



# IT'S TIME, ILLINOIS...

...FOR FREEDOM OF  
GENDER EXPRESSION!

Political Action for the Transgender Community

Volume 8 Issue 1

January 2002

## **Transsexual Employee Loses Gender Identity Discrimination Lawsuit**

(Minneapolis) OutFront Minnesota, the state's leading advocacy agency serving the gay, lesbian, bisexual, and transgender communities, announced its regret over today's decision by the Minnesota Supreme Court denying the right of transgender citizens to appropriate restroom access. "To some, the issue of restroom access may seem trivial," said Ann DeGroot, Executive Director of OutFront Minnesota, "but those restrooms symbolize the traditional male-female categories which, as the Legislature realized many years ago, not all people neatly fit into any more. Further, the issue implicitly raises the question of who is entitled to define a person's gender identity: individuals themselves, or their employers?"

The case, *Goins v. West Group*, involved a growing workplace controversy: which restroom does a transgender person use? Julieanne Goins, a former West Group employee, had transitioned from male to female even before beginning work at West, yet had been denied access to the women's restroom upon transfer to its Minnesota facility. Goins argued that restroom access should be based on one's consistently-projected gender identity, not on an employer's speculation as to its employee's anatomy. "Common sense says we interpret other people's gender based on their clothing, grooming, name, and so on, without ever knowing what their genitals look like," observed DeGroot. OutFront Minnesota and the Minnesota Lavender Bar Association submitted a friend-of-the-court brief arguing that the legislative history of the Minnesota Human Rights Act's "sexual orientation" provisions supported this interpretation.

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**The Next Meeting of  
It's Time, Illinois  
Will Take Place at 7:30 p.m. on  
Thursday, January 3, 2002  
at Transformations  
146 N Oak Park Avenue  
in Oak Park**

### **Miranda Writes...**

*By Miranda Stevens-Miller*

### ***Goin... Goin... Gone***

For years Minnesota was the only state to have a trans-inclusive civil rights law. Ever since it was passed in 1993, the Minnesota Human Rights Act was held up by the transgender community as the model of how to write transgender-inclusive civil rights legislation.

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## Discrimination Lawsuit

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The Minnesota language was used in Evanston, Illinois' first city to protect transgenders. And it was used in the civil rights bill, HB101, pending right now in the Illinois Senate. It was the best language we had.

"We're very disappointed the Court held that the law permits employers to ignore a person's everyday appearance, and focuses instead on areas of the body employers have no business demanding to see," said Phil Duran, OutFront Minnesota's Legal Program Coordinator and author of its brief. "This decision makes a mockery of the Human Rights Act by effectively mandating that transgender employees describe their genitals in order simply to go to the bathroom. This is the same sexual harassment this very Act prohibits." Duran predicted that transgender Minnesotans may now face demands to describe their genitals in order to access restrooms in public accommodations, such as restaurants, and in other circumstances.

The case had attracted national attention, and was the first in which the Minnesota Supreme Court had interpreted the transgender-related language of the Human Rights Act. That language has served as the basis for similar civil rights protections in other states since the Legislature approved it in 1993.

### **Call for Reports of Discrimination and Hate Crimes**

Early this year It's Time, Illinois plans to release a new report on Discrimination and Hate Crimes. Our goal is to document as many cases as possible. If your gender identity or expression caused you to be the victim of discrimination or a hate crime in 2000-2001, we need your story!

To report your case, you may call our hotline number (312-409-5489), leave your name and phone number, and indicate that you want to report a case of discrimination or hate crime. We will contact you shortly to take your statement. Or, you may visit our web site ([ItsTimeIL.org](http://ItsTimeIL.org)), where special report forms are available.

## Miranda Writes...

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But now the usefulness of that law is highly doubtful. Although the Minnesota law has been on the books for eight years, it wasn't until last year that a complaint of discrimination was filed based on the trans-inclusive definition in that law. For the first time, that Minnesota language was tested in a court of law... and it lost.

Julienne Goins had filed discrimination claims against her employer, West Group, because they denied her access to the women's restroom. The case went from trial court, to appeals court, and finally to the Minnesota Supreme Court. In a decision that surely must rank up there with the most idiotic decisions of all times, the Minnesota Supreme Court ruled on November 29 that West Group did not discriminate because Goins failed to show that she was "eligible to use the restrooms designated for her biological gender."

Okay... let's take a look at the evidence, and you decide whether Julienne Goins had done enough to show that she was eligible to use the women's room.

First of all, she had been presenting herself a woman ever since she was hired at West Group in 1997. She was hired as a woman, and none of her colleagues there knew her as anything else than the woman she was.

Julienne Goins' legal name is Julienne Goins, and her legal gender is female. The documents that she brought with her from the Great State of Texas clearly attest to the fact that Julienne Goins is a woman. She has been on hormone replacement therapy for many years, just like many other women, to regulate her a slight hormonal imbalance.

So what's the verdict folks? Is Julienne eligible to use the women's room?

I am of the firm belief that if it walks like a goose, and flies like a goose, and honks like a goose... it's a goose! You don't have to pluck all its feathers and cook it for Christmas to know that it will taste just like a goose. Surely, you don't have to undress a woman and look at her genitals to know what gender she belongs to.

## WHATEVER

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*By Beth Plotner*

### **Hate Is Still With Us**

In a previous column, I had joked about having to set up panty checkpoints outside restrooms to determine one's eligibility to enter those hallowed spaces. Seriously, it seems that that would be the only evidence that would have satisfied the Minnesota Supreme Court in this case. They didn't believe her consistent gender presentation over at least a half a dozen years. They didn't believe her official documentation from Texas. They didn't believe anything.

Julienne's co-workers were concerned because they "believed Goins to be biologically male." Nowhere in the court record did the Supreme Court actually ask for proof of biological maleness or femaleness. Just like her ignorant coworkers, the learned judges of the Minnesota Supreme Court assumed that she was biologically male.

Nor did they ever define "biologically male." If they were referring to Julienne's hormonal status, then they would have to admit she was female. If they looked at her physiological, psychological, or emotional status... female, female, female. They did not ask about her chromosomal status, but then again, how many of the esteemed Justices are aware of their own chromosomal gender status.

So it all gets back to the anatomical imperative. Regardless of one's gender history, a person's gender is what the doctor pronounced at the moment of birth.

The Supreme Court of Minnesota has done a great injustice to the transgender community. According to Phil Duran, of OutFront Minnesota, the decision mandates that transgender employees must "describe their genitals in order simply to go to the bathroom. This is the same sexual harassment this very Act prohibits."

I think that we need to look at the implications beyond the transgender community, to the general population as well. From butch women, to intersex people, to gender queer youth, to all those who are gender nonconforming in any way. If all it takes is the suspicion on the part of co-workers that you are not of the gender you present yourself as, then we really are in danger of becoming a nation held captive by the gender police.

Miranda Stevens-Miller can be reached at [MirandaSt1@aol.com](mailto:MirandaSt1@aol.com).

On the last Thursday of November, It's Time, Illinois held an anti-hate vigil on the National Transgender Day of remembrance outside of the State of Illinois Building. According to Windy City Times about 100 people attended the event. Despite the cool weather, I was glad to see so many people show up.

However, less than 48 hours preceding this event a hate crime against a transgendered person occurred here in Illinois. Luckily, the person survived the assault. The person was beaten and had four teeth knocked out by her assailants. Fortunately, a passerby called police and the two assailants ran away as the police arrived. I will not go into the details of this assault just to say there were arrests made but whether there will even be a trial let alone a conviction remains a question.

You see the person who witnessed the attack thought these two big men were attacking a woman. When she learned that the victim was Transgendered she all of a sudden became unsure of what she really saw. Though when she thought it was a woman things were pretty clear. According to the victim the police from a far north suburban department treated her with no respect and found the incident to be amusing.

In my opinion what we have here are three hate crimes committed against the victim. The first was by the two attackers who were laying in wait. The second by the witness whose eyesight seems to have deteriorated when she learned of the victim's gender identity. Finally, the third being the police for the less than professional way they preformed their duties.

So does that mean our anti-hate vigil was futile? Of course it wasn't. If we could even raise one person's awareness we have accomplished something. It just goes to show the need for continuing to educate the public and the authorities. We must educate the public at large so that it should make no difference whatsoever

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## WHATEVER

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if the victim of an attack is a woman, man, transgendered, gay, bisexual or lesbian. We must educate the authorities so they give the same respect and understanding to a victim of a crime regardless if the person is transgendered, lesbian, man, gay, woman or bisexual.

Yes, hate is still with us. We cannot let our guard down and let these acts go unnoticed let alone unpunished. For when and only when every decent caring person does something to end hate then and only then will hate no longer be with us.

### ***Feedback . . .***

Problems? Questions? Disagreements? Want to submit an article? Please write to us. We love to get mail.

#### **It's Time, Illinois! Board Members:**

##### **Chair:**

Beth Plotner  
BethJD@earthlink.net

##### **First Vice Chair:**

Lisa Scheps  
Lscheps@mindspring.com

##### **Second Vice Chair:**

Marsha Jackson  
Marsha J@aol.com

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Tina Wood-Sievers  
Tinawood1956@cs.com

##### **Treasurer:**

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##### **Past Chair:**

Miranda Stevens-Miller  
MirandaSt1@aol.com

## It's All About Me... NOT!

By Lisa Scheps

One of my favorite plays written by the Bard of Avon, Mr. William Shakespeare, is "*The Tempest*". In the play Stephano says these words to Caliban, the grossly deformed servant to Prospero as they were being confronted by the airy spirit, Ariel. Stephano says, "Coragio, Bully monster, Coragio." Now your asking yourself, "What does that have to do with Lisa's column this month?" I'm glad you asked.... Basically, it is a way to show my incredible literary knowledge while letting you, The Reader, know that the subject of this month's article is courage. Pretty tricky, huh?

Courage. That is a word that I have learned applies to so many of us – may I be so bold as to say probably **all** of us. But so most of us don't even know how courageous we truly are. When people say, "It took a lot of guts to transition the way you did." Most of us reply by saying, "It didn't take guts, it just was something that I had to do... just to survive. No guts."

Let's think about that for a moment. Did we really have to do this? Did we really have to tell all of our friends, family, and co-workers the truth about ourselves -- permanently changing the way those same people looked at us?

I know for my part, I could have gone on living a lie. I could have maintained the status quo. I could have continued to wallow in self-loathing and hatred. But I didn't. I took the step that I never ever ever, not in a million zillion years, thought that I would have the courage to take. I gave up my male privilege, my automatic credibility, my personal safety, and my human rights in order to transition. If that doesn't reek of bravado I don't know what does.

In my case (remember, it's all about me) I knew, going in, what a brave step I was taking in transition. But let me tell you about a time when I wasn't as 'in touch' with my courage as I am now.

On June 21, 1977 I went from upper middle class to poor in the space of one day. When I was 18 years old, I left my (very comfortable) parents' home in Houston and moved to New York. From that point forward I was on my own in every respect of the word. Talk about a shock to the system! Oy Vey! (*Yiddish for 'Oy Vey!'*) For many years, I lived in poverty some 1500 miles away from the warmth and comfort of my home town and family. I stuck it out and survived!

People used to tell me that it took incredible guts to leave home at 18 and move to a city the likes of Nueva York (see, I'm bi-lingual as well). For years and years, I sloughed it off saying, "It didn't take guts. It took youth, naiveté and stupidity." But guess what I learned many years later? Something that you probably already knew. **IT TOOK A BUTT-LOAD OF GUTS TO MOVE TO NEW YORK CITY WHEN I WAS STILL A CHILD.**

So now, when I think about that step that I took in the late seventies, I give myself a little pat on the back. I congratulate myself for doing something that few people do. I acknowledge the fact that I am part of the privileged few -- I am a person that followed her dream. I am proud of me.

If you look at that last paragraph and apply those words to the journey that many of us take, I think that you will be forced to agree that it **does** take guts to transition. It takes a helluva lot of guts. And you have guts.

So when you think of the steps that you have taken, give yourself a little pat on the back. Congratulate yourself for doing something that few people do. Acknowledge the fact that you are a part of the privileged few – A person who follows their dream. Be proud of you! Just like I did.

After all, It's all about me.... NOT!

## **Thanks to Our Contributors**

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A big thank you goes out to those who contributed articles to the newsletter this month.

- Miranda Stevens-Miller
- Lisa Scheps
- **ITA**
- Beth Plotner
- OutFront Minnesota
- **Tina Wood-Sievers**

## **JACKSONVILLE COMMUNITY ACTIVIST MURDERED IN FRONT YARD**

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Equality Florida joins family and friends in mourning the loss of transgender activist Terrienne Summers who was gunned down outside her home on the evening of December 12, 2001.

While the Jacksonville Sheriffs Office has no suspects at this time, the circumstances surrounding the murder indicate the attack may have been a hate-crime. Equality Florida recognizes that transgender people are statistically the most targeted group for hate violence in America today, and we call on law enforcement agencies to fully investigate the possibility that this was a bias motivated attack.

The murder comes in the shadow of November 28th, the third annual National Day of Remembrance for transgender people killed in hate crimes. According to statistics collected by the education organization Gender Education and Advocacy, hate crimes have resulted in the murder of nine transgender people in Florida, ranking our state as sixth most dangerous in the country. Unfortunately these grim statistics represent only a fraction of the violence transgender people experience because law enforcement agencies often undercount or incorrectly classify hate crimes against transgender people due to lack of education and awareness of gender issues.

According to the First National Study of Transgender Violence performed by GenderPAC, 60% of transgender people nationwide have been the victims of violent assault with nearly half requiring medical care for their injuries.

Terrienne was a human rights activist who worked closely with local and state human rights organizations and who helped to organize and empower the transgender community in the Jacksonville area. Her sudden and violent death is a great loss for her family and friends as well as for the transgender community long ravaged by hate-based violence.

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## ACTIVIST MURDERED

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Terrienne was always quick with a smile and eager to help others," said Jessica Archer, fellow transgender activist and friend who works for Equality Florida. "She showed tremendous courage to be out and active in a part of the state where transgender people are highly misunderstood and are generally afraid of being visible."

Terrienne Summers is survived by a spouse and two children.

## Minutes for the Monthly Meeting of December 2001

*By Tina Wood-Sievers, Secretary*

The meeting was called to order at 7:40 p.m. on Thursday, December 7, 2001, at Ann Sather's Restaurant, 929 W. Belmont, Chicago, Illinois. In attendance at the meeting were Beth Plotner (Chair), Carole Abrams, Marsha Jackson, Anne Kavanaugh, Toni Monzo, Miranda Stevens-Miller, Diana Williamson, Jack, and Tina Wood-Sievers.

### Legislation

Beth briefly discussed the decision in the Goins case in Minnesota. The language of the Illinois bill that has passed the House is based on the Minnesota law. In it's current format, the bill would not protect transgendered individuals.

Miranda reported on the status of the Chicago ordinance. According to the Free Press, the bill is stalled. There has been no progress to report since the last meeting. Miranda also reported that as of December 14, Mary Morton will be an independent consultant, but will be working as an advocate on this issue.

### Discrimination Report

Tina Wood-Sievers reported that she would be working at compiling the report over her Christmas break. Beth indicated that she would send some cases that she has to Tina. A draft of the report will be sent to the board in early January. Beth discussed a recent Lake County case

of a transgendered hate crime. If anyone has cases to report, please get them to Tina immediately.

### Vigil

Tina Wood-Sievers reported that the vigil was a huge success. Lisa Scheps put a great deal of effort into the event, including getting a waiver of the \$300 rental for the sound system. The Windy City Times reported that it was probably the largest transgendered event in the history of the state of Illinois.

The speakers were wonderful and we were the front page story in the Windy City Times and the Free Press. Among the things that went well was the participation of individuals from the cosponsoring organizations. We had representatives of the Free Press, Windy City Times, and WBEZ were in attendance. One goal for next year is to establish relationships and receive coverage from the mainstream media.

Beth and Miranda both thanked Lisa and Tina for their hard work on the event, and to everyone who participated.

### Creating Change

Beth Plotner, Lisa Scheps, Miranda Stevens-Miller, and Tina Wood-Sievers all attended the Creating Change conference, which was held November 7-11 in Milwaukee. There were wonderful speakers at the event, including a series of workshops on transgendered

## ***How to contact us . . .***

### **It's Time, Illinois!**

P.O. Box 3932  
Oak Park, IL 60303

### **Telephone Hotline:**

(312) 409-5489

Please leave a message. We will get back to you as quickly as possible.

### **E-Mail:**

ItsTimeIL@aol.com

### **World Wide Web address:**

<http://ItsTimeIL.org>

### **It's Time, America!**

<http://gender.org/ita>

issues. This is the premier GLBTQIS activist conference, and provided participants with excellent opportunities for networking.

Creating Change 2002, the 15th annual premier national conference for the gay, lesbian, bisexual and transgender movement, will be held **November 6-10, 2002**, in Portland, Oregon. Any member of ITI interested in attending an event that is informative, fun, and energizing should mark their calendars now.

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## LEFT OUT AGAIN

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*From ITA*

The St. Petersburg City Council gave preliminary approval Thursday, December 20, to banning discrimination on the basis of sexual orientation. But the council declined to apply the same protection to transsexuals and others with non-traditional "gender identity."

The law would extend to homosexuals, bisexuals and heterosexuals in employment, public accommodations and housing. It would expand the city's discrimination protection beyond state and federal laws, which do not ban discrimination for sexual orientation.

The council approved two possible versions of the law. The only difference in the versions is whether "governmental entities" would be exempt. City attorneys said that without the governmental exemption, the city could find itself in the position of investigating, or suing, itself.

The vote was 7-1 in favor of the proposal that would exempt governments, with Bill Foster opposed. The vote was 5-3 in favor of the version that applies to governments, with Foster, James Bennett and Earnest Williams opposed.

Mayor Rick Baker has opposed expanding city law beyond the protection provided by state and federal laws. But any mayoral veto could be overridden with seven council votes. The final vote is expected in January.

The lobbying group Equality Florida had asked the definition of sexual orientation to include people "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness."

About 50 people attended Thursday's discussion, and afterward several cross-dressers, transsexuals and others who identify themselves as "transgendered" approached the lectern to tell council members they had made a mistake by choosing the more limited definition of "sexual orientation."

"If you do not pass an ordinance that protects transgendered people, you are sending a message that transgendered people don't count," said Jessica Archer. Such an ordinance, she said, would contribute to the social climate that led to the recent slaying of a transgendered activist in Jacksonville.

Harold M. Brockus, pastor of Good Samaritan Church, which has homosexual, bisexual and transgendered members, gave the council a backhanded compliment. "For our gay and lesbian members, I want to thank you," he said, "for our transgendered members, I sincerely hope you will consider making this ordinance more inclusive."

The wording in both proposed versions that received preliminary approval Thursday: "Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality or bisexuality." The only difference in the two versions approved Thursday is whether governments would be subject to the new requirements.

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## Membership Renewal Time

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In early January we ITI will be sending out membership renewal letters. As you read through this issue, you should become acutely aware that the work it ITI is critical to the advancement of transgendered rights in the state of Illinois.

Your continued support of ITI, at whatever level, will help us to continue the vital work ahead, including the Chicago and state ordinances. As Michelle Mohr, from Amnesty International said at the vigil in November, "transgendered rights are human rights."

As ITI continues to fight for the rights of our community, we thank everyone for their past support, and look forward to your continued involvement in this important work.

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## Application for New or Renewal Membership

YES, I would like to join (\_\_\_\_\_) or renew (\_\_\_\_\_) my membership in It's Time, Illinois!

Name(s) \_\_\_\_\_  
Name to Be Used on Mailing Label (if different from above) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP+4 \_\_\_\_\_  
Home Telephone \_\_\_\_\_ Work Telephone \_\_\_\_\_  
E-mail Address \_\_\_\_\_

Membership Level (check one):

Annual - \$15       Supporting - \$35       Household - \$50       Sustaining - \$75  
 Benefactor - \$150       Lifetime - \$250       Other - \$ \_\_\_\_\_

How would you like to be involved with It's Time Illinois? (Please check all that apply.)

Keep informed by newsletters       Participate in monthly meetings  
 Participate in actions       Join a working group or committee  
 Liaison with other human rights groups. Please specify \_\_\_\_\_  
 Do you have any special skills that could help us out? (legal / legislative, artistic / design, technical / computer) Please specify: \_\_\_\_\_

Have you ever been a victim of a hate crime or discriminated against because of your gender identity, expression, or image? Yes / No (circle one)

If yes, may we document your case for our report? Yes / No (circle one)

Please mail, along with your check or money order, to:  
**It's Time, Illinois, P.O. Box 3932, Oak Park, IL 60303-3932**