

EQUALITY ACT TESTIMONY

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Chairman Durbin, Ranking Member Grassley, and Esteemed Members of this Committee:

Gay and transgender Americans are living today with less fear and stigma than at any point in American history – and that makes me very happy. It should make us all very proud.

If S. 393 merely proposed to extend employment and public housing rights to gay and transgender Americans, I would be supporting this bill, instead of testifying against it. I am here today because this bill does much more—and no one who wrote it appears to have thoughtfully considered what it would mean for women and girls.

Members of the Committee, if your daughter or granddaughter was the top high school tennis player in her state, and then five biological boys suddenly decided, at the age of 17, to identify as female—should she drop overnight to number 6? Should she lose her college scholarship to a male-bodied athlete who might never have qualified for the boys' team? Does that strike any member of this Committee as fair or just?

If a woman in your state commits a crime, should she be put in a correctional facility with biological males, some of whom are sex offenders? Some of whom may have only begun identifying as female weeks earlier? **ALL** of whom could easily overpower her.

If a preschool has a policy that only female teachers may accompany little girls to the bathroom, and your daughter's male teacher suddenly identifies as female, ought that teacher have a legal entitlement to accompany her? Does that strike anyone in this room as sensible or safe?

Should a female abuse survivor at a domestic violence shelter be forced to sleep and undress next to a biological male?

The plain truth is that it is not sensible, not safe, and certainly not just, to end these hard-won protections for women and girls in the name of equality. For some girls, athletics is the only chance they'll have to shine in the entire course of their lives. But supporters of this bill don't appear concerned about them. They are concerned about the progressive groups that will call you a "transphobe" or a "homophobe" if you don't do exactly as they say and **abandon women and girls.**

By enshrining "gender identity" as a protected category, this bill would make it impossible ever to legally distinguish between *a woman* and a *biological male who claims a female identity* for whatever the amount of time and for whatever reason or purpose. And "gender identity" can be very ephemeral. Even prominent gender therapists attestⁱ, that people can be on a "gender journey" and identify as one thing one day and another the next. They have that freedom in America. Should we undermine women's sports and protective spaces to allow gender-fluid males a gender journey?

Just **last week**, after the Washington Correctional Center for Women began housing prisoners according to gender identity, half a dozen men transferred to the women's prison. One of the inmates raped a female in the women's prison upon arrival.ⁱⁱ If you pass this bill, you can expect hundreds more victims like this one—and that has nothing to do with transgender people and everything to do with opportunistic self-identification by violent male felons.

I have probably interviewed more transgender Americans than any person in this room. And I can honestly say that, excepting political activists, most do not want to obliterate women's rights and protective spaces. Most would never think of stealing women's scholarships, by forcing young women into demoralizing contests with male bodies. But Gender Ideology, which is at the heart of this bill, is misogyny in progressive clothing. Gender Ideology tells women and

girls they are not entitled to their fear or their sense of unfairness as their protective spaces are eliminated. They must never object that sports is—and has always been—a matter of biology, not identity. They mustn't assert that we keep women's protective spaces for biological women to ensure their physical safety, **regardless of how they identify**. Because it isn't our identities that are at risk—it's our bodily integrity.

Being a woman is a lifetime commitment. It entails profound blessings, but also physical vulnerabilities.ⁱⁱⁱ For generations, women like the late Justice Ruth Bader Ginsburg fought to create sex-based protections to make life safe and fair for women. If you vote to take away those rights, don't pretend you've achieved a civil rights victory. In the name of inclusivity, you'll have made American life far less safe, less fair, and less inclusive for women and girls.

Thank you.

ⁱ See Shrier, Abigail, *Irreversible Damage: The Transgender Craze Seducing Our Daughters* (Regnery: 2020) pp. 106-107, 111.

ⁱⁱ Dori Monson "DOC Employee reports men are claiming to be women to transfer prisons," KIRO Radio, March 10, 2021, <https://mynorthwest.com/2666243/doc-washington-correctional-center-women-men-transfer/> See also Masterson, Matt, "Lawsuit: Female Prisoner Says She Was Raped by Transgender Inmate," WTTW, Feb. 19, 2020, at: <https://news.wttw.com/2020/02/19/lawsuit-female-prisoner-says-she-was-raped-transgender-inmate>; Baldas, Tresa, "Transgender Female Inmate Sues MDOC: I Was Forced To Bunk with Rapist, Then Got Raped," *Detroit Free Press*, Mar. 3, 2021, at: <https://www.freep.com/story/news/local/michigan/detroit/2021/03/03/transgender-female-prisoner-forced-bunk-rapist-and-got-raped/6894034002/>; see also Brown, David, "Seven Sex Attacks in Women's Jails by Transgender Convicts," *The Times* (of London), May 11, 2020, at: <https://www.thetimes.co.uk/article/seven-sex-attacks-in-womens-jails-by-transgender-convicts-cx9m8zqpg>.

ⁱⁱⁱ Men have, for example, an average of 26 pounds more skeletal muscle mass than women. Women have 40 percent less upper body strength, 33 percent less lower body strength. See Janssen, Ian, et al., "Skeletal muscle mass and distribution in 468 men and women aged 18-88," *Journal of Applied Physiology*, July 1, 2000, at: <https://journals.physiology.org/doi/full/10.1152/jappl.2000.89.1.81>. Women also have less fast-twitch muscle fiber, less oxygenated blood, smaller hearts and lungs. The permanent and unbridgeable chasm between male and female physical ability in contests of strength and speed, conferred on males during puberty, allow men to dominate in contests of strength and speed. See *id.*; see also Shrier, Abigail, "The Transgender Threat to Women's Sports," *Newsweek*, Oct. 20, 2020, at: <https://www.newsweek.com/transgender-threat-womens-sports-opinion-1540418>.