

Anti-Trans Initiatives:



Promoting Discrimination by Framing Women as Powerless Victims

The Montana Human Rights Network is a grassroots, state-based human rights non-profit organization that organizes Montana residents to realize their power to create pluralism, justice, and equality in their communities. We challenge bigotry and discrimination, support marginalized people, and advocate for legislation that honors everyone's basic rights. The Network uses a multi-faceted approach to expand the base for human rights in Montana, including pursuing progressive public policy, exposing the Radical Right, and supporting local community organizing.

The Network has researched and reported on the activities of the Radical Right for more than 25 years. To learn more about this work, please visit our website at <https://mhrn.org/right-wing-research/>. You can find more of the Network's reports and issue briefs here: <https://mhrn.org/resources/>.



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In the past few years, there has been legislation introduced in many states targeting trans individuals and their use of bathrooms and/or locker rooms that correspond to the gender with which they identify. Perhaps the most widely recognized piece of legislation came out of North Carolina in the form of [House Bill 2](#), which passed in 2016. The bill established that people using multiple occupancy bathroom and changing facilities had to use the facility that corresponded to the gender marker on their birth certificate instead of their gender identity. It also made it illegal for cities to expand on state laws that protect against discrimination when it comes to sexual orientation.

Despite the appearance that the North Carolina law has been repealed, it has really been replaced with more discriminatory policies targeting LGBTQ+ individuals. The “repeal” has placed prohibitions on local government entities from “extending legal protections to LGBT people until 2020,” and it has placed bans on “protections for transgender individuals in restrooms and other single-sex spaces forever.”¹ So while the mandate that people use the bathroom or changing facility that corresponds to the gender marker on their birth certificate has been removed, there are no protections for trans folks who experience discrimination.

In 2017, 16 other states considered legislation to restrict the rights of trans individuals to use the bathroom, locker room, or other sex-specific facili-

ties that corresponds to their gender identity.²

In Montana, HB 609 was proposed during the 2017 Montana Legislature. It would have required “a person using a locker room or other protected facility in a government building or public school to use the facility designated for that person’s biological sex,” meaning what is listed on the person’s birth certificate.³ The bill died in committee, but the Montana Family Foundation (MFF) spent the first part of 2018 working on gaining support for an anti-trans measure in the form of a statewide ballot initiative, known as I-183.⁴

According to MFF, I-183 would require “schools and other government buildings to keep one locker room for women, one for men, and to keep each private from the opposite sex.”⁵ It is essentially the same as HB 609, with an emphasis on the gender marker on birth certificates.

As a vehicle for its anti-trans policies like I-183, MFF uses paternalistic ideas from the Religious Right that position women as inherent victims. Specifically, MFF frames the issue in terms of requiring people to use the bathroom/locker room that corresponds to their assigned sex at birth, because evil men will pretend to be trans in order to take advantage and assault young women in these public spaces.

This issue brief examines how anti-trans legislation, especially MFF’s proposed policy, is anti-woman due to how the paternalistic rhetoric surrounding female purity and vulnerability contributes to a rigid understanding of gender that places women as victims. After a short overview of concepts surrounding the Religious Right, this brief will examine how the rhetoric from MFF and supporters of initiatives like I-183 bolsters the fallacy that trans people are a danger to women.

Defining Concepts

The Montana Family Foundation is connected to a political movement referred to as the Religious Right. Today’s version of the



After passing its anti-trans HB 2, the State of North Carolina was frequently the focus of critical news coverage, including at the national level. This is a screenshot of a segment that ran on CNN.

Religious Right originated in the 1970s and is based around a network of religious organizations, political groups, and activists that formed to appeal to the conservative interests of mainly white evangelical and fundamentalist Christians.⁶

The primary founders of the Religious Right viewed its goal as politically mobilizing these conservative evangelicals to vote for conservative candidates running for office and supporting right-wing policy.⁷ While it seeks to mobilize both conservative evangelicals and other fundamentalist denominations, the Religious Right is first and foremost a political movement to influence public policy based around its constituents' shared opposition to pluralism and church-state separation. MFF embodies the Religious Right's tradition by opposing many "culture war" issues, like reproductive freedom, LGBTQ+ equality, comprehensive sexual education, and public schools.⁸

In addition, the Religious Right employs paternalistic ideas that reflect an understanding of gender that is hierarchical and discriminatory. On a basic level, the term paternalism means interference with a person's "liberty or autonomy" for the perceived good of that person.⁹ While paternalism does not necessarily signify a gender distinction, the Latin root "pater" suggests paternalism is "being or behaving like a father."¹⁰ In this way, it is possible to see how this term can highlight the gendered hierarchies that are present in both rhetoric and practice of the patriarchal Religious Right, especially when it comes to gender roles.

Gender hierarchies are reflected in the way that the Religious Right values traditional gender roles. It is acceptable for men to occupy public spaces and roles of leadership, but women are valued more as mothers and homemakers, which has contributed



The Montana Family Foundation is a state-level affiliate of the Family Research Council, which the Southern Poverty Law Center designates as an anti-LGBTQ+ hate group. Started in 2004, the Family Foundation was created by Religious Right activists who had previously worked with the Christian Coalition of Montana. Since its formation, Jeff Laszloffy (right) has led the organization. When he accepted the position with the Family Foundation, Laszloffy resigned from his seat as a Republican state representative.



to a history of the Religious Right opposing policies such as the Equal Rights Amendment.¹¹

By upholding existing power structures, religions and therefore the Religious Right, "serve a useful function for the powerful whether they are monarchs or men in a male-dominated society."¹² The Religious Right works hard to maintain inequality in society. These concepts of paternalism and gender hierarchies interact in practical ways to ensure that women retain a lesser status in society, along with other marginalized groups that include the trans community.

Anti-Trans Rhetoric Frequently Minimizes Women

Like similar policies around the country, even though the language of Montana's HB 609 and I-183 references "all persons," supporters of such legislation overwhelmingly focus on women and girls, or women and children, and the potential danger imposed on this group by trans equality. Through the Religious Right's lens of paternalism that views women as victims, it becomes clear how the framing of anti-trans rhetoric and the push against trans-inclusive policies is also anti-woman. To demonstrate this, it is beneficial to not only look at MFF's rhetoric for I-183, but also analyze the language used by supporters of HB 609 during the leg-

islative hearing for the bill.

The fear mongering created through pushback against trans-inclusive policies revolves around the argument that allowing trans individuals to use facilities that correspond to their gender identity will invite evil men to pose as trans people in order to access female spaces and take advantage of women and young girls. This myth has been perpetuated by MFF and was mentioned by proponents of HB 609 during its hearing by the House Judiciary Committee. Despite the rhetoric, there is no record of increased danger to women and girls when individuals can use facilities matching their gender identity.¹³

What the Religious Right and MFF don't acknowledge is that it is trans people who are the ones facing consistent harassment while using public facilities, and the statistics on the rate of violence experienced by trans individuals is clear. During the hearing on HB 609, the Montana Coalition Against Domestic and Sexual Violence stated that upwards of 66% of trans individuals are subject to physical and sexual violence. Additionally, an article published in the *Journal of Public Management and Social Policy* found that 70% of trans people reported being denied entrance, being harassed, or being assaulted when attempting to use a public restroom.¹⁴

The Religious Right's argument for policies like HB 609 is intended to make the discrimination against trans individuals seem justified, but the basis for these anti-trans statements seeks to exploit the problem of rape culture. Women do experience sexual harassment, abuse, assault, and rape at a much greater rate than men, but this includes trans women.

If members of the Religious Right, MFF, and others oppose trans-inclusive laws because they fear for the safety of women and children, then they would benefit

from spending more time addressing the prevalence of violence against women that takes place in every facet of society. They could spend time and resources advocating for funding service programs that help victims of assault. However, as a [column](#) by a leader of FORGE, which is a group addressing violence towards the trans community, noted, the Religious Right isn't interested in helping women access needed services. Instead, it just wants to exploit survivors of assault as part of anti-trans campaigns.¹⁵

During the hearing for HB 609, the words used most often by supporters were "dignity," "privacy," "vulnerable," and "safety." For example, when introducing HB 609, Rep. Carl Glimm (R-Kila), the primary sponsor of the bill, led with the statement that "forcing a girl to change in front of the opposite sex tells her we don't value her safety, privacy, and dignity."¹⁶ Many of the other statements made by proponents echoed this sentiment, always mentioning women and girls first, while rarely giving the same attention to men and boys.

The problem with this type of rhetoric is that it



Rep. Carl Glimm (R-Kila) sponsored the anti-trans HB 609 during the 2017 Montana Legislature. The bill received the support of Religious Right groups, including the Montana Family Foundation and the Family Policy Alliance, the political arm of Focus on the Family. The Alliance's lobbyist, Autumn Leva, is pictured above giving testimony on the bill to the House Judiciary Committee.



appeals to gender stereotypes that frame women and girls as weak and in constant need of protection, because they cannot stand up for themselves. Terms like “dignity” and “vulnerability” are mainly used to describe women, particularly white women who have been held as the standard of beauty, femininity, and purity.¹⁷ This does not account for the diversity of women that exist and speaks to the power structures of society that determine what is valuable and what is not.

The issues of purity and dignity, along with the inherent vulnerability of women and children, came up frequently during the committee hearing on HB 609. One young woman claimed women and girls constantly faced the danger of having their “dignity stripped from them” should a male enter a locker room. She concluded her testimony saying women and children were more open to attacks by pedophiles and sexual predators.¹⁸

Another HB 609 supporter said that, if lawmakers failed to pass the bill, they would be saying her “dignity did not exist.”¹⁹ A high school student testified that her “purity and dignity are important” and “tiny kids are in danger” if HB 609 failed to become law.²⁰ The last woman providing testimony ended her remarks saying, if HB 609 didn’t pass, “my dignity is gone.”²¹

In addition to all the remarks about purity and dignity being under attack, there were references to how HB 609 was needed to follow God’s Law. Dal-

las Erickson, head of Montana Citizens for Decency Through Law, quoted Scripture from Corinthians. He followed the passage by saying, “When we leave the standards of God, we come up with the foolish idea that there are more than two genders.”²² He claimed that trans-inclusive policies resulted in rapes and sexual assaults against women.²³

Erickson and his Religious Right group were joined in supporting HB 609 by the Montana Family Foundation, the Family Policy Alliance (the political arm of the national Focus on the Family), and a few individual pastors.²⁴

The religious overtones are worth mentioning, because it is important to the connection between paternalism and the Religious Right. Many of the proponents mentioned religion in their support of HB 609: young women mentioned fear of male intrusion in locker rooms and a concern about the meaning of “God’s purity,” while men argued that “young ladies” are the most vulnerable people and referenced Bible passages. The mention of God, as a father figure, along with the number of young women and older men who shared testimonies adds weight to the paternalistic perspective of who needs protection (young women and girls) and who will provide that protection (older men). When these perspectives are so pervasive and presented in a way that seems benign, and almost benevolent depending on the source, it is not surprising that so many women would perpetuate traditional stereotypes of their gender. It is what they have been told to believe as a biological God-given fact, instead of a social construction.

When a similar bill in Texas was being debated, Lt. Governor Dan Patrick tried to justify the targeting of trans women over trans men by stating that “men can defend themselves.”²⁵ This is further affirmation that messaging used to support anti-trans policies usually uses rhetoric that props up the idea that women and children need protection from men pretending to be women. It also shows just how ingrained the argument that women need constant protection is. It begins



Dallas Erickson, representing his Religious Right group Montana Citizens for Decency Through Law, quoted Scripture while supporting the anti-trans HB 609.

to seem as though it is the only argument when it comes to justifying anti-trans legislation. Even while pushing anti-trans policy, the lieutenant governor's messaging reinforces traditional norms – that trans men can protect themselves, while women are always victims.

Groups like MFF also like to make it sound like, without anti-trans policies, there are no legal protections for people assaulted in these public facilities. The reality is there are already laws in place outlawing assault, endangerment, and other forms of abuse that would apply to the fear-based scenarios concocted by anti-trans groups.

Women Nothing but Pawns for Montana Family Foundation

One of the first images on the MFF website for the anti-trans initiative, I-183, was a picture of three women. This was a visual representation of MFF's intention to make women the focus of its anti-trans initiative. The women pictured are also all white, which goes beyond just trying to represent Montana's demographics. As mentioned earlier, the image illustrates the narrative of white women being the benchmark of femininity and the ones truly in need of protection. It provides insight into how MFF thinks about who needs to be, and should be, protected.

As part of its ballot campaign, MFF shared a video created by the [Alliance Defending Freedom](#), which is designated an anti-LGBTQ+ hate group by the Southern Poverty Law Center. MFF posted the video on its website under the heading "The Victims of Letting Men in the Women's Locker Room." In the video, a few women who support anti-trans initiatives are interviewed and share their experiences of abuse. The stories are troubling, and they are experiences that no person should have to go through.

However, it is worth noting that they have nothing to do with trans individuals. No trans person



The Alliance Defending Freedom released a video (above) featuring sexual assault survivors promoting anti-trans policies. The Montana Family Foundation featured one of the women from the video, Kaeley Triller Haver, at its banquets kicking off its anti-trans ballot initiative campaign.

Montana Family Foundation September 19, 2017 · Lockwood, MT · 🌐

The Bozeman Faith, Family & Freedom Banquet is only two weeks away! Join us for an amazing evening with special guest speaker Kaeley Triller Haver who is featured in the video below. Ticket and event information can be found here - <http://montanafamily.org/banquets/>

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perpetrated the abuse recounted in the personal stories, and none of the perpetrators pretended to be trans. The point attempting to be made through the stories is that pedophiles will use trans-inclusive laws to have easier access to victims, while at the same time the video sows fear of trans people.

Not only is there no basis for this fear, but it is also destructive in how it frames women as being in a constant state of vulnerability while also dehumanizing trans people. To reinforce this narrative, MFF launched its initiative campaign with events in two Montana communities featuring [one of the women](#) in the Alliance Defending Freedom video.

The video featured one trans woman, who stated that there should be separate bathrooms and

locker rooms for trans individuals in order to protect vulnerable women and children. Featuring this one trans voice is a shallow attempt to make it look as if the trans community supports discriminatory policies that keep them from using facilities that match their gender identity.

MFF claims I-183 is a “compassionate” solution to those “struggling with their gender identity” while protecting the “safety and dignity” of the other students by creating single-stall changing facilities.²⁶ This “solution” doesn’t do much other than further isolate trans individuals and send the message that they do not deserve to be accepted in society as a whole. Continuing to marginalize and persecute the trans community is not a compassionate approach.

As the rights of trans individuals and policies are being debated around the country, women seem to be facing increased harassment by anti-trans activists when using public facilities. Many women are recounting instances of being followed into public bathrooms, sometimes by men, and being questioned if they should be there based on their perceived gender expression.²⁷

This largely has to do with women being policed based on their looks, and this plays into a strict understanding of gender and gender roles. Women who may wear their hair short, or dress in a more masculine way, may face increased scrutiny, because they do not fit the prescribed feminine ideal. Opponents to MFF’s legislation during the 2017 Montana Legislature discussed how this had played out in their own lives.²⁸ When the Religious Right and MFF say that women and girls need to be protected, they mean that white, feminine, young, religiously-pure women that fit their narrow definition of a “woman” are deserving of protection.

The Religious Right and its supporters, including some legislators, are undermining women with anti-trans policies the same way they have with repro-

ductive rights. A popular argument against abortion is that women cannot be trusted to make such a decision, implicitly implying, if not overtly stating, they just don’t have the mental capacity to understand the ramifications. Similarly, a consistent message is that women cannot be trusted to protect themselves, so laws need to be enacted to justify discrimination against trans individuals, which not

The reality is that it is trans people who experience harassment and violence when accessing public restrooms. An article published in the *Journal of Public Management and Social Policy* found that 70% of trans people reported being denied entrance, being harassed, or being assaulted when attempting to use a public restroom.

coincidentally is main target of the Religious Right. Women have become pawns in a dangerous game to deny the trans community, a marginalized group, equal rights and their basic humanity.

Paternalistic ideas and regressive views of womanhood are being deployed in Montana and elsewhere to gain support for anti-trans legislation. However, it is important to center the people most affected by the rhetoric and policies. As members of the trans community continue to work to gain visibility and acceptance in a society that can be hostile towards them, the outspokenness of the Religious Right only contributes to the further marginalization of this group.

While the Montana Family Foundation will no doubt promote the “women need to be saved” viewpoint, it is important to remember that the Family Foundation and its allies have no interest in supporting real-world services for victims of sexual violence. Instead, they will exploit this issue for short-term political gain and try to sell it to Montana voters. Montana communities must not be fooled into thinking that the Family Foundation’s ballot initiative is anything other than standard discrimination against LGBTQ+ people.

Endnotes

- 1) American Civil Liberties Union, "Don't be Fooled by North Carolina, There Is No Repeal of The Anti-Trans HB2, Only More Discrimination," March 30, 2017.
- 2) National Conference of State Legislature, "'Bathroom Bill' Legislative Tracking," July 28, 2017.
- 3) 2017 Montana Legislature, House Bill 609.
- 4) The Montana Family Foundation runs I-183 as a committee named "Montanans for Locker Room Privacy." The links between the two entities are easy to see, including that they shared the same post office box.
- 5) Locker Room Privacy, website, "About."
- 6) Michael McVicar, *The Religious Right in America*, March 2016.
- 7) Lee Edwards, *The Conservative Revolution*, 1999.
- 8) For more background on the Montana Family Foundation, see: Montana Human Rights Network, [Family Foundation Features Speaker Comparing Obama to Hitler: Group Spirals Down the Rabbit Hole of Extremist Conspiracies](#), Oct. 28, 2011.
- 9) Kalle Grill, "Paternalism," *Encyclopedia of Applied Ethics*, p. 359-369, 2012.
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- 15) *Huffington Post*, "Rights v. Safety: Exploiting Survivors of Child Molestation," March 26, 2016.
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- 28) 2017 Montana Legislature, House Judiciary Committee Hearing on HB 609, March 23, 2017.