

Gainesville Conservatives Lose Battle Over Gender-Identity Ordinance

✖ **March 25, 2009** – An amendment that supporters said would have kept men from using women's restrooms failed to pass during a stand-alone election in Gainesville, Fla., on Tuesday.

Part of a campaign organized by Citizens for Good Public Policy (CGPP) in Gainesville, Charter Amendment 1 would have overturned a 2008 anti-discrimination ordinance that included special provisions for transgendered people. The law defines gender identity as "an inner sense of being a specific gender ... with or without regard to the individual's designated sex at birth." And it requires that transgendered people be given access to public facilities that are consistent with their gender identity, even if it is different from their biological sex.

Opponents of the ordinance said the wording is too vague and allows non-transgendered men—including sex offenders—to legally enter women's restrooms.

"Who is the one who's going to determine what someone's inner sense of being is?" CGPP chairman Mark Minck said. "Who can know?"

Amendment 1, which gained 42 percent of the vote on Tuesday, would have made Gainesville's civil rights law the same as the Florida's Civil Rights Act, repealing not only the transgender ordinance but also civil rights protections for gay, lesbian and bisexual people the city commission passed in 1998.

Minck said the Thomas Moore Law Center, a Christian legal

group, told his organization the ballot initiative would be the most effective way to fight the transgender ordinance. But he said repealing the city's 1998 civil rights law took the focus off the so-called bathroom clause and led amendment opponents, including well-funded national groups such as Human Rights Campaign, to accuse CGPP of supporting discrimination.

Minck said a lobbying group called Equality Is Gainesville's Business, and leaders within the City Commission, Chamber of Commerce and the University of Florida all rallied to oppose the amendment.

"They were effectively able to frame this as a discrimination effort," Minck said. "And people bought the lie, and more voted no than yes. So what happened is the ordinance is unchanged. Our concern is the same."

Ordinance supporters say cities that have passed similar gender-identity laws have not encountered problems with abuse. But Minck said he has heard of numerous cases of men entering women's restrooms and store managers not knowing how to respond.

"We weren't concerned that a transgendered person was going to go into a bathroom and hurt a little girl," Minck said. "But we knew that there were 263 registered sex offenders, and that was just the ones that were registered."

"We know there are bad guys out there and peeping toms and perverts and weirdos and people who look for opportunities to do strange things, and we felt like having public policy that basically lowers the bar on who could go into what restroom was a step in the wrong direction, was placing the needs and wants of the transgendered community that you could count on two sets of hands above the needs of safety and privacy of the tens of thousands of women and young girls that live in our community."

A similar ordinance was passed statewide in Colorado, and John

Stemberger, president of the Florida Family Policy Council, believes the issue has significant implications for other communities that are considering laws granting special rights based on sexual behavior. "To think that a law was passed which allows any man (including pedophiles and other sexual predators) to use a women's restroom based upon a subjective 'inner sense of identity' is utter madness," he said in an urgent appeal before the election.

"I promise you if this nonsense is not defeated in Gainesville now it will be coming to a city council in your Florida neighborhood. Sexual rights activists from all over the state have physically relocated to Gainesville to fight against our friends in this battle."

Minck said his group isn't sure what they will do next. But he believes city officials such as Mayor Pegeen Hanrahan and Commissioner Craig Lowe, who voted to support the ordinance last year, have a responsibility to address the concerns of the 8,375 voters who supported the amendment.

"We're kind of in a staring contest because we'd like [the city commission to] address it and acknowledge that they over-reached and go back and re-address this one part and then we'll be fine with it," Minck said.

Bill DeConna, pastor of Victory Church of Gainesville, believes amendment supporters will either sue to have the commission address the ambiguity in the law, or introduce a second ballot initiative. "I would have loved for it to have won, but I'm not that discouraged," he said "I'm not going to sit back. ... We've gotten too many reports of abuses of this ordinance already. "

He sees the battle in Gainesville as part of a bigger conflict. "I see it as an attack by the devil to destroy everything that represents God," he said. "To destroy the family, destroy marriage, destroy people's identity as a man

or a woman made in the image of God. I think it's part of a bigger plan. If we don't fight it, this thing just keeps eroding."