

From: Shawn L
Sent: Sat, 29 May 2021 11:22:35 -0500
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (Protect women's sex-based rights)

Shawn Barnes
Writer/illustrator

(b)(6)

Affiliations: Indiana Democrats, lesbian

Comment:

Title IX is extremely important to protecting the rights of women, and without adopting the Equal Rights Amendment into the constitution, it has been one of the most reliable legal ways to protect women's access to daily life. As much as I'd like my rights as a lesbian to be codified into law, and while I do want transgender individuals to not face discrimination, allowing for the lines of sex and gender to blur will not end well. Women, girls, and females of alternative gender identities need access to sports and single-sex spaces, including locker rooms, bathrooms, and shelters, for our physical safety. This may not be interpreted as being kind and inclusive, but where rights conflict, the female sex is more physically vulnerable and more marginalized throughout history, and those rights should be protected.

I am concerned that current interpretation of gender vs sex conflates the two, while they are very separate concepts. Bostock v. Clayton was a very purposefully narrow decision that should not be used to broadly redefine sex legally. Gender is an amorphous, poorly defined concept that may be something an individual changes for themselves over time, but sex is immutable and determined at conception, and it has broad reaching effects on an individual's rights and abilities.