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To: Senate Judiciary Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1298 - Fairness in Sports
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True education aims at the formation of the human person as a unity of body, soul, and spirit, while pursuing the common good. It includes the social and physical aspects of athletics. As Pope Francis has said, "The Church is interested in sport because the person is at her heart, the whole person, and she recognizes that sports activity affects the formation, relations, and spirituality of a person."¹ In education and in sports, we must seek to avoid unequal treatment between men and women, and anything that debases human dignity, including rejection of a person's body. With these principles in mind, the North Dakota Catholic Conference supports HB 1298 for several reasons.

First, it assures fundamental fairness. We have made great strides not only in respecting the unique dignity of women and girls, but also in fostering a fair and equal environment that provides them opportunities to grow and succeed according to their created uniqueness. That environment is being threatened and HB 1298 protects it.

Second, youth have a right to safely participate in student athletics. Male competition in activities designated for females can be both unfair and, especially in high-contact sports, unsafe. Neither of these concerns is remediated by cross-sex hormone procedures, as they do not fully address disparities in average muscle mass, bone characteristics, and lung capacity once puberty is underway.²

Third, HB 1298 conforms to human dignity and proper pedagogy. We often hear, in support of allowing biological boys to compete against girls, that gender is a construct. In truth, gender ideology is a construct, untethered from biological and ontological reality. Allowing biological males to compete against biological females cooperates with and advances this false ideology, contrary to the proper purpose of both sports and education.

Fourth, HB 1298 prevents potential conflicts. Some schools, parents, or students might have philosophical or religious reasons preventing girls from competing against biological males, especially in contact sports. HB 1298 would prevent penalizing those schools and students.

Finally, HB 1298 recognizes that the legislature is the proper place to address this issue. As it stands now, an association consisting of non-elected individuals made a decision that imposed a certain ideology on our students. HB 1298 rectifies that mistake.

Every person, including students experiencing gender identity discordance, should be able to participate in student activities. The activities, however, should be in accord with fairness, safety, and the dignity of the human person. For these reasons we support HB 1298 and ask for a **Do Pass** recommendation.

¹ Pope Francis, Address to the Italian Tennis Federation, Rome, May 8, 2015.

² Tommy Lundberg and Emma Hilton, "Transgender women in the female category of sport: is the male performance advantage removed by testosterone suppression?" (May 13, 2020) (available at [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)), as pre-printed update of Lundberg 2019 study, *infra*); Expert Declaration of Gregory A. Brown, Ph.D., Filed in support of the U.S. Department of Education Complaint Nos. 01-19-4025 & 01-19-1252. (Jan. 7, 2020) (available at <https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931-258260a4e77f/downloads/2020.01.07%20G%20Brown%20Report%20Executed.pdf?ver=1580495895886>); T. Lundberg, Ph.D. et.al., "Muscle strength, size and composition following 12 months of gender-affirming treatment in transgender individuals: retained advantage for the transwomen," Karolinska Institutet, Department of Laboratory Medicine/ANA Futura, Division of Clinical Physiology, Huddinge, Sweden (Sep. 26, 2019) (available via bioRxiv, Cold Spring Harbor Laboratory, at <https://www.biorxiv.org/content/10.1101/782557v1>).

Furthermore, the safety of the students who undergo hormone treatments themselves is at risk when such procedures have unproven long-term results in developing bodies. See D. Getahun et al., "Cross-Sex Hormones and Acute Cardiovascular Events in Transgender Persons: A Cohort Study," *Ann Intern Med* 169, no. 4 (2018); M.S. Irwig, "Cardiovascular Health in Transgender People," *Rev Endocr Metab Disord* 19, no. 3 (2018); P.W. Hruz, L.S. Mayer, and P.R. McHugh, "Growing Pains: Problems with Puberty Suppression in Treating Gender Dysphoria," *The New Atlantis*, 52 (2017); S. Maraka et al., "Sex Steroids and Cardiovascular Outcomes in Transgender Individuals: A Systematic Review and Meta-Analysis," *J Clin Endocrinol Metab* 102, no. 11 (2017); J. Feldman, G.R. Brown, M.B. Deutsch, et al., "Priorities for Transgender Medical and Healthcare Research," *Curr Opin Endocrinol Diabetes Obes* 23 (2016):180-87; D. Macut, I.B. Antić, and J. Bjekić-Macut, "Cardiovascular Risk Factors and Events in Women with Androgen Excess," *Journal of Endocrinological Investigation* 38, no. 3 (2015); E. Moore, A. Wisniewski, A. Dobs, "Endocrine Treatment of Transsexual People: A Review of Treatment Regimens, Outcomes, and Adverse Effects," *J Clin Endocrinol Metab* 88 (2003): 3467-73.