

Enchante' News

A Transgender Newsletter



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Get Together's

We would like to plan some social gatherings outside of the regular meetings. These could be anything from meeting at my home for a cookout and whatever, to a cookout at a park, and more. If anyone has some ideas or preferences please let me know. That sounds like a lot of fun.

If any of our members wish to hold an event or know an event coming up please let me know so I can spread the word either via the newsletter or mail list. For most who are in transition their number of friends are reduced and it can be lonely. We all need "caring" friends and a chance to get out and socialize.



Letter from our new V.P.

I would like to take this opportunity to say hello to everyone and express my gratitude to have the opportunity to do something positive for the community.

I moved here nearly two years ago in a round about way from Los Angeles. I lived there as well as many other places over the past 20-plus years while serving in the US Navy.

I was introduced to Enchante' through a long process of trying to make contacts with others like myself in the area. I had just moved back to Florida after having lived in Los Angeles and San Francisco for many years. As you all can imagine, it is really tough to get someone to tell you much of anything about where or who has anything to do with the transgender community. I don't quite know if it is fear of being associated, privacy, or what, but it can be tough.

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A letter from the Editor

We have a newly appointed Vice-President. Her name is Phyllis, and a woman with a good head on her shoulders. She will be a great asset to our organization with her many skills.

Her duties will vary from assisting me with the

newsletter and research, making contact with other organizations and members, to good old fashioned brainstorming. Let's welcome Phyllis as an official officer and volunteer of Enchante' and thank her for the efforts she contributes.

Transsexual Dad Wins Custody

Florida trial court validates marriage in sweeping legal, medical review

Ruling on questions that had no precedent under Florida law, a Pasco County Circuit Court judge, in a case involving a child custody claimant who is transsexual, issued an extraordinary 809-page opinion probably unprecedented in its detail, thoroughness, and wide-ranging consideration of scientific issues.

Judge Gerard J. O'Brien on February 21 found that Michael Kantaras, born genetically female, is a man for purposes of Florida marriage law; is the legal father of the two children born to his wife Linda; and should be awarded primary custody of the children.

In so ruling, O'Brien brought to an end what is likely just the first stage of one of the most highly publicized divorce and custody disputes in American history, which included a lengthy trial broadcast nationally by Court-TV a year ago. Given the controversial nature of the decision and the passionately committed legal forces arrayed on both sides of the case, an appeal seems inevitable. Indeed, the judge seemed to anticipate this in the comprehensive scope of his opinion.

Among other firsts, this case appears to be the first transsexual marriage case in the U.S. in which a court has heard extensive live testimony from well-qualified medical experts. Recent appellate decisions in Kansas and Texas were decided after pre-trial defense motions that precluded the courts from hearing medical experts' testimony and cross-examination. O'Brien appears to have been strongly influenced by the expert testimony he heard.

The bulk of the written opinion—roughly the first 500 pages—is made up of a detailed review of the evidence, including lengthy quotations from trial testimony. Another 200 pages are devoted to a lengthy review and comparative analysis of court decisions on transsexualism from several different American states, Great Britain, New Zealand, and Australia. O'Brien also reviews law review and medical journal articles.

As a result, the opinion provides a veritable treatise on the subject of transsexuality, its treatment by the medical community, and the divergent views about how it should be treated by the law. While Florida trial court decisions are not normally published, this opinion will likely become widely available, at least on-line. The websites for both Court TV (courttv.com) and the National Center for Lesbian Rights (nclrights.org) provide links.

The underlying facts of the Kantaras case are straightforward. Margo Kantaras, a Florida resident, sought psychological, hormonal, and surgical treatment for gender identity disorder in Texas, and obtained a change of name there and a corrected birth certificate in Ohio. Renamed Michael, Kantaras returned to Florida and became acquainted with Linda Forsythe, who was living with a boyfriend. After Linda became pregnant, she broke up with her boyfriend and began dating Michael. Shortly after Linda's son was born, she married Michael and he adopted the child. Michael had disclosed his medical history to Linda while they were dating and she accepted him as a man. A few years later, Michael's brother donated sperm for Linda to be inseminated, and she had a second child, for whom Michael was recorded as the father on the birth certificate. (Under the law in Florida and elsewhere in the U.S., a husband

is the presumptive father of a child borne by his wife.)

Michael and Linda raised their two children together for about nine years. However, more than 100 pages of the court's opinion are taken up with highly contradictory testimony about the nature of the couple's sexual relationships. Though Michael did not undergo phalloplasty, or the construction of an artificial penis, he testified that hormonal treatments sufficiently enlarged his clitoris so that it substituted for a penis in sex with Linda. In contrast, Linda testified that she never had sexual intercourse with Michael during their marriage, but O'Brien rejected the credibility of her claims. As their marriage was breaking up, however, Michael became emotionally involved with another woman.

Michael filed for divorce in 1998. In response, Linda argued that their marriage was invalid from the start since Michael was a woman. Consequently, Linda argued, Michael's adoption of her son was invalid, he had no legal parental relationship to their daughter, and was not entitled to any legal rights with respect to either child. Since Florida law forbids same-sex marriage, most of the trial centered on the challenge Linda posed about the marriage's validity, the resolution of which depended on the court's view of whether Michael was a man or a woman.

The legal landscape did not look promising for Michael. Many American states have authorized changes on birth certificates and name changes for transsexuals who undergo treatment to conform their anatomy to their sexual identity. But the handful of American courts that have decided transsexual marriage cases have been sharply divided, with several recent decidedly negative appellate prece-

dents. Courts in both Kansas and Texas concluded that genetic sex at birth is determinative for this purpose and cannot be altered.

An early British case, *Corbett v. Corbett*, in which the court took a hard-line traditionalist approach, was an important precedent cited in the Kansas and Texas decisions. The British court asserted that contemporary medical views were essentially irrelevant and that the question is entirely a legal, not a factual, issue. But O'Brien strongly embraced the opposite viewpoint that has been developed in recent cases in New Zealand and Australia and in law review articles.

"As a post operative transsexual, Michael Kantaras is, by virtue of all his medical treatment, possessed of the capacity to function sexually as a heterosexual male," O'Brien wrote. "There should be no legal barrier, cognizable social taboo, or reason grounded in Florida public policy to prevent Michael's qualification, at least for purposes of marriage, to be of the male sex and as indicated by the medical experts in this case, Michael Kantaras was certified to be a 'male.' From a medical standpoint, Michael is of the male gender and has been his entire life."

With this last comment, O'Brien accepted the contention that one's true sexual identity is not a function of genes and birth-anatomy, but is really seated in the brain. The medical treatment is undertaken to conform one's physical reality to one's sexual identity, so as far as this judge is concerned, Michael Kantaras was never female.

On the issue of Florida's marriage law, O'Brien rejected the contention—apparently accepted by the courts in Texas and Kansas—that parties to a marriage must possess the capability to procreate.

"Genetic heterosexual women who undergo hysterectomy and oophorectomy or are post-menopausal are still eligible to marry," O'Brien wrote. "Men who suffer erectile dysfunction or have a low sperm count, or suffer prostate problems (cancer) are eligible to marry. And both, as they exist, can be responsible parents with children they already have or they may adopt, or create through artificial insemination. There is no justification in the law to hold a transsexual to a higher standard than all heterosexuals in approaching marriage. Gender is only relevant, as male or female, at the time for a license to marry, not at birth... The statement in Corbett that sex is fixed at birth is not the controlling law of Florida."

O'Brien also found it important that were Michael declared a woman and the marriage and adoption ruled invalid, the children would be left without a father and be illegitimate. Also, since Michael would under that circumstance have no obligation to support the children, it was also significant that Linda's earning capacity and assets were clearly not up to the task. O'Brien clearly was responding to the fact that the lives of several people—most notably the children—had been premised on a certain set of facts. Linda should not now be allowed to deny Michael's status as the man to whom she is married, when she previously accepted his status and recognized him as the legal father of her children.

On the question of child custody, O'Brien relied on the recommendation of the court-appointed expert who found after studying the family that Michael came out ahead of Linda on nine of ten relevant considerations identified in Florida statute concerning contested custody disputes. Michael was found to have superior parenting skills and mental stability,

while the court noted expert testimony from a series of court-appointed counselors suggesting that Linda suffered from a borderline personality disorder.

A trial court ruling does not create a precedent binding on any other court, but the extraordinary depth of this written opinion is bound to carry significant weight in other controversies, especially given the devastating demolition job that Judge O'Brien did on the contrary court opinions from Kansas and Texas. It also seems likely, however, that the forces opposed to transsexual parenting and marriage rights will make strenuous efforts to appeal this decision, so the story is far from over, unless Linda decides to accept this ruling and abandon her fight for custody.

Much of the credit for this trial-level victory must be attributed to the extraordinary lawyering of Michael's attorneys, Colin D. Vause of Clearwater, Karen M. Doering of Equality Florida Legal Advocacy Project, Inc. in Tampa, and Shannon Minter, a staff attorney from the National Center for Lesbian Rights in San Francisco. The wide-ranging legal scholarship exhibited in O'Brien's opinion is likely based on the first rate legal briefs that this team submitted to the court.

[Transgendered Woman Alleges Housing Bias](#)

Educational Alliance target of lawsuit for refusing service

A transgendered woman has sued the Educational Alliance, a non-profit group, alleging it discriminated against her because of her sex and disability when it denied her housing because she is transgendered.

"The case is about insuring that

transgendered citizens are treated with the same dignity and consideration as all other citizens," said Armen Merjian, senior staff attorney at Housing Works, an AIDS service group, who is representing Lyn Rawles, the transgendered woman. [Transgendered Woman - continued...](#)

Rawles, 36, is homeless and suffers from bipolar disorder. She has also received a gender identity disorder diagnosis and, legally, that means she is disabled. Rawles is being treated with medication for her bipolar disorder and she is on hormone replacement therapy as part of her transition.

In August of last year, Rawles, with the assistance of Housing Works staff, applied for housing at the Educational Alliance, a group that supplies a range of social services including housing for mentally ill women.

The suit charges that Housing Works staff members were repeatedly told by Alliance employees that the group could not accept a transgendered housing client.

Mary Price Romero, a Housing Works case manager, was told "people were too uncomfortable with this" by an Alliance intake staffer and when Charles King, co-president of Housing Works, spoke with senior staff at the Alliance he was told similar things, according to court records.

Housing Works alleged that Alliance staff said they were refusing to house Rawles because she was a transgendered woman and that her presence in the facility would be "disruptive" to other clients and staff.

One problem that Alliance specifically mentioned, according to the lawsuit, was that clients shared rooms at the group's housing

facility and staff there felt that no other client would room with Rawles. Housing Works suggested that Rawles be given her own room and also offered to find a second transgendered woman to share a room with Rawles, but those options were rejected, according to court records.

On September 5, the suit alleges, the Alliance wrote to King "confirming that EA would not provide Ms. Rawles a housing placement in its facilities," in part, because Rawles could harm "the well being of our clients already in-house."

Merjian declined to share a copy of that letter with Gay City News.

Throughout the contacts, Alliance staff refused to interview Rawles, and King told senior Alliance staff that their actions were a violation of the state human rights law, according to court records.

"I think that they sort of elided over it or brushed it aside," Merjian said. "It should be pretty clear that you can't summarily refuse an entire class of citizens housing... Not only should they have known it was wrong from the beginning, but several conversations later, and they are being expressly asked to reconsider this course of action, I think the decent thing to do, to say nothing of what is legal, would be to give the client an opportunity."

Rawles is living with a friend and still seeking permanent housing.

Gay City News requested an interview with Rawles through Merjian, but as the paper went to press she had not made contact.

The Educational Alliance did not respond to repeated requests for comment. Merjian

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stressed the importance of the suit not only for Rawles, but also for the wider community.

"This is a particularly crucial right to establish in the context of housing which is, of course, an essential necessity as this case so poignantly illustrates," he said. "Discrimination against transgendered folks is painful whenever it occurs, but it is particularly painful here when an individual is homeless."

Is that Mr, or Mrs Doubtfire?

Under pressure from transsexual support groups and leading sexologists, the Ministry of Justice, Department of Private Law, has agreed to a trial period during which transsexuals will be allowed to legally change their name and civil registration number.

Transsexuals, long embarrassed by having to explain to customs officials or traffic police why there is a male name in the passport or driving licence of someone wearing high heels and a wig, have for years fought for a change in the country's name legislation that would enable them to adopt a name that better suits their female exterior.

Niels, a 66-year-old transvestite who decided in 1999 to drop his 'male' side and live life as a woman, and after four years of hormone treatment now has breasts and long hair, is known to friends and family as Solveig Lerche- but is still, according to the authorities, Niels, a male.

'My bank has been extremely accommodating and allowed me to have the name Solveig on my bank card, but in all documentation from the state or local authorities I am still addressed as Niels, which can be highly embar-

assing in certain situations,' said Niels - or Solveig. 'Hopefully, this new trial legislation will lead to something more permanent and allow transsexuals to change their name and live a more normal life.'

A spokesman for the National Registration Office said that the offer to change name was only open to transsexuals and not transvestities, and all applicants would have to be approved by the National Council of Doctors.

TRANSGENDERED ANTI-WAR PROTESTER VERBALLY, PHYSICALLY ABUSED BY POLICE

A transgendered female participating in an anti-war protest was singled out, arrested and abused early Friday morning in Portland, Oregon. Local transgenders are upset, and demanding explanations in response to the treatment by the Portland Police and the Multnomah County Sheriff's Dept.

In addition, the National Transgender Advocacy Coalition (NTAC) has expressed deep concern at the initial reports of this incident. NTAC's chair, Vanessa Edwards Foster, called the news "especially troubling" and worthy of deeper investigation.

According to eyewitness reports, when police arrived at the Burnside Bridge near downtown Portland on Friday, March 21, they surrounded the crowd in full riot gear. Once in place, they announced over a loud speaker that everyone could leave, and that anyone who chose to remain would be arrested for disorderly conduct. One male-to-female transgender was singled out by authorities for what was called "unwarranted verbal and physical abuse" on multiple occasions, and in

front of several witnesses.

As the transgendered female protester, identified only as Jane Doe, was leaving before being arrested, police grabbed her as she walked away and arrested her. Other members of the crowd were able to stand and leave without harassment.

After being detained, she was continually harassed both verbally and physically by the Portland police and sheriff's deputies. Those arrested were then transported to an isolated location below a bridge where the arrestees were separated into groups. During this phase, the transgendered female was mocked by the police and locked in a cage by herself.

Once back at the police station, one of the officers commented that her voice was too deep to be a female and informed her that she would have to use the toilet in a cell full of men. She was eventually allowed to use a separate bathroom, as were the other females.

Ms. Doe was then forced to strip down to long underwear and a small tank top unlike the other women detainees. On at least two occasions, her genitals were touched to "verify" the police officer's suspicions that she was really "a male."

The male officers taunted her and continued to use the pronoun "he". When Ms. Doe informed them that they were not respecting her pronouns, and referred to the Oregon Transgendered Act, the unnamed officer in charge told her "this is not English class and I'll use whatever pronouns I want". Her arm was then twisted behind her back and she was thrown facedown onto the jail floor.

After being instructed to take her facial piercings, and after Ms. Doe verbally agreed,

they again threw her to the floor and repeated the request, saying, "don't say you will do it, just do it." At least six police officers witnessed the incident without. According to the witness at the scene, several of the officers laughed throughout the procedure.

After removal of her piercings, and more of the singularly rough treatment, she was placed in solitary confinement and denied opportunity to call an attorney. The jailer in charge at that point said that the right to a phone call and to speak with an attorney were "television rights" and didn't have any validity in their jail.

"I am terribly disappointed in the alleged actions by members of the Portland Police Department," said NTAC Media Director, Robyn Walters. "I have long looked on Portland as an enlightened city." Portland and Multnomah County, in which it sits, both have strong legislation protecting various classes against discrimination. One of the protected categories is "gender identity" - or transgenderers.

"Laws don't erase all bigotry," Walters added "but they can help to expose it and punish it."

Several witnesses plan to file official complaints, and the transgender victim may consider further options against the public officials in question.

Founded in 1999, NTAC - the National Transgender Advocacy Coalition - is a §501(c)(4) civil rights organization working to establish and maintain the right of all transgendered, intersexed, and gender-variant people to live and work without fear of violence or discrimination.

Coupled with the fact that we tend to live in privacy and secrecy...hell, it can be tough enough to just go out the front door!

Well, as luck my have it, though the endocrinologists that were attending to my hormone treatment, I was given a newspaper clipping about someone in St. Petersburg and the troubles that she was going through. All excited that I might be on the way to getting back in touch with the community, and being able to socialize with my favorite group of "NORMAL", I came home and emailed Enchante'. Within hours I was emailed back with the phone number to someone that I consider to be one of my best girlfriends...your President, Patty.

We are very fortunate to have a person like Patty in charge. I could go on and on about what I see in her, but the reality is that she is very talented, computer savvy, fun to be around, but most of all, she truly cares about the future of the club.

Patty and I live pretty close to each other and have had the opportunity to sit on the back porch and talk on the phone about our visions of where this group should go. But, before I say anymore, I have to say the one driving factor in any involvement I have with any organization is my belief in a word called SYNERGYSM. If you don't know what that means, basically, it means, we will be much more successful as a group if we never forget that is all about us and we all work together.

I was involved with a group in San Francisco called ETVC (Educational TransVestite Channel). A lot of what we did at ETVC is very similar to what I envision. As Vice President I would like to see a group formed that's primary charter/mission is to help. I think we need a safe place to socialize and be able to feel "Normal".

But not only to socialize, here are some other things I think we should do: Monthly have a meeting place to socialize and share information. Where is this place? I think we need some place that we can share information, invite a guest that can provide us information that we want. What is that info? That is where you come in, you tell us and we all work together to make it happen. Some of these guests I would like to include would be;

hair stylist, makeup artists, lingerie boutiques owners, a glamour photographer to provide us with a chance to be really pretty and have the photos to prove it! Other guests might include some of the local cosmetic surgeons that could to tell us about some of the procedures and what is involved...I am just brainstorming...

I think it would be good to invite local mental health providers and compile a list of people, businesses, or whatever that are TG/TS/TV friendly. Something of an "Angie's List" if you will. I certainly found it tough to find anyone that would help, or that I felt safe to visit their establishment.

To be honest, I think there is a lot that we can do, if we, work together. But the whole idea is that I don't want anyone to think that I, or Patty for that matter are power hungry, we just want to make Enchante into something that you want to belong to.

The whole point is that I believe that most of us tend to live a bit in solitude because we don't know where to go or who to trust. I know there have been times that I wanted to go someplace, but didn't know where. And as you can see, I am full of ideas and full of &%@#, but that is something that most figure out when they get to know me.

Lastly, I don't want anyone to think that the jest is all business, not in by a long shot. I know there is going to have to be some business done, but I certainly believe in Cindy Lauper "Girll Just Wanna Have Fun!"

SO, let's have some fun! Feel free to contact me via my email: TrannyPhyl@Yahoo.com, but please bare with me, I go to school full time and work a lot, so there may be a delay in responding.

For now, keep a smile on your face, we are special!

Phyllis