



**Statement by Anne Lieberman  
Director of Policy & Programs, Athlete Ally,  
before the House & Human Services Committee,  
in opposition to House Bill 1298.**

Dear Chairman Weisz and Members of the House Human Services Committee:

Thank you for considering my concerns raised in opposition to House Bill 1298. This dangerous legislation has the potential to violate Title IX and targets an already vulnerable group of North Dakota students by denying them the life-saving opportunity to participate in sports.

As the Director of Policy & Programs at Athlete Ally, a national organization working to ensure everyone has equal opportunity to and experience in sport, I am extremely concerned about the ways sport is being weaponized to erase and exclude transgender youth in North Dakota<sup>1</sup>. Youth sports play a significant role in children's lives and development<sup>2</sup>. Nearly 70% of young people between the ages of 6-12 participate in some form of sport<sup>3</sup>. Sports can help children develop critical life skills like communication, teamwork, and leadership — and give them a community of peers with whom they can connect and develop life-long friendships<sup>4</sup>. These spaces are imperative for all young people, no matter their gender.

Transgender youth already face an uphill battle in nearly every part of their lives. 75% of transgender youth feel unsafe at school, with 70% of those students avoiding bathrooms because they felt unsafe or uncomfortable<sup>5</sup>. Nearly half of transgender youth

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<sup>1</sup> For example, see [www.savewomensports.com](http://www.savewomensports.com). For a similar group whose rhetoric is influencing the conversation in the UK, see [www.fairplayforwomen.org](http://www.fairplayforwomen.org).

<sup>2</sup> Holt, N. L. (Ed.). (2016). *Positive youth development through sport*. Chicago, IL: Routledge.

<sup>3</sup> The Aspen Institute: Project Play. (2018). State of play 2018: Trends and developments. Retrieved from [https://assets.aspeninstitute.org/content/uploads/2018/10/StateofPlay2018\\_v4WEB\\_2-FINAL.pdf](https://assets.aspeninstitute.org/content/uploads/2018/10/StateofPlay2018_v4WEB_2-FINAL.pdf)

<sup>4</sup> Turnnidge, J., Côté, J., & Hancock, D. J. (2014). Positive youth development from sport to life: Explicit or implicit transfer?. *Quest*, 66(2), 203-217.

<sup>5</sup> GLSEN. (2017). *Separation and stigma: Transgender youth and school facilities*. Boulder, CO. Retrieved from <https://www.glsen.org/sites/default/files/Separation%20and%20Stigma%20-%20Full%20Report.pdf>

attempt suicide, and the transgender community is increasingly the target of violence and harassment<sup>6</sup>. Study after study shows sports can be a powerful tool for fighting depression, building community, and cultivating lasting self-confidence<sup>7</sup>.

HB 1298 does nothing to protect women and girls in sport and has the potential to violate Title IX. Leading national women's organizations including The Women's Sports Foundation and high profile female professional, Olympic, and Paralympic athletes have consistently expressed opposition to bills like HB 1298 for this reason<sup>8</sup>. Female athletes and women's organizations want lawmakers to focus on the real issues facing women and girls in sports -- like lack of resources for girls' teams, a dearth of female leadership in sports coaching and administration, and sexual harassment and assault toward girls and women in sports -- having a transgender teammate is not among the well-documented threats facing female athletes.<sup>9</sup> Further, Title IX makes allowances for women to play on men's team in circumstances where there is not a women's team established or there are significant hurdles to doing so. HB1298 would not allow this to happen, meaning any institution that makes allowances to rectify the issues for women in sports could lose federal funding for noncompliance with Title IX<sup>10</sup>. In addition, HB 1298's additional emphasis on athletic venues would make North Dakota ineligible to host NCAA events, just as HB2 in North Carolina prompted the NCAA to move championships out of the state.

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<sup>6</sup> Toomey, R. B., Syvertsen, A. K., & Shramko, M. (2018). Transgender adolescent suicide behavior. *Pediatrics*, 142(4).

<sup>7</sup> Babiss, L. A., & Gangwisch, J. E. (2009). Sports participation as a protective factor against depression and suicidal ideation in adolescents as mediated by self-esteem and social support. *Journal of Developmental & Behavioral Pediatrics*, 30(5), 376-384.

<sup>8</sup> For example, see [https://www.womenssportsfoundation.org/press\\_release/billie-jean-king-megan-rapinoe-and-candace-par-ker-join-nearly-200-athletes-supporting-trans-youth-participation-in-sports/](https://www.womenssportsfoundation.org/press_release/billie-jean-king-megan-rapinoe-and-candace-par-ker-join-nearly-200-athletes-supporting-trans-youth-participation-in-sports/);  
[https://www.aclu.org/sites/default/files/field\\_document/womens-groups-sign-on-letter-trans-sports-4.1.19.pdf](https://www.aclu.org/sites/default/files/field_document/womens-groups-sign-on-letter-trans-sports-4.1.19.pdf)

<sup>9</sup> For details on documented threats to women's sports, see the Women's Sports Foundation's 2020 *Chasing Equity* report at <https://www.womenssportsfoundation.org/wp-content/uploads/2020/01/Chasing-Equity-Executive-Summary.pdf>

<sup>10</sup> For a detailed explanation of Title IX, see <https://www.womenssportsfoundation.org/advocacy/what-is-title-ix/>.

HB 1298 is part of a larger trend -- fueled and funded by out of state special interest groups -- to influence and interfere with state politics, particularly around youth identity. In 2021, 6 other states have already introduced bills targeting transgender youth and their ability to play sports. In 2020, 19 states introduced similarly horrific bills. Idaho was the only state to pass an anti-transgender sports law last session, and the law was preliminarily enjoined when the court rightly found that it likely violates the Constitution. All of these bills seek to single out transgender young people and subsequently increase bullying and harassment by preventing them from participating in the sport they love.

People often look to sports, and most often youth sports, to represent values that the rest of society should live by: fairness, respect, integrity, the ability to overcome adversity, inclusion, and equity. Acceptance of transgender youth in sport is about far more than just the ability to participate; it is an expression of the fundamental humanity of transgender youth that has a ripple effect in all areas of society.

Please send a clear, equitable, and unequivocal message to transgender youth in North Dakota that their lives, as people and as athletes, are valid and that they are equal members of their communities.

Thank you for your consideration, and I hope you will reject HB 1298.

January 24, 2020

Submitted by:

A handwritten signature in black ink, appearing to read 'Anne Lieberman'.

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