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March 16, 2021

Senator Dick Durbin
Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Chuck Grassley
Ranking Member
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Testimony for Senate Judiciary Committee Hearing “The Equality Act: LGBTQ Rights are Human Rights” on March 17, 2021

Dear Chairman Durbin, Ranking Member Grassley, and Members of the Senate Judiciary Committee,

I write on behalf of the Union for Reform Judaism, whose 850 congregations across North America encompass approximately 1.8 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis, to express our strong support for the Equality Act (S.393). We are proud to join more than 120 faith organizations that have endorsed the Equality Act.¹ I request that this testimony and its citations be entered in full into the Congressional Record for the Senate Judiciary Committee Hearing “The Equality Act: LGBTQ Rights are Human Rights” on March 17, 2021.

Guided by our Jewish values, the Reform Jewish Movement has consistently advocated for LGBTQ equality, beginning in 1965 when the Women of Reform Judaism called for the decriminalization of homosexuality.² We were proud to support the major advancements in LGBTQ rights throughout the past several decades, including the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (2009), the repeal of the “Don’t Ask, Don’t Tell” policy (2010), and the Supreme Court decisions in *Obergefell v. Hodges* (2015) and *Bostock v. Clayton County* (2020). In 2015, the Union for Reform Judaism and Central Conference of American Rabbis passed historic resolutions affirming the rights of transgender and gender non-conforming people – the farthest-reaching transgender rights resolutions of any major religious

¹ Full list available at <https://www.faithforequality.org>

² <https://wrj.org/sites/default/files/WRJ%20R%26S%201965%20Judaism%20and%20the%20Family.pdf>



The Religious Action Center of Reform Judaism is the Washington office of the Union for Reform Judaism, whose more than 800 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis.



denomination.³ As Reform Jews, we know that deep faith and LGBTQ equality are not mutually exclusive but rather, an essential part of Reform Judaism.

Indeed, Judaism is clear about the need for full LGBTQ equality. Jewish tradition teaches that all people are created *b'tzelem Elohim*, in the Divine image, and are worthy of dignity and respect (Genesis 1:27). We are reminded of the Torah's command "do not stand idly while your neighbor bleeds" (Leviticus 19:16). As people who have historically faced discrimination in schools, the workplace, and beyond, Jews have an obligation to stand up against discrimination today. Everyone deserves equal treatment under the law, regardless of their sexual orientation or gender identity. For centuries, Judaism has recognized and celebrated a diverse spectrum of sex and gender identities. Across Jewish legal codes and rabbinic commentary, there are hundreds of references to at least six different genders.⁴ Many of our texts proudly affirm the existence of transgender, non-binary, intersex, and genderfluid individuals. These identities, and those of the entire LGBTQ community, are valid.

Support for LGBTQ nondiscrimination protections extends across the faith community and throughout the country. The overwhelming majority of people of faith – including 88 percent of non-Christian religious people, more than 80 percent of white and Hispanic Catholics, 86 percent of Black Protestants, and 59 percent of white evangelical Protestants – support laws that protect LGBTQ people against discrimination in jobs, public accommodations, and housing.⁵ This view is shared by 83 percent of Americans, including 94 percent of Democrats, 85 percent of Independents, and 68 percent of Republicans.⁶

Despite the tremendous progress made since the passage of the Civil Rights Act of 1964, LGBTQ people still face discrimination in many areas of daily life. Federal civil rights laws do not include protections for sexual orientation and gender identity, and most states do not have laws protecting LGBTQ people from discrimination.⁷ In recent weeks, state legislatures have introduced an unprecedented number of bills that discriminate against transgender and gender non-conforming people.⁸ For too long, our LGBTQ congregants, clergy, neighbors, and community members have lived without the critical safeguards that are available to non-LGBTQ people across the United States. The Equality Act would rectify this problem by adding explicit and consistent nondiscrimination protections for actual or perceived sexual orientation and gender identity to federal civil rights laws in the areas of employment, housing, education, public accommodations, federally funded programs, credit, and jury service.

The need for comprehensive protections for the LGBTQ community is clear. According to an October 2020 Center for American Progress report, more than one-third of LGBTQ Americans –

³ <https://urj.org/what-we-believe/resolutions/resolution-rights-transgender-and-gender-non-conforming-people> and <https://www.ccarnet.org/ccar-resolutions/rights-transgender-and-gender-non-conforming-indiv/>

⁴ <http://www.transtorah.org/PDFs/Classical Jewish Terms for Gender Diversity.pdf>

⁵ <https://www.pri.org/spotlight/americans-are-broadly-supportive-of-a-variety-of-lgbtq-rights/>

⁶ <https://www.pri.org/spotlight/americans-are-broadly-supportive-of-a-variety-of-lgbtq-rights/>

⁷ <https://www.lgbtmap.org/equality-maps>

⁸ <https://www.hrc.org/press-releases/breaking-2021-becomes-record-year-for-anti-transgender-legislation>



including more than three in five transgender Americans – reported facing discrimination within the past year.⁹ The Human Rights Campaign 2020 Health Care Equality Index reports that 70 percent of transgender and gender non-conforming patients and 56 percent of lesbian, gay, and bisexual patients surveyed experienced some sort of discrimination in health care.¹⁰ Within the past four years, the number of adult transgender individuals experiencing homelessness has increased 88 percent, while the number of adult transgender individuals experiencing unsheltered homelessness increased by 113 percent.¹¹ LGBTQ People of Color, immigrants, and those with disabilities face even greater barriers and biases in many areas of life.

We are equally alarmed at ongoing violence against LGBTQ people, particularly LGBTQ youth, transgender and non-binary individuals, and People of Color. According to the 2019 FBI Hate Crimes Statistics, law enforcement reported 1,395 hate crimes based on sexual orientation bias and 224 offenses based on gender-identity bias.¹² The heartbreaking epidemic of fatal violence against transgender and gender non-conforming people, which has historically targeted Black and Latinx transgender women, continues, with at least 44 fatalities in 2020 and 11 thus far in 2021.¹³ Similarly, one in three LGBTQ youth report having been physically threatened or harmed due to their LGBTQ identity, and 40 percent of LGBTQ youth report having seriously considered suicide in the past year.¹⁴ Due to underreporting, however, these statistics likely do not capture the full extent of violence directed against LGBTQ people. Beyond guaranteeing equal legal protections for LGBTQ people, passage of the Equality Act would make it clear that everyone is entitled to live without fear of persecution or harassment – regardless of their sexual orientation or gender identity.

The Reform Jewish Movement also supports provisions in the Equality Act that would strengthen nondiscrimination protections for everyone, including people of faith. In addition to adding protections for sexual orientation and gender identity, the Equality Act expands protections for women by prohibiting prohibit sex discrimination in public accommodations and federally funded programs. The Equality Act also updates the definition of public accommodations in Title II of the Civil Rights Act of 1964 to align more closely with the definition in the Americans with Disabilities Act and many state laws, thereby strengthening nondiscrimination protections for other marginalized communities, including religious minorities, women, immigrants, and People of Color.

As Reform Jews, we believe firmly that all people deserve to live free from fear and discrimination, regardless of their sexual orientation or gender identity. For all these reasons, we

⁹ <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/10/06/491052/state-lgbtq-community-2020/>

¹⁰ <https://www.hrc.org/resources/healthcare-equality-index>

¹¹ <https://endhomelessness.org/wp-content/uploads/2020/07/Trans-Homelessness-Brief-July-2020.pdf>

¹² <https://ucr.fbi.gov/hate-crime/2019/topic-pages/incidents-and-offenses>

¹³ <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2021>

¹⁴ <https://www.thetrevorproject.org/survey-2020/>

are proud to support the Equality Act (S.393) and urge the Senate Judiciary Committee to support this historic civil rights legislation.

Please contact Religious Action Center of Reform Judaism Senior Legislative Assistant Jacob Greenblatt at 202-387-2800 or jgreenblatt@rac.org with any questions.

Sincerely,
Rabbi Jonah Dov Pesner



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