

Do No Harm Challenges Montana's Race and Gender Balancing on Public Boards

Montana State Board of Medical Examiners appointment criteria is unconstitutional

Richmond, VA; On March 12, 2024, the medical watchdog group Do No Harm filed a federal lawsuit against Governor Gianforte in his official capacity as Governor of the state of Montana, to stop Montana's unlawful use of race and gender mandates in appointments to the Montana Board of Medical Examiners.

The lawsuit, filed pro bono by the Pacific Legal Foundation on behalf of Do No Harm, alleges that the racial and gender mandate is unconstitutional in violation of the Fourteenth Amendment. Do No Harm seeks a permanent prohibitory injunction preventing Governor Gianforte from enforcing or attempting to enforce the racial and gender mandates.

“This type of discriminatory mandate is unconstitutional and represents the politicization of healthcare that is dangerous for patients. Expertise should be the primary determining factor for these appointments, and Montana must get rid of discriminatory practices to refocus on medical excellence,” **said Dr. Stanley Goldfarb, Chairman of Do No Harm.**

“Requiring the governor to consider the race and gender of candidates for the medical board is demeaning, patronizing, un-American, and unconstitutional,” **said PLF attorney Caleb Trotter.** “Assuming that candidates bring diverse perspectives based on nothing other than their gender or race, treats individuals as faceless members of a group based on their immutable characteristics.”

Do No Harm is asking the court for:

- A declaration that the gender and racial mandates in the Montana Code violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
- A permanent injunction forbidding the Governor and the Governor's agents from enforcing, or attempting to enforce, the gender and racial mandates.

The case is *Do No Harm v. Greg Gianforte* in the U.S. District Court for the District of Montana. Additional information can be found here: [Do No Harm v. Greg Gianforte](#).

Do No Harm, established in April 2022, has rapidly gained recognition and made significant strides in its mission to safeguard healthcare from ideological threats. With more than 6,400 members, including doctors, nurses, physicians, and concerned citizens across all 50 states and in 14 countries, DNH has achieved more than 7,870 media hits in top-tier publications and garnered widespread attention through numerous broadcast news appearances.