This article on Transgender Restroom Law was written by Phyllis Frye and published on the Houston Chronicle website on Wednesday, May 11, 2016. The link is

http://www.houstonchronicle.com/local/gray-matters/article/The-real-bathroom-laws-7453399.php?t=f09b92f6c0438d9cbb&cmpid=twitter-premium

It was reprinted with a few edits for space in the print version on Sunday, May 15, 2016.

Added to the Sunday print version was the following paragraph:

"As to the recent Justice and Education Departments rules on transgender students, again, this should not be a problem. Any boy who decides to bring his mom's wig, padded bra and skirt in his backpack, put them on and claim to be trans so he can enter the girl's facilities is still subject -- as a juvenile -- to the same State Penal Code arrest for indecent exposure, masturbation, voyeurism and taking photos as is the adult. Those cheerleading the anti-trans positions are once again playing a hoax for political gain on the general public."

BELOW IS THE ONLINE VERSION. PLEASE SHARE!!!

The real bathroom laws

Forget the anti-trans rhetoric. Our restrooms are already safe.

By Phyllis Randolph Frye, for the Houston Chronicle

May 11, 2016

- 36

Photo: Campaign for Houston

Last year, an anti-HERO ad showed a little girl being trapped by a strange man in a restroom. That scenario is already illegal.

The growing argument about restroom usage by transgenders — beginning last year with the campaign against the Houston Equal Rights Ordinance (HERO); continuing with Senator Ted Cruz's campaign for president; with the current federal lawsuit and business boycotts over the state of North Carolina's law; and the recent announcements that Lt. Gov. Dan Patrick wants a similar anti-trans restroom law in the 2017 Texas Legislative Session, and that he also wants the Ft. Worth Superintendent of Schools to resign over the district's bathroom usage policy — is a fight over nothing.

The restrooms in Texas are already protected by the Texas Penal Code, and have been for many years.

As I understand the arguments made against transgender usage of restrooms, the anti-trans folks fear that a male sex predator who looks and acts like a man, but who wishes to call himself a transgender woman, and thereby hide

under the purview of transgender anti-discrimination laws, will do so in order to enter the women's restroom and go after little girls.

This was the sole and total crux of the ad campaign run on Houston television stations, wherein the narrator stated that HERO would protect sex predators, and the camera showed a man entering and trapping a little girl in a lockable stall in the women's restroom. Radio stations ran much the same thing.

Photo: Courtesy Photo

Laverne Cox, the transgender star from *Orange is the New Black.* North Carolina's law would require her to use the men's restroom.

But at that time, and even today, sections of the Texas Penal Code will punish that man and all sex predators like him.

Consider a man pretending to be trans who enters the "wrong" restroom in order to expose himself. This man is in violation of Texas Penal Code Section 21.08 — Indecent Exposure — a Class B Misdemeanor with punishment up to 180 days in county jail, plus a fine of up to $1,000.

Or consider the man pretending to be trans who enters the "wrong" restroom in order to masturbate. This man is in violation of Texas Penal Code Section 21.07 — Public Lewdness —a Class A Misdemeanor with punishment up to one year in county jail, plus a fine of up to $2,000.

People also say they fear that a man pretending to be trans would enter the "wrong" restroom in order to be a peeping Tom. This person would be in violation of Texas Penal Code Section 21.16 — Voyeurism — which, when dealing with a child younger than 14 years, is a State Jail Felony, with punishment of up to two years in a State Jail facility, and a fine of up to $10,000.

What about the man pretending to be trans who enters the "wrong" restroom in order to take pictures through the crack in the stall door or while standing on the seat in the next stall? That man is in violation of Texas Penal Code Section 21.15 -- Invasive Video Recording -- which is a State Jail Felony with punishment of up to two years in a State Jail facility and a fine of up to $10,000.

Photo: Lisa Gray

"I have scruff on my face," says Houston transgender activist Lou Weaver. "I've got a deep voice. Do they want *me* in a women's restroom?"

Finally, let us consider the man pretending to be trans who enters the "wrong" restroom in order to do what the television ads portrayed last fall during the anti-HERO campaign: to trap a girl in a women's restroom stall. That man is in violation of Texas Penal Code Section 20.01 and 20.02 — Unlawful

Restraint (formerly False Imprisonment) — which, when dealing with a child younger than 14 years, is a State Jail Felony with punishment of up to two years in a State Jail facility and a fine of up to $10,000.

So the fear of men pretending to be trans in order to expose themselves, masturbate, be peeping toms, take photos and imprison little girls in a public restroom are already covered by Texas law.

Photo: Brandon Thibodeaux, New York Times

Author Phyllis Randolph Frye, the nation's first openly transgender judge, at her office in Houston.

And doesn't North Carolina have its own state laws against indecent exposure, public lewdness and voyeurism?

SO: WHAT is this fight all about?
Could it be as simple as dislike of or disgust for transgendered people?

If the anti-trans folks get their way, exactly where would transwomen and transmen go to the bathroom? (Real trans folk use the restroom for that reason: to use the restroom. Not to prey on children.)

The antis want trans folks like me to use the restroom of my "birth sex" or "biological sex." That poses its own problems.

Forty-some years ago, when I first transitioned from guy to gal, I did not pass very well as a gal. A few times, I tried to use the men's room. I quickly realized why that's a terrible idea. For one, the stall in the men's room is usually broken or unlockable and is most often too soiled for a sit-down. For two, twice I barely escaped those restrooms without being physically assaulted. *No, thanks!*
I find it interesting that the squabble is over transwomen using the women's, but that nothing is said about transmen using the men's.

I think it would be amusing to see one or two dozen fully bearded and hormone-hunky transmen go to the North Carolina Capitol and begin using the women's restroom — as that state's law now requires.

And I hope that organizations such as Equality Texas have a stable of muscular, deep-voiced transmen ready to do the same thing in Austin this spring when the Legislature considers limiting folks to the restrooms of their "biological sex" or their "birth sex."

I WOULD also like to point out that during the entire anti-HERO campaign last year, not only were Texas Penal Code Sections 20.01, 20.02, 21.07. 21.08,

21.15 and 21.16 in effect and functioning to protect our little girls, the entire sex-predator scenerio was being falsely portrayed and orchestrated out of loathing for transgender people.
Check it out yourself. Google “Texas Penal Code Section _____.”

While you are at the Google, check out “Houston Ordinance 28-20.” It has been on the books since 1968. It is called “Prohibition on Entering Restrooms of the Opposite Sex.” And it does just that. Not a single section of the HERO ordinance repealed 28-20 or superceded the above listed section of the Texas Penal Code.

28-20 says that you cannot enter the restroom marked for the opposite sex in a manner calculated to cause a disturbance. Let me repeat the last phrase: "Calculated to cause a disturbance." Isn’t that what the man shown in the television ad was doing as he trapped the little girl in the stall?

Already on the books. 28-20. Since 1968.

The punishment for 28-20, a Class C Misdemeanor, can be arrest with probable overnight jail before posting bond plus a fine of up to $500. Not a lot, but enough for the police to haul the sex predator away while the Harris County District Attorney’s office busily files for violations of the Texas Penal Code.

There never was a danger.

In Houston, where the brouhaha began, the entire anti-HERO campaign was a hoax.

YOU MIGHT find this interesting. In the early '90s, this same 28-20 was used by the Houston police to arrest transgendered women who did not pass very well as they exited the women's restroom. The trans women would spend a horrible night in jail, post bond, and call me for help.
I told them, "Go to court as the woman you are and set the case for a jury trial. Represent yourself at trial. Submit your own sworn testimony that the only reason you went to the bathroom was to 'go to the bathroom.' You entered, went to a locked stall, used it, and left without using the mirror or even stopping to wash your hands. You had no design or calculation to cause a disturbance."

They did. After a bunch of not-guilty jury verdicts, the city prosecutors quit trying the cases, and the police quit making those harassment arrests.

The language of 28-20 is not a problem for transgenders who simply need to "go to the bathroom," and are not doing so to "cause a disturbance."

I hope that someday our Houston Equal Rights Ordinance comes back up before City Council.

As the entire anti campaign of 2015 was based on the restrooms hoax, the new HERO can be "substantially amended" by adding a Section reading "Houston Ordinance 28-20 "Prohibition on Entering Restrooms of the Opposite Sex" remains in effect." Those fourteen words would be the substantial amendment.

I hope that pro-HERO groups will form organized teams to monitor each television and radio station. I hope those teams will record the actual ads run along with the dates and times.

If those or similar lies are rebroadcast, and those stations should now know that they are lies, rather than mere political talk, then when the campaign is

over, win or lose, I hope those teams will submit their findings to the FCC and ask for revocation of each station's broadcast license because they knowingly ran lies.

Phyllis Randolph Frye *has been an out, transgender woman and activist in Houston since 1976. In 1980 she led the successful repeal of Houston's anti-crossdressing ordinance (28-42.4). In 2010, Ms. Frye became the first out, transgender judge in the nation. She has a local law firm with five other lawyers. She has been using the women's restroom exclusively since 1976. Check out more Gray Matters. It's already protected by the Texas Penal Code, and has been for many years.*