

CONCERNED
WOMEN *for* **AMERICA**
LEGISLATIVE ACTION COMMITTEE

**Protecting Women's Sports for Female Athletes
After 50 Years of Title IX**

The Issue:

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 right and opportunity to compete in their own sports. Only one in 27 girls participated in school sports before Title IX. Since its enactment, two in five girls now participate in school sports.¹

Today, fair competition and equality in women's sports are under threat. Many U.S. states, athletic conferences, the NCAA, national sports governing bodies, and the Olympics allow biological males who declare "gender identity" as women or girls to compete in female sports. The loss of opportunities for female athletes stands in direct conflict with the purpose of Title IX and intensifies the need for action to correct misguided policies and clarify the law.

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. We must insist on fairness and equity in women's sports at every level.

The Facts:

Physiological distinctions between the sexes matter in protecting equal opportunity and a fair playing field.

- Puberty, testosterone, and innate biological differences give physical advantages to males that cannot be erased. Inherent male and female distinctions range from chromosomal and hormonal differences to physiological differences. Males have more upper and lower body muscle, a larger skeletal structure, larger hearts, greater lung capacity, and greater fast-twitch muscle fiber for explosive power.
- Exercise physiology expert Dr. Gregory A. Brown of the University of Nebraska published an exhaustive review of existing research, concluding that men and adolescent boys perform better in almost all sports than women and adolescent girls because of their inherent physiological advantages that develop during male puberty."²
- Researchers at the Karolinska Institute and University of Manchester concluded that after one year of treatment, "the physical advantage enjoyed by biological males over females is only minimally reduced when testosterone is suppressed."³

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- Team USA sprinter Allyson Felix holds the most World Championship medals in history. Yet, in 2018 alone, 275 high school boys ran faster times in the 400-meter on 783 occasions, exemplifying how allowing biological males to compete in female sports would be a detriment to females everywhere.⁴

The impact of transgender policies in female athletics is occurring at all levels of sport, including at the high school, college, and international levels.

- In Connecticut, high school female athletes were forced to compete in track against males identifying as girls, losing medals, state titles, and other would-be-earned victories.
- The NCAA is forcing female athletes to compete on an unfair playing field and lose their place on the podium to male-bodied athletes identifying as women.
 - In 2019, the Division II NCAA national title in women's 400-meter hurdles was awarded to a male-bodied athlete from Franklin Pierce University who had competed for three years on the men's team.
 - In 2020, female track athletes faced unfair losses in the Big Sky Conference when an NCAA runner previously on the University of Montana men's team changed gender identity senior year and competed on its women's team.
 - In 2021-22, a University of Pennsylvania swimmer previously on the men's team displaced female swimmers in numerous events and won the first national NCAA Division I championship in women's sports.
- The International Olympic Committee allows biological males identifying as women to compete in the women's category of Olympic sports. Even the world's best female Olympic athletes would lose to thousands of male athletes—including those who would be second tier in the men's category—on any given day.⁵

Lawmakers and citizens recognize the unfairness of allowing biological males to compete in women's sports despite intense activist opposition.

- In 2020, Idaho's "Fairness in Women's Sports Act" was the first to be signed into law. It was immediately challenged by the American Civil Liberties Union (ACLU). In retaliation for Idaho's actions to protect fair competition for women and girls, trans-activist groups pressured the NCAA to boycott states from hosting national tournaments.⁶
- Despite activist opposition, majorities of Americans across demographic groups oppose allowing male-bodied athletes to compete in sports for women and girls.⁷
- One-third of states have enacted laws to ensure participation in girls' sports is based on female biology, not "gender identity."

Under federal law, equal rights and opportunities for women and girls should not be denied on the basis of biological sex.

- Federal legislation, the "Protection of Women and Girls in Sports Act" (H.R.426, S.251), would clarify Title IX responsibility of schools and colleges in athletic programs.

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¹ Women's Sports Foundation. (September 2, 2016). *Title IX and the Rise of Female Athletes in America*. Retrieved from: <https://www.womenssportsfoundation.org/education/title-ix-and-the-rise-of-female-athletes-in-america/>

² Expert Declaration of Gregory A. Brown, Ph.D. (January 7, 2020). Filed in support of the U.S. Department of Education Complaint Nos. 01-19-4025 & 01-19-1252. Retrieved from:

<https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931-258260a4e77f/downloads/2020.01.07%20G%20Brown%20Report%20Executed.pdf?ver=1580495895886>

³ Emma Hilton, Ph.D. and Tommy Lundberg, Ph.D. (13 May 2020). University of Manchester, UK. and Karolinska Institute. Department of Laboratory Medicine/ANA Futura. Division of Clinical Physiology. Huddinge, Sweden. Retrieved from: [https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931-258260a4e77f/downloads/preprints202005.0226.v1%20\(1\).pdf](https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931-258260a4e77f/downloads/preprints202005.0226.v1%20(1).pdf)

⁴ Doriane Lambelet Coleman, Martina Navratilova, et al. Pass the Equality Act, But Don't Abandon Title IX, Washington Post (April 29, 2019). https://www.washingtonpost.com/opinions/pass-the-equality-act-but-dont-abandon-title-ix/2019/04/29/2dae7e58-65ed-11e9-a1b6-b29b90efa879_story.html.

⁵ Doriane Lambelet Coleman Oral Testimony on H.R. 5 before the U.S. House of Representatives Committee on the Judiciary April 2, 2019, available at <https://docs.house.gov/meetings/JU/JU00/20190402/109200/HHRG-116-JU00-Wstate-LambeletColemanP-20190402.pdf>.

⁶ ACLU letter to the NCAA Board of Governors (June 10, 2020). Retrieved from: https://images.saymedia-content.com/.image/cs_srgb/MTczMTcxNjc0MjMMDY5NjY4/final-ncaa-idaho-letter.pdf

⁷ "Gallup finds Americans oppose transgender sports participation, challenging past polling," The 19th (May 2021), <https://19thnews.org/2021/05/gallup-americans-oppose-transgender-sports-participation/>.