

# North Dakota Testimony – HB 1298

## Fairness in Women's Sports Presentation

**Idaho State Representative Barbara Ehardt & sponsor of Idaho's Fairness in Women's Sports Act, first of it's kind legislation, 2020**

- Chairman and good committee, thank you for hearing me today. I come to you today with legislation designed to do one thing: protect opportunities for girls and women in sports.
- Every girl deserves the chance to pursue her dreams and excel in athletic opportunities. Forcing girls & women to compete against biological boys & men has too often made us spectators in our own sports.
- Women fought long and hard to earn equal athletic opportunities, and this bill protects those victories for another generation. I should know. My story is about the opportunities provided through sports.

- 1) Story of me growing up and what opportunities existed. These were very few for women... secretary, airline stewardess, teacher...
- 2) I just wanted to play sports but I was told, girls don't do that.
- 3) **Title IX happened June 23, 1972.**
- 4) Opportunities in sports began to occur for girls and women. But this has been a process.
- 5) I had the chance to play junior high basketball, like my counterparts. However, I walked to practice at 5:45am, through the cold, every day, while the boys practiced after school – every day.
- 6) Then I was able to play high school basketball and our games were well attended. We were making progress.
- 7) As fate would have it, I was able to play college ball, first at North Idaho College and then at Idaho State, on a scholarship.
- 8) This led to a 15-year collegiate coaching career at four fantastic institutions.
- 9) As that young 6-year old girl wanting so badly to pursue her dreams, this was an amazing journey.
- 10) Women in the 70's and earlier, paved the way for me to have opportunities that have taught me so much and helped to shape who I am.
- 11) They have helped me and I have worked hard to help those who followed me.
- 12) This bill is really about opportunities to preserve those dreams that like me, so many young girls and women have.
- 13) We have fought hard to get where we are with opportunities – and we still aren't where we need to be. But let's make sure that we don't go

backwards. We need to preserve these hard fought for opportunities in girls and women's sports. Which is the point of this legislation.

**In sports, we have requirements and standards, not feelings, in order to participate and ensure fairness and the school handles this.** These include **weight** requirements for wrestling (*115 doesn't go against 165*); **age** requirements for all of athletes; **physicals**; school **boundary** requirements; **GPA** eligibility; **concussion** questions; extra in-season sport participation and sex specific requirements. None of these are discriminatory. They are a standard used to create a fair playing field and the state has a **compelling interest to ensure fairness**. This also is true in girl's and women's sports.

**This bill will protect the rights and opportunities of girls & women.**

- Girls & women shouldn't be forced to be spectators in their own sports.
- Girls & women deserve the same opportunities as boys & men to compete and chase their dreams.
- Women fought long and hard to earn equal athletic opportunities.
- When boys compete in girls' sports, equal opportunity is destroyed.
- **Title IX was designed to eliminate discrimination against girls & women in education and athletics, while creating equal opportunities for girls & women.**
- Allowing boys & men to compete against girls & women shatters dreams and steals opportunities.
- **Allowing boys & men to compete in girls' & women sports reverses nearly 50 years of advances for women.**

**Tennis star Martina Navatrolova, who herself is gay and very supportive of LGBT rights addressed fair play.** "Needless to say, I have always and will always be a champion of democracy, equal rights, human rights and full protection under the law for everyone," she wrote. "When I talk about sports and rules that must be fair, I am not trying to exclude trans people

from living a full, healthy life. And I am certainly not advocating violence against trans people, as has been suggested. All I am trying to do is to make sure girls and women who were born female are competing on as level a playing field as possible within their sport. (March 5, 2019)

## Physical Differences Between Men & Women

**Boys & men will always have physical advantages over girls & women —that's the reason we have women's sports.**

- Men are stronger than women. Boys are faster than girls. An influx of hormones doesn't undo these realities.

**What are the physical advantages of males?**

- They have a bigger body size; longer limbs; and a stronger base that is designed for more mass power! They have denser, stronger bones, tendons and ligaments; they have larger & stronger heart, larger lungs with a greater lung volume per body mass; a higher red blood cell count and higher hemoglobin. Men also have natural levels of testosterone which affects 28 traits such as hemoglobin levels, body fat content, the storage and use of 29 carbohydrates, and the development of type 2 muscle fibers, all of which result in men being able to generate higher speed and power during physical activity... and the list goes on.
- No amount of hormone therapy can eliminate all those advantages.
- Forcing female athletes to compete against biological males isn't fair and destroys their athletic opportunities.
- Even an average male athlete can crush an elite female athlete. That's why the world's No. 203-ranked man soundly beat both Williams sisters back-to-back in their prime in 1998; it's why an under-15 boys' soccer team beat the U.S. Women's National Team in 2017. It's why in Connecticut, two boys have won 15 women's track championship titles since 2017—titles held by nine different girls in 2016. Science and common sense tell us that males are physically stronger than females.

As Duke Law professor and All-American track athlete Doriane Cole-Man, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross recently wrote: "The evidence is unequivocal that starting in puberty, in every sport except sailing/ shooting, and riding / there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science."

Doriane Coleman, Martina Navratilova/ et al. / Pass the Equality Act/ But Don't Abandon Title IX, Washington Post (Apr. 29, 30 2019);

The benefits that natural testosterone provides to male athletes is not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the impact of

such treatments found that even "after 12 months of hormonal therapy, " a man who identifies as a woman and is taking cross-sex hormones "had an absolute advantage" over female athletes...

Consider this, while at all four fantastic institutions while I was coaching, we had a practice squad of guys. Every Division I University Women's basketball program does this. These guys aren't special. They weren't even cut from the men's team. Often, they hadn't played high school ball. But they'd be there to push our gals and they could beat them every time.

We have always acknowledged that there are differences between males & females. Our counterparts have enjoyed the many benefits that come from participating in sports, everything from leadership, confidence, cooperation, conflict resolution... sports teach this and so much more.

### **NIKE 1995 ad: If You Let Me Play Sports – was ground-breaking**

If you let me play, if you let me play sports.  
I will like myself more;  
I will have more self-confidence.  
If you let me play sports. If you let me play,  
I will be 60 percent less likely to get breast cancer;  
I will suffer less depression.  
If you let me play sports,  
I will be more likely to leave a man who beats me.  
If you let me play;  
I will be less likely to get pregnant before I want to.  
I will learn what it means to be strong,  
if you let me play...

We have been celebrating women & how far we have come. Have we really come that far?

The ad was based on a compilation of research assembled by the **Women's Sports Foundation** (*updated July 20, 1995*). It also found that girls who participate in sports are less likely to get involved with drugs, less likely to get pregnant and more likely to graduate from high school than those who do not play sports. They would feel greater confidence, self-esteem and pride in their physical and social selves than those who were sedentary as kids.