

# UVM Hosts First Trans Conference

## GenderPAC Leader Says Homophobia Is About Gender

BY ERNIE MCLEOD

Over 200 students, trans activists, allies, and community members gathered April 12th at the University of Vermont for the first regional conference devoted to transgender identity and acceptance. The stated goal of the 2003 Translating Identity Conference was to provide education on transgender issues and to "translate gender identity to both the queer community and its allies."

The free conference was organized by UVM's Free to Be GLBTA, with a number of local and university co-sponsors, including UVM President Daniel Fogel. Some panels were aimed at trans people, while others were for the benefit of those less familiar with the topic. The day concluded with a keynote address by Riki Wilchins, co-founder of Transsexual Menace and currently the Executive Director of the Gender Public Advocacy Coalition (GPAC).

While the conference was a natural extension of the organization's interests over the past year, it also seemed a timely reflection of growing societal awareness of transgender issues. Increasingly, gender identity and expression are being included in or added to anti-bias legislation.

In March, New Mexico passed anti-discrimination and hate-crimes bills that cover both sexual orientation and gender identity (and Governor Bill Richardson signed it; he will be the commencement speaker at Middlebury College in May). The Gender Expression Non-Discrimination Act (GENDA) has just been introduced in the New York state legislature after gender identity was excluded from a recently signed bill prohibiting discrimination based on sexual orientation.

In Vermont, Rep. Bill Lippert and three cosponsors introduced a bill (H.366) to add "gender identity" to the state's nondiscrimina-

tion law. A number of Fortune 500 companies include gender in their EEO policies. As of mid-April, according to *The Advocate*, 3 states and 53 cities and counties in the US have passed laws protecting transgender rights. More are likely to follow.

Alongside these steps forward, however, is less heartening news: the many cases in which victims of gender-based discrimination have little to no legal recourse; the murders of Freddie Martinez Jr., Ukea Davis and Stephanie Thomas, Gwen Araujo, Nikki Nicholas, and other transgender victims of hate violence too numerous to name.

The Translating Identity Conference, while acknowledging headline-making advances and tragedies, focused mainly on the personal stories of people grappling, in a multitude of ways, with gender and identity issues. Since there were many more sessions than there were time slots, what follows provides only a partial overview.

In "MTF Personal Transition," session-leader Gail Piche outlined her lengthy transition from George to Gail. She candidly led session participants through the timeline of her transition, from beginning therapy to sexual reassignment surgery and working on her voice, noting that the process was "difficult but also fun." Piche, who is a nurse and identifies as a lesbian, stressed the enormous role the Internet has played in decreasing isolation, though she cautioned that typing "trans" into an Internet search engine turns up lots of scary porn. (An extensive list of non-porn trans web resources was included in each participant's information packet.)

Asked to name the most difficult part of her transition, Piche responded that it was "mostly the daily emotional wear and tear." At the same time, she pointed positively to the early support of her employer and said that her experience at GRS (Gender Reassignment Surgery) in

Montreal was "wonderful." She emphasized that, unlike many who wish to undergo surgery, she was lucky to have the resources to pay for it.

Isolation was cited as a major problem by the three panelists of "Trans Youth: The Next Generation," all of whom are out as trans before their 21st birthdays. Their very individual accounts of evolving identity defied, as one panelist put it, the common assumption that "one trans experience is everybody's."

The panelists talked about their sometimes uncertain place in the queer youth community, the ongoing coming out process, dealing with parents who may or may not be ready to make the leap from GLB to T, the difficulty of finding employment and of deciding how open to be once they do, responding to pronoun slips – whether accidental or intentional. One panelist discussed using different names and pronouns, depending on mood and circumstance, demonstrating that for some, gender – like sexuality – is not set in stone.

For trans youths who leave home voluntarily or otherwise, the shelter system – typically divided into rigidly defined male/female sections – is often not a feasible alternative. During the "Trans Youth" Q/A period, several shelter employees expressed their struggle to find ways to accommodate trans youth while working within imposed budgetary and legal constraints.

While the panelists projected a strong sense of who they are now – "tranny fag," "gender queer," "smoothiest" guy around" – they also articulated a necessary uncertainty about how they might express gender in the future. For young people, especially, there can be too many life variables – including age, family, and dependency/class issues – to think in absolutes. Some do indeed follow a hormone/surgery path, but for others it's more about, to paraphrase one of the young panelists, dealing with the

reality of the body on a day-to-day basis.

Bodies of all kinds were discussed in "Stolen Bodies, Reclaimed Bodies," a session that resonated strongly with many conference participants. Moderator Eli Clare offered a "plug for thinking complexly" about the body while pondering the questions: How have our bodies been stolen by oppression and repression? How do we reclaim them? For some, reclaiming the body can mean accepting it as it is, rather than as society tells you it should be. For others, reclaiming can mean "profound body change." This session investigated differences and similarities in how we view the body across identities – gender, race, class, sexuality, size, and disability.

Other panels included a trans primer appropriately called "The Basics," a look at militarism and masculinity, an examination of current psychological conceptualizations of trans identities, and strategies for making universities more trans-friendly.

In the keynote address titled "Ending Gender Stereotypes: A New Path to Full Equality," Riki Wilchins said she sees "a huge mushroom building up around gender rights" and believes it's the "next edge" of where human rights needs to go. Reiterating some of the arguments she made in a recent "Advocate" essay, Wilchins suggests thinking broadly about gender and the ways it affects many different people, not only those who identify as trans.

"Scratch homophobia, you get gender," she said, even if some gay people would prefer to deny it. She also discussed how post-modernism and gender theory, specifically the works of Judith Butler and Michel Foucault, have provided us "tools to start analyzing" gender – the trick being "to take that analysis and make it work in a political context."

Wilchins' tenure as Executive Director of GPAC has met with controversy among some activists

who disagree with what they see as the mainstreaming of the organization to the exclusion of trans people, a charge Wilchins disputes. Likewise, Wilchins's speech at UVM received a mixed reaction.

President Fogel opened the Q/A period by wondering what can be done to help children who cross gender lines. Wilchins acknowledged changing public attitudes was difficult, but she believes society is at a "tipping point" and that it's our responsibility to make people understand it's their issue too.

Others questioned the necessity of theory when, for instance, there are trans kids on the street with more immediate concerns. Some fear a theory-driven movement risks becoming elitist, inaccessible to those who need it most.

Another audience member expressed disappointment that Wilchins's speech didn't offer more "new thinking." How did her ideas look different from early feminist ideas? In response to these doubts, Wilchins re-emphasized the need to learn from theory and then apply it. She agreed that while the concepts she articulated weren't new, their implementation was, because – in her view – people are finally ready to organize around gender as a civil rights issue.

In closing, Wilchins said she found "reverence for difference useful in thinking about gender."

Throughout the day, Free to Be encouraged discussion and feedback, hoping to take the success of this year's first-ever conference and build on it in the years ahead. University President Dan Fogel was overheard after Wilchins' speech encouraging Free to Be's President Caitlin Daniel-McCarter to plan another conference next year, and "ask for more money." ▼

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# Texas Judge Grants, Rescinds CU Divorce

BY PAUL OLSEN

The relationship between Russell Smith and John Anthony of Beaumont Texas gives new meaning to the phrase "on again, off again."

Smith, 26, and Anthony, 34, came to Vermont early last year to enter into civil union, then broke up and had their civil union dissolved by Texas judge Tom Mulvaney, only to find that the "divorce" had been overturned when Texas attorney General Gregg Abbott ruled the judge's decision was illegal.

Abbott asked Mulvaney to set aside his ruling because Texas law does not provide for civil union dissolution and divorces cannot be granted to same sex couples. "Because these two men were never married under either Vermont or Texas law, they cannot legally petition for divorce under the Texas Family Code," he said. "The court's final decree of divorce is void as a matter of law." Mulvaney's original decision

was based primarily on the U.S. Constitution's full faith and credit clause, which requires states to honor marriages performed in any other state, among other legal certifications.

Mulvaney complied with Abbott's request to vacate his order concluding, "... the Attorney General of the State of Texas has intervened and presented a legal argument opposing the granting of a divorce, arguing that this court lacks subject matter jurisdiction. It is the court's opinion that this case should be re-litigated, particularly with respect to the legal issues of subject matter jurisdiction and the Full Faith and Credit Clause."

The Smith/Anthony case provides an example of the legal quagmire gay and lesbian couples from outside Vermont may face if they enter into civil union in the state and their relationship ends. They want to split up but remain legally joined because their civil union cannot be dissolved in their home state. This unique situation is

because Vermont's civil union law was modeled after the state's marriage statutes. Non-Vermont couples can marry in the state but residency is required to divorce.

To be eligible for a civil union, individuals must be of the same sex, be 18 or older, and may not be married or a member of another civil union.

Town clerks issue civil union licenses. After a judge, justice of the peace, or member of the clergy certifies the union, couples are entitled to more than 300 state provided benefits including hospital visitation, victim's compensation rights, inheritance rights, family leave benefits, adoption, public assistance, state tax benefits, and marital communication privileges. The law does not apply to federal benefits like Social Security.

According to the Vermont Health Department 5,405 couples have been joined in civil union since the landmark law went into effect two years ago. Of those couples, 4,585 were from out-

side Vermont.

As they do in divorces, Vermont family courts administer the "dissolution" of civil unions. According to the "Guide to Civil Unions" published by Vermont's Secretary of State the dissolution of civil unions "is subject to the same substantive rights and obligations that are involved in the dissolution of marriage, including residency requirements."

As the current residency requirement is six months, the question of how other state courts may deal with terminating civil unions from Vermont is becoming clear, and the news is not good. Texas officials overturned Mulvaney's divorce decree in the Smith/Anthony case and an Appellate Court in Connecticut also ruled that it couldn't legally dissolve the civil union of a gay couple from Connecticut. An appeal of that case was not heard because one of the partners eventually died.

On the plus side, in January a West Virginia judge granted a legal dis-

solution of their Vermont civil union to two women which will, apparently, stand. State circuit court judge David P. Born granted a divorce decree to Sherry Gump and Misty Gorman, who had been united in civil union on July 3, 2000 – among the earliest civil unions.

According to a report in *Gay City News*, two years later, Gorman filed a "complaint" requesting the dissolution of the civil union due to irreconcilable differences. Gump responded in December, agreeing to the dissolution. There were no unresolved property issues, and no children involved, so the judge granted the divorce, while noting that a civil union is not a "marriage," and that West Virginia's divorce laws did not really apply. Gump had taken her partner's last name, and the judge's decree also restored her right to use her original name.

The order was signed on December 19, 2002, but wasn't filed until January 3, 2003. There is no report of any challenges to the decree during the 30-day appeal period. ▼

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