



How Bad Laws Go National: Case Study HB 235

At this writing, a piece of state legislation in Maryland, HB 235, has passed the state House in Annapolis and is poised to be fast-tracked through the state Senate via the Senate Judicial Proceedings Committee within a matter of days. Conveniently, there will be no public hearing on the Senate side, because there is no Senate version of the bill. This is not exactly an anomaly, but it's not Standard Operating Procedure, either.



Almost no one likes the bill, as it involves using the force of law to impose cross-dressing, "transgenderism," and a range of related behaviors in public places. As written, the bill appears designed to intimidate average citizens, most of whom, despite Maryland's liberal bent, still lean, in practice, toward traditional values and standards.

Because HB 235 defines gender identity as "a gender-related identity or appearance of an individual, regardless of the individual's assigned sex at birth," the bill:

- requires Maryland employers, including government agencies, to hire, promote, and include cross-dressers in all facets of the workplace without bias, with business owners facing threats of lawsuit or punishment if, say, men cannot wear dresses to wait on customers.
- extends into public schools and day-care centers, which will be legally bound to hire cross-dressers and "transgenders," if they apply, to teach and work with children.
- normalizes "transgenderism," cross-dressing, and related behaviors and incites activists to promote bizarre sexual conduct through diversity-training workshops targeting businesses and school assemblies.
- covers real estate transactions — further eroding the right of choice in renting or selling units and homes.
- provides for easy access by "transgenders" — and sexual predators — to restrooms in stores, restaurants, schools, day-care facilities and workplaces.
- forbids genetic testing to determine the actual sex of any employee or applicant.

It should be noted here that attempting to change one's sex is biologically impossible, as every human cell's chromosomes identify one as male or female. While it may be true that secondary sex characteristics occasionally get mixed up, there's a medical term for that: *birth defects*. By lumping together homosexuals, exhibitionists and those with bona fide birth deformities (i.e., rare instances in which male babies are born with undersized genitalia or, at onset of puberty, breast development; and



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females who never menstruate), HB 235 is bureaucratic overkill.

Opponents of the bill are expected to fight it on moral and religious grounds. Advocates backing and promoting HB 235 are counting on that, because it gives them a psychological advantage. They already know that neither the U.S. Constitution nor the Bill of Rights provides any stipulation about individuals having a “right” to choose their gender or change their mind about which sex they want to be.

Moreover, undercutting traditional norms and religious beliefs are, for advocates, only spin-off returns from this bill. Proponents have a larger stake — namely, compromising property and ownership rights, thereby diverting more authority to government to regulate people’s lives. Miss this causal relationship, and taxpayers lose — twice.

The fact that there is no Senate version of the bill to debate facilitates the process of taking what is essentially a “pilot project” in Maryland from the blueprint stage to a national mandate. Passage of model legislation in one state serves as a precedent for others. Once a number of states have passed similar bills, the national/federal version is usually a slam-dunk.

That is how the “medicinal” marijuana tactic helped normalize and legitimize marijuana use; how the “civil unions” approach assured passage of same-sex “marriage” in state after state; and how psychological screening of schoolchildren under the cover of health reform made privacy violations part and parcel not only of the educational experience, but normalized interrogations, searches and seizure projects that spread to other demographics.

A prime example is the New Freedom Initiative (NFI). It blazed a trail in federalizing unpopular state initiatives. What began as survey to identify troubled schoolchildren now covers nursing-home residents, pregnant women and others. More significantly, it promotes the use of newer, more expensive antipsychotics and antidepressants as a sop to drug companies which, of course, can bankroll politicians.

Here’s how the scheme worked: A 1995 blueprint called the Texas Medication Algorithm Project (TMAP) was funded via a Robert Wood Johnson Foundation “philanthropic” grant and support from then-governor George W. Bush. While Texas was enacting the TMAP *blueprint*, Illinois was drafting the national *legislative model*: Its state legislature passed the \$10 million Illinois Children’s Mental Health Act creating a Children’s Mental Health Partnership (ICMHP), which promptly was picked up, with a phrase changed here and there, by other states. (Such well-coordinated efforts are frequently facilitated by the Commission on Uniform State Laws.) ICMHP required the Illinois State Board of Education to develop and implement a plan that — get this! — incorporated social and emotional standards as part of mandatory Illinois Learning Standards. Social and emotional standards became the benchmarks for universal mental-health screening — the New Freedom Initiative (NFI), ostensibly an early-detection strategy.

By 2004, pre-emptive mental-health screening was ubiquitous, even though it didn’t work. President George W. Bush created the New Freedom Commission on Mental Health in 2002 and instructed more than 25 federal agencies to develop a nationwide implementation plan based on the old TMAP blueprint (Read [“What? Are You Crazy?”](#) by this author). NFI was born. The U.S. Congress passed it by a large majority, making behavioral “health” a priority, with assessment of private opinions, and referrals to psychiatric services. Other states jumped on the bandwagon with their own versions of mental health screening, expecting monetary “incentives.”

Inevitably, such federal incentives to state and local entities translate to government dictating how



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citizens must live. As columnist and Eagle Forum founder Phyllis Schlafly stated in her March 2005 analysis of TeenScreen, an integral part of NFI aimed at youth depression, parents find themselves facing coercion and threats from school staff; permanent, stigmatizing labeling of their children; charges of child neglect for refusing privacy-invading surveys; and an avalanche of unproved, even deadly, medications.

What does this have to do with Maryland's HB 235? Just this: The route to nationalization is following a familiar course, in the name of pre-empting discrimination in housing, education, employment and providing tax-supported social services.

In an effort to explain her support for the bill, Maryland Senator Karen Montgomery wrote to this author in an e-mail that "[t]his bill is just clarifying that it is not acceptable to discriminate against people regardless if it is a choice, part of their genetic make-up, or a 'shifting psychological state'.... "

So, HB 235 isn't about disability. It is a blank check aimed at providing sexual *license* and, in so doing, also restricting the property rights and decision-making prerogatives of citizens who balk.

Consider: Most people with embarrassing medical conditions do not wear a sign announcing their ailments. An individual with migraine headaches or kidney disease may approach a potential employer with the caveat: "I get migraines and occasionally need to lie down," or "my kidney condition requires dialysis at specified times. But I'm good at what I do; please hire me anyway." If the job-seeker's credentials and background are otherwise solid, many employers would go the extra mile.

If, on the other hand, a job-seeker approaches an employer (or an apartment owner) loudly announcing his or her sexual proclivities, then that candidate is a provocateur. In an era when special keys or codes are required to enter an office restroom and abductions and sexual murders by deviants are almost daily news, accommodating exhibitionists is counterproductive — unless, of course, there is another agenda entirely, one that utilizes sexual license as a side-show to divert attention from ulterior motives.

Let's hope Marylanders see through this one before HB 235 goes from state model to federal law. Right now, most of the advocacy seems to be on the side of the bill's proponents, while its real originators sit back and watch outraged traditionalists miss the larger issue — again.

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Photo: Eddie Izzard, a famous comedian and transvestite, performing his stand up "comedy."



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