

TRANSADVOCATE

Equality=Bathroom Bills=Rape: Reality Check

By Cristan Williams

Published January 23, 2012 | Updated March 31, 2026

https://www.transadvocate.com/equality-bathroom-bills-rape-reality-check_n_5327.htm

Abstract

Protections will allow men to dress as women “... in order to perpetrate crimes of homicide, rape, robbery [and] assault...” Sound familiar? It sounds like the arguments of TS Separatism and Religious Fundamentalists, doesn’t it? Actually, this quote is 40 years old and comes from a pamphlet published by a religious fundamentalist group campaigning against the Equal Rights Amendment (ERA). While this [...]

Article

Sound familiar? It sounds like the arguments of TS Separatism and Religious Fundamentalists, doesn’t it?

Actually, this quote is 40 years old and comes from a pamphlet published by a religious fundamentalist group campaigning against the Equal Rights Amendment (ERA). While this equality-for-the-sexes amendment was approved by the federal government, a fundamentalist bathroom argument scared enough states into not ratifying the amendment so that it ultimately failed to become part of our Constitution.



The above story is worth a read. It’s a glimpse into the very playbook Separatists and Fundies use in their war against transgender equality.

Here’s just a few quotes:

(NOTE: When the ERA discussion talks about the integration of restrooms, “integrate” meant allowing

men access to the women's restrooms under the cover of an equality law.)

“ERA would... integrate public toilets.”

“Law professor Paul Freund objected in 1973 to being “quoted erroneously and out of context by certain opponents of the Equal Rights Amendment” and commented flatly, “I have not stated, and I do not believe, that the Amendment would require the sharing of rest room and prison cells by both sexes.” Yet in 1975 a huge anti-ERA advertisement in Baton Rouge papers credited him with the allegation that the ERA would integrate bathrooms.”

And then the story gets down to the point of restroom scare tactics:

“The hubbub over the implementation of the Amendment is designed to elicit a knee-jerk reaction...”

Compare this to the rhetoric of the modern anti-equality fundamentalist camp:



Compare this to the rhetoric of the modern anti-equality Separatists camp:

Specifically, the proliferation of legislation designed to protect “gender identity” and “gender expression” undermines legal protections for females vis-à-vis sex segregated spaces, such as female-only clubs, public restrooms, public showers, and other spaces designated as “female only.” Females require sex-segregated facilities for a number of reasons, chief among them the documented frequency of male sexual violence against females and the uniquely female consequence of unwanted impregnation resulting from this relatively common form of violence.^[xxi] Public policy, therefore, rationally permits sex segregation in certain settings where a reasonable expectation of privacy exists.

We do not single out individual males as predatory, nor do we think any particular male is more likely to harm females. Further, we do not believe that transgender or transsexual women are any more likely to harm females.^[xxii] In fact, we recognize the legitimate needs of transgender and transsexual women to operate in the world free from irrational discrimination. However, we cannot deny the implications of this legislation – and the radical shift in priorities it represents for females. Female reproductive vulnerability has a long history of exploitation by males in the form of sexualized violence. As attorneys, as females, and as lesbians, we seek legal recognition and protection for the potential harm that females may experience because of our reproductive vulnerability.

Figure 1. image

This letter linked back (note the “xxii” citation) to Taylor’s site wherein she asserts “When discussing laws that protect gender identity and expression, for public accommodations, it is crucial to use specific language.” She then goes on to warn the reader about the evils of “broad definitions of gender identity and/or expression.” As part of her warning, she lists a number of incidents wherein men

(whose unrelated behavior could somehow/some way be tied back to breaking some sort of gender stereotype) hurt women. For example, Taylor cites the arrest of a peeping tom who was wearing panties on his head:

Police: Dress-clad man arrested (cache) - Not in a restroom but - **Donnie Lee, 39, is charged with peeping Tom for allegedly spying in windows at the Palisades Apartments on Satellite Boulevard in Duluth while wearing a red dress with purple panties around his head.**



- Did the anti-ERA people have any evidence to support their assertion that equality laws nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance? Nope... just fear and a purposeful misrepresentation of the facts concerning the restroom safety.
- Do the modern anti-trans religious fundies have any evidence to support assertion that equality laws nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance? Nope... just fear and a purposeful misrepresentation of the facts concerning the restroom safety.
- Do the modern TS Separatists have any evidence to support assertion that equality laws nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance? Nope... just fear and a purposeful misrepresentation of the facts concerning the restroom safety.

Asked how he would feel if he was required by law to assume his wife's name, Merrill said, "I wouldn't like it." He said a combination name for children, such as Bill Smith-Jones, "sounds illegitimate to me." In addition to the ERA's ramifications mentioned by Lybrand and Stewart, Merrill raised the subject of restrooms. "If they can integrate restrooms on the basis of race, why not on the basis of sex?" he asked.

If they can integrate restrooms on the basis of race, why not on the basis of sex?

These anti-equality groups have had 40 years to make their evidence-based case showing us exactly how equality laws nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance. Have they done it even once? Nope. When I challenged Dana Lane Taylor a few weeks ago to provide just 10 real-world examples, she shut down her entire site and hasn't yet provided any examples of how trans protections nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance.

So, what might you expect the forces of anti-equality to do when they can't actually make a cogent evidence-based argument explaining exactly how equality laws nullify existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance? Well, they do what comes naturally... they just lie:

Tuesday, January 17, 2012 5:30pm until 7:30pm

TRANSGENDER BILL #3-12 TUES JAN 17TH.....BE THERE....400 Washington Avenue 2nd floor Towson Maryland 5:30pm to sign up to speak out. If you are scared to speak...just show up...we need to be there in numbers. Look for Anita Schatz at the sign in area so we can sit together. We will not get another chance to stop this.

A large group dressing in purple will be showing up when the bill is voted on showing support FOR the bill. We need to outnumber them.

We can carpool from Marc train on eastern avenue across From Martins airport at 4:45 on Tuesday January 17. Contact Jackie Auburn for this carpool <http://facebook.com/mdactivist>

they want no discrimination for transgenders including our (restrooms, locker rooms, schools, etc.)..

Would you like to walk into a bathroom and see a man in there with our Children? This is just not right. Please show your support by objecting In Towson or contacting them here..if no answer you can leave message Or send Email .. (Bill #3-12)

Since Montgomery County passed a similar bill, there have been 4 rapes by men, dressing as women lying in wait for their victims in ladies rooms.

There is no provision in this bill to protect women and girls, leaving it open to all kinds of abuses.

Really? Four rapes you say? Well, lets see what law enforcement has to say about that testable assertion of fact:



What are the forces of anti-equality hoping to communicate with their propaganda? Are they claiming that a rapist in a dress thought they'd get away with a rape due to equality laws? Are they suggesting that equality protections somehow condones abhorrent behaviors like rape? Are they hoping to make the public believe that in the absence of equality protections, a rapist is somehow prevented from entering a restroom due to some force field-like bubble which equality will somehow destroy? Well, yes... those are apparently the basic arguments anti-equality forces have made for decades.

They hope that the normal knee-jerk revulsion against cruel violence will shut down your critical thinking abilities. They hope that instead of thinking of rapists as being the threat, you'll instead see crossdressers, non-op and pre-op people as being a threat. Because, if they can get you to do that, the process of dehumanization will begin so that you'll easily conflate rapists (a behavior) with crossdressers, non-op and pre-op people (an identity) and crossdressers, non-op and pre-op people will naturally become possible rapists who should be treated with suspicion. If they can get you to do this mental gymnastic, there will never be any need for them to produce objective evidence explaining exactly how equality laws nullifies existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance. No, with the anti-equality blinders on, the risk crossdressers, non-op and pre-op people pose will seem self-evident.

[Non-discrimination protections based upon gender identity] would allow all males - including registered sex offenders or males subject to a domestic violence order of protection - to assert "gender identity" as a means to invade female-only space. Indeed, these laws provide a legal basis for males to be in sex-segregated space. It is well-documented that males as a class have a demonstrated history of harming females as a class by exploiting female biology (ie, rape, sexual violence, unwanted pregnancy).

- Cathy Brennan and Elizabeth Hungerford United Nations letter in which they use Dana Lane Taylor's Separatist propaganda to support defeating a UN trans-equality initiative.

Why do Fundamentalists and Separatists do it? Well, they do it because that tactic works! Not only did the bathroom meme defeat a constitutional amendment that passed the congress and the senate with the support of presidents Eisenhower, Kennedy, Johnson and Nixon and even the likes of George Wallace 40 years ago, it's the only rhetorical tool that seems to gain traction when arguing against trans equality. Whether it's arguing against the equality of trans and cis people, trans folk and transsexual separatists, trans folk and radical feminists, the bloody mantle of the bathroom meme serves as their foundational argument from which all other hyperbole is launched.

Now that I've touched on the fantasy, here's the reality...

Trans woman being beaten by a cis woman

I have spent so many hours avoiding public multi-stall bathrooms that I have damaged my bladder and put pressure on my kidneys. The problem was a daily one. I'd think about where I was going what bathrooms I'd have access to, how much I drank during the day, whether I'd be with people who could help stand guard...

- Response to a 2002 survey conducted by the San Francisco Human Rights Commission which found that nearly 50% of transgender respondents reported harassment or assault in a public bathroom

We live under the constant threat of horrifying violence. We have to worry about what bathroom to use when our bladders are aching. We are forced to consider whether we'll be dragged out of a bathroom and arrested or face a fist fight while our bladders are still aching. It's an everyday reality for us. Human beings must use toilets... If I go into the women's bathroom, am I prepared for the shouting and shaming? Will someone call security or the cops? If I use the men's room, am I willing to fight my way out? Am I really ready for the violence that could ensue?

- Leslie Feinberg, Trans Liberation: Beyond Pink or Blue, p 68 - 69

Police officers often harass or abuse transgender and gender nonconforming people regardless of which sex-segregated bathroom they use. This harassment intensifies when coupled with the stereotyping of trans people as sexual predators. As such, the use of the ‘wrong’ bathroom . . . often results in arrests for crimes such as public lewdness, public obscenity, or public indecency. Refusing to comply with or simply questioning a police officer’s direction as to which bathroom the individual must use can often lead to charges such as resisting arrest or disorderly conduct.

- Pooja Gehi, *Struggles from the Margins: Anti-Immigrant Legislation and the Impact on Low-Income Transgender People of Color*, 30 *WOMEN’S RTS. L. REP.* 315, 326 (2009)

And it doesn’t stop with bathrooms. This level of violence is something trans folk must consider when buying cloths too. Here’s what State Rep. Richard Floyd (R) said he’d do to a trans person if they dared to buy clothes like anyone else might:

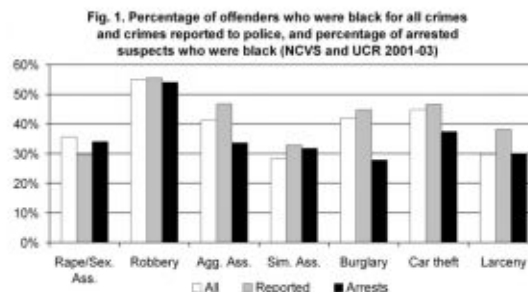
I believe if I was standing at a dressing room and my wife or one of my daughters was in the dressing room and a man tried to go in there -- I don’t care if he thinks he’s a woman and tries on clothes with them in there -- I’d just try to stomp a mudhole in him and then stomp him dry.

Again, to hit home just how longstanding this meme is, consider the following quote from a 1970 anti-trans equality legal decision:

There are numerous subjects who would want to change their sex identity in order to perpetrate crimes of homicide, tape, robbery, assault, etc.”

- *Columbus v. Zanders*, 266 N.E.2d 602, 604-06 (Ohio Mun. Ct. 1970)

Don’t surrender your critical thinking faculties to the likes of Separatists and Fundamentalists. Don’t fall for their blood-drenched games of rhetoric! The idea the various anti-equality forces seek to set loose within your mind is the same: bigotry. And a bigot is a bigot is a bigot:



Notice how the KKK uses the same rhetorical tool Fundamentalists and TS Separatists use. They hope that the normal knee-jerk revulsion against cruel violence will shut down your critical thinking abilities. They hope that instead of thinking of rapists as being the threat, you’ll instead see the African-American community as being a threat. Because, if they can get you to do that, the process of dehumanization will begin so that you’ll easily conflate rapists (a behavior) with African-American community (an identity) and the African-American community will naturally become possible rapists who should be treated with suspicion. If they can get you to do this mental gymnastic, there will never be any need for them to produce objective evidence explaining exactly how racial equality laws nullifies

existing laws prohibiting rape, assault, stalking and/or public indecency/disturbance. No, with the anti-equality blinders on, the risk the African-American community poses will seem self-evident.

GET IT?!?

Oh, yah... and please don't post replies to this post linking to sites where TS Separatists claim to not hate non-transsexual transgender people and assert that it's self-evident that all separate trans people need to work on behalf of their own instead of trying to "force" everyone under some "collective"... because the KKK engages in the same slimy posturing too:

The Knights Party
AMERICA'S WHITE FUTURE BEGINS HERE

Loving our family!

Home The Knights Party Activism Tradition A Special Message Articles Join Store

★ **National Events**
No dates present

★ **This is the Klan TV**
The World's First and Only White Pride Internet TV SHOW
Now Beginning our 11th Season
News, Commentary, Humor With Thomas Robb and Rachel

We Are Not The Enemies Of The Black Man
National Director Thomas Robb was "attacked" recently via an internet newsletter for appearing in a photograph with a black journalist. Other individuals appeared in similar photographs with the reporter who was writing a book on the racist movement.
The book is a very poorly written account of a black man's venture into the Ku Klux Klan, which in itself is ridiculous as all one has to do to "venture" into the Ku Klux Klan is pick up the telephone. No big mystery. He interviews various 'leaders' who have never been heard of by those actually in the Klan and includes a few photographs with well known racist leaders to lend the book credibility.
But aside from the fact that the book is a poor representation of the racist movement and those involved, it is still just a book. Who cares if a black man has his photograph taken with a white man or even the leader of the Ku Klux Klan. Many Southern generals carried their trusted black servants with them into war as did Nathan Bedford Forrest. He wasn't concerned about such petty trivialities. A picture with a black reporter – so what. How many in the racist movement refuse to interact with a black man or woman in an occupational setting – none. Should we refuse to pay for our gas because the attendant is black, or order our food because the waitress is black, or pay the ticket because the patrolman is black, or accept medical care because the paramedic is black – of course not – how absurd.
We are NOT bigots or haters!

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"[The the first Grand Wizard of the Ku Klux Klan] was concerned about securing a future for his people... He wasn't consumed by hatred for the black man and woman... We believe in self-determination for all people. We believe that the best minds of all people should work together for the advancement and development of their own people without being hindered by another racial group... No, we are not the enemies of the black man, the brown man, the red man, or the yellow man. Rather it is those who attempt to artificially force the different races together who are the enemies..."

Separatists are all too happy to pick up the very same butcher's tools that everyone from those who would seek to bar Muslims from holding office to the likes of Dr. Ruth Jacobs would use in their anti-equality efforts and it's as perverse as it is sickening. Whether it's a racist separatist, a misogynist separatist, a philogynist separatist, a homophobic separatist or a transphobic separatist, they all trade in the same rhetorical mind games. Separatists (whatever their flavor) have the blood of very real suffering on their hands.

Now, as a preemption to the strawman argument I can already see coming... Don't assert that I'm claiming that TS Separatists are racists or that they're part of the KKK. However, that doesn't mean that they don't use the same rhetorical tools the KKK does when making their case for separatism. I think membership in the Klan requires more than simply repurposing their playbook.

cross-posted from Ehipassiko

Suggested citation

Cristan Williams. "Equality=Bathroom Bills=Rape: Reality Check." TransAdvocate, January 23, 2012.
https://www.transadvocate.com/equality-bathroom-bills-rape-reality-check_n_5327.htm