



IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA
FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

In the Matter of the Application of:
STEVEN CHARLES HARVEY
To change his name.

SEP 02 2011

Case No. CV-2011-1075

PATRICIA PRESLEY, COURT CLERK

by 

**ORDER AND JUDGMENT AS TO PLAINTIFFS' PETITION
FOR CHANGE OF NAME**

Steven Charles Harvey, a male, petitions the Court pursuant to 12 O.S. §1631-1640 to change his name from Steven Charles Harvey to Christie Ann Harvey. Mr. Harvey states that he desires to have his name changed for the following reason: "Petitioner is in the process of undergoing sexual/gender change." Title 12 O.S. §1632 provides that "the petition shall be verified and shall state," and requires, *inter alia*, under subsection G "a positive statement that the change is not sought for any illegal or *fraudulent* purpose, or to delay or hinder creditors."¹ Mr. Harvey stated at the hearing herein that he was as he states in his Petition in the process of a sex change, which is not yet completed. At the same time, Mr. Harvey has stipulated to certain facts as shown by his "Stipulation"² filed herein which states in pertinent part:

"1. Petitioner filed a Petition for Change of Name" because he is in the process of undergoing gender reassignment.

2. The gender reassignment process will not alter Petitioner's DNA.

3. Petitioner's ability to bear children will not be altered by the gender reassignment process.³

¹ Title 12 O.S. §1636 provides: "Any person who obtains a judgment under this Act, willfully intending to use the same for any illegal or fraudulent purpose, or who thereafter willfully and intentionally uses such judgment, or a copy thereof, for any illegal or fraudulent purpose, shall be deemed guilty of a misdemeanor."

² Since Petitioner called not medical experts, the Court asked Mr. Greg Winningham, Petitioner's attorney, if the they agreed with the well-known fact that one's sex cannot be altered as to DNA. They did and submitted the aforementioned Affidavit.

³ Mr. Harvey did not testify why his ability to bear children would not be altered by the gender reassignment process. However, based on the testimony of Dr. Michael Ritze herein,, a person's ability to begat children would most certainly be altered by the sex change surgery unless of course the person could not have children.

1. The Testimony of Dr. Ritze

This Court believes, in view of the fact that a name change may not be based on a fraudulent purpose,⁴ that because Petitioner is desiring to change his name for the reason that he is going through what he calls a sex change process, it is proper to examine if one's sex can be truly changed. Since the Court believes, under the law and the facts, that it is necessary to consider the issue of sex changes from the standpoint of medical science, the Court asked for the opinion of Dr. Michael Ritze, a Board Certified Osteopathic Family Practice Physician & Surgeon for 35 years and a member of the Oklahoma House of Representatives. Dr. Ritze, in an Affidavit⁵ filed herein, makes the following comments as to what is called the sex change process. Dr. Ritze states:

"When it is sought to surgically change a man into a woman the penis and testicles are usually amputated. The scrotal sac formed to make a vagina. The man is given female hormones, but can never again beget children either as a woman or a man. When it is sought to surgically change a woman into a man, hysterectomy and breast removal procedures are performed. The said woman is given male hormones. A penis is implanted or attached if needed, but would not attain erection as a natural male one by nature could and could not be used to beget children. However, if the uterus is left intact the said woman could still become pregnant from intercourse or implantation of sperm. There would be great risk to the baby if she takes male hormones."

Dr. Ritze further stated that anyone going through the above process "must undergo one (1) year of psychological counseling before any sex change procedures occur." Presumably, this is because of the drastic, immutable process that is required and because some persons change

⁴ This Court told Petitioner and his attorney at the initial hearing of its concern about the validity of an alleged sex change, and subsequently offered them the opportunity to call an expert witness in this regard. This was rejected.

⁵ This Court stated to Petitioner's attorney (Mr. Winningham), that since Mr. Harvey did not call an expert and is the only party, the Court would call its own expert witness to testify concerning the sex change process and told said Attorney that Petitioner could obviously call his own expert. This was declined. However, since Dr. Ritze has recently had leg surgery he could not testify until late September. Petitioner was anxious to have a quick ruling and the Court said it would have Dr. Ritze prepare an Affidavit. This was done and Mr. Winningham, before filing, was given a copy of the Affidavit's contents and informed of one change. Petitioner did not object.

their minds and do not have the surgery. In this case Mr. Harvey, while in the said process, has not yet had the sex change surgery.

2. DNA and Sex Change

Dr. Ritze further stated in his Affidavit that “(t)he DNA is not altered by any of the above procedures or hormonal treatment. **Based on this scientific fact, it is my opinion that a person cannot change their sex or gender through sex change surgery.**” Scientific authorities agree with Dr. Ritze. In a project supported by the Department of Genetics, at Stanford School of Medicine, Geneticist Dr. Barry Starr states that:⁶ “No amount of surgery, hormone injections or anything else will change someone’s DNA⁷ from a man’s to a woman’s (or vice versa).” Dr. Starr further stated that “for humans, sex is determined by the presence of a Y chromosome – humans with an X and a Y chromosome are male and those with two X chromosomes are female. No current (or probably future) technology can replace a chromosome in all of our trillions of cells.” How does the Y chromosome make someone a male? Dr. Starr states “there is a gene called SRY on the Y chromosome that allows certain genes to be turned. Once on, these genes cause testes to form instead of ovaries. Once the testes form they make lots of testosterone testosterone is the ‘male hormone.’” However,” he says, “testosterone by itself, can do nothing – it needs a protein call the androgen receptor to have any effect. Like testosterone, the androgen receptor by itself can’t do anything either.”

Dr. Starr states that “when the androgen receptor and testosterone get together, they turn on lots of genes in the womb; these genes cause male plumbing to develop. At puberty, the

⁶ www.the_tech.org/genetics/ask.php?id

⁷ DNA means “deoxyribonucleic acid: an extremely long macromolecule that is the main component of chromosomes and is the material that transfers genetic characteristics in all life forms, constructed of two nucleotide strands coiled around each other in a ladderlike arrangement with the sidepieces composed of alternating phosphate and deoxyribose units and the rungs composed of the purine and pyrimidine bases adenine, guanine, cytosine, and thymine: the genetic information of DNA is encoded in the sequence of the bases and is transcribed as the strands unwind and replicate.” See *Dictionary.com*.

genes that are turned on cause you to get a deeper voice, more body hair and muscle mass, make sperm, etc.” Thus, Dr. Starr states “with a sex change operation the underlying DNA stays whatever sex they started out with.”⁸ The hormone injections, though, cause a different set of genes on the DNA to be turned on so that you get, for example, a male pattern of gene expression in someone who is “XX.”

a. The Definitions of Male and Female

Webster’s Ninth New Collegiate Dictionary defines a “male” as:

“Of, relating to, or being the sex that begets young by performing the fertilizing function in generation and produces relatively small usu. motile gametes (as sperms, spermatozoids, or spermatozoa) by which the eggs of a female are made fertile.”

The same dictionary defines “female” as: “Of, relating to, or being the sex that bears young or produces eggs.” Transvestites are people who dress as the opposite sex. This does not make them of the opposite sex. Moreover, a so called sex change surgery can make one appear to be the opposite sex, but in fact they are nothing more than an imitation of the opposite sex.⁹

Petitioner offered no medical evidence that his sex could be changed through surgery. The only medical evidence offered and received was by Dr. Ritze who stated that a male could not change his DNA to that of a female or vice versa. He also said a male who went through the process of sex change could not bear children as a female. Nor could a female who went through the process bear children as a male. Thus, unless, out of political correctness, we alter the

⁸ This Court is aware of “hermaphrodites” which is “an animal or plant having both male and female reproductive organs.” *Webster’s 9th New Collegiate Dictionary*. In humans, this is very, very rare and is not an issue herein.

⁹ It is this Court’s understanding that it is the policy of the Oklahoma State Department of Health that it will not change the listed sex on a person’s birth certificate even if the said person has gone through the process of sex change. The 2011 Legislature passed HB 1397 Involving Department of Health regulations. It was signed into law by the Governor. The bill originally provided as to gender reassignment that the Health Department alter birth certificates as to sex changes. This provision was removed because of conservative opposition.

definitions of male and female a so-called sex change cannot make a male a female or make a female a male.

This Court must construe the laws as written. Under the law herein, it is hard to believe any judge in Oklahoma would allow a name change if it was sought for the purpose of delaying or hindering payment to creditors (pursuant to 12 O.S. §1632). At the same time, the law prohibits changing one's name for fraudulent purposes. If the aforesaid creditor provision is to be enforced, why should not the fraud provision be as well especially since both are the law? Dr. Ritze, the only expert witness to testify herein concluded that a person cannot change his or her sex or gender through sex change surgery. Petitioner has stipulated that his DNA cannot be changed to that of a female.¹⁰ Thus, if a sex change cannot validly change one's sex from male to female or vice versa, and the Petitioner knows it as herein, his purpose would be fraudulent.

Accordingly, for this Court to be complicit in legitimizing sex changes through change of name raises some disturbing issues. First, by allowing change of name through an alleged sex change establishes a possibility that a person, male or female, could unwittingly marry a person who appeared to be of the opposite sex, but was actually of the same sex as that person. Secondly, a person who had allegedly changed their sex from male to female could commit a crime. DNA could well cause law enforcement to ignore potential female suspects because the DNA of the person who committed the crime was male. Third, a person having a sex change from male to female or vice versa could circumvent Oklahoma's constitutional and statutory prohibitions against same sex marriage by marrying a person of the same sex.¹¹

¹⁰ This Court asked Mr. Winningham, to obviate the need for an expert witness on DNA, if Petitioner would stipulate as to DNA. The Court told Mr. Winningham that he and his client could submit evidence as to DNA, but this was rejected and Petitioner stipulated that a sex change would not change a person's sex according to DNA.

¹¹ Art. 2, §35 of the Oklahoma Constitution provides: "A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups. B. A marriage

Since time immemorial the purpose of men and women has been, *inter alia*, to bear children. While there is no law in Oklahoma prohibiting sex changes, there are no laws authorizing such changes. Proponents of sex change may argue that medical science has the ability to make a person's body appear to be of the opposite sex, that a male or female may psychologically be of the opposite sex or that hormones can further make one's body appear that way, but none of this means society should bow to medical science. Richard Weaver once said: "If we grant the assumptions of the materialists that society must conform to the developments of science, we may as well prepare ourselves for the monolithic state."¹² One might add, "especially if the developments help perpetrate scientific frauds." Here, Petitioner has not even had the surgery by which his sex purports to be changed. Thus, based on the foregoing and the DNA evidence, a sex change cannot make a man a woman or a woman a man all of which, the Court FINDS is sufficient in and of itself to deny Petitioner's request for a name change. To grant a name change in this case would be to assist that which is fraudulent. It is notable that *Genesis* 1:27, 28 states: "So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth..." The DNA code shows God meant for them to stay male and female.¹³

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that Plaintiff's Petition for Change of Name is denied and overruled.

between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage." Title 43 O.S. §43-3.1 ***Recognition of marriage between persons of same gender prohibited.*** A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage."

¹² Richard M. Weaver, *Ideas Have Consequences*, Univ. of Chicago Press ('948), 104.

¹³ Francis Crick, the Co-discoverer of the DNA code once wrote: "The origin of life appears to be almost a miracle, so many are the conditions which would have had to be satisfied to get it going." John Horgan, "In the Beginning," *Scientific American*, vol. 264 (February 1991), p. 125.

Dated this 2nd day of September, A.D. 2011.

A handwritten signature in black ink, appearing to read "Bill Graves", written over a horizontal line.

BILL GRAVES
JUDGE OF THE DISTRICT COURT