
REPORT FROM THE RIGHTS PROJECT: MILITARY LAW, THE BILL OF GENDER RIGHTS, THE IMPRISONMENT WATCH AND FAMILY LAW

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Third Annual International Conference on Transgender Law and Employment Policy

Moderator:

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by Sharon Ann Stuart:

My name is Sharon Ann Stuart, and my name is Thomas R. Heitz. I am the same person. I am before you as Sharon Ann Stuart obviously. I am an attorney. I am the Director of ICTLEP's Rights Project. The International Bill of Gender Rights, and the Military Law Project are the two areas that I focus on. Also participating with us in the rights area was Ray Hill who is in charge of ICTLEP's Prison Law Reform Project. Ray is not in the room so I will say a few words during my report about concerns that he made earlier in the workshops for those who are imprisoned. Ray made his presentation at our Rights workshop yesterday. If he does come and join us, I will give him time at the microphone if he desires to have it.

MILITARY LAW PROJECT

I am not going to talk much about the Military Law Project but let me begin with it. The Military Law Project is not in limbo, but it is in a quite period at the moment. We completed a pilot study of



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transgendered military personnel in 1993 and spent several months, actually about eight months, constructing a new questionnaire for a new study. Dr. George Brown, a noted member of the psychiatric community formerly practicing in Texas, now practicing in Tennessee, signed on to do an expanded study of transgendered military personnel [see last page of Appendix D, herein]. Once we had finished drafting the new questionnaire, we began distributing it in the fall of 1993. That distribution has been very limited and has not met the expectations that I had for it. I am waiting for some funding. We need to print up about a thousand questionnaires. It is a long questionnaire. It takes more time to fill out, and it is more expensive to print. At the moment I do not have those personal funds [and ICTLEP is struggling for funding]. As I'm sure you're all aware, much of the work of this organization is funded by personal contributions.

That is the case with the Military Law Project, and it's fair to say that we presently have about \$10,000 invested in that work. Much of that money went in 1993 to the cost of a hot line, a 1-800 number over which we received many calls from the field. Much of this activity was stimulated by the controversy and public discussion of the status of gay and lesbian people in the military. That activity, that controversy, that public discussion brought many transgendered people on active duty to the surface and there were a number of them that were in touch with us. I told some of those stories to you last year at the ICTLEP meeting then [in the Military Law Report in Proceedings II]. Those people are still there, they are still in trouble, they are still being abused, and they're still in jeopardy of discharge and discipline simply because they are transgendered or are manifesting some gender issue which the military is uncomfortable with.

The military itself is undergoing a very difficult time. It is being, what they call in the corporate world, downsized. Many bases are closing. The military really, in many respects, is a desperate place to be these days. People are not comfortable. They're not sure that they will be able to complete their careers. In many cases they are being uprooted. The service members and their families are shipped to other bases, and it is a time of upheaval in the military. During such times in the military society, there tends to be more tension, more stress, and people in charge tend to be under more pressure. It is at these times that we typically see more abuses of military justice.

One of the related organizations that I belong to is called MOMS, M-O-M-S. It has a meaning. I'm not going to give it to you because I can't recall exactly what it is, but that group is concerned about reforming military legal notice, about humanizing the military justice system. It is largely made up appropriately enough of mothers who's sons and in some cases daughters are in military jails. Very often these people are in jail for a reason. They are there because they are guilty of serious crimes. Fort Leavenworth for example is the place where the military sends those who rape, murder or who commit some other heinous offense that requires long-term maintenance in a jail setting. This organization however concerns itself with the conditions in military jails and is concerned very much about the fact that military criminals receive typically longer sentences and harsher treatment from the military. There are also a number of demonstrated miscarriages of justice in the military, and it is sometimes said that military justice is neither military nor justice.

I remember the words of a Colonel in the Marine Corps with whom I had an exchange one day about a case that I had ordered dismissed. In my capacity as a reviewing officer, I told him that military justice required that he inform me if the military didn't have a justice system. As far as he was concerned, they had only a mission. As far as he was concerned, the individual was guilty and that was that.

The Project hotline had to be turned off. It simply cost too much money and took too much of my personal resources. I'm sorry that there are people out there who cannot now talk with me as readily or at least not at my expense. They don't call as frequently. I also had the added difficulty of losing my office this summer and having to relocate it after a two-month hiatus. During that two-months, my phone lines were not available to me. Many people who wanted to get in touch with me through that number, which is 607-547-4118, were unable to do so because of the telephone difficulties. I now have a new office location. It is near my home. The phone line is back in operation, but there will come a time when I will have a new fax number and I will no longer receive fax transmissions at 607-547-4118. So those of you who want to get in touch with me can now call me on that number. It has a message taker. Be concise and be brief if you can. I get a lot of calls from the field. I can't respond to all of them sometimes. This is the frustrating thing about this work. I am overwhelmed literally by the task, overwhelmed by the number of people seeking help and overwhelmed by the cost of doing something.

The Military Law Project hopes to distribute its expanded questionnaire over the next two years and to gather something in excess of three hundred responses. We now have only about fifty. We will be distributing the questionnaire and its instructions at gender community events and sending out copies, master copies, that can be duplicated to all of the gender community organizations. People approach me sometimes and say, "I was in the service, but only for six months. You really don't want me to fill that questionnaire out, do you?" The answer is yes, we do. Or they say, "I was in the service but I never cross dressed. Surely you don't want me in your study." The answer is yes, we do. That's a very important part of the sample. If you are now transgendered but did not manifest your transgenderism in the military for whatever reason, we're still interested in having you fill out the questionnaire. The questionnaire is not constructed to identify the biggest cross dresser or the person who got away with the most while they were on active duty. The questionnaire is constructed to determine what conditions are like in the military for those who are transgendered or who became transgendered at a later time in life.

All of those attending this conference will eventually receive that questionnaire. But if you can't wait, ask me and I will give you what I have as long as the copies last. I would invite all of you to become my missionaries. If you run across people who served on active duty, please prevail upon them fill out the questionnaire and send it to us. Along with our questionnaires, we ask people participating to forward to us ten or fifteen dollars. This helps us with the cost of handling, the postage, the packaging, the computer work that goes into this study.

Dr. Brown is waiting. He has many things to do, but he, over a period of years, will help us analyze the data. We hope still to produce a meaningful and informative series of articles for medical journals. Dr. Brown is very well qualified to do what he has been asked to do. While there may be people in our community that have their quarrels with psychiatrists, Dr. Brown has demonstrated a sincere and useful interest in this community and has written some useful studies. He is the only published psychiatrist that I'm able to identify who has published a meaningful article about transgendered issues in the military. And we're happy to have him work with us on the military law project.

If any of you run across military service members who are having difficulty with security clearances, or civilian employees of the military who are having difficulties such as the difficulty Cissy Conley described, or having difficulties of any sort because of their transgendered status, I'm happy to hear from them. I can't always guarantee that I will help them, usually I can't. But sometimes a friendly word, some encouragement, just contact with someone who understands the situation they are in, helps.

It may not help in an immediate practical sense but perhaps it helps their spirit. And I will carry that work out as much as I am able to do as long as I can do it.

Others have volunteered to help. Cissy Conley is one, and she has been supportive. My time constraints are such that it is very difficult even to orchestrate the efforts of others. It is difficult sometimes to identify what another person can usefully do in an effort such as this, but I welcome volunteers. I will do my best to give you some useful and meaningful assignment, and I appreciate any support that we get for the military law project.

BILL OF GENDER RIGHTS

I want to move on now to the Bill of Gender Rights, which will require a good deal more of my time. There are thousands, literally thousands, of Bills of Rights the world over. I have an interesting document that was sent to us by former participant in this conference. It is the report of a religious denomination, the National Council of the Churches of Christ in the USA, dated June 13th, 1994. It is addressed to interested persons. We are interested persons. Therefore I feel perfectly at liberty to share this with you in excerpt form.

It comes and is written apparently by a person named el Mayra Nazombe. el Mayra is the director of World Community office apparently for the National Council on whose stationery she writes: "Last November the National Council of Churches of Christ received for a first reading a policy statement draft entitled 'Human Rights, the Fulfillment of Life in the Social Order.' This document had been three years in the making originating in the human rights committee of church world service and witness. In its present form, it had been reviewed by this committee, by the international working group, the program ministry committee for world community and the CWS and W. Unit Committee. It is designed to be a general statement to replace the existing National Council of Churches of Christ policy statement first adopted in 1963. And so on and so on.

They're writing about an internal document of their church. They are struggling as a church with a statement of human rights. The section that is of particular interest to us, I think is a very good general characterization of the human rights scene as it exists in the world today. And this is why I share this information with you because I want you to get some sense of where we fit in the larger scheme of things. This paragraph is entitled the Contemporary Human Rights Scene is as follows:

"Since its founding, the United Nations has stimulated a revolution in international thought regarding human rights. Beginning with the adoption of the Universal Declaration of Human Rights furthered by the codification in the international covenant on civil and political rights and on economic social and cultural rights and in covenant and convention on numerous specifics such as the rights of women, children, minorities, and indigenous people, genocide, torture, discrimination. International instruments for monitoring the adherence to or fulfillment of states, and commitments to uphold human rights have been developed by the UN and by original bodies.

Governments and peoples still need to become more aware of those rights, and the task to be done is to ensure their protection and/or fulfillment. Violations of rights continue to manifest daily in almost every country in the world, and in almost every conceivable form. Now, however, they seldom go unnoticed. Neither are they committed with the benign or fatalistic acceptance of the victims. Hundreds of non-governmental organizations have emerged monitoring and defending

human rights creating a worldwide network of concern, some concentrating on specific sets of rights, others on rights within a specific country or region.

Human rights concerns have emerged with peoples' movements, manifest in different ways in many parts of the world, movements whose revolutionary impact has toppled dictatorships, overturned oppressive structures and broken up empires. The power of people unleashed, demanding and doing, has been effective in struggles against racism and apartheid, against the totalitarian regimes in Europe, and against military dictatorships in Asia, Latin America and Africa. Regimes were often supported by the developed countries. Rights promised, but denied, had been claimed—sometimes inspired by theologies of liberation learned in base communities, sometimes by the spontaneous uprising of peoples against abuses no longer tolerable. Major international struggles continue against militarism and state terrorism, racism and economic exploitation.

During these decades, major debates shaped by cultural, ideological and economic interests often have divided human rights advocates while the intellectual debates will continue over the source of rights, their universality, their innateness versus their contextual origins. Two fundamental debates have divided states and nations. The first debate stresses the distinction between economic, social and cultural rights on the one hand and civil and political rights on the other. During the Cold War, this divided the west and east ideologically. One side defined as democratic and capitalist with long traditions of civil and political rights. The other is socialist and communist with little democratic tradition, but with ideological commitment to social and economic equity.

The second debate draws distinction between the rights of the individual and the rights of the group or community, distinctions often buttressed by differing western and eastern religious traditions. This debate sets the first world against the two-thirds world, the north versus the south, the rich nations and people against the poor nations and people partly driven by the ideology of individualism and laissez-faire attitudes partly driven by strong traditions of group belonging and responsibility."

She goes on at length to analyze the place of the church in this mix of human rights. Isn't it wonderful to know that our organization is part of a larger picture. We're not alone in asserting the rights—in asserting human rights. We see the world through our own peculiar eye glasses, through our own peculiar perspective. Maybe we're not peculiar. Maybe we're just human. That is really the nature of human rights and it's nexus with the whole.

What we have tried to do in the International Bill of Gender Rights is to characterize ourselves in universal terms, to link ourselves with the rest of humanity, to understand what it is that makes us human, and what rights we have and claim those that others can have and claim. It is a fundamental concept in the human rights business that one can claim a right and assert a right but never exercise it. Perhaps the simplest example of that is the rights to an abortion. It is unlikely that any men, biological men, in the room will ever have an abortion, yet that is a right they can assert for others and protect if they choose to do that. The U.S. Constitution bears me the right or guarantees me the right to bear arms, yet I have never bore an arm except in the Marine Corps. Then I was required to bear arms, but I've never done so voluntarily. I might, however, be upset if that right were taken out of the Constitution.

The International Bill of Gender Rights is in a formative stage. There really are four phases that

bills of rights go through in their evolution. In most cases that evolution is an evolution that takes years, sometimes centuries, to come to the final fruition. The U.S. Bill of Rights, those ten amendments adopted in the late 1700s after the American Revolution, what we know is our bill of rights, had to be set down on paper once and for all. They didn't have the luxury of drafting it, redrafting it and refining it. But it has seen a evolution that has lasted over 200 years. That evolution has come in the courts and in our legislatures. The original wording remains the same. The interpretation is what evolves. In our type of rights statement, we are not in a position to interpret or have the courts or legislatures interpret our rights until they adopt them.

We are now at the point of asserting our rights, but first we must formulate them and draft them. We are in that formulation stage now. The document that we circulated last year was based on two preceding documents. One was prepared by myself and distributed in a very limited way at an IFGE convention in a newsletter. It was almost unnoticed, I might add. The other document, prepared by JoAnn Roberts of King of Prussia, Pennsylvania, was widely circulated at the time and published in many gender community publications. Both documents were flawed and incomplete, but they were similar statements. They were very similar in some respects but different in others, each containing elements the other did not contain.

In effect, what we did last year at the [1993] ICTLEP conference was to combine those two documents and add substantially to them. Over a hundred people in the community have made significant input into the drafting. The International Bill of Gender Rights does not belong to me. It does not belong to Phyllis Frye. It is not a personal document. It is a collective corporate statement to the extent that we are able to make it that. We have received comment in letters and input informally from several hundred people just within the past year. The reaction has been positive. In some cases it has been critical, and those criticisms have been constructive and many have been taken to heart.

How long will we be in the formulation stage? I do not know that. It may take another year or two before we are content with the wording. We have made other changes in our drafting work this year. Most of them have been of a ministerial nature, the placement of commas, the change of a word or two. We are refining some of the statements. We have made one important addition which is the inclusion of a statement of rights to employment. And we will be reading that shortly. That is now the third right as it is now inserted in the bill document that you have before you on pink paper.

We will reach a time when we will need to focus more of our effort and attention on translation and dissemination of this document. I look to our activist organizations and to others to help with that. We cannot expect to do all of the marketing, so to speak, for this document. What we can do is to release it into the world and into our community in the best way that we know how. It's a little like releasing balloons from a container and watching them go up into the sky. You never know where they are going. What a shock it was one night to be sitting in my office in Cooperstown, New York, and to receive a phone call from somewhere in France from a person who spoke very broken English, but who had read this Bill of Rights and who was taking comfort from it.

We will come to a time when it is necessary to go out beyond this community, and to ask others to consider this document, to ask them to implement it, and to adopt its terms, and to dignify them with legislation and administrative regulations. Sometime down the road, it may be years from now, we may find opportunities to enforce these rights in the courts. There are really four phases in the bills of rights work: formulation and drafting, translation and dissemination, implementation and

adoption, and exercise and enforcement. Those phases will overlap, but they will all eventually each take place. Right now we are at the beginning. We are starting to move towards translation and dissemination.

There are some wonderful examples already of human rights work at the local level, if not at the state level. At this conference, Jane Fee gave us a wonderful exposition of a thirty-year rights struggle in Minnesota that culminated in successful legislation. That should give us all hope and comfort. It takes time. It takes effort and dedication. It takes more than one person, but one person can be begin.

In San Francisco, Susan Striker, one of our drafters of the International Bill of Gender Rights, a person who had a great deal of input into the document prepared here last year, called me in the spring of this year. She talked to me about testimony that she was about to give before the Human Rights Commission of the City and County of San Francisco. I was amazed to see ICTLEP in the report based on those hearings which Susan participated in. [Portions of the report are attached at the end of this Proceedings, at no extra cost.] The Human Rights Commission of San Francisco heard from many witnesses including Susan and drew up what is an excellent, excellent statement of the human rights abuses that transgendered people are experiencing in that jurisdiction. Their problems, their concerns, recommendations for action—these again are a model for us. Many of the concerns and problems, many of the things which the Human Rights Commission is recognizing in the City of San Francisco are characterized in one fashion or another in our statement.

The International Bill of Gender Rights seeks to focus our principles, our attention, on the basic principles that affect us the most. It is a universal statement. It doesn't cover every specific situation. In support of the drafting work that we have done, we hope to spend the next year writing a glossary of definitional language. In some cases, those definitions may differ from the traditional language in the community. That language that we used may be selective and our definitions may be selective. In some cases, we may provide more than one definition. We also hope to begin gathering a bibliography of writings which pertain to the issues we are concerned with so that those reading the document will have access to a broader scope of information than can be contained in our handouts.

We also hope to provide two to three page summaries, narrative summaries, of the supporting rationale for each right and to incorporate all of this into a fairly substantial publication. It is my hope that in a year or two, we can have a booklet of perhaps fifty or sixty pages of useful information which can be sold, given away or whatever, distributed in support of these efforts.

The work is slow. We have an advisory committee. Again, volunteers are needed. Again it is difficult even to orchestrate that, but the work continues. We tend to do much of it at these meetings. Somehow the chemistry here is conducive to inspiration, to new thought, to new ideas, and to making decisions. I find that from year to year more happens at this meeting than it does sometimes in between. We are an organization of volunteers at the moment. Perhaps that is a flaw, but in many ways it is our greatest strength.

I want to take a few minutes to read this to you because the language of the statement is beautiful, really, just to read. Many of you have heard this before, and you may hear it again. After reading the document, I want to invite anyone's comments from the floor. We will be reading this document on Saturday evening and asking you to adopt it. Let me tell you, however, how changes are made to this document. They are proposed first to myself. I air them with a small advisory committee with people like JoAnn Roberts and others. It is the Board of Directors of this organization, that actually adopts

this document in a technical legal sense and copyrights it. And although it is copyrighted, we have given blanket permission to anyone who supports its principles and statements to freely distribute it. That statement is made on the face of the document. It is the Board of ICTLEP, however, that must make the changes: what I'm about to read you has not been formally adopted. After the Board adopts the changes, it has been our practice to share it with the general assembly, you people. You can all consider yourselves to be part of the drafting committee. I've just appointed you, and to ask for your comments. From year to year, we will probably do the same.

I would like some volunteers to join me here. We need eight of you. I would like each of you to read one of these sections to the group, giving your name first. Dianna, you raised your hand, first. Anyone else? Jane, would you come. Would you come please. Come along. We have room for eight. I will read only the first. We need three other volunteers. Cissy, would you come. Would you come too. Here we have our eight.

Dianna, you will be the Right to Free Expression of Gender Identity. Cissy, you will be the Right to Secure and Retain Employment and to Receive Just Compensation. Let's see. Jane, I think you need to be the Right to Control and Change One's Own Body. That's the fourth right. [Jane jokes that she's very forthright.] Heather, you will be the Right to Competent Medical and Professional Care. And Janice, you will be the Right to Freedom from Psychiatric Diagnosis of Treatment. And Cheryl, you get to be the Right to Sexual Expression. And Ashley, you can be the Right to Form Committed Loving Relationships and Entering into Marital Contracts. And Stephanie, you're the Right to Conceive, Bear or Adopt Children. All right. This is the present proposed International Bill of Gender Rights as we expect to adopt it on August 20th, 1994 in Houston, Texas.

[Each person listed in the preceding paragraph then read their assigned section of the Bill as it appears in the beginning of this book.]

Thank you very much. I see the typing errors, so don't worry about it. Every document that I prepare these seem to creep in. We have a member of our drafting committee, Alice. Alice is the queen of commas, and semi-colons, colons, and periods. Alice has been extremely helpful to us in drafting these documents, in getting the tenses right and in helping us do it correctly. And I'm very much indebted to her. Alice hasn't had her crack at this, but before the day is out I'm sure we'll have several commas rearranged. And we will make the spelling corrections. When the proceedings come out, you will have a complete document.

I'd like to take a few minute of our remaining time, and there isn't much of it, to ask if there are any comments, any feedback from the room. There were about thirty of you at the [Thursday and Friday] Rights workshops from one time to another but there are faces in the room that are hearing some of these things and seeing them for the first time. If you don't feel comfortable standing up in the room in this kind of setting, please come to me afterwards and give me your feedback. If anyone would like to speak now I'll be happy to give you the floor.

By Jessica M. Xavier:

I have a very brief comment in terms of drafting a document that is going to be standard to future efforts for obtaining our rights within a larger majority community that doesn't understand or accept us. I think it's very important that we adopt language of our own choosing. I think it's been made rather clear by Leslie Feinberg and others that our history and our language has been stolen and taken

from us and hidden from us for the millennia. Transgenders have existed since the very dawn of time, and I think we are in the process of rediscovering our history. With our history we can rediscover our language and our roots.

There are some terms and language that are very oppressive to transgenders that we should seek to avoid at all times. Terms like "biological men" and "biological women." Terms like "genetic men" and "genetic women." Terms like "women born women." These are terms of oppression and have no business being used within our community. If we repeat them, we are repeating the language of an oppressive community that has no interest in us whatsoever in furthering our rights.

I think it's very important that we take on empowering language, and I can give you one small example. When referring to yourselves, if you are transsexual [and appearing as a woman], then you are a "transsexual woman." People who are not transsexual women are "non-transsexual women." Or if you are a "transsexual man" then you're not a "female-to-male." You are a "transsexual man." You're not a "male-to-female" transsexual, you are a "transsexual woman." It's doubly empowering! Woman means "woman." A transsexual woman is just like any other type of woman—lesbian, mother, Latina, African-American woman. We are all women.

We have to seek our own empowerment by redefining and finding again our own language and this is very important. If you start using empowering terms in your everyday language, you will find that you will embark on a new course of empowerment that will catch on with other people. I just think it's very important that we should note this. If we continue to use language that is used by others to define us, then how can we find our own freedom? We must seek to empower ourselves by our own choice of words and definitions.

By Sharon Ann Stuart:

Those are very appropriate words. In the drafting work for a document like this, we run smack up against the major watersheds of language. The people who have worked closely with this document and with the articulation of these rights—these language difficulties are very familiar to us. There is nothing magic in the words. It's what they imply, the behaviors that they can note, the status that they can note that counts. Ms. Xavier is quite correct in her analysis. We need to be very careful about the language we use and how we use it. Words that are appropriate in one setting in a courtroom may be totally inappropriate in a document of this sort. We see that all the time in our society. We need to understand when and how to use terminology.

IMPRISONMENT LAW WATCH

I want to spend a few minutes talking about the prison law project which is chaired by our colleague Ray Hill. Ray is person well qualified to work with prisoners. Ray at one time was a prisoner. Ray has a radio show here in Texas that goes out to thousands of prisoners in state institutions. He is about to go national over PBS and to provide his radio contact show to institutions all over the country through the auspices of PBS.

We have many people who are potential or members, in fact, of this community who find themselves imprisoned. They are there for a reason. In most cases it is always possible that there is a miscarriage of justice. One young man that I am in contact with and have corresponded with over

five years has spent all but three years in prison since he was seventeen. He's now thirty-one. So only three of those years was he free. He is now serving a five-year sentence for stealing nail polish, among other things. It is almost ludicrous to me that the State of Indiana is prepared under its laws to send this young man back to jail at a minimum cost of \$25,000 a year, for stealing nail polish. It is very apparent in his medical records that his problem is gender identity, not property crimes. He has been caught and convicted for every crime he ever committed. He's committed three crimes and has paid the ultimate price for each of them. His crimes are a way of getting attention. He's now been institutionalized to the point where there is a serious question whether he can ever function as a whole human being outside of prison. It's just that bad.

There is a great deal of work to be done in prisons, and Ray has begun that work by establishing a set of standards for prisons confronted with a transgendered person in their population. Those standards relate to the individual's incarceration, to his treatment, to his access to hormones and other medical services. They also establish standards for his relationships with the institution and other prisoners and address other fundamental needs. Ray has a very insightful analysis of the situation. Ray's counsel is make the prison system realize that they are not helping your problem, they are correcting a problem of their own. If transgendered people speak up in prison the experience has been that there will be a response. It's not always the one we're looking for, but we can support them. We can support our people who are in institutions. We can make things better for them by contacting prison systems, by contacting wardens, by sharing with them these standards. [See Prison Law Report and Policy for the Imprisoned Transgendered in Proceedings II.]

I would urge you if you are in contact with a person who has been incarcerated to relate to them as a human being. What they have done to be there is another matter, but they need human contact. They need to know that even though they are being punished, that even though they are in prison, they are not forgotten. They need to know that they are human beings, that you value them, and that you will write to them. This is their only hope really for rehabilitation.

It is a shame, it is an absolute shame, that this country is building a second society behind prison walls. Prison populations are increasing incrementally. We are building new jails faster than we are building hospitals and many other things that would be more useful to us. The prison population in some of the larger states like New York and California is a shocking statistic that rivals the worst days of the Soviet Union. This is the price we pay for a free society. It's a big price. It's a necessary price, but there's much that we can do to make it better for society and for the people who are subjected to this system.

By Dianna Cicotello:

I want to speak in balance to Jessie's comments: I do not want to speak in opposition to Jessie's comments. I think it's really crucial to applaud Sharon and Jessica and the rest of the people who have worked on the Bill of Gender Rights. I think these are absolutely necessary, and they'll absolutely define our future.

I also think that we need to also recognize when we adopt these rights that what we are doing is forever sealing ourselves off from attaining true womanhood. Sit down and talk with the women who are alongside the community and start to learn what their culture is about, and also with the women who are not anywhere near the community and learn what their culture is about. What we are doing with this bill of gender rights is saying that we don't want to be part of their culture either. That's

okay.

We've already thrown out the male culture, and now we're going to throw out the women's culture. We are defining our own culture, and that's okay, too. That's acceptable, and we should do that. But I think we also need to realize what we lose when we throw out the two dominate gender bipolar cultures to establish our own with our own dress code, our own set of what we can do with our body, and so on. I just want to balance Jessica's comments and all of the work with those comments.

by Sharon Ann Stuart:

In the drafting process this is one of the watersheds that we ran up against. In conferring the right to a self-defined gender role, we are not buying into the stereotypical masculinity or femininity. I hope that's clear to every one. What we're saying is that every one has a right to define their own gender role, not necessarily in traditional terms but not necessarily not in traditional terms. That's an option. We will not only to define ourselves, but in doing so, we will define the collective gender role. We are a society of individuals, and we have individual self definition. By extension, we have a societal definition which emerges from the collective effort or from collective expression of those individuals.

There's a great deal of shifting going on in this society. There is considerable evidence that traditional women are learning more about what it means to be a man, and that traditional men are learning more about what it means to be a woman. In the past year I've been giving gender scale tests from various sources to groups of teenagers to whom I am sometimes invited to speak, and to groups of adults, people such as Rotarians and so on. One of the things that emerges from this testing is that mature adults, particularly men, and also those women who have raised families and who have been in marriages are not gender issues people at all. They are able to express a great deal of insight into the opposite gender because of their life experience. So on the gender scale test, they very often wind up in the androgynous range. In those gender scale tests androgynous, doesn't have anything to do with how you're dressed. It doesn't have a thing to do with how you appear or how you present yourself. It has to do with how much insight you have into the strategies and into the insights of the other gender. Those who fall into the middle of the scale are those who have, through one means or another, osmosis, whatever it is, picked up on the gender strategies and expressions of the opposite gender and incorporated them into their own strategies. In some respects, these are the truly bigender people. These people are as much bigendered as I am: they just don't go to the extent of putting different clothing on.

The other thing I wanted to comment on is that we have a longstanding problem in the gender community and in its organizations. It has been dominated by the male-to-female group in the years past for various reasons. We have an emerging population in this community of female-to-male people. Much of our language, much of our programming, much of our thinking is programmed for the male-to-female. We need to remember that there are two of us here. We are coming along, but it's a little like having a car with two steering wheels. We're going down the same road. Some cases we're driving on the different side of the road, but we're traveling the same path essentially, and we need to recognize that.

It's very difficult to sometimes to characterize what you want to say in a nondiscriminatory fashion, but the drafting committee has tried to do this as much as possible by universalizing the language. We have had minimal participation in the drafting process for the bill of gender rights from the female-to-male group. I would be very grateful for feedback and input. I would like to make certain

that this document is free of that kind of bias. We had a resolution which I helped to draft coming out of the female-to-male committee in the International Foundation for Gender Education adopted at one of its meetings this year in an effort to ensure that that organization would characterize its female-to-male population correctly in its programming and in its literature and give equal attention and emphasis to that group.

As a bigendered person I am equally proud to call myself a man. In that respect I am very much unlike many of you when have made the transit from man to woman in life or from male to female by changing anatomy. I have not changed my anatomy. I have no plans to. I consider my feminine persona and my masculine persona to be of equal dignity, to be equally valuable, to be equally me. I've been doing this since I was an infant wearing the so-called wrong clothes. They're not the wrong clothes for me, but neither is a suit and tie the wrong clothes for me. I am a person who expresses both genders. I have some empathy with those who are trying to be men. I am trying to be a man, too. I also happen to be trying to be a woman and to understand what that's about and this is my particular way of doing that. The terminology is difficult sometimes, and it has divided us. We need to understand why it divides us and to use it carefully.

by Jake Dennis:

I would like to add one thing to what Jessica said in terms of the language that we use. For so many in our society, the term "transsexual" denotes sort of just only having to do with sex instead of gender. So I would suggest that we would term it "transgendered men" or "transgendered women" instead of "transsexual men" or "transsexual women."

FAMILY LAW PROJECT

by Sharon Ann Stuart:

There is a family law element to the rights program. I was not able to attend that session, and I would ask our Executive Director, Phyllis Frye, to come forward and to speak for that family law group.

by Phyllis Randolph Frye:

The family law section was going to be presented by Attorney Connie Moore, but Connie called in sick. She will be here tonight to make her speech. Connie has been our family law moderator, and this will be her third conference. In the first Proceedings, which are for sale in the next room, there is an extensive, very extensive, case law study that is merely two years old. In the second Proceedings, which is also in the other room, there is an update to that case law report as well as the report from the last conference. There wasn't a whole lot of substantive change during the past year.

There are some good second Proceedings cases dealing, not with transgendered people in custody but, with lesbian couples in custody which, of course, can be very helpful to us. Not on point but helpful. There are an awful lot of cases, that I am being called on from around the country, of transgendered people who are fighting to keep either managing conservatorship— custody of your children—or possessory conservatorship— visitation. I am doing my best to get them to contact local attorneys. If I have a local attorney name, then I've been giving it to them. Again I stress that before

too much time passes that they study for themselves the issues in the Proceedings, and they ensure that their attorney studies those issues also.

One thing we did concentrate on is the issue of transition without divorce. We spent most of the time on it. It has been mentioned before [in Proceedings II], and I believe and hope that the health law section will talk about it also. In these Proceedings, if somebody just picks up Proceedings III and not the other two, in case people don't read the health law report, it must be stated again. If you as a transgendered person have or obtain a healthy and legal marriage with someone whose genitals are different than yours—because that's the way the law works—and later on one of you has your genitals transformed or altered, unless either you or your spouse wants a divorce, then **THERE IS NOTHING** that a doctor can do, there is nothing than a sheriff can do, there is nothing that your parents can do, there's nothing that your children can do, there's nothing that the State Attorney General can do **TO FORCE YOU TO DIVORCE**.

I don't care that after one of your surgeries in your genitals that those genitals now match. You had a legal marriage. **IT REMAINS A LEGAL MARRIAGE** until a divorce proceeding happens. That's the only way marriages are dissolved. Dissolving a legal marriage, I'm not talking about annulments, I'm talking about a legal functioning marriage dissolved through divorce. **NO ONE HAS STANDING TO SUE FOR DIVORCE** except for the two parties. **IF YOU WANT TO STAY MARRIED, THEN YOU STAY MARRIED!!!!!!!** And if a doctor says you're going to have to get divorced, then by God you get yourself another doctor. You take your green money with you. Tell the doctor you're leaving on your way out that you're going to consider writing a letter to the State Bar and the State Department of Health where he's licensed and suggest that person is practicing the law without a law license.

Our marriages, our transgendered marriages, are sacred to us. Society continues to refuse to allow gay and lesbian people to marry. Well, by God, we have our marriage, and we're going to keep our marriages.