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March 25, 2021

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

On behalf of the ADL (Anti-Defamation League), we are writing to urge you to move the Equality Act of 2021 forward toward passage, and to urge Senators to support this critical legislation.

ADL is a leading anti-hate organization that has been working to secure justice and fair treatment to all since its founding in 1913. In advocating civil rights for all, ADL recognizes the importance of comprehensive laws prohibiting discrimination on the basis of immutable characteristics, including sex, sexual orientation, and gender identity. Only the enactment of the Equality Act would ensure that our nation no longer tolerates discrimination against LGBTQ+ Americans in education, health, housing, public spaces, and employment.

While there has been significant progress toward full protection of LGBTQ+ Americans' civil rights in recent years, there have also been some unfortunate setbacks that reveal the need for comprehensive legislation. For example, the 2018 Supreme Court ruling in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* – allowing, under those particular circumstances, a Colorado baker to refuse to sell a wedding cake to a same-sex couple – was a wake-up call. That narrow Court decision, while disappointing, did reaffirm the rights of LGBTQ+ individuals to be free from discrimination, and left Colorado's nondiscrimination protections in place. But it also revealed that even when there are specific laws in place to protect LGBTQ+ communities – which is too often not the case – those laws are vulnerable to challenge.

In addition, recent Executive actions have exploited weaknesses and gaps in federal protections for LGBTQ+ people. Congress's failure, to date, to include terms concerning sexual orientation and gender identity in Civil Rights Act provisions left the door open to the previous Administration's rollback of guidance prohibiting gender identity discrimination in schools under Title IX, for example, and its ban on transgender servicemembers in the U.S. military. Without the Equality Act, we have seen the Department of Labor allow federally funded organizations to discriminate against LGBTQ+ individuals in hiring and other employment decisions, and the Department of Health and Human Services permit an adoption agency

dependent on government grants to refuse to work with prospective foster care and adoptive families that included LGBTQ+ parents.

Federal protection of equal rights is indispensable, because too few states have comprehensive laws in place. To this day, more than 15 states provide no protections at all for LGBTQ+ individuals against discrimination in private and public employment, housing, access to credit and to public accommodations. Some state lawmakers continue to champion legislation that would strip LGBTQ+ rights or sanction government-sponsored discrimination. For example, South Dakota Senate Bill 124, which was signed into state law on March 4, 2021, allows a range of proprietors of private businesses to refuse service to LGBTQ+ people on religious grounds. Many states are currently considering measures, such as Georgia House Bill 276 and Minnesota House Bill 1657, that would ban transgender women and girls from playing on school sports teams. On March 11, 2021, Mississippi Governor Tate Reeves signed SB 2536, an anti-transgender sports bill, into law. These laws place oppressive restrictions on transgender youth, senselessly preventing transgender students from participating in school sports. By policing gender and girls' bodies, these bills stigmatize, marginalize, and allow exclusion of students of all gender identities who do not conform to inaccurate, outdated gender and sex stereotypes.

As an organization with Jewish roots and values, ADL believes deeply in the religious freedom enshrined in the First Amendment. The critical constitutional protection of religious belief must function as a shield safeguarding individuals from adverse action, and not as a sword to be used to thwart anti-discrimination laws or violate the civil rights and dignity of others. Government has a clear, compelling interest and responsibility to take firm action against discrimination, and the Equality Act is a necessary step in fulfilling this duty.

The Equality Act represents an historic opportunity to clarify that, no matter where in this country they live, people are protected from discrimination based on sex, sexual orientation, and gender identity. In advancing it, the Senate will send a message that people all over the United States and the world need to hear at this time: our nation is firmly committed to justice, equality, and respecting the dignity of each person.

The House of Representatives has acted, so it is now up to the Senate to follow suit. We urge you to join us in supporting the Equality Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Hustings". The signature is fluid and cursive, with a large initial "E" and a long, sweeping tail.

Erin Hustings
Director of Government Relations, Civil Rights
Anti-Defamation League