



Mesquite's SOGI Bathroom Policy – Legal and Policy Concerns

Adding “sexual orientation” and “gender identity” (SOGI) as protected classifications in the law, like the City of Mesquite has now done, is a troublesome—and unnecessary—proposal that inflicts great harm on citizens. People across the political spectrum agree that SOGI laws imperil First Amendment freedoms by requiring people to act contrary to their religious beliefs or convictions regarding marriage or human sexuality, and they endanger the privacy and safety of women and children. Here are several specific problems with Mesquite’s new SOGI policy:

(1) The city’s claim that it “must” amend its non-discrimination policy in light of U.S. Supreme Court *Windsor* and *Obergefell* decisions is false. Federal law does not require what this new policy inaccurately states. Protections for “sexual orientation” and “gender identity” are found nowhere in federal law nondiscrimination policies, including employment. They are also found nowhere in state law on these issues.

(2) The policy endangers the right to privacy and safety of city workers and citizens visiting government facilities. Any city-owned facility where city employees work on the premises will now require that sex-specific facilities, like bathrooms and locker rooms, must admit individuals in accordance with their chosen “gender identity”. This means that men who profess a female identity must be permitted to access women’s bathrooms and locker rooms, jeopardizing the privacy and safety of women and girls. The new policy language states “The City does not discriminate against employees or job applicants on the basis of . . . gender identity,” and that “This policy extends to all terms, conditions, and privileges of employment . . . including, without limitation . . . classification and all other aspects of employment.” This language indicates that the government will punish anyone who disagrees with the decision made by an employee, or a potential employee based on their “gender identity” for any reason, including which restroom or locker room the employee decides to use.

(3) “Gender identity” is not restricted to only two sexes – male and female. Some sources list over 60 possible “gender identities,” and gender activists claim there are an infinite number. Most people have the misconception that “gender identity” is defined only as men who think they are women, and vice versa. In addition, “gender identity” does not mean men have to be dressed like women to use sex-segregated facilities. There have already been reported cases in the DFW area where men, [including a registered sex offender](#), have gone into women’s bathrooms or changing rooms on the basis that their “gender identity” is female. Policies and laws like Mesquite’s create the conditions where these types of invasions of privacy and safety will continue to become more common.

(4) Federal law already covers employment non-discrimination. So do the state laws of Texas. There’s no need to create a controversial new “civil right” just for Mesquite that endangers its citizens and denies basic protections.