

Sylvia Rivera Law Project

NEWSLETTER

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SRLP WINS VICTORY FOR TRANS PARENTAL RIGHTS

SRLP's first major family law victory has been to secure parental rights for a loving mother of two.

Amy, an SRLP participant who preferred that we not use her last name, was going through a divorce and custody battle with her wife. Amy's wife was seeking to terminate Amy's parental rights, including rights to custody and visitation of their children, based on Amy's gender identity. In March 2003, a judge issued a preliminary order saying that Amy could not visit her kids while wearing women's clothes. Amy was distraught both because she wanted to be herself with her children and because part of her gender therapy required her to live constantly as female, so the judge's requirement directly conflicted with Amy's medical care.

Assembly Member Dick Gottfried, who had heard of SRLP's work for transgender rights, referred Amy to us. In April, we took her case and started working with Amy to win back her parental rights. We teamed up with the law firm Paul, Weiss, Rifkind, Wharton & Garrison, working with lawyers Brian Urbano and Marc Falcone to advocate.

Our legal team succeeded in getting the judge to remove the conditions of visitation concerning gender identity and to secure that Amy has rights to visitation in the future.

This is a big victory for transgender parents. Historically and even now, judges deny parental rights to trans parents solely because they are trans.

SRLP's victory comes at an important moment when trans activists in places around the U.S. are pressuring courts to stop discriminating against transgender parents. A recent Clearwater, Florida custody case argued by lawyers at the National Center for Lesbian Rights was one of the first in the country to rule that a transgender man has parental rights. Michael Kantaras was married to Linda Kantaras for nine years and they raised two children together. During their divorce proceeding, Linda asked the court to invalidate their marriage and to deny Michael any parental rights, just because he is trans. In a major victory on February 23, 2003, Judge Gerard O'Brien awarded Michael Kantaras primary custody of his two children.

We are proud to have this amazing victory and look forward to helping other transgender parents secure their rights. Amy is a great mother and her children are lucky to be exposed to such a positive influence.



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mission

The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine our gender identity and expression, regardless of income, and without facing harassment, discrimination or violence.

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SRLP NEWSLETTER
AUGUST 2003



from the founder

Welcome to the first SRLP newsletter! We've almost completed our first year, and I am honored to share with you the amazing work that our volunteers, supporters, and friends have made possible!

To start, I will tell you that in our first year, we have provided legal services to over 100 low-income transgender, transsexual, intersex, and gender variant clients in cases ranging from discrimination in welfare and Medicaid systems, to unlawful eviction, to employment discrimination, to dangerous conditions of imprisonment. We have also trained over 300 service providers at agencies like the Hetrick-Martin Institute, Lawyers for Children, the Coalition for the Homeless, and Legal Aid on how to make their services welcoming and accessible to people facing gender identity discrimination.



SRLP has also been working on broader change on several important fronts. We've had significant victories in the area of foster care rights and family law, and we are developing cases about Medicaid coverage of transgender healthcare and violence and discrimination in schools against transgender youth. We're currently in court challenging denial of healthcare rights to trans youth in the juvenile justice system, and challenging the illegal denials of name changes to transgender people in New York City.

It's been a great year, and with each passing day I am more thankful for the dedication of our great volunteers and supporters! Our clients are brave, inspiring people fighting terribly dangerous discrimination to determine their own lives on their own terms. I feel so fortunate to be able to dedicate my time to supporting the self-determination of such amazing people. I hope you will all stay in close touch and let us know what you think of our efforts and how we can work together for an end to poverty and gender identity discrimination!

In Solidarity,
Dean

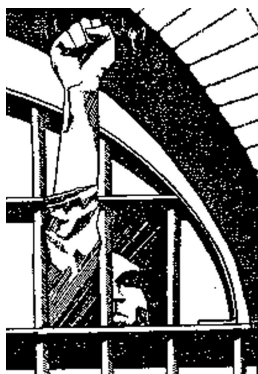
HONORING TRANS ACTIVISTS

MAVERICK ZACCHI is a 29-year-old intersex activist and SRLP participant who has struggled against discrimination and violence in the criminal justice system. We honor Maverick's bravery and commitment to justice.

"Maverick's generosity of spirit and hopefulness in the face of difficult conditions are an inspiration to me. I have no doubt that Maverick's activism will improve conditions for all future intersex and transgender prisoners," says SRLP founder Dean Spade.

After being sentenced to mandatory drug treatment in a men's facility, Maverick found it virtually impossible to be safe from violence and discrimination. Gender-segregated drug treatment centers prove to be inaccessible and unsafe for people who transgress the binary gender system. When Maverick revealed his intersex status to his counselor, the counselor violated Maverick's medical confidentiality, outing Maverick to all the staff in the facility and exposing Maverick to great risk. While in that institution, Maverick faced violence, including sexual violence, and no one prevented or stopped the abuse he endured. The horrible conditions Maverick faced made drug treatment, an alternative to incarceration that should be equally available to all offenders, completely impossible to endure.

This story is just one aspect of the discrimination that Maverick has faced in his struggle to survive the criminal justice system, which is dangerous and discriminatory to people who transgress gender norms. Maverick

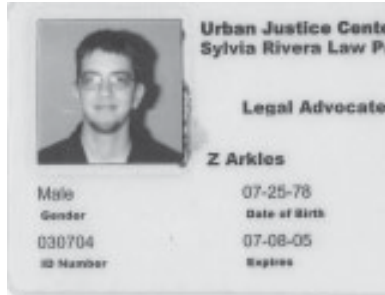


is currently incarcerated in the Clinton Correctional Facility, where he continues to struggle against the dangerous conditions in the criminal justice system. Maverick eagerly waits his release, which is scheduled for 2005, so he can continue fighting for the rights of all people who struggle against the rigid binary gender system, and the criminalization of poverty and addiction.

ANNOUNCING SRLP ID CARDS!

For people who do not look like the legal sex listed on their state issued ID, access to even the most basic facilities can be incredibly difficult. Our clients consistently report difficulties accessing public restrooms, pools, and other sex-segregated facilities. Having at least one piece of ID that says your correct name and gender can help if you get harassed or questioned. It can be difficult and time-consuming to get state ID changed, particularly if you are under 18 and your parents don't support your transition. To help out, SRLP is now making "SRLP participant" IDs that allow our participants to identify their own name and gender. These IDs won't work in every situation, but they may help.

If you think you or someone you know could benefit from having an SRLP ID, contact us at sylviaiveralaw@urbanjustice.org to set up an appointment to get an ID made.



Newsletter Contributors

- Sonja Sivesind
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SUPPORT SRLP

In order to fully participate politically and make our voices heard, transgender and gender variant people need access to housing, employment, education, and health care, and to sensitive and respectful service provision. We believe that ending gender identity discrimination will enrich the ability of all people to live with dignity and self-determination.

Yes! I would like to support SRLP with a tax-deductible donation of: \$200 \$100 \$50 \$25 \$15 other



Tear off this section

Make your check out to SRLP/UJC and mail to:

**Sylvia Rivera Law Project
Urban Justice Center
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Yes! I would like to receive the SRLP newsletter, please add me to your mailing list

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

email: _____

WHAT KEEPS US AFLOAT?

...YOUR SUPPORT!

The Sylvia Rivera Law Project began as a fellowship that was to last 18 months. One position was funded to conduct legal representation for low income transgender New Yorkers. Since its inception in August 2002, SRLP has known this work far exceeds one person's abilities and 18 months of time. Therefore, we are creating a sustainable development plan that includes a long term fundraising plan and hiring more staff to increase our capacity and institutionalize this vital work.

SRLP supporters have been showing their grassroots support by throwing house parties to raise money for SRLP. So far we've had one in San Francisco and one in Manhattan. Both had a great showing of supporters and each raised over \$3,000! House parties are one of our best fundraising strategies. They're fun and easy to do — so let us know if you have a space to offer, people to invite and/or energy to help plan such an event. If you would be able to contribute only some aspect of a house party (space, food, planning etc.) let us know and we will put you in touch with a group of co-hosts whose combined resources can pull off a great party.



SRLP Supporters

Lynne Angel, Simon Aronoff, Julie Batz, Leslie Batz, Ilana Berger, Jennica Born, Julianna Bright, Andrea Burnett, Paisley Currah, Jerry Dasti, Rebekah Diller, Karen Franklin, Kyle Goen, Rachel Goldberg, Hana Goldschmidt, Rachel Greene, Christina Hanhardt, Richard Haymes, Lisa Henderson, Alicia Heuvel, Bridget Joyce, Ann Marie Keyes, Danny Kirchoff, Gus Klein, Maria Lambert, Aubrey Lees, Seth Lorinczi, Emily Mann, Jody Marksamer, Tey Meadow, Jennifer Middleton, Michelle Miles, Meredith Miller, Shannon Minter, Katrina Mogielnicki, Michael Murray, H.C. O'Brien, Mariette Pathy Allen, Joann Prinzivalli, Kit Rachlin, Carolyn Riccardi, Shirley Sanematsu, Kay Schermerhorn, Tom Shanahan, Zak Sinclair, Johanna Singer, Allison Smith, Marilee Stark, Rania Sutton-Elbers, Diane Torr, Dana Turner, Dylan Vade, David Valentine, Clay Walsh, Jami Weinstein, Reid Williams, Martha Wilson, Kaycee Wimbish

SRLP Wish List

- » Spaces to throw house parties
- » Foundations you think we should apply to
- » Legal interns

VICTORY FOR TRANS TEEN IN FOSTER CARE

This past January, SRLP had a groundbreaking victory for transgender youth in foster care in the *Jean Doe v. Bell* case. Mariah Lopez, a 17-year-old transgender woman and SRLP participant, won the right to dress in women's clothing while a resident in foster care facilities run by the Administration for Children's Services (ACS). The court ruled that dress codes barring transgender youth in foster care from wearing clothing appropriate to their gender identity was illegal discrimination.

Mariah has been in and out of various group homes since she was nine years old after her grandmother, her primary care giver, passed away. Most recently she was a resident in the Brooklyn-based Atlantic Transitional Foster Facility, an ACS unit. Staff there limited her ability to wear clothes fully appropriate for her to times when she was about to leave the men's facility. The foster care facility's policy that barred Mariah from wearing dresses and skirts directly contracted her gender identity and her medical care, which required her to live full-time as a woman.



"What ACS was asking Mariah to do in terms of wearing male clothing was contravening what is best for her health and well being as a transgender person," said SRLP founder Dean Spade.

ACS staff also harassed Mariah and refused to acknowledge her transgender identity. "I was told that I was sick by a supervisor," she said. "There was a point where they would intentionally use wrong pronouns or call me by my wrong name."

In the suit, the legal team comprised of SRLP staff and a lawyer from the firm Debevoise & Plimpton argued that ACS was discriminating against Mariah based

on her gender identity disorder (GID) diagnosis and on sex. SRLP also charged that ACS was violating Mariah's First Amendment right to free expression. SRLP enlisted the help of the law firm Debevoise and Plimpton in our work on Mariah's case. On January 7, State Supreme Court Judge Louise Gruner Gans ruled that Lopez had been subject to discrimination.

"The court finds that [ACS has] refused to accommodate reasonably [Mariah's] GID in violation of the New York State Human Rights Law," Gans wrote. "[Lopez] is therefore entitled to relief in the form of an exception from [ACS'] dress policy to the extent that it bars her from wearing skirts and dresses at the Atlantic Transitional congregate foster care facility." Gans did not comment on the other factors in the case because the GID discrimination was sufficient to rule that ACS cannot bar Mariah from wearing women's attire.

"It is a landmark decision," Spade said. "I think it has a huge impact... Basically what this decision is saying is you can't discriminate based on transgender identity."

Mariah is not alone in her experience as a transgender youth living in unsafe conditions. SRLP sees many transgender youth who are put in a place where they can't survive, where they are abused by residents and staff and where the system ignores and condones their abuse. SRLP continues to fight on behalf of transgender youth facing discrimination and violence in foster care and juvenile justice facilities across New York.



“TOILET TRAINING” VIDEO EDUCATES ABOUT BATHROOM ACCESS

This August, SRLP is pleased to debut our first video project, “Toilet Training.” The video is a collaborative project between SRLP and videomaker Tara Mateik.

“It’s an issue that is often overlooked but significantly restricts how we operate in the world. We want to go to the bathroom safely. The video will help train people to be more sensitive to the issues,” says Tara.

After SRLP founder Dean Spade was arrested for using the men’s room in Grand Central Station, he received hundreds of supportive emails from people who had heard about his arrest. Dean realized that outreach and trainings on this important issue of restroom access could garner a lot of support, and that incorporating a video of people’s stories into the trainings could make them much more effective and personal. Last summer, Dean approached videomaker Tara Mateik about making a video to use in bathroom-related trainings. Tara, who had been coordinator of the independent Paper Tiger TV and is currently in graduate school at Rensselaer Polytechnic Institute’s integrated electronic arts department, has worked on “Toilet Training” over the past year.

Dean and Tara traveled to trans conferences and community meetings to collect interviews with people who had experienced discrimination, harassment, and violence

while trying to use public restrooms. They also interviewed SRLP clients. SRLP put out a call for additional interviews, and had friends and fellow activists set up times to interview people in Minneapolis, San Francisco, Seattle, and New York. Since this

video is a training tape, it focuses on stories from people who have had problems accessing bathrooms in public spaces, in school and on the job. Although SRLP now has enough footage for an epic documentary, the final version is going to be about 30 minutes, so that it can be shown to a variety of audience including school administrators, service providers, and employers.

Friends and supporters have generously and selflessly volunteered their time and skills. Graphic designers, music supervisors, and musicians donated their art and we had others help with the exhausting, under-appreciated task of logging. The trans community has been eager to offer personal accounts, and we thank everyone for their participation and help. People with disabilities and parents with children have been important and vocal contributors and allies for this project, and we thank them for their support. We also thank the faculty, staff and students of the integrated electronic arts department at RPI for their support of the project. We thank everyone who has contributed to this project.

At every rough cut, we have shown the video to audiences and have received an overwhelmingly positive response. Organizational leaders, educators, and employers are looking forward to using the tape to help create the necessary cultural shift for people to be able to use bathrooms safely. Right now, Tara is putting the finishing touches on the video, which will be done by the end of August. To order a copy of “Toilet Training” for yourself or your organization, company, or school, or to schedule a screening in your area, please email sylviariveralaw@urbanjustice.org.



Don't miss SRLP's upcoming event

Opening Gender: An evening of film, performance, and music by activists and artists from trans communities.

This event will feature the debut of “Toilet Trained,” a new film from the Sylvia Rivera Law Project and filmmaker Tara Mateik addressing the obstacles trans and gender variant people face in accessing bathroom facilities safely in the context of sex segregation. Performer and activist Imani Henry will perform an excerpt of B4T (before testosterone), and singer Monique Peters will perform a song.

August 20, 6 P.M.

Open Society Institute, 400 West 59 Street

HISTORICAL FOCUS

THE LADY WAS NO VICTIM

By Dana D. Turner, J.D.

The first time I met Sylvia was in September 1993 at a birthday party at the Lesbian & Gay Community Center. I had just moved to New York City from Washington, D.C. (I didn’t know it at the time, but Sylvia Rivera was legendary. The story goes that it was she who threw the first blow at a policeman, which ultimately sparked the three nights of grass-roots, direct action, civil disobedience in June of 1969 that became known the world-over as the Stonewall Riots. People on the scene, however, say it wasn’t a punch, a bottle or a rock she threw—that would *not* have been lady-like—but a high-heeled pump.)

That night at The Center was my formal introduction to New York City—and my first foray into NYC’s “organized” gay community—and I could not have had a better, more informed tour guide than Sylvia Rivera. She told me all the ins and outs of being a “transgirl” in New York—everything a new girl in town needed to know to survive. She told me which clubs welcomed transnians and which clubs to avoid. She told me that Tuesday nights were “Jump Out Night”—when cops routinely rounded up “girls” on the streets in the Meat-Packing District and arrested them for solicitation because they were there and dressed in drag. She told me where to find fashionable plus size clothing at good prices (14th Street). She told me where the welfare office was, how to apply and what I would need to get accepted. She told me where and how to get hormone shots and what pharmacy (in the Bronx on 186th Street) would sell them to you without a prescription. She told me about the piers (which I had already found) and about the mysterious death of her close friend Marsha P. (for “Pay It No Mind”) Johnson, who had been found floating in the Hudson River after being harassed by gay-bashers. The police said Marsha committed suicide, but Sylvia wasn’t having it, because she knew Marsha and Marsha was *not* the suicidal type.

In the intervening years I saw Sylvia from time to time. She was at every Gay Pride Parade, always with her homemade sign that demanded “Justice for Marsha P.” Sylvia’s experience as a nursing assistant and a transwoman who knew the ropes of transitioning were invaluable the first TransWorld Health Symposium in 1998. She was running a food pantry with monthly dinners for the



trans community. The last time I saw Sylvia was in April 1999, when we marched over the Brooklyn Bridge with several thousand people to protest the murder of Amadou Diallo, an innocent and unarmed man killed outside his front door by the New York City Police. Even when Sylvia herself was damn near homeless, hungry and getting sicker, she never stopped reaching out to people and caring about their problems.

Sylvia Rivera lost her battle with life and liver cancer at the age of 50 on February 19, 2002. She died bowed but unbent. The night of Sylvia Rivera’s funeral procession, her ashes were taken in a horse-drawn carriage to the piers she knew so well and thrown into the Hudson River, where she no doubt joined the energy of her friend Marsha. Unfortunately, I was unable to attend Sylvia’s funeral because it was on the night between the two days of the New York State bar exam and I had to be in my seat by 8:45 a.m. the next morning for another six hours of multiple-choice, brain-busting legal anachronisms. So, I stayed in that night, even though I really would have liked to say my good-byes to Sylvia.

Life is ironic, sometimes. I had taken the bar exam five times before, but this time would be my last—I had passed. Now I’m a transgendered lawyer—after 15 years of law school, bar exams and gender transitioning. I work at the law project that bears Sylvia’s name and bears witness to her life and struggles. Sometimes the strong truly do survive, although sometimes they do not. Sylvia Rivera lived a hard, sometimes cruel, existence, but she was *no* victim—she was a survivor. That legacy lives on, even after her death.