



Massachusetts Catholic Conference  
150 Staniford Street, Suite 5  
Boston, Massachusetts 02114-2511  
617-367-6060  
[www.macatholic.org](http://www.macatholic.org)

## LEGISLATIVE TESTIMONY

To: Joint Committee on the Judiciary

From: James F. Driscoll, Esq., Executive Director

Re: House Bill 1354, "An Act relative to privacy and safety in public accommodations," House Bill 1479, "An Act relative to gender identity," House Bill 1589 "An Act relative to equal access in hospitals, public transportation, nursing homes, supermarkets, retail establishments, and all other places open to the public, and Senate Bill 643, "An Act relative to equal access in hospitals, public transportation, nursing homes, supermarkets, retail establishments, and all other places open to the public."

Date: July 9, 2013

The Massachusetts Catholic Conference ("MCC") respectfully submits this testimony in support of House Bill 1354, "An Act relative to privacy and safety in public accommodations," and House Bill 1479 "An Act relative to gender identity," and in opposition to House Bill 1589 and Senate Bill 643, both titled "An Act relative to equal access in hospitals, public transportation, nursing homes, supermarkets, retail establishments, and all other places open to the public."

In November of 2011, in the first year of the previous legislative session, "An Act relative to transgender equal rights" was passed by the legislature and signed into law by Governor Deval Patrick. At that time the four Roman Catholic Bishops felt the passage of this legislation was rushed and poorly timed. Essentially the Act extended protections to transgender individuals under current civil rights laws in the Commonwealth. At that time, the legislature had removed language in an earlier draft of the bill that would have potentially granted access to public bathrooms to individuals who identify as a gender which differed from their anatomical sex.

At that time, the MCC called for "access to public, gender specific accommodations where there is a legal and common sense expectation of privacy." While legal protections against discrimination and hate crimes are critically important to all individuals regardless of race, religion, gender, ethnicity, etc., the MCC found it unnecessary to add an additional category, i.e. gender identity, to the already existing protections.

Because of this, the MCC opposes Senate Bill 643 and House Bill 1589, which would greatly expand access to any "lawfully sex-segregated facility" of a person's choosing based upon their gender identity, not their anatomical sex. This would be a violation of the basic expectation of privacy afforded to individuals when they enter sex-segregated facilities open to the public. Further, the Church has consistently taught that gender, male or female, remains constant from birth until natural death.

House Bill 1354 would enumerate this distinction within Massachusetts law. House Bill 1354 would define the term "gender identity" as distinct from gender or sexual orientation. If enacted, House Bill 1354 would ensure that "access to lawfully sex-segregated facilities, accommodations, resorts, and amusements, as well as educational, athletic, and therapeutic activities and programs, shall be controlled by an individual's anatomical sex of male or female, regardless of that individual's gender identity."

House Bill 1479 would eliminate the term “gender identity” from the General Laws altogether, removing from the books the aforementioned redundancy in the civil rights protections already afforded under the law.

For the foregoing reasons, the MCC urges the committee to give House Bill 1479 and House 1354 a favorable report recommending its passage, and House 1589 and Senate 643 an unfavorable report recommending that they ought not to pass.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.