

TRANSADVOCATE

Come to Think of it, I've Never Seen Morgan Meneses-Sheets and Cathy Brennan in the Same Room at the Same Time

By Kat

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Abstract

Good news: The person that Free State Just Us was trying to turn into a Trans Jemima for the nefarious purpose of creating a public perception of having an understanding of the reality of trans people's lives, has realized that she was being used. Sandy Rawls the director of Trans-United announced on her facebook profile [...]

Article

Good news: The person that Free State Just Us was trying to turn into a Trans Jemima for the nefarious purpose of creating a public perception of having an understanding of the reality of trans people's lives, has realized that she was being used.

Sandy Rawls the director of Trans-United announced on her facebook profile that her group has withdrawn its support of Equality Maryland's transgender 'equality' bill minus public accommodations.

Brava!

Now, of course, comes what everyone with years of experience dealing with duplicitous, greed-addled Marriage Derangement Syndrome sufferers - in Maryland and elsewhere - should have known was coming all along:

Morgan Meneses-Sheets executive director of Equality Maryland which was instrumental in getting HB235 written without public accommodations quickly commented on Trans-United withdrawal of support.

Well, apparently Morgan Meneses-Sheets has taken some advance coursework in saying "incrmental progress" without actually uttering the words "incremental progress."

Isn't that special?

Of course it is.

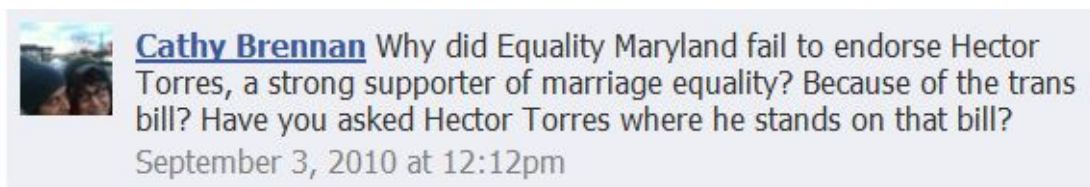
About as special as the reality being illuminated by Laura Hart, a former trans board member of Free State Just Us, er..., Inequality, er..., Equality Maryland. As quoted at planetransgender, Hart paints an

interesting picture of Free State Just Us's claim that trans people actually signed off on this year's public accommodations-free trans bill:

There was a statement I read early on in this controversy which stated that the trans community was consulted and agreed to dropping public accommodations. I was on that phonecon and I can tell you they took the phonecon out of context. The call took place within days of the end of the legislative session in 2009. We were told that if we did not remove public accommodations, the bill was dead. If we did, we had a fighting but only outside chance of getting it to move. We were told that if it died in 2009 then 2010 will be an election year, 2011 will be all about marriage equality and they would not come back for GI anti-discrimination until 2012, 2013, maybe even 2015. In the hope of getting something done in 2009, we agreed. I doubt the decision would be the same if we had any idea that accepting this, under short term duress, would result in a permanent ceiling on what we would ever fight to enact.

That's even less incremental than I'd been presuming the real plan was...

which brings it all back to 2001...



O'Malley - once again - is confused as to what "equality" means. "Equality" does not mean some separate and maybe kind of not as equal system (Mr. Governor, you may recall a case called Plessy v. Ferguson being overturned by a little case called Brown v. Board of Education when you were in law school...). Equal means equal. You are either for gay marriage and equality, or you are in favor of discrimination - you can take your civil union and stick it with the Plessy decision. You cannot have it both ways. Own your view, Mr. Governor, and live with the consequences, but enough of the smarmy double-talk - we are not all dumb enough to believe you.

Oh, and gay shillers for O'Malley - bite me, I don't respect what you have to say.

Posted by: Cathy Brennan | **September 17, 2010 4:02 PM**

In deference to Kathleen, who pointed me to these nuggets of recent-ness from one of the conjoined twins of Maryland Transphobia of 2001, I'll fully repost her references (as text, in case the images don't show up well) to these that she posted as a comment elsewhere:

Cathy Brennan: Why did Equality Maryland fail to endorse Hector Torres, a strong supporter of marriage equality? Because of the trans bill? Have you asked Hector Torres where he stands on that bill?

September 3, 2010 at 10:12am

http://www.facebook.com/note.php?note_id=431137792426&comments&ref=mf---/////-----/////----

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Posted by: Cathy Brennan | September 17, 2010 4:02 PM

http://weblogs.baltimoresun.com/news/local/politics/2010/09/omalley_returns_to_kitchen_ehr.html

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I guess that separate and lesser equality thing is just fine - so long as it only applies to trans people.

That last line, BTW, was from Kathleen, not Cathy of Maryland Marriage Derangement Syndrome Land.

Oh wait...

Maybe, for her, its (at the risk of being labeled an anti-dentite) DDS: Divorce Derangement Syndrome?

Now that same-sex couples can legally marry in the District, a new issue is popping up: gay divorce. While some couples say "I do," others are bidding each other "adieu" -- and courts and laws are struggling to keep up.

Cathy Brennan says she "hopefully" wants to "get a divorce."

These gays want everything, no?

Brennan and her soon-to-be-ex wife tied the knot in Vermont several years ago. They now live in Maryland. When their relationship soured, they could not divorce because their home state did not recognize same sex marriage.

"Courts have been reluctant to grant divorces because they didn't know what to do with a gay marriage," Brennan said.

And yet, a decade ago Brennan seemed soooooooooooooooooooooooooooooo confident that Maryland courts would know exactly what to do with trans anti-discrimination cases brought in non-trans-inclusive-law Maryland. Why? Because of a handful of trial court and administrative law opinions from the outlying parts of Maryland...

you know, Connecticut and Massachusetts.

I guess they stopped teaching geography in Maryland schools back when Spiro Agnew was governor, eh? But I digress...

I wonder how eager courts in Maryland have been over the last ten years to find that Connecticut (North Maryland?) state decisions on Connecticut (North Maryland?) sex discrimination law are binding - or even have the slightest bit of relevance - in Maryland.

I wonder if all of the people who have decided to march in lockstep adherence to what Free State Just Us has in mind for 2011 are aware that ten years ago Cathy Brennan (1) declared that if a person or organization that "opposes the Antidiscrimination Act, it has taken an anti-gay position" even if that

position was based on that bill's trans-discriminatory shortcomings, yet (2) somehow took issue with the converse position which held that opposing trans-inclusion was anti-trans.

One wonders how many of those who are, at this very moment, drinking the vintage 2011 Free State Just Us kool-aid are aware that people like Brennan declared a decade ago - whilst demanding oaths of fealty to the gay-only bill - that:

one cannot argue with a person or group of people who insist on believing one thing about this legislation that is not in fact true (i.e. that this bill won't help certain folks - and that Price Waterhouse and its progeny, as well as the state law prohibiting gender discrimination, are not helpful to folks).

and yet have apparently never come forward with even the slightest bit of evidence to show that her theory bore fruit - or even germinated.

In response to someone who had the temerity to accurately assert that "it is disingenuous to claim that TG protections already exist," Brennan said:

What we have said, repeatedly, is that we should litigate cases under sex/gender discrimination to see if we can do it. We think we can. We need folks to step up to do that. That is what Price Waterhouse is about - sex stereotyping. There have been successful cases using this theory.

But, of course, none to that point had been under Maryland state law - which, of course, was what was under consideration at the Maryland Legislature that year (and this.)

On March 17, 2001, Brennan pimped the In re John/Jane Doe declaratory ruling of November 9, 2000....

a ruling from the Connecticut Commission on Human Rights

On March 19, 2001, in response to being told that that, and other decisions she had pointed to "[we]re limited to Massachusetts and Connecticut," she responded:

That is true. However, lawyers use cases from other jurisdictions when there is no controlling precedent in the state

which begs the question of why Maryland gays and lesbians such as herself weren't content on using cases like *Oncale v. Sundonwer* and, while we're at it, *Price Waterhouse*, to try and weave some sort of rudimentary gay-ish protections that, of course, would not result in any overt postings in employment offices saying that sexual orientation was a protected classification.

Upon having, yet again, a reality pointed out to get, namely: "Those states have their own sex discrimination statutes. Depending on how a state's statute is written, gender may or may not fall under it," Brennan responded:

This is not entirely accurate. Title VII which says sex covers sex stereotyping, which is what discrimination against transgendered folks is. Sex and gender are used interchangeably in most

statutes and include sex stereotyping. The distinctions some folks make (gender identity, expression) are sociological, not legal.

I wonder if she have given that as firm legal advice for a paying client to rely on?

The distinctions some folks make

Yeh...

Some folks like judges.

Which makes me wonder how much her malpractice insurance would have gone up shortly thereafter?

When confronted with: "A good legal defense is just that. It is not explicit legal protection. While we should be encouraged by the New England news and consider using those approaches, it is no substitute for crafting laws that protect us all. Cases proceed one by one under each circumstance, and even the federal verdict only guarantees the right for students to express themselves, not to deny a transsexual employment. Only the Connecticut case talked about employment, and there it would be VERY difficult to mount a case regarding hiring practices vs. firing practices," Brennan again couldn't be bothered with the reality of the legal regime that would be created by the law that she and the others in Maryland's gay and lesbian elite wanted:

Litigation is often stronger than statutory protections

Again, when confronted with "If MD's law is sex based and not gender based, then we probably have no protections under current law," a reality actually borne out by other state law decisions, Brennan again went for the crackpipe and demanded that the sober people defer to her delusions:

This is an inaccurate reading of what sex has been interpreted to mean by many courts. Again, you are confusing sociological terms with legal ones.

I refer thee to:

Maffei v. Kolaeton Indus., Inc., 626 N.Y.S. 2d 391 (N.Y. Sup. Ct. 1995) (holding that city ordinance prohibiting "gender" discrimination protects transsexuals)

If you follow the link, you'll find a list of cases - many of which are state law, yet none of which are from Maryland!

As for the Maffei opinion? It involved a transsexual - and the judge wrote:

The crucial issue presented herein is whether harassment against a transsexual is included within the purview of the aforementioned statutes. In setting forth his position, plaintiff does not argue that the Federal law is applicable, but rather appears to principally rely upon the provision of the City law prohibiting discrimination based on sexual orientation.

I find that this City provision, however, does not aid plaintiff. Subdivision (20) of section 8-102 of the Administrative Code defines "sexual orientation" to mean "heterosexuality, homosexuality or bisexuality". The term is thus dealing with sexual preferences and practices, i.e., the sex of a person's sexual partner, with heterosexuals being persons sexually attracted to members of the

opposite sex, homosexuals being those attracted to members of the same sex, and bisexuals attracted to both sexes. There is no claim that the harassment alleged herein is the result of any sexual preferences expressed by plaintiff.

So much for the theory that a gay-only law does squat for trans folks, eh? Yet, the trans man prevailed.

Why?

*In examining the City statute, it is noted that as originally enacted by Local Laws, 1965, No. 97 of the City of New York it referred to discrimination based on "sex". However, subsequently the term "gender" was substituted for the word "sex". While the reason for this change is not apparent, one court (*Dobre v National R. R. Passenger Corp.*, *supra*), which determined that transsexuals are not covered by the word "sex" in title VII, observed that the result would be different if instead the term "gender" had been used, stating: "The term 'sex' in Title VII refers to an individual's distinguishing biological or anatomical characteristics, whereas the term 'gender' refers to an individual's sexual identity. *Holloway*, 566 F.2d at 662-63." (850 F Supp, at 286, *supra*.)*

Maryland anti-discrimination law?

§ 20-602. State policy

It is the policy of the State, in the exercise of its police power for the protection of the public safety, public health, and general welfare, for the maintenance of business and good government, and for the promotion of the State's trade, commerce, and manufacturers:

(1) to assure all persons equal opportunity in receiving employment and in all labor management-union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; and

(2) to that end, to prohibit discrimination in employment by any person.

At any point after 2001 did Cathy Brennan or Shannon Avery or Liz Seaton or Free State Just Us or GLCCB or any gay or lesbian person in Maryland currently making marriage wants a higher priority than trans employment needs make any effort to get the Maryland Legislature to effectuate that sort of change to Maryland statutory law?

Again I ask: Does Cathy Brennan's employer - and that employer's clients - know about the blatantly disingenuous, dishonest and deceitful - and, if none of those, then incompetent - garbage that she was shovelling around back in 2001?

How about a little more of the history of Maryland as written by Cathy Brennan and Judge Shannon Avery perhaps now don't want people to remember, eh?

Lets look at a sequence of events from roughly nine years and eleven months ago.

The introduction (BTW, I unearthed this from one of Phyllis Frye's Phyllabuster mass e-mails) comes from Maryland attorney Alyson Meiselman, a trans woman who, when last I checked, has one trans-specific appearance before Maryland's high court more than any of the transphobic mouthpieces

of that decade or this (and, given that Alyson's count is one - in the In re Helig case, which wasn't discrimination-related - that should say much about the ever-so-expert-on-trans-discrimination-law spewing that is to come in this exchange, spewing which emanates from Der Brennanista).

On March 28, 2001, Alyson wrote:

The following is part of the exchange regarding the Maryland 2001 Anti-discrimination Bill, which will be sent to Governor Glendening upon passage by the Maryland House at the end of this week. Governor Glendening is the National Lesbian & Gay Law Association (NLGLA) 2000 "Allies of Justice" Award recipient. Quoting from the Baltimore Sun, Wednesday, March 28, 2001, "It should be quite clear that here in Maryland, we do not discriminate against anyone for any reason anywhere in the state," Glendening said Tuesday. "Based on that statement, I suppose I'm not "anyone," or even human. And, while it is true that, "This is a very important day for fairness, justice and inclusion," Glendening said. "We'll have a fairer state as a result of this." (Washington Post, Wednesday, March 28, 2001), I feel betrayed and totally excluded.

Now let us proceed to a positively wet press release from March 27, 2001:

GLCCB

FOR IMMEDIATE RELEASE Contact:

Cathy Brennan

1-443-254-2500

Shannon Avery

1-443-804-6876

GLCCB Applauds Senate Movement on Civil Rights Bill Maryland Poised to Join 11 Other States, D.C. In Banning Sexual Orientation Discrimination Annapolis, MD (March 27, 2001): The Gay, Lesbian, Bisexual and Transgender Community Center of Baltimore and Central Maryland applauded the decision early this morning by the Maryland Senate to give approval on second reader to a bill to ban discrimination based on sexual orientation.

By a significant margin, the Maryland Senate voted early this morning to approve Senate Bill 205. Final approval of the measure is expected later this week. Information on today's vote is available at <http://mlis.state.md.us/2001rs/billfile/sb0205.htm>

SB 205 will prohibit discrimination in employment, housing and public accommodations. The bill - which exempts religious organizations - would provide statewide protections. Wisconsin, Massachusetts, Connecticut, Hawaii, California, New Jersey, Minnesota, Vermont, Rhode Island, New Hampshire, Nevada and the District of Columbia already prohibit sexual orientation discrimination.

Currently, 48.5 percent of Maryland's population live in the four jurisdictions that ban this type of discrimination at the local level - Baltimore City, Montgomery County, Howard County and Prince George's County. The remaining 51.5 percent of the State's population lack this protection, said Shannon Avery, chair of the Center's Committee for Legislative and Political Action.

"Whether or not one faces discrimination should not be an accident of geography," Avery said. "In giving initial approval to this bill, the Senate is respecting the will of a majority of Marylanders who favor this legislation."

The bill faces full Senate approval later this week. The House of Delegates approved a similar measure in 1999 by a wide majority. Governor Parris N. Glendening, a strong champion of the legislation, will sign the bill if it passes out of the General Assembly.

The GLCCB is Maryland's only community center serving the Gay, Lesbian, Bisexual and Transgender communities. The Center is located at 241 West Chase Street in the Mount Vernon neighborhood of Baltimore City. Programs and services conducted by the Center are made possible by the efforts of more than 150 volunteers and the generosity of financial donors. For additional information, please visit our website at <http://www.glccb.org/>

Alyson responded to this PR:

Discrimination, in any form, against any individual, should not be tolerated in a progressive society. The GLCCB failure to support inclusion of "gender identity" in the SB205 and HB307 is indicative of systemic bigotry in the gay and lesbian community within the State of Maryland. And, while the transgendered community has NEVER acted or behaved toward those in the LGB community in such a manner, the politically correct NIMBY attitude expressed by this press release is disappointing, if not disgusting. The LGB community should be ashamed of its actions.

Cathy Brennan's response to that?

Your insistence on misrepresenting the position of the GLCCB is both harmful and sad. You well know that the GLCCB - like other groups across the country - supports a litigation strategy to protect individual on the based of gender. You m[a]y disagree with that strategy, but you cannot honestly state that the GLCCB opposes exclusion [Kat's 2011 note: "cannot honestly state that [GLCCB] opposes exclusion" would appear to be a typo, but if Brennan actually typed it that way I think it would be the irony of karma, no? Or perhaps the karma of irony?] for anyone. Your anti-gay rhetoric is divisive and does not further the cause you seek to promote. To see you on the same side as the Family Protection Lobby is disturbing. I find it deeply troubling that you and other transgendered individuals have not only worked against the bill, but have engaged in individual and organizational character assassination. But again, I am confident that almost all members of the community are aware of your misrepresentations.

Alyson's recounting of history thereafter in a separate response to a different person:

I appreciate your thoughts. However, please consider the following:
First, "gender identity" was included in the 1999 version of the bill. It was Liz Seaton, speaking on behalf of Free State Justice and the gay and lesbian community, who stated that it was OK to delete that language from the bill.
Second, this year when asked to merely mention that the transgender community should be included in the legislation, while they were testifying in favor of LGB protections in the statute, every gay and lesbian organization refused. That is WRONG, unsupportive, and in fact signaling that it is OK to discriminate against the transgendered citizens of Maryland.
I cannot and will not accept bigotry, no matter how you sugar coat it, from those who claim to support the "T" in LGBTI! And yes, next year we'll be looking to see if the LGB folks will be lobbying for us. I doubt they will even show up. Yet, I hope your crystal ball proves me wrong.

Game, set, match - Alyson's crystal ball. Even based on the self-serving rhetoric of the current incarnation of Free State Just Us, none of the incrementalists (or, more accurately, their successors in political interest) made any attempt to go back to Annapolis to deal with trans anything, even to

‘educate’ until 2007 - and by then, Marriage Derangement Syndrome had set in.

Now, let's look at something that preceded the above exchange by a few weeks. First, another missive from Cathy Brennan that I hope her employer (and its clients) become aware of:

January 5, 2001 - THE WASHINGTON BLADE - 27

GRAVE DISSERVICE

I read with confusion the *Blade's* article on the Governor's Commission to Study Sexual Orientation Discrimination in Maryland (Dec. 15). The article reads more like a piece from an advocacy organization than what I expect to read in a newspaper.

The story states that some members of the commission "said they thought transgendered individuals would automatically be included under the term 'sexual orientation.'" Having attended all of the hearings and work sessions, I can state that members of the commission believed that transgendered individuals could access protections that already exist based on sex/gender. Connecticut's human relations commission, for example, recently issued a ruling that transgendered individuals — which includes a broad range of people such as the effeminate man, the masculine woman, and the person who has undergone sex-reassignment surgery — are covered by Connecticut law that prohibits discrimination on the basis of sex/gender. I would also point out that a transgendered person who is discriminated against because of her sexual orientation would also be covered under legislation banning discrimination based on sexual orientation.

Second, the *Blade* quotes Alyson Meiselman as saying that, "the term 'disability' does not include transsexuals." While Ms. Meiselman is correct that federal law prohibiting discrimination explicitly excludes transsexuals from coverage, Maryland law has no such exclusion. Indeed, Henry Ford, who is the executive director of the Maryland Commission on Human Relations (a fact which the *Blade* did not include in its article) stated that the commission has accepted a discrimination case involving a transsexual under the prohibition against disability discrimination. The reason for this, as noted in the article, is that transsexualism is officially listed as a disability in the *Diagnostic and Statistical Manual of Mental Disorders*.

While I believe that Maryland should follow Connecticut's lead and protect transsexuals from discrimination using the law that prohibits sex/gender discrimination, I also believe that it is irresponsible to dissuade a transsexual person from accessing all of the legal remedies that are currently available under Maryland law.

It is interesting that the Gay media — as well as the Human Rights Campaign, the National Gay and Lesbian Task Force and Free State Justice — has spent an inordinate amount of time focusing on this issue over the last two months when far more significant issues, such as Senate President Mike Miller's opposition to the bill and the Archdiocese's campaign to quietly kill the bill by spreading misinformation about how it will affect religious organizations, go unreported.

Some of those same advocacy organizations state that they favor rights for transgendered individuals, but they have done virtually nothing in the state of Maryland to fight for transgendered people based on the legal protection that already exists. Why? Surely it cannot be that they believe that what happened in Connecticut was misguided — indeed, the Human Rights Campaign signed onto a brief in support of the Connecticut ruling.

Transgendered people are vulnerable to discrimination and harassment. We have a responsibility to advocate intelligently and strategically to protect people who identify as transgendered. This can be done under current law, if organizations and individuals would put their heads together on this. Instead, those organizations — and some members of the Gay media — continue to claim that if transgendered people aren't explicitly included in Maryland's anti-discrimination law, they will not be protected. That's simply untrue, and it is irresponsible for leaders of our communities to insist otherwise.

As an individual Marylander, all I care about is giving people who have been discriminated against a legal remedy. Gay people in 19 Maryland counties currently lack protection based on sexual orientation; transgendered people in all 24 counties can currently try to file a complaint based on gender/sex. I don't particularly care about the politics of Maryland's largest Gay civil rights organization, except to the extent that politics within that organization interfere with giving real people who have been fired, denied housing, or kicked out of a restaurant a way to get compensation for their injuries. Any one person or organization who attempts to kill Maryland's Anti-Discrimination Act over this issue does a grave disservice to those real people. I would also suggest that they aim their ire at the real enemies of protection from discrimination — the Senate president and the Archdiocese.

Cathy Brennan
Baltimore, Md.

I had to reformat it to fit in this blog post, but that is the entirety of a letter that Der Brennanista got Queer Channel Media to run just as the Maryland Legislature was convening in 2001.

One thing, though...

Did you notice how she started out the letter? Slamming Queer Channel Media for - in her view - being biased?

Now, as readers should be well aware, I'm no fan of Queer Channel Media - and in the years after the

Maryland political hate crime of 2001, it become insidiously anti-trans under the control of Chris 'Hewp! Hewp! I'm being wepwessed by trans people who don't want to be repressed!' Crain.

However, the article that Brennan refers to was from Dec. 15, 2000...

and here it is (unfortunately, all I have is an old web printout of it, and I formatted the text of it from that; the URL was <http://www.washblade.com/local/001215b.htm>, but I wasn't able to find it in the WayBackMachine):

Marylanders offer testimony at hearings

Commission studies sexual orientation discrimination in the state

by Kara Fox

In the largest public hearing since the conception of Maryland Gov. Parris N. Glendening's commission to study sexual orientation discrimination in the state, commission members heard testimony after testimony Dec. 5 of why there should be legislation to include the Gay community in the state's non-discrimination policy. Many members of the transgendered community also appeared, stating that their inclusion in the law is also vital.

The hearing at the University of Maryland's College Park campus marked the fifth and final public hearing of the commission, the first steps in drafting a recommendation to the governor for legislation. Before the hearing, the commission gathered for a working session to discuss an interim report due Jan. 1. Members of the commission agreed to recommend adding sexual orientation to the state's non-discrimination policy. Members also discussed whether transgendered people should be included in their recommendation. Some members of the commission said they thought transgendered individuals would automatically be included under the term "sexual orientation," while others said the specific inclusion of the transgendered community was important.

"In my opinion as a lawyer of 20 years, the transgendered population is already included [in the state's non-discrimination policy] under disability," said Henry Ford, a member of the commission. Ford explained that the *Diagnostic and Statistical Manual of Mental Disorders* lists being transgendered as a disability.

Other members argued that the transgendered community does not fall under sexual orientation because there have been no court cases that have set such a precedent and that if a case ever went to court regarding discrimination of a transgendered person, it would be up to a judge to interpret what sexual orientation included.

Members of the transgendered community gave testimony to why they should be included.



Liz Seaton said that transgendered people have never been

included in the definition of "sexual orientation."

(By Clint Grealy)

"The term 'disability' does not include transsexuals," stated Alyson Meiselman, a transgendered attorney, during the hearing. "There is a problem with interpretation of transgendered covered as a disability. Transgendered should be taken out of the [Diagnostic and Statistical Manual of Mental Disorders] as sexual orientation was."

"When I started transitioning is when I have been discriminated against," said T. Eckels, a female-to-male transgendered person. "Every day of my life is a struggle. Every day! I found peace in transitioning."

Liz Seaton, of the Human Rights Campaign, the nation's largest Gay political organization, noted that "transgendered or transsexual or gender-variant persons have never been included in [the definition of] sexual orientation."

Many of the testimonies addressed to the transgendered issue and to the inclusion of sexual orientation in general, but there were also those who opposed the proposed legislation. Out of the 38 testimonies given, 10 were in opposition to the legislation.

"Homosexuals want special status based on what they can change," said Lany Benedict, an opponent of the legislation.

"I think they can get another job if they don't like working with me," said a student of the University of Maryland. "It's their life and they can do what they want to do. I simply ask them not to force me to accept their lifestyle. It is infringing on my rights of freedom of association. I should not be forced to accept different lifestyles."

Other opponents used religious references in their opposition and said they did not want to be "forced to hire homosexuals."

Many people also gave testimony on behalf of the proposed legislation. A woman read an anonymous testimony from a teacher who was afraid that if she appeared publicly, she would be fired. A heterosexual psychiatrist told the commission of her homosexual clients who are afraid to come out for fear of losing their jobs or homes. A pastor of a local church spoke on outreach to the Gay community and how the legislation would be vital to their acceptance.

After hearing over two hours of testimony, the commission adjourned and agreed to meet again Dec. 13 to review their recommendation to Glendening. Recommendations to the governor are to include areas that cover employment, housing, and public accommodations. A final report is due July 1, 2001.

The Dec. 13 meeting of the commission was scheduled to be held in Annapolis, Md., and was open to the public, although it did not include any more opportunities to offer testimony.

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ONLINE

Sorry Cathy, but if there's any 'bias' issue with that piece (and I'm not asserting that it was bias - even though I think the matter of what certain people who should have known - and likely did know - better regarding the interplay of 'transgender' and 'disability' should have been explored more in depth) it was in favor of the Brennan-Avery-Seaton pro-delusion side by offering the quotes of both

Henry Ford and Liz Seaton in favor of the trans-exclusion while only giving Alyson Meiselman's voice in opposition (and even part of the quote from her was about the DSM in general, and not the substance of why blanket declarations that trans people are included under "disability" were, in 2000 - as opposed to 1973 or even 1985 - incompetent at best, and flat out fraudulent at worst.)

But I've never been one to accuse Maryland's gays and lesbians of letting facts get in the way of a good fit of transphobia.

Two weeks after the Brennan letter of Jan. 5, her greek chorus appeared in those same pages. First, Cheryl Cort:

REALISTIC APPROACH

Thanks to Cathy Brennan for laying out a clear political strategy for how we, as a queer community, can move forward in achieving our goals — outlawing and ending discrimination on the basis of sexual orientation and gender identity (Readers Forum, Jan. 5).

We need clear, realistic approaches that can deliver benefits to people facing discrimination — as soon as possible. Sexual orientation and gender identity are not the same, are not viewed by the law as the same, and deserve careful, well-designed strategies to address outlawing and effectively ending discrimination for these groups.

I hope in the future the *Blade* will do a better job of fairly covering the central issues at play in the fight to pass an anti-discrimination bill for sexual orientation in Maryland.

Cheryl Cort
Washington, D.C.

No indication that she has any basis for claiming that Der Brennanista actually is "realistic," but it gets run anyway.

Oh, but wait, there's more...

MEANINGLESS EFFORT

Three cheers for Cathy Brennan! Her letter in response to the *Blade's* Dec. 15 article was right on target. As a commissioner on Gov. Glendening's Special Commission to Study Sexual Orientation Discrimination, I was grateful for Ms. Brennan's testimony and input at the commission's hearings.

For almost two years, Ms. Brennan has been proposing practical, effective strategies for advancing the rights of transgendered people in Maryland. Based upon sound legal research and practical discussions with the Maryland Human Relations Commission, and the local community relations agencies in Baltimore City and Howard, Prince George's, and Montgomery counties, Ms. Brennan proposed that trans advocacy start at the local level with local initiatives and complaints by transgendered people filed under sex, gender, sexual orientation, and personal appearance. Similar models of advocacy have succeeded in Connecticut and Minnesota.

In fact, the National Gay and Lesbian Task Force noted in their publication *Transgender Equality: A Handbook for Activists and Policymakers* that transgender-inclusive legislation would not have been successful in Minnesota if not for the "proven track record of securing transgender-inclusive ordinances at the local level."

Unfortunately, advocates in Maryland, claiming to represent the transgender community, have taken no action on the local level. Nor have they pursued filing a complaint with any of the human relations commissions in Maryland. Instead, their sole strategy is to include transgender in the definition of sexual orientation in the anti-discrimination legislation. This effort is meaningless and they know it.

That is the beginning of an extended hissy-fit from now-judge Shannon Avery.

...their sole strategy is to include transgender in the definition of sexual orientation in the anti-discrimination legislation.

Oddly enough, at that time including sexual orientation in the definition of sexual orientation in the anti-discrimination legislation was the only strategy of transphobes such as Avery.

Their effort is meaningless and they know it.

I got nine years and eleven months that say she owes trans people in Maryland (and every other jurisdiction that copied her diseased strategy) an apology.

In 1990, the transgender provision was amended out in committee before the bill was passed on the floor of the House of Delegates. Last year, the bill was introduced without the transgender provision. The governor was unwilling to include transgender protections in the anti-discrimination legislation this year, and not one legislator was willing to champion the cause. This is not to say that transgender people don't deserve to be protected. Of course, they deserve it and need it. Rather, it is to say that advocates need to give transgender peo-

ple more than lip service, and they need to stop vilifying those who offer practical and effective solutions.

The work of Cathy Brennan in the area of transgender rights offers the most practical, reasonable, and effective hope of gaining protections for a community that needs it most. Let's take an objective look at her suggestions and move forward together.

Shannon E. Avery
Baltimore, Md.

I wonder what sort of kum-bah-yah trans inclusivity there was when those gay-only local ordinances were ramrodded through, eh?

Perhaps the same sort of non-kum, non-bah, non-yah that there was in Minnesota back in the mid 1970s - you know (You obviously do, right? You're quoting from that NGLTF book which spoke of Minnesota trans history, aren't ya?), where trans people were left out of the Minneapolis ordinance in 1974 at the behest of a man who went on to help found the Human Rights Campaign Fund (I know, you're shocked!) but not before he tried to ramrod that same anti-trans (Hey, I'm only following the lead of you civil rights icons. If you oppose an gay rights bill for any reason, you're anti-gay; so, if you oppose trans rights for any reason, you must be anti-trans, right? I hope that trans people who now find themselves faced with having their rights adjudicated by Judge Shannon Avery are aware of this. No, I'm not trying to get anyone thrown off the bench. I'm just sayin') language through the state legislature - only to have the effort backfire and have the dirty, scummy, scary trans people befriended by a Republican legislator who would do what the 'liberal' Democrats would not, namely stand up for trans rights. And we're still talking about Minnesota, right? Where that entire gay rights bill of 1975 died not because of the spat over trans-inclusivity but because of the specter of gay teachers?

MINNESOTA COMMITTEE FOR GAY RIGHTS
BOX 4226, ST ANTHONY FALLS STATION, MINNEAPOLIS, MINNESOTA 55414

NEWSLETTER

JANUARY, 1976

MCGR IN '76

MCGR's priority last year was obvious: passage of the two gay rights bills in the state legislature. The same senators and representatives are in the 1976 session, and since they are unlikely to change their votes in an election year, MCGR will not be lobbying in 1976. Our new goal is passage in 1977.

1977 seems like a long time off, but in reality we are pushed for time. If we are to see any gay rights legislation passed in 1977, the following must happen:
* We must gain support of teachers. The "teacher issue" was probably the largest factor leading to the defeat of the human rights bill.

Who do you want to believe? Yourself? Or Endean's own organization? (Or, how about the next gay rights bill introduced in Minnesota, 1977 H.F. 1176, which didn't have pro-trans language but did have explicit proto-Briggs anti-gay-teacher language, you know...

A continuing contract may be terminated, effective at the close of the school year, upon any of the following grounds:

...

(e) Advocacy or promotion in a learning environment of a preference for engaging in sexual relations with persons of a particular gender.

like that?) And how about these little factoids:

- Because of that skirmish at the Legislature in 1975, the Minneapolis Ordinance was amended to be trans-inclusive before any further attempts were made to go after state legislation.
- The other gay rights law in Minnesota at that time, St. Paul's, was wiped out by Anita Bryant's minions in 1978.
- When St. Paul re-enacted an ordinance it was trans-inclusive.
- When Minnesota finally enacted statewide legislation in 1993, all (well, both) of its city ordinances were already trans-inclusive.

Don't worry, Shannon. There's always a spin-cycle chair available for you at FOX. But I have no faith that people like Brennan and Avery will ever meet the fate that they deserve (no, not violence - just something equivalent to what trans people in Maryland have faced for the last ten years...you know, like ten years of unemployment.) After all, Brennan has slithered into the caliber of law practice that I have grave doubts that any trans person (well, any trans woman) would ever even be considered for. As for Avery? Well, I'd trust Alyson Meiselman to be a judge - but it's Avery that has managed to grab a gavel...

even after being exposed as sophistry-addled, transphobic slimemonger by Alyson in that very same Jan. 19, 2001 edition of Queer Channel Media:

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COURAGE NEEDED

After reading Cathy Brennan's letter to the *Blade* (Jan. 5), and having received several calls from individuals in the transgendered community, I am compelled to respond.

First, Ms. Brennan's faith in the opinion of Henry Ford, executive director of Maryland's Human Relations

Commission, is misplaced. At the hearing on Dec. 5, Mr. Ford conceded that there is no law in Maryland supporting his position that transgendered persons are protected as disabled because of a listing in DSM-IV. As he stated at the time, it was his position to take a case based on his interpretation of the law. In fact, as stated by Ms. Brennan, my position is correct, both technically and as a legal matter, until there is either a Maryland decision on the issue or the legislature passes a statute. While the Connecticut decision protects transsexuals, based on state law that prohibits discrimination based on sex/gender, the Connecticut decision is only a Connecticut HRC decision and not a court decision (it has no precedential value). In addition, the decision does not necessarily protect other transgendered persons.

Further, and in fact, the legislative history in Maryland would absolutely preclude protections for transgendered individuals because the bills introduced and voted upon either directly removed such language, or failed in hearings to amend such language into a bill.

Second, both Ms. Brennan, an out Lesbian attorney, and Ms. Shannon Avery, a member of the Maryland commission, are advocating protection for or of their own "turf" by not supporting totally inclusive protective legislation. The commission's charge by Gov. Glendening is directed toward investigating Gay discrimination in employment, housing, and accommodations. The problem with the governor's charge to the commission is that it does not include the bisexual or transgendered and intersexed communities.

The commission has two dilemmas. The first one is whether or not to include in its final report suggested protections for transgendered individuals.

What makes legal sense to you?

The commission's second dilemma is whether they have the moral courage to do the right thing and recommend extension of protections to all of Maryland's citizens, their parents, spouses, and children, and those individuals that visit or pass through our borders.

The Special Commission to Study Sexual Orientation Discrimination held a meeting Dec. 13, at which time they decided to continue to "study" the problem. Their interim report to Gov. Glendening did not include a recommendation to include protection for transgendered individuals (even though the members of the commission are aware of our plight).

Why? Because, as Shannon Avery put it, "adding protections for the transgendered community would jeopardize any chance of passage of a bill protecting Gays and Lesbians."

Of course, there were no transgendered individuals appointed to the commission to speak up on our behalf. And, I, for one, would rather see no bill pass the legislature amending protection to individuals based on sexual orientation than one that only might benefit a few Gay men and Lesbians, like Cathy Brennan or Shannon Avery.

Alyson Meleheim
North Potomac, Md.

along with the highly likely recommendation for such protections based on sexual orientation. The trap for those who would support only protections for Lesbians, Gay men, and bisexuals is that they will have a short lived Pyrrhic victory and will be faced with discrimination, nevertheless, because the discrimination will be legally proved to be based on perception and not on their sexual orientation.

For example, a male who is perceived to be "effeminate" or a female who is perceived to be "too masculine" or "butch" will be discriminated against based on perceived cues received by the person acting out their prejudice (bigotry and bias) rather than the actual sexual orientation of the male or female. In fact, the discrimination is based on having or being perceived as having an orientation, self-image, or identity not traditionally associated with the male's maleness or the female's femaleness. In other words, it is based on the individual's gender identity, regardless of their sexual orientation. Just ask any bigot and they will tell you, "[they] could tell, just by looking."

Of the three issues, sex, sexual orientation, and gender identification, sex and gender identification have visual and audible cues, whereas sexual orientation has neither. So if a bigot is going to discriminate, it will be based on sex or gender identity. Since we all know that discrimination based on sex is illegal and prohibited and has status worthy of legal protection, that leaves the commission with the options of doing nothing (not likely to happen), expanding protections to include sexual orientation only (leaving the majority of Gay men, Lesbians and bisexuals still exposed to discrimination), or expanding protections to include sexual orientation and gender identification.

Oh...

and did I mention that, unlike in the Dec. 15 piece that Der Brennanista claimed was biased against her position, Alyson was not the only pro-reality voice in the LTE pages of Queer Channel Media on Jan. 19?

COORDINATE STRATEGY

I write in reply to Cathy Brennan's letter suggesting that transgender people who face discrimination and harassment will be protected under Maryland's current law prohibiting sex discrimination (Jan. 5). I wish I shared Brennan's confidence, but unfortunately I do not.

As an attorney who has brought a number of sex discrimination claims on behalf of transgender people (and as the author of the principal brief submitted to the Connecticut Commission on Human Rights and Opportunities which bravely ruled that transgender people are covered by that state's sex discrimination law), I am all too aware of the ways in which courts have historically ignored the sound reasoning that the Connecticut Commission adopted.

As the Connecticut Commission explained, sex discrimination laws should (and, in Connecticut's case, do) prohibit discrimination against transgender people. By the same reasoning, sex discrimination laws should prohibit discrimination against Gay and bisexual people. Yet we must continue to press for sexual orientation discrimination prohibitions (and I believe transgender discrimination prohibitions, as well) because we know that many courts have ignored and will continue to ignore sound reasoning and logic.

Despite our ability to make the legal argument that discrimination against transgender people is sex discrimination and despite the recent successes we have achieved, courts have historically gone to great lengths to exclude transgender people (and Gay and bisexual people) from the protections of the law. For example, as one court explained, a transgender person faces discrimination not "because of sex" but "because of change of sex," the latter not being prohibited under the relevant sex discrimination law. While I agree with Ms. Brennan that "we have a responsibility to advocate intelligently and strategically," we are not always successful

despite our best efforts.

In theory, we have no less ability to make the argument that Gay and bisexual people are covered by existing law than we do to argue that transgender people are covered. Yet, facing reality, we understand that without express inclusion in the law, not all employers, decision-makers, or judges will agree. And, worse, without express inclusion some judges may go out of their way to exclude us despite our best advocacy.

In the end, I hope that we can agree that a coordinated legislative and litigation strategy is the best way to proceed to obtain protections for Gay, bisexual, and transgender people. We should be careful along the way, however, not to apply a different standard for when transgender people and when Gay and bisexual people should be expected to rely on existing law.

Jennifer L. Levi, staff attorney
Gay & Lesbian Advocates & Defenders
Boston, Mass.

Now, I have my issues with GLAD. To the best of my knowledge it still has never hired any trans women. And, even though - as Jennifer points out - it does pro-trans casework (often successfully), it also is as responsible as anyone or anything for ensuring that gay marriage has steamrolled all other substantive concerns of LGBs (not to mention Ts) over the last decade.

Jennifer was too diplomatic to phrase it this way, but her argument can be summed up thusly: Brennan was full of shit and she either knows it or should know it.

Likewise, Alyson will never phrase the overall situation in such a manner, but I will: It all boils down to gay greed.

It did in 2001.

And it does now.

The diseased deceit exhibited by Brennan and Avery in their tag-team transphobia a decade ago should, by now, have thoroughly disqualified them from any employment even remotely connected to law or policy - yet one of them has a law position that, doubtlessly, no trans person (and certainly no trans woman) was ever even considered for and the other is in the position to pass judgment on people who may be in legal trouble via 'criminal' activity that they may only have been involved in because they were legally excludable from employment in Maryland because of the law that she helped con the state into passing (now, I actually don't know if she's on the criminal bench, but as an assistant A.G. she represented the state in its efforts to try to keep people from accessing DNA evidence that could possibly exonerate them).

Matt Foreman, though, got a nice promotion after he shepherded New York's copy of Maryland's anti-trans law into existence back in 2002.

What sort of position will Morgan Meneses-Sheets manage to elevate to after she accomplishes the touchy-feely 2011 equivalent of the con that Brennan and Avery pulled off a decade ago?

Well, I'm sure that Pee Wee Solmonese one day will grow tired of his champagne-in-the-membrane, designer executroid leisure lifestyle of energetically having to effectuate a different plastic smile each time he finds himself unable to avoid explaining away a caviar-stained foobar that the Rhode Island Avenue Cesspool passes off, to the working-class public that neither he nor his organization really cares about, as epic plans of gay Napoleonic stature that are worthy of a perpetual series of - or at least thirty-five - 'thank you may I have another's from the useless-except-for-one-thing masses.

Some will say that cream rises to the top.

I point out that turds float in punch bowls.

A lot of people who should have known better (and probably did) drank a lot of crab-flavored kool-aid in 2001.

The same organization that served up plenty of it back then is serving it up again - just with a bit of different food coloring.

This time its violet instead of purple - yet the active ingredient, of course, is neither the coloring nor the flavoring.

Lies are still lies.

Bullshit is still bullshit.

Transphobia is still transphobia.

And gay greed is still gay greed.

Gay marriage in Maryland - without the stain of trans equality having to be borne by the gay millionaires in D.C.'s Maryland suburbs - will punch Morgan Meneses-Sheets' ticket to the big house on Rhode Island Avenue. I think its time for those of us who bought Liz Seaton's ticket to HRC, who bought Cathy Brennan's ticket fake legitimacy, and who bought Shannon Avery's ticket to the bench -

you know, us people who bought those characters' tickets with ten years of third-class legal status - to punch back.

No, not physically - either with violence or our own gift of purple kool-aid punch (after all, what I've pointed to here are the inconveniences of the reality of history - things which, by their consistent refusal to stand up and face the music for what they did ten years ago, the Brennans and the Averys and the other gay-primacy con artists of Maryland and other states have no use for.)

No, we punch back by refusing to shut up.

To quote that ever-popular, umm..., champion, umm..., of trans-inclusion...

John Aravosis:

We didn't get the DADT legislation passed by being nice.

We wouldn't want to disappoint The John, now would we?

So, if you're inclined to be nice regarding what the Neo-2001 crowd in Maryland is trying to pull? Don't.

If you're currently being nice regarding what the Neo-2001 crowd in Maryland is trying to pull? Stop.

These people fucked us ten years ago - and what they did then was immediately copied by New York and subsequently used by St. Barney to try to erect national anti-trans apartheid in 2007.

If we let them fuck us now, if New York ever bothers to deal with trans-inclusion you can bet that it will be even worse than what Maryland is trying now - and you can bet that in 2033 when 93-year-old St. Barney gets around to proposing a bill to rectify the situation he created by signing off on the gay-only ENDA that got passed in 2017, it will be even more meaningless than anything that the Brennans, the Seatons, the Averys and the Meneses-Sheetses could have come up with in their wettest, greediest, gay-primacy dreams.

We didn't get the DADT legislation passed by being nice.

If the John says it, it must be true - and it must be obeyed!

[Cross-posted at ENDABlog]

Suggested citation

Kat. "Come to Think of it, I've Never Seen Morgan Meneses-Sheets and Cathy Brennan in the Same Room at the Same Time." TransAdvocate, February 17, 2011.

<https://www.transadvocate.com/come-to-think-of-it-ive-never-seen-morgan-meneses-sheets-and-cathy-brennan-in-the-same-room-at-the-same-time>