



Toilet Training

COMPANION GUIDE FOR ACTIVISTS AND EDUCATORS

Dear Friend,

Welcome to the Toilet Training Companion Guide for Activists and Educators. We hope this will provide some useful information to help you use this video as an organizing or educational tool in your community. We have screened Toilet Training across the country, and tried to use the questions asked by viewers to determine what kinds of information might be helpful supplements to the video.

Inside this toolkit you will find:

- Discussion Questions for the Classroom
- Talking Points about Sex-Segregated Facilities
- Gender Neutral Bathroom Survey
- Sample Letters for Bathroom Activism
- Resources for Education and Organizing
- and more...

We hope that that this video will be a useful conversation starter and training tool for activists and educators doing work related to transgender communities and trans liberation. We sought to represent a diverse set of trans identities and examine the intersections of transphobia, sexism, racism, economic injustice, ageism and ableism to demonstrate the ways that different people who transgress gender norms are policed by a transphobic culture.

This DVD, we hope, will start conversations not only about trans bathroom access, but also about the impact of all sex-segregated facilities (shelters, jails and prisons, group homes, drug treatment facilities, etc.) on people who do not fit within gender norms. This is one of the most controversial and important fronts in the struggle to end gender identity discrimination, and we strongly believe that community education is key to dispelling cultural myths and fears and establishing understanding about the struggles faced by those who do not fit easily into existing norms of binary gender.

We hope this information is helpful, and we look forward to hearing from you about how you used the DVD and what your experience with it was.

In Solidarity,

The Sylvia Rivera Law Project



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Talking Points about Gender-Segregated Facilities

These talking points were drafted by Dean Spade, a member of the committee that drafted the Compliance Guidelines for New York City's gender identity anti-discrimination law. These may be of use for clarifying issues in communities working toward transgender equality.

New York City's Human Rights Law now explicitly protects all New Yorkers from discrimination on the basis of gender identity or expression. This means that, no matter who you are, you should be treated equally and with respect for how you understand your own gender. If you are transgender, transsexual, a feminine man or a masculine woman, or if for any reason you are being denied access to services or accommodations you need on the basis of your gender identity or expression, you are now protected by the law.

One source of curiosity around this law is what happens with gender-segregated facilities like bathrooms, homeless shelters, and locker rooms? The new law means that everyone's gender identity should be respected, and we should all be treated on an equal basis with other people who share our gender identity. No one can be forced to use a facility that does not match their gender identity. If you identify as a woman, you should be allowed access to women's facilities. If you identify as a man, you should similarly be able to access men's facilities.

FREQUENTLY ASKED QUESTIONS:

1. Does this law mean that we have to let men into women's locker rooms or bathrooms?

No. This law does not require that people who identify as men be let into women's facilities, or that women be allowed into men's facilities. Instead, it requires that we respect that some people's gender identity does not perfectly match societal expectations. Some men are more feminine than others, some women are more masculine than others, and some people live in a gender different from what was assigned to them at birth. This law only requires that all people who identify as women be treated as women, and all people who identify as men be treated as men.

2. Will this law endanger women in spaces like locker rooms and bathrooms because it will allow men in who may want to sexually assault women?

No. This law does not invite sexual assault on women in locker rooms and bathrooms. People who enter restrooms or locker rooms with the intent to commit sexual assault are still subject to criminal penalty. However, the people who have often experienced the discrimination and harassment in gender segregated facilities that this law seeks to address, such as women of transgender experience trying to use women's facilities, masculine women trying to use women's facilities, men of transgender experience trying to use men's facilities, and feminine men trying to use men's facilities, are now explicitly protected from discrimination and exclusion. Any notion that these people are sexual predators is based in ignorance and misunderstanding that this new law seeks to remedy. This law does not change the fact that any person who seeks to enter a bathroom or locker room in order to sexually assault another person is punishable under the criminal laws of NY. There is no evidence that allowing transgender people

to have safe access to facilities that concord with their gender identities will increase the incidence of sexual assault, however it is clear that the new law will protect them from the harassment and violence they frequently face when trying to access such facilities.

3. Does this law require that new bathrooms be constructed for transgender people?

No. This law does not require any construction. It simply clarifies that all people should be able to access the bathroom that is appropriate for them based on their gender identity, and should not be forced to use a bathroom that is designated for individuals of another gender identity. The Compliance Guidelines do recommend that, because gender segregated bathrooms are often the site of harassment and discrimination for people whose gender expression transgresses societal norms, any single-stall bathrooms be converted into gender-neutral bathrooms. This recommendation comes from our understanding that many people find gender segregated bathrooms inaccessible, including people with disabilities who require attendance in the bathroom and whose attendant is a different gender than they are, parents with children whose gender is different from their own but who wish to accompany their child to the bathroom, and people whose gender expression transgresses societal norms. The Commission on Human Rights set out this recommendation with the safety and convenience of these people in mind, recognizing that all people should be able to safely access bathroom facilities.

4. What about transgender people who have not had surgery? What facilities will they use?

The new law requires that people be allowed to use facilities that accord with their gender identity, not with any particular body part. Just as non-transgender men and women are not asked to prove what body parts they have before entering gender-segregated facilities, transgender people also should not be. All people, regardless of surgical status, are entitled to use facilities which comport with their gender identities regardless of whether their bodies match traditional expectations. Challenging someone's gender identity and/or asking invasive personal questions about their body parts is a form of harassment.

5. What about facilities where people see each other without clothing?

The Commission recognizes that there are still some facilities without privacy, such as totally open showers. The Commission recommends that in circumstances where nudity is unavoidable, basic steps such as the installation of curtains be taken in order to create the minimal amount of privacy needed to maintain the comfort and safety of all people using facilities. Most importantly, this law requires that no person be forced to use facilities that do not comport with his/her gender identity, so employers, housing provider, schools and others maintaining gender segregated facilities should take the steps necessary to ensure that this requirement is met. Whether by creating private space through curtains, or designating a space as gender neutral, this task should be neither difficult nor expensive. The Commission is available to assist in creating plans to remedy any problems that may arise in the process of making facilities accessible to all people.

Talking Points about Accessible Bathrooms

1. If we had all-gender bathrooms, wouldn't women be less safe?

Many people's first reaction to providing gender non-specific bathrooms is that women's safety will be compromised. However, an analysis of the safety precautions in bathrooms suggests that women are not currently protected by the existence of gender-specific bathrooms. Women's bathrooms do not provide any physical barrier to potential predators, who can just as easily walk through an unlocked door that reads "women" as any other unlocked door. Gender segregation in bathrooms does not prevent sexual assault, and if anything, provides an illusion of safety that is not true. To increase the safety of bathrooms, we would recommend creating single-user bathrooms, providing bathroom doors that go from floor to ceiling without gaps, and eliminating the gender segregation of bathrooms that results in severe access issues for transgender and gender non-conforming people.

2. All-gender bathrooms will make people uncomfortable.

It is true that for people who are used to using gender-specific bathrooms, using gender non-specific bathrooms may feel strange or uncomfortable. Often times, social change that increases access for an excluded group and eliminated discrimination requires a reform of social practices that makes people who have not been negatively affected by the existing arrangements uncomfortable. However, discomfort or modesty, when compared with the inability to engage in basic necessary biological functions at work, school, and in public spaces, cannot be prioritized. As we make changes to increase access and reduce discrimination, we must all commit to adjusting to those changes.

3. The female clients/students/customers at my agency/school/business will not be able to accept using the bathroom with transgender women. Many are survivors of sexual violence, and may be triggered by using the bathroom with someone with masculine body parts.

When we work with populations that have survived violence, it is essential to try to create safe spaces to accommodate their needs. Many of us work with populations that are diverse, with different clients/students/customers having survived different types of oppressions, and sometimes even having misconceptions or biased beliefs about each other. The proper response to a misperception that transwomen are not 'real women' or are sexual predators or a threat to non-trans women is not to exclude transwomen from women's spaces or facilities, but to help educate any people who are concerned about inclusion and dispel myths about trans people. Excluding people because other have biased misconceptions about them only increases oppression and discrimination, and does not work to create safe spaces.



Sample Discussion Questions for the Classroom

The following are some suggestions for guided classroom discussion before and after viewing the video. Feel free to use the questions given or use them as inspiration for your lesson plan.

1. Why are bathrooms segregated by sex?
 - a. What are some potential benefits of having sex-segregated bathrooms?
 - b. What are some drawbacks?

2. Bathrooms are only one type of sex-segregated facility. Name all the sex-segregated facilities you can think of.
 - a. Why are they sex-segregated?
 - b. Is there another way that those aims could be met?
 - c. What might be the effects of those facilities being sex-segregated on transgender and gender different people?

3. The question of women's safety is a very common argument against desegregating bathrooms by sex.
 - a. What do you think about this criticism?
 - b. Do sex-segregated bathrooms increase women's safety?

4. The video shows how social factors in addition to gender affect access to safe bathrooms. How might the following affect safe bathroom access?
 - a. Class
 - b. Homelessness
 - c. Race
 - d. Age
 - e. Ability

5. When you made your list of sex-segregated facilities, did you notice that many are places disproportionately accessed by low-income people? What significance might that have?

6. How might disproportionate police presence in some communities impact using a bathroom?

7. What did you think about the discussion of disability in the video? How do issues of access overlap between communities fighting ableism and communities fighting transphobia?

8. What was effective about this video? What was ineffective?



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Activity Ideas:

1. In a public place (at your job, school, while out running errands, attending a public event) try to locate a non-gendered or unisex bathroom. Did you find one? How long did it take? Did you have to ask someone in order to locate it?
2. Have you ever seen someone in the bathroom you thought might not “belong” there? What did you do? How did you feel? Why did you do what you did?
3. If you generally have no problem using the bathroom typically expected for your sex, spend some time thinking about using the other bathroom. (This is best accomplished in a public place near the bathrooms. Extra credit if you really have to go when you undertake this activity). Hang around for a while.
 - a. What would it take for you to go into the “wrong” bathroom?
 - b. How does the prospect of doing so make you feel?
 - c. Would you feel comfortable walking right in?
 - d. What other thoughts or experiences did you have during this activity?



ADVOCATING FOR OUR COMMUNITIES

Transgender Law Center
870 Market Street
Room 822
San Francisco, CA 94102
415-865-0176 phone
877-847-1278 fax
info@transgenderlawcenter.org
www.transgenderlawcenter.org

Gender Neutral Bathroom Survey Results San Francisco Human Rights Commission (2002)

Many transgender and non-transgender people have no safe places to go to the bathroom - get harassed, beaten, and arrested in BOTH women's and men's rooms. Many avoid public bathrooms altogether and develop health problems. This affects not only self-identified transgender people but anyone who is perceived to not fit our society's strict gender norms.

To document the severe harassment and violence that occurs in gender segregated bathrooms, we surveyed almost 500 people in the San Francisco Bay Area asking about their experiences in the currently segregated bathrooms. We also asked about the solution - whether or not people wanted more gender neutral bathrooms.

Quotes from the Gender Neutral Bathroom Survey:

- **transgender people who do not identify as female or male:** "security chased me," "got the shit kicked out of me for using the 'wrong bathroom,'" "I run into problems 80% of the time," "This is a problem every day."
- **ftm/male and mtf/female identified people:** "Yelled at - 'you're using the wrong bathroom'" (mtf), "I have been slapped, pushed, and dragged out by security guards" (ftm), "got physically pulled out" (mtf), "having the door almost knocked down by teenagers" (ftm), "I have spent so many hours avoiding public multi-stall bathrooms that I have damaged my bladder and put pressure on my kidneys," "The problem was a daily one. I'd think about where I was going, what bathrooms I'd have access to, how much I drank during the day, whether I'd be with people who could help stand guard..."
- **butch women (who do not identify as transgender):** "being followed by a police officer," "women told me to leave the women's room and then tried to beat me up," "women jump out of their shoes; I get harassed by the guys," "I run into problems all the time," "all of my butch female friends, ex's, etc. ALL have experienced stares, harassment, threats, etc. in the women's room. Some only use the bathroom when they have a group of friends to accompany them."

- **feminine men (who do not identify as transgender):** “all my childhood, people told me I was in the wrong bathroom (long hair, too girly), “if my hair is long, I get stopped from going into the men’s room.”
- **parents with children:** “gender neutral bathrooms with changing tables so I can go in with my son, and my husband can go in with our daughter.” (non-transgender woman)

People who want more gender neutral bathrooms:

N: Number of people responding

A: Percentage of people who want gender neutral bathrooms of some form

B: Percentage of people who want single person gender neutral bathrooms

C: Percentage of people who want multiple person gender neutral bathrooms

D: Percentage of people who want gender neutral bathrooms in addition to male/female bathrooms

E: Percentage of people who want gender neutral bathrooms replacing female/male bathrooms

Gender	N	A	B	C	D	E
Transgender and not male or female	70	100	99	96	50	69
Transgender and ftm or male	76	100	97	74	49	46
Transgender and mtf or female	49	98	94	59	65	33
Total transgender	195	99	97	78	53	51
Not transgender and not male or female	27	96	96	81	59	48
Not transgender and female	195	97	93	78	57	45
Not transgender and male	51	100	98	90	64	48
Total not transgender	273	98	94	81	58	46
Partially transgender	19	100	100	74	74	68
Total	487	99	95	79	57	49

“Safe-stress free bathrooms should not be a privilege for just a few traditionally-gendered individuals.”

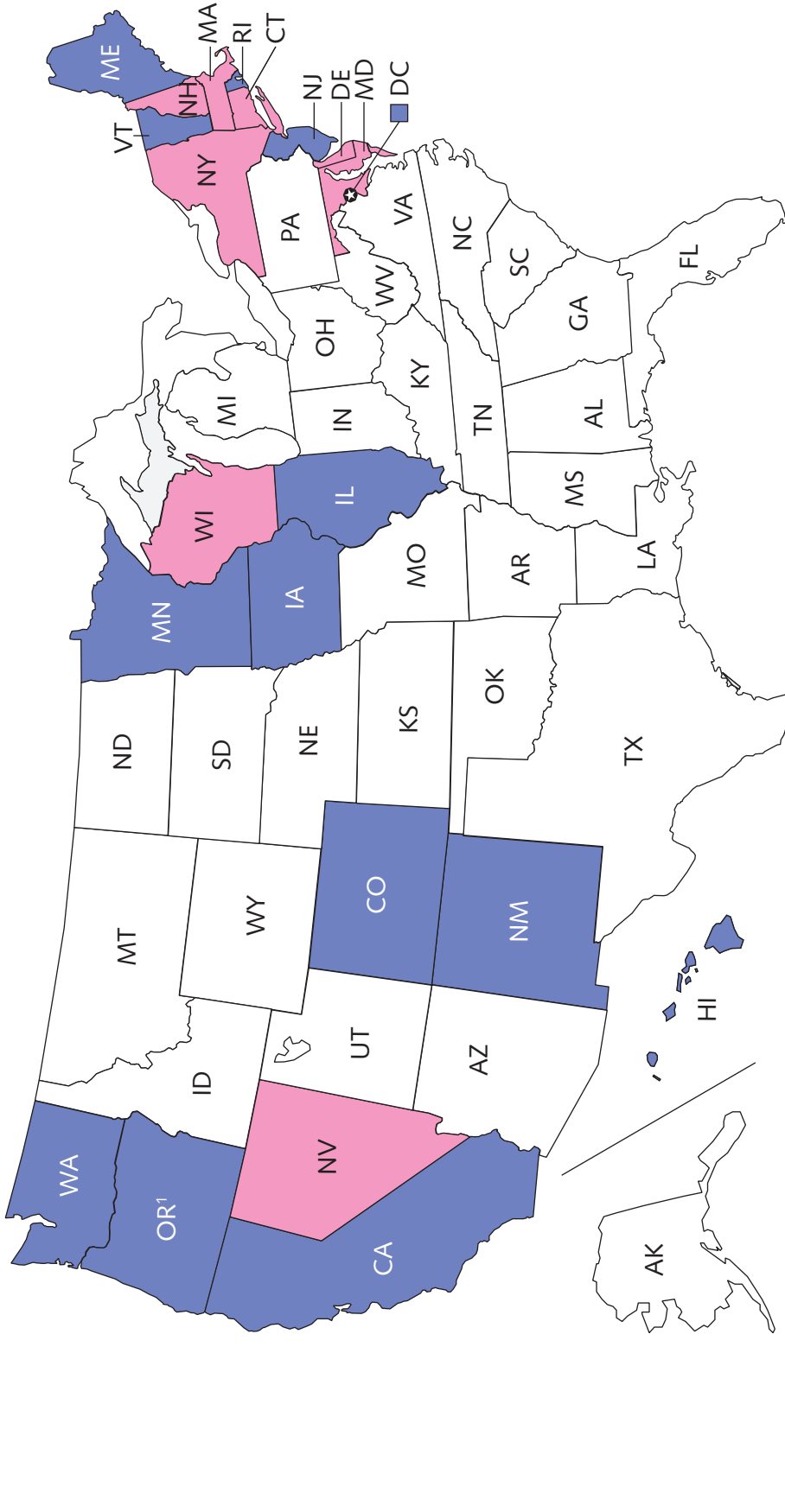
“I just need a place to pee.”

**for more information or the complete survey results,
please contact the Transgender Law Center**



State Nondiscrimination Laws in the U.S.

This map was last updated on July 1, 2009



States banning discrimination based on sexual orientation and gender identity/expression (13 states and the District of Columbia)

Minnesota (1993); Rhode Island (1995, 2001)¹; New Mexico (2003); California (1992, 2003)¹; District of Columbia (1977, 2005)¹; Illinois (2005); Maine (2005); Hawaii (1991, 2005, 2006)²; New Jersey (1992, 2006)¹; Washington (2006); Oregon (2007)¹; Vermont (1992, 2007)¹; Colorado (2007)

Laws banning discrimination based on sexual orientation (8 states)

Wisconsin (1982); Massachusetts (1989); Connecticut (1991); New Hampshire (1997); Nevada (1999); Maryland (2001); New York (2002); Delaware (2009)

¹California, DC, New Jersey, Rhode Island and Vermont first passed sexual orientation nondiscrimination laws, then later passed gender identity/expression laws.

²In 1991, Hawaii enacted a law prohibiting sexual orientation discrimination in employment. In 2005, it enacted a law prohibiting sexual orientation and gender identity/expression discrimination in housing. In 2006, public accommodations protections were added for sexual orientation and gender identity/expression.



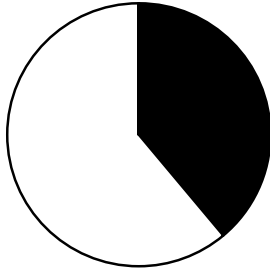
Jurisdictions with Explicitly Transgender-Inclusive Nondiscrimination Laws

National Gay and Lesbian Task Force



■ U.S. Population Covered by a Transgender-Inclusive Nondiscrimination Law: 110,163,314 = 39%

□ U.S. Population Not Covered = 61%
(Total U.S. Population: 281,421,906)



STATE LAWS (13 and D.C.)

California – 33,871,648	Maine – 1,274,923
Colorado – 4,301,261	Minnesota – 4,919,479
District of Columbia – 572,059	New Jersey – 8,414,350
Hawai'i – 1,211,537 (housing and public accommodations only)	New Mexico – 1,819,046
Illinois – 12,419,293	Oregon – 3,421,399
Iowa – 2,926,324	Rhode Island – 1,048,319
	Vermont – 608,827
	Washington – 5,894,121

CITY AND COUNTY LAWS (108)

In Arizona

Tucson: 486,699

In California

Los Angeles: 3,694,820
Oakland: 339,337
San Francisco: 776,733
San Diego: 1,223,400
Santa Cruz County: 55,602
Incl. Santa Cruz: 54,593
West Hollywood: 35,716

In Colorado

Boulder: 94,673
Denver: 554,636

In Florida

Broward County: 1,623,018
Gainesville: 95,447
Gulfport: 12,527
Miami Beach: 87,933
Monroe County: 79,589
Incl. Key West: 25,478
Palm Beach County: 1,131,184
Inc. W. Palm Bch: 82,103
Inc. Lake Worth: 35,133

In Georgia

Atlanta: 416,474

In Illinois

Carbondale: 20,681
Champaign: 67,518
Cook County: 5,376,741
Incl. Chicago: 2, 896,016
Decatur: 81,860
DeKalb: 39,018
Evanston: 74,239
Peoria: 112,936
Springfield: 111,454
Urbana: 36,395

In Indiana

Bloomington: 69,291
Indianapolis/Marion County¹: 781,870

In Iowa

Decorah: 8,172
Iowa City: 62,220
Johnson County: 21,559²
Waterloo: 68,474

In Kentucky

Covington: 43,370
Jefferson County¹: 693,604
Incl. Louisville¹: 256,231
Lexington-Fayette Urban County: 260,512

In Louisiana

New Orleans: 484,674

In Maryland

Baltimore: 651,154
Montgomery County: 873,341

In Massachusetts

Boston: 589,141
Cambridge: 101,355
Northampton: 28,978

In Michigan

Ann Arbor: 114,024
Detroit: 951,270
East Lansing: 46,525
Ferndale: 22,105
Grand Rapids: 197,800
Hamtramck: 22,976
Huntington Woods: 6,151
Lansing: 119,128
Saugatuck city: 3,590
Saugatuck twshp: 1,065
Ypsilanti: 22,362

In Minnesota

Minneapolis: 382,618
St. Paul: 287,151

In Missouri

Kansas City: 441,545
University City: 37,428

In New York

Albany: 95,658
Buffalo: 292,648
New York City: 8,008,278
Rochester: 219,773
Suffolk County: 1,419,369
Tompkins County: 96,501
Incl. Ithaca: 28,775

In Ohio

Cincinnati: 331,285
Dayton: 166,179
Oxford: 21,943
Shaker Heights: 29,405
Toledo: 313,619

In Oregon

Beaverton: 76,129
Bend: 52,029
Benton County: 78,153
Corvallis: 52,950
Hillsboro: 70,186
Lake Oswego: 35,278
Lincoln City: 7,437
Multnomah County²: 660,486
Incl. Portland: 529,121
Salem: 136,924

In Pennsylvania

Allentown: 106,632
Easton: 26,263
Erie County: 280,843

In Pennsylvania, con't:

Harrisburg: 48,950
Lansdowne: 11,044
New Hope: 2,252
Philadelphia: 1,517,550
Pittsburgh: 334,563
Scranton: 76,415
State College: 38,420
Swarthmore: 6,170
West Chester: 17,861
York: 40,862

In South Carolina

Columbia: 116,278

In Texas

Austin: 656,562
Dallas: 1,188,580
El Paso: 563,662

In Washington

King County: 1,737,034
Incl. Burien: 31,881
Incl. Seattle: 563,374
Olympia: 42,514
Tacoma: 193,556

In West Virginia

Charleston: 53,421

In Wisconsin

Madison: 208,054
Milwaukee: 596,974

¹Metro Louisville, the merged Louisville and Jefferson County government, repassed and combined these laws in 2004 to apply to Metro Louisville. Indianapolis and Marion County's shared governmental structure passed this law.

²The law passed in Johnson County only applies to unincorporated areas of the county, population 21,559, although the national statistics are unaffected because Iowa now has a statewide law. 2,135 Portlanders live outside of Multnomah County and that 2,274 Lake Oswegoans live inside of Multnomah County, however this doesn't affect the national statistics because Oregon now has a statewide law.

NOTE: Only laws that reach private entities are included above. Additional states and cities have policies against discrimination against public employees. The most recent version of this fact sheet is available on the transgender issues section of www.thetaskforce.org. Population data from 2000 Census. Last updated July 2008.

for updates on these charts, check out <http://transgenderlaw.org/ndlaws/index.htm>

Interview with Maximum Rock and Roll (excerpts)

by mimi nguyen

On Saturday, February 2, 2002 Dean Spade had to pee. So after six hours of protests in the bitter New York City cold outside the World Economic Forum, Dean and his affinity group entered Grand Central station in search of relief. Dean entered the restroom marked “men’s” and was followed by a police officer, who demanded identification. Dean explained that he was in the right restroom, that he is transgender but understood the officer’s confusion, and offered to use the premises quickly and leave. Craig Willse entered the bathroom after his friend and attempted to defuse the situation. When Dean attempted to leave the bathroom, however, the police officer pushed him against the wall and called for back-up. Craig tried to intervene in the arrest and shouted for help. Both were arrested, and while leaving the bathroom another member of their group, Ananda LaVita, attempted to un-arrest Dean. All three were then dragged out of the train station.

The three were held for 23 hours and at three different precincts. They were released on their own recognition to a courtroom packed with friends and allies wearing “Living Trans in Not a Crime” stickers. Among the three of them, they were charged with multiple counts of disorderly conduct, trespassing, resisting arrest, and obstruction of government administration. While all charges were dropped at the following court appearance in March, Dean Spade (who is also a lawyer) and a number of other progressive legal organizations are pursuing the case to highlight the everyday violence of gender enforcement, transphobia and its role in the maintenance of the state and capital. A zine was quickly produced about the arrests called *Piss and Vinegar* and is distributed by the members of the Anti-Capitalist Tranny Brigade. (More details about the arrest are in the zine.) Mimi Nguyen chatted with Dean and Craig about the politics of transgender activism, and about the linkages between gender regulation, the state, and globalization.

MRR: The “commonsense” assumption about gender is that it is innate, a metaphysical substance which is hardwired into our genes or hormones or some more ethereal essence. Of course, a closer look would reveal that what counts as “appropriate” gender has always been negotiated and regulated which would suggest that there is nothing “natural” about gender (or sexuality) after all. In the Western nations in the late 1800s it was suggested that education rotted the uterus, in the 1950s it was “obscene” for women to wear pants. What is your understanding of gender, and by extension transgender?

Dean Spade (DS): I guess I see gender as a regulatory system—a hierarchical set of mandates that require certain people to do certain things at certain times—that orders the lives of everyone in ways that foreclose everyone’s possibilities for fully inhabiting and self-determining our bodies and minds. As you point out, what those mandates are, and how they work, varies widely on cultural, racial, economic, and historical bases. In any arrangement, though, resources are distributed according to this regulatory system, and it is harshly enforced with consequences ranging from social stigma to death. Transgender, to me, is about disrupting those regulatory systems, and interacting with gender in a way that is specifically aimed at disruption. This means violating the two basic rules of gender: 1) that you can’t change your gender identity and 2) that you have to occupy a single gender category cohesively—meaning fully inhabiting the characteristics

associated with "male" or "female." So, to engage transgender politics is to let go of these two rules, and to allow yourself and other to move within gendered meanings as we wish. It means using the pronouns people want to be used, calling people by names they want to be called, not telling them how they have to look or talk or act or move in order to conform to gender norms, and supporting changing the world so that the methods of coercion (social, legal, medical, educational) used to regulate gender are eliminated.

MRR: And to clarify, what is the relationship between transgender and transsexuality? Where do queer debates about butch/femme, androgyny and drag fit in—or don't?

DS: "Transsexual" is a term that is mostly associated with the medical model of understanding people who's gender identities are contrary to the gender they are assigned at birth, and who seek medical intervention in the form of surgery and/or hormones in order to change their gendered characteristics and live in their new gender identity. Many trans people are adverse to this term, or feel it is too constrictive, because it is used in a medical context in which we are pathologized and considered mentally ill. The term transgender has emerged to indicate a broader variety of experiences. Many people use it as an umbrella term (like "queer") to indicate a variety of genderfucking people: crossdressers, drag kings and queens, genderqueers, transsexuals, FTMs, MTFs, etc. In this way, the term can be used as an organizing tool—a way of calling out to all people who are facing punitive gender norms and subject to gender policing because our gender presentations make people uncomfortable and angry. The term can be used to affirm the experiences and resistances of people living in violation of gender norms.

CW: As far as how I use them, I think of "transsexual" and "transgender" as roughly parallel with the terms "homosexual" and "queer." So, transsexuality and homosexuality reference a pathologized understanding of sex/gender, and both are closed terms—they serve to mark out a small, aberrant group of people from the "general public" against whose normalcy perverts are defined. In contrast, "transgender" (or simply "trans") and "queer" are more politicized terms that signal an oppositional stance to sex/gender regulation and hierarchy. They are open, not closed, in the sense that a transgender identity is not confined to someone who has surgery, or passes, or feels like they are trapped in the wrong body; and queer is not about fucking someone of the "opposite" gender, but fucking gender and dislocating sex from romanticized, heteronormative constructions. Of course, queer has been used in totally reductive ways as a synonym for "gay" by marketers and mainstream groups, and some trans people call themselves "transsexual" but challenge in their lives and politics medical conceptions of coherent gender. Language is always strategic, so the meaning of these terms shift in different contexts, and any word can take on oppressive weight or liberatory potential.

MRR: The assumption is often made that gender or transgender issues are merely "personal" issues with no bearing on larger social forces. Clearly your arrests would suggest otherwise -- that public space is a contested site for those who transgress gender norms. As Craig writes in his contribution to *Piss and Vinegar*, "What bodies can travel free of harm through our violently policed cities?" What do you think is the state investment in gender regulation? Why is it explicitly illegal to use the "wrong" restroom?

DS: I think this debate about whether one person's gender expression is a "trivial" matter is essential, and

actually brings up a lot of old conversations that feminists made public during the 2nd wave. Up to that time, people thought that issues around women being paid less, women being forced to wear restrictive or sexualizing clothing to work, women being systemically harassed in the workplace, and the like were trivial, personal, and individualized. It was only through a lot of organized effort that more and more people came to see that gender hierarchy had deep impacts on all women, and all men as well, restricting everyone's ability to survive, avoid violence, marry or divorce as they wanted, have kids when they wanted, etc. Similarly, when you look at trans issues as being about the narrow issue of whether one person gets to be called by a certain name or use a certain bathroom, it can seem trivial. However, when you look at how all people are subject to extreme regulation on broad scales like the law as well as narrow issues like what we wear and how and who we fuck, you begin to see that a struggle for trans liberation and a deregulation of gender is a struggle to end a lot of systemic violence and suffering. I see where a lot of struggles fit into this, like the struggle over low-income women of color being disproportionately tested and then jailed for having drugs in their systems while pregnant, or conversations about compulsory circumcision for male and female babies, or struggles over rights for immigrant domestic workers working independently in wealthy homes for below survival wages. All of these struggles have some part that is about compulsory enforcement of gendered norms onto the bodies of people, to their extreme detriment. They are also intimately connected with racial and economic privilege, and I see that as an essential component of any inquiry into how gender policing occurs, because it does not occur on the same terms for people in different economic, racial or immigration statuses. The state investment in gender, like in hierarchical systems of race, immigration, and income, is that it is a regulating opportunity whereby the regulation itself becomes invisible or assumed to be natural, when in reality it is an artificial condition of oppression.

CW: I think one aspect of the state's investment in gender regulation stems from a keen interest (to put it mildly) in the maintenance and reproduction of capitalism. Gender regulation is big business. Normative gender regimes create and multiply consumer needs—clothes, make-up, gym memberships, sports cars—that are marketed along gendered lines. Why sell just one kind of deodorant when you could sell two—one strong enough for a man, but made for a woman! People in the U.S. grow up believing their gender presentation will never be good enough, but it can be made better through shopping. Men's and women's magazines, men's and women's watches, men's and women's entertainment—these commodities don't simply meet a consumer need, they create and perpetuate gendered consumer markets. We grow into the shapes that markets trace.

MRR: What does it take to be good trans allies?

DS: Good trans allies do more than use the right terms or come to a drag show. Being a good trans ally, like being a good activist in general, involves thinking personally about ideas and applying them to your own life in an intimate way. It means being as invested in trans liberation as you think a trans person is, and working as closely to uncover how you participate in gender regulation as you can. So much of gender policing occurs in ways that seem trivial or personal, and it requires each of us to really take apart our minds and find the locations of these norms in order to create safe spaces for new gender actualizations to thrive.

CW: In my efforts to be a good trans ally, I've tried to start out by being honest about what buttons of mine trans issues push. And I've tried to interrogate those hot spots on my own, without projecting them on to trans people or asking trans people to guide me through my learning process. Don't ask trans people if they've had surgery, what their families say, how they expect to get a job-if a trans person trusts you and thinks they will get something out of that conversation, they will start that dialogue. I've also tried to share some of the burdens that trans people deal with as far as educating and challenging non-trans people. If I invite someone to me and Dean's home, I let them know before they come that we live in a trans and transpositive house, and we expect people's politics to meet those standards. I talk to people who fuck up pronouns. In group settings, I make an extra effort to use lots of gendered terms when referring to trans people present, so new people in the crowd will have an example to follow and won't use "wrong" pronouns because they're making incorrect assumptions about someone's gender. I also don't think I've figured it all out, I expect to make mistakes and though I won't beat myself up for not being perfect, I demand of myself a commitment to doing hard work.

And I think being a good trans ally means simply taking these issues seriously. Think of every moment of every day that someone addresses you by your gender, and think how easy and comfortable that feels. Think about giving that comfort up. If that doesn't seem like a big deal to you, recognize how many lives you are conveniently dismissing.

MRR: What was the general response to your arrests?

DS: We received hundreds of emails from all over the world from people who were shocked by what happened and pledged their support for our case. The emails varied, some from trans people, some from cops, some from queers, and some from anti-capitalists who had never thought about trans issues before but were seeing the connections between their work and trans struggles for the first time. There were also some responses that were negative. Some people wrote to message boards that they thought the arrest was my fault for refusing to show I.D. and that I should have complied with the cop's (illegal) requirements. Others wrote that it was my fault for not passing as a man more, and that I shouldn't use the mens' room if I wasn't going to pass. Of course, this is a ridiculous position because I have been kicked out of both men's and women's restrooms, so the only answer I guess would be to never use restrooms since I don't look enough like a man or a woman to fit in either room all the time. These negative responses were very hard to hear, of course it always sucks to have something violent and awful happen to you and then be told its your fault, but the positive and supportive responses far outweighed the negative. Also, the negative responses created a great opportunity to start conversations in trans and non-trans spaces about what it means to resist police state practices and how we can work to have a broad view of transliberation that includes rights for all trans people, not just those who 'pass' as non-trans men or women.

The full version of this interview is available online at <http://makezine.enoughenough.org/mimi4.html>

Sample Letters for Organizing (I)

Sample letter from Dean Spade to the Urban Justice Center, the multi-project poverty law organization that provides/ed facilities and administrative support to the Sylvia Rivera Law Project during the project's first year and a half.

Use this letter as a guide for careful and sensitive ways of opening conversation about gendered bathrooms.

A fundamental concern that I want to address is making UJC's bathroom facilities safe and accessible for transsexual, transgender, and gender variant clients, interns, and employees. As you may know, bathrooms are a very serious issue for transgender, transsexual, and gender variant people. Most bathrooms, including the ones at UJC, are “gendered,” meaning that they are marked with signs designating a room for “men” and a room for “women.” For many reasons, this creates serious obstacles to using these facilities for trans and gender variant people. For one, many trans and gender variant people have appearances that are not consistently read as “male” or “female.” This means that every time we need to use a bathroom, we face a decision about which bathroom will be safer, never knowing whether we will encounter harassment, embarrassing stares, or even violence or arrest. I, myself, have been kicked out of both “women's” and “men's” bathrooms numerous times, and unlawfully arrested and held overnight for using the “men's” bathroom. Most trans and gender variant people have experienced severe harassment and/or violence because of being understood to be in the “wrong” bathroom. Additionally, many of us have a strong gender identity that does not conform to what some people expect when they look at us, so when we go into the bathroom with the sign that makes the most sense for our internal gender identity, we again frequently encounter a number of uncomfortable and/or unsafe experiences. Finally, many trans and gender variant people do not feel that they fit neatly into the either of two binary gender categories (“male” and “female”) and having to constantly be faced with a difficult decision on how to stay safe and retain dignity while trying to use facilities that are labeled in this way is a serious burden. The culmination of these experiences of humiliation, harassment, and violence day in and day out over the years produces in many trans and gender variant people severe and persistent anxiety about using public bathrooms. Medical professionals report that a disproportionate number of trans and gender variant people experience health problems stemming from the lack of access to safe bathrooms, and having to wait long periods to use a bathroom.

It is vitally important to me to provide a safe place for my trans and gender variant clients to receive services where they can use the bathroom facilities as easily and safely as all the other clients who come to UJC. It would mean a lot to trans clients, staff, interns, and volunteers now and in the future to have UJC be possibly the only safe place in their day or week to use a public bathroom without fear of humiliation, harassment, or violence. Unfortunately, the current gendered bathroom options are not that safehaven, and I would like to work together with everyone else here at UJC to remedy this problem. It seems only appropriate to me that UJC be a leader and model for other organizations learning how to make their facilities safe and accessible for trans and gender variant people. Discussions and policy changes regarding gendered bathrooms are going on at numerous non-profits and universities across

the US and Canada, and I think now is a great time for UJC to engage these difficult but important questions and work to remove obstacles to equal access for everyone.

Of course, the question of creating an alternative system to the gender segregation of bathrooms brings up a lot of important personal feelings and issues for many people. In the course of my work on this issue in many contexts, I have heard two primary arguments, modesty and safety, from people who defend the current gender segregated bathroom system, which I will briefly address to jumpstart this conversation.

First, I will address modesty. Most of us are used to using the bathroom with people who have the same birth-assigned gender as us, and are more comfortable in that environment. Some people have suggested that this is rooted in the heterosexual assumption of our culture: that we are assumed to be sexually attracted to people of the so-called opposite sex, and we are taught to hide certain bodily functions from them as part of that relation. For whatever reason, when many people first consider using a non-gender-segregated bathroom they feel a sense of embarrassment or shame. This issue is important to address, because we should all be as comfortable as possible using the facilities. However, it is also important to balance this embarrassment against the seriousness of total lack of safe or appropriate bathroom access for trans and gender variant people.

The second argument is about public safety. Many people bring up the concern that because violence against women and sexual violence are endemic in our culture, women will feel or be unsafe in bathrooms to which men have access. I think this is a very important issue for UJC, especially considering that we have a large number of clients who are survivors of sexual violence. However, I do want to separate two issues: The first issue is whether having gender markers on bathroom doors actually makes anyone safer from sexual violence, and the second is whether having gender markers on bathroom doors makes women feel more comfortable and safe. I feel it is important to establish that, in the context of UJC bathrooms, the gendered system does not provide a meaningful obstacle to people who wish to commit acts of violence in bathrooms. Because keys to both rooms are generally kept in public, if a person wished to visit the “wrong” bathroom in order to harass or assault persons in that room, the gendered sign on the door would not protect against that. In general, gendered signs on doors cannot stop violent people from entering those rooms in order to commit their acts. The best remedy for concerns about violence taking place in bathrooms, and, I think the best remedy for many bathroom safety issues, is to provide single-stall bathrooms with locks on the doors. However, because we need to work with the structures already in place in our building, I will be providing other policy options below.

In any case, the second issue I mentioned above, about women feeling unsafe in bathrooms that are gender neutral, is a serious concern. While I do not think it is safe to assume that a gendered sign on a bathroom door will protect anyone from a person who desires to harass or assault, it is reasonable that in a sexually violent culture, women may prefer to use facilities that are preserved for people who identify as “women.” For this reason, it may be important to preserve a location where women who are seriously concerned about this issue may have access to a place that feels comfortable to them. Of course, it would be essential that bathrooms designated “women” be available for use by gender variant and trans women



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as well as women who are not trans-identified.

Based on the facilities that I have seen at UJC, my recommendation and request is that the bathrooms we have here be made gender-neutral, preserving a women's room if there are women on staff who believe that this is the appropriate way to allow women staff, clients, interns, and volunteers to feel comfortable using the facilities.

I look forward to discussing this with all of you at length. It is a major policy change, and will certainly seem unfamiliar to many of you. Of course, in addition to negotiating amongst ourselves, we will also need to engage these questions with the other tenants who share our bathroom facilities. It is my goal that we can create a policy that allows all of us to safely and comfortably access the bathroom facilities here. An underlying principle of my program and my activism generally is that a rigid binary gender system which requires everyone to be identified as “men” or “women” and act according to restrictive cultural standards is a disservice to all people, keeping us from equally accessing resources and being able to self-determine our lives. As long as our world is structured by this coercive system, those who traditionally bear the weight of it, women and non-traditionally gendered people, will continue to struggle to re-shape our institutions to improve equal access and equal justice for everyone. I am excited to join the people at UJC who have been pioneering this work for years. I hope you will join me in coming up with creative solutions to the variety of issues that this letter addresses.

Sincerely,

Dean Spade

Sample Letters for Organizing (II)

The following is a letter from the activist PISSR (People In Search of Safe Restrooms) to the San Francisco LGBT Community Center.

Use this letter as a guide for careful and sensitive ways of opening conversation about gendered bathrooms.

What if you had to think twice when trying to access a restroom to relieve yourself? What if you entered a bathroom most appropriate for your gender identity only to be escorted out by the police? Or even more traumatic had an accident because no one would let you use a toilet in either the men's or women's room because they had a preconceived notion that your presence would upset some unspoken bathroom balance. All of these examples and more are just some of the obstacles that gender-variant, differently-abled, and some not so stereotypically male or female folks encounter when trying to do something as simple as use a toilet.



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PISSR (People In Search of Safe Restrooms) is a group of gender-variant, differently-abled and traditionally gendered individuals who are very interested in creating safe bathroom space for people who do not fit the binary gender construct of female and male, or have special circumstances that might require a differently gendered caretaker to escort them to the toilet. We recognize that even in San Francisco, many people have no safe places to go to the bathroom. They get harassed, beaten, and arrested in both women's and men's rooms and many avoid public bathrooms altogether, hence developing health problems. We understand that this affects people with a range of gender identities including people who do not identify as female or male, transgender people who do identify as female or male, as well as many masculine and butch women, and feminine men. Therefore we are committed to establishing gender-neutral bathrooms and we believe that all people, regardless of their gender identification or presentation have the right to access safe and dignified restroom facilities without fear of harassment, judgment, or violence.

So where does the SF Center come in? In response to these issues the New York GLBT Center has implemented multi-stall gender-neutral bathrooms on every other floor of their building. Currently the San Francisco LGBT Center only has one gender neutral toilet. By the very nature of the LGBT Community Center it seems that your organization would be a good first candidate for the sorely needed implementation of such bathrooms. How exciting and culturally appropriate it would be if the Center were the first organization in the city of San Francisco to formally create multi-stall gender-neutral bathrooms for future benchmarking practices locally and nationally!

We have been consulting with the Transgender Law Center as well as have a working relationship with the HRC LGBTAC and we have found that there are no legal barriers prohibiting the creation of multi-stall gender-neutral bathrooms in the city. So what might multi-stall gender-neutral bathrooms look like? Well, we have ideas but would relish the opportunity to more precisely develop a model specific to the needs of the SF LGBT Community Center. We have a panel that would be willing to make a presentation to the Center staff and board. As a leader of the LGBT community, establishing multi-stall gender-neutral bathrooms at the center would set a positive example to both organizations and businesses throughout the city with the end result being SAFE restrooms for all.

We hope that our letter has been compelling enough to call you to attention. Please contact us so we can set a date to make our presentation and begin the process of the Center's participation in creating safe restrooms for all.

With best regards,

PISSR (People In Search of Safe Restrooms)



Resources for Transgender Activism

Apicha

212-334-7940 / www.apicha.org

HIV/AIDS organizing and education in Asian/Pacific Islander communities

Audre Lorde Project

718-596-0342 / www.alp.org

LGBT people of color organization

Desis Rising Up and Moving (DRUM)

718-205-3036 / www.drumnation.org

DRUM builds leadership in low-income South Asian immigrant communities, particularly of women and youth, undocumented and detained immigrants in New York City. DRUM helped found the Queens Drivers License Coalition and runs several projects, including the Immigrant Justice Program, Azaadi Legal Defense Project and YouthPower!

FIERCE!

646-336-6789 / info@fiercenyc.org / www.fiercenyc.org

LGBT youth organizing project, peer education, anti-police brutality activism

Freedom Trainers

beyond@freedomtrainers.org

An organization of anti-oppression trainers across the country

Gender Identity Project of the NYC LGBT Center

212-620-7310 / www.gaycenter.org

Mental health services, social work services, social events, groups

GLOBE

718-418-7690 ext. 1278 / www.globe.maketheroadny.org

GLOBE combats institutional homophobia and the harassment, isolation and invisibility of lesbian, gay, bisexual and transgender people in Bushwick and the surrounding neighborhoods. Community organizing and legal and support services are available. Services in English, Spanish. GLOBE is a project of Make the Road New York.

Hispanic AIDS Forum

212-741-9797 / www.hafnyc.org

HIV/AIDS services

Imani Henry

646-342-9673

Anti-racist and Trans sensitivity training



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Metropolitan Community Church of NY

212-629-7440 / www.mccny.org

Religious services, support groups, social activities, 12 step meetings. Excellent trans specific programs.

People of Color in Crisis

718-230-0770 / www.pocc.org

HIV/AIDS services and support

Positive Health Project

212-465-8304 / www.positivehealthproject.org

Needle exchange, support groups, good programming for people of color and trans people

Queers for Economic Justice

212.564.3608 / www.q4ej.org

Queers for Economic Justice is committed to challenging and changing the systems that create poverty and economic injustice in our communities, and to promote an economic system that embraces sexual and gender diversity.

SAGE

212-741-2247 / www.sageusa.org

LGBT senior organization

Samuel Lurie

802-453-5370 / www.tgtrain.org

Transgender awareness training for health care providers, medical students, and human service providers

TGI Justice Project

415-252-1444 / www.tgijp.org

Works to challenge and end the human rights abuses committed against transgender, gender variant/gender-queer and intersex (TGI) people in California prisons and beyond.

Transforming Justice

415-252-1444 / www.transformingjustice.org

Transforming Justice is a national network dedicated to envisioning ways to stop the cycles of imprisonment and criminalization in transgender communities. They seek to create a national conversation, all voices are invited to join.

TransJustice of the Audre Lorde Project

www.alp.org/tj

TransJustice is a political group created by and for Trans and Gender Non-conforming people of color.

TransJustice mobilizes to gain access to jobs, housing, and education, Trans-sensitive healthcare, HIV-related services, and job-training programs. TransJustice also works to resist police, government and anti-immigrant violence.



Legal Resources

American Civil Liberties Union LGBT Rights Project

<http://www.aclu.org/lgbt-rights/transgender>

Immigration Equality

212-714-2904 / www.immigrationequality.org

SERVES: immigrants who are lesbian, gay, bisexual, transgender, or HIV positive in the areas of asylum, HIV laws, and detention. Services in English, Spanish, German, and Japanese; others possible with prior arrangement.

National Center for Lesbian Rights

http://www.nclrights.org/site/PageServer?pagename=issue_transgender

NCLR has advocated for transgender clients and issues since its inception.

Peter Cicchino Youth Project

646-602-5635 or 646-602-5636 / www.urbanjustice.org/ujc/projects/peter.html

SERVES: lesbian, gay, bisexual, and transgender young people with benefits, housing, discrimination and health-care.

Sylvia Rivera Law Project

212-337-8550 / www.srlp.org

Free legal services for low-income people and people of color facing gender identity discrimination, policy and public education work focusing on economic justice and gender self-determination

The Transgender Law and Policy Institute

www.transgenderlaw.org

Extensive website collecting legal and policy materials, decisions, and news about transgender issues

Transgender Law Center, San Francisco

www.transgenderlawcenter.org

Transgender Legal Defense and Education Fund

646.862.9396 / www.transgenderlegal.org

Serves transgender individuals who are victims of discrimination based upon gender identity and expression. Also provides legal advice through e-mail. Services in English.

West Village Trans Legal Name Change Clinic

208 W. 13th Street, New York, NY

First Monday of every month • 6p.m.

Helps transgender people with changing their names without a lawyer. Services in English, sometimes Spanish.

Housing Works, Inc.

212-271-7299 / www.housingworks.org

HIV/AIDS services, free legal representation, housing provider. Services in English, Spanish, ASL.

Lambda Legal Defense and Education Fund

212-809-8585 / www.lambdalegal.org

SERVES: LGBTQ and HIV positive people to achieve full recognition of their civil rights through impact litigation, education and public policy work. Services in English, Spanish.

Lesbian and Gay Immigration Rights Task Force

212-818-9639 / www.lgirtf.org

Immigration law

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