

March 18, 2015

The United States Senate
Washington, D.C. 20510

Dear Senator,

The undersigned organizations write to urge you to oppose any effort in Congress, including through resolutions of disapproval, that would prevent two bills recently passed by the District of Columbia Council from taking effect. Both of these bills – the Human Rights Amendment Act of 2014 and the Reproductive Health Non-Discrimination Amendment Act of 2014 – take important steps to prevent discriminatory treatment of employees and students in the District.

These bills are straightforward: they will ensure that those who work and study in the District are treated fairly. Unsurprisingly, opponents of these bills have unfairly mischaracterized them as “unprecedented assaults” on religious liberty. Nothing could be further from the truth. Religious liberty is a fundamental American value. It guarantees us the freedom to hold any belief we choose and the right to act on our religious beliefs, but it does not allow us to discriminate against or otherwise harm others.

The ***Human Rights Amendment Act of 2014*** repeals a discriminatory, explicitly anti-gay exemption in D.C.’s Human Rights Act that allows educational institutions that are religiously affiliated or “closely associated with the tenets of a religious organization” to discriminate on the basis of sexual orientation, specifically against “any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.”¹ This exemption was imposed by Congress in 1989 in response to a 1987 ruling from the D.C. Court of Appeals that held that Georgetown University was required to offer gay and lesbian student groups the same equal access to school facilities and services as afforded to officially recognized student groups.² The sensibly balanced ruling didn’t require the school to fund or extend official recognition as a student group, holding instead that Georgetown simply could not deny access to the same facilities and services to the unrecognized gay student group that it offered to officially recognized groups.³

The Human Rights Amendment Act of 2014 restores the original intent of D.C.’s Human Rights Act to prohibit sexual orientation discrimination without requiring endorsement of any particular views on the subject, religious or secular. As a result, educational institutions affiliated with religious organizations would not be allowed to prohibit LGBT student groups from using the school’s facilities and services. However, those institutions, consistent with the D.C. Circuit Court of Appeals ruling, would not be required to extend official recognition or accompanying funding to the LGBT student groups.

Because of the central role that access to education plays in personal and professional development, eliminating discrimination in education has long been recognized as a government interest of the utmost importance. D.C. has a substantial and compelling interest in ensuring that

¹ Nation’s Capital Religious Liberty and Academic Freedom Act, Pub. L. 100-462, §145, 102 Stat. 2269-14 (1989).

² *Gay Rights Coalition v. Georgetown Univ.*, 536 A.2d 1 (D.C. 1987).

³ *Id.* (Since 2008, Georgetown University has had an LGBTQ Resource Center to provide students, faculty and staff with education, programming, support services, and advocacy on campus.)

educational institutions in the District afford all students equal access to school facilities and services.

The ***Reproductive Health Non-Discrimination Amendment Act of 2014*** protects employees in D.C. and their dependents from employment discrimination based on their personal reproductive health care decisions. There are many stories from across the country about women who have been threatened or fired from their jobs for their reproductive health choices, including being pregnant and unmarried, using IVF to conceive, or using birth control.⁴ This bill would ensure that women in the District do not experience such discrimination by strengthening existing protections in D.C.'s Human Rights Act.⁵

All women and men should have the ability to make their own decisions about their reproductive health, economic security, and other aspects of their lives without employers intruding. When employers interfere with health care, patient care is undermined, as demonstrated by the American Congress of Obstetricians and Gynecologists' testimony in support of the bill: "As women's health specialists, we rely on the sanctity of the provider-patient relationship. Health care decisions, including reproductive health choices, should be made by patients in consultation with their health care providers and be based solely on the best interests of the patient."⁶ This bill will ensure that employees and their families can make their own private health decisions, including whether, when, and how to start a family and what the size of their family should be, without fear of losing their jobs or facing retribution from their employers.

Opponents of both of these important bills are urging Congress to violate the spirit of the District of Columbia Home Rule Act of 1973, which was enacted to "grant to the inhabitants of the District of Columbia powers of local self-government"⁷ The proper venue for opponents of these bills to have argued against them was the D.C. Council. Having failed to prevent their

⁴ See, e.g., Press Release, ACLU, ACLU Settles Sex Discrimination Case of Pregnant Employee Fired From Religiously Affiliated Organization (Feb. 18, 2015), <https://www.aclu.org/womens-rights/aclu-settles-sex-discrimination-case-pregnant-employee-fired-religiously-affiliated-or>; *Indiana Teacher Fired for InVvitro Seeks Attorney Fees*, AP, Jan. 15, 2025, <http://www.theindychannel.com/news/local-news/indiana-teacher-fired-for-in-vitro-seeks-attorney-fees>; *VA Woman Says She's Being Fired Because She's Single and Pregnant*, FOX, Feb. 3, 2015, <http://www.okcfox.com/story/27834708/va-woman-says-shes-being-fired-because-shes-single-and-pregnant>; Jacqueline Gedeon, *Teacher Fired for Pregnancy Sues Butte Central Catholic Schools*, KTVM BUTTE REPORTER, Aug. 22, 2014, <http://www.nbcmontana.com/news/teacher-fired-for-pregnancy-sues-butte-central-catholic-schools/27690792>; *Jury Awards Christa Dias \$171K in Suit against Archdiocese of Cincinnati*, AP, June 3, 2013, <http://www.wcpo.com/news/local-news/jury-awards-christa-dias-120k-in-suit-against-archdiocese-of-cincinnati>; Molly Redden, *Catholic Church Argues It Doesn't Have to Show Up in Court Because Religious Freedom*, MOTHER JONES, Nov. 17, 2014, <http://www.motherjones.com/politics/2014/11/catholic-school-fires-teacher-using-ivf-unusual-religious-freedom-defense>.

⁵ The D.C. Human Rights Act of 1977 already prohibits discrimination on the basis of pregnancy status, childbirth, or related medical conditions. This bill would amend that law to clearly prohibit discrimination based on any reproductive health care decision of an employee, their spouse, or their dependent. This includes decisions related to the use or intended use of a particular drug, device, or medical service, including the use or intended use of contraception or fertility control, or the planned or intended initiation or termination of a pregnancy. D.C. ACT 20-593 (Jan. 23, 2015) available at <http://lims.dccouncil.us/Download/31673/B20-0790-SignedAct.pdf>.

⁶ *Reproductive Health Non-Discrimination Act of 2014: Hearing on Bill 20-790 Before the Comm. on Judiciary and Public Safety* (D.C. 2014) (statement of the American Congress of Obstetricians and Gynecologists), <http://lims.dccouncil.us/Download/31673/B20-0790-HearingRecord2.pdf>.

⁷ D.C. Home Rule Act, Pub. L. 93-198, 87 Stat. 774 (1973).

passage, they are now urging Members of Congress – who are not accountable to the residents of the District – to intrude on the District’s local decision-making autonomy to prevent these two bills from moving forward.

We stand united in urging you to oppose any effort in Congress, including through resolutions of disapproval, to prevent the Human Rights Amendment Act of 2014 and the Reproductive Health Non-Discrimination Amendment Act of 2014 from taking effect.

Sincerely,

ACLU of the Nation’s Capital
Advocates for Youth
AIDS United
American Civil Liberties Union
Americans United for Separation of Church and State
Anti-Defamation League
Athlete Ally
Bend the Arc Jewish Action
California Women’s Law Center
Catholics for Choice
Center for Black Equity
Center for Inquiry
Center for Reproductive Rights
The DC Center for the LGBT Community
DC Chapter of the National Asian Pacific American Women's Forum (NAPAWF-DC)
DC Vote
Disciples for Choice
Disciples Justice Action Network
Equality Federation
Family Equality Council
Gay & Lesbian Advocates & Defenders
Gay and Lesbian Activists Alliance
Gay, Lesbian & Straight Education Network (GLSEN)
Gays and Lesbians Opposing Violence (GLOV)
Gertrude Stein Democratic Club
GetEQUAL
GLMA: Health Professionals Advancing LGBT Equality
Human Rights Campaign
Institute for Science and Human Values
Interfaith Alliance
Jews United for Justice
Lambda Legal
Los Angeles LGBT Center
Marriage Equality USA
Methodist Federation for Social Action
NARAL Pro-Choice America
National Abortion Federation

National Asian Pacific American Women's Forum
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National LGBTQ Task Force Action Fund
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
NMAC
People For the American Way
PFLAG National
Planned Parenthood Federation of America
Population Connection Action Fund
Pride at Work, AFL-CIO
Reproductive Health Technologies Project
Secular Coalition for America
Sexuality Information and Education Council of the U.S. (SIECUS)
Society for Humanistic Judaism
Transgender Law Center
Union for Reform Judaism