

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

TO: Interested Persons

DATE: MARCH 2022

RE: HB 266 and SB 184 (VCAP) – 2022 Regular Session

Sex change procedures are vogue among LGBTQ+ advocates. It is yet the latest “sex” right being advocated. Once the “privacy” door of sexual freedom was opened by SCOTUS in *Griswold v. Connecticut* (1965), there has been a continuing stream of perversion.

This is the third year Alabama has considered legislation to criminalize sex change procedures on persons under 19 years of age. Covid killed the first two efforts, but this year it should pass. Texas has similar concerns and its Attorney General released a devastating opinion. SLI supplied it to the House Judiciary Committee members along with the following comment:

Attached is a Texas Attorney General Opinion (https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/2022/kp-0401_0.pdf) explaining that sex change procedures of a minor, through drugs or surgical procedures, violates constitutional and Texas law. The purpose of this memo is to give a comment of the attached opinion and recommend that you read it for legal insights into this issue.

1. “The novel trend of providing these elective sex changes to minors often has the effect of permanently sterilizing” “It is impossible to truly change the sex of an individual”, it is only an “illusion”. The trans goal is an artificial body achieved through puberty blockers, then cross-sex hormones, finally to surgery. This leads to permanent sterility. Early discontinuation of puberty blockers results in a low probability of permanent sterility, but continuation results in sterility.

2. The federal CMS (which regulates Medicaid and Medicare services) says there is not enough high-quality evidence of whether gender assignment surgery approves health outcomes. CMS does not fund these procedures until the person is 21 years old. The Alabama age of majority is 19 in the bills before you.

3. State and federal governments have wide discretion to pass legislation where there is medical and scientific uncertainty. *Gonzales v. Carhart*, See p. 4. The state’s power “is arguably at its zenith when it comes to protecting children”. *Bellotti v. Baird*, See p. 5, where SCOTUS explains “that children’s ‘inability to make critical decisions in an informed, mature manner’ makes legislation to protect them particularly appropriate.” VCAP is one such appropriate law.

4. The sex change procedure permanently deprives minor children of their constitutional right to procreate. The chemical and surgical procedures for sex change surgery prevents the person’s body from developing the ability to procreate. SCOTUS recognizes the right to procreate as fundamental under the 14th Amendment. *Skinner v. Oklahoma*, See p. 6. If a person is sterilized, he or she is deprived of a basic liberty. Procedures done on a child before his or her legal capacity to consent violate his or her right to procreate.

Parents may not consent to medically unnecessary procedures that violate a constitutional right. Thus, a parent cannot consent to a sterilization procedure which would deprive his or her child of the constitutional right to procreate. Sex change procedures are sterilization procedures.

The sex change decision is in effect asking the child to make the decision. The child has gender dysphoria, reinforced by questionable medicine, putting the parent in the position to acquiesce to an unconstitutional demand.

5. Child Abuse is broadly defined for the protection of children. In Texas, as in Alabama, physical, emotional, or mental harm to a child is abuse. These procedures are child abuse.

6. Texas has a Female Genital Mutilation law that criminalizes unnecessary procedures on young female’s genitalia. Representative Rod Scott has similar legislation, which compliments VCAP.

Alabama and Texas laws bear great similarities for the protection of children. This Texas Attorney General opinion reinforces Alabama’s need for VCAP. Sex change procedures on a minor violates a minor’s constitutional right to procreate. VCAP is necessary to protect that right which is currently being violated by UAB. Also, since it is a constitutional right, the legislature cannot pass a statute permitting the procedure.

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