

TATS Newsletter

★ the Texas Association for Transsexual Support ●

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TATS is ... a volunteer-led peer support group devoted to helping transsexual persons, their partners, their families, and their friends accept life and experience it to the fullest.

20 YEARS AFTER: THE ANTI-CROSSDRESSING ORDINANCE REPEAL

By Phyllis Randolph Frye

August 12, 2000, marks the 20th anniversary of the Houston City Council's repeal of Section 28-42.4 of the city's Code of Ordinances. That ordinance had made it illegal to dress in the clothing of the opposite sex. (How 'clothing of the opposite sex' was defined – with newspaper advertising "Menswear" for women – always puzzled me.)

This ordinance had its roots in combination with other ordinances that went all the way back to the year 1904. I remember researching it, as well as the conversations that I had with Assistant City Attorney, Ed Cazaros. Ed is a great guy.

This ordinance was the one used to arrest, and hound severely, Anthony "Tony" Mayes who later became Ann Mayes. (Herman Short was Chief of Police in those days; do a bit of research on Houston history for more info on ol' Shootin' Short.) This ordinance was also being attacked by several "Jane Doe's" in federal court (who, prior to the total repeal, eventually were successful in getting it declared constitutionally inapplicable to transsexuals). I have learned that the ordinance was used to allow homophobes in the police department to go into male bars and arrest any female impersonator who was not on stage or not in transit to the dressing room.

I have also learned that the ordinance was used to allow homophobes in the police department to go into female bars and arrest any lesbian wearing fly-front pants. (As I alluded to earlier, how 'clothing of the opposite sex' was defined always puzzled me.) Houston activist Ray Hill knows much of this history. He told me that a bunch of women hired a big name attorney (possibly Melvin Belli, but I'm not sure) to try the cases. The attorney got the cases dismissed but the ordinance remained on the books.

By now you know that, in September, 1976, I began my full-time changeover and was subject to enforcement of the ordinance (this was prior to the federal court case). Shortly afterwards, being terrified of arrest via the ordinance, I wrote to every single member of



Phyllis Frye, circa the ordinance repeal.

the then-Houston City Council, then-Mayor Fred Hofheinz presiding.

I got one positive response.

Within a week after I sent the letters, I was called on the phone by Councilmember Johnny Goyen.

We were friends from that day forward.

I wept openly when Johnny died.

Goyen recalled to me that he had always been puzzled by Anne Mayes, but was especially upset over the way that she'd been mistreated under the ordinance. When he read my letter and reviewed my education and short list of life experiences, he called me.

We met in his office.

Within a few weeks he had me meet Councilmembers Judson Robinson, Jr., and Jim Westmoreland. (Jim thought I was a joke and tried to persuade me not to have any ties with the lesbian/gay community.)

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EQUALITY RALLY PUTS DR. LAURA ON HOTSEAT

By Vanessa Edwards Foster

Another month, another Equality Rally protest – this time the Dr. Laura radio show, and its carriers, KSEV. For those unfamiliar, Dr. Laura Schlesinger is a conservative, talk-show guru cum psychologist. She dispenses her brand of advice under the guise of inferred psychotherapy. One thing she neglects to publicize is the fact that she's not a scholar of psychology – her doctorate is in philosophy!

And that's exactly what her show is – her personal philosophy beefed up with arch-conservo attitude. She's managed everything from saying a rapist must marry

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'Stop Dr. Laura' Protesters (L-R) Amber Sidwell, Harlen Howe-Bennett, Equality Rally's Dan DiDonato, Vanessa Edwards Foster and Stop Dr. Laura.com's John Selig.

MEETING SCHEDULE

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| August 12 | Feelings Meeting at:
Transgender Community Ctr. @ 3 PM |
| August 26 | Social Meeting at:
Vanessa Edwards Foster's @ 7 PM |
| September 9 | Nominations Meeting at:
Transgender Community Ctr. @ 3 PM |
| September 23 | Elections Meeting at:
Vanessa Edwards Foster's @ 7 PM |

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20 YEARS AFTER: REPEAL....
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For the next several years I went downtown several days each week. I also wrote a myriad of letters and made numerous phone calls. I lobbied the Municipal Judges, the Councilmembers and anyone who would listen. As I've mentioned I became active in the feminist movement. I joined the League of Women Voters (I still believe that the then-LWVH President, Lynne Johnson, was influential enough to convince many people to the fact that I was serious and deserved their attention.) I lectured all over Houston for Jerome Sherman and JoAnn Small at the University of Houston-Downtown, for Vicki Hammett and the late Jim McCary at UH's Central Campus, and for Chad Gordon and Bill Martin at Rice University.

I even went into the police station and had it out with Deputy Chief of Vice, Fred Bankston - at the invitation of then-Chief, B.G. "Pappy" Bond. God was watching because I left via my own steam.

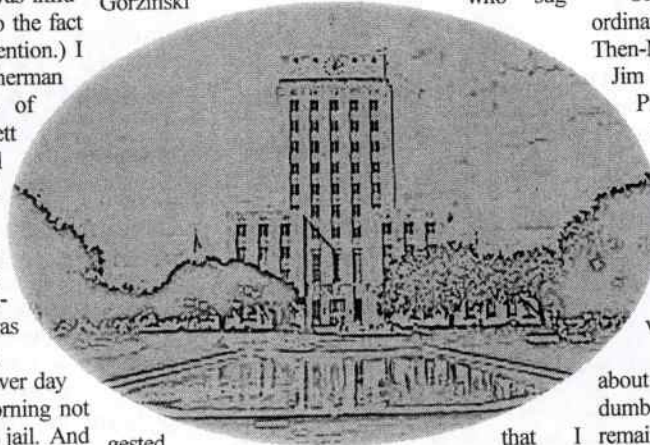
I was never arrested. But, each and ever day for four years I left the house in the morning not knowing if I'd be back that night or in jail. And each and every day for four years my spouse left the house to go to her work not knowing whether I'd be back at night or in jail. I have always felt as though that was very cruel.

In 1979, the city held council elections for single-member districts. I invited many of the candidates to the UH Law School. That was when

Ernest McGowen and I became friends. He invited me to do volunteer work in his office after he was elected. It gave me the opportunity to lobby on the ordinance repeal and he got the benefit of running ideas and projects by me with my engineering and law backgrounds. It was very equitable.

In the spring of 1980, though, Councilmember John Goodner popped off about me in a City Council session. It caused quite a stir.

I believe that it was Councilmember Dale Gorzinski who sug-



gested that I confront Goodner directly. I did and, with tears in my eyes, I explained that this was neither a game nor a stunt but was a real life situation. Many other council members talked to Goodner privately. He and Ernest were not on friendly terms (because of the pop-off as well as other things.) Dale kept them at arms' length. In the afternoon, Goodner was

talking to Councilmember Lance Lalor about the fact that John may have "shot himself in the foot" this time. Lalor suggested that Goodner move to repeal the ordinance and, after doing so, Lalor would second. John did and then Lance did.

Lance told me to leave City Hall and not to come back until the repeal went through. He told me to trust his skills now that the repeal ordinance was in motion. He called me whenever anything was relevant.

On August 12, 1980, after several "tags," the ordinance to repeal was again before Council. Then-Mayor Jim McConn was out of town (as was Jim Westmoreland). Johnny Goyen was Mayor Pro-tem. City Secretary Anna Russell waited until Councilmembers Homer Ford and Larry McKaskle were on the phone. She then gave the repeal to Johnny. He asked for a vote.

Homer and Larry were not even aware it was up for a vote. Councilmember Christin Hartung was the sole and only no vote.

Homer and Larry went to Johnny Goyen about five minutes later. In short, Johnny played dumb. The ordinance was repealed and has remains off the books.

Once again, however repetitious it may seem, I say this to you, my sisters and brothers: If I could do all of that in the late 70's and early 80's, what is your excuse as the new century begins for staying scared, staying closeted and not being the true person that you are?

TWENTY YEARS IS LIGHT YEARS AWAY FOR TRANSGENDERS

By Vanessa Edwards Foster

Picture yourself going to the store for a few items.

You hop in your car one afternoon and drive towards the nearest market. A couple blocks from your destination, your eye catches a police cruiser heading in the opposite direction. Your eyes dart nervously toward the rear-view mirror and, sure enough, the patrol car begins to make a U-turn to follow you. You've violated no traffic laws, have no outstanding warrants, and yet your heart palpitates with adrenaline as you see the cruiser headed in your direction a mere block from the store!

Finally, a break! You make the traffic light just as it turns yellow, while the patrol car waits for the stoplight. You have just enough time to make it into the store. As you stroll through the store, your nerve betrays you as most of the other shoppers look up and cast you curious stares. You sweat profusely as you walk through the aisles, and your peripheral vision catches conspicuous gawkers muttering - some pointing. Whatever possessed you to go to the store today?!

As you make your way to the checkout, the palpitations begin anew as your eye catches the patrol car passing outside the storefront window. Your checkout clerk now takes notice of you and gives you a scrutinizing once-over with a smirk. Though you've stolen nothing, you feel like a fugi-

tive on the run. Your mouth runs dry, making it difficult to speak. Your nerves cause you to drop your keys on the floor as you fumble to pay for your purchase. You can feel every eye in the supermarket upon you as you make your way to the door to leave.

Finally! A chance to make it home to safety! However...

Out of the corner of your eye, you see a police officer approaching you. You avoid meeting his eye with yours. "Uh, sir!" he calls to you. You're now forced to look him in the eye; hoping upon hope that he's not calling for you. But your heart sinks as you realize he's looking directly at you. It's you he wants!

Now... you're not a fugitive, have no outstanding warrants, obeyed all the traffic laws, and you've not stolen a thing. Yet you now find yourself being handcuffed before a curious throng who stare and snicker. And what reason merits this action by the authorities? "You can't dress like that in public!"

An extreme case of the fashion police? Nope. It was actually the result of what was once known as the Anti-Crossdressing Ordinance, right here in America's fourth largest city. Some far distant past? Actually, as recent as 1980 you could be arrested for it!

So what was the anti-crossdressing ordinance?

It was a law that prevented individuals born of one gender from wearing clothing of the other gender. Anybody who crossdressed out-of-doors on the weekend, any transsexual in transition, anyone who performed in drag in the local gay bars; all were jail fodder. Any otherwise respectable, law-abiding citizens could then be convicted criminals. Everyone in the transgender community was an outlaw.

Such was our reality until August 12, 1980 when the city council repealed the ordinance at the request of local attorney and trans-activist, Phyllis Randolph Frye. For years, the irrepressible Ms. Frye (an engineer who had begun hormone therapy two years prior, and was studying for her law degree after being fired over her transitioning) had spoken with and lobbied local officials on the folly of such an unnecessary ordinance. It literally made it impossible for transitioning transsexuals to successfully complete the criteria necessary to be considered for surgery.

It took awhile, but the city fathers finally saw the light. Thus, thanks to Phyllis Frye, transgenders and drag alike see the light of day; no longer confined to the dark of night in hopes of avoiding legal scrutiny. As for the fashion police, well... there's no accounting for people's tastes!

