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SPEAKERS

Sarah DePalma, Phyllis Frye

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Sarah DePalma 00:01

So so you, you know you had your surgery and really there was no community. And I remember you telling me I think you said that basically what you were told was do Hush, hush and stay out, stay out of sight, right? I mean, as a community there really wasn't one transsexuals at that time, we're consular think, to just go be quiet?

O

00:21

Well, I don't know, I just the way I found out about it, I just happened to go into the hospital, when I found out they were having this program. And I went in signed up, I believe there were about 100 of us and three of us got lucky. And I was the first. And once we were counseled by psychiatrists, and for several years, and coaches, how to live the normal life, you know, to stay away from the gay society, and to go into our normal, straight life. And that's about what I did. I had my surgery, and I lived a normal life. I didn't go to the community centers, I didn't know if there was any transgender organizations or anything like that. I thought I was out there by myself. I truly didn't find anything out until after the court. Not even that not even during the time that I married my husband, 20 years,

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Sarah DePalma 01:13

20 years, and she had no idea it's transient at all, just think of all the changes in the transgender community the past 20 years. And Christy never knew because, I mean, she was doing what she was told, think about all the changes in the last five years. Yeah.

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Phyllis Frye 01:27

Well, you know, I asked her about it, she said, she really thought she was out because as I said, her family knew her neighbors knew her customers knew that she was transsexual. It's just that she did not know about the political apparatus of the community. And in fact, San Antonio

really doesn't have a large transgender political apparatus. So she thought she was out. Of course, she knows now she really wasn't. But it was not an intentional closet thing by herself.



02:00

I'm coming out of the closet without even knowing I was in it. As a matter of fact, I have never been ashamed part I have become because of the reason that I found it a privilege to become a woman complete woman. I've thought it was an honor for everybody to meet me and get to know the true me. And I am a hairstylist and own my own salon. So as all the customers claim me and I would tell everybody, everything. I've been through everything I went through everybody I met, the romance that I've had, I've explained to all my clients and all my friends, my family, there was nothing to be ashamed about. I just considered it a normal life. You know, I, the conversations we usually have with the people we have conversation once is never talked about again. Just accept it. Same, the same conversation I had with my husband,



S Sarah DePalma 02:55

now that you've been out and you've seen the community a little bit, how are you being received or people? Are they mostly being nicer?



03:03

Well, I would have to say people have always been very nice to me ever since I've been around. The only people that have been bad to me, I guess was the judges that everybody accepts me and treats me very nice. I'm a very friendly person. And people are very friendly towards me. And I've always been I've gone in, like when I went to Kentucky when I met my husband, I traveled there all alone. My mother had told me aren't you scared to go to a strange state where you don't know anybody? No relatives, no friends, no one to talk to. And I told my mother, don't worry about it. God was with me. And within one day, I shall have some friends. And the very next day I met my husband.



P Phyllis Frye 03:45

Wow. Yeah. Yeah, I've never I haven't known her very long. But she she has a smile on her face. Most of the time she is She has very engaging eyes and she is a happy person. She doesn't carry a chip on her shoulder. She enjoys meeting people. And she's a very friendly individual. I do want to make this point from a legal standpoint also, from a social standpoint. And before I say this, again, I am a lesbian, gay, bisexual and transgender advocate and I believe that two lesbians and two gay men should have the right to be legally married. Having said that, the stupidity of this case is that Christie has never had sex with anything other than a penis person since she has been a vagina ID person. Correct?



04:43

Correct. In this case, her changes on language doesn't it? Well, let's



04:48

just say I was a virgin until I became a complete bomb and I had my first sexual experiences after my transition.



S Sarah DePalma 04:57

Christy was introduced it tonight ate at the Unity banquet and drew not one but two standing ovations. So the community has certainly gotten to know you. i The reason I asked you the first question, was it early on, there was some thought that the perhaps you just were kind of maybe you just didn't want to have anything to do with the community. And I've been going around telling us it's not like that she didn't know there was a community. And from what I could see tonight, it looks to me like you've won over an entire community in one shot.



05:26

I just became part of a family.



P Phyllis Frye 05:30

I need to ask question, are we going to have time to talk about how this affects the non transsexual community? Let's do



S Sarah DePalma 05:37

that right now. Sure. It's all yours.



P Phyllis Frye 05:40

Well, are we going to be able to get into this next hour? Because well, we've got another 30 minute,



S Sarah DePalma 05:45

we have another 35 minutes.



P Phyllis Frye 05:46

So okay, good, good. Let's save it for the next hour because it will take all 35 minutes. But this is not just a trainee case. This will affect if it remains in law. If the Texas Supreme Court refuses to grant our motion for rehearing and refuses to hear it, this can affect hundreds and hundreds

and hundreds of 1000s of Texans who are not transsexual, and many, many, many different ways. And I want to just as a teaser, I want to people to understand that this can affect them. With respect to insurance. We've already talked about how it can affect the trial attorneys. This can affect every sheriff of every county and every police chief and every city as well as the Texas Department of prisons, as well as the extra expense involved. This can affect intersex people and most intersex people do not know that they're intersex. Most intersex people are legally married and think they're legally married. A lot of intersex people have been married for a long time. Just because you're intersex does not mean that you if you are a pianist intersex person does not mean that you cannot sire a child. And if you are a vagina, that person does not mean that you cannot bear a child it depends upon what your particular intersex combination is. So a lot of intersex people do have children and some intersex people who have been infertile adopted children. This is going to screw up everything. So if you're listening and you're thinking that you are, you know, just a regular Suzie Q, or the wife of a heterosexual crossdresser are anyone else and you just think you know, your life is just as normal and, and happy as can be. Watch out because when somebody dies or somebody divorces, and somebody forces a chromosome test, you may find out that at the age of 60 or 55, that that 35 year marriage was void that your children are bastards and that you may not have any legal right to community property or to the estate of your spouse. So we'll go into more detail next hour.

 S Sarah DePalma 08:20

Okay. Christie something I was wanted to ask you to know you said that you had your surgery was it what seemed it was used to call what San Antonio General Hospital I guess

 08:30

at the president at the time that I had surgery was called bear county hospital it was it was bear County Hospital county hospital in 1979.

 S Sarah DePalma 08:37

came in was paid for by the county or the city your

 08:41

well, they they go by your income. So according to my income at the time, the government paid 50% of it, the government paid 50% 50% of it. I paid the other half.

 S Sarah DePalma 08:53

Interesting, I wonder, well, I wondered that in the next hour. We're getting ready to do a station break and want to do a piece of music. In fact, guys, we'll do the piece of music first and then we can go to the station break. And I think we're in CD number one. So we'll find out. This is a piece of music that I just absolutely love and Jimmy will probably kill me for playing it. But I

can't help it because this thing is just so much fun. It really fits into our topic tonight. This is from a show called when pigs fly but that's not the name of the song. We'll come back and tell you that. Let's do a little music. We'll do a station break. We'll come back and talk some more about this case. A really wonderful piece of music by a person by the name of Dr. William Barr Williams when I was a boy. That's right. She apparently had a fabulous concert at the Women's Michigan Women's music festival for those of you who were able to make that in the previous piece of music was called a patriotic grand finale. From a off off off off off Broadway show called Win pigs fly in. That's one of my favorite pieces of music and Jimmy Just now he sort of gives me this strange look every time I play it, but that's okay. I can't help but I like that song. All right, let's go ahead and bring our guests back up here. Thank you, Beth. Okay, now for the audience that's just driving up from the Gulf freeway or if you're stuck in traffic out there, on the Southwest Freeway parking lot, where it is where it is now closed. Or if you're a taxicab driver or Lord knows where else you're hearing us. Tonight we have in studio Christie Lee Littleton. In her attorney Phyllis Frye, and we have been discussing a court case that has implications for virtually everybody in the state it virtually literally literally, yeah, it doesn't matter whether you're gay, lesbian, bisexual or transgendered. This case will definitely have an effect on you in ways. We are just now really beginning to comprehend. You keep laying out straight straight because this covers everyone. Absolutely. And so Phyllis wanted to talk about it from there, Phyllis, the shit the floor is yours.

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Phyllis Frye 11:04

Well, first I want to thank the Pacifica station for this chance to be interviewed. And I always want to encourage people to support this station financially. I also want to thank the Texas Human Rights Foundation, because it's the Texas human rights foundation that is financing this legal fight for those of you who have a pen and pencil on piece of paper. I'm going to give you their address if you want to contact the Texas Human Rights Foundation. You can contact them and care of Alan Levi their treasurer and he is in Dallas, Texas, and the address is 2501 Oaklawn. Avenue number eight excuse me number 285 letters lb dash 14, and the zip code in Dallas is 75214. I'll give that address later on. Now, how does this affect other people? How does this affect transgenders? How does this affect the prison and that community? How does this affect the insurance community. Intersex people come in two types and if you are interested in following up on this, the Intersex Society in North America has a webpage@www.sina.org SNA for Intersex Society of North America is inay dot O R G org and you can pull them up and learn a whole lot about being intersex. Essentially intersex people are of two types one is people who are born with chromosomes other than x x or x y. And in that case, they could have x y y, xy x y y y are x x, y x x x y x x x, x y or x o are some other combination alphabet soup is these people can represent anywhere from for instance, in Texas, anywhere from 20,000 to 802,000. Texans and you don't necessarily know that you're intersex, some intersex combinations called Turner Syndrome, Kleinfelder syndrome and others. There are definite clinical manifestations, and some of those may leave you either sterile if you are a vagina intersex person are an impotent if you are a penis intersex person, then you also have other intersex people. And these are people who may have xx or XY but because of inter utero things that create six fingers that create cleft palates or any other type of birth defects. These people may be born with dual genitalia, or with ambiguous genitalia. And in those cases, the surgeons sometimes, especially in the past, people who are 25-30 35 years or older, the surgeons would routinely so called correct those genitals right there in the room when the infant was born. Sometimes they tell the parents and sometimes they wouldn't. So in the case of someone with dual genitals, they may have selected a genital presentation that did not match the gender identification of the brain

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Sarah DePalma 14:46

just tapping on me for you I didn't understand. So in effect what's happening is the doctor is selecting the sex of the person without checking what's in the mind there guy just gonna make sure they understood that go ahead and it's a coin toss, they

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Phyllis Frye 14:56

might get it wrong, and so on. You add all those people in then you add the androgen insensitivity people, these are people who are have xx, but because in the womb, they are insensitive to androgen, they have x y, right? I thought I said that I was wrong, why they have X, Y, they are born with female genitalia, they are born with vaginas. And they normally cannot give birth to children. But again, people who were born 2535 45 years ago, before all these fertility clinics came into being, they may just have accepted the fact that they couldn't have children, and have adopted. So a lot of these people don't know, they're intersex. Lots of these people don't know, they're intersex. And what's going to happen is they're rocking along married, having children or adopting children. And if their spouse dies, and it's a wrongful death, and they sue, the defense attorneys just going to routinely demand a chromosome test to see if we have an x x x, y. And if we don't, under Littleton, there may not be a legal marriage. If there's a tort claim for loss of consortium, for instance, an automobile accident where somebody is partially paralyzed, and there's a loss of consortium in the marriage and there's damages sued, the defense attorney would see if there's a legal marriage by requiring a chromosome test, see if there's an x x x y, according to Littleton, if it's not, if it's an x x, and an X X, Y, or an X X, X, Y, there may not be illegal marriage, because the Littleton case said the only two people that counted where x X's and x y, so all of a sudden, these people who've been rocking along, doing everything they're supposed to doing penis and vagina things, we'll find out that they don't have a legal marriage, we'll find out that even though they may be pianist, they are now legally women, even though their vagina ID and they haven't had genital surgery, they're now legally men, their children may be bastards, if they're, you know, it's just crazy.

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Sarah DePalma 17:21

Well, this is the thing that we wanted people to really understand is that this kind of this decision, the way that this has come down, where we are just now really beginning to understand the effect that is going to have on people. And it doesn't really matter what your sexual orientation is. Because if you're going to come in contact with contact with court at any point, it is very, it is very possible, you're going to come in contact with the Littleton ruling, whether you knew the ruling existed or not.

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Phyllis Frye 17:49

Yeah, and I want to, I want to emphasize again, this the adverse effects of this case, even though this is a so called trainee case, the adverse effects in this case are mainstream, heterosexual, before thought of themselves as normal people, but back to the transgendered part back to the transsexual couples, I know of several female to male people who have had

genital surgery so that they now have a fileless. And they are married to women who have vaginas. And I'm assuming as Littleton Court did, that both of these people are xx. What happens if the sister of this man Excuse me, what happens if the brother this man impregnates the wife, so that there is a surrogate parent, and the wife has a child and then they divorced are somebody dies, and suddenly they find out under Littleton that they never had a marriage? Or those children bastards?

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Sarah DePalma 19:05

Not to mention they're now legal issues in terms of a social security insurance. I mean, it just, it becomes a monster. It goes on and on. Yeah. Now, Christie, if at any point were you aware of I guess I gathered that you were not. Did you realize what kind of implications this case was having? I always had this I kind of always had the sense that you were sort of a person that got struck by lightning, and looked around and said, How did this happen to me?

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19:32

I might, I might as well have been struck by lightning, because it was very much of a surprise to me. Yes. I didn't expect any of this. As a matter of fact, truly, in my belief, I do believe that it was medical malpractice. So I did believe and I went in with full heart it knowing that I was going to when I was going up there for my legal rights, and I didn't have a great standing to do so when they Brock is about the promo cells, I went in shock because I, myself have never had them tested and no one else has. And I not only lost the court, I did not only lose my rights, I not only lost my husband. But when the courts came up with a deposition, and they told this to my in laws, I also lost the right to ever visit my husband's cemetery, I can never again, go and place flowers at his site. I may not ever even have a chance to ever meet my step show. How can you?

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Phyllis Frye 20:33

How can well well cemetery. This is in Kentucky, when the husband was buried. The family and her in laws were all good friends, and lovey and Huggy. And everything else and her in laws own their own family cemetery. So son is buried on the family cemetery plot on the family property. And because she is no longer the legal spouse, she really couldn't even sue them if she wanted to, to go visit her husband's grave site. So she's been denied that. Also, we understand we've been given to understand that this case had a lot of merit, because the insurance company for the doctor has already offered a settlement to the inlaws who remained in the lawsuit. So there must have been some to this case, because the money's already been presented out there and has been a settlement. But they didn't have to settle with Christie. So they were able to save some money on that. This is all about money.

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Sarah DePalma 21:38

And well, yeah. And you they say money is the root of all evil. And certainly in the court case, that can be that the strange thing about this case, to me from start to finish has been that although this was a Texas case, is begins cropping up everywhere. I mean, I was getting emails

from people in Australia and from Germany. And now I understand is being used as precedent in other in other states. In this it seems so strange that this was a ruling that starts out as a simple malpractice case, it ends up becoming into a major civil rights case. It I mean, that's not normal. Is it in the court procedures usually

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Phyllis Frye 22:14

are you never know what's gonna poke up to the top? Surprise. never know what's gonna perk up to the top.

S

Sarah DePalma 22:23

It's just phenomenal to me. Christy, have you been contacted by? I mean, I know you've been contacted, obviously, by by me and by groups in Houston. But have you been contacted by any of these other groups? For example, you don't have email, I guess? No, I was gonna say because I'm surprised you haven't heard from folks in Australia and other places, but you don't have email. So

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22:42

well, that's strange, because I don't have email and I don't have a computer. And if I had, I would have already been here a long time ago, I would have gotten your help a long time. Strange that you mentioned Germany. I don't have emailed but strangely enough, after the fourth Court of Appeal, I had a German man come into my salon. And like, I've never been ashamed of it. We started talking. And I took out one of my newspaper clippings and showed it to him. And he was he read it. He looked up the surprise. He's just two weeks ago, I read this in Germany, and me and my buddies. Were talking and wondering what she looked like. i He was dying to go back to Germany to tell him that he actually met me in person and as extended invitation so that I could go to his wedding and become a witness at his wedding in June.

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Phyllis Frye 23:35

I'd like to address the medical and insurance and prison concerns here. Yeah, please. Medical doctors who listened to the show, need to realize that the American Medical Association Code of Ethics has about six or seven different provisions in their code of ethics dealing with genetic testing genetic information confidentiality, there of confidentiality of genetic information with respect to the Indus, insurance industry, confidentiality of genetic information, secured by physicians. And also there has been testimony on Capitol Hill in Washington DC, from people in the Human Genome Project, stating that everyone, everyone, not just transsexuals, not just intersex people, everyone has at least five to 30 sections in their DNA that are somehow screwed up. So everybody has a stake in the precedent that this case is going to make and if the AMA the American Medical Association has such strong ethical considerations dealing with confidentiality of genetic information, they are going to be impacted. On this case. The insurance industry Oh I don't know if this is going to affect the insurance industry from the fact of the insurers, or the insured. But all actuarial tables are based on sex. And other tables that the insurance industry uses are based on sex, and if sex is going to no longer be defined as

genitals, but it's going to be defined as chromosomes, we're going to have increased costs because most if they're not a good group policy, most individual life insurance policies and individual health insurance policies and some group health insurance policies require physical examinations. And you can now add to that the chromosome testing that's going to be required to determine what the legality is of the sex and what the actuarial table is, that's going to be involved, it's going to essentially say that some people who had insurance are no longer going to have insurance or their premiums are going to change. So I think the insurance industry has huge stake in the outcome of this case. The as I alluded to earlier, the county sheriff's and the police chiefs and the prison department, I do a lot of criminal defense law, in addition to working on these types of cases. And I know that the state of Texas has been recently very glad to almost get the federal court system out of the Texas prisons, I'm talking about Judge justice out of matter. It's been a thorn in the side of a lot of Texans who want the federal courts out. Now, people who are arrested and who are incarcerated, are usually segregated by their genitals by visual inspection. I know if I were arrested, I would demand under Littleton a, a verification of my legal sex, a verification of that genital inspection, because quite frankly, I would like to hope that there's some difference other than xx or XY, my chromosome patterns so that I can be segregated into a smaller population into a smaller facility, so that quite frankly, my risk of getting beat up or sexually assaulted by either a guard or a inmate in prison would be reduced. So now we're talking about those costs. And if they don't do it, then we're going to have RIT riders, people in the prisons and in the jails, writing federal risks. To do that, plus, we're going to have potential harassment and violence from inmates and guards if the genitals don't match the chromosomes, just like the shrank case, that came out the night circuit just two months ago, out of Washington, DC, involving a pre surgical transsexual woman and the gender motivated violence act, and Eighth Amendment of the United States Constitution. There's just layers and layers and layers and layers of this and every sheriff. And every police chief and anybody involved in law enforcement or in the prison system really needs to talk to their friends and talk to their buddies and talk to their high reps and determine just how this is going to screw things up. If this case is allowed to remain law,

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Sarah DePalma 28:31

well, eventually this may end up but with depending on what happens in the court, it could very well end up in the Texas legislature. And of course, then T gain will be be taking that forward. So

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Phyllis Frye 28:43

well. It's already been through the Texas Legislature. In 1997, the legislature passed article 9031 dealing with confidentiality of genetic information and said that state agencies which was defined to include the judicial branch of our state government, except under delineated exceptions, which this is not, can not require the divergence of genetic information, which is what these courts did.

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Sarah DePalma 29:16

Well, so Christy, here we are, and now you're in a major, you're in a major civil rights case. Yep. to it.



29:24

Yes, I am in heaven. Like Phyllis was just saying, heaven forbid, if I ever break the law and go to prison. Yes, God,



S Sarah DePalma 29:31

don't do that. No, I



29:32

hope I never have to, you know, pray to God. I don't I've always had a very straight life. But my God, I wouldn't even know what to do as a woman being imprisoned with a whole bunch of man. They would probably just rip me to shreds you know, I will know what to do. And not that I would think of going to prison. What about if I go to a hospital now in the past? Every time I've ever been hospitalized, I've always been in the wizard Amen. And now that they brought that into picture, I hope they never have to put me with a man.



P Phyllis Frye 30:07

Well, let's talk about the restrooms legally. She is now required to use the men's restroom, even though she has a vagina what what about the female to male transsexuals who have penises? And if they have XX chromosomes are these people now required to use the men's restroom? I would think that most other women would not want pianist xx people that Littleton is determined to be female in their restrooms.



S Sarah DePalma 30:37

Well in I know as you suggested, what does this mean now that the the preoperative preoperative transexuals for example is is me now we can now go topless and you know and be



P Phyllis Frye 30:49

well, actually, Christy could tomorrow afternoon, if it's hot, go topless because even though she has been vagina for 20 years, the little sun court says that she's male, and there's nothing to preclude a male from going topless.



31:08

Well, if I haven't to go topless tomorrow, I'm gonna give a lot of men a lot of thrills.



31:15

Please don't?



31:16

No, no, please. No, of course, not a respectable woman,



Sarah DePalma 31:19

they would just find some other reason to arrest you. I'm sure. It I hope the audience is has come to understand how how strange all of this is. And for those of you who thought well, okay, this is just some case of some transsexual being discriminated against. If there's anything we've talked about in this show, now for years and years, it has been that the ways that we are interwoven. And it is very difficult to start separating out so well. This is only a gay issue. Or this is only a bi issue, or it's only a transsexual issue, because that's really nonsense. We are sexual minorities and we are discriminated as against as such. And judges think rock where there's an awful lot of the public that can't tell the difference anyway. Well, that's right.



Phyllis Frye 32:08

There's another layer to the intersex situation, what if the court decides to take all these different intersex combinations and say that this one is male, and this one is female. For instance, if they say that an X X X X, Y is female, but an X, Y, Y, Y, Y is male. I have a good friend who lives in Washington DC, who has Turner Syndrome. And as far as she knows, and as far as your parents know, she has always had a vagina. There's no record of her being anything other than a vagina infant, since the day she was delivered. And yet she has 15% X, Y chromosome oh my god, and 85% x Oh, chromosome she has no XX XX chromosomes. So would the court say, you know, if the court tried to resolve this and stick with chromosomes, where the courts say that she is male. And of course, one other layer to this is the International Olympics situation. You know, back in the early 60s, the International Olympics committee when we were fighting communism, and we knew that the East Germans and the Russians were pumping their women full of hormones. And also we were afraid that they would try to enter men into the women's competition. They started sex verifying the female athletes, and this started with genital inspections. And those were very unsatisfactory. And so then they went with the cheek swab for the chromosome test and they've had very unsatisfactory results with that because they've screened out and embarrassed a lot of A I s androgen insensitive syndrome, vagina and people who did not know that they were AI s and had no actual advantage. And it's also screened out other intersex people who were born with Vaginas with very embarrassing results as a result, as a result of this almost 40 year practice. The American Association of amateur athletics excuse me, the Association of amateur athletics has turned away from the chromosome tests and gone back to genitals only and there is a big push in the International Olympic area to also go back to Chyna genital inspection only. So here is organization Asians who have dealt with this issue for now 40 years and they just about resolved the fact of chromosomes ain't gonna cut it. And yet, what's Texas doing? Baba



Sarah DePalma 32:16



and unfortunately that pretty well sums it up to love. Well, it is really been a pleasure to having the both of you in the studio. Uh, we have to get ready to go to our newscast here in a minute. Christie for those in the audience who wondered what you were like, the word that comes to mind when describing Kirsty's delightful. Actually, I would agree. Yeah, thank you. It's yeah, thank you for not turning tail and running. This is this is an important case. It is you heard tonight, it's going to have a hell of an impact on all of us. And I, you know, I appreciate the fact that you're, you're gonna hang in there and fight for this,



35:55

while I'm just a woman that was in love and fell in love and got married, and that was taken away from me and I'm fighting for that love right now. Plus my rights to continue to love again, not going to run away from that they've taken away. They think they took something away from me, but they didn't they just made me stronger, to fight for myself and fight for anybody else that has to ever fall into my shoes. I don't want anybody to feel the hurt the shame and that I went through. It's not so much about the legal the lawsuit of the last of the lawsuit for the money wise, but it is mostly because of my rights. I hope the love that I had for my husband was very strong. When he died, he took my love with him. But he left me here alone to fight. And I thought I was fighting alone. And tonight I found out that I have a lot of people behind me fighting with me. Y'all just made me that much stronger and the humiliation is gone. But the pain is still there.