

Dallas Erickson Testimony

Senate Bill 179

Senate Judiciary Committee

January 30, 2015

SENATE JUDICIARY

Exhibit 9

Date 1/30/15

Bill No. SB 179

Mr. Chair and Members of the Committee,

Senate Bill 179 adds to the existing law new categories, "gender identity or expression" and "sexual orientation" that already contains the categories of, "sex, marital status, age, physical or mental disability, race, creed, religion, color, or national origin". Because "sexual orientation", by all scientific standards, is a choice, it would be the only category that is a choice other than "religion" and "creed" both rights guaranteed by the Constitution and the reason our nation was founded. Studies of identical twins, where one is homosexual and one heterosexual, has proven that people are not "born that way." These new categories would require a test to determine if they are legitimate and the problem is there is no test for the added categories since they can change from day to day.

Some may question the "choice" statement, but the fact is that tens of thousands of people who thought they were homosexual have come back out of that lifestyle and live as heterosexuals with spouses and families.

This bill would change the present focus of enforcement of protecting the women and children and others from those who want to invade their privacy and safety and desire for modesty. It would drastically change the focus to protect the homosexual or those who are confused about their sex or those who want to view people of the opposite sex and a child in such places as restrooms and locker rooms. Section 9 spells out those changes.

I helped organize the effort to stop a similar law in Missoula. I have received numerous calls from people affected by the law with questions and fears for their privacy and safety, especially the safety and well-being of their children. One, received a couple of months ago, fully illustrates this problem. A woman called who had entered a restroom of an establishment with her young daughter. When entering there was a "man", nude below the waist, dressing in women's clothing. She was shocked to her core and tried unsuccessfully to shield her daughter's eyes. She left immediately and called to ask me if she could report the incident without violating Missoula's discrimination law. I told her that because I had a pretty good knowledge of the law I felt that she could be in violation of the law by reporting it because she could be discriminating against this person. Anyone who reported him/her or that tried to stop him/her from exercising his rights under the law could be in violation. I suggested that it should be reported anyway because if it happened to her we know it has happened to others and we know it has happened across the nation.

Was this person exercising "gender identity or expression" under the law? Or was this a heterosexual man who purposely wanted to expose himself to women and children legally? There is no test to make that determination so that made this woman vulnerable if she made a complaint. Now for anyone on the committee that thinks that event would be Indecent Exposure and illegal under that Montana law you must remember that the Indecent Exposure law protected the rights of some perverts in Missoula to ride their bikes nude down the streets of Missoula in front of men, women and children and nothing could be done about it. The reason is that the nude person has to be proven to be gratifying him/herself sexually or appealing to the sexual gratification of someone else.

That is the type of mischief such wording in our Discrimination law would cause and the focus of enforcement would be solely to protect the ones whose "civil rights" included doing just what that man was doing.

1. This is supposed to be a bill to prevent discrimination but in fact it is a bill, by very definition, that discriminates. There are almost 30 "sexual orientations" but this bill only lists three, heterosexuality, bisexuality, and homosexuality. I will spare you the reading of the list of other sexual orientations that have been discriminated against in this bill but pass you a copy.

2. The term “gender identity or expression” goes well beyond the “sexual orientation” addition that was usually proposed for state laws in the last two decades here. Several years ago the United Nations was pressured by several groups and organizations to recognize that there were more than just two sexes. In fact the claim then was that there were FIVE sexes.

Here is a definition that I found at a website called Transgender 101:

***Gender Identity** is how you see yourself socially: man, woman, or a combination of both. One may have a penis but prefer to relate socially as a woman, or one may have a vagina but prefer to relate as a man. One might prefer to be fluid, relating sometimes as a man and sometimes as a woman. Or one might not identify as either one, relating androgynously.*

Here are some of the classifications of Gender Identity:

Drag Queen: Female-emulating male, usually campy, often (not always) gay.

Butch: Masculine-appearing person.

Femme: Feminine-appearing person.

Drag King: Male-emulating woman.

Intersex: Person born with mixed sexual physiology. Often “assigned” at birth, such practice is coming under well-founded attack as a hurtful violation of a person’s well-being.

Transvestite: Person who enjoys wearing clothes identified with the opposite gender, often but not always straight.

Crossdresser: Polite term for transvestite.

Transgenderist: Person who lives as gender opposite to anatomical sex, i.e. person with penis living as woman. Sexual orientation varies.

Androgyne: Person appearing and identifying as neither man nor woman, presenting a gender either mixed or neutral.

Transsexual: Person whose sexual identity is opposite to their assignment at birth. Not all TS folk undergo “sex reassignment surgery” (SRS), for various reasons, including personal preference. Sexual orientation varies.

FTM (female to male): born female but see themselves as partly to fully masculine.

MTF (male to female): born male but see themselves as partly to fully feminine

There are others. So if this bill passes, if a business or a government or a youth organization or a school or a church in Montana wants to keep people with penises out of restrooms, showers and locker rooms reserved for people with vaginas that would be discrimination. So they would be required, as has been required in other states, to build a restroom for people who don’t know if they are male or female. I guess that restroom would have a question mark on it.

Can you imagine the “fun” that our school children would have with such a law? Can you imagine the havoc that it would wreak in these forums? Some young person with a penis could all of a sudden claim to be a **Male To Female** and go see what the other side lives like. If the school didn’t like it the school would have to construct another restroom.

The ramifications of this bill in our society would be immense and expensive and destructive to the values of our state.

3. Under **Section 15** it is plain to see that any individual or group that opposes homosexuality or was not gender identity sensitive could be precluded from using Federal, City, County or State property for anything. This would include the Boy Scouts of America and Church groups and others. It would also prevent the governments from entering into any agreement with such organizations or people with those standards.

4. Kamloops BC has a law like this bill. A man who circulated brochures stating the Biblical rejection of homosexuality as an “abomination” was charged with discrimination on government property and had to

pay a \$1000 fine for repeating a Biblical phrase and Scripture. This bill would open the door to that nonsense in Montana.

5. This bill would require the Boy Scouts or any group that wants to teach the Biblical standards of sexuality and morality to hire homosexuals and those who are confused about their sexuality. I would imagine it would allow the **MTF** or the **FTM** to sleep in the tents with the boys or girls or the organization would be faced with discrimination.

6. In Seattle area a man with the full male configuration was naked in front of young school girls at a pool where they were involved in physical education. When a complaint was filed with the school the male was approached and he reported that he was actually a woman and had the papers to prove it. When this situation was revealed in the Helena hearing for a similar discrimination law the Helena Commission recognized the danger and amended the law even though the ACLU and other supporters scoffed at what happened with these young children.

7. In Coue d'Alene, Idaho just last year two ministers were threatened with charges under a similar law because they refused to marry homosexual couples in their chapel because it was a violation of their moral beliefs. They were facing fines and imprisonment.

I ask this committee to table this bill. On the alternative, I ask you to amend this bill to exempt people and organizations that believe that homosexuality and gender identity and expression confusion (if contrary to the way Nature's God created us) is immoral.

Thank you.

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SEXUAL ORIENTATIONS

Homosexuality or "Gay": sexual interaction with persons of the same sex.

Bisexuality: sexual interaction with both males and females.

Pedophilia: "sexual activity with a prepubescent child (generally age 13 years or younger).

Incest: Sexual orientation towards a sibling or parent.

Gerontosexuality: Distinct preference or orientation for sexual relationships primarily or exclusively with an elderly partner

Transgenderism: an umbrella term referring to and/or covering transvestitism, drag queen/kings, and transsexualism.

Exhibitionism: the act of exposing one's genitals to an unwilling observer to obtain sexual gratification.

Transsexuality: the condition in which a person's gender identity is different from his or her anatomical gender.

Transvestitism: the condition in which a person is sexually stimulated or gratified by wearing the clothes of the other gender.

Transvestic fetishism: for males, "intense sexually arousing fantasies, sexual urges, or behaviors involving cross-dressing."

Autogynephilia: the sexual arousal of a man by his own perception of himself as a woman or dressed as a woman.

Voyeurism: "obtaining sexual arousal through the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity."

Partialism: Person is sexually attracted to a specific body part exclusive of the person.

Fetishism or Sexual Fetishism: "intense sexually arousing fantasies, sexual urges, or behaviors involving the use of nonliving objects (e.g. female undergarments)."

Zoophilia: becoming excited by and/or engaging in sexual activity with animals.

Sexual Sadism: "recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person."

Sexual Masochism: "recurrent, intense sexually arousing fantasies, sexual urges, or sexual orientation toward behaviors involving the act (real, not simulated) of being

humiliated, beaten, bound, or otherwise made to suffer."

Necrophilia: sexual arousal and/or orientation towards sexual activity with a corpse.

Pederast: A man whose sexual orientation is to anal intercourse with a boy.

Klismaphilia: erotic pleasure derived from enemas.

Telephone Scatalogia: the compulsion to utter obscene topics over the phone.

Urophilia: sexual arousal associated with urine.

Apotemnophilia: sexual arousal associated with the stump(s) of an amputee.

Coprophilia: sexual arousal associated with feces.

Coprophagia: sexual gratification derived from eating feces.

Toucherism: the strong desire to touch the breasts or genitals of an unknown woman without her consent. Often occurs in conjunction with other paraphilia.

Gender Identity Disorder: "a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, of the other sex," along with "persistent discomfort about one's assigned sex or a sense of the inappropriateness in the gender role of that sex."

Frotteurism: "touching and rubbing against a nonconsenting person."

Frattemism: approaching an unknown woman from the rear and pressing or rubbing the penis against her buttocks.

Asphyxophilia -sexual gratification derived from activities that involve oxygen deprivation.

Gender expression is everything we do that communicates our sex/gender to others: clothing, hair styles, mannerisms, way of speaking, roles we take in interactions, etc. This communication may be purposeful or accidental. It could also be called social gender because it relates to interactions between people. Trappings of one gender or the other may be forced on us as children or by dress codes at school or work. Gender expression is a continuum, with feminine at one end and masculine at the other. In between are gender expressions that are androgynous (neither masculine nor feminine) and those that combine elements of the two (sometimes called gender bending). Gender expression can vary for an individual from day to day or in different situations, but most people can identify a range on the scale where they feel the most comfortable. Some people are comfortable with a wider range of gender expression than others.

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