

LeeAnn Swager, IMFT-S, LMFT

She/her/hers

Regarding HB183, "Bathroom Ban"

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My name is LeeAnn Swager and I am an independent marriage & family therapist licensed in the state of Ohio. I am also a second-year PhD student at The Ohio State University and I am a resident of this state. I am extremely concerned about the proposed HB183, or the "Bathroom Ban," and I am testifying against the passing of this bill.

I am not a lawyer, but I am literate citizen who very much enjoys my freedoms. The United States Constitution contains multiple amendments that would be brazenly violated by the passing of HB183. Firstly, strictly enforcing gender norms based on scientifically inaccurate ideas of sexual organs in public spaces is partisan and religious ideology. If it were written into Ohio law that school bathrooms, locker rooms, etc., must be segregated by a doctrinal binary gender concept, this would be tantamount to the state of Ohio selecting a religion for preferential treatment. This would violate my First Amendment right to live in a country that does not endorse any one belief system over another.

Secondly, there is not a method of enforcing this bill that does not require the state of Ohio to openly sanction Fourth Amendment violations. How would a student be confirmed to be using the "correct" restroom, exactly? Through a sexually assaultive search of their person? Or, as the bill suggests, by requiring that students carry their birth certificate on their person at all times, just in case someone is suspiciously eyeing their masculinity-to-femininity ratio on their way to the bathroom? Because this would still violate the Fourth Amendment, which, in combination with the Third, Fifth, and Ninth Amendments, creates our right to privacy discovered in *Griswold v. Connecticut* (1965), as I am sure this committee is aware. The gender identity and sexual organs of a person are inherently a private matter, and it is a form of privacy that is relished even in public spaces. Occupying a public space differently from those around you, whether due to gender presentation or wheelchair use or skin pigment, should not entitle anyone to demand private information about the nature of your differences before you can use the bathroom. My right to privacy as a citizen of this country would be immediately violated by

being forced to disclose my gender identity, sexual organs, or birth certificate before I could be permitted to enter a bathroom on campus.

And finally, this would be a clear and gross violation of the Fourteenth Amendment, which writes that no individual should be deprived of their right to liberty without due process of law. If a person's idea of "liberty" does not include the personal freedom to adopt or change personal pronouns, modes of dress, hairstyles, vocal pitch, manners of speaking, etc., then it is not a genuine or meaningful concept of liberty. Why should I have to weigh in with the state of Ohio if I decide that my pronouns are "he/him/his" and that I would feel more comfortable using the men's restroom while on campus? Why would the state even *want* to insert itself in my decision-making process here, as an innocent and law-abiding citizen, if not out of a desire to show preferential and discriminatory treatment for certain groups over others?

Before I became a marriage & family therapist, I worked as a Child Protective Services caseworker. I removed children from ostensibly harmful situations and tried to reunite their families under safe conditions. One could say that am extremely familiar with the harms done to children and to our most vulnerable citizens broadly. Additionally, I am a cisgender woman and a victim of sexual and physical violence as both a child and adult. Several my perpetrators were cisgender women, and yet, I have no anxiety about hearing cisgender women pee next to me in a bathroom stall. And even if I did, I would not expect it to be the job of the state to keep them out of my bathroom—I would take myself to therapy.

And finally, and perhaps most relevantly, I am also a student at The Ohio State University, and I have been regularly using the restroom facilities provided on campus without submitting proof of my sex assigned at birth for over a year now, and it has been great. I would highly recommend we keep this system where I do not have to be verbally or sexually violated to earn my right to go to the bathroom at the University. In fact, I have no fear whatsoever of students in public schools statewide using the bathroom or locker room that makes them most comfortable, whether it is the one with a triangle skirt symbol or the one at the end of the hall with the better A/C. There is no meaningful evidence that this right to choose creates sexual abuse, sexual assault, or interpersonal violation in our communities. However, we have an abundance of evidence that restricting the liberties of victims of religious and political discrimination will be guaranteed to generate additional traumas, including sexual abuse, sexual

assault, and interpersonal violence. This is terrifying to me, both as a survivor of gender-based violence and as a therapist in the community.

This bill asks the state to place a greater weight on the personal values about social propriety held by *some* over the liberties of all. This bill demands that the state ignore Title IX provisions meant to protect transgender students and forces Ohio to sanction sexual discrimination, as ruled by Judge Gorsuch in *Bostock v. Clayton County* (2020). This bill also calls into question what other protections and rights previously enjoyed by citizens of Ohio will be under fire next. If this unconstitutional and unconscionable bill is passed, it should be of much greater concern to us what we are teaching our students about their rights and liberties than which bathroom they choose to stop in between Math and English.

Please do not enshrine discrimination on the basis of sex as a function of the state of Ohio. Thank you to the committee for hearing my testimony.