

Definition and Redefinition: Alliance and Antagonism in
Homosexual and Trans Communities in the U.S.

by

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INTRODUCTION

Definition and Redefinition

In 1993, the organizers of the March on Washington for Lesbian, Gay, and Bi Equal Rights added “transgender” to the Purposes & Goals section of the event’s brochure, but consciously decided to not add it to the title of the march itself. Trans activists protested the march, criticizing the organizers for excluding them from the lesbian, gay, and bisexual community’s civil rights efforts.¹ The next year, 1994, was the twenty-fifth anniversary of the Stonewall Riots. Trans people participated in greater numbers than they had in previous Stonewall commemorations, but they were still part of an “alternative” march instead of the official one.²

Despite these clear tensions between homosexual and trans people, they were linked together in the mid-1990s with the rise of the “LGBT movement.” By 1995, many “gay and lesbian” or “gay, lesbian, and bisexual” organizations added “transgender” to their names and mission statement and many of these organizations began referring to their members as the “LGBT community” or “LGBT people,” and the issues for which they advocate as “LGBT issues.”³ Since 1995, it has become difficult to find an organization explicitly geared toward gay or lesbian rights that does not at least make a mention of trans rights or gender identity in its name or mission statement.

¹ Phyllis Randolph Frye, “Facing Discrimination, Organizing for Freedom: The Transgender Community,” in *Creating Change: Sexuality, Public Policy, and Civil Rights*, eds. John D’Emilio, William B. Turner, and Urvashi Vaid (New York: St. Martin’s Press, 2000), 460.

² Susan Stryker, *Transgender History* (Berkeley, CA: Seal, 2008), 137.

³ For examples of this see the About Us pages of GLAAD (<http://www.glaad.org/about>), Human Rights Campaign (<http://www.hrc.org/the-hrc-story/about-us>), and the National Gay & Lesbian Task Force (http://www.thetaskforce.org/about_us)

What has happened to the rifts that existed between the trans and LGB communities in the early 1990s when the LGBT community was formed, and when and how did they originate? This thesis seeks to answer these questions. In doing so, it does not endeavor to analyze the structure or history LGBT organizations, individually or in aggregate. It also does not study the differences between the lesbian, gay, and bisexual communities. These three communities are different both in history and in their present-day goals. While bisexual people have often been marginalized by gay and lesbian communities,⁴ their struggle unfortunately will not be examined in this thesis, and neither will the historical tensions between gay men and lesbians. Instead, this thesis will focus on how homosexual—referring broadly to gay and lesbian communities, insofar as they have held similar views on gender non-conformity and trans identity—and trans people have interacted over time. This thesis will not attempt to speak for every homosexual or every trans person. Rather, this thesis is concerned with the individuals and organizations who defined what it means to be homosexual or trans, and how their actions have caused friction between the two groups that still exists today, even within the purportedly united LGBT community.

In order to examine the way these identities came into being in the first place, Chapter 1 will start with the first definition of the word homosexual. From the nineteenth century until the 1950s, the word homosexual meant gender invert, referring to a person whose sexual desires and gender expression⁵ corresponded to

⁴ For an explanation of the issues bisexual people face when facing the gay and lesbian movements, read Jillian Todd Weiss, *GL vs. BT, Journal of Bisexuality*, 3:3-4 (2003), 25-55.

⁵ This term, as well as others like transsexual, gender, and sex, is defined later in this introduction in the terminology section.

those of a heterosexual member of the other sex—in other words, a masculine woman attracted to women, or a feminine man attracted to men. Chapter 1 deals with the way that homosexuals and trans people first split this definition into the components known today as homosexual and trans by defining themselves in relation to one another throughout the 1950s and 1960s. Transsexuals in the 1950s defined their condition as a glandular anomaly that had led them to have minds of the opposite gender as their physical sex, in contrast to homosexuals, who were believed to have a mental disorder; in other words, they argued that they were heterosexual people whose bodies simply did not correspond with their minds, and thus would need to be changed to solve their problem. Homosexuals, on the other hand, defined themselves as gender conforming, and only different from heterosexual people insofar as they were attracted to their own sex instead of the other one. In the 1950s and 1960s, both homosexuals and trans people were considered abnormal for the ways that they deviated from the gender and sexuality norms of the day. By emphasizing the ways that they were more similar to heterosexual cisgender⁶ society, homosexuals and trans people each sought to make themselves appear more “normal” at the expense of the other.

Chapter 2 carries this conflict into the 1970s and 1980s, when shifts in the homosexual and trans movements attempted, and ultimately failed, to reduce the tensions between the two groups. In 1969, the Stonewall Riots, violent protests by homosexuals against the police in New York City, prompted a restructuring of the homosexual community along more militant lines, which also entailed the inclusion of trans people in homosexual organizations. This was not to last, however, because

⁶ A word that means “not trans.”

in 1973, the return to gender conformity with the decline of the Vietnam War counterculture movement, the depathologization of homosexuality, and a rift with second wave feminism over trans inclusion in feminist (and specifically lesbian-feminist) movements caused the separation of the trans movement from the homosexual movements with which it had aligned only a few years earlier. Throughout the 1970s and 1980s, trans people had little in common with gay male communities and were actively attacked by lesbian-feminists, who had redefined womanhood in a way that viewed trans women as invaders of women's space.

Chapter 3 examines the controversy between homosexual and trans people over the Employment Non-Discrimination Act (ENDA) in the 1990s and 2000s in order to illustrate the ways that this conflict still exists in the seemingly unified LGBT movement. In the 1990s, a new wave of trans activists, angered by their exclusion from lesbian, gay, and bisexual pushes for civil rights, lobbied for inclusion in ENDA, a bill proposed in 1994 to prevent employment discrimination on the basis of sexual orientation. The present-day LGBT movement arose in the mid-1990s as a result of trans lobbying of LGB organizations. The efforts of trans activists and their homosexual allies temporarily secured a place for gender identity in ENDA—Democrats in Congress removed it in September 2007 over fears that the bill would not pass—but not without controversy. Throughout the 1990s and 2000s, homosexuals expressed mixed opinions about including trans people in the non-discrimination act, with some expressing political concerns over the ability to pass a bill including both sexual orientation and gender identity; and others challenging the link between homosexuals and trans people on a deeper level, questioning why the

two were even linked in the LGBT community at all. The ENDA controversy revealed that the conflict between homosexuals and trans people, obscured to some degree by the emergence of a nominally inclusive LGBT movement, is still active today.

Ultimately, this thesis will use this analysis to explain in the Conclusion a significant present-day problem: a conflict between homosexual and trans people within the LGBT community that threatens, at times, to tear the uneasy alliance apart. However, before delving into the history, it is necessary to define some of the unique terms that are used in the field of trans and queer studies.

Terminology⁷

Writing about queer issues—and trans issues especially— is complicated. There are many words that are used in queer studies that are rarely, if ever, used outside of the field. Further complicating matters, many terms that are now commonplace in queer studies have been “reclaimed”; they were once derogatory, but now have a different meaning than they did originally. Still other words have arisen recently; words that were commonplace less than ten years ago are now considered outmoded or even offensive. This section will define the words used in this thesis and, where applicable, will explain why those were used instead of others.

One of the most important distinctions is the difference between *sex* and *gender*. *Sex* is a biological term, and refers to whether the person is physically male or female. While this seems straightforward, sex can be determined by a person’s

⁷ The development of these definitions was highly influenced by Susan Stryker’s definitions in *Transgender History* and Julia Serano’s definitions in *Whipping Girl*.

genitals, reproductive ability (whether their body produces eggs or sperm), or chromosomes. The term biological sex or birth sex were once used to describe the sex of a person when they are born, but are now considered outmoded or offensive by people who disagree that sex can be determined with a look at genitalia; after all, a person with a penis may have multiple chromosomes, or may be unable to produce sperm, and thus would not be considered “biologically male.” Instead, trans scholars and activists often use the term *sex assigned at birth*, *assigned-at-birth sex*, or simply *assigned sex* to refer to the sex selected for infants by doctors or parents based on visible characteristics. Thus, a person whose sex is assumed to be male based on a penis would be referred to as a *male-assigned* individual. In day-to-day interactions, sex is usually guessed based on *secondary sex characteristics*, which are the physical traits associated with a specific sex, such as facial hair, body size, or skin texture. Instead of the term *opposite sex*, which implies that the male and female sex exist in an opposed, mutually exclusive manner, this thesis will use the term *other sex*, which implies the possibility of intermediaries.

Unlike sex, *gender* is a cultural term, and refers to whether a person is a man, a woman, or another gender. As a cultural term, gender varies in different times, cultures, and places; some cultures and countries have more than two genders. People guess sex based on secondary sex characteristics and then “assign” gender based on the assumed sex. For example, most people will assume that a person with facial hair and a low voice is male, and thus will call this person a man. Some people refer to the gender a baby is assumed to have based on their assigned sex as their *gender assigned at birth* or *birth-assigned gender*. Thus, a doctor who says that a baby is male would

be assigning the baby the male sex based on genitalia, and parents who say, “It’s a boy!” would be assigning the baby a gender as a boy.

Gender identity refers to a person’s feeling of whether they fit in a specific gender category. A person whose gender identity matches the gender they are assumed to have based on their sex—for example, a male person who identifies as a man—will experience congruence between their gender identity (their identity as a man), the gender others expect them to be (a man, based on their physical sex), and their physical sex (male, based on their genitalia, sperm production, chromosomes, or secondary sex characteristics). A person whose gender identity is incongruent with their assigned sex (and the gender assumptions that go with it) experiences *gender dissonance*, referred to as *gender identity disorder (GID)* or *gender dysphoria* by the medical profession. Trans activist Julia Serano describes gender dissonance as “a kind of emotional pain or sadness that grows more intense over time, sometimes reaching a point where it can be debilitating.”⁸ Different people alleviate gender dissonance in different ways. How a person alleviates their gender dissonance determines the subcategory of trans into which they fall—in other words, whether they identify as a crossdresser, a transsexual, or something else.

Related to gender identity is *gender expression*. Gender expression is how a person shows the gender by which they identify. People express their gender through clothing, how they walk, or sometimes what words they use. How one expresses their gender is learned through society; a person learns that they can wear a dress to express their womanhood from their parents, the media, and those with whom they

⁸ Julia Serano, *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (Berkeley, CA: Seal Press, 2007), 27

interact on a daily basis. How a person expresses their gender is usually described by words like *masculine*, *feminine*, or *androgynous*. Gender expression is often, but not always, consistent with gender identity. A male person may identify as a man, but express his gender with effeminate mannerisms, or a female person may identify as a woman, but act in a manner deemed “masculine.” Depending on how these people express their gender, they may or may not identify as trans. People who intentionally or unintentionally deviate from the norm with regards to gender are referred to as *gender non-conforming* and may or may not identify as trans.

Gender role is the assumed way a person is supposed to live and act based on their gender. Considered by many to be an outdated and regressive concept, stereotypes about men and women are often based on gender roles. Gender roles say that men and women should have specific careers or life ambitions based on their genders; advertisements that show women in the kitchen and men in the office enforce gender roles, as do parents who push their daughters toward careers in fashion and their sons toward the military. People whose gender expression deviates from the norm have historically been challenged for transgressing gender roles.

Most people’s gender is at least somewhat consistent with their sex; most people who are born with male genitalia and identify as men, though they may express themselves in a more or less masculine manner, and are called *cisgender* or *cis* people. Those whose gender identity is incongruous with the gender assumed that they would have (based on their assigned sex) often identify as *trans*. The term trans is a blanket term that refers to individuals who feel uncomfortable to some degree with the sex they were assigned at birth, and often move to some degree away from

their culturally-assigned gender positions. *Transgender* is often used for the same purpose, as in the acronym LGBT (lesbian, gay, bisexual, and transgender). Transgender is an adjective. While it was used as a noun historically, it is now considered offensive to refer to a person as “a transgender,” in part because doing so enforces the invisibility of people who may identify as transgender while also identifying as part of another identity group (like transgender lesbians, for example). This thesis occasionally uses the word transgender as a blanket term when quoting primary sources, but will generally use trans for this purpose. While the term transgender is not considered offensive, trans (sometimes written as trans* or trans-) is considered the most all-encompassing term for people of non-normative gender identity and expression. This thesis uses the phrase *trans identity* as a noun for *trans* (similar to how homosexuality is a noun for homosexual).

Transsexuals are people who wish to permanently change their physical sex in order to permanently live as a sex different from the one they were assigned at birth. The term transsexual was originally introduced by the medical profession to draw a distinction between those who wished to dress as the other gender (transvestites) and those who wished to actually live permanently as the other gender (transsexuals). Transsexuals often undergo *hormone replacement therapy*, when a person takes the hormones associated with the other sex, to change their secondary sex characteristics; and some have *sex reassignment surgery* to remove or invert the genitals (either to turn a penis into a vagina, or vice versa) and remove breasts. A person can be transsexual without actually having hormone replacement therapy or sex reassignment surgery. Thus, a male-assigned person who wishes to live full-time as a

woman but has not yet had hormone therapy may still identify as a transsexual. Many transsexuals do not undergo sex reassignment surgery, either for financial reasons or because they are identified as their gender of choice when they have hormone therapy, and thus do not feel the need to physically alter their genitalia. Transsexuals are often referred to as *male-to-female (MTF) transsexuals* or *female-to-male (FTM) transsexuals*, or as *trans women* and *trans men*, respectively. Because their access to hormones and sex reassignment surgery has been limited by the medical profession, transsexual organizations and activists have historically focused on access to medical care (especially hormone therapy and sex reassignment surgery) more than other trans people. Sometimes, transsexual is intentionally spelled with one “s” (*transexual*) by those who do not wish to use the word used by the medical profession.

A *transvestite* is a person who dresses as the other gender, and originally had a connotation of erotic pleasure. In the early twentieth century, the term was used as a blanket term, similar to the way trans is used today. In the 1950s, Virginia Prince redefined transvestite to refer to heterosexual men who crossdressed—explicitly excluding homosexual men wearing drag from the definition. The word *cross-dresser* (or *crossdresser*) is used as a more neutral word to refer to people who wear clothing associated with another gender and does not carry the same erotic implications as transvestite.

Sexuality refers to how people experience erotic pleasure. A person’s sexuality is generally defined as heterosexual, homosexual, or bisexual—but because sexuality, like gender, exists on a spectrum, there are also people who identify somewhere in between these categories. People who identify with a sexuality besides

heterosexual may identify as *queer*, a blanket term that refers to anyone of non-heterosexual sexual orientation, and sometimes is used as an all-inclusive term for anyone who exhibits non-normative sexual orientation or gender identity—like a more inclusive version of the acronym LGBT. While sexuality was historically conflated with gender expression—that is, effeminate men and masculine women were assumed to be homosexual—sexuality is not intrinsically linked with gender expression. Like cisgender people, trans people can have any sexuality. However, because sexuality depends on a person’s gender and source of erotic pleasure, it is complicated for trans people. For example, a transsexual whose assigned sex is male, whose gender identity is female, and who is attracted to men would be read as a homosexual man, but if she identifies herself as a woman and transitions by undergoing hormone therapy, she would likely be read as a heterosexual woman. A person’s sexuality is based on their gender identity. Therefore, the person in the above example would be identified as a heterosexual woman, even though her assigned sex is male.

This thesis uses *homosexual* and *homosexuality* in a slightly different manner than usual. While there are many differences between gay and lesbian people, they have often had the same views regarding gender non-conformity and have often united in organizations that have blurred the lines between the two categories. When the phrase homosexual community or homosexual movement is used in this thesis, it refers to the aggregate gay and lesbian movement, and organizations that represent both gay and lesbian people are referred to as homosexual organizations. When these groups purport to represent bisexual people too (as in the 1990s, and as discussed in

Chapter 3) they are referred to as LGB groups. While trans people can be homosexual and can identify as members of the homosexual community, this was complicated for transsexuals, who had to say that they would be considered heterosexual after transitioning in order to receive medical care. Thus, trans identity and homosexuality were considered mutually exclusive by many until the 1960s or 1970s. When discussing the way that trans and homosexuals have come into conflict, the word homosexual can be understood to mean cisgendered homosexuals, whereas trans refers to trans people of all sexualities, who are often categorized first by gender and second by sexuality. Additionally, while the word homosexual was originally defined to mean gender invert, this thesis will clearly identify when the word is being used as such, and, in general, will refer to the present-day meaning of homosexuality as expressing same-sex attraction.

Finally, a note on pronouns. Pronouns are complicated because they are inherently gendered. Just as people read the gender of those around them based on secondary sex characteristics, people read gender based on names, and then assign pronouns to them. In general, this thesis will identify people based on their pronoun of choice—which is usually the pronoun associated with their gender identity. This can get confusing, especially with regards to transsexuals. In situations where a quote identifies a trans person with a different pronoun or gender than their preferred one, a footnote or note in brackets will clarify their sex and gender as needed. If a person changed their name to better match their gender identity, they will be referred to by that name, with clarification as needed. Some trans people also use gender-neutral pronouns, like *ze* (a gender-neutral alternative to he or she) or *hir* (a gender-neutral

alternative to his or her). People who refer to themselves by gender-neutral pronouns will be referred to as such. In the English language, the rule for using singular pronouns with words like “person,” “everyone,” or “someone” is to pick one of the gendered pronouns and use it. For example, the sentence “The person left his change on the counter,” would be grammatically correct. However, many trans people and trans scholars use the singular “they,” an old usage of the word “they” to mean “he” or “she” in contexts when gender cannot be determined. While the official rule is to use gendered pronouns in these situations, this thesis will use the singular “they,” and thus would say, “The person left their change on the counter.” Besides being the way that many people speak anyway, this construction avoids misgendering people whose gender is ambiguous and could only be guessed based on names.

These definitions are not static, as the changing terms for trans show. They are the result of long historical processes of definition, often by the medical community, and re-definition, often by people who identify as homosexual or trans. In order to understand how these terms are used today, it is necessary to examine how they have acquired their present-day definitions. Thus, Chapter 1 will start with the earliest definition of homosexual, and will explain how homosexual and trans people defined themselves in contrast to one another throughout the twentieth century.

CHAPTER 1

The Historical Roots of Division (1864 to 1969)

Throughout the 1950s and 1960s, homosexuals, transsexuals, and transvestites defined themselves in relation to one another. Seeking acceptance within cisgendered heterosexual society, they all emphatically pointed out the ways that they were similar to “normal” people by using each other as foils: homosexuals pointed out that they, unlike transsexuals, did not want to change their sex; transsexuals pointed out that they, after changing their physical sex, would be heterosexual;⁹ and transvestites, redefined very narrowly in the 1950s as heterosexual male crossdressers, emphasized that they were neither homosexual nor wished to alter their genitalia. Before the 1950s, however, all three identities were conflated in a definition of homosexuality as gender inversion. Thus, this analysis must start in the nineteenth century with one of the first people to define homosexuality as an identity: Karl Heinrich Ulrichs.

Homosexuality as Gender Inversion

According to Foucault, prior to the nineteenth century, sodomy—sexual activity with other people of the same sex—was considered a crime. Like stealing, rape, or murder, sodomy was highly problematic crime, which must be resolved

⁹ Note that, while not all transsexuals were heterosexual, many early organizations operated on this assumption. This was in part because the medical establishment would not provide hormone therapy or perform sex reassignment surgery if doctors did not believe that the individual would be a “normal” heterosexual person after the transition. Thus, transsexuals had to pretend that they were heterosexual in order to get treatment, and early transsexual organizations reflected this. This will be examined further in chapter 2.

through punishment of the guilty parties. It was not until the nineteenth century that the concept of the homosexual developed as a distinct identity. Within this new homosexual identity, the act of sodomy was just one part of a more comprehensive concept of personhood that also included personality and behavior.¹⁰

Karl Heinrich Ulrichs was perhaps the first person to define the homosexual identity. Born in what is now northwestern Germany in 1825, Ulrichs published a pamphlet in 1864 under the title “Vindex: Social and Legal Studies on Man-Manly Love.” Published under the pseudonym Numa Numantius, this pamphlet argued that homosexual love “is as undeserving of punishment as the love for women,” and “that it cannot legally be punished according to the now existing laws of Germany.”¹¹ Ulrichs defined homosexuals, which he called Urnings, as “individuals among us whose body is built like a male, and, at the same time, whose sexual drive is directed toward men, who are not sexually aroused by women, i.e., are horrified by any sexual contact with women.”¹² On the other hand, Ulrichs defined “those individuals whom one usually terms ‘men,’ i.e., those whose sexual drive is toward women, feeling horrified by any sexual contact with men,” as Dionings.¹³

Ulrichs's definition of Urnings conflated gender and sexuality. As Ulrichs continues in his pamphlet, “the Urning is not a man, but rather a kind of feminine being when it concerns not only his entire organism, but also his sexual feelings of love, his entire natural temperament, and his talents. The dominant characteristics are

¹⁰ Michel Foucault, *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 36.

¹¹ Karl Heinrich Ulrichs, *The Riddle of “Man-Manly” Love: The Pioneering Work on Male Homosexuality, Volume I*, trans. Michael A. Lombardi-Nash (New York: Prometheus, 1994), 29.

¹² *Ibid.*, 34.

¹³ *Ibid.*

of femininity both in his behavior and in his body movements. These are the obvious manifestations of the feminine element that resides in him.”¹⁴ In other words, by Ulrichs’s definition, sexuality was linked with the mannerisms and behavior of the opposite sex; thus, an Urning would, by definition, be feminine, and act more like a woman than a man.

While the term Urning was never used widely, Ulrichs’s definitions and arguments were influential in the growing study of homosexuality. His widely-published pamphlet also made him a public figure for gay liberation in Germany, which brought him into contact with Károly Mária Kertbeny. On May 6, 1868, Kertbeny drafted a letter to Ulrichs in which he used the terms “homosexuality” and “heterosexuality” for the first time in print. Like Ulrichs, Kertbeny publicly fought for the decriminalization of homosexuality, and, as part of his efforts, published his new terms in two anonymously-printed pamphlets arguing for the repeal of part of the Prussian legal code that specifically targeted homosexuality.¹⁵

While Kertbeny, like Ulrichs, failed to achieve meaningful legal change through his activism, his use of the word “homosexuality” renamed the concept of same-sex love. In 1886, psychiatrist Richard von Krafft-Ebing used Kertbeny’s terms “homosexual” and “heterosexual” in *Psychopathia Sexualis*, the first study of homosexuality by a person within the medical profession. Like Ulrichs and Kertbeny, Krafft-Ebing conflated gender and sexuality. According to his definition, homosexuality (or the “antipathic sexual instinct,” as he sometimes called it) was a “sexual instinct... which is the exact opposite of that characteristic of the sex to

¹⁴ Ibid, 36.

¹⁵ Vern L. Bullough, introduction to *The Riddle of “Man-Manly” Love: The Pioneering Work on Male Homosexuality, Volume I*, by Karl Heinrich Ulrichs (New York: Prometheus, 1994), 26.

which the individual belongs.”¹⁶ Unlike Ulrichs and Kertbeny, Krafft-Ebing did not view homosexuality as a harmless deviation from societal standards of normalcy, and did not fight to secure basic rights for homosexuals. Rather, he defined homosexuality as a harmful mental disorder, and tried to identify possible cures.

However, while Krafft-Ebing conflated gender and sexuality in his definition of the concept and promoted the pathologization of homosexuality, he was also the first to recognize that gender and sexuality were not necessarily conjoined. In his definition of homosexuality as a sexual inversion, Krafft-Ebing defined homosexual individuals (who he called “homosexual individuals” and “Urnings” interchangeably) as individuals who, “from the beginning, [have] sexual desires and inclinations for the same sex exclusively,” but whose “anomaly is limited to the sexual life, and does not more deeply and seriously affect character and mental personality.”¹⁷ In contrast, he also defined a condition that he called effemination, in which a boy “prefers to move in the society of women,” and makes “efforts to approach the female appearance in gait, attitude, and attire.”¹⁸ These individuals are “men [who], without exception, feel themselves to be females.”¹⁹ These men always desire to take the passive, female role in intercourse, and “act always as a woman.”²⁰

Krafft-Ebing places homosexuals and those people affected by effemination on a spectrum of homosexuality, which he identifies by discussing four degrees of variation:

¹⁶ Richard von Krafft-Ebing, *Psychopathia Sexualis With Especial Reference to the Antipathic Sexual Instinct: A Medico-Forensic Study*, trans. Franklin S. Klaf (New York: Arcade, 1965), 187.

¹⁷ *Ibid.*, 240.

¹⁸ *Ibid.*, 253.

¹⁹ *Ibid.*

²⁰ *Ibid.*, 254.

In so-called antipathic sexual instinct [homosexuality] there are degrees of the phenomenon which quite correspond with the degrees of predisposition of the individuals. Thus, in the milder cases, there is simple hermaphroditism; in more pronounced cases, only homosexual feeling and instinct, but limited to the sexual life; in still more complete cases, the whole psychical personality, and even the bodily sensations, are transformed so as to correspond with the sexual inversion; and, in the complete cases, the physical form is correspondingly altered.²¹

In his case studies, Krafft-Ebing identifies the milder two degrees with his definition of homosexuality above, referring to individuals who experienced same-sex attraction without corresponding interest in living as the other gender. The individuals corresponding to the two more severe degrees meet Krafft-Ebing's definition of effemination, experiencing both same-sex attraction and wishing to live as women. Based on Krafft-Ebing's case studies and definition, those who experienced what he called effemination would likely define their feelings as gender dissonance today, and would identify as trans women. Thus, Krafft-Ebing, through his dividing of homosexuality into degrees, was the first one to identify differences between homosexuals and trans people—even though he put them on the same spectrum.

While Ulrichs first defined homosexuality as a type of gender inversion, and Kertbeny assigned the word “homosexuality” to the concept, Krafft-Ebing publicized the gender inversion definition of homosexuality to a broader audience, and also brought the study of homosexuality into the medical sphere. Whereas before Ulrichs there had been no terminology for individuals who experienced and acted upon attraction to others of the same gender, Krafft-Ebing's defining of homosexuality heavily influenced not only the study of homosexuality, but also the study of crossgender people; many of the sexologists in the late nineteenth century who

²¹ Ibid, 188.

studied crossgender-identified people defined their gender expression as a type of “sexual inversion,” and explicitly associated it with homosexuality.²² By following Krafft-Ebing’s definition and placing gender and sexuality on the same spectrum, these sexologists helped spread the definition of the homosexual as a gender invert, effectively conflating the concepts of gender and sexuality.

Distinguishing between Gender and Sexuality

It was not until the early twentieth century that members of the medical community, the primary source of definitions about homosexuality since Krafft-Ebing’s study, began teasing apart the concepts of gender and sexuality that had been conflated in the definition of “homosexual” since Ulrichs’s writings. In 1910, the German doctor and self-identified homosexual Magnus Hirschfeld published a book called *Transvestites*. This book may have been the first attempt to separate the concepts of gender and sexuality. Hirschfeld acknowledges that femininity among men and masculinity among women were first observed in people who exhibited same-sex attraction, and, thus, many believed that gender inversion was linked with what is now called homosexuality.²³ However, Hirschfeld argues that, while variance in gender expression was first observed among homosexuals, this does not indicate that homosexuals always express gender variance. He writes that the “main marker of homosexuality... is the direction of the sex drive toward persons of the same sex,” while among many gender inverts, “there was not a trace of it; that, on the other hand,

²² Joanne Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, MA: Harvard University Press, 2002), 15.

²³ Magnus Hirschfeld, *Transvestites: The Erotic Drive to Cross Dress*, trans. Michael A. Lombardi-Nash (Buffalo, NY: Prometheus, 1991), 147.

there was an even stronger antipathy [toward homosexual behavior] than normally appears in other heterosexuals.”²⁴ Some of the gender inverts he interviewed expressed interest in dressing as a woman occasionally, while others expressed that their ideal situation would be to, “as a woman, to lead a genuinely physiological love life with a man.”²⁵

In both of these groups, he identifies “the strong drive to live in the clothing of that sex what does not belong to the relative build of the body,” which he labels “transvestism.”²⁶ Hirschfeld thus split Krafft-Ebing’s first two degrees of homosexuality from the second two. For those who express a different gender, Hirschfeld coined the term transvestite, which he differentiated from homosexuals, hermaphrodites, and androgynes.²⁷ Hirschfeld later argued that transvestites could be heterosexual, bisexual, homosexual, narcissistic (his term for what is now termed autoeroticism²⁸), or asexual.²⁹ In contrast to Krafft-Ebing, who argued that homosexuality was a mental disorder, Hirschfeld argued that all the variations he identified were natural and organic, and considered them harmless—unlike many doctors and legal systems.³⁰ The word transvestite did not acquire its present-day meaning as one who crossdressed until the mid-twentieth century. By Hirschfeld’s definition, transvestite was a blanket term included both those who cross-dressed occasionally (now known as transvestites) and those who identified as a gender

²⁴ Ibid.

²⁵ Ibid, 34.

²⁶ Ibid, 124.

²⁷ Ibid.

²⁸ Autoeroticism is the deriving of pleasure from one’s own body, without feeling a desire to engage in sexual activity with others.

²⁹ Havelock Ellis, “Part II: Eonism and Other Supplementary Studies,” in *Studies in the Psychology of Sex: Volume II* (New York: Random House, 1936), 13.

³⁰ Hirschfeld, *Transvestites*.

different from the one associated with their assigned sex (now known as transsexuals).

While Hirschfeld was defining transvestism as a category separate from homosexuality, British physician Havelock Ellis was doing the same. In his section on sexual inversion in *Studies in the Psychology of Sex*, Ellis differentiated between homosexuality, intersex conditions,³¹ and “sexoesthetic inversion, or Eonism (Hirschfeld’s transvestism or cross-dressing), in which, outside the specifically sexual emotions, one possesses the tastes of women and women those of men.”³² Ellis specifically identified Eonism as a phenomenon separate from homosexuality, writing that, in his studies of sexual inversion, he discovered “people who took pleasure in behaving and dressing like the opposite sex and yet were not sexually inverted; that is, their sexual feelings were not directed towards persons of their own sex.”³³ Like Hirschfeld, Ellis saw Eonism as harmless; he wrote that it “falls short of disease,” and rather is “simply a variety, though, one may add, an abnormal, in the strict sense a pathological, variety.”³⁴

In 1864, Ulrichs defined Urnings as gender inverts, or men who lived and loved as if they were women. Kertbeny renamed these individuals “homosexuals,” and Krafft-Ebing established different degrees of homosexuality based on the extent to which these individuals conformed to or rejected gender norms. At the start of the

³¹ People with intersex conditions are those whose physical sex is ambiguous—often people who are born with ambiguous genitalia. Ellis referred to homosexuality, intersex conditions, and Eonism collectively as “mixed or intermediate sexual anomalies.” He divided intersex conditions into “physical hermaphroditism” and “gynandromorphism, or eunuchoidism, in which men possess characters resembling those of males who have been early castrated and women possess similarly masculine characters”

³² Havelock Ellis, “Part IV: Sexual Inversion,” in *Studies in the Psychology of Sex: Volume I* (New York: Random House, 1942), 315. Parentheses are Ellis’s original note.

³³ Ellis, “Part II: Eonism and Other Supplementary Studies,” 1.

³⁴ *Ibid*, 110.

twentieth century, Hirschfeld and Ellis re-examined the idea of homosexuality as a type of gender inversion. They argued that, while homosexuality and gender inversion were not mutually exclusive, and even though many homosexuals displayed gender non-conforming behavior, not all homosexuals were gender inverts—and vice versa. Through this separation of homosexuals and transvestites, Hirschfeld and Ellis began to separate the concepts of sexuality and gender into independent, but not mutually exclusive, categories.

Gender and Sexuality in the United States

While Hirschfeld and Ellis began to differentiate between sexuality and gender by splitting the gender invert into the homosexual and the transvestite, many scientists, doctors, and researchers in the United States failed to make such careful distinctions in the early twentieth century. From 1935 to 1940, endocrinologist Clifford A. Wright published a series of articles in which he argued that all people were a mix of both sexes and had a specific proportion of male hormones to female hormones. Homosexuals, by his definition, were people whose hormone ratios were reversed; for example, women who had the hormone ratio associated with males would be lesbians, and men who had the hormone ratio associated with females would be gay.³⁵ This definition, like the one proposed by Krafft-Ebing half a century earlier, assumed that sex and sexuality were inextricably linked, and that variance in the latter must be caused by variance in the former. Thus, because there was no distinction between sex and gender under this definition, male homosexuality would

³⁵ Stephanie Kenan, “Who Counts When You’re Counting Homosexuals? Hormones and Homosexuality in Mid-Twentieth-Century America,” in Rosario, *Science and Homosexualities*, 197-218.

be associated with femaleness and female homosexuality would be associated with maleness.

Like Wright, researcher George Henry proposed a definition of homosexuality that blended gender and sexuality. In his studies published in 1941,³⁶ Henry loosely distinguished between homosexuals and transvestites, but still placed them on the same spectrum. He argued that “It is scientifically inaccurate to classify persons as fully male or female. Instead, the attributes of persons should be studied to determine their relative masculinity and femininity.”³⁷ Well-adjusted men and women exhibit primarily male or female tendencies, respectively, from early childhood onward, while “sex variants” exhibit a tendencies associated with the other sex.³⁸ While this is an accurate explanation of gender variance in some ways, Henry defines the sex variant as “a person who has failed to achieve and maintain adult heterosexual modes of sexual expression and who has resorted to other modes of sexual expression.”³⁹ Thus, in his definition of the sex variant and his description of people who exhibit non-normative gender identity and expression, Henry reverts to Krafft-Ebing’s definition of the homosexual, placing sexuality on a spectrum with gender. This gender invert definition of homosexuality persisted through the 1940s; the American journal *Sexology* consistently referred to individuals who wished to change their sex as either “homosexuals” or “inverts,” further blurring the already indistinct categories of sexuality and gender into one definition of the homosexual as an invert.⁴⁰

³⁶ Henry’s studies were originally published in 1941 as *All the Sexes*. This quote is from the 1948 reprint of those studies in his book *Sex Variants: A Study of Homosexual Patterns*.

³⁷ George W. Henry, *Sex Variants: A Study of Homosexual Patterns* (New York: Paul B. Hoeber, 1948), 1026.

³⁸ *Ibid.*

³⁹ *Ibid.*, 1023.

⁴⁰ Meyerowitz, *How Sex Changed*, 38.

By 1950, people who would likely now fall under the umbrella of trans identity self-identified with whatever terms they knew to describe their gender dissonance and non-normative gender expression. These terms included Eonist, transvestite, homosexual, invert, and hermaphrodite.⁴¹ These terms were used almost interchangeably to describe a wide range of sexualities and genders, with few making the careful distinctions suggested by Hirschfeld and Ellis several decades before.

The Defining of Transsexuality

In 1950, the boundary between sexuality and gender—specifically, between Hirschfeld’s concepts of homosexuality and transvestism—was indeterminate. In the early 1950s, the defining of transsexuality as a concept distinct from homosexuality clarified this dividing line. While Hirschfeld had used the term “psychic transsexualism” in a previous publication, it was David O. Cauldwell’s 1949 article “Psychopathia Transsexualis” in *Sexology* that introduced the term to American medical professionals and researchers. The article examined the case study of a female-assigned person, who Cauldwell called “Earl,” who lived as a man and wished to undergo hormone therapy and sex reassignment surgery in order to remove his breasts and ovaries; close his vagina; and construct an artificial penis.⁴² Cauldwell defines Earl, and people like him,⁴³ with the term *psychopathic transexual*,⁴⁴ meaning “that one is mentally unhealthy and because of this the person desires to live as a

⁴¹ Ibid, 16.

⁴² David O. Cauldwell, “Psychopathia Transsexualis,” in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 42.

⁴³ While Cauldwell refers to Earl with the pronoun “she,” this thesis uses the pronoun “he,” as Cauldwell mentions that Earl “resented being referred to as ‘her and she.’” (pg. 43)

⁴⁴ Cauldwell only used one “s” when writing this word—though doctors and the press would later use “transsexual” almost exclusively, and it remains the primary spelling today.

member of the opposite sex.”⁴⁵ In his definition of transsexual, Cauldwell acknowledges that he was focusing on a small subset of Hirschfeld’s category of the transvestite—only on those who actually wish to physically change their sex, as opposed to those who crossdress or otherwise express characteristics of the other sex without wishing to make any bodily modifications. He also clearly differentiated between homosexuals and transsexuals, writing that “Many individuals have an irresistible desire to have their sex changed surgically... These persons are not necessarily homosexuals.”⁴⁶

The concept of the transsexual divided Hirschfeld’s concept of the transvestite into two categories: the occasional cross-dressers, who retained the label “transvestite;” and the individuals who permanently identified as another gender and wished to change their physical sex to match that gender, who were defined by the word “transsexual.”⁴⁷ However, while many doctors and scientists began to distinguish between transsexuals and homosexuals, the press rarely did the same.⁴⁸ From the perspective of the press, a feminine gay man and a male-assigned person who identified as a heterosexual woman and wished to undergo hormone therapy and sex reassignment surgery seemed very similar; neither one would express their gender in a masculine manner, and both would display sexual interest in men.

However, while the press initially failed to make the distinction between sexuality and gender, those who identified as homosexuals made conscious efforts to distinguish themselves from transsexuals—and vice versa. While homosexuals and

⁴⁵ Cauldwell, “Psychopathia Transsexualis,” 41.

⁴⁶ Meyerowitz, *How Sex Changed*, 43.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, 82.

transsexuals did indeed define themselves positively (saying “We are homosexuals because we experience same-sex attraction,” or “We are transsexuals because we wish to change our physical sex”), they were perhaps even more emphatic about defining themselves in opposition to the other group (saying “We are homosexuals because, while we deviate from the norm, we do not want to change our physical sex,” or “We are transsexuals because, while we deviate from the norm, we do not experience same-sex attraction”). In order to understand why these two groups wished to define themselves as opposites, it is necessary to consider the social, cultural, and political context in the United States in the 1950s as it pertained to homosexuality.

Homosexuality in 1950s America: The Lavender Scare

Until the 1950s, homosexuality was defined as gender inversion and was considered an unnatural and harmful mental disorder. In 1950, only two states in the U.S. did not consider homosexual behavior a felony; only murder, kidnapping, and rape exacted more intense prison sentences.⁴⁹ Deemed criminals, homosexuals were often ostracized by society, and, as a result, many gay people were ashamed or fearful when they discovered their sexuality.⁵⁰ When homosexuals were caught and went to prison or the mental hospital, they were often subjected to “cures,” like shock therapy, that purported to correct their sexuality; or punishments, like castration, that

⁴⁹ John D’Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States 1940-1970* (Chicago: University of Chicago Press, 1998), 14.

⁵⁰ Meyerowitz, *How Sex Changed*, 57.

were intended to mitigate the damage they could cause to society.⁵¹ Many Americans considered homosexuals “sexual perverts,” similar to pedophiles or rapists.⁵²

Equally important to homosexual identity was the way that it played into tensions and fears in the Cold War. In 1950, the Cold War was still in its infancy, and Americans—especially in the government—were wary of communist spies. In February 1950, Senator Joseph McCarthy (R-Wisconsin) played to this fear when he gave a speech claiming that there were 205 card-carrying communists working for the U.S. State Department.⁵³ This speech was the starting point for an anti-communist campaign known as the Second Red Scare or McCarthyism, in which the U.S. government pursued communists or suspected communists, questioned them before private and government panels, ousted them from jobs in the government, blacklisted them from jobs in entertainment, and sometimes even imprisoned them—often with minimal evidence that consisted mostly of hearsay testimony by other suspected communists, who could gain amnesty by “revealing” other “communists.”

In the same month of the same year, a similar but lesser-known purge of homosexuals occurred: what is now called the Lavender Scare. At a congressional committee, Deputy Undersecretary John Peurifoy denied that the State Department had communists among its staff, but did mention that a number of security risks had been forced out—including ninety-one homosexuals.⁵⁴ Rather than assuaging anxieties about communist spies, Peurifoy’s speech sparked widespread fears among members of Congress, journalists, and citizens over whether there were more “sexual

⁵¹ Ibid, 177.

⁵² D’Emilio, *Sexual Politics, Sexual Communities*, 42.

⁵³ David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004), 1.

⁵⁴ Ibid.

perverts” in the government. Senator McCarthy heightened that fear when he argued that homosexuality was the “psychological maladjustment that led people toward communism.”⁵⁵ When the Red Scare began, many people in the U.S. believed that homosexuals were more of a threat to national security than communists.⁵⁶

In June 1950, the Senate authorized an investigation of homosexuals in the government. This report, titled “Employment of Homosexuals and Other Sex Perverts in Government,” sought to determine how many homosexuals were employed in the government, whether and why employing them would be undesirable, and how to deal with the potential problems posed by their employment.⁵⁷ The report defined sex perverts as “those who engage in unnatural sexual acts,” and homosexuals as a type of pervert—specifically, as “persons of either sex who as adults engage in sexual activities with persons of the same sex.” The report indicated that, “Contrary to a common belief, all homosexual males do not have feminine mannerisms, nor do all female homosexuals display masculine characteristics in their dress and actions. The fact is that many male homosexuals are very masculine in their physical appearance and general demeanor, and many female homosexuals have every appearance of femininity in their outward behavior.”⁵⁸ Doctors stated that homosexuality could be cured, but that many homosexuals did not desire to be cured. Thus, the report concluded, they must be treated as transgressors against the law. In addition, the report found that homosexuals, besides being criminals, were also seen as outcasts by

⁵⁵ Ibid, 16.

⁵⁶ Ibid, 2.

⁵⁷ “Employment of Homosexuals and Other Sex Perverts in Government,” Serial Set Vol. No. 11401, Session Vol. No. 11, 81st Congress, 2nd session, S.Doc. 241.

⁵⁸ Ibid, 2.

society due to their sexual perversion.⁵⁹ As a result of this stigma, homosexuals would go to great lengths to conceal their sexuality, and thus were frequently susceptible to blackmail, which could lead to security risks.⁶⁰ Additionally, the report claimed that homosexuals’ “indulgence in acts of sex perversion weakens the moral fiber of an individual to a degree that he is not suitable for a position of responsibility;” that homosexuals had a “corrosive influence” on fellow employees; and that homosexuals, due to their fear of rejection by heterosexual society, surround themselves with other homosexuals, and thus would make efforts to hire more of their own kind.⁶¹ Ultimately, the report concluded, homosexuals should be purged from the federal government. Following the report’s advice, the federal government fired almost six hundred federal civil servants for homosexuality by November 1950.⁶² Throughout the 1950s, homosexuals were criminalized, subjected to “treatments” by the medical profession, and feared as potential communist sympathizers. It was in this complex social and political climate that transsexuals and homosexuals began to redefine the boundaries between sexuality and gender.

Christine Jorgensen: The First Public Transsexual

On December 1, 1952, the *New York Daily News* published an article entitled “Ex-GI Becomes Blonde Beauty: Operations Transform Bronx Youth,” detailing the change of Christine Jorgensen’s physical sex through hormone therapy and sex reassignment surgery. Jorgensen was not the first transsexual—Hirschfeld

⁵⁹ Ibid, 3.

⁶⁰ Ibid, 3.

⁶¹ Ibid, 3.

⁶² Johnson, *The Lavender Scare*, 2.

documented the male-to-female genital surgery of his friend Dora Richter as early as 1931⁶³—but she⁶⁴ was the first one to appear in the U.S.’s national media. It was her case that introduced many Americans to the concept of the transsexual, and also defined transsexuality for millions of Americans who had no other points of comparison for understanding the phenomenon. One of the ways she used this influence was to explicitly define her own transsexuality as something distinct from homosexuality.

Given the historical context, it is not surprising that Jorgensen would not want to be associated with homosexuality. Like many people in her time, Jorgensen believed that homosexuality was immoral; while she says in her autobiography that she couldn’t condemn homosexuals, she “also knew that [she] couldn’t become like them,” as “it was a thing deeply alien to [her] religious attitudes and the highly magnified and immature moralistic views that [she] entertained at the time.”⁶⁵ Prior to her transition, however, she had no other words for her gender dissonance or sexual attraction to men, and thus defined herself in a letter as a “homosexual” with “a large amount of femininity,” using homosexual to mean gender invert.⁶⁶ Even as she wrote this, though, she realized that she was not like homosexuals; she admitted that she was attracted to some men, yet stated that she wished to relate to them not as a man, but as a woman.⁶⁷ According to Jorgensen, she had always had “the emotions of a

⁶³ Stryker, *Transgender History*, 39.

⁶⁴ Jorgensen was a male-to-female (MTF) transsexual. As she preferred the pronouns associated with women, this thesis refers to her as “she,” even when referring to her life prior to her transition.

⁶⁵ Christine Jorgensen, *Christine Jorgensen: A Personal Autobiography* (New York: Paul S. Eriksson, 1967), 38.

⁶⁶ Meyerowitz, *How Sex Changed*, 59.

⁶⁷ Jorgensen, *Christine Jorgensen*, 59.

girl,” and the desire to live as a heterosexual female had preceded any sexual interest in men.⁶⁸

For Jorgensen, the turning point for her emotional conflict came when she read a book called *The Male Hormone* in early 1948, at age twenty-two.⁶⁹ Written by microbiologist Paul de Kruif, *The Male Hormone* explained that all human beings have male and female hormones, and theorized that extra testosterone makes people physically male, while extra estradiol makes people physically female.⁷⁰ Knowing that it was biologically possible for her to change her sex, she began researching legal barriers to her doing so.⁷¹ Finding that it was legally impossible for a doctor to perform such surgery on her in the U.S., she traveled to Denmark to stay with relatives while seeking a doctor in Sweden, which did not have laws as rigid as those of the U.S.⁷² She ended up consulting with Dr. Christian Hamburger, one of Europe’s most prominent endocrinologists, in Copenhagen.⁷³

Meeting with Dr. Hamburger, Jorgensen asked whether she was a homosexual. Dr. Hamburger replied that she was not, and rather was “the victim of a problem that usually starts in early childhood, an irresistible feeling that you wish to be regarded by society and by yourself, as belonging to the opposite sex.”⁷⁴ Further assuaging her fears about homosexuality, he told her that her condition was not psychiatric—as homosexuality was believed to be—but rather was “very deep-rooted in the cells of [her] body;” Dr. Hamburger told Jorgensen that her problem was

⁶⁸ Ibid, 58.

⁶⁹ Ibid, 78.

⁷⁰ Ibid, 79.

⁷¹ Ibid, 93.

⁷² Ibid, 94.

⁷³ Ibid, 100.

⁷⁴ Ibid, 101.

glandular, and that it resulted from her body's chemistry and cells, including brain cells, being those of a woman, even though she had the sex characteristics of a man.⁷⁵ Jorgensen and Dr. Hamburger entered into a mutually beneficial relationship: Dr. Hamburger treated Jorgensen with hormones for free, allowing her to achieve her dream of a sex change; and in exchange, he used her as a research subject on the effects of hormones on the human body.⁷⁶

Jorgensen made her views on homosexuality clear in a letter to her parents dated June 8, 1952. In this letter, which was republished in the *New York Daily News* on December 1, 1952, Jorgensen explained to her parents her understanding of transsexuality as Dr. Hamburger had explained it to her: her condition was, in her words, a glandular abnormality, treatable by the use of hormones to change the body's sex to the one that corresponded to the patient's mind.⁷⁷ After explaining this, she confesses, "You see, I was afraid of a much more horrible illness of the mind. One which, although very common, is not yet accepted as a true illness, with the necessity for great understanding."⁷⁸ This "illness" that Jorgensen identifies is homosexuality. By clarifying that her transsexuality preceded her attraction to men, she effectively distanced herself from homosexuality.

As the first public transsexual for many Americans, Jorgensen had the unique opportunity to define transsexuality for a curious and suspicious American public. She defined transsexuality as a hormonal problem, in contrast to homosexuality, which she considered a difficult-to-cure mental disorder. By separating transsexuality

⁷⁵ Ibid, 102.

⁷⁶ Ibid.

⁷⁷ Ibid, 124.

⁷⁸ Ibid, 125.

and homosexuality, and by emphatically arguing in turn that her sexual preference for men was the result of her gender and not her sexuality, she put distance between transsexuals and homosexuals. This distance benefited transsexuals. At a time when homosexuals were considered sexual perverts and criminals and were more feared in government than communist spies, Jorgensen's passionate arguments that transsexuals were different from homosexuals placed transsexuals in a less marginalized position than them. This did not always work; both journalists and members of the general public frequently considered Jorgensen a female impersonator or homosexual disguised as a woman.⁷⁹

However, Jorgensen's attempts to separate public perceptions of transsexuality from homosexuality were significant not because they were successful, but because they were among the first attempts to separate trans identity and homosexuality for the gain of one community at the expense of the other. By explicitly defining transsexuals as "not homosexuals" or "less problematic than homosexuals," Jorgensen—and the transsexuals who followed her—exacerbated tensions between the two growing communities.⁸⁰ These tensions would grow throughout the next two decades as the two communities, both originally united under the gender inversion definition of homosexuality, realized that they were not as similar as many first believed.

⁷⁹ Meyerowitz, *How Sex Changed*, 82.

⁸⁰ Jorgensen was not the only transsexual to define herself in contrast to homosexuals. Other transsexual autobiographies, such as Hedy Jo Star's *I Changed My Sex!* in the mid-1950s, Jan Morris's *Conundrum* in 1974, Canary Conn's *Canary* in 1977, and Mario Martino's *Emergence* in 1977, also emphasized the importance that men be attracted to and marry women, and vice versa. For more on this, consult Sandy Stone, "The *Empire* Strikes Back: A Posttranssexual Manifesto," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 221-235.

Homosexuals and Gender: The Mattachine Society and the DOB

At the same time that Christine Jorgensen's fame was raising public awareness about transsexuality and differentiating it from homosexuality, homosexuals differentiated homosexuality from transsexuality and trans identity more broadly. In 1950, Congress's report on homosexuals in government had emphasized that sexuality and gender expression were not necessarily coupled (as it was in gender inversion definitions of homosexuality), showing that homosexuality was being redefined to exclude consideration of gender expression.⁸¹ Christine Jorgensen's appearance hastened this process. The idea that a homosexual man as a gender invert whose gender expression and sexuality corresponded to those of a heterosexual woman was harder to accept with the rise of transsexuals like Jorgensen who actually wished to change their physical sex. Thus, many homosexuals adopted a narrower concept of their own sexuality that excluded gender variance, which was considered part of trans identity.

The organization that most embodied this exclusion of gender variance from homosexuality was the Mattachine Society. The first gay rights organization in the U.S., the Mattachine Society was originally founded by radical communists who wanted to radically reimagine society to free homosexuals of oppression.⁸² In 1953, however, the founders were ousted, and the new leaders articulated a much more conservative mission the group—and homosexuals more broadly—arguing that homosexuals should adapt to heterosexual society, and not the other way around. Marilyn Rieger, one of accommodationist leaders, believed that trying to create a

⁸¹ "Employment of Homosexuals and Other Sex Perverts in Government."

⁸² D'Emilio, *Sexual Politics, Sexual Communities*, 64.

distinct homosexual subculture would increase hostility from heterosexual society, arguing as an alternative that “Equality for gay men and women would come by declaring ourselves, by integrating... not as homosexuals, but as people, as men and women whose homosexuality is irrelevant to our ideals, our principles, our hopes and aspirations.”⁸³ Instead of advocating for a homosexual minority, the new leaders claimed that “the sex variant is no different from anyone else except in the object of his sexual expression,” and that homosexuals should adjust to a “pattern of behavior that is acceptable to society in general and compatible with [the] recognized institutions... of home, church, and state.”⁸⁴ In other words, they argued that homosexuals did not actually express non-normative, implicitly distancing themselves from trans people in the process.

If Jorgensen’s constant emphasizing of the differences between transsexuals and homosexuals represents the first attempt by transsexuals to separate themselves from homosexuals, the Mattachine Society’s shift, also in 1953, represents the converse: the first attempt by homosexuals to separate themselves from transsexuals—and trans people more broadly. While the new leaders of the Mattachine Society did not explicitly forbid trans people from joining the organization, they too rejected the unity of sexuality and gender under the gender inversion definition of homosexuality. To this end, they argued that homosexuals only deviated from heterosexuals in their sexual orientation, implying that any non-normative gender expression was unrelated to sexuality. While gender expression are, in fact, unrelated, by separating the two at the same time that they suggested that

⁸³ Ibid, 79.

⁸⁴ Ibid, 81.

homosexuals adopt behavior “acceptable to society,” the homosexuals in the Mattachine Society suggested that, while society could accept their homosexuality, non-normative gender expression was fundamentally unacceptable. This marginalized trans and gender non-conforming people in the process. By prompting homosexuals to adhere to such normative notions of gender, the Mattachine Society assimilationists orchestrated a split between homosexuals and trans people based on the presupposition that homosexuals were not—or should not be—gender nonconforming.

This did not impact heterosexual transsexuals who had undergone hormone therapy, many of whom were able to blend in with heterosexual cisgendered people by disavowing their transsexuality. Rather, the ones who were hit the hardest were transsexuals who had yet to undergo hormone therapy, trans people who were not transsexual, and gender non-conforming homosexuals who may not have identified as trans but did transgress the rigid gender norms supported by the Mattachine Society. The marginalization of trans people is perhaps best illustrated when considering the female counterpart of the Mattachine Society, the Daughters of Bilitis (DOB). Del Martin and Phyllis Lyon founded the DOB on September 21, 1955.⁸⁵ Like the Mattachine Society, the DOB believed that lesbians and homosexuals could best improve their status in society through the education of the heterosexual majority, and the dispelling of myths, misinformation, and prejudices about homosexuals.⁸⁶ Also

⁸⁵ Ibid, 101.

⁸⁶ Ibid, 103.

like the Mattachine Society, the DOB's statement of purpose called for "the adjustment of the 'variant' to society."⁸⁷

The DOB disapproved of lesbian bars, in part because they were frequented by butch lesbians who expressed their gender in a more masculine manner and, in some cases, skirted the boundaries between living as butch lesbians and living as trans men. After a bar raid in San Francisco, the DOB told its members that "their attire should be that which society will accept,"⁸⁸ effectively marginalizing those women who expressed their gender by dressing in a masculine manner and further separating homosexuals from trans people. John D'Emilio quotes DOB member Barbara Gittings recalling a time when a female transvestite was pressured into wearing "feminine" clothing in order to attend a DOB convention; when she finally acquiesced, "Everybody rejoiced over this as though some great victory had been accomplished—the 'feminizing' of this woman."⁸⁹ This anecdote is yet another example of how the homosexual community enforced gender conformity within its own ranks in order to separate itself from the trans community. Both DOB and the Mattachine Society emphasized the need to adjust to "normative standards of proper behavior," persuading gay men and women to conform to heterosexual society.⁹⁰ By minimizing the gender differences between homosexuality and heterosexuality, they aimed to reduce social hostility to homosexuals in society.

In the 1960s, the Mattachine Society underwent another shift when militant young activists on the east coast pushed out the accommodationist leaders of the

⁸⁷ Ibid, 104.

⁸⁸ Ibid, 106.

⁸⁹ Ibid.

⁹⁰ Ibid, 109.

1950s. These new leaders, like Frank Kameny, who founded the Mattachine Society of Washington (D.C.) in 1951, and Randy Wicker, who expanded the New York City gay movement by increasing visibility of homosexual subculture through radio shows and newspaper articles about homosexuality, took a civil rights-style direct action approach to the homosexual movement.⁹¹ They rejected the medical model of homosexuality, demanded equality for homosexuals, and argued that homosexuals were both a persecuted minority and lived a viable lifestyle.⁹²

Ironically, while the accommodationists who took over the Mattachine Society in the 1950s had indirectly marginalized trans people by pushing for gender normativity among homosexuals, the shift to militancy ultimately caused more direct friction with the trans community. In the decade since Christine Jorgensen's changing of her physical sex, many medical researchers and doctors had turned to the study of transsexuality and, in the process, had defined the concepts of gender and sex. While some had concluded, like Dr. Hamburger, that the best way to help transsexuals was by using hormones and surgery to change their bodies (changing their sexes), the majority in the medical community promoted preventative psychotherapy, intending to prevent crossgender identification in adults by instilling traditional gender roles in children who deviated from the norm (changing their gender identities).⁹³ In the early 1960s, medical researchers and doctors founded the first "gender identity" clinic, an institution that would reinforce gender norms in children who transgressed against them—with the aim of preventing transsexuality.⁹⁴

⁹¹ Ibid, 153.

⁹² Ibid, 174.

⁹³ Meyerowitz, *How Sex Changed*, 99.

⁹⁴ Ibid, 100.

Transsexual people at the time may have believed that such psychotherapy would be able to cure their gender dissonance and make them more comfortable with their assigned sex. In time, however, as many transsexuals became convinced that gender identity was less mutable than physical sex, they began to resent the clinics as attempts by the medical establishment to make transsexual people look and act more like their assigned sex instead of actually dealing with their gender dissonance.⁹⁵ Gender identity clinics thus became a major point of tension between the trans community—especially the transsexual community—and the medical profession.

At the same time, however, many homosexuals, having read books and articles about transsexuals like Christine Jorgensen who pressured doctors into giving them hormones and surgery, assumed that transsexual people had pressured the medical community into creating gender identity clinics to research and resolve their gender dissonance.⁹⁶ Gender identity clinics angered many of the militant young homosexuals of the 1960s because the clinics perpetuated the idea that homosexuality was pathological.⁹⁷ From their perspective, gender identity clinics would seek out effeminate boys and masculine girls—many of whom were likely homosexual, as homosexual children were often less gender-conforming than their heterosexual peers—and attempt to eliminate homosexuality by forcibly conditioning them into rigid gender roles. For the militant young homosexuals who believed that transsexual people had pressured medical professionals into founding gender identity clinics, the existence of gender identity clinics seemed like an attack by transsexuals on

⁹⁵ Patrick Califia, *Sex Changes: Transgender Politics* (San Francisco: Cleis Press, 2003), 224. Note that the first edition of this book is under the name Pat Califia.

⁹⁶ Meyerowitz, *How Sex Changed*, 178.

⁹⁷ Janice M. Irvine, *Disorders of Desire: Sexuality and Gender in Modern American Sexology* (Philadelphia: Temple University Press, 2005), 220.

homosexuals. Thus, the shift toward accommodationist politics in the gay movement marginalized trans and gender-nonconforming people in the 1950s by prompting gay activists to push trans people out of their movements to better define homosexuals as gender conforming; while in the 1960s, the first gender identity clinic were founded, exacerbating already tense relationships between homosexual and transsexual people.

Virginia Prince, and the Redefining of Transvestite

While Jorgensen redefined the word transsexual and the Mattachine Society and the DOB redefined the word homosexual, Virginia Prince redefined the word transvestite. Since age twelve, Prince had crossdressed, often identifying as a woman in public.⁹⁸ Unlike Jorgensen, Prince did not believe herself to be homosexual; she was attracted to women and married twice.⁹⁹ Even though she did not have the same concerns as Jorgensen, Prince sought psychological cures for her gender dissonance until she met psychiatrist Dr. Karl Bowman, who told her that medical science couldn't do anything for her, and that she should accept her crossdressing.¹⁰⁰

Prior to Jorgensen's emergence as a public figure in late 1952, there was no sense of community among trans people in the U.S.; few had even heard the words transvestite or transsexual, and those who attempted to deal with their gender dissonance did so alone and were often confused about their urges. As Prince became more comfortable with her gender, she began to organize trans people like herself into a community. The first effort at this was in 1952, when Prince and her friends began

⁹⁸ Richard Ekins and Dave King, "Virginia Prince: Transgender Pioneer," *International Journal of Transgenderism* 8:4 (2005), 6.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

publishing a newspaper called *Transvestia: The Journal of the American Society for Equality in Dress* in Los Angeles.¹⁰¹ While the newspaper only published two issues, it was followed by a magazine, also named *Transvestia*, which Prince published from 1960 until the 1980s, putting out several issues a year to be sold by subscription and in adult bookstores.¹⁰²

Transvestia, though, was not intended for all trans people. From mid-1963 onward, the magazine was officially “dedicated to the needs of the sexually normal individual who has discovered the existence [sic] of his or her ‘other side’ and seeks to express it.”¹⁰³ Sexually normal individuals, according to Prince’s analysis, were heterosexuals, and the expressing of their “other side” referred to the exploring of one’s femininity (in the case of males) through crossdressing. In 1961, Prince founded the first trans organization in the U.S. when she organized a meeting of several *Transvestia* subscribers. She referred to their new group as the Hose and Heels Club and she expanded it in 1962 into a national organization called the Foundation for Personality Expression (FPE), for which she created chapters across the country.¹⁰⁴ When FPE joined with a Southern Californian transvestite group called Mamselle, it changed its name to the Society of the Second Self, or Tri-Sigma.¹⁰⁵

Just as homosexuals and transsexuals defined themselves in contrast to one another in the early 1950s, Prince defined transvestites as distinct from both of them in the early 1960s. According to Prince, the “true transvestite” like herself was

¹⁰¹ Stryker, *Transgender History*, 54.

¹⁰² Ekins, “Virginia Prince: Transgender Pioneer,” 7.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid, 8.

“exclusively heterosexual” and “values his male organs, enjoys using them and does not desire them removed.”¹⁰⁶ Like Jorgensen, Prince saw homosexuals as mentally ill; to distinguish heterosexual crossdressers like herself from homosexuals who dressed in drag, she coined the term femmiphile, indicating that people like her dressed in clothing associated with women out of a “love for the feminine,” not for sexual gratification or out of a performative desire to appear as the other gender.¹⁰⁷ She was also careful also to distinguish herself from male-assigned transsexuals, who dressed as women out of a desire to physically change their sex; Prince considered the femmiphile a “heterosexual male who ‘oscillates’ forward and backward over the gender border.”¹⁰⁸ When Prince’s second marriage ended in divorce in 1968, she began living full-time as a woman, permanently removing her beard with electrolysis and taking hormones to give herself breasts.¹⁰⁹ She defined herself as a “transgenderist,” a term that she used to indicate that she had breasts and lived full time as women, but had no intention of undergoing genital surgery.¹¹⁰ Prince personally screened applicants to both the FPE and Tri-Ess, admitting only married heterosexual male crossdressers and excluding homosexuals and transsexuals.¹¹¹

Through her definitions for femmiphile and transgenderist, Prince created a separate identity for transvestites distinct from homosexual and transsexual identities. While transvestites who fell under Prince’s definition had similarities with transsexuals—they both based their identity around gender identity and expression—

¹⁰⁶ Ibid, 9.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid, 7.

¹⁰⁹ Ibid, 8.

¹¹⁰ Ibid, 9.

¹¹¹ Ibid, 8.

they were also different in a number of ways. Unlike transsexuals, they did not have to interact with the medical community, for they rarely sought hormone therapy or sex reassignment surgery. Also, while many transsexuals attempted to blend in with cisgendered society after their surgery (as this thesis will discuss in chapter 2), transvestites rarely intended to or believed that they could pass permanently as members of the other sex. As a result, early transvestite groups like Prince's FPE and Tri-Sigma were geared more toward self-help, education, and mutual support; while early transsexual groups often aimed to help their members find supportive doctors or blend in with cisgendered people.

While transvestites and transsexuals united under the words "transgender" and "trans" in the 1990s, they often functioned separately until then. Transsexuals maintained their own movement and organizations geared toward counseling, which were generally separate from both transvestite and homosexual organizations. Transvestites, who often included homosexuals in their ranks, often made alliances and coalitions with gay groups, and, though Prince was an exception, they generally accepted a wider range of people in groups of which they were a part. They defined their identity less rigidly than transsexuals, and thus their groups could generally be described more accurately as trans groups than transvestite groups; Vanguard, for example, was a group that arose in San Francisco's Tenderloin district in 1966, and existed explicitly to bring together young gay and trans people living on the streets so that they could support one another, raise awareness of their problems, and ensure that they were not ignored.¹¹² While it is easy to lose sight of the distinction between transsexuals and non-transsexuals in the trans movement, it is very important to

¹¹² Stryker, *Transgender History*, 71.

recognize the difference to understand how transvestites often bridged the gap between homosexuals and transsexuals.

Early Transsexual Organizations: the EEF, COG, and the NTCU

When it came to trans organizing in the 1960s, Prince's group—group of transvestites that excluded homosexuals and transsexuals—was something of an anomaly; throughout the 1960s, most trans organizing consisted of groups of self-identified transsexuals. Since Jorgensen's emergence as a public figure in 1952, transsexuality had become a focus of the medical profession. Dedicated gender identity clinics and research centers arose around the U.S. to attempt to study the causes and prevention of transsexuality. This often complicated matters for transsexual people, whose access to hormone therapy and sex reassignment surgery was often hindered by the medical and legal systems surrounding them. At the same time, the militant young homosexuals who had taken over the homophile movement rejected the pathologization of homosexuality and blamed transsexuals for gender identity clinics, which they felt were a way for the medical establishment to try to eliminate homosexuality by forcing gender norms on gender non-conforming homosexual children under the guise of helping transsexual people. The homosexual movement, thus, was not willing to help transsexual people, and may have even fought against their interests at times.

In this difficult climate, transsexuals began to form their own organizations. One of these was the Erickson Educational Foundation (EEF). The EEF, founded in

June 1964, was the personal project of Reed Erickson, a wealthy trans man.¹¹³ The EEF aimed to financially assist “areas where human potential was limited by adverse physical, mental or social conditions, or where the scope of research was too new, controversial or imaginative to receive traditionally oriented support.”¹¹⁴ This generally meant projects that interested Reed Erickson, including social movements advocating for homosexuals, social movements advocating for transgender (and specifically transsexual) people, and developing the “New Age” movement.¹¹⁵ Erickson believed that the gay and trans rights movements were naturally allied, and his foundation’s donations helped ONE, Inc.’s *ONE Magazine*, one of the first gay magazines in the U.S., survive tough financial times in the mid-1960s.¹¹⁶ Through these donations to homosexual organizations, the EEF tried to promote further cooperation between the two movements, while funding conferences, symposiums, medical research, radio shows, and educational efforts related to transsexuality and gender more broadly.

The EEF, however, was an exception; transsexual organizations in the 1960s were generally geared toward counseling, through which they helped fellow transsexuals locate sympathetic doctors and acquire the hormone therapy and sex reassignment surgery they would need to ease their gender dissonance. Some of them also aimed to improve transsexual rights in the process. COG, founded in 1967, may have been one of the first organizations of self-defined transsexuals in the U.S., and

¹¹³ Aaron H. Devor and Nicholas Matte, “ONE Inc. and Reed Erickson: The Uneasy Collaboration of Gay and Trans Activism, 1964-2003,” in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 392.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*, 393.

was also probably the first trans group of any type to move beyond mutual support and counseling. COG, which stood for Conversion Our Goal or Change: Our Goal, pushed for political rights for transsexuals, which included the legal right to undergo sex change surgery, freedom from police harassment, and prevention of discrimination in stores, housing, and employment.¹¹⁷ Another early organization, the National Transsexual Counseling Unit (NTCU), arose in 1969, a successor to COG and the short-lived California Advancement for Transsexuals Society (CATS). True to its name, the NTCU helped transsexuals find doctors, advised them on the complicated procedural barriers to acquiring hormone therapy and sex reassignment surgery, and attempted to found a gender identity clinic in San Francisco. In addition, it made efforts to educate others about transsexuality through visits with college classes, seminars for police officers, and a biweekly radio program.¹¹⁸

COGS and the NTCU were led by “first wave” trans activists, in the words of transsexual activist Suzan Cooke.¹¹⁹ According to Cooke, they adhered to traditional gender roles, believing that women should marry and work in jobs deemed suitable for women, and did not consider themselves radicals, feminists, or hippies.¹²⁰ Cooke also notes the irony that, while many of them had lived as gender non-conforming street queens,¹²¹ challenging gender and sexual stereotypes, they consciously separated themselves and their organizations from homosexuals; COG in particular

¹¹⁷ Meyerowitz, *How Sex Changed*, 230.

¹¹⁸ *Ibid*, 232.

¹¹⁹ *Ibid*.

¹²⁰ *Ibid*, 233.

¹²¹ The term “queen” generally refers to drag queens—male-assigned individuals who dress in female clothing. While some of them identified as trans at the time or would now, many identified as gay men who enjoyed dressing in drag. “Street queens” refers to crossdressers who live on the street, often through prostitution.

was noted to have projected an image of “middle class respectability.”¹²² In other words, at the same time that homosexual organizations were criticizing transsexual people for their connections with the medical establishment and dissociating themselves from them, transsexuals likewise pushed away from homosexuals in an attempt to appear “respectable” and “normal” to cisgendered society. Just as the Mattachine Society of the 1950s had argued that homosexuals were just like heterosexuals except for their sexual orientation, the early transsexual activists argued that transsexuals were just like cisgendered people except for their incongruent bodies. In casting sexual orientation as the reason that homosexuals were a societal problem, transsexuals attempted to obscure ways in which they deviated from the norm.

Conclusion

At the start of the twentieth century, the word “homosexual” referred to gender inverts. This definition was split apart by the public emergence of Christine Jorgensen. Jorgensen introduced the U.S. to the concept of transsexuality, and prompted among homosexuals a moment of self-reflection and redefinition. Recognizing that they were not the same as Jorgensen, assimilationist homosexuals, like those who ran the Mattachine Society in the 1950s, redefined the concept of homosexuality, emphasizing that they were not gender non-conforming, but rather deviated from the norm only in their sexuality. At the same time, Jorgensen defined the concept of transsexuality in opposition to homosexuality, focusing attention on

¹²² Meyerowitz, *How Sex Changed*, 233.

her own heterosexuality as a transsexual woman. Virginia Prince redefined the concept of the transvestite in relation to both transsexuals and homosexuals, carving out a separate category for crossdressers who were not necessarily homosexual but did not wish to change their sex either. These three groups defined and redefined themselves in relation to one another throughout the 1950s and 1960s, downplaying the ways that they deviated from “normal” society by emphasizing the variances of others. In the 1970s, these groups would come together—only to be split apart more forcefully than ever before.

CHAPTER 2

Ideological Differences Erupt (1969 to 1990)

In the early 1970s, a new wave of trans activism united with radical homosexual organizations, pushing for dramatic societal changes. This unity would not last, however; by the 1980s, the trans community was separated from both gay and lesbian communities by a combination of greater gender conformity in the gay movement, a loss of interest in the homosexual community at large to fight for the depathologization of transsexuality following the depathologization of homosexuality in 1973, and vitriolic attacks by lesbian-feminists. This decade of rise and fall was preceded, however, by a pivotal moment for the homosexual and trans movements alike: the Stonewall Riots.

The Stonewall Riots and Post-Stonewall Organizations

In 1969, the Stonewall Riots marked a turning point for the activism transsexual, transvestite, and homosexual communities. The riots occurred when police raided the Stonewall Inn in Greenwich Village—a neighborhood in New York City. As Armstrong and Crague argue, the Stonewall Riots were not the first moment of homosexual and trans resistance in the U.S., nor were they the first violent response to a police raid. In the 1960s, raids were frequent on Mafia-run bars like the Stonewall Inn, and, while patrons had not resisted raids in New York before, homosexuals and trans people had fought against police in San Francisco at Compton's Cafeteria in August 1966, and resisted by less violent means at the New

Year's Ball Raid in San Francisco in January 1965 and the Black Cat Raid in Los Angeles in January 1967.¹²³ What was most important about the Stonewall Riots, Armstrong and Crage argue, is how homosexual activists organized after the fact in order to ensure that the riots would be commemorated.¹²⁴ It was this effort to commemorate the riots, not the riots themselves, that made the event significant for homosexual activism in the U.S.

For trans activists, the Stonewall Riots were important because they linked homosexual and trans communities; a pivotal moment for the homosexual movement, they both involved trans participation and were, to some degree, prompted by the actions of transvestites. Although David Carter points out that many of the young, homeless homosexuals who helped make the riots a success were not transvestites or transsexuals, most of them were gender non-conforming.¹²⁵ This is not surprising because, in the 1960s, dressing in clothing deemed attire of the other sex was illegal in New York City. According to Seymour Pine, the police officer in charge of the raid, transvestites would typically be inspected in the bathroom during raids, and one would be arrested to “add to the evidence that this place [the bar being raided] was illegal.”¹²⁶ Pine said that it was because the transvestites refused to be examined on the night of the riots that the police ended up deciding to arrest them, escalating the raid in a way that the other patrons deemed unacceptable.¹²⁷ One of the first hostile acts outside the building occurred when a policeman clubbed a transvestite who had

¹²³ Elizabeth A. Armstrong and Suzanna M. Crage, “Movements and Memory: The Making of the Stonewall Myth,” *American Sociological Review* 71, 5 (2006).

¹²⁴ *Ibid*, 725.

¹²⁵ David Carter, *Stonewall: The Riots that Sparked the Gay Revolution* (New York: St. Martin's Press, 2004), 262.

¹²⁶ *Ibid*, 140.

¹²⁷ *Ibid*, 141.

hit him with her purse when he shoved her, leading the crowd to threaten to flip a paddy wagon¹²⁸. More importantly, many accounts state that one of the primary instigators for the riots was the beating of an angry butch lesbian for arguing after she was arrested for not wearing at least three pieces of clothing deemed appropriate for her gender, thus violating New York law.¹²⁹

While trans and gender non-conforming participants may not have been a majority at the riots, Carter argues that those who “resisted first and fought the hardest” were those who transgressed gender boundaries—be they effeminate men, queens, transvestites, or butch lesbians.¹³⁰ While many of these people may not have identified as trans at the moment (and many of them probably would not identify as trans today either), that gender transgressive people were some of the instigators of one of the most pivotal moments of the gay movement prompted conscious discussion and rethinking about the separation between homosexual and trans communities.

Some homosexuals were not pleased about the Stonewall Riots explicitly because of the prominence of trans and gender non-conforming individuals. When old, wealthy, gender-normative gay men heard about the riots, they tended to describe them as “‘regrettable,’ as the demented carryings-on of ‘stoned, tacky queens,’”¹³¹ emphasizing that they drew a clear line between their own homosexuality and the crossdressing of the street queens who had been so visible at Stonewall. This view was not limited to the old, however. Randy Wicker, one of the first young gay leaders

¹²⁸ Ibid, 148.

¹²⁹ Ibid, 151.

¹³⁰ Ibid, 261.

¹³¹ Martin Duberman, *Stonewall* (New York: Penguin, 1993), 206.

to apply activist methods and ideas to the homosexual movement, also opposed the riots; his activism had centered around the idea that homosexuals were gender-normative by definition, and differed from heterosexuals only due to their sexual orientation—so the image “of screaming queens forming chorus lines and kicking went against everything that I wanted people to think about homosexuals... that we were a bunch of drag queens in the Village acting disorderly and tacky and cheap.”¹³²

Nevertheless, some militant young homosexuals formed new activist groups that, in some ways, attempted to break down the divide between homosexuals and transvestites. The Gay Liberation Front (GLF), founded mere months after the Stonewall Riots, was a radical organization that linked the homosexual struggle to those of other minority groups, like “the black, the feminist, the Spanish-American, the Indian, the hippie, the young, the student, the worker, and other victims of oppression and prejudice.”¹³³ Perhaps most importantly for the trans movement, however, the GLF “insisted that homosexuals develop a life-style and aesthetic that were independent of and made no reference to heterosexual mores.”¹³⁴ This rejection of “heterosexual mores” included not only a rejection of heterosexual standards of acceptable love, but also acceptable dress. For queens, whether they identified as trans or not, this meant that the GLF would support their right to reject traditional standards of acceptable dress and gender presentation. The Philadelphia GLF chapter affirmed this in its newsletter *COME OUT*: “[The] Gay Liberation Front welcomes any gay person, regardless of their sex, race, age or social behavior. Though some

¹³² Ibid, 207.

¹³³ Ibid, 223.

¹³⁴ Ibid.

other gay organizations may be embarrassed by drags or transvestites, GLF believes that we should accept all our brothers and sisters unconditionally.”¹³⁵

Within several months, however, some members of the GLF had split off to found the Gay Activists’ Alliance (GAA). The GAA’s founders felt that the GLF had lost sight of the homosexual needs in its effort to align with other oppressed groups and support broader resistance.¹³⁶ In its constitution, the GAA was “‘completely and solely dedicated...’ to securing basic rights for homosexuals.”¹³⁷ As a result, the GAA generally attracted a more conservative crowd, who did not always believe that trans people fit into the category of homosexuality cleanly enough to fall within the GAA’s mission statement. One example was Jean O’Leary, a member of the GAA who denounced Sylvia Rivera, a prominent transvestite activist, for “parodying” womanhood.¹³⁸ While O’Leary’s response to Rivera was more heated than most—tensions between O’Leary and Rivera steadily increased until O’Leary tried to prevent Rivera from speaking at the 1973 Gay Pride Rally, which resulted in an angry public confrontation and Rivera’s attempting suicide and dropping out of the homosexual rights movement—it was typical of how many women in the movement thought about transvestites.¹³⁹

While the GAA was generally more conservative, there was tension between homosexual and trans people in the GLF as well. Karla Jay, a lesbian-feminist activist, expressed a similar view as O’Leary’s to Sylvia Rivera and Marsha P.

¹³⁵ Leslie Feinberg, “Street Transvestite Action Revolutionaries: Lavender & red, part 73,” *Worker’s World*, September, 24, 2006, <http://www.workers.org/2006/us/lavender-red-73/>.

¹³⁶ Carter, *Stonewall*, 233.

¹³⁷ Duberman, *Stonewall*, 232.

¹³⁸ *Ibid.*, 236.

¹³⁹ *Ibid.*

Johnson, another transvestite activist, while the three of them were in the GLF: that transvestites, with their jewelry, makeup, and tight clothes were “copying and flaunting some of the worst aspects of female oppression,” and that they were really biological men who could reclaim their male privilege at any point, unlike cisgendered women, who would live as women forever.¹⁴⁰ This negative view was pervasive among women in the movement and extended beyond transvestites to anyone who transgressed gender norms in a manner associated with role-playing—such butches and femmes. From the perspective of many homosexuals, these people’s gender expression was thought of as a way to “win acceptance from heterosexuals by mimicking their dichotomous role-playing.”¹⁴¹ These critiques of trans women and gender roles, which arose within organizations like the GLF and the GAA, were precursors to the intense animosity expressed by lesbian-feminists toward trans people later in the 1970s.

Partially in response to their marginalization within movements like GLF and GAA, trans people began forming their own organizations. One such organization was Street Transvestite Action Revolutionaries (STAR). Sylvia Rivera and Marsha P. Johnson, both street queens who had started hustling at a young age and veterans of the Stonewall Riots, founded STAR in 1970 to provide a home, called STAR House, for young street queens—many of which were only ten or eleven years old—who might otherwise end up living dangerous lives on the street.¹⁴² This home, ideally, would be a place where they could connect with other people and gain some sort of emotional comfort that they were otherwise missing and could also get an education

¹⁴⁰ Ibid, 237.

¹⁴¹ Ibid.

¹⁴² Ibid, 251.

and skills to start a new life.¹⁴³ While STAR House only lasted two or three years, it was one of the first post-Stonewall trans organizations, and one of the first organizations explicitly for transvestites since Prince's Tri-Sigma.¹⁴⁴

Also in 1970, drag queen Lee Brewster and heterosexual transvestite Bunny Eisenhower founded the Queens' Liberation Front (QLF). The QLF was founded in part to combat the "erasure of drag and transgender visibility" in the first Christopher Street Liberation Day march, organized to commemorate the Stonewall Riots and now known as New York's LGBT Pride march.¹⁴⁵ Another one of the QLF's goals was to carry on the more radical and militant organizing against heterosexual society that the Stonewall Riots had brought to the fore of the homosexual movement. The QLF struck out in particular against "uptight professional" homosexuals who "make a point in the media to say that they are not swish, faggoty mad screaming drag queens."¹⁴⁶ The QLF demanded the right for queens to congregate and dress as they saw fit, pushing against New York City laws prohibiting public crossdressing.¹⁴⁷ Through *DRAG*, a magazine run by the QLF, members of the group could be read

¹⁴³ Ibid.

¹⁴⁴ Ibid, 254.

¹⁴⁵ Stryker, *Transgender History*, 87.

¹⁴⁶ Meyerowitz, *How Sex Changed*, 235.

¹⁴⁷ Ibid, 236. In 1973, a bill banning employment, housing, and public accommodations discrimination against homosexuals passed New York's City Council's General Welfare Committee on the fifth attempt to pass it. It received support only after an amendment regarding transvestites, which clarified that nothing in the definition of sexual orientation "shall be construed to bear upon the standards of attire or dress code." The QLF, which had advocated for the bill, permitted the amendment to go through so that the bill would not be prevented from passing, and because they thought that the amendment would be struck down as an unconstitutional violation of the equal rights clause. Lee Brewster was quoted as saying, "QLF gave in on being included in this piece of legislation because politicians were using the word transvestite as a 'scapegoat' for not passing the bill." This is, of course, remarkably similar to the ENDA debate twenty years later—although, for ENDA, trans people refused to pull out of the bill to promote its passage. Cited from the *DRAG* article "TVs Excluded from Gay Civil Rights Bill," excerpted on trans activist Cristan Williams's website dedicated to the trans movement: Cristan Williams, "Dismissed Trans Heroes: Lee Brewster," December 20, 2012, <http://www.cristanwilliams.com/b/2012/12/20/dismissed-trans-heroes-lee-brewster/>.

about news relevant to trans communities, learn about ways to achieve a more feminine appearance, and find personal advertisements for other trans people looking to develop romantic relationships or friendships with each other.¹⁴⁸ QLF became one of the first organizations that recognized the similarities between distinct trans groups, and thus included transvestites and transsexuals in one organization.

Just as not all post-Stonewall homosexual organizations and activists embraced the militancy of the riots and its transvestite participants, not all post-Stonewall transsexual organizations were more militant than their pre-Stonewall counterparts. Two of the more conservative early organizations were founded by Judy Bowen, a transsexual woman, who founded Transsexuals and Transvestites (TAT) in New York City in September 1970. According to Meyerowitz, Bowen “found the transvestites, probably drag queens, ‘too politically radical’ for her tastes.”¹⁴⁹ Unlike the transvestites, she said, the transsexuals did not want gay liberation or radical changes, but just that male-to-female (MTF) transsexuals be accepted as women.¹⁵⁰ This comment underscores an important difference between many transsexual and transvestite activists and organizations. While the transvestites tried to ensure their own acceptance by changing heterosexual society, many transsexuals sought to ensure their own acceptance by vanishing among cisgendered members of heterosexual society (a point that will be explained later in this chapter). To this end, Bowen also founded Transsexuals Anonymous in early 1971, a transsexual organization held in the office of plastic surgeon Benito Rish, who promised

¹⁴⁸ *DRAG* 1:3 (1971).

¹⁴⁹ Meyerowitz, *How Sex Changed*, 236.

¹⁵⁰ *Ibid.*

transsexual surgery to members of the group.¹⁵¹ This focus by transsexuals on medical treatment as opposed to changing society was one of the major differences between transsexual and non-transsexual trans groups—and one of the major reasons that the broader trans community was weak at best until the 1990s.

However, just as the Stonewall Riots prompted the formation of radical homosexual organizations like the GLF, it also prompted the formation of radical new transsexual organizations. According to Cooke, who took over the NTCU in 1971, the “second wave” of trans activism consisted of women like her, who had participated in Students for a Democratic Society, antiwar demonstrations, gay liberation movements and protests, and the women’s movement.¹⁵² While the first wave trans activists pushed themselves away from homosexuals for the sake of respectability in the late 1960s, second wave trans activists identified similarities between trans struggles for liberation and homosexual struggles for liberation, and sought to work together. Second wave transsexuals fought the medicalization of transsexuality, arguing that transsexuality was not a mental illness, but a specific gender problem, and that doctors should not be the only ones permitted to treat or identify it.¹⁵³ In an effort to challenge the authority of transsexual experts in the the medical community, the NTCU renamed itself the “Transsexual Counseling Service,” with one “s” instead of the two in transsexual, to differentiate the identity of transsexuals from the medical term “transsexualism.”¹⁵⁴ In fighting the medicalization of transsexuality, the second

¹⁵¹ Ibid.

¹⁵² Ibid, 233.

¹⁵³ Ibid, 234.

¹⁵⁴ Ibid.

wave trans activists also created links with the militant homosexual community, which was fighting the medicalization of homosexuality at the same time.

The organization that most embodied the ethos of second wave trans activism was the Transvestite/Transsexual Action Organization—renamed, within a year after its founding, the Transsexual Action Organization (TAO).¹⁵⁵ Its founder, Angela Douglas, was living as a man in the mid-1960s and, shortly after she began to dress as a woman, joined the Los Angeles GLF.¹⁵⁶ Douglas did not identify as homosexual; she considered herself transsexual, and both before and after living as a woman, she was attracted primarily to women. While she participated actively in the gay liberation movement across the country, she ultimately left the gay movement because of “the ‘antitransvestic’ attitudes of the gay men she encountered.”¹⁵⁷ She was especially angered when she found that GLF had failed to assist transsexuals in Los Angeles who had attempted to push for a clinic that would distribute hormones and perform sex reassignment surgery.¹⁵⁸ TAO was a militant organization, similar to the GLF in its tactics, and aimed to use protests and demonstrations to raise awareness for transsexual issues, prevent anti-transsexual policies, and effect changes within the radical movement. Despite Douglas’s reservations about the gay movement, TAO worked with women’s liberation groups and the GLF; as Douglas explained, TAO would support “both gay liberation and women’s liberation: we believe that all victims of prejudice and discrimination must work together to change

¹⁵⁵ Ibid, 238

¹⁵⁶ Ibid, 237.

¹⁵⁷ Ibid, 238.

¹⁵⁸ Ibid.

this society.”¹⁵⁹ Douglas was strongly opposed to gay and trans organizations trying to achieve “respectability” in society, even opposing and rejecting funding from the EEF due in part to a belief that the organization was too mainstream.¹⁶⁰ By the time Douglas stepped down in 1974 and was replaced by Barbara Rosello, TAO had pushed the transsexual movement from support, counseling, and referrals to radical challenging of doctors and demands for civil rights through social and legal changes.¹⁶¹ Just as the QLF represented a radical shift in transvestite activism, TAO represented a radical shift in transsexual activism.

The Stonewall Riots led to a new militancy in the homosexual and trans communities. In the context of activism inspired by the civil rights movement, organizations like the GLF strengthened ties with trans activists. At the same time, trans activists formed their own organizations uniting with homosexual organizations to fight for common causes. While the GLF, the QLF, and TAO advocated primarily for homosexuals, transvestites, and transsexuals respectively, they also encouraged working together to achieve common goals. Nevertheless, there were still tensions among the populations. Women in the GLF and the GAA criticized queens like Sylvia Rivera for parodying womanhood and enforcing gender roles. Transsexuals and transvestites rarely agreed on the aims of activism—many transsexuals focused on access to hormones, sex reassignment surgery, and integration into heterosexual cisgendered society, while transvestites aimed to change social and legal systems that marginalized people who crossdressed—and a unified trans community failed to develop as a result. Until 1973, these tensions mostly remained below the surface. In

¹⁵⁹ Ibid.

¹⁶⁰ Ibid, 240.

¹⁶¹ Ibid, 241.

1973, however, they erupted, causing the trans community to lose its ties to the gay male and lesbian communities in a way that proved crippling.

Changing Gender Norms After the Vietnam War

In the late 1960s, a vibrant counterculture movement arose in the context of the civil rights movement and the United States's proxy war with the Soviet Union in Vietnam. As a direct response to U.S. imperialism and the military, this counterculture movement—the hippie movement—differentiated itself in appearance from the cultural norms of the generation that had started the war. While young men were expected to keep their hair short (and, in the military, needed to wear buzz cuts), hippie men wore their hair long. Hippie men also challenged cultural norms of gender expression by wearing clothing that was not typically coded as masculine, including floral-printed flowing shirts and baggy pants. These clothing styles were, in some ways, gender non-specific; women too wore floral prints, baggy clothing, and long hair.¹⁶²

The hippie movement was a direct protest to the war and U.S. militarism—which, for many, stemmed from the draft and their interest in avoiding being sent to war themselves. After the 1973 Paris Peace Accords, when the war began to wind down, so too did the hippie movement. Former hippies shifted to more gender-conforming styles of dress, and began to wear shorter hair. According to Susan Stryker, this had a large impact on the trans movement; male-assigned people who identified as trans—whether they identified as transvestites, female transsexuals, or

¹⁶² Barry Miles, *Hippie* (New York: Sterling Publishing, 2005).

neither—had made political gains in part because cisgendered men had been given a political reason to transgress gender boundaries.¹⁶³ In this context, in which large numbers of people were transgressing gender boundaries, it was especially easy for trans people to experiment with ways to express their gender without revealing that they were trans. While it was easy for them to blend in with a gender transgressing countercultural movement, it was hard for them to adapt when this was replaced by a reactionary push for gender normativity when the war wound down and the hippie movement faded away.

As Susan Stryker argues, this cultural shift was especially noticeable among gay men. Among gay men, a masculine “clone look” emerged, which included denim, plaid, and short haircuts.¹⁶⁴ Stryker emphasizes that this shift within gay culture to look and act “straight,” as a return from hippie culture, was a major factor in the growing chasm between the homosexual and trans movements in the early 1970s.¹⁶⁵ In a homosexual movement in which gay men transgressed against gender norms by wearing gender ambiguous clothing and long hair, it was especially easy for trans people to fit in; their gender nonconformity would not be criticized or noticed, and fights for freedom of dress were a political cause as well as a civil rights one. When the hippie movement faded and gay male identity shifted toward a more gender-normative appearance, trans people—especially drag queens and transvestites, who had previously been closely aligned with the homosexual movement—lost common ground with the homosexual movement. In some ways, this renewal of masculinity among gay men was a throwback to the assimilationist goals of the early Mattachine

¹⁶³ Stryker, *Transgender History*, 95.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

Society. While the call for conformity in the early 1970s was not as explicit as it was in the 1950s, the renewed emphasis of masculinity among gay men pushed trans people out of the movement in a similar way as it had twenty years before.

The Depathologization of Homosexuality

At the same time that gay men were unconsciously pushing trans people—especially drag queens and transvestites—out of their movement by shifting to more gender-normative styles of dress in the early 1970s, the homosexual movement lost its ties to the transsexual movement when homosexuality was depathologized in 1973. Without the common cause of fighting against the medical establishment, the homosexual movement lost its main reason to create cross-identity alliances with transsexual people.

In order to understand why the transsexual community was so passionate about fighting the medical establishment in the early 1970s, it is important to understand the complicated relationship between the two groups. Throughout the 20th century, the medical profession controlled access to hormone replacement therapy and sex reassignment surgery. In order to receive this treatment to change their physical sex, transsexuals would have to adhere to the rules, regulations, and goals set forth by doctors and researchers. One of these goals was that transsexual people be able to pass as their “new” sex—in other words, they needed to be able to blend in with cisgender people such that they would not be identified as trans. This often entailed adherence to traditional gender norms and display of secondary sex

characteristics. In “The *Empire* Strikes Back: A Posttranssexual Manifesto,” Sandy Stone points this out:

In the time period of most of these books [MTF transsexual autobiographies written from the 1950s to the 1970s], the most critical of these moments was the intake interview at the gender dysphoria clinic when the doctors, who were all males, decided whether the person was eligible for gender reassignment surgery.¹⁶⁶

In other words, the doctors at the medical clinic would decide amongst themselves whether a transsexual was eligible for hormone therapy and sex reassignment surgery. This was significant because it put the lives of transsexual people under the control of cisgendered doctors who did not always understand their patients, and whose interest often centered more around studying transsexuality than actually helping the individuals suffering from gender dissonance.¹⁶⁷ While many of the early transsexuals—like Christine Jorgensen, for example—had a high opinion of the medical profession, tensions rose in the 1950s and 1960s as doctors created regulations governing the treatment of transsexuals.

As Stone points out, there was a professional problem where doctors had to create a category to identify people with transsexuality, and ultimately select them for treatment in a clinic. For liability reasons, this category could not depend on anecdotal evidence, like a person’s description of their gender dissonance; it required an objective, clinical test that could be repeated for each subject.¹⁶⁸ Finding it difficult to develop such a test, the staff of the Stanford Gender Dysphoria Program, in an effort to help people with what they identified as a psychological malady, determined

¹⁶⁶ Sandy Stone, “The *Empire* Strikes Back: A Posttranssexual Manifesto,” in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 227.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

on a case-by-case basis whether people seeking sex reassignment surgery were eligible based on the “appropriateness of the individual to their gender of choice.”¹⁶⁹ In order to do this, the clinic would actually teach gender roles to people seeking sex reassignment surgery so that they would be able to pass as a normative members of the sex corresponding to their gender identity.¹⁷⁰ Some doctors would even require trans people seeking surgery to live as gender normative members of the sex to which they were planning to transition as a “trial period” of sorts before allowing them to have surgery. If the doctor determined that the individual could not pass as a member of the sex to which they were planning to transition, they would not provide treatment.

While this was likely done out of a desire to genuinely assist transsexual people by helping them pass during an era when people were generally hostile to individuals of sexual orientation or gender minorities, it had a problematic impact on the transsexual community. Jamison Green points out that the medical community’s focus on passing and being “normal” puts a burden on trans people to pretend that they are not trans and hide their identities.¹⁷¹

It is easy to see how transsexual people are typically justified in their desire to circumscribe knowledge of their past or present lives. And yet as more of us become visible, those whose livelihoods or relationships depend on maintaining secrecy may feel tempted to disclose themselves and take a stand, while they are simultaneously alienated from those who are doing so because their own circumstantial constraints compel them not to act. The individual who is not able to reconcile his desire to help the nascent trans community with his own need for confidentiality and security may isolate himself further

¹⁶⁹ Ibid.

¹⁷⁰ Ibid, 228.

¹⁷¹ Jamison Green, “Look! No, Don’t! The Visibility Dilemma for Transsexual Men” in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 501.

from the only people who share his experience, or he may actively oppose community-oriented efforts.¹⁷²

In other words, by taking a stand, transsexual people reveal that they are transsexual. This can result in social stigmatization and discrimination. However, while life may be harder for individual transsexual people if they come out, transsexuals only have support and organizing networks if other people come out as well. Stone explains the implications of this:

Given this circumstance in which a minority discourse comes to ground in the physical, a counterdiscourse is critical. But it is difficult to generate a counterdiscourse if one is programmed to disappear. The highest purpose of the transsexual is to erase him/herself, to fade into the ‘normal’ population as soon as possible. Part of this process is known as *constructing a plausible history*—learning to lie effectively about one’s past. What is gained is acceptability in society. What is lost is the ability to authentically represent the complexities and ambiguities of lived experience... Instead, authentic experience is replaced by a particular kind of story, one that supports the old constructed positions.¹⁷³

In other words, Stone says transsexuals have a hard time organizing because the medical community requires them to attempt to pass as cisgendered members of society, hiding their transsexuality from cisgendered people and each other, even going to far as to create fake histories for themselves so that they would be able to pretend that they were cisgendered. According to the medical professionals who controlled the access to hormones and sex reassignment surgery, a successful transition was one in which the transsexual became a gender-normative heterosexual person of the other sex, who was indistinguishable from other heterosexual people of their same sex. If the transsexual could blend in seamlessly with society, they had succeeded. If they were open about their transsexuality, they had failed to transition

¹⁷² Ibid, 502.

¹⁷³ Stone, “The *Empire* Strikes Back,” 230.

properly. This medically-enforced invisibility is the reason that many early transsexual organizations—like COG and the NTCU, for example—geared their services toward counseling and assisting transsexuals to get hormone therapy and sex reassignment surgery. As discussed in chapter 1, few early transsexual organizations actually focused on introducing transsexuals to one another, except for mutual support. Transsexuals who achieved their goal of acquiring hormones or sex reassignment surgery frequently left the community, and the organizations were rather small and short-lived as a result.

In the 1970s, many transsexuals became frustrated by the restrictions placed on their community by medical professionals. While some medical professionals like Harry Benjamin, one of the pioneers of transsexual treatment, believed that sex reassignment surgery was the only way to alleviate gender dissonance, most medical professionals still attempted to help transsexual people through psychotherapy, withholding hormones and sex reassignment surgery until they had concluded that there was no other options.¹⁷⁴ While aware that they were reliant on the medical community for hormone therapy and sex reassignment surgery, many trans activists in the 1970s—with Angela Douglas of TAO being the most outspoken example—advocated for the removal of transsexuality as a mental disorder, seeking to end the psychotherapeutic attempts to change the gender identity of transsexuals and make hormone therapy and sex reassignment surgery more accessible.¹⁷⁵

At the same time, Frank Kameny and other militant young homosexuals were fighting to remove homosexuality from the *Diagnostic and Statistical Manual of*

¹⁷⁴ Califia, *Sex Changes*, 52.

¹⁷⁵ Meyerowitz, *How Sex Changed*, 239.

Mental Disorders (DSM). Using Dr. Alfred Kinsey's reports that indicated the higher-than-expected prevalence of homosexuality in society, and Dr. Evelyn Hooker's studies indicating the similarities between homosexual and heterosexual men, homosexual activists led by Kameny challenged the American Psychological Association (APA). In light of the evidence from Kinsey and Dr. Hooker, the APA concluded that homosexuality was not a mental illness removed it from the *DSM* in 1973.¹⁷⁶

While this benefited the homosexual community, it had a negative impact on the trans community. The mutual struggle against the medical establishment became one of the points of connection between homosexual and trans organizations in the late 1960s and early 1970s. When homosexuality was depathologized in 1973, however, homosexuals lost their passion for reforming the medical and legal systems that plagued transsexuals; they, after all, were no longer at risk. In 1980, when the next edition of the *DSM* was released, Gender Identity Disorder (GID) had been added based on the standards of care for trans patients formalized in the late 1970s.¹⁷⁷ This addition created specific diagnostic criteria by which transsexuals could be diagnosed with GID, which would then make them eligible for treatment. While this benefited transsexuals, GID also required transsexuals to prove that they had suffered from gender dissonance for at least two years, and listed a desire to remove one's genitals as part of the diagnostic criteria.¹⁷⁸ This made it difficult for transsexuals to get hormone therapy without also professing a desire to have sex reassignment

¹⁷⁶ Henry L. Minton, *Departing from Deviance: A History of Homosexual Rights and Emancipatory Science in America* (Chicago: University of Chicago, 2002), 263.

¹⁷⁷ Peggy T. Cohen-Kettenis and Friedemann Pfäfflin, "The DSM Diagnostic Criteria for Gender Identity Disorder in Adolescents and Adults," *Arch Sex Behav* 39, 2 (2010).

¹⁷⁸ *Ibid*, 11.

surgery, and required those transsexuals who gained sexual pleasure from their genitals to lie to medical professionals.¹⁷⁹ While many transsexual people opposed parts of GID, without the support of the larger and more powerful homosexual community, transsexuals unable to effectively lobby the APA for changes in GID. Thus, as the homosexual community escaped the control of the medical establishment in 1973, the transsexual community found itself cut off from its most powerful ally, and ultimately ended up tied to doctors more formally than ever before.

The Rift with Feminism

Around the same time that shifts toward gender conformity and the depathologization of homosexuality separated trans people from the homosexual community, new theoretical developments in second wave feminism built on critiques of trans people in a way that actively set feminists against trans people (specifically, trans women). The iteration of feminism that was pervasive in the 1970s emerged around 1963 with Betty Friedan's famous book *The Feminine Mystique*. Known as "second wave feminism," it criticized gender roles that situated women in the home and limited their potential.¹⁸⁰ Like homosexual and trans activism in the 1960s, which fought for anti-discrimination laws and attempted to educate society about sexuality and gender, second wave feminism sought improved conditions for women by working within the existing social and legal structures in the U.S.¹⁸¹

Friedan, whose book effectively defined second wave feminism for many young women, viewed lesbianism as a limiting factor for feminism, fearing that

¹⁷⁹ Stone, "The *Empire* Strikes Back," 228.

¹⁸⁰ Betty Friedan, *The Feminine Mystique* (New York: W.W. Norton & Company, 1963).

¹⁸¹ Stryker, *Transgender History*, 99.

societal homophobia—which was still significant in the 1960s—would slow down women’s progress and drive away potential members of the women’s movement.¹⁸² In response to feminists like Friedan, lesbians began founding feminist consciousness-raising groups which aimed to push second wave feminism towards acceptance for lesbians. One of these groups was the Radicalesbians. The Radicalesbians argued in their pamphlet “The Woman-Identified Woman” that men develop gender roles to suppress women and keep them subordinate relative to men. By rejecting lesbians from the feminist movement, feminists were failing to confront the “basic heterosexual structure that binds us in one-to-one relationships with our oppressors.” Thus, “[i]t is the primacy of women relating to women, of women creating a new consciousness of and with each other, which is at the heart of women’s liberation, and the basis for the cultural revolution.” By uniting with each other regardless of sexual orientation, women could eliminate the barriers within the feminist movement and “begin a revolution to end the imposition of all coercive identifications, and to achieve maximum autonomy in human expression.”¹⁸³

While this argument linked feminists and lesbians by identifying both of them as women fighting against a patriarchal male-dominated society, it did so in a way that marginalized gender non-conforming individuals within the lesbian community. Identifying gender roles as the tool by which men oppressed women, lesbian-feminists rejected those gender roles through the adoption of androgynous gender expression as a method to challenging male domination. Thus, lesbians who identified as butches or femmes and adhered to the sexual role play associated with

¹⁸² Betty Friedan, *Life So Far* (New York: Simon & Schuster, 2000), 222.

¹⁸³ Radicalesbians, “The Woman-Identified Woman” (Pittsburgh: Know, 1970).
<http://library.duke.edu/rubenstein/scriptorium/wlm/womid/>.

the dichotomy were criticized for mimicking heterosexuality.¹⁸⁴ The butch-femme identities—which, as Jack Halberstam points out, developed in part as a means of resistance whereby lesbians could indicate their sexual attraction to one another within the oppressive, predominantly heterosexual culture in the 1950s—were now being attacked as political and cultural reactionaries who identified with heterosexual gender roles out of a desire to be a part of the patriarchy.¹⁸⁵ As Stryker argues, this marginalization of butches and femmes also eliminated the social space that trans people could occupy within the lesbian movement, just as the changing dress norms after the Vietnam War eliminated the space in the gay movement occupied by feminine men.¹⁸⁶ Previously, female-assigned people who expressed themselves in a masculine manner, some of whom may have identified as trans today, could identify as part of the lesbian movement. With the marginalization of butches in the lesbian movement, FTM transsexuals found themselves rejected as well.¹⁸⁷ Likewise, femmes were marginalized for their feminine gender expression, viewed by lesbian-feminists as a reactionary adherence to the cultural stereotypes of femininity imposed by men. While not all MTF transsexuals were especially feminine, media stereotypes of MTF transsexuals have historically implied that they wish to achieve womanhood by adhering to the gender roles associated with women and achieve a stereotypically feminine appearance—as Christine Jorgensen had.¹⁸⁸ Thus, at the same time that they marginalized butches and femmes for supposedly mimicking heterosexual gender

¹⁸⁴ Judith Halberstam, *Female Masculinity* (Durham, NC: Duke University Press, 1998), 121. Since the publication of *Female Masculinity*, Halberstam has changed his name to Jack, and now uses male-associated pronouns.

¹⁸⁵ Halberstam, 121.

¹⁸⁶ Stryker, *Transgender History*, 100.

¹⁸⁷ *Ibid.*

¹⁸⁸ Serano, *Whipping Girl*, 41.

roles, lesbian-feminists rejected MTF transsexuals based on the assumption that they adhered to the cultural stereotypes ascribed to them, and thus reinforced gender norms associated with women.

These lesbian-feminist concerns about trans people erupted in conflict in 1972 at San Francisco's first Gay Pride parade. During the event, a fight broke out between Reverend Raymond Broshears, one of the gay men who was organizing the event, and a member of a lesbian separatist group.¹⁸⁹ Broshears was a long-time advocate of the trans community, and believed strongly that it should be linked with the homosexual community. He ran San Francisco's chapter of the GAA; in June 1972, the group claimed that its membership included "radical leftists and radical rightists, Republicans and Democrats, closet queens (a few), transvestites, trans-sexuals, and hustlers,"¹⁹⁰ and it was said that Broshears's "Gay Alliance has more drags as members than any Gay group in this country."¹⁹¹ Thus, it is not surprising that Broshears's parade included drag queen participation. Unfortunately, in response to his altercation with the lesbian separatist, feminists and their supporters criticized the fight (which was, admittedly, initiated by Broshears) as an example of men using their position in society to attempt to oppress women.¹⁹² In responding to the fight, feminists and their gay male supporters decided that they would not participate in gay pride parades organized by Broshears. More extremely, however, they also argued that they would not participate in any future events that "permitted drag queens to

¹⁸⁹ Stryker, *Transgender History*, 102.

¹⁹⁰ Members of the Gay and Lesbian Historical Society, "MTF Transgender Activism in San Francisco's Tenderloin: Commentary and Interview with Elliot Blackstone," *GLQ: A Journal of Lesbian and Gay Studies* 4:2 (1998), 363.

¹⁹¹ *Ibid.*

¹⁹² Stryker, *Transgender History*, 102.

‘mock’ women.”¹⁹³ This criticism came directly from the Radicalesbians’s argument that men created gender roles to mock women, and that drag queens dressed as women in order to emphasize and criticize femininity from a privileged male position.¹⁹⁴ In 1973, Broshears and the lesbian separatists each formed separate pride parades in San Francisco, with the lesbian separatist parade explicitly forbidding drag and trans participation.¹⁹⁵ After 1973, Broshears never organized another pride parade, while the event organized by the lesbian separatists has continued to this day as San Francisco’s LGBT Pride parade.¹⁹⁶ Lesbians, in an effort to push out drag queens¹⁹⁷ for “parodying women,” had successfully pushed trans people out the gay pride parade.

This marginalization of drag queens by lesbian-feminists also exacerbated the divide between the gay and trans communities. Drag queens—many of whom identified as gay men—were the members of the gay community who most frequently transgressed gender boundaries. Even though they may have not identified as trans at the time (and perhaps would not identify as trans today), these drag queens bridged the gap between the gay and trans communities. When lesbian feminists effectively threw the drag queens out of the gay movement by forbidding their participation in the 1973 pride parade, the trans movement lost both its closest tie and its main allies within the gay movement, further widening the schism. That this was caused by

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ While many drag queens identified and identify as gay men, they are often considered part of the trans community due to their non-conforming gender expression, and because of how many interests they share with the trans community (such as freedom of dress).

homosexual women identifying as lesbians exacerbated divides between homosexual and trans people.

In 1973, one of the most dramatic conflicts between feminists and trans people arose surrounding the transsexual lesbian feminist Beth Elliott. Elliott was the vice president of the DOB in the early 1970s, but was ousted from the position in December 1972 because, according to some members of the organization, she wasn't "really" a woman.¹⁹⁸ This act prompted the resignation of several of her supporters.¹⁹⁹ In April 1973, Elliott was also an organizer for the West Coast Lesbian Feminist Conference, and was scheduled to perform as musical entertainment during the program. A lesbian separatist group protested her presence at the conference, claiming that she was a "man,"²⁰⁰ and demanding her expulsion.

In response to this controversy, Robin Morgan, the keynote speaker, "spent half the night revising [her] speech so as to include the issue [Beth Elliott's presence at the conference as an MTF transsexual]... attempting to show how male 'style' could be a destroyer from within."²⁰¹ Morgan argued that MTF transsexuals like Elliott were male transvestites who "deliberately reemphasize gender roles, and who parody female oppression and suffering,"²⁰² mocking women in the same way that white people who wear blackface mock black people, and also claimed that Elliott "single-handedly divided and almost destroyed the San Francisco Daughters of Bilitis

¹⁹⁸ Geri Nettick with Beth Elliott, *Mirrors: Portrait of a Lesbian Transsexual* (Oakland, CA: CreateSpace, 2011), 253.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*, 262.

²⁰¹ Robin Morgan, *Going Too Far: The Personal Chronicle of a Feminist* (New York: Random House, 1977), 171.

²⁰² *Ibid.*, 180.

Chapter.”²⁰³ Expanding her criticism from Elliott’s presence at the conference to trans people in women’s movements more broadly, Morgan said, “If transvestite or transsexual males²⁰⁴ are oppressed, then let them band together and organize against that oppression, instead of leeching off women who have spent entire lives *as women* in women’s bodies.”²⁰⁵ Ultimately, she stated a line of criticism toward transsexual people that would be echoed in lesbian-feminism throughout the 1970s and 1980s: “I charge him [Elliott] as an opportunist, an infiltrator, and a destroyer—with the mentality of a rapist.”²⁰⁶ While Morgan claims that “more than half the women there Friday evening demanded he [Elliott] be forced to leave an all-woman conference,”²⁰⁷ writers for the *Lesbian Tide* and Elliott herself reported that over two-thirds of the women voted that Elliott should be permitted to stay, and that anti-trans lesbians who refused to accept the results of the vote threatened to disrupt the conference if Elliott did not leave.²⁰⁸ Ultimately, Elliott performed her set, but then left for the remainder of the conference.²⁰⁹

If the Radicalesbians’s pamphlet “The Woman-Identified Woman” had sketched the lines of conflict between lesbian-feminists and trans women, and criticism of transvestites in San Francisco’s gay pride parade the year before had moved that conflict from the theoretical to the practical, Morgan’s speech at the West Coast Lesbian Feminist Conference made explicit the way that the Radicalesbian call for feminist unity could be used to exclude trans people, and thus supplied lesbian-

²⁰³ Ibid.

²⁰⁴ Morgan refers to MTF transsexuals—referred to as transsexual women—as transsexual males.

²⁰⁵ Morgan, *Going Too Far*, 181.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Nettick, *Mirrors*, 256.

²⁰⁹ Ibid, 256.

feminists with new anti-trans rhetoric. Morgan's speech reiterated the Radicalesbians's rejection of gender roles, criticizing Elliott as a transsexual for upholding said roles with the assumption that she could pass as a woman by expressing and identifying herself as such. Through her speech, Morgan both denied that lesbians-feminists need treat Elliott as one of their own, and also articulated arguments that could explicitly be used in lesbian-feminists against trans people.

One of the ideas from Morgan's speech that had the biggest impact on the development of anti-trans feminist theory was the idea of transsexuals as "rapists" who infiltrate women-only space. Just as Morgan called Elliott an infiltrator and rapist for her presence at the West Coast Lesbian Feminist Conference, lesbian-feminists threatened to boycott the all-female Olivia Records collective in 1977 when they figured out that one of its members, Sandy Stone, was an MTF transsexual, arguing that it was not a true "women-only" collective because it had been invaded by a man.²¹⁰ Stone had not "infiltrated" the collective uninvited, as lesbian-feminists had suggested; she told the collective that she was a transsexual upon joining it.²¹¹ According to Stone, none of her coworkers at the collective had wanted to oust her, but they recognized that the collective's future could be threatened by a boycott.²¹² Stone left of her own accord to avoid damaging Olivia Records's business.²¹³

In 1978, radical feminist Mary Daly formalized Morgan's argument in feminist theory when she published a book titled *Gyn/Ecology: The Metaethics of Radical Feminism* in which, in a section titled "Boundary Violation and the

²¹⁰ Sandy Stone (interviewed by Davina Gabrielle), "Interview with the Transsexual Vampire: Sandy Stone's Dark Gift," *TransSisters: The Journal of Transsexual Feminism*, 8 (1998), 17.

²¹¹ Ibid.

²¹² Ibid, 18.

²¹³ Ibid.

Frankenstein Phenomenon,” she says that the survival of women requires that they see through “male-made, maddening artificial boundaries, as well as deriding male ‘violation’ of these false boundaries.”²¹⁴ One of the boundary violations that she identifies is the process by which male-assigned female-identified people undergo sex reassignment surgery; Daly identifies transsexuality as “an example of male surgical siring which invades the female world with substitutes.”²¹⁵ Daly says that transsexuality is an attempt by men to “create” without women, which ultimately results in the “manufacture by men of artificial wombs, of cyborgs which will be part flesh, part robot, of clones—all are manifestations of phallotechnic boundary violation.”²¹⁶ Daly’s inclusion of Morgan’s transsexuals-as-rapists trope into feminist theory gave it legitimacy. No longer just the content of a speech at a feminist conference, the idea that transsexuals were violators of women’s space and tools of male domination was now a theoretical development.

In 1979, all these antitranssexual attitudes and ideas were formalized in Janice G. Raymond’s book *The Transsexual Empire: The Making of the She-Male*. Raymond expanded upon Daly’s argument about transsexual women’s violation of boundaries and invasion of women’s space, combining it explicitly with Morgan’s transsexuals as rapists trope in an analysis of Sandy Stone’s presence at Olivia Records. After saying that it would have been “far more honest if Olivia had acknowledged the maleness of Sandy Stone and perhaps the necessity, at the time, to employ a man [as a sound engineer]” and quoting a woman who said that she felt

²¹⁴ Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism* (Boston: Beacon Press, 1990), 71.

²¹⁵ Ibid.

²¹⁶ Ibid.

raped when Olivia Records “[passed] off Sandy, a transsexual as a real woman,”²¹⁷

Raymond explains in theoretical terms the ways in which the existence of transsexuals violates women:

Rape, of course, is a masculinist violation of bodily integrity. All transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating this body for themselves. However, the transsexually constructed lesbian-feminist violates women's sexuality and spirit, as well. Rape, although it is usually done by force, can also be accomplished by deception. It is significant that in the case of the transsexually constructed lesbian-feminist, often he is able to gain entrance and a dominant position in women's spaces because the women involved do not know he is a transsexual and he just does not happen to mention it.²¹⁸

Through this argument, Raymond claims that transsexuals, by not revealing their transsexuality, are deceiving women and infiltrating their space, as secret male oppressors. She ultimately claims that transsexuality is “only one more aspect of patriarchal hegemony,” and that tolerating it “will only strengthen a society in which sex roles are the norm, and where deep existential choices become subject to medicalization.”²¹⁹ Thus, Raymond links her argument back to the Radicalesbians’ arguments in “The Woman-Identified Woman,” stating that the damaging gender roles created by men to oppress women are further strengthened by transsexuals.

Perhaps the most damaging aspect of Raymond’s work, however, was her appendix “Suggestions for Change.” In this appendix, she argues that “the elimination of transsexualism is not best achieved by legislation prohibiting transsexual treatment and surgery but rather by legislation that limits it—and by other legislation that lessens the support given to sex-role stereotyping, which generated the problem to

²¹⁷ Janice G. Raymond, *The Transsexual Empire: The Making of the She-Male* (Boston: Beacon Press, 1979), 103.

²¹⁸ *Ibid.*, 104.

²¹⁹ *Ibid.*, 177.

begin with.”²²⁰ Raymond suggests that transsexual surgery be limited and replaced by “consciousness-raising therapy” that would encourage transsexuals “to transcend cultural definitions of both masculinity and femininity, *without* changing one’s body,” and thus make them less likely to “resort to sex conversion surgery.”²²¹ This proved one of her most damaging suggestions. As Susan Stryker notes, antitransgender arguments like those of Raymond actually proliferated in the 1980s, when people began denouncing transsexuality as body mutilation and actually criticized transsexuality with more vitriol than they had in the 1970s.²²² This vitriol was caused at least in part by Raymond’s implication that transsexuality is a choice by which an individual opts for sex reassignment surgery instead of combating harmful gender roles.

Thus, Raymond’s horrific analysis of transsexuals brought the anti-trans lesbian-feminist critique full circle. Starting with a piece by the Radicalesbians arguing that men generate gender roles to oppress women and that women’s primary roles should be to other women, the critique became action when lesbians forced trans people out of the San Francisco Gay Pride Parade in 1973. That same year, Robin Morgan argued that transsexuals were rapists invading women’s space, which led to the expulsion of Sandy Stone from Olivia Records in 1977. In 1978, Mary Daly formalized in feminist theory Morgan’s idea of the transsexual as a rapist of womanhood. Finally, in 1979, Janice Raymond further expanded upon the theory behind referring to transsexuals as rapists of women’s space and generated policy suggestions for combatting transsexuality through discussion. In doing so, she

²²⁰ Ibid, 178.

²²¹ Ibid, 183.

²²² Stryker, *Transgender History*, 110.

provided anti-trans lesbian-feminists in the 1980s with reasons to challenge trans people, and rhetoric with which they could do. She had brought a lesbian-feminist theory all the way into the realm of action.

Conclusion

At the start of the 1970s, the trans movement seemed to be at a high point. With organizations like the QLF and TAO allying themselves with the GLF and, to a lesser extent, the GAA, transsexuals and transvestites alike were making connections with the homosexual movement—connections which had been steadily ruptured since transsexuals and homosexuals in the 1950s began defining themselves in relation to one another. By the end of the 1970s, however, the trans movement was crippled. Shifts toward gender conformity among gay men closed the space in which drag queens and transvestites had participated in the gay community. Transsexuals lost their gay allies in struggles against the medical establishment when homosexuality was depathologized in 1973, and lost their lesbian allies when lesbian-feminism began targeting transsexual women as invaders of women's space in the same year. These developments, by hindering transvestite and transsexual organizing alike, fractured and crippled the trans movement during the 1980s. In the 1990s, the trans movement would unify around a common cause and would join the homosexual movement, but not without controversy.

CHAPTER 3

The LGBT Movement and ENDA (1990 to 2007)

If the 1970s had been a decade of collapse for the trans movement and the 1980s had been one of stagnation, the 1990s was a decade of rebirth. Energized by a new generation of activists, the trans movement fought for inclusion in the Employment Non-Discrimination Act (ENDA), a bill proposed in 1994 to protect people from employment discrimination on the basis of sexual orientation. In the process of lobbying for inclusion in ENDA, trans activists prompted the formation of the present-day LGBT (lesbian, gay, bisexual, and trans) community. The 1990s and 2000s, however, showed that this community only barely masked the twentieth century's conflicts between homosexuals and trans people—conflicts that arose from the moment the trans community arose.

The Rebirth of Trans Activism

The 1980s were a low point for trans activism. Cut off from the homosexual community, the trans community was left on its own at the same time that feminists attacked transsexuals as infiltrators of women's space. The extent to which the trans community was separated from the homosexual one was underscored by the lack of trans participation in the queer marches on Washington. As trans activist Phyllis Frye recalls, "there was a protracted floor fight over whether transgenders [sic] would even be mentioned in the event brochure" during the planning meeting for the first march

on Washington in 1979, and trans people were also omitted from the 1987 march.²²³ Trans exclusion from these marches made it painfully clear that trans people had been left out of homosexual organizing efforts entirely.

In the late 1980s, the rise of AIDS caused homosexual activists to form coalitions with other groups—notably with trans people, who suffer some of the highest rates of HIV in the world. These groups, like ACT-UP (AIDS Coalition to Unleash Power) and Queer Nation, actively protested to educate the public on AIDS and homosexuality²²⁴—which many assumed to be linked, especially as the Reagan administration attempted to rename it “gay-related immune deficiency.”²²⁵ Most importantly, groups like ACT-UP and Queer Nation united homosexual and trans activists around a common cause. As Stryker points out, by using the word “queer” to refer collectively to the community consisting of gay men, lesbians, and bisexual people, the AIDS protest groups of the late 1980s and early 1990s created a collective movement of people whose multifaceted efforts to resist heterosexual society opened up a space for trans people among homosexual activists—a space that had been closed since 1973.²²⁶

Another factor that contributed to the rise of trans activism was the uniting of transvestites and transsexuals into an overarching and inclusive trans community. This began with Holly Boswell whose 1991 article “The Transgender Alternative” redefined the term “transgenderist,” which Prince had coined to refer to people like herself who lived full-time as the other gender but did not wish to undergo sex

²²³ Frye, “Facing Discrimination, Organizing for Freedom,” 459.

²²⁴ Stryker, *Transgender History*, 134.

²²⁵ Susan Stryker, “Why the T in LGBT is here to Stay,” *Salon*, October 11, 2013. http://www.salon.com/2007/10/11/transgender_2/.

²²⁶ Stryker, *Transgender History*, 134.

reassignment surgery. Boswell referred to transgenderism as a middle ground between crossdressing and transsexuality, and also acknowledged that transgenderism is a word that “encompasses the entire spectrum,” from crossdressers to transsexuals.²²⁷ By Boswell’s definition, “transgenderism serves as a bridge of consciousness between crossdressers and transsexual people, who feel unnecessarily estranged within our own subculture.”²²⁸ Challenging the ideas that crossdressers must think of themselves as deviant men while MTF transsexuals must try to eliminate their maleness to become gender-conforming females who assimilated into society, Boswell attempted to restore the notion of androgynous people in both categories and instituted the term “transgender” in an effort to make room for people who may not identify with any of the extremes of the gender spectrum.²²⁹

If Boswell coined the term “transgender” to a comprehensive term, it was Leslie Feinberg who popularized it in 1992. In his²³⁰ influential pamphlet “Transgender Liberation: A Movement Whose Time Has Come,” Feinberg points out that the trans movement has always had words imposed on it by others—like transvestite or transsexual.²³¹ Seeking to define the entire movement with one umbrella term and then mobilize it to political action, Feinberg chose Boswell’s use of “transgender,” one of the only words to describe trans people at the time that had not been coined by the medical establishment. With Boswell’s redefining of the term

²²⁷ Holly Boswell, “The Transgender Alternative,” *Transgender Tapestry* 98 (2002), <http://www.ifge.org/?q=node/58>.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ “Hir” and “ze” are gender-neutral pronouns that Feinberg prefers to traditional gendered ones.

²³¹ Leslie Feinberg, “Transgender Liberation: A Movement Whose Time Has Come,” in *The Transgender Studies Reader*, eds. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 206.

and Feinberg's politicizing and publicizing of it, the stage was set for the rise of a militant trans activist group that united gender non-conforming people of all types.

At the 1993 March on Washington for Lesbian, Gay, and Bi Rights, organizers included trans people in the event's written "Purpose and Goals" but intentionally left them out of the name of the event.²³² In response, members of the activist group Transgender Nation protested at the march, criticizing the organizers for omitting trans people.²³³ This was perhaps the first protest by trans activists in the 1990s, and was one of the first times that trans people actively pushed the homosexual community for inclusion. For trans people, the protest was a return of militancy to a movement that had collapsed for almost two decades after its split with the gay movement and conflicts with lesbian-feminism in the 1970s. The visible trans activism during the protest showed isolated trans people that they were not alone in their gender dissonance, and that others like them were organizing to try to achieve greater recognition from homosexual communities and to lobby for civil rights.

The increased visibility of trans populations in the 1993 March on Washington was coupled with a growth of trans consciousness through the rise of the Internet. In 1995, Gwen Smith at America Online (AOL) worked to have trans keywords and chat rooms on its servers.²³⁴ The chat rooms provided an anonymous space for trans people to talk about their gender with others and come out to each other.²³⁵ The rise of the Internet had a dramatic impact on the trans community. As shown in Chapter 2, the medical establishment had enforced invisibility on

²³² Frye, "Facing Discrimination, Organizing for Freedom," 460.

²³³ Ibid.

²³⁴ Ibid, 463.

²³⁵ Ibid.

transsexuals, forcing them to conform as closely as possible to gender roles and develop false personal backstories if they wanted to receive hormone therapy or sex reassignment surgery. Those who followed the medical establishment's requirements then vanished into cisgendered heterosexual society. The rise of the Internet raised awareness that there were other trans people, that they were not all heterosexual, and that were very diverse as a group. By offering a space where trans people could communicate about their insecurities openly and anonymously, the Internet helped foster the rise of a larger and more confident trans community.

The early 1990s were characterized by the growth of trans activism. AIDS organizing gave the trans community the chance to renew links with the homosexual community that had been broken in the 1970s. The redefining of "transgender" by Boswell and Feinberg helped develop a unified trans community, and the Marches on Washington and the Internet increased visibility of trans people. This visibility was increased further when trans activists began their first major fight: the fight for inclusion in ENDA.

The Focus on ENDA

In order to understand why ENDA sparked a conflict between homosexuals and trans people, it is necessary to understand what was at stake in the debate—and that involves backtracking to 1964, when the U.S. Congress passed the Civil Rights Act. The foundation for anti-discrimination legislation in the United States, the Civil Rights Act prohibits discrimination in voting, public accommodations, public facilities, public institutions, federal assistance programs, and employment on the

basis of race, color, religion, national origin, and, in some cases, sex. For example, Title VII's Section 703 explicitly states that employers, employment agencies, and labor organizations cannot refuse to hire, fire, limit, segregate, or classify their employees based on any of these characteristics.²³⁶

Omitted from this list of characteristics are sexual orientation and gender identity, meaning that there is no federal law prohibiting employment discrimination on the basis of sexual orientation and gender identity. Homosexuals and trans people alike have suffered the results of this omission daily. Results from the 2008 General Social Survey (GSS)²³⁷ indicated that, in a nationally representative sample of lesbian, gay, and bisexual people, forty-two percent (42%) had experienced “at least one form of employment discrimination because of their sexual orientation at some point in their lives,” 35% of these individuals reported being harassed, and 16% reported losing a job due to sexual orientation.²³⁸

Perhaps even more staggering than the discrimination faced by lesbian, gay, and bisexual people is the discrimination faced by trans people. In 2011, the National Center for Transgender Equality (NCTE) and the National Gay and Lesbian Task Force (NGLTF, or The Task Force) published a report on the findings of a survey of 6,450 trans and gender non-conforming people from across the United States of America—the largest of its kind— about the considerable injustices they face in their

²³⁶ *Civil Rights Act of 1964*, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.)

²³⁷ A sociological survey that has, since 1972, asked opinion questions to a representative sample of the American population to track changing opinions and sociological trends. For more information, consider Pizer, and see: <http://www3.norc.org/GSS+Website/>

²³⁸ Jennifer C. Pizer, Brad Sears, Christy Mallory, and Nan D. Hunter, *Evidence of Persistent and Pervasive Workplace Discrimination Against LGBT People: The Need for Federal Legislation Prohibiting Discrimination and Providing for Equal Employment Benefits*, 45 Loy. L.A. L. Rev. 715 (2012).

daily lives.²³⁹ Unemployment rates for trans people in the survey were double that of the general population. Over 90% of trans people in the survey were harassed, mistreated, or discriminated against at work, or hid their gender identity to avoid such treatment (as opposed to around 42% of gay people in the GSS). Twenty-six percent (26%) of respondents lost a job because they were trans or gender non-conforming (as opposed to about 16% of the gay population). Sixteen percent (16%) worked in the underground economy (doing sex work or selling drugs) to make an income, and this rate doubled for the unemployed. Those who lost their job due to trans employment discrimination had four times the rate of homelessness, 70% more drinking or misuse of drugs to deal with mistreatment, 85% more incarceration, double the rate of working in the underground economy, and double the HIV infection rate of those who did not lose a job.²⁴⁰ Despite the crippling effect that employment discrimination has on lesbian, gay, bisexual, and trans people, there are no federal laws prohibiting employment discrimination on the basis of sexual orientation or gender identity as of April 2014. As a result, the ENDA has been a major focus within the homosexual and trans communities.

The first sexual orientation non-discrimination bill was introduced in 1974 by U.S. Representative Bella Abzug (D-NY).²⁴¹ Working with the NGLTF (then called the National Gay Task Force), Abzug introduced a bill named the Equality Act of 1974 (HR 14752), which aimed to expand the Civil Rights Act of 1964 on the basis

²³⁹ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011).

²⁴⁰ All the statistics in this paragraph come from *Injustice at Every Turn* (see note above).

²⁴¹ National Gay & Lesbian Task Force, "History of Non-Discrimination Laws in Congress," accessed December 23, 2013, <http://www.thetaskforce.org/issues/nondiscrimination/timeline>.

of marital status, sexual orientation, and sex, effectively extending protections from discrimination in employment, housing, and public accommodations.²⁴² While Abzug introduced the Equality Act in 1974 and 1975, the bill did not make it to a full Congress vote either time.²⁴³

Realizing that the Equality Act had not gained any cosponsors in 1974 or 1975, Abzug introduced the Civil Rights Amendments of 1975 on January 14. The Civil Rights Amendments had a narrower focus than the Equality Act. No longer extending protections based on sex or marital status, they aimed to prevent discrimination in public accommodations, public education, employment, housing, and federal education programs on the basis of “affectional or sexual preference,” which was defined as “having or manifesting an emotional or physical attachment to another consenting person or persons of either gender, or having manifested a preference for such an attachment.”²⁴⁴ Even though the Civil Rights Amendments of 1975 also died in committee, it gained four cosponsors.²⁴⁵ For eight consecutive Congressional sessions from 1974 to 1991, Representatives Edward Koch and Ted Weiss introduced the Civil Rights Amendments, ultimately gaining over 110 cosponsors in the House.²⁴⁶ Similar bills were introduced in the Senate, such as Senator Paul Tsongas’s bill to prohibit employment discrimination on the basis of sexual orientation and an identical version of the Civil Rights Amendments, but, like the House bills, they gained no traction.

²⁴² *Equality Act of 1974*, HR 14752, 93rd Cong., 2nd sess.

²⁴³ All information about whether bills passed or not comes from <http://www.govtrack.us/>, a repository of information on government bills.

²⁴⁴ *Civil Rights Amendments of 1975*, HR 5452, 94th Cong., 1st sess. (Library of Congress summary).

²⁴⁵ Elias Vitulli, “A Defining Moment in Civil Rights History? The Employment Non-Discrimination Act, Trans-Inclusion, and Homonormativity,” *Sex Res Soc Policy* 7 (2010): 159.

²⁴⁶ *Ibid.*

None of the bills introduced in the House or Senate between 1974 and 1991 ever proposed extending discrimination protections on the basis of gender identity. This is because, in 1974, trans activists still hoped that they could ensure protection against discrimination by using Title VII's protections against discrimination on the basis of sex. In 1975, the decisions of two federal district courts challenged this hope. In *Voyles v. Ralph K. Davies Medical Center* in California, the plaintiff, an MTF transsexual, was fired after she informed her superior that she was transsexual and intended to begin transitioning soon.²⁴⁷ She filed a lawsuit against her employer arguing that she had been denied employment on the basis of her sex, and that the employer had thus violated Title VII. The Court ruled against her, stating that “Congress had enacted Title VII to protect women, not transsexuals, and that nothing in the legislative history of Title VII indicated any congressional intent to ‘embrace “transsexual” discrimination, or any permutation or combination thereof.’”²⁴⁸

In the same year, in *Grossman v. Bernards Township Bd. of Educ.* in New Jersey, a teacher fired after undergoing sex reassignment surgery argued that the school had violated Title VII, as they had fired her on the basis of her sex.²⁴⁹ In this case, the Court stated that she had been fired “not because of her status as a female, but rather because of her change in sex from the male to the female gender [sic]” and that, given the “absence of any legislative history indicating a congressional intent to include transsexuals within the language of Title VII,” the word sex would have to be given “its plain meaning.”²⁵⁰

²⁴⁷ *Voyles v. Ralph K. Davies Medical Center*, 403 F. Supp. 456 (N.D. Cal. 1975).

²⁴⁸ *Ibid.*

²⁴⁹ *Grossman v. Bernards Township Bd. of Educ.*, 538 F.2D 319 (3D Cir. 1976).

²⁵⁰ *Ibid.*

It was not until 1984 that the Supreme Court ruled on a case involving discrimination against transsexuals with regards to Title VII. In *Ulane v. Eastern Airlines*, Karen Ulane, a transsexual woman, sued Eastern Airlines when she was fired from her job as a pilot after undergoing sex reassignment surgery.²⁵¹ She argued that she had been discriminated against due to her sex, and thus should be protected under Title VII. In its decision, the Court held up the precedents established by lower courts in *Voyles* and *Grossman*: it ruled, “It is clear from the evidence that if Eastern did discriminate against Ulane, it was not because she is female, but because Ulane is a transsexual—a biological male who takes female hormones, cross-dresses, and has surgically altered parts of her body to make it appear to be female.”²⁵² While this decision did not articulate any new arguments against the use of Title VII to protect transsexuals, it did set a federal precedent establishing that gender nonconforming individuals could not seek protections on the grounds of sex in Title VII.

By 1994, both homosexual and trans activists had experienced numerous frustrations in their efforts to prevent employment discrimination for homosexual and trans people. The homosexual activists had introduced bills continuously for 17 years, and, despite a slow accumulation of cosponsors, not a single bill had made it out of committee to a vote on the Senate or House floor. Trans activists had received in *Ulane* a precedent indicating that “sex” as used in the Civil Rights Act would not protect trans people from discrimination. In *Hopkins v. Price Waterhouse* in 1989, the Supreme Court ruled favor of a cisgendered woman denied a partnership for being

²⁵¹ Paisley Currah, “Gender Pluralisms under the Transgender Umbrella,” in *Transgender Rights*, ed. Paisley Currah, Richard M. Juang, and Shannon Price Minter (Minneapolis: University of Minneapolis Press, 2006), 20.

²⁵² *Ibid.*, 21.

“insufficiently feminine” that Title VII prohibited employers from enforcing assumptions based on gender stereotypes, challenged the logic behind the Supreme Court’s decision in *Ulane*.²⁵³ Nevertheless, after fifteen years of failed attempts at reform through the judicial system, trans activists realized that they would have to change tactics if they wished to gain Title VII protections. Thus, trans activists turned to legislation at the same time that homosexual activists decided to try something new.

The Battle for ENDA

In 1994, the homosexual organizations and legislators that had been pushing for bills like the Equality Act and the Civil Rights Amendments decided to change tactics. Recognizing that far-reaching bills like the Equality Act and the Civil Rights Amendments had not received widespread support, activists and legislators decided to focus on the issue that they believed could garner the most support: employment discrimination.

This was an informed decision, with polling services like *Gallup* suggesting that American attitudes toward employment discrimination for homosexuals was changing fast, even if the views of those same Americans on homosexuality itself were changing slower. In 1989, only 47% of Americans believed that homosexual relations should be legal even though 71% of Americans believed that homosexuals

²⁵³ Kylar W. Broadus, “The Evolution of Employment Discrimination Protections for Transgender People,” in *Transgender Rights*, eds. Paisley Currah, Richard M. Jung, and Shannon Price Minter (Minneapolis: University of Minneapolis Press, 2006), 95.

should have equal rights in job opportunities.²⁵⁴ By 1992, these numbers had risen to 48% and 74% respectively. For many gay rights activists and their supporters in Congress, this indicated that, while a comprehensive reform bill like the Civil Rights Amendments or Equality Act would likely not pass, a more focused bill that dealt exclusively with employment discrimination—like the one proposed by Senator Tsongas in 1979, 1981, and 1983—would perhaps stand a chance.²⁵⁵ On June 23, Rep. Gerry Studds introduced the Employment Non-Discrimination Act of 1994 (ENDA). This bill aimed only “to prohibit employment discrimination on the basis of sexual orientation.”²⁵⁶ The change in strategy to expand support by focusing the bill on employment discrimination was successful; by 1995 one out of every four members in Congress cosponsored the bill (including 12 Republicans) and President Clinton had endorsed the bill.²⁵⁷ This was more widespread sponsorship than either the Equality Act of 1974 or any of the Civil Rights Amendments had ever seen.

The version of ENDA that was introduced in 1994 did not include gender identity—a deliberate decision by homosexual activists. Chai Feldblum, who was hired in 1993 by Human Rights Campaign (HRC), the largest gay rights lobbying organization in the country, to help draft a gay civil rights bill (which ended up becoming ENDA), stated that ENDA was intended to protect gay men, lesbians, bisexuals, and heterosexuals discriminated against due to their choice of sexual partner and who express their homosexual identity through gender non-conformity,

²⁵⁴ Frank Newport, “Six Out of 10 Americans Say Homosexual Relations Should Be Recognized as Legal,” *Gallup News Service*, May 15, 2003, <http://www.gallup.com/poll/8413/Six-Americans-Say-Homosexual-Relations-Should-Recognized-Legal.aspx>.

²⁵⁵ Vitulli, “A Defining Moment in Civil Rights History?”, 160.

²⁵⁶ *Employment Non-Discrimination Act of 1994*, HR 4636, 103rd Cong., 2nd sess.

²⁵⁷ Vitulli, “A Defining Moment in Civil Rights History?”, 160.

but that it was not intended to protect those who change their gender.²⁵⁸ Feldblum clarified that trans protections had been omitted for two reasons. First, there was a strategic concern that including trans status could “come at a significant political cost.”²⁵⁹ Given that the more a bill tries to do, the harder it is to enact, Feldblum and HRC feared that “even Members [of Congress] who were willing to prohibit sexual orientation discrimination would not yet be willing to prohibit discrimination based on transgender status.”²⁶⁰ Second, Feldblum argues that there is a conceptual difference between discrimination based on gender identity and discrimination based on sexual orientation. According to Feldblum, part of this decision came from the fact that acts like the Civil Rights Act of 1964 already prohibited discrimination on the basis of sex. The problem was not a lack of suitable laws, but rather that “the current laws had not yet been properly construed to cover situations regarding transgender individuals.”²⁶¹ Because of these two rationales, HRC and Feldblum drafted a trans-exclusive ENDA in 1994.

However, immediately after the trans-exclusive ENDA was first proposed, trans activists began pressuring Congress to add gender identity to the bill. The first public activism by trans people for inclusion of gender identity in ENDA was in 1994 when two trans activists, Phyllis Frye and Karen Kerin, attempted to speak at the July 1994 Senate Hearings on ENDA.²⁶² This was followed by a lobbying effort in March 1995, when six trans activists (including Frye, Kerin, and Riki Anne Wilchins)

²⁵⁸ Chai R. Feldblum, “Gay People, Trans People, Women: Is It All About Gender?” *New York Law School Journal of Human Rights*, 17 (2000).

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

²⁶² Vitulli, “A Defining Moment in Civil Rights History?”, 160.

lobbied Congress for a trans-inclusive ENDA.²⁶³ Both of these efforts were unsuccessful and, despite his saying that he would introduce a trans-inclusive bill in the Senate, Senator Jim Jeffords introduced a trans-exclusive bill on June 15, 1995, angering and frustrating the trans activists who had pushed for inclusion over the course of the previous year.²⁶⁴

While much of this initial frustration was geared toward Congress, much of that anger was soon directed at HRC. HRC—and Feldblum, who drafted ENDA on their behalf—agreed to meet with trans activists in September 1995 about HRC’s decision to not include gender identity in the bill.²⁶⁵ The results of the meeting were disappointing from the perspective of the trans activists. HRC and Feldblum articulated their arguments for not including trans people in the bill. The trans activists countered by pointing out that, while sex discrimination laws should protect trans people in theory, in practice they had not done so historically. As a result, they were unwilling to eschew legislation on the hope that the courts would change their precedents in the future.²⁶⁶ Ultimately, HRC agreed to not oppose a trans-inclusive amendment to ENDA and paid Feldblum to work with transgender activists to draft a gender identity amendment. However, HRC also emphasized that it “was not agreeing to include gender identity into ENDA prior to reintroduction of the bill, nor was HRC committing itself to support any amendment [Feldblum and the trans activists] drafted.”²⁶⁷ In other words, HRC agreed to not oppose a trans-inclusive amendment to ENDA, but “did not agree to work for, support, or even recommend

²⁶³ Ibid, 161.

²⁶⁴ Ibid, 162.

²⁶⁵ Feldblum, “Is It All About Gender?”

²⁶⁶ Ibid

²⁶⁷ Ibid.

the introduction of such an amendment.”²⁶⁸ Over the course of the next year, Feldblum and the trans activists worked together to develop the amendment. In 1996, HRC met with the trans activists again, but reiterated that, while HRC would not oppose the amendment, they would still not work for, support, or recommend it either.²⁶⁹

That same year, Senator Ted Kennedy, in an attempt to pass the bill despite the Republican-controlled Congress, made a deal with Republican senators: the Senate would do simple yes/no votes on both a trans-exclusive version of ENDA and the Defense of Marriage Act (DOMA), both without amendments.²⁷⁰ As proposed, DOMA would define marriage as a union between a man and a woman, explicitly excluding non-heterosexual couples from federal recognition. The logic behind pairing ENDA and DOMA was, by putting an employment discrimination bill up for vote alongside a bill for the more contentious issue of same-sex marriage, “the more benign bill [ENDA] might seem less threatening.”²⁷¹ Frank pointed out that “DOMA served as a stop-loss order for members of the Senate,” whereby they could vote for both DOMA and ENDA and avoid fears that they would be accused of supporting a gay agenda by saying, ““Don’t tell me I voted for the gay rights agenda. I voted to ban gay marriage.””²⁷² On September 10, 1996, ENDA failed by two votes in the Senate, with a 50-49 split, but DOMA passed with an overwhelming vote of 85-14.²⁷³ This was the only vote on ENDA until 2007; Congress made subtle changes to the

²⁶⁸ Vitulli, “A Defining Moment in Civil Rights History?”, 162.

²⁶⁹ Feldblum, “Is It All About Gender?”

²⁷⁰ Vitulli, “A Defining Moment in Civil Rights History?”, 161.

²⁷¹ Chris Bull, “No ENDA in sight?” *Advocate*, May 13, 1997. *LGBT Life with Full Text*, EBSCOhost.

²⁷² *Ibid.*

²⁷³ *Ibid.*

bill from 1996 to 2006 but, even though the bill was introduced in both houses in 1997, 1999, 2001 and 2003, it never made it out of committee.

Many trans rights activists blamed HRC for the omission of gender identity from ENDA and began picketing HRC fundraisers to protest the organization's exclusion of trans people from legislation.²⁷⁴ HRC's conscious decision to omit gender identity from the bill also prompted activists to reconsider their tactics: instead of trying to convince individual members of Congress to support a trans-inclusive ENDA, they focused on convincing gay and lesbian organizations to change their platforms to include trans people and advocate for a trans-inclusive bill.²⁷⁵ This strategy was largely successful. Between 1995 and 1998, a number of gay rights organizations including the National Lesbian and Gay Law Association, the National Gay & Lesbian Task Force, and Parents, Friends, and Families of Lesbians and Gays (PFLAG) vowed to support a trans-inclusive ENDA.²⁷⁶ In 1999, The Task Force became the first gay rights organization to stop work on ENDA due to trans-exclusion.²⁷⁷ Many other gay and lesbian organizations did the same.²⁷⁸ By convincing homosexual organizations to add trans people to their names and mission statements, trans activists effectively created the LGBT movement.

This strategy eventually worked on HRC as well; HRC's Board of Directors officially changed the organization's mission statement in 2001 to add trans people to

²⁷⁴ John Gallagher, "The transgender revolution," *Advocate*, December 10, 1996. *LGBT Life with Full Text*, EBSCOhost.

²⁷⁵ Vitulli, "A Defining Moment in Civil Rights History?", 162.

²⁷⁶ *Ibid.*

²⁷⁷ Ethan Jacobs, "HRC takes new course on ENDA," *Bay Windows*, August 12, 2004. *LGBT Life with Full Text*, EBSCOhost.

²⁷⁸ Vitulli, "A Defining Moment in Civil Rights History?", 162.

its platform.²⁷⁹ However, while HRC officially added trans people and issues to its mission statement, the organization still resisted the trans-inclusive bill. This became a point of tension within the gay and trans rights communities. By the early 2000s, many trans activists considered HRC the main impediment to a trans-inclusive ENDA. Trans activist Gwen Smith made this very clear in a 2004 editorial entitled “‘Equals’ sign is only for some”:

It isn't Congress that is so much resistant to trans-inclusive bills; it is those we entrust to push for our rights in Washington, D.C. The tail has been wagging the dog all along, as HRC keeps transgender-inclusive language out of the offices of our legislators, rather than assisting in the education of these same individuals on the need for such language. In the week that followed this protest [outside HRC headquarters], even more damning reports began to surface, including allegations that HRC had attempted to influence a trans-supportive organization to change its stance toward trans inclusion.²⁸⁰

Trans activists considered HRC vital to their struggle because, since the 1990s, HRC had been the largest and most influential LGBT rights lobbying group in the U.S. and, for many members in Congress, was the voice of the LGBT community. In 2004, Ron Schlittler, the interim director of PFLAG pointed out, “As soon as you can bring around key members like [Sen. Ted] Kennedy or the HRC, the rest will follow.”²⁸¹

Trans activist Mara Keisling expressed a similar sentiment in a 2004 editorial:

In 2003, 28 national and 40 state and regional LGBT organizations communicated to ENDA's lead sponsors in Congress that they were united behind inclusion of transgender rights in ENDA. This included the most influential LGBT federal lobbying group, the Human Rights Campaign, which also began lobbying for transgender inclusion in ENDA while also continuing to support a noninclusive ENDA. Not surprisingly, this nuanced position has proven to be an ineffective negotiating stance. *Why would Congress give*

²⁷⁹ Ethan Jacobs, "HRC takes new course on ENDA."

²⁸⁰ Gwen Smith, "'Equals' sign is only for some," *New York Blade*, May 21, 2004. *LGBT Life with Full Text*, EBSCOhost.

²⁸¹ Mike Lavers, "Local trans leaders vs. HRC," *New York Blade*, July 30, 2004. *LGBT Life with Full Text*, EBSCOhost.

*LGBT people what they want when our leading voice in Washington tells them we will accept less?*²⁸²

Trans activists like Keisling and pro-trans groups like PFLAG, NGLTF, and Lambda Legal pressured HRC and Congress to adopt a trans-inclusive bill. The NGLTF argued that, given President Bush's promise of a veto, HRC and Congress would have nothing to lose by supporting a trans-inclusive ENDA:

ENDA isn't poised to be passed and signed into law anytime soon... Now is the time to make it trans-inclusive so that when all the conditions come together and make ENDA ready to move at last, it will be the law we can all embrace.²⁸³

In August 2004, HRC's Board of Directors changed their long-standing policy with regards to ENDA. Specifically, the Board resolved that HRC would "only support ENDA if it is inclusive of sexual orientation and gender identity and expression."²⁸⁴

In an August 13, 2004 editorial entitled "Putting the 'T' into ENDA," Cheryl Jacques, executive director of HRC, explained the organization's rationale for accepting the inclusion of trans people in the bill:

There is broad agreement on the goal: passage of ENDA that includes sexual orientation and gender identity and expression. The question has always been about how we get there as quickly as possible and there is understandably some concern that adding gender identity or expression could delay passage of the bill. But in this case, it's about ensuring we pass a bill with the sharpest teeth possible... Passing ENDA without gender identity and expression is like passing a copyright law that covers books and television shows but doesn't cover digital music or videos. But ENDA is about people's lives, not MP3s or DVDs. That's why it's so important that we have the strongest and most comprehensive bill possible... [Supporting a trans-inclusive ENDA] isn't only the right thing to do; it's the pragmatic thing to do. We're supporting a

²⁸² Mara Keisling, "Time for ENDA to be changed," *Washington Blade*, June 18, 2004. *LGBT Life with Full Text*, EBSCOhost. Emphasis mine.

²⁸³ National Gay & Lesbian Task Force, "History of Non-Discrimination Laws in Congress," <http://www.thetaskforce.org/issues/nondiscrimination/timeline>.

²⁸⁴ Adrian Brune, "HRC vows no ENDA if no trans protection," *Houston Voice*, August 13, 2004. *LGBT Life with Full Text*, EBSCOhost.

modernized and comprehensive bill that gives full protection to all of our community.²⁸⁵

Jacques, referring to the trans and homosexual communities together as “our community,” implied that the LGBT community was a unified body that would work together to fight for ENDA. With HRC’s assistance, homosexual and trans rights groups pressured Congress to introduce a trans-inclusive bill in the next session.

In 2006, this pressure caused a significant change. Representative Barney Frank agreed to introduce a trans-inclusive bill, working with trans activists to draft suitable language.²⁸⁶ However, according to trans activist Mara Keisling, there was a caveat: Frank had agreed “to introduce, but not necessarily to pass, an inclusive bill. He was willing to try to pass the inclusive bill but only with the understanding that if he needed to split the bill later, he would.”²⁸⁷ When Democrats won a majority in the House in 2006, it seemed like the trans-inclusive bill would pass with minimal difficulty.²⁸⁸

This proved to be a false hope. In September 2007, Democratic leadership became concerned that the bill could not actually pass if it included gender identity and considered splitting the bill.²⁸⁹ On September 27, 2007, nine national gay and trans rights organizations issued a joint statement demanding that ENDA remain trans-inclusive or not be voted on at all.²⁹⁰ However, despite its director’s vowing that

²⁸⁵ Cheryl Jacques, "Putting the 'T' into ENDA," *Washington Blade*, August 13, 2004. *LGBT Life with Full Text*, EBSCOhost.

²⁸⁶ Lou Chibbaro Jr., "Lawmakers to introduce trans-inclusive ENDA in '07," *Washington Blade*, October 27, 2006, *LGBT Life with Full Text*, EBSCOhost.

²⁸⁷ Vitulli, "A Defining Moment in Civil Rights History?," 163.

²⁸⁸ Joshua Lynsen, "Democratic triumph raises gay hopes," *Southern Voice*, November 10, 2006, *LGBT Life with Full Text*, EBSCOhost.

²⁸⁹ Lou Chibbaro Jr., "ENDA hits a snag over trans inclusion," *Washington Blade*, September 28, 2007, *LGBT Life with Full Text*, EBSCOhost.

²⁹⁰ Vitulli, "A Defining Moment in Civil Rights History?," 163.

HRC would support an inclusive ENDA, and that such a bill was both the right and the pragmatic thing to do, HRC did not sign the statement.²⁹¹ Later that same day, despite nearly universal opposition from gay rights groups and trans activists, Frank announced a plan to split ENDA into two bills: one including sexual orientation, and one including gender identity.²⁹²

The trans and gay rights communities protested the decision immediately. Within a few days, more than 300 national, state, and local organizations formed a coalition called United ENDA to demand trans-inclusive language in the bill.²⁹³ Yet again, HRC was absent from the list. While HRC had voted to reaffirm the 2004 decision “not to support ENDA” without the inclusion of gender identity, they decided that, while they would not support a trans-exclusive bill, they also would not “encourage members of Congress to vote against” it either.²⁹⁴ Many trans activists and their supporters saw this as a betrayal, agreeing with trans activist Monica Helms’s analysis: “HRC may not have started the issue this time, but its later silence spoke volumes of how they really felt about the move orchestrated by Rep. Barney Frank.”²⁹⁵

Almost immediately after HRC’s decision, trans activists and their supporters started protesting against HRC. Donna Ross, the only trans person on the HRC’s Board of Directors, resigned from the board just days after the decision was made. In an open letter, Ross criticized HRC’s decision as the “endorsement of a ‘divisive

²⁹¹ Ibid.

²⁹² Ibid, 164.

²⁹³ Susan Stryker, *Transgender History*, 152.

²⁹⁴ Lou Chibbaro Jr., "ENDA creates rift among gays," *Washington Blade*, October 05, 2007. *LGBT Life with Full Text*, EBSCOhost.

²⁹⁵ Monica Roberts, “Why The Transgender Community Hates HRC,” *Transgriot*, October 8, 2007, <http://transgriot.blogspot.com/2007/10/why-transgender-community-hates-hrc.html>.

strategy' to separate transgender persons from the gay and lesbian community," saying further, "I cannot align myself with an organization that I can't trust to stand up for all of us."²⁹⁶ Activist groups like the National Transgender Advocacy Coalition decided to picket HRC's annual dinner in protest of their failure to oppose the trans-exclusive bill.²⁹⁷

The ENDA Controversy

Ultimately, the trans-exclusive ENDA did not become law. The House of Representatives passed the trans-exclusive bill, while the trans-inclusive bill never made it out of committee.²⁹⁸ The trans-exclusive bill later failed in the Senate.²⁹⁹ However, the 2007 ENDA controversy dramatically changed lesbian, gay, bisexual, and trans activism in the United States. One of the most obvious changes was that, as a result of the activism and debate in 2007 between gay rights organizations, trans activists, and legislators, the trans-exclusive ENDA was no longer considered a possibility in future versions of the bill. Since 2007, ENDA has been proposed in Congress three times: in 2009, 2011, and 2013. In all three of these years, the proposed bill was trans-inclusive. In 2009 and 2011, the bill died in committee. In 2013, the bill passed a vote in the Senate, but has yet to go up for vote in the Republican-controlled House, where its prospects are dim.³⁰⁰ Nevertheless, there is

²⁹⁶ Lou Chibbaro Jr., "ENDA creates rift among gays," *Washington Blade*, October 05, 2007. *LGBT Life with Full Text*, EBSCOhost.

²⁹⁷ Ibid.

²⁹⁸ Stryker, *Transgender History*, 152.

²⁹⁹ Ibid.

³⁰⁰ Jeremy W. Peters, "Senate Approves Ban on Antigay Bias in the Workplace," *New York Times*, November 7, 2013, <http://www.nytimes.com/2013/11/08/us/politics/senate-moves-to-final-vote-on-workplace-gay-bias-ban.html>.

no longer talk among gay rights organizations or legislators about a trans-exclusive ENDA.

This shift put to rest one of the strategic concerns articulated by Feldblum that prompted HRC to omit gender identity from the 1994 version of ENDA: that advancing a trans-inclusive ENDA could be costly to trans people in the immediate future and actually make it harder for them to achieve employment protections under Title VII. Feldblum's argument was that, given that Title VII of the Civil Rights Act of 1964 protects individuals from discrimination on the basis of sex, the problem was not with the laws themselves but "that the current laws had not yet been properly construed to cover situations regarding transgender individuals."³⁰¹ In his analysis, Kylar Broadus identifies two legal arguments that have been articulated to deny trans people employment protections under Title VII: that Congress did not intend for sex discrimination laws (like Title VII) to protect trans people, and that the "plain" or "traditional" meaning of sex refers to a person's biological identity as male or female, but not to a change of their sex.³⁰² Feldblum's fear was that a trans-inclusive bill could make it harder for trans activists to refute these arguments and gain Title VII protections for two reasons:

First, if one included such coverage in a new federal bill, courts would read that action as confirming that coverage did not already exist under federal sex discrimination law. Second, there was a high likelihood that coverage of transgender status would never survive final passage of ENDA. Courts would then use rejection of the coverage as yet further confirmation that Congress never wished to extend protection to transgender individuals. Hence, it would be even more likely that existing sex discrimination law would not be interpreted as including such coverage.³⁰³

³⁰¹ Feldblum, "Is It All About Gender?"

³⁰² Broadus, "The Evolution of Employment Discrimination Protections for Transgender People," 95.

³⁰³ Feldblum, "Is It All About Gender?"

By the time the trans-inclusive ENDA was introduced in 2006, cases like *Schwenk*, *Smith*, and *Sturchio* had already challenged the precedents set by *Grossman*, *Voyles*, and *Ulane*. That federal courts had already begun to challenge the precedents preventing trans people from making Title VII claims by the time the trans-inclusive ENDA was first proposed indicates that Feldblum's first objection, while possibly valid in 1994, was no longer a problem by 2004. Feldblum's second objection has been countered by the fact that, ever since the firestorm surrounding ENDA in 2007, there have not been any proposals to remove trans protections before the final passage of ENDA. In 2009 and 2011, ENDA failed as a united bill. In 2013, the bill that passed the Senate included both gender identity and sexual orientation.³⁰⁴ While the House is unlikely to pass ENDA, it will have to either vote for or against the bill as a trans-inclusive bill; removing gender identity has not even been considered as an option since 2007.

One of the longest-lasting debates that the 2007 ENDA controversy sparked was an argument over whether pragmatic incremental politics, the passing of small reforms to eventually cover everyone, could be justifiable in the case of homosexual and trans rights. Both Congress and homosexual activists believed that, while a trans-inclusive bill could not pass because of a lack of understanding of gender identity among members of Congress, a trans-exclusive sexual orientation-only could pass. Moreover, they argued, passing a sexual orientation-only bill would make it easier to pass a bill including gender identity in the future. Perhaps the most compelling aspect of this argument was the reason why many homosexual advocates believed that passing the bill quickly was important: if a trans-inclusive bill were not possible in

³⁰⁴ Peters, "Senate Approves Ban on Antigay Bias in the Workplace."

2007 but a trans-exclusive one could pass, how could legislators or trans rights activists justify to the thousands of people suffering from discrimination on the basis of sexual orientation that they would be denied protections because the bill did not include gender identity?

Barney Frank, one of the leading cosponsors of the bill, was one of the most passionate defenders of incremental politics. In an October 9, 2007 speech before the House, he defended his decision to split the bill:

The position taken by the various groups that want us to kill the gay rights bill now, because we do not have the votes to include transgender, are people who say to us, never pass the bill, even if you get a Democratic President who would sign it in 2009, and you get a House and Senate majority ready to pass it in early 2009, do not protect millions of people in this country against discrimination based on sexual orientation until you can protect everybody now unprotected. I don't think that's morally a valid position, but let's be fair. It's not a tactical issue about whether you do it now or then. It's do you ever do it.³⁰⁵

Many homosexuals—including many homosexual rights activists—advanced a similar line of argument. In an editorial on August 13, 2004, a few days after HRC announced that they would only support a trans-inclusive ENDA, Chris Crain, executive editor of the *Washington Blade* (one of the most prominent gay newspapers), wrote an editorial entitled “ENDA gets trans-jacked” in which he ultimately advanced a similar argument:

...[H]ijacking ENDA for transgendered protections is downright immoral. If legislation can be achieved that wins some civil rights for some people—in this case, almost all of HRC's constituents—that is better than nothing. Just as domestic partner registries are better than nothing, civil unions are better than DP registries, and neither should be sacrificed indefinitely until gay couples can marry.³⁰⁶

³⁰⁵ Barney Frank, “Barney Frank speaks out,” *Bay Windows*, October 11, 2007. *LGBT Life with Full Text*, EBSCOhost.

³⁰⁶ Chris Crain, “ENDA gets trans-jacked,” *Washington Blade*, August 13, 2004. *LGBT Life with Full Text*, EBSCOhost.

Trans activists responded to the defense of incrementalism with a few arguments. One was that including trans protections would not actually slow down the passage of ENDA as much as Frank and gay activists claim. Trans activist Mara Keisling expressed this in a 2004 editorial:

We have been told ad nauseum that adding gender identity and expression would slow ENDA down. But it is unclear how transgendered people could really slow it down, since it's been at a standstill for years now. Would we lose a handful of sponsors at first? Of course. But a united LGBT movement could win them back long before Congress is actually ready to pass the bill. Why not take the next few years, when ENDA will be mired in an LGBT-hostile [Republican] Congress, and educate our legislators about sexual orientation and gender identity and expression together.³⁰⁷

Keisling also pointed out that an HRC survey showed that 85% of gay, lesbian, and bisexual people support a trans-inclusive ENDA, and 70% even support inclusion if it means the bill's passage would be delayed.³⁰⁸ These numbers suggest that, despite the beliefs of many homosexual rights activists, the homosexual community feels strongly about their ties to the trans community.

This is a direct counter to another argument that came out of ENDA: the argument made by some homosexual activists that the homosexual community does not have a duty to help trans people—at least not if helping trans people means backtracking for the homosexual rights movement. In an October 8, 2007 article for *Salon* titled “How did the T get in LGBT?”, John Aravosis, a prominent gay activist and blogger, advanced a similar pro-incrementalism argument as Frank and Crain before turning to this question:

I have a sense that over the past decade the trans revolution was imposed on the gay community from outside, or at least above, and thus it never stuck

³⁰⁷ Keisling, “Time for ENDA to be changed.”

³⁰⁸ Ibid.

with a large number of gays who weren't running national organizations, weren't activists, or weren't living in liberal gay enclaves like San Francisco and New York. Sure, many of the rest of us accepted de facto that transgendered people were members of the community, but only because our leaders kept telling us so. A lot of gays have been scratching their heads for 10 years trying to figure out what they have in common with transsexuals, or at the very least why transgendered people qualify as our siblings rather than our cousins. It's a fair question, but one we dare not ask. *It is simply not p.c. in the gay community to question how and why the T got added on to the LGB, let alone ask what I as a gay man have in common with a man who wants to cut off his penis, surgically construct a vagina, and become a woman.*³⁰⁹

Aravosis continues to say that this lack of understanding within the homosexual community has resulted in limited support for trans inclusion within the homosexual community and that, while that normally wouldn't matter, it became a problem with ENDA because ENDA put immediate satisfaction for homosexuals at odds with satisfaction for trans people:

...[W]hen we are asked—well, told—to put our civil rights on hold, possibly for the next two decades, until America catches up on its support for trans rights, a lot of gay people don't feel sufficiently vested in trans rights, sufficiently vested in the T being affixed to the LGB, to agree to such a huge sacrifice for people they barely know.³¹⁰

Aravosis extends this argument to point out that it took many members of Congress 30 years to accept the sexual orientation-only ENDA, while gender identity had only been included for five months. Given this, and given that gay men like him don't even have an adequate understanding of gender identity, how could trans rights activists expect Congress to immediately accept the gender identity protections and pass the trans-inclusive ENDA?³¹¹

³⁰⁹ John Aravosis, "How did the T get in LGBT?" *Salon*, October 8, 2013. <http://www.salon.com/2007/10/08/lgbt/>. Emphasis added.

³¹⁰ *Ibid.*

³¹¹ *Ibid.*

Trans historian and activist Susan Stryker responded directly to Aravosis, arguing that the homosexual and trans communities are not as separate as Aravosis suggests. According to Stryker, the two groups are linked by gender because homosexuality depends on people of one gender feeling an attraction to the same gender, while trans identity involves people determining their own gender. Stryker argues that “gender and sexuality are like two lines intersecting on a graph, and trying to make them parallel undoes the very notion of homo-, hetero- or bisexuality.”³¹² Furthermore, Stryker points out that it was the AIDS epidemic that aligned transgender people with LGB people:

The Reaganite right wanted to label AIDS ‘gay-related immune deficiency...’ AIDS was not a gay disease, but convincing others of that fact required a transformation of sexual politics. It fostered political alliances between lots of different kinds of people who all shared the common goal of ending the epidemic—and sometimes precious little else.³¹³

She argues that the “trans revolution” has come from within the homosexual movement, and that the two movements are more similar than Aravosis suggests in his editorial.

The 2007 ENDA controversy revealed three things about the LGBT movement. First, it showed that the movement was not as unified as its acronym suggests. Many lesbians and gay people, like Aravosis, still had questions about trans people, gender identity, and how they were related to their own struggles more than tangentially. As Stryker points out, ENDA became an outlet for these questions and prejudices:

Many lesbian and gay people who had never felt entirely comfortable being linked to transgender issues since the mid-1990s gave voice to long-

³¹² Susan Stryker, “Why the T in LGBT is here to Stay.”

³¹³ Ibid.

suppressed antitransgender attitudes that they'd formerly considered too 'politically incorrect' to express publicly—and supported splitting ENDA into two bills.³¹⁴

Many of these antitrans views that Stryker identifies were not new to the LGBT movement with the ENDA debates. The Mattachine Society in the 1950s had pressured its members to express their genders in a way that corresponded most closely to societal norms. In the 1960s, some homosexuals expressed uneasiness at the linkage they perceived between transsexuals, gender identity clinics, and gender conformity enforced on homosexual youths. In the 1970s, lesbian-feminists rejected trans women on the grounds that they were “parodying womanhood,” in some cases, and “rapists” of women’s space in others. To varying degrees, all of these historical details represent moments in history when homosexual people expressed discomfort about being linked to trans issues and identity, and made attempts to separate the two. When the trans movement arose again in the mid-1990s, many of these prejudices and conflicts remained unresolved. The ENDA controversy revealed a deep-seated anxiety that many homosexuals still held about trans people.

Second, the 2007 ENDA controversy revealed the tension between pragmatic incremental politics and inclusive politics. For many of the legislators involved, the decision to split ENDA hardly needed to be considered; it was, after all, the politically-expedient option, and the most likely to achieve results. For trans activists, however, the politically expedient option also meant further marginalization for them and the community they represented. This issue was complicated due to the shared history between the homosexual and trans movements. Given that homosexuals had given up the fight for depathologization of transsexuality when homosexuality was

³¹⁴ Stryker, *Transgender History*, 152.

removed from the *DSM* in 1973, trans people were necessarily wary about letting the homosexual movement go ahead with a trans-exclusive ENDA. While proponents of incremental politics like Barney Frank suggest that a bill about gender identity should be easier to pass if Congress has already discussed and passed a bill about sexuality, there is a significant difference in lobbying power between HRC and trans lobbying organizations. For trans people, the risk that HRC—or other predominantly gay-oriented rights organizations—may pull their support once they pass a sexual orientation bill indicates that, for trans people, the stakes in debates about incremental versus ideal politics are much higher and much more personal than they are for others; being left out of a bill matters much more when the historical precedent suggests that being left out of the bill may be the first step toward being left out of the coalition altogether. Thus, arguments advanced by homosexuals like Chris Crain, who argued that trans people should stop protesting the trans-exclusive ENDA and let homosexuals advance with a vote in Congress, can come across as a personal attack on the trans community.

Third and finally, the ENDA debates revealed how easily the divide in the LGBT movement can be ignored—unintentionally or intentionally. In the case of ENDA, the debate between pragmatic politics and incremental politics came to define the entire controversy. Almost none of the voices in the debate openly questioned the role of trans people in the movement—with Aravosis being a notable exception. Even those who made explicit arguments about the benefits of passing a sexual orientation-only bill did not necessarily understand the extent to which their political suggestions could be construed as antitrans sentiment. By not understanding the stakes that trans

people have in the inclusive ENDA, many homosexuals made arguments about passing a trans-exclusive ENDA that served to widen the gap between trans and homosexual people.

Conclusion

The trans movement was rejuvenated in the 1990s by the emergence of a united trans community, trans-inclusive AIDS activism, increased trans visibility through the rise of vocal activists and the Internet. Within a few years, this new community had mustered the strength to lobby Congress—and the large gay rights organizations that had drafted ENDA—for the inclusion of gender identity in the bill. In the process of doing so, it helped create the LGBT movement, convincing various organizations to change their mission statements and names to include trans people. However, their lobbying revealed deep schisms within the supposedly unified LGBT community, with homosexuals indicating their anxieties about being paired with trans people for legislation. In some ways, the conflict over ENDA was a reminder that the problems of the 1950s had never been resolved. Being pushed out of the bill to easier pass a trans-exclusive ENDA reminded trans people of past moments when the homosexual movement had separated itself from them in the past, like when the Mattachine Society pressured its members to conform to gender norms in the 1950s, or when lesbian-feminists used the same doctrine that added them to feminism to expel trans people from their organizations. That these problems have yet to be resolved even within the purportedly-united LGBT movement indicates that the LGBT movement is not as unified now as people may believe—and that now is the time to do something about it.

CONCLUSION

Stepping Back, Looking Forward

When Human Rights Campaign (HRC) added “transgender” to its mission statement in 2011 and officially began advocating for LGBT (lesbian, gay, bisexual, and trans) people—as opposed to just lesbian, gay, and bisexual people—it was one of the last gay and lesbian rights organizations to do so. By 1995, the gay and lesbian rights organizations of the 1980s and 1990s had become an endangered species. In the course of a few short years, the gay rights community had nominally become an LGBT rights community.

The change, however, did not come from within the gay rights community. Rather, it was the result of intense trans activism in the early 1990s in response to their exclusion from the Employment Non-Discrimination Act (ENDA). Purportedly left out of the bill by HRC for pragmatic purposes, trans people pressured gay rights groups to add trans people to their mission statements. While many groups agreed to do so, these new LGBT groups—and the LGBT community that they represented—did not equally represent lesbian, gay, bisexual, and trans people. HRC, the largest of the organizations, resisted pulling support for a trans-exclusive version of ENDA, inciting the ire of trans activists. In this context, some lesbian, gay, and bisexual people—like those who were running the Task Force at the time—allied with trans people, pushed against HRC, and refused to support any version of ENDA that excluded gender identity. Others—including many gay activists and op-ed writers—purported to speak for the “silent majority” of the lesbian and gay communities,

arguing that LGBT groups should support a trans-exclusive ENDA if it had the potential to pass quicker than a trans-inclusive alternative.

On the surface, the critiques by homosexual activists about including gender identity in ENDA was rooted in a debate about the tension between incremental and all-inclusive gains in U.S. politics. On a deeper level, however, these critiques revealed a conflict within the LGBT movement between homosexual and trans people about whether the two groups should be allied at all. Some gay activists, like John Aravosis, explicitly made this argument, questioning “how and why the T got added on to the LGB” and what gay men like himself “have in common with a man who wants to cut off his penis, surgically construct a vagina, and become a woman.”³¹⁵ Others, like Barney Frank, advanced an argument based around incremental politics, arguing that refusing to vote on the trans-exclusive ENDA, and possibly denying millions of homosexuals employment protection in the interim period until a trans-inclusive ENDA would be able to pass, would be immoral. While this argument does not explicitly question the presence of trans people in the LGBT movement, by suggesting that the LGB can be separated from the T at all, Frank challenges the idea that the LGBT movement (and the LGBT organizations that comprise it) has an equal duty to weigh and represent the interests of all of its members when making political decisions. In order to consider the incremental stance advocated by Frank, homosexual and trans people must be separate enough within the LGBT movement that LGBT organizations, and the people who lead them, must be willing to leave out one group for the other. In other words, homosexual and trans people cannot see themselves as inextricably linked in a single community, as the acronym “LGBT”

³¹⁵ Aravosis, “How did the T get in LGBT?”

used to describe organizations and people suggests they must be. If they did, homosexuals would not be willing to cut trans people out of legislation with the potential to positively impact both communities.

This thesis has argued that, historically speaking, Frank's implicit argument has been correct. As Chapter 1 showed, the concepts now known as homosexuality and trans identity—and, more broadly, sexuality and gender—were conflated at the start of the twentieth century within the gender invert definition of homosexuality. Throughout the 1950s and 1960s, transsexuals and homosexuals defined themselves in relation to one another. Transsexuals explicitly characterized themselves as heterosexual people whose glandular anomalies had caused an incongruence between their body and mind that could easily be cured by hormones and surgery—unlike homosexuals, who were considered mentally ill. Homosexuals emphasized that they did not want to alter their genitalia, that they were gender conforming, and that the only difference between them and heterosexuals was to whom they were attracted sexually. Distinct from both of them, transvestites defined themselves as people who crossdressed to alleviate their gender dissonance and did not wish to change their genitalia, though they might decide to live full-time as the other gender. As transsexuals, homosexuals, and transvestites defined the boundaries of their identity groups in relation to one another, they also defined the concepts of sexuality and gender more broadly.

Chapter 2 followed these conflicts into the 1970s and 1980s, when homosexual and trans movements briefly coalesced following the Stonewall Riots, only to split more violently than ever before. The post-Stonewall environment opened

up new spaces for transvestites in homosexual organizations and prompted radical organizing among homosexuals, transvestites, and transsexuals that brought their disparate groups together. In 1973, however, gender conformity following the Vietnam War closed the space for transvestites in the gay movement that had been opened by Stonewall, while the depathologization of homosexuality ended efforts by homosexuals to fight the medical establishment even though transsexuality was effectively still pathologized, ending with it the alliance between homosexual and transsexual organizations. Even more intense was the rift that developed between second wave feminists and trans people. Theoretical developments within lesbian-feminism prompted lesbian-feminists to view trans people as violators of women's space, throwing trans people out of their organizations and attempting to reduce access to hormone therapy and sex reassignment surgery in response. By the 1980s, the combination of separation from the gay community and attacks by the lesbian-feminists had crippled the trans movement.

Chapter 3 traced the rise of the LGBT movement in the 1990s and the subsequent controversy surrounding trans-inclusion in ENDA to show that, despite rhetoric of unity, the tensions that plagued homosexual and trans communities throughout the twentieth century persist today. The LGBT movement arose in response to trans activism surrounding a number of issues—most prominently trans-exclusion from ENDA. Both the process of pushing homosexual organizations like HRC to adopt the trans-inclusive bill and the responses of homosexuals to such efforts indicate that the historical schism between homosexual and trans people has persisted since at least the 1950s in one form or another.

As Chapter 3 notes, the legislative battle over trans inclusion in the 2007 iteration of ENDA changed the political landscape surrounding the bill. Since 2007, the exclusion of gender identity has not been an option for either LGBT organizations or Congress. Given this, one may question the relevance of this history. If the LGBT community and Congress now agree that ENDA is to include gender identity, if this is no longer a barrier for passage as Frank and others suggested in 2007, could one say that the issue is resolved? If, as HRC found, 70% of homosexuals are willing to delay the passage of ENDA in order to include gender identity in the bill, have the two communities been united at last?³¹⁶

This analysis suggests that this is not the case. Since at least the 1950s, these two communities have defined themselves relative to one another, even as they found common ground. While these two groups achieved unity in the 1990s, it was not the result of a reduction or understanding of differences but rather the result of political necessity. On the part of trans activists, it was an effort to join a community with which they had worked historically to advocate for the common cause of an employment non-discrimination act. On the part of homosexual activists, it was an effort to avoid the potential political backlash from shutting out the trans population. That homosexuals pushed back against the trans-inclusive ENDA indicates that the political alliance has not necessarily corresponded to greater understanding of gender issues among cisgendered homosexuals. As Gallup's poll of Americans about their opinions of homosexuality in 1989 and 1992 indicate, support for employment

³¹⁶ Keisling, "Time for ENDA to be changed."

discrimination protections for a population does not necessarily correspond to understanding of or sympathy for their unique issues.³¹⁷

If the LGBT movement were nothing more than a political alliance or coalition, this would not be a problem. The use of phrases like “LGBT issues,” “the LGBT movement,” or “LGBT youth” indicates, however, that these homosexuals and trans people, beyond being considered parties in an alliance, are viewed as part of a cohesive whole that can be referred to as such. Given this, the relationship between homosexual and trans people is particularly relevant. The two share similar problems and their goals sometimes run parallel, but they also have different experiences that sometimes bring their goals into conflict. If this relationship is as volatile as it has been historically, perhaps the assumption that solidarity between homosexual and trans movements leads to more strength for both (as Leslie Feinberg argues³¹⁸) is incorrect. If being subsumed under the LGBT umbrella hurts trans people, perhaps it would be better for the trans movement to split off from the lesbian, gay, and bisexual movements. An autonomous trans movement could fight for its unique trans causes—like changes to government-issued identification or the coverage of hormone therapy and sex reassignment surgery in health insurance—on its own or with homosexual allies, but would not be tied to the homosexual movement’s priorities. The trans and homosexual movements could work together when their interests align and separately when they don’t. Instead of lobbying the leaders of massive LGBT organizations to pay attention to gender issues, trans activists could lobby them to join in the fight for trans-relevant causes and, in absence of their support, could continue to fight for their

³¹⁷ Newport, “Six Out of 10 Americans Say Homosexual Relations Should Be Recognized as Legal.”

³¹⁸ This is the central argument of Leslie Feinberg’s 1998 book *Trans Liberation*.

own goals. The trans movement would not be subject to the powerful homosexual movement's pressures.

But perhaps this is wrong, and unity actually does increase the strength of both movements. Perhaps ENDA was an exception, and, while trans and homosexual issues may not always align, they are not necessarily in conflict. Perhaps trans issues are often overlooked by large organizations like HRC, but, when they are not, these predominantly-homosexual LGBT organizations use their power and money to effect change that would be impossible for a comparatively small trans movement to enact alone. If this is the case, then the stakes are much higher. When the homosexual community cuts the trans community out of marches, meetings, and bills, it is doing more than effecting a divide between the two groups: it is depriving the trans community of fundamental human rights. Like the homosexual community, the trans community suffers from crippling employment discrimination. If the homosexual community can extend these rights by including trans people in its efforts, then it should do so. To exclude the trans community is to be complicit in the civil rights violations that trans people face every day.

If the LGBT movement has the ability to help trans people but fails to do so, then the LGBT movement as it is currently constituted must be restructured. LGBT organizations must be reorganized such that they represent lesbian, gay, bisexual, and trans people more equally. Before that can happen, however, the lesbian, gay, bisexual, and trans individuals who comprise the movement must be aware of the history recounted here. It is only by understanding how and why homosexuality and trans identity were separated that homosexuals and trans people can understand the

conflicts between their groups. It is only by understanding how homosexuality and trans identity came to be considered mutually exclusive identities that homosexuals and trans people can understand that their identity categories are not as airtight as they may believe. Ultimately, if lesbian, gay, bisexual, and trans people wish to form a united LGBT movement, they must understand how and why they were driven apart. It is only then that they will be able to move forward together.

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