

Defending transgender

One woman's fight with the federal government that rewrote the law on gender stereotypes



PHOTO BY PATRICIA DEMASI

Mia Macy, a transgender woman and fought the federal government for the right to defend herself against discrimination.

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We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness," the Declaration of Independence tells us. The United States has overcome tumultuous challenges to this truth as we have evolved as a nation, from women's suffrage to the civil rights movement and beyond. Today a new wave of equality is progressing, state by state, in the abolition of laws banning same-sex marriage.

For Mia Macy, however, there's still much to be done. Macy is a transgender woman who fought employment discrimination, a fight that resulted in a groundbreaking victory for transgender equality across the country and a legacy she never expected to hold.

Now a Portland resident, Mia Macy was a homicide detective for the Phoenix Police Department in the early spring of 2011. She was trained in computer forensics and ballistics software. Her team worked with the Bureau of Alcohol, Tobacco, Firearms and Explosives, aiding them and in turn were trained to use the highly technical software to work on cases in Phoenix.

When Macy and her wife Trish were debating on where to move after Arizona — to be with her family in San Francisco or New York — part of her decision came from her high level of expertise.

Her boss recommended a lateral transfer to the Walnut Creek police force near San Francisco. It was a civilian position with the ATF that used her technology training. Macy was excited about the prospect and

later that afternoon conducted an interview over the phone. Ron, the man who operated the lab in California and a friend of Macy's boss, was impressed with her. "You come highly recommended, Brandon knows you, that's really good. The job is yours if you want it, the only thing is you got to pass the background check," he said.

Macy was thrilled. Little did she know it wouldn't be as simple as passing the background check. For Macy, an accomplished war veteran with no criminal background, this was the beginning of a long legal battle. It became a challenge to the 1964 Civil Rights Act over employment discrimination that Macy would soon face because she was transgender.

Mia Macy: During that time period when I left the Phoenix police department and moved to San Francisco, I was doing the background process because it takes months. And during that time period I started my transition (to being a woman). I was transitioning. On March 29, 2011, I contacted the contractor. (Macy would not be paid by the ATF, but would be working for a contractor with the ATF) and I wrote her an e-mail about everything - including transitioning. And she sent me back an e-mail saying everything is great. "We're female-owned and operated. We're totally good with that."

Claire Valentine-Fossum: *Is this contractor out of Walnut Creek?*

M.M.: It's actually out of D.C. My position would be in Walnut Creek. My paycheck and my benefits would be coming from them, but I would be reporting to Ron

in the lab as one of his contracted employees.

She (the contractor) knew everything. I asked if I needed to let the lab know or everyone know. And she said, "No. You work for me. That's none of their business to know that. I need to know for your W-2s, and your paperwork, but we don't have a problem with it, its great."

So we moved. We got to San Francisco on Saturday. Monday morning I'm setting up our box at the post office. My phone rings, it's my background investigator saying the background is done and I can let them know I'm ready to start. I got my clearance.

The next day she sends me an e-mail that says the point of contact for the lab needs my new driver's license and new Social Security card to update for you.

They had already sent me my welcome packet, I had filled out my W-2, medical paperwork — everything. I scanned my documents and e-mailed them to her.

That's on Tuesday afternoon.

Friday (five days after she informed her new employer that she was transitioning) I get an e-mail from the contractor that says, and it's kinda vague, "All the positions are gone because of the federal budget." It was the first time the federal budget was going to be frozen under President Obama; he was fighting with the Republicans. At 5 p.m. her time, she sent out this e-mail that said, "The positions are gone, I lost my contracts, I don't know what's going to go on." I see the e-mail and call her immediately. She's frantic on the phone, saying they've cut and slashed her budget, and she didn't know what's going on, and then *click*.

I'm watching CNN that night. Obama

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