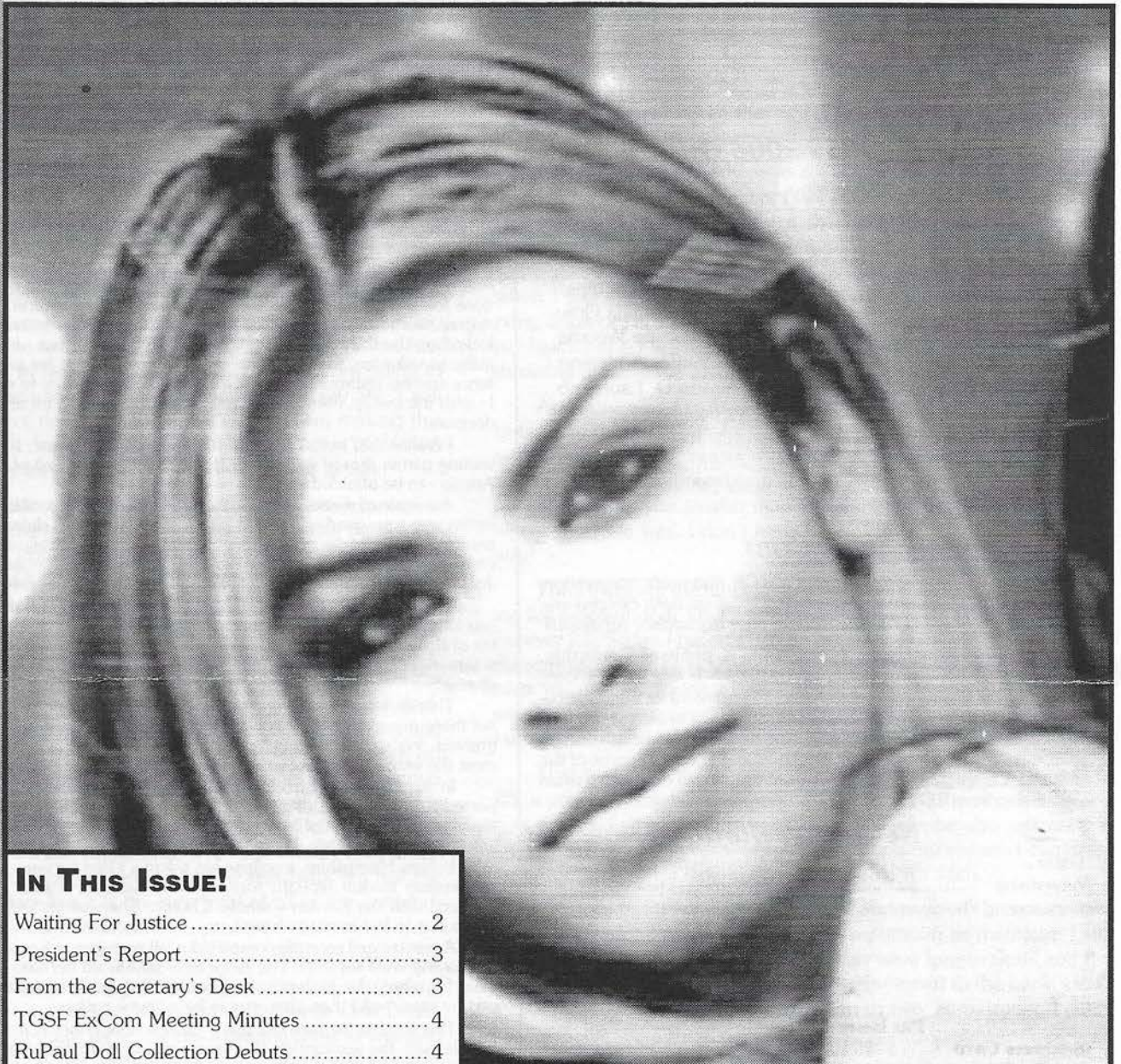


Did All of Us Get Justice?



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JUSTICE FOR GWEN JUSTICE FOR ALL!

TGSF TransGender San Francisco is a group for all members of the Transgender Community. Transgender is used as an umbrella term that includes female and male cross dressers, transvestites, drag queens or kings, female or male impersonators, intersexed individuals, pre-operative, post-operative and non-operative transsexuals, masculine females, feminine males, all persons whose perceived gender or anatomical sex may be incongruent with their gender expression, and all persons exhibiting gender characteristics and identities which are perceived to be androgynous.



The Channel



The Channel

TGSF (TransGender San Francisco, a California non-profit corporation), is a non-sexual, membership based organization serving the educational, social, and recreational needs of gender-gifted people, their spouses, significant others, family members, friends, and professionals in the helping services. For details about TGSF programs, membership, article submission guidelines and classified ads, please write to TGSF Secretary, PO Box 426486, San Francisco, CA 94142-6486.

ExCom 2005 - 2006 Officers

(Fiscal Year: May 1 - April 30)

President Roxy Carmichael-Hart
Vice President Laura Marlowe
Secretary Lisa Rae Dummer
Treasurer Pamela Gray
Education Dawnne Woodie
..... Jennifer Anderson
Outreach Allison D. Laureano
..... Jennifer Siobhan Kennedy
Social Tommie Watson
..... Katra Briel
Ms. TGSF 2005 Jennifer Siobhan Kennedy

Fine Print

TGSF (TransGender San Francisco) is a CA non-profit corporation. Donations to TGSF are TAX DEDUCTIBLE on both Federal and California income tax returns. Talk to your tax advisor for details.

The Channel, the TGSF Newsletter, is published monthly. Submissions **MUST** arrive at TGSF by the **15th day** of the month preceding publication. Contents reflect the opinions of the contributors and are not necessarily those of TGSF. Other organizations may reprint or reproduce uncopyrighted portions of the newsletter for their members, provided TGSF is acknowledged as the source of the material. Copyrighted materials may be reproduced only with written permission from TGSF.

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Editor Ayme Michelle Kantz
Advertising Dawnne Woodie
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	Per Issue	Six Months	Per Year
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4x5	\$ 60	\$300	\$ 600
Full Page	\$100	\$500	\$1000

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Transmissions

WAITING FOR JUSTICE

by Gwendolyn Ann Smith

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I have been spending a lot of time in court the last few months. It isn't because I feel like soaking in the bland ambience of a late 20th century public edifice, far from it. I have been attending a trial: the people of the State of California v. Jose A. Merel, Jason M. Cazares, and Michael L. Magidson, more commonly referred to as the Gwen Araujo murder trial.

This has been the second trial for this trio, with the previous one ending during Pride Month 2004 with a hung jury and a mistrial. It's not so much a question of whether they were involved in this crime, but to what level and - perhaps more important - if this crime was one of passion, brought about by a case of "trans panic."

The case itself broke nearly three long years ago, in October 2002. Gwen, a 17-year-old transgender girl, was brutally beaten and killed. The four alleged murderers then took her body on a 150-mile trip out of town, and buried her in a shallow grave. It's a story that has been told now in hundreds of articles, including quite a few columns by yours truly.

Things are different this time around: we have second-degree murder convictions for two of the three defendants - Magidson and Merel. We did not get first-degree murder, we did not get the hate crime enhancement, and the jury deadlocked on the third defendant, Cazares. (The fourth man, Jaron Nabors, pleaded guilty to voluntary manslaughter in 2003 in exchange for an 11-year prison sentence and his testimony.) It took a lot of time for the jury to reach its verdicts, and I - with the family, friends, and other activists - spent a lot of time waiting for that decision.

I realize that just as I waited for a verdict in this trial, so is it part of a larger waiting game: that of waiting for transgender people - all of them, not just Gwen Araujo - to be afforded justice.

A couple of weeks ago, another verdict arrived in a different courtroom. The victim was transgender, and the killer's legal team also claimed that the man had panicked when he discovered that his victim was biologically male. In that case, the convicted murderer, Estanislao Martinez, was given a four-year sentence for killing Joel Robles - three for the actual killing, one for using a knife to do the killing.

The same thing took place this week in New York, where yet another person was killed, and yet another convicted killer - this time Jason Bardsley, who took the life of Robert Binenfeld - used the panic defense. It will be a month or so before he is sentenced, but many are concerned that he, too, will receive a minimum amount of time.

This isn't only about murder, though. It is the biggest issue that one can face, but there are plenty of others. We still face a dearth of rights that others take for granted. We still can be legally discriminated against in most states, let alone almost the entire rest of the world. We still face challenges about who we really are.

In the Houston Astrodome, a transgender evacuee of New Orleans was reportedly arrested for using the women's restroom, even though she would have likely faced the threat of violence in a men's room, and was certainly no threat to any other women while in the facilities.

In New Hampshire, a college has asked a judge for immunity from a wrongful termination lawsuit brought forth by a transsexual, thanks to the college being affiliated with the Roman Catholic Church. She was immediately relieved of her duties due to her intent to transition.

A transsexual recently completed a jail sentence in Spokane, Washington for not paying child support. The judge who sentenced her was not interested in her pleas for mercy due to the challenges of finding work - claiming that her transition was no more valid than choosing to be a "punk rocker."

This is what we face out there. This is how justice is applied to transgender people: with the assumption that we are not valid, that we are deceptive, and even that we are responsible for our own deaths.

So we wait for justice. Change is slow but inevitable, and typically falls in the favor of those oppressed. Over the last few years we've seen cities, counties, and states across the country pass antidiscrimination ordinances inclusive of transgender people. We may also eventually see legislation in the next year that will ban such "panic" defenses.

In the courtroom in Hayward, California, we saw yet another step along a path toward change in the Araujo retrial. Claims of "trans panic" did not seem to affect this jury. I'm not a mind reader, but maybe they saw it for what it was: a fabrication of the accused killers and the lawyers who represent them, in an attempt to shift the blame for murder from the killer to their victim. The jury in the previous trial tossed out the trans panic defense early on, and so did this jury.

We've still got farther to go: this jury said that trans panic isn't valid, but it still wouldn't call this premeditated murder a hate crime. There is still a third defendant who is free, pending a third trial or - more likely - a plea-bargain. Beyond this, a 17-year-old girl is dead, reduced to a box of ashes.

So we wait and - as I've discovered in the courthouse over the last several months, following a murder case that happened almost three years ago - I am patient, and I can wait a long time if I have to. Especially if I'm waiting for justice.

I'm not going to wait forever, though - and I'll gladly do what I can to make the wait as short as possible.

Gwen Smith thanks the family of Gwen Araujo for allowing her into their circle. You can find her online at www.gwensmith.com.

PRESIDENT'S REPORT

By Roxy
Carmichael-Hart

Change of the Guard

Hey, what's up? This is a picture of me with my Johnson JS-800. As many of you know, I have taken up the guitar and am going to make a very serious effort this time. I am fortunate in that my instructor and mentor in this effort is Kari Summers, of Trans Central Station, who graciously has offered to teach me some power chords and assures me that I will be rocking in no time. Maybe by Cotillion 2010 I can actually entertain! But my decision to seriously pursue guitar, along with some other things I want to focus on, such as my writing, has led me to the decision not to seek re-election when my term expires. In fact, after the Cotillion is over, I am going to reduce my involvement so that I can get on with my life. I will discuss this in more detail in another article, but I am making this known now so that any contestants for Mr. or Miss TGSF will know up front my intentions and know I will not be around.

I have said before that 99% of the nonsense we focus on is trivial. That is all the more true these days. On the day that Hurricane Katrina hit Louisiana and Mississippi, I heard from Cindi Rogers, editor of GGA's Flipside, telling me that she and her family were ok. But that was before the levees broke and all hell broke loose. I have not heard from her since. I think all of us need to send our prayers and wishes to all of those that have been devastated by this disaster. We worry about clothes and makeup and our next outing to Diva's as if the world gives a damn about our decision. We forget that there are people who are really suffering and each of us needs to do our part to contribute to the relief effort. So you miss out on that new eyeshadow or don't get that cute dress you've been eyeing, or don't get a latte this week. The world is bigger than you; bigger than all of us. We are all citizens of this world and we have some responsibility to help. I would love to see TGSF and all of the gender groups in the area help. It's not the amount that matters but it is the sum total of all of the contributions that will make a difference.

The Cotillion seems so unimportant and so trivial in comparison but life does go on and tickets are now on sale at Carla's, DVG, the GLBT Center Box Office and at the Santa Cruz Diversity Center. Each of these locations has a seating chart as well and you can also see it on our website - www.tgsf.org. Carla has sold the first two tickets! You will also find a plethora of Cotillion information and it may be found in an accompanying article. Please join us for Cotillion 2006 on January 21, 2006. It's not that far away.

The holiday season is swinging into action with the TGSF/Carla's Halloween party on October 29, held of course at Carla's, 124 Race Street in San Jose. See details elsewhere but these parties have always been a blast and are one of our biggest events of the year. Dress in your most outrageous costume, or just come and have a good time.

Last note: I have found that you can wrap yourself up in the business of TGSF that you lose site of the important things, like friendships. The other night, I had dinner with Rachael Janelle, whom I haven't seen since Siobhan's going away party. I let a lot of stupid and petty things interfere with our friendship. Rachael, I'm sorry.

We've got some rockin' to do!

FROM THE SECRETARY'S DESK

Lisa Rae Dummer

I enjoyed Ayme's editorial last month and must agree there are times when it scares me to death to sit down in some of those public toilets, especially the porta-potties. And the wait can be interminable if you have to go, now. If you've ever waited in line in the ladies room at a sporting event or other major attraction, you know what I mean. However, no matter the circumstances, I always sit down. It was a commitment I made to myself when I undertook this path and, to date, I have never broken that commitment. There have been some times where I was sorely tempted, though.

I also applaud the advice to dress your age, but this is where I seem to have a major problem. I've never figured out what age I am. And when I do know how old I am, that could change instantaneously. Having never been able to grow up in the gender I believe is mine, sometimes I feel like I have to make up for lost times. There are times when I feel like I'm five years old, when I'm wearing a very pretty party dress or I break into tears when Carla mentions it's time to trim my hair. "I don't want it cut, I want it to be long!" I think to myself, throwing that mental tantrum.

At other times, I'm twelve years old, just entering puberty. I seem to feel like that every time I stand naked before the bathroom mirror and look at my tiny breasts. At least they are all mine. Who knows, maybe I'll grow up some day, although I doubt it. I've heard it is common to be a cup size smaller than your mother, and, since I'm already bigger than she was, I don't have a lot of hope. Darn genetics, anyway!

Then there are the times when I feel like I'm seventeen, just reaching full womanhood. That's when I drool over the outfits at Bebe's or Forever 21. So far, I haven't bought anything from either of them, but the temptation can be overwhelming. When I'm seventeen, that's when I like to wear my shortest mini-skirts and skimpiest tops. That's also where I get the most comments to "Dress my age." Actually, I thought I was, and I still think my legs are nice enough to show off.

That brings me to the next phase of growing up. I feel like I'm 25, a young woman. I'm still not too old to wear the sexy outfits and cute dresses I wore at seventeen, but my wardrobe also reflects that I'm a young professional woman just starting my career. I can dress for work or dress for sex, and know the time for each.

Then, in the blink of an eye, I'm thirty-six. Now I am an established professional with an image and reputation to maintain. I still like to wear feminine outfits, but the suits have longer skirts and the blouses tend to be long sleeve and can be buttoned to the neck. However, I have been known to miss a button or two. At thirty-six, I guess I'm getting a little forgetful.

So now you see my dilemma. I can range from five to thirty-six years old in the blink of an eye. It wouldn't surprise me to find I am both of them at the same time, some day. It's funny that I have never felt older than thirty-six, even when I was still living the lie. As I get further along in my transition, though, I don't feel I'm thirty-six as often as before. Now it seems I spend the majority of my life at twenty-five, a place I love and am comfortable with. So when you tell me to "Dress my age", I probably am, I just don't know what age that is.

Significant Other Support East Bay

Questions or concerns about your partner's crossdressing? Please call Julie at [REDACTED] or e-mail [REDACTED], or write to: Julie Freeman, PO Box 272885, Concord, CA 94527-2885.



August 28, 2005

TGSF ExCom MEETING MINUTES

Attending – Roxy Carmichael-Hart, Dawnne Woodie, Pamela Gray, Laura Marlowe, Jennifer Anderson, Allison Laureano, Lisa Dummer. Absent – Katra Briel, Jennifer Kennedy, Tommi Watson

The Minutes of the August 7, 2005 meeting were approved

President's Report – Roxy Carmichael-Hart

The script for the cotillion is ready. Roxy is waiting confirmation from the performers. We need contestants for both Mr. and Ms. TGSF. Anyone interested in running should contact Roxy for the forms.

Vice-President's Report – Laura Marlowe

We are still speaking with vendors regarding discounts for TGSF members. Other member benefits should include discounts at all TGSF functions. We need statements from the Social, Outreach and Education committees as to their duties, aims and goals to post on the website. The members of the ExCom need to activate their TGSF email addresses



Treasurer's Report – Pamela Gray

There is currently \$4,331.40 in the bank. There was no new advertising revenue this month.

Secretary's Report – Lisa Dummer

Since we missed her profile in the September issue, Allison Laureano will be the featured profile for October.

Outreach – Allison Laureano

The phone message on the hotline needs to be updated. Phone options and an update on a Santa Cruz chapter of TGSF were tabled until the next meeting. Due to the cost of the booths, TGSF will not be sponsoring Outreach booths at either the Folsom Street Fair or the Castro Street Fair. The vote to not have a booth at the Folsom Street Fair was 4 in favor, 2 opposed and 1 abstention. The vote to not have a booth at the Castro Street Fair was 6 in favor, none opposed and one abstention.

Social

The barbeque will be September 24th at Central Park, San Mateo. Hot dogs, hamburgers, chips and sodas will be provided. The September Mid Month has been cancelled due to Dawnne's surgery. San Francisco Supervisor Bevin Dufty will be the speaker at the September End of Month. It will be held on September 29th. Discussion of future fundraising events was tabled until the next meeting. The Halloween Party will be October 29th at Carla's. Laura and Pam are working with Carla on it.

Education- Dawnne Woodie and Jennifer Anderson

Jennifer Anderson and Jenni Kennedy attended the GAPA event. We need to notify GAPA in advance that representatives of TGSF will be in attendance before next year's event so they can be recognized. SF Team has asked for TGSF support for their event on September 15th. It will be held at the LGBT Center from 6:00 until 9:00pm. TGSF will be a co-sponsor of the event.

Old Business

None

New Business

None

Next Meeting – It will be held on Sunday, October 2, 2005 at 1:00pm at the Cathedral Hill Hotel. All members are welcome to attend.

The meeting was adjourned.

RUPAUL DOLL COLLECTION DEBUTS

Kansas City Star
www.kansascity.com

99% Plastic, 1% Woman!

Billed as the first transvestite fashion doll and produced by Integrity Toys, the RuPaul Doll collection will be in stores later this month. Each doll has a suggested retail price of \$59.99.

The RuPaul Doll collection was the brainchild of RuPaul and nontraditional marketing/consulting company Two Sheps That Pass. TSTP president Vera Sheps says initial inspiration came from the Cher celebrity doll. "We thought that a doll along (those lines) would be fun."

Talks with Integrity creative director/partner Jason Wu followed. The RuPaul Doll is the first venture under Integrity's new Produced by Jason Wu division.

For the first project under the new umbrella, Wu wanted a celebrity who was instantly recognizable yet not overexposed. He also did not want to follow the current teen pop star or reality show personality trend.

In other words, he sought a strong image that was capable of shaking things up. Mission accomplished.

Expect the branding of RuPaul to continue. According to Sheps, RuPaul greeting cards, wrapping paper and gift bags are on the way.

Visit: <http://www.therupauldoll.com>



EAST BAY TRANSGENDER AA

Genderqueer, Transgendered, Transsexual, Twin-Spirited, LGBT. Speaker/Discussion/Meditation/Readings of AA approved literature. **Weekly – THURSDAYS – 8-9 PM.** 3989 Howe Street (Mandana House one block from Kaiser off Broadway), in Oakland, CA 94611.

GenderQueer, Trans, & Gender Questioning Youth Group

Billy DeFrank LGBT Community Center
www.defrank.org

This youth program will provide space for discussion groups, workshops and activities, specifically for genderqueer youth and their allies. We are excited to be offering this new programming, for an underserved population, even in our own community. This new group is for young people 20 and under, who identify somewhere on the gender non-conforming spectrum, who are questioning their gender identity or who are considering transitioning.

This group will meet the 2nd and 4th Tuesdays of each month from 5-6pm at the DeFrank Center, which is located at 938 The Alameda, in San Jose. For more information please contact T. Aaron Hans, Program Director at 408.293.3040 ext. 112 or at progdir@defrank.org.

Book Review!

POWER TO THE TRANSGENDERED PEOPLE

Counterculture Community Rises to Social, Political Prestige in Futuristic Novel

Sebastopol, Calif. – At the dawn of this new millennium, those who champion for basic lesbian, gay, bisexual and transgender (LGBT) rights are often met with fierce opposition. **The Genite Chronicles: A Link to the Past** (now available through Authorhouse), a new book by **Nicole and Debbie Cook**, takes readers to a future world where descendents of the transgendered population have become the elite class.

Set in the 2800's, The Genite Chronicles begins in the world's capital, San Francisco, which is located in the country of California. Transgendered people, now called "Genites," have become global leaders, their exceptional mental capabilities the result of cloning over several hundred years. The book follows the adventures of Nicole, Tianna and Tom, three Genites who are brought together by their positions of power and discover a secret.

The authors present a compelling and drastically different world in which America is no longer united. The West and East Coast states have seceded as their own progressive nations, leaving the remainder of the United States to exist as an impoverished country. The book portrays contemporary events as history lessons, presenting possible outcomes of today's most controversial issues.

Against this progressive backdrop, a space journey unfolds when Nicole is sent to the moon Europa by the UTC, an organization that developed from the United Nations. As she works to solve a social rights problem, she uncovers clues that could reveal the mysterious origins of human civilization.

A thought-provoking examination of social dynamics wrapped in a thrilling sci-fi experience, The Genite Chronicles offers a celebratory glimpse of the future for the LGBT community and other longing for social change.

A transgendered female, Nicole infuses her writing with her "nonbinary gender perspective." She is a computer information systems instructor and has enjoyed teaching at four different colleges. Her favorite sport is skydiving. "As a 'T-girl' who skydives, I like to think that I am uniquely qualified for out of the box thinking," she writes. "When I was young, I was informed that I was a boy and I could not fly, and now I am a girl and can fly."

Debbie is Nicole's beloved, legal spouse. A computer expert, she is the behind-the-scenes support, helping Nicole keep the computers at home running and maintaining information on her class Web page.

Authorhouse is the premier publishing house for emerging authors and new voices in literature. For more information, please visit www.authorhouse.com.

HEY!

\$10 Bucks Per Issue Gets You An Ad Like This...!

Tall, feminine, graceful closet CD seeks Big Sister to help with shopping and makeup tips. I live alone so it's helpful if you can come here, but I can certainly travel. SF Area. Call (415) 000-0000. Up to 40 words only \$10.00. Send text of ad and Check or Money Order to TGSF's PO Box, ATTN: Editor. Reach out and come out!

NEW BOOK FEATURES

"TRANS" MAIN CHARACTERS

Are you ready for a science fiction novel featuring "Trans" characters . . . not as supporting but as primary characters??

"The Genite Chronicles – A Link To The Past" was written by TGSF members (formerly ExCom members)
Nicole and Debbie Cook.

A pro-Trans future awaits!!

How to Purchase:

ISBN number: 142087294X

Available online or can be ordered through your local bookstore.

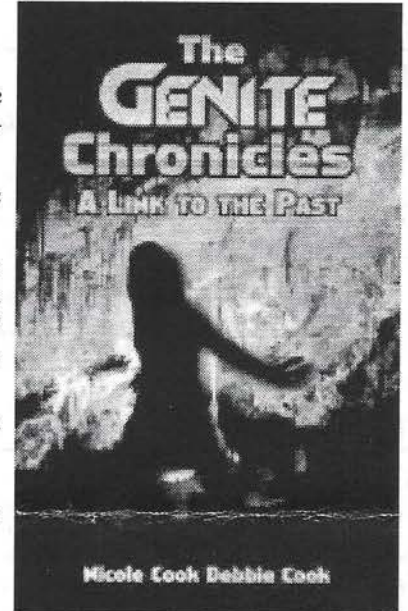
Nicole and Debbie will be available for a book signing at:

A Different Light Books on **November 17th** between 7pm and 8pm – Located at 489 Castro Street, San Francisco, CA 94114, 415-431-0891

Read more about our book here:

[http://](http://www.nicoleanddebbie.com/where/guerneville/tgc-about.html)

www.nicoleanddebbie.com/where/guerneville/tgc-about.html



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TGSF Events in October

Sunday / October 2 / 1:00pm

TGSF ExCOM MEETING

Cathedral Hill Hotel, 1101 Van Ness at Geary, San Francisco. All members are welcome to attend.

Wednesday / October 5, 2005 / 7:30pm

MID PENINSULA SUPPORT GROUP

Meets from 7:30 to 9:30 at the Full Circle Bookstore on the El Camino in Belmont. For information, contact Laura Patterson at [REDACTED]

Thursday / October 13

TGSF MIDMONTH SOCIAL

Cathedral Hill Hotel, 1101 Van Ness at Geary, San Francisco. Van Ness and Geary.

Saturday / October 15, 2005 / 6:00pm

CARLA'S MONTHLY DINNER

Carla's Monthly Dinner in October will be at the House of Genji on Saturday the 15th. Meet at 5:45 at Carla's to carpool, or be at the House of Genji by 6:30. You **must RSVP** to attend this dinner: [REDACTED] or [REDACTED]

Thursday, October 27, 2005 / 6:30pm

TGSF END OF MONTH

Our Annual Leather 'N Lace Night will be held at the Cathedral Hill Hotel, 1101 Van Ness Ave. at Geary. A guest from Transgender Equality California will be giving a short presentation. There might even be a contest! Come get prepped for the big party on Saturday!

Saturday / October 29

TGSF HALLOWEEN PARTY

The annual TGSF Halloween Party will be held again this year at Carla's, 124 Race Street, San Jose. Time for all you ghost, ghouls and goblins to come out from under your rocks and party hearty. Contact Laura Marlowe, Pamela Gray or Carla Blair for more information.

Coming in November!

Saturday / November 5 / 6:30pm

DVG FALL DINNER

See notice elsewhere in this issue for more information!

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October's Birthdays

10/00	Chrys Salt	10/09	Carolayn Hughes
10/00	Jessica Connor	10/09	Val Shoaps
10/00	Michelle Amber	10/12	Jamie McConnell
10/00	Star	10/13	Scott Smith
10/00	Constance	10/16	Jean Darien
10/03	Rachel Hill	10/18	Ronald Gray
10/03	Erin Brush	10/20	Cassi Anderson
10/04	Bobbi Marotz	10/21	Jennifer Abrahamson
10/05	Anne Giles	10/21	Tricia Paskell
10/06	Joan Thurau	10/22	Whitney Elyse Wollert
10/07	Lorraine E. Hall	10/22	Marilyn Thurau
10/07	Katrina Bugher	10/26	Rachael Janelle
10/08	Anjelica Devarox	10/26	Janet Bowman
10/08	Shamrock P Hall	10/28	Janet Smiley
		10/30	Chrys Salt

Happy Birthday To All!

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Community's needs
with sensitive help
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Bay Area Calendar - October 2005

OTHER BAY AREA GROUPS

Diablo Valley Girls (DVG)

Meets 1st & 3rd Monday every month. 8pm at Club 1220, 1220 Pine Street in Walnut Creek. Write to DVG, PO Box 272885, Concord, CA 94527-2885 or call 925-937-8432.

DVG Rap Group (RCC)

Meets 1st Thursday of every month, 7pm at Rainbow Community Center, 3024 Willow Pass Road in Concord 925-937-8432.

FTM International

Support group for Female-to-Male CDs & TSs; Holds open Informational Meetings and closed Support Meetings. Write FTMI, 160 14th Street, SF, CA 94103; 415-553-5987.

I Love It Girl Socials

Every Wednesday night at I Love It Boutique, 45979 Warm Springs Blvd., #7 in Fremont. Call Jo-An at [REDACTED]

Mid-Peninsula TG Group (MPTG)

TGSF-sponsored support group; 7pm, First Wednesday of each month at Full Circle Books in Belmont, CA. Contact Laura Patterson at [REDACTED]

Pacific Ctr for Human Growth (PacCtr)

A counseling oriented growth center sponsors all-inclusive gender support groups on every Friday at 8:00pm, 2712 Telegraph Avenue, Berkeley. 510-548-8283.

Rainbow Gender Association (RGA)

Meets 1st and 3rd Friday of the month 8pm at the New Community of Faith Church, 6350 Rainbow Drive, San Jose. Mail: PO Box 700730, San Jose, CA 95170 or call 408-984-4044.

Sacramento Gender Association (SGA)

Blue Rose Chapter meets 8pm the 2nd and 4th Saturday each month in Sacramento. Write PO Box 162907, Sacramento, CA 95816 or call 916-364-7212 for meeting locations. Website: www.transgender.org/sga; email: sga@transgender.org

Santa Cruz Trans (SCT)

Bi-weekly social/support group for gender-gifted persons serving Santa Cruz and Central Coast. 1st and 3rd Tuesdays every month at The Diversity Center, 177 Walnut Avenue, Santa Cruz, CA 95060; (831) 425-5422; 7pm

SCOUT (SCOUT)

Santa Cruz Organization for Uniting Transmen, meets on the 4th Tuesday of every month at the Diversity Center (listed above); 7:30pm

Silicon Valley Gender Association (SVGA)

A new TG support group meets at the Billy De Frank Community Ctr in San Jose on the 2nd and 4th Friday of every month from 7-9pm. For more information, call 408-293-2429.

TGIF

Social group for transgenders. Meets one Saturday each month at a private home in Santa Rosa for a potluck social from 4pm until early evening. Space is limited - Reservations Recommended! Call Diane or Anne at 707-544-1540.

T.R.A.N.S

MTF support group meets every Wednesday afternoon 2pm at 1145 Bush Street in San Francisco.

TransSpirit Ministry (TSM)

Gathering @ Metropolitan Community Church of SF, 150 Eureka, SF. Second Friday each month. Potluck dinner, social, and discussion time. For information, contact Dawnne Woodie [REDACTED]

TransVis-HWD

TransVision Social TG Women meets 7pm, 4th Friday every month. Light refreshments and a wonderful atmosphere. Contact Tiffany at (510) 713-6690, ext. 9.

Sun Mon Tue Wed Thu Fri Sat

							1
2 1:00 PM TGSF: ExCom Meeting	3 7:00 PM P.I.S.S.R General Meeting 8:00 PM DVG	4 7:00 PM SCT	5 2:00 PM T.R.A.N.S 7:00 PM I Love It Social 7:30 PM MPTG	6 7:00 PM DVG RCC	7 8:00 PM PacCtr 8:00 PM RGA		
9	10	11	12 2:00 PM T.R.A.N.S 7:00 PM I Love It Social	13 7:00 PM TGSF Mid-Month	14 7:00 PM SVGA 7:00 PM TSM 8:00 PM PacCtr		15 6:00 PM Carla's Monthly Dinner
16	17 8:00 PM DVG	18 7:00 PM SCT	19 2:00 PM T.R.A.N.S 7:00 PM I Love It Social	20 TG Legal Clinic	21 8:00 PM PacCtr 8:00 PM RGA		22 8:00 PM FWW 8:00 PM SGA
23	24	25 7:30 PM SCOUT	26 2:00 PM T.R.A.N.S 7:00 PM I Love It Social	27 6:30 PM TGSF: EOM - Leather 'n Lace!	28 7:00 PM SVGA 7:00 PM TransVis-HWD 8:00 PM PacCtr		29 TGSF Halloween Party!
30	31						

TGSF MEMBERSHIP APPLICATION

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Preferred Name: _____ Birthdate (Month/Day): _____ / _____

Mailing Name: _____

Family Member's Name: _____ Birthdate (Month/Day): _____ / _____

Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Optional: Telephone: (_____) _____ What Name should we ask for if we need to call you? _____

*Email: _____ Website URL: _____

Would you like a link from the TGSF Website to your URL? Yes No

May we use photos of you taken at TGSF events in our newsletter or website? Yes No

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Recognition in Cotillion Program

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Please make your contribution now!

Please indicate your level of giving:

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Takin' Care of Biz...

TGSF FINANCIAL REPORT

As of September 15, 2005

Assets

Cash	3985.09
Decorations	1000.00
Beverages	200.00
Total	5185.09

Liabilities and Equity

Total	0.00
--------------------	-------------

Statement of Income and Revenues

Income

Memberships	200.00
Donations	177.00
Cotillion Tickets	110.00
Payment for SJ Pride from RGA	50.00
Total	537.00

Expenses

Channel	497.31
Phone	49.47
GAPA tickets	67.50
Total	614.28

Net Income (Loss) (77.28)

TGSF DONATIONS

Our Friends Who Give
as of September 15, 2005

Ayme Kantz (United Way) \$10.00

Bless You and Thank You for Caring!

CONTACT TGSF!

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Ayme Kantz

Ms. TGSF 2005

Jennifer Siobhan Kennedy

TGSF.Org Webmistress

Laura Marlowe webmistress@tgsf.org

Calendar www.tgsf.org

Submissions can be made online directly.
Cancelling mistakes or for other problems,
please contact the Webmistress.

PISSR

People In Search of Safe Restrooms

PISSR is committed to establishing gender-neutral bathrooms. We believe that all people, regardless of their gender identification or presentation, have the right to access safe and dignified restroom facilities without fear of harassment, judgment, or violence. General meetings are always the first Monday of the month; 7 pm at 870 Market Street (Flood Building), 4th floor in San Francisco.

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Special Events and Announcements!

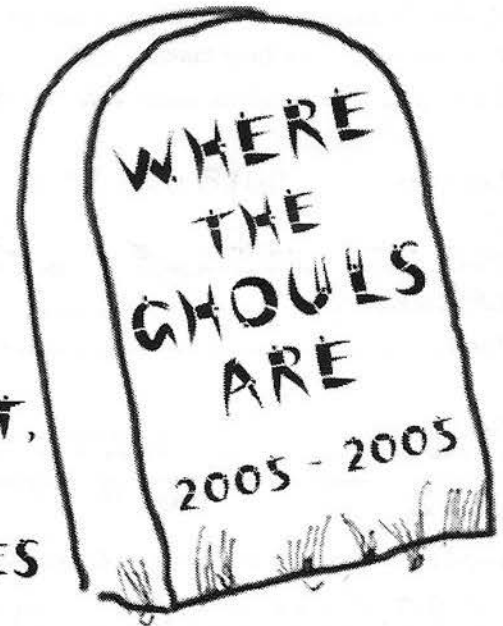


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Special Events and Announcements!

Romantasy Invites You To Attend Our Gala Halloween Corset Soiree!

Don your best corset-costume ensemble or evening attire on **Saturday, Oct. 22** and join our friendly crowd at the "Top of the Mark" at **7:45pm sharp** for dancing, a raffle of our new "Ribbon Corset" and more prizes, and lots of fun with other corset enthusiasts!

Come single or come partnered, you'll have a lot of fun in one of San Francisco's most elegant nightspots, the **Mark Hopkins Hotel** on Nob Hill. Register before Oct. 1 to save on the door admission, and purchase our lowest priced raffle tickets.

Here's a photo collage of attendees at our May 28 Soiree, showing off gorgeous corsets (not mandatory by any means, but suggested, as are Halloween costumes, to make this a festive occasion).

Questions? Call: 415-585-0760 or email inquiry@romantasy.com

Ann Grogan, President



**New weekly FTM social group will
replace the "Transitioned Men's" group**

FTM GET-TOGETHER AND SUNDAY BRUNCH

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TRANS-MARCH AND COMMUNITY OPEN HOUSE

The Santa Cruz Diversity Center is proud to announce the upcoming trans-march and community open house this **October 9th**. These are exciting times for the Santa Cruz trans community because new culturally appropriate health and mental health services are now being offered or coming soon right here in Santa Cruz. You will learn much more about this from speakers at the march which will include representatives from Planned Parenthood and the Santa Cruz Diversity Center, who will share program specifics.

The Santa Cruz Trans March schedule is as follows:

1pm to 2pm: meet at Café Pergolosi to make signs & posters.

2pm to 3pm: March steps off from Cathcart and Pacific, march to compass rose at Front & Water St.

3pm to 4pm: Rally and speakers at compass rose

4:30 on: Meet at the NEW Diversity Center, located at 1117 Soquel Avenue (between Rio Theater & Cayuga Avenue) for festivities.

All are welcome to share stories and experiences at an open mic following scheduled speakers. For more information contact LuLu at the Diversity Center:

**imamus@diversitycenter.org
or call 831-425-5422**



Mid-Peninsula Support Group

WEDNESDAY, October 5, 2005

Full Circle Books

1538 El Camino Real, Belmont, CA 94002
(650) 508-9546

7:30 - 9:30 P.M.

All welcome regardless of race, age, gender, gender identification
\$1 donation will be requested but no one will be turned away.
For more details please contact Laura Patterson at [REDACTED]

Please note: This is a support group. The views expressed in this group are reflective of the attendees and do not necessarily reflect the opinions of the ExCom and members of TGSF.

You are encouraged to speak to your personal physician and/or therapist regarding your specific treatment and care.

Events Horizon!

18TH ANNUAL CREATING CHANGE CONFERENCE

November 9-13, 2005

Building An Anti-Racist Movement: A Primary Goal of the Creating Change Conference

Now in its 32nd year, Creating Change remains firmly committed to addressing the impact of racism in this country, in our movement and in our organization. A primary educational goal of Creating Change is to build an anti-racist LGBT movement that includes and reflects the perspectives, needs and priorities of lesbian, gay, bisexual and transgender activists of all ages, races, ethnic and language origins, spiritualities and incomes.

While we know that building an anti-racist movement will take much time and many resources, we believe that we can take important steps towards the more immediate fulfillment of that commitment.

Creating Change Priorities:

- Educate on issues such as the recognition and protection of our relationships and families, bias violence, domestic violence, repression of sexuality and gender identity and expression, equality of opportunity in employment, housing, public accommodation and education, the freedom to marry, and military and immigration discrimination;
- Give special attention to strategies, projects, and methods of organizing that link race, class, gender and age oppression with homophobia and heterosexism;
- Strengthen the skills of activists and organizers who work at all levels of our movement;
- Improve our abilities to create change in legislative bodies, media, workplaces, faith communities, community and social institutions, and on campuses and at schools;
- Increase our confidence to work collaboratively with allies to effect durable change;
- Provide opportunities to discuss and explore difficult and challenging issues and topics in a supportive environment;
- Give special attention to emerging issues in our movement and communities, as well as those people most affected by them;
- Build an anti-racist movement for social and economic justice that is vigorous in each state and territory of the US and that includes and reflects the perspectives, needs and priorities of gay, lesbian, bisexual and transgender activists of all ages, races, ethnic and language origins, spiritualities, and incomes.

The conference hotel, the Oakland Marriott City Center, located in downtown Oakland, offers a conference rate of \$119.00/night. Please be sure to mention the National Gay and Lesbian Task Force Creating Change Conference when making reservations. Reservations must be made by **October 7, 2005** to receive the guaranteed conference rate. You may reserve a room by calling 800/991-7249.

The 2005 Host Committee will organize a community housing program to provide a limited number of no-cost housing options for conference presenters and attendees. In order to participate, submit a completed housing request to the local Host Committee, available on our web site www.creatingchange.org.

TRANSVISION SOCIAL — HAYWARD

TransVision Social Transgender Women will meet at **7:00pm on the fourth Friday of every month** to celebrate our survival. Come and share your journey of daily living and participate in the affirmation of our lives. For each of our journeys and our vision, let us validate, support and affirm each other and celebrate our success.

There will be light refreshments and a wonderful atmosphere. Come for that good feeling. For more information, contact Tiffany at (510) 713-6690, ext. 9. Don't miss this!

TRANSGENDER SAN FRANCISCO PRESENTS

Hooray for HOLLYWOOD!



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Events Horizon!

TRANS FOLKS FIND PORTLAND COMFORTABLE Social Service Agencies And Support Groups Help A Large Population Dealing With Sexual Identity Issues

**Steve Woodward
The Oregonian**

The first thing one notices about Andrew Gadbois is his hair — a blue tuft that rambles down the middle of his partially shaved head and flops into his eyes. A “gentleman’s mohawk,” the 19-year-old Portlander calls it. What one won’t notice are his female breasts. That’s because his bosom is flattened against his rib cage with a \$36 Underworks binder made just for people like Gadbois.

Gadbois — he goes by Drew — is a biological woman who wants to live in a man’s body. “As far back as I can remember,” the Cleveland High School graduate says of his yearning, “I knew there was something wrong, but I didn’t have the language for it.” Nowadays, the world does have the language for it: Gadbois is transgender, a state in which people’s gender awareness doesn’t match the bodies they were born with.

Gadbois is part of an increasingly visible transgender population in Portland. Transgender advocates say they are mostly teen-agers and young adults who are more comfortable than past generations in trying on different gender identities. “The trans community is huge,” Gadbois says. “I can’t think of a better place to do a transition than here in Portland. If trannies could grow on trees, it would definitely be in the Northwest.”

Sara Becker, a Portland family practitioner who gets many transgender referrals, says her large general practice includes a small segment of 428 transgendered individuals, 87 of whom are men and women who have had sex-reassignment surgery.

Reid Vanderburgh, a Portland holistic psychotherapist who is a woman-to-man transsexual, has nearly 250 transgender clients, many of them youths seeking to change their gender designations on driver’s licenses and ID cards through the Identity Project at Outside In, a Portland social service agency. “Portland is a mecca,” Vanderburgh says.

Oregon has been a center of transgender activity since the early 20th century, says Kay Brown, a transgender activist and historian, writing on her Web site, www.transhistory.org.

In 1917 or 1918, Brown writes, a female University of Oregon medical student named Lucille Hart quietly changed her name to Alan Hart, underwent a hysterectomy and eloped with a female music teacher from Portland. With his new identity, Hart divorced, remarried for 37 years, wrote four novels and built a nationally prominent career as a radiologist.

In 1996, Oregon became one of the first states to protect transsexuals — people who transition from one gender to another through hormones or surgery — from being fired for changing gender.

Beginning in 1998, several municipalities broadened the protection to cover discrimination in employment, housing and public accommodations against people based on any form of gender identity, not just transsexuality. The municipalities are Benton and Multnomah counties and the cities of Portland, Salem and Lake Oswego, according to Basic Rights Oregon, a gay rights organization.

Saturday / November 5 / 6:30pm

DVG Fall Dinner

DVG will once again host our signature annual Fall Dinner at Blake’s, Boundary Oak in Walnut Creek. This will be our eighth year! Festivities will begin with no-host cocktails at 6:30pm, followed by dinner at 7:30pm with entertainment following.

The entrees this year are Filet Mignon or Pan Seared Salmon at \$40/pp, or Baked Portobello Mushroom at \$35/pp. A Reservation is a MUST - first come, first served - we wouldn’t want you to miss out on the fun!

For more information call the DVG Hotline at 925-937-8432 (M-Th 7-10pm) or write Donna at dvg@transgender.org

Until he moved to Arizona in 2003, Dr. Toby Meltzer, considered one of the nation’s premier sex-change surgeons, based his practice in Portland. Because of the presence of so many transgender residents, the number of community resources and support groups has grown in recent years.

Last year, for example, Outside In opened its Trans/Identity Resource Center for people who identify themselves outside the gender and sexual mainstream. Llewyn Maire McCobb, the center’s risk education department coordinator, says about 250 people monthly, many of them repeat visitors, use services such as referrals, the Identity Project and a hormone needle exchange designed to protect users from the dangers of sharing needles to inject black-market hormones.

The Sexual Minority Youth Resource Center in Southeast Portland offers a weekly support group for trans youths. The Basic Rights Education Fund sponsors a trans advocacy group that advises Basic Rights Oregon.

The Northwest Gender Alliance gives cross-dressers and transsexuals a place to meet socially once a month. It’s Time, Oregon! is an advocacy and education group that works for civil rights protections.

Gadbois isn’t so much interested in changing society as he is in undergoing hormone treatment, growing a goatee, deepening his voice and shedding the discomfort of a female body. “For me, it wasn’t so much if society would accept me,” he says over a cup of coffee at the Star E Rose cafe in Northeast Portland. “It was: If only I had the body I wanted.”

Special Reception October 6!

JANA MARCUS’ TRANSFIGURATIONS SHOWS IN SAN FRANCISCO

Greetings All...The award-winning show Transfigurations will be showing in two San Francisco venues this fall:

Now through Nov 5, 2005

The SF GLBT Center, 1800 Market Street - 3rd floor

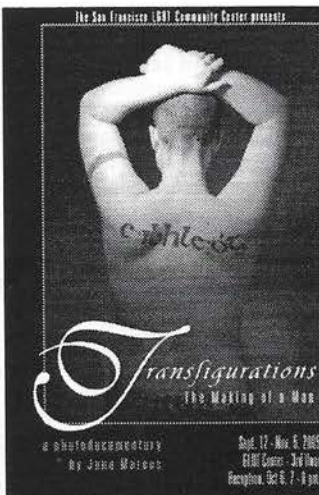
Reception: Thursday Oct. 6, 7-9 pm

Nov 1 - 26, 2005

SFCamerwork, Phelan Art Awards Exhibit, 1246 Folsom Street.

Hope to see you on Oct. 6! Cheers,

Jana / www.jimphotography.com



LIFE AS A TRANSEXUAL

By Eric Mayes, Susquehanna Valley News

LEWISBURG — Valeri Schnatter never expected the hatred that met her when she moved to the Susquehanna Valley. In the nine years she's lived in the Lewisburg area, the transsexual said she has been asked to leave several churches and harassed by neighbors and even the local police. Though her driver's license still bears the name Vincent G. Schnatter, most other documents list her as Valeri, and she prefers to be addressed as a female.

Sex reassignment surgery has proven too expensive for Ms. Schnatter, forcing her to live in a state of androgyny. People seem unable to see past an exterior that may not meet their expectations, she said, to notice the person inside. "It doesn't matter what I believe or what I do in people's lives because I'm a transsexual," said Ms. Schnatter.

Admitting that she was in fact a transsexual took a long time for Ms. Schnatter. And, it has not been easy. The 54-year-old grew up in Edison, N.J., in a family where she was one of four children. At the age of 5, she started to dress in her mother's and sister's clothing. "I felt more comfortable in the role of a girl," she said.

Not content with the trappings of femininity, she also longed to become a girl. "I told my sister that on more than one occasion," she remembered. Her sister told her parents, who had no desire to discuss such things. "It was taboo," Ms. Schnatter said. Isolated, she turned to alcohol, drinking regularly at the age of 11. "With alcohol you felt the courage to be macho," she said.

By the time she turned 17 she was doing heroin. It was, she said, a way to keep her distracted from the truth. "I was totally ignorant on the subject (of transsexuality)," Ms. Schnatter said. "It was scary. I was afraid to get found out."

So she repressed her true feelings, and, labeling herself a transvestite, got married — not once but three times. She also fathered three children, two sons and a daughter. Both sons died soon after being born but her daughter survives. Eventually, she kicked both drugs and alcohol and has now been clean for 26 years.

After the final marriage broke up, Ms. Schnatter decided to leave the area of lower Berks County near Philadelphia, where she had been living. First she moved to Lewisburg and then East Buffalo Township where she now lives. It was in Lewisburg she admitted to herself that she was a transsexual. Neither community was particularly welcoming, she said.

Out bowling once in Mifflinburg, she overheard comments like: "If they want a sex change we'll take them out back and give them a sex change." It was an eye-opening experience. "When situations like that happen you know what you're up against here," she said. Nowhere was Ms. Schnatter exempt. "I get stared at something terrible," she said.

Her neighbors harassed her and when she turned to the police, she said, the problems sometimes got worse because responding officers from the Lewisburg and East Buffalo departments came in like "stormtroopers." Usually problems could be solved by talking to the chiefs at both departments, who she credited with lending a sympathetic ear. But she's still afraid to call the police. "I can't call the cops," she said. "Automatically they just get a negative view."

Even the place where solace might be expected — the church — rejected Ms. Schnatter. She was turned away by the Catholic church and a Lutheran church in Lewisburg and by a third denomination in Milton. Though most Unitarians were welcoming not everyone in that congregation was friendly. "It was like, if we don't talk about it maybe it will go away," she said of her experience at the Northumberland church. "I didn't know Christ said you can be selective with the Golden Rule."

In fact not only have local churches made it clear they don't want her as part of their congregations, the Bible has been used time and again to attack Ms. Schnatter, she said. She added that perhaps those who use it as a weapon have missed the point. "From my education of Jesus Christ, he sat around with prostitutes, robbers and people like that," she said. "He didn't say 'oh that person is a sinner.'"

Another place where Ms. Schnatter might have expected a cordial reception and hasn't found one is the local gay community, she said. "For the most part people stay away," she said. "You don't get invited to parties or family gatherings. It gets very lonely."

Ideally, Ms. Schnatter said she could be a positive role model in the community. She is someone who has kicked drugs and alcohol and might be able to help others. "I'll do anything within my power or life to help anybody," she said. "I always reach my hand out to the new person." Even if that never happens, she just wants to be treated like anybody else. "Regardless of who or what I am, I have a certain amount of civil rights," Ms. Schnatter said.

"...AND DIVORCE"

by Phyllis Randolph Frye

In my humble opinion, we will lose the fight with the conservative christianite bigots over the issue of "Same Sex Marriage" unless we force a change in language with the media so that the debate topic becomes the "Same Sex Marriage and Divorce" issue. We must force the words "and divorce" into every debate, newscast, editorial and hearing.

While I do not agree that these conservative christianite bigots hold the high, moral ground, the sad truth is that "they believe" they do. Everything they aim at us is religiously based — at least according to them. It is, after all, how they got the voter turnout in November 2004 to elect Bush. Regardless of your interpretation of scripture, it was a "higher moral grounded, religiously based" voter turnout, and we are now the targets. And so, they are going to fight to SAVE marriage. They should look to themselves, but they instead are scapegoating us.

How do we level the ground for debate? We must introduce and keep their own religiously allowed and accepted, high (actually, very high) incidence of divorce AND RE-DIVORCE in the title of the debate.

They will be hard pressed to swing their bibles at us when they have to also answer to their own widely opening of the legal doors to biblically unacceptable divorce and re-divorce. They can't, and they know it.

When anyone says "Same Sex Marriage" we must immediately stop them and SHOUT, "No, we want same sex marriage AND divorce — the very divorces that you have allowed your bible to legally and morally allow."

Currently, our LGBTI (lesbian, gay, bisexual, transgender and intersexed) same-sex couples are getting legally married in Massachusetts, The Netherlands, Belgium, Spain and Canada. And yet, when they move to a big U.S. state, if they require a divorce, they cannot get one. SO WE MUST FIGHT FOR THAT RIGHT ALSO.


It may be an interesting twist that by fighting for the right to divorce, we may get the right to marry.

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MAN GETS [ONLY] FOUR YEARS FOR KILLING TRANS WOMAN

Prosecutors Accept Plea In Face Of 'Trans Panic' Defense

**By Elizabeth Weill-Greenberg
WashingtonBlade.com**

Last August, when Estanislao Martinez, then 23, discovered that the person he went home with — 29-year-old Joel Robles — was a transgendered woman, he stabbed Robles 20 times, jumped out of the window and was found walking naked along a highway, according to police.

Police discovered the victim's body inside Robles' Fresno apartment on Aug. 15, 2004, according to police. Robles often went by the male name, Joel, according to California gay rights activists.

Martinez, now 24, claimed he suffered from "trans panic" and, to the surprise of the transgender rights activists, the Fresno, Calif. district attorney accepted a plea in the case. Martinez received a four-year sentence for voluntary manslaughter. He was sentenced to three years for killing Robles and one year for using scissors as a weapon, according to the Fresno Bee.

"What message does that put out about the trans community?" said Christopher Daley, director of the Transgender Law Center. "It raises the risk for trans women in that community." While Robles' case can't be changed, Daley hopes that the plea will "serve as a flashpoint for district attorneys around the state to look at this issue."

Fighting the panic defense

Some offices already have, like Georgia's Fulton County District Attorney's office, which held the first ever symposium on gay panic earlier this year, called "Defeating the Gay Panic Defense." It was inspired, in part, by the death of a gay colleague; his killer employed the gay panic defense and was acquitted.

Gay panic has traditionally been defined to mean that a "defendant's latent homosexuality caused his violent reaction to a gay man's advance," according to a piece on trans panic in the Boston Third World Law Journal by Victoria Steinberg.

Trans panic is a variant of this strategy, with the defendant claiming, "his violent acts were triggered by the revelation that another person, sometimes with whom he has been sexually involved, is transgendered," she explained.

Gay panic or trans panic are not defenses that completely exonerate a defendant, legal experts explained. Rather, they are used as mitigating factors to lessen the severity of the punishment or charge — often from first-degree murder to manslaughter. Neither is a recognized legal defense like self-defense or insanity, they said.

"Most cases invoking Homosexual Panic Disorder as a defense are really insanity defenses based on Acute Aggression Panic Disorder, a different disorder in which the person suffers from a predominating aggressive drive," wrote Peter Nicolas, a law professor at the University of Washington, in his article, "'They Say He's Gay': The Admissibility of Evidence of Sexual Orientation."

Homosexual Panic Disorder derived from psychiatrist Edward J. Kempf during World War I. It lost its medical legitimacy when homosexuality was removed from diagnostic books as a mental disorder.

"According to Kempf, there are two character traits required for a diagnosis of Homosexual Panic Disorder: the individual must have a pronounced fear of his own homosexuality, and this terror must coexist with the individual's fear of heterosexuality," Nicolas wrote.

However, unlike Homosexual Panic Disorder, many defendants who employ the gay panic or trans panic strategy do not claim to be gay. Also, Kempf found that his subjects became self-loathing and withdrawn, not violent.

Gay panic and trans panic have no medical basis, according to Matthew Weissman, a clinical psychologist based in Washington, D.C., who specializes in sexuality. "There is no such thing as gay panic or trans panic in any kind of professional manual," he said. "It's primarily a construction of the legal profession."

He added that a person who commits a violent act with no rational provocation may suffer from psychosis or another type of mental disorder. "Whenever I hear about people who panic and become violent you need to look at the underlying personality," Weissman said. "Because most people coming home with the wrong person, they excuse themselves."

VICTORY!

**Provided by Gwendolyn Ann Smith
www.gwensmith.com
September 14, 2005**

Today, a majority of members of the United States House of Representatives voted by a vote of 223-199, including 30 Republicans, to pass a federal hate crime law that would include all lesbian, gay, bisexual and transgender people. The provisions of HR2662, the first ever piece of major trans-inclusive legislation was attached as an amendment to the Child Safety Act.

According to NCTE Executive Director, Mara Keisling, "At least one chamber of Congress has finally made a statement that it not acceptable to hurt or kill transgender people because of who we are. This is a pivotal vote for transgender people who have been working diligently for years to educate Congress about transgender people and our lives."

Passage of the underlying bill (HR3132) The Child Safety Act is expected momentarily. A more in depth analysis will follow.

Ruthann Robson, author of "Lesbian (Out)Law: Survival Under the Rule of Law" and an expert in lesbian legal theory, said that gay panic or trans panic should be considered by the courts in the same way they weigh any irrational reaction but it should not be considered a reasonable response.

"It can explain your state of mind," she said. "It should be put in the same category as a person who is troubled by aliens or people who wore blue shirts." She continued: "When we say something is a defense it means a reasonable person would justifiably be panicked by being close to a gay person."

Gay panic and trans panic have been used, with differing results, in several high profile cases, like the Matthew Shepard case, the Jenny Jones trial and the Gwen Araujo case in Alameda County, Calif.

In the Araujo case, four friends allegedly murdered Gwen, a teenager, after they discovered she was biologically male. They allegedly beat her with a skillet, their hands and a shovel. Prosecutors aggressively pursued the case, but the jury deadlocked on first-degree or second-degree murder, rejecting the manslaughter charge; the second trial went to the jury this week.

"The performance of the different offices are on opposite ends of the spectrum," said Daley in a statement comparing the Araujo and Robles cases. "In Fresno County we have what seems to be a near abdication of their responsibilities."

Robert Ellis, assistant district attorney for Fresno County, said that in the Robles' case "we believed we ran significant risks at trial." He wouldn't specify what those risks were but did say that he wouldn't "characterize one statement as primary." "It's fair to say that issues regarding the victim's status were certainly talked about in the case in terms of a potential defense," he said.

It's difficult to gauge the gay panic defense's success rate, which often varies based on geography, Daley said. He and other California gay rights advocates are working to eliminate this variability and ban it from the courtroom altogether through legislative action.

The California legislation would function similarly to rape shield laws, which prohibit some discussion of a victim's sexual history, explained Shannon Minter, legal director for the National Center for Lesbian Rights. "They can do the same in violent crimes against gays or trans persons," he said. "Bias and prejudice cannot lawfully be used to lessen someone's offense."

David Rubin, a deputy district attorney in San Diego County, agreed that gay panic or trans panic are not legitimate defenses. "The defense is truly aimed at exploiting the lowest, basest, most prejudiced reactions of the jurors," he said.

However, while some say the strategy can exploit jurors' homophobia, they believe it should still be permissible. "Any defendant or lawyer who advances this type of defense without sufficient psychological evidence is asking for jury nullification," said Jack King, public affairs director for the National Association of Criminal Defense Lawyers.

But, King added, while he opposes the strategy, legislation barring it would violate a defendant's constitutional right to a defense, much like the early rape shield laws that had to be reinterpreted by the courts to pass constitutional muster.

Hurricane and Transphobia!

TRANSGENDERED EVACUEE ARRESTED

Charged with using women's shower at Reed Arena shelter

**By Laura Hensley
Eagle Staff Writer**

laura.hensley@theeagle.com

A 20-year-old transgendered Hurricane Katrina evacuee remained in the Brazos County Jail on Thursday, five days after being arrested for showering inside a women's bathroom at Reed Arena.

Arpollo Vicks of New Orleans and her 16-year-old cousin were arrested Sunday night for criminal trespass after Texas A&M University Police noticed the two exiting a women's shower facility at the shelter. The two were born male but live as women and consider themselves female, Vicks said Thursday in an interview from the jail. They are the only people who have been arrested at the local shelters since the first one opened Aug. 31, shelter officials said.

According to police who were providing security at the Reed Arena shelter, a woman complained Sunday night that several males were inside the women's shower facility.

Corps of Cadets Commandant John Van Alstyne, who is in charge of the shelter, was notified and told police that he earlier had warned Vicks and the teenager not to shower inside the women's facility. "I know two males went into the women's rest room," Van Alstyne said Thursday. "It was something we considered inappropriate." He declined to comment further.

"They had been warned and basically told not to do that," said Elmer Schneider, chief of the University Police Department. "Did we want to arrest them? No. We were almost forced into it because we had warned them. To me, in this case, it was something of their own choosing."

Vicks - who said she never was warned not to shower in the women's bathroom - remained in isolation at the Brazos County Jail on Thursday evening. She was being held on \$6,000 bond for criminal trespass, a Class B misdemeanor.

Vicks' juvenile cousin since has been released from custody, returned to Reed Arena and reunited with her 18-year-old sister, who also is staying there. "I don't think I should be here," Vicks said during a brief collect telephone call from the jail. "It's foolish. This is nothing to be in jail for. I live like this. This is my life. Right now, I'm just scared. I've been here since Sunday, and they haven't told me anything. I've never been in jail before. I'm just not used to this."

According to Vicks, who said she worked as a substitute teacher at a middle school in New Orleans, she had never before encountered a problem when using women's bathrooms. She said she wanted to shower in the women's facility because she felt safer and more comfortable doing so.

Vicks said she did not request special accommodations, but that she did speak to a female volunteer and explained her situation.

Police and shelter officials said they were unaware of any such conversation. Ann Robison, executive director of a Houston organization that is providing support and housing for gay, lesbian, bisexual and transgendered hurricane evacuees, said special accommodations for Vicks and her cousin should have been provided by the shelter. "They should've made provisions for her upfront," Robison said. "She considers herself female."

Robison said her organization, the Montrose Counseling Center, doesn't know of any other transgendered hurricane evacuees in similar situations being arrested at shelters. She said she did help one transgendered person at a Conroe shelter relocate after volunteers informed her that the person was being harassed by other evacuees.

"This makes me real sad," Robison said. "People criminalize gender identity issues because they are afraid of it or don't understand it. We understand that people have some fears about it. But it is just sad, and it angers me."

Contacted Thursday night, Robison said she planned to advise the Human Rights Campaign, a gay, lesbian and transgendered civil rights organization in Washington, D.C., that could help Vicks post bail and provide legal assistance. She also said she would try to link Vicks and her cousin with safe housing in Houston.

Vicks sounded frustrated Thursday, recounting how she literally had to swim out of her apartment last week and sleep on an Interstate 10 bridge in New Orleans when the city was flooded by the hurricane. With no money and no way of reaching family, she said she didn't know how

she was going to get out of jail. "I'm just living one day at a time and trying to get this over with," she said. "I've never been through so much in my life."

Personally from Mara:

[provided by mkeisling@nctequality.org](mailto:mkeisling@nctequality.org)

As many people have heard, a transgender woman, Arpollo Vicks was arrested last Sunday, September 4 at an evacuation shelter in Bryan, Texas for taking a shower. I have spoken with Arpollo upon her release from jail and I am very pleased to say that she is in very safe temporary housing with an ally in Bryan.

This has been an incredibly heartbreaking situation. I am glad that Arpollo is safe, although, because of this injustice she has become separated from her 18 year old sister and 16 year old niece who evacuated from New Orleans with her and who were her only family members whose whereabouts were known to her. She believes that her mother is in a shelter in Houston and that her sister and niece may have headed toward there. We will be working with her around housing for the next few days and in evacuating yet another town for safer ground. I have spoken with Ethan St. Pierre of Trans FM and he believes they have the funds to help relocate Arpollo and her family.

Basically, last Sunday Arpollo and her niece, who is also transgender according to news reports, showered at the Texas A&M University-run evacuee shelter and were arrested by the University Police who claim that another evacuee was concerned about the women showering. The minor niece was released to Arpollo's sister, but Arpollo has been held in isolation for five days at the Brazos County Detention Center.

Upon learning of this last evening and this morning, a group of local, state and national advocates sprung into action and pressured the University to drop all charges and accelerate Arpollo's release. These included some wonderful faculty at A&M, local trans people and allies, some fabulous folks in Houston including the Montrose Counseling Center, Phyllis Frye and her law firm. Also the Lesbian and Gay Lobby of Texas (LGRL) did amazing work as did Lambda Legal, HRC, the Task Force and the Sylvia Rivera Law Center on New York. [Forgive me if I have excluded anyone.]

I, and many others, have spoken plainly with University administrators about this situation and will be communicating further over the next few weeks.

Later today, NCTE, along with the Task Force and Lambda Legal will be releasing a guide on making evacuation shelters safe and welcoming for transgender evacuees. This document has been in the works for several days, but Arpollo's case shows the urgent need for it. We will be getting it into the hands of the major shelter managers such as the Red Cross and Salvation Army as well as trans support groups and the LGBT community centers in relevant geographic areas.

Finally, I ask that if anyone hears of situations like Arpollo's, you bring it to our attention immediately and we will activate a very swift response. No one, let alone someone who has just lost so much, should have to face the injustice that Arpollo has just gone through.

If you would like to know other ways you can help, I refer you to the following as places to donate money and to find links to other helping opportunities:

<http://www.transfm.org/> - Ethan St. Pierre's network that is raising money to relocate trans people.

<http://www.nyac.org/> The National Youth Advocacy Coalition in conjunction with many other organizations including NCTE are raising money to help LGBT youth impacted by the disaster.

**Be well,
Mara**

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Hurricane and Transphobia!

TRANSGENDER EVACUEE SURVIVES ALL OBSTACLES

Vicks remains positive in spite of shelter arrest

By Lisa Gray

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lisa.gray@chron.com

Arpollo Vicks was born male, but in January, the 20-year-old became, she says, "who I really am." She started living as a woman.

In New Orleans, this was no big deal.

Friends and family began calling her Sharli'e. She says that at L.B. Landry Middle School, where she worked as a substitute teacher, kids who had known her as Mr. Vicks simply began calling her Ms. Vicks.

Sharli'e's gender didn't play a part in the beginning of her Katrina miseries, either. After the levees broke, she and two cousins left their downtown neighborhood, looking for help and higher ground. Eighteen-year-old Rolanda Grisham was a plain-vanilla, born-that-way girl. Things were more complicated for Rolanda's 16-year-old sibling. Like Sharli'e, Leo had been born male but lived as a woman.

Sharli'e Vicks, a transgender evacuee from New Orleans, still has high hopes.

The three waded and swam a mile and half to the terrifying New Orleans Convention Center, where they spent two uncomfortable nights, one punctuated by gunfire. They then spent two hot, hungry days on an Interstate 10 overpass. At the Superdome, they finally found someone to rescue them.

A bus carried the three to Houston, but it was turned away at the Astrodome. Around 1 a.m. that Sunday, the three learned that they had arrived, instead, in College Station. They were shepherded into a shelter at Texas A&M University's Reed Arena.

Pansexual, live-and-let-live New Orleans had arrived in the heart of Aggieland, and there was bound to be trouble.

Clean Sweep

At the shelter, Sharli'e desperately wanted a shower. She says she talked with a volunteer, explaining what she calls "my situation."

Still in her first year as a woman, Sharli'e is in what more experienced transgenders call "transition" - the ugly-duckling, in-between period that most discomforts the rest of the world. She has sideburns, and a five o'clock shadow sometimes darkens her square jaw.

But she's lucky: In most ways, she looks female. She stands only a hair over 5 feet 7, and female hormones have softened her face and given her breasts and rounded hips. Strangers call her ma'am or miss. (Leo, earlier in the transition, isn't so lucky. Around 6 feet tall, the skinny teenager looks far less convincingly female.)

Sharli'e says she told the volunteer that she was afraid to shower with men, and the volunteer told her to shower in the women's room. It was the middle of the night. Sharli'e was alone, and the stall was curtained. Everything was fine.

The next day, she and her cousins received shots to ward off diseases and were told about the filth they had waded through. Sharli'e wanted to shower again. And again.

Elmer Schneider, chief of the Texas A&M Police Department, says that Sharli'e and Leo were warned not to shower in the women's room. But Sharli'e says no one said a word to her.

Sunday evening, she, Rolanda and Leo headed to the women's showers. When they emerged, police arrested Sharli'e and Leo. They hauled Leo to a Brazos County juvenile-detention facility. Sharli'e, still dressed in a pink-flow-ered, knee-length nightgown, had her mug shot taken at the Brazos County Jail.

Frightening Experience

"I was scared," says Sharli'e. "I'd never been to jail before."

She was charged with criminal trespassing, a Class B misdemeanor, and her bail was set at \$6,000 - a large amount of money even if she had known someone to call for help in College Station.

She was put in a cell alone, and she heard that her case might come before a magistrate in six months to a year. She wondered if she would be in jail that long.

She worried that her mother and the rest of her family might not find her before then. She wondered, too, what had happened to Leo. (He was released into Rolanda's custody.)

On Thursday, four days after she'd been arrested, she received a note: Laura Hensley, a reporter for the Bryan-College Station Eagle, asked that she call the newspaper collect.

The next day, Hensley's story - "Transgendered evacuee arrested" - alerted the world that a Katrina survivor was languishing in jail, five days after her arrest for taking a shower.

To The Rescue

Finally, outside rescuers rushed to help Sharli'e Vicks.

The Washington-based Human Rights Campaign, an advocacy group for gays, lesbians, bisexuals and transgenders, was alarmed.

"We contacted the Brazos County Sheriff's Department," says Brad Luna, the group's director of media relations. "We got deputies who referred to her as an 'it.'"

The group discussed hiring Nechman, Simoneaux and Frye, a Houston firm, to handle legal matters. Phyllis Frye seemed a natural for the case: Perhaps the nation's best-known transgender lawyer, she was in her previous life a male member of the Aggie Corps of Cadets.

Frye was outraged. "Six thousand dollars is a hell of a big bond for criminal trespass with no allegation of violence," she said. "I mean, she had to shower someplace."

But before the firm could swing into action, it was pre-empted: Brazos County Attorney Jim Kuboviak declined to press charges.

Claudette Peterson, a Bryan resident who worked for years with gays, lesbians, bisexuals and transgenders, was moved by the Eagle's story. She picked up Sharli'e at the jail and took her home for the night.

They stayed up late talking, and Claudette told Sharli'e things she'd never heard before: That she's transgendered, not gay; that there are organizations for people like her; and that people want to help.

In particular, the Montrose Counseling Center in Houston would be of use. "We decided to be the world headquarters for GLBT Katrina evacuees," explains director Ann Robison. (Earlier, the group had investigated a report that a transgender left a shelter in Conroe after being harassed by other evacuees.)

The center dispatched a staffer to hold up a sign at the George R. Brown Convention Center, and there found Sharli'e's mother, Djuana Vicks. The center then reserved two hotel rooms for them at Houston's swank Hilton Americas, next to the George R. Brown.

Change In The Air

On Monday, Sharli'e talked with a reporter in her room at the Hilton. She was taking care of her toddler niece, Antoinette. Rolanda and Leo were now in Houston, as were Sharli'e's sister Keisha, Antoinette's mother. The family all planned to settle here.

In the stylish hotel, Sharli'e felt optimistic. "I love Houston," she said.

She had been planning a career in early childhood education, but since Katrina, she's considering a different path. She thinks she'll be a journalist, or maybe work with young transgenders. She wants to be like the people who helped her.

In a small way, Texas A&M has changed, too. Sheriff Schneider, on the phone with a reporter, corrected himself after referring to Sharli'e as a "he."

"I know there's sensitivity about gender," says Schneider. "That ought to be 'she.'"

PAULA-JO HUSACK, MA, LMFT, CGP
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EVE FROM ADAM

Harisu's stage name is a Korean take on the English phrase, hot issue. The model-entertainer has been a newsmaker since she went public with the fact that she was born a man. She speaks to LI EE KEE in an exclusive interview.

THE transformation was incredible. Just a few minutes earlier, during the photo shoot, Harisu was playing the femme fatale in a heavy embroidered Christian Dior black jacket that showed off her long, slender legs.

Now for our interview, she is the coy beauty. Wearing an adorable pink cotton pyjamas, she has her naked legs covered with a blanket. Her silky long brunette tresses are worn down, framing her lovely heart-shaped face. Her porcelain complexion is flawless (her secret: spicy food).

"What did you think of the photo shoot?" I asked.



"I looked old," she noted glumly.

She is being too hard on herself. She was such a stunner that it is hard to believe she used to be a he. The only giveaway is her deep timbre voice.

Four years ago, Harisu starred in an advertisement for a South Korean cosmetic company. In the ad, she is gazing at the camera. She then breaks into laughter, tilting her head back to reveal an Adam's apple. It later became known that the Adam's apple was computer generated. The advertisement created a huge sensation, especially when she went public with the fact that she is a transsexual.

Harisu was born Lee Kyung-yup in Seongnam, near Seoul. Her stage name Harisu is a Korean adaptation of the English phrase 'hot issue'. Since she was young, she has always seen herself as a female.

"I know I was born a boy but it was just natural for me to be the way I am. I preferred playing with dolls instead of sports. I never had a girlfriend, just boyfriends. My mother knew."

She recounted a time when she introduced her high school boyfriend as her husband to her mother. "She told me that I couldn't have a husband. Men have wives. I said I am a woman. So I need a husband (chuckles). Even my siblings (she has three sisters and a brother) knew. When you have lived and grown up together, you know."

But not her father, though he may have had his suspicions. "He was always saying, 'You're a boy. Why is it that you behave like a girl?' she mimicked while laughing.

Her father was the last in the family to find out that his youngest son had become a she, two years after her surgery. He was watching TV when he saw her Japanese commercial. According to Harisu, he was not angry. "When I was growing up, he often looked at me and said, 'Why do you look like a girl?' Maybe in his own way he knew." Even her peers in school constantly remarked how much she looked like a girl. "Some even wanted to kiss me on my cheek!"

There was never a question in Harisu's mind that she would undergo gender reassignment surgery. She began saving up money when she was 16 and at 23, went under the knife — once in South Korea and another in Japan. Aside from the breast enhancement and gender reassignment procedures, Harisu revealed that the only other surgery she had done was to her nose.



THEY DIDN'T WAIT UNTIL MIDDLE AGE TO QUESTION THEIR BIRTH SEX. THEY ARE THE 'TRANSGENERATION.'

Reyhan Harmanci, SF Chronicle Staff Writer

Butch Greenblatt entered middle school as a tomboy and left as a girly-girl. At age 14, Butch came out as a lesbian. A year later, Butch came out again. As a guy.

"For a long time, people thought the boy thing was a phase and I'd eventually grow out of it and be pretty and attractive and normal. I tried my best in middle school, but I never was very good at it," he says. "I was pretty sure, though, for a while, that I'd end up as a butch lesbian."

While at camp for Gay-Straight Alliance organizers, Greenblatt expressed something that had been on his mind for years. "During this time where we did a 'check in,' I said I just wanted to share something and said, 'I don't feel like I'm a woman.' It was definitely scary — I didn't know what would happen next — but speaking the truth felt pretty awesome."



USF student Butch Greenblatt, who is profiled in the Sundance Channel documentary "Transgeneration," says he knew he wanted to be a boy since age 5. Chronicle photo by Deanne Fitzmaurice

Greenblatt is part of a new generation of transgender people who come out at a young age. Now 21, he speaks of gender as a spectrum, not a binary.

"At age 14, it's not uncommon for trans people come out as some flavor of queer," says Gayle Roberts, development director of San Francisco's LYRIC, or Lavender Youth Recreation and Information Center, a nonprofit dedicated to gay, lesbian, bisexual and transgender youth. "It usually takes a few more years, and people often go through various stages of identification before landing on the one that fits best."

Four trans students are the subject of a new documentary series, "Transgeneration," airing on the Sundance Channel this month. The four featured students — two women and two men — didn't wait until middle age to start questioning their birth sex.

"Definitely, we see more and more trans students than in the past," said Brett Beemyn, coordinator of GLBT student services at Ohio State University and board member at the Transgender Law and Policy Institute in New York City. "It used to be that identifying as transgender was more of a middle-age phenomenon. People would feel a sense of shame and uncertainty and wouldn't really come to grips or find recourses until midlife, but now with the Internet and support groups, students don't have that uncertainty or not as much self-hatred as previous generations."

As young transgender people increase in numbers and visibility, they can be the target of derision and violence. Perhaps the most recent evidence of that was the 2002 murder of Newark teenager Gwen Araujo. This week, two of the three defendants in the case were found guilty of second-degree murder.

But while cases such as the Araujo murder are devastating and bring headlines, they are an extreme experience of young transgender people: "Transgeneration" shows how raising consciousness about what it means to be transgender can bring the support and understanding of parents and peers.

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"Transgeneration," in addition to appearing at the Frameline film festival in June, has been screened at the San Francisco Lesbian Gay Bisexual Transgender Community Center and because Billy Curtis, co-director of the Gender Equity Center, wept when he first saw it, it was shown three times at UC Berkeley.

"I knew immediately I could use it as an educational tool for faculty, staff, administration and students," Curtis says. "It's not an end at all, it doesn't try to represent the entire trans experience, but it both answers some of the most basic questions about what it means to be trans while being this great conversation starter."

Greenblatt, who grew up in Redwood City, knew from the age of 5 — "I asked for a sex-change operation before I really knew what it was" — that he wanted to be a boy. "My parents were social workers and have always been really supportive. I realize this is an atypical experience." For the past three years, he has been on hormone therapy. "If my parents weren't helping me with my transition, I probably wouldn't be going to college. It's one of the reasons they help me so much."

While exact numbers of college-age transgender adults is impossible to ascertain, experts say numbers are growing. Curtis has about 30 trans students on his e-mailing list, which he says is a small slice of the larger group. "I only see the ones who need assistance and want to be serving the community. I don't see the vast majority of LGBT students. They're too invisible, which can mean good or bad things."

Even without clear numbers on how many transgender students are attending college, legal and social pressure has resulted in administrative changes at many schools. The main issues are in the places where normative gender is enforced — restrooms, on-campus housing, sports teams. Gender-neutral restrooms have become the standard at Wesleyan University, Oberlin, University of Massachusetts, the University of Chicago, Sarah Lawrence College, the University of New Hampshire, Beloit College in Wisconsin and several other schools.

Different schools deal with the housing needs of transgender students in different ways. Some offer special houses, some create gender-neutral hallways in dormitories, some designate certain rooms with individual bathrooms. Schools with amended housing policies include Brown University, Ohio State, UC Berkeley, University of Illinois at Chicago, Carleton College and the University of Minnesota.

Some of these policy changes have been mandated by law, as part of gender nondiscriminatory clauses. AB196, a California bill adding "gender identity or expression" to existing housing and employment statutes, was signed into law in 2003.

"I don't think this is just a college issue," says Carolyn Laub, founder and co-director of the Gay-Straight Alliance Network, an organization that coordinates more than 500 GSA clubs in California middle and high schools. "What's happened in the last five or 10 years is that kids are identifying and transitioning as high school or middle school students. San Francisco and Los Angeles unified school districts have led the way in developing clear guidelines for administrators and teachers, as well as working with other districts."

Clearly, though, it's not just the educational institutions that have to change to ensure a comfortable transition for transgender students. "Transgeneration" is a powerful series because it shows how young

people question and build their identities in so many ways, gender being only one part of the larger struggle.

The Sundance Channel team got the idea of creating a series around young transgender students after reading an article in the New York Times about college housing options. "It was a subject matter we thought would be very interesting — we saw the article and thought, 'There's something going on,'" says Adam Pincus, native San Franciscan and senior vice president of original programming. It's a phenomenon that's growing, so let's find characters and stories that show what's happening."

Pincus brought the project to World of Wonder, a primarily gay production company in Los Angeles that made such films as "Inside Deep Throat," the documentary on the '70s porn classic, and "Party Monster," about '80s club promoter Michael Alig.

Producer Thairin Smothers said the main goal of casting was diversity. Director Jeremy Simmons and Smothers searched Internet message boards, campus telephone polls and GLBT e-mail lists to find transgender college students to follow for the 2004-05 school year. In August 2004, they traveled to meet their finalists.

"I heard about it from various Listservs," says T.J., 24, a graduate student in education administration at Michigan State University who was born a girl named Tamar in Beirut and grew up on the island of Cyprus. He was interviewed with the filmmakers and three other stars after the film showed at the Castro Theatre. It was auspicious timing — not only were the four students getting to meet each other for the first time, but the screening fell over gay pride weekend in San Francisco. "What pushed me to do it was the idea of showing trans people of color, pushing beyond the American image of a gay white man," T.J. says.

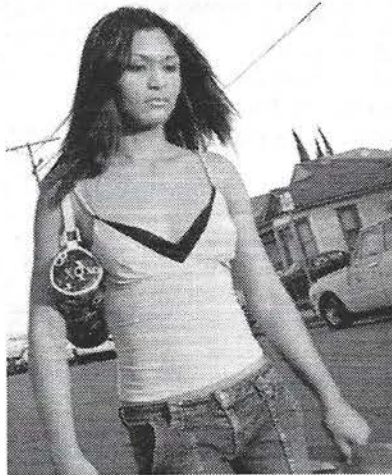
While the four students initially had different levels of apprehension about the project, all agreed that the trust they put in the filmmakers paid off. Lukas, who was transitioning to male while attending Smith College, an all-woman's school, said that he was hesitant but thought that "there's nothing that would have been dealt with insensitively."

Lukas says he didn't imagine giving the cameras so much access. The filmmakers didn't just film the kids on campus, stressing about grades and classmates: All four subjects got their families involved to varying degrees.

Gabbie, for instance, the blond computer science major sophomore at the University of Colorado at Boulder, decided to get gender reassignment surgery at the end of the school year. It's the kind of decision that can't be made without the support of a family. Very few health insurance providers cover hormone therapy for trans people looking to medically transition, and none will pay for surgery.

All the students were taking hormones by the end of the school year, although their experiences with it depended greatly on economic and social factors. Raci, 18, a Filipino scholarship student at UCLA, bought hormones from street dealers for a fraction of the price of medical estrogen. Lukas carefully considered injecting testosterone, even as he admitted jealousy of his good friend Kasey's growth as a guy on it.

Greenblatt, although he started medically transitioning even before college, advocates caution. "You need to research what T or E does to you. There's a lot of things that are irreversible. Once vocal cords are stretched, they're stretched. Once hair follicles start grow-



Raci, a UCLA student, bought female hormones off the street. Photo courtesy of the Sundance Channel

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PROSECUTING A KILLER

In August, an Ohio man was found guilty of killing a well-known female impersonator with a samurai sword. Here is a recap of the trial

By Doug Maag
Advocate.com

Advocate.com's Doug Maag was on the scene in Columbus, Ohio, to report on the trial of 34-year-old Michael Jennings. He was found guilty of killing a female impersonator named Gary McMurtry, who used the stage name Brazon. Jennings had pleaded not guilty by reason of insanity.

August 24, 2005

Female impersonator murder trial begins in Ohio

More than three years after Michael Jennings confessed to the murder of one of Columbus's leading female impersonators, his trial began Monday with a detailed description from the only eyewitness to the attack.

"The next thing I remember is waking up with Gary screaming, 'Help, get him off me,'" said Brian Bass, testifying about the early morning hours of May 17, 2002, when his former roommate, Gary McMurtry—known among Columbus's gay men and lesbians as "Brazon"—was killed. Bass, 48, told the court he awoke, put on his shorts, and opened his door to be confronted by a masked man dressed in a "ninja type" black outfit in his hallway. He said he grappled with the intruder before the intruder pulled a sword from a sheath strapped to his back.

Bass, who received defensive wounds on his palms from the sword, said he saw McMurtry "lying on the floor, balled up in a fetal position." McMurtry, 36, had been slashed 13 times, receiving fatal blows through his liver and heart.

A former Miss Gay Columbus, McMurtry was known for his quick wit and love of Dolly Parton, whose songs were played at his funeral. While comedic and sometimes surly, McMurtry is also credited by many with giving time and raising thousands of dollars for local gay and AIDS charities.

Although Jennings admitted killing McMurtry, the former male stripper entered a plea of not guilty by reason of insanity. In May he and his defense attorneys waived his right to a jury trial, opting for a three-judge panel to hear the case.

During opening arguments, Jennings's defense attorney, Larry Thomas, said his client, who has been forcibly medicated since his arrest, believed he was "on a mission to spread world peace."

Franklin County prosecutor Ron O'Brien and assistant prosecutor George Ellis spent much of the day calling witnesses who saw an armed, masked figure dressed in black running through their neighborhood just after 7 a.m. on the day of the crime. They presented box-loads of evidence, including a backpack taken from Jennings. The backpack contained throwing darts, a small crossbow, a weighted fighting chain, throwing stars, and several other ninja-related weapons.

During much of the testimony Jennings sat in his chair looking at his hands in his lap. As the day's presentation of evidence ended with photos of blood-splattered walls and sheets in McMurtry's bedroom, Jennings was seen burying his face in his hands, apparently yawning.

Friends of both victims sat in court with tear-filled eyes as Bass described the attack on McMurtry, his 911 call, wrapping his bloody hands in towels, and fleeing into the street to flag down passing motorists for help. Jennings's parents spent much of the day in the hallway to the courtroom.

August 26, 2005

Murder trial continues

Presenting the coroner's autopsy report and the videotaped interrogation of the defendant, the prosecution on Tuesday presented the strongest evidence yet in McMurtry's slaying. Jennings sat with his head down as he and the three-judge panel hearing his case heard for the first time his version of events.

On the taped interrogation, Jennings answered basic questions, casually bantering with officers, then denied involvement in the attack. "They are actually real good friends of mine, and they helped me out when I hit rock bottom, so to speak," said the rather emotionless Jennings after being told someone had died at a home he was familiar with. "This is kind of disturbing to hear."

After he spent 20 minutes telling officers a false story about his whereabouts that morning, Jennings was told that he would be charged with murder. "I don't have anything against anybody.... I had no fall-outs with him," Jennings told officers of his relationship with McMurtry.

Just a few minutes later, however, after being left alone in the room, Jennings put his head on the table, appearing to sob, shake his head, and mumble to himself. At one point he looked directly into the camera. Five minutes later he suddenly sat back in his chair and looked up as if talking to God. "It's all my fault," he said.

As the tape played, Jennings, who could hear but not see himself on the screen in the courtroom, began to imitate the gestures he made on-screen as he relived his interrogation for the first time since his arrest, according to a defense team aide.

Jennings's defense attorneys confirmed their client will take the stand on Thursday. Closing arguments are expected on Friday.

Just prior to the introduction of the tape, assistant prosecutor George Ellis read aloud the autopsy report, describing in detail each of the 13 wounds McMurtry received from one sword and one handheld knife, including the fatal blows to the heart and liver. As he recounted the 10th wound, Judge Beverly Pfeiffer seemed to lose her composure slightly, looking first down at her desk and then up at the ceiling.

Prosecutors introduced testimony from a few other crime scene investigators, most of whom were not cross-examined by the defense. The defense team is expected to begin presenting its case on Wednesday.

August 27–29, 2005

Killer found guilty

Jennings was found guilty on Thursday of killing McMurtry.

"When I heard, I sat on the floor over there and cried," said Matt Richison, who performs as Missy Marlo. "[Jennings] is a cold-blooded killer, and he tried to get out of it."

During the trial Jennings took the stand and told the courtroom that he believed McMurtry and his roommate had murdered two people whom he had known and that he believed that he was next. "I still believe it was my right to protect myself," said Jennings. "How many people does someone have to kill before someone else takes action?"

Psychologists testified that Jennings believed he was the archangel Michael, a biblical reference to the angel who defeated Satan's minions and cast them into hell. Jennings also compared himself to Joan of Arc, who claimed to have received messages from Michael to help lead the French to victory against the English in 1429.

Continued Bottom Page 21



Continued from Page 19

ing, they might become thinner, and once you have top surgery, you're not going to grow your mammary tissue back."

The serious nature of medically transitioning makes the idea that this is a "fad" ludicrous. Roberts says about 15 percent of LYRIC's client base is trans or questioning. "The people who fear that young people will start hurting themselves by coming out as trans don't know trans folks or medical protocols. It's actually a very small percentage of people who decide to go through hormone therapy or decide to have some kind of surgery. Surgical options are not for everyone — some people think of themselves as genderqueer and present differently than given birth gender but aren't interested in pursuing hormones."

"To actually get access to hormones is difficult if you're underage," Roberts said. "Hormonal therapy is not available without parental consent if you're not 18 and over."

The range of gender presentation even among these four people speaks to the difference in how young people think about gender in contrast with previous generations. It's no longer an either/or proposition, although, for some, transitioning is a journey with a definite end point.

Lukas says he's "not really interested in identifying as trans. I see myself as a guy with a specific medical circumstance."

Gabbie, too, viewed her surgery date as "Christmas" and, in conversation in June, was delighted with the result.

"Go with what fits you," she says, beaming. "Surgery was important to me. I don't need to f — with gender anymore. It's all about finding ways to express yourself."

Raci, the only one of the four to be closeted at school, had a different approach. For her, the school year had been a time to come out to more than her family, and own her identity as a transsexual. "I want to be accepted, be part of the LGBT community, where trans people are still seen as freaks," she says. "We are that last one — the 'T' in LGBT, and I want to be part of them, share the same human flaws as gay and straight people, not just be seen as the freak part."

"The thing is, though," Raci says with a smile, "as a transsexual, I'm actually a chick with a d — . How can you top that?"

Prosecuting A Killer

Continued from Page 20

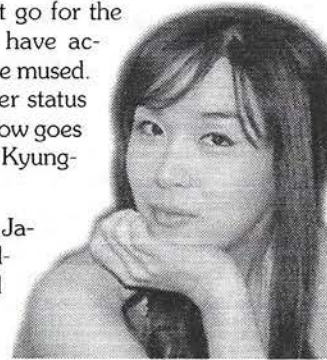
Jennings told one doctor he was on a mission to spread world peace by joining the Columbus Crew professional soccer team. Once on the team the Crew would win the World Cup, and he would be interviewed on television, where he could finally deliver his message of world peace. The Columbus Crew eventually filed a restraining order against Jennings.

In closing arguments, defense attorney J. Tullis Rogers gave an impassioned speech on behalf of his client, implying that the decision to declare Jennings competent to stand trial may have been incorrect. He said his client believed he was morally correct in his decision to kill and was not an evil person. "There are people who think it's not moral and it's illegal to be gay," said Tullis. "I am simply asking the court to keep an open mind."

During his testimony, Jennings denied that the attack had anything to do with McMurtry's sexual orientation.

Continued from Page 18

"The funny thing is if I didn't go for the operations, the public wouldn't have accepted me if I remained a man," she mused. She also had her name and gender status legally changed. The 30-year-old now goes by the more feminine name Lee Kyung-eun.



After spending two years in Japan, where she modeled and studied hair design, Harisu returned home in 2000. She continued her modeling work but no one was the wiser about her transgender status. That is until the commercial came out. Everyone in the modeling industry was shocked, none more so than her then boyfriend of seven years.

"I never told him before because I didn't think I had to. When we were dating, he always said he wanted to marry me. He called me after watching the commercial. He wasn't angry. He still loved me and wanted to marry me. But it wasn't time to settle down yet," she explained. They remain good friends.

For the moment, the actress-singer-author (she has penned two books — her autobiography *Harisu*, *Eve from Adam* and *God-dess of Metamorphosis*) wants to concentrate on her career. Marriage plans will have wait until the next five years.

"I do want to have my own family although there are times when I think that if I should live the rest of my life alone, it would be okay too."

Interviewing Harisu is a breeze. No topic is too sensitive to talk about and she is delightfully candid.

"Even if I don't talk about it, people who don't know me will just assume things. As a result, so many lies have been said. When you want to know someone, ask."

She then asked if I wanted to see pictures of her when she was a boy. She showed me a website where several photos of her in her younger days are posted. The person in them and the one seated before me could not be more different. Even the pictures tickled her. She started giggling and clapping her hands in delight.

Harisu admitted that she enjoys reading about herself though some reports have painted her in a negative light. "I do get sad and angry but I understand where they are coming from because I do it too. Whenever I dislike something or someone, I would be honest about it. I have been told that not everyone will like me and it is true. If everyone likes someone, the person must be God."

MID-MONTH SOCIAL VOLUNTEERS NEEDED!

TGSF is looking for some enthusiastic and motivated people to help plan our mid-month socials.

All it takes to plan these events is for someone to call a venue that is hopefully very TG friendly and see if they would be willing to host our event. Mid-months can expect anywhere from 10-20 people.

If you would like to help with these events, please contact roxyhart72903@sbcglobal.net Thank you!

Gwen Araujo - Was Justice Served?

TRIAL FOR MURDERED TEEN CONVICTS TWO, HUNG JURY ON THIRD DEFENDANT

HAYWARD CA — The second trial for the murder of a transgendered teen, Gwen Araujo, concluded with two of the three defendants being convicted of second-degree murder. Unfortunately, the jury deadlocked 9-3 on the third defendant's conviction and was unable to render a verdict for Jason Cazares.

Deputy District Attorney Chris Lamiero tried all three defendants for first-degree murder with a hate crime enhancement, both of which the jury rejected. The jury did agree that both Michael Magidson and Jose Merel were guilty of second-degree murder. There was some measure of happiness and relief from the family and the transgender community that two of the three were convicted, but it was "less than a full carriage of justice," according to Vanessa Edwards Foster, chair of the National Transgender Advocacy Coalition (NTAC).

The jury did reject the "transgender panic" defense brought forth by Michael Magidson's lawyer, Michael Thorman. They also refused to believe that Jose Merel only "skipped" a heavy pan off of Gwen Araujo's head, causing no serious harm. However, they did buy into other diversionary testimony, such as their contention they feared for their lives due to Araujo allegedly threatening "retribution" from friends in a gang, which one family member termed "BS".

Araujo was born a boy named Edward but identified and lived as female. The defendants, who knew her as Lida, met her and invited her to a party in the summer of 2002. Attracted to the vivacious teen, Magidson and Merel had sexual experiences with her.

The issue boiled over in the early hours of Oct. 4, 2002, in a confrontation at Merel's house that fueled suspicions about Araujo's gender. After a six-hour beating and strangulation, they buried her body in a shallow grave in a state park over 100 miles away.

The lack of hate crime enhancements disappointed many who followed the trial. "This was surprising to many, because it was the discovery of being transgender that led to the killing that night," said local activist Shelly Prevost, who's filming a documentary on the Araujo murder and the trial.

Others were more pointed in their reaction to the hate crimes dismissal. "How blatantly does one have to despise someone, how much overkill must be meted out in a violent act before someone is convicted of a hate crime?" asked Foster of NTAC. "This again underscores the need for specific and explicit hate crimes protection language," she added. "We keep getting 'finessed' out of legislative language and 'dismissed' from obtaining convictions for bias-driven violence. This is beyond frustrating!"

"To hear the hate crime enhancement being rejected was a hate crime in itself," fumed Araujo's aunt, Imelda Guerrero. "It was a black-and-white, classic hate crime," she added, noting the family "really do not understand why the jury rejected it, but do feel that it was unjust!"

The hung jury on Jason Cazares' charges stunned many. "It was surreal, I still can't believe it. I feel numb," said Imelda Guerrero upon hearing the lack of verdict on Cazares. "I am furious but do not know what to do with it, or where to direct it. What makes me the most furious," Guerrero added, "is knowing that three jurors were not convinced beyond a reasonable doubt that Jason Cazares was guilty."

Foster of NTAC opined that the lack of conviction on Cazares was a "testament to Tony Serra's lawyering skills, not an exoneration based upon innocence. There is no way that Jason Cazares is an innocent party in all of this. Justice has not been served, and this family has to go through a third trial." Serra, the defense attorney for Cazares will not be able to represent his client for a third trial, having legal problems and incarceration of his own coming up at the end of the year.

However, even without the hate crimes and Cazares convictions there was optimism. "Nothing is going to bring Gwen back," said Araujo's mother Sylvia Guerrero in a press conference following the trial. "But this is at least a step toward closure."

"We have made some progress, we have two murder convictions," Imelda Guerrero said. "And that means that Gwen's life meant something! We have a lot of educating to do, and we will not let up!" She added that, "we are going to continue in our efforts to do whatever we can to try to make sure that this happens to no other trans person anywhere in this world."

"For the trans community, keep the faith, your lives will not go on unnoticed, and you deserve to be treated with respect and dignity."

TRANSGENDER COMMUNITY FEELS JOY, ANGER AT ARAUJO VERDICT

Wyatt Buchanan, SF Chronicle Staff Writer

The Bay Area's transgender community was both heartened and disappointed with the verdicts in the Gwen Araujo murder trial Monday, praising the jury for delivering justice but wishing all three defendants had been found guilty of murder and a hate crime. Leaders in the community said the jury's rejection of a "transgender panic" defense — in which Araujo's gender identity absolved the men of some guilt in the crime — represented significant progress.

"It sends a message that you can no longer blame the victim for what happened," said Cecilia Chung, deputy director of the Transgender Law Center in San Francisco. "You can't blame a transgender person for being who she or he is."

The Araujo case has prompted public discourse about the transgender community and transgender issues.

Several thousand students in Bay Area schools have heard Araujo's mother speak about her daughter since the 2002 killing, and the case has received coverage in national and Bay Area media outlets, several of which developed policies on the use of pronouns and names in describing transgender people. The Chronicle, for example, now uses pronouns and names that are preferred by transgender individuals who have the physical attributes of the opposite sex.

Major Spanish-language outlets covered the case more than they had any previous crime with an LGBT victim, said Monica Taher, people of color media director for the Gay and Lesbian Alliance Against Defamation.

"This was a huge story at the local and national level," Taher said. "Every time there was an update from the court, the (Spanish-language) media was there covering. I didn't see that with the Matthew Shepard case."

With support from a fund set up in memory of Araujo at the Horizons Foundation, Araujo's mother, Sylvia Guerrero, spoke to more than 20 schools and shared her story with students, teachers and school administrators.

"Sylvia changed people's minds," said Carolyn Laub, executive director of the Gay Straight Alliance Network, which coordinated Guerrero's speaking tour. "She changed their hearts about transgender and gay, lesbian and bisexual people. Her pain and her family's pain in this tragedy were able to spread a message about love and acceptance."

But even with the impact made by the Araujo case, members of the community, who held a press conference in front of an altar made for Araujo in the lobby of the Lesbian Gay Bisexual and Transgender Center Monday, said the verdicts gave only partial justice.

Thom Lynch, who heads the center, said he was left with the feeling that some lives are worth more than others.

"If this is not a crime of hate, I don't know what is," Lynch said.

Araujo's uncle David Guerrero, who attended the press conference, said the family would persevere through another trial and that "we've gotten the strength from her to go through this."

"I'm very proud of Gwen that she lived the life she lived," Guerrero said. "She wasn't afraid to live out of the closet and be who she was."

Gwen Smith, founder of Transgender Day of Remembrance and the Web site Rememberingourdead.org, which tracks the killing of transgender individuals, said Araujo's case was a wake-up call to the Bay Area that such crimes happen here. She said she was partially satisfied by the verdict.

"We don't have all we want today, but we've seen change, and damn it, we need to make more," Smith said.

Since Araujo's killing, four other transgender people have been slain in the Bay Area, but the cases remain unsolved, according to the Transgender Law Center.

"We would like to see justice and closure to these four cases in our own backyard," said Chung of the Transgender Law Center.

Transcending Transgender

Sponsored by
City of Refuge UCC Outreach Ministries

A support group facilitated by Janetta Johnson and Portia Denard; Where: City of Refuge, United Church of Christ, 1025 Howard Street, San Francisco CA 94103, (415) 861-6130. When: Every Friday, 6 pm to 7:30 pm. Food and snacks will be provided.

Gwen Araujo - Was Justice Served?

Marginalized lifestyle makes finding witnesses, prosecuting cases difficult

TRANSGENDER KILLINGS

AN INVESTIGATIVE QUAGMIRE

Wyatt Buchanan, SF Chronicle Staff Writer

The conviction of two men this week in the killing of 17-year-old Gwen Araujo was unusual — but not because transgender slayings are rare.

Since Araujo was beaten and strangled in 2002 during an attack at a party in Newark by men she knew, four other transgender individuals have been killed in the Bay Area.

No one has been charged in any of those four cases. The difficulty, say police and transgender advocates, is that these incidents are not easy to investigate because society tends to marginalize the victims.

The House of Representatives passed legislation Wednesday that for the first time would include gender identity in the federal definition of a hate crime, but even if it clears Congress, barriers are likely to remain.

"A lot of things put (transgender people) in contexts that are inherently more dangerous: where they may have to live, where they may have to work," said Clarence Patton, acting executive director of the National Coalition of Antiviolence Programs, which monitors violent crime in the gay community nationwide.

"It's almost like at every step of the way it's much more difficult for transgender folks to really be in a place where they can take things for granted that others can, even gays and lesbians."

Transgender women often live in high-crime areas because housing is cheaper there, and they often work as prostitutes because they can't find employers who accept their gender identity, Patton said.

Those factors and others make it harder to find witnesses when transgender people are victimized, which in turn makes prosecuting the crimes more difficult.

"Any time there is a homicide case where the victim is more vulnerable because of his or her lifestyle, or has a relationship with the perpetrator, it becomes a bigger challenge for the prosecution," said Nancy O'Malley, chief assistant district attorney for Alameda County.

In Fresno, Estanislao Martineza, who pleaded guilty last month to voluntary manslaughter in the August 2004 killing of Jose Robles, a transgender woman, was sentenced last week to four years in prison. Gay activists were angered by the relatively short sentence.

Prosecutors say they agreed to the sentence because they could not have done better at trial with the evidence they had.

"One thing that it is not is a reflection of our belief that the death of this individual is properly addressed by a four-year prison sentence," Fresno County Assistant District Attorney Robert Ellis said.

The "heat-of-the-moment" or transgender panic defense was one of many challenges that prosecutors in the case faced, Ellis said.

In San Francisco, the district attorney's office has begun training prosecutors how to rebut gay and transgender panic arguments that defense attorneys often present. Defenders have argued in many cases, including Araujo's, that the accused deserve leniency because when they found out the true identity of their victims they responded in the heat of the moment.

Many transgender homicide cases never get that far.

In San Pablo, 24-year-old Sindy Segura was shot to death at 1:48 a.m. on Oct. 1, 2003. Her body was found near the railroad tracks that border Richmond's Iron Triangle. She was last seen the evening before working a nearby street. She had been shot in the groin, the neck and one arm, said Detective Sgt. Mark Foisie of the San Pablo Police Department. The case was suspended this past spring for lack of new leads, he said.

On Nov. 6 that year, Stanley Van Dyke Traylor, 38, was shot to death in a desolate area of West Oakland, the 2700 block of Union Street. Traylor didn't have a permanent residence and stayed with friends or with tenants at motels, according to Oakland police Sgt. Brian Medeiros. Traylor, who often wore women's clothing, was found wearing denim shorts and a T-shirt. A wig was on the ground nearby.

One man was arrested in connection with the incident, but there was not enough evidence to charge him with any crime, Medeiros said.

Tony "Delicious" Green, a 45-year-old lifelong San Franciscan, was found dead in a motel room in Bayview-Hunters Point on Aug. 13, 2004. Green had been beaten, raped and gagged and died of asphyxiation, said Jennifer Rakowski, associate director of Community United Against Violence, which has worked with Green's family. Green is the only victim with family in the area, an element that transgender activists say was key in keeping the Araujo case in newspapers and on television. Araujo's mother has spoken to thousands of students about her.

San Francisco police have two suspects in Green's killing — men who went to the motel with Green — but not enough evidence to charge them, said Inspector Mike Mahoney.

On Feb. 28 this year, Eddie Chung Chou Lee, 42, was found stabbed to death in Westlake Park in Daly City. Lee identified both as a man and as a woman — Michelle — and was wearing women's clothing when killed, according to a Daly City Police Department statement. Police have no suspects in the case, said Greg Ogelsby, an investigator with the department.

The legislation the House passed Wednesday offers a ray of hope.

"The bill will allow the FBI and Department of Justice to give money to local law enforcement agencies so they are better able to investigate and prosecute crimes," said Lisa Mottet, a transgender rights attorney with the National Gay and Lesbian Task Force.

Those tracking transgender homicides say they don't know for sure how many transgender individuals have been killed, though the leader of another San Francisco organization says she hears of one to three homicides per month around the world. The killings often pass unnoticed because police and then the media report the victim's birth name and biological gender, said Mottet.

"My sense is that we have no idea how often this happens," Mottet said.

Gwen Smith, an Antioch resident who started the Transgender Day of Remembrance and operates the Web site Rememberingourdead.org, which lists information on transgender slayings around the world, finds scant information about suspects.

"Very few (transgender homicide) cases are ever taken to court," said Smith.

Gwen Araujo - Was Justice Served?



OPINION | OPEN FORUM

by Gwendolyn Ann Smith
PlanetOut.com

Change rarely happens by revolt. Rather, it usually comes as a slow, evolutionary transition. It often moves so slowly that you don't see the change until long after it has happened, like spring turning into summer, then summer into autumn.

Ten years ago, a young transgender woman went home with a man. They had sex. At some point near the end of the evening, this man beat her, and then strangled her for several minutes. She died from this encounter.

Her killer claimed that he panicked when he discovered that the woman, Chanelle Pickett, was biologically male. In this case, decided in May of 1997, the killer, William Palmer, received a 2 1/2 year sentence — for assault.

Nearly a decade later, a 17-year-old transgender girl hooked up with four boys. Over the course of the three months they knew each other, she had sexual encounters with two of them. Then, one October evening in 2002, they discovered she was biologically a male. She was also beaten and strangled to death.

Two of her killers — Michael Magidson and Jose Merel — claimed they had simply panicked when they discovered that Gwen Araujo was transgender, with Magidson's lawyer in particular pushing this claim of "trans panic." Merel's lawyer — as Palmer's defense did in 1997 — claimed that his client was culpable only of assault, not murder or even manslaughter.

Things have changed. These two men did not get off lightly, and they will not be back on the streets for some time. They each face a mandatory sentence of 15 years to life that can keep them locked away in the California penal system for decades.

A year after Chanelle Pickett's trial ended, I began to track anti-transgender murders and, in October of 2002, I attended the funeral of Gwen Araujo. This is a day I will never be able to forget — and also a day I hope never to forget. After seeing Gwen, lying in her coffin in a small chapel that early autumn day, I knew I had to continue to fight for change.

I attended the preliminary trial in her case, and protested outside the courthouse over a bail attempt by Michael Magidson's attorney. I also attended much of the first trial, and saw a jury deadlock on each of the three defendants on trial. As days turned into months and years, my feelings toward this case deepened.

I cannot describe what it is like to view photos that the coroner took of Gwen Araujo, or listen to defense attorneys blame the victim for her own death.

I sat through this most recent trial, and watched spring turn to summer. I waited, as patiently as I could, outside a courtroom over the last couple of days, hoping that this jury would be able to bring forth justice — and they did, mostly.

Murder is murder, so I am happy that, although the jury did not find for first-degree murder, they did find for second-degree. This alone throws out claims of "trans panic," in which the argument is that — because it was a "crime of passion" — the perpetrator can't be held fully accountable for taking another person's life.

Yet this act was not ruled to be a hate crime. Frankly, I don't think enough was presented to determine that and, furthermore, the hate crime statute in California is simply not well-formed. The law, as written, makes it more difficult to prove an act was motivated by hate than it does to prove it was.

There is also another man who, for now, is free on bail. That man, Jason Cazares, was also there that night, and he also participated in the acts that took the life of Gwen Araujo. The jury in this second case deadlocked as to the level of his charge, with nine of the three wishing to convict. Now, Cazares will likely end up in a plea deal, and — like Jaron Nabors, the fourth man to take part in this killing — he could end up in jail only for manslaughter. Or even less, as his lawyer is pushing for a very light "accessory after the fact" charge.

So justice, like all change, comes slowly. In 10 years, we've seen the killing of a transgender person go from being a simple assault to being a second-degree murder, and we've seen the "trans panic" defense go from something a jury will buy to something they'll toss out.

Yet there is more change to come. We've not yet seen full justice for Gwen, and other recent cases have shown that there is still work to be done. People are still killed as a result of anti-transgender violence, at a rate of more than one killing a month.

As the differences between the trials of Chanelle Pickett's and Gwen Araujo's killers show, we are growing closer and closer to justice.

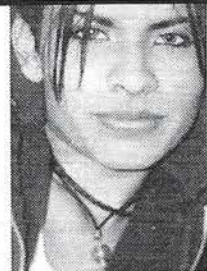
Change may be slow, but it is also inevitable.

Gwen Smith is the founder of the Remembering Our Dead Project.

Make Your Money Count!

To contribute to Gwen's family directly:
Gwen Araujo Memorial Fund, Bank Of America, Any BofA branch location, Acct# 10598-05854

To support transgender education work: **Gwen Araujo Transgender Education Fund** c/o Horizons Foundation, 870 Market St. Suite, 728, San Francisco, CA 94102 • (415) 398 - 2333 / www.horizonsfoundation.org



'Events devolved into brutal beating and homicide'

MANSLAUGHTER RULED OUT, JUROR SAYS

Henry K. Lee, SF Chronicle Staff Writer

The jury that convicted two men of second-degree murder in the killing of Newark transgender teenager Gwen Araujo flatly rejected defense arguments that it was a case of manslaughter, a San Francisco lawyer who served on the panel said Tuesday.

An average person would not have resorted to murder upon discovering that Araujo, 17, was biologically male, Max Stern, 38, of Piedmont, said in an interview with The Chronicle. "The community standard is not and cannot be that killing is something a reasonable person would have done that night," Stern said.

Stern, a civil litigator, said the eight-man, four-woman jury concluded that Jose Merel and Michael Magidson, both 25, had murdered Araujo in October 2002, rejecting defense arguments that at most they were guilty of manslaughter committed in the heat of passion caused by Araujo's sexual deception. Both men had sex with Araujo before the night she was killed.

"This was not a manslaughter, because it is not reasonable to accept this behavior in response to the circumstances here," Stern said. "This is not confronting the molester of your children or someone who raped your spouse. These events devolved into a brutal beating and homicide."

The jury ultimately rejected hate crime enhancements against Merel and Magidson because some panelists believed that the defendants killed Araujo not necessarily because of her gender orientation but simply to "cover up a situation that had gotten out of control," Stern said. Even if the defendants believed they had been sexually deceived, that would be "no basis, no justification for beating and murder," Stern said. "That's the heart of the verdict."

Merel and Magidson face sentences of 15 years to life in prison in the slaying, which occurred during a party at Merel's house that ended with the defendants burying Araujo in a shallow grave in the Sierra foothills.

The jury deliberated for a week at the Hayward Hall of Justice in the second trial in Araujo's slaying before revealing Monday that they were deadlocked 9-3 in favor of a second-degree murder conviction on a third defendant, Jason Cazares, 25. Superior Court Judge Harry Sheppard declared a mistrial in Cazares' case. Prosecutors will announce at a Nov. 18 hearing whether they will retry Cazares.

The first trial ended in June 2004 with the jury deadlocked on charges against all three men after 10 days of deliberation. Deliberations in the retrial began "in a very professional and cooperative way," Stern said, but he added that "there certainly were emotional times and some stark disagreement."

But Merel and Magidson's own testimony on the stand helped seal their fate, Stern said. "Jose Merel admitted — and this was corroborated — that he was involved in striking her with a weapon," a skillet and a soup can, Stern said. "I believe that Magidson strangled the victim." The jury was torn over Cazares because "there was no factual information that he committed any violence on the victim," Stern said.

Stern said he believed all the defendants had lied on the stand, "either by omission or commission." Some jurors also questioned whether the prosecution's key witness, Jaron Nabors, had been entirely forthright about his involvement in the slaying, Stern said.

Nabors, 22, who led police to Araujo's body, pleaded guilty in 2003 to voluntary manslaughter in exchange for testifying against his friends. He is expected to receive an 11-year prison sentence. But if Nabors had not come forward, no one may have been prosecuted, Stern said.