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7 Adar 5781
February 19, 2021

The Honorable Nancy Pelosi
Speaker of the United States House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
House Minority Leader
2468 Rayburn House Office Building
Washington, DC 20515

Re: H.R.5 — Equality Act

Dear Speaker Pelosi and Representative McCarthy:

We oppose the Equality Act as a direct attack upon our religious values. It claims that to adhere to traditional Jewish beliefs is to be bigoted.

To cite but one specific example among many, Sec. 2.(a)(2) refers to "the sex stereotype that marriage should only be between heterosexual couples." The Equality Act expressly declares that the Book of Genesis [see 2:24] and all of the Jewish laws pertaining to marriage as a sanctified union between man and woman (called "*kiddushin*" in Hebrew, from the word "*kadosh*," Holy) are nothing more than engagement in discriminatory stereotypes. This is a disgraceful attack upon Jewish Biblical beliefs, rendered no more excusable by the fact that other traditional religious groups have similar tenets.

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.

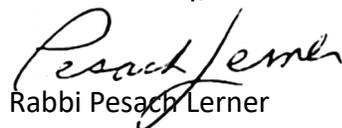
In all of the aforementioned situations, a law which would require recognition of the gender a person prefers to be, rather than the biological organism he or she was created to be, would demand we cease to operate in accordance with our sincerely-held beliefs, moral values and religious education — 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 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 philosophical and practical reasons, we strongly oppose this direct attack on our eternal principles. The Equality Act has the potential to bring the United States' centuries-long history of respecting and providing robust protection for our religious beliefs and liberties to an abrupt and ignominious end.

Yours Sincerely,


Rabbi Pesach Lerner
President


Rabbi Yaakov Menken
Managing Director