

Appendices to Defense Brief:

TABLE OF CONTENTS

pg 2	Appendix A. GaGP Platform Am HR3: Endorse the Declaration on Women's Sex Based Rights
pg 3	Appendix B. Declaration on Women's Sex Based Rights
pg 23	Appendix C. GaGP Platform Am HR4: Endorse the FIST Amendments to the Equality Act
pg 24	Appendix D. Feminist Amendments to the Equality Act
pg 51	Appendix E. Georgia Party Responds to Invitation from Lavender Caucus, April 7 <sup>th</sup> , 2020
pg 57	Appendix F. Georgia Party Responds to Lavender Caucus Complaint Seeking to Purge Georgia Party
pg 67	Appendix G. Dialogue Not Expulsion Caucus Responds to NLGC Complaint Against Georgia Party
pg 71	Appendix H. Ann Menasche Responds to Lavender Caucus Complaint Seeking to Purge Georgia Party
pg 77	Appendix I. Green Feminists Response TO Lavender Caucus Complaint
pg 87	Appendix J. Steve Bloom, Green Party of New York State, Personal Declaration
pg 90	Appendix K. Rich Whitney, Chairman, Illinois Green Party Supports Open Political Discussion
pg 96	Appendix L. Guilt by Association as a Tool of Reaction: MEs Hit Piece against radical Feminists
pg 101	Appendix M. Sex Denialism is not just Sexist But homophobic

**HR#3: Human Rights – Endorse Declaration on the Sex-Based Rights of Women** **Appendix\_A**  
Hugh Esco (Fulton County), Denice Traina (Richmond County), Kweku Lumumba (DeKalb County)  
offers the following:

Amend the Platform, by appending to the introductory language of the Human Rights plank, two new paragraphs to read:

"We believe that it is possible for responsible policy makers to weigh the conflicts between existing law and the demands of those campaigning for the legal protections of trans-identified individuals, and to find nuanced approaches which will protect the latter without gutting from the former the gains that women have made for the protection of the sex-based rights of women under the law."

"We are extremely concerned for the questionable medical ethics at play when children, incapable for fully informed consent, are subject to medical interventions under so-called gender-affirming protocols, involving puberty blockers, cross-sex hormones and so-called sex-reassignment surgeries. The lack of peer reviewed research to support such protocols; the well documented list of adverse side effects associated with these protocols; the many scientific studies which tell us that dysphoric distress including mental anguish and self-harming ideation is so often not resolved by these medical interventions; the additional scientific studies which report that gender dysphoria generally resolves itself by the late teens for 80% or more of Early Onset patients under a protocol of watchful waiting; and the growing number of young adults who have chosen to detransition, even after their health has been compromised and their reproductive systems have been left sterile by medical interventions; all of these factors urge caution in the rush to transition the gender of children with medical experimentation. Such practices have been said to '(bind) children to traditional gender stereotypes, and (to) medically (harm) them through life-changing irreversible procedures'."

Amend the Human Rights plank further, by inserting at the end, a new paragraph, to read:

"#. The Georgia Green Party here endorses the Declaration on Women's Sex-Based Rights, as developed and publicized by the Womens Human Rights Campaign, and encourage our members, our national party, policy makers and the general public to do the same. We will regulate access to gender-affirming therapies to protect Georgia children from medical experimentation, prosecuting ethical violations involved with subjecting children incapable of fully informed consent to such life-changing and irreversible procedures. We will protect womens and girls from unfair competition in sports by male bodied athletes. We will protect girls and women in the enjoyment of female-only facilities, programs, or services, particularly in places where women have a need to be in a state of undress, or where their privacy may be compromised or their safety may be at risk from male-pattern violence."

## Declaration on Women's Sex Based Rights **Appendix\_B**

On the re-affirmation of women's sex-based rights, including women's rights to physical and reproductive integrity, and the elimination of all forms of discrimination against women and girls that result from the replacement of the category of sex with that of 'gender identity', and from 'surrogate' motherhood and related practices.

### **Introduction**

This Declaration reaffirms the sex-based rights of women which are set out in the Convention on the Elimination of all Forms of Discrimination against Women adopted by the United Nations General Assembly on 18 December 1979 (CEDAW), further developed in the CEDAW Committee General Recommendations, and adopted, inter alia, in the United Nations Declaration on the Elimination of Violence against Women 1993 (UNDEVW).

Article 1 of the CEDAW defines discrimination against women to mean,

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Sex is defined by the United Nations as “the physical and biological characteristics that distinguish males and females.” (Gender Equality Glossary, UN Women).

The CEDAW places obligations on States Parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations customs and practices which constitute discrimination against women.” (Article 2 (f)); and to take, in all fields, “appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.” (Article 3).

It has long been understood in the area of human rights that the stereotyped sex roles of men and women are a fundamental aspect of women's inequality and must be eliminated.

“States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

Gender refers to “the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women... These attributes, opportunities and relationships are socially constructed and are learned through socialization processes.” (Gender Equality Glossary, UN Women).

Recent changes replacing references to the category of sex, which is biological, with the language of ‘gender’, which refers to stereotyped sex roles, in United Nations documents, strategies, and actions, has led to confusion which ultimately risks undermining the protection of women’s human rights.

The confusion between sex and ‘gender’ has contributed to the increasing acceptability of the idea of innate ‘gender identities’, and has led to the promotion of a right to the protection of such ‘identities’, ultimately leading to the erosion of the gains made by women over decades. Women’s rights, which have been achieved on the basis of sex, are now being undermined by the incorporation into international documents of concepts such as ‘gender identity’ and ‘Sexual Orientations and Gender Identities (SOGIES)’.

Sexual orientation rights are necessary in eliminating discrimination against those who are sexually attracted to persons of the same sex. Rights relating to sexual orientation are compatible with women’s sex-based rights, and are necessary to enable lesbians, whose sexual orientation is towards other women, to fully exercise their sex-based rights.

However, the concept of ‘gender identity’ makes socially constructed stereotypes, which organize and maintain women’s inequality, into essential and innate conditions, thereby undermining women’s sex-based rights.

For example, the Yogyakarta Principles state that,

“Gender identity is understood to refer to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve

if freely chosen, modification of bodily appearance or function by medical (Appendix\_B surgical or other means) and other expressions of gender, including dress, speech and mannerisms.” (Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007).

The right of individuals to dress and present themselves as they choose is compatible with women’s sex-based rights.

However, the concept of ‘gender identity’ has enabled men who claim a female ‘gender identity’ to assert, in law, policies, and practice, that they are members of the category of women, which is a category based upon sex.

The CEDAW General Recommendation No. 35 notes that, “General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention as well as general recommendation No. 33 on women’s access to justice confirms that discrimination against women is inextricably linked to other factors that affect their lives. The Committee’s jurisprudence highlights that these may include...being lesbian.” (II, 12).

The concept of ‘gender identity’ is used to challenge individuals’ rights to define their sexual orientation on the basis of sex rather than ‘gender identity’, enabling men who claim a female ‘gender identity’ to seek to be included in the category of lesbian, which is a category based upon sex. This undermines the sex-based rights of lesbians, and is a form of discrimination against women.

Some men who claim a female ‘gender identity’ seek to be included in the legal category of mother. The CEDAW emphasises maternal rights and the “social significance of maternity”. Maternal rights and services are based on women’s unique capacity to gestate and give birth to children. The inclusion of men who claim a female ‘gender identity’ within the legal category of mother erodes the social significance of maternity, and undermines the maternal rights for which the CEDAW provides.

The Beijing Declaration and Platform for Action (1995) states that,

“The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment”. (Annex 1, 17).

This right is undermined by the use of ‘surrogate’ motherhood, which exploits and commodifies women’s reproductive capacity.

The exploitation and commodification of women's reproductive capacity also underpins medical research which is aimed at enabling men to gestate and give birth to children.

The inclusion of men who claim a female 'gender identity' within the legal categories of woman, of lesbian, and of mother threatens to remove all meaning from these categories, as it constitutes a denial of the biological realities on which the status of being a woman, being a lesbian, and being a mother are based.

Organizations that promote the concept of 'gender identity' challenge the right of women and girls to define themselves on the basis of sex, and to assemble and organize on the basis of their common interests as a sex. This includes challenging the rights of lesbians to define their sexual orientation on the basis of sex rather than 'gender identity', and to assemble and organize on the basis of their common sexual orientation.

In many countries state agencies, public bodies and private organizations are attempting to compel persons to identify and refer to individuals on the basis of 'gender identity' rather than sex. These developments constitute forms of discrimination against women, and undermine women's rights to freedom of expression, freedom of belief, and freedom of assembly.

Men who claim a female 'gender identity' are being enabled to access opportunities and protections set aside for women. This constitutes a form of discrimination against women, and endangers women's fundamental rights to safety, dignity and equality.

Article 7 of the CEDAW affirms the importance of measures to eliminate discrimination against women in political and public life, and Article 4 affirms the importance of temporary special measures to accelerate de facto equality between men and women. When men claiming female 'gender identities' are admitted to women's participation quotas and other special measures designed to increase women's participation in political and public life, the purpose of such special measures in achieving equality for women is undermined.

Article 10 (g) of the CEDAW calls on States Parties to ensure that women have the same opportunities as men to participate actively in sports and physical education. Due to the physiological differences between women and men, the exercise of this right by women requires that certain sporting activities are single-sex. When men claiming female 'gender identities' are enabled to

participate in women's single-sex sporting activities, women are placed at an unfair competitive disadvantage, and may be placed at increased risk of physical injury. This undermines women's and girls' ability to have the same opportunities as men to participate in sports, and therefore constitutes a form of discrimination against women and girls, which should be eliminated. **Appendix\_B**

It has long been understood in the area of human rights that violence against women and girls is universally endemic, and is one of the crucial social mechanism by which women are forced into a subordinate position compared with men.

The United Nations Declaration on the Elimination of Violence Against Women recognizes that,

“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

This domination and discrimination is based on sex and not on ‘gender identity’.

The conflation of the category of sex with the category of ‘gender identity’ hinders the protection of women and girls from violence perpetrated against them by men and boys. It increasingly enables men who consider that they have a female ‘gender identity’ to claim access to female single sex victim support services and spaces, as both service users and as service providers. This includes specialist single-sex provisions for women and girls who have been subject to violence, such as shelters and health care facilities. It also includes other services in which single-sex provision is crucial to the promotion of the physical safety, health, privacy, and dignity of women and girls. The presence of men in female single-sex spaces and services undermines the role of these services in protecting women and girls, and could make women and girls vulnerable to violent men who may claim a female ‘gender identity’.

The CEDAW Committee in its General Recommendation 35 underlines the importance of collecting data and compiling statistics relating to the prevalence

of different forms of violence against women in relation to developing effective measures to prevent and redress such violence.

“Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. Sex-disaggregated data reflect roles, real situations, general conditions of women and men, girls and boys in every aspect of society. ... When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities.” (UN Women, Gender Equality Glossary).

The conflation of sex with ‘gender identity’ leads to the collection of data on violence against women and girls which is inaccurate and misleading because it identifies perpetrators of violence on the basis of their ‘gender identity’ rather than their sex. This creates a significant impediment to the development of effective laws, policies, strategies and actions aimed at the elimination of violence against women and girls.

The concept of ‘gender identity’ is increasingly used to ‘gender reassign’ children who do not conform to sex stereotypes, or who are diagnosed with gender dysphoria. Medical interventions that carry a high risk of long-term adverse consequences on the physical or psychological health of a child, such as the use of puberty suppressing hormones, cross-sex hormones, and surgery, are used on children who are not developmentally competent to give full, free and informed consent. Such medical interventions can cause a range of permanent adverse physical health effects, including sterility, as well as negative effects on psychological health.

## **Preamble**

Recalling the commitment to the equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, in particular the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the United Nations Convention on the Rights of the Child (UNCRC), as well as the United Nations Declaration on the Elimination of Violence against Women, the United Nations Declaration on the Right to Development, the United Nations Declaration on the Rights of Indigenous Peoples, the Council of Europe Convention on preventing and combatting violence against women and domestic violence (“Istanbul Convention”), the



Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ("Maputo Protocol"), and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Belem do Para Convention").

Appendix\_B

Re-affirming a commitment to ensuring the full implementation of the human rights of women and of girls as an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

Acknowledging the consensus and progress made at previous United Nations world conferences and summits, including the International Women's Year in Mexico City in 1975, the United Nations Decade for Women in Copenhagen in 1980, the United Nations Decade for Women in Nairobi in 1985, the World Summit on Children in New York in 1990, the Earth Summit on Environment and Development in Rio de Janeiro in 1992, the World Conference on Human Rights in Vienna in 1993, the International Conference on Population and Development in Cairo in 1994, the World Summit on Social Development in Copenhagen in 1995, and the World Conference on Women in Beijing in 1995, with the objective of achieving equality, development and peace.

Recognising that in the first decades of the United Nations human rights approach there was a clear understanding that discrimination against women was based upon sex.

Noting that United Nations human rights agreements, policies, strategies, actions and documents recognize that sex role stereotypes, now more commonly called 'gender stereotypes', are harmful to women and girls.

Recognising that the clear concept of sex role stereotyping has now been confused through the use of the language of gender.

Concerned that the concept of 'gender identity', has been incorporated into many influential, but non-binding, international human rights documents.

Noting that use of the language of 'gender' rather than sex, has enabled the development of a concept of 'gender identity' in which sex stereotypes are seen as innate and essential, which in turn has formed the basis of an erosion of the gains in women's and girls' human rights.

Concerned that men who claim a female ‘gender identity’ assert in law, policies and practice that they are members of the category of women, and that this results in the erosion of the human rights of women.

Concerned that men who claim a female ‘gender identity’ assert in law, policies and practice that sexual orientation is based upon ‘gender identity’ rather than sex, and seek to be included in the category of lesbian; and that this results in the erosion of the sex-based human rights of lesbians.

Concerned that some men who claim a female ‘gender identity’ make claims to be included in the legal category of mother in law, policies and practice, and that such inclusion erodes the social significance of maternity, and undermines maternal rights.

Concerned at the exploitation and commodification of women’s reproductive capacity which underpins ‘surrogate’ motherhood.

Concerned at the exploitation and commodification of women’s reproductive capacity which underpins medical research aimed at enabling men to gestate and give birth to children.

Concerned that organizations that promote the concept of ‘gender identity’ attempt to limit the right to hold and express opinions about ‘gender identity’ by promoting attempts by state agencies, public bodies and private organizations to use sanctions and punishment to compel persons to identify individuals on the basis of ‘gender identity’ rather than sex.

Concerned that the concept of ‘gender identity’ is used to undermine the right of women and girls to assemble and associate as women and girls based upon their sex, and without including men who claim to have female ‘gender identities’.

Concerned that the concept of ‘gender identity’ is used to undermine the right of lesbians to define their sexual orientation on the basis of sex, and to assemble and associate on the basis of their common sexual orientation, and without including men who claim to have female ‘gender identities’.

Concerned that the inclusion of men and boys who claim to have a female ‘gender identity’ into competitions and prizes set aside for women and girls, including competitive sports and scholarships, constitutes discrimination against women and girls.

Concerned that the conflation of sex and ‘gender identity’ is leading to the recording of inaccurate and misleading data used when planning for laws, policies and actions relating to employment, equal pay, political participation, and distribution of state funds, inter alia, thereby hindering effective measures aimed at eliminating all forms of discrimination against women and girls, and at promoting the advancement of women and girls in society.

Concerned that policies based on the concept of ‘gender identity’ are being used by state agencies, public bodies and private organizations in ways which threaten the survival of women only service provisions, including victim support and health care services.

Concerned that the concept of ‘gender identity’ is used to justify the intrusion of men and boys into single-sex spaces aimed at protecting the safety, privacy and dignity of women and girls, and at supporting women and girls who have been subject to violence.

Concerned that the conflation of sex and ‘gender identity’ is leading to the recording of inaccurate and misleading data about violence against women and girls, thereby hindering the development of effective measures aimed at eliminating such violence.

Concerned that the concept of ‘gender identity’ is used to obscure the sex of perpetrators of sex-specific crimes, such as rape and other sexual offences, thereby hindering effective measures aimed at reducing such crimes.

Concerned that the erasure of sex-specific actions, strategies and policies for women and girls will undermine decades of United Nations work to recognize the importance of women only services in disaster zones, refugee camps, and prisons, and in any context where the use of mixed-sex facilities would be a threat to the safety, dignity and protection of women and girls, and particularly vulnerable women and girls.

Emphasising that the concept of ‘gender identity’ was developed specifically out of a body of postmodern and ‘queer theory’ in the West and is being disseminated through powerful organizations internationally, including in countries where the term ‘gender’ does not exist in local languages and cannot easily be understood.

Recognising that the United Nations Convention on the Rights of the Child states that, for the purposes of the Convention, a child is every human being

below the age of 18 years; and that the Declaration of the Rights of the Child 1959 states that, **Appendix\_B**

“the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection.”

Recognising that the United Nations Convention on the Rights of the Child (Article 3) states that, in all actions concerning children, the best interests of the child shall be a primary consideration.

Noting that the concept of ‘gender identity’ is increasingly used to ‘gender reassign’ children who do not conform to sex role stereotypes or who are diagnosed with gender dysphoria, and that medical interventions that carry a high risk of long-term adverse consequences on the physical and psychological health of a child, such as the use of puberty suppressing hormones, cross-sex hormones, and surgery are used on children. Children are not developmentally competent to give full, free and informed consent to such interventions, which may lead to permanent adverse consequences, including sterility.

Recognising that the use of puberty suppressing drugs, cross-sex hormones, and surgery on children are emerging harmful practices as defined by Part V of the Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices.

Noting that the use of puberty suppressing drugs, cross-sex hormones, and surgery on children meet the four criteria for determining harmful practices in that:

- (a) These practices constitute a denial of the dignity and integrity of the individual child and a violation of the human rights and fundamental freedoms enshrined in the two Conventions, in that they involve medical interventions that carry a high risk of long-term adverse consequences on the physical and psychological health of children who are not developmentally competent to give full, free and informed consent to such medical interventions.
- (b) These practices constitute discrimination against children and are harmful in so far as they result in negative consequences for them as individuals, including physical, psychological, economic or social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their true potential. Such negative consequences may include long-term physical

and psychological health problems, permanent adverse health consequences such as sterility, and long-term dependence on pharmaceutical products such as synthetic hormones.

(c) These are emerging practices that are prescribed or kept in place by social norms that perpetuate male dominance and inequality of women and children, on the basis of sex, gender, age and other intersecting factors, in that they arise from a concept of ‘gender identity’ which is based upon sex role stereotypes.

(d) These practices are imposed on children by family members, community members or society at large, regardless of whether the victim provides, or is able to provide, full, free and informed consent.

Concerned that some non-binding international documents claim that children have innate ‘gender identities’ which require protection under Article 8 of the UNCRC in the same way as national identity, as a matter of the child’s human rights. This claim is based on the assertion that children are born ‘transgender’, for which there is no objective scientific evidence.

## **Article 1**

### **Reaffirming that the rights of women are based upon the category of sex**

States should maintain the centrality of the category of sex, and not ‘gender identity’, in relation to women’s and girls’ right to be free from discrimination.

(a) For the purposes of this Declaration, the term “discrimination against women” shall mean “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. (CEDAW, Article 1).

States should understand that the inclusion of men who claim to have a female ‘gender identity’ into the category of women in law, policies and practice constitutes discrimination against women by impairing the recognition of women’s sex-based human rights. States should understand that the inclusion of men who claim to have a female ‘gender identity’ in the category of women results in their inclusion in the category of lesbian, which constitutes a form of discrimination against women by impairing the recognition of the sex-based human rights of lesbians.

(b) States “shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”. (CEDAW, Article 3).

This should include the retention in law, policies and practice of the category of woman to mean adult human female, the category of lesbian to mean an adult human female whose sexual orientation is towards other adult human females, and the category of mother to mean a female parent; and the exclusion of men who claim to have a female ‘gender identity’ from these categories.

(c) States should “condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. (CEDAW, Article 2).

This should include the elimination of that act and practice of discrimination against women which comprises the inclusion of men who claim to have a female ‘gender identity’ in the category of women. Such inclusion erodes women’s rights to safety, dignity and equality.

(d) States should ensure that the words ‘woman’, the word ‘girl’, and the terms traditionally used to refer to women’s body parts and bodily functions on the basis of sex continue to be those used in constitutional acts, legislation, in the provision of services, and in policy documents when referring to persons of the female sex. The meaning of the word ‘woman’ shall not be changed to include men.

## **Article 2**

### **Reaffirming the nature of motherhood as an exclusively female status**

(a) The CEDAW emphasises the “social significance of maternity”, and Article 12 (2) states that “States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period”.

(b) Maternal rights and services are based on women’s unique capacity to gestate and give birth to children. The physical and biological characteristics that distinguish males and females mean that women’s reproductive capacity cannot be shared by men who claim a female ‘gender identity’. States should understand that the inclusion of men who claim a female ‘gender identity’ into the legal category of mother in law, policies and practice, and the corresponding inclusion of women who claim a male ‘gender identity’ into the category of

father, constitute discrimination against women by seeking to eliminate women's unique status and sex-based rights as mothers.

(c) States should ensure that the word 'mother', and other words traditionally used to refer to women's reproductive capacities on the basis of sex, continue to be used in constitutional acts, legislation, in the provision of maternal services, and in policy documents when referring to mothers and motherhood. The meaning of the word 'mother' shall not be changed to include men.

### **Article 3**

#### **Reaffirming the rights of women and girls to physical and reproductive integrity**

(a) States should ensure that the full reproductive rights of women and girls, and unhindered access to comprehensive reproductive services, are upheld.

(b) States should recognize that harmful practices such as forced pregnancies, and the commercial or altruistic exploitation of women's reproductive capacities involved in 'surrogate' motherhood, are violations of the physical and reproductive integrity of girls and women, and are to be eliminated as forms of sex-based discrimination.

(c) States should recognize that medical research which is aimed at enabling men to gestate and give birth to children is a violation of the physical and reproductive integrity of girls and women, and is to be eliminated as a form of sex-based discrimination.

### **Article 4**

#### **Reaffirming women's rights to freedom of opinion and freedom of expression**

(a) States should ensure that women have the right to "hold opinions without interference". (ICCPR, Article 19 (1)). This should include the right to hold and express opinions about 'gender identity' without being subject to harassment, prosecution or punishment.

(b) States should uphold women's right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media". (ICCPR, Article 19 (2)). This should include the

freedom to communicate ideas about ‘gender identity’ without being subject to harassment, prosecution or punishment. **Appendix\_B**

(c) States should uphold the right of everyone to describe others on the basis of their sex rather than their ‘gender identity’, in all contexts. States should recognize that attempts by state agencies, public bodies and private organizations to compel individuals to use terms related to ‘gender identity’ rather than sex are a form of discrimination against women, and shall take measures to eliminate this form of discrimination.

(d) States should prohibit any form of sanctioning, prosecution or punishment of persons who reject attempts to compel them to identify others on the basis of ‘gender identity’ rather than sex.

## **Article 5**

### **Reaffirming women’s right to freedom of peaceful assembly and association**

States should uphold women’s rights to peaceful assembly and freedom of association with others. (ICCPR, Articles 21 and 22). This should include the right of women and girls to assemble and associate as women or girls based upon their sex, and the rights of lesbians to assemble and associate on the basis of their common sexual orientation, without including men who claim to have female ‘gender identities’.

## **Article 6**

### **Reaffirming women’s rights to political participation on the basis of sex**

(a) States “shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country”. (CEDAW, Article 7).

This should include forms of discrimination against women which consist of the inclusion in the category of women of men who claim to have a female ‘gender identity’. All measures taken specifically to improve women’s access to voting rights, eligibility for election, participation in the formulation of government policy and its implementation, the holding of public office, performance of all public functions, and participation in non-governmental organizations and associations concerned with public and political life, should be based upon sex



and not discriminate against women by the inclusion of men who claim to have female ‘gender identities’.

Appendix\_B

(b) States should ensure that the “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women” (CEDAW Article 4) shall apply only to persons of the female sex and shall not discriminate against women through the inclusion of men who claim to have female ‘gender identities’.

## **Article 7**

### **Reaffirming women’s rights to the same opportunities as men to participate actively in sports and physical education**

Article 10 (g) of the CEDAW provides that States Parties shall ensure “[t]he same Opportunities to participate actively in sports and physical education” for girls and women as for boys and men. This should include the provision of opportunities for girls and women to participate in sports and physical education on a single-sex basis. To ensure fairness and safety for women and girls, the entry of boys and men who claim to have female ‘gender identities’ into teams, competitions, facilities, or changing rooms, inter alia, set aside for women and girls should be prohibited as a form of sex discrimination.

## **Article 8**

### **Reaffirming the need for the elimination of violence against women**

(a) States should “[w]ork to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.” (UNDEVW, Article 4 (g)).

These measures should include the provision of single-sex services and physical spaces for women and girls to provide them with safety, privacy, and dignity. Whether provided by public or private entities, such single sex provisions

should be allocated on the basis of sex and not ‘gender identity’, and should be staffed by women on the basis of their sex and not ‘gender identity’.

Appendix\_B

(b) Single sex provision should include, inter alia, specialized services for women and girls subject to violence, such as rape support services, specialist health facilities, specialist police investigation facilities, and shelters for women and children fleeing domestic abuse or other violence. It should also include all other services within which single sex provisions promote the physical safety, privacy, and dignity of women and girls. These include prisons, health services and hospital wards, substance misuse rehabilitation centres, accommodation for the homeless, toilets, showers and changing rooms, and any other enclosed space where individuals reside or may be in a state of undress. Single sex facilities designed to meet the needs of women and girls should be at least equal in availability and quality to those provided to men and boys. These facilities should not include men who claim to have female ‘gender identities’.

(c) States should “[p]romote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public.” (UNDEVW, Article 4 (k)).

This should include recognition that violence against women is one of the crucial social mechanisms by which women as a sex are forced into a subordinate position compared with men as a sex, and that accurate research and data collection relating to violence against women and girls requires that the identification of both the perpetrators and victims of such violence must be based on sex and not ‘gender identity’.

“Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. Sex-disaggregated data reflect roles, real situations, general conditions of women and men, girls and boys in every aspect of society. ... When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities.” (UN Women, Gender Equality Glossary).

(d) States should “[i]nclude in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women.” (UNDEVW Article 5 (d)). This should require states to ensure that the identities of perpetrators and victims of violence against women and girls are recorded on the basis of sex and not ‘gender identity’ by all public bodies, including the police, state prosecutors, and the courts.

(e) States should “[d]evelop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.” (UNDEVW, Article 4 (d)).

This should include the recognition of the right of women and girls to accurately describe the sex of those who have perpetrated violence against them. Public bodies such as the police, state prosecutors, and the courts should not impose an obligation on victims of violence to describe their assailants according to their ‘gender identity’ rather than their sex.

## **Article 9**

### **Reaffirming the need for the protection of the rights of the child**

(a) “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” (Article 3 (1) UNCRC). States should recognize that medical interventions aimed at the ‘gender reassignment’ of children by the use as puberty suppressing drugs, cross-sex hormones and surgery do not serve the best interests of children. Children are not developmentally competent to give full, free and informed consent to such medical interventions, which carry a high risk of long-term adverse consequences to the physical and psychological health of the child, and which may result in permanent adverse consequences, such as sterility. States should prohibit the use of such medical interventions upon children.

(b) States should recognize that medical interventions aimed at the ‘gender reassignment’ of children by the use of drugs and surgery are emerging harmful practices as defined by Part V of the Joint General Recommendation No.31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices.

(c) States should establish data collection and monitoring processes in relation to these practices, and enact and implement legislation aimed at eliminating them. States’ provisions should include legal protection and appropriate care for children harmed by such practices, and the availability of redress and reparations.

(d) States should “recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.” (UNCRC, Article 24). This should include protection of the healthy body of the child from the use of drugs or surgery to effect ‘gender reassignment’ treatment.

(e) States should “ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health...as well as competent supervision.” (UNCRC, Article 3). This should include preventing organizations that promote the concept of ‘gender identity’, or constituencies that have no clinical expertise or child psychology background, from influencing health services for children.

(f) States should “respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.” (UNCRC, Article 5). States should prohibit state agencies, public and private bodies, medical practitioners, and other child welfare professional from taking any action which seeks to compel parents to consent to medical or other interventions aimed at changing the ‘gender identities’ of their children.

(g) States should “recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.”

(UNCRC, Article 28). This should include the right of the child to the development of school curricula which are materially accurate about human biology and reproduction, and include information about the human rights of people of diverse sexual orientations, taking into account the evolving capacity and psychological developmental stages of the child.

(h) States should ensure inclusion in teacher training and continuing professional development programmes of accurate material about human biology and reproduction, and information about the human rights of people of diverse sexual orientations, which should include the challenging of sex stereotypes and of homophobia.

(i) States “agree that the education of the child shall be directed to [t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes...” (UNCRC, Article 29). This should include measures to ensure that organizations are not allocated state funding to promote sex stereotyping and the concept of ‘gender identity’ in educational institutions, as this constitutes the promotion of discrimination against women and girls.

(j) States “shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.” (UNCRC, Article 36). This should include effective and appropriate legal measures with a view to abolishing: traditional and emerging practices which enforce sex role stereotypes on girls and boys; diagnosing and treating children as having been ‘born in the wrong body’ when they do not conform to traditional sex role stereotypes; identifying young people who are same sex attracted as suffering from gender dysphoria; and using medical interventions on children which may result in their sterilization or other permanent harms.

### **Copyright © 2019 Women’s Human Rights Campaign**

Permission is granted to reproduce this document for personal and educational use only, provided that the Women’s Human Rights Campaign is identified as the author. Copying for commercial purposes is prohibited. All alterations or

amendments to this document, or any part of this document, are prohibited. Any unauthorised use of this document will constitute an infringement of copyright.

**Appendix\_B**

**HR#4: Human Rights – Endorse FiST's Feminist Amendments to the Equality Act** **Appendix\_C**  
Hugh Esco (Fulton County), Denice Traina (Richmond County), Kweku Lumumba (DeKalb County)  
offers the following:

Amend the Platform, by appending to the introductory language of the Human Rights plank, a new paragraph to read:

"Efforts by advocates for the rights of trans-identified individuals have campaigned for the inclusion of 'gender-identity' as a protected class under existing civil rights law. Feminist organizers around the world have identified such policy demands as in conflict with the existing sex-based rights of women and have called for opposition to gender-identity protections which fail to account for the concerns of women. Elevating gender-identity on a par with sex as a protected class pits the established sex-rights of women against the demands for inclusion and protection by trans-identified persons. However, a prohibition of discrimination based on 'sex stereotypes' provides many important protections for trans-identified individuals without placing at risk the sex-based rights of women."

Amend the Human Rights plank further, by inserting at the end, a new paragraph, to read:

"#. The Georgia Green Party endorses passage of the Equality Act (HR-5 / SB-788, in the 116th Congress) as amended by the Feminist Amendment developed by FeministsStruggle.org intended to protect the sex-based rights of women while adding to existing Civil Rights statutes related to employment, housing, credit and jury service, two new protected classes to protect people from discrimination based on 'sexual orientation' and 'sex stereotyping'. We further support the adoption of similar state level reforms."



## ~~Shown Here: Referred~~

[Feminists in Struggle](#)  
[P. O. Box 633101](#)  
[San Diego, CA 92163-3101](#)  
[admin@feministstruggle.org](mailto:admin@feministstruggle.org)  
[www.feministstruggle.org](http://www.feministstruggle.org)

### A PROPOSED MODEL U.S. EQUALITY ACT INCORPORATING FEMINIST AMENDMENTS

The following is a Proposed Model Equality Act, incorporating Feminist  
Amendments into Senate ~~(05/20/~~Bill 788, which was prepared by the  
U.S. organization, Feminists in Struggle (FIST), and adopted by FIST on  
October 2, 2019):

*Be it enacted by the Senate and House of Representatives of the United States  
of America in Congress assembled,-*

#### **SECTION 1.- Short title.**

This Act may be cited as the “Equality Act”.

#### **SEC. 2.- Findings and purpose.**

(a) Findings.—Congress finds the following:

~~(1) Discrimination can occur on the basis of the sex, sexual orientation, gender  
identity, or pregnancy, childbirth, or a related medical condition of an  
individual, as well as because of sex-based stereotypes. Each of these factors  
alone can serve as the basis for discrimination, and each is a form of sex  
discrimination.~~



~~(2) A single instance of discrimination may have more than one basis. For example, discrimination against a married same-sex couple could be based on the sex stereotype that marriage should only be between heterosexual couples, the sexual orientation of the two individuals in the couple, or both. Discrimination against a pregnant lesbian could be based on her sex, her sexual orientation, her pregnancy, or on the basis of multiple factors.~~

~~(3) Lesbian~~

~~(1) Discrimination can occur on the basis of sex, which may include pregnancy, childbirth, lactation or a related condition; on the basis of sexual orientation; and on the basis of sex stereotypes, i.e., certain socially imposed notions of proper behaviors, appearance, mannerisms, dress, grooming, interests and personality placed on men and women respectively. In *Price-Waterhouse v. Hopkins*, 490 U.S. 228 (1989), the Supreme Court correctly recognized that sex stereotyping can be evidence of an employer's discriminatory motive in proving a claim of sex discrimination. Other courts have declined to extend this ruling to prohibit sex-based grooming codes as sex discrimination. *Jespersen v. Harrah's Operating Co., Inc.*, 444 F. 3d 1104 (9<sup>th</sup> Cir. 2006). Discrimination based on sexual orientation has been understood by some courts (though not others) as a form of sex discrimination because it involves both a difference in treatment based on sex and sex stereotyping. (*Hively v. Ivy Tech Community College of Indiana*, 853 F. 3d 339 (7<sup>th</sup> Cir. 2017); *Christiansen v. Omnicom Group, Inc.*, 852 F. 3d 195 (2<sup>nd</sup> Cir. 2017). Two new separate protected categories, covering discrimination based on sexual orientation and discrimination based on sexual stereotyping, are needed in addition to those established in the 1964 Civil Rights Act as amended and associated acts, in order to provide greater clarity and consistency and stronger, more comprehensive civil rights protections in federal law.~~

~~(2) The need for protections against discrimination based on sex arises from the deeply entrenched, systematic inequalities of power and resources between women and men, and from the domination that men have exercised over women in all aspects of life but with a particular focus on controlling women's sexual and reproductive power. This system of oppression has maintained women's legal, social and economic disadvantages and the corresponding advantages of men, and has perpetuated women's economic~~

dependence on men. The maintenance of accurate sex classifications of individuals is necessary in order to separate biological differences from socially assigned stereotypes and to name, reject, and ultimately dismantle the system of disadvantage and advantage, domination and inequality of power and resources that society has created with respect to these biological differences.

(3) Affirmative recognition of the different biology of females and males is furthermore necessary to combat discrimination against women, since male-dominated institutions have routinely failed to adequately take account of women's biology on an equal basis with that of men when formulating policy and practice that deals with the human body, in areas such as health care, design of goods and services, provision of adequate sanitary facilities, and competition in some sports. When doing so, the ultimate goal should be equalizing power and resources between women and men.

(4) Lesbians, gay, bisexual, men, bisexuals, and transgender, and queer (referred to as "LGBTQ") people commonly experience discrimination based on sexual orientation and/or their non-conformity to sex stereotypes in employment and housing, and in securing access to public accommodations—, including restaurants, senior centers, stores, places of or establishments that provide entertainment, health care facilities, shelters, government offices, youth service providers including adoption and foster care providers, and transportation. Forms of discrimination include the exclusion and denial of entry, unequal or unfair treatment, harassment, and violence. This discrimination prevents the full participation of LGBTQlesbians, gay men, bisexuals, and transgender people in society and disrupts the free flow of commerce.

(4) Women also have faced discrimination in many establishments such as stores and restaurants, and places or establishments that provide other goods or services, such as entertainment or transportation, including sexual harassment, differential pricing for substantially similar products and services, and denial of services because they are pregnant or breastfeeding.

(5)

(5) Women are discriminated against based on their sex, including violations of their rights to privacy and bodily sovereignty, denial of equal access to employment, education, and public accommodations, and denial of substantive equality of opportunity, best addressed by maintaining certain single-sex facilities, programs, and activities, and compiling accurate statistics based on sex. Women and girls continue to experience discrimination based on their sex in all areas of life including employment, education and provision of various services. They may be denied equal pay and opportunity for promotions, and may be excluded from or denied equal access to many fields of employment and study. They may be denied rights over their bodies and reproductive capacities, discriminated against and denied reasonable accommodation based on pregnancy, childbirth, or nursing of infants, denied equal opportunity to develop their physical abilities in athletics and be recognized and rewarded for doing so, and may be subjected to discrimination and to a pattern of male violence against females as a class (“male-pattern violence”) in both private and public spaces, including rape and sexual harassment in the workplace, at schools, colleges and universities, in nursing homes, psychiatric institutions, hospitals, prisons, and by providers of public transportation and housing. Women and girls have also faced discrimination in many establishments such as stores and restaurants, and places or establishments that provide other goods or services, such as entertainment or transportation, including experiencing sexual harassment, differential pricing for substantially similar products and services, and denial of services because they are pregnant or breastfeeding. Because sex discrimination against women and girls has not been eliminated and the privacy and bodily sovereignty of women and girls is routinely disrespected and commonly violated, women and girls continue to need female-only spaces, access to single-sex services and/or female personnel, if desired, to perform personal services and security functions involving bodily contact, and proactive programs to provide privacy, safety and refuge for women and girls from male-pattern violence including violence in the home and to provide equal opportunity for women and girls to develop skills and enjoy educational and employment opportunities previously denied them based on their sex.

(6) Many employers already have taken and continue to take proactive steps, beyond those required by some States and localities, to ensure they are

~~fostering positive ending discrimination based on sex, sexual orientation and respectful cultures~~ sex stereotyping for all employees. However, others have failed to do so. Many places of public accommodation also recognize the economic imperative to end discrimination and offer goods and services to as many consumers as possible.

~~(6~~

~~(7) Regular and ongoing discrimination against LGBTQ people, as well as women, in accessing public accommodations~~ against lesbians, gay men, bisexuals, and transgender people, and those who do not conform to sex stereotypes or gender role norms for their sex, contributes to negative social and economic outcomes, and in the case of public accommodations operated by State and local governments, abridges individuals' constitutional rights.

~~(7~~

~~(8) The discredited~~ practice known as “gay conversion therapy” is a form of discrimination that harms LGBTQ lesbians, gay men, bisexuals, and transgender people by coercing lesbians, gay men, and bisexuals to abandon same-sex relationships and engage in heterosexual relationships and/or to pressure lesbians, gay men, bisexuals, and transgender people to conform to sex stereotypes, thereby undermining ~~individuals~~ individuals' sense of self-worth, increasing suicide ideation and substance abuse, exacerbating family conflict, and contributing to second class status.

~~(8) Both LGBTQ~~

~~(9) Lesbians, gay men, bisexuals, and transgender~~ people ~~and, as well as women~~ as a sex, face widespread discrimination in employment and various services, including by entities that receive Federal financial assistance. Such discrimination—

(A) is particularly troubling and inappropriate for programs and services funded wholly or in part by the Federal Government;

(B) undermines national progress toward equal treatment regardless of sex, sexual orientation, or gender identity non-conformity to sex stereotypes; and

(C) is inconsistent with the ~~constitutional~~ principle of equal protection under the Fourteenth Amendment to the Constitution of the United States.

~~(9~~

(10) Federal courts have widely recognized that, in enacting the Civil Rights Act of 1964, Congress validly invoked its powers under the Fourteenth Amendment to provide a full range of remedies in response to persistent, widespread, and pervasive discrimination by both private and government actors.

~~(10)~~

(11) Discrimination by State and local governments on the basis of sex, sexual orientation, and/or gender identity nonconformity to sex stereotypes in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance, violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, except where sex-based distinctions are necessary to protect the privacy and safety of women and girls from male-pattern violence, to affirmatively address past patterns of sex discrimination and inequality based on sex, or to meet health care or other special needs of women and girls, including lesbians. In many circumstances, such discrimination also violates other constitutional rights such as those of liberty and privacy under the ~~due process~~ Due Process clause of the Fourteenth Amendment.

~~(11)~~

(12) Individuals who are LGBTQlesbians, gay men, bisexuals or transgender, or are perceived to be LGBTQlesbian, gay, bisexual or transgender, have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination on the bases of sexual orientation and gender identity nonconformity to sex stereotypes by both private sector and Federal, State, and local government actors, including in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance. An explicit and comprehensive national solution is needed to address such discrimination, which has sometimes resulted in violence or death, including the full range of remedies available under the Civil Rights Act of 1964.

~~(12) Numerous provisions of Federal law expressly prohibit discrimination on the basis of sex, and Federal agencies and courts have correctly interpreted these prohibitions on sex discrimination to include discrimination based on sexual orientation, gender identity, and sex stereotypes. In particular, the Equal Employment Opportunity Commission correctly interpreted title VII of~~

~~the Civil Rights Act of 1964 in Maey v. Holder, Baldwin v. Foxx, and Lusardi v. McHugh.~~

(13) The absence of explicit prohibitions of discrimination on the basis of sexual orientation and gender identity sex stereotyping under Federal statutory law has created uncertainty for employers and other entities covered by Federal nondiscrimination laws and caused unnecessary hardships for LGBTQ individuals individuals who are lesbians, gay men, bisexuals or transgender. It is therefore important that these prohibitions of discrimination based on sexual orientation and sex stereotyping be explicitly added to federal law as protected categories separate from the sex discrimination category, while maintaining and strengthening sex-based protections for women and girls.

~~(14) LGBTQ~~

(14) Lesbians, gay men, bisexuals and transgender people often face discrimination when seeking to rent or purchase housing, as well as in every other aspect of obtaining and maintaining housing. LGBTQ people Lesbians, gay men, and bisexuals in same-sex relationships, and others who are perceived as being in same-sex relationships, are often discriminated against when two names associated with one gender sex appear on a housing application. Lesbians, gay men, bisexuals and transgender people often encounter discrimination when credit checks for non-conformity to sex stereotypes including recognition or inquiries reveal a former name discovery that they are lesbian, gay, bisexual or transgender.

(15) National surveys, including a study commissioned by the Department of Housing and Urban Development, show that housing discrimination against LGBTQ lesbians, gay men, bisexuals, and transgender people is very prevalent. For instance, when same-sex couples inquire about housing that is available for rent, they are less likely to receive positive responses from landlords. A national matched-pair testing investigation found that nearly one-half of same-sex couples face adverse, differential treatment when seeking elder housing. According to other studies, transgender people have half the homeownership rate of non-transgender people and about 1 in 5 transgender people experience homelessness.

(16) As a result of the absence of explicit prohibitions against discrimination on the basis of sexual orientation and gender identity sex stereotyping, credit

applicants who are [LGBTQlesbian, gay, bisexual or transgender](#), or perceived to be [LGBTQlesbian, gay, bisexual or transgender](#), have unequal opportunities to establish credit. [LGBTQLesbians, gay men, bisexuals and transgender](#) people can experience being denied a mortgage, credit card, student loan, or many other types of credit simply because of their sexual orientation ~~or gender identity~~[and/or because they do not conform to stereotypes for their sex](#).

(17) Numerous studies demonstrate that [LGBTQlesbians, gay men, bisexuals, and transgender](#) people, especially [lesbians and other women in same-sex relationships, as well as transgender people](#)~~and women~~, are economically disadvantaged and at a higher risk for poverty compared with other groups of people. For example, older women in same-sex couples have twice the poverty rate of older different-sex couples.

(18) The right to an impartial jury of one's peers and the reciprocal right to jury service are fundamental to the free and democratic system of justice in the United States and are based ~~in~~[on](#) the Bill of Rights. There is, however, an unfortunate and long-documented history in the United States of attorneys discriminating against [LGBTQlesbians, gay men, bisexuals and transgender](#) individuals, or those perceived to be [LGBTQlesbian, gay, bisexual or transgender](#), in jury selection. Failure to bar peremptory challenges based on the actual or perceived sexual orientation or ~~gender identity~~[non-conformity to sex stereotypes](#) of an individual not only erodes a fundamental right, duty, and obligation of being a citizen of the United States, but also unfairly creates a second class of citizenship for [LGBTQlesbians, gay men, bisexuals and transgender people](#) as victims, witnesses, plaintiffs, and defendants.

(19) Numerous studies document the shortage of qualified and available homes for the 437,000 [youthyoung people](#) in the child welfare system and the negative outcomes for the many [youthyoung people](#) who live in group care ~~as opposed to a loving home~~ or who age out without a permanent family. Although same-sex couples are 7 times more likely to foster or adopt than their different-sex counterparts, many child-placing agencies refuse to serve same-sex couples and ~~LGBTQ individuals~~[individual lesbians, gay men, bisexuals, and transgender people](#). This has resulted in a reduction of the pool of qualified and available homes for [youthyoung people](#) in the child welfare

system who need placement on a temporary or permanent basis. Barring discrimination based on sexual orientation and sex stereotypes in foster care and adoption will increase the number of homes available to foster children waiting for foster and adoptive families.

~~(20) LGBTQ youth~~

(20) Young people who are lesbians, gay, bisexual or transgender are overrepresented in the foster care system by at least a factor of two and report twice the rate of poor treatment while in care compared to their ~~non-LGBTQ~~ counterparts. LGBTQ youth who are not lesbian, gay, bisexual or transgender. Young people in foster care who are lesbians, gay, bisexual or transgender have a higher average number of placements, higher likelihood of living in a group home, and higher rates of hospitalization for emotional reasons mental health system involvement and juvenile justice involvement than their ~~non-LGBTQ~~ peers who are not lesbian, gay, bisexual or transgender because of the high level of bias and discrimination that they face and the difficulty of finding affirming foster placements. Further, due to their physical distance from friends and family, traumatic experiences, and potentially unstable living situations, all youth young people involved with child welfare are at risk for being targeted by traffickers seeking to exploit children. Barring discrimination in child welfare services will ensure improved treatment and outcomes for LGBTQ foster children:

who are lesbian, gay, bisexual or transgender.

~~(b) Purpose.~~—It is the purpose of this Act to expand as well as establish two new protected classes under federal Civil Rights laws, sexual orientation and sex stereotyping, in order to strengthen sex-based rights for women and girls, to clarify, confirm and create greater consistency in the protections and remedies against discrimination on the basis of all covered characteristics ~~and,~~ to provide guidance and notice to individuals, organizations, corporations, and agencies regarding their obligations under the law, and to resolve conflicts of rights among members of protected classes.

SEC. 3. Public accommodations.

~~SEC. 3. Public accommodations.~~



(a) ~~Prohibition on discrimination or segregation in public accommodations.~~—Section 201 of the Civil Rights Act of 1964 (~~42 U.S.C. 2000a~~) is amended—

(1) in subsection (a), by inserting “sex ~~(including, sexual orientation, and gender identity),~~” sex stereotyping,” before “or national origin”; and

(2) in subsection (b)—

(A) in paragraph (3), by striking “stadium” and all that follows and inserting “stadium or other place of or establishment that provides exhibition, entertainment, recreation, exercise, amusement, public gathering, or public display;”~~;~~;

(B) by ~~redesignating~~re-designating paragraph (4) as paragraph (6); ~~and~~

(C) by inserting after paragraph (3) the following:

“(4) any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services;”

“(5) any train service, bus service, car service, taxi service, airline service, station, depot, or other place of or establishment that provides transportation service; ~~and~~”.

(b) ~~Prohibition on discrimination or segregation under law.~~—Section 202 of such Act (~~42 U.S.C. 2000a—142 U.S.C. 2000a—1~~) is amended by inserting “sex ~~(including, sexual orientation and gender identity),~~” sex stereotyping,” before “or national origin”.

(c) ~~Rule of construction.~~—Title II of such Act (~~42 U.S.C. 2000a—42 U.S.C. 2000a~~ et seq.) is amended by adding at the end the following:

**“SEC. 208. Rule of construction.**

“A reference in this title to an establishment—

“(1) shall be construed to include an individual whose operations affect commerce and who is a provider of a good, service, or program; and

“(2) shall not be construed to be limited to a physical facility or place.”.

**SEC. 4. Desegregation of public facilities.**

Section 301(a) of the Civil Rights Act of 1964 (~~42 U.S.C. 2000b(a)~~42 U.S.C. 2000b (a)) is amended by inserting “sex ~~(including, sexual orientation and gender identity),”~~ sex stereotyping,” before “or national origin”.

**SEC. 5. Desegregation of public education.**

(a) Definitions.—Section 401(b) of the Civil Rights Act of 1964 (~~42 U.S.C. 2000e(b)~~42 U.S.C. 2000c (b)) is amended by inserting “~~(including, sexual orientation and gender identity),”~~ sex stereotyping,” before “or national origin”.

(b) Civil actions by the Attorney General.—Section 407 of such Act (~~42 U.S.C. 2000e-6~~42 U.S.C. 2000c-6) is amended, in subsection (a)(2), by inserting “~~(including, sexual orientation and gender identity),”~~ sex stereotyping,” before “or national origin”.

(c) Classification and assignment.—Section 410 of such Act (~~42 U.S.C. 2000e-9~~42 U.S.C. 2000c-9) is amended by inserting “~~(including, sexual orientation and gender identity),”~~ sex stereotyping,” before “or national origin”.

**SEC. 6. Federal funding.**

**~~SEC. 6. Federal funding.~~**

Section 601 of the Civil Rights Act of 1964 (~~42 U.S.C. 2000d~~42 U.S.C. 2000d) is amended by inserting “sex ~~(including, sexual orientation and gender identity),”~~, sex stereotyping,” before “or national origin,”.

## SEC. 7. Employment.

### ~~SEC. 7. Employment.~~

(a) ~~Rules of construction.~~—Title VII of the Civil Rights Act of 1964 is amended by inserting after section 701 (42 U.S.C. 2000e) the following:

#### **“SEC. 701A. ~~Rules of construction.~~**

“Section 1106 shall apply to this title except that for purposes of that application, a reference in that section to an ‘unlawful practice’ shall be considered to be a reference to an ‘unlawful employment practice’.”.

(b) ~~Unlawful employment practices.~~—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2) is amended—

(1) in the section header, by ~~striking “sex,” and~~ inserting “sex (including sexual orientation, and sex stereotyping,” after “sex,”; ~~and gender identity),”;~~

(2) except in subsection (e), by ~~striking “sex,” each place it appears and~~ inserting “sex (including sexual orientation, and sex stereotyping” after “sex,” each place “sex,” appears; ~~and gender identity),”;~~ and

(3) in subsection (e)(~~1h~~), by ~~striking “enterprise,” and~~ inserting “enterprise, if, in a situation in which sex is a bona fide occupational qualification, individuals are recognized as qualified in accordance with their gender identity,” comma after “sex,” followed by “sexual orientation, and sex stereotyping,” the second place “sex” appears.

(c) ~~Other unlawful employment practices.~~—Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(b)) is amended—

(1) by ~~striking~~inserting “sexual orientation, and sex stereotyping,” after “sex,” the first place it “sex,” appears and ~~inserting~~ “sex (including sexual orientation and gender identity),”; and.

(2) by ~~striking~~ “employment.” and ~~inserting~~ “employment, if, in a situation in which sex is a bona fide occupational qualification, individuals are recognized as qualified in accordance with their gender identity.”.

(d) ~~Claims.~~—Section 706(g)(2)(A) of the Civil Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by ~~striking~~ “inserting “sexual orientation and sex,” and inserting stereotyping” after “sex (~~including sexual orientation and gender identity~~),”.

(e) ~~Employment by Federal Government.~~—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended—

(1) in subsection (a), by ~~striking~~ “sex,” and ~~inserting~~ “sex (~~including~~ sexual orientation, and sex stereotyping,” after “sex,”; and ~~gender identity~~),”; and

(2) in subsection (c), by ~~striking~~ “sex” and ~~inserting~~ “sex (~~including a comma after~~ “sex”, followed by “sexual orientation, and gender identity),”~~sex stereotyping~~.”.

(f) ~~Government Employee Rights Act of 1991.~~—The Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16a et seq.) ~~is amended—~~  
is amended—

(1) in section 301(b), by ~~striking~~ “sex,” and ~~inserting~~ “sex (~~including~~ sexual orientation, and gender identity),”; sex stereotyping,” after “sex,”;

(2) in section 302(a)(1), by ~~striking~~ “sex,” and ~~inserting~~ “sex (~~including~~ sexual orientation, and gender identity),”; sex stereotyping,” after “sex,”; and

(3) by adding at the end the following:

**“SEC. 305. Rules of construction and claims.**

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to this title except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex ~~(including, sexual orientation and gender identity),~~ sex stereotyping, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex, sexual orientation, gender identitysex stereotyping, national origin, age, or disability’.”

(g) ~~Congressional Accountability Act of 1995.~~—The Congressional Accountability Act of 1995 (~~2 U.S.C. 1301 et seq.~~2 U.S.C. 1301 et seq.) is amended—

(1) in section 201(a)(1) (~~2 U.S.C. 1311(a)(1)~~2 U.S.C. 1311(a)(1)) by inserting ~~“(including “sexual orientation and gender identity),”~~ “sex stereotyping,” before “or national origin,”; and

(2) by adding at the end of title II (~~42 U.S.C. 1311 et seq.~~42 U.S.C. 1311 et seq.) the following:

**“SEC. 208. Rules of construction and claims.**

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to section 201 (and remedial provisions of this Act related to section 201) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex ~~(including, sexual orientation and gender identity),~~ sex stereotyping, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex ~~(including, sexual orientation and gender identity),~~ sex stereotyping, national origin, age, or disability’.”

(h) ~~Civil Service Reform Act of 1978.~~—~~Chapter 23~~ Chapter 23 of title 5, United States Code, is amended—

(1) in section 2301(b)(2), by striking “sex,” and inserting “sex ~~(including, sexual orientation and gender identity),”~~; sex stereotyping,”;

(2) in section 2302—

(A) in subsection (b)(1)(A), by inserting “~~(including,~~ sexual orientation ~~and gender identity),”~~, sex stereotyping,” before “or national origin,”; and

(B) in subsection (d)(1), by inserting “~~(including,~~ sexual orientation ~~and gender identity),”~~, sex stereotyping,” before “or national origin,”; and

(3) by adding at the end the following:

**“SEC. 2307.- Rules of Construction and claims.**

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to this chapter (and remedial provisions of this title related to this chapter) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex ~~(including, sexual orientation and gender identity),~~, sex stereotyping, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex ~~(including, sexual orientation and gender identity),~~, sex stereotyping, national origin, age, ~~a~~ handicapping condition, marital status, or political ~~affiliation’.~~ affiliation.’”

**SEC. 8.- Intervention.**

Section 902 of the Civil Rights Act of 1964 (~~42 U.S.C. 2000h–242 U.S.C. 2000h–2~~) is amended by inserting “~~(including after sex “,~~ sexual orientation ~~and gender identity),”~~, sex stereotyping,” before “or national origin.”

**SEC. 9. Miscellaneous,”**

**~~SEC. 9.-~~**

**~~Miscellaneous~~**

Title XI of the Civil Rights Act of 1964 is amended—

(1) by ~~redesignating~~re-designating sections 1101 through 1104 (~~42 U.S.C. 2000h-4~~ 42 U.S.C. 2000h et seq.) and sections 1105 and 1106 (~~42 U.S.C. 2000h-5~~ 42 U.S.C. 2000h-5, 2000h-6) as sections 1102 through 1105 and sections 1108 and 1109, respectively;

(2) by inserting after the title heading the following:

**“SEC. 1101. Definitions and Rules.**

“(a) Definitions.—In titles II, III, IV, VI, VII, and IX (referred to individually in sections 1106 and 1107 as a ‘covered title’):

“(1) RACE; COLOR; RELIGION; SEX; SEXUAL ORIENTATION; GENDER IDENTITYSEX STEREOTYPING; NATIONAL ORIGIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’ ~~(including, ‘sexual orientation’ and ‘gender identity’),~~ ‘sex stereotyping’, or ‘national origin’, used with respect to an individual, for purposes of determining whether an act of discrimination has been committed against that individual, includes—

“(A) the race, color, religion, sex ~~(including, sexual orientation and gender identity),~~ non-conformity with sex stereotypes, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

“(B) a perception or belief, even if inaccurate, held by the person who commits the act, concerning the race, color, religion, sex ~~(including, sexual orientation and gender identity),~~ non-conformity with sex stereotypes, or national origin, respectively, of the individual.

~~“(2) GENDER IDENTITY.—The term ‘gender identity’ means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.~~

“(2)

~~“(3) INCLUDING.—The term ‘including’ means including, but not limited to, consistent with the term’s standard meaning in Federal law.~~

~~“(3)“(4) SEX.—The term ‘sex’ includes—~~

~~“(A) a sex stereotype;~~

~~“(B) pregnancy, childbirth, or a related medical condition;~~

~~“(C) sexual orientation or gender identity; and~~

~~“(D) sex characteristics, including intersex traits. SEX.—The term ‘sex’ (also referred to as ‘biological sex’ herein) refers to an individual’s status of being female or male. Distinguishing females from males is based on genes, gonads, and the gametes that an individual’s body is configured to produce. Sex is ordinarily determined at the time of fertilization and is accurately observed at or before birth, with rare exceptions. Sex cannot be changed.~~

~~“(4) SEX DISCRIMINATION.—The term ‘sex discrimination’ used with respect to an individual or group of individuals means discrimination based on the sex of that individual or individuals, and includes discrimination based on pregnancy, childbirth, lactation or a related condition. Sex stereotyping may be considered as evidence to prove a claim of sex discrimination~~

~~“(5) FEMALES/WOMEN/GIRLS.—Refer to members of the sex that typically has the capacity to bear offspring and/or produce large gametes called eggs.~~

~~“(6) MALES/MEN/BOYS.—Refer to members of the sex that typically has the capacity of producing small, usually motile gametes called sperm.~~

~~“(7) INTERSEX. - People with differences of sexual development, sometimes referred to as ‘intersex’, should ordinarily be classified as male or female on the same basis as others based on reproductive structure and function. In situations where specific measures or adjustments are warranted to fulfill the rights of the individuals concerned in light of their particular intersex conditions, measures should be devised that do so while preserving the sex-based rights of women and girls.~~

~~“(8)~~



~~“(5) SEXUAL ORIENTATION.~~—The term ‘sexual orientation’ means lesbianism, male homosexuality, heterosexuality, or bisexuality, based on whether a person is attracted to or in intimate relationships with persons of the same and/or other sex.

“(9) SEX STEREOTYPING.— ‘Sex stereotyping’ means the use of sex stereotypes in determinations made about an individual, or other discrimination based on an individual’s nonconformity with sex stereotypes. ‘Sex stereotypes’ also known as ‘gender roles’ or ‘gender norms’, mean notions of proper behaviors, appearance, mannerisms, dress and grooming socially imposed on males and females respectively. Sex stereotypes are particularly harmful to women and girls as they help maintain and justify sex discrimination and women’s subordinate roles relative to men; however, sex stereotypes can be restrictive to men and boys as well and discriminatory toward lesbians, gay men, bisexuals and transgender people, who do not conform to these stereotypes and/or may otherwise reject the stereotypes assigned to their sex. Dress and grooming codes or standards of behavior or appearance by employers or schools that are sex-specific and/or treat men and women differently discriminate on the basis of sex stereotyping.

(A) Sex stereotyping includes the expectation that individuals will manifest behaviors, appearance, dress, grooming, interests and personality stereotypically associated with their sex and refrain from manifesting those associated with the other sex. Discrimination based on an individual’s nonconformity with such expectations constitutes sex-stereotyping discrimination. Sex stereotyping also includes the notion that sexual orientation will be heterosexual for both sexes (i.e. part of the stereotype of masculinity is being attracted to women, and part of the stereotype of femininity is being attracted to men).

(B) Sex stereotyping discrimination does not include merely recognizing or referring, accurately or in good faith, to the biological sex of an individual, or seeking to ascertain an individual’s biological sex for legitimate reasons consistent with this Act, irrespective of whether that person holds a deeply personal sense of identity that conflicts with or denies their biological sex.

(10) TRANSGENDER. – Transgender is a term adopted by a subset of people who do not conform to sex stereotypes commonly associated with their biological sex and who may hold a deeply personal sense of identity that conflict with or denies their biological sex.

“(b)-\_Rules.—In a covered title referred to in subsection (a)—

“(1) (with respect to sex) pregnancy, childbirth, or a related medical condition, and other reproductive health care and breastfeeding shall not receive less favorable treatment than other physical conditions; and

~~“(2) (with respect to gender identity) an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity.”;~~receive reasonable accommodations from employers and educational institutions and places of public accommodation as needed; and

~~“(2)(3)~~ by inserting after section 1105 the following:

**“SEC. 1106.-\_Rules of construction.**

“(a)-\_Sex and sex stereotyping.—Nothing in section 1101 or the provisions of a covered title incorporating a term defined or a rule specified in that section shall be construed—

~~“(1~~

“(1) to prohibit the classification of individuals as female or male based on primary characteristics related to reproductive structure and function as observed and recorded at birth (subject to correction in the case of persons with differences of sexual development based on evidence of reproductive structure and function that becomes known at a later time, but not otherwise subject to modification), or to prohibit any public or private entity from inquiring about an individual’s sex, or relying on such records, for any legitimate purpose consistent with this Act ;

“(2) to limit the protection against an unlawful practice on the basis of pregnancy, childbirth, lactation, or a related ~~medical~~ condition provided by section 701(k); ~~or~~

“(2

“(3) to limit the protection against an unlawful practice on the basis of sex available under any provision of Federal law other than that covered title, prohibiting a practice on the basis of sex:;

“(4) to prohibit places of public accommodation, schools, government entities or employers or other covered programs, services, establishments and activities, from establishing or utilizing female-only facilities, programs, or services such as transportation services, multi-stall toilets, locker rooms, changing rooms, communal showers, battered women’s shelters, refuges, homeless shelters, rape crisis centers, jail cells, bedrooms in residential facilities, hospital rooms, facilities providing intimate services such as massage or intimate grooming, or other places where women are sharing private facilities or are in states of undress and/or where their privacy may be compromised and/or their safety may be at risk from male-pattern violence against females;

“(5) to prohibit a public or private employer from discrimination on the basis of biological sex when sex is a ‘bona fide occupational qualification’ for the position.

“(6) to prohibit the establishment or continuation by places of public accommodation, schools, employers or government entities of female-only programs, services or activities whose purpose is to advance the status of women and girls and/or ensure their well-being and opportunity for development, including but not limited to sports programs, women’s health clinics, counseling programs, scholarship programs, clubs, political and cultural programs, or education and training or jobs programs to bring women into fields of study, trades, and careers, and into leadership positions to which they have been previously excluded or underrepresented;

“(7) to prohibit as sex, sexual orientation or sex stereotyping discrimination, lesbian, gay, bisexual, and/or transgender community organizations or other places of public accommodation, schools, or government entities from developing programs, clubs and events exclusively for their constituents,

including provision of separate programs for lesbians, for gay men, for bisexual men, for bisexual women and for transgender persons;

“(8) to prohibit places of public accommodation, schools, government entities or employers or other covered programs, services establishments and activities, from establishing or utilizing separate facilities for transgender individuals including toilets, showers, changing rooms and refuges, and including facilities commonly known as "gender neutral" that are open to both sexes as long as such facilities do not reduce the availability of and access to single sex facilities for women and girls.”

“(9) to prohibit collection or publication of statistics, censuses, law enforcement reports, medical records, or other research and reports collected by any covered entity, on the basis of biological sex.

“(b) Claims and remedies not precluded.—Nothing Except as otherwise provided herein, nothing in section 1101 or a covered title shall be construed to limit the claims or remedies available to any individual for an unlawful practice on the basis of race, color, religion, sex (including, sexual orientation and gender identity), sex stereotyping, or national origin, including claims brought pursuant to section 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983, 1985) or any other law, including a Federal law amended by the Equality Act, regulation, or policy.

“(c) No negative inference.—Nothing in section 1101 or a covered title shall be construed to support any inference that any Federal law prohibiting a practice on the basis of sex does not prohibit discrimination on the basis of pregnancy, childbirth, or a related medical condition, sexual orientation, gender identity, or a sex stereotype.

#### “SEC. 1107.—Claims.

“The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”

SEC. 10. Housing.

~~SEC. 10.~~

~~Housing.~~

(a) Fair Housing Act.—The Fair Housing Act (~~42 U.S.C. 3601 et seq.~~42 U.S.C. 3601 et seq.) is amended—

(1) in section 802 (~~42 U.S.C. 3602~~42 U.S.C. 3602), by adding at the end the following:

“(p) ‘~~Gender identity~~’, ‘sex’, and ‘~~Sex~~’, ‘sexual orientation’, and ‘sex stereotyping’ have the meanings given those terms in section 1101(a) of the Civil Rights Act of 1964.

“(q) ‘Race’, ‘color’, ‘religion’, ‘sex’ (~~including~~, ‘sexual orientation’ and ‘gender identity’), ‘sex stereotyping’, ‘handicap’, ‘familial status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex (~~including~~, sexual orientation and gender identity), non-conformity to sex stereotypes, handicap, familial status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, sex (~~including~~, sexual orientation and gender identity), non-conformity to sex stereotypes, handicap, familial status, or national origin, respectively, of the individual.”;

(2) in section 804, by inserting “(~~including~~, sexual orientation and gender identity),” sex stereotyping,” after “sex,” each place that term appears;

(3) in section 805, by inserting “(~~including~~, sexual orientation and gender identity),” sex stereotyping,” after “sex,” each place that term appears;

(4) in section 806, by inserting “~~(including~~, sexual orientation ~~and gender identity)~~”, sex stereotyping,” after “sex,”;

(5) in section 808(e)(6), by inserting “~~(including~~, sexual orientation ~~and gender identity)~~”, sex stereotyping,” after “sex,”; and

(6) by adding at the end the following:

**“SEC. 821. Rules of construction.**

“Sections 1101(b) and 1106 of the Civil Rights Act of 1964 shall apply to this title and section 901, except that for purposes of that application, a reference in that section 1101(b) or 1106 to a ‘covered title’ shall be considered a reference to ‘this title and section 901’.

**“SEC. 822. Claims.**

“Section 1107 of the Civil Rights Act of 1964 shall apply to this title and section 901, except that for purposes of that application, a reference in that section 1107 to a ‘covered title’ shall be considered a reference to ‘this title and section 901’.”.

(b) Prevention of intimidation in fair housing cases.—Section 901 of the Civil Rights Act of 1968 (~~42 U.S.C. 3631~~42 U.S.C. 3631) is amended by inserting “~~(including~~, sexual orientation, (as such term is defined in section 802 of this Act) ~~and gender identity)~~, sex stereotyping (as such term is defined in section 802 of this Act))”, after “sex,” each place that term appears.

**SEC. 11. Equal credit opportunity.**

(a) Prohibited discrimination.—Section 701(a)(1) of the Equal Credit Opportunity Act (~~15 U.S.C. 1691(a)(1)~~15 U.S.C. 1691(a)(1)) is amended by inserting “~~(including~~‘sex, sexual orientation ~~and gender identity)~~”, after “sex, sex stereotyping, or marital status’ instead of “sex or marital status”.

(b) Definitions.—Section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a) is amended—

(1) by ~~redesignating~~re-designating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) by inserting after subsection (e) the following:

“(f) The terms ‘~~gender identity~~’, ‘sex’, ~~and~~ ‘sexual orientation’, ~~and~~ ‘sex stereotyping’ have the meanings given those terms in section 1101(a) of the Civil Rights Act of 1964.

“(g) The term ‘race’, ‘color’, ‘religion’, ‘national origin’, ‘sex’ ~~(including~~, ‘sexual orientation’ ~~and~~ ‘gender identity’), ‘sex stereotyping’, ‘marital status’, or ‘age’, used with respect to an individual, includes—

“(1) the race, color, religion, national origin, sex ~~(including~~, sexual orientation ~~and~~ gender identity), non-conformity to sex stereotypes, marital status, or age, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, national origin, sex ~~(including~~, sexual orientation ~~and~~ gender identity), non-conformity to sex stereotypes, marital status, or age, respectively, of the individual.”; and

(3) by adding at the end the following:

“(j) Sections 1101(b) and 1106 of the Civil Rights Act of 1964 shall apply to this title, except that for purposes of that application—

“(1) a reference in those sections to a ‘covered title’ shall be considered a reference to ‘this title’; and

“(2) paragraph (1) of such section 1101(b) shall apply with respect to all aspects of a credit transaction.”.

(c) ~~Relation to State laws.~~—Section 705(a) of the Equal Credit Opportunity Act (~~15 U.S.C. 1691d(a)~~15 U.S.C. 1691d (a)) is amended by striking “sex or marital status”, and inserting “(including “sex, sexual orientation and gender identity),” after “sex”, sex stereotyping, or marital status,” in its place.

(d) ~~Civil liability.~~—Section 706 of the Equal Credit Opportunity Act (~~15 U.S.C. 1691e~~15 U.S.C. 1691e) is amended by adding at the end the following:

“(l) Section 1107 of the Civil Rights Act of 1964 shall apply to this title, except that for purposes of that application, a reference in that section to a ‘covered title’ shall be considered a reference to ‘this title’.”.

## **SEC. 12. Juries.**

### ~~SEC. 12.~~

#### ~~Juries.~~

(a) ~~In general.~~—~~Chapter 121~~ Chapter 121 of title 28, United States Code, is amended—

(1) in section 1862, by inserting “(including “sex, sexual orientation and gender identity),” sex stereotyping, after “sex,”;

(2) in section 1867(e), in the second sentence, by inserting “(including “sex, sexual orientation and gender identity),” sex stereotyping, after “sex,”;

(3) in section 1869—

(A) in subsection (j), by striking “and” at the end;

(B) in subsection (k), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:



“(l) ~~‘gender identity’, ‘sex’, and ‘sexual orientation’, and ‘sex stereotyping’~~ have the meanings given such terms under section 1101(a) of the Civil Rights Act of 1964; and

“(m) ‘race’, ‘color’, ‘religion’, ‘sex’ ~~(including, ‘sexual orientation’ and ‘gender identity’)~~, ‘sex stereotyping’, ‘economic status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex ~~(including, sexual orientation and gender identity)~~, non-conformity to sex stereotypes, economic status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, sex ~~(including, sexual orientation and gender identity)~~, non-conformity to sex stereotypes, economic status, or national origin, respectively, of the individual.”; and

(4) by adding at the end the following:

~~“§~~

**“§ 1879.- Rules of construction and claims**

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to this chapter, except that for purposes of that application, a reference in those sections to a ‘covered title’ shall be considered a reference to ‘this chapter’.”.

(b) ~~Technical and conforming amendment.~~—~~The~~the table of sections for ~~chapter 121~~ chapter 121 of title 28, United States Code, is amended by adding at the end the following:

“1879. Rules of construction and claims.”.

~~Passed the House of Representatives May 17, 2019.~~





## The Georgia Green Party

(404) 937-1847 \* P.O. Box 1936; Decatur, GA 30031

ggp@georgiagreenparty.org \* <http://georgiagreenparty.org>

Ecological Wisdom • Grassroots Democracy • Social Justice • Peace & Non-Violence  
Decentralization • Community-Based Economics • Feminism • Respect for Diversity  
Personal & Global Responsibility • Future Focus on Sustainability

April 7<sup>th</sup>, 2020

Mr. Dario Hunter:

We write on behalf of the state coordinating committee of the Georgia Green Party, in response to your March 16<sup>th</sup>, 2020 letter, “propos(ing an) in-person dialogue between (the Lavender Caucus) and the Georgia Green Party”. You had asked that our state committee consider and take a vote on whether we are willing to engage in such a dialogue. It is rather our practice to seek consensus on business before us, and this letter seeks to reflect the agreement of our state committee in its meeting this past Sunday evening, with respect to the response you have requested.

Apparently the recent action by the Georgia Party’s Bonaire convention to amend our state Platform to endorse the Declaration on Women’s Sex-Based Rights has attracted significant interest among the leadership of the caucus for whom you serve as a Delegate to the Green National Committee.

You yourself, in a video published February 28<sup>th</sup>, only six days after you sat quietly in our Convention as we adopted that platform amendment, “condemn(ed) that resolution”, holding out the option that you and the Lavender Caucus you represent would “pursue dis-accreditation as a party” of our state affiliate. We find that a rather ironic way to begin a conversation purportedly intent on reconciliation. And an interesting position to take for someone who tells us they seek the Presidential nomination of this party. Are there other positions on which you would tolerate no dissent within the ranks of this party?

Our simple statement recently adopted and the basis for this concerted attack on our state party, seeks to support the rights of women and children. It builds on our national party platform’s existing support for the Convention on the Elimination of all forms of Discrimination Against Women as well as the Convention on the Rights of the Child. It is adopted in the context of a 45 page state platform which since our 2001 Athens Convention, has recognized the human rights of Georgians regardless of gender-identity. Other business taken up by our 2020 Bonaire convention advocates for the amendment of existing federal and state civil rights statutes to protect people from discrimination based on 'sexual orientation' and 'sex stereotyping' in employment, housing, credit and jury service. Our state Party’s

## Appendix\_E

commitment to human rights for human beings has not changed, and it is a theme we will surely continue to develop in our Platform revision process for years to come.

The hostility expressed to our platform revision by the leadership of the Lavender Caucus and its supporters in the party have included incessant name-calling, the use of sexist slurs (too often associated with violence directed at women); actual threats of violence, all targeting the women who have risen up to defend the actions of the Georgia Party and to deconstruct the misinformation used to slander the position taken by our Bonaire Convention and defame the leaders of our state party. The leadership of the national Party's Lavender Caucus has supported and encouraged those making these threats. Any of these hostile tactics alone would be completely inappropriate coming from folks who we understood had embraced feminism as a key value around which we as a Party organize.

Taken together they belie the assertion of the leadership of the Lavender Caucus that they want dialogue or as you framed it in your phone conversation with one of our officers, *reconciliation* on the issues we have raised with our Platform Amendment. They resemble more closely hooliganism, than a desire to participate in a democratic process. They project an intention to exert power over the internal deliberations of our autonomous state party, accredited since 1999 as a member of the confederation with other autonomous state green parties, which we call the Green Party of the United States.

The private nature of the conversation you have framed, and its stated design to limit participation to a handful of participants seem better designed to brow-beat and re-educate the single spokesperson of the Georgia Green Party your proposal invited to this reconciliation retreat; or at best to engage him in an ad hoc group therapy session to assuage the hurt feelings of Lavender Caucus leadership over our refusal to comply with an ideology we understand as destructive to the rights of women and children.

While we acknowledge the apparently bruised feelings of your caucus' leadership, we fail to understand how we are responsible for that. We do understand that framing this conflict as interpersonal is counter-productive to the work we have to do as a political party. The resolution of this conflict must engage a party-wide conversation on the underlying issues. No invitation-only reconciliation retreat will do the trick.

We view the misogynist attacks being waged against the rights of women and the bodily integrity of children as a political struggle. And we emphatically abhor and condemn the misogyny directed at our party allies who have stepped forward to defend the position Georgia Greens took on these issues.

Many folks, including those far beyond Georgia, have noted that the often heated exchanges in party channels on this subject seem to be driven by the hostility of

## Appendix\_E

people who demonstrate no familiarity with the document we endorsed, and which they dismiss as hateful, bigoted and transphobic. At only 24 pages, the Declaration on Women's Sex-Based Rights is not long and can easily be read in an hour. It was developed by some very brilliant women who have been engaged for decades in the successful struggle to codify in international law, protection for the rights of women.

The Declaration is circulated by the Women's Human Rights Campaign, an international feminist organization which has been doing important work; work we hope Green Parties across the country and around the world will embrace and celebrate and make their own. Domestically the work of Feminist in Struggle as well as the Women's Liberation Front have also done important work in this area and are each worthy of Green support.

Greens throughout the country have signed a petition urging 'Dialogue Not Expulsion'. And Georgia Greens and our allies throughout the national party have sought to engage in such dialogue in official and unofficial party channels. We are willing to educate our sisters and brothers in the Party about the important issues raised by the Declaration and the compelling research which led us to endorse its tenets. Dozens of allies throughout the party have stepped up to help us do so. Georgians are not the only Greens who have been thinking about and researching these issues.

And yet, our efforts have been met only with the hostility enumerated earlier in this letter, with efforts to silence our voices and with actual censorship in the social media channels of this party, including the one operated by the national party's Media Committee, who only last week banned a long time Green, married to a state party chairman.

These efforts to silence, in our presumably feminist political party, the concerns and voices of women are being watched by feminists across the nation and around the world. They have blemished the reputation of this party, and demonstrated its paper thin commitment to feminism, democracy and non-violence.

We sincerely doubt that amending the platform of the Green Party of the United States to "(affirm) the right of all persons to self-determination with regard to gender identity", was understood by most people who voted to support that proposal as supporting compelled speech, or intended to endorse the creation of thought crimes with which to prosecute Greens and others who cling to material reality and biological science. Many of us believe it is completely possible to respect a person's right to self-determination without sacrificing our own commitment to intellectual honesty.

And yet an overly broad interpretation of this phrase in our national party platform (while ignoring many other provisions of our platform which contradict this bizarre interpretation), is now being used by members of our Media Committee to support the silencing of women and others who question gender ideology. Just this past

## Appendix\_E

week it was used to justify the deletion of multiple comments by a state party cochair, because she observed the scientific reality that neither one's feelings, nor hormones nor surgery can change one's chromosomes.

Georgia Greens and the many allies who have surfaced to defend our recent platform amendment insist that in a democratic culture it is everyone's right to be heard without being disparaged, threatened or assaulted with name calling and threats of violence. Our conception of grassroots democracy means that state parties and our individual members must be free to disagree with provisions of the platform. In no other way can it be said that our platform is a living document, subject to development. We reject the idea that the party's position taken in previous election cycles should bind this party, its constituent state parties or its individual members for all future election cycles. And we embrace the challenge of working in successive election cycles to continue to develop our party's platform and to work to make it ever more internally consistent, and an ever more compelling tool to attract members, candidates and inform Greens elected or appointed for public service.

We welcome an opportunity to participate in dialogue on the issues raised by the Platform amendment which has been the subject of this recent controversy. But we would prefer to do so with people who have actually read the language we have adopted, and the document we have endorsed, not just the hyperbole and derogatory misinformation being spread about it. We insist on a fair and across the board application of the rules. We insist that we not be compelled to speak in a vocabulary which fails to convey our understanding of how the world works. When our position is mis-characterized, we will continue to insist on an opportunity to correct the record, and to use the language we feel is necessary to do so accurately. We seek an equitable enforcement of the rules around name calling, that we not be referred to as bigots, hateful, nazis, terfs, cis, transphobic, etc. And we insist that the threats of physical violence and doxing cease immediately; that those responsible for such breaches of decorum be prohibited from engaging in our party's forums.

We are eager to address concerns with the document we have adopted. But such concerns must be explicitly stated. In fact, we invite you to prepare a written critique of the Declaration to which we might respond. Being called hateful bigots or transphobes provides us not a single clue about the substance of the name-caller's concerns.

Obviously, trans-identified individuals must be a part of this conversation. But so too should women and parents and desisters and de-transitioners. To the extent that we address the treatment protocols for gender-dysphoric minors, it will be no less important that we honestly examine the peer-reviewed science on the subject than it is when we discuss the science of climate change. And we must be allowed to follow-the-money, to ask qui bono?, to be suspicious of potentially captured

## Appendix\_E

organizations and the materials they publish. We must hear from those most directly affected, not just those who feel most passionately or those who have the highest ideological investment. We must be free to examine the destructive influence of post-modern queer theory on intellectual rigor and the scientific method. And we must put aside the logical fallacies and engage in an honest debate of the underlying issues.

We would welcome an opportunity to contribute and solicit articles for *Green Horizon* on the subject, if the editors were interested in such. We welcome an opportunity to organize panel discussions for upcoming national meetings to help educate the members of our party on the compelling research being conducted in the area of gender medicine (particularly for dysphoric youth) by the folks who have made important contributions to this field, many of them for decades, including Dr. Heather Brunskell-Evans, Dr. Kenneth Zucker, Dr. James Cantor, Dr. Lisa Littman, Dr. Gail Dines, Dr. Raymond Blanchard. We recommend a workshop with journalist Jennifer Bilek to hear what she has to share about what we know of the money and the agenda driving the sky-rocketing referrals to gender clinics. Another journalist, Jamie Hamilton, might be invited to share with us their research on the IGLYO/Denton document outlining the strategy they pursued in Europe to legalize ‘gender recognition for youth’, while bypassing democratic engagement among Europeans. We would urge that we hear from feminists who have critically examined the Yogyakarta Principles, particularly Sheila Jeffries. And this conversation would not be complete without hearing from a panel of detransitioners who can speak to the horrors of the conversion therapy they were subjected to, too often while still minors.

While we would not question that your offer to mediate a conversation came from a sincere place, your failure to publicly speak up to dissuade the leadership of your caucus from participating in anti-democratic behaviors which have undermined the very dialogue they say they want and your letter proposes we have, has raised for us questions about your suitability to serve effectively in such a role. And your own public statement related to your willingness to “pursue dis-accreditation as a party” certainly disqualifies you as an honest broker in such a discussion, no matter how much you might commit to ‘biting your tongue’, as you mentioned would be necessary in a recent phone conversation.

The focus of the Georgia Green Party must remain on our work for ballot access and in support of building the Congressional campaigns which will serve as a framework for this cycle’s Presidential bid, on which we depend to retain a ballot line for our 2022 statewide slate.

Neither our state party, nor its officers hold any animosity for members of the Lavender Caucus. We do strenuously object to the anti-democratic behavior encouraged by and engaged in by members of your caucus leadership. But we do

## Appendix\_E

not see the need for a ‘reconciliation retreat’, as you framed it in your phone conversation with our state party secretary, or outlined it in your letter.

We may or may not be in the minority among Greens on the issues which give rise to this controversy. If indeed we are, it would not be the first time we have had to stand on principle and against a seeming majority. But we will never know until we have engaged in party-wide education on the issues which gave rise to the Declaration and our Party’s support for it; until we have engaged in a democratic process free of the hostile tactics which your caucus has waged against the mostly women who have stood with us in defense of the Declaration on Women’s Sex-Based Rights. Yet, as the commitment which binds us together as a party is to our values, including to feminism, grassroots democracy, respect for diversity and social justice; and not to some momentary snapshot captured in our platform as our understanding of what those values demand of us in any given election cycle, even if we find ourselves in the minority on this issue after a fully engaged democratic process free of violent intimidation and censorship, our commitment to grassroots democracy tells us that being outvoted on an issue does not require that we abandon our right to struggle around our understanding of feminism within the national party going forward.

A member of our state committee recently wrote: “I do think that there are core philosophical / political questions at the heart of this debate around how we understand sexism, trans identity and gender abolition that can't be gotten away from.” Georgia Greens feel many in our party might benefit from a Feminism 101 refresher course, a reminder that feminism, as bell hooks taught us, is “a movement to end the sexist oppression of women”. We believe it is important to remind ourselves that as feminists, we understand gender as a social construct and a tool for the patriarchal oppression of women; that we see gender not so much as a spectrum but more of a hierarchy which limits the lives of both women and men; that as feminists it is our job to abolish not celebrate gender, which only a few years ago we understood as ‘sex-role stereotypes’. Such an understanding of feminism will liberate both women and men, as a popular author of children’s books recently put it, to “Dress however you please. Call yourself whatever you like. Sleep with any consenting adult who’ll have you. Live your best life in peace and security.”

As Greens, as feminists, here in Georgia we welcome respectful dialogue about how to achieve a vision for our liberation and for a discussion of the concerns which led us to consider and adopt our recent Platform changes at the Bonaire Convention.

For a just and sustainable future,

s/ Denice Traina, CoChair

s/ Kweku Lumumba, CoChair

s/ LeRoy Bartel, Treasurer

s/ Hugh Esco, Secretary



**Madame and Mister Co-Chairs,  
members of the Accreditation Committee:**

This letter is written in response to a complaint<sup>1</sup> filed with the Accreditation Committee on the eve of Christmas, just past, by the National Lavender Caucus (NLC).

In their complaint (referred to in this document as the NLC complaint or the complaint), the complainant seeks action by the Accreditation Committee with the intended result of 'suspending' the Georgia Green Party, placing our state party on 'inactive status'; or alternately to take action to 'disaccredit' our state party, by asking the Green National Committee to sever its relationship with the Georgia party.

The Georgia Green Party has been and remains a member in good standing with the Green Party of the United States since 1999. The Georgia party organized in 1995, filing its governing documents with the Georgia Secretary of State in 1996. The Atlanta Greens, founded in 1989 had served as the base of our state party. It had been an active member of this national party's predecessor organization, the Greens / Green Party (usa) since 1991.

***The NLC complaint fails to state an actionable claim that either proposed outcome is justified. We urge that this committee (1) reject this complaint, (2) exercise patience that the party's process for the democratic revision to its platform will function to resolve disputes among accredited members over platform language and (3) allow our state and national parties to return to the important work of building capacity for the election cycle which began as the polls closed November 3<sup>rd</sup>, 2020.***

### ***I. no basis to declare the Georgia Green Party as being on inactive status***

The Rules and Procedures anticipate no circumstances under which a state party shall be 'suspended' and only a narrowly tailored basis to place an accredited member on 'inactive status'. This process is outlined in Article I., related to 'Accreditation', Section IV, related to the 'Accreditation Process', Paragraph 3., which requires that such a determination be based on a state party's failure "to cast votes for a period of six months", or to send "delegates to two consecutive meetings of the National Committee". The complaint offers no evidence that the Georgia Party has met either criteria.

At the time the NLC Complaint was filed, Georgia Delegates had most recently voted on GNC #1027, to "Sustain Decision to Add Proposal 1026 to the Voting Queue", with voting concluding on October 13th, 2020; two months and ten days prior to the filing of the NLC complaint. Georgia Delegates have since the filing of the complaint cast votes on GNC #130, related to the "De-Accreditation of Green Party of Alaska", which vote concluded on January 10th, 2021.

The Georgia Green Party named a Delegation to the 2020 Quadrennial Presidential Nominating Convention, which delegation 'attended' (along with a handful of Georgia observers) and participated fully in the PNC's virtual deliberations.

As neither criteria anticipated by the "Rules and Procedures" of the party for declaring an accredited state party as being on 'inactive status' have been met, and as the NLC complaint has made no showing that these criteria have been met, they have no standing to seek such an outcome.

---

<sup>1</sup> [http://www.dialoguenotexpulsion.org/documents/national\\_lavender\\_green\\_caucus\\_files\\_complaint\\_with\\_accreditation\\_committee\\_to\\_disaccredit\\_georgia\\_green\\_party](http://www.dialoguenotexpulsion.org/documents/national_lavender_green_caucus_files_complaint_with_accreditation_committee_to_disaccredit_georgia_green_party)

### **II. No basis for the 'disaccreditation' of the Georgia Green Party**

With respect to the second outcome sought by the NLC complaint, a request to 'disaccredit' the Georgia Green Party, consideration of a 'grievance lodged against an accredited state' is governed by the Rules and Procedures of the national party, Article I., related to 'Accreditation', Section V., related to 'Procedures for Revocation of Accreditation', Paragraph 2., and by the Accreditation Committee Policies and Procedures, item 10., related to the 'Complaint Process', particularly a paragraph labeled B., which addresses a 'complaint or grievance against another accredited state party'.

Section A., of that same article of the Committee 'Rules and Procedures' states that "Only those complaints that potentially constitute a state party's or caucus' violations of the terms of accreditation with GPUS will be entertained for action by the AC;"

The NLC makes three assertions that the Georgia Green Party has violated "the terms of accreditation". Here we lay out those three assertions, and follow that with our answer to these spurious charges:

The NLC asserts, without evidence:

- A. "that Georgia Green Party is in violation of Accreditation Committee Criteria for State Party Membership in the Green Party of the United States as stated in \*Section 1.II.1\* – Acceptance of the four pillars of the Green Party, specifically, social justice."
- B. "They are in violation of \*Section 1.II.3\*, by enacting these changes to their platform, GAGP demonstrates they are not open to and reflective of, a statewide membership."
- C. "GAGP is in violation of \*Section 1.II.10\* having failed to make good faith efforts to empower individuals and groups from oppressed communities."

The balance of their complaint outlines their assertion that the "Georgia Green Party is in violation of several sections of our Platform".

### **III. In response we offer the following:**

#### **A. the NLC complaint relies on accusations without evidence**

The NLC complaint fails to make the case that any of their asserted violations of the accreditation criteria are true. They **fail to cite any** action, quote any statements or positions taken by the Georgia Green Party which would **support such an assertion**. They make accusations, but fail to present credible evidence.

Their quoting the text of certain Platform amendments adopted by the Georgia party's Bonaire Convention last February fails to demonstrate how those proposed platform changes violate the values of the party, or its commitment to build a state-wide membership, or to empower oppressed communities.

Much of the complaint relies on accusations of *transphobia*. Recent revisions to the Merriam-Webster dictionary define the term to mean an "irrational fear of, aversion to, or discrimination against transgender people".

## Appendix\_F

Judging from the context in which the term seems to be used in this party, it usually seems to boil down to a knee-jerk reaction directed at those who raise uncomfortable questions left unanswered by gender ideology. The trans-lobby's talking points are no substitute for critical thinking; or at least they ought not to be accepted as such within our ranks.

We note that not a single accusation of transphobia is backed up with any evidence of fear, aversion or discrimination. Apparently these accusations are expected to self-evidently prove themselves.

The complaint libels not only the Georgia party, but also the Women's Human Rights Campaign, accusing this international organization and its leadership of transphobia, again failing to cite the first shred of evidence to support their accusation.

While we absolutely take exception to bullies of all descriptions, the Georgia party harbors no irrational fears or aversions to people, regardless of how they self-identify. Our interest in defending the sex-based rights of women to set and enforce their own boundaries has nothing to do with anyone's 'internal sense' of themselves, and everything to do with respecting women's legitimate concerns for male-pattern violence.

The assertion by the NLC that the proper use of English pronouns by members of our state party (which accurately reflect these individuals perceptions of the world) constitutes *violence*, is indicative of the failure of this complaint to engage in honest discourse. There are those among our membership who take no issue with the use of preferred pronouns. There are some within our ranks who choose to use preferred pronouns in an effort to 'be nice' and avoid avoidable battles over what they consider trivial concerns, so they can focus on more substantive matters. Others in our ranks take issue with the compelled speech demanded by what they would characterize as the 'pronoun police'. Some in our ranks believe that ceding this point is actually dangerous<sup>2</sup> to girls and women. None of these people likely believe that changing one's pronouns changes a man into a woman. To attribute any of these positions to our entire state party denies the diversity of opinion within our ranks on this question, and seeks to paint our entire state party with the perfectly legitimate position taken by some of our members on the pronoun question.

The NLC complaint is dismissive of our legitimate concerns for the well documented male-pattern (actual physical) violence which women suffer. It dismisses women's legitimate right to create and defend boundaries between themselves and men. Women are not concerned with trans-identified people in private women's space, but with the presence of men, no matter how they self-identify, being in those spaces.

All the while the NLC complaint points to biological men who identify as women and who insist we validate their claims that they are women and characterize their hurt feelings as somehow being evidence of violence. This is an example of classic DARVO tactics<sup>3</sup> employed by abusive men, particularly sex offenders, for as long as women have sought to hold men accountable for men's behavior.

As a feminist party it is important that we see this pattern of denial as evidence of the abuse it is. Surely a feminist political party should not prioritize the hurt feelings of biological men who identify as women over the legitimate concerns for personal safety of actual women.

---

2 <https://uncommongroundmedia.com/banned-from-medium-pronouns-are-rohypnol/>

3 <https://uncommongroundmedia.com/darvo-tactics-mens-rights-activism-transgenderism/>

***B. violation of the Platform is not an actionable offense***

***There exists no actionable offense for being in violation of the Platform.***

If such a provision existed, surely we would have enforced it against the party's 2020 nominees for the federal executive who in violation of our platform's support for the Nordic Model both made embarrassing public statements advocating that we decriminalize pimps and johns, promoting such regressive policies as being somehow empowering to the women exploited by prostitution.

These statements were extremely damaging to our state party's efforts to bring new feminists into the party.

Further, they were made in contradiction to Mr. Hawkins assurance to the Presidential Campaign Support Committee that "Yes, I will advocate for the platform", in its questionnaire where he declined to acknowledge, as asked, whether "there are any significant platform positions which you cannot support, please state why".

***C. NLC case relies on a narrow and controversial interpretation***

Their case, such as it exists, relies on a difference of opinion about a small handful of provisions in the Platform of the Green Party of the United States, again, not an actionable violation. The bulk of the complaint catalogues a ***narrow and controversial interpretation*** of a small number of specific provisions within the platform. This narrow interpretation directly contradicts other provisions of the platform, which affirm the rights of women, which call for U.S. Senate ratification of the Convention for the Elimination of all forms of Discrimination Against Women, which support our nation's ratification of the Convention on the Rights of the Child. (For any unfamiliar with the Declaration on Women's Sex-Based Rights, deemed as transphobic by the NLC complaint, that Declaration is essentially a restatement of existing international law, mostly derived from CEDAW and the CRC). In fact, if we are to read our own platform as internally consistent, we cannot do so by accepting these narrow interpretations advanced by the NLC of the provisions they cite.

Does anyone really believe that the National Committee would have adopted language stating that "The Green Party affirms the right of all persons to self-determination with regard to gender identity and sex," if they understood that one person's self-identity was intended to compel another person's thoughts and speech? Would they have adopted such language if they had given half a moment's thought to the idea that one's sex (distinct from one's *gender identity*) can be self-determined, when biological science tells us clearly that our sex is determined at conception?

Are we really prepared to say to the public that we believe in climate science but reject biological science? The Georgia Party is not interested in trying to make such a case at the cost of our credibility.

***D. implication of NLC's interpretation requires compelled thought and compelled speech, inconsistent with Green values, scientific method and democratic engagement***

The Lavender Caucus may well believe that one person's 'internal sense' of themselves (to draw on the circular definition published in a recent revision to the Merriam-Webster Dictionary), should be able to compel the thoughts and speech of others. But such authoritarian notions are highly inconsistent with Green values, with the scientific method and with the democratic process.

## Appendix\_F

U.S. jurisprudence on First Amendment issues has at least since the Supreme Court's opinion<sup>4</sup> in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), and in many cases since, been clear "that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein". To reach for an Orwellian reference, no one can be compelled to say that  $2 + 2 = 5$ , when they know that to be false.

### ***E. national party platform is a living document***

The Platform itself begins with 'A Call to Action'<sup>5</sup>, including a statement that the "Green Platform is an evolving document, a living work-in-progress".

In fact, in recognition of this, the Rules and Procedures of the national party lays out in Article XII., related to a 'Platform Amendment Process and Timeline'<sup>6</sup> a biennial process for the consideration by the National Committee of revisions to the national party platform.

### ***F. NLC interpretation is inconsistent with the Green Party's key values***

The Green Party of the United States holds forth ten key values around which we organize. It is a criteria for membership in the Georgia party that we 'affirm' these values, as articulated in the bylaws of the state party, 'as a basis for organizing'. Included among each of these articulations of green values are *grassroots democracy*, *decentralization*, *feminism* and a *respect for diversity*.

We assert that *grassroots democracy* and *decentralization* require that the platform of the Georgia Green Party and the delegates whom we name to the Green National Convention and those whom we name to the Quadrennial Presidential Nominating Convention are accountable to the members of the Georgia party, and not to the National Lavender Caucus.

We believe that democracy and a *respect for diversity* requires a respect for a variety of perspectives which Greens bring to their work to build independent political power, consistent with the key values of the party.

We hold that *grassroots democracy* and our agreement that the Platform of the national party be 'an evolving document, a living work-in-progress', it is necessary that state parties retain the power to disagree with its current articulation and to bring to the national party's platform revision process proposals to refine and perfect the national platform in future platform revision cycles; even to substantively alter aspects that we have concluded are incorrect, or prone to misinterpretation.

We understand trans ideology, as distinct from trans-identified people, both in theory, but particularly as manifested represents a misogynist and homophobic backlash against *feminism* and the gains made over decades by feminist organizers.

### ***G. the Green Party is a feminist political party***

Since the initial filing of our governing documents with the Georgia Secretary of State, three years prior to our first affiliating with the Association of Autonomous State Green Parties in 1999, the bylaws

4 <https://www.oyez.org/cases/1940-1955/319us624> ; see also <https://www.youtube.com/watch?v=WsWljcF9REQ> for a short video explanation of the case, its facts, history and the significance of this decision.

5 [https://www.gp.org/call\\_to\\_action](https://www.gp.org/call_to_action)

6 <https://gp.us.org/rules-procedures/#12>

## Appendix\_F

of the Georgia Green Party and our membership materials have announced to the world that we are an organization which values *feminism*. The platform of the national party also affirms feminism as a key value of our party. In fact, our national platform, in its discussion of what we mean by 'feminism' states: "We call for the replacement of the cultural ethics of domination and control with cooperative ways of interacting that respect differences of opinion and gender."

Yet, the entire complaint to which this letter replies is premised on a deep disrespect for 'differences of opinion' within our party, not to mention within the U.S. society as a whole, the very society within which we organize.

### ***H. coherent logic is made impossible by imprecise use of language***

At the root of this 'difference of opinion' is the unfortunate conflation of key words and concepts, and the imprecise use of those words, in our Platform and governing documents, in our organizational culture and in our attempts to discuss the ideas at the root of the conflict which the National Lavender Caucus has created over the routine and periodic work of the Georgia Green Party to maintain and improve its state platform.

For those of us whose feminism is grounded in a commitment to ending the sexist oppression of women, we see gender as a tool for the oppression of sex-classes of people. Gender is used to put both women and men into boxes, constraining our choices in the world. Trans ideology seeks to create more boxes and provide individuals choices as to which box they prefer. Feminism seeks to abolish those boxes and allow women and men to live free of those constraints.

### ***I. democracy requires that rules be constructed based on the meaning ascribed to words by the deliberative bodies adopting such rules***

An important premise of legal construction is that words ought to be interpreted based on the meaning afforded them at the time they were used to craft a statute, policy or rule. Ex-post-facto laws<sup>7</sup> are explicitly prohibited by the Constitution and are anathema to the principles of substantive due process.

The popular meaning of 'gender' has experienced a significant shift in the last six to eight years. This has been the result largely of corporate funded philanthropy, media propaganda and institutional capture. To construct the past actions of deliberative bodies in light of evolving meanings only recently ascribed to words used in their agreements is profoundly anti-democratic.

### ***J. debate on underlying issue complicated by involvement of monied interests and the corporate capture of public and private institutions***

James Nicholas Pritzker, U.S. Army retired (who now goes by Jennifer), contributed<sup>8</sup> a quarter million dollars to Trump's election in 2016. In the 2020 campaign, he contributed \$100k to the Lincoln Project, a super-PAC overseeing expenditures opposed to Trump's re-election. His brother Jon, did the same. Forbes reports<sup>9</sup> his net-worth at \$1.9 billion, as of this date.

---

7 U.S. Constitution, Article I, Section 9, Clause 3;

Constitution of the State of Georgia, Article I., Section I., Paragraph X., which also prohibits 'retroactive laws'

8 <https://www.forbes.com/sites/michelatindera/2020/12/11/these-are-the-billionaires-who-gave-to-anti-trump-super-pac-the-lincoln-project/>

9 <https://www.forbes.com/profile/jennifer-pritzker/>

## Appendix\_F

The Stryker family fortune was made in the manufacture of medical instruments. The Stryker family controlled Arcus Foundation<sup>10</sup> (a charitable foundation focused on issues related to LGBT rights and a Great Ape conservation program) lent its philanthropic support for the Yogyakarta<sup>11</sup> meetings; convening the staff of corporate financed non-profit advocates from around the world for a meeting in Indonesia to first adopt, then ten years later revise a statement of Principles. These Yogyakarta Principles have been brandished about in the lobbies of public policy making bodies as if carrying the force of law we attribute to an international treaty, when it is anything but just another white paper published by a corporate financed think tank. Arcus has funded the propagation of a narrative grounded in these so-called Principles, profitable to the Stryker family fiduciary interests but dangerous to children groomed by social media<sup>12</sup> to self-diagnose as gender dysphoric. They have leveraged a network of captured institutions in the public and private sectors, in academia, among professional organizations, etc., many of whom are direct beneficiaries of Arcus Foundation philanthropy.

Investigative journalists Sue Donym<sup>13</sup> and Jennifer Bilek<sup>14</sup> have conducted extensive research to follow-the-money and to understand how it is that a movement which deigns to speak for the ‘most oppressed people ever’ has been able in such a short span of time to capture such wide-spread institutional support. The Pritzker and Stryker families are only part of a group also including other names (from the 1%) like Rothblatt, Gill, Soros and Buffet dubbed the ‘trans-billionaires’ who have leveraged tax-free philanthropy to impose an agenda on public policy making bodies at odds with science<sup>15</sup> and under the cover of anti-democratic strategies<sup>16</sup>, for what appears motivated to serve the interests of private profit, and an aim for which Trump proved to be an impediment<sup>17</sup>.

Given what Greens understand about the role of private money in public elections, one is left to wonder whether the Biden campaign prioritizing passage of the so-called Equality Act (to throw women's rights back into the Courts) as part of his 100-day agenda, indeed his Executive Order<sup>18</sup> on the subject signed the afternoon of the inauguration, constitutes a quid-pro-quo for the Pritzker family largesse. One wonders why our opposition party would so uncritically follow the lead of this monied Republican political operative on a question of public policy.

---

10 <https://www.influencewatch.org/non-profit/arcus-foundation/>

11 <https://mercatornet.com/the-mysterious-power-of-an-international-transgender-declaration-that-no-one-has-ever-heard-of/66429/>

12 Prof. Lisa Littman, *Parent reports of adolescents and young adults perceived to show signs of a rapid onset of gender dysphoria* <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0214157> and Abigail Shrier, *Irreversible Damage: The Transgender Craze Seducing Our Daughters*, <https://www.charisbooksandmore.com/book/9781684510313>

13 <https://medium.com/@sue.donym1984/inauthentic-selves-the-modern-lgbtq-movement-is-run-by-philanthropic-astroturf-and-based-on-junk-d08eb6aa1a4b>

14 For only a couple of examples of her extensive research in this area, see: <https://uncommongroundmedia.com/stryker-arcus-billionaires-lgbt/> and <https://www.the11thhourblog.com/post/all-roads-lead-to-arcus>

15 <https://lascapigliata8.wordpress.com/2018/06/30/transactivists-war-on-reality-what-they-think-studies-show-vs-what-studies-actually-show/>

16 This article: <https://blogs.spectator.co.uk/2019/12/the-document-that-reveals-the-remarkable-tactics-of-trans-lobbyists/> exposed the trans lobby's tactics articulated in this document: [https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO\\_v3-1.pdf](https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO_v3-1.pdf)

17 <https://www.nytimes.com/2020/06/12/us/politics/trump-transgender-rights.html>

18 <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>

### ***K. meaning of 'gender' has shifted since party rules were formulated***

Gender had a different meaning at the time when our national platform first was adopted than it does now. At that time, at least three competing understandings were at play.

Within academic discussions among feminists, 'gender' was used to mean 'sex-role stereotypes', and to describe a tool for the systemic oppression of people based on their membership in one sex-class or another. This is the meaning embraced by gender-abolitionists and feminists around the world, and by the Georgia Green Party in its consideration of our Bonaire Amendments.

A new and at the time far less popular understanding of gender was being advanced by post-modernist queer theory, and would later become the core of the meaning used in the narrative being pushed by Arcus and others among the trans-billionaire funded lobby for gender ideology.

And still the most popular use of the word gender at the time the relevant platform language was adopted, was its use as a 'polite' pseudonym for sex. In popular parlance it was used, without the precision which feminists had attributed to the word for several decades, or the new meaning just then being theorized by the authors of queer studies (which very few had read twenty years ago), as the basis for a personal identity. When our national party's presidential convention adopted our platform in 2000, in its popular use within the culture, the word gender was used to distinguish between the two meanings of the word 'sex', not to be confused with the means for reproduction among sexually dimorphic<sup>19</sup> mammals (including humans) or for interpersonal intimacy among our species, but rather to refer to differences between the sexes, between men and women, the latter word being defined in the dictionary as 'adult human females'.

The above few paragraphs provide a small taste of a complex discussion which gender critical and feminist greens believe it is important that we explore.

### ***L. NLC has engaged in anti-democratic bullying behaviors which have threatened internal democracy within the Green Party***

We deplore the bully tactics evidenced by the NLC complaint and by nearly a year now of harassment, pile-ons, name-calling, silencing, de-platforming<sup>20</sup> and related abusive tactics of mostly women within the party's ranks who have sought to engage in conversations on these important topics.

Shortly after our Bonaire Convention, the NLC organized a pile-on campaign seeking to bully the officers of the Georgia Green Party to operate outside our own democratic rules, to rescind a decision of the annual convention which had amended its state platform and elected its state committee, resulting in our being named as state party officers, accountable to the will of that convention. The NLC's tactics have escalated to include threats<sup>21</sup> of physical violence. The individual responsible for the most egregious of violations of the usual expectations for Green discourse was appointed by the Lavender Caucus to serve as their appointee on the Dispute Resolution Committee. Members of this party's media committee, responsible for the moderation of the party's facebook channel have abused their discretion to silence women and others who have stepped up to defend the position taken by

---

19 <https://projectnettie.wordpress.com/>

20 <http://www.dialoguenotexpulsion.org/internal-democracy-threatened/women-silenced>

21 [http://www.dialoguenotexpulsion.org/internal-democracy-threatened/women-silenced/Gammariello\\_files/continuing\\_threats\\_of\\_physical\\_violence](http://www.dialoguenotexpulsion.org/internal-democracy-threatened/women-silenced/Gammariello_files/continuing_threats_of_physical_violence)



## Appendix\_F

the Georgia Party and to speak to the conditions faced by women. The Media Committee members responsible for moderating that social media group have deleted comments, deleted posts, refused to allow posts by officers, previously nominated candidates and Green National Committee delegates of member state parties. They have banned subscribers with dissenting views from participating in that channel. All the while they gave free reign for the unsubstantiated propaganda of trans ideology, and condoned extreme and unrelenting verbal abuse of feminists who attempted to participate on that channel.

Without ever, even once, picking up the phone for a direct one-on-one conversation, the NLC has spent the preceding year badgering the Georgia state party through third parties to engage in what amounted to 're-education', as if Georgia Greens had not already studied deeply the issues on which we adopted amendments to our Platform. They have lied to the national party community asserting that we have ignored their requests, as if we had not already taken time from a very busy campaign season to respond to their demands with a letter<sup>22</sup> proposing an opportunity for dialogue on the issues we raised. They accused us of violating Federal law by reading more into the narrow findings in the Bostock<sup>23</sup> Order than the Supreme Court had written. They ignored our offers to engage in dialogue on the issues which divide us and have mocked and silenced every attempt at dialogue we have made.

They have engaged repeatedly in anti-democratic behavior at odds with our expectations for civil debate on the questions on which we differ. They have failed to respond meaningfully to the arguments we have put forth and the questions we have raised. And whenever those questions have cut uncomfortably close to the house of cards on which gender ideology is built, whenever those questions have peak-trans'd<sup>24</sup> those who listen quietly, think critically and vote thoughtfully, they have responded by ending and disappearing those discussions.

### **IV. in closing**

For all of these reasons and more, we urge this committee to table and ignore this spurious complaint and to allow our national party's platform process to serve its purpose as the venue for debate on the political divisions over public policy within our party.

Much like our national party provides a process for the biennial review of the national party platform, so too, does the Georgia party provide a mechanism for the review of our state party platform. We have a platform committee open to submissions by members of the Georgia party. Our annual conventions are charged by our bylaws with the power to revise the Platform of the Georgia Green Party. But unlike the bullying demands of the NLC, we expect decorum in our proceedings, an expectation of good will among our members and we refuse to be held hostage, making policy with a gun to our heads.

Our conventions have tended to favor thoughtful policy proposals, grounded in a well-researched, scientific understanding of reality supported by respectful discourse. Local delegates to our conventions tend to look skeptically on policies advanced by advocates captured by monied interests, or meaningless statements more focused on signalling virtue rather than in offering concrete proposals for the revision of public policy. Our members and our candidates are clear that our platform is a tool for organizing, and that the policies which we advance must one day be defended before the voting

---

22 <http://georgiagreenparty.org/georgia-party-responds-to-invitation-from-lavender-caucus/>

23 Bostock V Clayton County, 590 US \_\_\_ (2020) [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)

24 <https://peaktransstories.tumblr.com/> for a concise definition plus many stories offering anecdotal support; but see also: <https://www.peaktrans.org/> for links to thousands of stories of women and men's peak-trans stories.

## Appendix\_F

public by our candidates. Our conventions operate democratically and seek consensus where possible on platform revisions.

Some of our newer members may hail from organizations with a history with *democratic centralism*. Even if we as Greens had embraced this concept, *and we never have*, there can be no 'unity of action' prior to 'freedom of discussion'<sup>25</sup>. Cancel culture is fundamentally anti-democratic and should not be tolerated within the ranks of the Green Party, which has long embraced a commitment to democratic engagement within our ranks among the diverse experiences and perspectives brought to this work by those who share a commitment to the ten key values of our party.

Our rules anticipate that 'inactive status' be used to protect the ability of the Green National Committee to raise a quorum, not as a means to penalize an accredited member state party over political differences with other accredited members of the party about the Platform.

Our rules anticipate that the disaffiliation of a state party or caucus be reserved for violations of the Accreditation Criteria laid out in the Rules and Procedures of the party, not over offenses which are not defined in our rules; again not over political differences with the Platform and its interpretation.

Neither mechanism exists to resolve political differences over the platform with the political purges which have so frequently been utilized by sectarian formations on the political left. Such tactics are anathema to Green values, culture and politics. The proper place for such debate is within our Platform revision process.

We urge that this Accreditation Committee respect these basic concepts of Green democracy and allow these conversations to proceed in their proper place, not here where our rules make clear, that state Green parties 'should experience (this committee) as a welcoming committee and their advocate to the (National Committee)'. We each should prioritize the use of our energy for building up, not tearing down the party we have worked so long and so hard to build.

Sincerely,

s/ David Josue, chairman

s/ Kweku Lumumba, chairman

s/ Denice Traina, treasurer

s/ Hugh Esco, secretary

---

25 V.I. Lenin, "Report on the Unity Congress of the R.S.D.L.P.",  
<https://www.marxists.org/archive/lenin/works/1906/rucong/viii.htm>

## Response to the Latest Complaint Against Georgia by the Lavender Caucus

by Dialogue not Expulsion  
January 31, 2021

[The complaint by the Lavender Caucus against the Georgia Green Party](#) submitted to the Accreditation Committee consists, in essence, of six points, though the internal numbering is extremely confusing. Let's take up each of these points and consider them one by one:

### **1) The Georgia Party has endorsed the “transphobic ‘Women’s Declaration of Sex-Based Rights.’”**

The name of the text in question is the “Declaration on Women’s Sex-Based Rights.” We note at the outset that the fact-checking of the Lavender Caucus (and those who cosigned its complaint) was not even capable of accurately stating the name of the offending document. Does this, perhaps, raise a question about the accuracy of other assertions, things declared to be “facts” by this complaint? It is at least a reasonable issue to pose as we begin our assessment.

More importantly, on the substance: The word “transphobic” is introduced by the Lavender Caucus and used more than once to describe this declaration. However, not one quote is offered which justifies such a characterization. This is, on its face therefore, an assertion that cannot become the basis for further action by the Accreditation Committee or by the national Green Party. Allegations of “transphobia” or “racism” or anything of that nature should, under any and all circumstances, be accompanied by quotations from the offender which justify their use. That “should” becomes a “must,” however, if the accusations are going to become the basis for disciplinary action against those who are alleged to have engaged in such behavior.

### **2) The Georgia Party challenges the wisdom of current medical interventions that are being practiced to enable the transition of young people who identify as transgender.** The complaint asserts, in support of this point in its indictment: “The treatment of trans youth are well established and have been so for more than two decades.”

A similar statement might have been made in the past, however, about many medical diagnoses and treatments that later became discredited—including the inclusion of homosexuality on the list of mental disorders by the American Psychiatric Association, or the “disease” called “hysteria” in women, named for the female uterus itself. Those who believe that a particular medical standard, no matter how well established (and two decades is the blink of an eye in this respect) is inappropriate, even damaging, have a right to express that view and call for a revision of current medical protocols. There are, in fact, a significant number of medical practitioners who have objected to the prevailing treatments for “gender dysphoria.” Lay people are also entitled to an educated dissent. This is not a crime, and cannot be treated as if it were by the Green Party.

### **3) The Georgia Green Party did not participate—in the midst of an election campaign and on a time line demanded by the Lavender Caucus—in a process initiated by the Dispute Resolution Committee attempting to mediate between Georgia and the LC.**

How many have refused in the past to participate in the Green Party's dispute resolution process? Has anyone, before now, had that refusal held against them and used as evidence that they ought to be suspended or disaffiliated?

The DRC is there for members of the Green Party to use if they agree it will be useful. There is no statute or bylaw mandating anyone to participate in the DRC process if they do not believe it will be useful. So Georgia's action, assuming it is accurately reported, was completely compatible with the general standards of membership in the national Green Party and does not, therefore, constitute evidence that disciplinary action should be taken against that state party.

We also note that on more than one occasion the Georgia party has proposed the development of an open discussion about issues related to sex and gender in the national Green Party as a way of resolving this dispute. For example, in its [written response to Dario Hunter and the LC](#) on April 7, the Georgia Green Party clearly stated: "The resolution of this conflict must engage a party-wide conversation on the underlying issues." Georgia has repeatedly opened the door to ongoing dialogue including proposals to initiate a written exchange on the political matters in dispute.

Our caucus has likewise called for the same kind of political debate. In [our April 2 response to the GPUS Steering Committee](#) letter condemning the Georgia Green Party for its "unfortunate statements" in support of the Declaration on Women's Sex-Based Rights, we clearly propose an open debate of the political disagreements as the appropriate alternative to a formal DRC process in this case.

To date there has been no response from the Lavender Caucus and its supporters to any of these proposals for a structured political conversation in which all members of the Green Party can participate. So if we want to point fingers at one side or the other for blocking "dispute resolution" that finger could point at least as reasonably toward the LC as it does toward Georgia.

#### **4) "Georgia Green Party is in violation of several sections of our Platform."**

The Green Party platform is a living document that can and does change on a regular basis. There is a process for introducing amendments to the platform as opinions in the party on various matters shift over time. This suggests that dissent and discussion about specific platform planks is completely in order. Further: there is not, and cannot be, any bylaw or statute that requires members of the Green Party to agree with or support every plank in the platform. It would be a grave disservice to the democratic functioning of our party therefore—indeed an action far beyond the limited authority delegated to your committee—for the AC to now take it upon itself to establish "violation of the national platform" as a new offense punishable by suspension or discreditation.

The national platform, for example, endorses the "Nordic Model" for dealing with prostitution—criminalizing those who hire prostitutes while decriminalizing those who are hired. However, the Howie Hawkins campaign and many others in the Green Party have advocated the legalization of "sex work" as a different response to this social reality. Should Howie Hawkins and others who advocate legalization of "sex work" have their membership suspended until they "correct" their stated views?

Another example: The national platform endorses ecosocialism. There are, however, within the Green Party at least some who advocate for "green capitalism" while others identify with a "deep green"

viewpoint that actively and consciously rejects ecosocialism. Should these individuals have their membership suspended until they “correct” their stated views?

Clearly the answer is “no.” We should, instead, embrace the idea of a politically diverse party which allows for debate and discussion on controversial issues, even those where specific positions may have been adopted as part of our platform, rather than resolving such difficulties through an administrative process of “suspending” or “discrediting” current members because they disagree with one or another platform plank.

In addition, on the issues in dispute between Georgia and the LC the national Green Party platform makes contradictory assertions, also affirming feminism and the rights of women in ways that would seem more compatible with the interpretation given by the Georgia party than those given by the Lavender Caucus. This, too, points to the need for political debate and discussion rather than some administrative solution.

**5) Georgia’s action violates the “Green Key Values of diversity, social justice and feminism,” because “we [the national GP] support full legal and political equality for all persons regardless of sex, gender, sexual orientation, or gender identity, characteristics, and expression.”**

But Georgia, too, endorses the “Green Key Values of diversity, social justice and feminism.” The question in dispute is a political one, about how “full legal and political equality for all persons regardless of sex, gender, sexual orientation or gender identity, characteristics, and expression” fits into that broad agreement.

Surely we are not going to act based on the idea that taking what some believe to be the wrong position in a political dispute about *how to apply* our key values is now an offense which justifies one segment of the party expelling another.

**6) “Multiple State and local parties have inveighed on this as have all of the Caucuses and several National Committees; all of whom support the Lavender Caucus in this dispute.”**

This suggests that there is a unanimity of opposition in the Green Party to the political position on women’s sex-based rights that Georgia has affirmed, and a unanimity of agreement with the Lavender Caucus that Georgia should therefore be suspended or discredited. There is no such unanimity, however, on either point.

We note in particular that the question before the AC is suspension or discreditation of Georgia. Many, perhaps most, of the official comments referenced by the LC in the quote above, however, included no statement whatsoever on the question of suspension or discreditation. They merely expressed an agreement with the LC in terms of its political judgments about Georgia’s endorsement of the “Declaration on Women’s Sex-Based Rights.” It is quite misleading, therefore, for the LC to suggest that this record establishes a unanimous support for its complaint to the AC calling for suspension or discreditation.

Further, it is a well established principle of democratic functioning that opinion polls taken before a full discussion of the political issues in question cannot be considered definitive. They represent, at best, an initial “straw poll.” The Green Party, as a national collective, has failed to organize a meaningful

political debate about the relationship between “trans rights” and “women’s sex-based rights.” Those who co-signed the LC complaint did so after hearing the LC’s position in this dispute. Did any of them contact the Georgia Green Party and ask to hear the Georgia side? If not, then the validity of the claim that “all support the Lavender Caucus” can, at the very least, be strongly questioned. It is as if a jury in a criminal trial came to a verdict after hearing only the prosecution witnesses, before listening to the defense. No one, except those most prejudiced against the defendant, would accept such a verdict as meaningful.

What process was used to authorize the signatures on the complaint that was filed with the Accreditation Committee? Did a full and democratic discussion take place in the Arizona party, the Illinois party, the Maine party, the North Carolina party, the Pennsylvania party—to list only the state parties that are official sponsors? Or did the endorsements take place based on discussion in some state leadership body? If the latter then we at least have to consider the possibility that after a process of democratic discussion the rank and file of these state parties might have expressed a different point of view, or decided that the prudent course was to refrain from expressing any point of view at all. At the very least we can say with some confidence that a more-or-less-substantial minority would have expressed a dissenting viewpoint more sympathetic to the positions Georgia has taken. The online petition titled [“Dialogue not Expulsion”](#) which gave birth to our caucus has (as of January 31) received endorsements by 275 individuals, including some from each of the states named as signers of this complaint. That is considerably more support than the 209 who signed [a similar on-line petition](#) endorsing the LC position during the same period of time.

In a collective that aspires to bottom-up democracy *and consensus functioning* all of this does, at the very least, mean that we cannot accept the assertion, in the LC complaint, that there is virtually unanimous support in the Green Party for the proposed action against Georgia.

Finally we pose two additional questions:

- a) Were there any state parties or Green collectives which were asked to sign this complaint but declined to do so?
- b) In those leadership bodies which voted to support the complaint, were there any “no” votes or objections raised? (We know that there were in at least one case.)

If the answer to either of these questions is “yes” then once again the claim of virtually unanimous support for the LC position cannot reasonably be sustained, and it cannot therefore constitute a basis for action by the Accreditation Committee.

\* \* \* \* \*

If there is not even a single point in this complaint that justifies the action proposed, and it is clear from the assessment above that there is not, then the complaint itself should, simply, be rejected both by the AC and by all Greens who are interested in maintaining a spirit of democracy and political pluralism in our party.

**OPEN LETTER TO THE GREEN PARTY ACCREDITATION COMMITTEE**

Since my name was included in the Complaint by the National Lavender Green Caucus seeking dis-accreditation of the Georgia Green Party along with false, misleading, and defamatory statements about my feminist political work and by implication, against me personally, I am exercising my right to submit a response.

First, for Greens that don't know me, I have been a Green since the 1990's. I helped with the petition drive to get the Green Party on the California ballot. I ran for Secretary of State in California in 2010, receiving 3% of the vote, and spent several years (until this year) as a member of the State Coordinating Committee. My politics are far to the Left, having been a socialist and grassroots activist for most of my adult life. I have had a long career as a civil rights lawyer, most recently working on behalf of people experiencing homelessness. I am a feminist, having been active in the fight for women's liberation for decades and am a founding member of Feminists in Struggle. <https://feministstruggle.org/> I am a co-author with two other feminist lawyers of the Feminist Amendments to the Equality Act. <https://feministstruggle.org/faea/>

I am also a gender non-conforming lesbian with a long history of involvement in what was referred to during that period as the Lesbian and Gay Rights movement going all the way back to the time of Harvey Milk (I lived in San Francisco for many decades and heard him speak multiple times before he was assassinated). More recently, I was a leader in the Marriage Equality Movement in San Diego. It's ludicrous to accuse a feminist and Left wing person like myself of bigotry or being "right wing." I have spent my entire life fighting for everyone's human rights.

Having reviewed the Complaint filed against the Georgia Green Party it is quite apparent to me that Margaret Elisabeth has likely read neither the U.S. Supreme Court decision in *Bostock vs. Clayton County, Georgia* 140 S. Ct. 1731 (2020) nor the Feminist Amendments to the Equality Act. If these documents were indeed read, Margaret Elisabeth completely misunderstands or else has consciously misrepresented what *Bostock* and the Feminist Amendments stand for. Whether

Margaret Elizabeth acted purposefully or was merely misinformed, the *Bostock* decision as it actually reads and the Feminist Amendments as actually drafted provide no basis for criticizing not to speak of suspending the Georgia State Party.<sup>1</sup>

In fact, *Bostock* relied for its ruling on the exact same definition of “sex” that I and other feminists use: “status as either male or female as determined by reproductive biology...biological distinctions between male and female.” If feminists’ refusal to conflate “sex” and “gender” (or to allow gender identity to override sex) and our recognition of the distinction between the two terms make us “transphobic” and guilty of “violence” against transgender people, then the *Bostock* Court must be condemned in a similar fashion.

*Bostock* did not create a new protected class based on “gender identity” or “transgender status.” Only Congress can do that by amending federal statutes. Rather, the Supreme Court issued a narrow ruling under Title VII involving employment discrimination based on the argument that “but for” sex, as above defined, Aimee Stephens would not have been fired. Therefore, the Supreme Court concluded that Stephens’ firing violated the sex discrimination provisions of Title VII. The same reasoning was utilized to hold that sex is a factor when an employer fires a lesbian or gay man because they are gay. The Supreme Court *did not* hold that “gender identity” or “sexual orientation” is the *same* as sex; rather that sex was a *factor* in discrimination against lesbian and gay and transgender people. The Supreme Court ruled that since the same behavior would have been acceptable if the person’s biological sex had been different than it was, such discrimination is covered by the sex discrimination provisions of Title VII.

---

<sup>1</sup> Even if ME’s interpretation of *Bostock* were correct, since when is Green Party membership contingent on agreeing with a particular Supreme Court decision? Nor should state parties be suspended or dis-affiliated because they disagree with certain wording or a specific interpretation of sections of the platform. Who among us agrees with every word of the platform? ME seems to be confusing the democratically run Green Party that has a living platform subject to change with a fundamentalist church that persecutes heretics who disagree with its dogma. Suspending a Party on this basis would set a dangerous precedent that would have a chilling effect on our democratic functioning and lead to future witch-hunts against other holders of minority views.



Moreover, the Supreme Court *did not decide* whether bathrooms, locker rooms and other spaces where people are in a state of undress should be separated by sex, or by gender identity, or at all. Judge Gorsuch made that very clear: “The employers worry that our decision will sweep beyond Title VII to other federal or state laws that prohibit sex discrimination. And under Title VII itself, they say sex-segregated bathrooms, locker rooms, and dress codes will prove unsustainable after our decision today. But none of these other laws are before us and we do not prejudge any such questions today. Under Title VII, too, we do not purport to address bathroom, locker rooms, or anything else of the kind. The only question before us is whether an employer who fires someone simply for being homosexual or transgender has discharged or otherwise discriminated against that individual ‘because of such individual’s sex.’”

So I and other feminists in *Feminists in Struggle* do not seek to overturn *Bostock*. And by supporting the Feminist Amendments and the Declaration on Women’s Sex Based Rights, neither does the Georgia Green Party. On the contrary, *we agree that Stephens should not have been fired* and that there should be federal protection against such discrimination for transgender people and all gender non-conforming people as well as for gays, lesbians, and bisexuals. Feminists and our allies believe that people should be free to dress and express themselves as they wish without discrimination, stigma or violence. Transgender people would in fact be fully protected under our draft Feminist Amendments to the Equality Act through the new statutory category we propose that would prohibit discrimination based on “sex stereotyping.” This is much stronger and more specific than placing discrimination against transgender individuals under “sex.” The Feminist Amendments also provide broader protections than *Bostock* so that all gender non-conforming persons would be covered, regardless of gender identify. For example, under the Feminist Amendments all sex based dress and grooming codes in workplaces or schools would be illegal. Please read the Feminist Amendments before making a judgment about them.

<https://feministstruggle.org/faea/>.

At the same time, we feminists believe that women as a sex have certain rights including the right to privacy, safety and dignity apart from people born and

socialized male. In other words, people with female biology as the oppressed sex under patriarchy are justified in utilizing, should they wish, spaces and facilities for females only.<sup>2</sup> Feminists also assert a right to proactive programs for females alone (sex-based set-asides or affirmative action, for example) to address ongoing societal discrimination and inferior status conferred on us based on our sex.<sup>3</sup> We believe that the form of “sex blindness” currently being promoted in the name of transgender rights is no better for rooting out sexism than “race blindness” is for rooting out racism. Rather, they both reinforce hierarchical systems of oppression based on sex and race respectively.

In my view, it is important that Greens and other progressives grapple honestly with the reality that we face: that a conflict of rights has arisen between women and girls as a sex and what many feminists believe to be an overbroad definition of transgender rights that would purport to erase sex in its entirety, including by removing sex as a meaningful category of protection under civil rights laws. Greens have an opportunity to utilize our skills of grass roots democracy and our commitment to all oppressed and marginalized people to facilitate discussions and debate on these complex issues and attempt to reach resolution of this conflict that would be a “win-win” for all parties involved. Instead, the NLGC and other Greens that signed on in support of its complaint are seeking to silence feminist voices and threatening to expel those with whom they disagree. This is a

---

<sup>2</sup> For example, persons born female escaping from male violence or rape into shelters should not be forced to share intimate spaces and shower facilities with people with penises, regardless of those individuals’ gender identity, even if the transgender individuals involved are completely non-violent. Females have a right to set boundaries away from biological males and have a safe place to heal from male violence.

<sup>3</sup> This has nothing to do with the politics of the Christian Right who are the enemies of feminism. For one, the Right opposes civil rights laws prohibiting discrimination against lesbians and gay men and those who do not conform to sex stereotypes, and opposes marriage equality for same sex couples while feminists champion these rights. Second, the Right is generally opposed to affirmative action programs. Because on a few occasion feminists’ positions may narrowly coincide with the Right for completely opposite reasons from theirs does not make us “right wing” any more than the Green Party’s opposition to the Patriot Act and U.S. imperialist wars means that our Party is right wing because far right libertarian Rand Paul also holds these positions.

shameful act by a Party that claims to be feminist and prides itself on its respect for diversity and its tolerance of dissenting points of view.

To be clear, feminists do not believe that transgender people and other gender non-conforming persons born with a male reproductive system are any more violent or a threat to those of us born female than any other group of biological males. At the same time biological males that identify as transgender are not necessarily less so.<sup>4</sup> And of course most males are not violent rapists, regardless of their gender identity. *We are not demonizing anyone.* But it is long past time for Green Party to take the existence of an epidemic of male violence (violence perpetrated by people born male against people born female) and ongoing sexism (discrimination against women and girls as a sex), as well as the feelings and concerns of the female half of the population *seriously*.<sup>5</sup>

The Declaration on Women's Sex Based Rights

<https://www.womensdeclaration.com/en/> which I and other feminists support, as well as the Feminist Amendments to the Equality Act, have nothing to do with "hate" or right wing politics. Rather, these documents reflect the fact that women as a sex are refusing to be erased as a protected class under the law. (Erasing sex by substituting gender identity also makes sexual orientation a meaningless concept and is fundamentally homophobic in its practical effect.) These documents assert that women as the oppressed sex through many millennia of

---

<sup>4</sup>See, e.g., <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>. This long-term study of transgender individuals concluded that males who identify as transgender maintained male patterns of criminality and violence post-transition: "...regarding any crime, male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality. The same was true regarding violent crime." Thus, biological males who identify as transgender may be both victims and perpetrators of male violence.

<sup>5</sup>A staggering one in three females experience physical and sexual assault by males. <https://news.un.org/en/story/2019/11/1052041>. Approximately 2,000 females per year are murdered by males. <https://countercurrents.org/2017/04/what-if-i-told-you-2000-women-per-year-are-murdered-by-men-they-know-interview-with-dawn-wilcox/>

patriarchy deserve that our rights and needs be given due weight and consideration in crafting public policy.

The Georgia Green Party should be commended and not condemned for supporting women's sex-based rights. At the very least, the Georgia Party should not be subject to dis-accreditation for taking good faith action consistent with the Green Party's long-standing commitment to feminism and opposition to sexism that permeate multiple points in our platform.

In solidarity,

Ann Menasche



## **Green Feminists: A Women's Liberation Collective**

*Responds to the Accreditation Committee Complaint<sup>1</sup>  
brought by the National Lavender Green Caucus against  
the Georgia Green Party*

### **1. Introduction**

#### **a. Who We Are**

We are an organization of Green Party feminists—women, adult human females—working to ensure that one of our Party's Ten Key Values, that of feminism, is given due weight in the internal functioning of the Green Party (GPUS) and in our public campaigns, and that those who defend these rights are not targeted or silenced within our Party. We wholeheartedly agree that our society ***“has inherited a social system based on male domination of politics and economics”*** (TKV no. 7) and that the ***“change the world is crying for cannot occur unless women's voices are heard.”*** (GPUS Platform, II(A)(1)). Our Women's Liberation Collective demands equal participation and representation for our sex within the Green Party and society.

#### **b. Summary of Major Points**

As feminist Greens, we are deeply concerned about the complaint lodged by the National Lavender Green Caucus (NLGC) seeking to disaccredit the Georgia Green Party (GaGP) because the Georgia Party has voted to endorse the [Declaration on Women's Sex-Based Rights](#), an international document signed by over [14,800 individuals from 127 countries, in collaboration with 310 organizations](#). This proposed action, should it be adopted by the National Committee, will be in direct conflict with the Ten Key Values, one of which is “feminism,” another of which is “grassroots democracy,” another of which is “diversity,” and another of which is “decentralization.” If this regressive step is taken, it would send a message that the Green Party no longer cares about the rights of women and girls, progress on which has always been on the basis of **sex**, not ‘gender identity,’ and that the Green Party has abandoned four of its Ten Key Values. This action would have a chilling effect on feminists and feminist allies throughout the Party, undermining bedrock principles on which this party is built and the grassroots democracy we so strongly advocate and should be modeling.

Diversity is meaningless without respect and tolerance for diverse opinions and the encouragement of open discussion and debate. Moreover, asserting the rights of our sex in response to many millennia of male supremacy persisting to this day, has nothing to do with “hate,” “bigotry,” or right wing politics. Rather, the conflating of sex and ‘gender identity’ or the subsuming of the former into the latter, represents a big step backwards for our Party's commitment to women's equal rights as a sex, while doing nothing to advance the cause of those who do not conform to sex-based stereotypes, including those who identify as

---

<sup>1</sup> [National Lavender Green Caucus files complaint with Accreditation Committee seeking dis-accreditation of the Georgia Green Party](#)

transgender. Such deeply sexist policies harm gender non-conforming children and youth in particular, especially future gays and lesbians, by encouraging body dysphoria, the harmful ingestion of hormones and pharmaceuticals, and removing or modifying healthy body parts as “solutions” for unhappiness caused by society’s rigid sex roles and anti-gay prejudice. These “solutions”, promoted by “Big Pharma,” that turn physically healthy children into lifelong medical patients, are anything but Green.

**2. The conflation of sex and gender identity** threatens the rights of females as a distinct class of persons oppressed (both historically and currently) based on our sex. The following are some of the rights placed in jeopardy by this conflation that erases females and reinforces patriarchy:

- The right of females to organize politically against sex-based oppression by males
- The right of females to assemble outside of the presence of males
- The right to accurate statistics to measure violence against females by males and persisting disparities in pay and job opportunities between females and males based on sex
- The right to affirmative action programs or set-asides to address the exclusion or under-representation of females in certain male-dominated fields, professions, or other endeavors including politics
- The right to female-only sports programs
- The right to establish grants, scholarships, and educational and training programs specifically for females to address female exclusion or under-representation
- The right to create reproductive health clinics, rape crisis services, battered women’s shelters, and support groups for females;
- The right to discuss female bodies, reproductive function, and health issues that exclusively or disproportionately affect females
- The right to be free from the presence of males in areas of public accommodation where nudity occurs
- The right of lesbians to create lesbian-specific organizations and to meet apart from males
- The right of female patients, prisoners, and females in other congregate settings lacking privacy to be housed apart from males
- The right of dependent females to choose female providers for their intimate personal care requirements

Just like race blindness does not allow for naming, measuring, and remedying race discrimination and inequities, sex blindness promoted by gender identity makes it impossible to do the same for females. It is not at all progressive.

### **3. Asserting Sex-Based Rights is not Hate**

We object to the NLGC’s framing of the [Declaration on Women’s Sex-Based Rights](#) as a “transphobic” document, and the [Women’s Human Rights Campaign](#) as an “anti-trans hate group”. We assert that there is nothing remotely hateful or bigoted about defending the

sex-based rights of women and girls, or about advocating for policies that aim to protect vulnerable children from harm. Both of these positions are affirmed in detail in the nine articles of the Declaration, which is the founding document of the international WHRC. We applaud the GaGP's brave and bold moves of endorsing the Declaration and amending its Human Rights planks #3 and #4 accordingly, and believe the GaGP should be commended, as opposed to condemned and/or discredited from GPUS, for these actions.

Neither does the GaGP's endorsement of the [Feminist Amendments to the Equality Act \(FAEA\)](#) signify "hate" nor would these amendments lead to "further marginalizing trans and intersex people." The FAEA do not "remove rights afforded to trans persons" by the Supreme Court. Rather, the Feminist Amendments would further protect the rights of everyone to dress and express themselves as they like and love whom they love without discrimination in jobs, housing, etc. through adding explicit statutory language prohibiting discrimination based on sexual orientation and sex-based stereotyping.

For additional insights into how "transgender ideology harms women, gays, and especially feminine boys and masculine girls", please review this article co-authored by Colin M. Wright and Dr. Emma N. Hilton titled "[The Dangerous Denial of Sex](#)".

We reject the claims of the NLGC et.al. that these actions taken by the GaGP in support of the rights of women and vulnerable children are "in direct violations of this Party's Social Justice Platform." We do not feel that the NLGC has done their due diligence in this matter, opting instead to pick and choose which planks they accept as valid and which planks they opt to either dismiss or disregard. That there are conflicting planks in the GPUS platform is a fact all too often overlooked in these discussions.

For example, we note that in point #7 of its complaint, the NLGC asserts that the "Georgia Green Party is in violation of several sections of our Platform" and opens with a quote from **II. Social Justice** section **A. Civil Rights and Equal Rights**. The complaint jumps from there to section **5. Sexual Orientation and Gender Identity**, quoting the header and citing points 2-4 which they no doubt find relevant to their argument, while completely ignoring the relevance or existence of the **Women's Rights** planks in their entirety. These platform planks speak to the Party's recognition of women as an oppressed sex class, and support and call "***on others to support, the many existing and ongoing efforts for women***" detailed under the categories of Social Equality, Reproductive Rights, Economic Equality, and Violence and Oppression.

Under the section addressing Social Equality, the platform specifically advocates passage of the Equal Rights Amendment (ERA) which is "*designed to guarantee equal legal rights for all American citizens regardless of sex*"<sup>2</sup>, not 'gender identity' (emphasis ours).

The following language is also included in the **Women's Rights** section:

[\*"The Green Party calls for U.S. passage of CEDAW, the Convention on the Elimination of all\*](#)

---

<sup>2</sup> <https://www.equalrightsamendment.org/>

*forms of Discrimination Against Women, which was adopted in 1979 by the U.N. General Assembly and ratified by 173 countries.<sup>3</sup> The U.S. is one of the very few countries, and the only industrialized nation, that have not ratified it.”<sup>4</sup>*

Of note, CEDAW outlines women's rights on the basis of **sex**, not ‘gender identity’.

Also of note, the Declaration reaffirms women and girls' sex-based rights **as enumerated in CEDAW and subsequent international agreements**. To be clear, the GPUS platform calls for the passage of CEDAW, which outlines women’s rights on the basis of **sex**, not ‘gender identity’, and the Declaration derives directly from CEDAW as well as subsequent international agreements such as the United Nations Declaration on the Elimination of Violence against Women 1993 (UNDEVW).

#### 4. Rights of Children

With regard to the rights of children which were also referenced in the complaint submitted by the NLGC, we will remind you of the following passages in the opening paragraphs of the **Social Justice** section of the platform:

*"We advocate a diverse system of education that would introduce children early to the wonders of the Great School (Nature), and would cultivate the wisdom of eco-education, eco-economics, eco-politics, and eco-culture. We seek to protect our children from the corrosive effects of mass culture that trains them to regard themselves first and foremost as consumers.*

*We support the shift in modern medicine to include healing through complementary therapies and engagement with the Great Hospital (Nature). We seek, in short, to facilitate the healthy unfolding of the person within the unfolding story of the family, community, bioregion, state, nation, and Earth community."*

In our view there is nothing ‘natural’ about the recently-adopted practice of medically and/or surgically altering the healthy bodies of children who may not conform to sex-based stereotypes, the majority of whom would grow up to be happy and healthy lesbian, gay, or bisexual adults if provided the appropriate support and guidance instead of immediate ‘affirmation’ of their presumed ‘gender identity’. Frankly, it could easily be construed as child abuse to tell a child s/he is “in the wrong body” or that s/he should “transition” because of a preference for certain toys, colors, clothing, etc., let alone prescribing unproven and life-altering medical interventions.

---

<sup>3</sup> By 2010, the treaty had actually been ratified by 186 countries and not ratified by only 7.

<https://www.aclu.org/cases444/cedaw-convention-elimination-all-forms-discrimination-against-women>

<sup>4</sup> Most US citizens are unaware that [Jimmy Carter signed CEDAW](#) on July 17, 1980, and that despite the lack of ratification by the Senate—in actuality it has never been brought before the full Senate for a vote—that signature is significant because according to [UN protocols](#), a country’s signature on a treaty “creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.” In a just world all entities in the US, including the GPUS, would be held to the same standard.



We assert that the 'affirmation' model of today is the latest form of 'conversion therapy' which as defined per Wiki, "is the pseudoscientific practice of trying to change an individual's sexual orientation from homosexual or bisexual to heterosexual using psychological, physical, or spiritual interventions." What this latest form of 'conversion therapy' does in addition to damaging children mentally and physically with its attempt to 'trans away the gay', also turns them into consumers of Big Pharma for life.

There is also evidence that social contagion (i.e. 'corrosive effects of mass culture') may be playing a role here, particularly with young women. We invite you to review Dr. Lisa Littman's extensively peer-reviewed study on [Rapid Onset Gender Dysphoria](#) (ROGD) with this in mind.

We would be remiss not to mention two critically important events that occurred recently in the UK that could have vast implications for future policy-making throughout the western world. The first was a new [Guidance](#) issued in September 2020 by the UK government's Department for Education (DfE) to its schools advising against teaching 'gender identity' ideology in their sex-ed curriculum. The key language in the directive is excerpted below.

*"We are aware that topics involving gender and biological sex can be complex and sensitive matters to navigate. You should not reinforce harmful stereotypes, for instance by suggesting that children might be a different gender based on their personality and interests or the clothes they prefer to wear. Resources used in teaching about this topic must always be age-appropriate and evidence based. Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used and you should not work with external agencies or organisations that produce such material. While teachers should not suggest to a child that their non-compliance with gender stereotypes means that either their personality or their body is wrong and in need of changing, teachers should always seek to treat individual students with sympathy and support."*

Link for practical application of the DfE Guidance:

<https://www.transgendertrend.com/department-for-education-rse-guidance-schools/>

The second was a [landmark judgment](#) that is also anticipated to have significant repercussions around the world. On December 1, 2020 the UK's High Court ruled that:

*[puberty blockers and cross-sex hormones are experimental treatments](#) which cannot be given to children in most cases without application to the court. The judgment concluded that it is highly unlikely that a child aged 13 or under would ever be Gillick competent to give consent to being treated with puberty blockers and very doubtful that children aged 14 and 15 could understand the long-term risks and consequences of treatment in such a way as to have sufficient understanding to give consent. The court also ruled that it would be appropriate for clinicians to involve the court in any case **where there may be any doubt** as to whether the long-term interests of a 16 or 17 year-old would be served by the clinical interventions of blockers and hormones.*

*The judgment handed down today has established the salient facts about puberty blockers and cross-sex hormones:*

- *Puberty blockers are not ‘fully reversible’.*
- *Puberty blockers do not ‘buy time’, they are the first stage of a medical pathway very few children come off.*
- *There is no evidence that puberty blockers alleviate distress.*
- *The pathway of blockers and cross-sex hormones has serious physical consequences, including the loss of fertility and full sexual function, with profound long-term risks and consequences.*
- *The treatment is experimental.*

The legal challenge was initially brought by Sue Evans, a former clinician at the Tavistock gender identity clinic and [whistleblower](#) who first raised concerns about GIDS practices 15 years ago. Ms. Evans was later joined by Keira Bell, a young woman who regretted having embarked on medical transition, citing the lack of appropriate counseling to explore her reasons for wanting to do so, pertinent history, etc., and Mrs. A, the mother of a 15-year-old autistic child with several mental health conditions, who had concerns that her daughter would be put on puberty blockers without her other issues being adequately explored.

British newspapers [The Sunday Times](#) and [Daily Mail](#) successfully overturned a court order banning publication of clinicians’ testimony warning of the dangers associated with medical transitioning such as possible harm to patients’ brain and bone development and infertility risks, arguing it was in the public interest to hear all the evidence presented.

Infertility risks alone raise serious questions about whether minors should be deemed to have the capacity to engage in informed consent for these experimental and irreversible treatments. Feminists and progressives have traditionally supported restrictions on the ability of minors to choose to be sterilized since they do not have the emotional maturity to make these permanent decisions and in order to protect against sterilization abuse. For example, Medicaid’s provisions requiring that persons who choose to be sterilized be 21 years of age or older are not to our knowledge opposed by Greens.

### 5. The Corporate Interests Promoting Gender Identity Ideology

The lesbian/gay liberation struggle began as a call to raise awareness of and ultimately end the discrimination and abuse all too often experienced by LGB men, women and youth in our rabidly heteronormative culture. That grassroots movement propelled by a marginalized and loosely organized minority population, has in recent years “**morphed into a relentless behemoth, one that has strong ties to the MIC [medical industrial complex] and global corporatists**”<sup>5</sup> that is obsessed with the “T” to the exclusion of the L, G, and B<sup>6</sup>. Jennifer Bilek, who has extensively

---

<sup>5</sup> <https://uncommongroundmedia.com/stryker-arcus-billionaires-lgbt/>

<sup>6</sup> “[Stonewall has sold out lesbians and it’s time they be held to account](https://lgballiance.org.uk/)”  
<https://lgballiance.org.uk/>  
“[Discussions with a stone wall](#)”

researched this issue, has raised the question, “Is this a civil rights movement or an ad campaign?”

Lesbians, gay men, and bisexual people have waged a 50-year fight, and while making some significant gains, have still not achieved federal civil rights protections. Yet transgenderism, a term coined barely twenty years ago and included in the LGBT acronym only since the mid-90’s, appears to have millions to burn and has successfully captured academia, the media, the professions, as well as entire political parties and governments, all collectively promoting the [tenets of this regressive, postmodernist](#) ideology. This author makes the case that the transgender movement is less one where marginalized voices are finally being heard, but more one where [large amounts of money are being heard](#).

Transgender ideology around the world is driven by billionaires of the medical industrial complex, a huge growth market<sup>7</sup>. Through their connections with other globally influential oligarchs and their non-profit foundations, they have used their wealth to fund the indoctrination of ‘gender identity’ dogma in universities, medical institutions—including the American Psychological Foundation (APF), police training, sports associations, faith organizations, women’s reproductive health organizations, grade school and high school curricula, and have pressured businesses to sign on to and promote transgenderism. They’ve built the political infrastructure in many countries to implement changes to laws, schools and language.

One of the most prominent billionaires is Jon Stryker, heir to the Stryker surgical supplies and software fortune, who used his [Arcus Foundation](#) to funnel over \$58.4 million to “*organizations doing LGBT-related work from 2007 to 2010 alone, making it one of the largest LGBT funders in the world. Stryker gave more than \$30 million to Arcus himself in that three-year period, through his stock in Stryker Medical Corporation.*”<sup>8</sup> Several of his family members are engaged in promoting transgenderism as well. Stryker has also funneled, at minimum, \$2 million to fund an [endowed chair in “Queer Studies”](#) at Spelman College in Atlanta in the name of Audre Lorde, celebrated lesbian feminist, poet and civil rights activist. Stryker funds [were matched](#) by the “[exclusively for women](#)” Historically Black College and University (HBCU) in its own fundraising efforts. Spelman, a “[global leader in the education of women of African descent](#)”, implemented its decision to open admissions and enrollment to trans-identified males in the fall of 2019, which will result in black women being deprived of educational opportunities.

Next up is Jennifer Pritzker, formerly James Pritzker, a thrice-married trans-identified male and father of 3 with a net worth of [\\$1.9 billion](#), and whose family is ranked at #9 on [Forbes America's Richest Families 2020](#) list with a net worth of \$32.5 billion. In 1995, Pritzker founded the [Tawani Foundation](#), an organization with a significant grants program that gave \$1.9 million towards ‘Gender & Human Sexuality’ initiatives in 2019 alone, in addition to donating considerable sums towards education, health and human services, and human rights advocacy. Top recipients of Tawani grants include the ACLU—which in turn [enables the organization to file legal challenges](#)

---

<sup>7</sup> [U.S. Sex Reassignment Surgery Market Size, Share & Trends Analysis Report By Gender Transition \(Male To Female, Female To Male\), And Segment Forecasts, 2020 - 2027](#)

<sup>8</sup> <https://www.firstthings.com/web-exclusives/2020/01/the-billionaires-behind-the-lgbt-movement>

to new legislation that would support continued enforcement of Title IX, for example—and Planned Parenthood, which by 2018 was providing ‘gender affirming healthcare’ (including puberty blockers followed by wrong-sex hormones, as well as surgical referrals) to [gender confused youth in 28 states](#), the [vast majority of whom are female](#). In many states this ‘healthcare’ is initiated without parental consent and often on a [child’s first visit to a participating clinic](#) with little or no examination of the child’s [underlying psychological issues](#).

Since identifying as transgender in 2013, [Pritzker has donated](#) “\$6.5 million to the Program in Human Sexuality at the University of Minnesota; \$5.99 million to Palm Center, an LGBTQ think tank, for a study on trans people in the military; \$2 million for the world’s first chair of trans studies, at the University of Victoria, British Columbia; \$1 million to Lurie Children’s Hospital of Chicago for a Gender and Sex Development Program; and \$50,000 for the first trans-study course at the University of Toronto.” Pritzker and his family (a brother, J.B. Pritzker, is Governor of Illinois, incidentally) *“have enormous power and vast investments in the MIC, which they used to influence the normalization of transgenderism – dissociation from our sexed human bodies.”*

Other exceedingly wealthy, white male ‘philanthropists’ driving this agenda include but are not limited to [George Soros](#), [Martine Rothblatt](#), (a self-described transsexual and [transhumanist](#)), [Drummond Pike](#), [Tim Gill](#), [Mark Bonham](#) and [Ric Weiland](#)’s non-profits.

All of the billionaires behind this top-down movement have ties to the medical industrial complex and stand to make millions more off of the bodies of healthy children and young adults. The **Sex Reassignment Surgery Market** size is poised to [surpass USD 1.5 billion by 2026](#), according to a new research report by Global Market Insights, Inc. And this [growth market forecast](#) does not include the cost of puberty blockers for kids or cross-sex hormones for adults, though this analysis by [Research and Markets](#) does.

This ‘market’ has been created, developed, and promoted by global capital, the farthest thing from historical, hardscrabble grassroots movements like the abolitionist movement, suffrage movement, civil rights movement, labor movement, women’s liberation movement, lesbian/gay liberation movement, Indigenous movement, anti-police brutality movement, disability rights movement, or the Occupy Wall Street movement. It also must be said that no other social justice movement in history has ever sought rights for themselves by taking them away from another oppressed group—in this case those of us born female. Worse, this regressive agenda has been [enacted in stealth, by design](#).

### 6. Importance of Debate and Grassroots Democracy in the Green Party

The first of the Ten Key Values listed on the national GPUS website is “grassroots democracy” which would indicate the Party takes citizen participation, (including the right to discuss and debate controversial issues), very seriously when measuring the health of our political processes.

Grassroots democracy emphasizes putting decision-making power into the hands of ordinary people, (as does the value of decentralization), as Greens recognize that those decisions

impact the quality of life of the people involved. By this logic, decisions about the Green Party's platform and policies directly affecting women should involve as many female members of the Party as possible to ensure these decisions are arrived at democratically, and are reflective of our shared values of grassroots democracy, respect for diversity, and feminism.

The complaint before the Accreditation Committee about the Georgia Green Party ignores the grassroots democratic process that took place in that state. Open discussion with regard to the impact of gender identity ideology on the existing rights of women and children were discussed on multiple occasions at the regular monthly meetings of the party's state committee across the Summer and Fall of 2019, with each meeting considering new versions of the resolution crafted to address the concerns raised in previous meetings. A special meeting called in December of 2019 adopted a resolution of the state committee on the subject. This agreement of the state committee formed the basis of the platform amendments submitted to and adopted at the party's Bonaire Convention in February 2020. We believe the GaGP, or any state or local party for that matter, should have broad discretion to discuss and endorse any document they believe to be in alignment with Green values.

In contrast, open dialogue and discussion of women's sex-based rights has not only been discouraged but actively suppressed, and feminists and their allies attempting to voice their concerns have been met with outright hostility in most GPUS spaces, even as grassroots democracy demands that "*all human beings must be allowed a say in decisions that affect their lives.*"<sup>9</sup> This [kind of punishment](#) inflicted on women who express their opinions and advocate on issues of great import to them precludes discussion or debate and is the antithesis of grassroots democracy.

In fact, in our view, the state parties and caucuses involved in this dispute are far more guilty of non-compliance with the platform and Ten Key Values than is the Georgia Green Party, and are reprehensibly remiss in recognizing and addressing the basic human rights of those born female by condemning Georgia's endorsement of the Declaration on Women's Sex-Based Rights.

Additionally, we hold that the "Green Platform is an evolving document, a living work-in-progress..."<sup>10</sup> that can and does change over time, and also that most members do not expect individual Greens to embrace every word of every existing plank. If that were the case, the Party would not have been able to nominate Howie and Angela as our candidates for President and VP, respectively, who both adopted stances in opposition to the platform's stated [planks in support of The Nordic Model](#) and also urges that the term 'sex work' not be used in relation to prostitution. Nor would the Party's bylaws allow for the periodic consideration of amendments to the existing platform as a matter of routine practice as evidenced by the existence of the [Platform Committee](#), and the bi-annual platform process it administers.

To summarize, GPUS members are indeed allowed to disagree on these issues, as on every other issue, and the Green way of resolving disputes is through rational discussion and debate,

---

<sup>9</sup> [https://www.gp.org/ten\\_key\\_values](https://www.gp.org/ten_key_values)

<sup>10</sup> [Green Party US — A Call to Action](#)

not by [harassing, disparaging, doxxing, silencing, threatening, or banishing](#) those with whom we may have a political disagreement. We maintain that defending the sex-based rights of women and girls is not ‘hate’ and that biology is not ‘bigotry’. We further maintain that “respect for diversity” also includes respect and tolerance for diverse opinions, particularly in a political party that claims feminism as one of its 10 Key Values, rather than attempting to silence the voices of those of us born female.

We urge the Accreditation Committee (and the National Committee, if necessary) to uphold our Green values of feminism, respect for diversity, grassroots democracy, and decentralization, and dismiss the mean-spirited and ill-founded complaint made by the Lavender Caucus against the Georgia Green Party.

**Green Feminists: A Women’s Liberation Collective** can be reached at [greenpartyfeminists@gmail.com](mailto:greenpartyfeminists@gmail.com)

### **Footnotes:**

1 [National Lavender Green Caucus files complaint with Accreditation Committee seeking dis-accreditation of the Georgia Green Party](#)

2 <https://www.equalrightsamendment.org/>

3 By 2010, the treaty had actually been ratified by 186 countries and not ratified by only 7.  
<https://www.aclu.org/cases444/cedaw-convention-elimination-all-forms-discrimination-against-women>

4 Most US citizens are unaware that [Jimmy Carter signed CEDAW](#) on July 17, 1980, and that despite the lack of ratification by the Senate—in actuality it has never been brought before the full Senate for a vote—that signature is significant because according to [UN protocols](#), a country’s signature on a treaty “creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.” In a just world all entities in the US, including the GPUS, would be held to the same standard.

5 <https://uncommongroundmedia.com/stryker-arcus-billionaires-lgbt/>

6 “[Stonewall has sold out lesbians and it’s time they be held to account](#)”  
<https://lgballiance.org.uk/>  
“[Discussions with a stone wall](#)”

7 [U.S. Sex Reassignment Surgery Market Size, Share & Trends Analysis Report By Gender Transition \(Male To Female, Female To Male\), And Segment Forecasts, 2020 - 2027](#)

8 <https://www.firstthings.com/web-exclusives/2020/01/the-billionaires-behind-the-lgbt-movement>

9 [https://www.gp.org/ten\\_key\\_values](https://www.gp.org/ten_key_values)

10 [Green Party US — A Call to Action](#)

## My Take on the Substantive Issues

by Steve Bloom

*[Note—this piece was posted on April 2, 2021, to the work list of the NY State Green Party State Committee.]*

The dispute between the National Lavender Caucus and the Georgia Green Party regarding the “International Declaration on Women’s Sex-Based Rights” presently confronts our national party with a choice that is going to be destructive no matter what choice is made.

It shouldn’t have to be that way.

Both sides in the dispute bear some considerable measure of blame for this difficulty, because each of them poses the political issues in dispute as a zero-sum game: an affirmation of one position requires a rejection of the other, full stop. “There is no middle ground” is a phrase I have heard often from my gender-critical radical-feminist friends. Clearly the forces allied with the National Lavender Caucus feel the same way. I insist, however, that the task of reasonable people in the Green Party and elsewhere is to create the middle ground we need to begin to inhabit on this issue, even if we have to pull both the most militant wing of the NLC and of the GCRFs kicking and screaming into that process.

On one issue and one issue only I place 100 percent of the blame on the NLC forces: They are the ones who reject a coexistence in the broad-tent of the Green Party including those with whom they disagree on questions of sex and gender. The NLC calls for the expulsion of Georgia. There is no reciprocal call by the Georgia Party or by the consciously GCRF members of the US Green Party for the expulsion of the NLC. That’s why I have so far been able to work with GCRF elements in Dialogue not Expulsion, because the goal of that formation is to avoid a split in the party over this question.

There are many political issues where the Green Party has different wings, broad currents which affirm opposite sides of important issues—and where we simply agree to disagree. The civil war in Syria can be noted as the clearest example. Those on each side of this question might, quite reasonably, make a case that the other is in violation of our Ten Key Values. And yet no one would consider expelling someone else based on their viewpoint regarding the Syrian civil war. Likewise with the divide between ecosocialists and green capitalists. We find ways to coexist.

It is my judgment that we should be able to carve out a reasonable *modus operandi* on the sex/gender question too, where those on both sides look for ways to coexist and build a common party—based on our collective goal of forging a genuinely independent electoral alternative in the USA.

\* \* \* \* \*

On the substantive questions in dispute all I can do is express my personal viewpoint. I know that many will not agree with that viewpoint. Still, it’s my hope that if others consider my specific perspective on the substantive issues it might help generate an understanding of why I believe it’s possible to create a middle ground, and why I see this as perhaps the most important task:

1) I will personally use whatever pronouns or identifications someone else prefers. To me it seems like a matter of common courtesy.

## Appendix\_J

2) I believe there is a genuine psychological/physiological reality that is accurately captured by the phrase “a woman trapped in a man’s body,” even if this is only a poetic or metaphorical description. I cannot identify any biological or psychological cause for this phenomenon—any more than I can identify the biological or psychological cause of same-sex attraction. I know that same-sex attraction is real nonetheless, something deeply ingrained in the character of those individual human beings who are same-sex attracted which they have no control over. There are transgendered individuals who feel compelled, in a similar way, to live as if they were the opposite sex from the one indicated by their biology at birth.

3) I believe it is correct for society to acknowledge the reality of trans, to encourage the acceptance and understanding of trans people, make discrimination against trans people illegal, try to make violence against trans people a thing of the past, while adapting itself in reasonable ways so that trans people can live the life they feel compelled to.

4) At the same time I reject the assertion, which the present trans movement has put at the heart of trans liberation, that no distinction of any importance to political people (or to others) exists, therefore, between transwomen and women who are born with a female reproductive anatomy, that biological sex is as much a matter of personal choice as gender (as fluid and socially-defined as gender), and that any attempt to organize based on sex, indeed even to identify individuals based on their sex or talk about the reality of sex rather than gender, is reactionary and “transphobic” by definition.

Women who are born with a female reproductive anatomy have faced oppression by patriarchal society for thousands of years based on their sex—the reproductive anatomy just named. In large part this is rooted in the need patriarchy has to control that reproductive anatomy. Issues that affect those who are born with a female reproductive anatomy range from abortion rights to female genital mutilation and infanticide. Transwomen do not face this kind of oppression, even though transwomen too are oppressed by patriarchy. The common oppression by patriarchy does not erase the differences, any more than the common oppression by a racist culture means that there are no distinctions we need to take note of between Blacks in the USA and Puerto Ricans, or that Blacks who choose to organize via Black Caucuses are “Puerto-Rican Exclusionists.”

I am willing to accept the phrase “transwomen are women” if it is spoken in the spirit of still recognizing that there are distinctions that matter socially and politically between transwomen and women who were born with a female reproductive anatomy. I reject that phrase if it is used in an attempt to erase any and all distinctions. Passenger cars are motor vehicles. Eighteen-wheelers are motor vehicles too. It would be absurd to conclude from this that no conceptual or legal distinctions need to be made between passenger cars and eighteen-wheelers.

Unfortunately, the present ideology of the trans movement uses the idea that “transwomen are women” in the wrong way, in a conscious attempt to erase the reality of sex, in particular of any legal distinctions based on sex (and the oppression of women as a sex), and therefore any need of women born with a female reproductive anatomy to organize as an independent social force affected by a specific and unique kind of oppression.

5) In that context there is much to be discussed and negotiated. Answers that satisfactorily accommodate all of the concerns will not be easy to find. But they do still have to be sought—in a supportive and collaborative spirit rather than one that is hostile and antagonistic.

6) Because I identify much that needs to be discussed and negotiated, and also based on simple democratic principles, I reject the tactics of “deplatforming” gender-critical voices, of doxxing and



## Appendix\_J

otherwise actively harassing those—women especially but not only women—who raise questions about the current trans orthodoxy, declaring them to be reactionary and nothing better than racists. The use of these methods needs to be renounced by trans activists and actively combated by everyone.

7) On one substantive issue I am convinced that the current ideology of the trans movement, and the adaptation to it by a liberal establishment, is doing irreparable harm: The acceptance of medical protocols—by both the medical establishment and the psychiatric establishment—which encourage individuals as young as 12 or 13, who were born with a female reproductive anatomy, to have perfectly normal and healthy breasts surgically removed, also to take puberty-blockers and then powerful hormones which will leave them sterile for life—all in an attempt to transition to being “men.” Note the emphasis on the word “encourage” in that last sentence. This is not something that is being provided as a last-choice remedy in clearly demonstrable cases of need. It is something that is being actively encouraged, as soon as the thought “I am/want to be a boy, not a girl” occurs to the young person in question. It is encouraged by peers, by teachers and school counselors, by professional psychologists, and by medical doctors. Parents who even raise the possibility of some other approach to the thought “I am/want to be a boy, not a girl,” are often threatened with a loss of custody of their children if they refuse to consent to these kinds of medical interventions. Psychologists or medical doctors who might like to suggest alternatives are faced with the prospect of having their licenses revoked if they do so.

Whatever else happens in the wake of the current movement for trans liberation, it is my view that these medical protocols will be looked back on in 30 to 50 years (perhaps a lot sooner) as one of the great medical scandals of the 21st century.

Two powerful video presentations for anyone who would like to consider this topic more on their own:

a) “Dysphoric” a four-part documentary series: <https://www.youtube.com/playlist?list=PLRU9NIX0AA143z2QKukQcOqS96qriKGyw>

b) An episode of an on-line interview show called “Triggernometry.” It’s a conversation with Abigail Shrier, author of a book called *The Trans Issue Shouldn’t Be Political*:  
<https://www.youtube.com/watch?v=3uqht5dcJAI&feature=youtu.be>

8) The “International Declaration on Women’s Sex-Based Rights” is a flawed text which I will not personally put my name on. Its flaw lies in its failure to acknowledge the realities outlined in points 1 through 3 above. The document is, nonetheless, also a valid attempt to raise genuine concerns about points 4, 6, and 7. Thus I can understand why others, who do not share my personal assessment of points 1 through 3 (and even some who do share that assessment), consider the valid defense of women’s sex-based rights in this text to be a sufficient reason to add their names. Signatures on the document thus represent a political statement about the rights of women and girls who are born with a female reproductive anatomy. They are in no way an expression of “transphobia” in the sense this term is reasonably used: a fear or hatred of individuals who are trans.

\* \* \* \* \*

We are, thus, confronted with a political disagreement that needs to be addressed in a political way: by a political discussion. It should not be the grounds for threats of expulsion from the US Green Party.

1. There is no such thing as a “violation” of the national Green Party platform. The platform is not a code of conduct and disagreement with any particular part of the national platform is not, and never has been, a basis for disaffiliation of a member state party – nor should it be. The platform is at most a guide, more or less reflecting a majoritarian view of what policies are favored by most Greens at any given point in time. It is a living document (or work in progress), constantly subject to review, disagreement, revision and amendment. The platform does not serve as our principles of unity, and never has – nor should it. Just as our state party does not insist that every member agree with every statement in our state platform, the national party cannot insist that every member state party agree with every statement in the national platform as a condition of membership.

Our principles of unity are not found in the platform but in the Ten Key Values. In fact, state parties do not even necessarily have to adhere to the Ten Key Values, as long as they adhere to the Four Pillars. As stated in Article II of the Rules and Procedures of the Green Party of the United States:

**“II. Criteria for State Party Membership in the Green Party of the United States.**

1. Acceptance of the four pillars of the international Green Party movement [ecological wisdom, social justice, grassroots democracy, non-violence] or the Ten Key Values as guiding principles.
2. Organized and run in accordance with these values.
3. A statewide organization open to, and reflective of, a statewide membership.
4. Agrees to support national candidates selection by Green convention.
5. Makes good faith effort, where reasonable, to achieve ballot status.
6. Makes good faith effort to run state and local candidates.
7. Has applied to GREEN PARTY for accreditation, and has included written by-laws, platform, and other documentation with that application.

## Appendix\_K

8. Has a history of networking with other environmental and social justice organizations.
9. Evidence of commitment to, and good faith efforts to achieve, gender balance in party leadership and representation.
10. Evidence of good faith efforts to empower individuals and groups from oppressed communities, through, for example, leadership responsibilities, identity caucuses and alliances with community-based organizations, and endorsements of issues and policies.”

Agreement with the national party platform, let alone every provision of the platform, is not on the list of criteria. If there are grounds for suspending or terminating the affiliation of the Georgia Green Party, they must be based on one or more of these criteria, not disagreement or conflict with the national platform.

Indeed, it would set a terrible precedent to base either suspension or disaffiliation of a member party based on the national platform. For example, the national party recently voted down a proposed platform amendment (proposal 1005) that called for recognizing legal “personhood” to natural eco-systems (basically adopting the position of the Community Environmental Legal Defense Fund) and designating at least 50% of the planet as a nature reserve. If a state party were to adopt such a position in its own platform, or publicly express support for such a proposal, would the national party then be justified in suspending or expelling that state party as well?

The current platform contains any number of provisions about which Greens disagree. For example, one provision calls for making “airports accessible by local transit systems.” A state party might take a position that we should instead be closing down more airports and greatly limiting air travel based on its disproportionate contribution to greenhouse gas emissions. Would we then be justified in disaffiliating that state party for taking a position in “violation” of our platform?

More broadly, we know that many Greens disagree about the best policies for sex workers or monetary reform, whether or not we should identify as eco-socialist, whether we should support more proactive population control measures, whether we should support a national health service as opposed to single-payer health insurance – and numerous other questions. Do we really want to establish a precedent allowing the national party to disaffiliate any state party that takes a position at variance with the national platform?

If the national party sets a precedent of suspending or removing state parties based on disagreements or conflicts with the national platform, we could turn our national party into a circular firing squad. **Policy disagreements, or disagreements with the national platform, are not a proper basis for attacking the affiliation of a member state party.**

2. It is not until the very last paragraph of point 7 of the Complaint that it briefly references the correct criteria, as an aside. It simply makes a few conclusory statements that the Georgia Green Party's platform changes violate the pillar of social justice; that the party is not open to, and reflective of, a statewide membership, and it has failed to make good faith efforts to empower individuals and groups. However, the Complaint merely asserts its conclusions, with no analysis provided.

Whatever flaws may exist in the Georgia Green Party's analysis, its amendments are clearly **motivated** by a desire to protect women's human rights, and, therefore, social justice. The fact that many of us would disagree with their interpretation of social justice does not show lack of "acceptance" of that pillar by the GAGP.

The fact that it adopted these amendments also does not demonstrate that it has failed to be "open to, and reflective of, a statewide membership." That criterion is vague but it appears to mean that the party's decisions should be reflective of the views of its membership. In other words, it goes to the process used to modify the platform and whether it was democratic. We have no information provided as to whether it was or was not reflective of the statewide membership of Georgia Greens (although it was adopted at a state meeting, thereby creating a presumption that it was); therefore, there is no basis upon which to charge the GAGP of having failed to satisfy that criterion.

There is also nothing in the Complaint that would show that the GAGP cannot present any "[e]vidence of good faith efforts to empower individuals and groups from oppressed communities." Even if, in this instance, one were to conclude that its platform amendments were misguided or poorly reasoned, that would not necessarily prove bad faith, let alone vanquish its prior evidence and history of good faith efforts to empower individuals and groups from oppressed communities.

In short, the Complaint fails to demonstrate that the GAGP no longer satisfies the criteria for affiliation with the GPUS. It offers a critique of the GAGP's

platform amendments, but that is not a proper organizational basis for suspending or terminating affiliation.

3. The contention that the GAGP “is in violation of Federal Law,” based on the Supreme Court’s opinion in *Bostock v. Clayton County*, is simply flat wrong. *Bostock* was an important victory for the rights of trans-persons because it recognized that Title VII bars employers (with 50 or more employees) from discriminating against employees based on their transgender (as well as sexual preference) status. Unless there is some evidence that the GAGP employs more than 50 people and failed to hire, fire, or otherwise committed an adverse **employment** action against a trans-person, it did not violate *Bostock* or Title VII. Thankfully, neither *Bostock* nor any other federal law bars political parties, associations, or anyone else from **advocating for policy changes**, which is protected First Amendment activity.
4. In general, I would object to suspension or disaffiliation of a state party based on its drawing a conclusion about how our values translate into concrete policies that differ from the conclusions drawn by another member entity, in this case a caucus. I would especially object to taking such a drastic step without allowing the affected state party to explain its position or the basis for it. We haven’t heard the Georgia Green Party’s side of this dispute except for the quotation of the amendments that have been critiqued. Those amendments make very specific factual allegations, most of which are not specifically answered in the Complaint. It would be helpful to know the source materials and bases of these allegations, so that they can be assessed, tested, refuted or verified, etc.

In other words, what this circumstance calls for is not summary suspension after hearing only one side of a disagreement, but an **open political discussion**, with all sides (and I submit that there are more than two) able to present their arguments about what policies best advance Green values, and the factual bases for them. Summary suspension without dialogue and free, civil discussion and debate is not in keeping with our pillar of grassroots democracy.

In this, I agree with the sentiment expressed by our Black Caucus:

“We value discourse and reflective inquiry to resolve conflicts and the many pressing issues in our society today. As such we do not, yet, support expulsion of any affiliated state or caucus, on the issues of

## Appendix\_K

language around Women's rights, Children's rights, and Transperson's rights. We are stating without reservation all of these are human rights and need to be taken seriously. To this end we are aware that there are issues on many sides of these issues that need to have serious consideration. We are talking about real people with real issues and their concerns cannot be taken lightly."

To be clear, I personally support the rights of transpersons to be fully accepted and to participate fully in society, and to express themselves as they choose, without being subjected to invidious discrimination, and, as I indicated last March, I do not support the GAGP's amendments. But rights do have limits and contours. The right to free speech does not include the right to drive around in a sound truck with amplified speech at 3 o'clock in the morning. The right to bear arms does not include the right to bear a rocket launcher. Rights also must be defined in a way that do not transgress the rights of others - and these are not always simple questions with simple answers.

Should anyone who self-declares themselves to be female, without any verification or basis for the claim beyond that declaration, be admitted into women's spaces? I can tell you that many women are uncomfortable with that proposition. Last Fall, at the global Climate Convergence held in Southern Illinois, a caucus of Native American women from across the nation made a point of critiquing the genderless bathroom signs put up by the organizers, stating that, as a frequent target of sexual predators, they did not appreciate that decision. I thought that they were overreacting, but I'm not a Native American woman with that lived experience. Obviously, many women disagree with the notion that they need such protection - but isn't that a reason to get all of the facts and hear all points of view?

The other concerns underlying the Georgia GP amendments appear to be based on protecting children who identify as trans from the potentially harmful consequences of puberty blockers and other medical interventions before they reach an age at which their consent can be fully deemed informed, and the practice of letting persons born with XY chromosomes compete in women's sports. With respect to the former, I'm not sure what the best answer is, but I don't think that just citing to the Standards of Care adopted by one professional group settles the question. Professional associations - like any branch of science under capitalism - can be corrupted by the presence of money, and here we have the profiteering of Big Pharma and the medical-industrial complex looming in

the background. This is exactly why we need to get all of the facts on the table and have a real discussion.

Regarding trans-woman participation in sports, it would appear that taking testosterone-suppressing chemicals and female hormones do not fully eliminate the advantages of growing up with that Y chromosome. Renowned left/LGBT journalist Glen Greenwald recently wrote about this at [The Intercept](#), noting the mob-like hatred directed at lesbian tennis icon Martina Navratilova in opposing trans-women's participation in female sports, **despite her support for trans-women's rights generally**. Again, citing to Greenwald and Navratilova does not prove that their perspective is one that the Green Party should adopt, but it does provide additional reason for us to have an open political discussion about this – and not a rush to judgment during a campaign.

For all of the above reasons, I have concerns about this proposal and oppose its adoption.

**“Guilt by Association” as a Tool of Reaction:  
ME’s Hit Piece against Radical Feminists**

Imagine reading an article in the progressive press:

**Green Party reveals its right-wing and Russian ties.** The surprising nexus between Greens and the Republican white supremacist far Right revealed its ugly head when Greens shamelessly joined racists in opposing the Voting Rights Bill, HR 1, the most important voting rights bill that aims to ensure voting access in a generation. This action can only encourage the suppression of the Black vote as well as the vicious murders of Black people by racist police. Unfortunately, this isn’t the first time that the Green Party has aligned with the extreme Right, receiving help – financial and otherwise - from Republicans in gaining ballot access, to aligning with far Right libertarian Rand Paul on a number of bills in Congress and working with Russia to throw the election to Trump in 2016. Jill Stein even sat at a dinner in Russia with Putin.

We have all seen articles like this targeting the Green Party - full of lies, half-truths, distortions, and guilt by association – meant to close minds, silence dissent and ensure that the merits of a political position (in the above fictional example, the need for independence from the corporate duopoly and the poison pill in the voting rights bill) are never discussed.

How distressing then to read Margaret Elizabeth’s piece, “WoLF, TERFS and the Religious Right, oh my,”, and learn that such despicable and yes, *reactionary* methods -reminiscence of Joseph McCarthy’s anti-communist hysteria of the 1950’s - are being used by the Lavender Caucus and its supporters against all those expressing gender critical feminist views within the Green Party. Indeed, “guilt by association” has gone so far here that several degrees of removal from the original “guilty” party are enough to paint someone with the same brush.



Life-long socialists and long-time members of the Party have been accused by the Lavender Caucus and their supporters of aligning with the Proud Boys!

The smears against those who question a particular version of transgender politics have no basis in fact. There is no “symbiotic relationship” between gender critical feminists and the Christian Right. GC feminists and their allies have politics generally ranging from mainstream Democrat, to progressive Democrat, to independent to socialist to Green. Overwhelmingly, GC feminists unequivocally support lesbian and gay rights, birth control, the Equal Rights Amendment, abortion rights and the right of everyone to dress, express themselves, and pursue their interests as they chose, which many people refer to as “gender.” These are hardly Christian fundamentalist Right wing positions.

The truth is that GC feminist and LGB groups are notoriously poor. They usually lack paid staff and have budgets that are tiny to non-existent. Yes, WoLF took a relatively small amount of money from the Right on one occasion, a move that, by the way, was widely condemned by GC radical feminists.

But transgender organizations have likewise taken money from unsavory right wing sources, and unlike radical feminist groups, are usually awash in corporate donations. One prominent such donor to transgender causes is billionaire Jennifer Pritzker, lifelong Republican, and major donor to candidates and organizations such as the NRA, John McCain, and Mitt Romney. Not a progressive by any stretch of the imagination. Please see the Feminist Greens statement for more information about the corporate funding behind much of the transgender movement. <http://www.dialoguenotexpulsion.org/documents/Green-Feminists-Response-to-LC-Complaint>.

In fact, religious fundamentalists can far more easily accept transgenderism than they can accept feminism or lesbian and gay rights. Christian fundamentalist right wing politician Rick Santorum was quoted in 2015 with reference to Caitlyn Jenner, while attending the Republican convention, “If he says he’s a woman, then he’s a woman.” Santorum was far less accepting of gay people, saying that he would not attend a same-sex wedding because it “would be a violation of my

faith” and even opposed civil unions for same sex couples.

<https://time.com/3844757/rick-santorum-bruce-jenner-lgbt-transgender/>

Another example is fundamentalist Iran where gays and lesbians face execution while transsexuality has been legalized since 1987, with the government paying for medical transition. Reportedly, many thousands of gay people are having gender reassignment surgery in order to avoid execution.

<https://www.thesun.co.uk/news/10998169/iran-gay-people-gender-reassignment-surgery/>

It should be noted that WoLF is no longer the center of gravity of radical feminist organizing in the U.S. Rather, the U.S. movement has shifted to newer formations such as the international Women’s Human Rights Campaign (author of the Declaration on Women’s Sex-Based Rights), two separate LGB Alliances born in the last several months led primarily by lesbians, and Feminists in Struggle (FIST), a multi-issue radical feminist organization only two years old. FIST has a strong and comprehensive progressive agenda, including as one of its principles opposition to alliances with the Right. <https://feministstruggle.org/principles/> FIST authored the Feminist Amendments to the Equality Act which while adding protections for the sex-based rights of persons born female, continue to protect lesbians, gays and bisexuals, as well as transgender and all gender non-conforming individuals from discrimination.

<https://feministstruggle.org/feminist-amendments/faea/> Though FIST is strongly gender critical, the organization takes a multi-issue approach to rebuilding a feminist movement. FIST has held public forums on a range of feminist topics including the ERA, abortion rights, and the murder of indigenous women.

Notably, one of the provisions in the Equality Act that the Feminist Amendments maintains is the closing of religious exemption loopholes to civil rights laws. FIST agrees with the closing of those loopholes. Anyone who is knowledgeable about the Christian Right knows that religious exemptions are their primary strategy right now for pushing back the gains of the last few decades. So how is FIST’s position “symbiotic” with the right-wing?

Moreover, contrary to ME's claims, there is nothing Right wing about allowing those born female (with female reproductive organs) and oppressed based on their sex, and lesbians who are doubly oppressed based on their sex and sexual orientation, the right to self-organize through female only and lesbian only groups and spaces. All of our identity caucuses are "exclusionary" in that they exclude those that don't share their demographic. The right of oppressed groups to self-organize is the very basis for the identity caucuses. That females as a sex are one of these oppressed and subordinated groups is implied by the extensive parts of our platform devoted to female oppression.

By the way, Michigan Women's Music Festival ("MichFest") was a lesbian-centered female-only feminist political and cultural space that was destroyed by a misogynistic boycott campaign to shut it down. Transgender activists who participated in that misguided campaign forgot who their real enemies were. That is nothing to gloat about.

In light of the LC campaign to purge Georgia and anyone else questioning their gender orthodoxy from the Party, one can only conclude that many Greens no longer believe that those born female are oppressed based on their sex. (When were members of the female sex liberated? Do we now enjoy equal pay and opportunities as compared to males, unimpeded control over our reproductive capacities, equal representation in Congress?) And are lesbians no longer oppressed too? Our commitment to feminism as a Party has little meaning if we don't recognize half the human race born female as an oppressed class of persons. If there is no sex-based oppression, there is no need for feminism.

Recognizing that transgender individuals born with a male reproductive system are *not the same* as biological females, and that such females are entitled to rights based on sex, is not about hate, it is not about biological essentialism (we have female bodies but that is not all that we are), and it has nothing to do with right wing politics. *Such lies have to stop.*

These "guilt by association" smear tactics and the silencing and expelling of dissident voices within the Party for "thought crimes" not only violate our Green values but can only do the dirty work of the corporate duopoly by weakening and

splitting the Green Party. That is, if we allow ourselves to be intimidated or lulled into complacency and let them.

- Ann Menasche

*Ann Menasche is a long time Green Party member, socialist, lesbian and gay rights activist and feminist who is a founding member of Feminists in Struggle. Her Green Party activism includes running for California Secretary of State in 2010, receiving 3% of the vote, decades long service on the San Diego Green Party County Council, and serving on the state Coordinating Committee from 2017 to 2020.*

### SEX DENIALISM IS INHERENTLY NOT JUST SEXIST BUT HOMOPHOBIC

Some Green NC members seem to no longer believe that half of humanity born female is oppressed based on sex under the system of patriarchy or male supremacy. These Greens now insist that we all embrace without question what I will refer to as “sex denialism” –a literal interpretation of the mantra that “transwomen are women” (TWAW) for all purposes despite their male biology – in order to avoid being labelled “transphobic” and accused of far Right politics that is the moral equivalent of white supremacy. This change represents a giant step back for the politics of the Green Party, pushing us back to the early 1960’s, before Second Wave feminism arose and began to raise the consciousness of the broader Left.

With sex denialism fully and unquestionably embraced, what possible meaning is there then to our commitment to feminism as part of our platform and the Ten Key Values? And how do we explain scientific facts like evolution when we no longer recognize the existence of sexual dimorphism in virtually all animals? No one will say.

Sex denialism - the idea that sex doesn’t exist and/or has no social significance – fundamentally means that female sex-based oppression can no longer be named, recognized, measured, organized around or struggled against. \*You know, things like the wage gap between males and females, the disproportionately female face of poverty, the underrepresentation of females in positions of power, the epidemic of male violence against us, the burden of the double day and society’s imposition of childcare, elder care and other caretaking labor placed largely on females, the infringement on our right to control our reproductive capacity through access to birth control and abortion—a singularly female issue – are no longer even speakable as such. Just like race blindness is harmful to Black people (can you imagine not being able to name the fact that Black people are the group being brutalized and murdered disproportionately at the hands of violent police?), sex denialism is extremely harmful and discriminatory to those of us born female.

But sex denialism also means that neither can lesbian and gay oppression be named and fought against. To put it simply, if biological sex is no longer deemed to exist, /neither does homosexuality/. Thus, to deny the existence of sex is inherently homophobic, undermining and rendering invisible lesbian and gay lives. Do Greens in the NC care about that?

As a lesbian and a political activist for half a century, I have deep roots in what was referred to at that time as the movement for lesbian and gay rights. I was active in that cause going back to the mid-to-late 1970's in San Francisco, during the time of Harvey Milk, up through playing a leadership role in San Diego's marriage equality movement of a decade ago. That early radical movement for lesbian and gay liberation, which was grassroots and non-corporate to its core, fought for the rights of people to love people of the SAME SEX, that is, to engage in homoSEXuality. Most of us were overtly gender non-conforming as well (and would now be considered part of the "trans umbrella") and embraced freedom to dress and express ourselves as we liked. We were gay and proud "masculine" or "androgynous" females; and "feminine" or androgynous males. Many of us rejected straight sex roles entirely. But the fundamental purpose of our movement was to achieve our right to SAME SEX love and intimate relationships without discrimination or stigma.

For females in this young lesbian and gay liberation movement, establishing our right to organize our lives independent of intimate relationships with males was particularly challenging. This is because patriarchy has for many millennia defined female value solely in terms of our relationships to males, as wives and mothers. So we lesbians (same sex attracted females), in order to survive in a hostile sexist and homophobic culture that rejected us, worked in conjunction with other feminists to create our own vibrant independent source of community support. That lesbian-centered female-only organizing resulted in the creation of female only, collectively run, alternative institutions like bookstores, women's centers, coffee houses, newspapers, publishing houses, music companies, and music festivals, as well as support groups and organizations.

But in the last couple of decades that vibrant culture has been effectively destroyed by the combined forces of the corporatization of what became the LGBTQIA+ movement (led by corporate-funded non-profits), the increased impoverishment of the female sex under neoliberalism, and a transgender movement's increasing embrace (despite many dissenting trans voices) of sex denialism. Rather than uniting with lesbians to fight the patriarchy and the scourge of male violence that causes harm to lesbians, all females, gay men, and all gender non-conforming individuals including males who are transgender, and rather than focusing on securing traditional civil rights protections against discrimination in employment and housing, that movement took a different path. In the name of "trans rights" the corporatized leadership of the LGBTQIA+ movement decided to embrace sex

denialism. They loudly proclaimed “TAWW”, and chose the female-only institutions that lesbians had created as primary targets for attack.

Female-only or lesbian meetings were soon no longer allowed in the LGBT Centers (though trans-only meetings were welcome) and our female-only lesbian-centered gatherings and cultural communal institutions, such as the Michigan Women’s Music Festival, that attempted to define itself as a place for “women-born-women”, was the subject of protests and boycotts that ultimately resulted in its being forced to close. Economic factors had previously forced almost all lesbian bars also to close and now the rare women’s dances that still exist are called “WOMXN” dances, no longer female only, but open to transgender and non-binary males, indeed according to its name, anyone with an X chromosome. Almost all LGBT organizations put the large majority of their funding into transgender advocacy with lesbians receiving the least funding. LGBT conferences held virtually no lesbian workshops. Lesbians, usually older lesbians with established social networks, returned to gathering in private homes. The complete isolation of younger lesbians began to set in until being a young lesbian, despite the legality of same sex marriage, became far harder than it has been in many decades. While transgender individuals are being celebrated by CNN, Time Magazine, and other corporate media outlets, lesbians and to a lesser extent, gay men, virtually disappeared from view.

And it didn’t stop there. Certain transgender persons born male, the large majority with intact male genitalia, defined themselves as “lesbians” and began pressuring and coercing young lesbians to accept them as potential dating and sex partners. Males that are transgender began flooding lesbian dating sites. Lesbians who refused were and still are labelled “transphobic” and “vagina fetishists.” See, e.g., <https://www.theblaze.com/news/2017/03/23/transgender-feminist-lays-down-the-law-some-women-have-penises>. This is a mirror image of the misogynist rape culture of the 1960’s where women who rejected male advances were labelled “hung up prudes” and condemned for failing to do their political duty as anti-Vietnam war activists, under the slogan, “Girls say yes to boys who say no.”

A study of lesbians called “Lesbians at Ground Zero” conducted in the UK found that 56% of respondents reported being pressured or coerced to accept a transwoman as a sexual partner.

<http://www.gettheloutuk.com/blog/category/research.html>

<http://www.gettheloutuk.com/blog/category/research.html>. Though gay men and even heterosexual men can sometimes be coerced through a literal interpretation of

TWAW (and its corollary, TMAM), not surprisingly, the primary victims of this form of coercion have been lesbians.

This untenable environment for lesbians has also ended up influencing many young same-sex-attracted girls and young women to escape an untenable future as a lesbian in a sexist and homophobic society with virtually no social support or role models, by pursuing “medical transition,” including by ingesting cross-sex hormones, obtaining double mastectomies, and genital surgeries, with serious long-term consequences to their health. While it was mostly males who engaged in “transitioning” in the recent past, the number of females, including many minor girls pursuing these interventions have multiplied several thousand fold in the last several years. If Greens doubt that sexism and homophobia can and does motivate lesbians and other same sex attracted females to adopt transgender identities, please read the stories of Scott Nugent

<https://www.trevoices.com/post/scottnewgentstory> and Keira Bell

<https://www.persuasion.community/p/keira-bell-my-story..>

Sex denialism is homophobia on steroids. It has already done great harm to lesbians and ultimately is likely to do harm to gay men as well. It’s really very simple--no sex, no homosexuality. For this reason, and because the mainstream LGBTQIA+ movement no longer is a champion for the rights and concerns of same sex attracted people, LGB alliances, led by lesbians, (but with many gay men joining them, and with the support of a number of transgender allies), have formed in the UK, the U.S. and a number of other countries. LGB activists in these new organizations understand that sex denialism--the conflation of sex and gender identity and the overriding of the former by the latter--is not in their interests.

Moreover, sex denialism is neither progressive nor Green. It has divided the LGBTQIA+ movement and is about to do the same to the Green Party. It is time for a course correction before it is too late.

-Ann Menasche