

TRANSADVOCATE

Religious Bigots: Intersections of Trans, Racial and Feminist issues | PodCast

By Cristan Williams

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Abstract

Hey there folks this is Cristan Williams with another TransAdvocate podcast. Today I have a few topics I want to touch on. We'll talk about the Arizona "right to discriminate" bill. Specifically we'll hear the office of the bill's sponsor, Senator Yarbrough, say that his bill will protect the right of the Ku Klux Klan [...]

Article

Hey there folks this is Cristan Williams with another TransAdvocate podcast. Today I have a few topics I want to touch on. We'll talk about the Arizona "right to discriminate" bill. Specifically we'll hear the office of the bill's sponsor, Senator Yarbrough, say that his bill will protect the right of the Ku Klux Klan to institute racial segregation based on "religious belief." We'll talk about why a recent trans victory in Texas and why it matters to the American trans population, and we'll also talk about a concept despised by TERFs, you know, Trans Exclusionary Radical Feminists. That concept is intersectionality. We'll also talk about how gender stereotypes are used to attack abortion.

But first I have some exciting news about the TransAdvocate. As you know, the TransAdvocate has done some fairly badass stuff recently. We've blow entire anti-trans narratives out of the water, time and again. You might remember when the trans rapper Evon Young was tortured and murdered, news outlet made it seem as if his gender identity was up for some sort of interpretation. We found folks who knew Young and set the record straight. We debunked one restroom meme after another; we've exposed the Pacific Justice Institute for it is. We've directly intervened when we thought that it was appropriate. Time and again we were told that the stuff that we were doing wasn't found anywhere else and even so, our stories weren't often taken seriously because, well... We're just some blog. We're just some bloggers and not an actual news source. Well, not anymore. We're actually a news source now. That's right. As of today, the TransAdvocate is now a Google News provider, just like any other mainstream news outlet.

As far as I know, the TransAdvocate is the only trans-only news provider for Google, which is more than a little sad. Our community has some amazing voices and we have a lot of talent. If we are the only one, I hope to see more trans-oriented news providers in the future and if we are the only one, then I'm proud that we have the community's voice represented side-by-side with other content providers like HuffPo and the Times. In any event, this is more than a little awesome.

Also before we get to our topics, I want to share with your some feedback. Remember, you can call the

TransAdvocate at 708-274-7826, again that's 708-274-7826. You can share your tips, opinions and more or you can just let us know how we're doing. This is a caller from Detroit, Michigan:

"Hi, I just wanted to say that you guys are amazing and that along with Queerty and HuffPost Gay News, you guys are such amazing magazines. I follow you guys on Twitter. Okay, bye, thank you. Keep doing great work!"

Wow! Well, thank you! I really, really appreciate it. You know, the work that we do here at the TransAdvocate, it's hard. It's hard work. A lot of the investigative pieces that we do, I think that sometimes people fail to grasp how much time, attention - how many resources go into some of the pieces that we do. You know, some of the times we're calling other countries and we do all of our editing ourselves. For some stories we fly across the nation and all of that happens on our own dime. If you've noticed, each and every story that's on the TransAdvocate is, in and of itself, an act of advocacy. It is someone putting their time and attention, and sometimes their very limited resources towards bringing you the facts and news that really affect the trans community. So, it's certainly a labor of love and I really appreciate the feedback, Detroit. That's pretty awesome. So, remember, you can call and share your thoughts and opinions at 708-274-7826.

Okay, so now let's talk about Arizona. So Arizona state senate senator, Steve Yarbrough, a Republican, sponsored Senate Bill 1062. It's hailed as a property rights bill, and it's aimed at ensuring that business owners and social service providers will have the right to discriminate based on "religious freedom." So I wanted to get a local, kind of feet on the ground perspective, there from Arizona. So here's EJ Montini from the Arizona Republic:

"Since you would allow them to refuse service to people who may be gay, maybe a certain religious affiliation. We don't know, [there] could be a lot of exposure in this particular bill. Only because they have a religious belief. It's a solution in search of a problem. We really have no issue about this in Arizona. This is extremists in the legislature, essentially appeasing zealots in the community. It's really a shame. And it is a most ungodly way to view religious belief."

Montini's right! The bill is a huge step backwards for Arizona and Republicans know it! They just don't care. They really don't care. They know this bill will hit everyone who is not a white heterosexual male. Instead of me telling you how screwed up this bill is, let me let Senator Yarbrough's own office tell you how screwed up this bill is:

Cristan Williams: "Organizations like the Klan are explicitly religious organizations. If you had a racist person who was part of [the KKK], if it was their sincere belief that the curse of Ham is correct, [do these] bills open the door to segregation again. Correct?"

Yarbrough's Office: "If one could prove that performing an action or an action is motivated by that belief, the belief severally held, and if they did that it would substantially burden their beliefs, then yes, that is correct."

There you go. They know they're empowering the Ku Klux Klan to institute segregation, and they just don't care. They're knowingly working to support the aims and goals of a known hate group because in doing so they think they'll be able to gain a right to discriminate against LGBT people. This is what you call cutting off your nose, to spite your face.

I've got to say something about these pieces that I do, where I call bigoted people or bigoted systems, and, you know, I tell them truthfully that my name is Cristan Williams and I'm from Houston, Texas. I might talk with a little bit of a Texan accent whenever I call, just to let them know how concerned I am about a particular issue and how I might be in agreement with their goals and aims and I just want to know a little bit about how I might be able to support some of their actions. And whenever they learn I'm from Texas, and that I have this particular accent, it's amazing how willing they are to be really honest about their bigotry. Isn't that interesting?

People like this, like to cover up their bigotry behind the rhetoric. They disguise it. Kind of like the Klan disguises themselves! They wrap their bigotry up in the flag, in the bible, in religion, and in, rhetoric about property rights. This is ridiculous!

Well, speaking of Republican efforts to discriminate against trans people, let's turn to Texas. So, this case is not simple. I will say that what you need to know is that this case will likely define the transitioned status of trans people - certainly in Texas, and very, very possibly, all of America. This means that your transitioned status may very well rest on the outcome of this case. That's why it's important and that's why I've been following it for the past several years. In fact, here's some stuff that I put out, maybe about 4 years ago now, trying to educate people about this particular case.

"Hey there YouTube, this is Cristan and today I wanted to talk to you about the Nikki Araguz case and what that means for the trans community. If Nikki loses, all Texas transitioned TG people will legally de-transitioned. So, why is that? Okay, some of you might ask. Well, if you remember Attorney General Greg Abbot refused to rule whether or not transgender people who have transitioned, or who are in the process of transitioning, were legally male or female. So, instead of ruling on it he kicked it down to the Wharton County judge, who is hearing Nikki Araguz's case. The meat and potatoes of that case is not about benefits. The legal question in that case is, is Nikki a man or is Nikki a woman? So, now it's up to judge Randy Clapp to decide whether or not transitioned people are in fact are the gender they transitioned into or not. If Nikki loses, you lose your legal status. It doesn't matter what your doctor says, it doesn't matter what your chromosomes say, it doesn't matter if you're intersex. It doesn't matter if your birth certificate says that you're female when you're MTF. It doesn't matter. What will matter is that a small-town judge said that you're legally male, if you're male-to-female and that if you're female-to-male, well you're legally a woman for the rest of eternity. And some of you who are not living in Texas might think, "Well, what the hell does that mean for me? It doesn't affect me." See, unfortunately case law has no boundaries. That means that the next time a transgender case comes up in your state, this case law can be used as precedent."

And see, it's even more nuanced than that. This whole thing started because an intersex person wanted to get married in El Paso. Well, county clerk didn't know if he should issue them a marriage certificate because they didn't know what sex this person was. Well, they contacted Attorney General Greg Abbott, the guy that's running as the Republican [Texas] Governor right now; they wanted to know how to handle this case.

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JO ANNE BERNAL
EL PASO COUNTY ATTORNEY
500 EAST SAN ANTONIO
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EL PASO, TEXAS 79901

(915) 546-2050
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April 19, 2010

RQ-0882-GA

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FILE # ML-46443-10
I.D. # 46443

The Honorable Greg Abbott
Attorney General of Texas
Attn: Opinion Committee
P. O. Box 12548
Austin, Texas 78711-2548

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7009 1680 0001 9160 0857

Re: REQUEST FOR AN OPINION REGARDING MARRIAGE LICENSE
REQUIREMENTS
(CA File #OP-10-075)

Dear General Abbott:

I am seeking your opinion regarding the authority of the El Paso County Clerk to issue a marriage license in the following circumstance.

I. Background

Virgil Eugene Hill, Jr. was born in Oceanside, New York; his birth certificate identifies his sex as male. He subsequently underwent sex change surgery, and on July 2, 1991, Judge Richard B. White, of the District Court of the State of Washington and for the County of Spokane, issued an Order, changing the name of Virgil Eugene Hill, Jr. to Sabrina Jeanne Hill (hereafter "Hill") for all intents and purposes. In February of this year, Sabrina J. Hill sought a marriage license from the County Clerk of the County of El

Figure 1. It all started April, 19 2010 with this

Well, there was a case going on in Wharton, Texas which was Nikki Araguz. Her husband died in the line of duty. He was a firefighter and the State was going to pay her widow's benefits. Well, the ex-wife was having none of that. She wanted to control whatever benefits that would have gone to Nikki and so, she sued to have the marriage annulled, to have the marriage voided on the grounds that Nikki Araguz - yes, she was post-op - but, she was still a man because of this fucked up case called Littleton v Prange. Littleton v Prange holds that - and I'm not kidding, I am not kidding - that at the moment of birth, god comes down and bestows one of two sexes to Texas children and that the obstetrician or whoever is doing the delivery, divines god's will and writes on a certificate of live birth, otherwise known as a birth certificate, what god's will was. Was it that this person would be male or female? And that once they write that on that medical document, it can never ever, EVER, be changed. No matter what. No matter what medical expert come along later; it doesn't matter. This is the only medical opinion that is written

in stone and is infallible. Seriously. That's the Littleton v Prange decision. Well, so this small-town Republican judge AGREED with that belief and he voided Nikki's marriage. Well, she, of course, appealed to the 13th District Court of Appeals here in Texas and this is a mixed court of Republicans and Democrats. And guess what? This time, they found in favor of Nikki. You see, here in Texas there's a little piece of legislation that says that if you have had a "sex change" you may be issued a valid marriage certificate. The other side argued that a "sex change" does not mean sex change. Seriously. That's what they argued.

"The statute in 2009 clearly trumps a case law from a lower level appellate court in 1999," said Nikki Araguz's attorney, Phyllis Randolph Frye.

Ellis said the new provision says nothing about allowing people to legally change their gender but simply lets a person present a court order for a sex change or name change for identification purposes to obtain a marriage license - such as if Nikki Araguz, born a male, wanted to marry a woman.

Nikki Araguz's legal stance is "insufficient" to invalidate the Texas Constitution, said attorney Edward Burwell, who represents Thomas Araguz's ex-wife, the two boys' mother.

"You are what you are born," Burwell said at a news conference. To suggest otherwise based on one new provision of the state's family code, he said, "is a bit of a stretch."

Figure 2. Houston Chronicle, August 3, 2010 - Texas Constitution says nothing about "sex change"

They argued that god wrote the bible and the bible said XY and Z and blah, blah, blah. That was their legal case, and I know you think I'm joking. I know you think that I'm engaging in hyperbole here, that their case was actually the bible. Well, here is the other side arguing before the 13th District Court of Appeals. This is their legal argument. This is them talking to the judges about why Nikki is a man and not a woman. Here you go. This is their devastating legal case:

Lawrence P. Wilson of Christian College: Your honor, I don't mean to be flippant about this but to me that would somewhat like an expert coming in and saying this table is a chair. And that is my expert opinion. And we have an ability to either say that makes sense or that does not make sense. That is credible evidence, or that is not credible evidence. You know, Genesis 1:27 and 19:4, when they talk about god created them male and female, what we are introducing today is the idea - this is what their expert says, what they cite in their brief - they say, 'No. Nikki Araguz was neither male nor female, that she was neither completely male nor completely female.' They are introducing - I don't know what it would be - but, it would be something that is unprecedented in the history of Texas, something that we've never recognized before,

Chief Justice Valdez: Let me ask you this: again, this comes to us in the context of a summary judgment. Don't YOU have the burden of proof? Don't you have to come forward with evidence to disprove that she is not a man but rather a... I'm not a woman, but rather a man? You see what I mean? Who has the burden of proof? YOU do. YOU are the one that's asking us to move forward and set aside her identity as a woman.

STATE OF CALIFORNIA CERTIFICATION OF VITAL RECORD									
STATE OF CALIFORNIA DEPARTMENT OF PUBLIC HEALTH									
1 05 1975 124682		CERTIFICATE OF LIVE BIRTH STATE OF CALIFORNIA USE BLACK INK ONLY				1 1975 27 001891			
STATE FILE NUMBER						LOCAL REGISTRATION NUMBER			
THIS CHILD	1A. NAME OF CHILD - FIRST	1B. MIDDLE	1C. LAST						
	Nikki	Paige	Purdue						
SEX	2. SEX	3A. THIS BIRTH SINGLE, TWIN, ETC.	3B. IF MULTIPLE, THIS CHILD 1ST, 2ND, ETC.	4A. DATE OF BIRTH - MM/DD/YYYY	4B. HOUR - 24 HOUR CLOCK TIME				
	Female	Single	***	06/04/1975	2225				
PLACE OF BIRTH	5A. PLACE OF BIRTH - NAME OF HOSPITAL OR FACILITY			5B. STREET ADDRESS - STREET AND NUMBER OR LOCATION					
	Community Hospital			W. R. Holman Highway					
CITY	5C. CITY			5D. COUNTY					
	Carmel			Monterey					
FATHER	6A. NAME OF FATHER - FIRST	6B. MIDDLE	6C. LAST	7. BIRTHPLACE - STATE/COUNTRY	8. DATE OF BIRTH - MM/DD/YYYY				
	Christin	Wayne	Purdue	KS	11/12/1954				
MOTHER	9A. NAME OF MOTHER - FIRST	9B. MIDDLE	9C. LAST - BIRTH NAME	10. BIRTHPLACE - STATE/COUNTRY	11. DATE OF BIRTH - MM/DD/YYYY				
	Sheri	Lynn	Taylor	OH	02/21/1955				
INFORMATION AND BIRTH CERTIFICATION	12. I CERTIFY THAT I HAVE REVIEWED THE SOURCES INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE			13A. PARENT OR OTHER INFORMANT - SIGNATURE			13B. RELATIONSHIP TO CHILD		
				Sheri L. Purdue			Mother		
	12. I CERTIFY THAT THIS CHILD WAS BORN ALIVE AT THE DATE, HOUR, AND PLACE SHOWN			13A. ATTENDANT CERTIFICATION - SIGNATURE AND DEGREE OR TITLE			13B. LICENSE NUMBER		
				H. L. Compton, MD			C 25900		
LOCAL REGISTRATION	14. TYPED NAME, TITLE AND MAILING ADDRESS OF ATTENDANT			15. DATE ACCEPTED FOR REGISTRATION - MM/DD/YYYY			16. DATE OF BIRTH - MM/DD/YYYY		
	Monterey, CA			Robert J. Bowersox, MD			06/18/1975		

Figure 3. Original - NOT AMENDED - Birth Certificate of Nikki Araguz

And this mixed court, of course, didn't buy it. And they recently returned a verdict in favor of Nikki Araguz, saying that a trans woman, after she transitions, is, in fact, a woman. She is a woman. That is the thing that this case is all about. And therefore, she can enter into a valid Texas marriage. The reason why it's important for everyone else, is that the other side, the right-wing side, that's arguing bible and blah, blah, they will definitely appeal this 13th District Court of Appeals ruling. That means that it's probably going to the Texas Supreme Court and because we have a Texas Supreme Court ruled by ideologues - right-wing ideologues - we will more than likely lose. The Texas Supreme Court with probably say that "No. No, no. The 13th District Court of appeals was wrong and we have to use a biblical interpretation of what is a man and what is a woman, and that god comes down out of the clouds and bestows a sex upon each of Texas child." That will most certainly be appealed to the Supreme Court of the United States. And that's where it not only becomes Texas' issue; it becomes everyone else's issue too, for a couple of reasons. Let's say that the Supreme Court doesn't hear the case. That leaves this case law - Texas Supreme Court case law - hanging out there and it will absolutely be used by the right-wing to attack trans rights throughout the nation. Or, the American Supreme Court hears the case and then rules whether or not trans people who transition are their transitioned sex. This case is huge and has implications that are far-reaching. So, what's important to know, is that the 13th District Court of Appeals ruled that Littleton v Prange is dead. That's a big thing. That the case law

has been legislatively overturned. That's a big deal. So, here's Nikki when I talked to her about all of this just a few days ago.

Cristan: You've come a long way.

Nikki: Right, right.

C: In the last couple of years.

N: Specifically in the last year.

C: What did you think whenever you got the news?

N: I didn't think it was real. I was in shock and I really started crying with just... relief. You know? Just yesterday I sent my lawyers an email and I said, "How long are we going to have to wait for a ruling?" So, I said that I was ready to have a good old fashioned protest to force a ruling. I expected the email that I opened this morning to be another, "Calm down. We have to wait. Be patient." And it wasn't that at all. It said "We won! We won on every legal argument! We won."

C: So, to be clear, this was a 3-panel judge. This was Republicans and Democrats. The judges were men and woman; Texas judges, reviewing Judge Clapp's 'legal logic' and rejected it all! They rejected all the assertions made by the other side concerning you. What is your sense about what happens next?

N: Well, we are weighing all of our legal options. We are really analyzing the ruling at this point. My legal team and I will be meeting in the next few days and discussing our stratagem, but from all accounts, the judge's ruling was very thorough. But we're analyzing it for technical mistakes and are going to assert ruling to the best of our ability, to the benefit of transgender Texans. And what it does do is effectively strikes down Littleton and no one else will have to go through what Christie Lee and I have had to go through. It really asserted that transgender Texans have a right to be married here in Texas.

C: The judges found that you were A.) female; and, B.) that your marriage was, in fact, valid.

N: Right. Right.

I asked her about a particularly painful part of her story. You see, when she [was forced] out, her husband's family made the claim to the press that her husband didn't know that she was trans. Now, they lived together months before they married, and she was pre-operative at the time. However, everyone bought the story. They really, really, REALLY believed that this American hero was deceived. No way could one of our heroes truly love a transwoman.

N: That was the most painful part of this whole thing, was for people to believe that my husband didn't fall in love with me genuinely. It was the most asinine and absurd part of this and I think that, that is the dialogue that this case will change forever. You know, that transsexuals aren't inherently deceptive, and that we don't have to trick to be loved.

C: That's right.

- Read the appeal Nikki's lawyers filed with the Texas 13th District Court of Appeals [here](#).
- Read the Texas 13th District Court of Appeals decision [here](#).

- Read Judge Randy Clapp vacating his decision declaring Nikki to be male after the Texas 13th District Court of Appeals ruled it flawed.

Some of you may have heard that TERFs don't like the idea of intersectionality. That is, that our oppressions are linked. So, we talked about Arizona. We talked about how this effort to target the LGBT is also going to empower the Klan to institute segregation. That oppression is intersectional.

And so: body autonomy. The issue of body autonomy is intersectional. For those reasons, it's not uncommon for trans people to volunteer as [abortion] clinic defenders. You see, there is a group of religious fanatics who will stand outside of abortion clinics, and I've noticed that they engage in gender baiting.

Religious Fanatic: I am pleading with you to have some courage to be a MAN and go in there and grab that lady by the hand and drag her out of here! Be a MAN! Have some courage! I am praying that you will go in there and grab that lady by the hand and drag her out of there before it's too late!

So, if you follow the TransAdvocate on Twitter or FaceBook you see us, quite often spending our Saturday mornings. We wake up very early in the morning to get there before 7am to stand at the entrances of these clinics and protect them. I support body autonomy, period! If a person is in need of abortion services, I support their right to get the medical care they need. It's why I act to physically protect those clinics. If a person is in need of trans services, I support their right to get the medical care they need. It's why I worked to set up 3 low cost/no cost trans clinics. Body autonomy - agency over one's biology so that biology isn't destiny and the right to access safe medical care, those are all intersectional issues and it's no surprise that time and again, we find the same group of people standing in our way.

Well, I think that's going to do it for this edition of the TransAdvocate podcast; remember if you want to share your opinions about any of them you can call 708-274-7826 again that number is 708-274-7826. You can find us online at facebook.com/transadvocate or on twitter at twitter.com/transadvocate and you can find our website at transadvocate.com.

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