

Where PJI's Arguments Fall Apart In Florence, Colorado

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Published November 10, 2013 | Updated March 31, 2026

https://www.transadvocate.com/where-pjis-arguments-fall-apart-in-florence-colorado_n_10716.htm

Abstract

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Article

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An example on point: the demonization of trans female youth as a class of people -- people described by the demonizers as male -- as bathroom and locker room predators of cisgender girls.

The Pacific Justice Institute (PJI), and their coalition partners in privacyforallstudents.com, issued a press release describing a “nightmare scenario” occurring at Florence, Colorado’s Florence High School where “a teenage boy was entering girls’ bathrooms and, according to some students, even making sexually harassing comments toward girls he was encountering.” The “teenage boy” at the heart of the story is a 16-year-old trans girl. When the story was fact checked by The Transadvocate’s Cristan Williams, Fremont RE-2 School District Superintendent Rhonda Vendetti responded to the PJI claim by stating:

Nothing has actually been verified with us. This is one parent basically bringing their viewpoint about this situation to the media because they weren’t getting the responses that they hoped they would get from the district, from parents of students at the high school, or from the board and myself. So I think it’s just an attempt to elevate the situation to a point where maybe some more attention can be drawn to that in the hope of having a different outcome.

PJI made the investigation by the school district, as well as the Florence Police Department, a significant part of their argument that the harassment occurred. In World Net Daily’s Radio America broadcast (and article write-up) from October 19, 2013, PJI staff attorney Matt McReynolds responded to a query where he responded by stating that there must be something to the charges because there was a “a law enforcement investigation” (emphasis added):

World Net Daily’s Radio America Host Greg Corombos: Matt, in reading about this story on various news sites, you look at some of the folks who are defending the policy of allowing students of different

genders to use the restroom or locker room facilities of opposite genders if they feel that it is their true gender identity, they say “This doesn’t smack to us that it’s accurate. Number one, you know you have teenagers in dispute here and you don’t really know necessarily that they’re telling the truth -- maybe they don’t like each other and they just lashed out.” And, they say a transgender person would feel at home in that setting and therefore they wouldn’t make harassing comments. What do you say to that?

Matt McReynolds: Well, a couple of things. We’re talking about a campus with quite a number of students on it. There are a lot of witnesses. You know, if there were nothing to this, I don’t think the school district would be currently conducting a law enforcement investigation -- which is what they’re doing.

And this is the context of what McReynolds stated about what PJI believes the harassment entailed:

Details continue to immerge on this in terms of, you know, what kinds of comments may have been made. We’ve heard some reports, that he’s commented on what girls are wearing or their figure while in the bathroom. I mean that’s -- if you can imagine that scenario from the reference and framework of a teenage girl I think that’s pretty harassing. But even just going in there while they’re in there we feel is inherently harassing.

Here he demonized Jane Doe in particular, and trans youth more broadly, as all being bathroom and locker room harassers if they use facilities consistent with their gender identities.

Yet, in a statement to the Pueblo Chieftain the Florence Police Chief stated that the alleged harassment of cisgender female students by the trans female student couldn’t be confirmed (emphasis added).

“The case is closed because the detective has no collaboration of evidence or statements from the victims. There has been a lack of cooperation,” said Mike DeLaurentis, Florence police chief.

“Pending any other victim coming forward, we cannot even confirm any of these allegations,” DeLaurentis said.

In other words, PJI’s clients “many witnesses” didn’t cooperate with the police investigation; with both the school district’s and police’s investigations not substantiating the allegations, McReynold’s claims appear even more clearly hollow than when PJI first made allegations. Therein lies one place where the demonization of trans youth, these youth belonging to the class of transgender people,

So, with the alleged bullying and harassment even now still appearing to be fabricated to create a “nightmare scenario” that doesn’t live up to that billing, PJI took to creating a trans youth demonizing talking point: the mere presence of a trans girl in a public school locker room is bullying...is harassment.

PJI board member Tim Lefever, in a Dr. James Dobson’s Family Talk radio broadcast that aired on November 4, 2013, described PJI’s and the Privacy For All Students coalition’s the talking point on trans youth using public school restrooms and bullying.

[W]e've also taken the phrasing on this that you know what? Forcing boys and girls to share a bathroom doesn't decrease bullying, it is bullying!

A variant of this talking point has been used more than once now by PJI Staff Attorney Matt McReynolds. For example, he used it for an interview with World Net Daily:

[A] teenage boy's entrance into the bathroom for teenage girls is inherently harassing.

And, of course, the statement referenced above from McReynolds from that same World Net Daily interview:

But even just going in there while they're in there we feel is inherently harassing.

McReynolds used same talking point again in an interview for a quote provided for a November 8th LifeSite News piece:

As far as harassment is concerned, the presence of a biologically teenage boy in a girl's bathroom or locker room is inherently harassing.

But here again the PJI's demonizing argument falls apart -- this time when confronted with Jane Doe's humanness. McReynolds implied a standard in an interview with The Transadvocate's Cristan Williams (text) than the one of biology he uses when talking about trans youth or Jane Doe in the abstract. That different standard is consistent presentation as a particular gender.

Cristan Williams: Would one of those forms be that transgender children would be able to function in day to day school life exactly as their cisgender counterparts?

Matt McReynolds: Well I think there's a very active debate as to whether someone like this Jane Doe, who I understand has not completely transitioned into his or her new found gender can ever function normally in that role.

Cristan Williams: Ah awesome. And so, so you believe that Jane Doe has not, so when you say "fully transitioned" what do you mean by that?

Matt McReynolds: Well the reports are that we've received are that Jane Doe presenting, still presenting as both. Sometimes appearing as female and sometimes presenting and appearing as male.

And then there's his quote from that same interview with The Transadvocate where he refers to Jane Doe as her Mom's daughter.

First of all, all of us identify with the raw emotion we hear in [Jane Doe's mother's] voice and her instinct to for her son who's now her daughter and all the many, many issues that accompany that.

For all of PJI's stated beliefs about their opposition to any "biologically teenage boy in a girl's bathroom or locker room," their staff attorney -- speaking for the organization -- acknowledges that a trans youth's transition is living full time in a manner consistent with their gender identity, and that the parent of a trans youth who identifies their gender different than the sex assigned at birth has a daughter if the child's gender identity is female and has a son if the child's gender identity is male.

McReynolds, speaking for PJI, wasn't consistent in his demonization of Jane Doe when he was confronted with her humanity.

Matt McReynolds, again speaking on behalf of PJI in his interview with The Transadvocate's Cristan Williams, stated that their claim is based on the constitutional right to privacy. And yet again, an argument falls apart.

Matt McReynolds: We've sent a letter to the school now - eleven days ago - laying out the serious concerns that we had for the constitutional privacy rights, as well as the harassment issue.

PJI's belief in the constitutional right to privacy appears situational at best and disingenuous at worst. The right to abortion is based on the constitutional right to privacy as outlined in *Roe v. Wade*, and PJI definitely believes that is abortion wrong. PJI President Matt Dacus, on the May 10, 2013 Dacus Report radio program that's posted on a PJI webpage of Dacus Report podcasts, has made it clear that he (and PJI) don't believe abortion should be allowed. , He stated this in relation to California's AB 154, the Assembly Majority Leader Toni Atkins' (D-San Diego) bill to increase access to early abortions. that at the time was still working its way through the legislative branches towards Gov. Jerry Brown signing the bill into law in September, 2013.

Here we are in the United States of America, you know we allow these barbaric procedures, in my book -- you know, abortions -- to take place, and yet we're lowering our standards of civility even more by lowering the standard of healthcare that [California women] will be dealing with. Healthcare that will -- could cause more fatalities...more of them to die or suffer serious medical harm. I hate to see legislation that does that to anyone, and I think people of faith need to speak out and oppose this legislation.

The Pacific Justice Institution doesn't appear to care about consistency, and that in and of itself is just one more area where the Pacific Justice Institution appears to come up short on integrity and intellectual honesty.

Their arguments may be inconsistent, and they show humanity when confronted with humanity, but then outside of space where they're directly in contact with actual trans people and their families they revert to arguments that demonize trans adults and youth.

And that's worth noting. When it comes to how they talk about trans female youth, the organization doesn't seem to be able to hold its ground when confronted by trans people, or the parents of trans youth, and stay intellectually honest. If Tim Lefever, Brad Dacus, and Matt McReynolds truly believed what they said about trans youth and people, then McReynolds should have been able to tell Cristan Williams and Jane Doe's mother directly that whenever Cristan or Jane Doe go to a public bathroom to do their business they're inherently harassing cisgender women and girls that may be in those restrooms with them.

In my mind what needs to happen is trans people engaging in direct action in front of PJI's offices in Oakland and Los Angeles. In a media event on the office doorsteps, trans adults and youth should calmly request that PJI staffers and board members come out of their offices and tell the assembled trans people -- to their human faces -- that they all are bullies and harassers when they use public restrooms that align with their gender identities.

Somehow, I don't think -- after listening to how Matt McReynolds interacted with The Transadvocate's Cristan Williams -- that PJI's people have the courage to do so...especially if television and print media were there to record them actually saying it.

Suggested citation

Autumn Sandeen. "Where PJI's Arguments Fall Apart In Florence, Colorado." TransAdvocate, November 10, 2013.
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