



Dedicated to Strengthening the Family

TESTIMONY IN OPPOSITION TO HB1722, GENDER BASED DISCRIMINATION

Joint Committee on Judiciary

March 4, 2008

Massachusetts Family Institute is a research and public policy institute dedicated to strengthening families in Massachusetts. Because tens of thousands of sociological studies identify the nuclear family as the single best environment for the procreation and nurturing of children, human sexuality is a most significant issue to us. I thank you for the opportunity to testify before you today in opposition to House Bill 1722, An Act Relative to Gender Based Discrimination and Hate Crimes.

This bill is a radical assault on the right to privacy and safety of all women and children on behalf of one of the smallest special interest groups, which can be accommodated otherwise. It is estimated that the ratio of male-to-female transsexuals to genetic males is at the most 1:2000 (or five one-hundredths of 1%) with the ratio of female-to-male transsexuals being even smaller.

Proprietors of any public accommodation are now prohibited from discriminating against persons of any sex, or sexual orientation, in the full enjoyment of accommodations offered to the general public. The current law has exceptions for single-sex rest rooms, bathhouses, seashore facilities, fitness facilities, corporations established for the benefit of a single sex, and single-sex rooming houses. H1722 would override all those exceptions. Nothing would prevent a sexual predator from pretending that he is confused about his sex to gain access to vulnerable women and children in public restrooms, which should be safe spaces for their accommodation and health.

This bill would add the vague terminology of “gender identity or expression” to the state ban on sex discrimination. The bill says, “***The term ‘gender identity or expression’ shall mean a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.***” There is no generally accepted definition for “gender” or “expression,” which would cause chaos in the inevitable swirl of litigation, as activists press for access to the most private spaces of the opposite sex.

The word “gender” (as opposed to “sex”) is dangerously vague. It refers to socially constructed roles unrelated to biology. The term denies immutable biological differences between the sexes and places women and children at risk from biological males.

Transgenderism is classified as a disorder by the American Psychiatric Association in its *Diagnostic and Statistical Manual of Mental Disorders*. Under this bill, if a father and his young daughter went to a public accommodation and the young girl needed to use the ladies room, her own father could not go in with her, but a man claiming a gender identity disorder could.

H1722 also deletes protection from discrimination for children, or based on marital status, veteran status or membership in the armed services, or recipients of public assistance. Public policy should not allow an infinitesimally small percentage of the population with a psychiatric disorder to use whatever public restroom or bathhouse they want, while simultaneously removing protection of families with children, veterans and people on public assistance.

Questions remain whether churches and religiously-based hospitals would be considered places of public accommodation. A Catholic hospital in California is being sued by a man who was denied breast augmentation surgery. In Massachusetts, we have already witnessed a Catholic charity being forced to stop providing adoption services after same-sex marriage became public policy.

For these reasons of public safety and well-being, we recommend the Joint Committee issue an unfavorable report on House Bill 1722.

Sincerely,

Kristian M. Mineau
President