their Health & Safety Code that mandated that one must submit to sex reassignment surgery or "go under the knife" in order to gain "characteristics of 'the opposite sex'".

Beyond that, what was heterosexual for me? What was homosexual for me? Two politically-militant gay male friends, both attorneys, kidded, "Lynn, you may not have changed your sexual preferences, but you're not 'gay'!"

The D.V.S. would not recant. They mailed me an interim birth certificate reading: "Lynn Edward Harris, Female."

My attorney friends (founders of Legal Foundation for Personal Liberties a.k.a. National Gay Rights Advocates) – who were never optimistic about my case winning in Superior Court – suggested that since I now had the law on my side, I had three options: be patient for the D.V.S. to come around; sue the State (and win); or hire a lawyer and take my case to an Appellate Court for enforcement. They also recommended I locate a precedent case to use for ammunition.

I researched through the ACLU Transsexual Rights Chapter, even The Harry Benjamin International Gender Dysphoria Foundation, and other organizations. Nobody had any information pertinent to my major predicament. My attorney friends then felt safe to say that my own case had become the legal precedent of its kind in California, if not the nation.

I blitzed-by-mail the D.V.S. with duplicate copies of my material.

I included a letter from another psychiatrist stating that for me a "surgical sterilization had been sufficient... that in the best interests of my emotional health I should be recognized as a male... and further unnecessary and dangerous surgical procedures at that time were unwarranted."

I also included a letter from another plastic surgeon who had given me a consultation: "In fact, Mr. Harris declines to have surgery for reasons that would be reasonable and logical with any

patient irrespective of gender problems...and his comportment has been that of a male, for all intents and purposes." He finished by chiding the D.V.S for its "unconscionable err in not fully processing my case to its fullest degree."

Eventually, the D.V.S. recanted, apologized and admitted their mishandling of my case from the start. They assured me that my original birth certificate would be frozen and sealed for life, and that they would be sending me not an amended but a brand new Certificate of Live Birth reading "Lynn Edward Harris, Male." Their parting words were: "Our computer's already gone into overdrive with the excess paperwork on your file. Just one last thing: Promise us you won't ever change back!"

In three weeks my new document arrived. My internist recommended that I apply for a passport (my first ever) "which is government property, and let the State try and take that away from you!"

My passport came up for its tenth-year renewal in 1993.

In 1994 my internist informed me of five transsexual – not intersexual – cases who, apparently on the strength of my presumed legal precedent, obtained amended birth certificates each without having to "go under the knife."

At present in 1995, sixteen years after living as a social male – the last twelve years as a fully-legitimized male citizen – my case has gone uncontested and unchallenged by medical and legal authorities.

I've had the growing up to do for two people and I've benefitted from the unique advantage – beyond bisexuality – afforded me by my gender dichotomy: to live life as a woman, and as a man in society. The rest is detailed in my autobiography, "More Lives Than One."

Occasionally on the lecture circuit, I am contacted by befuddled parents of an intersexual infant who have enlisted my advice.

I invited my mother to go with me to see a psychologist with whom I'd collaborated on a two-year research project. During the session, she denied any recollection of our consultation with the specialist back when I was age twelve! To this day, she either will not or cannot bring herself to address me with the male pronoun, but said she'd make an effort".

My internist recently said, the whole world acknowledges you as a man except your very own mother!"

Justice was done. To win as I did, having both the facts and the law on my side, was an

ultimate victory. Although my new birth certificate was only a piece of paper", it represented everything I'd gone through to obtain it. Avenged were the inequities I'd endured at the hands of indifferent parents, inflexible members of the medical orthodoxy, and bureaucrats who had inflated their limited power.

The court in its wisdom had profoundly empowered and enabled me to actualize my potential with authenticity as I, a True Hermaphrodite, am living life and perceiving it.

Fourth International Conference on Transgender Law and Employment Policy

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1979	Jan 29	K-EARTH News Radio, Lew Irwin Show (3 parts)	Los Angeles CA
1983	Oct. 07	Association for Past Life Research & Therapy Seminar, "A Path of Androgyny"	San Jose, CA
1984	Apr. 24	Orange Coast College Human Sexuality Forum; Mona Coates, Ph.D.	Costa Mesa, CA
1985	Jul. 03	Saddleback/Irvine Valley College Human Sexuality Forum	Irvine, CA
	Aug. 15	American Association Sex Educators/Counselors/Therapists Conference	Anaheim, CA
1986	Jan 10	Society for Scientific Study of Sex Conference	Scottsdale, AZ
	Oct. 09	Human Resources Services Roundtable of Professionals	Los Angeles, CA
1988	Jan 16	KFI Radio, Geoff Edwards Show [preempted]	Los Angeles, CA
	Apr. 28	Orange Coast College Advanced Human Sexuality Forum	Costa Mesa, CA
	Sep 26	Journal of Transpersonal Psychology Quarterly, "Regression Therapy as a Transpersonal Modality; 2-year research project:: Curt Rounzin Ph.D. & Ron Jue, Ph.D.	Fullerton, CA
	Nov. 28	Herald Examiner pictorial feature story "Intersex: A Social Dilemma" with Bob Groves	Los Angeles, CA
	Nov. 28	KGIL Radio, Carol Hemingway Show	Los Angeles, CA
	Nov. 30	KTMS Radio, Tom Carroll Show	Santa Barbara, CA
	Dec. 07	KABC Radio, Michael Jackson Show [syndicated]; Ed Leon, producer	Los Angeles, CA
1989	Jan 17	Globe Tabloid pictorial feature story [internationally syndicated] & Von's Supermarket radio commercial, "Beauty Queen's Shocking Secret: She's A Man"	Los Angeles, CA
	Feb. 02	KABC TV, Steve Edwards "AM-LA Show"; Steve Ober, producer	Los Angeles, CA
	Feb. 07	Social Issues Resources Series article [syndicated to 1,000 U.S. colleges & libraries]	Boca Raton, FL
	Feb. 23	KCBS TV, Gerardo Show [syndicated]	New York, NY
	Apr. 03	KHJ TV, Sally Jesse Raphael Show [syndicated]	New Haven, CT
	Aug. 24	Cable News Network TV, Larry King Live [preempted]	Los Angeles, CA
	Oct. 05	Orange Coast College Advanced Human Sexuality Forum	Costa Mesa, CA
	Oct. 10	KNBC TV, Phil Donahue Show [syndicated]; Jose Pretlow, producer	New York, NY
1990	Feb. 22	Orange Coast College Advanced Human Sexuality Forum	Costa Mesa, CA
1991	May 10	KCOP TV, Jenny Jones Show [preempted]	Chicago, IL
1992	Feb. 25	KCOP TV, Montel Williams Show [syndicated]	Los Angeles, CA
1993	Jan 21	Nightlife Magazine pictorial feature story "Once a Woman, Now a Man"; 40K distributed	So. California
	Feb. 21	Gay/Lesbian Social Center Asian/Pacific Crossroads Human Sexuality Forum	Garden Grove, CA
	April	International Data News Service Magazine & profile in anthology; Lois Rodden, editor	Yucaipa, CA
1994	Jan-July	Cedars-Sinai Medical Center, Intersex research project; Glen Braunstein, MD	Los Angeles, CA
	Mar-July	United Artists/Continental/Century Cable Vision, Steven J. McCarthy "Dish" Show [syndicated]; segment aired on BBC; video	Los Angeles, CA
1995	Jan 17	LA Times feature story interview with Carla Hall, journalist [print date to be set]	Los Angeles, CA
	Feb.-July	Cedars-Sinai, research project DNA/RNA/genetic aberrations; Sonjay Agarwal, MD	Los Angeles, CA
	Feb. 25	Int'l. Congress on Gender/Sexuality Issues; legal panel, lifestyles panel; anthology	Van Nuys, CA
	Mar 28	Androgyny Education & Support Organization	Santa Monica, CA
	Spring	Intersex Society of North America Quarterly Journal; Cheryl Chase, editor	San Francisco, CA
	Apr. 24	University of Southern California, forum for 15 graduate students; Walter Williams, Ph.D.	Los Angeles, CA
	Apr. 26	Whittier College, "Androgynous Images in Art History" for students, faculty, public	Whittier, CA
	May 03	California State University Northridge, Gay/Lesbian/Transgender panel; S. Hale, Ph.D.	Northridge, CA
	June 14	International TransGen Law & Policy Conference & anthology, Phyllis Frye, Esq. editor	Houston, TX
	Fall	Institute for Gay/Lesbian Education advanced students; Simon LeVay, Ph.D. co-founder	Los Angeles, CA
	Dec.	American Education Gender Info. Service anthology; Dallas Denny, ed., Garland Press	Decatur, GA