

The Association of Politically Active Christians

Three Admiral Street
Albany, New York 12205
www.apacny.net

2010 MEMORANDUM OF OPPOSITION S.2406A/A.5710A (GENDER EXPRESSION NON-DISCRIMINATION ACT) Contact: Stephen P. Hayford (518-364-5324)

The Association of Politically Active Christians respectfully expresses its opposition to the proposed Gender Expression Non-Discrimination Act (GENDA), also known as the “Bathroom Bill,” for the following reasons:

- 1. GENDA would compromise the safety and privacy of women and girls by allowing cross-dressing individuals to access opposite-sex public bathrooms.** GENDA is known as the “Bathroom Bill” for good reason; it would literally open the door for men dressed as women to assert a civil right to utilize women’s bathrooms in public places throughout New York. GENDA also opens the door for male students to assert a civil right to cross-dress and use opposite-sex locker rooms in public schools. GENDA does nothing to address the very real public safety concerns raised by these possibilities.
- 2. GENDA would have an adverse impact on New York businesses.** Under this proposal, employers would be liable for damages for taking any action that could be construed as an infringement upon an employee’s “gender expression.” At a time like this, state government should be focused on creating a climate where businesses can survive and thrive, not imposing new burdens upon them.
- 3. If passed, GENDA would be unconstitutional.** GENDA defines the term “gender identity or expression” as “having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.” This definition is so imprecise as to be almost unintelligible. GENDA’s lack of clarity renders it unconstitutional.
- 4. GENDA would create a public policy in favor of controversial behavior that arises from a psychiatric disorder.** Cross-dressing and transsexualism are not identities; they are forms of behavior that often arise from recognized psychiatric disorders such as Gender Identity Disorder and Transvestic Fetishism. GENDA would encourage New Yorkers to pursue a “transgender” lifestyle and identity when such a lifestyle and identity arises from a psychiatric disorder, and when that lifestyle and identity can result in individuals obtaining elective surgeries that damage their health. Behavior that is correlated with a psychiatric disorder should be met with compassionate treatment options, not protective legislation.
- 5. GENDA is based on a fallacy.** GENDA refers to the sex of an individual as being “assigned . . . at birth.” A person’s sex is not a legal construct or a matter of choice, but a God-given biological reality. “So God created man in his own image, in the image of God he created him; male and female he created them” (Genesis 1:27).
- 6. GENDA’s hate crimes provisions create different penalties for the same crimes, depending upon the gender identity of the crime victim.** APAC is opposed to criminal behavior and to hatred toward individuals—including individuals who identify as transgender. However, it is morally wrong to make laws that create special categories of crime victims who are entitled to more protection than other members of society simply because of their unconventional appearance. Criminal behavior against individuals who identify as transgender is appropriately remedied through enforcement of existing law.