

My name is Rachel Thomason. I am an attorney living in Bismarck with my husband of 12 years and two children, ages 6 and 9. I am a small business owner, active in Bismarck in my religious, social, and political communities.

I make this written testimony today to urge you to strike down this proposed bill.

Firstly, this bill has been said to be a champion for women's rights. However, as written, the bill is unconstitutional, ignores the U.S. Supreme Court decision of Bostock v. Clayton County, and violates Title VII of the Civil Rights Act of 1964. Notably, the Supreme Court indicated in Clayton that discrimination on the basis of an individual's transgender status violates Title VII. Bill 1298 is a manifestation of that discrimination because it does not propose regulations in "male" and "female" sports activities. Rather, it would result in an outright ban on transgender students' participation in school sports as an all-or-nothing, exclusionary approach. Furthermore, to claim that this bill encourages no more than fair participation in young women's sports is deceitful at best, and does nothing more than create fear of a problem that does not exist.

The bill also illuminates a harrowing issue facing trans youth today. In 2018, the American Academy of Pediatrics indicated that nearly half of youth identifying as trans male and 30% of teens identifying as trans female had attempted suicide. Their reasons? Rejection, bullying, harassment, and exclusion.

Exclusion. That is precisely what this bill would do, exclude trans youth from participation, singling them out amongst their classmates and reinforcing rejection.

Exclusion and rejection are powerful. As a bisexual woman, I have dealt with depression and anxiety about who I am nearly my entire life. I grew up in a small town in North Dakota. Growing up and into adulthood, I too feared rejection and exclusion from my church community, my friends, and my family. I am 36 now, and only came out as bisexual two years ago because I feared exclusion and rejection. I worried that I may lose work. I feared that my family, my friends, and my colleagues would abandon me because I live in a community that, as evidenced by this bill, is still not entirely accepting and/or harbors fear or resentment of individuals in the LGBTQ+ community.

I bring up my own struggles because I am not a child. I have it easy; I am an adult bisexual woman in a straight passing marriage of 12 years. Yet, even as an accomplished woman in a happy marriage with two beautiful children, I've still faced sometimes debilitating depression because for so long, I denied and hid a part of who I was out of fear. I wasn't brave enough as a teen—or even an adult until just recently—to embrace who I am.

But here, we're not talking about adults. We're talking about children who are innocent, emotionally fragile, and want to belong. But kids now are also so beautifully aware, more so than they often get credit for. Today, trans youth in our own community have taken ten brave steps forward by being themselves and telling others who they are at such a young age. This bill will set them back twenty. That's because this bill isn't put

forward by their equally emotionally fragile peers. It's been promoted by their peers' parents. Its advocates are adults, whom they look to, in turn, to lead them into adulthood so that they may also be responsible, loving, hard-working adults. To our youth, this bill must appear as though their role models are embracing exclusion. That is heartbreaking.

As legislators, your duty is to pass viable laws that will help the people of North Dakota. This bill fails that test in so many ways. First, it ignores constitutionality and U.S. Supreme Court precedent. Second, it fabricates a problem that simply does not exist in the guise of championing women's rights. And certainly not least of all, it threatens the wellbeing and very livelihood of our children, North Dakota's future.

Please. Strike down this bill. Set an example of love and acceptance, not rejection. Let kids participate, not be excluded. Let kids be kids, not a statistic.