

To the Members of the Judiciary Committee,

As a Maine resident and taxpayer, and as your constituent, I urge you to reject the proposed anti-trans legislation being considered by this committee. As a career social worker and educator, I have been privileged to work with trans people. I also have personal friends and acquaintances who are trans. These are people who deserve to be treated with dignity, and respect—including the guarantees under our constitution, and the Maine human and civil rights laws.

The proposed anti-Trans legislation is based on a number of lies and distortions regarding trans people—including those around the participation of trans women and girls in sports. As outlined by the National Women's Law Center (NWLC) there are four (4) main lies and distortions around this issue:

1. Trans women have an unfair advantage in sports.

First, **the small number** of trans and intersex girls and women athletes have NOT demonstrated any categorical “dominance” or overwhelming advantage. Years of data **negate** this dominance argument.

Second, this notion that trans girls have an overall competitive advantage in sports also implies that every single cisgender woman is physically inferior, which feeds into sexist stereotypes and pits women against women. It also risks opening the door to questioning every woman's femininity.

Finally, this notion overlooks the fact that class and money are often responsible for competitive advantages in sports (i.e., access to private coaching, better facilities, better sports equipment, and specialized training).

2. Trans women will take opportunities away from cis women.

First, there are **actually** very few trans people in competitive sports—and the success of those trans people has, for the most part, been exaggerated to perpetuate transphobia. (Many of the politicians pushing hateful anti-trans laws at the state level could not identify **even one trans girl** playing school sports in their state—much less causing any issues in competitions).

Second, initial research **shows** “participation among high school girls remained static from 2011 to 2019 in states with fully transgender-inclusive sports policies, whereas participation among girls in states with outright bans or trans-exclusive policies (combined) has decreased.”

In other words, where states enacted hostile policies to bully trans students, we see *fewer* girls total playing school sports.

It's also been the case that trans girls actually create MORE opportunities for cis girls to play. Take the story of Fischer Wells, a 13-year-old trans girl who helped **recruit** for her school's field hockey team, opening up new team spots for herself and cisgender girls. Despite basically creating this team, Fischer was heartbreakingly kicked off her team as the lone middle-schooler targeted by Kentucky's anti-trans sports ban.

3. Cisgender girls shouldn't have to share locker rooms or bathrooms with trans girls.

First, it's important to note that nondiscrimination laws protecting trans people in these kinds of facilities have been around for a long time, with no **increase** in safety risks in public restrooms and other gender-segregated facilities, according to a UCLA study.

Furthermore, policies that exclude trans women and girls from women's locker rooms don't just make trans women and girls more vulnerable to harassment. They **ALSO** endanger cis women. In fact, we already have **accounts** of cisgender women being attacked in public spaces because people assumed they were trans.

That is, in part, why dozens of anti-sexual assault and domestic violence organizations have **come out** in support of inclusive restroom policies.

4. Excluding trans athletes “protects” women and girls.

First off, this statement erases the fact that trans women and girls are women and girls. Even further, this does nothing to protect women and girls—really, it endangers them.

Anti-trans sports bans subject all women and girls to accusations of being “too masculine” or “too good” at their sport to be a “real” woman or girl. Some require women and girls to verify their gender through **sex testing**, even proposing **invasive and traumatic medical examinations**. There's actually a **long, ugly history** of this. And these tests especially harm women and girls who fall outside stereotypical notions of womanhood, who are **intersex**, or **Black** and **brown**, because they don't **conform to white standards of femininity**.

If these “feminists” actually cared about “protecting” women, they would take action to address the very real issues women athletes face every day.

To be clear, there are **numerous examples** of actual sex discrimination against girls and women in sports—including **fewer athletic opportunities** (like over one *million fewer* opportunities for high school girls than high school boys), **second-class facilities and equipment**, **sexual abuse** by coaches, doctors, and other students, **pay inequities** in sports for professional athletes, or **insufficient implementation** of Title IX. But sports bans are not addressing these real problems.

In citing their work over five decades to support and enforce Title IX, the NWLC states:

“As subject-matter experts, we know discrimination against students because of transgender status or sex characteristics **IS** sex discrimination. In other words, transgender, nonbinary, and intersex students must be able to fully access education, *including* school sports, as their full selves. Title IX **guarantees** no less.

With our full conviction, we at NWLC know unequivocally that trans women and girls, and intersex women and girls, ARE women and girls who deserve to participate fully in women's sports.”

As your constituent, and a Maine resident and taxpayer, I urge the committee, and the Maine legislature to reject these discriminatory anti-trans legislative proposals.

Maine is better than this.

Sincerely,

Robert C. Foster
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