

## **It's Your History—Use It! Talking Points for Tran-Inclusive ENDA Activists**

Since September 26, 2007, when Barney Frank revealed his disastrously wrong-headed plan to split ENDA into two bills, one for sexual orientation protection and the other for gender protection, it's been one big roller-coaster ride for the trans-inclusive community. Personally, I've swung between furiously sketching out position papers for a post LGBT trans movement, and reacting with elated amazement as the groundswell of support for retaining a gender-inclusive ENDA grew and grew. Grassroots outrage at the process, coupled with the principled stands taken by trans allies forced Speaker Pelosi and the national Democratic leadership to shift their strategy. That gives us the opportunity to lobby for trans-inclusion in ENDA in the weeks ahead.

My contribution to this effort, as a historian of our community, is to provide other activists with talking points that can be used to educate people who might be inclined to support us if they understood our situation a little better, and who need to counter some of the misconceptions perpetuated by Frank's skewed view of transgender civil rights activist history.

To paraphrase the German philosopher Freidrich Nietzsche's famous essay on "The Uses and Abuses of History," most people are interested in the past for strictly nostalgic reasons—they are looking for something there that seems familiar and makes them feel comfortable. The great and powerful, he says, if they have any use for history at all, it's just as a raw material for making a monument to themselves. It is only those "who are crushed by a present circumstance, and who are determined to throw off their oppression at all costs" who have any need for a critical understanding of their history. The information offered below is intended to be part of just such a critical history, which we need to use now to fight for our civil rights, and to continue building and strengthening a trans-inclusive vision of a progressive social movement and a just society.

Before getting down to business, there are two links I want to direct your attention to. The first is the most eloquent argument I have heard yet against the "incrementalist" approach to taking some sexual orientation protections now, and coming back later for gender protections. It's called "The Moment of Truth," and it was written by trans ally Nadine Smith of Florida. Here's the link:

[http://www.bilerico.com/2007/09/a\\_moment\\_of\\_truth.php](http://www.bilerico.com/2007/09/a_moment_of_truth.php)

The other link is to the most cogent analysis I have seen for why a gender-inclusive ENDA benefits far more people than just transgender people, and why a sexual orientation-only ENDA doesn't even adequately protect non-transgender gays and lesbians. That link, posted on the Daily Kos by a blogger called "A Yankee in Texas," is:

<http://www.dailykos.com/storyonly/2007/10/1/155834/102>

### **1. Transgender is not a recent fad; Anti-transgender discrimination is not new.**

In the United States, cities all across the country started passing ordinances against cross-dressing beginning in the 1840s. That's not a typo. The *1840s*. A common phrase in these laws made it a crime for a man or a woman to appear in public "in a dress not belonging to his or her sex."

For the relation of cross-dressing laws to gay and lesbian legal history, see William Eskridge, *Gaylaw: Challenging the Apartheid of the Closet* (Cambridge: Harvard University Press, 1997). For a totally exhaustive case study, take a look at Clare Sears's doctoral dissertation, "A Dress Not Belonging to His or Her Sex: Cross-Dressing Law in San Francisco, 1860-1900" (Sociology, UC Santa Cruz, 2005).

#### **Municipal Laws Prohibiting Wearing Dress of Opposite Sex (Source: Eskridge, 1999)**

<b>19<sup>th</sup> Century</b>		<b>20<sup>th</sup> Century</b>	
<b>Location</b>	<b>Year</b>	<b>Location</b>	<b>Year</b>
Columbus, Ohio	1848	Cedar Rapids, Iowa	1906
Chicago, Illinois	1851	Orlando, Florida	1907
Wilmington, Delaware	1856	Wilmington, North Carolina	1913
Springfield, Illinois	1856	Charleston, West Virginia	1913
Newark, New Jersey	1858	Columbus, Georgia	1914
Charleston, South Carolina	1858	Sarasota, Florida	1919
Kansas City, Missouri	1860	Miami Beach, Florida	192?
	1889		
Houston, Texas	1861	Pensacola, Florida	1920
Toledo, Ohio	1862	Cleveland, Ohio	1924
Memphis, Tennessee	1863	West Palm Beach, Florida	1926
San Francisco, California	1863	Detroit, Michigan	195?
St. Louis, Missouri	1864	Miami, Florida	1952
			1956
Minneapolis, Minnesota	1877	Cincinnati, Ohio	1974
Oakland, California	1879		
Dallas, Texas	1880		
Nashville, Tennessee	1881		
San José, California	1882		
Tucson, Arizona	1883		
Columbia, Missouri	1883		
Peoria, Illinois	1884		
Butte, Montana	1885		
Denver, Colorado	1886		
Lincoln, Nebraska	1889		
Santa Barbara, California	189?		
Omaha, Nebraska	1890		
Cheyenne, Wyoming	1892		
Cicero, Illinois	1897		
Cedar Falls, Iowa	1899		

## **2. Why were so many nineteenth-century cities making it illegal to cross-dress?**

Good question. Must be because a lot of people were doing it. Gay historian John D’Emilio has a famous argument about “Capitalism and Gay Identity” (widely anthologized, notably in *The Lesbian and Gay Studies Reader*) that suggests modern gay identities emerged when industrial cities created the conditions where large numbers of single working people could meet each other apart from the restrictions of family, church, and small-town life. The same would have been true for gender-variant people. Female-bodied people, whether they were “trans” or not, might try to pass as men to work in a “man’s world.” Male-bodied people would have less economic motives for dressing as women, so most of those who did were probably what we’d call “trans” today. Before hormones, surgery, and electrolysis, it would have been virtually impossible for such people to pass as women after adolescence. Because of employment discrimination, many of them became prostitutes and criminals in order to survive.

## **3. Why didn’t trans people organize to resist this social oppression back then?**

Another good question. Nobody has really done the research on this—but keep in mind that gay and lesbian people were not organizing for political action during this period either. The absence of social movements based on sexual orientation and gender expression at this time might have to do with the fact that US society in the nineteenth century was very mobile. People who somehow got in trouble in one place could fairly easily move someplace else, where nobody knew them, and start again.

## **4. What was going on in Europe at this time?**

It is important to note that a movement for sexual and gender freedom *did* begin right about this time in Europe—although it’s hard to tell the homos from the trannies. Karl Heinrich Ulrichs, often called “The Father of Homosexual Rights Movement,” is the person who, back in the 1860s, coined the phrase “a woman trapped in a man’s body” to describe people like himself. (Or should that be herself?) Ulrichs’s word for such a creature was *Urning*. He corresponded with a man by the name of Karl Maria Kertbeny, who proposed another term, “homosexual.” Kertbeny didn’t like the sense of gender inversion implied by *Urning*. Since the 1860s, then, people have been arguing about the relationship of (trans)gender to (homo)sexuality, and whether they are entirely distinct or related in a complex way. For more information on early gay/trans activism in Europe, check out: [glbtq.com](http://glbtq.com).

## **5. Did gay activism start before trans activism in the United States?**

No. It appears to be the other way around. In a pair of books called *Autobiography of an Androgyne* (1918) and *The Female Impersonators* (1922), the author Earl Lind (a self-described “androgyne,” “hermaphrodite,” and “fairy” in New York, who also used the name Jennie June) described his/her social world in New York City. According to Lind, a group of New York androgynes led by one Roland Reeves formed “a little club” called The Cercle Hermaphroditos in 1895, based on their self-perceived need “to unite for defense against the world’s bitter persecution.”

## **6. When did organized gay activism start in the United States?**

Henry Gerber founded a short-lived group in Chicago in 1924 called The Society for Human Rights, which was inspired by his contact with the homosexual emancipation movement in Europe. The first long-lasting groups were the gay male-oriented Mattachine Society, founded in 1950, and the Daughters of Bilitis, a lesbian group founded in 1956. One important development in the immediate post-World War II period was that gay and lesbian people began to understand themselves to be members of a minority community that was being denied its civil rights. Part of this came from the perception of many gay and lesbian people that they had served honorably in the war (or on the home front) but were not treated as full and equal members of society.

Transgender people began to think of themselves the same way, at the same time. The first organized transgender group, *The Society for Equality in Dress*, was founded in Southern California in 1952. It didn't last very long, but published two issues of a journal called *Transvestia*. Later, in 1960, one member of *The Society for Equality in Dress*, a cross-dresser who later started living fulltime as a woman, took the name of her old group's publication and launched the first successful transgender publication the United States. This second *Transvestia* was published into the 1980s. The magazine's founder, Virginia Prince, also founded national organizations for heterosexual cross-dressers, such as The Foundation for Personality Expression, and the Society of the Second Self.

Prince (still alive in her 90s as of this writing) is the classic example of a homophobic trans person, but that didn't stop the federal government from arresting her in 1959, through the same kind of sting operations it used to arrest gay men. At the time, individuals who used the U.S. mails to send letters to prospective sex partners could be charged with using the mail for obscene purposes. Prince got caught, and charged with a felony, because one person she was corresponding with (who turned out to be another cross-dresser pretending to be a lesbian) was having his mail surveilled by the federal government.

Trans and non-trans people, gay and straight, were subjected to the same kind of paranoid McCarthyite repression of anything outside of procreative heterosexual reproduction—and you could fall outside of that for reasons having to do with your gender expression as well as your sexuality. While we may not always like being in the same boat as a GLBT community, we all wound up here together for a reason.

For more on the curmudgeonly Virginia Prince, there's an online version of British sociologists Richard Ekins and Dave King's introductory essay "Pioneers of Transgendering: The Life and Work of Virginia Prince, which be found at: <http://www.gender.org.uk/conf/2000/king20.htm>.

## **7. Are transgender people usually homophobic?**

Same as everybody else—some are, most aren't. A perfect example of gay/trans collaboration is the story of Reed Erickson, one the most important trans people of the 20<sup>th</sup> century, but one of the least well known. Erickson was the first female graduate of

the Masters Program in Engineering at Louisiana State University in Baton Rouge, back in the 1930s. His family owned a lead smelting business that sold lead to the petroleum industry as a gasoline additive. He lived as an openly lesbian woman until his father died in 1964, at which time he inherited the family businesses and—suddenly a multi-millionaire—transitioned from female to male. Erickson funded the research that resulted in transsexuality being recognized as a medical condition. He was also the primary financial supporter of the ONE Institute in Los Angeles, at the time the largest gay rights organization in the United States. Gay activism and trans activism have had significant overlaps since the early 1960s. Best online source of info on Reed Erickson is Aaron Devor's page: <http://web.uvic.ca/~erick123//>

### **8. Why didn't trans people take part in the civil rights activism of the 1960s?**

They did. One of the most inspiring episodes took place in Philadelphia in April-May 1965, when Dewey's Lunch Counter, a hang-out spot popular with the downtown LGBT crowd started refusing to serve young patrons in what they euphemistically called "non-conformist clothing," claiming that "gay kids" were driving away other business. Customers rallied together to protest, and on April 25, more than 150 patrons in "non-conformist clothing" were turned away by the management. Three teenagers (two male and one female) refused to leave after being denied service, in what appears to be the first act of civil disobedience over anti-transgender discrimination; they, along with a gay activist who advised them of their legal rights, were arrested (and subsequently found guilty on misdemeanor charges of disorderly conduct). Over the next week, Dewey's patrons and members of Philadelphia's homosexual community set up an informational picket line at the restaurant, where they passed out thousands of pieces of literature protesting their treatment of gender-variant young people. On May 2, activists staged another sit-in. The police were again called in, but this time made no arrests; the restaurant's management backed down and promised "an immediate cessation of all indiscriminate denials of service."

The Dewey's incident demonstrates the overlap between gay and transgender activism in the working-class districts of major U.S. cities, in spite of tensions and prejudices within both groups. The Janus Society, Philadelphia's main gay and lesbian organization at the time, issued the following celebratory and forward-looking statement in its newsletter following the events of May 2, 1965:

All too often, there is a tendency to be concerned with the rights of homosexuals as long as they somehow appear to be heterosexual, whatever that is. The masculine woman and the feminine man often are looked down upon . . . but the Janus Society is concerned with the worth of an individual and the manner in which she or he comports himself. What is offensive today we have seen become the style of tomorrow, and even if what is offensive today remains offensive tomorrow to some persons, there is no reason to penalize non-conformist behavior unless there is direct anti-social behavior connected with it.

The Dewey's incident further illustrates the extent to which the tactics of minority rights activism cross-fertilized different social movements. Lunch-counter sit-in protests had

been developed as a form of protest to oppose racial segregation, but proved equally effective when used to promote the interests of sexual and gender minorities. It would be a mistake, however, to think that the African-American civil rights struggle simply “influenced” early gay and transgender activism at Dewey’s, for to do so would be to assume that all the gay and transgender people involved were white. Many of the queer people who patronized Dewey’s were themselves people of color, and they were not “borrowing” a tactic developed by another group. The struggles intersected.

(This information comes from Marc Stein’s book *City of Sisterly and Brotherly Loves: Lesbian and Gay Philadelphia, 1945-1972* (Chicago: University of Chicago Press, 2000)

### **9. Gay people started winning their rights when they took to the streets in the Stonewall Rebellion in 1969. Where were the transgender people?**

Transgender people had taken to the streets years before Stonewall. In August 1966 transgender people living in the Tenderloin neighborhood in San Francisco got fed up and fought back against police harassment at Compton’s Cafeteria, a popular late-night hangout much like Dewey’s in Philadelphia. It’s possible to reconstruct a very full picture of what happened at Compton’s. For decades, employment and housing discrimination had concentrated a transgender population in the Tenderloin district (a part of the city where so-called “vice” like gambling, prostitution, and drug-dealing was allowed to flourish by crooked cops who took their cut of the profits). Trans people didn’t have any other place to live, and nothing else to do to survive. Misguided urban renewal policies were tearing down working-class neighborhoods all around the Tenderloin, making competition for housing in the district’s many cheap hotels fiercer—and threatening to displace the most vulnerable transgender people. Police raids had been stepping up for the previous few years, due in part to efforts to crack down on Viet Nam-bound soldiers and sailors from the “don’t ask, don’t tell” crowd who had a habit of stopping off in the Tenderloin for a fling before heading overseas. Activist civil rights ministers from Glide Memorial United Methodist Church (the same Tenderloin institution featured in Will Smith’s recent film *The Pursuit of Happyness*) had been out organizing the neighborhood for an economic justice campaign, trying to win federal funding for anti-poverty programs. One unexpected outcome of that effort was the formation of Vanguard, “an organization of, by, and for the kids on the street,” many of whom were trans and gay, and were surviving through sex work after having been kicked out of their non-accepting families of origin. Vanguard met at Compton’s Cafeteria, and their first political action was to protest the mistreatment there of effeminate men and transgender women. They picketed, just like at Dewey’s, with the support of progressive Christian civil rights activists and members of San Francisco’s gay and lesbian establishment. But unlike what happened in Philadelphia, the protests fell on deaf ears. Shortly thereafter, when police came into Compton’s on a routine sweep, violence erupted when a transgender woman resisted arrest by throwing her coffee in a cop’s face.

This story is fully told in an Emmy Award-winning public television documentary, *Screaming Queens: The Riot at Compton’s Cafeteria*, available from Frameline Distribution ([www.frameline.org](http://www.frameline.org)). Unfortunately, it’s priced for institutional buyers, so try to find a library copy or one that’s been DVR’d. There are a couple of good clips that

have been posted on YouTube, including one where a transsexual woman is talking about employment discrimination: <http://www.youtube.com/watch?v=eFThqNHvWz0>

### **10. Did trans or gender-variant people participate in the Stonewall Rebellion?**

Yes. In spite of some efforts of “straight” gay people (and you know what I mean by that) to deny transgender participation in the street fighting that accompanied the famous police raid on New York’s Stonewall Inn, it remains true that trans people were in fact involved. The best historical research on this matter clearly documents it. See David Carter’s *Stonewall: The Riots that Sparked the Gay Revolution* (St. Martin’s, 2004) and especially Martin Duberman’s *Stonewall* (Penguin, 1993). Duberman’s being honored this year, by the way, by the American Historical Association for his distinguished scholarly career.

The Stonewall riots were chaotic—witnessed or participated in by thousands of people, so accounts will vary and contradict one another. But many first-person accounts say a butch woman first resisted arrest, and that her resistance inspired drag queens in the crowd to escalate their own resistance. Marsha P. Johnson, a transwoman who was murdered in the 1990s, was there. Sylvia Rivera, another transwoman, maintained until her death that she threw the bottle that tipped the crowd’s mood from resistance to rebellion.

### **11. Why didn’t transgender people build their own movement, instead of piggybacking on the gay and lesbian movement?**

They did. Starting in the mid-1960s, transgender people organized on their own behalf. They established support groups, educated social and medical service providers about their own needs, published newsletters, talked to the media, and did all the things that people do when they are building a movement. By the early 1970s, a group in San Francisco called the National Transsexual Counseling Unit employed two peer counselors and coordinated an impressive network of transgender-related services. There was a group in New York called the Queen’s Liberation Front, a group in Philadelphia called the Radical Queens, and a group in Los Angeles called the Transsexual Action Organization. There was activism at the local level all across the country.

The contemporary transgender movement has its roots in the same social upheavals that produced the ethnic civil rights movement, gay liberation, and feminism. It’s just been smaller, because transgender people represent only a tiny fraction of the population. For the best history of this period of the trans movement, see Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Harvard, 2002).

### **12. If trans people were so successful in building a movement back in the day, how come they haven’t made more progress until recently?**

As a very small community, trans people have always needed allies—and they were abandoned by their gay, lesbian, and feminist allies in the 1970s. Most people who haven’t studied history assume that we all make slow, incremental progress toward our goals over time, and that over the long haul more and more people become more

enlightened about things—you know, that your parents were uptight, but your kids are cooler than you. This isn't always the case, however. The impressive gains of the transgender movement of the late 1960s and early 1970s were largely wiped out and forgotten due to an anti-transgender backlash. It's shocking that something from such a recent historical period could be so erased from historical consciousness, but it's only been in the past few years that trans people have been able piece together a coherent picture of what their lived historical experience has been.

The rise of the baby-boomer generation that gave us gay liberation and second-wave feminism saw the rise of an attitude that transgender people were sick, deluded, or politically unsophisticated. Politically sophisticated and liberated people were working to “depathologize” homosexuality, while transgender people were trying to get doctors to pay attention to them. Politically sophisticated people were trying to overthrow the gender system, while transgender people were reinforcing stereotypes. You know the drill. Transgender analyses that argued for appropriate access to health care, or that pointed out that all of us inescapably have a gender, fell on deaf ears. It was transphobic prejudice masquerading as progress.

1973 was a watershed year. Sentiments against transgender people participating in gay and feminist work reached a fever pitch. Sylvia Rivera was physically prevented from speaking at the Stonewall commemoration in New York. Beth Elliot, a lesbian transsexual woman who had once been vice president of the San Francisco chapter of the Daughters of Bilitis lesbian organization in San Francisco was ejected from the West Coast Lesbian Conference in Los Angeles, by vehemently anti-transgender feminist Robin Morgan, who divided the crowd on the transgender issue in much the same way that the issue is threatening to divide the LGBT community today. With the war in Viet Nam winding down for the United States, the androgynous hippy style of the “Freakin’ Fag Revolution” was replaced with the new macho of the “clone look.” With the successful removal of homosexuality as a psychopathology list in the psychiatric bible, *The Diagnostic and Statistical Manual*, gender-normative gay and lesbian people could say that they were healthy and transgender people were sick. And repression continued from the outside, too. Police planted narcotics in the office of the National Transsexual Counseling Unit, framed them, and sent some of them to jail. It was a perfect storm, in which many progressive-minded people, self-righteously thinking they were being so advanced in their condemnation of transgender people, unwittingly marched in lock step with truly reactionary social forces.

Thirty years of advancing gay and feminist causes through solidarity with conservative definitions of gender and by trashing transgender people is what produces the seeming paradox of the right-wing Christian hate groups like Americans For Truth About Homosexuality actually quoting Barney Frank's phobic attitudes about transgender people on the front page of their website:

<http://americansfortruth.com/issues/the-agenda-glbtc-activist-groups/>

By the later 1970s, things were so bad for transgender people that academic feminist ethicist Janice Raymond could write a book called *The Transsexual Empire*, published by progressive publisher Beacon Press, with a cover blurb from iconic counter-cultural anti-psychiatry guru Thomas Szasz, that actually advocated that transsexuality be “morally mandated out of existence.” That amounts to a eugenic argument for genocide.

By 1980, transgender political isolation was complete—nobody cared about the dire forms of discrimination and oppression facing the transgender community except transgender people themselves. That year, a new psychopathology was added to the *Diagnostic and Statistical Manual: Gender Identity Disorder*. The next year, a devastating new disease called AIDS started its death march through the community. (For the record, US transgender women of color, who engage in survival prostitution and share needles for hormones and street drugs, have some of the highest HIV infection rates in the world.) For the most part, throughout the 1980s, transgender politics was mostly about helping individual transgender people survive. There was no prospect for a broader political movement.

### **13. So what happened to change that bleak picture?**

A lot of things changed in the 1990s, some of them subtle, some of them dramatic: the end of the Cold War gave people reasons to question binary thinking, the approach of the millennium stoke hopes and fears of sci-fi future in which all of our bodies might be transformed by biotechnology. The rise of the Internet gave previously isolated people new ways or communicating with one another—all these things subtly influenced the emergence of a newly vibrant transgender movement.

The AIDS crisis was one of the most important engines of change. It transformed the way many in the gay and lesbian community understood identity politics. They could not stop the epidemic if they (and the straight world) treated it like a “gay” disease. They had to think about how sexuality, gender, socioeconomic factors, ethnicity, substance use, poverty, and a host of other issues all came together. The positions that came out of that rethinking are the ones that came to be called “queer” (in the reclaimed positive sense) rather than simply gay or lesbian. It was a more intersectional and inclusive analysis. And transgender people—many of them with homosexual orientations, many of them living with AIDS, many of them politically involved in progressive causes like peace activism and opposition to US involvement in Central America and eager to direct their political skills towards transgender issues in a new way—transgender people actively took part in that new queer movement. The first transgender activist group of the current wave was Transgender Nation, founded in 1992 a focus group of the San Francisco chapter of Queer Nation.

### **14. So you mean the transgender activism of the past decade is not a new thing?**

That’s right. Since the early 1990s, when possibilities opened up for alliance with other people working on progressive social change issues, the transgender movement has flourished beyond the wildest hopes of many who have been involved in the struggle for transgender justice for decades. But this is the resurgence of a dormant movement rather than the birth of something entirely new. It’s only now, after decades of work by

countless thousands of people, that transgender issues are getting a candid look from members of the general public. This is an historic moment. There have never been more people paying attention to this issue. We have to mobilize everything within our power to win the fight for transgender equality. Knowing our history is part of that fight.

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This history lesson is brought to you today by Susan Stryker. She earned her Ph.D. in United States History at UC Berkeley in 1992, the same year she transitioned male-to-female, helped found Transgender Nation, and got fired from her first job for being transgendered. She later won two years of fulltime funding from the Ford Foundation, through the Sexuality Research Fellowship Program of the Social Science Research Council, to do historical research on transgender community formation. She worked for five years as Executive Director of the GLBT Historical Society in San Francisco, and was co-writer, -director, and producer of *Screaming Queens: The Riot at Compton's Cafeteria*. She currently holds the Ruth Wynn Woodward Endowed Chair in Women's Studies at Simon Fraser University, Vancouver. 10/2/2007.