

Testimony by Payton R. Bergman to the
Senate Judiciary Committee
Hearing on HB 1298
Tuesday, March 16th

Hello, Senators of the Senate Judiciary Committee.

I call for a DO NOT PASS recommendation on House Bill 1298.

My name is Payton Bergman and I write on behalf of the LGBTQ+ youth of ND. HB 1298 is not only damaging to transgender athletes but all people of ND, transgender or cisgender. The negative effects of this bill include: negative mental health effects for trans students, both trans and cis women being misconstrued, and effectively eliminating club sports.

Firstly, inclusion in team sports is proven to improve mental health, and not allowing trans students to participate would do the exact opposite. Transgender youth already have some of the poorest mental health of anyone in the United States, and taking away a fundamental piece in student life (sports) will only make that worse. Sure, there are other activities trans students will still be able to participate in, but a person passionate about sports simply cannot be fulfilled by theatre, for example, just as a person passionate about theatre will not find the same fulfillment in sports. Having a support system that can be provided to you by common activities like sports cannot be replaced, and there is no reason to exclude transgender students from finding a support system. These students are in high school, and missing a formative experience during their formative years will have negative impacts for the rest of their life.

Secondly, HB 1298 is heavily based on the protection of cisgender women in sports. This portion of the bill is not only transphobic but misogynistic as well. It portrays cis women as inherently weak and trans women as inherently dangerous. The narrative that cis women are fragile can encourage the toxic behavior of men, including sexual assault. Teaching young men that women are weak creates an internalized idea that endangering cis women is okay because they are weak. In addition, it encourages the dangerous and transphobic idea that transgender women are dangerous or “not real women”. This is another factor that can lead to poor mental health in transgender students. If you are being told for years by society that you are either dangerous or weak (trans women and trans men, respectively), you will internalize those ideas and let them impact how you treat others. Because this bill portrays both cis and trans people as stereotypes they are not, it is unacceptable and should not pass the Senate.

Finally, the implementation of this bill would effectively abolish club sports. At the national level, club sports protect transgender students through strict anti-discriminatory policies. Not allowing students to participate in sports that align with their gender identity would disqualify ND from any sort of club competition, particularly swimming and baseball. This would be unfair to all participants, as those in club sports tend to be the most competitive and invested in tier sport. Qualifying for nationals would be near impossible if ND violates the policies set forth by club sports nationally.

For the reasons I have listed as well as many others, HB 1298 is extremely dangerous and blatantly transphobic. Not allowing transgender students to participate in the sport that their gender aligns with will not only perpetuate misogynistic and transphobic ideas but will also harm the image that North Dakota strives to put forward: kindness. With all of this being said, I strongly urge a do not pass recommendation on HB 1298

Thank you for your time,
Payton R. Bergman
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