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SCARBOROUGH  
LD 1337

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Scarborough, Maine  
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Dear Senator Carney and Honorable members of the Judiciary Committee,

I am a Scarborough resident. I wanted to write you as the father of a daughter who is a scientist with expertise in gender and sex, as a grandfather of a 7-year-old, and as a community member. My daughter contributed to this testimony so that I'm confident the scientific information is complete and accurate.

The bills before this Committee today – LD233, LD868, LD1002, LD1134, LD1704 relating to schools; and LD1337, LD1432, and LD380 relating to transgender rights for emergency services, protection from discrimination, and health care - aim to change the current law allowing kids to participate in sports based on their gender, and restrict other rights of transgender people.

A commonality underlying all these bills is to change the current law to instead require that students play sports and receive services based on their "sex," which is defined as binary. But the science is quite clear on this point: Neither gender nor sex is binary. Clear and longstanding evidence across multiple scientific disciplines, including biology, neuroscience, and neuro-endocrinology, show that sex is a spectrum. Psychologically and culturally, we like sorting the world into simple categories, but the fact is that nature is delightfully complex and sex is not that simple.

What's more, policing women's gender and sex is nothing new—as detailed in the excellent podcast "Tested," men have been trying to police women's bodies in sports for decades. We can look to history for the likely impact of these kinds of rules. For example, did you know that back in the 1960s, woman athletes had to prove they were actually a woman before being allowed to compete? All women competing had to submit to an examination that became known as "the nude parades" or "peek and poke tests." Yes, it's as bad as it sounds. You were led into a room and had to pull your pants down in front of a stranger so that they could examine your genitals.

I mentioned that I'm a grandpa? The idea of my granddaughter being subjected to a peek and poke test or any other kind of test before she's allowed to play sports with her friends or receive services is equal parts infuriating and terrifying. I would like the Maine State Assembly to get its bills out of our children's pants.

There are some real complexities around how to structure elite sports so that they are fair, inclusive, competitive, and interesting—but that's not what we're talking about here. We're talking about kids. Playing sports. With their friends. For my 7-year-old granddaughter's soccer team, that means running back and forth on a miniature soccer field, often in a clump, and swinging their feet in the general direction of the ball. It means laughter and learning how to work as a team. It means developing emotional resilience in the face of losses. It means silly team names and cheers. It means every kid getting a chance to play with their friends and be accepted as themselves.

The language of bills like these seems to draw inspiration from recent transphobic Executive Orders, like the one requiring passports to reflect a binary sex assigned at birth. Recently, a federal judge issued a temporary injunction on that Executive Order, highlighting the plaintiff's argument that the policy is "based on irrational prejudice toward transgender Americans and therefore offend our Nation's constitutional commitment to equal protection for all Americans." Put simply, that's what all these bills are: irrational prejudice toward transgender Americans. And the impact will be felt most by American women and girls, because that's how these things go.

Please speak out strongly against these bills. Maine women and girls – and their parents and grandparents – are counting on you.

Thank you for this opportunity to share both the science and my perspective, and to urge you to vote against these bills!

Sincerely,

Joel Kaufmann