



Trans law must win public approval

Montgomery Co. case 'lost on technicalities'

By JOSHUA LYNSEN, Washington Blade | Jul 25, 2008

A judge has ruled that Montgomery County's transgender rights law must win public approval.

Circuit Court Judge Robert Greenberg wrote in an order released Thursday that the law must go to voters because gay organizations were "too late" in their attempts to block the referendum.

While the decision can be appealed, Equality Maryland and other organizations were reviewing the 24-page order Thursday and not immediately certain of their next move. A conference call among the groups was set for today.

"We have to move quickly because time is of the essence," said Carrie Evans, Equality Maryland's policy director.

Passed unanimously by Montgomery County Council members last year, the law bars "discrimination in housing, employment, public accommodations, cable television service and taxicab service on the basis of gender identity."

It was set to go into effect five months ago, but was suspended after opponents collected more than 32,000 signatures to force a referendum. That effort was led by Citizens for a Responsible Government.

Equality Maryland and Lambda Legal fought during a three-day trial to stop the referendum and let the law stand.

Greenberg noted during the trial that Equality Maryland and Lambda Legal missed a key deadline to challenge the validity of many signatures that were collected to force the referendum.

And it was that misstep, Evans said, that proved a deciding factor in the case.

"That was primary reason why he sided with the Board of Elections," she said. "We lost on technicalities, which is disappointing."

If unchallenged or unchanged, Greenberg's order clears the way for the law to be on the November ballot.

But Natalie Chin, a Lambda Legal staff attorney, said Thursday it was "likely that we are going to appeal." An official decision is expected next week.

She said an appeal could be keyed to Greenberg's finding that law opponents did not gather an appropriate number of signatures.

"I love that the court said that they did not get the 5 percent," Chin said. "That's pretty amazing."

Rea Carey, executive director of the National Gay & Lesbian Task Force, said she hoped that the law's defenders could emphasize that point on appeal.

Should an appeal fail, though, Carey said the Task Force would work with Equality Maryland and other organizations to defend the law at the ballot box.

"Never before has this country seen an effort to repeal a transgender non-discrimination law," she said. "Why? Because rolling back rights is not only mean spirited, it is morally wrong."