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## Key West begins transgender protection

by Jennifer Babson

KEY WEST, FL — They say they continue to face bias and ridicule even as gays and lesbians are now winning civil-rights battles in many communities.

Transgender people — who may range from drag queens to straight cross-dressers to those born as one sex who live as another or who have changed their sex through surgery — are “the most oppressed and discriminated-against portion of the community,” says Karen Doering, an attorney with Equality Florida and the National Center for Lesbian Rights.

For those men and women whose deeply rooted conception of self shatters traditional definitions, the fight has in many ways just begun. Round One in their battle is focused on four words that civil rights advocates believe make all the difference: “Gender identity or expression.” Earlier this month, Key West’s city commission unanimously agreed to add the phrase to the city’s human rights ordinance, which already protects people from discrimination based on race, gender, religion and sexual orientation.

If the change receives final approval next month as expected, Key West will be the first city in Florida and the 44th in the United States to offer the protection. Eight counties and two states — Minnesota and Rhode Island — also have added similar language to their anti-discrimination laws.

### Basic rights

Supporters say those words provide employment and housing protection to the transgender community.

For example, employers would be banned from firing a female worker because she dresses in a masculine fashion or is in the process of changing gender, a landlord could not evict a male tenant because he wears makeup, and a restaurant host could not deny service to individuals who express their gender in these ways.

Activists began pushing for the clause after a series of legal rulings said “sexual orientation” protections don’t necessarily cover transgender people.

“What the courts have done is they have defined sex and gender narrowly — that’s why we have tried to put ‘gender expression and identity’ into the law, because it’s more broad,” said Lisa Mottet, legislative lawyer for the Transgender Civil Rights Project of the National Gay and Lesbian Task Force in Washington, DC.

“A transsexual falls into this very gray area,” said openly gay Key West commissioner Tom Oosterhoudt, explaining why he sponsored the ordinance change.

Scott Fraser, administrator of Key West’s Gay & Lesbian Community Center, hopes it will be “a model ordinance for other communities in Florida.”

“We are the stepping stone, which is why we were so careful about choosing the proper language,” he said.

The ordinance defines gender identity or expression as “having or being perceived as having a gender-related self-identity, self-image, appearance, expression or behavior whether or not such gender-related characteristics differ from those associated with the person’s assigned sex at birth.”

Says Doering, the Equality Florida lawyer: “If a gay or lesbian person can pass as straight,

they are much less likely to experience discrimination on a daily basis. But if it’s a very effeminate man or a masculine-appearing or acting female, or a transsexual or cross-dresser — these are the folks who are going to be the targets of most of the discrimination.”

Not surprisingly, gay-rights opponents view the new anti-discrimination protections as just more bad news.

“This is an organized, well-financed group, which is operating throughout the country and moving in, community by community,” said Eladio Jose Armesto, spokesman for Take Back Miami-Dade, a group that lost a bitter battle this fall to overturn Miami-Dade’s gay rights amendment. “It’s the same problem. It’s all the same problem.”

### No state protection

Currently, Florida’s state civil rights act does not protect people on the basis of sexual orientation, much less gender identity or expression. Only 13 municipalities in the state, including Key West, have ordinances that protect people on the basis of sexual orientation.

But a number of corporations have opted to explicitly protect not only gays and lesbians but also transgenders. Among them: OneSource, which staffs Florida theme parks, and Lucent Technologies, according to Doering.

Those advocating the broader anti-discrimination protections say it’s the least that can be done for a population unfairly isolated by its gender identity.

“This is something we are born with, and if we don’t accept it, it’s like suicide,” says Michelle Wisniewski — a 57-year-old Vietnam veteran who now lives as a woman in the Lower Keys. Life isn’t easy, she says, when “your brain is sort of wired for the gender you are not in.”

In the 10 years since Wisniewski “made the switch,” she has had no communication from her relatives.

“My family shunned me,” she said. “I send letters and stuff, and...nothing.”

Complicating matters — and gender identity is a complex equation — even some of those who would stand in some circumstances to benefit from “gender identity or expression” protection aren’t sure whether they need it.

“We are drag queens — we are men who wear dresses for money. You don’t see us running around in drag unless it’s an event. We don’t lay around our apartments in negligee,” says Sushi, a 35-year-old performer at 801 Bourbon, one of Key West’s premier drag venues.

Adds Sushi: “I have three transsexuals working for me” as drag queens. “People think we are all the same, but we are not.”

One of those transsexuals is blonde Baby D., who at age 20 is one of the youngest drag queens in Key West.

Baby D. is taking hormones that fill out her breasts and give her more womanly curves. She’s no stranger to unfriendly taunts.

“I have lived in New Orleans, Fort Lauderdale, Tennessee,” Baby D. says. “Everywhere everybody like me gets grief — no matter where they go, no matter how passable they are. It’s just a fact.”

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