



IWF Opposes the Nomination of Judge Sarah Netburn

May 29, 2024

Chairman Dick Durbin
711 Hart Senate Building
Washington, D.C. 20510

Ranking Member Lindsey Graham
211 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Graham, and Members of the Senate Judiciary Committee,

Independent Women's Forum (IWF) opposes the nomination of Judge Sarah Netburn to the U.S. District Court for the Southern District of New York.

IWF is the leading national women's organization dedicated to developing and advancing policies that aren't just well-intended, but actually enhance people's freedom, opportunities, and well-being. IWF is deeply concerned about how efforts to erase the concept of women as a distinct sex will impact women's safety, privacy, and opportunities to succeed. We have highlighted the high costs women pay in athletic arenas and in living spaces, including sorority houses and locker rooms.

Yet no women are more vulnerable than the women who are held in our prison system. Their safety and ability to live in dignity depend entirely on those who administer the correctional facility in which they are housed. As an American, I believe emphatically that as prisoners fulfill their debt to society, they should be treated humanely and fairly. As such, we are deeply troubled by Judge Netburn's August 3, 2022 recommendation that William McClain, a male inmate convicted of rape and child molestation, be transferred to a women's federal prison.

IWF is well aware of the dangers associated with policies that allow male inmates—including sexual offenders—to declare themselves “women” and be housed with females. In 2020, California passed **Senate Bill 132** which effectively threw out the idea of single-sex prisons and gave male prisoners—including convicted sexual predators—the right to opt to live with women prisoners, by merely declaring themselves members of the opposite sex.

We partnered with **WomenIIWomen**, a group dedicated to promoting the well-being of formerly incarcerated women, to raise awareness about how women are suffering in the prison system due to this discriminatory, misogynistic policy. I encourage you to review the stories depicted in our documentary series, "**Cruel and Unusual Punishment**." You will hear woman after woman describe the impact of having a man moved into the cells meant for women, and how they believe the prison system has pushed aside women's rights to prioritize the sensitivities of select men. These incarcerated women, many of whom are sexual assault survivors, report how the inclusion of men is making it difficult for them to focus on their goal of preparing to be productive members of society post-incarceration.

This is a miscarriage of justice and deeply unfair to women. For these reasons, IWF respectfully opposes Judge Netburn's nomination. I encourage your committee to investigate this matter and seek to take immediate action to restore women's rights to a single-sex environment in prisons.

Sincerely,

A handwritten signature in black ink that reads "Carrie Lukas". The script is cursive and fluid.

Carrie Lukas
President
Independent Women's Forum