



The Ts That Bind

How Transgender Rights Affect Us All

BY COLE THALER, TRANSGENDER RIGHTS ATTORNEY

It was, as they say, politics as usual. Last fall, the Employment Non-Discrimination Act, or ENDA, a bill that would directly prohibit discrimination based on sexual orientation and gender identity, was pending in the House of Representatives. But a new version, one that removed mention of gender identity, sparked major controversy among LGBT organizations and activists. The end result — House passage of the bill without protections for gender identity — was disappointing, but there is a silver lining: It led to numerous conversations about why transgender people are part of the LGBT movement.

Engaging in painful dialogue is absolutely critical for the future of any movement. The question at the heart of the conversation is this: Do the lesbian, gay and bisexual communities have enough in common with the transgender community to merit linking them within one acronym and one movement? Civil rights organizations around the country answered in the affirmative years ago, but the question remains fresh.

One way to begin answering this question is to think about the term “gender identity.” ENDA originally defined “gender identity” as “the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual’s designated sex at birth.” This protection does not apply only to transgender people. It applies to anyone whose identity, appearance, mannerisms or other characteristics might not line up with traditional gender norms: nearly all of us.

Our strength as a movement lies in our commonalities. Both gay people and transgender people must come out. And often

enough, both must navigate through a thicket of gender-related slurs: *sissy, fag, tomboy, dyke, pansy, queer, flamer, lezzie, queen, butch, fairy*. These words are dangerous when used against us as weapons, but many of us have reclaimed them and used them in the service of self-definition. Are these words about our sexual orientation? Or about our “gender-related appearance, mannerisms, or other characteristics?” Does it make any sense to distinguish?

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Some courts don’t think so. In *Centola v. Potter*, a 2002 decision of the U.S. District Court for the District of Massachusetts, one federal judge noted that the line between sexual orientation discrimination and discrimination based on gender stereotypes is “hardly clear,” observing that “stereotypes about homosexuality are directly related to our stereotypes about the proper roles of men and women.” Our civil rights movement becomes stronger by recognizing the intersecting areas of discrimination LGBT people face together.

At the same time, in our educational work, Lambda Legal must often explain that sexual orientation and gender identity are independent of one another; being gay doesn’t mean that you are more or less traditionally

manly or womanly, for instance. It is also true that each community represented in the LGBT acronym faces specific hurdles and concerns. Some community members believe that the differences between us are so great that they preclude collaboration. But the same bullies attack us, the same bigots fire us and the same fear of difference makes us legally vulnerable. The distinctions that seem so stark to some are meaningless in the eyes of our common enemies.

Take the case of KK Logan, an 18-year-old in Gary, Indiana. Throughout his senior year of high school, KK wore feminine blouses and jeans and carried a purse. KK’s sense of himself as a feminine gay male is so deeply rooted that he cannot think of himself in any other way. When he showed up to his senior prom wearing a pink dress, the school’s principal blocked him from entering, literally blockading the door with her body. While his friends danced the night away, KK snapped a few pictures in the parking lot, and then spent his prom night at home. Lambda Legal has filed a federal lawsuit on his behalf, claiming that the school’s actions violated KK’s constitutional right to self-expression.

Answers to the question of why T is included in LGBT are often deeply personal. I have always had tastes stereotypically associated with feminine gay men. I’ve loved show tunes for as long as I can remember, and I recall the first interior design magazine I read like it was a religious experience. These aspects of taste and expression started young and came naturally. But, unlike other feminine gay men, I did not get teased about these inclinations — not once, not ever. Why not? Because I was assigned the sex of “female” when I was born, and everyone thought I was a girl.

For a long time, it didn’t occur to me that I could be transgender, because I knew that my mannerisms, demeanor and “other gender-related characteristics” were feminine. I thought that gender transition would require me to become a stereotypically masculine man. But though I felt “girly” and was attracted to men, I didn’t feel like a woman. I could never relax in my own skin. Then I began to meet people who were born female but identified as gay men. Suddenly I realized that there are many ways for men to express their gender, and that a whole range of gender expression would be open to me if I transitioned. I would not have to be a stereotypically

masculine man, something I knew would feel inauthentic. I could be myself.

When I transitioned, I brought with me all of the gender-related characteristics that I have always had. As a feminine gay man, I’m in good company. But transgender, gay, or gender non-conforming, we’re all vulnerable and in need of legal protection.

The place where sexual orientation — whom we love and desire — blends into gender expression is blurry and permeable. We cannot leave our gendered selves at the door of the prom or the office. Just as KK Logan could not shed his femininity when the school principal demanded it, the LGBT community cannot create artificial

borders between the interrelated components of our identities. We are a richly varied community of individuals who, despite our differences, need to remain allies in our fight for a common goal: equality in the eyes of the law. **L**

For more information on Lambda Legal’s transgender rights work, visit our website at <http://www.lambdalegal.org/our-work/issues/transrights>.

events calendar

JANUARY 2008	Wine, Women and the Chopping Block	Chicago	IL
FEBRUARY 2008	The Bon Foster Kick-Off Party	Chicago	IL
FEBRUARY 17, 2008	Lambda Legal Love Lounge	Los Angeles	CA
MARCH 30, 2008	Lambda Legal in Fort Lauderdale	Ft. Lauderdale	FL
APRIL 2008	Lambda Legal’s San Francisco Event	San Francisco	CA
SPRING 2008	Lambda Legal in Palm Springs	Palm Springs	CA
SPRING 2008	Mad Hatter Brunch	Austin	TX
SPRING 2008	Lambda Legal Women’s Brunch	Dallas	TX
APRIL 2008	Bon Foster	Chicago	IL
APRIL 2008	Jeffrey Fashion Cares	New York	NY
MAY 5, 2008	Liberty Awards National Dinner	New York	NY
MAY 2008	DC Garden Party	Washington	DC
JUNE 2008	New Jersey Surf Party	TBD	NJ
JUNE 2008	Forum Conveniens	Chicago	IL
JUNE 20, 2008	Lawrence Fifth Anniversary Breakfast	Houston	TX
JUNE 21, 2008	Lawrence Fifth Anniversary Celebration	Dallas	TX
JULY 26, 2008	Lambda Legal Pines Brunch	Fire Island Pines	NY
AUGUST 2008	Lambda Legal in the Hamptons	TBD	NY
AUGUST 2008	Lambda Legal Seattle Garden Party	Seattle	WA
AUGUST 2008	Lambda Legal Women’s Summer Event	TBD	CA
AUGUST 2008	Into the Woods	TBD	MI