

Transgender discrimination ban is official

■ Leggett signs it into law; opposition groups plan a lawsuit and referendum drive

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Montgomery County Executive Isiah Leggett has signed into law the county's controversial legislation aimed at preventing discrimination against transgender people.

A group that opposes the law, which was signed Nov. 21, is planning to collect thousands of signatures for a referendum next year, and another group plans to file a lawsuit, claiming the law is unconstitutional.

The law takes effect in 90 days.

Michelle Turner, a member of Citizens for a Responsible Curriculum, said her group will begin collecting the almost 25,000 signatures it needs to put the issue before the voters in November 2008.

"We want this put to a vote and citizens to be able to vote on this bill," she said. "The County Council received hundreds and hundreds of letters in opposition to this bill ... and we want citizens to be able to exercise their rights and decide this issue."

To place a referendum on the ballot, CRC must collect valid signatures from 5 percent — or 24,357 — of the county's registered voters within 90 days.

"It's a daunting task," Turner said.

Opposition began in earnest in October when a council health committee proposed amending the legislation to include

a provision regulating areas such as bathrooms and locker rooms.

After aggressive lobbying, the committee removed that provision and passed the legislation with an 8-0 vote earlier this month.

As approved, the legislation broadens the county's existing laws that prohibit discrimination against transgender people in housing, employment, cable television service and taxi service. The law leaves it up to managers of public facilities to decide who is accommodated in restrooms and locker rooms.

Although the facilities amendment was removed, opponents say the legislation is still too broad and means women and girls would be exposed to male genitalia either from transgender people who had not yet undergone a sex change operation, or from men who would claim to be transgender in

order to gain access to locker rooms and restrooms from which they would normally be banned.

Robert H. Tyler, general counsel with California's Advocates for Faith and Freedom, said his group expects to file a lawsuit soon on behalf of its clients, Parents and Friends of Ex-Gays and Gays.

"We are going to proceed with the lawsuit. We are also going to take a longer look at the documentation that occurred at the [council] hearings," he said.

In a letter to Leggett (D), Tyler argued that the legislation was too vague under the 14th Amendment and that it violates the right to privacy.

Leggett — whose approval was contingent upon removal of the bathroom/locker room provision — said county attorneys saw no legal problems with the legislation.