

CONCERNED
WOMEN *for* **AMERICA**
LEGISLATIVE ACTION COMMITTEE

March 17, 2021

The Honorable Dick Durbin
Chairman
U.S. Senate Committee on the Judiciary
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
U.S. Senate Committee on the Judiciary
Washington, DC 20510

Dear Chairman Durbin, Ranking Grassley, and Members of the Committee:

Concerned Women for America Legislative Action Committee (CWALAC), the nation's largest public policy women's organization, is writing in strong opposition to the so-called "Equality Act". We urge every member to look seriously at the implications of this misguided legislation and what it seeks to impose on the American people, especially harms to women and children, and reject it.

The Equality Act's unverifiable and unscientific attempt to address discrimination by elevating protections for certain groups on the basis of a new definition of sex is a direct threat against every woman in America. Its effects are nothing less than extreme, far-reaching, and uncontrollable. It is clear that advocates are not interested in taking these dangerous threats seriously and have no answers to the inherent conflict that elevating perception above scientific, biological reality will impose on the rights of 51% of the U.S. population--women. Here's how:

The Equality Act would upend the Civil Rights Act of 1964 by replacing "sex" with "sex, sexual orientation, and gender identity," placing "gender identity" among the protected categories of discrimination and segregation in places of public accommodation. The word "sex" would no longer be understood as "biologically male and female" in civil rights law. All federally funded entities would be forced to interpret "sex" as including multiple and fluid gender identities, or "the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individuals designated sex at birth." The act mentions no medical or legal conditions required, but rather "gender identity" is reliant on self-identification and subject to no limitations.

The Equality Act would force public facilities to allow men and boys who identify as women or girls to use the same bathrooms, locker rooms, showers, domestic violence shelters, and prisons as women or girls. The act states, "With respect to gender identity an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity." **This language, for example, shows little regard for the deep, sincere safety concerns of female victims of sexual assault.**

The Equality Act would force employers to hire or assign men who identify as women to jobs requiring sensitivity to the physical privacy rights of women and girls such as intimate medical examinations, supervision of domestic violence shelters or prisons, airport security pat downs, strip searches, or supervision of overnight school field trips. The act states: "Employers must recognize individuals in accordance with their gender identity if sex is a bona fide occupational qualification that is reasonably necessary to the normal operation of that particular business or enterprise."

The Equality Act would deny female athletes a fair playing field in sports competitions. Title IX, which bans discrimination for women and girls on the basis of sex, would be negated, forcing female athletes to compete against biological males. Any male self-identifying as a woman could claim women's athletic scholarships and positions on sports teams. In fact, any current law or policy gains traditionally and specifically aimed at benefiting women could legally be used by men identifying as women.


The Equality Act elevates "gender identity" over the protected class of "sex," threatening gains women have made in law, programs, and policy reforms over the past decades. For over 50 years, the original intent of civil rights law in regard to "sex" and "sex discrimination" has referred to prohibiting legally imposed and culturally prevalent overt discrimination against biological women and girls and to promoting their equality. This discrimination has been statistically and scientifically documented for decades. Discrimination based on "gender identity" has not. This act will be used, as other gender identity policies have, to impede upon the rights, privacy, and safety of women and girls.

Furthermore, the Equality Act prohibits anyone from making a claim or raising a defense against these special protections under the Religious Freedom Restoration Act (RFRA) which passed Congress with overwhelming bi-partisan support. It is a blatant effort to diminish religious freedom and force people of faith to conform to gender ideology under threat of law.

Just look at the impact that such misguided policy is already causing in our country with women and children as the victims: [sexual abuse survivors in domestic shelters](#) being forced to shower with biological men, high school and college girls losing their equal rights as female athletes under Title IX, [women inmates raped](#) by transgender males housed in female facilities, [a kindergartener sexually assaulted](#) in the girls bathroom by a boy student identifying as a girl, [parents' rights being overturned](#) by aggressive government policies favoring experimental, irreversible transgender medical treatment of gender dysphoric children.

These cases are not hypothetical; they are real, and they are concerning. CWALAC urges you to stand against the real threats of "gender identity" ideology to female status, dignity and safety and to children's minds, bodies and relationships with their parents and oppose the reckless Equality Act.

Sincerely,



Penny Young Nance
CEO and President
Concerned Women for America LAC