

# **Queerblind Rhetoric in Anti-LGBTQ Politics**

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## Abstract

Anti-LGBTQ movements have gone through different phases in the United States as they have targeted homosexuality generally, same-sex marriage, and same-sex adoption. Despite the increasing acceptance and visibility of LGBTQ identities over the past twenty years, this anti-LGBTQ movement continues today, targeting what kids learn about in schools and LGBTQ youth generally. In this thesis, I research how opponents of LGBTQ rights frame their arguments in order to appeal to a more tolerant American public. Specifically, I analyze the rhetoric of anti-LGBTQ curriculum policies and anti-LGBTQ activism from 2022 and from an earlier period spanning from the 1970s to the early 2000s. I find that both policies and activism have changed their rhetoric to become more *queerblind* – intentionally avoiding terms or assigning value to LGBTQ identities. This queerblind theory is further developed by looking at how scholars have analyzed racially colorblind rhetoric that is more prevalent in modern-day racism and rhetoric. I argue that queerblind rhetoric has become more prevalent due to a more tolerant public and due to queerblindness being a more politically strategic opposition to the LGBTQ rights movement.

## **I. Introduction: Why Study Queerblindness?**

The past few decades have seen a huge wave of LGBTQ reforms, from outlawing sodomy laws in 2003 to legalizing gay marriage in 2015. Public support has also increased as support towards lesbians and gay people doubled in the last three decades and support for transgender people increased by 40% from 2005 to 2011 (Flores, 2014). But despite these successes, there have been some notable setbacks to the LGBTQ community, especially concerning schools and LGBTQ youth, with LGBTQ education being the most controversial issue for parents in public schools (Miller & Paris, 2022).

This has led to increasing “Don’t Say Gay” bills, book bannings, laws allowing parents to opt out of inclusivity lessons, and policies barring trans youth from bathrooms, locker rooms, and sports teams aligning with their gender identity. This shift towards more anti-LGBTQ policies has been described as a countermovement, one primarily run by the Christian Right (Wilcox, 2020). The successes of the gay rights movement and the progressive changes in the law have led to a cultural backlash against LGBTQ rights whose impact today is seen in controlling what kids learn about in the classroom. What is less clear is how this backlash gained so much support.

### **Queerblind Theory**

#### ***How Do Opponents of LGBTQ Rights Frame Their Arguments?***

This thesis investigates why, despite clear public support for LGBTQ communities, are these anti-LGBTQ curriculum laws getting passed. Since the 1990s, gay marriage has been deemed more and more acceptable with 71% of Americans believing that it should be recognized by the law as valid in May 2022, compared to only 50% in 2012 and 34% in 2000 (Gallup, 2023). Even more conservative-leaning states like Nebraska have public opinion surveys siding

against LGBTQ discrimination, with 64% of people opposing laws that allow business owners to deny services to gay people (Kazyak, Burke, & Stange, 2018). It is clear that people are becoming more accepting of LGBTQ rights, so why are contemporary anti-LGBTQ laws so successful?

In order to investigate this question of why, I am asking *how* the laws and the issues themselves are framed to appeal to contemporary Americans. Since public opinion overall has become more accepting of LGBTQ rights, the reason for the laws' success is not in how the public has changed but in how the laws and anti-LGBTQ activists frame their arguments to appeal to wider, more tolerant audiences. This means looking into the ways the policies are written and how the anti-LGBTQ activists talk about these issues. Through investigating the anti-LGBTQ frameworks, I hope to gain insight into the contemporary backlash against LGBTQ rights that uses young people and schools as targets for changing the culture of LGBTQ acceptance.

### ***Queerblind Frameworks***

The main theory I propose as an answer to the question of how anti-LGBTQ arguments are framed is that they use what I call *queerblind* frameworks. Queerblind frameworks refer to any argumentative frameworks that either avoid using terms related to gender and sexuality or any argument that attempts to appear neutral and unbiased against LGBTQ people. This framework is comparable to colorblind arguments which have been analyzed by scholars in the past as a way to understand contemporary racism. Colorblind frameworks similarly avoid racial terms and deny systemic racism in order to oppose racial progress. Though I do not believe that race and LGBTQ issues are interchangeable, nor would I claim that "gay is the new black" as some have purported (Kearl, 2015), I do think that the colorblind framework is a good way to

understand anti-LGBTQ arguments and unpack the complex layers of discrimination experienced by marginalized communities.

In order to understand queerblind rhetoric, I analyze the different anti-LGBTQ arguments and identify the different ways in which they are used. Arguments calling homosexuality a sin versus arguments claiming LGBTQ rights limit religious freedom may have the same goal, but one appears far more tolerant than the other. I propose that more and more arguments try to appear less homophobic or transphobic by basing their logic on something other than LGBTQ identities being inherently immoral. As with colorblind rhetoric becoming more popular over time, I also hope to show how queerblind rhetoric has grown more popular by looking at the frameworks used in the 1990s compared to frameworks used today.

### **How to Study Queerblindness**

In order to study queerblindness, I focus on anti-LGBTQ policies and activism first from the 1990s and then from the more recent wave in 2022. By analyzing policies and activism from these two time periods, I uncover to what degree queerblindness is a newer phenomenon or one that has existed for a while. I argue that the reason contemporary anti-LGBTQ laws are more successful is because they have become more queerblind.

Before going into the research itself, in Chapter 2, I more thoroughly develop my theory of queerblind rhetoric by identifying the different anti-LGBTQ frameworks and by investigating the connection between colorblindness and queerblindness. Through looking at colorblind rhetoric, I gain insight into how scholars have investigated colorblind rhetoric and frameworks. This serves as a basis for my own theory of queerblindness as it will indicate the different ways that queerblind arguments may manifest as well as how they could differ from racial colorblindness.

In Chapter 3, I rhetorically analyze anti-LGBTQ curriculum policies from the 1990s up to today. Rather than looking at all types of anti-LGBTQ policies, I focus solely on curriculum laws as those have grown in prominence in the past few years and can be compared to earlier laws of the 1990s, unlike the laws targeting transgender youth which have only been enacted in the last few years, and therefore cannot be analyzed in how they have changed over time. I analyze the anti-LGBTQ curriculum policies across the U.S. that are either still technically on the books or using significantly queerblind or queer-conscious language. By investigating the same kind of law over different spans of time, I see the full spectrum of anti-LGBTQ rhetoric used in policies.

In Chapter 4, I investigate how activism has changed over time, broadly looking at activism beginning in the 1970s up to today. By looking at two different time periods of activism, I am again able to see the full range of anti-LGBTQ rhetoric and see how rhetoric has become more queerblind over time. Unlike previous research, I am investigating secular anti-LGBTQ groups as well as the activism of the religious right in order to understand how both types frame their arguments. By looking at these different forms of activism, I hope to show how anti-LGBTQ activism may provide queerblind frameworks that are different from those used in policy rhetoric, as policies use more elitist, “unbiased” language. Through analyzing the different forms of anti-LGBTQ activism, I show how queerblindness can appear in more religious frameworks as well as in secular frameworks.

In the concluding chapter, I hope to give some answers as to whether queerblindness exists, and more importantly, how best to respond to this change in rhetoric against LGBTQ people. Through analyzing these arguments and recognizing the underlying frameworks in this way, I hope to show what is so appealing about these arguments and what that may say about the culture as a whole with regard to LGBTQ rights.

## **II. Literature Review and Queerblind Theory**

In order to support my claim that opponents of LGBTQ rights use queerblind rhetoric to pass anti-LGBTQ laws, I investigate the connection between colorblind racism and queerblind arguments. Colorblind racism uses race-neutral terms in order to deny systemic racism and oppose racial reforms. Queerblind rhetoric works to pass discriminatory laws by avoiding terms related to LGBTQ identities and by denying any homophobic or transphobic intentions. In order to develop and understand queerblindness, I look to colorblind racism as the closest theoretical concept to what I am trying to define. Scholars studying colorblind racism have identified various frameworks of colorblindness and how they are used. I connect these colorblind frameworks to LGBTQ arguments and also show how they may differ. Then, I identify and analyze the different anti-LGBTQ frameworks and how they can be both queerblind and queer-conscious. By identifying these frameworks, I can then show how they are used in anti-LGBTQ policies and activism from the 1990s to today.

### **What Colorblind Arguments Teach About Queerblindness**

Colorblind arguments are those that attempt to take race out of the argument entirely, claiming that race is no longer a systemic issue and that racism only exists in overtly discriminatory practices. This kind of racism has always been a part of American history, though literature identifying colorblind racism has only gained traction after the Civil Rights Movement. Eduardo Bonilla-Silva separates colorblind frameworks into four different categories: abstract liberalism, cultural racism, minimization, and naturalization. By looking at Bonilla-Silva's categorization as well as what other scholars have said, I evaluate how colorblind frameworks are used and what that may tell us about queerblindness.

#### ***Abstract Liberalism***

Abstract liberalism uses concepts related to political and economic liberalism to oppose practical efforts toward racial equality. This can mean using ideas like equal opportunity to oppose affirmative action or ideas like individualism and meritocracies to defend white privilege. By framing racial issues in this way, the arguments appear more reasonable and morally sound (Bonilla-Silva, 2018, pp. 58-64).

Abstract liberalism can be seen in laws, as Kimberlé Crenshaw shows in her critique of anti-discrimination laws from after the Civil Rights Movement. Though these laws provided a formal elimination of racism, they ended up perpetuating a material subordination of black people who continued to feel the ramifications of Jim Crow laws. Though the laws had good intentions of anti-discrimination, they still assume a kind of meritocracy and equal playing field which makes racially unequal outcomes more dismissable by the wider public (Crenshaw, 1988). By assuming meritocracy and racial equality outside of formal racism in the law, colorblind laws can get away with failing to prevent racial discrimination.

Anti-LGBTQ policies work differently from these colorblind laws identified by Crenshaw, as the LGBTQ policies do not experience this indirect impact due to systematic oppression. Still, there are other ways in which abstract liberalism is prevalent in anti-LGBTQ rhetoric. The use of concepts like “equality” and “freedom” has become more and more popular as a way to delegitimize LGBTQ rights. Groups like Moms for Liberty (2022) ground their arguments in concepts like parental rights and freedom of speech in order to justify denying rights to LGBTQ people. Anti-LGBTQ policies also base their logic on abstract liberalism, such as the Parental Rights in Education Act (2022) using the idea of parental rights to push an anti-LGBTQ agenda. These arguments clearly oppose LGBTQ rights but can appear reasonable



as they do not directly fault LGBTQ identities, only how those identities may decrease freedom, fairness, or equality.

### ***Cultural Racism and Naturalization***

Other frameworks that Bodilla-Silva identifies are cultural racism and naturalization. The cultural racism framework uses claims about the culture of minority groups to justify racist generalizations. This can mean claiming that some racial groups are lazier or more prone to crime than others. Cultural racism is built off of the earlier framework of biological racism which describes biological differences between racial groups so that some are superior to others. The naturalization framework is similar to cultural racism but instead of citing cultural differences, this framework claims that racial groups naturally want to stick together and do not like to intermix. This is used more when justifying segregation, gentrification, or interracial marriage (Bonilla-Silva, 2018, pp. 64-70). These frameworks are colorblind as they use culture and nature as reasons for racist beliefs rather than openly admitting to viewing minority groups as inferior to whites.

The cultural racism framework can be seen in the justification of racially discriminatory laws and practices that Michelle Alexander investigates in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Alexander looks at colorblind racism within the criminal justice system and how it has led to racially discriminatory laws and practices. An example of this is giving law enforcement the discretion to stop and arrest whomever they want for drug charges, leading to conscious or unconscious racial discrimination which cannot be challenged in a justice system that upholds colorblindness. Alexander argues that this colorblind justice came about as a way to maintain a racial hierarchy after the Civil Rights Movement by creating a “race-neutral” language that is able to maintain the caste system from Jim Crow

without mentioning racial groups (p. 50). This new system replaces explicitly racial terms with “law and order” or “hard on crime” ideologies. This led to laws that disproportionately impact black and minority communities, despite people of color being no more likely to be guilty of drug crimes and other offenses than white people. Though the laws themselves do not explicitly reference cultural differences in minority groups, the dialogue surrounding hard-on-crime laws often pointed to some innate cultural differences that caused minorities to be arrested, rather than looking at laws and practices themselves. Some of this culturally racist language includes describing black women as “welfare queens” and black men as “predatory” in order to justify their economic and criminal status as being about culture or nature rather than systemic issues (p. 61). This version of cultural racism perpetuates racist practices and justifies existing racist laws, though does not initially appear racist due to the omission of racial terms (Alexander, 2010).

Keeanga-Yamahtta Taylor similarly talks about the post-civil rights era of colorblindness and how the rhetoric and framing of colorblind arguments would place the blame of racial disparity not on institutional racism but on the cultural and moral differences of black and other minority groups compared to whites. Taylor again gives the example of terms like “welfare queen” and the “strapping buck” to reference black people, without openly calling them black stereotypes (p. 52). This language allows people to justify racist policies and practices, and rather than blaming the institutions, they blame the “cultural” differences that cause more black people to be arrested or impoverished (Taylor, 2016, pp. 51-73). By slyly using terms and stereotypes associated with racial minorities, these laws and practices are able to appear less racist than they actually are.

This use of culture or nature to defend racist practices can also be seen in how people may indirectly reference queer culture or the nature of queer identities to justify LGBTQ

discrimination. Cultural rhetoric is used when describing queer issues as more sexually explicit and unsuitable for children. This is also seen when gay men and transwomen are described as predatory or sexually deviant (Bryant, 1977). By denying black people the ability to be seen as full human beings beyond these cultural stereotypes, people are able to justify economic and criminal justice disparities. And by denying queer people the same, LGBTQ discrimination can continue under the guise of queer sexual deviance. Though both perpetuate untrue and harmful stereotypes, the political results differ as colorblindness targets crime and economics while queerblindness targets schools and job discrimination.

### ***Minimization***

Bodilla-Silva's minimization framework acknowledges some explicit racial problems, but minimizes racism as a systemic problem in the U.S., suggesting that racism no longer impacts the opportunities minorities can get. People using this argument will acknowledge obvious racial incidents, but write off other claims of racial discrimination as people being too sensitive and "using the race card" (Bonilla-Silva, 2018, pp. 70-74). Keeanga-Yamahtta Taylor (2018) also describes how this minimization of racism is used to "elevate and amplify politics that blame Blacks for their own oppression" (p. 72). The colorblindness here is in the denial of systemic racism, and using that colorblind ignorance to justify not addressing racism on a systemic level.

Minimization can also be found outside of politics and inside educational institutions with authors like Mica Pollock investigating how teachers, parents, and administrators argue against race-conscious practices in schools. He finds that many argue that acknowledging race makes for more harm than good, and it is not so much of a problem to have to be brought up in schools. Within the particular schools that Pollock looked at, he found that the main issue was the belief that there is no lack of opportunities for students of color, thereby maintaining that

schools should be colorblind (Pollock, 2010). These schools claim race is not so much of a problem in contemporary society, so it should not be talked about in schools. This is racially colorblind as it acknowledges that racism exists, but denies its wider impact on individuals and in schools and society at large.

This minimization framework is also found in some anti-LGBTQ arguments. In the 1990s, many people described anti-discrimination laws for LGBTQ people as unnecessary, with groups like the Christian Coalition calling them “special rights” (Reed, 1990, p. 91). This delegitimizes LGBTQ rights and minimizes the discrimination queer people face. Today, people may still minimize the importance of LGBTQ rights by showing acceptance towards *some* rights (i.e. marriage) but find other rights to be too political (i.e. LGBTQ education in schools). Though both these frameworks acknowledge discrimination and bigotry in particular instances but minimize systemic and cultural problems in order to deny any extension of rights.

### ***Colorblind Frameworks***

The four frameworks of abstract liberalism, cultural racism, naturalization, and minimization all deny racism as a systemic issue in order to perpetuate racially discriminatory practices and pass racially discriminatory laws. Though colorblindness manifests in these different ways, it consistently makes efforts towards denying racism and avoiding overtly racist rhetoric. These same ideas can be found in queerblindness as it similarly avoids bigoted language and minimizes the importance of LGBTQ rights. I continue to look to colorblind frameworks as an analytical tool for how queerblind frameworks and queerblind language may play out in policies and activism.

### **Anti-LGBTQ Arguments**

I argue that queerblindness underlies many anti-LGBTQ strategies, but despite this, there are a number of overtly homophobic and transphobic arguments still being made today. Because of this, this section not only examines queerblind arguments but looks at queer-conscious arguments that make overt claims about the validity and morality of LGBTQ identities. I analyze six different anti-LGBTQ frameworks and identify their various degrees of queerblind rhetoric. To start, I evaluate the frameworks that intentionally describe LGBTQ identities as wrong, using biblical arguments and heteroactivist arguments. Then, I look at the more queerblind frameworks which include sexualization arguments, religious freedom arguments, parental rights arguments, and special rights arguments. This analysis gives insight into the ways queerblindness may appear in policies and activism.

### ***Biblical Arguments***

This first framework uses God and religious concepts to deny the validity and humanity of queer people. This can mean claiming that God made men to love women, or saying that people were assigned their gender by God. There are many different formations of these arguments, and they rarely, if ever, try to hide their negative views of LGBTQ identities.

This framework has been explored by many scholars who have studied the religious right. Tina Fetner looks at how biblical arguments and the religious right have shaped responses from LGBTQ activists. Fetner shows how the religious right always identifies itself as moral while identifying homosexuality as sinful and wrong, justifying these claims with Bible verses and traditional religious practices. These claims led to a kind of culture war in the 1990s where people either chose to side with the “traditionally moral” religious right or with the inclusivity-focused LGBTQ activists (Fetner, 2002, p. 102). The arguments Fetner identifies divide people into the camp of religious and moral or the camp of queer and sinful.

Victoria Clarke is another scholar looking at these biblical arguments with reference to gay and lesbian parenting. Clarke describes biblical arguments as anything that cites God or the Bible as a reason to oppose homosexuality. Since you cannot empirically disprove God's plan, it is not easy to argue against biblical arguments (Clarke, 2001). This rhetoric is evident in how groups like Focus on the Family make statements about "God's plan" to explain why being transgender or queer is unnatural and wrong (Focus on the Family, 2023).

These biblical arguments define queerness as wrong (sinful) and unnatural (against God's plan) while placing Christian beliefs as moral and right. Biblical frameworks openly name and condemn queerness, and therefore cannot be called queerblind. The only comparable racial framework to this one would be those that condemn minority groups and openly uphold white supremacy. Even as there are some biblical arguments people use to justify racism, those are not used so frequently as those that deny the humanity of minorities by citing biology or nature. Biologically racist arguments are not widely used in mainstream American society today, showing how these claims are no longer accepted as reasonable arguments. The biblical arguments, though, are still utilized by religious right groups even if they are not as prevalent as they were from the 1970s to 2000s.

### ***Heteroactivism***

Another anti-LGBTQ framework is heteroactivism, which is a term coined by Catherine Nash and Kath Brown. Heteroactivist arguments value tradition and family, placing heterosexual relationships and gender normativity as the cornerstone of civilization and contemporary Western society. Though this argument is rooted in seeing queer identities as immoral and unnatural, it focuses more of its rhetoric on describing the value of tradition and the fear behind normalizing LGBTQ identities. These arguments are often found in reference to religious tradition, but it does

not necessarily have to connect to the religious right (Nash & Brown, 2020). An example of this would be calling homosexuality unnatural or abnormal, praising heteronormative traditions, or claiming that marriage can only be between a man and a woman.

Heteroactivist rhetoric also focuses on inciting fear surrounding LGBTQ identities as they disrupt the wider heteronormative culture. Leslie Smith describes this as a rhetorical strategy she calls chaos rhetoric which uses fear and anxiety to generate sympathy for a particular cause. Smith shows how chaos rhetoric frames the religious right views surrounding sexuality and gender as mainstream American norms while describing homosexuality as an attack on those norms (Smith, 2014). Inciting fear and upholding tradition make up heteroactivist rhetoric and are usually used to overtly condemn LGBTQ identities. Still, there are ways in which this framework can be queerblind by upholding the sanctity of heterosexuality and tradition, without making any clear reference to LGBTQ identities. This can be seen in policies that subtly define marriage as between a man and a woman (Rosky, 2017) or just through idealizing heteronormative traditions.

This framework clearly depicts homosexuality and other queer identities as immoral, while depicting heterosexual, cisgender identities as normal and good. Similar to biblical arguments, there is no way to compare this to colorblind arguments since heteroactivism is so direct and because it centers around the value of heterosexuality and gender normativity. A race-conscious argument centered around idealizing the more racist past may be closer, but again, those types of arguments are less permissible than heteroactivist arguments are today.

### ***Sexualization Arguments***

The sexualization framework, similar to heteroactivist arguments, can be presented in ways overtly condemning queerness as well as in ways that are more queerblind. I described

these arguments earlier as it relates to cultural racism arguments which describe black people in particular as having cultural differences that lead to political and economic differences. For the LGBTQ framework, these arguments do not focus on queer culture broadly, but on how queer people are inherently hypersexual. This means describing LGBTQ issues as “sexually explicit” (Stop the Sexualization of Children Act, 2022) or describing particular groups as more sexually “deviant” (Bryant, 1977). Early versions of this rhetoric from the 1970s through the 1990s describe homosexuality as predatory, perverted, and unnatural. Many scholars have noted this predatory rhetoric used to describe gay men and now transwomen (Fejes, 2008; Stone, 2016), showing a shift in who is being sexualized. This sexualization framework is also described by Didi Herman as “old moralist” as it describes queerness with reference to “disease and seduction,” placing homosexuality as an immoral sexual “lifestyle,” rather than an identity (Herman, 1997, p. 18). These ways of describing queer people are not queerblind as they make obvious homophobic and transphobic claims rooted in sexualizing these identities and connecting them to disease and exploitation.

This framework can also be used in queerblind ways, however, by claiming that LGBTQ education is not age-appropriate or is potentially harmful to children. Amy Stone describes these arguments as “child protectionist claims” as people cite protecting children from sexually explicit content as reasons for limiting LGBTQ rights (Stone, 2016). Unlike the queer-conscious forms of sexualization, this version tries not to make explicit reference to queer people and instead just states that children should not learn about sexually explicit content regarding gender and sexuality – obviously referencing genders and sexualities outside of the heterosexual and cisgender norm.



Whether openly sexualizing these identities or not, this argument is used again and again to discriminate against queer people. As noted earlier, this argument relates to the racially colorblind arguments that reference culture or nature and assumes some inherent differences in the oppressed group. They both use nature, culture, or inherent traits to justify dismissing discrimination and limiting equitable solutions.

### ***Religious Freedom***

The religious freedom framework argues that increasing LGBTQ rights in schools and teaching about queer issues goes against fundamental religious beliefs, thereby denying people their religious freedom. This framework is queerblind, as it avoids condemning LGBTQ identities and instead focuses on freedom of speech and Christian victimization.

This kind of framework is used a lot in schools with issues related to school prayer, intelligent design, sex education, and, of course, LGBTQ education. For all these issues, the religious freedom framework describes how teaching these issues prevents students and teachers from practicing their religion. Ian Macgillivray looks at how this framework has been used in schools, showing how teachers and parents argue that inclusivity lessons prevent people from holding anti-LGBTQ beliefs, which therefore restricts their ability to practice religion (Macgillivray, 2012). By presenting inclusivity and LGBTQ education as an issue of religious rights, these parents and teachers can get away with making homophobic and transphobic arguments that appear more acceptable.

The religious freedom argument also reframes anti-LGBTQ beliefs to be about the persecution and discrimination of Christians rather than being about the discrimination of LGBTQ people. Hannah Dick describes this Christian victimization rhetoric by looking at anti-LGBTQ activists response to secularization and reform. She shows how this rhetoric has

been used by groups like the Moral Majority in the 1970s and 1980s up to groups like Alliance Defending Freedom today (Dick, 2021). These arguments have been used as a legal strategy, using the First Amendment to argue over other cases beyond just sexuality but also abortion, sex education, school prayer, and rental housing (Brown, 2002). Through narrowly viewing Christian persecution in these ways, religious freedom is less about practicing religion and more about the perceived threat of increased secularization and acceptance of LGBTQ people.

This framework is clearly connected to the biblical framework and may be a more digestible, queerblind version of it. Many scholars have acknowledged how the biblical framework is becoming less and less successful due to the increasingly secular public. Clyde Wilcox argues that the Christian right has failed to change the overall public opinion on several issues because of how they associate religion with exclusion and partisanship (Wilcox, 2020). Didi Herman also investigates the theological roots of the Christian right, finding that the larger Christian community may not agree with the specificity of its deeply religious roots. This indicates that people use religious freedom arguments, not for theological purposes but more so to justify homophobic and transphobic beliefs (Herman, 1997). Though religious freedom may appear to be a legitimate legal argument, it stems from these more biblical arguments about the validity of LGBTQ identities.

By framing these more anti-LGBTQ beliefs as being about Christian persecution and practicing religion, this framework continues to be used to justify removing LGBTQ inclusivity practices and education from school curriculums. This framing around the idea of “freedom” is comparable to Bonilla-Silva’s colorblind framework of abstract liberalism as it uses similar concepts to justify denying rights to LGBTQ people. This continues to be relevant for other

queerblind frameworks which use ideas like equality, rights, and liberty to argue against LGBTQ rights.

### ***Parental Rights***

The parental rights framework claims that parents should have more of a say in how their children are being raised. For anti-LGBTQ arguments, this means saying that parents should be able to prevent their children from learning about LGBTQ identities. Many policies uphold these arguments, such as parental opt-out laws, which claim parents have the right to opt their kids out of inclusivity lessons, or the Parental Rights in Education Law (2022), which removes LGBTQ issues from the curriculum.

This framework is connected to the religious freedom framework as both attempt to keep LGBTQ issues out of schools on the basis that they take away rights from other people. Scholars have also noted how this framework is used by the Christian right as a sly way to uphold a religious freedom argument under a more widely accepted appearance (Hartman, 2013). Didi Herman (1997) also describes how the religious right has become more focused on these rights-based arguments, whether that be religious rights or parental rights, moving away from “old moralist” arguments and towards “new pragmatist” arguments (p. 18), moving more and more towards queerblindness. Though parental rights are more secular, there is clearly some connection to the earlier religious arguments.

Even if this argument is fundamentally related to the religious right, there are ways in which the parental rights argument is different and worth seeing on its own terms. Ian Macgillivray interviewed parents and teachers about the expansion of LGBTQ rights in schools who worried that public schools undermine the parents’ ability to instill their beliefs in children (Macgillivray, 2008). Though these parents and teachers may be religious, their arguments are

not explicitly referencing Christian beliefs. These more secular arguments can appeal to people who do not necessarily agree with the religious freedom framework but do believe parents have a right to raise their children as they see fit.

This framework is again similar to the colorblind framework of abstract liberalism as it uses liberal ideas like freedom and human rights in order to hide homophobic beliefs. The phrase “parental rights” is agreeable by itself as people accept that families should have a say in how children are brought up, even though many would not agree with an anti-LGBTQ stance.

### ***Special Rights Arguments***

The special rights framework has been used as a way of saying that LGBTQ rights are “special rights” that queer people do not deserve. The claim is that these rights go against the values of equality and fairness as giving LGBTQ people rights is a kind of special treatment. This framework has been used for a long time as a way to go against LGBTQ activism and anti-discrimination laws, stating that they are part of a “special rights agenda” (Reed, 1996).

This framework is used to make voters and the public question the demands made by LGBTQ activists and whether these demands are fair. Much of the early anti-LGBTQ rhetoric described LGBTQ identities as a “lifestyle,” separating LGBTQ identities from immutable characteristics like race. This framing of LGBTQ rights as special and chosen makes people more likely to question the validity of LGBTQ rights (Haider-Markel & Joslyn, 2013). Earlier rhetoric also often describes gay men and women as superior economically, stating that rights should not be rewarded to people who are already better off (Gluckman & Reed, 1997). Special rights were especially used in the 1990s to express why LGBTQ rights are invalid and unfair, again bringing in these concepts of fairness and equality to argue against LGBTQ rights.

Though the phrase “special rights” is no longer used in contemporary anti-LGBTQ arguments, there are still ways in which this framework continues. In school settings, some people describe LGBTQ rights as unfair, echoing the idea that LGBTQ rights are special rights. Macgillivray looks at responses to the LGBTQ reforms with some teachers and parents referencing religious or parental rights, while others state that talking about LGBTQ issues in schools would serve more to disunify people and draw out differences. They claim that this would foster inequality and unnecessarily reward certain identities and beliefs (Macgillivray, 2008). There are also scholars looking at arguments from teachers that state that the “special treatment” (p. 41) LGBTQ people are given goes against ideals of equality as it asks teachers and parents to put aside their own rights and beliefs in favor of the beliefs of a small minority (Kazyak, Burke, & Stange, 2018). By making LGBTQ rights in schools out to be unfair and unreasonable, the people making these arguments do not appear to be as anti-LGBTQ as they are.

Though describing LGBTQ rights as “special rights” may not always appear queerblind, there are many ways in which minimizing the need for LGBTQ rights and referring to LGBTQ rights as unfair can appear appealing and reasonable. This framework relates to colorblindness both in Bodilla-Silva’s minimization framework and his abstract liberalism framework. Special rights similarly minimize the need for LGBTQ rights and the extent to which LGBTQ people are oppressed. Special rights also used liberal concepts like equality and fairness to justify discrimination against LGBTQ people. Though the racially colorblind arguments have more specific goals, they both similarly minimize racism and homophobia or transphobia to show why passing anti-discrimination laws is unnecessary.

### ***Anti-LGBTQ Frameworks***

These anti-LGBTQ frameworks are all still used today to different degrees. Though they have become less common, some still use queer-conscious arguments that explicitly refer to LGBTQ identities as anti-God or unnatural. Still, there are far more queerblind arguments that have come up through this research as I show in the policy and activism chapters. These queerblind frameworks all attempt to reframe these homophobic and transphobic arguments so that they appear to be about protecting the rights of others, whether that be parents, Christians, or children. They also minimize the importance of LGBTQ rights by calling them “special” and unfair. These frameworks are not easy to argue against but certainly have had an impact on how people view LGBTQ rights, especially LGBTQ rights in schools.

### **Emerging Colorblind and Queerblind Frameworks**

This section will briefly analyze some emerging frameworks that I have seen in arguments about teaching race and LGBTQ issues in schools. There is not a lot of literature about either of the two frameworks I have identified, but they are worth looking into due to their colorblind and queerblind rhetoric and their relevance to anti-LGBTQ curriculum laws. These frameworks center around how teaching about race and LGBTQ issues is too uncomfortable, complicated, and controversial to be talked about in schools. These arguments can be found in the policies and activism related to race and LGBTQ issues as both frameworks can be colorblind and queerblind.

#### ***Comfortability***

The comfortability framework is more related to racial colorblindness as it is used to avoid topics related to race as it makes white people uncomfortable. This framework argues that viewing everyone as equal and avoiding white resentment is more important than dealing with racial discrimination and our racist history. This comfortability framework can also apply to

LGBTQ issues as people claim that LGBTQ education is irrelevant to schooling and can foster inequality. The comfortability here has less to do with heterosexual kids, but with the parents and teachers who do not feel comfortable with kids learning about LGBTQ issues.

Some scholars have shown how the comfortability framework is used by teachers and parents to avoid teaching race-related issues in schools. Marianne Modica reports how the fear of being called racist or the discomfort in talking about race has led to a colorblind approach in many schools. Modica shows how this kind of education leads to disparate outcomes for students of color and other significant limitations in recognizing and preventing bias (Modica, 2015). Still, many people advocate against multicultural education due to cases of white resentment and discomfort (Apfelbaum, Norton, & Sommers, 2012). By framing race education as irrelevant to schooling and uncomfortable for white students and teachers, people can hold colorblind views that lead to racially discriminatory outcomes. Similarly, by looking at LGBTQ education as irrelevant and uncomfortable to talk about, opponents can hold discriminatory views without being held accountable.

### ***Political Arguments***

The political arguments are those that claim that race or LGBTQ issues are too divisive and political to be talked about in school. This comes up a lot when people use words like “indoctrination” to describe education surrounding race, gender, or sexuality in schools, making it appear too political and inappropriate for children. This is clear when looking at the discourse surrounding Critical Race Theory and how critics describe it as teaching white kids that they are oppressors and teaching kids of color that they are oppressed (Morgan, 2022). Describing education surrounding race in this highly politicized way makes parents understandably uncomfortable. This same kind of framework is used in the discourse surrounding LGBTQ issues

in schools, presenting it as radical and highly political. These political arguments can be colorblind and queerblind in how people can be against politics in the classroom while not having to admit to being anti-black or anti-LGBTQ.

### **Colorblindness and Queerblindness Compared**

It is clear that colorblind literature can give some insight into how to view anti-LGBTQ arguments. Colorblind arguments use various rhetorical methods to deny systemic racism within American society. These methods include upholding vague liberal concepts, referencing the cultural and natural tendencies of racial groups, and minimizing racism as a problem. The ways that colorblind racism is manifested in American society have been thoroughly investigated in scholarly works, though this same treatment has not been done with the comparable queerblind frameworks. Queerblind frameworks similarly work to avoid making value statements about LGBTQ and reframe their arguments to be about how LGBTQ rights take away the liberal values of freedom, equality, and fairness. Both colorblind and queerblind rhetoric minimize the impact and importance of racism, homophobia, and transphobia today. Instead, they reframe who the victims are in contemporary society, with colorblind arguments claiming that white people are the victims of affirmative action and queerblind frameworks claiming that Christians are the victims of LGBTQ rights. It is clear that anti-black arguments today are less common as they are less widely permissible, but anti-LGBTQ arguments are still prevalent today, especially in religious right activism. Even so, today's rhetoric has shifted to be much more queerblind, utilizing those particular frameworks that I have outlined. The next two sections will look at how these different frameworks appear in anti-LGBTQ policies and activism, examining how queerblind rhetoric has grown over time.



### III. Anti-LGBTQ Curriculum Laws

This chapter examines two periods of anti-LGBTQ curriculum laws: laws spanning from 1987 to 2001 and the more recent bills and laws of 2022. The 1987 to 2001 period encapsulates this first wave of anti-LGBTQ curriculum laws, with the first law passing in 1987 and the last one in 2001. In 2022, new anti-LGBTQ curriculum laws were introduced and passed, establishing a new period of anti-LGBTQ curriculum laws. This chapter evaluates and identifies the various anti-LGBTQ arguments being made in these two time periods, showing how queerblind arguments have changed and increased over the years.

My focus on anti-LGBTQ curriculum laws is due to their recent popularity and significance within the culture. Opponents of LGBTQ rights clearly target schools and school curriculums to push their agendas, leading to this wave of laws in 2022. Anti-LGBTQ curriculum laws also tend towards queerblind rhetoric, unlike other modern laws that are more directly discriminatory. I chose the label “anti-LGBTQ curriculum laws” as a broad term to encapsulate any laws impacting LGBTQ students in the classroom. Other scholars have more narrowly called these “no promo homo” to describe any laws that discourage homosexuality in an indirect way (Eskridge, 2000). Today, curriculum laws are most famously referred to as “Don’t Say Gay” laws, as many laws prevent educators from talking about LGBTQ issues with their students (Movement Advancement Project, 2022). Though these categories have been popularly used within the literature, they do not encompass all the laws that may impact LGBTQ school curricula. I adopt a phrase similar to Clifford Rosky’s “anti-gay curriculum laws,” but since many laws from 2022 discriminate against transgender and gender non-binary people as well as gay, “anti-gay curriculum” is no longer completely applicable (2017). By using the term anti-LGBTQ curriculum laws, I refer to any laws that impact LGBTQ students through their

school's curriculum, whether that be banning certain topics or requiring that teachers condemn LGBTQ identities. I further categorize these laws into the anti-LGBTQ frameworks that I discussed in the previous chapter in order to understand the arguments being used and where queerblindness may fit in.

The first section goes over the laws spanning from 1987 to 2001, focusing on the laws that are still technically on the books and the laws that illustrate a particular anti-LGBTQ framework. The next section looks at the more recent laws and bills from 2022, including any law that has recently been passed, and any bills that gained a lot of attention. I show how laws are becoming more queerblind, using sexualization and heteroactivist frameworks at first and later focusing more on parental rights and political arguments.

### **Anti-LGBTQ Curriculum Laws: 1987-2001**

Anti-LGBTQ curriculum laws made the news in 2022 when Florida passed their law, but they have been around since 1987 when Oklahoma and Louisiana passed their curriculum laws (Oklahoma School Code, 1987; Education Code, 1987). States continued to write and pass anti-LGBTQ curriculum laws throughout the 1990s until 2001 when Utah passed the last one till 2022 (State System of Public Education, 2001). These older laws have some stark differences from what is seen in today's language, with more direct, homophobic rhetoric as well as different legal strategies behind the laws.

First, I show how the sexualization argument is used through their references to sodomy laws. Then, I evaluate how the AIDS epidemic was referenced in these curriculum laws, again using sexualization arguments and heteroactivism. Then, I examine the queerblind heteroactivist laws that indirectly reference homosexuality. The sexualization and heteroactivist frameworks,

though at times queerblind, indicate a view of LGBTQ people that is more disparaging and dismissive than what we see in today's language.

### *Sodomy Laws*

The state sodomy laws of the 1980s and 1990s criminalize homosexuality and were used as a basis in these curriculum laws to show homosexuality as unacceptable, immoral, and, of course, criminal. These laws inherently sexualize queer people by assuming homosexuality (and surely other queer identities) to be more sexually explicit and promiscuous than heterosexual identities. They also tend to uphold a heteroactivist argument by referring to homosexuality as unnatural and abnormal.

This trend of referencing sodomy laws began in Texas in 1991 with their statute requiring that educational programs for students 18 years and younger state that “homosexual conduct is not an acceptable lifestyle and is a criminal offense under Section 21.06, Penal Code” (Health and Safety Code, 1991). Another section over instructional education requires that sex education include “emphasis, provided in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under Section 21.06, Penal Code” (Health and Safety Code, 1991). Alabama uses nearly the same language in their law requiring that public schools state “that homosexual conduct is a criminal offense under the laws of the state” (Code of Alabama, 1992). The “criminal offense” mentioned in these laws is the sodomy law. Through this reference to the law, they make it clear that homosexuality is wrong without necessarily having to state it outright. Just by referencing sodomy, it is clear that homosexuality is an immoral sexual act that must be condemned in schools. The laws also use some heteroactivist language through phrases like “factual manner” and “public health perspective,” appearing more objective in their claims about

homosexuality as wrong and unnatural. These laws go beyond just banning LGBTQ discussions in schools but require the condemnation and discrimination of homosexuality. Sexualization and heteroactivism are used here in an effort to show how wrong and immoral homosexuality is, making it necessary that people advocate against it in schools.

Other laws that reference sodomy are less direct in their conclusions about homosexuality. Mississippi's 1998 law states that sex education must include "the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity" (Mississippi Code, 1998). With the "current state law" being a sodomy law, Mississippi is more subtle in its reference to homosexuality as illegal. Still, the inclusion of homosexuality in a list that starts with "forcible rape," attaches an undeniable stigma to homosexuality and equates it to immoral sexual acts like rape or pedophilia (Hoshall, 2013). Mississippi's sodomy law itself also conflates homosexuality with bestiality calling homosexuality a "detestable and abominable crime against nature committed with mankind or with beast" (Mississippi Code, 2013). Rather than overtly calling homosexuality unacceptable like Texas and Alabama, Mississippi requires only that the current law is taught; but through the rhetoric within the law, it is clear that homosexuality is treated as something hypersexual and immoral. Even if there is no direct reference to homosexuality, there is a clear hypersexualization attached to homosexual identities.

Laws that do not reference sodomy, like Louisiana's in 1987, can still be based on sexualizing homosexual identities. Louisiana's law states, "No sex education course offered in the public schools of the state shall utilize any sexually explicit materials depicting male or female homosexual activity" (Education Code, 1987). The logic behind this ban seems to be rooted in pairing homosexuality with "sexually explicit materials" and making homosexuality

out to be more explicit and shameful than heterosexual relationships. Though sodomy is not a part of this law, the sexualization argument is as it continues to hypersexualize homosexuality in order to ban its inclusion and acceptance in schools.

Underlying these laws, whether or not they reference sodomy, there is a heteroactivist assumption that homosexuality is wrong and heterosexuality is right. At the same time, they use people's sexualized assumptions about queer people as a basis for discrimination. Using sodomy laws gives not only a legal basis behind curriculum laws, they also perpetuate these sexualized assumptions and promote heteroactivism.

### ***How the AIDS Epidemic Impacted School Curriculum Laws***

This earlier period of curriculum laws also coincided with the AIDS epidemic and the misinformation surrounding AIDS and homosexuality. Many school curriculum laws reference homosexuality within this context, referencing AIDS as the only avenue in which homosexuality can be taught or as reasoning for why homosexuality should be avoided.

Many laws reference homosexuality solely within this context. Oklahoma's law requires that AIDS prevention education include "engaging in homosexual activity" as a cause for AIDS, and claims that avoiding said homosexual "activities" is a means of preventing the spread of the virus (Oklahoma School Code, 1987). North Carolina's law from 1995, which has since been repealed, also includes "homosexual acts" as a "significant means of transmission" for AIDS (Elementary and Secondary Education, 1995). South Carolina's law similarly states that there should be no discussion of "alternative lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases" (Comprehensive Health Education Act, 1988). This explicitly states that the only way to talk about homosexuality, and other queer identities, is through the lens of

transmissible disease. By only allowing references to homosexuality in this context, there is an automatic association between homosexuality and disease. This kind of rhetoric clearly places homosexuality as a cause of the AIDS crisis and further refers to homosexuality as a choice that can be avoided. The only acceptable way to talk about homosexuality in schools is as something harmful and unnatural, using the AIDS crisis as an empirical reason for why homosexuality is wrong. All these laws referencing AIDS utilize sexualization and heteroactivist frameworks by presenting homosexuality as a kind of promiscuous lifestyle and by only depicting and defining homosexuality as connected to disease

### ***Queerblind Heteroactivist Laws***

The last kind of law I include from this time period is less focused on outright discouraging homosexuality as it is in encouraging heterosexuality and heterosexual marriage. These laws are still heteroactivist as they promote traditional and heteronormative expectations, but can be queerblind by avoiding any direct references to homosexuality.

These laws tend to encourage heterosexuality while slyly pointing out the problems of homosexuality. North Carolina's law depicts the goodness of heterosexuality and the problems with homosexuality, stating that "a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including Acquired Immune Deficiency Syndrome (AIDS)" (Elementary and Secondary Education, 1995). This clearly uses heteroactivist logic, as it promotes heterosexuality and traditional marriage. South Carolina's law also prohibits discussing "alternative lifestyles" outside of heterosexual relationships, promoting heterosexuality through silencing references to homosexuality (Comprehensive Health Education Act, 1988). By only overtly promoting heterosexuality, these laws are often exempt from being called homophobic.

Many sex education laws also promote queerblind heteroactivism through their promotion of abstinence until marriage in which marriage is defined as being between a man and a woman. Rosky refers to these laws as the “largest and the most frequently overlooked” of all anti-LGBTQ curriculum laws (2017). Though they make no mention of queer identities, they still promote this logic of heterosexual superiority and implied homosexual inferiority. By only referencing the benefits of heterosexuality and traditional marriage, these laws appear unproblematic and nondiscriminatory even as they still reflect anti-LGBTQ attitudes. Even as these laws do not require that school curriculums condemn homosexual “lifestyles,” they still perpetuate a heteronormative standard that indirectly calls homosexuality unacceptable.

### ***Implications***

All these laws mentioned, aside from North Carolina’s, are in some way still on the books, though there is not a huge likelihood that jurisdictions will enforce curriculum laws that contradict the legal authority of the *Lawrence* (2003), *Windsor* (2013), and *Obergefell* (2015) cases. Still, as of 2017, Clifford Rosky found that some jurisdictions are still enforcing some of these policies. But regardless of the level of enforcement, these laws give insight into the arguments made at the time and the level at which homophobia was deemed acceptable in society.

It is clear how some laws directly confront homosexuality like Texas and Alabama calling homosexuality unacceptable and criminal, or Oklahoma and North Carolina’s associating homosexuality with disease. The heteroactivist and abstinence-till-marriage laws more indirectly forbid homosexual curriculum by favoring heterosexual monogamy. Some laws also avoid outrightly condemning homosexuality, just referring to it as an “alternative lifestyle” (1988).

This indicates that even during this time, there was some hesitation toward overt homophobia in some states.

Still, the heteroactivist and sexualization arguments of these laws reflect the attitude of the time that looked down upon gay people as choosing sinful lives that are unnatural and immoral. They teach children that homosexual identities are illegitimate and that the only way to avoid disease is through heterosexual marriage. Though some laws only focus on the benefits of heterosexual monogamy, the prevailing attitude of these laws is to denounce and delegitimize homosexuality. And despite not referencing queer identities beyond homosexual ones, these laws certainly invalidate any identities that go against the heteronormative expectation. This earlier time period worried less about appealing to a tolerant public or strategically passing laws. The next section shows how queerblindness became a more fundamental part of policy language in 2022.

### **Anti-LGBTQ Curriculum Policies in 2022**

Since the 2001 Utah law banned “advocacy of homosexuality” in schools, there have been no new anti-LGBTQ curriculum laws until 2022 in Florida. Florida’s Parental Rights in Education Act, colloquially known as Florida’s “Don’t Say Gay” law, seemed to begin a new policy trend towards anti-LGBTQ curriculum laws. During this gap, there were certainly some laws like parental opt-out laws which allow parents to opt out of lessons that cover LGBTQ material, but there were no laws specifically prohibiting LGBTQ lessons or discussions. Since Florida wrote out its bill, a number of other states have proposed bills and amendments of their own.

These new policies are different from those of the 1990s as they do not just focus on sexuality curriculum, but they also ban discussions of gender identity. The argumentative



frameworks are also different from the earlier era. The parental rights framework began as a basis for these anti-LGBTQ curriculum laws. Sexualization arguments continued to be a part of these laws, only with more queerblind language. Political arguments have also been fundamental in justifying anti-LGBTQ curriculum laws. I argue that these newer policies all exhibit some kind of queerblind rhetoric in order to appear less discriminatory, homophobic, and transphobic.

### ***The Emergence of Parental Rights***

The first anti-LGBTQ curriculum law to get passed in 2022 was Florida's Parental Rights in Education law. This law is seven pages long and requires that school districts notify and adhere to the parent's right to raise their children how they see fit. The law itself is mostly made up of when school districts must notify parents, such as any change to the student's health care services, any change to other student services, and any change that may impact a student's mental and emotional well-being. The brief reference to gender and sexuality in the law states, "Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards" (Parental Rights in Education 2022). Though most of the law is overwhelmingly focused on parental rights, the law itself is anti-LGBTQ, censoring any classroom discussion related to LGBTQ identities.

The logic of the argument draws itself away from making any moral claims about LGBTQ identities and instead rests on the idea that parents have a fundamental right to make decisions about the upbringing of their children. This line of argument is far more queerblind than the earlier laws as it attempts to hide any clear homophobic or heteronormative statements. Though still mentioning LGBTQ identities, the argument takes queer issues out of the conversation and reframes it as an issue of parental rights and child welfare. By only mentioning

sexuality and gender briefly in the seven-page document, they are able to hide their anti-LGBTQ intention through the much larger focus on parental rights.

This reframing of LGBTQ issues to be about parents and child welfare has continued beyond this one law, making its way into numerous bills and activist rhetoric. The emergence of this framework in the past few years shows a renewed effort towards queerblindness and queerblind frameworks that completely hide their anti-LGBTQ intention.

### ***Queerblind Changes to the Sexualization Framework***

Since Florida passed their law, other states have written out anti-LGBTQ curriculum bills and Alabama passed theirs. Many of these bills resemble earlier anti-LGBTQ curriculum laws as they are quietly included within larger school policy expectations. These newer laws also tend to use the sexualization framework, referring to queer identities as hypersexual in order to forbid their inclusion in school curriculums. Though this has been consistent throughout both periods of anti-LGBTQ curriculum laws, they have become much more subtle and queerblind now than they were in the past.

The modern sexualization bills seek to ban sexual materials, clearly meaning that they are banning LGBTQ materials. On the national level, a bill called “Stop the Sexualization of Children Act” has been introduced by Mike Johnson in October 2022. This bill attempts to prohibit any federal funds from going towards any “sexually oriented program, event, or literature” for children 10 and younger. The bill describes “sexually oriented” as “any depiction, description, or simulation of sexual activity, any lewd or lascivious depiction or description of human genitals, or any topic involving gender identity, gender dysphoria, transgenderism, sexual orientation, or related subjects.” This bill goes beyond schools by including libraries and any agencies that use federal grants. This also includes the potential firing of transgender teachers,

since any exposure to “transgenderism” counts as sexually-oriented. They also use a parental rights kind of argument when the bill states “parents and legal guardians have the right and responsibility to determine where, if, when, and how their children are exposed to material of a sexual nature” claiming that it is the parent’s right to teach children about these issues, not the government or public institutions. Even with this mention of parental rights, though, there is a dependence on the inherent “sexual nature” of queer identities, making it clear that it is because queer people are inherently more sexual that the material is too sensitive for public schooling. By subtly referring to queer issues as unsuitable and perverted, this bill could be used to discriminate and invalidate many groups of LGBTQ people (2022).

The ways this law sexualizes queer identities are also somewhat reminiscent of earlier, less queerblind laws. The definition of “sexually oriented” used in the bill lists LGBTQ issues alongside depictions of human genitals and sexual activity – conflating queer identities with these obviously explicit materials. This is similar to Mississippi’s 1998 law which lists homosexuality alongside forcible rape. Though this earlier law has more predatory implications, they both attempt to sexualize LGBTQ identities in order to make them appear unacceptable and perverted.

Still, this act does not make any overt reference to queer identities as being wrong or immoral, merely stating that LGBTQ issues are not appropriate for children to learn about. This shows how sexualization arguments have become more queerblind. People may say that they accept LGBTQ identities, but still associate queerness with sexual promiscuity and predatory behavior, thus making it necessary to shield that material from children. Because it is not directly calling queer people unacceptable or immoral, people can agree with this bill without feeling like they are actually advocating for homophobia or transphobia. It is framed as a way to protect

children from inappropriate content, which is widely agreeable. Though this bill is unlikely to pass, it still shows how these sexualization arguments have remained a logical basis for these laws, even if these newer arguments no longer rely on the AIDS epidemic or sodomy laws. It also shows the way that these laws not only impinge on the rights of queer people but perpetuate harmful stereotypes to make their point.

The sexualization argument has also been used by other states, such as Florida and Alabama. Florida's law focuses on what is "age-appropriate" and what is "developmentally appropriate" for children as a reason to exclude instruction and discussion about queer identities. The focus on "student welfare" in the law also implies that the purpose of the law is not to promote homophobic beliefs but to protect children (Parental Rights in Education Act 2022). Alabama's new law also does this as it includes sexual orientation and gender identity as not "age appropriate" for K-5 education (2022). Though not as obvious as the national bill, this kind of language implies that issues of gender and sexuality are too sexually explicit for children, even when learning about heterosexual and cisgender identities is perfectly okay.

Though some of these laws are very subtle in their sexualization of queer identities, they all use the unconscious assumption many people unfortunately hold that queer people are inherently more hypersexual in order to justify removing LGBTQ issues from school curriculums. Rather than directly referencing LGBTQ identities as more hypersexual, they indirectly refer to gender and sexuality as sexually explicit material, thereby being exempt from obvious discrimination and bigotry.

### ***Political Arguments***

The last contemporary argument that has come up in these anti-LGBTQ curriculum bills is the political framework. This framework justifies censoring LGBTQ education by referring to

it as too divisive and controversial. Some of this “age-appropriate” type of language I referenced before may be implying that teaching about gender and sexuality is too politically divisive for children. Some bills more directly address this idea of politics in the classroom with Ohio and Missouri’s bills claiming that issues of race and sexuality in schools are too divisive and unsuitable for children (Prohibits Discrimination in Education, 2022; Regards promotion, teaching-divisive, inherently racist concepts, 2022). Louisiana’s bill also uses more matter-of-fact language which doesn’t have a clear basis for the prohibition, simply stating, “No teacher, school employee, or other presenter shall cover the topics of sexual orientation or gender identity in any classroom discussion or instruction in kindergarten through grade eight” (H.B. 837, 2022). The ambiguity in some of these laws may be referring to LGBTQ identities as too sexually explicit, or they may be making an argument about their political divisiveness. These references to political divisiveness are newer in this rhetoric but similarly pose themselves as not being anti-LGBTQ but just worried about student welfare.

### ***Increased Queerblindness in 2022***

The bills and laws of 2022 all utilize queerblind frameworks in some way. The emergence of the parental rights framework was significant as it completely shifted the narrative away from LGBTQ rights and towards parental rights, reframing who is the victim and what is the problem. Sexualization arguments were also primarily queerblind by calling gender and sexuality sexually explicit rather than referring to specific identities as more hypersexual than others. The political arguments also refrain from naming specific identities and only refer to the topic of gender and sexuality as being too politically divisive. The use of these frameworks today clearly refrains from queer-conscious language, trying to cover any anti-LGBTQ language as being about something other than discrimination against queer people.

### **Queerblind Changes Over Time**

The difference in the language and scope of these laws compared to the earlier ones is significant. This can be seen in how Alabama repealed its 1992 law which explicitly claims that queer identities are unacceptable, only to pass a new law in 2022 that bans schools from teaching about gender and sexuality because it is not “age-appropriate” (2022). The first law bases its logic on the assumption that queer people are inferior, while the newer law bases its logic on the assumption that learning about queer issues is inappropriate for children. Both of these laws are rooted in homophobic beliefs, but one states it much more clearly than the other. The language and arguments here have shifted to be more queerblind, as explicitly stating that homosexuality is wrong is no longer going to find widespread acceptance or get through the political process. It is more beneficial today to argue that these topics are inappropriate, rather than arguing that being gay is immoral or wrong.

The laws from the 1990s also claim that queerness is a choice through the consistent use of the word “lifestyle,” implying that homosexuality is a lifestyle choice and a sinful one at that (Hoshall, 2013). The language in the newer laws does not make any clear or overt claims that refer to homosexuality as a choice, reflecting a change in how LGBTQ identities are understood and talked about today. The newer laws also do not use words like “homosexuality” and instead ban discussion of “sexual orientation” and “gender identity,” recognizing that there are identities beyond just heterosexuality and homosexuality. It is clear, though, that these laws are not banning sexual orientation as it relates to heterosexuality, or gender identity as it relates to traditional gender norms; instead, they are banning teaching about sexuality and gender as it relates to LGBTQ identities. By only broadly saying sexuality and gender, they avoid having to

mention the true intent and impact of these laws which is to prevent LGBTQ acceptance and to promote heteronormativity.

The use of sexualization arguments has remained consistent since the forming of anti-LGBTQ curriculum laws. These laws draw their logic from the assumption that queerness is inherently more sexual and shameful than heterosexuality. The earlier laws do this through their references to sodomy laws and through calling homosexuality explicit. These contemporary laws use terms like “age-appropriate” and “sexually oriented” to fuel the assumptions and stigmas that sexualize queer people. Even as they both use the same arguments, it is clear how today’s policy language much more subtly draws these connections and makes their arguments.

These older laws, for the most part, are making overt claims about the value and morality of queer people through their references to sodomy laws, the AIDS epidemic, and through the often disparaging language. There are some exceptions to this though. The split between direct and indirect laws that Eskridge examined indicates that there has been some form of queerblindness even during the 1990s (Eskridge, 2000). This was helped by the marriage laws of the time which allowed policies to subtly enforce heterosexuality without having to mention sexuality at all. Some laws also even look like they could have been written today, like Louisiana’s 1987 law which doesn’t claim that homosexuality is wrong or sinful, just that there can be no “sexually explicit materials depicting male or female homosexual activity” (Education Code, 1987). This clearly links homosexuality with explicit materials, but it does so in a way similar to today which avoids directly calling homosexuality sexual or predatory and merely implies it.

Despite the consistent queerblindness over time, it was not until 2022 that queerblind rhetoric became a fundamental part of these policies. Laws today use queerblind frameworks like

parental rights arguments and political arguments in order to justify their position. They also reframe the purpose of the law, not to be about limiting LGBTQ acceptance and exposure, but about the safety of children, the rights of parents, or the rights of teachers.

It is also important to take note of the bills that are not so queerblind. The national bill represents how people are still comfortable talking about LGBTQ people as hypersexual and predatory. Though not so explicit as earlier laws that call homosexuality criminal through reference to sodomy, they still make it clear that queer issues, and especially trans issues, are somehow more sexually explicit than heterosexuality and cisgender identities. The public is still comfortable with certain levels of homophobia and transphobia, whether that be through sexualization, political divisiveness, or prioritizing “rights” over LGBTQ acceptance.



#### **IV. How Anti-LGBTQ Activism Has Become More Queerblind**

The anti-LGBTQ curriculum laws would not have been so successful if it were not for the many anti-LGBTQ activist groups behind the scenes. This chapter examines the frameworks and arguments anti-LGBTQ activist groups have used, beginning with the earlier activism in the 1970s to the early 2000s up to the more recent anti-LGBTQ activism focusing on schools and LGBTQ youth. By analyzing anti-LGBTQ activism, I am able to identify the different types of anti-LGBTQ frameworks that are not found in policies, including the special rights framework and religious frameworks. As stated earlier, most of the literature on anti-LGBTQ or anti-gay activism has mostly centered around the Christian right. This chapter examines the Christian right's influence over time as well as how recent activism has begun shifting away from religion.

Through looking at earlier activism from the 1970s to the early 2000s, I examine how queerblindness was used at the time, and how today's activism has shifted more towards queerblindness. Early activism focused more on the biblical, sexualization, heteroactivism, and special rights frameworks, while later activism is more focused on religious freedom, parental rights, and political arguments. Sexualization frameworks are again prevalent throughout both periods, however later rhetoric is more subtle.

##### **Anti-LGBTQ Activism from the 1970s to the Early 2000s**

To start off, I examine how the religious right has formed its arguments in the past, going from the 1970s with Antia Bryant's activism till the early 2000s with groups like Focus on the Family. Within this span of time, the Christian right changed its arguments significantly, starting off with only using direct and openly homophobic arguments, eventually moving towards more political and strategic arguments in the 1990s and early 2000s. This section shows how even with

earlier activism, there was an intentional shift away from biblical, queer-conscious arguments, and towards more secular queerblind arguments.

***The 1970s and 1980s: Antia Bryant and the Moral Majority***

One figure famous for their opposition to the gay liberation movement is Anita Bryant and her “Save Our Children” campaign. Anita Bryant was a singer and pageant star from the 1950s into the 1970s when she became an outspoken anti-gay activist. She began this activism when Florida passed an ordinance banning discrimination based on sexual orientation in 1977. Bryant worked to repeal this ordinance with her “Save Our Children” campaign and was able to successfully repeal it later that year. Bryant’s success here was due to her mobilization of the Christian right through the use of biblical arguments and the sexualization of homosexuality.

Bryant continuously emphasizes her devotion to the Bible and how not only is homosexuality against Christianity, but homosexuals themselves. She states in a fundraising letter that she cannot stand by when “the homosexuals burn the Holy Bible in public.” Rather than quoting Bible verses, she more often just refers to homosexuality as a “sin” and claims that the nation as a whole is losing sight of “God’s moral law.” She claims that laws protecting homosexuality lead the nation astray, and that though homosexual acts are, “no longer criminal, *they are still sin.*” Beyond just making these religious claims, she makes claims about gay people generally, repeatedly calling homosexuals “militant” in her book, clearly making gay people out to be sinful and even sadistic, trying to spread their “evil influence” onto children (Bryant, 1977). By framing her claims as morally justified by God and framing homosexuality as anti-God and sinful, she successfully appealed to the Christian right’s base.

Anita Bryant also used sexualization arguments in her activism, having a particular focus on the dangers of homosexual teachers and homosexual influences on children. She claims in her

book that by making homosexuality more accepted by the general public, more kids will see homosexuality as “an acceptable life-style” (p. 155). She also claims that a “deviant-minded teacher could sexually molest children” (p. 155), clearly regarding homosexuality as pedophilic. This kind of argument is not unfamiliar, though it is jarring how explicitly Bryant refers to homosexuality as predatory and sadistic. Bryant often attempts to claim that she does not hate homosexuals or that she would not generalize about *all* homosexuals, but she makes a caveat on how this is about protecting children. By framing her argument in this way, she is able to appeal to parents and build fear surrounding gay people.

Another group from this time was the Moral Majority, which was a national organization founded by Baptist minister Jerry Falwell in 1979. Falwell worked alongside Anita Bryant in many instances and used similar arguments and frameworks as she did. Falwell describes in a newsletter how he was fighting against “the militant homosexuals who were trying to force their degrading lifestyle on innocent children there” (1979). This, again, describes gay people as upholding a predatory and sinful “lifestyle,” framing homosexuality as undermining the moral values of America. This statement also utilizes the sexualization argument, by framing the argument as being about protecting children from the dangerous homosexuals. This anti-gay sentiment goes even further to describe AIDS as “God’s punishment for homosexuality” (Wilcox, 2021). The Moral Majority continued Bryant’s fear-mongering rhetoric about the dangers and sinfulness of homosexuality, not posing any effort to appear queerblind.

Though Bryant and the Moral Majority primarily worked against anti-discrimination laws, they were also fearful of gay teachers and the potential politicizing of schools. This shows how schools have always been an important battleground for the anti-LGBTQ movement and the culture war. Falwell expresses his distaste for modern education stating, “the schools are steeped

in humanistic philosophy guided by atheistic and vulgar textbooks, rotten with drugs, sexual permissiveness and lack of discipline” (1979). Bryant, too, expressed her worries over gay teachers and spreading their “evil influence” (1977). Earlier activism still viewed schools as spreading harmful and overly political influences onto children.

These arguments first and foremost use Biblical frameworks to emphasize the sin of homosexuality and the morality of their Christian opposition. They also utilize sexualization arguments, showing the dangers of gay educators and using language that makes them appear to be grooming children into becoming homosexuals as well. They also use heteroactivism to show how the nation as a whole is in danger of becoming sinful through not continuing to uphold heteronormative values. These arguments do not go into the rights-based arguments that we see more today, and focus more on God and fear-mongering tactics. Bryant’s activism tapered off in the 1980s after getting a divorce took away some of her religious authority, and the Moral Majority also dissolved before the 1990s. Despite that, they still had a fundamental part in mobilizing the religious right and creating a basis for how to argue against LGBTQ rights (Fetner, 2008). In the 1990s, changes were made in order to appeal to more people rather than the narrow, but influential, base that Bryant and the Moral Majority built.

### ***Changes in the 1990s and early 2000s***

The 1990s experienced a big shift in the logical framework behind these anti-gay activist groups. Although groups like the Christian Coalition and Focus on the Family continued to use biblical arguments, heteroactivism, and sexualization, there were also new frameworks and strategies at the time. Amy Gluckman and Betsy Reed identify three ways in which the rhetoric of the 1990s changes. For one, the 1990s refocus on family rights rather than just focusing on religion. Then, they describe the special rights argument, which claims that anti-discrimination

laws are really just “special rights” for gay people, implying that homosexuality is not an immutable characteristic like race is which does need anti-discrimination laws. They finally show how anti-gay groups make economic arguments, stating that homosexuals, especially gay men, are wealthier and more highly educated, further showing why they do not deserve “special” rights or protections (Gluckman and Reed, 1997). This section examines how activist groups changed their language to be more family-oriented and more focused on “special rights,” shifting away from the more explicitly religious rhetoric of the past.

Groups like the Christian Coalition of the 1990s certainly used these new frameworks, leading to more widespread support with one-sixth of America aligning themselves with the Christian Coalition (Wilcox, Debell, and Sigelman, 1999). One of the founders of the Christian Coalition, Ralph Reed, describes this change in rhetoric in his book *Active Faith : How Christians Are Changing the Soul of American Politics* saying that the rhetoric of the 1980s is too quick to call opponents “anti-family” or “anti-God” (p. 120). This kind of harsh rhetoric scares away wider audiences. He also denounces how other groups have referred to homosexuals:

I have found some of the religious conservative movement’s discourse on homosexuality disturbing. Calling gays ‘perverts’ or announcing that AIDS is ‘God’s judgment’ on the gay community are just a few examples of rhetoric that is inconsistent with our Christian call to mercy. (p. 264)

This quote clearly criticizes the way Bryant and the Moral Majority discuss gay people as militant and perverted, almost directly referencing Falwell’s comment on AIDS. This new attitude of tolerance is certainly part of why the Christian Coalition was more successful than the Moral Majority. While the Moral Majority outrightly denounces homosexuality, the Christian

Coalition focused on denouncing “government-sanctioned approval and promotion” of homosexuality as this gives homosexuals special rights (p. 267). This different approach demonstrates a change in public approval of speaking against homosexuality in such overt ways (Reed, 1996).

The Christian Coalition uses this more accepting language in public spaces in order to appeal to groups outside of their narrow religious right base. Cynthia Burack describes how the Christian right narrative shifts according to whether they are talking to an “in-group” audience or an “out-group” – whether they are speaking to members of the Christian right or to a wider audience (2008). Groups may openly describe homosexuality as an abomination in spaces only occupied by the Christian right. With out-groups though, the conversation shifts to be about “special rights.” Though shadowed by the consistent rhetoric that calls homosexuality a choice, this still evokes a queerblind argument by arguing that giving rights and protections to gay people will lead to more inequality and unfairness overall. Christian Coalition’s ability to reach beyond the original Christian right base may be attributed to their special rights rhetoric that appeals to an out-group audience.

There is also a shift away from overtly religious rhetoric and towards more family and marriage-centered rhetoric, especially as the 1990s and early 2000s had more discussions surrounding same-sex marriage being legalized. This shift away from religion and towards familial tradition reflects heteroactivist arguments and the idealization of heterosexual marriage and tradition, which can be both queerblind and queer-conscious. The group Focus on the Family was founded in 1977 by James Dobson and is still active today working against LGBTQ marriage, adoption, and parenting. Dobson wrote a book *Marriage Under Fire* to express these family-based arguments against homosexuality. He claims that all institutions depend on

marriage, including “governments, religious fervor, and the welfare of children” (2004, p. 2). Though there are certainly some religious undertones within these family-oriented arguments, the emphasis on family and conflating religious values with family values certainly can appeal to people outside of the religious right.

This is similarly seen in the group Conservative Women for America and their rhetoric which describes the dangers of moving away from traditional family values. Conservative Women for America (CWA) was founded by Beverly and Tim LaHaye who focus on bringing conservative women into the Christian right. A lot of their activism is centered on the “defense of the family” (LaHaye, 1998) and the importance of heterosexual marriage. Leslie Dorrough Smith describes CWA’s rhetoric as “chaos rhetoric” as it attempts to naturalize and centralize its political agenda by inciting fear and anxiety and by aligning its conservative Christian beliefs with mainstream American beliefs (2014). These groups discuss the dangers of homosexuality for marriage and for children in a way that is significant not only for Christian families but any person who supports the institution of marriage and the healthy upbringing of children. By describing these Christian perceptions of homosexuality through the rhetoric of tradition and family, these activist groups can align themselves beyond their narrow base attracting people who believe in “traditional” families while not necessarily having to be Christian.

Even as these groups of the 1990s and early 2000s focused on widening their base beyond the Christian right of Bryant’s and the Moral Majority’s time, they still preached that homosexuality was wrong and unnatural through their efforts towards conversion therapy and viewing homosexuality as a lifestyle. Focus on the Family and its associated branches have long promoted conversion therapy and have held campaigns like the “Love Won Out” campaign which would go from town to town promoting heterosexuality and teaching people how to

overcome their homosexual desires. Tim and Beverley LaHaye from CWA co-wrote a book on marriage and stated that homosexuality is caused by unhealthy relationships with a mother or father, giving a psychological explanation for homosexuality and calling it a “learned behavior” (2004). This is in no way an attempt to shield their intentions under the guise of “special rights” or traditional values. These stronger efforts towards conversion show that homosexuality is no longer just acknowledged as something experienced by perverted men and women like Anita Bryant or the Moral Majority might imply, but something that young people may experience within the Christian community. This again shows a shift in the in-group and out-group rhetoric of the Christian right, where the audience may have a more direct connection to LGBTQ identities as the public grew more tolerant.

Even as many of these 1990s arguments are still outwardly homophobic, these arguments are directed towards more than just the religious right, incorporating arguments about family values and special rights. Though moving towards conversion therapy activism was incredibly harmful, it does show that groups no longer view LGBTQ people as an “other” but as someone that could be in your own family.

### ***Queer-Conscious Early Activism***

The Moral Majority and Anita Bryant kicked off the religious right anti-gay stance with rhetoric on how homosexuality is against God, dangerous to children, and corrupting the morals of the nation. They focused on overtly homophobic arguments that involve religious justification, sexualization of gay people, and heteroactivist fear-mongering. This is what first brought people to the Christian right, building the foundational principles of Christian conservatism.

The activist groups of the 1990s and early 2000s continued the work of these movements and certainly continued to situate themselves as upholding family and Christian values.



However, these groups also changed the rhetoric to be more about special rights and family values, not just religious values. This shift brought more people into the Christian right movement against homosexuality, broadening their base to include anyone who believed gay rights were unfair or anyone who believed that gay rights go against tradition and family. Though the movement at this time still had a strong focus on religion and still preached homosexuality as a choice and immoral, they still used some queerblind arguments and even at times claimed to be tolerant towards gay people.

### **Contemporary Anti-LGBTQ Activism**

The activist groups today are different from those of the 1970s to early 2000s in a number of different ways. The most obvious way is in the focus on gender identity and anti-trans issues rather than solely acknowledging homosexuality. These modern groups are also not all explicitly Christian. There are some that focus on parental rights, taking religion out of the discussion. This section investigates the rhetoric and arguments used by Christian activists today as well as looks at recent secular groups and the queerblind frameworks they use.

#### ***Religious Activism Today***

There are still a number of groups using biblical arguments today to oppose LGBTQ identities. Some of these groups were formed back in the 1980s or 1990s, but have continued their work and somewhat changed their approach. Focus on the Family is still working today, continuing to promote the nuclear, heterosexual family through biblical allusions and religious rhetoric. They changed their language to apply more to anti-trans beliefs, touting their “value of male and female” and stating that God created humans to be “intentionally and immutably male and female” (Focus on the Family, 2022). They also use this line of reasoning against homosexuality, saying that God made men and women “to need each other” with the purpose of

making families. These arguments are meant for Christians and are used to validate anti-LGBTQ beliefs.

This biblical rhetoric has shifted, though, when compared to earlier examples. Anita Bryant and the Moral Majority often refer to homosexuality as sinful and dangerous, paying less attention to particular Bible verses to justify their argument. Focus on the Family is not always so black and white with their anti-LGBTQ beliefs. One article on their website features a father asking what to do about his daughter in a relationship with another woman. The article responds by saying that different people interpret the Bible in different ways, and since the daughter is grown up, there is little to do to change her (Canfield, 2022). This shows how in individual cases, Focus on the Family can be somewhat understanding towards homosexuality.

This understanding, though, is not extended to transgender people, who are denied validation and are referred to in dangerous and unnatural terms. Their website has an article entitled “Keeping Your Family Safe in Public Restrooms” describing the dangers of finding someone of the opposite sex in the bathroom. They also describe the ways that “predators” take advantage of gender-neutral bathrooms and laws allowing transgender people to use the bathroom associated with their gender identity, creating an association between transgender people and predators (Johnston, 2016).

This same argument is used by Alliance Defending Freedom (ADF) which is a Christian legal interest group that works to diminish LGBTQ rights, increase Christian presence in public schools, and restrict abortion. They describe trans people, and especially transwomen, as dangerous and abnormal. ADF uses the same bathroom arguments describing how dangerous it is for cisgender women to be using bathrooms that are accessible to transwomen, again putting cisgender women as victims and making transwomen out to be predators. This kind of predatory

treatment of transwomen is seen a lot today and is very reminiscent of how gay men were treated in earlier decades. There are surely a number of reasons why anti-LGBTQ activists have chosen to target gay men and transwomen – whether it be due to views about masculinity and discomfort with a feminine presentation on biologically male bodies, or if it is because it is easy to empathize with children and cisgender women as victims of “predators.” Either way, these movements have continuously been able to build fear over LGBTQ identities by sexualizing them and not seeing queer people as anything beyond their gender identity and sexual orientation. This shows the continued use of queer-conscious sexualization which unabashedly and purposefully sexualizes queer identities to make an argument.

ADF also continues to position ciswomen and children as the victims of LGBTQ rights with heteroactivist frameworks as well, describing the dangers of straying away from traditional gender and family norms. Their website states, “But when culture fails to respect and promote marriage, countless individuals, particularly women, children, and the underprivileged, suffer needless emotional and material hardships” (Alliance Defending Freedom, 2023). This shows how straying from traditional marriage and families will lead to severe societal and economic problems. These sorts of arguments are not unfamiliar, and have been used since the 1990s as they uphold heterosexual marriages as sacred and good, and any kind of digression away from that mold as sinful and wrong.

Though ADF does utilize these openly homophobic and transphobic frameworks, they primarily use legal arguments to oppose LGBTQ rights. Hannah Dick examines this group’s relationship with the Christian right, showing how they evolved from the culture wars started by the Moral Majority, only with more of a focus on the legal arguments (2021). The group uses a network of attorneys to argue cases of parental rights and religious rights in anti-LGBTQ cases.

They emphasize how anti-discrimination laws and schools teaching about LGBTQ issues are in violation of the first amendment and religious freedom, framing these issues around Christian persecution and schools pushing a secular agenda. These arguments show how religious freedom arguments are used today.

The same is done with the parental rights arguments on their website which argues that schools “indoctrinate” children to certain beliefs and practices without the parents’ consent. They also argue that parents have the right to send their children to “counseling” with reference to conversion therapy. These parental rights arguments are being made more and more, attracting those who may disagree with the religious freedom framework but agree that parents should have more of a say in their children’s health and well-being.

The frequent use of the word “indoctrination” to describe educating children on LGBTQ issues and referring to LGBTQ inclusivity as pushing a political agenda also echoes the political framework. Rather than just framing these as issues of parental rights or religious rights, ADF describes these issues as being about pushing an agenda onto children that may go against what your family or religion may believe. ADF has an article describing teaching about trans and gender issues as “Gender Theory” and describes it as a radical agenda that teaches that heterosexual and cisgender people are oppressors and members of the LGBTQ community are the oppressed. The descriptions of gender theory are very reminiscent of how Critical Race Theory is brought up in conservative groups, describing it as an educational method used with kids to describe white people as oppressors and people of color as oppressed. ADF is trying to light a similar fire with the phrase “Gender Theory” by describing its use in schools as political and harmful to children – especially straight, cisgender children. By making anti-discrimination

policies for trans kids out to be about pushing a political agenda onto kids, people are more likely to align themselves with ADF and its causes (Alliance Defending Freedom, 2022).

Both Focus on the Family and Alliance Defending Freedom openly use homophobic and transphobic statements through biblical, heteroactivist, and sexualization frameworks. Still, even within these frameworks, there is an attempt at appearing less homophobic by being more accepting of individual cases. ADF also uses some queerblind frameworks in the form of legal arguments which claim that LGBTQ rights are in opposition to religious freedom and parental rights, as schools become more and more political. Even with this occasional use of queerblind frameworks, these religious groups are still comfortable with queer-conscious language, especially when directed toward trans rights.

### ***Activist Groups Outside of the Religious Right***

There are also a number of groups that are not explicitly centered around religion that works to fight against LGBTQ rights. The two groups I investigate use parental rights as their platform to oppose LGBTQ rights in schools. The groups, Moms for Liberty and Parents Defending Education, were both formed in 2021 and are far more queerblind than any earlier group as they avoid making any comments about LGBTQ identities.

Moms for Liberty is the most well-known group working today and was founded in January 2021. Rather than explicitly talking about religious freedom, this group instead advocates for liberty more generally, referencing parental rights as well as schools becoming too political. The group uses similar legal arguments as ADF, claiming that this is about the first amendment and the values of the country. Rather than making comments about LGBTQ identities, they instead choose to talk about the rights of parents and the lack of liberty in schools. They list their values as “We Stand for Truth, We Build Relationships, We Empower

Others” (Moms for Liberty, 2022), and further on only mention liberty and free speech, not clearly siding against LGBTQ people as their true goal.

Moms for Liberty also talk about how schools attempt to indoctrinate children. A video from their website states, “Our schools are becoming indoctrination camps and a breeding ground for hatred and division” (Moms for Liberty, 2022). This kind of language can appeal to parents who not only do not want their kids learning about LGBTQ identities but parents who are against mask mandates or against Critical Race Theory. By discussing LGBTQ rights as highly politicized issues comparable to advocating for a particular candidate in school or discussing complex gender theories to elementary schoolers, these groups are able to appeal to more parents who may not be openly against LGBTQ rights in theory.

Despite these arguments being targeted at LGBTQ rights, there is no direct mention of LGBTQ identities on their website. This approach is obviously queerblind as it separates parental rights and upholds liberty from their opposition to LGBTQ issues. Despite this avoidance, they still uphold some forms of sexualization arguments by advocating to ban books that have too much “sexual content” (Lopez & Pollock, 2021), when it is clear that these books are banned due to their LGBTQ themes. Regardless of what framework Mom’s For Liberty is using, there is an intentional effort to be queerblind and not appear homophobic or transphobic.

Another group utilizing similar methods is Parents Defending Education which goes against both Critical Race Theory and LGBTQ issues in schools. This group similarly focuses on parental rights and liberty, even including a proposed parental rights amendment on their website. They also work to appear queerblind throughout these frameworks. They appear nonpartisan, stating that their group is “from diverse races, religions, economic backgrounds, and

political orientations,” (Parents Defending Education, 2023) identifying themselves as secular and moderate.

This group, like the others, warns of how current education is indoctrinating students and promoting an “activist” agenda. Similar to ADF’s “Gender Theory,” this group mentions “critical gender theory” as a radical gender ideology that is being taught to children as young as kindergarten (Parents Defending Education, 2023). This argument politicizes teaching about LGBTQ issues, making it out to be an agenda pushed by activists trying to indoctrinate children. By framing the issue this way, they are not aligning themselves with homophobic and transphobic beliefs, and just claiming to be against pushing political agendas onto children.

Both Moms for Liberty and Parents Defending Education show a change in how anti-LGBTQ activism is done. Neither of these groups explicitly mention LGBTQ identities and primarily focus their rhetoric on noncontroversial values like liberty and rights. They refrain from any intentional heteroactivism, sexualization, or religious frameworks, not appearing to be targetting LGBTQ people directly.

### ***Queerblind Contemporary Activism***

The current activism has clearly moved to be more queerblind and more centered around parental rights and political frameworks over more queer-conscious frameworks that directly criticize LGBTQ identities. Still, there is a clear difference between the religious activist groups and the more secular ones. Christian right anti-LGBTQ activism is still rooted in biblical arguments and often makes statements that invalidate LGBTQ identities, especially trans identities. Secular activism centered around parental rights tries not to mention LGBTQ issues at all, reframing its anti-LGBTQ activism as really being about parental rights and liberty. Even

with these differences though, it is clear that anti-LGBTQ activism is more queerblind in today's rhetoric.

### **Anti-LGBTQ Activism Over Time**

Early anti-LGBTQ activism centered around bringing together the religious right in opposition to LGBTQ acceptance, using biblical, heteroactivist, and sexualization frameworks to invalidate and dehumanize queer people. Over time, this anti-LGBTQ movement had to move past its narrow base and address wider audiences. This meant using more family-oriented heteroactivist arguments and special rights arguments that can appeal to more people outside of the Christian right. Still, this 1990s period of anti-LGBTQ activism continued queer-conscious language by pushing conversion therapy and viewing homosexuality as a choice. It was not until contemporary LGBTQ activism that queerblind rhetoric became the norm. Though religious groups still tend to use biblical arguments calling LGBTQ identities anti-God, the focus has shifted more towards rights-based arguments and liberty. The legal arguments that began with arguments about "special rights" have broadened to be about liberty, parental rights, and politicized education. The focus on homosexuality has also shifted to focus more on transgender and gender nonconforming identities. The predator comparisons made about gay men have now shifted to be about transwomen, and in both instances defending these homophobic and transphobic generalizations by citing the protection of women and children.

Other groups like Moms for Liberty and Parents Defending Education do not acknowledge religious freedom and instead, advocate for liberty more generally and parental rights. Through also focusing on the politicization of education, rather than religious freedom, the groups appeal to broader audiences that do not just include the Christian right but any person that is against critical race theory, gender theory, or mask mandates. These groups no longer can



afford to make blatantly homophobic statements and instead use rights arguments to justify denying LGBTQ education and anti-discrimination in schools. Queerblind language is becoming more normal and more subtle as activist groups are not only utilizing queerblind frameworks but omitting words related to gender and sexuality completely. By completely reframing these arguments to be about parental rights and politicized education, people could agree with these groups without supporting homophobic or transphobic statements. This increased queerblindness in activism and in the culture more generally can lead to some worrisome results, which I discuss in the next chapter.

## **V. Discussion and Conclusion**

Throughout this thesis, I have described the various rhetorical frameworks that are used against LGBTQ communities in order to understand how opponents of LGBTQ rights appeal to the American public. I proposed queerblind rhetoric as an explanation for how these arguments are framed, and why this contemporary anti-LGBTQ movement is so successful. Here, I summarize my results, look at the impact, and say what needs to be done in response.

### **Discussion of Results**

As I suspected when beginning my research, there are many ways in which anti-LGBTQ rhetoric has shifted to become more queerblind – more hesitant to explicitly say something homophobic or transphobic and more hesitant to even name LGBTQ identities. Despite this, there are also ways in which the rhetoric and arguments surrounding LGBTQ issues have not shifted and continued to uphold openly homophobic and transphobic arguments. I discuss here how laws and activism have become more queerblind as well as what has remained the same.

#### ***Queerblind***

When looking at the laws and activism prior to the 2000s, the language used towards LGBTQ identities is intentional and cruel, using words like “lifestyle,” “sin,” and “militant” to describe gay people and LGBTQ experiences. The resounding theme of the laws and activism was an open opposition towards the humanity of queer people. The laws used sexualization frameworks, referencing AIDS and sodomy as a basis to show queer people as more sexually deviant. The activism took this a step further, using biblical arguments, sexualization, and heteroactivism to show why LGBTQ are invalid and sinful. Though there were certainly some exceptions to this rhetoric, politicians and activists were never shy at this time in their opposition to homosexuality.

The anti-LGBTQ policies and activism of the modern day are far more queerblind, both in how they completely omit terms related to gender and sexuality and in how they attempt to appear unbiased. Policies today often use political arguments and parental rights frameworks in their anti-LGBTQ curriculum laws. Florida's law reasons through banning gender and sexuality through parental rights, unlike the earlier laws which use explicit sexualization or homophobia as a basis for discrimination. Activism today has also changed significantly with parental rights, religious freedom, and political arguments becoming more popular.

This increased queerblindness indicates the changes in the culture at large surrounding LGBTQ individuals. Over the past 20 years since the earlier period of anti-LGBTQ curriculum laws, a lot has changed legally and culturally for queer people, with more widespread visibility and understanding surrounding sexuality and gender as being on a spectrum. Even groups like Focus on the Family show some empathy towards individual gay people saying that people can interpret the Bible differently. Queerblindness is used in order to not appear homophobic in a culture that no longer accepts blatant bigotry.

This increased queerblindness also reflects an argumentative strategy that denies LGBTQ people the appearance of discrimination and adversity. Frameworks using parental rights, religious freedom, and special rights, make it clear that LGBTQ people are not victims of discrimination in the modern U.S. and the real victims are the parents, children, Christians, and "everyday" people who are losing rights due to increased LGBTQ education in schools. This kind of queerblind framework is obvious in laws like Florida's as it focuses its framework on parents and parental rights as the victim, while only briefly mentioning gender and sexuality. This queerblindness can even be seen in older laws, like the special rights arguments which assume that queer people do not face discrimination and that increased rights will diminish

overall equality. This is comparable to abstract liberalism and minimization colorblind arguments that claim that racism is no longer a big problem and that the U.S. is a meritocracy.

Whether this queerblindness is due to the cultural changes in the US since the 1990s, or if it is used as a strategy to deny LGBTQ discrimination, these frameworks and arguments are clearly becoming more and more popular in anti-LGBTQ politics and activism.

### ***What Isn't Queerblind***

Though there certainly are more queerblind arguments today than there have been before, there are still some ways that the times have not changed and people are still using homophobic and transphobic arguments to promote anti-LGBTQ curriculum laws and beliefs. Though there are still some cases where gay and bisexual people are invalidated, the language and rhetoric have primarily shifted to invalidating and condemning transgender or gender non-conforming identities. While groups like Focus on the Family may show some acceptance towards homosexual identities, the same cannot be said for transgender identities which are consistently invalidated using biblical arguments and heteroactivist claims about the role and value of male and female.

The policies and groups from today also use sexualization arguments, and again, primarily target transgender people. This is seen in the dialog surrounding the dangers of trans women using the women's bathroom, purposefully calling them dangerous and predatory in similar ways that these groups referred to gay male teachers. Though people are not as comfortable now calling gay men predatory and malicious, the same cannot be said about trans identities with many more people viewing gender nonconformity as wrong and potentially dangerous. This is also not just limited to activism, as policies like the national anti-LGBTQ

curriculum bill call things like drag queen story hours “sexually-oriented” (Stop the Sexualization of Children Act, 2022).

This shows how even if many lawmakers and activist groups use queerblind logic in some instances regarding homosexual issues, the same arguments are not always extended towards trans and gender nonconforming people who continue to face scrutiny in the contemporary culture. It has become normal for activists and policymakers to reinforce the gender binary and invalidate any identity that does not conform – promoting religious right concepts as though they are American norms and values. The fact that politicians and activist groups can comfortably use these frameworks and arguments against transgender people shows just how much more needs to be done moving forward.

### **Impact and Moving Forward**

#### ***Impact***

For this section, I would like to address how these queerblind policies have impacted LGBTQ youth and the culture at large. There is not a lot of research that has looked at how LGBTQ youth are impacted by anti-LGBTQ curriculum laws specifically, though there is some showing LGBTQ feelings overall. The most recent school climate survey from 2021 shows that 58.9% of LGBTQ students experience some form of discriminatory policies or practices in school. The mental health and safety of trans and gender nonconforming youth is also more significant than cisgender LGBQ youth, with 77.3% of transgender students and 69.1% of nonbinary students reporting that they are discriminated against compared to 46.1% of cisgender students. Even before states began writing anti-LGBTQ curriculum laws in 2022, there were still high levels of LGBTQ students experiencing some form of discrimination in schools. LGBTQ students experiencing discrimination in schools also had lower GPAs, less sense of belonging to

their school community, lower levels of self-esteem, and higher levels of depression (Kosciw, Clark, Truong, Zongrone, 2022). It is clear that experiencing discrimination in schools – whether that be preventing students from expressing their LGBTQ identity or preventing students from using bathrooms or locker rooms aligning with their gender identity – can lead to increased problems not just with student mental health but with school work and high school graduation.

The focus on schools also has larger implications for what is deemed acceptable in the wider culture. Schools have long been used as a political proving ground for the culture at large, using children and children's needs to project racist, homophobic, and transphobic ideas onto the culture at large. By showing LGBTQ identities as unsuitable for children and anti-discrimination as too political, a message is sent to the culture at large about how acceptable LGBTQ people are as a whole. Especially through using broad language about gender and sexuality, the extent to which LGBTQ children and adults may be targeted and criminalized is still unclear. By trying to silence messages that it is okay to be gay or trans, schools do not just remain indifferent but make a claim that it is not okay to identify as LGBTQ.

### ***Moving Forward***

This paper has named and identified how queerblindness is used in anti-LGBTQ arguments and in what ways it is manifested in policies and activist groups. My hope is that this analysis of frameworks will push the literature forward towards more analysis of queerblind logic in other anti-LGBTQ politics surrounding gender-affirming care, LGBTQ exclusion from extracurriculars, parental opt-out laws, anti-drag laws, and more. The functioning of queerblindness in these different avenues of anti-LGBTQ politics certainly varies. It may also be worthwhile to look at the impact of queerblind policies on students and on opinions surrounding LGBTQ people.

Beyond just the academic goals for queerblindness, I hope that this thesis gives insights into how best to respond to anti-LGBTQ laws and activism. One way of doing this is by opposing the anti-LGBTQ curriculum laws themselves, which almost every LGBTQ activism group is doing in some way. Human Rights Campaign is one of the largest LGBTQ activist groups working towards making political and social change. Movement Advancement Project also provides research showing the impact and scope of LGBTQ curriculum laws. Groups like the ACLU are actively working to overturn anti-drag laws as unconstitutional. Activists are also trying to pass more inclusivity and anti-discrimination laws in schools, like GLSEN (Gay, Lesbian, Straight Education Network) and GSA Network (Genders and Sexualities Alliance Network) both working towards increasing inclusivity and support for LGBTQ youth in schools through providing research that indicates the importance of inclusivity and anti-discrimination in schools. The focus for much of this activism is spreading awareness of these laws and showing the impact of laws on the well-being of LGBTQ youth.

There may also be more success on the local level and in individual school districts as parents and teachers speak up against censoring LGBTQ education, especially when their kids identify as LGBTQ. The group Support Our Schools specifically works to combat parental and religious rights groups through supporting education that is inclusive for all students. This has had some success locally (Gibson, 2023) and shows how “parental rights” can go both ways. The group PFLAG also provides support to parents and families to combat LGBTQ discrimination from the local level to the national level.

But beyond pushing for inclusivity and anti-discrimination laws in schools, what else can LGBTQ activists do? Many groups focus less on politics and more on changing the cultural climate of the United States. This can be seen in groups like GLAAD which work to increase the

visibility and acceptance of queer people. This certainly can help dispel beliefs about trans and queer people by helping more people see LGBTQ people as people beyond their gender identity and sexual orientation.

There can also be more acknowledgment of queerblindness as a phenomenon by pointing out these queerblind arguments. Activists have already been doing this by penning the Parental Rights in Education Act in Florida as the “Don’t Say Gay” law. This phrasing cuts through all the parental rights arguments and acknowledges the real purpose of the law. But even beyond this, more needs to be done in order to change queerblind acceptance within the culture at large. Colorblind scholars have acknowledged the ways that unconscious bias and stereotyping can still exist in people fighting for civil rights and people against racism. The same can be said for bias towards LGBTQ people, where even as most people would not identify as homophobic or transphobic, many still have unconscious bias and uphold harmful stereotypes about LGBTQ people. People may agree with arguments that sexualize trans people or ones that call LGBTQ education too political, without necessarily seeing how those arguments are homophobic and transphobic. Through educating people on the historical context of anti-LGBTQ curriculum laws and the ways that some older arguments have shifted over time, people may more readily recognize their biases and stereotyping. Even as visibility and political rights have increased over the past twenty years, this does not mean that understanding has extended to all LGBTQ individuals and in every context. Schools are used as a mechanism for changing the culture surrounding LGBTQ people, and only through recognizing our own hidden biases, will we be able to end the culture war.



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