



IMPACT

2022



Independent Women's Law Center (IWLC) exists to defend our constitutional liberties, strategically prioritizing issues with a particular need for a woman's perspective.

Founded in 2019 as a project of Independent Women's Forum, IWLC fights against radical legal theories that limit freedom, ignore relevant biological sex differences, deny due process, make the government less accountable, and punish certain viewpoints.

In particular, IWLC's team of talented female attorneys and experts:

- Fight for equal opportunity, freedom of association, due process, and other constitutional liberties;
- Advocate for the continued legal relevance of biological sex;
- Educate people about the many ways in which laws that limit personal freedom harm women;
- Support educational transparency, school choice, and other policies that empower parents;
- Raise awareness about the dangers of critical race theory in our nation's classrooms;
- Defend the democratic decision-making process and our structural constitution; and
- Support judicial nominees who understand that the role of a judge is to interpret the law as written, not to legislate policies that erase women or limit freedom.



"IWLC has assembled a brain trust of brilliant and courageous women who are making a difference—in the courts and in the court of public opinion."

Abigail Shrier

Since its launch, barely 4 years ago, IWLC has made an impact on a number of policy areas. But it is with respect to the fight to protect biological sex as a meaningful legal category that IWLC has, perhaps, had the largest impact, becoming a go-to resource for Hill staffers and media, and reaching audiences that conservative coalition partners cannot reach.

Specifically, in 2022, IWLC had an impact in the following areas:

DEFENDING SEX AS A DISTINCT LEGAL CATEGORY



Advancing a Women's Bill of Rights (WBOR)

Today, science deniers refuse to acknowledge the biological basis of womanhood and seek to eliminate all sex-specific spaces. In 2022, IWLC went on the offensive, drafting a **Women's Bill of Rights (WBOR)**, model legislation that would:

- (1) codify our common understanding of basic words such as 'woman' and 'man;' and
- (2) ratify the *intermediate scrutiny* standard for sex-based classifications, prohibiting discriminatory treatment of similarly-situated males and females but allowing the government to separate or distinguish between the sexes in circumstances where privacy, biology, or equal opportunity are at stake.

The WBOR does not make new law. Rather, WBOR prevents unelected judges and bureaucrats from unilaterally redefining sex-based terms or from expanding the scope of sex discrimination laws already on the books. **WBOR is a powerful weapon against judicial activism and administrative overreach** that helps to restore power to the people's representatives.

- Our WBOR language was used in both the **U.S. House (H.R. 1136)** and **Senate (S.R. 644)** to introduce resolutions establishing a Women's Bill of Rights to protect 'sex' as a distinct legal category.
- In 2022, **ten attorneys general** announced their support of WBOR.
- In conjunction with Independent Women's Voice, IWLC attorneys have advised representatives in 5 states, including **Oklahoma, Tennessee, Idaho, Kansas,** and **Florida** regarding potential state legislation modeled after WBOR.

IWLC has produced talking points, a communications kit, and various other materials to educate the public about the need for WBOR.

High-profile supporters of WBOR include Members of the U.S. House of Representatives; United States Senators Cindy Hyde-Smith (MS), Cynthia Lummis (WY), Marsha Blackburn (TN), Marco Rubio (FL), and Ted Cruz (TX); Ayaan Hirsi Ali; Abigail Shrier; and Mary Ann Glendon, and many more.



Ayaan Hirsi Ali
WBOR Supporter and Author of "The Caged Virgin" (2004)

We know what a woman is, what a female is, and what a mother is. Our politicians and our laws should too.



Women's Bill of Rights

Whereas, males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty;

Whereas, biological differences between the sexes mean that only females are able to get pregnant, give birth, and breastfeed children;

Whereas, biological differences between the sexes mean that males are, on average, bigger, stronger, and faster than females;

Whereas, biological differences between the sexes leave females more physically vulnerable than males to specific forms of violence, including sexual violence;

Whereas, females have historically suffered from discrimination in education, athletics, and employment;

Whereas, biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other spaces in order to ensure safety and/or to allow members of each sex to succeed and thrive;

Whereas, inconsistencies in court rulings and policy initiatives with respect to the definitions of 'sex,' 'male,' 'female,' 'man,' and 'woman' have led to endangerment of single-sex spaces and resources, thereby necessitating clarification of certain terms,

We affirm that:

1. For purposes of state/federal law, a **person's 'sex'** is defined as his or her biological sex (either male or female) at birth;
2. For purposes of state/federal law, a **'female'** is an individual whose biological reproductive system is developed to produce ova; a **'male'** is an individual whose biological reproductive system is developed to fertilize the ova of a female;
3. For purposes of state/federal law, **'woman'** and **'girl'** refer to human females, and the terms **'man'** and **'boy'** refer to human males;
4. For purposes of state/federal law, the word **'mother'** is defined as a parent of the female sex and **'father'** is defined as a parent of the male sex;
5. When it comes to sex, **'equal'** does *not* mean 'same' or 'identical';
6. When it comes to sex, separate is *not* inherently unequal;
7. There are legitimate reasons to distinguish between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and other areas where biology, safety, and/or privacy are implicated;
8. Policies and laws that distinguish between the sexes are subject to **intermediate constitutional scrutiny**, which forbids unfair discrimination against similarly-situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives;
9. Any public school or school district and any federal/state/local agency, department, or office that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall identify each individual who is part of the collected data set as either male or female at birth.

Educating the Public About the Difference Between 'Sex' and 'Gender'

Today, many Americans use the terms 'sex' and 'gender' interchangeably, without realizing that this opens the door to inaccurate claims that sex is neither objective nor fixed.



To address this problem, IWLC has:

- Produced a [Legal Policy Focus](#) and various talking points explaining the difference between these two seemingly similar words.
- Briefed House communications staff on the difference between 'sex' and 'gender' and the negative impact of using them interchangeably.
- Worked with groups on both the left (Women's Liberation Front) and the right (Concerned Women for America) to urge allies to stop using the word 'gender.'



Fighting the Outdated Equal Rights Amendment



In 2022, IWLC continued to be *the most effective women's voice opposing the 1970s-era Equal Rights Amendment (ERA)*. Because other conservative women's groups make abortion the touchstone of their opposition to the ERA, they lack the ability to convince moderates of the many ways in which the ERA will harm women. IWLC is able to reach these voters.

Early in the year, Jennifer C. Braceras and Inez Stepman [hosted an episode](#) of *At The Bar* in which they rebutted claims by radical progressives that the ERA became law of the land on January 27, 2022. Subsequently, in March, IWLC filed an [amicus brief](#) in the U.S. Court of Appeals for the District of Columbia explaining that the ERA is expired and no longer before the states for consideration.



Protecting Women's Sports

When swimmer Lia Thomas, formerly Will Thomas, began shattering women's records at the University of Pennsylvania last year, IWLC was ready to explain why "including" Lia on the women's team was discriminatory to female athletes.

Working with IW's communications team, IWLC put out several op-eds and helped some of the swimmers impacted by the Ivy League's discriminatory policies to craft their messages.

As the debate about trans athletes continued to heat up, IWLC and IWF were able to provide valuable assistance to policymakers across the country, with Alaska state Senator Shelley Hughes relying extensively on our groundbreaking [COMPETITION](#) report to support her bill protecting women's sports.



COMPETITION is the only comprehensive report that outlines the law of sex discrimination and women's sports, compiles scientific evidence regarding the male-female athletic gap, and reviews testimony from female athletes impacted by male participation in women's sports. IWLC plans to update the report for 2023.

In addition, in 2022 IWLC:

- Launched a comprehensive [Women's Sports Resource Center](#) as a one-stop site for people to learn about the threat to women's sports.
- Drafted model legislation to protect women's sports at the state level.
- Filed an amicus brief in the U.S. Court of Appeals in *A.M. v. Indianapolis Public Schools*, arguing that allowing biological males to compete on women's teams violates Title IX by limiting opportunities for female athletes to compete and win. Unfortunately, this case was dismissed as moot. However, the brief will provide a basis for future legal advocacy on this issue.
- Addressed various student groups regarding Title IX and the threat to women's sports.
- Participated in ICONS' inaugural conference on women's sports in Las Vegas.
- Rallied for *Our Bodies, Our Sports* on the 50th anniversary of Title IX, bringing together coalition partners from across the political spectrum and featuring 40 female speakers—athletes, coaches, parents, and advocates who urged policymakers to help keep women's sports female.



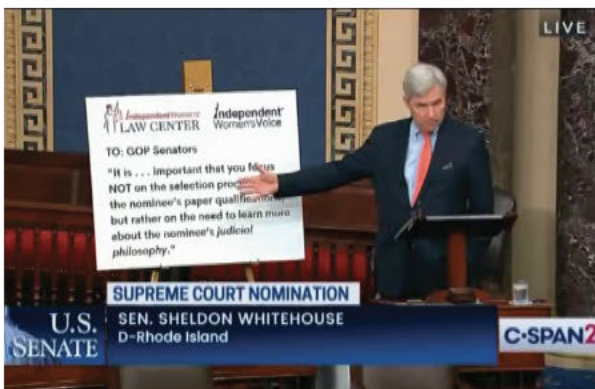
CHALLENGING THE WEAPONIZATION OF TITLE IX

Title IX was passed 50 years ago as a simple law to prohibit recipients of federal funds from discriminating on the basis of sex. Unfortunately, judicial activists and unelected bureaucrats have twisted the law, using it to jettison due process, squelch free speech, and undermine parental rights. In 2022, IWLC fought back by:

- Filing an [amicus brief](#), asking the U.S. Supreme Court to revisit, or at least clarify, the *Davis* standard for determining when student-on-student harassment violates Title IX.
- Publishing an influential [Wall Street Journal](#) article, explaining the broad scope of President Biden's proposed Title IX changes.
- Hosting an important webcast with Robby Soave regarding the due process implications of the new rules.
- Launching a new [Title IX](#) resource center to educate the public about the proposed changes.
- Completing five separate [legal objections](#) to the Biden administration's proposed Title IX rules. (Grounds for our objections included the separation of powers, First Amendment, parental rights, due process, and equality in women's sports.) These will serve as the foundational predicate for future lawsuits.



FIGHTING FOR JUDICIAL RESTRAINT AND AN INDEPENDENT JUDICIARY



In 2022, IWLC opposed the nomination of **Judge Ketanji Brown Jackson** to the U.S. Supreme Court. Our work in opposition to the nomination included holding a briefing event with Senator Marsha Blackburn and providing the senator's staff with talking points, including proposing that she ask the nominee about the legal definition of sex. *Jackson's now famous answer ("I am not a biologist") changed the*

conversation on the legality of sex-based categories entirely and finally put the Left on the defensive on issues of sex and gender.

Not surprisingly, the Democrats were so worried about IWLC’s impact on the confirmation process that Senator Sheldon Whitehouse took to the floor of the Senate to denounce IWLC for—*gasp!*—suggesting that senators press Judge Jackson on her judicial philosophy. (Apparently, the White House understands the Senate’s “advice and consent” role to mean rubber-stamping Democratic nominees and unfairly smearing Republican nominees.)

In the face of increased calls for Court-packing at the end of the 2021-2022 Supreme Court Term, IWLC attorneys created a series of talking points to address misperceptions about the Term and the Court and participated in several events aimed at explaining the Term’s major decisions to lay audience.

For ease of reference, we have created a [Resource Center on the U.S. Supreme Court and the Federal Judiciary](#) where many of our materials on the federal courts can be easily located.

FIGHTING FOR EDUCATION REFORM

Supporting School Choice

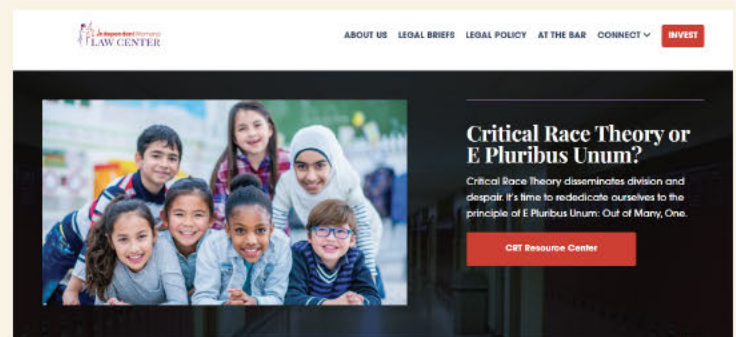
In 2022, IWLC celebrated an important Supreme Court amicus victory regarding school choice. In *Carson v. Mason*, the Court upheld the legality of Maine’s school choice program. In its amicus brief, IWLC argued that parents should enjoy a full range of options when deciding which schools their children should attend.



Later this same year, IWLC filed an amicus brief urging the Supreme Court to reverse a lower court ruling that sex-specific dress codes at charter schools violate the Equal Protection Clause of the 14th Amendment.

Opposing Critical Race Theory

Critical race theory promotes division and despair in our nation’s schools. In 2022, IWLC launched a [CRT Resource Center](#) where parents, students, educators, and lawmakers alike can find information on what CRT is and how to fight it.





— LEGAL POLICY FOCUS —

Title IX on a Collision Course with the First Amendment

BY JENNIFER C. BRACERAS AND HEATHER HADDON

EXECUTIVE SUMMARY

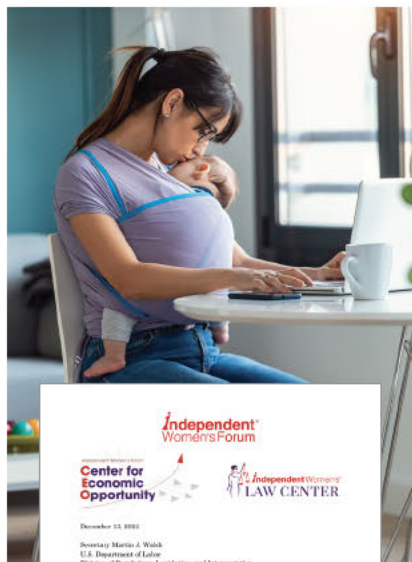
- Title IX prohibits schools from discriminating on the basis of sex. Schools that violate the law can have their federal funding revoked or be sued in federal court for monetary damages.
- The Supreme Court has made it clear that, while Title IX prohibits sex discrimination (including egregious sexual harassment), it does not prohibit all forms of sex-related speech.
- Nevertheless, school administrators for decades have used Title IX as an excuse to punish disfavored speech and expression.
- In June 2020, the Biden administration threw gas on the fire, releasing draft regulations that vastly expand the categories of speech that it expects schools to punish as discriminatory sexual harassment under Title IX.
- Under the proposed rules, schools that do not coddle down an "indefensible" or the refusal to use preferred pronouns can have their federal funding revoked or be sued in federal court.
- The new rules exacerbate the already problematic enforcement of Title IX by incentivizing repressive speech codes and campus cancel culture.

PROMOTING FREE SPEECH

This fall, IWLC issued an [important policy paper](#) explaining how new Title IX rules violate the First Amendment by encouraging schools to punish unpopular viewpoints on sex and gender. The paper provided part of the legal basis for extensive comments filed with the Department of Education and helped IW drive 7,143 individuals to weigh in against the draconian rules.

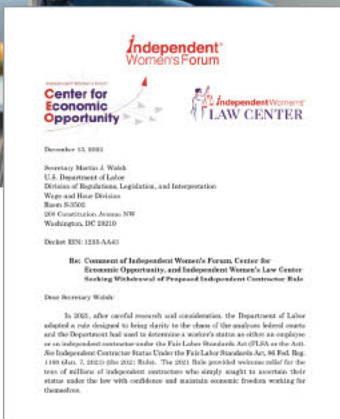
DEFENDING THE SECOND AMENDMENT

In June, the Supreme Court issued a major decision on Second Amendment rights, with Justice Alito citing IWLC's amicus brief twice.



FIGHTING FOR WORKING PARENTS

- In August, IWLC [filed an amicus brief](#) in the Ohio Supreme Court in support of remote workers. IWLC's brief in *Schaad v. Alder* explains that allowing municipalities to tax nonresident remote workers hurts working mothers, who often prefer flexible, remote work to office jobs.
- In December, IWLC collaborated with IWF's Center for Economic Opportunity to submit [comments](#) to the Department of Labor, urging the withdrawal of proposed rules regarding independent contractor classification. In the comments, IWLC, CEO, and IWF argue that the proposed rule is confusing and pulls the rug out from under millions of American women who seek autonomy and independence in freelance work.



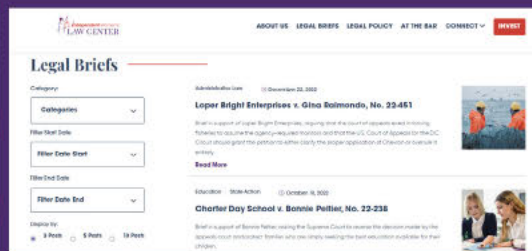
MEDIA ACCOMPLISHMENTS

In 2022, IWLC spokeswomen published influential opinion pieces in the Wall Street Journal, Newsweek, and other publications. IWLC spokeswomen appeared on more than 400 broadcasts and webcasts, garnering nearly 32.5 million views.



IWLC.ORG

In 2022, IWLC launched a new stand-alone website. There, users can download amicus filings, access key resource centers and initiatives, and review IWLC's legal policy work—all in one place.





“AT THE BAR”: YEAR 2

2022 was Inez’s and Jennifer’s second year hosting *At the Bar*, a “spirited” conversation about issues at the intersection of law, politics, and culture. This year, topics included school choice after *Carson v. Makin*; the woke mob at Yale Law School; twisting Title IX; the 50th anniversary of the Equal Rights Amendment; and the Second Amendment after *Bruen*. Guests included former Secretary of Education Betsy DeVos, Professor Nicole Garnett, Rep. Debbie Lesko, journalist Aaron Sibarium, and voting rights expert Maya Noronha, among others. Each episode is available on our [website](#), as a [podcast](#), and on [YouTube](#).



Betsy DeVos



Debbie Lesko



Nicole Garnett



Erin Murphy



Robby Soave



Vernadette Broyles



Nicki Neily



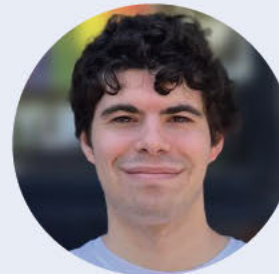
Erin Hawley



Mike Davis



Dan Urman



Aaron Sibarium



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