

THE TRANSGENDER MOVEMENT AND “DISCRIMINATION”

TESTIMONY IN OPPOSITION TO MARYLAND HOUSE BILL 474 REGARDING “GENDER IDENTITY”

Peter Sprigg

The following testimony was given by Peter Sprigg to the Maryland House Health and Government Operations Committee in Annapolis, Maryland on February 25, 2009.

I urge you to vote No on House Bill 474, relating to “discrimination” on the basis of “gender identity.”

“Gender Identity Disorder” is classified as a mental disorder by the American Psychiatric Association. 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.

Furthermore, Maryland residents who believe it is better for men to remain men and women to remain women ought to have freedom to act on those beliefs, without facing stigma or punishment. This is the central reason for my opposition to this bill.

However, there are also several specific provisions of the bill which are objectionable.

- 1) The definition of “gender identity” trivializes the significance of biological sex.

The bill defines “gender identity” (p. 2, lines 32-34) as “gender-related identity, appearance, expression, or behavior of an individual regardless of the individual’s assigned sex at birth.” To suggest that the identification of a human being’s sex at birth represents merely an “assignment,” as though it were entirely a social construct agreed upon by the child’s parents and physician, is absurd.



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Sex is an objective biological reality, identified based on the presence of external genitalia, internal sex organs, and chromosomes, which in the overwhelming majority of cases are entirely consistent and unambiguous at birth. It is simply foolish to treat this as a characteristic that can be changed at will.

2) Exemptions to the bill need to be clarified

For example, when the federal Employment Non-Discrimination Act (ENDA) was introduced with gender identity protections in 2007 (H.R. 2015), it included exemptions for:

- employers with less than 15 employees; and
- religious organizations.

Such exemptions are necessary to protect, for example, small family businesses and churches from affirming behaviors that they find offensive and/or contrary to their moral convictions. The sponsor of the bill has indicated at today's hearing that similar exemptions apply to this bill as well, yet I find no such exemptions in the bill's text. Perhaps these exemptions are found in the larger section of the code which this bill will amend, but the sponsor's should clarify the exact language and location in the law of these exemptions before a vote is taken.

3) The bill is self-contradictory.

It says that it "does not prohibit an employer from establishing and requiring an employee to adhere to reasonable workplace appearance, grooming, and dress standards." (p. 4. lines 28-33). However, most ordinary Americans would consider dressing in ways that are culturally appropriate for one's biological sex to be the most fundamental "appearance, grooming, and dress standard" that could be conceived of—yet requiring that is exactly what this bill is designed to forbid.

Likewise, for any job involving customer service or contact with other clients, dressing in a way appropriate for one's biological sex may be "a bona fide occupational qualification," because the adoption of the "gender identity" of the opposite sex is often highly unconvincing and therefore disturbing to witnesses (i.e., "other customers may be upset," as Dan Furmansky of Equality Maryland admitted in testimony on a similar bill in Montgomery County in 2007). Yet the bill before you does not even include "gender identity" in its exemption for "bona fide occupational qualifications" (p. 6, lines 34-35).

4) The bill violates the privacy rights of every Maryland citizen.

The most extreme application of the principle of "non-discrimination" based on "gender identity" would be to the use of gender-separated restrooms, locker rooms, and showers. As currently written, this bill would legally protect the right of a person who is still biologically male (but who has adopted a female "gender identity") to strip nude in front of women in a women's locker room.

Again, a similar bill introduced at the federal level in 2007 contained an exemption for “shared shower or dressing facilities in which being seen fully unclothed is unavoidable.” One of the members of the committee indicated at today’s hearing that such an exemption has been added to this bill, but as of yesterday it had not been added to the text on the state’s website.

This bill omits a caveat that even Montgomery County’s controversial gender identity bill included, providing that it applies to public accommodations only when the individual’s “gender identity” is “publicly and exclusively expressed.” Without such a provision, there will be nothing whatsoever preventing a temporarily cross-dressing male from entering a women’s restroom or locker room and exposing himself. Behavior that would normally be considered criminal will now be protected as a civil right.

Let me conclude by referring you to the attached article by Dr. Paul McHugh, formerly psychiatrist-in-chief at the Johns Hopkins University Hospital. It relates how a careful study of transgenderism led them to abandon the practice of performing sex change operations. McHugh 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 Maryland Legislature if you adopt House Bill 474. I urge a “no” vote.

Peter Sprigg is the Vice President for Policy at the Family Research Council in Washington