

Proceedings

FROM

The First International Conference on Transgender Law and Employment Policy

(Third Edition, ©1992, 1993, & 1994)

AUGUST 1992
HOUSTON, TEXAS, U.S.A.

Published by and available from:

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5707 Firenza Street
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\$95 VHS video (1993 or 1994 only)
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Note: **The Fourth International Conference on Transgender Law and Employment Policy (TRANSGEN '95) will be 14-18 June, 1995 in Houston, Texas USA**

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WELCOME AND OPENING REMARKS

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2

3 PHYLLIS FRYE:

4 Welcome to the conference on
5 Transgender Law and Employment Policy here in
6 Houston, Texas, the United States of America.
7 This is the first ever! We are very excited to
8 be here.

6

7 It should be a very empowering feeling
8 for each one of you to know that in the future
9 when people are going to be writing laws about
10 us, that they are going to be looking back on
11 the proceedings of this conference and the
12 words that we said and the phrases that we came
13 up with and the definitions that we espoused.
14 In effect, we will be shaping future law. I
15 don't know how many of you have ever shaped
16 future law, but I don't think too many of you
17 have. So it should be quite an exciting thing.

12

13 Last night was our kickoff for those
14 of you who were not there. It was at the
15 Courthouse Club here in Houston. For those of
16 you reading the proceedings or listening to the
17 tape, I do want you to know that the Courthouse
18 Club was specifically selected because it is
19 only one block from the Harris County
20 Courthouse complex which encompasses about
21 eight buildings. We have one building that
22 does nothing but Family Law, and we have two
23 buildings that do nothing but Criminal Law. We
24 have two other buildings that do nothing but
25 Civil Law. The DA's got his own building, and
26 there are some other courts around stuffed in
27 other buildings. So it's a very large complex.
28 We had our kickoff right there. We're going to
29 have another dinner at the Courthouse Club
30 tonight.

22

23 We've already gotten into our
24 committees, and I want to make a few
25 introductions just to make sure everybody knows
26 who everybody is. Our moderator for Military
27 Law is Sharon Stuart from New York State. She's
28 an attorney and member of the transgender

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1 community. Our moderator for Health Law is
2 Marla Aspen, an attorney from our community
3 from Maryland. Housing Law is Keith Stewart.
4 He's from Houston, and he's a member of the Bar
5 Association for Human Rights here in Houston.
6 Insurance Law is Jim Kuhn. Jim is a member of
7 the Bar Association for Human Rights. Probate
8 Law is David Elliot from Houston, also a member
9 of the Bar Association for Human Rights.
10 Antidiscrimination Law is Helen Cassidy, the
11 Staff Attorney for the 14th Court of Appeals
12 here in Texas.

13
14 This afternoon we're going to have
15 three committees. From 2:00 to 3:15 is Family
16 Law with Connie Moore who is not yet here.
17 She's a member of BHR. Criminal Law is with
18 Clyde Williams, who is a member and the Past
19 First President of the Bar Association for
20 Human Rights. She's also Past President of the
21 Harris County Criminal Lawyer's Association.
22 We're real proud of her being here. For
23 Employment Law and Policy, the person who put
24 it all together and did all the research and
25 sent all the stuff down here is Laura Smiley,
26 who's an attorney member of our community from
27 Denver, Colorado. She is not here, but Diane
28 Sicatella, who is not an attorney, but who
29 helped Laura do a lot of her research, is
30 here. I'm going to head up the committee in
31 Laura's stead. Diane is going to be very
32 helpful in that process.

33
34 I want to make sure that everyone
35 understands that this conference has the
36 blessing of the State Bar of Texas. I've also
37 found out the Colorado Bar has given it its
38 blessing, and we have received ten hours of
39 continuing legal education credit for this
40 conference which I think is very significant.
41 We should be very proud of that.

42
43 I want to introduce to you some of our
44 hard workers. First off is my right-hand
45 person at this conference and the Chief of
46 Staff over the conference, Dee McKeller. One
47 of our two Assistant Chiefs is Cynthia Lee.
48 Cynthia has been very helpful. If there's any

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1 other committee members or volunteers here, if
2 you would raise your hand for some applause.
3 Ruby. The rest of them you'll see them as the
4 conference goes.

5 Just to let you know, tomorrow we will
6 have a repeat of all these committees. So if
7 there was a committee that you could not attend
8 and you want to go to that committee, you can.
9 There is going to be a lot of conversation
10 going on in the hallways. Anyone wearing a
11 yellow badge is fair game. They're committee
12 moderators, and if you want to grab them in the
13 hallway, grab them after lunch, or whatever,
14 and give them some ideas on their area of law,
15 please do.

16 Tomorrow our luncheon speaker is going
17 to be Alice Oliver-Parrot. She's the Chief
18 Justice of the 1st Court of Appeals here in
19 Texas. Tomorrow night we're going to have two
20 speakers. One is Ray Hill. Ray is not a
21 lawyer, but Ray is a first amendment activist.
22 Ray has the distinction of having his name on a
23 case that went all the way to the Supreme
24 Court, and he won. He's going to have a lot of
25 things to say. Also is Judge Fred Berry who is
26 on the 4th Court of Appeals out of San
27 Antonio. Fred and I went to high school
28 together, so I'm sure he will roast me during
29 the presentation. Saturday's dinner will be
30 Ms. Linda Saunchez. There is an endowed
31 writing competition at the University of
32 Houston Law School in the area of Transgender
33 and Sexual Minority Law, and Linda Saunchez was
34 this year's winner. She will present her
35 paper. After that will be Charlie Baird who is
36 a Justice on the Texas Court of Criminal
37 Appeals. So we have a lot of good speakers.

38

39

40

41

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Acknowledgements:

There was no way to produce this conference without help. Obviously, someone will be overlooked. If you were overlooked herein, please say something to me quickly so that I may correct these acknowledgements for future printings.

Thanks to Merissa Sherill Lynn of IFGE for helping me in August 1991 to focus the original idea into the original flyer. Thanks to the IFGE Board, especially Yvonne Cook, Laura Smiley (now Skaer), Sheila Kirk, Jane Ellen Fairfax and Nancy Cole for their early and continued encouragement.

Thanks to Linda and Cynthia Phillips and Tere Frederickson of Bolton & Park and to Jane Ellen of Tau Chi for assistance in getting out the word early. Thanks for Diane James for 15,000 free flyers and to Jim Crary of Printex Plus for free folding. Thanks to Ruby, JoAnne, Pam, Rene, Jackie, Vivian, Sarah, Dee, Cynthia, Jheri Lee, and Cynthia for the envelope addressing, licking and stamping to publicise the event to the many people and organizations. Thanks to all the organizations who carried the notices in their newsletters.

Thanks to the Gulf Coast Transgender Community (GCTC) and the affiliated sponsors. GCTC put its treasury on the line and supplied most of the event volunteers. The Winslow Street Foundation was generous with their grant. The Bar Association for Human Rights (BAHR) of Greater Houston got us the Minimum Continuing Legal Education (MCLE) credits from the Texas State Bar and hosted the Wednesday cocktail mixer at the Courthouse Club. The Association of Women In Law (AWIL) and Mandamus (Students Concerned with Lesbian and Gay Issues), both law student groups from the University of Houston Law Center, lended volunteer support and hosted the Thursday dinner at the Courthouse Club. The Courthouse Club and the Hilton Southwest, both of Houston, provided great food and facilities, staff and support.

Thanks to Dee McKellar, my chief over the volunteer staff, my "first sergeant." During the two months before the conference, she made everything tick. Thanks to the two assistant chiefs, Cynthia Lee and Vivian McKenzie for picking up the details. Thanks to the planning committee and the volunteer staff of Ruby, JoAnne, Rene, Jackie, Pam, Vivian, Sarah, Dee, Cynthia, Jheri Lee, Tammy, Cassandra, and Cynthia.

Thanks to the student court reporters: Leticia Salas, Cathy Baker and Tammy Adams. Thanks to Cori Sorenson of the Shirley Baker School in Houston.

Thanks to the law project coordinators. Specially I want to thank Laura, Sharon and Marla who jumped on board so quickly and encouraged me through the early stages. And, thanks to Betty and Karen who hosted the Northeast Planning meeting in Massachusetts for the 2nd Conference in August 1993.

FIRST INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY



This Conference is for attorneys and other legal professionals; for employment, personnel, and other human resources professionals; and for members of the transgender community, all of whom have an interest in the current status of *and in strategies for progressive changes in either the law and/or employment policy as they pertain to the transgendered community.*

Wednesday, August 26, 1992

through

Sunday, August 30, 1992

Hilton Southwest
6780 Southwest Freeway
Houston, Texas U.S.A.

Sponsored by:

Gulf Coast Transgender Community
an outreach organization

gctc

In affiliation with:

Bar Association for Human Rights
of Greater Houston, Inc.

Association of Women in Law
and Mandamus

both student legal societies at

University of Houston

Winslow Street Endowment Fund

of International Foundation for Gender Education

TRANSGENDER LAW AND EMPLOYMENT POLICY ARE ...

... The law and employment policy at all levels — federal, state, and local — in the United States and in various other countries, that are applied to transgendered persons.

They include, but are not limited to:

- military law
- housing law
- insurance law
- probate law
- criminal law
- health law
- family law
- anti-discrimination law
- employment law and policy.

Transgendered persons include transsexuals, transgenderists, and other crossdressers of both sexes, transitioning in either direction (male to female or female to male), of any sexual orientation, and of all races, creeds, religions, ages, and degrees of physical impediment.

KNOWLEDGE OF LAW AND EMPLOYMENT POLICY FOR TRANSGENDERED PERSONS IS IMPORTANT BECAUSE ... DISADVANTAGE IN THE LAW AND LOSS OF EMPLOYMENT ARE THE BIGGEST PROBLEMS OF TRANSGENDERED PERSONS.

This is a very unforgiving society for those persons (and their loved ones) who were born of one sex, yet have a definite opposite gender identity. This disagreement may range from moderate (occasional crossdressing) to complete (sex reassignment surgery). The condition is observed over such a vastness and diversity in geography, race, education, religion, income, and profession that to be transgendered is clearly not a matter of mere choice. Furthermore, rational people do not take upon themselves the burdens placed by unforgiving societies merely to express an occasional crossdressing fling.

THE CONFERENCE FORMAT

Weekday Committee Meeting Format:

During the daytime of Thursday and Friday, conference participants will meet in committee areas of their choices, exchange ideas and knowledge, and prepare a committee report (for Saturday presentation) on the current status of and strategies for progressive changes in either the law or employment policy as they pertain to the transgendered community. Luncheons with featured speakers will be held both days. Tentatively scheduled speakers are an administrative judge and an appeals court justice (at 0.5 hour C.L.E. each).

Wednesday and Thursday nights will be hosted by the affiliated organizations and will include buffet dinners and cash bar at locations away from the hotel. Also planned are introductions of the winners of the U of H Law Center writing competition on the subject of transgender and sexual-minority law.

Weekend Committee Reports Format:

Friday night will include a get-acquainted buffet at the hotel, a legal presentation by the conference organizer, and a presentation by another appeals court justice (at 1.0 hour C.L.E.), all followed by entertainment.

On Saturday, each committee will present a report of its findings on current status, and strategies for progressive changes in its area of law as it pertains to the transgendered community. The employment policy committee will present its report at the Saturday luncheon. (7.0 hours C.L.E. for the day.) Court reporters will provide transcripts for a post-conference "Proceedings".

Saturday night will feature a formal banquet, with a reading of the 1st place paper from the writing competition, another appeals court justice (1.0 hour C.L.E.), and entertainment afterwards.

A farewell brunch will be held on Sunday morning.

LOCATION OF THE CONFERENCE

The conference will be held at the Hilton Southwest, 6780 Southwest Freeway, in Houston, which has earned a reputation for boundless hospitality and service. A special room rate of \$48 plus tax per night (single or double) has been arranged for conference participants. To get this rate, CALL THE HILTON DIRECTLY AT 1-800-545-0064 AND ASK FOR "LAW CONFERENCE". Calling the nationwide Hilton 1-800 number will not entitle you to this rate.

STATE BAR OF TEXAS



Minimum Continuing Legal Education

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5/27/92

ATTN: Phyllis Randolph Frye, P.E.
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COURSE TITLE: 1st International Conference on Transgender Law and
Employment Policy
COURSE DATE(S): 8/26/92 TO 8/30/92 COURSE LOCATION: Houston, TX
COURSE NO.: 802100005 SPONSOR NO.: 8021 EXP. ATTEND.:

NOTIFICATION OF ACCREDITATION OF CLE ACTIVITY

The above referenced CLE activity that your organization submitted for accreditation in Texas has been reviewed and ACCREDITED as follows:

	PARTICIPATORY HOURS	ETHICS HOURS
MCLE and State Bar College	10.00	0.00

Proceedings

FROM

The Second International Conference on Transgender Law and Employment Policy

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Note: The Third International Conference on Transgender Law and Employment Policy will be 17-21 August, 1994 in Houston, Texas USA

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ABOUT THE COPYRIGHT

(Opening remarks, Thursday Luncheon, 26 August, 1993)

By Phyllis Frye:

Before we begin with the speakers, I want to present some words "on the record" about copyright. The written, audio, and video proceedings from this and from the first conference are copyrighted.

Making copies of all or part of both of the written proceedings is a violation of law with the following exceptions made only to non-profit CD and TS organizations. Non-profit CD and TS organizations can use, from the written proceedings, a mealtime presentation or a law project report, either in part or in total, in any of their organizational monthly newsletters. I.F.G.E. "Tapestry" may do up to two per issue. These reprints are free. They can be used, but they must include information about ordering the written, audio and video proceedings from ICTLEP, Inc.

This copyright exception does not extend to the "Employer's Manual" that was in the first PROCEEDINGS nor does it extend to the "Co-worker's Manual" or to the "Gender Change Employability Issues" report that will be in the 2ND PROCEEDINGS.

There is absolutely no waiver of copyright for the audio or video formats.

Now, I need to state why we have this policy. Both the "Employer's Manual" in the first PROCEEDINGS and the "Co-worker's Manual" and the "Gender Change Employability Issues" report that will be in the upcoming proceedings, were loaned to us: they were given to us on a single copyright basis. So, we cannot extend to you what we do not possess.

As to the non-profit CD and TS organizations and I.F.G.E., we of the transgender law conference want to be your resource. So, please put our reports into your newsletters. Just give us credit and tell people how to order the full copies of either proceedings.

As to the ban on copies from the rest of the written and from the entire audio and video, it's purely economics. Therefore, I wish to plea to your sense of honor. ICTLEP is struggling to provide you, the transgender community, and you, the legal community, with the very best in the area of law and employment policy. It is an economic hardship on both myself and on my board of directors. We pay for much of this out of our own pockets and we still pay for our own traveling and lodging as we go about trying to put these functions together. The only sources of income for ICTLEP are three:

- 1) Occasionally, we get good-hearted donations and small grants. So, anyone who is reading or listening to these proceedings and you want to send us a five-hundred-dollar check, we would appreciate it.
- 2) We also sell registrations and meals for this conference. That's a source of income.
- 3) And we have the sale of our written, audio and video proceedings. Those are on sale now for those of you who did not do the full registration. We will take orders for the 2ND PROCEEDINGS, either audio, video or written, which should be out within the next six weeks. And we do have for sale the first PROCEEDINGS and we can order and we'll probably order more of those. Those can be ordered through registration.

But every time you who are listening to this over audio, watching this over video or reading this, if you make a bandit copy, you're robbing your community of income that it takes to make ICTLEP a vital source in freeing you through education and transgender law and employment issues.



Hilton Southwest marquee, Houston, Texas, U.S.A.
August 26 - 29, 1993

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ICTLEP, Inc. Resource Directory Inside Back Cover

MINIMUM CONTINUING LEGAL EDUCATION

STATE BAR OF TEXAS



Minimum Continuing Legal Education

P.O. BOX 13007 / CAPITOL STATION / AUSTIN, TEXAS 78711 / (512) 463-1382



4/13/93

ATTN: Phyllis Randolph Frye
International Conference on Transgender Law and Employment
5707 Firenza Street
Houston, TX 77035-5515

COURSE TITLE: International Conference on Transgender Law and Employment
Policy
COURSE DATE(S): 8/26/93 TO 8/29/93 COURSE LOCATION: Houston, TX
COURSE NO.: 297500001 SPONSOR NO.: 2975 EXP. ATTEND.:

NOTIFICATION OF ACCREDITATION OF CLE ACTIVITY

The above referenced CLE activity that your organization submitted for accreditation in Texas has been reviewed and ACCREDITED as follows:

	PARTICIPATORY HOURS	ETHICS HOURS
MCLE and State Bar College	12.00	1.00

The application shows Option B as the method for calculating the MCLE Accreditation fee. Under this option, the fee is calculated at the rate of \$5 per Texas attorney attending the course with a minimum, non-refundable fee of \$25.00. As of this date, our records show the following payment information toward this fee:

AMOUNT PAID	TOTAL FEE	BALANCE DUE
\$120.00	To Be Determined	To Be Determined

After the course is completed, calculate the remaining fee due (if any) by multiplying the actual number of Texas attorneys in attendance times \$5 and subtracting the amount already paid. If a balance is due, enclose a check for the remaining fee with the completed Course Attendance forms.

Enclosed are the Course Attendance forms that are to be distributed to each Texas attorney attending this course. The signed and completed forms should be returned to the MCLE Department of the State Bar immediately after the course is completed.



Phyllis Randolph Frye (above) holding official plaque - to hang on the lecturn - hand-crafted by Sydney Clark (right)



INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street
Houston, Texas 77035-5515, USA
Area Code 713 / 723-8368
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty
Employment Law Director, Laura Elizabeth Skaer, Atty
Health Law Director, Martine Aliana Rothblatt, Atty
International Bill of Gender Rights Project and
Military Law Director, Sharon Ann Stuart, Atty
Secretary Director, Jackie Thome, C.P.A.
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

October 22, 1993

Policy for the Imprisoned, Transgendered

Adopted at the 2nd International Conference on Transgender Law and Employment Policy, 28 August, 1993.

NOTE: Although this is copyrighted, ICTLEP invites all empathetic persons to photocopy and broadly distribute, either in-person or anonymously, to jailers and sheriffs, and prison officials in every locale.

1. Segregation in the interest of an inmate's safety and dignity shall not deprive any inmate from the rights, privileges and facilities afforded to other general population inmates.
2. Access to counseling shall be afforded all transgendered inmates and shall include peer support group participation by those from inside the institution and those from the outside where possible. Counselling professionals should be qualified with respect to the current standard in gender science.
3. Transgendered inmates shall be allowed to initiate or to continue hormone therapy, electrolysis and other transgendered treatment modalities as prescribed by the involved professionals.
4. The transgendered inmate shall have access to clothing, personal items and cosmetics that are appropriate to the gender presentation of that inmate and appropriate within the institutional setting.
5. Special care shall be taken not to make a spectacle of transgendered inmates to the amusement of others, or to deny or to deprive transgendered inmates of their dignity.
6. A process shall be established to afford the hearing of grievances to the above policy items and appropriate resolution shall be made.

The 3rd International Conference on Transgender Law and Employment Policy is in Houston, Texas, 17-21 August, 1994. The entire Criminal Law Report and the entire Imprisonment Law Report are in Proceedings from the first and second conferences, respectively. Each copy of the written Proceedings is \$65, obtained from the letterhead address.

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I.C.T.L.E.P.

Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

Health Law Standards of Care for Transsexualism

Health Law Standards of Care for Transsexualism First Adopted at the 2nd International Conference on Transgender Law and Employment Policy, August, 1993 in Houston, Texas, U.S.A. The International Conference on Transgender Law and Employment Policy Shall Use Its Best Efforts to Disseminate these Health Law Standards of Care to All Persons Involved in the Medical Treatment of Transsexualism. This Document, Though Copyrighted, May Be Reproduced and Freely Distributed By Anyone Supporting the Principles and Standards Contained Herein.

Principle 1. Transsexualism is an ancient and persistent part of human experience and is not in itself a medical illness or mental disorder. Transsexualism is a desire to change the expression of one's gender identity.

Principle 2. Persons have the right to express their gender identity through changes to their physical appearance, including the use of hormones and reconstructive surgery.

Principle 3. Persons denied the ability to exercise control over their own bodies in terms of gender expression, through informed access to medical services, may experience significant distress and suffer a diminished capacity to function socially, economically and sexually.

Principle 4. Providers of health care (including surgical) services to transsexuals have a right to charge reasonable fees for their services, to be paid in advance, and to require a waiver of all tort liability except negligence.

Principle 5. It is unethical to discriminate in the provision of sex reassignment services based on the sexual orientation, marital status, or physical appearance of a patient.

Standard 1. Physicians participating in transsexual health care shall provide hormonal sex reassignment therapy to patients requesting a change in their sexual appearance subject only to (1) the physician's reasonable belief that the therapy will not aggravate a patient's health conditions, (2) the patient's compliance with periodic blood chemistry checks to ensure a continued healthy condition, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the physician may not require divorce but may also require the spouse to sign a waiver of liability form.

Standard 2. Physicians providing hormonal sex reassignment therapy shall collect and publish on an annual basis the number of hormone prescriptions they have issued and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex hormone therapy, to all prospective patients inquiring into the physician's hormone therapy services.

Standard 3. Surgeons participating in transsexual health care shall provide sex reassignment surgery to patients requesting a change in their sexual appearance subject only to (1) the surgeon's reasonable belief that the surgery will not aggravate pre-existing health conditions, (2) the surgeon's reasonable determination that the patient has been under hormonal sex reassignment therapy for at least one year, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the surgeon may not require divorce but may also require the spouse to sign a waiver of liability form.

Standard 4. Surgeons providing sex reassignment surgery shall collect and publish on an annual basis the number of sex reassignment surgeries they performed and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex reassignment surgery, to all prospective patients inquiring into the surgeon's sex reassignment services.

Standard 5. Physicians and surgeons shall not divulge the nature or identity of any patient requesting or receiving sex reassignment services except as explicitly directed in a notarized written request by the patient.

These Standards of Care were developed and adopted by consensus over a two-year period by the Health Law Project of the International Conference on Transgender Law and Employment Policy, Inc., and will be revised, as necessary, at subsequent conferences. The Health Law Project's membership includes professionals in the fields of law, health care policy and gender science—most of whom are transgendered themselves. We suggest you distribute these freely and widely. The Health Law Standards of Care were developed in the wake of widespread dissatisfaction by many in the transgendered community with the Harry Benjamin Standards of Care. Also relevant is the pending de-listing of transsexualism per se as a mental disorder from the DSM-IV. Many, if not most, of the patients doctors see for gender medical services (hormones; surgery) do not require any psychological services.

FORM 1: Informed Consent and Waiver of Liability

I, _____, having been fully informed in writing of the potential risks and complications of hormonal or surgical sex reassignment, do hereby choose of my own free will and consent to undertake this treatment because I want to alter my physical appearance to more closely reflect my gender identity.

I hereby release Dr. _____ of any and all liability for my decision to undertake a change of my sexual appearance and, for long-term use of hormones or for sex reassignment surgery, to affect on a permanent, irreversible basis my current sexual functioning, I promise not to sue Dr. _____ for any of the consequences of my hormonal sex reassignment or surgical sex reassignment unless those consequences are the result of negligence in the conduct of my hormone therapy or in the carrying out of my surgery.

Dated at _____, this _____ day of _____, _____.

Patient signature: _____

Witness: _____

FORM 2: Spousal Informed Consent and Waiver of Liability

I, _____, am presently married to _____ (Patient). I understand that Patient wishes to alter his/her physical appearance to more clearly reflect his/her gender identity, and has been trying to do so for at least _____ year(s). I have been actively involved in and fully support Patient's sex change process.

I have been fully informed of the nature of transsexualism and sex reassignment surgery or hormonal therapy. I fully understand that the surgery or hormone therapy which Patient will undergo will transform Patient into the opposite sex. I fully understand that the surgery and effects of long-term use of hormones is not reversible, and that Patient will never be able to sire or bear children after the surgery or long-term hormonal therapy. I also understand that the sex reassignment process involves dangers and risks including, but not limited to, post-operative infection, depression, emotional changes and other physical and psychological changes. It is with my full knowledge and consent that my spouse, the Patient, undergo sex reassignment surgery or hormonal therapy to cause a change of his/her sex to occur.

I hereby release and hold harmless Dr. _____ from any and all claims arising out of performance of sex reassignment surgery or hormonal therapy, actual negligence excepted. I fully understand that I will not be able to seek monetary damages for any loss of sexual companionship between Patient and myself, the loss of Patient's ability to sire or bear children or any similar problems which may arise from the performance of the sex reassignment surgery or hormonal therapy.

Dated at _____, this _____ day of _____, _____.

Spouse signature: _____

Witness: _____

Notary: _____

PROPOSED LEGAL DEFINITIONS

Faced with the wide array of definitions of sex, gender and transsexualism, ICTLEP offer some standard definitions from the standpoint of utility under health law.

Sex: A person's *identity* along a continuum of role types with "male" and "female" at the polar extremes.

Role Type: A set of beliefs, behaviors and appearances.

Male: A role type which a particular culture associates with individuals anatomically structured for contributing reproductive cells to another person.

Female: A role type which a particular culture associates with individuals anatomically structured for receiving reproductive cells from another person.

Gender: The *characteristics* of a continuum of role types ranging from male to female, with such characteristics including behaviors and sexual anatomy, and being labelled a "masculine" and "feminine" at the polar extremes.

Transsexualism = Transgenderism: The condition of wanting to change one's gender to better match one's sex.

These revised legal definitions recognize the emerging scientific reality that sex is in the brain, and not the body. Transsexuals do not really change their sex- they are born with that. Instead, transsexuals aim to change the erroneous sexual labels that were assigned to them at birth. The only way to change those labels is to change the basis upon which those labels were applied, namely, the outward expressions of sex. This means that to change a sexual label, one must change their gender- from behavior to anatomy- since gender is the outward expression of one's sexual identity. Hence, transsexualism is really a misnomer and transgenderism is a more scientifically accurate term.

For more information or to provide comments on these Standards of Care, please write to:

Martine Aliana Rothblatt, Esq., Director Health Law Project, ICTLEP, Inc., 1718 Rhode Island Ave., NW #333, Washington, DC 20036 FAX: (301) 495-8987

For a full transcript of the 2nd International Conference on Transgender Law and Employment Policy which led to the adoption of the new Standards of Care, please send \$65.00 and specify whether you want text, audio, or (\$95.00) VHS video to the letterhead address. Please add \$10.00 for non-USA mailing. To participate in any iteration of the Standards you are invited to attend the 3rd International Conference on Transgender Law and Employment Policy, 17-21 August, 1994 at the Southwest Hilton Hotel in Houston, Texas. Registration materials for this Conference may also be obtained from the letterhead address.

INTERNATIONAL CONFERENCE ON
TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

THE INTERNATIONAL BILL OF GENDER RIGHTS

(As adopted by ICTLEP, August 28, 1993, Houston, Texas, U.S.A.)

This restatement of "The International Bill of Gender Rights" was drafted in committee and adopted by The International Conference on Transgender Law and Employment Policy, Inc. (ICTLEP) at that organization's second annual meeting, held in Houston, Texas, August 26-29, 1993.

Please note that this document is subject to review and revision at each annual meeting of ICTLEP. This document, though copyrighted, may be reproduced by any means and freely distributed by anyone supporting the principles and statements contained herein.

THE INDIVIDUAL'S RIGHT TO DEFINE GENDER IDENTITY:

All human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving. The individual's sense of self is not determined by chromosomal sex, genitalia, assigned birth sex or initial gender role. Thus, the individual's identity and capabilities cannot be circumscribed by what society deems to be masculine or feminine behavior. It is fundamental that individuals have the right to define, and to redefine as their lives unfold, their own gender identity, without regard to chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, each individual shall have the right to define their own gender identity, regardless of chromosomal sex, genitalia, assigned birth sex or initial gender role; and further, no individual shall be denied Human or Civil Rights on the basis that their self-defined gender identity is not in accord with chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO FREE EXPRESSION OF GENDER IDENTITY:

Given the right to define one's own gender identity, all human beings have the corresponding right to free expression of their self-defined gender identity.

Therefore, all human beings have the right to free expression of their self-defined gender identity; and further, no individual shall be denied Human or Civil Rights by virtue of the expression of a self-defined gender identity.

THE RIGHT TO CONTROL AND CHANGE ONE'S OWN BODY:

All human beings have the right to control their bodies, which includes the right to change their bodies cosmetically, chemically or surgically, so as to express a self-defined gender identity.

Therefore, individuals shall not be denied the right to change their body as a means of expressing a self-defined gender identity; and further, individuals shall not be denied Human or Civil Rights on the basis that they have changed their bodies cosmetically, chemically or surgically, or desire to do so as a means of expressing a self-defined gender identity.

THE RIGHT TO COMPETENT MEDICAL AND PROFESSIONAL CARE:

Given the individual's right to define their own gender identity, and the right to change one's own body as a means of expressing a self-defined gender identity, no individual should be denied access to competent medical or other professional care on the basis of the individual's chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, individuals shall not be denied the right to competent medical or other professional care, when changing their body cosmetically, chemically or surgically, on the basis of chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO FREEDOM FROM PSYCHIATRIC DIAGNOSIS OR TREATMENT:

Given the right to define one's own gender identity, individuals should not be subject to psychiatric diagnosis or treatment solely on the basis of their gender identity or role.

Therefore, individuals shall not be subject to psychiatric diagnosis or treatment as mentally disordered or diseased, solely on the basis of their expression of a self-defined gender identity.

THE RIGHT TO SEXUAL EXPRESSION:

Given the right to a self-defined gender identity, every consenting adult has a corresponding right to free sexual expression.

Therefore, no individual's Human or Civil Rights shall be denied on the basis of sexual orientation; and further, no individual shall be denied Human or Civil Rights for expression of a self-defined gender identity through sexual acts between consenting adults.

THE RIGHT TO FORM COMMITTED, LOVING RELATIONSHIPS AND ENTER INTO MARITAL CONTRACTS:

Given that all human beings have the right to free expression of a self-defined gender identity, and the right to sexual expression as a form of gender expression, all human beings have a corresponding right to form committed, loving relationships with one another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, individuals shall not be denied the right to form a committed, loving relationship with another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO CONCEIVE OR ADOPT CHILDREN; THE RIGHT TO NURTURE AND HAVE CUSTODY OF CHILDREN AND EXERCISE PARENTAL RIGHTS:

Given the right to form a committed, loving relationship with another, and to enter into marital contracts with another, together with the right to sexual expression of one's gender identity, individuals have a corresponding right to conceive or adopt children, to nurture children and have custody of children, and to exercise parental rights with respect to children, natural or adopted, without regard to chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, no individual shall be denied the right to conceive or adopt children, or to nurture and have custody of children, or to exercise parental rights with respect to natural or adopted children, on the basis of their own, their partner's or their children's chromosomal sex, genitalia, assigned birth sex or initial gender role.

NOTES:

The International Bill of Gender Rights is based on two similar documents drafted independently in 1991 by JoAnn Roberts and Sharon Ann Stuart. Copies of these documents can be obtained by request to the address below. Please enclose \$3.00 for copy cost and postage.

The International Bill of Gender Rights is distributed by The International Bill of Gender Rights Project, an activity of the International Conference on Transgender Law and Employment Policy, Inc. Individuals and organizations are invited to consider and adopt this statement as their own expression of principles and truths with respect to the gender rights of all human beings.

Comments and proposed revisions are invited and should be addressed to: International Bill of Gender Rights Project, P.O. Box 930, Cooperstown, NY 13326. Telephone: (607) 547-4118. Voice messages and telefacsimile transmissions can be accommodated by the same telephone number.

INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street
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Secretary Director, Jackie Thorne, C.P.A.
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

October 1, 1993

TO: ALL TRANSGENDER SUPPORT ORGANIZATIONS, WORLDWIDE
FROM: PHYLLIS RANDOLPH FRYE, ATTORNEY, EXECUTIVE DIRECTOR
RE: YOUR GROUP'S OPTIMUM UTILIZATION OF ICTLEP PRODUCTS

Dearest Sisters and Brothers,

On behalf of the Board of ICTLEP, I thank you for all that you have done over the years to make life a little better and certainly a lot less lonely for those of us who live in your spot on the globe.

ICTLEP has been a concept for over two years and a corporation for less than one year. Even so, we already have many products that you can use to enlighten and educate those non-transgendered officials, policy makers, legislators, police, doctors, and educators where you are, yes, in your town, state or province. Enclosed are three items which you can photocopy and distribute to the non-transgendered in a manner that you deem best. They are:

- "International Bill of Gender Rights"
- "Health Law Standards of Care for Transsexualism", and
- "Policy for the Imprisoned, Transgendered".

I feel that your distribution of copies of these ICTLEP products in your own area will do nothing but make life better for you.

I ask, I implore, I plead. Please support ICTLEP with a donation of at least \$130.00 US. For this donation, your support group will receive both of the written, transcribed **PROCEEDINGS**, which are full texts of all speakers and reports from the first two ICTLEP transgender law conferences. In addition, your support group (note the copyright information) will discover that most of those speeches and reports can be placed in whole or in part into your monthly newsletters. This is empowerment for your readers.

Dedicated to your legal freedom,

Phyllis Randolph Frye, Attorney,
Executive Director, ICTLEP, Inc.

Proceedings

FROM

The Third International Conference on Transgender Law and Employment Policy

TRANSGEN '94
AUGUST 1994
HOUSTON, TEXAS, U.S.A.
First Printing Edition

Published by and available from:

**Phyllis Randolph Frye, Attorney
Executive Director, ICTLEP, Inc.
5707 Firenza Street
Houston, Texas, 77035-5515 USA
Answering machine: (713) 723-8368
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Policy will be 14-18 June, 1995 in Houston, Texas USA**

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(Opening remarks, Thursday Luncheon, 18 August, 1994)

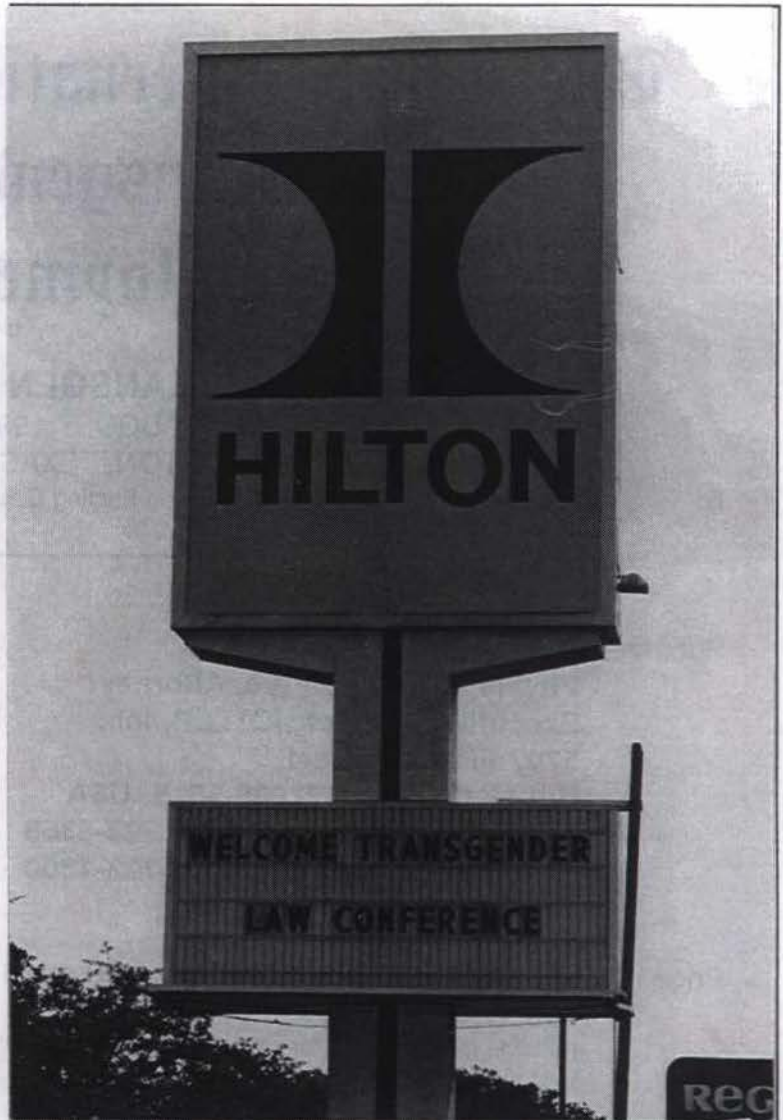
by Laura Elizabeth Skaer:

Before I do introductions there are a couple of legal things that we have to do since this is a legal conference. I want to get on the record an understanding that the entire conference is copyrighted. The proceedings are copyrighted, the video, the audio is copyrighted. And the written, audio and video proceedings from this, is well as the first and second conferences, are copyrighted. Making copies of all or part of both of written proceedings is a violation of the law with the following exceptions made only to non-profit CD and TS-TG organizations.

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These copyright exceptions do not, I repeat, do not extend to the "Employer's Manual" that was in the first proceedings, nor do they extend to the "Co-workers's Manual" in the second proceedings nor to the "Gender Change Employability Factors" research report that is in the second proceedings.

There is absolutely no waiver of copyright for the audio or video formats unless specifically marked as such.



Message that has appeared on Hilton Southwest marquee at all three annual TRANSGEN conferences

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Thomas R. Heitz & Sharon Ann Stuart, Attorney, Gender Rights & Military Law Director, ICTLEP, Inc.

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Connie Moore, Attorney, Family Law Moderator, Transgender Advocate Award Recipient

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MINIMUM CONTINUING LEGAL EDUCATION

STATE BAR OF TEXAS



Minimum Continuing Legal Education

P.O. BOX 13007 / CAPITOL STATION / AUSTIN, TEXAS 78711 / (512) 463-1382



6/02/94

ATTN: Phyllis Randolph Frye
International Conference on Transgender Law and Employment
5707 Firenza Street
Houston, TX 77035-5515

COURSE TITLE: 3rd Annual Transgender Law Conference
COURSE DATE(S): 8/17/94 TO 8/21/94 COURSE LOCATION: Houston, TX
COURSE NO.: 297500003 SPONSOR NO.: 2975 EXP. ATTEND.: 20

NOTIFICATION OF ACCREDITATION OF CLE ACTIVITY

The above referenced CLE activity that your organization submitted for accreditation in Texas has been reviewed and ACCREDITED as follows:

	PARTICIPATORY HOURS	ETHICS HOURS
MCLE and State Bar College	13.50	1.00

The application shows Option B as the method for calculating the MCLE Accreditation fee. Under this option, the fee is calculated at the rate of \$5 per Texas attorney attending the course with a minimum, non-refundable fee of \$25.00. As of this date, our records show the following payment information toward this fee, and the late filing fee (if applicable):

ACCRED. FEE	LATE FEE	AMOUNT PAID	BALANCE DUE
To Be Determined	\$0.00	\$60.00	To Be Determined

After the course is completed, calculate the remaining fee due (if any) by multiplying the actual number of Texas attorneys in attendance times \$5 and subtracting the amount already paid. If a balance is due, enclose a check for the remaining fee with the completed Course Attendance forms.

Enclosed are the Course Attendance forms that are to be distributed to each Texas attorney attending this course. The signed and completed forms should be returned to the MCLE Department of the State Bar immediately after the course is completed.

THE INTERNATIONAL BILL OF GENDER RIGHTS

(As adopted August 20, 1994, Houston, Texas, U.S.A.)

The restatement of "The International Bill of Gender Rights" was first drafted in committee and adopted by the International Conference on Transgender Law And Employment Policy, Inc., (ICTLEP) at that organization's second annual meeting, held in Houston, Texas, August 26 -29, 1993.

The International Bill of Gender Rights was reviewed and amended as set forth below in committee, and adopted by ICTLEP at its TRANSGEN '94 Conference, August 17 - 21, 1994, in Houston, Texas.

Please note that this document is subject to review and revision at each annual meeting of ICTLEP.

This document, though copyrighted, may be reproduced by any means and freely distributed by anyone supporting the principles and statements contained in the International Bill of Gender Rights.

Comments and proposed revisions are invited and should be addressed to: International Bill of Gender Rights Project, P.O. Box 930, Cooperstown, NY 13326. Telephone: (607) 547 - 4118.

THE RIGHT TO DEFINE GENDER IDENTITY

All human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving. The individual's sense of self is not determined by chromosomal sex, genitalia, assigned birth sex or initial gender role. Thus, the individual's identity and capabilities cannot be circumscribed by what society deems to be masculine or feminine behavior. It is fundamental that individuals have the right to define, and to redefine as their lives unfold, their own gender identities, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, all human beings shall have the right to define their own gender identity, regardless of chromosomal sex, genitalia, assigned birth sex, or initial gender role; and further, no individual shall be denied Human or Civil Rights by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex, or initial gender role.

THE RIGHT TO FREE EXPRESSION OF GENDER IDENTITY

Given the right to define one's own gender identity, all human beings have the corresponding right to free expression of their self-defined gender identity.

Therefore, all human beings have the right to free expression of their self-defined gender identity; and further, no individual shall be denied Human or Civil Rights by virtue of the expression of a self-defined gender identity.

THE RIGHT TO SECURE AND RETAIN EMPLOYMENT AND TO RECEIVE JUST COMPENSATION

Given the economic structure of modern society, all human beings have a right to train for and to pursue an occupation or profession as a means of providing shelter, sustenance, and the necessities and bounty of life, for themselves and for those dependent upon them; and to secure and retain employment regardless of gender identity or the exercise of gender rights; and to receive just compensation for their labor.

Therefore, individuals shall not be denied the right to train for and to pursue an occupation or profession; nor shall individuals be denied the right to secure and retain employment, or to receive just compensation for their labor, by virtue of their chromosomal sex, genitalia, assigned birth sex, initial gender role, or exercise of gender rights.

THE RIGHT TO CONTROL AND CHANGE ONE'S OWN BODY

All human beings have the right to control their bodies, which includes the right to change their bodies cosmetically, chemically, or surgically, so as to express a self-defined gender identity.

Therefore, individuals shall not be denied the right to change their bodies as a means of expressing a self-defined gender identity; and further, individuals shall not be denied Human or Civil Rights on the basis that they have changed their bodies cosmetically, chemically, or surgically, or desire to do so as a means of expressing a self-defined gender identity.

THE RIGHT TO COMPETENT MEDICAL AND PROFESSIONAL CARE

Given the individual's right to define their own gender identity, and the right to change one's own body as a means of expressing a self-defined gender identity, no individual should be denied access to competent medical or other professional care on the basis of the individual's chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, individuals shall not be denied the right to competent medical or other professional care, when changing their bodies cosmetically, chemically or surgically, on the basis of chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO FREEDOM FROM PSYCHIATRIC DIAGNOSIS OR TREATMENT

Given the right to define one's own gender identity, individuals should not be subject to psychiatric diagnosis or treatment solely on the basis of their gender identity or role.

Therefore, individuals shall not be subject to psychiatric diagnosis or treatment as mentally disordered or diseased, solely on the basis of their expression of a self-defined gender identity.

THE RIGHT TO SEXUAL EXPRESSION

Given the right to a self-defined gender identity, every consenting adult has a corresponding right to free sexual expression.

Therefore, no individual's Human or Civil Rights shall be denied on the basis of sexual orientation; and further, no individual shall be denied Human or Civil Rights for expression of a self-defined gender identity through sexual acts between consenting adults.

THE RIGHT TO FORM COMMITTED, LOVING RELATIONSHIPS AND ENTER INTO MARITAL CONTRACTS

Given that all human beings have the right to free expression of self-defined gender identities, and the right to sexual expression as a form of gender expression, all human beings have a corresponding right to form committed, loving relationships with one another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to form a committed, loving relationship with one another or to enter into marital contracts by virtue of their own or their partner's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

THE RIGHT TO CONCEIVE, BEAR, OR ADOPT CHILDREN; THE RIGHT TO NURTURE AND HAVE CUSTODY OF CHILDREN AND EXERCISE PARENTAL RIGHTS

Given the right to form a committed, loving relationship with another, and to enter into marital contracts, together with the right to sexual expression of one's gender identity, individuals have a corresponding right to conceive, bear, or adopt children, to nurture children and have custody of children, and to exercise parental rights with respect to children, natural or adopted, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role.

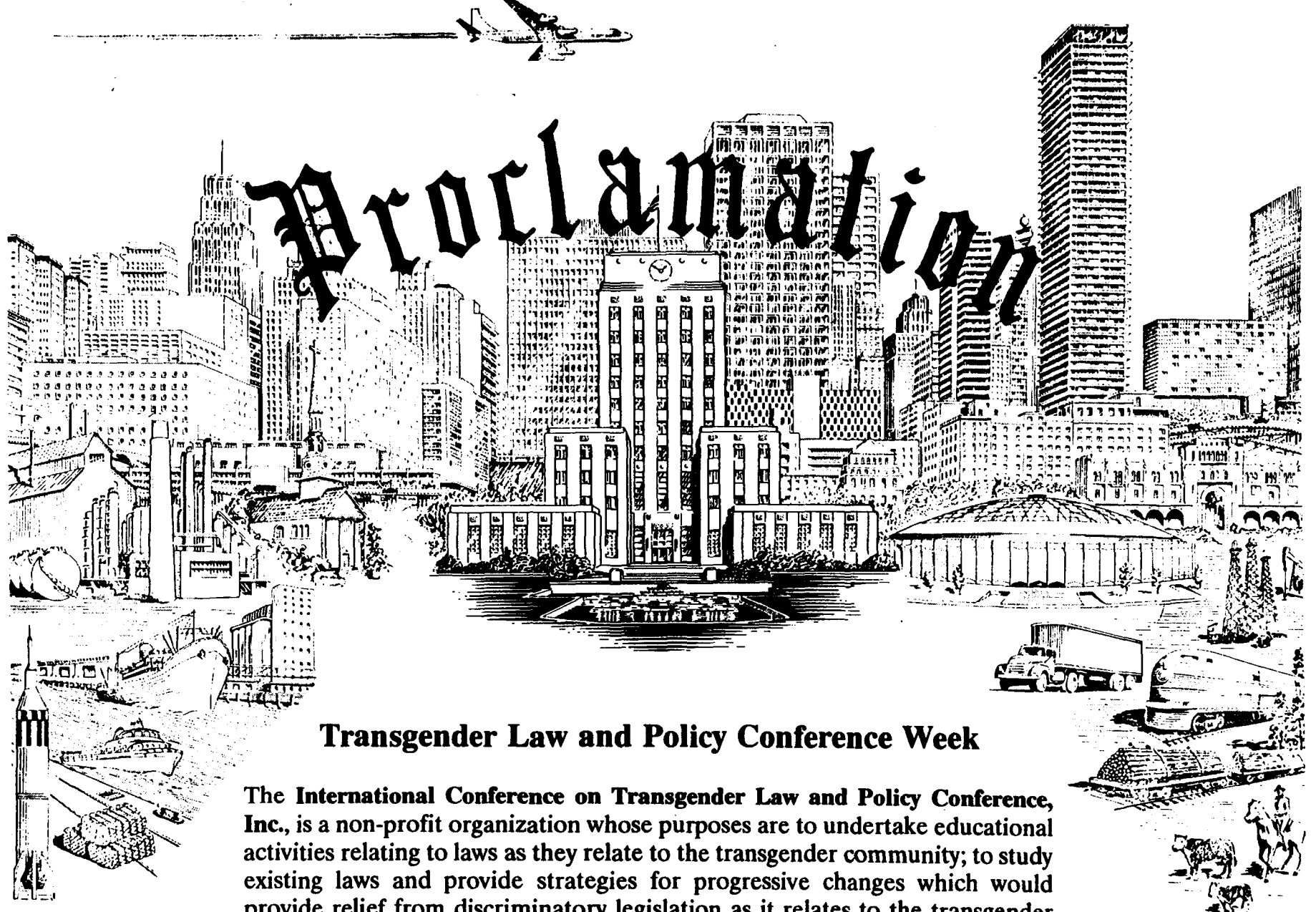
Therefore, individuals shall not be denied the right to conceive, bear, and adopt children, nor to nurture and have custody of children, nor to exercise parental rights with respect to natural or adopted children, on the basis of their own, their partner's or their children's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

NOTES:

The International Bill of Gender Rights (IBGR) is based in part on two preceding documents, each drafted independently, one by JoAnn Roberts of Pennsylvania and another by Sharon Ann Stuart of New York.

The International Bill of Gender Rights is distributed by The International Bill of Gender Rights Project, an activity of the International Conference on Transgender Law and Employment Policy, Inc. Individuals and organizations are invited to consider and adopt this statement as their own expression of principles and truths with respect to the gender rights of all human beings.

Proclamation



Transgender Law and Policy Conference Week

The International Conference on Transgender Law and Policy Conference, Inc., is a non-profit organization whose purposes are to undertake educational activities relating to laws as they relate to the transgender community; to study existing laws and provide strategies for progressive changes which would provide relief from discriminatory legislation as it relates to the transgender community; and to provide information in order to educate the general public, as well as the legal profession, about the special problems unique to the transgender community.

The International Conference on Transgender Law and Policy Conference, Inc. will hold its third annual Transgender Law and Policy Conference, entitled

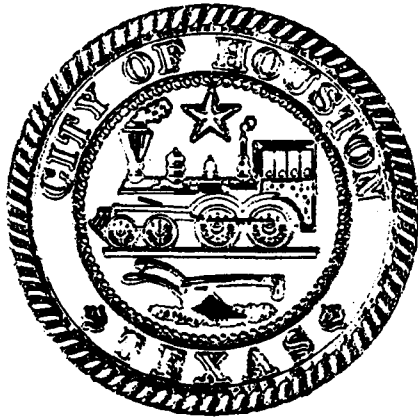
The International Conference on Transgender Law and Policy Conference, Inc. will hold its third annual **Transgender Law and Policy Conference**, entitled *Transgen '94: Your Jobs, Your Health, Your Rights, and Your Documents* in Houston on August 17 - 21, 1994. *Transgen '94* and its predecessor events have each brought pride into the local transgender/lesbian/gay/bisexual community, celebrated diversity for the community at large, generated economic support for Houston, and provided transcripts and bound proceedings for area legal libraries. The State Bar of Texas has awarded the **International Conference on Transgender Law and Policy Conference** with continuing legal education credits for each of its annual conferences.

The City of Houston extends best wishes to the **International Conference on Transgender Law and Policy Conference** for a successful *Transgen '94*.

Therefore, I, Robert C. Lanier, Mayor of the City of Houston, hereby proclaim the week of August 17 - 21, as

Transgender Law and Policy Conference Week

in Houston, Texas.



In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of Houston to be affixed this 11th day of August, 1994, A.D.

Bob Lanier
Mayor of the City of Houston

FOIBLES OF FLYING ELVI

The Houston Post / Friday, November 18, 1994 / A-19

Parachuting Elvises to battle it out in court over trademark rights

ASSOCIATED PRESS

LAS VEGAS — The flying Elvi and the Flying Elvises are all shook up and have gone to court for the right to dive out of planes in Elvis garb.

The Flying Elvi sued the Flying Elvises in federal court Wednesday, claiming unfair trademark infringement and deceptive trade practices.

Flying Elvi manager Richard Feeney claims he

was marketing the concept before the Flying Elvises formed.

But the Elvises say credit for the idea should go to the 1992, movie *Honeymoon in Vegas*, which features skydiving Elvises.

In my personal opinion, the news article, above, needs to be placed within the covers of this scholarly book. It puts into perspective the stupidity and hypocrisy of our society in its mistreatment of us, the transgendered.

The Flying Elvi and the Flying Elvises are fighting in federal court over the right use a name directly associated with the wearing of clothing or costume that copies or impersonates a sex symbol. I seriously doubt that any member of the Flying Elvi or any member of the Flying Elvises will risk their jobs, risk their insurance coverage or see it severely limited, risk their access to health care or see it restricted, or risk losing any of their other rights because their family, employers, friends, clergy or police know that they wear Presley attire.

Why can't we similarly be who we are or simply let others know who we are without taking those risks? Well, we can. We can when you decide to shed your guilt, be proud of who you are and come out of your closet.

Phyllis Randolph Frye
Executive Director
International Conference on Transgender Law and Employment Policy, Inc.