

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:24-cv-00913

GAYS AGAINST GROOMERS, a non-profit corporation;
ROCKY MOUNTAIN WOMENS NETWORK, an unincorporated association;
RICH GUGGENHEIM, an individual; and
CHRISTINA GOEKE, an individual,

Plaintiffs,

v.

LORENA GARCIA, in her individual and official capacities as a Colorado State Representative;
MIKE WEISSMAN, in his individual and official capacities as a Colorado State Representative and Chair of the House Judiciary Committee;
LESLIE HEROD, in her individual and official capacities as a Colorado State Representative;
JULIE GONZALES, in her individual and official capacities as a Colorado State Senator and Chair of the Senate Judiciary Committee; and
DAFNA MICHAELSON JENET, in her individual and official capacities as a Colorado State Senator,

Defendants.

DECLARATION OF RICH GUGGENHEIM

I, Rich Guggenheim, hereby declare that:

1. I am an adult and am competent to make this declaration, which is based on personal knowledge.
2. I reside in Denver, Colorado, which is located in Denver County.
3. I have a PhD in Molecular Biology and currently work in Colorado as the Plant Health Programs Manager for the Colorado Department of Agriculture.
4. I am the Colorado State Chapter Leader for Gays Against Groomers (GAG).

GAG is a 501(c)(4) non-profit corporation of lesbian, gay, bisexual, and transgender identifying individuals dedicated to the protection of children. GAG aims to fight against people who use our community to justify the indoctrination, sexualization, medicalization, and mutilation of children.

5. As such, GAG opposes specific actions taken by members of our society today such as: (1) sterilization and mutilation of minors; (2) drag and pride events involving children; (3) propagandizing youth with LGBTQ+ media; (4) queer theory and gender ideology being taught in the classroom. Historically, when fighting for equality, the goal of the LGBT members was to successfully integrate ourselves into society. But activists, backed by school boards, government, woke media, and corporations, started speaking on our behalf and destroying all the work we've done. These radicals aim to restructure the LGBT community to accommodate a fringe minority, as well as seek to indoctrinate children into their ideology. GAG are the people within the community that want to finally put an end to this insanity, and that's exactly what we're going to do.

6. Being gay is different than being trans. Being gay is about sexual orientation – who you are attracted to. Being trans is about self-perceived gender – or feelings about one's own sex. A trans person also has a sexual orientation, but that is different than their gender. To put in simple terms, sexual orientation is about who you want to go to bed with and gender is about who you go to bed as (or think you go to bed as).

7. The use of the term "groomer" in GAG's name is both a reference to adults seeking to groom minors for sexual contact with those adults, as well as grooming them for adoption of trans ideology. Grooming is not just about sex; many religions, cults, and cult-like communities use grooming to obtain, and keep new members. That includes

requiring the use of preferred terminology, rituals, emotional manipulation, and threats of self-harm that are designed to obtain compliance. I believe the trans community has many of those cult-like characteristics.

8. I also believe that that many members of the trans movement attempt to leverage the confusion of the teenage years to groom kids into becoming trans. By my own observation, and based on research that I have reviewed, many of the kids who are groomed into “transitioning” their gender are actually gay girls and boys. Many of those boys and girls would grow up to be well-adjusted gay adults, if they were not groomed into transitioning. As a result, I view the targeting of trans ideology at minors as a form of trans conversion therapy, seeking to turn gay kids into trans kids. It is my personal opinion that a prominent feature of the trans movement is about erasing gay youth by converting them into trans youth, something that I emphatically reject.

9. As an example of research supporting my views, 28. Ristori J, Steensma TD. Gender dysphoria in childhood. *Int Rev Psychiatry*. 2016;28(1):13–20. <https://pubmed.ncbi.nlm.nih.gov/26754056/>; [[Google Scholar](#)], shows that 97.5% of youth who socially transition will medically transition, while 80% of those who do not socially transition will later go on to identify with their biological sex. In the original Dutch study (de Vries et al., 2011b), which gave rise to the current “gender-affirming care” model: 99% of minor patients were same-sex oriented. 89% were gay. 10% were bisexual. 1% were heterosexual. In addition, the United Kingdom’s National Health Service recently issued the Cass Report, which recommended a go-slow approach to gender transition. See Cass Review: Final Report (April 2024), <https://perma.cc/JA7F-DKP8>. Among the recommendations is that extreme caution should be used before

offering masculinizing/feminizing hormones to minors. *Id.* at 35. The report also noted that a significant portion of transitioners and later detransitioners were influenced by “[h]omophobia or difficulty accepting themselves as lesbian, gay or bisexual[.]” *Id.* at 188. There is other relevant research on these issues, that I have not included, in the interest of brevity.

10. As a trained scientist and molecular biologist, it is also my scientific opinion that for all humans, there are only two sexes: male and female, that sex is determined at conception, and revealed at birth (if not earlier, through ultra-sound or other medical technology), and that humans cannot change their biological sex by changing their gender. I reject the notion that sex is “assigned” at birth.

11. There is a tiny minority of humans who are intersex, which is a rare medical condition and an aberration within the sex binary, but does not itself constitute a third sex or gender. The trans movement sometimes uses the rare intersex medical condition as a way of claiming scientific legitimacy for their political ideology, but most people self-identifying as trans today are not intersex.

12. “Gender” is different than biological sex and involves psychological or social constructs centered around gender identity. Put another way, gender includes a person’s self-perception of their own sexual identity or their feelings about their own gender. But a “trans female” is still a biological male. Thus, forcing me to call a biological male by female pronouns is scientifically inaccurate and violates my own values as a scientist. I refuse to lie for the sake of a political movement.

13. I became a member of GAG in September 2023 and became the Colorado Chapter Leader of at the same time. I initially joined GAG because, as a gay man, I

observed some members who purported to be a part of my community exhibiting groomer-like behavior to lure children into transgender ideology and manipulate them emotionally into believing they are queer, transgender or nonbinary.

14. I attended drag queens hosting all age “family friendly” drag shows at gay bars where children, as young as eight, were sexually commodified and performed provocatively for adults who showered them with dollar bills. I saw adults who would bring their children, some not even old enough to walk, to pride parades where sexual kinks and fetishes were being publicly displayed alongside dildos and other sex toys. I also became concerned about children being exposed to mature sexual concepts through things like school curriculum, school and public library book choices, and social media.

15. I am not anti-trans. I am not a prude. I do not care if adults want to have drag shows with adult audiences and performers. I am not self-loathing. I have stood for the rights of the LGBT community. I was one of those people standing at the capitol advocating for civil unions and same sex marriage back in the early 2000s arguing that love is love and that the government should stay out of people’s bedrooms. I am on public record advocating for gay rights, even raising concerns about the literal erasure of protections for gays and lesbians as the result of a strikethrough for protections based on sexual orientation in SB24-189. I have also been on public record that “we (GAG) fully support equal protections under the law for trans identifying individuals.”

16. But children’s rights matter just as much. And while I believe that adults should be able to make whatever non-harmful choices they want about their sexuality and identity, it is wrong to tell other people’s children that they should do the same. Sexuality

is a concept for the adult world and children—who have not yet physically or mentally developed enough to be sure of their own identity—should not have one of their most vulnerable stages of their life be weaponized by adults pretending to be their “allies” simply to advance political or ideological goals. Teaching children about sexuality and identity before they can process it in a healthy way is psychologically damaging and robs them of their innocence. Because that is precisely what some who are a part of, or support, the LGBTQ community are doing, GAG exists to fight back.

17. Free speech rights matter as well. Neither GAG, nor myself, advocate for limitations or restrictions on how those who claim to be “pro-trans” can speak on the matter. But, in comparison, the “pro-trans” community frequently tries to silence dissenting viewpoints that attempt to introduce nuance or identify flaws in their ideological reasoning. And they absolutely do not allow you to say something they disagree with, even if your statement is biologically or scientifically accurate. For example, I do not care how people want to view or identify themselves, but trans ideologists consistently seek to force me to identify others in a specific way that I disagree with. That includes calling a biological man a woman and vice versa.

18. This is why I decided to testify on behalf of myself and as a GAG member in opposition to HB24-1071 during the 74th Colorado legislative session. HB24-1071 is intended to make it easier for transgender individuals with felony convictions to legally change their names. HB-24-1071’s sponsors and supporters also refer to it as “Tiara’s law,” Tiara being the assumed name of a biological male named Duane Powell (a.k.a. Duane Kelley) with a criminal record.

19. I opposed HB24-1071 because it is not about how people want to self-identify,

but about allowing any felon that claims to be trans to have an easier path towards hiding their legal identity and criminal history from those they interact with in their daily lives. In my view, the bill goes beyond merely supporting an individual adult's ability to make their own decisions and, instead, endangers Colorado citizens and force them to conform their speech and behavior to certain ideological principles.

20. Additionally, HB24-1071 is named after Duane Powell's alias, Tiara Latrice. Powell is a man with a criminal record, including as a former prostitute. He currently works as a host and performer in drag shows, an adult art form that frequently contains adult content such as sexual euphemisms, partial nudity and overt sexual dances and gestures. His shows often have child performers in the show as well as children in the audience. Mr. Powell's shows are often performed at the La Burla Be Burlesque house in Colorado Springs. Gay and lesbian people have fought for decades to destroy talking points from those that claim that homosexuals are child pedophiles. Fawning over a man like Duane Powell and rewarding him with "Tiara's law" as some sort of advancement in LGBT rights is damaging and harmful to that fight. The LGBT community should not want, as its members, people who sexualize children or want to expose them to sexualized content. It furthers homophobic attacks, increases accusations of other LGBT people being pedophiles, and leads to a decline in the support for LGBT rights.

21. I signed up to testify remotely before the House Judiciary Committee in opposition to HB-24-1071 on January 26, 2024. On the online sign-up form I wrote that I was representing Gays Against Groomers.

22. The General Assembly's online sign-up interface is located at

<https://www2.leg.state.co.us/CLICS/CLICS2024A/commsumm.nsf/signup.xsp?h=Person>. During the sign-up, members of the public are asked to supply their name, organization, pronoun preferences (which I leave blank), and what their position is on the bill. The choices for that are: For, Against, Neutral, Amend, or Questions Only.

23. Exhibit F is a true and correct screenshot of the part of General Assembly's sign-up interface where members of the public select their position on the bill they are commenting on.

24. The House Judiciary Committee heard public testimony on HB-24-1071 on January 30, 2024.

25. When HB-24-1071 came up for discussion, Rep. Garcia, one of the bill's prime sponsors, thanked her colleagues "for engaging in respectful discourse by not using derogatory language or misgendering witnesses, or using a witness's deadname. But rather referring to the witnesses as their stated names and gender pronouns." She added, "I sincerely hope that the witnesses signed up to also testify will follow suit, and engage in respectful discourse and share their perspectives and opinions on this bill by not disparaging other members or our community or other witnesses," because "this room is one where people should be able to come, share their stories, be who they are, without fear of being attacked, without fear of being disparaged."

26. House Judiciary Committee Chair Mike Weissman then adopted these sentiments as rules for the forum. "I appreciate your comments about the tenor that we should aspire to and the way that we should and should not aim to have a discussion, and as Chair I affirm and ratify your comments."

27. I have read the transcript of the January 30, 2024, House Judiciary Committee

Hearing attached to the Complaint as Exhibit B and can confirm that a true and correct transcription of what Rep. Weissman and Rep. Garcia said at outset of the hearing is contained at pages 2:10 – 4:20.

28. I consider adherence to a transgender person's pronoun preferences, assumed gender, or assumed name to be a form of lying; and I consider pronoun rituals, and the concepts of deadnaming and misgendering are degrading and demeaning to myself.

29. Upon hearing Rep. Garcia and Rep. Weissman's rules, I left my place in line to testify remotely at the committee hearing. I could not deliver my views and the views of GAG if I could not use language that I was confident would be deemed "derogatory" by Rep. Weissman by talking honestly about the bill's namesake or using language that dissents from trans ideology, by for example, using Powell's legal name, a.k.a, or referring to him by male pronouns, instead of calling him "she" or "Tiara."

30. Exhibit G is a true and correct copy of the text of the speech that I intended to give during public comment before the House Judiciary Committee. I did not give this speech, because it would have violated Defendants' speech restrictions. I did not want to experience the degrading treatment of being interrupted or cut-off by elected officials, while other people were allowed to freely share their views.

31. I have also found that many trans activists object to GAG's name because it includes the words "groomers" and because they want to maintain the illusion that the LGBT community is monolithic and agrees with all trans ideology. As a result, I wasn't planning on mentioning GAG in my speech, to avoid getting interrupted or censored; although I think I should be able to mention GAG on the same terms that other speakers get to mention the organizations they represent.

32. This concern about GAG's name was based on my prior experience with House members, and it also informed my decision to leave. Prior to that January 30th House Judiciary Committee hearing, House members had twice struggled to read my letters into the record during legislative debate in reference to other proposed bills dealing with transgender issues. House Speaker Julie McCluskie repeatedly interrupted Rep. Richard Holtorf's efforts to read one of my letters, even after the representative had censored the letter to comply with her views of decorum, asserting that my criticisms of a bill were not sufficiently on-point.

33. In another incident, House Judiciary Committee Chair Rep. Mike Weissman, presiding over the House, gaveled down Rep. Ken. DeGraaf's efforts to read my letter when DeGraaf mentioned "Gays Against Groomers." Rep. Weissman claimed that the group's name was pejorative, and he prohibited all references to transsexuals grooming kids. After a brief recess, Rep. DeGraaf was allowed to resume reading the letter and mention GAG. But Rep. Weissman interrupted Rep. DeGraaf after he uttered the group's name a third time with the abrupt dismissal: "You've made your point."

34. I think it's concerning that a group like "Gays Against Groomers" can be prevented, or at least limited, from having its name spoken out loud in a hearing, while trans ideologists with felony histories like "Tiara" are allowed to use their self-selected names at will. Similarly, no one objected to the speaker from Black Sex Workers of Colorado or ACLU from stating their group's name during the House Judiciary Committee hearing.

35. Given Defendants' initial warnings as well as past experiences, I felt that I was not going to be able to speak about HB-24-1071 without rewriting my entire testimony

and adopting trans ideology by using Duane Powell's assumed name "Tiara" in order to avoid deadnaming him or avoiding "misgendering" him by referring to him as a woman or as "she." I did not want to change my speech or experience being interrupted, bullied, or cut-off. Thus, I felt that I had no choice but to self-censor by not speaking at that hearing.

36. On March 27, 2024, the Senate Judiciary Committee held a hearing on HB-24-1071, which provided for public comment. I signed up to speak in-person and in opposition to the bill.

37. At the opening of public comment about the bill, Defendant Chair Gonzalez announced that she would not allow witnesses to fail to treat others with dignity and respect or a lack of decorum and threatened to have witnesses removed if they failed to exhibit decorum, dignity, or respect.

38. Defendant Sen. Michaelson Jenet spoke next and purported to "elevate" the words of Sen. Gonzalez by announcing that witnesses should not use "derogatory language," "misgender" or "deadname" or otherwise "disparage" those present.

39. Sen. Gonzalez adopted Sen. Michaelson Jenet's speech restrictions by stating that she appreciated that addition to the rules or decorum, dignity and respect and asked witnesses to adhere to those restrictions.

40. I have read the transcript of the March 27, 2024, Senate Judiciary Committee Hearing attached to the Complaint as Exhibit C and can confirm that a true and correct transcription of what Sen. Gonzalez and Sen. Michaelson Jenet said at outset of the hearing is contained at pages 2:2 – 5:19.

41. I gave a written speech in opposition to the bill. I opened my statement by

explaining that I was speaking as a homosexual man. I then began to share pertinent facts about the gay liberation movement from Stonewall in 1969 by discussing Malcom Michaels Jr., and Tony Rivera, two black gay male sex workers and drag queens often falsely referred to as transgender women named Marsha P. Johnson and Sylvia Rivera.

42. A “drag queen” is a biological male who adopts a costume and a female persona and performs on stage as a singer, a comedian, or other character. I would note that being a drag queen is not the same thing as being transgender, although trans-movement ideologists often try to blur these distinctions. In fact, trans ideology has its roots in queer theory, an academic strain of critical theory that seeks to queer (eliminate distinctions between) categories, such as biological men and women or drag queens and transgender. It is part of trans ideology to reinvent historical figures as trans as a way of legitimating trans ideology. In my opinion, based upon video evidence of Malcom in his own words, Malcom and Tony were gay drag queens and not trans.

43. My goal in discussing these historical LGBT figures was to draw a parallel between them and Duane Powell (a.k.a. Duane Kelly or Tiara) and the issue of child sex trafficking, which I believe HB-24-1071 will make easier. In addition, I believe HB-24-1071 will be bad for the LGBT community by making it easier for people to label gays as pedophiles or “MAPs” (minor attracted persons).

44. At this point in my speech, Sen. Gonzalez interrupted me and attempted to cut my microphone. She then stated: “I’m sorry. Dr. Guggenheim I did ask at the onset of this hearing that we refrain from deadnaming or misgendering people. I welcome you to proceed forward, with the rest of your comments, should you wish to continue.”

45. I tried to explain to Sen. Gonzalez that I had not dead-named or misgendered

anyone as these individuals never identified as trans but rather, as drag queens. My microphone was off during this time. Sen. Gonzalez allowed me to continue my comments. Only a few sentences later, when I referred to Powell as a black, gay man, Sen. Gonzalez again gaveled me into silence and then stated, “Dr. Guggenheim, thank you for joining us and sharing your perspectives with us today,” thereby dismissing me.

46. I was not allowed to complete the three minutes of testimony time I should have been allotted under the Senate rules. Instead, including the time Sen. Gonzalez stole from me by interrupting my speech and warning me against deadnaming or misgendering, I was only able to speak for a total of about one minute and 37 seconds.

47. Again, I have read the transcript of the March 27, 2024, Senate Judiciary Committee Hearing attached to the Complaint as Exhibit C and can confirm that a true and correct transcription of my attempt to testify and Defendants preventing me from doing so is contained at pages 49:15 – 51:22.

48. Exhibit H is a true and correct copy of the text of the full script of the speech I intended to give during public testimony before the Senate Judiciary Committee if I had not been interrupted, censored, or cut-off by the Senate Defendants.

49. I noticed that, during the Senate Judiciary Committee hearing, proponents of the bill were not interrupted or silenced. At times, Eli Bazan, a pro-trans audience member and founder of Parasol Patrol, raised his hands or attempted to signify when he believed a speaker, including myself, was transgressing the speech restrictions against deadnaming or misgendering. He was not chastised by any member of the Senate Committee nor asked to refrain from such a lack of decorum, despite the Senate rules prohibiting talking or demonstrations during testimony. *See Senate Guide to Public*

Hearings, Colorado General Assembly, <https://perma.cc/DGU2-WYCX>.

50. I also think it is ironic that I was in part censored for “deadnaming” or misgendering two historical figures (Malcom Michaels Jr., and Tony Rivera) who were not present at the hearing, and in fact are both deceased. Neither of these people were present to be “offended” by my comments so this seems like a particularly strange application of the Defendants’ “decorum” rules. Instead, it was an attempt to force me to call two historic gay men “trans,” because that is what today’s trans-activist community wants. I refuse to lie about historical events, including events that are part of the gay and lesbian liberation movement.

51. The General Assembly is currently still in session and there is at least one more bill remaining that concerns transgender issues: SB24-189—Gender-Related Bias-Motivated Crimes.

52. In my experience, legislative committee hearings on trans-related bills are often scheduled or rescheduled on short notice. By way of example, just this session, SB24-189 was made public on a Friday, with its first committee hearing that Monday. Similarly, during this session, at least four committee hearings on a trans-related bill were rescheduled at the last minute. It is my opinion, that this short notice and rescheduling is intentional, so that it is harder for critics of trans-related legislation to be present and be heard during public comment.

53. Also, HB-24-1040, titled “Gender-Affirming Health-Care Provider Study,” has been removed from further consideration during this session, but it may re-appear again in a future session. While this session is set to conclude on May 8, the next session normally begins in January 2025, unless a special session is called.

54. It is also possible that bills on trans-related issues will be open for public comment during an Interim Legislative Session, scheduled after the close of this current session on May 8, 2024, and the before next Regular Session, scheduled to begin in January 2025. See: <https://leg.colorado.gov/interim-schedule?page=1>. If so, I would like the opportunity to comment on planned trans-related bills.

55. I am a long-time resident of Colorado and have spent time observing and educating myself on the Colorado legislators and their individual legislative goals. From my perspective, many legislators, including Defendants, are eager to advance transgender ideology and ensure it is an ideology adopted by all. So, I am confident that transgender ideology will continue to be a frequent topic of discussion when debating legislative bills in the Colorado House and Senate.

56. I intend on continuing to oppose transgender ideology and the harm that it causes to the LGBT community, including by providing public testimony on trans-related and other bills during legislative committee hearings during this session and future legislative sessions. I want to testify truthfully about why trans ideology is wrong, including making public comments at legislative hearings.

57. I do not want to adopt trans ideology by avoiding what trans ideologists, and their supporters, call “deadnaming” or “misgendering.” These are political and ideological concepts, and I would find forced adherence to those concepts to be personally degrading to me because I disagree with them. I am not saying that Duane Powell cannot call himself “Tiara” or say that he’s a woman, but he cannot make me call him those things, because I don’t agree with his views on that. Based on my recent experiences, I expect that Defendants will continue to censor me during testimony,

interrupt me, steal my testimony time, and require that I express fealty to transgender ideology.

58. Without the Court's protection, I will have to censor myself at future legislative committee hearings by either refraining from testifying or changing what I say to comply with Defendants' speech restrictions. I also do not want to be gaveled down, ejected, or having my testimony edited, as has happened to Plaintiff Christina Goeke, because that is degrading. When Defendants take those actions, they are saying that our opinions matter so little that they can be erased from the record, just like the trans movement is trying to erase the history, and civil rights gains achieved by gay people; and in some ways erase gay people altogether. I seek only equal treatment – let me speak on the same terms as anyone else and without having to adopt an ideological lens that I disagree with.

59. If Defendants' unlawful policies and practices remain in place, I will be speaking less, or differently, than I want to about important public issues.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2024.

s/Rich Guggenheim

RICH GUGGENHEIM