



# CONCERNED WOMEN *for* AMERICA OF SOUTH DAKOTA

SPRING 2021 ISSUE

## Fairness in Women's Sports Act

**"Remember the Lord, great and awesome, and fight for your brethren, your sons, your daughters, your wives, and your houses." --Nehemiah 4:14**

Female athletics are a pathway to development, opportunity, and success for girls and women in America. The passage of Title IX in 1972, the federal law that prohibits discrimination in education programs or activities on the basis of sex, resulted in huge increases in female sports participation. It gave women the rights and opportunities to compete in their own sports and earn the medals and scholarships. Only one in 27 girls participated in school sports before Title IX. Since its enactment, every two in five girls now participate in school sports.

Science, biology, and common sense expose the unfair advantage biological male athletes possess when pitted against female athletes in competition. Title IX must stand on the side of equality and protection for female athletes based on inherent and distinct biological differences.

According to exercise physiology expert Dr. Gregory A. Brown, men and adolescent boys perform better than women and adolescent girls in almost all sports due to inherent physiological advantages that develop during male puberty. Men generally have greater density and strength in bones, tendons, and ligaments, larger hearts, greater lung capacity, and higher red blood cell counts. The Karolinska Institute of Sweden concluded that "muscle strength, size and composition," after 12 months of steroidal hormone treatment for males, showed a "retained advantage" for those males playing on women's sports teams.

The impact of non-traditional policies in female athletics is occurring at all levels of sports. In Connecticut, high school female athletes forced to compete in track against biological males, lost medals and state titles. Two Boise State female athletes faced losses against a college runner previously on the University of Montana men's team. In 2019, the Division II NCAA national title in the women's 400-meter hurdles went to a male athlete who had competed for three years on the men's team.

Lawmakers and citizens are recognizing the unfairness of allowing biological males to compete in women's sports. Intense activist opposition abounds against legislators, parents,

and young women pushing for fairness. Last year, Idaho was the first state in the nation to sign into law a "Fairness in Women's Sports Act," which is now being challenged in federal court by the American Civil Liberties Union (ACLU). This year, 25 states have proposed legislation to promote fairness in women's sports, and as of this writing, three states have passed such laws (Idaho, Mississippi, and Arkansas). Trans-activist groups are pressuring the NCAA to boycott states, like Idaho, who pass laws protecting women's sports.



In South Dakota, Rep. Rhonda Milstead (R-District 9) and Sen. Margaret Sutton (R-District 10) sponsored [HB1217](#), the "Fairness in Women's Sports Act." It passed [50-17](#) in the House and [20-15](#) in the Senate. Upon passage, Gov. Kristi Noem (Republican) indicated that she was "excited" to sign the bill. To the surprise and frustration of many, Gov. Noem

vetoed the bill, even when a recent poll showed that a majority of South Dakotans supported the legislation and wanted the bill signed into law. On Veto Day the legislature failed to garner the required two-thirds vote to [override](#) the veto.

Males should not compete in female sports. Plain and simple. This is an affront to fairness, equality, and God's perfect design.

**CWA Membership State & National:** A donation of \$25 or more has TWO benefits: membership in CWA of South Dakota *and* membership in CWA national. All donations given to CWA of South Dakota remain in South Dakota for state projects. Write your check out to "Concerned Women for America," put "CWA of SD" on the memo line, and send in the envelope provided. Or, give online at [sd.cwfa.org](http://sd.cwfa.org). Your renewed annual membership/additional donation is greatly appreciated.

All donations sent to CWA national in response to their mailings are utilized in Washington, D.C. All contributions are tax-deductible.

# CWA of South Dakota in Action! Legislative Session 2021

“In all your ways acknowledge Him, and He will make your path straight.” --Proverbs 3:6



State Director Linda Schauer and Legislative Liaison Lisa Gennaro at the State Capitol.

The 2021 South Dakota 37-day legislative session started January 12 and ended on Veto Day, March 29. Your CWA of South Dakota leaders represented your interests throughout the session with a focus on pro-family issues. Each bill considered was aligned with one of [CWA's core issues](#): Sanctity of Life, Education, Religious Liberty, Sexual Exploitation, Definition of Family, National Sovereignty, and Support for Israel. All bills, actions, and legislator information can be accessed at

[sdlegislature.gov](http://sdlegislature.gov). Every bill noted below that passed the legislature, except HB1217, the Fairness in Women's Sports Act, was signed by Gov. Noem. If you have any questions, feel free to phone Linda at (605) 380-6914.

## Sanctity of Life

This was a banner year for life. Great bills were brought forth and most were passed. CWA works to defend the unborn to give them the right to live. Every life matters and we want to see laws passed that uphold these values.

**HB1051**, sponsored by Rep. Fred Deutsch (R-District 4) and Sen. Al Novstrup (R-District 3), will maintain the life of any child born alive. After an attempted abortion, this bill will require that doctors provide the same standard of care to a child born alive that would be afforded to any other child born at that gestation. Simply because the child was intended for abortion does not mean that he or she should not receive care. HB1051 passed mostly along party lines.

**SB83**, sponsored by Sen. Jessica Castleberry (R-District 35) and Rep. Bethany Soye (R-District 9), will require medical professionals to provide information regarding perinatal hospice. When a pregnant mother receives a lethal fetal anomaly diagnosis for her pre-born child, she is sometimes left without resources. With the passage of SB83, a brochure will be offered to the affected family, with resources for medical assistance benefits, grief and spiritual counseling, and a listing of hospice providers and programs. This hospice care will be “focused on alleviating fear and ensuring that the mother and her family experience the life and death of the child in a comfortable and supportive environment.” SB83 passed nearly unanimously.

**HB1114**, sponsored by Rep. Jon Hansen (R-District 25) and Sen. Al Novstrup (R-District 3), provides clarification of the definition of abortion in codified law. It simply states abortion is “the intentional termination of the life of a human being in the uterus.” HB1114 passed along party lines.

**HB1130**, sponsored by Rep. Steven Haugaard (R-District 10) and Sen. Brock Greenfield (R-District 2), will require the abortion-minded mother to receive a written statement regarding the discontinuance of a drug-induced abortion. Recall that a chemical or drug-induced abortion, commonly known as RU-486, is a two-step process provided to the woman no later than the first seven weeks of pregnancy. The first drug, Mifepristone, is given to her in the abortion facility. This drug stops the progesterone hormone which nourishes the developing baby, thus starving him or her. Twenty-four to forty-eight hours later the mother takes the second pill at home. Misoprostol induces contractions to deliver a dead baby. If, after taking the first drug, the pregnant mother changes her mind and wants to give her baby life, the abortion can be reversed. She is given a quantity of progesterone to continue the pregnancy, and she often can give birth to a healthy baby. HB1130 will require the abortion facility to give the pregnant woman who has taken the first drug a written statement explaining that if she wants to give birth to her child and has not taken the second drug, to “seek the assistance of a physician immediately.” The written statement provides a 24/7 phone number and web site--[www.abortionpillreversal.com](http://www.abortionpillreversal.com). HB1130 passed with a strong vote.



**HB1110**, an Office of the Governor bill, will “prohibit the performance of abortion due to Down Syndrome,” punishable with a Class 6 felony or civil action brought by the pregnant mother. Eliminating pre-born babies diagnosed with Down Syndrome is a worldwide issue. Iceland boasts that they have eliminated nearly 100 percent of Down Syndrome children by abortion. France is at 77 percent, Denmark is at 98 percent, and the United States has terminated 67 percent of Down Syndrome babies. Most of us know children with Down Syndrome. We know what beautiful people they are to their family and community. HB1110 passed unanimously in the legislature.

**HB1248**, sponsored by Rep. Jon Hansen (R-District 25) and Sen. Jim Stalzer (R-District 11), was a bill that would require reporting to the state the number of human embryos that have been intentionally destroyed or sent out of state. All lives, even at the earliest stage of development, are valuable and the state has an interest in knowing if they are destroyed. HB1248 passed the House but was defeated in the Senate Health and Human Services Committee.

## Education

**SB177**, sponsored by Sen. Wayne Steinhauer (R-District 9) and Rep. Rebecca Reimer (R-District 26B), was the alternative education (homeschool) bill that strengthens parental choice in education for their children. South Dakota offers three choices in education – public, non-public or alternative instruction allowing the best fit for parents and their children. SB177 eliminates the annual notification requirement to the local public school of parents intending to homeschool. Instead, the bill requires a one-time notification. The requirement for testing in 4th, 8th, and 11th grades was removed, making South Dakota the 40th state to eliminate testing for alternative education. Not all public school districts have allowed homeschool students to participate in activities, so SB177 will allow those students to have access to sports, drama, music, etc. in the public school. SB177 passed [21-14](#) in the Senate and [41-27](#) in the House.

## Sexual Exploitation

**SB126**, sponsored by Sen. Jessica Castleberry (R-District 35) and Rep. Tim Reed (R-District 7), will make it a crime (Class 4 felony) for possession, manufacturing, or distribution of obscene dolls. Child sex dolls lead to acting out abusively with live children, often leading to trafficking them. According to Peter Fagan from Johns Hopkins School of Medicine, child sex dolls encourage abuse of real children. SB126 passed unanimously.

**SB148**, sponsored by Sen. Michael Diedrich (R-District 34) and Rep. Doug Barthel (R-District 10), will make it a Class 1 felony to inflict torture, pain or mental pain upon any person. Human trafficking victims suffer abuse and coercion to perform acts for their handler, destroying those victims' dignity and freedom. SB148 passed unanimously.

## Religious Liberty

**SB124**, sponsored by Sen. Lee Schoenbeck (R-District 5) and Rep. Jon Hansen (R-District 25), provides protections for the exercise of religious freedom. The bill was inspired by actions in some states during the pandemic. Indoor worship was prohibited or restricted while shopping malls, casinos, tattoo parlors, etc. were deemed “essential” and open for business. SB124 ensures in state policy that our First Amendment right to freedom of religion will not be restricted. SB124 passed unanimously in the Senate and 64-3 in the House.

**HB1247**, sponsored by Rep. Jon Hansen (R-District 25) and Sen. Al Novstrup (R-District 3), would provide conscience protections for medical professionals. Health care professionals should not be required to perform medical procedures that would violate their consciences. Neither should they face any form of discrimination for declining to do so. HB1247 failed in the House [25-41](#).

## National Sovereignty

**HJR5001**, sponsored by Rep. Fred Deutsch (R-District 4) and Sen. Blake Curd (R-District 12), was opposed by CWA of South Dakota because it would threaten our U.S. Constitution. HJR5001 would *apply* to Congress for an Article V Constitutional Convention “to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government and to limit terms of office for federal officials and members of Congress.” HJR5001 failed in the House State Affairs Committee.

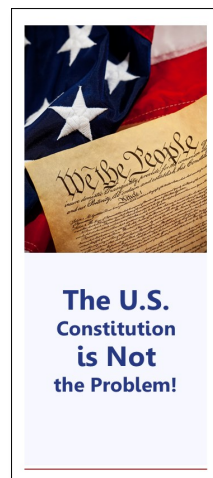
We have been opposing these resolutions for nine years. Placing all of these restraints on the government by a convention sounds wonderful, but a Constitutional Convention is an attempt to open up the Constitution for possible revision or complete rewrite. Who would select the delegates and how many would each state be allowed?

Amendments that have been proposed include eliminating the Electoral College, the Second Amendment, or weakening the First Amendment. Restraints of the federal government are already enumerated in the Constitution. Our elected officials who ignore it now would not change their actions simply by adding more amendments to our Constitution. Our government simply needs to obey the document rather than open it up to mischief. The Constitution is not the problem. Read our brochure on this topic [here](#).

**SJR501**, sponsored by Sen. David Johnson (R-District 33) and Rep. Tim Goodwin (R-District 30), gained our support because it would rescind a 2015 application for an Article V Constitutional Convention “for the sole purpose of changing the Constitution of the United States.” We want to make South Dakota free of all Convention of States applications. This good resolution failed in committee, was smoked out, but failed to be placed on the calendar for a full senate debate and vote.

**SB122**, sponsored by Sen. David Johnson (R-District 33) and Rep. Aaron Aylward (R-District 6), would “provide procedures to enforce the Constitution.” This good bill would create a process for the people of South Dakota to stand against, either through no enforcement or through nullification, those federal laws and mandates that we the people believe are unconstitutional. SB122 failed in Senate committee.

**HB1194**, sponsored by Rep. Aaron Aylward (R-District 6) and Sen. Julie Frye-Mueller (R-District 30), would authorize a review of certain Presidential executive orders. If the orders are found unconstitutional, they may be nullified and not implemented. HB1194 passed in the House [43-25](#) but failed in Senate Committee.



Click [here](#) to view.

# Biblical Principles in the Constitution

“The moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws.” --Noah Webster

Our Founding Fathers were ardent students of the Bible, brilliantly applying Biblical principles in the U.S.

Constitution. Below are some examples:

## Sunday closing law

- ◆ Bible: “ ... on the seventh day God rested.” “God blessed the seventh day ... ” --Genesis 2:1-3, Exodus 20:8-11
- ◆ Constitution: “If any bill shall not be returned by the President within ten Days (Sunday excepted) ... ” --Article 1, Section 7, Clause 2

## Oath of office

- ◆ Bible: “ ... with uplift hand I swore to them ... ” --Ezekiel 18:19  
“ ... take your oaths in His name.” --Deuteronomy 10:20, Ezekiel 36:7, and Isaiah 62:8
- ◆ Constitution: “ ... shall be bound by Oath or Affirmation ... ” --Article VI

## Three branches of government

- ◆ Bible: “ ... for the Lord is our Judge, the Lord is our Lawgiver, the Lord is our King; it is He who will save us.” --Isaiah 33:22
- ◆ Constitution: --Article 1,2, and 3

## Corruption of blood

- ◆ Bible: “The soul who sins is the one who will die ... ” --Ezekiel 18:19:20
- ◆ Constitution: “ ... no Attainder of Treason shall work Corruption of Blood.” --Article 3, Section 3

## Treason/death conviction

- ◆ Bible: “ ... testimony of two or three witnesses ... ” -- Deuteronomy 17:6
- ◆ Constitution: “ ... on the Testimony of two Witnesses ... ” --Article 3, Section 3

## Requirements for President

- ◆ Bible: “Do not place a foreigner over you ... ” --Deuteronomy 17:15

- ◆ Constitution: “ ... natural born citizen ... ” --Article 2, Section 1

## Republican form of government

- ◆ Bible: “But select capable men from all the people ... ” --Exodus 18:19-21, Deuteronomy 1:13-18
- ◆ Constitution: “ ... every state in this Union a Republican form of Government.” --Article IV, Section 4

## Separation of Powers/Checks and Balances

- ◆ Bible: “The heart is deceitfully wicked above all else.” --Jeremiah 17:9
- ◆ Constitution: “bills for raising Revenue shall originate in the House ... ” --Article 1, Section 7; “ ... removed from Office on Impeachment ... ” --Article 2, Section 4; “Senate shall have sole Power to try all impeachments.” --Article 1, Section 3; “If he approves he shall sign it, but if not he shall return it, with his Objections ... ” --Article 1, Section 7  
Note: Most of the Constitution (besides Amendments 12-27) is replete with checks and balances. The three branches of government *are* separation of powers.

## Acknowledgment of God

- ◆ Bible: “In the beginning God ... ” --Genesis 1:1
- ◆ Constitution: “ ... year of our Lord 1787 ... ” --Article VII

“The general principles upon which the Fathers achieved independence were the general principles of Christianity...I will avow that I believed and now believe that those general principles of Christianity are as eternal and immutable (unchangeable) as the existence and attributes of God.” --John Adams



## What is the Filibuster?

And why is it important to preserve it when it comes to legislation in the U.S. Senate?

Feature article by Mario Diaz, Esq. CWA National General Counsel

### Basic Senate Procedure

Though it is a senate rule and not a constitutional mandate, the filibuster functions as a check against the sort of power concentration the Constitution seeks to limit. It encourages much needed bipartisanship by forcing the majority to engage the concerns of the minority on any given legislation, instead of railroading them when one party controls the House, Senate, and the Presidency, which would dismiss the concerns of millions of Americans. Ordinarily, when considering legislation, the Senate's cloture rule requires 60 votes (a three-fifth majority) to finish debate on the legislation and move to a vote. So, even when one party has a majority (51+) to pass legislation, they are likely to need bipartisan support to gain cloture before they can end debate and have a final vote.

### Practically Speaking

1. The filibuster then is that tool the minority has to prevent legislation from moving forward by denying cloture (which requires a 3/5 majority— 60 votes, instead of a simple majority— or 51 votes), forcing the debate to continue indeterminately.
2. If cloture fails, Senate leadership can move on to other business (as they continue to "debate" the legislation indefinitely) or they could... ([Click here](#) to read in its entirety.)