

*HOW GENDER IDENTITY POLICIES
HURT THE PROGRESS OF WOMEN AND GIRLS
Violence Against Women Act 2013*

History

Over the past 10 years, multiple U.S. agencies and organizations have worked with the support of outside interest groups to include the terms “sexual orientation” and “gender identity” within state and federal law as well as foreign policy. The result: these terms are hurting the progress and betterment of women by allowing males who “identify as women” or “gender-nonconforming” to use the funds, services, and facilities of women.

[Text box within brochure] Where does God stand on the issue of “sexual orientation” and “gender identity”? Genesis 5:2a states unequivocally, “Male and female He created them, and He blessed them. ...” and Matthew 19:4 reminds us, “He answered, ‘Have you not read that He who created them from the beginning made them male and female.’” There are multiple other references in the Bible speaking to the distinction between the sexes, sexual relations within the same sex, and how Jesus responded to sexual sin with love and compassion. (See Genesis 1:27, Leviticus 19:22, Romans 1:22-27, and most importantly John 8:11.)

The Violence Against Women Act Reauthorization of 2013

A particularly pertinent example of this growing harm to women and girls is the evolution of The Violence Against Women Act 2013 (VAWA). Passed by Congress in 1994, the original intent of VAWA and the establishment of the Office on Violence Against Women (OVW), was to direct funds, programming, and other resources to reduce violence against women and to strengthen services and administer justice to women victims of violence.¹ The VAWA reauthorization of 2013 amended VAWA of 1994 by expanding the list of discriminated classes to include “sexual orientation” or “gender identity” and “actual” or “perceived ... gender identity, sexual orientation.”

Gender identity terms in the current VAWA take the focus off women and girls who are in greater need of federal or state programs than men

For example, according to the Center for Disease Control’s (CDC) National Intimate Partner and Sexual Violence Survey (2015), women² in the U.S. are victims of violence at disproportionately higher levels than men.

- All forms of Violence³ — 25% Women Compared to 10% Men⁴
- Rape⁵ — 21.3% Women Compared to 2.6% Men⁶
- Stalking⁷ — 16% Women Compared to 5.6% Men⁸

¹ The U.S. Department of Justice. Office on Violence Against Women. About the Office. Web accessed October 29, 2018 at <https://www.justice.gov/ovw/about-office>.

² Women” refers to female biological sex.

³ All forms of violence surveyed including contact sexual violence, physical violence, and/or stalking by an intimate partner and some form of intimate partner violence-related impact.

⁴ National Intimate Partner and Sexual Violence Survey. Data Report 2015. (P. 7) Web accessed July 3, 2018, at <https://www.cdc.gov/violenceprevention/nisvs/index.html>.

⁵ Rape is any completed or attempted unwanted vaginal (for women), oral, or anal penetration through the use of physical force (such as being pinned or held down, or by the use of violence) or threats to physically harm and includes times when the victim was drunk, high, drugged, or passed out and unable to consent. Rape is separated into three types: completed forced penetration, attempted forced penetration, and completed alcohol-or drug-facilitated penetration. Among women, rape includes vaginal, oral, or anal penetration by a male using his penis. It also includes vaginal or anal penetration by a male or female using their fingers or an object. Among men, rape includes anal or oral penetration by a male using his penis. It also includes anal penetration by a male or female using their fingers or an object.

⁶ National Intimate Partner and Sexual Violence Survey. Data Report 2015. (Page 2, Figure 1 and Page 3, Figure 2) Web accessed July 3, 2018 at <https://www.cdc.gov/violenceprevention/nisvs/index.html>

⁷ Stalking victimization involves a pattern of harassing or threatening tactics used by a perpetrator that is both unwanted and causes fear or safety concerns in the victim.

⁸ National Intimate Partner and Sexual Violence Survey. Data Report 2015. (Page 5) Web accessed July 3, 2018 at <https://www.cdc.gov/violenceprevention/nisvs/index.html>.

- Contact Sexual Violence⁹ — 43.6% of women (nearly 52.2 million) as compared to 24.8% of men.¹⁰
- In spite of federal programming, the number of women raped¹¹ rose by 3% between 2010 and 2015, from 18.3% to 21.3%.¹²

When VAWA came up for reauthorization in 2011, Senate Report 112-153 reminded lawmakers that “... VAWA’s focus on violence against women appropriately reflects the disproportionate number of women who experience severe forms of domestic and sexual violence, and the disproportionately severe effects often confronted by female victims. ...”¹³ Although VAWA rightly stipulates that male victims of violence are not prohibited from benefiting from VAWA grants, women have been historically targeted as an “underserved population,” and the main recipients of VAWA resources based on need shown by overwhelming statistical, scientific, and historical evidence.

VAWA funds should be focused on reducing violence against all women and not on expanding definitions of “underserved” or “discriminated” populations to focus on particular interest groups.

The need to provide protected status for the LGBT (lesbian, gay, bisexual, and transgender) community has not been clearly demonstrated, as VAWA serves *all* victims of violence. The House Report 112-480 for the reauthorization of VAWA in 2011 explained, “there is nothing in current law ... that prevents LGBT victims of domestic violence from receiving federally-funded resources.” Furthermore, the report stated, “there is little data to support providing protected status to the LGBT community.”¹⁴

Federal funding set aside for women, such as VAWA, should be focused on meeting the documented needs of women and not on expanding definitions to pacify particular interest groups.

Gender identity terms in the current VAWA have led to unintended consequences of violating the privacy and safety of women and girls

Sexual orientation and gender identity terms in federal or state law allow biological males who identify as women to invade female-only spaces such as women’s safe harbor domestic violence shelters, female locker rooms, and bathrooms. This threatens a woman’s safety, privacy, and her right to not be seen in a vulnerable state of undress by a male. In addition, women and children seeking haven in domestic violence shelters need sex-segregated spaces to physically and mentally heal from the trauma of violence, which in the vast majority of situations is perpetrated by males.¹⁵

For example, although VAWA provides an exception for both sex-segregated and sex-specific programming,¹⁶ the Department of Justice (DOJ) interpretation of “gender identity” can be harmful for domestic violence shelters

⁹ Contact Sexual Violence: includes rape, being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact.

¹⁰ National Intimate Partner and Sexual Violence Survey. Data Report 2015. (Page 2, Figure 1 and Page 3, Figure 2) Web accessed July 3, 2018 at <https://www.cdc.gov/violenceprevention/nisvs/index.html>.

¹¹ Includes completed and attempted rape and is the number who were in the past 12 months before the survey.

¹² CDC National Intimate Partner and Sexual Violence Survey (2010, pages 18), (2015, page 15).

¹³ Senate Report 112-153. Violence Against Women Reauthorization Act 2011. March 12, 2012. Web accessed November 5, 2018 at <https://www.congress.gov/congressional-report/112th-congress/senate-report/153/1?r=49&overview=closed> (p. 5; see also 21)

¹⁴ House Report 112-480 — Violence Against Women Reauthorization Act of 2011. May 15, 2012 (P. 50) Web accessed November 5, 2018 at <https://www.congress.gov/congressional-report/112th-congress/house-report/480/1>

¹⁵ CDC National Intimate Partner and Sexual Orientation Survey 2010.(p. 27) Among women who experienced rape, physical violence, and/or stalking in the context of an intimate relationship, the majority of bisexual and heterosexual women (89.5% and 98.7%, respectively) reported only male perpetrators (data not shown). More than two-thirds of lesbian women (67.4%) identified only female perpetrators. Statistical testing to compare sex of perpetrator across all sexual orientations was not conducted.

¹⁶ (13 Civil Rights)(B) EXCEPTION states “— If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual’s sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.”

that make housing determinations based on biological sex. The DOJ's Frequently Asked Questions: Nondiscrimination Grant Condition in the VAWA Reauthorization Act of 2013¹⁷ explains:

- that “Both ‘sex-segregated’ and ‘sex-specific’ programming **places individuals in a position to ‘choose’ to identify with a particular sex**” (#11, page 6) (Bolded for emphasis.)
- and “a recipient that operates a sex-segregated or sex-specific program should assign a beneficiary to the group or services **which corresponds to the gender with which the beneficiary identifies ...**” (#14, page 8) (Bolded for emphasis.)
- and “best practices dictate that the recipient should **ask a transgender beneficiary which group or service the beneficiary wishes to join. The recipient may not, however, ask questions about the beneficiary’s anatomy or medical history or make burdensome demands for identity documents.**” (#14, page 9) (Bolded for emphasis.)

The above interpretations allow a biological male who identifies as a woman to join either a female or male program, as he chooses, making VAWA’s provision for ‘sex-segregated’ or ‘sex-specific’ programs useless.

In addition, the rights of a woman to be segregated from a male are negated by the following phrase:

- **A recipient may not make a determination about services for one beneficiary based on the complaints of another beneficiary when those complaints are based on gender identity.**” (#14, page 9) (Bolded for emphasis.)

Case in point, consider Downtown Hope Center in Anchorage, Alaska, a shelter for abused and homeless women. In early 2018, a biological male identifying as a woman filed a complaint with the human rights commission against the shelter for not allowing him to enter the shelter; this case is now in litigation.¹⁸

Since science does not support assertions that men are, or can become, biological women, they should not be treated as such by federal programs

The inclusion of “gender identity” in “underserved” or “discriminated” populations allows males who “identify as women” or “gender-nonconforming” to use the funds, services, and facilities of women. However, there is no scientific evidence to support activist claims that transgender men who identify as women are actually biological women. Rather, as stated by Dr. Ryan Anderson in *When Harry Became Sally: Responding to the Transgender Movement*, the results of sex reassignment surgery, cosmetic surgeries, and cross-sex hormone treatment “don’t change the deeper biological reality, which begins with our DNA and fetal development, unfolding in every bodily system.”¹⁹ And, according to Dr. Paul McHugh, former chief of psychiatry at Johns Hopkins “transgendered men do not become women” but are only “feminized men ... counterfeits or impersonators of the sex with which they ‘Identify.’”²⁰

Although some claim that transgender males are actually women, and not merely men “identifying as women,” the “available evidence from brain imaging and genetics does not demonstrate that the development of gender identity as different from biological sex is innate.”²¹ Rather, the current political and cultural “shift in terminology and definitions related to discordant gender identity is a result of politics, not science”²². and (as testified by Dr.

¹⁷ U.S. Department of Justice, Frequently Asked Questions, April 9, 2014, Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013. Web accessed July 20, 2018 at <https://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>

¹⁸ <https://firstliberty.org/cases/clarkson/> and <https://www.heritage.org/gender/commentary/voters-anchorage-can-protect-womens-privacy-ballot-initiative> Note: Downtown Hope Center does not receive VAWA funds.

¹⁹ Anderson, Ryan (2018) *When Harry Became Sally*. Encounter Books. New York, NY., p.99.

²⁰ McHugh, Paul (2015) “Transgenderism: A Pathogenic Meme” *Public Discourse*, June 10, 2015.

²¹ In Anderson (2018) p. 108, taken from Lawrence S. Mayer and McHugh, Paul. (2016) “Sexuality and Gender Findings from the Biological, Psychological, and Social Sciences” Special Report, *New Atlantis* 50 (Fall 2016):8.

²² Anderson, Ryan (2018)

Allan Josephson in U.S. District Court) “were not initiated through the result of scientific information but rather the result of cultural changes fueling political interest groups within professional organizations.”²³

Act on the Facts

Contact your U.S. House and Senate members. Ask them to keep the focus of funds and services allocated for the support of women (such as in VAWA) on the needs of women. Tell them to discourage the addition of (or encourage removal of) the terms “sexual orientation” and “gender identity” from law and policy language.

²³ Declaration of Allan M. Josephson, M.D., U.S. District Court, Middle District of North Carolina, Case I:16-cv-00425-TDS-JEP, Exhibit J.