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VERMONT'S VOICE FOR THE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER COMMUNITY

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BY EUAN BEAR

Montpelier – A handful of activists – paid and unpaid – a couple of policy wonks, and one self-identified transman crowded into the small House Judiciary Committee room at the State House on April 7 to testify in support of H.478, the Gender Identity and Expression Non-discrimination bill.

The bill adds the terms “gender identity and expression” to the list of protected categories in various state laws.

With nearly half the committee members absent, the first to testify was Michele Child from the Legislative Council, whose members draft proposed bills. She noted that there is no definition of the terms “gender identity” and “gender expression” in the bill as drafted.

Representatives from Outright Vermont and R.U.1.2? Community Center offered their support for the bill, as did Robert Appel, executive director of the Vermont Human Rights Commission, and Assistant Attorney General Sandi Everitt. Everitt referred to the AG’s opinion in the 2004 case of Tony Barretto-Neto vs. the Town of Hardwick (see “Groundbreaking Ruling Recognizes Trans Rights” in the May 2004 issue of *OITM*). She was asked why the proposed amendment was necessary if the Attorney General’s office had already given an opinion that transgender people were covered under the “sex” and “sexual orientation” provisions of the current laws.

“That opinion is not case law,” Everitt pointed out. “There has been no court ruling. It was based on the specifics of that case, and there is no certainty that Mr. Barretto-Neto would have won in court based on our interpretation.”

Low numbers of complaints, she declared, don’t reflect an absence of discrimination, but rather an uncertainty about whether there is a legal remedy. “We believe it is necessary to provide protection.”

Transman and lawyer Jes Kraus testified from his experiences, which he acknowledged were mostly positive with regard to his employer, the Vermont State Employees Association.

Testifying for Trans Equality House Judiciary Committee Hears Support for Gender Identity and Expression Nondiscrimination Bill

“Transgender people face discrimination in ways most people never have to think about.”
Jes Kraus

Kraus identified himself as an attorney, a member of the Outright board of directors, a volunteer group coordinator at R.U.1.2?, a former police officer, a Coast Guard veteran, the parent of a daughter, and a female-to-male transsexual.

Even though he has been lucky, Kraus said, “Transgender people face discrimination in ways most people never have to think about,” and his own identity – or more accurately, dealing with others’ reactions to it – “affects decisions in my day to day life.”

In response to a question, Kraus clarified that “gender identity” is a person’s

internal sense of gender, while “gender expression” is the external expression of gender, such as by clothing, hairstyle, and other secondary sex characteristics. Both, he said, are different from “sexual orientation,” which is who a person is attracted to. “A transgender person doesn’t conform to stereotypical ‘norms.’ A transsexual has begun the process of changing their physical gender or sex.”

Asked what had brought him to “make this life change,” Kraus said, “My Aunt Suzie had it right. She said, ‘Why doesn’t Jessie just be a damn man?’ It’s something you just know. I thought I would grow up to be a

man.” Kraus later realized he was attracted to women and had a masculine appearance, so identified for a time as a lesbian. “But that wasn’t it.”

Making the decision to transition from female to male involved both personal and economic sacrifices for Kraus – and for other transpeople he knows. He told of one FtM friend who is comfortable training medical services providers on transgender issues – everywhere but in his home state of Vermont. Another friend is a truck driver who was in an accident. “His first thought was, ‘Oh my god, the rescue services are coming.’ The paramedics thought he was being difficult when he wouldn’t take off his shirt.” The real issue, Kraus explained, was that the transman didn’t want to have to explain to people who likely would not understand.

Discrimination against transfolk is fairly common in Vermont, according to Kraus’s testimony. He related how one of his friends waited two hours for treatment and then was turned away at the state’s largest hospital. Another transperson was refused a purchase of beer because the sex on the driver’s license didn’t match the appearance of the person at the counter.

The bottom line, said Kraus, is that H.478 is needed because it’s good for both employers and for businesses “to know what you’re going to hold them accountable for.”

Rep. Alison Clarkson (D-Woodstock) asked how many years transition might take. “There are different decisions for different folks,” Kraus explained. “Because the surgery isn’t covered by insurance, people have to save up,” and that could add years to the process. Transitioning people typically take hormones for at least a year before undergoing surgery, “which makes it easier for people to pass,” he said. Some transgender people decide not to do surgery, he pointed out. H.478 would cover transgenders whether they elect to undergo surgery or not.

No one appeared at the April hearing to testify against the bill, and eight of the 11 committee members are cosponsors of the measure. Judiciary Committee Chairman Rep. Bill Lippert (D-Hinesburg) said he hopes to take more testimony on H.478 in the near future. ▼

LATE BREAKING: CT Becomes 2nd State to Recognize Civil Union; Bill Amended to Define ‘Marriage’ Between Man and Woman. ‘Not Full Equality’ Say Some Gays.

inside out:

this issue's contents

▼ Sex & the Supreme Court Justice p. 2.

Justice Dooley defines ‘judicial activism’: Baker v. State wasn’t it.

▼ Different Dean p. 6.

Bucking Catholicism’s conservative trend, St. Mike’s names a gay Unitarian as Dean. Stacey Horn introduces Jeffrey Trumbower.

▼ Lesbian Activists Go & Come pp. 8-9.

Euan Bear notes Andrea Dworkin’s death, and Peggy Luhrs passes on what Suzanne Pharr said on her visit to Vermont.

▼ Spring Antidote p. 17.

Ric Kadour gives us an antidote to a cold, wet spring: Montreal’s Hot & Dry, a circuit party with a difference. This year: Walk like an Egyptian.

▼ News 1-3, Features 6-9

▼ Editorial 4

▼ Letters, Witt’s End 5

▼ Youth Pride 10-12

▼ Views 13-16

▼ Arts & Leisure 17

▼ Calendar, Compass 18

▼ Classifieds 21

▼ The Source 22-23

▼ Gayity 25-27