

# Anti-LGBTQIA+ Backlash

What can you do to push back?

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Massachusetts

# What is happening?

- The “Right Wing” has decided that culture wars are good politics, at least in terms of stirring up support from their “base.”
- This gained traction with regard to race issues after the protests concerning the murder of George Floyd; more recently, it is accelerating with regard to LGBTQIA+ equality.
- At bottom, this is an effort to roll back progress on both race and LGBTQ equality.
- There is an organized effort to use the concept of “parental rights” to impose one’s personal views on others (including other parents) with regard to LGBTQ issues.

# Where is this happening and what form does it take?

- Across the entire country.
- Efforts include restricting access to gender affirming care, calls to remove LGBTQ+ themed books from school and public libraries, denying trans children the right to participate on sports teams aligned with their gender identity, and denying trans individuals the right to use bathroom facilities aligned with gender identity, +.
- And now there are organized objections to having Pride events in schools or communities as a whole. See *Boston Globe* stories today on Burlington Middle School and division on Billerica Pride resolution.

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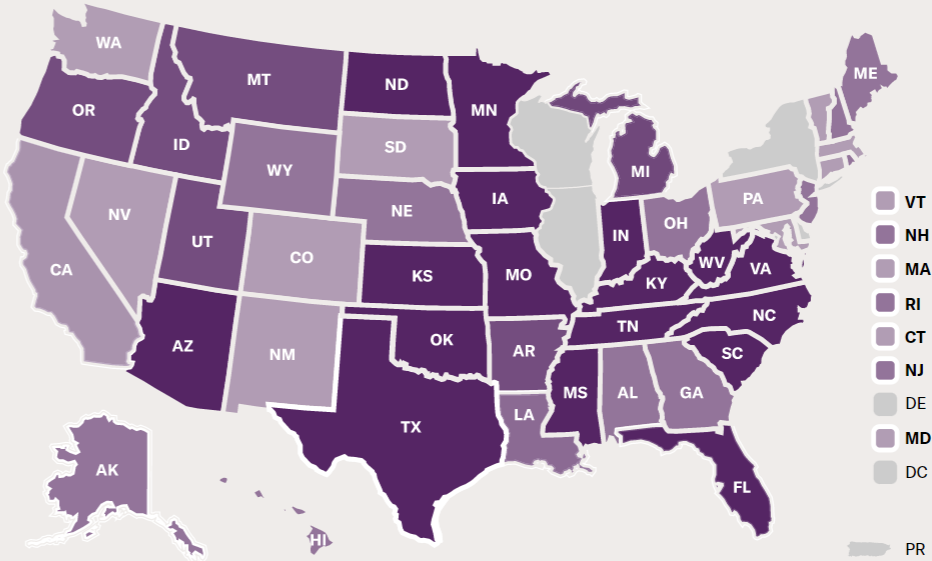
2023 LEGISLATIVE SESSION

# The ACLU is tracking **491** anti-LGBTQ bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

[View past legislative sessions.](#)

Bills per state



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LEARN HOW THESE BILLS TARGET LGBTQ RIGHTS ↓

491 Bills

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# How state lawmakers are targeting LGBTQ rights

These bills attempt to limit the ability to update gender information on IDs and records, such as birth certificates and driver's licenses. This puts transgender people at risk of losing jobs, facing harassment, and other harms. Trans, intersex, and nonbinary people need IDs that accurately reflect who they are to travel, apply for jobs, and enter public establishments without risk of harassment or harm.

Learn more: [Transgender People and Identity Documents](#)

## Healthcare

These bills target access to medically-necessary health care, like Medicaid, for transgender people. Many of these bills ban affirming care for trans youth, and can create criminal penalties for providing this care. These bills exempt identical



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to cisgender youth intersex youth.

Other bills block funding to medical centers that offer gender-affirming

## Public Accommodations

Public accommodations bills seek to prohibit transgender people from using facilities like public bathrooms and locker rooms. Everyone should have access to these spaces, no matter their gender identity or gender expression. If you can't use the restroom, you can't fully participate in work, school, and public life.

These bills attempt to undermine and weaken nondiscrimination laws by allowing employers, businesses, and even hospitals to turn away LGBTQ people or refuse them equal treatment.

Learn more: [Using Religion to Discriminate](#)

## Schools & Education

State lawmakers are trying to prevent trans students from participating in school activities like sports, force teachers to out students, and censor any in-school discussions of LGBTQ people and issues. Instead of limiting resources, education, and opportunities, our schools should protect and support all students to learn and thrive.

Despite the safeguards of the First Amendment's right to free expression, politicians are fighting to restrict how and when LGBTQ people can be themselves, limiting access to books about them and trying to ban or censor performances like drag shows.

Learn more: [The Dangers of Drag Censorship w/ Peppermint](#)

## Other Anti-LGBTQ Bills

These bills don't quite fit in any of the other categories, but nonetheless target the rights of LGBTQ people. Examples include bans on marriage and bills preempting local nondiscrimination protections.

Learn more: [LGBTQ Rights](#)



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# Is Massachusetts immune?

- Fortunately, our Legislature last summer enacted legal protections for doctors providing and people receiving gender-affirming care in MA and other state laws forbid discrimination on the basis of gender orientation or identity.
- Unfortunately, around the state we are seeing hostility to certain forms of gender identity expression, including those who express themselves through “drag.”
- We intervened to stop exclusion at Pride event in North Brookfield:  
<https://www.aclum.org/en/news/north-brookfield-small-town-pride-include-drag-performance-after-aclu-massachusetts-demand>
- And of course you know about this dynamic based on the Newton North experience: [Counterprotesters Heavily Outnumber Those Rallying for Cancellation of Drag Show in Newton – NBC Boston](#)

# Is Massachusetts immune? - continued

- In Ludlow, MA, some parents have sued the schools for not telling them sooner that their child had asked to use different names or gender pronouns at school. Case dismissed by district court but will soon be heard by U.S. First Circuit Court of Appeals.
- Goal of lawsuit (and others around country) seems to be to stop schools from being supportive of students exploring their gender identity.
- Fortunately, a legislative proposal in NH requiring parents immediately be notified, regardless of potential safety issues, recently rejected for this session.

# Is Massachusetts immune? - continued

- In numerous MA school districts, a vocal minority has demanded that books with LGBTQ+ themes be removed from school libraries.
- In January, ACLUM wrote a letter to all the school districts with GLAD urging rejection of these efforts. <https://www.aclum.org/en/news/aclu-glad-urge-massachusetts-schools-reject-calls-book-bans>
- Most calls to remove books have been rejected, except for a few where a decision was made that a book in a middle school library was not age appropriate for younger children there.



# Is Massachusetts immune? - continued

- The latest book restriction effort brings us back to Ludlow, MA.
- A school committee member proposed a very sweeping policy that would bar 1) *any* new books being purchased for the library until after 30 days notice to the public and a vote by the School Committee and 2) any books with “sexual” content, defined so broadly and vaguely that, e.g., pictures of Adam and Eve in the Garden of Eden or of male ballet dancers would be forbidden. School employees who violate the policy could be fired.
- Here too we wrote a letter urging rejection:  
<https://www.aclum.org/en/news/aclu-glad-urge-massachusetts-schools-reject-calls-book-bans>

# Talking points against book bans

- There has been some really inspiring testimony by community members in opposition to book bans and other restrictive proposals; such comments help educate those who are fearful that schools are sharing too much information.
- Talking points include:
  1. Parents who do not want *their* children to read materials in the school or public library can direct librarians not to let *them*.
  2. Taking books off the shelves for others is inconsistent with others' parental rights (and is what totalitarians do).
  3. Students have a right under MA law to an educational experience that does not discriminate on the basis of race or gender. To deny students access to information that reflects their experiences is not equal and can lead to costly litigation.

# Talking points against book bans – cont.

4. Exposure to ideas that one may not agree with is the hallmark of a strong education and necessary to a well-functioning democracy.

5. Denying access to information will not stop students from realizing they may be LGBTQ and providing access will not make people LGBTQ if they aren't.

6. Young people who are LGBTQ are more likely to suffer severe depression and even suicidal thoughts if they do not have access to information reflecting their experiences and feelings.

# Is Massachusetts immune? - continued

- Clearly a very organized effort, including to get students and others to object to Pride events.
- See Marlborough lawsuit about “there are only two genders” T shirt; today’s reports, including in *Boston Globe*, about student hostility to Pride event in Burlington middle school; and objections in Billerica to renewing resolution about town recognizing Pride Month.

# What can you do?

- Pay attention to proposals before your School Committee and other government bodies.
- Ask your local librarians what you can do to help.
- Participate in public comment periods; send letters to the editor.
- Contact elected officials to ask that they stand against regressive measures.
- If you hear of protests against drag story hours, turn out to help create a positive environment for the families attending, as with Newton North.
- Resist responding to hate with hate or repression, including because tension is the goal of those opposing equality, because of the traumatic impact on members of the LGBTQ community, and because goal of those fomenting this is to curtail freedoms.

# Seeking legal or advocacy help

- To request either legal assistance or advice from ACLUM for organizing testimony or a protest or counter-protest, call 617-482-3170 or email us at [legalresources@aclum.org](mailto:legalresources@aclum.org).
- You may also wish to consult the Anti-Defamation League which is doing heroic work as to all forms of regressive discrimination, including on the basis of antisemitism, race and gender orientation: <https://newengland.adl.org/speaker-request-page/>
- You may also wish to contact GLAD at [800-455-GLAD](tel:800-455-GLAD).
- You may also wish to contact the MA Attorney General's Civil Rights Division at 617-963-2917 to share concerns.

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