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STATEMENT OF PURPOSE

The purpose of *Out in the Mountains* is to serve as a voice for lesbians, gay men, bisexuals, transgendered people, and our supporters in Vermont. We wish the newspaper to be a source of information, insight, and affirmation. We also see OITM as a vehicle for the celebration of the culture and diversity of the lesbian, gay, bisexual, and transgendered communities here in Vermont and elsewhere.

EDITORIAL POLICY

We will consider for publication any material which broadens our understanding of our lifestyles and of each other. Views and opinions appearing in the paper do not necessarily represent those of *Out in the Mountains*. This paper cannot and will not endorse any candidates or actions of public officials on issues of importance to lesbians, gay men, bisexuals, and transgendered persons. We reserve the right not to publish any material deemed to be overtly racist, sexist, anti-Semitic, ageist, classist, xenophobic, or homophobic. Writers' guidelines are available on request. All materials submitted must include a name and a contact number. However, within the pages of the newspaper, articles may appear anonymously upon request, and strict confidentiality will be observed.

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editorial

Cautious Progress Towards Trans Equality

Vermont, it seems, is beginning to move in cautious steps toward recognizing and protecting the civil rights of its transgender citizens, and *OITM* has played a small part.

Hinesburg Representative Bill Lippert introduced legislation – H.366 Gender Identity – following a conversation we had with him in early February. He had requested that such a bill be drafted long before that conversation, but, as we briefly discussed last month, he wasn't sure whether this was the right time or whether he was the right person to bring the bill out. Our discussion, he said last month, helped him decide that it was simply the right thing to do, and he did it.

In fact he introduced the bill even before the March issue of *OITM* hit the streets with our editorial castigating him and other lgbtq ally legislators for their inaction. But we didn't know about the bill, partly because of miscommunication and partly because of the time lag between editorial deadlines and press output.

So we apologize to Bill Lippert, not for our passion, and certainly not for being a catalyst in urging action, but for not recognizing his action in a timely manner.

And we congratulate him and cosponsors Bob Kiss (P-Burlington), Mark Larson (D-Burlington), and Donna Sweaney (D-Windsor) on recognizing transgender equality as "the right thing to do."

The need for transgender equality may be simple – a "no-brainer" we called it last month. But the best strategy for achieving it may not be so simple.

Many advances in the recognition of our legal rights have come, not from legislation, but from court rulings. Legislation, after all, requires that we convince 76 Representatives and 16 Senators that there's a need, that it's morally right, that it won't add to the state's budget problems, and that they won't be politically hurt by voting "Aye."

In court, some of our most articulate and intelligent representatives need only convince a jury, or a judge, or a panel of a few judges that an injustice has been done or an injury sustained that requires a legal remedy.

The two approaches are not necessarily mutually exclusive. Both the state's Supreme Court and its Legislature were required to achieve some measure of parity for gay and lesbian couples – at least within Vermont's borders.

Attorney Beth Robinson – along with liaison Keith Goslant (as we noted last month) – has suggested that trans-folk are already protected from discrimination under the sex and sexual orienta-

tion provisions of the existing nondiscrimination law. But she urged caution in rushing toward legislation. "We need to be careful when we say that our laws don't currently prohibit discrimination on the basis of gender identity; I believe they do," Robinson said. "But it's clear from all the trans discrimination I've seen in my own practice that many employers and public accommodations don't realize that. When given the chance, I'm confident that our courts will affirm this fact."

In the meantime, Robinson concluded, "it wouldn't hurt for the legislature to clarify that point."

There is also something to be said for the power of explicit naming. How can a transperson know that he or she is protected under a law that does not plainly and clearly say so?

For those of us whose existence has rarely been acknowledged, what power and relief there is in knowing that we can point to a statute and say, "See that? The state says I exist and it's illegal for you to discriminate against me."

A law that names us in whatever category we fall into, that protects and proclaims our right to equal treatment – that law carries the power of the state, enfranchises us as citizens, validates our experience of oppression, and lightens the undeserved burden we carry of society's ignorance, disapproval, or hate.

Neither Lippert nor Equality Vermont representative Virginia Renfrew has any realistic expectation that H.366 will see action this session. The legislature is tightly focused on economic development, permit reform, and school funding issues. The existence of the bill may serve to initiate an educational process for legislators and the public.

Those who want to learn more about trans reality can begin their education at the Translating Identity conference April 12 at the University of Vermont (see the news story on page 2 for more information).

Establishing equality is the goal, regardless of which approach gets us there.

Euan Bear

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