

Transgender Day of Remembrance

November 19, 2004

Today is a day set aside to remember the victims of violence. But I am here today to do more than that. I want us to look deeper into that violence and try and understand how it got there and why it is still so prevalent. What brings a group of young men together to brutally beat a teenage transgender woman to death? Where does the support come from for former friends to turn on a companion and shoot him in the head, simply because his body is different from theirs?

In 1994 – ten years ago – a young transgendered male who went by the name of Brandon Teena, was brutally murdered for the very simple reason that he appeared male and yet had a woman's body. Many of you may know his story from Hilary Swank's Academy Award winning performance as Brandon in the movie "Boys Don't Cry."

But, I suggest that it is what you may *not* know that underlies this violence and perpetuates it. Consider Norm MacDonald's commentary on Saturday Night Live following the news that Brandon's murderers had finally been convicted. He said:

“In Nebraska this week, a man was sentenced to death for attempting to kill a female crossdresser who accused him of raping her. Sorry if this sounds harsh, but in my opinion, *everybody* in this case deserved to die.”

That was when I first realized that there are people who look at us and honestly see throw-aways – as if we weren’t really human, it did not matter whether we lived or died.

After that, it seemed to me that there was a rapid fire string of transgender deaths.

Take for example the story of Tyra Hunter. In 1995, she was in an automobile accident in Washington, DC. Paramedics from the fire department responded and began immediate treatment to save her life and stop her bleeding. During that process, they cut open her trousers and discovered she had a penis. At that time, the paramedic stopped administering treatment – and in front of several horrified witnesses – stepped back and began to laugh and make jokes, ridiculing Tyra as she bled to death.

In 1996, Christian Paige was brutally beaten about the head and ears, then strangled, stabbed deeply in her chest and breast area between 15 and 2 dozen times, and finally, burned.

Last year, we had the high profile murder of 17 year old Gwen Arujo when her friends turned on her after learning she was genetically male and literally beat her, slowly, to death.

But these are just the sensational crimes that have garnered national attention. I've told you about 4. I could have told you about 300. Allow me to briefly read quote some statistics for you.

The following statistics have been compiled from the list of murder victims on Remembering Our Dead, a web project dedicated to chronicling cases of antitransgender violence and prejudice leading to death. The list contains only those deaths that are known to the transgender community or that have been reported by the media. In many cases, the victims of anti-transgender violence are not identified as such, due to the silence of their families, fear of the police among friends of the victims, and the refusal of the police to investigate these murders and/or report them as hate crimes. Despite the under-reporting of this pandemic of violence, the increase in numbers over the years shown below is most likely due to increasing awareness within the organized transgendered community, and advocacy for more accurate reporting.

The complete list of names on the website includes the date, the victim's name (if known), location of the crime and cause of death. Here are some statistics derived from this list, as of October 7th, 2004: (Note that this is a month ago – we've had 3 add'l deaths since then).

321 Total Deaths 234 Domestic, 87 International
Deadliest year: 2002, with 34 reported deaths, followed by 2003 with 32

This year – we've had 21 murders so far.

Before I go any further, I want to say a word about those statistics. I was accused by some in the law school of using anecdotal and statistically unsound data to support my claim that transgender people are disproportionately subject to violence and so-called “hate crimes”. You know what? That accusation is right on. Because that’s all we have. Despite our best efforts, we have been 100% unsuccessful in passing any legislation that would allow for the tracking of crimes against trans people specifically.

But, we have tried to gather some of our own evidence. Is it anecdotal? Yes, I suppose that in a real way, it is. The entire web-site that Gwen Smith started, called “Remembering Our Dead” is anecdotal. There are 321 murders listed there, as I just described. We can prove hate and prejudice for just a few. Does that then mean they weren’t so motivated?

Consider this. In a survey of trans people conducted by the Gender Public Advocacy Coalition (GPAC for short), 60% of trans people reported some form of direct confrontation. 60%. Very few other populations can report such a high incidence of abuse, harassment and violence.

Why? I want to inquire into why.

I submit to you that much of it is based upon hate speech as exemplified by Mr. MacDonald's comments that I quoted earlier. I see hate speech as one of the key underlying violent acts that leads ultimately to these horrific and tragic deaths.

I do not wish, in any way, to diminish the tragedy of these people's premature deaths. Rather, I would wish to honor them and remember them in a constructive way. I would wish to challenge each and every one of us to think about our speech and about how we look at difference in others. I would challenge us to remember that violence does not always come in the form of an assailant with a gun, or a knife, or a bludgeon. I recall my friend Robert Eads who died a few years ago from ovarian cancer in no small part because doctors and hospitals refused to treat him. But even that is not the whole truth. He did not even try to see a doctor until it was likely too late. How does that fit in with the concept of "anti-transgender violence"? I think the connection is perfectly clear. He did not choose to not seek medical help – not in the way that people decide to not see a doctor because of a cold. He chose to not seek medical help because he was transsexual and he understood what it means to face the medical community as such. He was transsexual – that meant he had no health insurance. That also meant he

had few, allies in the medical community. One doctor literally told him that he would not treat him because it would make his other patients “uncomfortable” to have him in the waiting room.

Or, what about Alexander Goodrum? This was an incredible and loving man. He was involved and active. He saw the injustice and he sought to change it through reaching out and educating people, as individuals, and in groups. He took his own life in 200?. Does that not qualify as anti-transgender violence? Why would it not? Do you think he died because of the love he felt, the acceptance, the tolerance. He died because of the hate. Sometimes, you can swim upstream only so far. Alexander went as far as he could go. We must remember him, too.

But, is it hate? Or is it apathy? Or ignorance? When I sent out a law-school wide e-mail about this particular event, I got a reply back from one person who asked me how I knew that these people had died due to anti-transgender violence and not “just” random violence against prostitutes. Excuse me? None of the women listed on the flyer to which he referred were identified as prostitutes, and indeed, I’m pretty clear that none of them were. And, even if they were – so what? What really got to me was his implicit assumption that if you’re a trans-woman and you’ve been murdered, you

must be a prostitute. Where does that prejudice – in the sense of pre-judging – come from? How do we attack it, if not by standing up and having our voices heard. And, not just my voice. Not just the voice of a trans person. But all of your voices. We cannot tolerate such ignorance. We cannot tolerate hate speech. And, most especially, we cannot tolerate violence.

But, at the end of the day, I am not a pessimist. I believe in the goodness of people. I believe that we can change our speech. I believe that we can educate and overcome prejudice and bias and violence.

It takes action. It takes action on each of our parts. It can be small steps. Baby steps. But, you need to take a step. At the very, very least you must simply never tolerate speech that puts another human being down simply for existing. I don't care if we're talking about race or gender or handicap status, or class, or any single characteristic. Simply refuse to tolerate it.

Next, let others know how you feel when you hear about stuff like we're talking about today. Don't just let it drift off your radar without comment.

Get involved. Do you know that our University, under the auspices of the Office of the Provost, conducted a study of trans-related issues on campus

and produced a report with a set of recommendations? The very first recommendation that the committee made was to amend the University's bylaws to prohibit discrimination on the basis of gender identity! What a *powerful* statement! How wonderful it would be to see that implemented. But do you know that that recommendation was made 7 MONTHS ago. To date, there has been no movement on it, that I'm aware. Now, I understand that we're a public university and that we have a set of elected regents that have to answer to the voters. Can this possibly be something they're afraid of? Will the voters rebel against such non-discrimination? So, that's something else we can do. Take action. I call today on the Regents of this University to implement the recommendations of the Task Force. I call on President Sue Coleman to take a public stand in support. Let's begin with inclusive speech. Together, we can help make next year and the years after that, less horrific.

Thank you.