

County rules ban gender-ID bias

Supervisors approve anti-discrimination policy as foes raise concern over restroom use, 'natural law'

By Michelle Maitre, STAFF WRITER
Inside Bay Area

OAKLAND — Alameda County supervisors voted 4-0 Tuesday to prohibit discrimination on the basis of gender identity following a passionate public hearing that illustrated deep divisions over issues involving transgenders and other gender-variant individuals.

The board's new policy applies to county employment, services and the use of facilities in county buildings. It prohibits discrimination based on a person's "gender-related" identity, appearance or behavior, "whether or not stereotypically associated with a person's assigned sex at birth."

Opponents argued the board was wading into a troublesome area by opening restrooms to members of the opposite gender. Others raised issues of "natural law" and allusions to the biblical cities of Sodom and Gomorrah in urging a "no" vote.

"You are holding fire to your bosom, and it will burn you," said Desiree Furrell of San Leandro. Gender-ID policy approved

"I appreciate the effort to make some people feel better," said Catherine Norman of Fremont, who added "bathrooms are about biology, not perceived gender."

"So many women will feel intimidated and harassed, you would be exposing this county to a class-action lawsuit," Norman said.

Proponents said the policy deals with basic civil rights protections. They invoked the name of civil rights leader Martin Luther King Jr. and slain transgender teen Gwen Araujo of Newark in urging a "yes" vote. Prosecutors say Araujo, who was born a male but lived as a woman, was killed when the teen's biological gender became known.

"This resolution is about justice, this resolution is about civil rights, this resolution is about simple human dignity. It's about ending an atmosphere of looking at transgenders as something less than human," said Roxy Carmichael-Hart, president of Transgender San Francisco, who transitioned from man to woman in 2003.

Marcus Arana of the San Francisco Human Rights Commission, which enforces San Francisco's 10-year-old ordinance banning discrimination based on gender identity, said he hasn't investigated any complaints about transgenders entering restrooms to prey on women and children.

Supervisor Nate Miley also discounted some opponents' concerns, saying issues raised over bathroom rights were a "red herring."

"To me, it just smacks of discrimination and of people's own hatred of other people's lifestyles," Miley said. "We just need to be tolerant of everybody and not be judgmental. It's not for us to judge."

Miley said he doesn't understand why some people want to change their gender, "but it's not for me to understand. What is for me to do is make sure everyone is safe from discrimination."

Bay City News Service contributed to this report.

Supervisor Keith Carson worked with members of the transgender community in crafting the resolution, which he said will bring county policies in line with existing state law. County policies, which already prohibit discrimination based on sexual orientation, haven't been updated since 1990, he said.

Supervisor Scott Haggerty expressed concern that the county's new policy is stronger than the state law.

Despite his misgivings, Haggerty voted in favor of the change.

Arana praised the supervisors' vote.

"Hate is not a local value of Alameda County, and (the resolution) reiterates Alameda County's commitment to protecting county employees and facilities from discrimination," Arana said.

Bay City News Service contributed to this report.

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