

April 23, 2018

The Honorable Lamar Alexander  
Chair  
Senate Committee on Health, Education, Labor, and Pensions  
455 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Patty Murray  
Ranking Member  
Senate Committee on Health, Education, Labor, and Pensions  
154 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Alexander and Ranking Member Murray:

The civil and human rights organizations listed below write to express strong concerns regarding the nomination of Sharon Fast Gustafson to General Counsel for the U.S. Equal Employment Opportunity Commission (EEOC). Our organizations represent LGBT individuals, women, people of color and others protected against discrimination by civil rights laws enforced by the EEOC. We are troubled by Ms. Gustafson's evasive answers regarding the rights of LGBT workers, as well as the limited knowledge of the EEOC's landmark cases and ongoing litigation that she professed to have during her hearing before the HELP committee. Her responses to the follow up questions were equally evasive and non-committal.

The Equal Employment Opportunity Commission has been dedicated to enforcing employment nondiscrimination laws, including Title VII of the Civil Rights Act, and to protecting the livelihood of all Americans, including those of LGBT people. There are over 10 million LGBT Americans, the majority of whom are in or will soon be entering the workforce. Unfortunately, the discrimination they face is all too common. For example, the 2015 U.S. Transgender Survey, a national study of nearly 28,000 transgender adults, found that nearly one in seven respondents had lost a job because of being transgender, and that in the past year over a quarter of those who held or applied for a job were fired, denied a promotion, not hired for a job because of being transgender.

In light of this ongoing and pervasive discrimination, the Commission needs an effective general counsel who is committed to enforcing the law and protecting the rights of all employees, regardless of gender identity or sexual orientation. Ms. Gustafson's repeated refusal to answer questions during her hearing regarding the Commission's established legal positions and her willingness to support and enforce the law in accordance with those positions so long as they remain the view of the commission. Her evasiveness suggests that she is unwilling or reluctant to preserve the EEOC's critical mission of defending LGBT people's well-established legal rights, and her refusal to commit to enforcing the law or recognize legal rights that protect the livelihood of millions of Americans is cause for significant concern and merits further scrutiny.

The Senate must ensure that the general counsel of the EEOC will faithfully and robustly enforce civil rights laws to ensure that no one is subject to unlawful discrimination, as interpreted by federal courts and the Commission. We are deeply concerned that Ms. Gustafson has not yet made this basic commitment.

Thank you for considering our views on this important nomination. Please do not hesitate to reach out if we can provide additional information throughout the confirmation process. You may reach us through Ma'ayan Anafi at the National Center for Transgender Equality at [manafi@transequality.org](mailto:manafi@transequality.org).

Respectfully,

Human Rights Campaign  
Leadership Conference on Civil and Human Rights  
National Center for Transgender Equality  
National Partnership for Women and Families  
National Women's Law Center