



## *Sample Letters for Organizing (I)*

*The following is a letter from Dean Spade to the Urban Justice Center, the multi-project poverty law organization that provided facilities and administrative support to the Sylvia Rivera Law Project during the project's first year and a half/two years.*

*Use this letter as a guide for careful and sensitive ways of opening conversation about gendered bathrooms.*

A fundamental concern that I want to address is making UJC's bathroom facilities safe and accessible for transsexual, transgender, and gender variant clients, interns, and employees. As you may know, bathrooms are a very serious issue for transgender, transsexual, and gender variant people. Most bathrooms, including the ones at UJC, are "gendered," meaning that they are marked with signs designating a room for "men" and a room for "women." For many reasons, this creates serious obstacles to using these facilities for trans and gender variant people. For one, many trans and gender variant people have appearances that are not consistently read as "male" or "female." This means that every time we need to use a bathroom, we face a decision about which bathroom will be safer, never knowing whether we will encounter harassment, embarrassing stares, or even violence or arrest. I, myself, have been kicked out of both "women's" and "men's" bathrooms numerous times, and unlawfully arrested and held overnight for using the "men's" bathroom. Most trans and gender variant people have experienced severe harassment and/or violence because of being understood to be in the "wrong" bathroom. Additionally, many of us have a strong gender identity that does not conform to what some people expect when they look at us, so when we go into the bathroom with the sign that makes the most sense for our internal gender identity, we again frequently encounter a number of uncomfortable and/or unsafe experiences. Finally, many trans and gender variant people do not feel that they fit neatly into the either of two binary gender categories ("male" and "female") and having to constantly be faced with a difficult decision on how to stay safe and retain dignity while trying to use facilities that are labeled in this way is a serious burden. The culmination of these experiences of humiliation, harassment, and violence day in and day out over the years produces in many trans and gender variant people severe and persistent anxiety about using public bathrooms. Medical professionals report that a disproportionate number of trans and gender variant people experience health problems stemming from the lack of access to safe bathrooms, and having to wait long periods to use a bathroom.

It is vitally important to me to provide a safe place for my trans and gender variant clients to receive services where they can use the bathroom facilities as easily and safely as all the other clients who come to UJC. It would mean a lot to trans clients, staff, interns, and volunteers now and in the future to have UJC be possibly the only safe place in their day or



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week to use a public bathroom without fear of humiliation, harassment, or violence. Unfortunately, the current gendered bathroom options are not that safe haven, and I would like to work together with everyone else here at UJC to remedy this problem. It seems only appropriate to me that UJC be a leader and model for other organizations learning how to make their facilities safe and accessible for trans and gender variant people. Discussions and policy changes regarding gendered bathrooms are going on at numerous non-profits and universities across the US and Canada, and I think now is a great time for UJC to engage these difficult but important questions and work to remove obstacles to equal access for everyone.

Of course, the question of creating an alternative system to the gender segregation of bathrooms brings up a lot of important personal feelings and issues for many people. In the course of my work on this issue in many contexts, I have heard two primary arguments, modesty and safety, from people who defend the current gender segregated bathroom system, which I will briefly address to jumpstart this conversation.

First, I will address modesty. Most of us are used to using the bathroom with people who have the same birth-assigned gender as us, and are more comfortable in that environment. Some people have suggested that this is rooted in the heterosexual assumption of our culture: that we are assumed to be sexually attracted to people of the so-called opposite sex, and we are taught to hide certain bodily functions from them as part of that relation. For whatever reason, when many people first consider using a non-gender-segregated bathroom they feel a sense of embarrassment or shame. This issue is important to address, because we should all be as comfortable as possible using the facilities. However, it is also important to balance this embarrassment against the seriousness of total lack of safe or appropriate bathroom access for trans and gender variant people.

The second argument is about public safety. Many people bring up the concern that because violence against women and sexual violence are endemic in our culture, women will feel or be unsafe in bathrooms to which men have access. I think this is a very important issue for UJC, especially considering that we have a large number of clients who are survivors of sexual violence. However, I do want to separate two issues: The first issue is whether having gender markers on bathroom doors actually makes anyone safer from sexual violence, and the second is whether having gender markers on bathroom doors makes women feel more comfortable and safe. I feel it is important to establish that, in the context of UJC bathrooms, the gendered system does not provide a meaningful obstacle to people who wish to commit acts of violence in bathrooms. Because keys to both rooms are generally kept in public, if a person wished to visit the “wrong” bathroom in order to harass or assault persons in that room, the gendered sign on the door would not protect against that. In general, gendered signs on doors cannot not stop violent people from entering those rooms in order to commit their acts. The best remedy for concerns about violence taking place in bathrooms, and, I think the best remedy for many bathroom safety



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issues, is to provide single-stall bathrooms with locks on the doors. However, because we need to work with the structures already in place in our building, I will be providing other policy options below.

In any case, the second issue I mentioned above, about women feeling unsafe in bathrooms that are gender neutral, is a serious concern. While I do not think it is safe to assume that a gendered sign on a bathroom door will protect anyone from a person who desires to harass or assault, it is reasonable that in a sexually violent culture, women may prefer to use facilities that are preserved for people who identify as “women.” For this reason, it may be important to preserve a location where women who are seriously concerned about this issue may have access to a place that feels comfortable to them. Of course, it would be essential that bathrooms designated “women” be available for use by gender variant and trans women as well as women who are not trans-identified.

Based on the facilities that I have seen at UJC, my recommendation and request is that the bathrooms we have here be made gender-neutral, preserving a women’s room if there are women on staff who believe that this is the appropriate way to allow women staff, clients, interns, and volunteers to feel comfortable using the facilities.

I look forward to discussing this with all of you at length. It is a major policy change, and will certainly seem unfamiliar to many of you. Of course, in addition to negotiating amongst ourselves, we will also need to engage these questions with the other tenants who share our bathroom facilities. It is my goal that we can create a policy that allows all of us to safely and comfortably access the bathroom facilities here. An underlying principle of my program and my activism generally is that a rigid binary gender system which requires everyone to be identified as “men” or “women” and act according to restrictive cultural standards is a disservice to all people, keeping us from equally accessing resources and being able to self-determine our lives. As long as our world is structured by this coercive system, those who traditionally bear the weight of it, women and non-traditionally gendered people, will continue to struggle to re-shape our institutions to improve equal access and equal justice for everyone. I am excited to join the people at UJC who have been pioneering this work for years. I hope you will join me in coming up with creative solutions to the variety of issues that this letter addresses.

Sincerely,

Dean Spade