

# Congress of the United States

Washington, DC 20510

August 7, 2017

**VIA ELECTRONIC SUBMISSION:**

The Honorable Jeff Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20540

Dear Attorney General Sessions:

We write to you to express deep disappointment regarding the brief the Department of Justice filed in the case of *Zarda v. Altitude Express*, which is pending before the Second Circuit Court of Appeals, arguing that Title VII of the Civil Rights Act of 1964 does not protect lesbian, gay, or bisexual people from discrimination. We believe this action is not only contrary to existing law, but violates our nation's ideals of liberty and justice for all.

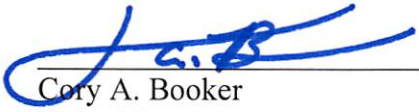
The Civil Rights Act of 1964 was enacted to better protect Americans who have historically been vulnerable and marginalized. It enshrined the idea that Martin Luther King, Jr. stated so well that "Injustice anywhere is a threat to justice everywhere." Since then, our country has made incredible progress in working towards protecting the rights of all people, regardless of their race, color, religion, national origin, disability, gender, gender identity, or sexual orientation. But we still have a ways to go.

Title VII of the Civil Rights Act of 1964 precludes employers from discriminating against employees on the basis of race, color, religion, sex, or national origin. The U.S. Equal Employment Opportunity Commission—the federal agency charged with enforcing Title VII's provisions and other employment non-discrimination laws—interprets that section to prohibit discrimination based on sexual orientation, based on a growing body of caselaw. In fact, several federal district courts and, most recently, the U.S. Court of Appeals for the Seventh Circuit have properly concluded that Title VII's prohibition on sex discrimination is understood to include discrimination based on sexual orientation. This reflects a growing consensus that discrimination against people based on their sexual orientation cannot be understood without reference to sex. To argue the opposite defies any reasonable interpretation of what sex discrimination means.

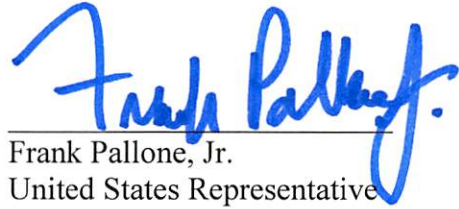
The Department of Justice's decision to weigh in on the *Zarda* case is not only incredibly disappointing, but contrary to existing law. Additionally, it comes on the heels of President Trump's announcement earlier in the day that transgender people will no longer be able to serve their country in the military—a decision that weakens the U.S. Armed Forces. Any discrimination is completely unacceptable. It tears at the fabric of our great nation and does not move us forward; it takes us backward. We urge the Department of Justice to reverse its position and to refrain from arguing against protections for LGBT people in any future Title VII cases

dealing with the issue of whether sex discrimination includes discrimination based on sexual orientation or gender identity.

Sincerely,



Cory A. Booker  
United States Senator



Frank Pallone, Jr.  
United States Representative



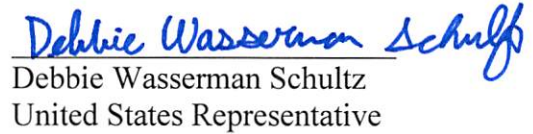
Jeffrey A. Merkley  
United States Senator



David N. Cicilline  
United States Representative



Tammy Baldwin  
United States Senator



Debbie Wasserman Schultz  
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Edward J. Markey  
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Dianne Feinstein  
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Brian Schatz  
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Diana DeGette  
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Richard J. Durbin  
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Derek Kilmer  
United States Representative



Tim Kaine  
United States Senator



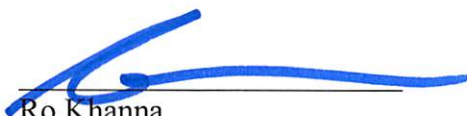
Barbara Lee  
United States Representative



Peter Welch  
United States Representative



Sander Levin  
United States Representative



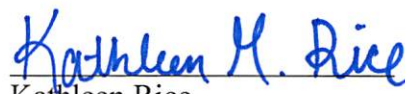
Ro Khanna  
United States Representative



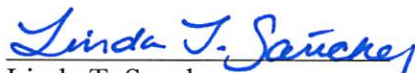
Scott Peters  
United States Representative



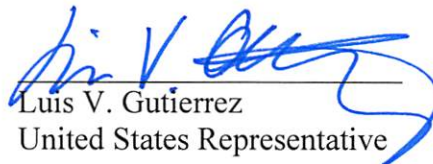
Josh Gottheimer  
United States Representative



Kathleen Rice  
United States Representative



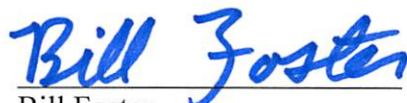
Linda T. Sanchez  
United States Representative



Luis V. Gutierrez  
United States Representative



Pete Aguilar  
United States Representative



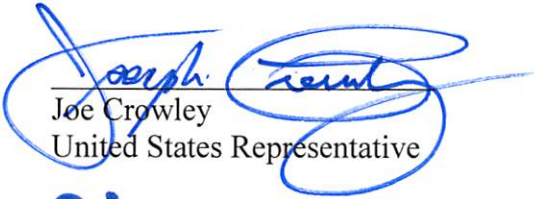
Bill Foster  
United States Representative



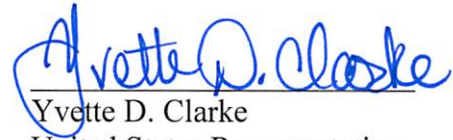
Daniel T. Kildee  
United States Representative



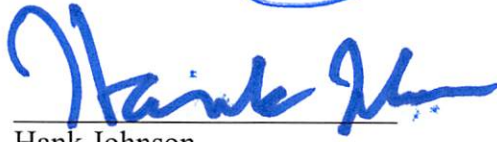
Juan Vargas  
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Joe Crowley  
United States Representative



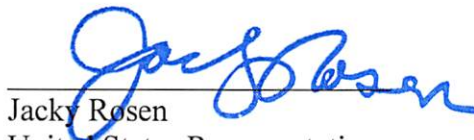
Yvette D. Clarke  
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Hank Johnson  
United States Representative



Bill Pascrell, Jr.  
United States Representative



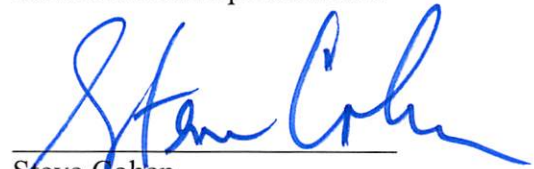
Jacky Rosen  
United States Representative



Earl Blumenauer  
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Bonnie Watson Coleman  
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Steve Cohen  
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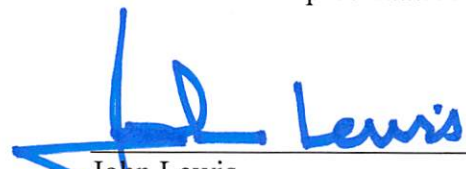
Betty McCollum  
United States Representative



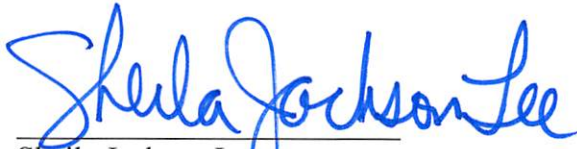
Alcee L. Hastings  
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Jan Schakowsky  
United States Representative



John Lewis  
United States Representative



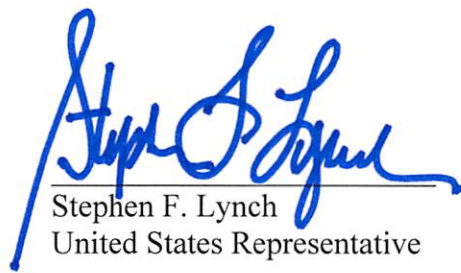
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United States Representative



Donald M. Payne  
United States Representative



Dwight Evans  
United States Representative



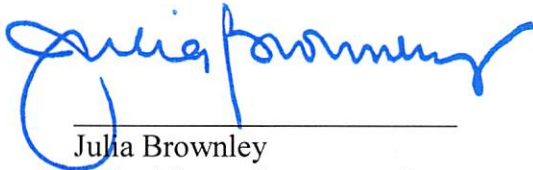
Stephen F. Lynch  
United States Representative



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United States Representative



Dina Titus  
United States Representative



Julia Brownley  
United States Representative



Sean Patrick Maloney  
United States Representative



Salud Carbajal  
United States Representative



Rick Larsen  
United States Representative



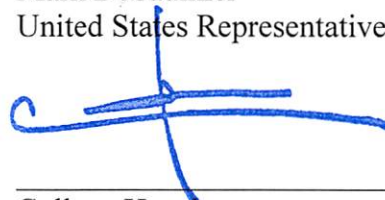
Kathy Castor  
United States Representative



Mark DeSaulnier  
United States Representative



Carol Shea-Porter  
United States Representative



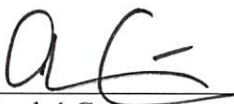
Colleen Hanabusa  
United States Representative



A. Donald McEachin  
United States Representative



Alma Adams  
United States Representative



André Carson  
United States Representative



Jackie Speier  
United States Representative