

# Queer and Trans After *Obergefell v. Hodges*: An Autoethnographic Oral History

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*Abstract: Trans and nonbinary communities often cite different priorities in their activism than do cisgender queer communities. This paper seeks to explore the effects of marriage equality, as well as the prioritization of marriage equality on queer trans and nonbinary individuals using a combined methodology of autoethnography and oral history. The findings suggest that trans individuals in queer relationships may have difficulty reconciling disparate aspects of their identities, including their political and activist priorities. The authors conclude that providing queer trans individuals platforms to voice their opinions is essential to ongoing dialogue about the role of marriage in queer communities.*

**Keywords:** Trans, nonbinary, activism, political, autoethnography, oral history

Trans and nonbinary communities often cite different priorities in their activism than do cisgender queer<sup>1</sup> communities (Grant, Mottet, and Tanis 2011). While there may be noticeable overlap in the goals of these communities, there is also contention. For individuals who are trans or nonbinary and who also identify with a queer sexuality or affectionality, the frequently dissimilar goals of these communities can be difficult to reconcile. According to the National Transgender Discrimination Survey, of 6,450 transgender and gender non-conforming respondents, 77% listed their sexual orientation as gay/lesbian/same-gender, bisexual, queer, or other, while only 23% listed their sexual orientation as heterosexual (Grant, Mottet, and Tanis 2011:34). This disproportionate queer

identification is particularly interesting when examining the differences in activist priorities between cisgender and trans queer communities; thus, it is critical to understand the effects of these differences. For queer trans and nonbinary people, “the body becomes a site of social construction and conflict,” (Smith and Watson 1998:35) where the arguments between and among LGBT communities can have material consequences.

The evolving social and political relationship between trans and nonbinary communities, as well as broader LGB communities, is at a fraught juncture. The recent prioritization of marriage equality over the issues that trans and nonbinary communities identify as the most significant, echoes historical instances of the de-prioritization of trans and nonbinary issues for the express advancement of cisgender LGB causes. We wonder whether the relationship between trans and nonbinary communities and LGB communities can be salvaged. We also wonder what happens to individuals who identify under

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<sup>1</sup> For the purposes of this paper, queer will be used as an umbrella term to denote gay, lesbian, bisexual, pansexual, same-gender loving, asexual and poly sexualities and affectionalities.

the umbrellas of both of these communities. We sought the stories of others to help make meaning and sense of our experiences within these communities by exploring how their narratives both align with and depart from our own. This paper is an exploration of the effects of marriage equality, and, the prioritization of marriage equality, on a small group of queer trans and nonbinary individuals. However, the themes and patterns that emerge herein help us to understand a broader meaning of marriage equality, activist priorities, and the roots of community.

### Methodology

As is common in subcultural communities, members of social groups that operate as collectivist rarely rely upon the modes of communication of the dominant culture to acquire information (Cokely 2011). The topographies of trans and nonbinary collectivist culture often include a tendency toward community interdependence, as well as, a focus on working toward group goals, promoting cultural competency and education, and sharing resources within their communities.<sup>2</sup> The methods for communicating trans and nonbinary cultural knowledge often invoke the use of narrative, as evidenced by the plethora of narrative video diaries, blogs, and forums found in online trans and nonbinary spaces. Community-specific information, such as transition-related healthcare literacy, is often disseminated via intricate word-of-mouth or online networks, in part, as a response to rampant distrust by members of these communities of the medical-industrial complex (Kukla 2007:28). Vivienne (2011) argues, "...many trans people are drawn to modes of

social advocacy that find them speaking on educative panels and at community forums" (P. 43), modes of communication that frequently invoke storytelling.

This reliance upon oration, and tendency to communicate via story, means that methodologies that highlight narrative accounts of trans and nonbinary experience can provide additional layers of nuance to data collected about these communities. Additionally, narrative interviewing of trans and nonbinary populations allows members of these chronically underrepresented communities to contribute to scholarship to which they may not otherwise have access to. Shultz (2015) argues that academic "...research and literature has played an instrumental role in shaping how trans folk are perceived in and by academia, [but] has remained largely inaccessible to many trans individuals who lack access to formal educations" (P. 7). For these reasons, we elected to blend oral history and autoethnography as our primary methodologies. Oral history allowed interviewees to contribute their narratives meaningfully to the conversation, while an autoethnographic component allowed us to tease out our own subjectivity within those conversations.

Creswell (1997) classifies autoethnography as a subset of narrative modes of inquiry, rather than ethnographic modes of inquiry. Chang, Ngunjiri, and Hernandez (2013) define autoethnography as "...a qualitative research method that focuses on self as a study subject but transcends a mere narration of personal history" (P. 18). Autoethnography must also use autobiographic data to situate and understand one's own life in terms of a specific sociocultural context, in order to arrive at broader social understandings (Chang, Ngunjiri and Hernandez 2013; Anderson 2006; Bochner and Ellis 2002). Through the use of autoethnography, we sought to acknowledge our subjectivity within debates regarding marriage equality, and the priorities of trans and nonbinary communities.

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<sup>2</sup> This is not to say that trans and nonbinary communities are not stratified by race, ethnicity, socioeconomic status, ability, political ideologies, and other social factors. In fact, trans communities are often formed along specific intersections of identity, and are sometimes fractionalized by these factors.

It was with slight hesitancy that we chose to utilize an autoethnographic component in this paper, as this methodology demands a certain level of commitment to "...the inclusion of the researcher's vulnerable selves, emotions, body, and spirit" (Sparkes 2002:210). That is, through utilizing autoethnography we ran the risk of compounding our sense of vulnerability—a struggle that we already face daily as openly transgender individuals. However, it was critical that we acknowledged that "[w]ith lived experience, there is no separation between mind and body, objective and subjective, cognitive and affective. Human experience does not reduce to numbers, to arguments, to abstractions" (Pelias 2005:418).

By understanding autoethnography as narrative and by utilizing autoethnographic oral history as our methodology, we wished to highlight existing trans and nonbinary modes of communication, and to acknowledge our place within those traditions. We wanted to gain a better understanding of how trans and nonbinary experiences with marriage shape their opinions of marriage equality. Through oral history we sought to expand conversations regarding marriage equality to include the voices of other trans and nonbinary individuals whose perspectives, in turn, differed from and aligned with our own.

## Results

The following passage includes the oral histories of five trans and nonbinary individuals, as well as, our own autoethnographic accounts of our relationships with marriage, with the marriage equality movement, and with/within larger LGBT communities. All of the participants in this paper (including the authors) also identify as gay, lesbian, bisexual, pansexual, queer, or same-gender loving. The interviewees include Catherine,<sup>3</sup> age 60; Jacqueline, 46; Linda, 24; Noga, 31; and Ty, 42.

<sup>3</sup> All names have been changed to pseudonyms of the participants' choosing.

## *On Personal Experiences with Marriage*

In order to grapple with queer trans and nonbinary feelings about marriage equality, it is necessary to explore the function of marriage in our lives. Our own marriage narrative begins in the era of Washington State's "everything-but-marriage" domestic partnership expansion. Living in a rural part of the state, we did not have access to medical providers who were well versed in treating transgender patients. After a life-threatening medical situation with an openly-transphobic attending surgeon who would not permit a medical advocate to be present during the patient interview, we learned that it was unsafe for us, as trans individuals, to be caught alone with the staff at that particular hospital. We realized that should either of us ever be hospitalized again, we would need the legal right to make medical decisions for one another, a protection that a domestic partnership would allow us. Despite the fact that our romantic relationship was quite new, we applied for a domestic partnership shortly after this incident. Our experience with seeking legal partnership recognition to avoid further medically-related duress led us to ponder the relationship between queer trans and nonbinary individuals, and the marriage equality movement.

**Jacqueline:** To the best of my ability, I disclosed my trans status before my wife and I got married. Unfortunately, I didn't have the vocabulary for it. Trans vocabulary has come a long way in the last 25 years. At that time, there was no Internet to speak of [...] and so what I lacked was a framework to understand [my identity]. My wife was very clear that there was something going on. At the time, she would have told you that she was bisexual; now she would tell you that she's pansexual, so my identity never caused a problem in our relationship.

I was 20 years old and my wife was 25 [when we got married]. We had been courting

for about six weeks, but, we already knew we were in it for the long haul. It occurred to us that if we got married, we would instantly have the right to make medical decisions for each other. For us, it was about all of the things that marriages are normally about, but, a precipitating factor that prompted us to get married so quickly was access to that right. We both articulated to the other that if anyone was going to make medical decisions we would want it to be each other, rather than our families. [My wife] had a very awkward relationship with her mom. Her mom was a Rush-is-right Republican, and there was just enough of a disconnect that she didn't want her existence to be in her mother's hands.

Although we had already pledged to each other in private and considered ourselves to be married, we needed some legal recognition of that [union] to assert against our families, in case either of [our families] ever wanted to take over our medical care. We eloped for reasons having to do with family complexities. I announced this to my former-Marine father-in-law about a month later, which went absolutely as well as it possibly could have. He was extremely gracious under the circumstances: I was 20 years old and an idiot. I had no idea what I was getting into. Fortunately, it all worked out extremely well because I fell ass-backwards into love with a wonderful person and we worked really hard on our relationship.

**Ty:** I knew as a child [that I was trans], but, I kept hoping that if I did everything the way I was supposed to that those feelings would go away. I wore makeup, I did my nails, I got a weave, [and] I wore those stretchy spandex leggings that all the girls were into. I went to church every Sunday, and they always taught us that even if you can't think pure thoughts, you should keep your actions pure and your mind will follow suit. For many years, I truly believed that if I went through the actions of being a woman that I would eventually feel at home in my own skin.

I got married to a man when I was 23. It never occurred to me that there could be other options. I think I loved him for a while. There was sexual attraction, but, there was never any romance. Still, I went through the motions and we had three beautiful kids together.

**Catherine:** I think getting married was an act of rebellion as much as anything else. This was a while before same-sex marriage was legal in New Hampshire, and the beginnings of the battle for same-sex marriage were just starting to take hold.

There was an odd quirk of fate that led my partner and I to get married when we did. I was going to get a passport and [I] couldn't find my birth certificate. So, I sent away for a copy of my birth certificate. In Indiana, the short-form certificate never had the gender of the baby on it: I was golden as far as [my transition status] was concerned. Around 2007, somebody in the State of Indiana Department of Health figured out that a bunch of freaks were getting away with something, so they started putting the gender of the baby on the birth certificate. Suddenly, they sent me a birth certificate that said "Male." I was like, "You bastards!"

I looked at the birth certificate and I looked at [my partner] Annie, and said, "We have a birth certificate that says 'male' and a birth certificate that says 'female:' let's get married!"

We went into the Town Clerk's office, and the town clerk at that time was a local girl named Jill. [For] eight and a half generations her family had lived in that town, and I think she had gone all of 20 miles to go to [a state university]. When she graduated, she came right back to town and became the town clerk. We showed up to the town hall with our birth certificates, and, unfortunately, Jill's quite elderly assistant was there and she was quite flummoxed by this. Thank God, about halfway through the discussion, Jill came in. She looked at the birth certificates, she looked at us, and she burst out laughing. Obviously, this was the most hysterical thing that had happened in that office

in a long time. She said, “Well, I don’t see anything wrong with it. But, there’s a waiting period in this state.”

We left town hall and when we didn’t hear from Jill for a few days, we thought she was putting it off. About five days later, we inquired and she said, “Look, I don’t want this to come back to haunt you.”

Our circumstances [were reviewed] by half the state lawyers in New Hampshire. Finally, it got to someone in either Vital Records or the Board of Health, who said, “Listen, you have a birth certificate that says male, and a birth certificate that says female: issue them a marriage license. Once two social security numbers are married in the system it won’t be undone.”

So we got married!

**Linda:** I’ve never been married, but, I would like to have the option to marry someday. I was very active in campaigning for marriage equality in California during Prop 8. Although I am a woman, I still call myself queer because I have only ever been interested in men. A lot of people look at me and think that getting married won’t be a problem [for me]. They don’t know that I am trans, and they don’t know that my only identification says that I’m male. Now that same-sex marriage is legal, I am closer to having the option to get married, even if I can’t change my gender marker. However, I don’t even have ID that looks like me, so I still couldn’t get married at this point, even if I wanted to.

**Noga:** I’m not married and I really think that I will abstain from ever getting married. Marriage is an institution that is rooted in the historical oppression of women. It was originally a way for fathers to trade their daughters as property. I can’t help but wonder why anyone would want to be a part of that terrible tradition. As someone who identifies as nonbinary, queer, and poly, I can’t imagine a circumstance when getting

married would be feasible or agreeable to my partners and [me].

### *On the Movement for Marriage Equality*

At times, being both transgender and gay feels like being on two oppositional teams. The push for marriage equality swept many of our LGB friends and colleagues into a fervor of pro-marriage activism. Much of the rhetoric we have heard over the past ten years drew a(n often problematic) parallel between Jim Crow laws and civil unions, critiquing the latter as a “separate-but-equal” form of queer segregation. Decidedly radical, we preferred the option of getting a domestic partnership rather than a marriage, as marriage was not an institution to which we felt compelled to belong. On more than one occasion, our preference for domestic partnerships was denigrated as “apathy” or “complacency” in cisgender LGB spaces.

In the trans spaces that we frequent, on the other hand, marriage equality was often heavily critiqued. As trans activists, our work has long centered on promoting issues of education access and community health. Somehow, our conversations with trans friends and colleagues always seem to drift to health care access, insurance coverage, and finding competent health providers. Our personal interactions in these spaces, are hardly anecdotal. In a survey from the National Center for Transgender Equality and the National Gay and Lesbian Task Force, transgender and gender non-conforming respondents prioritized issues of employment and hiring discrimination, transgender related health insurance coverage, hate crime legislation, access to competent healthcare, better policies on obtaining identity documents, and housing discrimination over “[t]he right to equal recognition of marriages involving transgender partners” (Grant, Mottet, and Tanis 2011:178).

Our personal preference for a system other than marriage does not mean that we have shunned the protections that marriage can



provide. As trans people, we strongly feel that marriage is not our most pressing priority for LGBT communities; yet, precisely because we are trans, we need the legal recognition (particularly for medical decision-making) that marriage provides. In our own struggle to reconcile our transgressive ideologies about marriage with our lived vulnerability as trans folk, we sought the opinions of other queer trans and nonbinary folks to help reunite our often disparate and intersectional identities.

**Catherine:** Most people don't know many trans people who have been out as long as I have. I came out at a time when I had to take backup to use the bathroom in a gay bar. As a lesbian trans woman I could get beat up by the dykes in the bathroom if anybody knew I was out, and I was never stealth. Those of us who have been part of the community as long as I have know exactly where the marriage equality movement came from, but, younger queer people don't understand.

Most trans people pooh-poo the gay marriage thing. They may vaguely understand the roots, but, they certainly have no memory of the AIDS epidemic. They know *nothing* of this. They didn't watch massive amounts of their community die. When your partner, spouse, friend, or lover was dying, having their family, who they've been estranged from for years and years, swoop in and close off your access to the hospital was absolutely devastating. That's where the marriage movement came from: this little thing called the AIDS epidemic that nobody seems to remember anymore. Ironically, the trans community still has disproportionately high rates of HIV, yet, people don't understand that if AIDS is a trans issue, then marriage equality has to be a trans issue.

The people who are freaked out about the backlash against trans people – they were not around during the AIDS crisis. I mean, how many people had died before Ronald Reagan said the word, “AIDS”? Yes, it's horrible that 20 trans women of color have been killed this

year, but, that many people, many of them people of color, were dying *an hour* in the 1980s. The gentrification of entire New York City neighborhoods was happening in a matter of weeks.

**Ty:** I never told my ex-husband [that] I was [trans] while we were married, but, I think he knew on some level. Any time I stepped outside of femininity, even slightly, we would fight. He divorced me, in part, because I shaved my head. He came home from work and just went crazy when he saw my hair. He kicked me out of the house and told me to leave. I remember standing on the front porch, begging him to unlock the door. He came outside, handed me my coat, and told me I was making a scene. I stayed with a friend that night, and figured I would let him cool off. When he called me the next morning, I thought he was calling to make up, [but] he told me he wanted a divorce.

The divorce was filed on the grounds of me being a lesbian, which I wasn't. However, it was his word against mine, and, the judge assumed that my short haircut and masculine demeanor automatically meant that I was attracted to women. At the time of our divorce, I didn't have a job and I couldn't afford a good lawyer. When we got married, I had dropped out of college and had been a stay-at-home mom for seven years. I had difficulty finding employment with such a long lapse in my work history. My ex accused me of being mentally ill, of being a deranged homosexual, and of being an unfit parent. At the time, I didn't have the education or the economic resources to fight these accusations, so I lost custody of my children.

Marriage equality is not the be-all, end-all solution to issues of LGBT discrimination, but if there was as much nonchalance about LGBT issues then as there is now, I think my ex's argument that I was unfit to have visitation with my children on the grounds of my presumed sexuality would have been thrown out by the judge. As it was then, I had to wait until my children were adults to have contact with them.

In the mean time their father had filled their heads with enough vitriol that they didn't want anything to do with me.

**Jacqueline:** I think same-sex marriage has existed in every state in the union for as long as there have been trans people, which is to say, longer than the existence of this country, it's just that we all did it within this stupid binary framework. When I began changing the gender markers on all of my documents, I wasn't concerned about the status of our marriage. My understanding is that the legal decisions were in our favor, federally. Essentially, the feds either did not acknowledge that trans people are what we say we are, or they decided to recognize that a marriage ostensibly entered into heterosexually was valid, if my understanding of the case law was correct. In essence, my wife and I were able to stay married because our genitals are heterosexual.

In every way that matters, we're a lesbian couple. Tax rights you can fight out, so we didn't have any worries along that line, but, we did have worries about medical decision-making. In the crunch, the fact that you have [a] legal marriage doesn't matter if a bigot decides that you don't; I win eventually, but, I don't get to spend the last few hours with my wife as she dies. For those reasons we would carry every bit of documentation. Our marriage license is a historical document, so we can't get it changed. Any time that I need to assert that I'm married to my wife, I have to out myself with change of name paperwork. I have all of that documentation with me should I need it, particularly when we go traveling.

Well-intentioned friends have suggested that

my wife and I get divorced so that we can get remarried as a same-sex couple. I shouldn't have to; that's not the point. As a matter of principle, we are not going to dissolve our legal partnership for one minute to kowtow because our society can't get it right. When I heard the verdict of the Supreme Court ruling in June, the schadenfreude I felt at Scalia's naked outrage was just delicious. I have supported, and, I have advocated, and I have spoken up at town meetings in defense of [marriage equality]. So, I agitated in my own small little way for marriage equality, but, to be perfectly blunt, I already had access to all of the rights and privileges of marriage. It mattered to me, it was important to me as a matter of principle and on behalf of my friends, but, I was not on the tip of the knife myself.

**Linda:** Working for the rights of undocumented immigrants is a major part of my life. As an undocumented trans woman, my biggest issues are related to my documentation status, not my trans womanhood. But, both matter. Because I am undocumented, there are issues with insurance and with seeking health treatments. All of the undocumented trans women I know, they don't have the money to see a doctor, and



Figure 1. Photo by Franziska Neumeister – Flickr (Trans\* March Berlin 2014)

they are afraid of what will happen if they try. I had a situation where I went in to the doctor and he was very inappropriate with me, but, I thought, “If I complain about him, will he start looking into my documentation status? Will my complaint put me on someone’s radar and start the deportation process?” So I never said [anything].

Like most of the undocumented [trans] women I know, I injected silicone myself. It is very dangerous, I know, and it’s illegal. But, these women don’t have access to surgeons and insurance. I have more than one friend who has died because of silicone. When you don’t do it right, it drifts. Silicone is so dangerous, and it’s not a matter of if it will kill you, it’s a matter of when. We’re all ticking time bombs. I know a woman who can’t walk very far, who can’t stand for very long because the silicone has drifted down into her legs. Her boyfriend is a citizen and he has insurance. They got married in June, now that [same-sex marriage] is legal, and she is finally getting some help from a doctor, but, much of the damage to her body has already been done.

Clearly, there are tangible and perceived benefits of being able to access marriage. The trans and nonbinary folks interviewed overwhelmingly cite issues of healthcare access and medical decision-making as central to their decision to marry, or as an important benefit of marriage. According to the Pew Research Center, 93% of married couples cite love as their number one reason for marrying (Cohn 2013). This is not to say that the interviewees did not marry for love, but interestingly, most had an additional ulterior motive for marrying when they did. As with our own narrative, it would seem that the far-reaching legal and economic impacts of marriage likewise sparked others to believe that marriage was a viable option to provide them some semblance of medical or economic protection.

### *On Trades and Sacrifices*

While we understand firsthand the benefits and protections that marriage can provide, we are nevertheless critical of marriage as a precursor to accessing state-sanctioned benefits. We strongly agree that “[e]xpanding marriage to include a narrow band of same-sex couples only strengthens that system of marginalization and supports the idea that the state should pick which types of families to reward, recognize, as well as, which to punish and endanger” (Spade and Willse 2010:20). When Washington State voters adopted same-sex marriage, couples who held domestic partnerships had the option of dissolving their legal partnership or allowing that partnership to be converted to marriage. We had actively sought our domestic partnership, in part, because it was *not* a marriage. As aforementioned, marriage was not an institution in which we were eager to take part, but when presented with the ultimatum to marry or lose the legal protections of our domestic partnership, we (however reluctantly) opted to wed.

Although the trans and nonbinary individuals we spoke with were overwhelmingly supportive of the tangible benefits of marriage equality, the majority simultaneously echoed our skepticism of prioritizing marriage equality without working in conjunction with other community goals. The vast amount of time, money, and energy spent on achieving marriage equality could have been allocated to other issues. As Bornstein (2010) argued, “...it’s time to stop fighting [for marriage equality] as a first priority of the LGBTQetc. movement. It’s time to do some triage and base our priorities on a) who needs the most help and b) what battlefield will bring us the most allies” (p.13).

**Noga:** Even if you put the historical connotations [of marriage] aside, the concept still doesn’t work for me. There are so many legal protections that marriage allows couples to have, and I don’t understand why the



government rewards married people with tax breaks, insurance coverage, and all number of legal recognitions when these should be rights afforded to individuals. If I leave an inheritance, I should be able to easily decide who it should go to, whether or not I have a spouse. If I want my neighbor, Bill, to make my medical decisions for me, there should be a straightforward process for designating Bill as my power of attorney, instead of having some blood relative who I haven't talked to in years jump in.

As a poly queer, I don't see my relationship needs covered by the flimsy protections of marriage. In fact, this mainstream push for marriage means that the issues that I care most about are being sidelined. The trans community seems split on marriage equality. Some want it; most want it to be over and done with so that we can move on. I'm afraid that now that we have pushed for marriage, no one will be open to conversations of legally recognizing relationships that include more than two people. I am concerned that just like with so much legislation, our poly subset of the community has been thrown under the bus, and now that the mainstream community has got what they were after, they couldn't care less about helping us.

**Ty:** Marriage equality is useful, but it's not *the* issue. For me, I'm much more concerned about what is happening to black and brown bodies in this country. When I [transitioned], I suddenly had to walk through the world as a black man. This isn't to say that it's not just as dangerous to be a black woman, but, the dangers are different. I think I'm more afraid now of police brutality, of random acts of violence towards me, than I was when I walked through the world as a woman. My white gay and lesbian friends are over here talking about marriage equality being the last civil rights issue, and I'm thinking, "We haven't even achieved black civil rights yet. What are you talking about?"

Marriage matters, and the Supreme Court has acknowledged that marriage matters. More than

half the country agrees that marriage matters. At the same time, we can't get even a small percentage of white folks to believe that black lives matter. So, while I think that marriage can help increase acceptance and visibility, it's not even close to the top of my list of priorities.

While the goal of marriage equality is not specifically raced, per se, highlighting marriage as a political agenda arguably does "...not address the primary concerns of those within the gay community who are non-white, or poor, or young" (Teunis 2007:264). As the marriage equality movement began to gain traction nationwide following the legalization of same-sex marriage in Massachusetts, the issues most important to non-white and non-cisgender communities were shunted to the side. Teunis (2007) argued:

In the struggle for marriage equality, spokes persons are very generally white women and men who display little or no concern for critical political issues that face gays and lesbians of colour. That these struggles promote whiteness is not due to the inherent nature of the issues, but, rather due to the manner in which they are promoted and in which they usurp all other concerns that drive the community (P. 268).

This concern about other community issues being sidelined, plays out in palpable ways for those who engage in intersectional activist work.

**Linda:** We've lost allies to the immigration reform movement now that marriage has been legalized. Marriage equality was useful to immigrants, because marriage is one of the many paths to citizenship. If you are an immigrant and you are married, you have the ability to sponsor your spouse. But if you are gay or lesbian and you can't get married, then you can't sponsor your spouse. Many times queer immigrants are deported who could have otherwise stayed in the country.

For a while, there was a certain amount of community overlap and solidarity. When LGBT people were pushing for marriage equality in the courts, we had a lot of news stories about LGBT immigrants get picked up. The activist work that I do daily was suddenly newsworthy. And even though LGBT immigrant rights is only a small part of my work, it was great to have a wave of people calling [in] and showing support for our work. I thought, “Wow, there are a lot of people who really care about immigrant rights.”

But now that marriage equality is a reality for most people, the support for other immigrant issues is gone. No one wants to hear about immigrant [trans] women being detained in men’s facilities, or about changes to work visas. It’s disappointing because you come to realize that they weren’t really supporting our cause; they were just using us to get ahead with their cause.

**Jacqueline:** The majority of the queer community has access to the same medical care everyone else does, but trans people are left behind. I think the trans community has been shafted somewhat, the same way we have [been] with GENDA in New York State.<sup>4</sup> This is the crown jewel of reasons for keeping T under the umbrella. The LGB community threw trans people over the side and they said they would come back for us with GENDA. We’re not seeing it, and it’s years and years later. So when people say, “No, we’ll just pass this legislation and then we’ll come back for you,” we say, “No, no, you won’t.”

“No, really, we will.”

“Well, you haven’t in New York.”

The animosity between LGB and T communities is easy to discuss in academic

fashions, but it is incredibly difficult to live at the intersection of those hostilities. For those of us who are both trans or nonbinary and queer, it can be easy to feel trapped in the tiny overlap of the Venn Diagram of our lives. We can exist simultaneously within two very distinct communities, and as outsiders to those communities.

**Catherine:** I have been getting shit from the trans community for 16 or 17 years now. When trans people say we shouldn’t be part of the LGBT community I don’t know what to say to them. I wish I had a comeback. To everybody else on the planet, to the outside world, I’ve been a little queer kid for as long as I’ve been alive. I have felt part of the LGBT community since I was a leg biter.

I will ask other lesbians my age, “How old were you when somebody first suggested that you were a lesbian? How old were you when somebody called you a slur because you were a lesbian?”

Most will respond that they were in their 30s or something. I was 17 when somebody first told me, “You’re a lesbian.” This was more than 20 years before I transitioned. When I tell them that, their jaws drop. As a friend of mine once said to a room full of gay people, “You may never experience transphobia, but trans people experience homophobia constantly.”

I’ve been contributing to the Human Rights Campaign for 15, 18 years, maybe longer. I have worn HRC ball caps to trans events where it just pissed everybody off. Normally, you walk into a crowd of straight cisgender people and they have no idea what [the logo] is. You walk into a room of gay people and they’re like, “That’s great!” But you walk into a room of trans people while wearing that cap and they are pissed. Don’t get me wrong, when I was first coming out as trans, HRC was dead wrong on trans issues. But, we didn’t have many other alternatives. I thought it was the best organization that we had.

<sup>4</sup> New York passed the Sexual Orientation Non-Discrimination Act (SONDA) in 2003, but the Gender Expression Non-Discrimination Act (GENDA) has still yet to be enacted.

The LGBT community is the community that I feel a part of and I think, partially because of the big money, we need HRC. We need that organization, and we need ACT UP. We need people on both ends of the spectrum. We need people who can say, “Well, my dear boy. We’ve been playing golf together for years, and we do happen to be gay, thus we must fundraise.”

And we need the people who are going to run in and kick them in the balls. [Laughs] Well, you have to come at the issue from all levels: it’s true!

**Jacqueline:** No legislation can change prejudice: it can simply make the prejudice little harder to enact, or less socially acceptable to enact. Marriage equality is necessary, it’s appropriate, it’s correct, but in the meantime, there’s a lot of catching up to do on the part of individuals.

Marriage equality got the sympathy vote. Are there other priorities? Sure there are. There are many other things that need to be done, but marriage equality was so good because it was a bridge-building issue. People could see that these gay friends and coworkers and family members whom they loved, were behaving like ordinary human beings, loving, having their fights, raising their kids, making mistakes, succeeding, having triumphs, et cetera. It created this enormous sympathy for a community that had long been demonized. It yanked queer issues out into the public view where everyone had to chew on them and talk about them.

Now, all the other stuff that we still have to work on has wedged legitimacy. We can say, “This is like same-sex marriage. Me having access to medical care for my needs is like you having access to medical care for your needs.”

“Oh, but you have *special* needs.”

“No, this is like marriage equality. Those weren’t special rights: that was a bigoted framing, and, so is this. Your medical need is, say, diabetes, and my medical need is transition. The only difference between those is the

societal legitimacy of those conditions. I’m here to tell you that mine is a medical condition and should be treated as such, just like my bond with my partner is legitimate and should be treated with just as much respect as your bond with your partner.”

I get that people are frustrated when they say there are so many other things we could have been working on, but I think in the long run, from a strategic and tactical standpoint, this was a good issue to lead with because it behaved kind of like a wrecking ball: it opened up the whole building.

Since the *Obergefell v. Hodges* decision in June, there have been a number of proposed bills targeting trans and nonbinary communities. South Dakota and Washington State have grappled with provisions allowing trans and nonbinary individuals to use the public restroom that most closely aligns with their gender identity/expression. While the governor of South Dakota vetoed a bill that would have forced trans students to use the bathroom and locker room in concordance with their birth-assigned sex (Nord 2016), Washington is still wrestling with a ballot initiative that would impose one of the most conservative anti-trans bathroom laws in the country, ostensibly banning trans people from using any public restroom or locker room, and denying municipalities the ability to pass their own public bathroom policies (Ford 2016).

**Catherine:** In the wake of marriage equality, lawmakers are finding smaller and smaller populations to target. [As trans people] we’re easy targets. We’re a small enough community that it’s still socially acceptable to discriminate against us.

### *On Moving Forward*

Whether or not we, as trans and nonbinary individuals, can agree upon the usefulness of marriage equality to our lives, we can nevertheless question what will happen to us

from here, and what our role will be in the ongoing struggles for recognition and equity.

**Noga:** Unfortunately, I think there will be a push for further repronormativity. If queers can get married, but can't legally adopt, what sort of family portraits will adorn their mantelpieces? Okay, I'm being somewhat facetious, but I do worry that the next big push will be adoption rights. I have nothing against adoption, per se, but I worry that if gay and lesbian couples are emulating marriage, they are going to start emulating repronormal standards, and they are going to emulate other "traditional" family values, and everything that makes our community awesome will just be subsumed by the dominant culture. If we are accepted into heterosexual spaces—and let's be clear, marriage is one of those spaces—we no longer have the same need for community, and, eventually our communities will be based around whether we drink soy milk or almond milk.

We need to overhaul the entire system. There is no single issue that we can easily address that will fix all of the problems that we have. We need to look at society, and how society constructs gender norms. Men's violence is a major issue, and it's really the root cause of so many of our problems. Trans women aren't being murdered at the hands of women: this is [the result of] men's violence. Until we address this deeply socially-ingrained idea that we have to conform to these really strict gender roles, we're never going to get anywhere. They pigeonhole absolutely everyone, and they uphold systems of power and oppression like patriarchy, sexism, and misogyny. Until we reform the entire system of gender, we are going to continue to disparage as a community.

**Ty:** No parent should ever, ever, ever have to go through the hurt I went through. We've got to focus on better social acceptance for trans people. We've got to make people aware that we're here, and that we're not monsters. I love Laverne Cox and Janet Mock and Tiq Milan for

finally give black and brown trans people a little bit of exposure. I think that this exposure, particularly of people of color, is what is going to have the biggest impact on my own life. But, I also think it's the awareness piece that needs to happen. Like I said, if this awareness had been around 10-15 years ago, my divorce might have gone so differently.

Being trans is obviously a big part of my identity, but I need a movement that is going to support my needs holistically. When people call out to me on the street, it's hard for me to try and discern when someone is being transphobic, or when someone is being homophobic, or when someone is being racist because, often, the results are the same. I've been following #BlackLivesMatter and I have been watching the groups that are doing intercommunity work with #BlackTransLivesMatter. I think the time is right to work for equity that has a particularly intersectional focus, and I think it really has to be centered around trans women of color.

**Jacqueline:** Legal decisions are tremendous, and I think we will look at employment and housing nondiscrimination next. I work in a very conservative field; well, the people in it tend to run conservative. Ten years ago I would have lost my job had I tried to disclose. But, four years ago when I came out to my police chief, I came out with a binder full of legal decisions on trans-related employment cases. I couched it very nicely as information, and, there was general and medical information, in the binder, too—it was all part of that *mélange*, but, the fact is that my chief was a very politically savvy and very smart man and knew what he was looking at. There was no doubt, whatsoever, that we were all being very polite about it, but I had led that conversation with a mailed fist.

That mailed fist wasn't available to me three years prior. I timed my transition fortuitously—I say timed, but, I mean that I was able to hold off just long enough to keep my career. There are plenty of people who are in police work who



have lost their jobs. I almost did. The pressures of transition are such that it's going to affect your performance at some point in some way. If there are people on the force who are on the eagle eye lookout for that, they will find it, and they will use it to drive a wedge. They nearly succeeded in my case, but, they were bound and determined to follow the law. So when I appealed, [...] it gave me a chance to get my feet back under me and allowed me to keep my job and my career.

What's next? Strictly speaking: laws, because laws are easy to change. But, what we really need is for people to say, "It's okay that you are here, and this part of your identity is important, but at the same time it's also irrelevant."

**Linda:** Prison abolition and immigrant rights need to be next: we're talking the most basic form of human rights. Prisoners and detainees are raped constantly, and, this is something that [occurs at] even higher rates for trans people, and trans women, specifically. Everyone, regardless of their immigration status, and regardless of their criminal record, has a right to control of their own bodies. Our prisons are failing at keeping queer people safe, and they are putting trans women in danger. We have to fix this problem first. We have to start with the people who are treated as the lowest of low and work our way up.

**Catherine:** We need to go after homeless LGBT youth, but, where is the key? You don't attack homelessness by building houses. We have so many homeless veterans, and the solution isn't building houses. One of the showcase homeless vets I worked with had an apartment, but slept on the streets because he couldn't sleep inside a building after he came back from Vietnam. Homelessness is merely the symptom of a larger problem, and we need to treat the root cause. Where is the key? In that case, it was treating PTSD. So where is the key for helping homeless LGBT youth? Is it creating

more shelters? We can't build enough shelters. You can't solve the drug problem by choking off the supply: you first have to do something about the demand.

We need to work on the problem on so many levels. If we can get [fewer] kids being thrown out of their houses, that's the most desirable solution. Anything incrementally that can help with that is where we have to start. Visibility helps. Being out helps. If none of us [trans] folks are visible, then we don't exist, and, then it's easy to tell your kids that *they* don't exist.

People say, "Oh the system has to change." What system? *People* run the system. You can't put a nickel in here and tighten a bolt and expect the system to change. You have to change individuals. That's the only way that things are going to change. Yes, there are things changing at the government end, but, we've got to change one mind at a time.

When I was in Provincetown a few weeks ago, I was in the HRC shop. They had a t-shirt that said, "I do doesn't mean we're done."

And I said, "It was worth hanging on."

Right before the SCOTUS ruling when all of these trans people were saying [that] marriage equality is bullshit, I thought, "No! You have no idea how important this was. You can get married and we can grow things from there. But, if you don't get that, if we turn back now, we will never recover from that." I do *doesn't* mean we're done: it means we have so much more work to do.

Clearly, we each interpret marriage and its significance to our lives in deeply personal ways, shaped by factors such as race, socioeconomic status, education, generational ties, historical memory, and experiences with interpersonal prejudice. While some of us have committed to marriage and the protections it provides, this is a refuge still unavailable to many relationships. Our behavior in pursuing marriage—particularly in new relationships—demonstrates a desire to seek a semblance of protection and safety in a world that, for so many trans and non-binary individuals, provides

neither. As we explore our own relationship to marriage, we strive to understand the function of marriage in society, as well as, our place as trans and nonbinary individuals within the institution of marriage and beyond.

## Discussion

When we heard the *Obergefell v. Hodges* ruling last June, it simultaneously felt like a huge win and an enormous loss for our communities. We won a little bit of legal validity for our unions, we won a small sense of security, and we won a historic battle that was started many decades ago by our queer fore-parents. We also lost the opportunity, in a moment when the entire nation was having a critical conversation about marriage, to dismantle that tired institution and replace it with something better. Instead of implementing a new, queer way of doing things, we begged to assimilate to the problematic system already in place, a decision that reeks of neglected opportunity. As trans folks, we worry this history will repeat itself. Instead of breaking the binary system of gender, are we going to beg to join it? Instead of having a third option for gender markers on state and federal documents, are we merely going to throw our nonbinary siblings under the bus?

There is fear, real fear, that now that these accommodationist LGBT victories have been secured, trans and nonbinary communities will lose the allies we had in LGB communities.

There is clearly concern iterated and reiterated in these pages that other members of the LGBT community have left the issues about which we care most strongly behind, and, there is a historical precedent for the apprehension we feel that these issues may never be acknowledged. When sodomy was decriminalized in private spaces, we lost the platform to decriminalize public sex (see Califia 2000). Thirteen years after SONDA was passed in New York State, GENDA is still a pipe dream (Swiffen 2014). More than 40 years after

homosexuality was declassified as a mental illness, gender dysphoria is still pathologized (Shultz 2015). As trans people we can't help but wonder, when is our moment? Will we have one?

We utilized autoethnography to tell our own marriage narrative with the understanding that "...all stories are potentially about more than our own experience" (Ellis 2004:37), and with the hope that through exploring our own stories, as well as, those of others, we could begin to understand how our communities approach the task of reconciling contrasting quadrants of our own identities. To wit, "[t]here are no individual statements, there never are" (Deleuze and Guattari 2004:42).

We brought multiple voices to the table to orchestrate a conversation in which, due to social and geographical isolation, trans and nonbinary communities cannot always take part, and, we sought to make meaning from our collective experiences. Although we each have different opinions on the function and functionality of marriage, and on how our communities should move forward from here, there is a certain comfort in finding a commonality in having a disparate identity. In the depths of the struggle to have the queer and trans elements of our lives understood holistically, there we find community. We may not have discovered how our communities will grow from here, but, one thing is clear: we must keep the conversation going.

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