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25 Nissan 5779  
April 30, 2019

The Honorable Jerrold Nadler  
Chair  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Doug Collins  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

**Re: H.R.5 — Equality Act**

Dear Chairman Nadler and Ranking Member Collins:

As a matter of normative religious practice, the great majority of observant Jews raise children in gender-separate schools and insist upon single-gender dormitories and other housing up until a couple is married. Congregational prayers must be divided by gender under traditional Jewish law. And although it is perhaps not strictly required, many forms of public assembly are commonly gender-separate, and this, too, is motivated by religious belief and practice.

This is not limited to religious institutions and houses of worship, but includes use of public facilities. Weddings are frequently held in hotels and other commercial venues, with both dancing and dining separated by gender. We routinely avoid physical contact between genders, to the point that many will decline to shake hands with someone of the opposite sex.

Restrooms, locker rooms, and bathing facilities must have single-gender hours in order for observant Jews to utilize them comfortably. Many woman of all (or no) faiths have an obvious aversion to the presence of a biological male while they are in a state of undress. To most observant Jewish woman, the presence of a biological male in any of these places would effectively prevent her from using them.

In all of the aforementioned situations, a policy which would require recognition of the gender a person prefers to be, rather than the biological organism he or she was created to be, would demand we cease to operate in accordance with our sincerely-held beliefs, moral values and religious education — expressly violating our religious liberty.

In general, we are mystified by many of the clauses of the Equality Act, which appear to provide anything but equality. It seems patently unfair,

for example, to demand that a woman compete in contests of strength, stamina and endurance against those who passed through puberty and adolescence receiving the same greater levels of testosterone for which she herself would be permanently disqualified were she to have obtained them via artificial supplement. This expressly denies her the benefits and equitable opportunities guaranteed under Title IX of the Education Amendments Act of 1972.

As for allowing those with XY chromosomes, much less the ordinary biological makeup that those chromosomes generally produce, to access private facilities heretofore reserved for biological women — this is a behavior for which individuals are subject to arrest under current law, both because of the denial of privacy and potential for assault. Whom will be expected to take responsibility and liability, were a predatory individual to take advantage of the new policy?

For all of the foregoing reasons, we strongly oppose any policy which would require that we recognize a person's individual preference over his or her physiology. Certainly without robust protection for those whose religious beliefs demand more traditional practices, the Equality Act has the potential to bring the United States' centuries-long history of robust protection of our religious liberties to an abrupt and ignominious end.

Yours Sincerely,

A handwritten signature in black ink that reads "Yaakov Menken". The signature is written in a cursive, slightly slanted style.

Rabbi Yaakov Menken  
Managing Director