

## Battle rages on over transgender rights

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By ASHLEY SMITH

Members of the transgender community say they are the next group of people who need to fight for, even demand, their rights.

Those are basic rights such as not being fired from a job and having insurance coverage for their medical needs.

Critics argue that being transgender isn't a social justice issue, it's a matter of personal choice.

Some say this could be the next civil rights battle of our time – following the path set out by women in the 1910s and African-Americans in the 1950s.

To date, transgender activists have scored victories in 13 states with the passage of transgender-inclusive anti-discrimination laws.

But opponents won a major battle last year when a proposed federal law to extend employment protections to homosexuals was stripped of a provision including the transgender population.

The fear among bill supporters was that a transgender provision would cause the landmark Employment Non-Discrimination Act to fail.

The bill sponsor, U.S. Rep. Barney Frank, D-Mass., who's openly gay, said after the Sept. 27 decision that removing the provision was the right thing to do to avoid erasing decades of work on behalf of gays and lesbians seeking equal rights.

"Our educational efforts regarding gender identity are much less far along, and given the prejudices that exist, face a steeper climb," Frank said.

Being heard

The loudest voices in the debate over transgender civil rights are gay and transgender activist groups and conservative Christian groups. But that isn't to say there's no gray area among folks who lean one way or the other.

The National Center for Transgender Equality, the only organization focused exclusively on promoting federal policy that benefits the transgender community, didn't get its start until 2004.

"We're just becoming a professionalized movement," said Executive Director Mara Keisling, who spends much of her time lobbying in Washington, D.C.

However, gay rights organizations have existed for decades – fighting in Washington and on the local level for an end to legalized discrimination in employment and housing, the right to marry and serve in the military, and other areas.

Most have broadened the scope of their political agendas over the years to include the transgender community.

**A group called the National Gay and Lesbian Task Force runs The Transgender Civil Rights Project, which provides assistance in getting laws passed that benefit the transgender community.**

A New England legal group called Gay and Lesbian Advocates and Defenders defends the transgender community in court, using laws that prohibit discrimination based on sex, sexual orientation or disability.

As a side note, the pairing of transgender and homosexual interest groups isn't really a natural fit. Although the two are often lumped together or confused, being transgender doesn't make a person homosexual.

Gender identity disorder refers to the gender someone identifies with personally, not the gender he or she prefers sexually. So, transgender people can be gay, straight or bisexual.

Much the same way gay and lesbian advocates have extended their efforts to the transgender community, anti-homosexual groups are picking up the transgender agenda and fighting back.

An anti-gay group called Americans for Truth that opposes the Employment Non-Discrimination Act's protections for homosexuals extended its opposition to the transgender community when that was still part of the bill.

The group cited examples where extending employment rights to the transgender community would harm other employees.

For example, the group argued, the law would create the uncomfortable situation of forcing employers to let people with male genitalia who call themselves female shower or use the bathroom with people who were born female.



### Legal issues

Today, some 40 percent of people in the United States live in an area where there's some form of legal protection for transgender people, according to Keisling.

That's up from about 4 percent of the nation in 2001, she said.

In addition to the 13 states, more than 100 jurisdictions, including the District of Columbia, have added a transgender provision to their antidiscrimination laws. Before 2001, Minnesota was the only state to have done so.

Soon, New Hampshire may be the last New England state without such a law. Vermont, Rhode Island and Maine have passed them, while Massachusetts and Connecticut have bills pending that seem likely to pass.

Advocacy groups argue there is a domino effect of legal and social complications that stem from a man deciding to live as a woman or vice versa – making difficult even mundane tasks such as renewing a driver's license or getting a passport.

Many states, including New Hampshire, require proof of surgery before changing the gender on a

person's driver's license, according to Gay and Lesbian Advocates and Defenders.

However, some transgender folks don't plan to have surgery. So they dress and present on a full-time basis in public as one gender, but their driver's license says the other. Keisling said that could complicate things such as voting or getting a drink at a bar.

Finding – or keeping – employment is a cornerstone issue for transgender rights organizations. In the 37 states, including New Hampshire, without transgender protection laws, it's legal to fire someone based on their gender identity.

But people such as Daniel Gilbert, 61, a North Carolina man who launched a bid for president last year and became a public opponent of the Employment Non-Discrimination Act, believe sexual preference – and by extension, gender identity – shouldn't be a civil rights issue. It should be a private matter dealt with outside the workplace, he said.

Gilbert argues skin color is a civil rights issue because it isn't a matter of choice, but changing genders is.

And opponents of the transgender provision argue the law would force employers of Christian book stores and other faith-based businesses to hire employees who practice what they believe is wrong.

Another cornerstone – and controversial – issue is health care. The issue was the crux of a bill that moved through the N.H. Statehouse last year. The bill would have required insurance companies to cover the cost of hormone therapy for transsexuals, but it failed by a landslide.

Supporters said a patient should be able to get coverage for the medication their doctor prescribes – regardless of how it relates to gender. But opponents from the health-insurance industry argue changing from one sex to another is cosmetic.

However, some transgender folks say their status presents a barrier from access to even the most routine health care.

According to Keisling, some insurance companies won't cover a mammogram and a prostate exam for someone who was born a male but has transitioned to a female.

Transgender advocates also identify addressing hate crimes against transgender people and the community's high rates of suicide and homelessness – usually because of job loss – as legislative priorities.

Roberta Barry, New England regional director for Parents, Family, & Friends of Lesbians and Gays, said the transgender community faces a big challenge, particularly because most of the country doesn't know much about them.

"The 'trans' movement is probably where the gay movement was 20 or 25 years ago," Barry said. "It was frightening to think about coming out."