

I am Michelle Risher, a 67-year-old transgender woman and the immediate past female vice-chair of the Democratic Party of Oregon (DPO). In December, I was elected to a four-year term on the Democratic National Committee (DNC), but today I am speaking only for myself. I have no relationship with either Basic Rights Oregon or the majority of Democrats sponsoring this bill.

I have been pushing for a ban on gay or trans panic defenses employed by sleazy defense attorneys and their miscreant clients to justify the wanton violence—up to and including homicide—for over four years. In Article VII – Equality of the Multnomah County Democrats 2018 platform, I wrote, “We demand the banning of gay and trans ‘panic’ as viable defenses across the country.” I have written three resolutions for the DPO regarding the LGBTQ+ population as a whole and also about transgender, intersex, and non-binary as separate entity, two of which were adopted by the DNC.

I have known who I am for about the last 63 years. The fear of discovery and its repercussions, including familial and social ostracization, and potential career and legal consequences haunted me throughout most of my sentient life. However, I never worried about anyone wanting to do bodily harm, including murder, to me.

I was almost 17—in the summer of 1970—before I knew for sure that there was anyone else like me—when friends were talking about having seen “The Christine Jorgensen Story”, which was evidently the ‘B’ movie at a Stardust Drive-In, on Dayton Road (Old Route 4) double-header. Prior to that, I had read the term “transsexual” in “Everything You Always Wanted to Know About Sex” which was a Book of the Month Club selection my mother received.

Beyond that, there was essentially nothing in the way of reference to being “transsexual” in public libraries at that time and there was no web, bulletin board, or internet available to the average American consumer until basically the nineties so the knowledge that there were hormonal and surgical remedies available, though not widely accessible, was a bright spot in a future I truly began fearing in 1964.

The trepidation and fear involved in being trans was not just daunting, it was fear inspiring and one could have easily had nightmarish thoughts of being straightjacketed and locked away forever. Among my greatest fears was having to possibly deal with law enforcement, but not unjustified violence and an irrationally imposed death sentence by a jury of one.

I am a pacifist by nature, thus wanting to emotionally and/or physically harm another, even in self-defense, is not a desirable outcome. Trans or any other variations of “panic” defenses, are largely grounded in fear, ignorance, intolerance, and mindless over-reaction, and they are licenses to kill.

As a trans person—like most trans people I know—I have much more to fear from the average non-trans person than they will ever have to worry about from members of my community. If one were to seriously believe in panic defenses, another would have to presume that in the highly unlikely event that a trans person did harm, lethal or otherwise in an act of panic and very real fear for their life, this very defense would be available to them and acceptable to any supporting such defensive strategies.

That said, there is nothing in the U.S. Constitution that guarantees the right to discriminate or take the life of another without consequence. The Declaration of Independence states and inalienable right to

life, liberty, and the pursuit of happiness! Gandhi noted, ““An eye for an eye will leave the whole world blind.” And dead, I might add.

In 2020, the American Bar Association wrote, “This legally sanctioned discrimination against one’s sexual orientation and gender identity must cease.” In April of this year, the Williams Institute of Law at the UCLA School of Laws published an excellent 48-page report, “Banning the Use of Gay and Trans Panic Defenses”. And in April, Virginia became the twelfth state to ban panic defenses, as has the District of Columbia. Our neighbors to the north and south are among those twelve states.

I am a disabled senior-citizen who has lived the real-life consequences of being trans and being born close seven decades ago. I have dealt with the havoc, chaos, and injury is wrought both on trans individuals living in an age and climate where fear of discovery and the consequences, some of which I have previously enumerated, and no less importantly on those who love them or try to. There is neither anything gained, nor beneficial, in licensing discriminatory execution for any reason. No one should have to live their life living in fear of discovery, violence, or death simply by being who they know themselves to be.

I am respectfully asking that each of you understands in full the repercussions of not banning so-called panic defenses and votes for SB704. Not to do so, is to vote against the basic rights with which we are all endowed and either actively or passively sanctions and condones vigilante justice and murder.

Thank you for your time!

Sincerely,

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