

BILL 23-07
NEW OPPOSITION TALKING POINTS
November 12th, 2007

- **Are men still allowed in the women's room ???**
 - **YES – the bill adds gender identity to the public accommodations provision, and there is no provision or exceptions for areas of shared nudity.**
 - **LEVENTHAL QUOTE THEN :** *“I cannot absolutely put to rest your concern that girls might find themselves in a locker room or dressing room in the presence of a person who expresses or asserts herself as a woman” Leventhal, in response to the mother of a ten year old daughter asking about the lockerrooms at the pool.*
 - **LEVENTHAL QUOTE NOW:** *“In an effort to clarify, I think we caused greater confusion and uncertainty,” he said. “If there is an issue of alleged discrimination occurring in a public facility, it will be up to the Office of Human Rights to rule on the case. We will not provide guidance, and I don’t think people need guidance on how to use the bathroom.”*
- **If it is left up to the Human Rights office, the Office of Human Rights will most probably follow the policy of the Human Rights office of the District of Columbia and rule against bathrooms segregated by biological sex.**

The District of Columbia, who faced a similar ambiguity said:

- **Restrooms and other gender specific facilities:** Covered entities shall allow individuals the right to use gender specific restrooms and other gender specific facilities that are consistent with their gender identity or expression. In cases of single-stall restrooms, they must have gender-neutral signs.
 - **Gender specific facilities where nudity in the presence of others is customary:** Covered entities shall make reasonable accommodations to **allow an individual access to that facility that is consistent with that individual’s gender identity or expression regardless of whether the individual has provided identification or other documentation of their gender identity or expression.**
 - **HUMAN RIGHTS OFFICES ARE VERY LIBERAL IN THEIR INTERPRETATION**
- **Why should you believe the county council office now? While they were busy denying that the issue was NOT ABOUT BATHROOMS, AND AVOIDING THE QUESTIONS EVEN FROM CNN, HERE IS WHAT THEY HAD PUT IN THE BILL :**
 - **Section 27-11 Discriminatory practices** [111] [[(c) A person must not deny any person access to the equal use of any restroom, shower, dressing room, locker room, or similar facility associated with the gender identity that the person publicly or exclusively expresses or asserts.]]
 - **Section 27-19 Discriminatory employment practices**
 - **(An employer may not....)** [258] [[(c) deny any person access to the equal use of any restroom, shower, dressing room, locker room, or similar facility associated with the gender identity that the person publicly or exclusively expresses or asserts.]]
 - **AND HERE IS THE CNN TRANSCRIPT :**
 - **COLLINS:** A proposed anti-discrimination law at the center of a battle over bathrooms. Lawmakers in Montgomery County, Maryland, say they want to protect the transgender. Critics say there's a safety issue. Duchy Trachtenberg, pardon me, is a Montgomery Council

member who supports the law and Dr. Ruth Jacobs is with Citizens for a Responsible Curriculum. She opposes the measure there, both joining us from Washington. Well, in this introduction, we say that this is with bathrooms. Duchy, is this about bathrooms?

DUCHY TRACHTENBERG, MONTGOMERY COUNTY COUNCIL: Absolutely no. This is a civil rights piece of legislation that would simply afford protection to transgender individuals. The law, the county law, or as well as the charter, would be amended so that there would be no discrimination allowed in housing and employment and other transactions such as banking. And basically, this is legislation that has not a radical nature at all. It's actually been passed in over 100 jurisdictions throughout this country and notably in the Washington area both in Baltimore City and right here in Washington, D.C.

COLLINS: But what happens in the bathrooms then? Just because the legislation doesn't address it specifically, isn't that something that has to be talked about?

TRACHTENBERG: Not at all. In the jurisdictions where this legislation has passed, it's very clear that there's been no reported incidents of intimidation or harassment, and what we are telling folks is that...

COLLINS: I guess, pardon my interruption, but I guess I'm wondering where will the transgender people use the restroom facilities? Where do they go?

TRACHTENBERG: The fact is that in the jurisdictions where the bill has passed, there's been no incidents of harassment or any kind of problem, complaints, and most importantly there are laws that exist that protect people in public facilities.

COLLINS: OK, I'm sorry I keep hammering, but I don't hear you answering the question. I guess what I'm trying to understand is that if you are a man, but you think that you are a woman or you feel like one, then you will be allowed, will you not, to be able to use the female restroom facilities?

TRACHTENBERG: What I know is that there's been a lot of public discussion promoted by a very small group of individual that are exaggerating exactly what would happen in public facilities, and that's unfortunate. It's fear-mongering, and it's not surprising, but, again, we're not going to have anything in the final legislation that's going to put children or adults at risk for any kind of intimidation or harassment in public facilities.

- **TRACHTENBERG MADE THESE STATEMENTS EVEN THOUGH THE BILL HAD BEEN SPECIFICALLY AMENDED TO INCLUDE LANGUAGE TO ALLOW PRE-OP TRANSGENDERS INTO THE LADIES LOCKER ROOMS.**

- **THE FEDERAL LAW WAS TO INCLUDE AN EXEMPTION FOR PLACES OF SHARED NUDITY, MONTGOMERY COUNTY HAS NO SUCH EXEMPTION**
 - A similar federal non-discrimination plan proposed by homosexual Rep. Barney Frank, D-Mass., includes a provision that would prevent "transgenders" from using opposite-sex public facilities in which being seen "fully unclothed" was unavoidable,
 - Correspondence with the county staff shows that such a provision was considered, and deliberately rejected, in the county plan, which is scheduled for a vote Nov. 13.

- **TRANSGENDERISM is classified as a MENTAL DISORDER.**

- Transgenderism is a gender identity disorder “Gender Identity Disorder” is classified as a mental disorder by the American Psychiatric Association. Legal protection against discrimination based on mental illness is not provided for any other disorder, and there is no rational explanation why it should be offered for this one. Those who wish to assume a “gender identity” contrary to their biological sex are in need of mental health treatment to overcome such disturbed thinking, not legislation to affirm it
- Johns Hopkins University Hospital relates how a careful study of transgenderism led them to abandon the practice of performing sex change operations.. Dr. Paul McHugh, formerly psychiatrist-in-chief at the Johns Hopkins University Hospital, notes:

”We have wasted scientific and technical resources and damaged our professional credibility by collaborating with madness rather than trying to study, cure, and ultimately prevent it.”

A similar statement may be made about the Montgomery County Council if it adopts Bill 23-07.

- **Majority RIGHTS**

- Don't the 99% of biological females right to not be exposed to male genitals in their lockerrooms TRUMP the right of the 1% of gender confused individuals to expose them ? *Don't Moms have a right to take their four year old daughters swimming and not worry about running into the exposed male genitals of a drag queen in the shared shower area? What happened to the rights of 99% of the population?*
- “People are always going on and on about minority rights. But what about majority rights? Why should the rest of us have to compromise on an issue like this because a fractional portion of the population is confused about what gender they are?”
- It seems both strange and wrong to me to legally protect the fact, in this case, that people who can't accept their own inborn sex should have the legal right to demand that others accept them as the sex they are not!

- **EQUALITY MD CONFIRMS THAT NOT DEPENDENT ON BIOLOGICAL SEX**

- **Dan Furmansky**, executive director of the homosexual activist group Equality Maryland, said, in fact, the measure would protect a variety of what he called "gender-nonconforming individuals." **"Men who might appear effeminate or women who appear 'butch' - whether those are gay individuals or straight individuals - would have protection under this proposed legislation,"** he said. Specifically, the law would apply to individuals who are living full-time as "a gender other than their birth gender." He added: "Those could be individuals who are transsexual - meaning they have had sex reassignment surgery - or they could be people who are transitioning, or **they could be people who cannot or are not going to have that reassignment surgery."**

- **IF THE FEMALE COMPLAINS, SHE GET RELEGATED TO THE UNISEX BATHROOM**

- **PER THE COUNTY's press, release, they quoted the Cruzan vs. Davis case, which decided that the complaining person has to go use the opposite facility. That means if I as the female complain about being exposed to male genitals in the ladies showers, I am relegated to a unisex bathroom.**
- The issue of access to public bathrooms has now been resolved by the federal courts. In the landmark case Cruzan v. Davis, a ruling was made in June 2002 by a federal appeals court in Minnesota that an employer is within its rights to instruct a transgendered employee to use the restroom matching their new presentation. The ruling states that if another employee complains, the company may offer the

complaining employee an accommodation (such as the use of a different restroom for the complaining employee.)

- **IF IT IS NOW LEGAL FOR A MALE THAT FEELS LIKE A FEMALE TO EXPOSE HIMSELF IN THE LADIES LOCKER-ROOM, HAVEN'T YOU JUST LEGALIZED INDECENT EXPOSURE?**

- **NO RELIGIOUS EXEMPTION**
 - Montgomery's bill includes no specific exemption for religious organizations or schools. Instead the burden of proof is on the church, or religious school to prove that they have a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; "
 - DC's has a specific exemption for religious organizations, as did the federal bill. Montgomery Count's bill has NO such exemption.

- **PROTEST IS MOST DEFINITELY STILL ON. THIS TUESDAY, 12:30-2:30 PM, AT the COUNTY COUNCIL OFFICE, 100 Maryland Avenue, Rockville**