

Texas Senate Bill 6 (TX SB6)

A Critical Review on Texas Senate Bill 6 (TX SB6)

Finally, the Texas Senate approved the Senate Bill 6 (SB6), popularly referred to as the bathroom bill, on March 8, 2017. The bill is supposed to be passed on to the TXHS- Texas House of Representatives. The bill's chief sponsor was Senator Lois Kolkhorst's (R), and the proposed law will decide which bathrooms or restrooms people should use based on their sex as indicated on their birth certificates (Rhodes and Stewart 908). The senator argued that say it was essential to uphold a consistent, statewide benchmark, instead of than a piecemeal of laws. The SB 6 was introduced as a result of the dilemma that existed about which bathrooms or restrooms transgender people, lesbians or gays should use while in a public setting (Wulczyn et al. 304). This paper will proceed to highlight the arguments for and against this bill and then explore the contentious issues raised by Texans about the proposed law.

The LGBT advocates have publicly condemned the passing of the SB6 and have threatened to file a lawsuit should the bill be promulgated in the Texas Laws. Hundreds of LGBT supporters have promised to protest outside the Texas governor's home claiming that the bill threatens to violate the fundamental rights of LGBT community. As of Tuesday of March 14, 2017, more than 3000 LGBT advocates had reported on Facebook that they intended to show up for the protest. The goal of the protest urged the congressional officials to consider rejecting anti-the bathroom bills. The bills would humiliate transgender people by forcing them to publicly confirm their sex before using public restrooms (Rhodes and Stewart 905). The LGBT's concern is that the federal government premises would be restricted from building transgender-kindly washrooms, and counties and cities would be barred from constructing bathrooms that are friendly to transgender people.

Paragraph (a): The state LGBT advocates the SB6 place transgender individuals in jeopardy without making the lives of cisgender persons any safer which even exacerbates the safety of gender non-compliant cisgender people. Besides, several research studies have worked hard to track the occurrence of crimes in restrooms since the promulgation of various laws protecting the transgender individuals and have established that there has not been any significant change in the frequency of offenses (Rhodes and Stewart 905).

Other legal experts have confirmed that there are documented incidences of transgender people assaulting cisgender individuals in public toilets. As a matter of fact, more Republican politicians have been charged with rape cases in bathrooms compared to the transgender population. One of the largest U.S. studies carried out by the NCTE in December 2015 concluded that less than one percent of people had reported on being sexually harassed in a public washroom for being transgender. Twelve percent said that they had been verbally assaulted in a public toilet, while another one percent said that they had been physically abused for being transgender. The NCTE had acknowledged that in its study that this research was carried out before a single bathroom bill had been passed.

Hence the argument that if transgender individuals are allowed to utilize the bathroom facilities that matches their gender status, men will abuse the policy by entering women's toilets to assault females sexually is baseless (Rhodes and Stewart 909). Even if the state allows transgender people to use bathrooms coinciding to their gender status, sexual harassment remains totally illegal. Furthermore, there's no evidence that letting trans individuals go to the bathroom that matches with their gender identity would result in more sexual assault cases.

Paragraph (b): If LGBT advocates invoke on the principle of logic and ethical theory to fight the SB6, the battle can be easily won. To start with, there is never such an article in the constitution that gives an individual a right to use another person's toilet without the owner's

consent. The only logical way out to this problem of bathroom bill is to allow the owner of the bathroom facility to decide who to and who not to uses it. It's an issue of property rights. Any other redress regardless of whether or not they ensure a 'certain' safety automatically violates the rights of the toilet owner (Rockett 315). What that implies is that transgender persons have the right to use any restroom of their choice without government intrusion, as long as the owner has no problem with the individuals using them. It also implies that cisgender people can as well be barred from using toilets in scenarios where the property owner fails to give consent.

One illegal aspect of the bathroom bill attempt by the legislative officials to impose unjust laws forces everyone to obey them. President George Washington (Rockett 318) once said, "the government is a powerful force to reckon." Coercing public bathroom proprietors to bar trans persons from using their facilities is illegal, just as it is unlawful to allow cisgender individuals to access washrooms of their choice when the toilet operator has reservations. Both parties have to cease from promoting ordinances that violate the property privileges of toilet possessors. The LGBT community through the lawyers frustrate the efforts to promulgate SB6 into law by arguing that leveraging on the government's force to violate property owners' rights is intrinsically immoral. It constitutes an inherent contempt of the legal structure. One reason why the Texas state was formed was to safeguard property constitution rights (Besley and Ghatak 4529).

Taking advantage of the legislative bills to infringe on property rights is a criminal use of the federal government prerogatives. Whereas it might appear unfair that cisgender persons are being favored by the bathroom bill, their rights are not being infringed on, since there is no such a concept as a right to access someone else's toilet without his or her permission. In the absence of a law that bars willing parties from entering into contracts, there are high chances that the market would create solutions to the problem. For instance, there are business operators who don't mind transgender people accessing the restrooms of their choice, even though others would not. Business

owners who don't mind having transgender customers using their washrooms would optimize their business transactions with transgender population and those who advocate for the rights of transgender (Levine 789). Even though they may also risk losing the business of people who would not like to do business with entrepreneurs who approve of the transgender use of toilets of their choice.

In conclusion, the state of Texas has just approved the SB6, and if it gets approved by the Congress, then the bathroom bill would be passed into law. The bill is controversial particularly because the LGBT community feels that it infringes on the rights of the transgender population. The best course of action would be to apply property rights argument because it would help solve the bathroom bill concern as it relates to public businesses, although it might not address the problem of the access to bathrooms in government institutions. Where legislative bills are involved, it is imperative that all people are equally treated regardless of gender identity!

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