

Transcending Transvestite: Analyzing the Language and Content of Ohio Courts and  
Newspapers Concerning Transgender Individuals

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## Introduction

*“Gender is between your ears, not between your legs.” –Chaz Bono, a female-to-male transgender individual<sup>1</sup>*

Transgender individuals are people who do not identify with the gender assigned to them at birth. Some identify distinctly as the opposite gender while others identify as a combination of the two genders or as a separate gender entirely. While all transgender individuals possess their own identity, they share one trait: they have all transcended a cultural boundary between genders. And society does not know how to respond. This lack of understanding leads to hate and prejudice. From this cultural ignorance stems violence, unjust laws, and institutionalized discrimination.

Still today, transgender individuals are fired from jobs, denied housing, barred from traveling, and face abuse both physically and verbally for identifying as transgender. In fact, of the 6,450 transgender individuals surveyed by the National Center for Transgender Equality, 90 percent reported harassment, mistreatment, or discrimination in the workplace.<sup>2</sup>

In order for progress to occur for transgender individuals, people must have a full, accurate, human understanding of transgender individuals. The media and the law are two avenues responsible for providing such understanding, and have a tremendous

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<sup>1</sup> “Chaz Bono: Gender Is Between Your Ears, Not Between Your Legs,” *PopEater* (now *HuffPost Celebrity*), November 19, 2009, accessed March 21, 2013, <http://www.popeater.com/2009/11/19/chaz-bono-gma-good-morning-america-interview/>

<sup>2</sup> Jaime M. Grant, Lisa A Mottet, and Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, (National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011).

impact on how society views and treats transgender individuals from a legal and social perspective.

This study explores the language regarding transgender individuals used by *The Columbus Dispatch* since 1985 and the Ohio courts since 1970. Through an exploration of 119 articles and 38 court cases, this study finds that misunderstandings abound today and inaccurate, inconsistent language is often used in place of respectful, accurate terms.

This work aims to provide a guide for journalists as they write future articles on transgender individuals and officials of the court as they pen future court cases regarding transgender individuals. By providing accurate information and employing respectful language, these avenues can provide the public with a better understanding of transgender people.

This introduction provides an overview of the chapters to follow, an explanation of the vocabulary used in regards to transgender people, the context of studying Ohio for this particular work, and a note on my perspective on this topic.

## **Overview**

The first chapter provides an overview of the transgender experience today, and places a human face on the research. It provides the life stories of two transgender individuals I interviewed, and includes an introduction to key aspects of the transgender experience more generally.

The second chapter provides a history of the transgender equality movement from 1950 to present. While transgender individuals were often supported by gay

individuals and feminists alike from 1950 to 1970, trans people faced backlash and hatred from these former allies from the early 1970s until the 1990s. Since then, progress has been made, but much remains to be done for this misunderstood population.

Now that the scene is set, the third chapter analyzes how the Ohio courts have treated transgender individuals from 1970 to present. By reviewing all cases that have used any permutation of the term transgender in the text of the opinion, the chapter looks at the 38 relevant cases from the 52 cases that matched the search terms. The chapter opens with an introduction to the four cases that altered daily life for transgender people, and then explores the courts' use of pronouns, identifiers, and definitions in regards to transgender individuals. Since the courts' decisions are based on precedent, court cases in the past decade still use antiquated, uninformed decisions from the past as a basis for decisions today. The chapter concludes with an analysis of the universe of Ohio cases based on the theory that the courts operate under the binary of male/female and, more importantly, masculinity/femininity.

The fourth chapter reviews the articles in *The Columbus Dispatch* pertaining to transgender individuals from 1985 to January 2013. Of the 656 articles that matched these search terms, this chapter analyzes 119 relevant articles. First the chapter outlines a chronological explanation of news coverage. Then, the chapter provides a look at the pronouns, identifiers, and definitions used in the stories. Though the news has progressed more rapidly than the courts, there is still too little coverage of transgender individuals, and few, if any, stories provide accurate definitions of

transgender individuals. The chapter concludes with a look at the wide range of stories through the lens of social responsibility theory.

Finally, the conclusion compares the three narratives—the stories of actual transgender individuals, the court cases penned, and articles written—through a map analogy that analyzes how each narrative creates a different map about the world of transgender individuals. Next, the chapter examines the dangers of inaccurate language and understanding when it comes to transgender individuals, and provides a template for both the press and the courts on how to discuss transgender issues moving forward. With a better, more all-encompassing understanding of trans individuals, hopefully progress will be made to foster a more inclusive society where transgender individuals are treated equitably and respectfully. The goal is full social and legal equality for transgender individuals.

### **Vocabulary**

This thesis operates under the guidelines provided by the Gay & Lesbian Alliance Against Defamation (GLAAD), and offers the following definitions of various transgender vocabulary words as outlined by transgender scholar Susan Stryker in her book *Transgender History*.<sup>3</sup>

**Sex:** “Sex is not the same as gender ... sex is generally considered biological, and gender is generally considered cultural (although that understanding is changing too).”<sup>4</sup>

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<sup>3</sup> Susan Stryker, *Transgender History* (Berkeley: Seal Press, 2008), 7-24.

<sup>4</sup> *Ibid*, 7-8.



**Gender:** “Gender is not the same as sex ... Gender is generally considered to be cultural ... the words ‘man’ and ‘woman’ refer to gender. No one is born a woman or a man—rather, as the saying goes, ‘one becomes one’ through a complex process of socialization.”<sup>5</sup>

**Gender Identity:** “Each person has a subjective sense of fit with a particular gender category ... for most people, there is a sense of congruence between the category one has been assigned to and trained in, and what one considers oneself to be. Transgender people demonstrate that this is not always the case.”<sup>6</sup>

**Gender Identity Disorder:** “Feelings of unhappiness or distress about the incongruence between the gender-signifying parts of one’s body, one’s gender identity, and one’s social gender (a condition sometimes called ‘gender dysphoria’) are officially classified by medical and psychiatric professionals in the United States as a mental illness known as Gender Identity Disorder.”<sup>7</sup>

**Transvestite:** “This is an old word, coined in 1910 by the German sexologist Magnus Hirschfeld ... Initially, this term was used in much the way that ‘transgender’ is used now, to convey the sense of a wide range of gender-variant identities and behaviors ... usually carries with it the association of cross-dressing for erotic pleasure.”<sup>8</sup> Transvestite is generally regarded as an offensive term.

**Cross-Dresser:** “A term intended as a nonjudgmental replacement for ‘transvestite,’ it is usually considered to be neutrally descriptive of the practice of

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<sup>5</sup> Ibid, 11-12.

<sup>6</sup> Ibid, 13.

<sup>7</sup> Ibid, 13-16.

<sup>8</sup> Ibid, 16-17.

wearing gender-atypical clothing rather than associating that practice with an erotic impulse.”<sup>9</sup>

**Transsexual:** “Typically refers to people who feel a strong desire to change their sexual morphology in order to live entirely as permanent, full-time members of the gender other than the one they were assigned to at birth.”<sup>10</sup>

**Transgender:** “The key term ... implies movement away from an initially assigned gender position. It most generally refers to any and all kinds of variation from gender norms and expectations.”<sup>11</sup>

**Gender-Neutral Pronouns:** “Given that the English language doesn’t allow us to refer to other individuals without gendering them ... some transgender people favor the use of newly coined, ‘gender-neutral’ pronouns. They might use ‘ze’ or ‘sie’ in place of ‘he’ or ‘she,’ or the word ‘hir’ instead of ‘his’ or ‘her.’”<sup>12</sup> Some prefer they as a singular pronoun.

**Cisgender:** “Cisgender names the usually unstated assumption of nontransgender status contained in the words ‘man’ and ‘woman’ ... the prefix means ‘on the same side as’ (that is the opposite of trans).”<sup>13</sup> One whose birth assigned gender matches their gender identity.

Beyond vocabulary, GLAAD outlined general guidelines for how to discuss transgender individuals.<sup>14</sup> First, transgender is never used as a noun, but instead as an

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<sup>9</sup> Ibid, 17.

<sup>10</sup> Ibid, 18-19.

<sup>11</sup> Ibid, 19.

<sup>12</sup> Ibid, 21-22.

<sup>13</sup> Ibid, 22.

<sup>14</sup> “GLAAD’s Transgender Resources,” GLAAD, accessed March 18, 2013, <http://www.glaad.org/transgender?gclid=CJ3muauqibYCFYk7MgodY3UA5A>.

adjective, because, for example: Matt is not a transgender, he is a transgender person.

The term “transgendered” is also considered incorrect.

The following terms are considered offensive to transgender individuals: transvestite, she-male, he-she, it, trannie, tranny, and shim. All of these terms have negative connotations and are typically employed in derogatory statements. In order to determine what term and pronoun should be used for a specific transgender individual, ask for his/her/hir preference.

### **Context of Ohio**

I chose to study Ohio, first and foremost, because I live in the state, and because Ohio is one of only three states that does not allow transgender individuals—even those who have undergone full sex reassignment surgery—to change their birth certificates to match their gender.<sup>15</sup> Though Ohio tends to be a swing state, this is a very conservative, antiquated position on birth certificate amendment.

Equality Ohio, a group dedicated to garnering equal rights for people of all sexual and gender orientations based in Columbus, gathered data that compared all states on the basis of lesbian, gay, bisexual, transgender (LGBT) law.<sup>16</sup> Ohio ranked 42nd out of 50 states in terms of LGBT friendly laws and regulations.<sup>17</sup> The data obviously doesn’t take into account social acceptance within the states, but it speaks to how equality is measured from a legal perspective.

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<sup>15</sup> “Safety and Security,” Equality Ohio, accessed March 21, 2013,

[http://www.equalityohio.org/index.php?option=com\\_content&view=article&id=88&Itemid=119](http://www.equalityohio.org/index.php?option=com_content&view=article&id=88&Itemid=119).

<sup>16</sup> “How Ohio compares to other states in equality laws,” Equality Ohio, accessed February 12, 2012, [http://www.equalityohio.org/images/PDFs/state\\_compare.pdf](http://www.equalityohio.org/images/PDFs/state_compare.pdf).

<sup>17</sup> Ibid.

What makes Ohio so exclusive is as follows: it does not allow transgender individuals to alter their birth certificates, it does not include sexual orientation or gender identity as a basis for hate crime, its bill against school bullying does not specifically protect LGBT victims, it prohibits same-sex marriage and any union that resembles marriage in any capacity, and it bans second-parent and joint-parent adoption for LGBT couples.<sup>18</sup> Because of these reasons, I was drawn to analyzing the state of Ohio and its limited LGBT rights.

### **My Lens as a Writer**

In an effort to be transparent, I want to disclose at the outset that I am an ally of transgender individuals, so this research does have an agenda. I want to show the holes in society's understanding of transgender individuals. I don't attempt to hide my bias towards transgender equality, and this thesis was written through the lens of an advocate who tried to present the facts as honestly as she could. It is also important to note that I do not identify as transgender, so there are sure to be a few unintentional holes in my understanding. More details on my interest in transgender equality can be found in the conclusion.

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<sup>18</sup> Ibid.

## Chapter 1: Transgender Experience

Nearly half of all transgender individuals in the United States have tried to commit suicide.<sup>19</sup> According to the National Center for Transgender Equality and National Gay and Lesbian Task Force’s 2011 report “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey,” 41 percent of transgender individuals have attempted suicide. Of the 6,450 individuals surveyed for the report, 2,580 had tried to kill themselves.<sup>20</sup> That startling statistic does not include those who succeeded in committing suicide.

In order to foster a better, safer environment for transgender individuals and to understand why some gender non-conforming individuals seek to take their own lives, society must better grasp the daily lives of transgender individuals. In order to have this better understanding of transgender individuals, society must hear the stories and experiences of actual transgender people.

This chapter includes the stories of two transgender individuals, Kris Grey and Cory Frederick, and then proceeds to outline several key aspects of the transgender experience. Due to the fact that I did not interview more subjects and that I am a cis-gender individual, or one who identifies with my birth assigned gender, there are sure to be unintentional holes and generalizations in this chapter in regards to the typical transgender experience, but these accounts do provide a more three-dimensional, nuanced look at transgender individuals than my two-dimensional research.

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<sup>19</sup> Jaime M. Grant, Lisa A Mottet, and Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, (National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), 1-7.

<sup>20</sup> Ibid.

The chapter also will traverse several layers of the transgender experience: realization of trans identity, coming out as trans, transitioning, and daily struggles. Appendix A includes links for more information on the transgender experience.

### **What is Transgender**

This thesis operates under the widest definition of transgender individuals, which is that a transgender individual is anyone who does not identify as the gender assigned to them at birth. Citing the definition provided by Susan Stryker in *Transgender History*, some transgender individuals identify as distinctly a male or female, while others identify as a new, different identity altogether that is neither male nor female.<sup>21</sup> As Stryker denotes, the core connection between all transgender individuals is the “movement across a socially imposed boundary away from an unchosen starting place.”<sup>22</sup>

Some transgender individuals take hormones and undergo full sex-reassignment surgery of both their top and bottom half, while others do not, and most transgender individuals follow some course of path in the middle. Some change the gender on their identification documents, while others do not. Some call themselves transgender individuals, while others refer to themselves as just male or female, and still others call themselves “bigender,” “two-spirited,” or other distinct terms. Some prefer the pronouns “he” and “she” while others like gender-neutral pronouns “hir”

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<sup>21</sup> Susan Stryker, *Transgender History*, (Berkeley: Seal Press, 2008), 1.

<sup>22</sup> *Ibid*, 1.

and “ze.”<sup>23</sup> While each person faces different problems and issues, they are all united by the lack of connection to their birth-assigned gender.

It is also important contextually to note the clinical guidelines that outline how to guide transgender individuals who wish to undergo hormone treatment or surgery are called the Standards of Care.<sup>24</sup> The Standards of Care, which originally came from the Harry Benjamin Gender Dysphoria Association, are updated by the World Professional Association for Transgender Health. These standards outline specific requirements that health providers and transgender individuals should undergo prior to the transitioning process. Though these standards are considered flexible, most healthcare providers follow these guidelines. For example, transgender individuals must be diagnosed with “gender identity disorder” by a gender therapist to receive treatment.<sup>25</sup> A person generally must undergo several months of therapy before being referred to an endocrinologist for hormone treatment, and those who desire surgery must live, on average, one year of their life in the body of their desired gender to receive the green light for surgery from their therapist.<sup>26</sup> Though any level of surgery is considered medically necessary, most insurance companies do not cover any aspect of transitioning.

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<sup>23</sup> Genny Beemyn and Susan Rankin, *The Lives of Transgender People*, (New York: Columbia University Press, 2011), 24-25.

<sup>24</sup> “Transgender Visibility, A Guide to Being You,” *Human Rights Campaign*, January 1, 2009, accessed April 1, 2013, [http://www.hrc.org/files/assets/resources/transgender\\_visibility\\_guide.pdf](http://www.hrc.org/files/assets/resources/transgender_visibility_guide.pdf).

<sup>25</sup> Gender identity disorder or GID, is the official diagnosis of transgender individuals in the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* (DSM), according to Beemyn and Rankin, 5. This diagnosis will change in 2013 to “gender incongruence,” Ibid, 5.

<sup>26</sup> Stryker, *Transgender History*, 111-112. And “Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7,” *International Journal of Transgenderism*, accessed April 2, 2013, [http://www.wpath.org/publications\\_standards.cfm](http://www.wpath.org/publications_standards.cfm).

## **Statistics on Transgender**

As previously discussed, the 2011 report by the National Gay and Lesbian Task Force and the National Center for Transgender Equality entitled “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey” surveyed 6,450 transgender individuals and presented a dire set of statistics.<sup>27</sup>

Beyond the suicide statistic that opened the chapter and the statistic that opened the introduction—90 percent reported harassment, mistreatment or discrimination on the job—many other concerning statistics arose. Of those who came out while in elementary through high school, 78 percent experienced harassment and 35 percent experienced physical assault. Around 57 percent faced family rejection, and 63 percent of all respondents had experienced a serious act of discrimination, defined as “events that would have a major impact on a person’s quality of life and ability to sustain themselves financially or emotionally.” Nearly a quarter of those surveyed had faced a “catastrophic level of discrimination,” which is one step higher than the previously depicted category.

Beyond discrimination, those interviewed in this study tended to live in extreme poverty. Members of the sample were four times more likely to have an income of less than \$10,000 a year in comparison to the general population. Only 21 percent of those who had transitioned had been able to update all of their identification documents, such as drivers’ licenses and records, and 19 percent had been refused medical service based on their transgender status.

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<sup>27</sup> Jaime M. Grant, Lisa A Mottet, and Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, (National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), 1-7.



All of these statistics paint a picture of a transgender community where many have faced discrimination on some level, many have been rejected by their families, few have the security of matching identification cards, and almost half of those interviewed had attempted suicide at some point in their lives.

But transgender individuals are more than just accumulated statistics, and the following two case studies provide a more in-depth look at transgender individuals.

### **Cory Frederick<sup>28</sup>**

At age five, Michele Christina Mays had a miraculous dream that she was a boy. She felt elated, like one of those dreams where you win the lottery or hit the jackpot. She had always felt she was a boy born in the wrong body, and this dream granted her deepest wish. When Michele grew up, her dream came true.

Now, Michele Christina Mays is Cory Michael Emerson Frederick. His voice is deep, his beard stubbles across his face, and his chest is flat post top-surgery to remove his breasts. He smiles easily and naturally, a smile that extends to his eyes framed by rectangular, metal wire glasses. Cory is a 32-year-old transman, or a person who was born anatomically female but who has always identified as a male.

“I’ve always known that I didn’t quite fit what other people saw me as being in terms of gender norms,” Cory said. And after taking testosterone, changing his name, and undergoing top surgery, Michele became Cory.

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<sup>28</sup> The following story was compiled by four separate personal interviews with Cory Frederick, Aleta Polley and Alwin Chan Jee Hoe.

Frederick, Cory and Aleta Polley. Interview by Jessica Cadle. Personal interview. Athens, Ohio, January 13, 2011.

Frederick, Cory. Interview by Jessica Cadle. Personal interview. Athens, Ohio, January 15, 2011.

Frederick, Cory and Alwin Chan Jee Hoe. Interview by Jessica Cadle. Personal interview. Athens, Ohio and Skype, September 5, 2012.

Frederick, Cory. Interview by Jessica Cadle. Personal interview. Athens, Ohio, September 19, 2012.

It took until age 27 for Michele to fully transition to Cory. As a child, Michele acted like a classic tomboy. Much to her mother's chagrin, young Michele played in the dirt, scraped her knees, and even elicited the taunt of one young male peer that, "You are such a man." Michele, at age 12, responded, "I'm more of a man than you'll ever be."

She was.

Struggling with her identity at Alexander High School in Albany, Ohio, Michele first came out as a bisexual, and then, at age 17, as a lesbian. Before attending college, however, she met several transgender individuals at Ohio University where her mother worked, and met more transgender individuals when she moved to Columbus with her then-girlfriend. "It allowed me to really put a label on the feelings I had been having since I was a child," Cory recalled. At age 19, Cory came out as a transgender individual to his mom and grandmother.

"It was very scary to have to tell your parents that you aren't who they think you are," Cory said. "I think that was the biggest issue ... you are now seen differently."

Cory's mother, Aleta Polley, an adjunct professor in the Department of Teacher Education at OU, struggled at first with Cory's trans identity. She worried what people would think, and she wondered if he considered the long-term consequences of his actions. But she eventually let her vision of her little girl go.

"What I've come to realize is this journey that he's on, it's his journey. I'm here to support him, because the only difference now is how he looks. This is still my

child, my adult child, and I would not be estranged from him because of this,” Aleta said. Cory’s father, who lives in Texas, is also supportive of Cory’s transition.

After seeing Columbus-based gender therapist Dr. Meral Crane and receiving the go ahead to visit a hormone specialist, Cory started testosterone shots at age 24 in 2004.

“It’s being reborn. I can’t really ascribe any other sentiment to it than that. It was liberating. I felt like I was finally becoming the person that I had always felt on the inside,” Cory said. “I felt really fresh and new and excited about life. It’s very exciting.”

That same year, Cory legally changed his first, middle, and last name to Cory Michael Emerson Frederick. His name yields from various sources. He liked the name Cory. His middle names: Michael Emerson, come from his former name Michele and the brand of his Grandmother’s TV set, an Emerson. He wanted his middle initials to spell ME. Frederick is his grandfather’s middle name.

From there, Cory desired top surgery. He had been binding his breasts since high school when he chose tight-fitting sports bras to hide his curves.

His mother Aleta remembers one 90-degree day in 2006 when she watched Cory bind his breasts. Even on the hot and humid day, Cory bound his breasts, enduring the discomfort and pain to appear more masculine. For Aleta, that day was a turning point, both in her acceptance of her son and in her desire to help him become the man he is.

She helped him fund the \$5,500 top surgery, which occurred in 2007 in Cleveland when Cory was 27. Though the surgery itself and the aftermath—namely the removal of the tubes placed in each breast to collect pus—were incredibly painful, the transformation was all he hoped it would be and more.

“I felt like I was just finally put together right. Almost like reaching some goal or destination that you have been aiming at for so long,” Cory said. “It’s a very elevated kind of feeling.”

Currently, Cory has not and does not plan to undergo bottom surgery, also known as a penile implant. The procedures are still dangerous, and the body undergoes excessive trauma to receive and connect with a foreign body part.

Many other transmen, like Cory, choose not to undergo bottom surgery, which can create an uncomfortable situation when they use public restrooms.

Urinating publically is only one of dozens of concerns Cory faces daily. His insurance did not cover his surgery costs, his gender therapy, which cost over \$100 per session, or his testosterone, which he buys every month for \$35.

Being visible as a transgender individual is also a struggle for Cory. Before undergoing top surgery, Cory looked “queer,” and could connect easily with the LGBT community. Now that he passes solely as a male, he has lost his queer identity. In order to continually serve the transgender community, he founded TransACT with his mother, Aleta.

TransACT manages transgender advocacy, consulting, and training for businesses and individuals. TransACT provides companies with better knowledge of how to treat transgender individuals.

As a transgender individual, Cory has a new social security card, driver's license, and passport, but his California birth certificate still lists him as a female. Though California, unlike Ohio, allows transgender individuals to alter their birth certificates, Cory chose not to, just in case.

This deliberate choice allowed Cory to marry his male partner, Alwin Chan Jee Hoe, in the state of Ohio in January 2013. Cory met Alwin via the online matchmaking site OKCupid in 2009. The two messaged, emailed, skyped, and finally visited.

“Cory is the first transman that I have dated, and it's not like dating someone completely different. He's a person ... and I accept him completely,” Alwin said. “His history, what he has gone through, plays a huge role in creating who he is today.”

There relationship is a “trans-atlantic” love story in every sense of the word. And Cory's family is incredibly supportive. In fact, Cory joked that his mom and grandmother “love them some Alwin.” With the support of both families, the two became engaged on January 2, 2012.

“I just can't think of anyone else who could complement my life, and I hope that I complement his as well,” Cory said. “I just can't believe it. It feels like a fairy tale.”

Alwin lives in Malaysia, while Cory resides in Ohio. In order to finally tie the knot, Alwin needed a fiancé visa. Same-sex couples cannot receive fiancé visas for their partners in the United States, so Cory turned in his birth certificate listing him as a female, which made their relationship appear heterosexual.

“At the end of the day, we just want to be together,” Alwin said.

The creative and artistic couple forged their wedding rings for each other with a silversmith in Cleveland. The only problem: legally exchanging them.

The United States Citizenship and Immigration Services (USCIS), after delaying the visa process, finally granted Alwin a fiancé visa in late September, but due to the fact that Alwin lived in Australia and the United Kingdom for several years, each country had to perform background checks. Cory shipped off to Malaysia to wait with Alwin, and the two had a traditional Malaysian Tea Ceremony solidifying their union before returning to the United States and marrying again in Albany, Ohio.

“Our relationship shows that there are diverse ways where two people can come together and fall in love,” Alwin said. “If there is something that we can show or can promote, it’s that it happens. It is just people falling in love. People should try to accept that and be happy for everyone.”

Now Michele Mays, who could only dream of being a boy, is a full-grown, happily-married man.

## **Kris Grey<sup>29</sup>**

When Kristin Grey started to go through puberty, her body felt entirely out of her control. She discovered hard lumps on her chest, and she made her parents take her to the doctor. She felt sure it was cancer.

“The doctor said, ‘Those are called breast buds, and you’re going to develop breasts.’ And I thought, ‘Oh god no, make it stop,’” Kris recalled. “If I had an understanding of gender in the way that I do now, I would have lobbied very hard for my doctors and parents to provide me with hormone blockers that would delay puberty.”

Kristin Grey, now Kris Grey, is a genderqueer individual, or one who identifies as neither male nor female. Kris goes by either pronoun, but for the purpose of this story, I will employ male pronouns when referring to Kris and female pronouns when referring to Kristin to accentuate the transition from a female to a queer identity.

Kris Grey, who also goes by Justin Credible as a drag persona, is often mistaken for a gay man. He takes testosterone and has undergone top surgery, so he sports brown stubble across his chin and a flat chest. Due to the fact that he identifies first and foremost as a queer individual, he is constantly working to queer his body, infusing the masculine and feminine forms to match his own gender identity.

“We are very liberal in terms of doing our sexuality queerly, but doing gender queerly was still really firmly attached to the understanding of binarism,” Kris said. “I

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<sup>29</sup> The following story was compiled from two separate interviews with Kris Grey. Grey, Kris. Interview by Jessica Cadle. Personal interview. Athens, Ohio, January 20, 2011. Grey, Kris. Interview by Jessica Cadle. Personal interview. Athens, Ohio, May 23, 2012.

know that I am doing it right, because sometimes I have these moments where I am just so much a part of myself.”

Raised in a small, conservative town in upstate New York by open-minded, socially-conscious parents, Kris first came out as a lesbian. When he moved to the larger town of Baltimore, Maryland to attend the Maryland Institute College of Art, he immersed himself in the queer community, and he became an advocate for transgender individuals before he identified as trans himself.

Because he had no examples of genderqueer individuals and few role models, Kris struggled with his own identity. When he finally came out as a transgender individual to his parents, they were incredibly supportive.

“They have also been very warm and loving with my partners and my friends, many of whom do not have the support of their family members. So our family often times is the de facto family for some folks,” Kris said. “Even some of my exes occasionally come around to family functions or for holidays.”

His friends in Baltimore were supportive too, but they were anxious about his choice to begin testosterone. They worried it would alter his personality or make him more aggressive or hypersexual.

“My frustration, even within the queer community, was that there was a really limited understanding about masculinity,” Kris said. “We were essentializing all of these sort of bad behaviors to maleness and attaching that maleness to testosterone. I’ve gotta say, I think bad behavior is bad behavior.”



Kris began testosterone when he came to Ohio University in 2009 at age 29 to pursue a master of fine arts in ceramics.

“It took two to three months for my period to subside. That was the most amazing gift to myself,” Kris said.

He returns to visit Baltimore regularly, because he keeps his healthcare there due to the limited options in the state of Ohio. The clinic he attends in Baltimore operates on a sliding pay scale and caters to the queer community. When he visits, he interviews his friends about the effects of testosterone on his personality. Many have noted that he remains the same Kris they knew, and a professor close to Kris during college remarked that it just seemed Kris was maturing and growing up.

“Your core person doesn’t really change,” Kris said.

He chose to attend OU specifically for its non-discrimination clause, which promised the university would not discriminate based on gender expression or gender identity. When he asked the university’s health insurance provider to cover his medically-necessary top surgery, the provider denied him in explicit terms that stated the policy excluded sexual reassignment surgery.

“Once I saw it, I couldn’t unsee it. If you replace sexual reassignment or the language that’s about transgender with any other minority group, it would be immediately clear why it was abhorrent and discriminatory,” Kris said. “One of the things about including or institutionalizing discriminatory language is that it sets a social climate.”

Kris ended up paying almost \$6,000 for the top surgery to remove his breasts in Cleveland during the winter of 2009-2010. When he set the date to have surgery a month in advance, he became incredibly anxious.

“It was like the weight of all the years of waiting was baring down on this one tiny month that stood in the way of what I really wanted,” Kris said. “I never even for a moment felt like I would miss that part of my body. I was so much more focused on being excited about getting what I had always wanted.”

The surgery could not come fast enough. After the surgery finally happened, Kris could barely lift or lower his arms, so his parents took turns traveling from New York to Ohio to take care of him.

“Once it was over ... I started to experience the most amazing kind of bliss about being in my body and really being self-actualized,” Kris said. “My body is like this brand new place. And I have this new feeling of embodiment, which is so amazing. I can’t remember ever feeling excited about my body ... It’s like magic.”

The only downside is that Kris lost his visible queerness. Now he passes unequivocally as a male, but he doesn’t identify as a male. Though his sexuality has not changed as his gender has altered—he is still attracted primarily to biological females though he said this could shift as he ages—his partners occasionally struggle with their own sexuality in their relationships with him.

There is also no gender-neutral language to employ to make it clear that Kris identifies as genderqueer.

“We have no pronoun that is genderless,” Kris said. “Language is a hiccup for us.”

In order to remain visible as a queer individual, Kris has incorporated his queer identity into his ceramics, his art, and his activism. His most frequent performance project is, “Ask a Tranny,” where he goes to a public space with a sign that reads, “Ask a Tranny,” and he answers strangers’ questions about trans identity. So far, he has conducted “Ask a Tranny” in London, New York City, Finland, and on the streets of OU’s Homecoming parade.

“Sometimes it’s funny, sometimes it’s uncomfortable,” Kris said. “It’s very specifically about vulnerability and opening up to dialogue in public ... I have never been approached in a way that’s violent. I also don’t go out with the intention of putting myself in danger.”

He always brings a friend with him, typically who films the performance, but they are also there to protect Kris should the need arise. Beyond “Ask a Tranny,” Kris centered his master’s thesis project at OU around his trans identity. He took several body casts of himself in the various stages of his life, such as before and after his top surgery. Each stage of his life is documented in a body cast. His art and his activism work in tandem.<sup>30</sup>

He has also worked to bring about positive, practical change at OU. He worked with the graduate student senate and several others to lobby for the inclusion of sexual

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<sup>30</sup> Documentation and images of “Ask a Tranny,” his body casts, and his other artwork are available at [kristingrey.com](http://kristingrey.com).

reassignment surgery and other trans needs, such as hormone treatments, in student health insurance.

“In a perfect world, gender sensitivity training would be a part of student orientation. [That says] this is a safe place for you to be differently gendered,” Kris said. “One of the reasons that I feel that I strive in my work and personal life to be really open and accessible is that visibility is so low.”

Another issue he worked to address with the university is the lack of gender-neutral bathrooms. Since Kris has not had bottom surgery and he doesn't identify as male or female, public bathrooms force Kris to make an uncomfortable choice, so he prefers single-person restrooms. Few exist on campus, so Kris has to seek out specific buildings to go to the bathroom.

Much like the problem with bathrooms, Kris, like many transgender individuals, must find specific health providers that know how to treat trans people.

“We don't know the long-term effects of testosterone on the ovaries or uterus. There is a lot to be vigilant about,” Kris said. “Cysts are common ... it's very worrisome when you have an environment where gynecological services are not necessarily available for trans masculine people.”

Though Kris has never been turned away from health care for internal organs such as the uterus, vagina, ovaries, and cervix, he knows many trans masculine individuals who have faced resistance. Those internal organs require extra care, and are common sites for cancer. Planned Parenthood is one of few places that is always open and accepting of trans individuals, Kris said.

Beyond health providers, many transgender individuals are fearful when traveling or in public spaces where they could be outed without their consent. Traveling is especially difficult for Kris. Due to the fact that he identifies as genderqueer, all of his IDs still list him as a female but he passes as a male. So when traveling abroad, Kris carries all of his paperwork with him, so he can explain his identity when trying to board a plane or go through customs.

“If you are transgender, you are inherently in danger in public,” Kris said. “It points to the fact that institutionalized discrimination exists towards gender difference or gender deviance ... It would really help to have a federal non-discrimination clause that would protect trans folks.”

There have been advances on both the federal and local levels to protect transgender individuals, but these small steps are only the beginning of a long journey to protect those who identify with a gender outside the one assigned at birth.

“I think in my perfect world, society would treat individual human beings with the same kindness and compassion as they would wish to be treated,” Kris said.

“Trans people are people too with the same hopes and dreams as everyone else.”

### **Chronology of the Transgender Experience**

Each transgender individual, like Cory and Kris, has his/her/hir own unique transgender experience. But to better understand each specific person, the following sections provide overviews of the key areas of the transgender experience. There is no way to sum up an entire population’s life experience in only a few pages, so Appendix A provides links for more information on the transgender experience.

## Realization of Trans Identity

Of the transgender individuals surveyed in Genny Beemyn and Susan Rankin's book *The Lives of Transgender People*, 97 percent knew by the end of their teen years that they didn't fit into their assigned gender. Beemyn and Rankin surveyed 3,474 transgender individuals and completed 301 in-depth follow-up interviews, finding that 3,370 individuals knew they were in the wrong gender before age 20.<sup>31</sup> Just like Cory had a desire all his life to be a boy, manifested in his dream at age five, most knew by the age of 13 that their gender didn't line-up with their personal identity.<sup>32</sup>

Both Kris and Cory were tomboys at a young age. According to Beemyn and Rankin, many female-to-male or female-to-other-gender trans individuals act as tomboys growing up. Transgender individuals who are born male, however, are less likely to act feminine, their research found, due to societal restrictions on young boys.<sup>33</sup>

Both Kris and Cory came out as lesbians to their parents first. According to Beemyn and Rankin, more than 75 percent of those assigned female at birth who now identify as another gender identified first as lesbians.<sup>34</sup> Many transgender individuals hide their transgender identity at first, because they are convinced that they are wrong or unacceptable.<sup>35</sup>

Neither Kris nor Cory learned about transgender individuals until later in their lives. For Cory, it took meeting transgender individuals in Columbus, at Ohio

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<sup>31</sup> Beemyn and Rankin, *The Lives of Transgender People*, 43.

<sup>32</sup> Ibid, 45.

<sup>33</sup> Ibid, 50.

<sup>34</sup> Ibid, 118.

<sup>35</sup> Ibid, 50.

University in Athens, and online to help him understand his identity. For Kris, it took moving from a small town in upstate New York to Baltimore, Maryland. According to *The Lives of Transgender People*, many put a name to their trans identity after they met a transgender person in real life or found a transgender forum and information on the internet.<sup>36</sup>

### **Coming out as Trans**

Coming out is a complex and difficult transition for all individuals, and the path for each person is different. Some come out to friends first, some to parents, and some to partners.

While Kris and Cory were lucky enough to have supportive parents, 57 percent of transgender people face family rejection.<sup>37</sup> Mothers tend to be more supportive than fathers, and some families do come around.<sup>38</sup> For many transgender individuals, however, they are estranged from some portion of their family. For Elliot, a transman interviewed by Beemyn and Rankin, his mother “mourns the death of her daughter” and refuses to use male pronouns when addressing her son.<sup>39</sup>

Most marriages ended for transgender individuals who came out as transgender after they were married, especially for male-to-female trans people. For many partners, it called their sexual orientation into question, and unhinged the foundation of their relationship. Many of the successful relationships occurred when the

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<sup>36</sup> Ibid, 55-61.

<sup>37</sup> Jaime M. Grant, Lisa A Mottet, and Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, 1-7.

<sup>38</sup> Beemyn and Rankin, *The Lives of Transgender People*, 73-74.

<sup>39</sup> Ibid, 74.

transgender individual told their partners of their trans identity up-front.<sup>40</sup> Such is the case with Cory, who came out as trans when he met Alwin online, and is now happily married to his accepting partner.

Many transgender individuals with children found their kids to be generally accepting, but some chose to hide their transgender identity from their children. One cross-dressing interviewee, Donna, told Beemyn and Rankin, “I once asked my eight-year-old if it bothered her that I was different. She replied—with wisdom beyond her young age—[by] telling me that being different was okay and that people should be able to be whoever they want to be. It was all I could do to keep from crying. I can only hope that she never loses that view of the world.”<sup>41</sup>

### **Transitioning**

Not all transgender individuals choose to transition. Some don the clothes of the opposite gender, some wear a mix of clothes that are both masculine and feminine, while still others remove their breasts or receive breast implants.

For male-to-other-gender individuals, transition options include: hormone therapy, breast implants, hair extension, facial feminization surgery, shaving of the Adam’s apple, vaginoplasty, which is the creation of a vagina, and more. For some who are becoming women, they will seek out the help of a speech therapist to change their voice patterns.

For female-to-other-gender individuals, transition options include: hormone therapy, breast removal, speech therapy, phalloplasty, which is a penis implant, and

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<sup>40</sup> Ibid, 67-71.

<sup>41</sup> Ibid, 72.



more.<sup>42</sup> Many of these procedures are still advancing with time and technology, but all levels of change require a physician and psychiatrist's consent. And most insurance companies do not cover any or all of the services needed to transition, as was the case with Kris and Cory. Both Kris and Cory, however, noted the euphoric feeling of their new bodies, so for many transgender individuals, it is worth the payment, the treatment, and the surgery to feel at home in their own skin.

### **Daily Struggles**

Transgender individuals face a litany of daily struggles from where to go to the bathroom to how to maintain their physical safety. As Kris said, "If you are transgender, you are inherently in danger in public." Most transgender individuals must admit to identifying as transgender daily when applying for jobs, traveling, or choosing a restroom. These struggles are not all inclusive, but all of the following problems appeared in all texts about transgender individuals and in conversations with both Kris and Cory.

The first daily struggle, which appears repeatedly in transgender work, is choosing a bathroom. In order to transition fully, transgender individuals must live for one year in the gender to which they will transition, meaning for example, that a male transitioning to a female still has the body parts of a man, but presents as a woman. That individual would have to decide which bathroom to use in public spaces. The best solution here is single-person or gender neutral restrooms.

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<sup>42</sup> "Physical Modifications for Trans Women," Transsexual Road Map, accessed March 5, 2013, <http://www.tsroadmap.com/physical/index.html>. And Taylor Flynn, "The Ties That (Don't) Bind: Transgender Family Law and the Unmaking of Families," in *Transgender Rights*, ed. Paisley Currah (University of Minnesota Press, 2006).

Another daily struggle is employment. According to the Human Rights Campaign's "Transgender Visibility Guide," it is not illegal in most states to fire someone for being transgender.<sup>43</sup> Though Cory, who currently works as an adjunct professor at OU, and Kris, who works as an artist, have always had positive, supportive employers, it is possible for transgender individuals to be fired simply for identifying as trans.

A separate problem transgender individuals face is medical coverage. Not only do insurance companies not cover transgender surgeries, but transitioning individuals have to come out to every doctor they see to be treated. Many female-to-other-gender transgender individuals struggle with seeing a gynecologist, just as many male-to-other-gender individuals struggle with seeing a urologist. There is no telling how the doctor will treat them—or if they will be treated at all—once they reveal their trans identity.

Transgender individuals must also reveal their trans identity when traveling, especially overseas. Because Kris was born a woman and has identification that states he is a woman but he passes primarily as a man, he had to carry a slew of documents explaining his identity when traveling abroad. Due to the intersection between security and his transgender status, he was forced to come out to every Transportation Security Administration employee he encountered when crossing the border both in the United States and in foreign countries that may not be as friendly to trans culture.

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<sup>43</sup> "Transgender Visibility Guide," *Human Rights Campaign*, updated January 1, 2009, [http://www.hrc.org/files/assets/resources/transgender\\_visibility\\_guide.pdf](http://www.hrc.org/files/assets/resources/transgender_visibility_guide.pdf).

As both Cory and Kris said, many transgender individuals lose their visibility as a queer individual when they transition, so activism is a struggle. In order to be activists in the LGBT community, transgender individuals have to out themselves continuously. Cory works with his group TransACT to help improve how businesses treat transgender individuals, and Kris works with his body casts, “Ask a Tranny,” and other art pieces and installations to raise visibility about transgender individuals. Without activists, little visibility exists for the trans community, and young transgender individuals lack role models.

Other daily struggles include finding love, securing housing, attending school, playing gendered sports, and more. Since this chapter cannot provide an all-inclusive understanding of trans identity, Appendix A offers additional resources on transgender individuals’ experiences.

## **Conclusion**

All transgender individuals undergo different experiences, but in order for society to foster a more inclusive environment for transgender individuals, their stories, experiences, and lives must be better understood.

Through the stories of Kris and Cory, this chapter aimed to provide two in-depth looks into the lives of transgender individuals; The fears they had telling friends and family, the beauty they found in themselves after they transitioned, and the struggles they still encounter daily. This chapter might provide a small window into the lives of transgender individuals to serve as an introduction for those who have not known transgender individuals personally. By knowing the stories and struggles of

transgender individuals, society can create a more compassionate, accepting space for people of all genders to live, which would eliminate the perceived need for 41 percent of transgender individuals to attempt to end their lives.

In order to understand the present transgender experience, there must be an understanding of the past transgender equality movement. The past allows us to put the present into context and to recognize how these issues of transgender inequality have remained unfixed for many years, so that we can work more effectively toward equality in the future.

## Chapter 2: The History of the Transgender Equality Movement

Hustlers, drag queens, homeless street youth, and other gender non-conformists and counter-culturalists gathered for a typical night at the shabby Mafia-run bar, The Stonewall Inn, on Saturday, June 28, 1969 in New York City.<sup>44</sup> The police often raided gay-oriented bars such as Stonewall arresting the patrons and publishing their names connected to crimes of homosexuality in the papers, which humiliated them and often destroyed their careers. When several squad cars appeared and began their routine arrests that night, however, the crowd fought back. The crowd from the bar began hurling bottles, rocks, bricks, and trash at the police, and the weekend passers-by in the largely gay-friendly neighborhood joined in the brawl, bringing the number of impromptu protesters to nearly 2,000. The police gained control only after calling for back-up. The next night, even larger crowds swelled around Stonewall to protest the raid and police treatment of lesbian, gay, bisexual, and transgender individuals in general.

This event is often cited, with some debate, as the beginning of the gay rights movement. Many smaller battles between the police and the gay population across the country had been occurring in the past few years, so it is unclear why this particular skirmish turned into what the *New York Times* called the “raid heard around the world.”<sup>45</sup> Nonetheless, it sparked a gay rights revolution. Stories of how Stonewall

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<sup>44</sup> The following account of the Stonewall Riot yields from two sources: Susan Burgess, *The New York Times on Gay and Lesbian Issues* (Washington, DC: CQ Press, 2011), 13-14. See also:

Susan Stryker, *Transgender History* (Berkeley: Seal Press, 2008), 82-89.

<sup>45</sup> A *New York Times* report from March, 27, 1994 cited by Burgess, *The New York Times on Gay and Lesbian Issues*, 13.

started still circulate. Sylvia Rivera, a transgender woman, claims she threw the beer bottle that turned the crowd violent, while others say that the women and transgender women in the crowd were angered by the police's treatment of fellow women and transwomen and grew angry.<sup>46</sup> Regardless of the exact cause of the event, transgender individuals played a large role in mobilizing the crowd that night.<sup>47</sup>

While the Stonewall Riot sparked the advent of pride parades, the Gay Liberation Front, the Gay Activist's Alliance, and other markers of great success for the gay and lesbian population, transgender individuals struggled to gain recognition within gay organizations and from the nation at large.<sup>48</sup> So while gay individuals have gained much-needed national and media attention, this study argues that those who question their gender still remain a mystery to the general public and lack basic rights and protections. To fully understand the issues that current transgender individuals face, the history of equality for gender non-conforming individuals in the United States must be recognized and understood.

This chapter outlines the beginnings of the battle for rights for transgender individuals, the 1950s to the 1960s. The chapter then examines the transitional time where transgender rights faced backlash, the 1970s to the 1980s. Finally, this chapter presents the contemporary fight for transgender equality, the 1990s to present day. The conclusion provides insight into the progress, or lack there of, in eight areas that I have labeled the key struggles of the transgender movement: understanding—meaning

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<sup>46</sup> Stryker, *Transgender History*, 83-84.

<sup>47</sup> David J. Jefferson, "Some Marchers in Suits May Consider Fetishists and Male 'Nuns' a Real Drag," *The Wall Street Journal*, April 23, 1993, A16. In Barry L. Tadlock, "Transgender Politics: Framing and Public Opinion," 2012, draft.

<sup>48</sup> Stryker, *Transgender History*, 86.

terms employed, pronouns used, and knowledge of what it means to be trans; harassment—ranging from verbal abuse to hate crime; discrimination—in employment, housing, and public spaces; medical care—from medical coverage to sex reassignment surgery; identity documents—namely birth certificates, name changes, and passports; gender-specific units—from prisons to hospitals; cross-dressing; and finally, marriage and custody laws.

Though advancements have occurred nationally for transgender individuals in terms of cross-dressing laws, hate crime legislation, identity documents, and discrimination; there are many national and state battles that persist from the 1950s to present for transgender individuals, namely in the areas of medical coverage, understanding of trans identity, harassment, ability to marry, and units in public spaces that separate individuals into male and female. This chapter will explore why these issues matter to trans individuals and why advancements have or have not taken place on a national scale. By understanding how progress has been made in the past, society garners greater understanding of how to continue to progress for gender non-conforming individuals in the future.

### **1950s-1960s**

Prior to the 1950s, several landmark occasions occurred for transgender individuals. Beginning with Columbus, Ohio in 1848, localities across the country outlawed cross-dressing.<sup>49</sup> In 1910, German physician Magnus Hirschfeld invented the

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<sup>49</sup> Ibid, 32.

term “transvestite,”<sup>50</sup> and created the first known Institute for Sexual Science in Germany that fostered colleagues such as Eugen Steinach, who first identified sex hormones, and Harry Benjamin, who became the leading doctor for counseling, treating, and understanding transgender individuals in the United States in the 1950s.<sup>51</sup>

In 1952, transgender identity fell into the spotlight when U.S. citizen Christine Jorgensen traveled to Denmark to become the first documented U.S. citizen to have sex reassignment surgery.<sup>52</sup> According to transgender historian Susan Stryker, Jorgensen, who underwent male-to-female surgery, was the most widely written about topic in the media that year.<sup>53</sup> Jorgensen planned to marry her male fiancé, but was denied the right because her birth certificate listed her as male, and two “males” could not marry.<sup>54</sup> During this time of heavy coverage, many news outlets questioned what to call Jorgensen: a hermaphrodite, a transvestite, or something else entirely.<sup>55</sup>

In 1966, to deal with the confusing terminology and ignorance of the media and therefore the general population, Dr. Harry Benjamin published *The Transsexual Phenomenon*—coining the term “transsexual” as one who wished to change gender surgically as separate from a “transvestite” or “cross dresser” as one who wished to wear the clothing of the opposite gender.<sup>56</sup> Later that same year, Dr. John Money of John Hopkins University offered the first sex-reassignment surgeries in the United

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<sup>50</sup> Genny Beemyn and Susan Rankin, *The Lives of Transgender People* (New York: Columbia University Press), 2.

<sup>51</sup> Stryker, *Transgender History*, 39-40.

<sup>52</sup> Burgess, *The New York Times on Gay and Lesbian Issues*, 82-84.

<sup>53</sup> Stryker, *Transgender History*, 47.

<sup>54</sup> Burgess, *The New York Times on Gay and Lesbian Issues*, 82-84.

<sup>55</sup> Stryker, *Transgender History*, 49.

<sup>56</sup> *Ibid*, 49, 73, and 111.



States.<sup>57</sup> From 1966 to 1968, the transsexual group Conversion Our Goal (COG) and the San Francisco Center for Special Problems provided transgender individuals with support groups, counseling, and identification cards that matched their current gender. Without IDs that matched the gender with which they identified, transgender individuals were often denied employment.<sup>58</sup>

During the tumultuous late 1950s and 1960s, transgender individuals, were allies in the fight for equality with lesbians and gays. The police harassed all LGBT individuals at the time, and the police specifically targeted transgender individuals for not having ID cards. Without proper ID, police arrested transgender individuals on suspicion of vagrancy or lewdness, and these trans people were often placed in the jail of their “biological sex” where they were susceptible to further abuse, rape, and even murder.<sup>59</sup> Protest grew among the gay and trans population as a result of such abuse, leading to uprisings against police at Coopers Donuts in Los Angeles in May 1959, at Dewey’s lunch and coffee house in Philadelphia in 1965, and at Compton’s Cafeteria in San Francisco in 1966, all of which foreshadowed Stonewall in New York City in 1969.<sup>60</sup>

During this time, gays and transgender individuals stood together as outcasts of society, and fought alongside each other against police. Transgender identity was also popular during the counter-culture movement of the 1960s, as men grew their hair long and women dressed in more traditionally masculine clothing. It became vogue to

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<sup>57</sup> William N. Eskridge, Jr. and Nan D. Hunter, *Sexuality, Gender, and the Law*: Third Edition (New York: Foundation Press, 2011), 58.

<sup>58</sup> Stryker, *Transgender History*, 75-76.

<sup>59</sup> *Ibid*, 61 and 67.

<sup>60</sup> *Ibid*, 61-63.

gender-bend through clothing choice, and counter-culturalists accepted trans identity.<sup>61</sup>

The Stonewall Riot in 1969, detailed at the beginning of this chapter, was a watershed moment for gays and lesbians, leading to the creation of the Gay Liberation Front, the Gay Activists Alliance, and pride parades, but many of these groups didn't include transgender individuals.<sup>62</sup> Along with the backlash to the 1960s counter-culture and the exclusion of transgender individuals in the second wave of feminism, Stonewall served as a harbinger of two decades of transgender inequality and backlash to progress made.<sup>63</sup>

### **1970s-1980s**

The year 1973 was one of the lowest points of transgender U.S. political history. Organizers of the primary San Francisco Pride Parade barred transgender individuals from participating, even though only one year before the parade had celebrated Compton's Cafeteria Riots in San Francisco, which was an event led primarily by transgender individuals. The conservative Gay Activists Alliance explicitly prohibited the participation of transgender individuals, and the more liberal Gay Liberation Front often ignored transgender issues. That same year, psychologists removed "homosexuality" from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), and while this served as a major victory for gay and lesbian populations, transgender individuals continued to carry the stigma of a mental disorder. In 1980, the DSM classified transgender individuals as "transvestic

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<sup>61</sup> Ibid, 91-92.

<sup>62</sup> Ibid, 86.

<sup>63</sup> Ibid, 91-92.

fetishism” and “transsexual.” So while the gay population focused on fighting other areas of discrimination, transgender populations fought alone for the removal of the DSM designation.<sup>64</sup>

Transgender individuals not only lost many of their gay and lesbian allies, they lost the support of the feminist movement with the advent of the second wave of feminism. At the 1973 West Coast Lesbian Feminist Conference, keynote speaker Robin Morgan asked audiences why they allowed the “obscenity of male transvestism,” and followed this question with the following remarks:

I will not call a male ‘she;’ thirty-two years of suffering in this androcentric society and of surviving, have earned me the title ‘woman;’ one walk down the street by a male transvestite, five minutes of being hassled (which he may enjoy), and then he dares, he dares to think he understands our pain? No, in our mothers’ names and in our own, we must not call him sister.<sup>65</sup>

From then forward, the “transsexual rapist” trope spread through feminist and lesbian organizations. It went so far that in 1979, Mary Daly’s doctoral student, Janice G. Raymond wrote *The Transsexual Empire: The Making of the She-Male*, which compared transgender individuals to Nazis, and in 1986, a San Francisco Lesbian newspaper *Coming Up* called male-to-female transgender individuals, “a mutant man, a self-made freak, a deformity, an insult.”<sup>66</sup>

Although the transgender community lost many allies in the 1970s and 1980s, not all progress was lost. In 1977, Renee Richards, a male-to-female transgender woman, garnered the right to compete in the U.S. Open Tennis Tournament as a

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<sup>64</sup> Ibid, 97-102.

<sup>65</sup> Ibid, 104.

<sup>66</sup> Ibid, 105-110.

woman.<sup>67</sup> That same year the Centers for Disease Control and Prevention produced a model vital records statute—the statute that determines how to create and correct birth certificates—advising states to amend birth certificates when an individual undergoes sexual reassignment surgery.<sup>68</sup> By 1985, 18 states, including North Carolina, Virginia, and Arkansas, allowed transgender individuals to alter their birth certificates after sex-reassignment surgery.<sup>69</sup> In 1978, the Illinois Supreme Court ruled that a statute prohibiting cross-dressing—which led to the arrest of two male-to-female transsexuals who were dressed in women’s clothing in preparation for their sex reassignment surgery—was unconstitutional.<sup>70</sup> It was this case and others like it that set a precedent that laws prohibiting cross-dressing are unconstitutional.

Another landmark of the decade came in 1979 with the creation of the Harry Benjamin Standards of Care. These laid out procedures and protocols to help medical professionals guide and diagnose someone with “gender identity disorder.” First, a person had to undergo months of therapy for a GID diagnosis, which allowed one to go to an endocrinologist for hormone treatment. From there, the person had to live for a year as a member of the gender to which he/she/ze will transition. After that, a psychiatrist evaluated whether or not the person should or should not have gender reassignment surgery, and from there, they could legally change their gender

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<sup>67</sup> Burgess, *The New York Times on Gay and Lesbian Issues*, 83.

<sup>68</sup> Jami K. Taylor, Barry L. Tadlock, and Sarah Poggione, “Birth Certificate Amendment Laws and Morality Politics,” draft, accessed September 2012, 4.

<sup>69</sup> *Ibid*, 18.

<sup>70</sup> *City of Chicago v. Wallace Wilson*, 75 Ill.2d 525, (1978). As reprinted in: Eskridge, *Sexuality, Gender, and the Law*: Third Edition, 56-57.

identity.<sup>71</sup> These standards of care, though they have been revised over the years, are still in use today and provide consistency in treatment in the United States.

In 1981, a new medical problem rocked the transgender community: the Acquired Immune Deficiency Syndrome (AIDS) epidemic. Since some of the transgender population worked as prostitutes, many in the community easily contracted Human Immunodeficiency Virus (HIV), which causes AIDS. Transgender individuals also often shared needles, which were used to take hormones, leading to a greater spread of the deadly disease.<sup>72</sup> The only positive result of the spread of the lethal syndrome was that the devastation served as an impetus for more vocal transgender communities and allied transgender communities once again with gay and lesbian individuals who were often victims of AIDS.<sup>73</sup>

As transgender communities worked to combat AIDS, transgender individuals also fought against discrimination in the work place. In 1984, the Seventh Circuit appellate court upheld the firing of an airline pilot who tried to return to work after transitioning from a man to a woman, saying that Title VII—part of the Civil Rights Act of 1964 that prevents employment discrimination based on sex—did not protect a transgender individual. In the court’s view, protection of sex was limited to biological sex only.<sup>74</sup> This set a precedent that Title VII would not protect transgender individuals until 1989 in *Price Waterhouse v. Ann Hopkins*.<sup>75</sup> In this case, the U.S.

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<sup>71</sup> Stryker, *Transgender History*, 111-112.

<sup>72</sup> *Ibid*, 114-115.

<sup>73</sup> *Ibid*, 132-134.

<sup>74</sup> *Ulane v. Eastern Airlines*, 742 F.2d 1081, (1984). Excerpted in Eskridge, *Sexuality, Gender, and the Law*, 632.

<sup>75</sup> 490 U.S. 228, (1989). Excerpted in Eskridge, *Sexuality, Gender and the Law*, 506.

Supreme ruled in favor of Hopkins, who had been refused a promotion at Price Waterhouse due to the fact that she was seen as too masculine. In the 5-4 decision, the Court ruled that Title VII protected her, even though the discrimination was not based on sex but on gender expression, because her sex and gender played a distinctive role in the employment decision.<sup>76</sup> This decision, though not specifically about a transgender individual, changed the lives of transgender individuals in the workplace by ruling, in the highest court in the nation, that discrimination based on gender expression in the workforce is illegal under Title VII. Though this protection has been inconsistent in different cases on both a federal and state level, this case was a major victory for transgender equality.

As the conservative 1980s shifted to the more moderate and liberal 1990s, the lives of transgender individuals changed for the better. And with the advent of the internet, the presence of trans identity and transgender communities greatly increased in the United States.

### **1990s to Present**

In 1991 and 1992, “transgender” became part of the gender-nonconforming vernacular as an umbrella term that describes any and all individuals who do not align strictly with the gender assigned to them at birth.<sup>77</sup> As opposed to the fractured groups that were “transsexuals,” “transvestite,” and “cross-dressers,” the term “transgender” brought gender-traversing groups together, providing a necessary unity to the trans movement as a whole.

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<sup>76</sup> Ibid.

<sup>77</sup> Stryker, *Transgender History*, 123.

During these same few years, alliances resurfaced between transgender individuals and feminists as well as gays and lesbians. A growing number of feminists found themselves in the “sex-positive” camp, which celebrated female sexuality. These feminists were much more inclusive of transgender individuals, and through the work of Judith Butler, understood that transgender genders are as real and valid as genders assigned at birth.<sup>78</sup> With the stress of the AIDS crisis, lesbian and gay individuals worked with transgender individuals as “queers” fighting for medical justice. This alliance, combined with a younger generation of more open-minded gays and lesbians, led to a greater acceptance of transgender individuals by the gay community. By 1995, the acronym LGBT (Lesbian, Gay, Bisexual, Transgender) epitomized the inclusion of transgender issues in the battle for gay rights.<sup>79</sup> This fragile reconnection was threatened once again in 2007 with a crisis over the proposed Employment Non-Discrimination Act (ENDA). The sponsors decided to remove the language from the bill that included gender identity and expression—which meant the bill protected those with variant sexual orientations only and not transgender individuals—in an effort to increase the likelihood that it would pass. The Human Rights Campaign (HRC) and other gay and lesbian organizations endorsed this sexual-orientation-only bill, which passed only in the House of Representatives and not in the Senate.<sup>80</sup> The bill has been reintroduced in recent years with the inclusion of gender identity and expression.

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<sup>78</sup> Ibid, 131-132.

<sup>79</sup> Ibid, 135-137.

<sup>80</sup> Ibid, 150-153.

Alongside this resurrection of alliances in the 1990s came small advancements in the medicalization of transgender identity. In 1994, “transsexual” in the Diagnostic and Statistical Manual of Mental Disorders became “gender identity disorder” (GID), which remains the primary diagnosis of transgender individuals within the medical community along with the term “gender dysphoria.”<sup>81</sup> The editors of the 2013 DSM have proposed changing GID to “Gender Incongruence.”<sup>82</sup> Regardless of the term employed, trans identity is still considered a mental disorder that requires diagnosis to receive treatment.

During the mid 1990s, the internet accrued massive popularity among average citizens of the U.S. through the creation of Netscape. The new technology allowed transgender individuals to find resources, forge online support groups, and come to terms with their identity. As one cross-dresser, Tina S., interviewed by Beemyn and Rankin for their book *The Lives of Transgender People*, said, “I learned from reading, but I was *liberated* by the Internet!”<sup>83</sup> With access to information and other people who dealt with the same issues, transgender individuals became a national transgender community through the internet. With the greater visibility of transgender individuals—via the web, the term LGBT, and other avenues—media coverage of trans issues subsequently increased in the past two decades.

Since 2000, transgender equality has increased, but only through a two-steps-forward-one-step-back pattern. After the tragedy of September 11, 2001, identity

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<sup>81</sup> Madeline H. Wyndzen, “DSM-IV,” *All Mixed Up*, accessed October 24, 2012, [http://www.genderpsychology.org/transsexual/dsm\\_iv.html](http://www.genderpsychology.org/transsexual/dsm_iv.html).

<sup>82</sup> Beemyn and Rankin, *The Lives of Transgender People*, 5.

<sup>83</sup> *Ibid*, 57-58.



documents have become paramount for travel, immigration, and safety in general. Though it is possible to garner a name change, an altered gender from the Social Security Administration, and a correct drivers license and passport,<sup>84</sup> these transitions require extensive paperwork, and require numerous signatures and letters from one's physician.<sup>85</sup> Birth certificates can be altered in 47 states, but typically only with full sex-reassignment surgery—meaning both top and bottom surgery.<sup>86</sup> All of this means that a person's gender is subject to change as they travel, even within the United States.

The identification issue also plays a role in marriage and custody law. In 2002, the Supreme Court of Kansas invalidated a marriage between a man and his transsexual wife, J'Noel Gardiner, who had undergone full sex-reassignment surgery on the grounds that J'Noel, "remains a transsexual, and a male for purposes of marriage."<sup>87</sup> According to the court, Kansas law permits marriages only between a man and a woman, which does not include same-sex marriages or marriages including "a transsexual." While Courts in California, Maryland, and New Jersey have ruled in favor of post-operative transsexual marriages, there is no federal ruling on the topic of

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<sup>84</sup> "Know Your Rights—Transgender People and the Law," American Civil Liberties Union, updated November 19, 2009, accessed September 23, 2012, [http://www.aclu.org/hiv-aids\\_lgbt-rights/know-your-rights-transgender-people-and-law](http://www.aclu.org/hiv-aids_lgbt-rights/know-your-rights-transgender-people-and-law).

<sup>85</sup> As evidenced by several sources:

"Identification Requirements for Gender Reassignment Applicants," U.S. Department of State, accessed October 29, 2012, [http://travel.state.gov/passport/get/first/first\\_5100.html](http://travel.state.gov/passport/get/first/first_5100.html).

"Know Your Rights—Transgender People and the Law."

<sup>86</sup> "Know Your Rights—Transgender People and the Law."

<sup>87</sup> *In the Matter of the Estate of Marshall G. Gardiner*, 273 Kan. 191, (2002).

marriage or on the topic of transgender parental rights, putting transgender individuals at great legal uncertainty in union and custody battles.<sup>88</sup>

In terms of employment, the Court has made great strides for transgender equality. In 2007, the U.S. Court of Appeals upheld the firing of a transgender bus driver in *Krystal Etsitty v. Utah Transit Authority*, because the male-to-female individual was using the female bathroom—while still having male genitals—which upset bus patrons and opened the Utah Transit Authority up to liability issues and further complaints.<sup>89</sup> The 2007 decision ruled that Title VII—the protection against sex-based discrimination—did not protect Etsitty. In 2008, however, the U.S. District Court for the District of Columbia ruled in favor of a transgender employee who lost her job offer when she told her employers she would be transitioning from a man to a woman in *Diane Schroer v. James H. Billington, Librarian of Congress*.<sup>90</sup> This court ruled in favor of protections for transgender individuals under Title VII, because it was discrimination based on sex even if it was a change of sex. Finally, according to a May 2012 report from the National Center for Transgender Equality, the U.S. Equal Employment Opportunity Commission (EEOC) and federal courts now agree that Title VII officially extends to transgender individuals, which makes employment discrimination on the grounds of trans identity illegal.<sup>91</sup>

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<sup>88</sup> “Know Your Rights—Transgender People and the Law.”

<sup>89</sup> 502 F.3d 1215, (2007). Found via: Eskridge, *Gender, Sexuality, and the Law*, 640.

<sup>90</sup> 577 F.Supp.2d 293, (2008). Found via: Eskridge, *Gender, Sexuality, and the Law*, 633.

<sup>91</sup> “Know Your Rights: Employment Discrimination and Transgender People,” National Center for Transgender Equality, May 2012, [http://transequality.org/Resources/EmploymentKnowYourRights\\_May2012.pdf](http://transequality.org/Resources/EmploymentKnowYourRights_May2012.pdf).

Trans health care has been an uphill battle. Robert Eads, who transitioned from a female to male in his 30s, died in 1999 at age 53 from ovarian cancer. When he was initially diagnosed, over two dozen doctors denied him necessary treatment on the grounds that he was a transgender individual. By the time he received aggressive cancer treatment it was too late. His story is the center of an award-winning documentary about his last year of life: *Southern Comfort*.<sup>92</sup> His tragic story is not the exception but rather the rule. *The Nation* reported in a May 2012 story, “What the Affordable Care Act Means for Transgender People,” that many medical insurance providers, including Medicare, deny “transition-related” care to patients, which includes counseling, hormone treatment, sex reassignment surgery, and occasionally even basic antibiotics with the “transition-related” defense.<sup>93</sup> With the passage of the Affordable Health Care Act in 2012, however, Title VII—protection from sex-based discrimination—is extended to all hospitals and health centers that receive federal aid. Therefore, in 2014, it will be illegal for healthcare providers to discriminate against transgender people, but this does not guarantee that transgender individuals will receive insurance coverage for “transition-related” care.<sup>94</sup>

Transgender individuals have received greater media coverage in the past decade due to several celebrities and others stepping forward as trans. In 2008, Thomas Beatie garnered national attention—he even appeared on *Oprah*—when he, as

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<sup>92</sup> “Synopsis,” *Southern Comfort*, accessed October 30, 2012, <http://www.nextwavefilms.com/southern/#synopsis>.

<sup>93</sup> Marisa Carroll, “What the Affordable Care Act Means for Transgender People,” *The Nation*, August 14, 2012, accessed October 30, 2012, <http://www.thenation.com/article/169391/what-affordable-care-act-means-transgender-people#>.

<sup>94</sup> “Health Care Rights and Transgender People,” National Center for Transgender Equality, August 2012, accessed October 30, 2012, [http://transequality.org/Resources/HealthCareRight\\_UpdatedAug2012\\_FINAL.pdf](http://transequality.org/Resources/HealthCareRight_UpdatedAug2012_FINAL.pdf).

a female-to-male individual who still had female reproductive organs, carried a child to term.<sup>95</sup> In 2011, Chaz Bono, a female-to-male transgender individual who is the only child of legendary entertainers Sonny and Cher, became a contestant on the popular reality television show *Dancing with the Stars*.<sup>96</sup> Bono, born Chastity, also made headlines in the past few years for opening up about his transition on talk shows and in newspapers nationwide. Television shows have also included fictional transgender characters, such as *All My Children*'s Zoe in 2006. Zoe transitioned from male to female during the show's season.<sup>97</sup> Public transgender individuals are essential, because they help dispel ignorance about trans identity amongst the general public and provide transgender youth with role models.

One area with lingering problems is harassment of trans people. In 2007 in Colorado, a 31-year-old man beat 18-year-old transwoman Angie Zapata to death after the two had been on several dates and he found out she had male genitalia. He beat her first with his fists and then with a fire extinguisher until she died.<sup>98</sup> In 2011, a 14-year-old girl and an 18-year-old girl kicked and beat a transwoman, Chrissy Lee Polis, in a McDonald's in Baltimore, Maryland, while onlookers looked on and laughed. A worker at the restaurant filmed the incident, which landed Polis with several severe

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<sup>95</sup> Burgess, *The New York Times on Gay and Lesbian Issues*, 84.

<sup>96</sup> Tadlock, Barry, Jami K. Taylor, and Sarah Poggione, "Transgender politics: Framing and public opinion," 3.

<sup>97</sup> "All My Children' features transgender role," *Associated Press*, December 5, 2006, accessed October 30, 2012, <http://today.msnbc.msn.com/id/15910439/ns/today-entertainment/t/all-my-children-features-transgender-role/#.UJAQb2mfF28>. Found via a mention in: Tadlock, "Transgender politics: Framing and public opinion," 8.

<sup>98</sup> Dan Frosch, "Death of a Transgender Woman Is Called a Hate Crime," *The New York Times*, August 2, 2008, accessed October 30, 2012, [http://www.nytimes.com/2008/08/02/us/02murder.html?\\_r=0](http://www.nytimes.com/2008/08/02/us/02murder.html?_r=0). Found via a mention in: Tadlock, "Transgender politics: Framing and public opinion," 8.

kicks in the head until she had a seizure.<sup>99</sup> In 2009 strides were made to protect against such atrocities when Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act, which states, among other things, that violence on the grounds of gender identity is a hate crime.<sup>100</sup> If an act is labeled a hate crime, the perpetrator is subject to a harsher punishment. This act will not stop all discrimination, obviously, and according to a 2011 report of the National Transgender Discrimination Survey, 53 percent of the 6,540 transgender individuals polled had been verbally harassed or disrespected in a public space.<sup>101</sup> Outside of public spaces, 63 percent of those polled, approximately 4,100 people, had experienced a serious act of discrimination, which the report defines as an event that has a major impact on someone's quality of life and the ability to sustain oneself. Examples of a serious act of discrimination include but are not limited to job loss, physical or sexual assault, and incarceration due to gender identity and expression.<sup>102</sup> There is currently no federal law specifically prohibiting discrimination on the basis of gender expression in the areas of housing and public accommodation.

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<sup>99</sup> Jill Rosen, "Victim of McDonald's beating speaks out," *The Baltimore Sun*, April 24, 2011, accessed October 29, 2012, [http://articles.baltimoresun.com/2011-04-24/news/bs-md-mcdonalds-beating-20110423\\_1\\_transgender-woman-mcdonalds-county-police](http://articles.baltimoresun.com/2011-04-24/news/bs-md-mcdonalds-beating-20110423_1_transgender-woman-mcdonalds-county-police).

Found via a mention in: Tadlock, "Transgender politics: Framing and public opinion," 8.

<sup>100</sup> "It's Official: First Federal Law to Protect Transgender People," News 2009, National Center for Transgender Equality, 2009. Accessed October 23, 2012.

[http://www.transequality.org/news09.html#first\\_law](http://www.transequality.org/news09.html#first_law)

<sup>101</sup> Jaime M. Grant, Lisa A. Mottet, Justin Tanis with Jack Harrison, Jodi L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, 4.

<sup>102</sup> *Ibid*, 7.

## Conclusion

Progress has been made toward transgender equality over the years, yet there is much that remains to be done in each area that has served as a key struggle for trans individuals since the 1950s: understanding, harassment, discrimination, medical care, identity documents, gender-specific units, cross-dressing, and marriage licenses.

In terms of understanding—meaning the terms used, pronouns employed, and knowledge of what it means to be trans—there has been progress due to media attention, but incorrect pronouns and incorrect terminology is still employed on a daily basis. Due to individuals such as Chaz Bono and Thomas Beatie, the general public has greater knowledge of what it means to be a transgender individual. There is little guidance, however, outside of advocacy websites such as the Gay and Lesbian Alliance Against Defamation, that explain the correct vernacular for referencing a transgender individual.<sup>103</sup> Since there are no gender-neutral pronouns in English, besides ‘it,’ confusion exists on what pronoun should be employed when discussing transgender individuals. The more that trans individuals come out publically, and the more that advocate groups spread the word about transgender individuals, the more society will know.

Harassment, as described at length in the previous section, is nowhere near eradicated. While the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act is a great first step, verbal and physical harassment persists. And there is no bullying law on a national scale that specifically includes gender identity and

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<sup>103</sup> Find these guidelines at <http://www.glaad.org/transgender>.

expression.<sup>104</sup> As long as attacks of the scale of Polis and Zapata continue, harassment will remain a large problem. According to the National Transgender Discrimination Survey Report, 71 percent of those surveyed have hid their gender or their gender transition from others to avoid harassment and discrimination.<sup>105</sup>

Discrimination, which is distinct from harassment because it occurs through systematic legal injustices, has decreased considerably over the years. Due to the expansion of Title VII, employment discrimination is illegal, but that doesn't mean it doesn't occur. According to the same survey report, 90 percent of those interviewed reported discrimination, mistreatment, or harassment on the job.<sup>106</sup> In terms of housing, there are no national laws that prevent housing discrimination on the grounds of gender identity or expression, but many states and cities have specifically made provisions that prevent housing, employment, and public accommodation discrimination of trans people.<sup>107</sup> What is needed is federal protection, and more importantly, stricter enforcement of laws already in place.

Medical care remains a constant battleground for trans individuals. The Affordable Healthcare Act will alleviate some problems by preventing discrimination on the basis of sex and gender and by eliminating the refusal of insurance based on pre-existing conditions. Insurance providers, in most cases, still will not cover trans-related care from hormone treatment to counseling to sex reassignment surgery. It is

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<sup>104</sup> Though there is no federal bullying law, 15 states have anti-bullying laws that protect against gender identity and sexual orientation bullying.

“States with Safe Schools Laws,” Gay, Lesbian & Straight Education Network, accessed April 8, 2013, <http://www.glsen.org/cgi-bin/iowa/all/library/record/2344.html>.

<sup>105</sup> Grant, “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey,” 4.

<sup>106</sup> Ibid, 4.

<sup>107</sup> “Know Your Rights - Transgender People and the Law,” 1.

imperative that transgender individuals, especially those who transition but maintain organs from the other sex, feel comfortable seeking treatment, so that everyone's tale does not end as tragically as Eads' did.

Identity documents have become available on most levels. Names can be changed in most states, as well as names and genders on passports and drivers licenses. Birth certificates can be altered in all but three states: Ohio, Idaho, and Tennessee. These documents are even more important in the wake of September 11, yet it takes approval on a state and federal level for these lengthy documents to be approved.

Units that separate individuals into male and female such as hospitals, jails, and sports teams, though not often spoken of in this chapter, remain a problem. Courts have upheld that prison officials decide where prisoners are placed, and it is difficult to receive hormone treatment while in prison.<sup>108</sup> There is little information available about other gender-specific units, such as hospitals, homeless shelters, and bathrooms. This remains area where ample progress is needed. Gender-specific units will be covered in more depth in chapter four.

Cross-dressing is much more widely accepted, and laws against cross-dressing are all but eradicated. According to the American Civil Liberties Union, a few places—no specifics are provided—still have cross-dressing laws, which are used to harass transgender individuals.<sup>109</sup>

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<sup>108</sup> Ibid, 1.

<sup>109</sup> Ibid, 1.



Marriage and custody laws have come a long way in some areas, but have made little progress in others. While courts in more liberal, Democrat-heavy states, such as California, have validated transsexual individuals' right to marry, other states, such as Kansas, refuse to permit it. Custody laws remain as convoluted as marriage rights. Just as the gay community is fighting on a state and national scale for marriage equality so are transgender individuals.

Overall, while much progress has been made in certain areas, such as cross-dressing, discrimination, and identity documents, there remains much to be done across all issues that transgender individuals face.

Now that the history of the national movement for transgender equality has been outlined, this study will move into a more in-depth analysis of the state of Ohio. The next chapter analyzes the rulings of Ohio courts concerning transgender individuals and specifically the language employed in these rulings.

### Chapter 3: Ohio Courts Analysis

The 32-year-old guard of the Cleveland House of Corrections, James Belle, sauntered over to the cell of transgender inmate R.S. in March 2010.<sup>110</sup> R.S., born a man who identified and presented as a woman, was a past victim of sexual abuse. R.S. sat in a cell in a special segregation unit devised to keep specific inmates safe from the harm of fellow prisoners. But it didn't protect R.S.—a 24-year-old jailed for expired warrants—from Belle.

Belle slapped R.S.'s buttocks and joked about R.S. giving him "head." Belle left to check on the other inmates, but he returned to R.S. later that night and forced the inmate to perform oral sex on him. After Belle ejaculated in R.S.'s mouth, he left. Unbeknownst to him, R.S. held Belle's semen in his mouth. R.S. spit the semen into the finger of a latex glove to save as evidence against Belle.

R.S. first contacted family members and then reported the assault to Cleveland House of Corrections. Authorities ignored the inmate. R.S. then reported the incident to Highland Hills Police Department, which collected the semen from the glove and sent R.S. to a hospital to have a rape kit performed, which tells investigators if a rape occurred.

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<sup>110</sup> Account compiled from the following sources:  
Mark Gillispie, "Former jail guard sentenced to 11 years for sexual assaults," *The Plain Dealer*, December 1, 2011, accessed October 7, 2012, [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=13B635297711CF10&p\\_docnum=145&p\\_queryname=1](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13B635297711CF10&p_docnum=145&p_queryname=1).  
Matt Clarke and Alex Friedmann, "State-by-State Prisoner Rape and Sexual Abuse Round-Up," *Prison Legal News*, 2011, accessed October 7, 2012, [https://www.prisonlegalnews.org/\(S\(gz3ueva2b1yvkkjuvgeutczo\)\)/displayArticle.aspx?articleid=24298&AspxAutoDetectCookieSupport=1](https://www.prisonlegalnews.org/(S(gz3ueva2b1yvkkjuvgeutczo))/displayArticle.aspx?articleid=24298&AspxAutoDetectCookieSupport=1).  
*State of Ohio v. Belle*, 2012 Ohio 3808 (2012).

R.S correctly chose Belle out of a photo line-up and gave an accurate description of Belle’s genital hair to the police. DNA evidence from the semen along with R.S.’ testimony connected Belle to the crime. During the investigation—in April 2010—the police arrested Belle for raping a 21-year-old woman he had met on the internet.

On October 27, 2011, an Ohio jury convicted Belle of rape, sexual battery, kidnapping with a sexual motivation, and gross sexual imposition. And in the Cuyahoga County Common Pleas Court, Judge Kathleen Sutula sentenced Belle to 10 years in jail for the charges against R.S., to an additional 18 months for his attack on the 21-year-old female, and as a sexual predator for life. The Cuyahoga County Court of Appeals upheld this conviction in August 2012.

Though the court ruled soundly in favor of R.S., a transgender person, and prosecuted the assaulter, the case still failed R.S. in myriad ways. In the 2012 appellate case *Ohio v. Belle*, the court repeatedly referred to R.S. as a “transvestite”<sup>111</sup>—a term that is generally regarded as an insult to the transgender community<sup>112</sup>—and called R.S. a “he” even though R.S. presents as a female and would, most likely, prefer female pronouns.<sup>113</sup>

This case epitomizes the struggle that transgender individuals face in courts across Ohio. Despite the fact that many Ohio courts currently have a better understanding of what it means to be a gender non-conforming person and rule in their

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<sup>111</sup> 2012 Ohio 3808 at 2.

<sup>112</sup> “GLAAD’s Transgender Resources,” Gay and Lesbian Alliance Against Defamation, accessed October 9, 2012, <http://www.glaad.org/transgender>.

<sup>113</sup> 2012 Ohio 3808 at 1-22.

favor regularly, Ohio courts across the board still operate under a limited, and oftentimes archaic, understanding of what it means to be transgender. This pervasive ignorance appears in three main forms: the misuse of pronouns, the misuse of terms chosen to identify the individuals—such as transgender, transsexual, and so forth—and the incorrect attempts made to define gender and trans-status. In order to rule accurately and talk respectfully about transgender individuals, appropriate language must be employed.

To explore the depth and breadth of treatment of transgender individuals in Ohio courts, I examined all Ohio cases since 1970 that mentioned, “transgender or transsexual or transvestite or ‘cross dresser’ or ‘cross dressing’ or ‘cross dress’ or ‘gender identity disorder’ or ‘gender dysphoria.’”<sup>114</sup> Of the 52 cases that matched these search terms in Lexis Nexis, 38 were deemed specifically relevant, because the case revolved around transgender issues or included a transgender individual in some significant portion of the proceedings. The cases were then analyzed on a qualitative and quantitative level to determine the court’s understanding of transgender issues at the time. Of the 52 original cases, 50 depicted male-to-female transgender individuals, while only two detailed female-to-male transgender individuals.

This chapter analyzes the results by first presenting the four cornerstone cases that changed the lives of transgender individuals on a daily basis. Then the chapter will analyze the universe of Ohio cases in terms of pronouns used, identifiers

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<sup>114</sup> Several search terms are in quotes while others are not, because all phrases or sets of words that describe transgender people needed to be searched as one unit as opposed to two separate words. For example, “cross dressing” must be searched in quotes so the engine does not search for cross and dressing respectively.

employed, and definitions provided of gender variant individuals. The chapter will conclude by analyzing how the language of the courts has or has not changed over time.<sup>115</sup>

#### **Four Cornerstone Cases**

Cornerstone cases are those that had the biggest impact on the daily lives of transgender individuals. These cases dealt with four of the largest themes or issues of trans-identity: cross-dressing, altering birth certificates, changing one's name, and getting married. The four cases analyzed in-depth are as follows: *Columbus v. Zanders*—both the 1970 and the 1974 case, *In Re Declaratory Relief for Ladrach* (1987), *In Re Maloney*—both the 2001 appellate and 2002 Ohio Supreme Court decisions, and *In Re Marriage Application for Nash* (2003). Each case radically changed how the law perceived transgender individuals.

#### **Cross-dressing**

Police spotted Zanders on December 10, 1969 on the streets of Columbus, Ohio.<sup>116</sup> Zanders, born a man, had donned women's clothing and make-up that day—as he did everyday as a transsexual individual—so police arrested him for violating Columbus Municipal code that prohibited people from appearing in any public place in the dress of the opposite sex.

The Franklin County Municipal Court heard and dismissed the case on the grounds that Zanders dressed in women's clothing due to the “mental disease or

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<sup>115</sup> Examples of trans identifiers follows: transvestite, cross-dresser, transsexual, transgender, and/or gender non-conforming.

<sup>116</sup> Account compiled via *Columbus v. Zanders*, 25 Ohio Misc. 144, (1970).

mental defect” of being a transsexual person.<sup>117</sup> The court based this decision on accounts from Dr. Byron Stinson of the Department of Psychiatry Transsexual Protocol Committee of the Ohio State University Hospital who argued that Zanders is a “true transsexual” and from definitions of transgender derived from scholar Dr. Harry Benjamin.<sup>118</sup> Though the court upheld the statute for public safety reasons, this ruling was progressive for the time as it ruled in favor of Zanders. He was not so fortunate in 1974.

Dressed in a short dress and make-up, Zanders stood on a street corner known for prostitution on April 30, 1972.<sup>119</sup> An undercover male police officer drove up to Zanders and indicated he would be interested in a sexual encounter. Zanders hopped in the passenger side, placed his hand on the officer’s leg, and directed him to a parking lot around back. Much to Zanders’ chagrin, the officer pulled out a badge, and Zanders bolted from the vehicle before police apprehended him.

Zander’s dressing in women’s clothing coupled with a charge of engaging in lewdness led the Tenth Appellate court to convict him in 1974. Unlike in 1970, this court ruled that transsexual individuals do not have “special rights” that place them above the ordinance.<sup>120</sup> Even with Dr. Stinson speaking again on Zanders behalf, the appellate court ruled that just because a doctor, Stinson, prescribed Zanders cross-dressing did not make it legal. The court went so far as to ask, “Can it be contended that a doctor could prescribe that a patient kill another person in order to help the

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<sup>117</sup> 25 Ohio Misc. at 150.

<sup>118</sup> Ibid at 145.

<sup>119</sup> Account compiled via *Columbus v. Zanders*, 1974 Ohio App. LEXIS 3187, (1974).

<sup>120</sup> 1974 Ohio App. at 1-13.

patient overcome an inferiority complex, and thereby obtain immunity from prosecution for the patient?”<sup>121</sup> The court correlated cross-dressing with killing when it ruled soundly against Zanders.

The *Columbus v. Zanders* cases not only set the precedent for the illegality of cross-dressing, but also pointed to the lack of chronological progress. The more progressive ruling came out of the 1970 case, while the 1974 case misunderstood transgender identity. Progress is not linear, which is a cause for concern. However in 1975, the Supreme Court of Ohio in *Columbus v. Rogers* overturned the ordinance that outlawed cross-dressing in Columbus on the grounds that men and women’s fashions were changing, so the ordinance could have led to needless arrests and was unconstitutionally vague.<sup>122</sup>

### **Altering Birth Certificates**

Edward Franklin Ladrach became Elaine Frances Ladrach in 1986. After taking hormones for a lengthy period of time, she had her male genitalia constructed into a vagina and changed her name.<sup>123</sup> That same year, 1986, she filed for marriage with her male fiancé. The Court of Common Pleas denied them on the grounds that Ladrach was still chromosomally a male and same-sex marriage was illegal.

This 1987 case decided in the lowest level of the court system about the issue of marriage is the current case law in Ohio prohibiting post-operative transsexuals from altering their birth certificates. The court made this decision based on case law from New York and Ohio’s correction of birth record statute. New York’s 1966 case

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<sup>121</sup> Ibid at 11-12.

<sup>122</sup> 41 Ohio St. 2d 161, (1975).

<sup>123</sup> Account compiled via *In Re Declaratory Relief for Ladrach*, 32 Ohio Misc. 2d 6, (1987).

*Anonymous v. Weiner* ruled that a male-to-female transsexual was still a chromosomal male, and therefore the birth certificate should not be altered.<sup>124</sup> Coupled with the Ohio correction of birth record statute at the time, now R.C. 3705.20, which allowed individuals to change his/her/hir birth certificate for “correctional” reasons only, the court prohibited Ladrach from altering her birth certificate on the grounds that it was technically correct.<sup>125</sup> For this reason, Ladrach was still a male under the law and therefore could not marry her male fiancé. Ironically, this loophole could have allowed Ladrach, presenting as a woman, to marry another woman.

The convoluted court case upheld the denial of Ladrach’s marriage application, and set a precedent that transsexual individuals could change their birth certificate even after sex-reassignment surgery. This decision makes Ohio one of three states where transgender individuals cannot alter their birth certificates to this day.

### **Changing one’s name**

At age 50, Richard Clark Maloney was ready to become Susan.<sup>126</sup> After ending a 22-year marriage to a woman, Richard became lonely and clinically depressed, seemingly unable to understand himself or connect to his two adult children. With the help of his psychologist, Dr. Barbara Brewer, Richard made the bold decision to transition to life as a woman. In 1998, he started hormones. In order to live permanently as a woman—which was required before undergoing sex reassignment surgery—with proper documentation, he filed a name change from Richard to Susan in March 2000. The magistrate and appellate court denied the name change because

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<sup>124</sup> 50 Misc. 2d 380, (1966).

<sup>125</sup> *Ibid* at 8.

<sup>126</sup> Account compiled via *In Re Maloney*, 2001 Ohio App., (2001).



“appellant’s condition is a mental disorder ... The trial court's denial of appellant's name change application is partially premised on its belief that appellant's decision to change his name was made without regard to the possibility that he would change his mind once going through the real life experience.”<sup>127</sup>

The Supreme Court of Ohio overturned this decision in 2002 with a simple one-line opinion citing the recently decided *In Re Bicknell* in which the Ohio Supreme Court granted two lesbians the right to change their last names to be the same.<sup>128</sup>

This one-line ruling remains the case law allowing transgender individuals in Ohio the right to change their names. Unfortunately, this approval did not arrive until 2002, and if it had been up to the trial or appellate courts, transgender Ohioans would still lack the ability to legally change their names to match their presented gender. The 2001 appellate case suggests that ignorance still permeates the courts, especially at the lower levels, as it made the argument that Maloney may eventually want to change his name back, which is estimated to occur with less than 5percent of trans people.<sup>129</sup>

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<sup>127</sup> Ibid at 8-9.

<sup>128</sup> *In Re Maloney*, 96 Ohio St. 3d 307, (2002).

<sup>129</sup> Steve Freiss, “For some, shadow of regret cast over gender switch,” *USA Today*, February, 26, 2009. Accessed October 11, 2012, [http://usatoday30.usatoday.com/news/health/2009-02-24transgenderpenner\\_N.htm?csp=34&utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+usatoday-NewsTopStories+\(News+-+Top+Stories\)](http://usatoday30.usatoday.com/news/health/2009-02-24transgenderpenner_N.htm?csp=34&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+usatoday-NewsTopStories+(News+-+Top+Stories)).

As an aside, even it has been argued by many transgender theorists that those who “go back” are still trans individuals, they may just chose not to live life completely as transgender. Furthermore, many “ex-transgender” individuals become “ex-ex-transgender” individuals, meaning that they end up re-identifying as transgender in the end. One example is seen here:

“Ex-ex-trans,” *Trans Christians*. accessed October 11, 2012, <http://www.transchristians.org/ex-trans/ex-ex-trans>.

## Marriage

Pamela Ann McAloney was born in 1964 in Massachusetts, and later in life, married Michael Michalak.<sup>130</sup> The two divorced in 1998, and Pamela moved to Ohio. In 1999, Pamela became Jacob Benjamin Nash. His name was changed, he underwent sex reassignment surgery, and the state of Massachusetts amended his birth certificate to designate that Nash was male. In 2002, Nash filed to marry his female fiancé, Erin A. Barr. They were denied not once, but twice by the state of Ohio. The first time, the couple forgot to list Nash's previous marriage, and the second time, Nash refused to answer questions about his transition from female to male.

The appellate court in the eleventh appellate district in Ohio denied a marriage license to the couple in *In Re Marriage Application of Marriage License for Nash* in 2003 on the grounds that a Massachusetts' revised birth certificate did not make Nash a man, and further, that same-sex marriage was, and still is, illegal in the state of Ohio. Here, the court employed *Ladrach* asserting that because Ohio transgender individuals could not change their birth certificates, the court would not allow the altered birth certificate of another state. The court went so far as to say: "the words 'male' and 'female' in everyday understanding do not encompass transsexuals ... it cannot be argued that the term 'male,' as used at that time, included a female-to-male transsexual."<sup>131</sup> According to the court, transgender individuals are almost a purgatory gender, not one or the other, but trapped in a category all their own.

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<sup>130</sup> This event is summarized via the account provided in *In Re Application of Marriage License for Nash*, 2003 Ohio 7221, (2003).

<sup>131</sup> *Ibid* at 32. First half of quote is a citation from *In Re Estate of Gardnier*.

The most interesting aspect of this case, however, comes in the dissent penned by Justice Judith A. Christley, who argued that the court was yielding to long-held prejudices by denying the couple a marriage license. She added that people would look back at this decision and wonder, “What were they thinking? ... [they will be] appalled at the generalizations and outright ignorance used by courts and legislatures to justify obviously unconstitutional laws.”<sup>132</sup> She questioned what the danger was in allowing transgender people to marry, and stated that it is the right of the state to protect the sanctity of marriage for all.

Though this case denied marriage once again to transgender individuals, the dissent provided a small window into the slow progress of the justice system. The dissent not only argued in favor of Nash, but used the correct identifier, referring to him as a “transgender individual,” unlike the majority opinion, which called him a “transsexual.” This case also upheld the *Ladrach* ruling that a transgender individual cannot alter his or her or hir birth certificate in the state of Ohio.

Beyond the four cornerstone cases, this chapter analyzes the language of the entire universe of Ohio cases. What follows is an analysis of the pronouns used, the identifiers employed, and the definitions provided throughout the Ohio court cases.

### **Pronouns**

A pronoun is generally defined as a word that replaces a noun, and in the English language, to refer to a singular being, pronouns come in three forms: she, he, or it. Gender-neutral pronouns do not exist—unless “it” is preferred. Since “it” is not

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<sup>132</sup> Ibid at 63 to 64.

typically used in regard to human beings, individuals are referred to as she or he based on their presumed gender. For transgender individuals, pronouns are murky territory.

In some cases, transgender individuals who align with one gender prefer the pronoun of the gender they consider themselves to be. For example, a transgender individual named Taylor who was assigned male at birth, but has undergone surgery to remove the penis, to shave the Adam's apple, and to construct a vagina, typically prefers female pronouns because that is how she identifies. To refer to her as a he or him would be an insult to the years and efforts she has spent transitioning from one gender to another.

In other cases, transgender individuals do not align with any gender and prefer to be referred to as the pronoun of their choice or as "hir," "ze," "they/their" or "hirs," which are generally regarded as gender neutral pronouns within the transgender community. Still other transgender individuals have no pronoun preference. It can generally be assumed, however, that if a transgender individual identifies as a certain gender, he/she/ze would prefer the pronoun of the gender with which they align over the pronoun of the opposite gender. For example, with the aforementioned Taylor example, it is argued for the context of this study that Taylor would prefer the term she or ze over the term he, because Taylor does not identify in any way as male. If Taylor were be referred to as he or him that would be the incorrect pronoun for Taylor.

In court proceedings, like any other description of an event or individual, pronouns are employed in place of repeating a person's name or the term "appellant," "appellee," etc. In cases that involved transgender individuals, courts overwhelmingly

used the wrong pronoun in regards to transgender individuals even when they used the term transgender or ruled in favor of hir. Of the 38 cases deemed relevant, only four used the correct pronoun—three of those cases were from the 1990s and only one was from the 2000s, which again demonstrates the lack of linear progression. Furthermore, 18 cases distinctly used the wrong pronoun, and in 16 cases, the pronoun usage was irrelevant, either because pronouns were not employed at all or because it was unclear whether the individual would or would not have chosen a different pronoun.

The four cases that employed the correct pronoun were *Doe v. University of Hospitals of Cleveland* (1992),<sup>133</sup> *Pollock v. Rashid* (1996),<sup>134</sup> *Office of Disciplinary Counsel v. Williams* (1997),<sup>135</sup> and *Doe v. Mount Carmel Health Systems* (2004).<sup>136</sup> The four cases occurred in different counties, and one was a case from the Ohio Supreme Court. As a small aside, one of only two cases that described a female-to-male transgender individual—the other 50 cases dealt with male-to-female individuals—was *Office of Disciplinary Counsel v. Williams* and that case used the correct pronouns, “he” and “him” when referring to Williams.

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<sup>133</sup> *Doe v. University of Hospitals of Cleveland*, 1992 Ohio App. LEXIS 5691, (1992). A male-to-female transsexual individual desired to have a second set of sex reassignment surgeries, which she said the hospital promised to do for her, even though she didn't have the \$6,000 down payment necessary for the procedure. The Court ruled against her.

<sup>134</sup> *Pollock v. Rashid*, 117 Ohio App. 3d 361, (1996).

<sup>135</sup> *Office of Disciplinary Counsel v. Williams*, 80 Ohio St. 3d 539, (1997). A female-to-male transgender individual embezzled \$47,000 from his employer for sex reassignment surgery. He attributed his criminal conduct to psychological turmoil caused by his inability to transition. The Court ruled against him.

<sup>136</sup> *Doe v. Mount Carmel Health Systems*, 2004 Ohio 1407, (2004). Doe was a “cross-dresser” who presented as a female, and the hospital where she went for treatment noted on her file that she was an anatomical male. When she filed for worker's compensation, her company requested the file from the hospital, which revealed her status and caused her to lose her job. Ruled partially in her favor, partially not.

The courts themselves seemed unclear as to what pronoun usage is correct. In the 1996 case, *Pollock v. Rashid*, the appellate court of Hamilton county referred to the male-to-female transgender plaintiff as Susan Pollock and used only correct female pronouns.<sup>137</sup> Pollock sued broadcast journalist Norma Rashid for defamation, invasion of privacy, and infliction of emotional distress for running a story on the local news network about Pollock’s fight to be removed from the male prison Warren Correctional Institute after being raped, harassed, and refused hormone treatment while there. The story Rashid published, Pollock alleged, contained only the perspective of the warden, and the network made no attempt to interview Pollock or include her side of the story even when Pollock reached out to the network to retract or correct the story. The case ruled partially in favor, in the defamation case, and partially against, in the invasion of privacy and intentional infliction of emotional distress portions. The case used the correct pronouns, used only her female name, and ruled partially in Susan Pollock’s favor.

Two years later, however, in *Pollock v. Brigano* (1998), the appellate court of Warren County did not use female pronouns to identify the same woman, Susan Pollock, and referred to her in the case title as “Susan Marie Pollock, aka Mark Lee Pollock.”<sup>138</sup> In this case, Pollock filed 24 complaints against the warden at Warren Correctional Institute where she was held in the male prison against her will at the mercy of men who harassed her for her trans identity. The case did not employ any pronouns, referring to Pollock, the male-to-female transgender individual, simply as

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<sup>137</sup> 117 Ohio App. 3d 361, (1996).

<sup>138</sup> 130 Ohio App. 3d 505, (1998).

“appellant,” and the court ruled against 22 of her 24 complaints saying, “In short, we do not believe appellant’s privacy concerns rise above the paramount need for institutional security for the other prisoners and staff of WCI.”<sup>139</sup>

Both appellate courts dealt with the same woman, Susan Pollock, but in 1996, the Court of Appeals in Hamilton County referred to her with the proper pronouns while in 1998, the Court of Appeals in Warren County referred to her with no pronouns at all and with her male name. The choice of pronoun hinted at which way the court would rule. The 1996 case, with proper pronouns, ruled more in her favor than the 1998 case, which did not.

Though this case occurred in the 1990s, the courts pronoun usage has hardly improved in the twenty-first century. In the 14 cases since 2000, only one, *Doe v. Mount Carmel Health Systems*, used the correct pronouns. Five distinctly used the wrong pronouns, and in eight cases, pronoun use was irrelevant. Even now, the courts are unsure how to handle pronoun usage when it comes to transgender individuals.

### **Identifiers**

I define identifiers as terms used to describe transgender individuals. They can be in the form of adjectives—such as, he is a transgender person—or in the form of nouns—such as, he is a cross-dresser. Identifiers, logically, comprise identity. These labels depict how a person is seen by society or by a group of people. Ohio courts employ myriad terms to describe transgender individuals, and more often than not, end up using the wrong term.

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<sup>139</sup> Ibid at 511.

Identifiers and labels go in and out of style much like a fashion trend. What is in one era is out the next. And in the lesbian, gay, bisexual, transgender community, what is considered common vernacular one day, can be offensive the next based on how it is construed and the terms with which it becomes associated. The Gay and Lesbian Alliance Against Defamation (GLAAD) lists the following terms as generally offensive to contemporary transgender individuals: transvestite, she-male, he-she, it, trannie, tranny, and shim.<sup>140</sup> The term transvestite specifically is generally regarded as offensive, especially in America, because of its association with bizarre sexual fetishes, perversion, sickness, and mental illness.<sup>141</sup>

The word transvestite often conjures images of sexual deviance evidenced in cult classics like *The Rocky Horror Picture Show*, and yet, transvestite is one of the most common identifiers used by the courts to describe transgender or cross-dressing individuals, even in the past decade. For this selection of cases, I included nine of the 14 cases that are irrelevant to other sections of this chapter, because they employed identifiers. Out of the 47 cases that employed trans terms, 16 used the term transvestite, 16 used the term transsexual, 14 used the term cross-dresser or cross-dress, 10 used one of the following terms: gender identity disorder, gender dysphoria,

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<sup>140</sup> “GLAAD’s Transgender Resources,” Gay and Lesbian Alliance Against Defamation, accessed October 9, 2012, <http://www.glaad.org/transgender>.

<sup>141</sup> There are many examples of this, but it is exemplified by the voices of many transgender or cross-dressing individuals on various forums such as: “Is the term ‘transvestite’ offensive,” Laura’s Playground Transgender, Transsexual, Crossdresser & Intersex Forums, Laura’s Playground, last updated October 6, 2012, accessed October 9, 2012, <http://www.lauras-playground.com/forums/index.php?showtopic=37398&st=0>.



or female impersonator, and two used the term transgender.<sup>142</sup> Therefore, more than one third of the cases employed the term transvestite.

In *State v. Raby* (1986), the appellate court convicted a male-to-female transgender individual, Charles Raby, of grand theft auto.<sup>143</sup> Raby claimed he borrowed the car from Joe Stoutemire, the victim, after the two spent several hours sexually engaged and Stoutemire fell asleep; Raby lost the keys, so Stoutemire physically attacked. Conversely, Stoutemire alleged that Raby, “a transvestite dressed in a purple dress” and two other “female impersonators” robbed him at gunpoint and stole his car.<sup>144</sup> Though the case’s details were murky at best, the court’s language was definitively biased against Raby evidenced by the use of “transvestite” and “female impersonators,” a term that suggested that these individuals do not qualify as real females. As such, it is arguable that the court convicted Raby in this case in part based on biases against transgender individuals.<sup>145</sup>

In *State of Ohio v. Harding* (1995), the appellate court of Greene county convicted Juan Harding of aggravated murder for killing Martin Johnson, a male-to-female transgender individual.<sup>146</sup> Harding saw Johnson walking the streets several times in one evening, and Harding confided in his friend Ambre Allen that he wanted to kill the “fag.” After threatening to act on several occasions, Harding killed Johnson, according to court records. Harding saw Johnson at an intersection, got out of the car

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<sup>142</sup> If cases employed more than one identifier, the case was placed in more than one category, therefore the sum of the identifier breakdown will be higher than the total number of cases observed.

<sup>143</sup> 1995 Ohio App. LEXIS 1924, (1995).

<sup>144</sup> Ibid at 2.

<sup>145</sup> Ibid at 2.

<sup>146</sup> 1995 Ohio App. LEXIS 1924, (1995).

and walked over to Johnson. Johnson began talking to Harding, then pulled out a gun and shot him three times in the head at close range. Harding laughed at the death and continued laughing about his kill throughout the night. The account, cobbled together by his friend Allen, painted a horrifying picture, and the appellate court said, “It is difficult to understand why anyone would choose to kill another person for no apparent reason other than that the victim was a transvestite.”<sup>147</sup> The court seemed appropriately appalled and disgusted by the murder, but the court did not rule the murder as a hate crime and referred to the victim solely as a transvestite, which only made the retelling all the more egregious.

Even now, the courts employ incorrect identifiers. Of the sixteen cases from 2000 to 2012, seven used the term transsexual, three used the term transvestite, three used the term cross-dresser, two used the term transgender, and two used one of the following terms: gender identity disorder or gender dysphoria—which means that even in the twenty-first century, transvestite is the second most common term employed by the courts to describe trans individuals even though transgender is often recognized as the most respectful term.

There is no rhyme or reason as to which courts employ various vernaculars. All districts employed all the terms, and there was no real continuity in terms of chronology. For example, the earliest case documented in the state of Ohio, *Columbus v. Zanders* (1970),<sup>148</sup> used the term transsexual, and the most recent case, *State v. Belle*

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<sup>147</sup> Ibid at 11.

<sup>148</sup> 25 Ohio Misc. 144, (1970).

(2012),<sup>149</sup> used only the term transvestite. By misidentifying an entire category of individuals, it is arguable that the court is hampered by its biases and ignorance in its rulings. Further, with its systematic inaccuracies in identifying transgender individuals, it does not provide accurate information to the public.

### **Defining transgender**

Of the 38 relevant cases, 14 attempted to define transgender either by citing the Diagnostic and Statistical Manual of Mental Disorders, a separate court case, or another source.

The core problem with these definitions was that the courts often viewed traditional definitions of gender as immutable truths, as evidenced by the Neff cases: *In Re Appeal of Michael B Neff* (1986),<sup>150</sup> *In Re Neff* (1988),<sup>151</sup> and *In Re Appeal of Neff* (1989).<sup>152</sup>

Michael B. Neff was a male-to-female transgender individual and a firefighter-paramedic in the city of Westerville since 1973 who lost his job in 1983 when he transitioned from a man to a woman. For nine years on the job, Neff presented as male and was married with three kids. After years of inner turmoil, Neff was diagnosed with gender dysphoria, and he began undergoing the process of becoming a woman beginning with divorcing his wife. During this time, Neff also acknowledged that he suffered from alcoholism, though it is unclear whether this is related to his gender dysphoria or not. According to his job unit, Neff became preoccupied with his

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<sup>149</sup> 2012 Ohio at 2.

<sup>150</sup> 1986 Ohio App. LEXIS 5800, (1986).

<sup>151</sup> 1988 Ohio App. LEXIS 170, (1988). This appeal is not included in the 52 cases analyzed by the author, because it did not include any of the search terms.

<sup>152</sup> 1989 Ohio App. LEXIS 4224, (1989).

transition and became unable to continue his work saving lives in life-threatening situations as required by a firefighter-paramedic. At the hearing for Neff's discharge, the city's medical expert, Dr. John G. Randall, said that Neff was unable to complete his job. On cross-examination, however, the defense found Dr. Randall to be a biased individual who did not approve of gender reassignment surgery. Regardless of that finding, the city fired Neff, so Neff sued the city for lack of due process and won his trial court case.

The first appellate case, heard in 1986 by the Franklin County appellate court, defined gender dysphoria as: "a person having the anatomical sex of one individual but the emotions of an individual of the opposite sex."<sup>153</sup> By referring to Neff's condition this way, the court assumed that Neff was merely an effeminate man or a man who fell prey to his weaker feminine side. This definition did not cite any source, such as the DSM or Neff, but provided this incorrect definition, which served as the basis of this case and subsequent cases. The court went on to define transgender in this way:

Neff admitted that he anatomically is a male, but that he feels that he is emotionally a female. For obvious reasons, the legal sex of a person is determined by his anatomical sex, not by his emotional sex, at least in the absence of a sex-change operation. There appears to be a dearth of authority upon this subject. However, to the extent that there is authority, it is universally recognized that, despite disharmony between one's psychological or emotional sex and his anatomical sex, the social and legal sex or gender of the individual must be determined by the anatomical sex, at least until there is medical intervention harmonizing the psychological or emotional sex and the anatomical sex, namely through a so-called sex-change operation.<sup>154</sup>

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<sup>153</sup> 1986 Ohio App. at 3.

<sup>154</sup> Ibid at 16 to 17.

This text employed numerous examples of loaded and biased word choice: “For obvious reasons” inferred that the court saw Neff unequivocally as male, “universally recognized” inferred that gender as defined by anatomy is a universal truth, and “so-called” suggested the court did not understand or agree with sex change operations. The court’s opinion of gender stemmed not from Neff’s experience but from a historical belief that sex and gender are determined by anatomy, and the court’s ruling—reversing in part and affirming in part—reflected this understanding.

The second appellate case again heard by the Franklin County appellate court, *In Re Neff* (1988), did not attempt to define gender at all, and broke from the first appellate case by referring to Neff consistently as a female through the use of feminine pronouns.<sup>155</sup> In this case, Neff appealed the trial court’s decision that ruled in favor of the city. This 1988 appellate court ruled in favor of Neff, reversing the trial court’s ruling and remanding the case for further proceedings. As stated in a footnote above, this case did appear in my search for cases, because Neff’s gender dysphoria did not come up in the case at all. The court merely made a bold choice to recognize Neff as a woman and ruled soundly in Neff’s favor.

In the final appeal, *In Re Appeal of Neff* (1989), Neff again appealed the decision made by the trial court upholding the city’s decision to fire hir. The Franklin County appellate court returned to the terms used by the first appellate court and referred to Neff as a male with masculine pronouns. The court even justified its decision to use the masculine terms by citing the 1986 appellate court without mention

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<sup>155</sup> 1988 Ohio App. at 1 to 7.

of the 1988 case.<sup>156</sup> The 1989 court concurred with the 1986 appellate court about the definition of gender dysphoria as “having the anatomical sex of one gender and the emotions of the other.”<sup>157</sup> Again this definition was not sourced or cited, but was merely provided as a premise for the rest of the case. Unsurprisingly, the court affirmed the trial court’s decision that Neff was rightly fired, and thus ended the seven-year saga for Neff.

The same appellate court went back and forth about the definition of transgender over the course of three years, and no definitive answer arose. There was a direct correlation, however, between the respect and accuracy of the terms employed and whether or not the court ruled in favor of Neff.

### **Conclusions**

As demonstrated most acutely in the *Neff* cases—which ranged from correct pronouns to incorrect pronouns, from incorrect assumptions about gender to understanding gender, from ruling in favor to ruling against—the courts perceive transgender individuals in unpredictable ways. And these inconsistent rulings define key laws for transgender individuals in the realm of cross-dressing, altering birth certificates, changing one’s name, and marriage.

Though the Ohio courts, as stated in the introduction to this chapter, rule more frequently in favor of transgender individuals than they have in the past and tend to have a better understanding of what transgender is, chronology seems to play almost no part in the progression of pronoun usage, trans identifiers, and transgender

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<sup>156</sup> 1989 Ohio App. at 1.

<sup>157</sup> Ibid at 1.

definitions. There is no one area of Ohio that seems more progressive—across all districts and even running to the Supreme Court of Ohio. There seems to be random instances of understanding and rampant instances of misunderstandings. Ignorance persists in the Ohio courts when it comes to transgender issues, and knowledge about this topic seems apparent only from certain individuals, such as Justice Judith A. Christley in her dissent in the case *In Re Marriage Application of Nash* (2003), but not throughout the system at large. Time has not led to increased knowledge across the board about transgender issues. The main issue with this ignorance is that cases with less knowledge about transgender people often ruled against the transgender party, and maintained misinformed laws.

The Ohio courts should acknowledge this pervasive lack of consistency. Judicial rulings hold incredible weight in terms of how transgender individuals are treated, or mistreated, within Ohio, and if the courts themselves are misinformed, how can transgender individuals be fairly and consistently treated by the law? It is unacceptable that in 2012 a transgender individual can be referred to as a transvestite, such as in *State of Ohio v. Belle*, and referred to with incorrect pronouns even if the court rules in his/her/hir favor. Winning the case is only half the battle for transgender individuals in the courts, the other half is winning proper understanding of their identities.

## Theory: Binary, Judge Bias, and the Problem with Precedent

*“We all came into this world naked. The rest is all drag.”—RuPaul<sup>158</sup>*

Strutting his stuff at over 6’5” in a good pair of heels, RuPaul—actor, drag queen and supermodel—fashioned his own identity from the thread of both genders. His drag persona, leading by example in his Logo television show “RuPaul’s Drag Race,” forces society to assess the meaning of gender, and more importantly, ferocity. Known best for his bold statements about the necessity of self-confidence, his more poignant quote points out the idiocy of punishing sexual minorities for choosing to identify as another gender; if everyone is presenting as a certain gender or persona everyday, does it matter how or which?

It does matter to the law. Two legal scholars, Mary Dunlap and Katherine M. Franke presented two similar viewpoints on the relationship between the binary system of male/female and masculinity/femininity and the law. Mary Dunlap pointed out that the first legal documentation of a child focused on whether the baby was male or female.<sup>159</sup> From that point forward, the way the child was treated, the schools he/she could attend, the teams he/she could play on, and more hinged on this initial, legal designation. And the courts, as a part of the legal system, reinforce the binary, especially in cases of gender minorities. Due to the fact that judges have their own biases and knowledge gaps, decisions made about such minorities are variable. Dunlap

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<sup>158</sup> Amanda McGowan, “RuPaul’s Best Quotes Teach Us To Embrace Our Inner Glamazon,” *Huffington Post*, October 27, 2012, accessed February 13, 2013.

[http://www.huffingtonpost.com/2012/10/27/rupaul-quotes-photos\\_n\\_2029803.html#slide=1692617](http://www.huffingtonpost.com/2012/10/27/rupaul-quotes-photos_n_2029803.html#slide=1692617).

<sup>159</sup> Mary Dunlap, “The Constitutional Rights of Sexual Minorities: A Crisis of the Male/Female Dichotomy,” *The Hastings Law Journal* (1978): 1131-1150. Accessed January 15, 2013.

<http://www.heinonline.org.proxy.library.ohiou.edu/HOL/Page?handle=hein.journals/hastlj30&div=43&collection=journals>.



suggested that in order to represent all sexes fairly, individuals should be able to identify and label their own sex and gender.

Katherine M. Franke argued that the court reinforces its own archaic definition of gender/sexual identity by citing itself or other legal sources to define “generally accepted” gender roles.<sup>160</sup> By relying on the, “because I said so” mantra, the court can premise all decisions on presumptive half-truths.<sup>161</sup> Infusing these decisions with ignorance yields bad decisions that are reinforced over time as case law and precedent.

This failure to progress past precedent served as the core problem for Ohio courts over the past three decades. The 1987 Court of Common Pleas case *In Re Ladrach* ruled that transgender individuals could not change their birth certificates even after sex-reassignment surgery, because according to a New York case *Anonymous v. Weiner*, “male to female transsexuals are still chromosomally males while ostensibly females.”<sup>162</sup> And birth certificates can only be corrected in Ohio if they are “wrong.” This decision, based on *Anonymous v. Weiner*, which the state of New York has since overruled, still serves as the reigning precedent for birth certificate alteration in the state of Ohio. Although this court case made sense in the minds of an uninformed court when it was decided in 1987, it does not make sense now. It remains on the books, however, and allows courts to reinforce bad decisions moving forward. Because courts are seen as harbingers of truth, such decisions on

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<sup>160</sup> Katherine M. Franke, “The Central Mistake of Sex Discrimination Law: The Disaggregation of Sex from Gender,” *University of Pennsylvania Law Review* (1995), 3.

<sup>161</sup> *Ibid.*

<sup>162</sup> *In Re Declaratory Relief for Ladrach*, 32 Ohio Misc. 2d 6, (1987).

male and female are seen as indelible accuracies until those cases are overruled by more enlightened courts.

Dunlap's theory of judge variability is also a fault of the Ohio courts. Of the 38 relevant cases in this study, no consistency existed in the rulings across time or location. Courts in 2012 still use incorrect identifiers while courts in 1970 used proper terms. The personal biases and opinions of the specific judge serve as the crux of the problem.

Although judges are only human, they have a larger responsibility to premise their decisions on research of unfamiliar topics instead of on preconceived notions of truth and personal biases. Though precedent is an essential element of the law, the courts must consider the contextual limitations of past cases, and disregard cases rooted in the ignorance that existed in the past and should not pervade in the future.

## Chapter 4: Newspaper Articles Analysis

Peter Langan crouched in his van, his long red-brown hair falling across his face, as seven federal and Franklin County officers demanded he get out of his vehicle.<sup>163</sup> Langan stayed put in the van loaded with guns and bombs. The air was quiet with tension until the officers unleashed a barrage of bullets for 10 seconds into his van. On January 18, 1996, Columbus police had finally captured a minimally-injured Langan, known as “Commander Pedro” to his gang, for robbing 22 banks across the Midwest as part of the “Midwestern Bank Bandits”—a gang of neo-nazi, anti-government, white supremacists.

But “Commander Pedro” Langan went by an entirely different name in another sector of his life: Donna. A transsexual individual who presented as a woman, Langan frequented meetings of Cross-dressers and Friends for much of 1995. He told his lovers at the time that he was an agricultural consultant. He never divulged his radical beliefs to his transgender friends, and he kept his transsexual identity a well-guarded secret from his neo-Nazi gang.

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<sup>163</sup> This account was compiled through a combination of the following sources: Robert Ruth, “Witnesses Describe Langan’s Transsexual Lifestyle,” *The Columbus Dispatch*, September 26, 1997. Accessed October 29, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3B95885DD880&p\\_docnum=12&p\\_queryname=8](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3B95885DD880&p_docnum=12&p_queryname=8). Robert Ruth, “Attorneys Choose Risky Strategy to Defend Langan,” *The Columbus Dispatch*, September 14, 1997. Accessed October 29, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3B87CE270818&p\\_docnum=19&p\\_queryname=8](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3B87CE270818&p_docnum=19&p_queryname=8). Zagria, “Peter Kevin Langan (1959 - ) outlaw and Cherie Roberts (? - )” *A Gender Variance Who’s Who*, March 3, 2009. Accessed November 27, 2012. <http://zagria.blogspot.com/2009/03/peter-kevin-langan-1959-and-cherie.html>.

But his paradoxical identities, carefully compartmentalized for much of his adult life, became central to his subsequent court case. And Langan quickly became the center of a media firestorm that raged over this neo-Nazi, with ties to the Oklahoma City bombings, who also identified as a transgender individual.

Langan's case yielded over 50 stories in *The Columbus Dispatch* between 1996 and 1999, and 14 mentioned and/or focused on his transsexual alter-ego with headlines such as "Witnesses Describe Langan's Transsexual Lifestyle" and "Colorful Characters Cross Docket," which inferred a link between the bizarre Langan and the average transgender individual.<sup>164</sup>

Since 1985, *The Dispatch* has written only 119 articles that focused on or pertained to transgender individuals. Daily newspapers don't often cover the average transgender individual—as is to be expected given that news constitutes the unusual or noteworthy—but the coverage of transgender individuals is remarkably low given that *The Dispatch* produces well over 119 articles weekly.

This study analyzes the articles of *The Dispatch*, and the articles of *The Dispatch* only, for several key reasons. The newspaper is located in Columbus, Ohio's capital city, so it is most likely to cover state law and legal changes. The city of Columbus is also significant, because it is viewed as incredibly gay-friendly,<sup>165</sup> yet

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<sup>164</sup> These numbers and headlines were found via the database "America's Newspapers" by searching Peter Langan in *The Columbus Dispatch*.

<sup>165</sup> Seen from various sources:

"Columbus Ranked as 31 'Up-and-Coming' Gay City of 2011," *Columbus Underground*, July 12, 2011, accessed April 8, 2013, <http://www.columbusunderground.com/columbus-ranked-as-1-up-and-coming-gay-city-of-2011>.

Columbus also ranked as the second most friendly Ohio municipality by Equality Ohio:

"Ohio Cities and LGBT Law," *Equality Ohio*, accessed April 21, 2012, [http://www.equalityohio.org/images/PDFs/ohio\\_municipalities\\_chart.pdf](http://www.equalityohio.org/images/PDFs/ohio_municipalities_chart.pdf).

*The Dispatch* is generally viewed as a conservative paper.<sup>166</sup> This juxtaposition creates an interesting intersection between liberal and conservative values. Though I had originally hoped to analyze several other Ohio papers in this study, a preliminary search yielded over 1,000 articles that I would be required to sift through, which was not possible given the time constraint on this study. Further research is needed on other Ohio newspapers, but this study provides an in-depth look at the paper from Ohio's capital.

By searching *The Dispatch*'s archive via the database America's Newspapers for "transgender or transsexual or transvestite or 'cross dress' or 'cross dresser' or 'cross dressing' or 'gender identity disorder' or 'gender dysphoria,'" I found 656 articles that matched these search terms. In order to focus solely on news stories, which more accurately parallel the analysis of court cases in the previous chapter, I eliminated all opinion pieces, all pieces that simply mentioned transgender as part of the Lesbian, Gay, Bisexual, Transgender (LGBT) acronym but did not focus on it, and all pieces that subjectively reviewed theater, art, books, or other artistic elements that did not relate to news coverage.<sup>167</sup>

A qualitative analysis of the 119 relevant articles revealed that transgender individuals often appeared in the news under bizarre—primarily crime-related—circumstances, oftentimes with no definition of what it means to be a transgender individual, leaving the audience to infer that the deviance of the individuals detailed in

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<sup>166</sup> *The Columbus Dispatch* endorsed Republican Mitt Romney in the last federal election: "For president," *The Columbus Dispatch*, October 21, 2012, accessed April 8, 2013, <http://www.dispatch.com/content/stories/editorials/2012/10/21/for-president.html>.

<sup>167</sup> I read and reviewed all stories to ensure that no significant story was overlooked.

the article was applicable to all of the transgender population. In more recent years, coverage of transgender issues has not been solely crime related, denoting progress in society's understanding of this subsection of the population, but most coverage only appears in regard to individuals, celebrities, or in the context of a legal battle. More definitions must be provided in the news about what it means to be transgender to make trans-knowledge palatable to the average person.

This chapter will examine how *The Dispatch* has covered transgender individuals from 1985 to January 2013—the dates available online, which made it the paper available farther back than any other Ohio paper—by chronologically presenting major themes discussed and providing specific examples. Then the chapter will provide the over-arching data on identifiers, pronouns, and definitions. And finally, the chapter will analyze what this coverage means to our understanding of transgender individuals in the modern world, and will analyze the coverage via the social responsibility theory.

## **AIDS**

At age 13, David Drake ran away from home.<sup>168</sup> Alone and desperate, he sold his body for money as a transvestite on the streets of Columbus in the late 1970s. He

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<sup>168</sup> This account was created by following the event through four newspaper stories: Robin Yocum, "Police Hunt Prostitute with AIDS," *The Columbus Dispatch*, October 18, 1985. Accessed October 21, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B95BD7548ED528&p\\_docnum=4&p\\_queryname=2](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B95BD7548ED528&p_docnum=4&p_queryname=2). Robin Yocum, "Male Prostitute who has AIDS Found by Police," *The Columbus Dispatch*, October 18, 1985. Accessed October 12, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B95BD71D871500&p\\_docnum=3&p\\_queryname=2](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B95BD71D871500&p_docnum=3&p_queryname=2). "Prostitute Can Transmit AIDS, City Health Official Warns," *The Columbus Dispatch*, October 20, 1985. Accessed October 12, 2012. <http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw->

dabbled in hard drugs and needed the money he made as a prostitute to stay alive. He picked up as many as four customers a night, some regulars, some strangers, and made between \$20 and \$40 a “trick,” more if he stole their wallet in the process.<sup>169</sup> In 1985, at age 21, Drake became the first prostitute to be diagnosed as a carrier of the Acquired Immune Deficiency Syndrome virus in Ohio. Though Drake himself was not actually diagnosed with AIDS at the time, he had the carrier virus—later known as Human Immunodeficiency Virus (HIV)—so he could pass AIDS to any of his many clients. The Columbus Health Department wanted to locate and track Drake, so Columbus police “hunted” Drake over the course of several days with a warrant based on his inability to pay a jaywalking ticket.<sup>170</sup> When they finally arrested Drake, on October 18, 1985 for jaywalking and loitering for prostitution, the police placed Drake in an isolation cell with food served on paper plates with plastic cutlery to prevent the spread of AIDS to other inmates. He pled guilty to the charges, with tears in his eyes, paid \$100 in fines, agreed to work with the Health Department to prevent the spread of AIDS, and was released.

The stories of Drake, four in 1985 and two in 1986, were the first mention of any trans individual in *The Dispatch* during the time frame studied.<sup>171</sup> In story after

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search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=11B95BD94AA3F7F0&p\_docnum=2&p\_queryname=2.

Mary Yost, “Prostitute with AIDS virus is fined, released,” *The Columbus Dispatch*, December 23, 1985. Accessed October 12, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B95C32973E3200&p\\_docnum=1&p\\_queryname=2](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B95C32973E3200&p_docnum=1&p_queryname=2).

<sup>169</sup> Yocum, “Male Prostitute.”

<sup>170</sup> Yocum, “Police Hunt.”

<sup>171</sup> The six articles are as follows:

Yocum, “Police Hunt.”

Yocum, “Male Prostitute who has AIDS.”

story, writers portrayed Drake as a sexual deviant who dressed “in drag”<sup>172</sup> and vowed to “keep living the way I’m living”<sup>173</sup> despite carrying the “usually fatal,”<sup>174</sup> easily-spread AIDS. Throughout all six articles, he was only ever referred to as a “transvestite” and a “prostitute,” though the term transvestite is never defined. Furthermore, the term prostitute or prostitution appeared in five out of the six headlines. These negative, accusatory headlines ranged from, “Police Hunt Prostitute with AIDS” to “Prostitute Can Transmit AIDS, City Health Official Warns.” All of these articles cast Drake in a negative, deviant light, and associated the AIDS virus, prostitution, and Drake himself with transgender identity. These articles were derogatory towards transgender individuals and towards gay individuals at large because, as this was early in the understanding of the transmission of AIDS, one article so bluntly stated that AIDS was “most often transmitted through sexual contact between homosexual males.”<sup>175</sup> Chronologically speaking, the Drake stories mark the first example of how sexual deviance, sex, and disease is associated with transgender individuals in this study.

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“Prostitute Can Transmit AIDS.”

Yost, “Male Prostitute.”

“Carrier of AIDS Virus Arrested,” *The Columbus Dispatch*, August 23, 1986. Accessed October 12, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B8B5FB6BC14B40&p\\_docnum=2&p\\_queryname=4](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B8B5FB6BC14B40&p_docnum=2&p_queryname=4).

“Carrier of AIDS Virus Pleads Not Guilty to Prostitution Again,” *The Columbus Dispatch*, August 25, 1986. Accessed October 12, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B8B5FC635A7210&p\\_docnum=1&p\\_queryname=4](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B8B5FC635A7210&p_docnum=1&p_queryname=4).

<sup>172</sup> “Prostitute Can Transmit AIDS.”

<sup>173</sup> Ibid.

<sup>174</sup> Yocum, “Police Hunt.”

<sup>175</sup> “Prostitute Can Transmit AIDS.”



## Crime

Over the next several years—and running as a thread to present—trans identity often appears in association with crime. Whether it was a transsexual female, Ginger Boyd, arrested in 1987 for murdering her brother-in-law<sup>176</sup> or transvestites—alongside their prostitute cohorts—that witnessed a murder in 1988,<sup>177</sup> transgender individuals were often associated with crime, especially murder. Of the 119 articles on trans individuals, 22 articles centered on criminal cases in which trans individuals were involved either as victims, perpetrators, or witnesses.<sup>178</sup> Between 1987 and 1988, four articles detailed transgender individuals associated with murder trials.<sup>179</sup> One 1988 article brazenly headlined one article where a transvestite and a prostitute were witness to a crime, “Sexual Deviants are Part of Murder Trial.”<sup>180</sup> This headline, while attention-grabbing, sensationalized the transvestites and prostitutes who happened to witness a man being murdered and merely tried to help by adding their accounts to the

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<sup>176</sup> Michael J. Berens, “Murder Suspect’s Arrest Anything But Routine,” *The Columbus Dispatch*, June 11, 1987. Accessed October 11, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B86F4A5901C778&p\\_docnum=5&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B86F4A5901C778&p_docnum=5&p_queryname=2).

<sup>177</sup> Michael J. Berens, “Sexual Deviants are Part of Murder Trial,” *The Columbus Dispatch*, May 18, 1988. Accessed October 11, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B95EB967759BB8&p\\_docnum=8&p\\_queryname=4](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B95EB967759BB8&p_docnum=8&p_queryname=4).

<sup>178</sup> These articles are on file with the author

<sup>179</sup> “Murder Suspect Held After Traffic Stop,” *The Columbus Dispatch*, June 10, 1987. Accessed October 11, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B86F4786D05AB0&p\\_docnum=6&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B86F4786D05AB0&p_docnum=6&p_queryname=2).

Michael J. Berens, “Murder Suspects Arrest Anything But Routine.”

Michael J. Berens, “Sexual Deviants are Part of Murder Trial.”

Catherine Candisky, “Prostitute Says She Witnessed Fatal Shooting,” *The Columbus Dispatch*, May 19, 1988. Accessed October 11, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B95EB A8C8FC648&p\\_docnum=7&p\\_queryname=4](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B95EB A8C8FC648&p_docnum=7&p_queryname=4).

<sup>180</sup> Michael J. Berens, “Sexual Deviants are Part of Murder Trial.”

trial. Regardless of the motive behind the headline, it drew a clear line between sexual deviance, such as trans identity, and bizarre crime.

### **Peter Langan**

The strangest case of all of the criminal cases was Peter Langan, aka Commander Pedro aka Donna, whose story opened this chapter and whose trial coverage spanned from 1995 to 1999. Of the 22 articles about transgender individuals and crime, 14 stories were coverage of the Peter Langan case. The Langan series makes up more than 10 percent—14/119—of all the stories that ran about transgender individuals in the time frame I studied in *The Dispatch*, and his trial only grew more complex and convoluted with time.

After his shoot-out arrest in 1996, his transsexual identity was revealed by his lawyers and used in his defense, by presenting his “soft-spoken, docile” transsexual side as evidence of his humanity.<sup>181</sup> His attorneys asked officers to describe how Langan possessed pink-painted toenails and a shaved chest and crotch to look more feminine at the time of his arrest,<sup>182</sup> and employed his former transsexual lovers, Cherie Roberts and Andrew F. Lohre, as witnesses to describe Langan’s loving transsexual identity.<sup>183</sup> Coupled with the fact that only a year earlier, police found a

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<sup>181</sup> Robert Ruth, “Both Sides Urge Langan Jury to Do Patriotic duty,” *The Columbus Dispatch*, October 3, 1997. Accessed October 12, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3B9F43283270&p\\_docnum=1&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3B9F43283270&p_docnum=1&p_queryname=2).

<sup>182</sup> Robert Ruth, “Prosecutors Target Langan’s Lifestyle,” *The Columbus Dispatch*, September 12, 1997. Accessed October 13, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3B855DA176E8&p\\_docnum=6&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3B855DA176E8&p_docnum=6&p_queryname=2).

<sup>183</sup> Robert Ruth, “Witnesses Describe Langan’s Transsexual Lifestyle,” September 26, 1997. Accessed October 13, 2012. <http://infoweb.newsbank.com/iw->

tape from Langan that detailed how he and his neo-Nazi gang planned to “overthrow the government, assassinate federal agents, exterminate Jews and homosexuals, and exile blacks,” his lawyers painted Langan as a deeply troubled man that lacked any sense of identity.<sup>184</sup> To top off the bizarre parade, one of Langan’s former lovers, Cherie Roberts returned to watched the proceedings, this time presenting as her male identity Mishka-Cherie Jackson, and burst into tears when U.S. marshals refused her access to see Langan claiming, “I can’t even talk to my wife,” in reference to Langan. Though the two weren’t legally married, and both were pre-operative transgender individuals, Jackson told *The Dispatch* that the pair considered themselves wed.<sup>185</sup>

On December 17, 1998, the judge sentenced Langan to life in prison with no chance of parole. Though the case ended that day, Langan’s trial re-appeared several times in later years in stories that detailed the strangest trials to cross the docket, such as the article that appeared on February 27, 2011, “Hanging up her gloves in crime fight,” a story that detailed the most unusual cases a retiring litigator had to deal with, including Langan’s.<sup>186</sup> Langan was held up as an exemplar of the strange and peculiar, and his story was repeatedly associated with transsexual identity.

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search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=10DF3B95885DD880&p\_docnum=3&p\_queryname=2.

<sup>184</sup> Robert Ruth, “Testimony Depicts Diverse Personalities of Langan,” *The Columbus Dispatch*, September 26, 1997. Accessed October 13, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3B98DAC3FD60&p\\_docnum=2&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3B98DAC3FD60&p_docnum=2&p_queryname=2).

<sup>185</sup> Robert Ruth, “Judge Bars Bandit Witness—Defense Rests,” *The Columbus Dispatch*, February 5, 1997. Accessed October 13, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF3A7850041CE8&p\\_docnum=7&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF3A7850041CE8&p_docnum=7&p_queryname=2).

<sup>186</sup> Kathy Lynn Gray, “Hanging Up Her Gloves in Crime Fight,” *The Columbus Dispatch*, February 27, 2011. Accessed October 10, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=135AA2386CA12BC0&p\\_docnum=1&p\\_queryname=3](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=135AA2386CA12BC0&p_docnum=1&p_queryname=3).

## The Lipscombs

In 2000, another bizarre case crossed the docket: the Lipscombs and the custody of their six-year-old child.<sup>187</sup> On August 23, 2000, social workers took custody of the six-year-old boy after his parents, Sherry and Paul Lipscomb, enrolled

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<sup>187</sup> This account comes from the eight articles in *The Columbus Dispatch* that covered the case: Encarnacion Pyle and Misti Crane, "Couple Fights for Son, 6, They Say is Girl at Heart," *The Columbus Dispatch*, August 26, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF230215AC5C8&p\\_docnum=15&p\\_queryname=10](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF230215AC5C8&p_docnum=15&p_queryname=10). Encarnacion Pyle, "Many Rally to Parents' Side," *The Columbus Dispatch*, September 13, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF252A73C9228&p\\_docnum=14&p\\_queryname=10](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF252A73C9228&p_docnum=14&p_queryname=10). Kevin Mayhood, "Child's Sex-Role Disorder Contested," *The Columbus Dispatch*, September 13, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF252A3207650&p\\_docnum=13&p\\_queryname=10](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF252A3207650&p_docnum=13&p_queryname=10). Kevin Mayhood, "Parents in Gender-Identity, Custody Dispute at Odds," *The Columbus Dispatch*, September 19, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF25D78C84528&p\\_docnum=11&p\\_queryname=3](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF25D78C84528&p_docnum=11&p_queryname=3). Kevin Mayhood, "Judge Orders Boy's Parents to Keep Quiet in Gender Case," *The Columbus Dispatch*, September 21, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF260CA08DCE8&p\\_docnum=10&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF260CA08DCE8&p_docnum=10&p_queryname=6). Kevin Mayhood, "Out of Spotlight, Parties Mediating Child-Gender Case," *The Columbus Dispatch*, November 22, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF2D6E33F9710&p\\_docnum=5&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF2D6E33F9710&p_docnum=5&p_queryname=6). Kevin Mayhood, "Parents, County Reach Agreement in Gender Case," *The Columbus Dispatch*, November 23, 2000. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DCF2D84D15D698&p\\_docnum=4&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DCF2D84D15D698&p_docnum=4&p_queryname=6). Kevin Mayhood, "Boy Forced to Act as Girl Thriving in Foster Family," *The Columbus Dispatch*, September 23, 2001. Accessed October 9, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DD3C88E3210EA8&p\\_docnum=3&p\\_queryname=4](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DD3C88E3210EA8&p_docnum=3&p_queryname=4).

him in first grade as a girl.<sup>188</sup> The parents argued the state took custody simply because they disagreed with their decision to raise the child in the gender of his choice, while the state argued that raising the child as a girl was simply one of a litany of ways the Lipscombs mistreated and incorrectly influenced the child. The case yielded eight stories over two years.<sup>189</sup>

Several months before school started, a Cincinnati doctor diagnosed the boy with gender-identity-disorder after he had spent the past three years in and out of hospitalization for trying to hurt himself and others in emotional outbursts. Doctors had also diagnosed the boy with attention-deficit hyperactivity disorder, Asperger's syndrome, and violent obsessive behavior. According to his mother, "She's your typical little girl who likes dressing up in frilly gowns, earrings and pretty shoes and playing with Barbie dolls ... she's always gravitated to all things girls and, until recently, we had no idea why."<sup>190</sup>

Upon hearing about this case, many transgender and transsexual individuals in Ohio rallied around the Lipscomb parents. One transsexual woman, Cassandra Rae Chronos, told reporters she wished her parents had been as supportive as the Lipscombs, and called the behavior of Children Services "ignorance of the condition and transphobia ... I am sometimes ashamed of this state in which I live."<sup>191</sup> Kevin Carter, who had gender identity disorder, wrote to Children Services, insisting that

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<sup>188</sup> I used masculine pronouns only when discussing the Lipscomb's child, because "son," "he," and "him" were the only terms employed by *The Columbus Dispatch*, and it's difficult to discern if the child did or did not suffer from GID.

<sup>189</sup> This paper refers to the Lipscombs' child as a boy, because *The Dispatch* referred to the child specifically as a boy.

<sup>190</sup> Encarnacion Pyle and Misti Crane, "Couple Fights for Son 6, They Say is a Girl at Heart."

<sup>191</sup> Encarnacion Pyle, "Many Rally to Parents' Side."

taking the child from his accepting parents created a time bomb that would eventually explode.

But just as sympathy for the Lipscombs seemed at an all time high, the case twisted in a new direction. Children Services filed a new complaint that claimed the Lipscombs neglected their son's medical and psychological needs, and that the boy threatened his parents and had suicidal fantasies when with them. The child's attorney also alleged that there was a suspicion of Munchausen syndrome—where parents make a child ill or create symptoms to gain attention for the parents.

As a result of the ongoing case, Sherry and Paul Lipscomb began fighting with each other. Both parents were revealed to be bi-polar, and Paul explained he too had gender identity disorder. Due to the fights between Paul and Sherry, their lawyer left the case and refused to represent them moving forward. Subsequently, the judge issued a gag order on the couple, so they couldn't continue to bring their case to the attention of the media, and the foster family revealed that the Lipscombs' son had not shown any signs of gender identity disorder while in their care.

Finally, the now-estranged Lipscomb parents were awarded separate, supervised visits with their son, and in 2001, *The Dispatch* reported he was “thriving” in his foster family. Furthermore, when his parents visited, they were careful with how they nurtured him: his father took him fishing while his mother cooked for him. And so ended the Lipscomb media circus.

More bizarre than the case itself, however, was the media coverage. Only two of the eight stories actually defined what gender identity disorder is, and one headline

went so far as to call gender identity disorder a “sex-role disorder,” which inherently refuses to recognize a difference between anatomical sex and societal-defined gender.<sup>192</sup> Even though the parents—odd as they may be—referred to their child as “she” and as their “daughter” throughout all of the articles, *The Dispatch* only employed masculine pronouns when discussing the child, which illustrated that the newspaper disagreed with the Liscomb parents from the outset. This inference was confirmed in the headline of the follow-up article: “Boy Forced to Act as Girl Thriving in Foster Family.”<sup>193</sup> The verb “forced” is inherently aggressive and presumes that the parents applied pressure to the child to make him act as a girl, and the subsequent story detailed how the now-divorced parents act when they visit him. The father and son, “catch frogs in a pond and do other typical father-son things,” while the mother, “cooks with him and just mothers him.”<sup>194</sup> The father’s attorney said that the parents have, “taken on stereotypical parental roles,” and now, the attorney suggested, the boy has a more stable, happy life. The entire article reinforced the idea that families are better off only when parents and children are in their stereotypical, accepted gender roles.

### **Gender-Specific Units**

In early 2001 before *The Dispatch* wrote a follow-up article on the Lipscomb case, prison officials placed a 29-year-old transgender woman, Letecia Tyler, formerly

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<sup>192</sup> Kevin Mayhood, “Child’s Sex-Role Disorder Contested.”

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

Anthony Tyler, in a male prison—albeit in her own cell for safety reasons.<sup>195</sup>

Imprisoned for stealing a credit card to finance her sex-change operation, Tyler pleaded with officials to transfer her to a female prison. “I don't look like a man, sound like a man or think like a man. I don't have anything on me that's like a man,” Tyler said. When *The Dispatch* reporter Dean Narciso heard about the case, he called the prison, and 10 minutes later, a jail supervisor transferred Tyler to a the female prison—on a trial basis.

In the past 11 years, *The Dispatch* has devoted considerable coverage to the intersection between transgender individuals and locations that divide people into male and female, referred to by several transgender scholars as segregation units. The stark distinction between male and female mandated by gender-specific units forces transgender individuals to pick a side, or forces authority figures to pick a side for them. Such government sponsored gender-specific units include bathrooms, prisons, hospital wings, dorm rooms, and facilities. Out of the 119 articles, six in the past 11 years discussed gender-specific units.<sup>196</sup>

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<sup>195</sup> Dean Narciso, “County Jail Moves Transgender Inmate,” *The Columbus Dispatch*, April 3, 2001. Accessed October 10, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DD3B6579C3D780&p\\_docnum=26&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DD3B6579C3D780&p_docnum=26&p_queryname=2).

<sup>196</sup> Dean Narciso, “County Jail Moves Transgender Inmate.” Mary Beth Lane, “Ohio U. Designates Unisex Restrooms,” *The Columbus Dispatch*, June 9, 2001. Accessed October 9, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DD3BD8EA9B49A0&p\\_docnum=19&p\\_queryname=2](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DD3BD8EA9B49A0&p_docnum=19&p_queryname=2).

Matthew Marx, “Two Deputies Fired for ‘Misconduct,’” *The Columbus Dispatch*, December 16, 2003. Accessed October 9, 2012. [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DC8B8F602F9408&p\\_docnum=1&p\\_queryname=3](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DC8B8F602F9408&p_docnum=1&p_queryname=3).

Mark Stahl, “At Kent State, a Restroom for Anyone,” *The Associated Press*, May 21, 2007. Accessed October 9, 2012. <http://infoweb.newsbank.com/iw->



Bathrooms tend to be the gender-specific unit most frequented by everyone and most frequently misunderstood by those whose gender aligns with his or her anatomical sex. As discussed in the first chapter, not all transgender individuals have bottom surgery, so their genitalia doesn't necessarily match the gender in which they present themselves. This leads to uncomfortable situations in public bathrooms, because transgender individuals have to out themselves to strangers. A group of women in a bathroom may be concerned to see another woman stand up and urinate in the stall next door, and a group of men may be confused by a man who chooses a stall and urinates sitting down. To avoid this discomfort or confrontation, transgender individuals prefer individual bathrooms.

In *The Dispatch*, all coverage of restrooms appeared in stories about colleges and universities, and this coverage began in 2001, when Ohio University designated several single-person restrooms as uni-sex.<sup>197</sup> Though the article began with a promising anecdote about a transgender student, Collin Lovell, the story failed to explain on any level why it is uncomfortable for transgender individuals to use female/male-specific restrooms, and the article only vaguely described transgender as,

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Encarnacion Pyle, "Dorm Rooms Might Go Co-Ed," *The Columbus Dispatch*, October 11, 2010. Accessed October 20, 2012. [http://infoweb.newsbank.com/iw-](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=132CCF)

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Encarnacion Pyle, "Dorm Barriers Dropping at Ohio U," *The Columbus Dispatch*, January 13, 2011. Accessed October 20, 2012. [http://infoweb.newsbank.com/iw-](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=134BD08)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=134BD0836AB28EA8&p\_docnum=40&p\_queryname=9.

<sup>197</sup> Mary Beth Lane, "Ohio U. Designates Unisex."

“a diverse range of people who -- whether in clothing, mannerisms and behavior, or through hormones and surgery -- cross traditional gender boundaries.”<sup>198</sup>

Out of the six stories on transgender individuals in gender-specific units, however, this 2001 story on Ohio University’s bathrooms was the only that attempted to define transgender at all, and this article was one of only two that actually spoke to a transgender individual for the piece. By failing to provide a definition of what it means to be transgender and the perspective of an actual transgender individual, most of the articles misinformed the public about why transgender individuals need unisex bathroom options to lead safe day-to-day lives.

### **Legislation**

In the mid 2000s, the state and local legislatures in Ohio began debating protections for transgender individuals. In 2005, members of the Columbus Community Relations Commission urged the commission to alter Columbus’ civil rights code to protect transgender individuals from discrimination in the areas of public accommodation, housing, and employment. The article on the proposed alteration defined transgender individuals as, “those who act, look, feel and think like a member of the opposite sex.” *The Dispatch* also pointed out that the commission members who demanded this change were “a lesbian” and “a lawyer and gay activist.”<sup>199</sup> The code did not change in 2005 and remained highly contested in 2008,

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<sup>198</sup> Ibid.

<sup>199</sup> Mark Ferenchik, “Relevance of transgender issue divides city civil-rights panel,” *The Columbus Dispatch*, October 28, 2005. Accessed October 8, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10D89A10CE1DC8E8&p\\_docnum=7&p\\_queryname=4](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10D89A10CE1DC8E8&p_docnum=7&p_queryname=4).

when *The Dispatch* wrote another article on a different commission who tried to alter the same code.<sup>200</sup> This time, however, a majority of council members backed the idea, and the paper didn't point out the sexual orientations of those who supported the movement. Transgender individuals were defined incorrectly, however, as "men who consider themselves women and women who consider themselves men."<sup>201</sup> Again, the code did not change.

The proposed modification of Columbus' civil rights code is not the only instance where lawmakers debated transgender individuals and legal protections; in fact, eight stories—all of which occurred between 2005 and the present—covered legislative protection for transgender individuals.<sup>202</sup> Of the eight, only four defined

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<sup>200</sup> Robert Vitale, "Gender identity on city's agenda—Anti-discrimination proposal would add transgender people," *The Columbus Dispatch*, December 15, 2008. Accessed October 8, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=1251A6F713CE4830&p\\_docnum=2&p\\_queryname=3](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=1251A6F713CE4830&p_docnum=2&p_queryname=3).

<sup>201</sup> Ibid.

<sup>202</sup> Mark Ferencik, "Relevance of transgender."

Compiled by Jonathan Riskind, "Pryce sponsors bill to outlaw discrimination in employment," *The Columbus Dispatch*, April 29, 2007. Accessed October 9, 2012.

[http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=118D32B183F0A2F0&p\\_docnum=20&p\\_queryname=3](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=118D32B183F0A2F0&p_docnum=20&p_queryname=3).

Mark Niquette, "Worker's Sex status can't be job killer—State discrimination based on gender, sexual orientation to be forbidden by Strickland," *The Columbus Dispatch*, May 17, 2007. Accessed October 9, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=119321F0AE45A460&p\\_docnum=18&p\\_queryname=3](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=119321F0AE45A460&p_docnum=18&p_queryname=3).

Jim Siegel, "Bill strengthens gays' rights—Lawmakers try to ban discrimination based on sexual orientation," *The Columbus Dispatch*, December 15, 2008. Accessed October 9, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11F6007A5619C2B8&p\\_docnum=24&p\\_queryname=5](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11F6007A5619C2B8&p_docnum=24&p_queryname=5).

Robert Vitale, "Gender identity on city's."

Jim Siegel, "Divided House approves bill on discrimination," *The Columbus Dispatch*, September 16, 2009. Accessed October 20, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=12AC46B6307F4880&p\\_docnum=10&p\\_queryname=7](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=12AC46B6307F4880&p_docnum=10&p_queryname=7).

Robert Vitale, "Gender identity on city's."

Jim Siegel, "Divided House approves bill on discrimination," *The Columbus Dispatch*, September 16, 2009. Accessed October 20, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=12AC46B6307F4880&p\\_docnum=10&p\\_queryname=7](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=12AC46B6307F4880&p_docnum=10&p_queryname=7).

what it means to be transgender, and none of the articles interviewed a transgender person for their perspective on the pending or possible legislative changes.

Furthermore, three of the articles spoke only about the expansion of “gay” rights in their headline, ignoring that gay and transgender individuals are separate, though not mutually exclusive, populations of people. Finally, as demonstrated above, even when time passed and it was clear that more individuals were in favor of expanding protections to include transgender individuals, the definition of transgender was severely incorrect.

### **Celebrities/Individuals**

In the past two years, 10 out of 21 stories dealt with transgender public figures or specific individuals who came out publically as transgender. For example, in 2011, Chaz Bono, a transgender man—and the son of celebrity duo Sunny and Cher—became a contestant on the reality show *Dancing with the Stars*. He competed with professional dancer, Lacey Schwimmer.<sup>203</sup> His appearance on the show yielded four stories in 2011 in *The Dispatch*, though it is worth noting that all of the stories were small blurbs that appeared in round-ups of general entertainment news.<sup>204</sup> The

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Bill Bush and Rita Price, “Census Numbers—Gay-friendly, and growing,” *The Columbus Dispatch*, July 28, 2011. Accessed October 20, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=138C64D81AACEF08&p\\_docnum=26&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=138C64D81AACEF08&p_docnum=26&p_queryname=6).

Alex Stuckey, “Bill seeks protection for gays,” *The Columbus Dispatch*, September 28, 2011. Accessed October 20, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=13A0D29BED5ADED0&p\\_docnum=16&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13A0D29BED5ADED0&p_docnum=16&p_queryname=6).

<sup>203</sup> “Chaz Bono sent home,” *The Columbus Dispatch*, October 26, 2011. Accessed October 25, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=13AA0EDB59EB0280&p\\_docnum=10&p\\_queryname=2](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13AA0EDB59EB0280&p_docnum=10&p_queryname=2).

<sup>204</sup> “‘Stars’: no same-sex pairs,” *The Columbus Dispatch*, September 2, 2011. Accessed October 25, 2012. <http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw->

following year, the limelight turned to Miss Universe Canada contestant Jenna Talackova. The contest disqualified Talackova because she was a transgender woman, even though she had been vocal about her trans status throughout all of her previous pageants. Eventually, Donald Trump revised the Miss Universe policy and readmitted Talackova, and she placed in the top 12 and shared the accolade of Miss Congeniality with one other participant. Her participation led to a media firestorm, and warranted four stories in *The Dispatch* alone, but just like Bono's stories, these pieces were small snippets included in entertainment round-ups.<sup>205</sup>

Bono and Talackova were two of four transgender individuals who *The Dispatch* covered in the past two years, and it is these individuals who make a

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"Biebs steps up for buddy," *The Columbus Dispatch*, September 5, 2011. Accessed October 25, 2012.

[http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=139941DBB366BCB8&p_docnum=20&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=139941DBB366BCB8&p\_docnum=20&p\_queryname=2.

"Chaz Bono sent home."

"Eddie can't drink, he'll vomit," *The Columbus Dispatch*, November 7, 2011. Accessed October 25, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13AE062D198B7590&p_docnum=8&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=13AE062D198B7590&p\_docnum=8&p\_queryname=2.

<sup>205</sup> The account of events concern the Ms. Universe contestant came from the four articles:

Compiled by Andrew Sterling, "What a casting coup," *The Columbus Dispatch*, March 28, 2012.

Accessed October 26, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13DCD1A24A789A60&p_docnum=39&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=13DCD1A24A789A60&p\_docnum=39&p\_queryname=2.

Compiled by David Poole, "Volleyball to serve modesty," *The Columbus Dispatch*, April 11, 2012.

Accessed October 26, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13E16E5563E75860&p_docnum=34&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=13E16E5563E75860&p\_docnum=34&p\_queryname=2.

Compiled by David Poole, "Hannah has left the building," *The Columbus Dispatch*, May 22, 2012.

Accessed October 26, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13EEF2D76AC42A78&p_docnum=26&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=13EEF2D76AC42A78&p\_docnum=26&p\_queryname=2.

Compiled by Andrew Sterling, "Rihanna cancels British gigs," *The Columbus Dispatch*, June 8, 2012.

Accessed October 26, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13F48BCFCDDDB9798&p_docnum=21&p_queryname=2)

search/we/InfoWeb?p\_product=NewsBank&p\_theme=aggregated5&p\_action=doc&p\_docid=13F48BCFCDDDB9798&p\_docnum=21&p\_queryname=2.

difference in public understanding of trans status. By putting a face on those who identify as transgender, *The Dispatch* helped society learn more about the spectrum of transgender individuals. These individuals who have courageously stepped forward publically as transgender help remove the stigma that all transgender individuals are criminals or deviants and widen the understanding of what it means to be transgender. The only caveat to this coverage is that none of the stories—since they were shorter blurbs—defined what it means to be transgender, and the articles merely explained the transition of the individual in question.

### **Big stories**

Five large feature stories since 1985 focused specifically on transgender individuals, their daily lives, struggles, and triumphs. These stories ran in 1990, 1996, 2002, 2003, and 2012 respectively.<sup>206</sup> The first two focused on heterosexual cross-dressers, while the other three centered on transgender individuals.

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<sup>206</sup> Here are all five major articles:

Sylvia Brooks, “‘Susan,’ ‘Linda’ are male cross-dressers—year-old support group helps make members’ lifestyles less complicated,” *The Columbus Dispatch*, February 20, 1990. Accessed October 14, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=11B867860FA9C018&p\\_docnum=10&p\\_queryname=3](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=11B867860FA9C018&p_docnum=10&p_queryname=3).

Dennis Fiely, “For some men, cross-dressing isn’t such a drag,” *The Columbus Dispatch*, June 7, 1996. Accessed October 12, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DF8A886260B090&p\\_docnum=23&p\\_queryname=4](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DF8A886260B090&p_docnum=23&p_queryname=4).

Alayna DeMartini, “Sense of Security Rocked by Attack—3 residents don’t feel safe in Weinland Park area after assault last month,” *The Columbus Dispatch*, August 19, 2002. Accessed October 10, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DC85B0ED2D9CE0&p\\_docnum=4&p\\_queryname=6](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DC85B0ED2D9CE0&p_docnum=4&p_queryname=6).

Melissa Knific and Alayna DeMartini, “Speaker Advocates Gender Equality—Society struggling with expectations for men, women,” *The Columbus Dispatch*, October 9, 2003. Accessed October 9, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=10DC8B18D506CC18&p\\_docnum=12&p\\_queryname=7](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=10DC8B18D506CC18&p_docnum=12&p_queryname=7).

The first, “‘Susan,’ ‘Linda’ are male cross-dressers—year-old support group helps make members’ lifestyles less complicated,” ran in 1990 and spoke about heterosexual males who enjoyed dressing as women, such as Linda, an engineer in his 40s, or Stephanie, a professional 30-something who is married to a woman.<sup>207</sup> The article emphasized, “They are construction workers, doctors, lawyers, engineers, the men-next-door who happen—secretly—to call themselves Rochelle, Mary Anne, Susan, Linda or Stephanie.” These cross-dressers were not drag queens, who typically aimed to win the affection of members of the same-sex while dressed as women, and most were not “transsexuals, those who want sex change operations, although some eventually decide on surgery.” Their support group, the Crystal Club, helped them deal with living as cross-dressers.

The article continuously reiterated that these cross-dressers were just the average guy with a strange secret, and they maintained normal lives and normal sex lives. Also, the article mentioned on several occasions that these men were not gay.

The second piece echoed many of the same themes as the 1990 piece—it even interviewed the same sex therapist Dr. Meral Crane—and ran in 1996, “For some men—cross-dressing isn’t such a drag.”<sup>208</sup> Cross-dressers like Jamie, Marcy, and Adrienne were real people, “not just freaks on the fringes of society.” Adrienne was the envy of other men at the Crystal Club, because his wife supported him, shopped

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Ashleigh Barry, “Parents follow Jackie’s lead,” WBNS-10TV, *The Columbus Dispatch*, April 25, 2012. Accessed October 25, 2012. [http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p\\_product=NewsBank&p\\_theme=aggregated5&p\\_action=doc&p\\_docid=13E60C9462AB8CA0&p\\_docnum=31&p\\_queryname=2](http://infoweb.newsbank.com.proxy.library.ohiou.edu/iw-search/we/InfoWeb?p_product=NewsBank&p_theme=aggregated5&p_action=doc&p_docid=13E60C9462AB8CA0&p_docnum=31&p_queryname=2).

<sup>207</sup> Brooks, “‘Susan,’ ‘Linda’ are male cross-dressers.”

<sup>208</sup> Fiely, “For some men, cross-dressing.”

with him, and altered his clothes to fit his shape. "Most of us hold everyday jobs, from corporate officer to factory worker...but society causes us a lot of problems that lead to physical, mental and emotional distress. Why am I such a threat? Who am I hurting," Adrienne asked. Again, the article distinguished between cross-dressers, who are 75 percent heterosexual according to the article, and drag queens or transsexuals—"women who feel trapped in men's bodies."

Much like the 1990 article, the 1996 piece asserted that these men have a strange addiction, but they lived normal, heterosexual lives.

The 2002 article, "Sense of security rocked by attack—3 residents don't feel safe in Weinland Park after assault last month,"<sup>209</sup> centered on the abuse of transgender and gay people. Two men and one woman beat three gay individuals, one a transgender woman, nearly to death, outside their home in Columbus, Ohio. Katheryn Kereluik, a lesbian, and Mikell Starcher, a gay man, stood in Katheryn's yard looking at their flowerbeds, while Dawn Kereluik, a transgender woman and Katheryn's partner, sat on the porch. Their assailants approached and murmured a gay slur at them. When Katheryn asked whom they were talking to, the three began pelting Katheryn and Starcher with rocks and bottles. Dawn called the police then ran to intervene. The three attackers knocked her unconscious and kicked her in the head, as she lay helpless in the middle of the street, blood streaming from her head. "I thought we were all going to die," Starcher said. Dawn couldn't work due to injuries. Starcher had to have his two front teeth replaced. And due to medical bills, none of the three victims could move to a new home or area.

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<sup>209</sup>DeMartini, "Sense of Security Rocked by Attack."



This was the first and only article that spoke on the physical harassment that transgender individuals face, and the article primarily focused on the fact that they were harassed for being gay. The piece mentioned only once that Dawn is a transgender woman. Still, the chilling story speaks volumes about the threats to physical safety that transgender individuals still face everyday.

The fourth piece from 2003, “Speaker Advocates Gender Equality—Society struggling with expectations for men, women,” discussed a transgender speaker who alleged that decreasing gender-stereotyping is the next civil rights frontier.<sup>210</sup> Riki Wilchins, the speaker, “51, was born a male, but about 20 years ago became a transsexual.” Wilchins discussed how transgender individuals struggle to find employment, and this point was reiterated by the oft-cited Columbus sex therapist Dr. Meral Crane. Wilchins went on to add that young girls and boys should be free to explore who they are unhampered by societal expectations of gender.

The article was incorrect in myriad ways, but the worst offense was that it failed to define what it means to be transgender anywhere in the piece. Though it defined gender expression, to a certain extent, it did not discuss what it means to be trans or to question or alter one’s gender expression. Another oversight occurred when the article referred to Riki Wilchins as “a transsexual,” not as a transsexual person or a transsexual woman. Even though this article reported on an important transgender speaker, clearly no research about respectful language occurred.

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<sup>210</sup> Knific and DeMartini, “Speaker Advocates Gender Equality.”

The final story, published in 2012, “Parents follow Jackie’s lead,” is arguably the most important story on transgender individuals of all 119 articles.<sup>211</sup> The story introduced readers to Jackie, a typical 11-year-old girl who loved to dress-up and play games, who took ballet, and who abhorred sports. The only thing that separated Jackie from other females was that she was born Jack, but she always thought of herself as the “baby sister.” When her parents tried to remove the Barbies she played with daily, Jack became morose and pined for the dolls. Finally the parents returned the toys and when Jack announced on her tenth birthday, “I’m a girl, and I can’t do this anymore,” her parents decided to trust their child. They switched from male to female pronouns, researched transgender youth, and transitioned Jack to Jackie. The family knew half a dozen other transgender individuals in the community, and Jackie was enrolled in school strictly as a female. She was truly herself as Jackie, and as, once again, sex therapist Dr. Meral Crane pointed out, many individuals are gender-variant.

The article conveyed Jackie as a normal girl in a normal family who just so happened to have been born a male. The article did not talk about sexuality at all, and did not question whether the parents’ actions were correct or incorrect. The piece merely provided a small window into the life of 11-year-old Jackie, and the family that let her be herself.

The big stories provide a clear indication of how transgender individuals were seen during different time periods. In the 1990s, normal cross-dressers were heterosexual and were distinctly not transgender. In 2002, though the article treats the sources well, it points out how unsafe it is to live as a transgender individual in

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<sup>211</sup> Barry, “Parents Follow Jackie’s Lead.”

Columbus, and mostly focuses on the fact that the victims were gay. In 2003, transgender individuals are finally discussed outside of the context of sexual orientation, but transgender is not defined and the story does not provide proper context for dialogue about gender variance. Finally in 2012, an article challenges its readers to question their assumptions about gender and gender variance by painting a story of a small girl, who is relatable to any and all audiences. The article also refers to her distinctly as a female, not merely as a “transsexual,” like the 2003 article.

### **By the numbers**

In order to provide a parallel comparison to the court cases analyzed during the same time period, the pronoun, identifier, and definition numbers must be quantified.<sup>212</sup>

Of the 119 articles, only 18 employed the correct pronouns, and even more striking, only four used proper pronouns before 2000. This number is not too terrible given that the majority of the time—87 of the 119—no pronoun was used or it was unclear whether the pronoun use was right or wrong. Surprisingly, out of all 119 articles, only 14 drew on the incorrect pronoun. Overall, the articles articulated the right pronoun more than the wrong one, or most likely used no pronoun at all.

The identifiers traveled a clear path chronologically. Before the 1990s, journalists primarily used the term “transvestite”—of the 18 stories deemed relevant before 1990, 14 used only the term “transvestite.” Overall, 32 of the 119 stories utilized the term transvestite. During the early 90s, several terms were used ranging

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<sup>212</sup> Explanations of what the categories pronoun, identifiers, and definition are can be found in the previous chapter.

from “cross dresser” to “transsexual,” but between 1996 and 1999 “transsexual” became the chief term appearing in 18 of the 22 articles. Overall, “transsexual” appeared in 34 of the 119 articles. Much like the early 90s, the early 2000s showed a breadth of terms including “gender identity disorder” or “gender dysphoria,” “cross dresser,” and others. By 2005, however, “transgender” usurped all other terms emerging in 32 of the 40 stories between 2005 and 2012, and in the end, “transgender” appeared in 39 of the 119 stories. As outliers, the term “cross dresser” appeared in 17 of the 119, and “GID/gender dysphoria” appeared in 12 of the 119 stories. Overall, the stories employed “transgender” more than any other term, and a clear chronology evolved from “transvestite” to “transsexual” to “transgender.”

The definition usage is the simplest quantity, yet perhaps the most disturbing upon analysis. Of the 119 articles, only 14 provided a definition of transgender in any capacity. Even more startling, only three before 2000 provided a definition. The ramifications of this minute number will be discussed in the conclusion.

## **Conclusion**

Unlike the court cases where time did not lead to change, across the 119 articles between 1985 and 2012, an abundance of change occurred over time in the newspaper. In the past five years, stories have transitioned to primarily using the correct pronouns and the term “transgender” in reference to trans topics. Transgender individuals have also received more coverage in recent years. In 2011 and 2012 alone, *The Dispatch* ran 21 articles about trans topics—that is 17 percent of the overall 119.

Though great strides have been made in terms of journalistic coverage, I discerned many problems with the news on trans individuals by analyzing the 119 articles in their entirety. For much of the 1980s and 1990s, transgender topics covered by the media ranged from the disgusting to the outrageous. By aligning transgender individuals with AIDS and individuals like the infamously bizarre Peter Langan, trans people were seen as strange, diseased sexual deviants. This type of coverage, with its salacious headlines, reinforced stereotypes that transgender individuals were only fetish-obsessed oddities. Even in the early 2000s, coverage of the Lipscomb cases led the reader to believe that only suicidal children contract GID under the tutelage of their bipolar parents. It took until the mid 2000s for *The Dispatch* to provide humanizing coverage of transgender individuals, but more often than not, this coverage came from small entertainment news pieces on Chaz Bono or the Canadian Miss Universe contestant. The more transgender topics that traverse all news areas, the more transgender individuals will be understood by the general public.

Most importantly, however, news articles must provide a proper definition of what it means to be transgender. The fact that only 14 of all 119 articles included a definition is appalling. These articles will not lead to an informed dialogue about gender identity if they do not provide even the most basic understanding of what gender identity is. Furthermore, of the 14 that provided definitions, not all the definitions were accurate, which only further skews public understanding of transgender individuals.

Overall, changes in news coverage over the years have been primarily positive, but prior to the past five years, coverage only inferred a link between deviance and transgender individuals. By connecting individuals like Peter Langan to the average transgender individual, it seemed to readers that all transgender individuals are strange and deviant. In order to further progress transgender coverage and to help the general public have a greater understanding of what it means to be trans, proper definitions must be provided. These definitions will prompt a discussion of gender identity that needs to be had in twenty-first century America, and will lead to positive changes for transgender individuals and eventually full equality.

### **Theory: Social Responsibility**

*“If you're a transvestite, you get lumped into that weirdo grouping, you know? When I was in New York, there was a guy in the Bronx who was living in a cave...like you do, and he was coming out and shooting at geese and... (chuckles) a lot of weird things going on with this guy; and the police picked him up and they found a collection of women's shoes, and they thought, ‘Maybe he's a transvestite.’ And if he is, he's a fucking weirdo transvestite! I'm much more in the executive transvestite area. Travel the world, yes, it's much more executive. Like J. Edgar Hoover, what a fuckhead he was! They found out when he died that he was a transvestite, and they go, ‘Well, that explains his weird behavior!’ Yeah, fucking weirdo transvestite! (pointing to himself) Executive transvestite. It's a lot wider community, more wide than you'd think...”<sup>213</sup>—  
Eddie Izzard (Dress to Kill)*

Dressed in strappy black sandals and a blue kimono-esque ensemble, topped with layers of make-up, stand-up comedian Eddie Izzard stood before the crowd as a visual representation of a proud trans-individual. He even employed the often-offensive term “transvestite” to describe himself in his 1999 show—a bold statement of high confidence. But even Izzard recognized that there are two types of

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<sup>213</sup> “Dress to Kill Transcript,” accessed January 31, 2013.  
<http://www.auntiemomo.com/cakeordeath/d2ktranscription.html#godattackthequeen>.

transvestites: “executive transvestites” and “fucking weirdo transvestites.” And unfortunately, it seems the media is much more likely to cover the latter because of the nature of news and the power of sensationalism. By focusing only on “fucking weirdo transvestites,” the media fails to provide an accurate description of an underrepresented population of people.

Journalists have certain responsibilities to the public. Or so the Commission on Freedom of the Press, or Hutchins Commission, tried to tell the libertarian, master-less press of the 1940s with its theory of social responsibility.<sup>214</sup> The Hutchins Commission formed in the early 1940s after Robert Hutchins, President of the University of Chicago, and Henry R. Luce, *Time* Editor-In-Chief, concocted the idea of a commission to answer the question: What are the freedoms of the press, and what obligations does the press have to the public?<sup>215</sup> The Commission studied the press over the course of four years, which yielded a 133-page report that called on the press to improve itself to better serve the public through a series of five recommendations.<sup>216</sup>

The third recommendation is most pertinent to this research as it asks the press to provide a representative image of an underrepresented group of people.<sup>217</sup> The report suggests that the public makes decisions about groups of people, such as a certain race or gender, based on images. Negative images reinforce negative

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<sup>214</sup> The Commission on Freedom of the Press, “A Free and Responsible Press,” (Chicago: The University of Chicago Press, 1947).

<sup>215</sup> Stephen Bates, “Realigning Journalism with Democracy: The Hutchins Commission, Its Time, and Ours,” (Northwestern University, 1995).

<sup>216</sup> *Ibid.*, 1.

<sup>217</sup> The Commission on Freedom of the Press, 26.

stereotypes, and will “pervert judgment.”<sup>218</sup> The Hutchins Commission’s key finding here is:

The truth about any social group, though it should not exclude its weaknesses and vices, includes also recognition of its values, its aspirations, and its common humanity ... if people are exposed to the inner truth of the life of a particular group, they will gradually build up respect for and understanding of it.<sup>219</sup>

It is in this arena that *The Dispatch* failed transgender individuals according to the study of coverage presented in the above chapter. By reporting on transgender people only in the context of crime or sexual deviance, *The Dispatch* did not provide a representative picture of trans individuals. From 1985 to January 2013, *The Dispatch* wrote only 119 articles that included trans individuals, which is an outrageously low percentage given that the paper writes at least 119 per week. Without proper coverage of this group, they are not wholly represented. An even more egregious mistake is that only 14 of 119 articles provided a definition of transgender, and not all 14 identified as providing definitions even employed correct definitions. If these stories provided a definition of transgender—perhaps providing a percentage of how many people identify as trans or citing a professional who explains what trans is—the public would have a better grasp of who transgender individuals are. Most of these 119 stories revolved around salacious criminals and deviants who seemed to be channeling Izzard’s “fucking weirdo transvestites,” leaving the public with no idea about the entire population of “executive transvestites.” When they see transgender individuals

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<sup>218</sup> Ibid, 26.

<sup>219</sup> Ibid, 26-27.



only in the context of freak-show stories, readers are more apt to associate all transgender people with criminals and deviants.

As a journalist, I see the inherent flaws in the Hutchins social responsibility theory: the definition of news and the ignorance of reporters in this area. Though the Hutchins Commission rightly asserts that a more representative picture of a stereotyped group is necessary, average individuals do not constitute news. Journalists select news based on timeliness, prominence, proximity, bizarreness, and impact.<sup>220</sup> It is the “fucking weirdo transvestites” that have bizarreness and prominence, and it’s the “executive transvestites” that lack any element of newsworthiness. The other flaw is that reporters just do not know about transgender individuals. I spent the 2010-2011 academic year as gender issues reporter for my college newspaper, *The Post*, covering the Women’s and Lesbian, Gay, Bisexual, Transgender Centers on campus. During that time, I wrote two stories a week, and only one story that entire year pertained specifically to transgender individuals. When I met transgender individuals and heard their harrowing stories, I learned about the breadth and complexity of their lives. Journalists are, after all, only human beings, and they can’t be expected to have vast, all-encompassing knowledge of all topics; each reporter brings his or her own bias and unique point of view to each story and each interview. Covering underrepresented populations requires diligence by reporters that is hard to find in the hectic 24/7 news cycle. One way to solve this problem is to diversify newsrooms, so that those who identify as LGB or T can suggest stories rooted in these groups.

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<sup>220</sup> “What Are the Seven News Values?,” University of North Carolina, accessed April 24, 2013, <http://www.uncp.edu/home/acurtis/Courses/ResourcesForCourses/NewsValues.html>.

Though it is challenging for the media to provide this humanizing experience to readers, it is the responsibility of the press to try. If journalists truly are one of the primary gatekeepers of knowledge, then they have the responsibility to open the gate all the way, and to stop reinforcing stereotypes that all transgender people belong in *The Rocky Horror Picture Show*.

## Conclusion

*“Now, no matter how beautiful a map may be, it is useless to a traveler unless it accurately shows the relationship of places to each other, the structure of the territory ... No harm will be done unless someone tries to plan a trip by such a map ... There are two ways of getting false maps of the world in our heads: first, by having them given to us; second, by making them up for ourselves by misreading the true maps given to us.”—S.I. Hayakawa<sup>221</sup>*

We have little first-hand experience of the world, yet we need to make sense of it. We learn from others; what we hear, what we read, what we are told.<sup>222</sup> Peers, books, movies, parents, mentors, newspapers, laws and others serve as tools that help us, as Hayakawa suggests in his book *Language in Thought*, create a map in our minds of how the world works. And if it is inaccurate, it is not a problem until we try to move forward.<sup>223</sup> Society cannot chart a course toward total equality for transgender individuals without an accurate map of their world.

When it comes to transgender individuals, few of us have personal, first-hand experience. So we believe what we hear. Two avenues on which we rely are media and law. Because we don't know any better, we believe the news story that describes a transgender individual as a neo-nazi, and the court case that denies marriage between a transgender individual and hir partner because they are of the same anatomical sex. From these typically credible, reliable sources, we create an inaccurate map of the world in regard to transgender individuals.

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<sup>221</sup> S.I. Hayakawa, *Language in Action* (New York: Harcourt, Brace and Company, Inc, 1939), 24-25.

<sup>222</sup> Hayakawa, *Language in Action*, 22.

<sup>223</sup> *Ibid*, 24.

When our perspective on a person or place or group of people is based on an inaccurate “map” or inaccurate understanding, progress cannot occur. In order for there to be progress for transgender individuals—in order for necessary, positive change to occur towards full equality—society must have an accurate, human understanding of the transgender experience. For the purposes of this study, this understanding will come through the media and the courts employing accurate language from pronouns to identifiers, correct definitions of transgender individuals, and actual transgender individuals as sources and consultants.

Of course, the media and the courts are not the only mediums for change, but that is a topic for another study. This conclusion will, using the map analogy, explore the three maps that exist for transgender individuals in this study: the stories of actual transgender individuals, the Ohio courts, and the articles of *The Columbus Dispatch*. Then the conclusion will explain what picture these three narratives present to the general public, the purpose of a proper map, and a template for how a more accurate, cohesive map can be made from the fabric of all three.

### **The Maps of Transgender Individuals**

Transgender individuals obviously have accurate, full maps of their own lives, but they have no outlet to share their experiences.

The stories of Kris and Cory are both beautiful and tragic. Kris, who identifies as genderqueer, had very few role models for how to queer his own body, and though he had the support of friends and family, it took him years to align his body with his gender identity. Cory, who is a transman, first identified as a lesbian before

transitioning fully to a male. He knew from the age of five that he was a boy, and he spent countless years binding his breasts and grappling with his identity before he became Cory Michael Emerson Frederick. Both individuals felt the most profound sense of bliss after they had top surgery, and though both struggled with their queer identity after surgery, they found ways to be activists for trans individuals. Kris and Cory both have primarily happy tales, but the lives of most transgender individuals are not so rosy. Transgender individuals face poverty, discrimination, and physical abuse at a higher rate, and many try to take their own lives.

Transgender individuals themselves have the most accurate map of their lives, but they have few ways to share this map with others. While Cory works with TransACT and Kris works with his art to share their respective stories with society, many struggle with how to convey their daily lives and feelings with a general public that has no understanding of gender identity.

### **Ohio Courts**

Ohio courts have the least accurate map of transgender individuals of the institutions studied here, yet they are supposed to be the harbingers of how to act.

The courts provide a set of laws and protocols for how to deal with all sets of people, including transgender individuals. Though courts tend to rule in favor of transgender individuals in the twenty-first century, few employ proper pronouns, terms, or definitions, and the rulings on transgender individuals are strikingly inconsistent. And those cases that employ accurate language and definitions tend to

rule in favor of transgender equality more often than cases employing inaccurate language.

For this study, I analyzed 52 cases since 1970, and of the 47 cases that employed trans terms, the most common term used was transvestite, and only two court cases have used the most respectful term “transgender.” The most recent case in Ohio on transgender individuals, *Ohio v. Belle* (2012), referred to the transgender victim solely as a “transvestite.” Ironically, the first case on the books in Ohio on transgender individuals, *Columbus v. Zanders* (1970), used only the term “transsexual,” a far more respectful term than transvestite demonstrating the lack of knowledge across time. It is discouraging that present day judges remain as ignorant, if not more ignorant, than judges 40 years ago.

Of the 38 relevant cases, only four used the correct pronoun when referring to transgender individuals, and 18 cases used the wrong pronoun. In one series of cases, the *Neff* rulings, the three decisions made by the same appellate court employed different pronouns and identifiers when referring to the transgender defendant, and the terms used predicted whether the court’s decision would be negative or positive. Pronouns signify respect, and the fact that courts were more than four times more likely to employ the wrong pronoun than the right one epitomizes this lack of respect and understanding.

Furthermore, only 14 cases provided a definition of transgender, and many courts based their understanding of gender on anatomy, which they saw as “widely regarded” or “widely accepted” and therefore “true.” Political scholars Mary Dunlap

and Katherine Franke suggested that most courts base their understanding of gender on what is “widely accepted,” which reinforces the binary of masculinity and femininity and refuses to recognize transgender individuals in any substantive capacity.

The courts are inconsistent in their rulings on transgender individuals, so no accurate map exists. Due to the fact that 50 of the 52 cases that appeared in this search dealt only with male-to-female transgender individuals, no legal map exists at all in reference to female-to-male transgender individuals. It is as if, in the eyes of the court, they don't exist.

The worst part is that the courts will continue to reinforce these inaccurate understandings of transgender due to their reliance on precedent. Courts are inherently backward looking, as they consult past laws and cases as foundations for their present ruling, but the cases in the past on transgender individuals are ignorant and incorrect. The best example of this is the inability of transgender individuals to alter their birth certificates today, because a 1987 court of common pleas case, premised on a now defunct New York court case and a limited understanding of Ohio's correctional statute, prohibited transgender individuals from changing their birth certificates. Cases now should not base their rulings on that 1987 case, and courts in general should not base their current rulings on transgender individuals on inaccurate cases from the past. Courts will never move forward if they only look back in this area of law. By following precedent in transgender cases, the courts foster institutionalized prejudice.

## **The Columbus Dispatch**

The map created by *The Dispatch* is half complete. The media map sits in between the Ohio courts and a full understanding provided by actual transgender experience. While the newspaper has progressed in terms of language, few definitions are provided and transgender individuals are almost never consulted or interviewed.

Since 1985, only 119 stories were written explicitly about transgender individuals in any sort of news section, and transgender individuals typically came up in stories about criminals and prostitutes, such as in the trial of neo-nazi, yet transgender, Peter Langan or the coverage of the Lipscomb parents who fought for custody of a suicidal child who may have identified as transgender. The stories have covered a wide-range of topics from AIDS in the 1970s to celebrities in the past few years, yet the coverage has not been extensive enough to fully explain transgender identity to readers.

The pronoun use and identifiers employed have impressively improved with time. There is a clear chronology from “transvestite” to “transsexual” to “transgender,” and the paper was more likely to employ the correct pronoun or no pronoun at all than the wrong one. Yet only 14 of the 119 articles provided a definition of transgender, and 11 of those articles with definitions were written after 2000. That means before 2000, only three stories written about transgender individuals actually included a definition of what trans individuals are. Many individuals in society don’t know who transgender people are and what it means to identify as transgender, so prior to 2000, readers had to make inferences based on context, most of which



clumped transgender individuals in with deviants, criminals, and prostitutes. In order to discuss progress for transgender individuals, news outlets must include accurate definitions of transgender individuals in all coverage.

*The Dispatch* also failed to use transgender individuals as sources. Not one of the articles written on transgender law in Ohio actually interviewed a transgender individual for their perspective. *The Dispatch* interviewed the same therapist, Dr. Meral Crane, over six times over the course of this study whenever they needed an expert opinion on transgender individuals. And though she had enlightening things to say, she is not the only transgender expert in the entire city of Columbus, and she is not the only voice that needs to be heard. Transgender individuals must be included in stories for readers to understand their unique, and human, struggles.

Of the five big feature stories written on transgender individuals since 1985, two of them were written exclusively on heterosexual cross-dressing males who distinctly did not identify as transgender, because these men with a penchant for occasionally dressing as women were more palatable to the audience than other transgender individuals. Furthermore, only one article of all 119 spoke on the physical violence transgender individuals face, and the article only mentioned in passing that one of the victims identified as transsexual, choosing to focus instead on the fact that they were all gay. Many of the 656 articles that appeared in the original search referred to transgender individuals only as part of the lesbian, gay, bisexual, transgender (LGBT) acronym, and many of the 119 relevant articles focused on sexuality as much as, if not more than, they focused on gender identity.

Though coverage of transgender individuals has improved over time—21 of the 119 articles on trans individuals were written in the last two years alone—few definitions are provided, few transgender individuals are sourced, and few articles cover average transgender individuals. As the social responsibility theory suggests, it is the duty of journalists to give fully representative coverage of underrepresented populations, but the coverage of transgender individuals by *The Dispatch* has fallen short thus far. The map of transgender individuals provided by *The Dispatch* is murky at best, but at least it's progressing forward, unlike the courts.

### **The Overall Narrative**

From these court decisions and newspaper articles, constituents and readers make inferences. They see transgender individuals as criminals, prostitutes, or sensationalists. They never see accurate definitions of transgender individuals. Not one story or court case provided examples of the gender-neutral pronouns some transgender individuals prefer, and few explained why the pronoun of one gender or the other was employed. Few accounts actually came from transgender individuals themselves. *The Dispatch* has written only five longer pieces on transgender individuals in the past 27 years, and only 38 court cases in the past 42 years have involved transgender individuals in any substantive capacity. From these inaccurate, limited accounts, society cannot understand the transgender experience in any real way.

Transgender individuals have no chance of equal treatment under the law when all the cards are stacked against them. One transgender individual, like Kris or Cory,

with a story to tell cannot fight the tide of tales that come from the media and courts on, as Eddie Izzard called them, “fucking weirdo transvestites.” It is estimated that transgender individuals make up a very small percent of the population, so this small number of voices cannot explain to all of society the basic fight for a place to go to the bathroom or the need for equal employment rights.

Hayakawa claims in his opening quote that individuals possess inaccurate maps because of two reasons: because such maps are given to them and because they misread the maps handed to them. Society loses on both counts, because, as evidenced above, no accurate maps are provided. But even when individual transgender people step forward with a story to tell, society can’t understand it, because transgender individuals do not have a place in the male/female classification system that currently exists in our world. To many, individuals are either one or the other and there is no ability to transition or create another identity. In order to deal with this inability to compartmentalize individuals, we force transgender individuals into the classifications that already exist, much like the Ohio courts do when they determine a person’s gender based on their anatomical sex. This behavior is detrimental to the entire population of transgender individuals.

### **The Importance of Accurate Maps**

The most startling statistic of all of my research is that 41 percent of transgender individuals have tried to commit suicide. Though one cannot source the reason for someone to try to take their own life, society must foster a more positive environment for transgender individuals to help prevent more from seeing death as the

only escape. In the state of Ohio especially, there is much that can be done to create a more accepting environment. In Ohio, transgender individuals often cannot marry, cannot have custody of a child with their partner, cannot alter their birth certificate, and can be denied housing, just to name a few. Until 2001, the state often denied transgender individuals the ability to change their name, and in 2003, the state again denied marriage between a male transgender individual and his female fiancé, even with an altered birth certificate, because the transgender male is still chromosomally a female. Furthermore, transgender individuals nationwide are denied medical treatment and medical coverage for identifying as transgender, and many face rejection from friends, family, partners, and employers when they come out. How can we, as compassionate individuals, stand still in the face of such injustice? This information must be made known to the general public.

I personally understand the importance of an accurate map, because before this project, I didn't have one. Though I know, as a straight, cis-gender woman, I will never fully comprehend the transgender experience or the daily struggles of living as a trans person, I now know more of the story. Though reading the articles in *The Dispatch* and the cases from Ohio courts on transgender individuals proved interesting, it was the stories of Kris and Cory that transformed my life and this research. These normal individuals held extraordinary stories, and what surprised me most was how much I didn't know. I learned for the first time about the experience of believing you are in the wrong body from age five, the experience of hating your body during puberty because it is growing breasts against your will, the experience of

carrying around a packet of papers through every airport so as not to be arrested for incorrect identity and more. Each detail of their stories made me more aware of my own privilege and ignorance as a cisgender individual. It was only after I interviewed these individuals that I grew inspired to learn more about this topic.

The more I read and researched, the more I was enraged. The fact that Ohio, a swing state, is one of three states that doesn't allow transgender individuals to alter their birth certificates is abhorrent and wrong from every conceivable angle. In Arkansas, Alabama, and Georgia, transgender individuals can alter their birth certificates, but not in Ohio? Add to that the fact that transgender individuals cannot marry if they are both of the same anatomical sex, even if they present as opposite genders which makes marriage legal in Ohio, is morally wrong. The fact that not a single newspaper article or court case used gender-neutral pronouns is unsurprising, but disheartening. And most importantly, the fact that 41 percent of transgender individuals try to take their own lives is such a shocking statistic means that we as a society cannot turn a blind eye to transgender people any longer. If people knew that 41 percent of an entire population of people attempted to commit suicide, there is no way they could stand for such injustice. Just as it is the duty of the courts and media, according to social responsibility theory, to provide accurate maps, it is our duty as citizens to read them, and work for positive change. Society needs an accurate, human understanding of transgender individuals, because I believe when society is forced to see injustice, changes will be made for equality.

## **The Creation of the Accurate Map**

To create a more accurate map as a society, first, the law and media must provide one. Three simple ways to start creating an accurate map are as follows: use accurate language from identifiers to pronouns, insert the correct definition of transgender identity in every story and case that relates to trans topics, and have journalists interview transgender individuals in trans stories and have court officials consult transgender individuals on any trans court decisions made.

The first and easiest step is employing accurate language in Ohio court cases and newspaper articles. The easiest way to do this is for journalists to consult the transgender individual being covered to find out the identifier and pronoun they prefer. If that is not possible or an article or case is reporting on transgender individuals in general, news outlets and courts should refer to GLAAD's guide on words not to use, gender-neutral pronouns, and generally accepted ways to speak about transgender individuals, most of which is discussed in the vocabulary section of the introduction of this work for quick reference. By using correct languages, newspapers and court cases give their audiences the proper tools for how to discuss transgender individuals in a respectful, accurate way.

The second, and most important, step is including definitions of what it means to identify as transgender. To many, the idea of traversing gender barriers is unheard of, so it is the responsibility of the courts and the news to give the public an accurate explanation of what it means to be transgender. This definition would not construe transgender individuals as sexual deviants or female imposters or women pretending

to be men, but would instead explain that transgender individuals are merely regular people who identify as a gender besides the one assigned to them at birth.

The third, and most difficult, step is consulting or interviewing a transgender individual. Though transgender individuals are a small portion of the population, it is easy enough to contact TransOhio, a Columbus-based group advocating for transgender equality, with questions about finding transgender individuals to consult or interview. Transgender individuals want society to treat them better, and at least from what Cory and Kris have told me, many are willing to help media and courts. It is in the self-interest of transgender individuals and the courts/media to help each other to foster better understanding. This inclusion of transgender people could also derive from more diversity in the newsroom and the courtroom. With more LGBT individuals involved, these issues will be treated more respectfully.

By reinforcing accurate understandings of trans identity, the courts and media can change the tide of social change. A society armed with proper language, definitions, and accounts from actual transgender individuals have a more accurate map. Though it can't be known if some members of society will misread these maps, at least they will have the correct map in their hands. And from there, society as a whole can chart a course toward full equality for transgender individuals. In this idealistic future society, transgender individuals will not seek to end their own lives due to societal ignorance, and transgender individuals will not be inherently afraid of being themselves in public. It is a future that everyone deserves, and it is within reach as long as we have the right map.

## Appendix A

The following are additional resources that detail the transgender experience.

This list is by no means all-inclusive.

### **Books:**

*Becoming a Visible Man* by Jamison Green

*She's Not There: A Life in Two Genders* by Jennifer Finney Boylan

*The Lives of Transgender People* by Genny Beemyn and Susan Rankin

*Transgender Explained for Those Who Are Not* by Joanne Herman

### **Movies:**

*Boys Don't Cry*

*Prodigal Son*

*Southern Comfort*

*Transamerica*

### **Websites:**

Human Rights Campaign: <http://www.hrc.org/resources/category/transgender>

National Center for Transgender Equality: <http://transequality.org/>



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