

Fairness in Women's Sports

Girls deserve to compete on a level playing field. Title IX was designed to stop discrimination and create equal athletic opportunities for women. However, allowing males (regardless of gender identity) to compete in girls' sports destroys fair competition and women's athletic opportunities. Allowing males to compete in girls' sports reverses nearly 50 years of advances for women. When we ignore biological reality, girls get hurt. In athletics, girls are losing medals, podium spots, public recognition, and opportunities to compete.

The Pennsylvania Fairness in Women's Sports Act would protect opportunities for women and girls in athletics by ensuring women are not forced to compete against biological males playing on women's sports teams.

Even the world's best female Olympic athletes would lose to boys and men on any given day. In one year, 275 high school boys ran faster times than the lifetime best of World Champion sprinter Allyson Felix. Science and common sense tell us that males are generally bigger, faster, and stronger than females. They have larger hearts and lungs, denser bones, and stronger muscles. No amount of hormone therapy can undo all those advantages. Male athletes consistently achieve performances 10% to 20% better than comparably fit and trained female athletes. A male's belief about his gender doesn't erase his physical advantages over female athletes.

Gender Identity Activists' solution for sports is not only bad for girls who identify as girls, but it is also bad for girls who identify as boys, because they will continue to be pressured and expected to go try out for the male varsity soccer and male basketball team or simply quit all together because of the futility in trying out for most boys' teams. Most girls, even if they identify as boys, will not make the male soccer or male basketball teams, which are notoriously competitive and often make cuts of many boys who try out. Even if she was phenomenally good and made the male team, she'd get way

KEY POINTS

Males have a biological advantage over women, even without testosterone. They have denser bones, larger hearts and lungs, greater explosive strength, and are generally larger.

Women deserve the right to a fair and equal playing field; but when males compete in women's only divisions, women lose their right to a fair playing field, their safety is put at risk, their spots to participate on teams are taken, and their chances of succeeding are drastically lowered.

The best way to include everyone is to keep sports separated by biological sex, this way everyone can compete fairly and safely.

The differences giving males an inherent advantage over women in sports cannot be erased by how one identifies or by the use of cross-sex hormones.

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less playing time than she would if she continued playing on the girls’ team. This goes to show that gender identity activists’ solution for sports is bad for all biological girls, no matter how they identify. The only people who win are males who get to steal opportunities from women and girls.

There are “[i]nherent differences’ between men and women,” and these differences “remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual’s opportunity.” *United States v. Virginia*, 518 U.S. 515, 533 (1996). These “inherent differences” range from hormonal differences to physiological differences. Men generally have “denser, strong bones, tendons, and ligaments” and “larger hearts, greater lung volume per body mass, a higher red blood cell count, and higher haemoglobin.”¹

“We have been told that we need to put ourselves in the shoes of people who identify as a gender identity different from their sex. I actually agree with that and I have really tried to do that. In fact, I’m committed to ensuring every girl, even if they identify as a boy or something else, are welcomed and treated well on the girls team...but I ask you to put yourself in our shoes as well. I don’t understand why there seems to be so little care about what this is doing to the emotional well-being of the girls. There are ways for schools to meet the needs of all students without allowing the violation of our rights to privacy and fair competition. Any biological girl, no matter what they believe about gender, is more than welcome on our girls’ teams. And any biological boy, no matter how they identify, is welcome on the boys’ teams. That preserves fairness and opportunities for everyone.”

– High School Girls’ Track Team Captain from her Testimony before PA House Education Committee.

Men also have higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of 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.²

The biological differences between females and males, especially as it relates to natural levels of testosterone, “explain the male and female secondary sex characteristics which develop during puberty and have lifelong effects, including those most important for success in sport: categorically different strength, speed, and endurance.”³

While classifications based on sex are generally disfavored, the Supreme Court has recognized that “sex classifications may be used to compensate women for particular economic disabilities [they have] suffered, to promote equal employment opportunity, [and] to advance full

¹ Neel Burton, *The Battle of the Sexes*, PSYCHOL. TODAY (July 2, 2012), <https://www.psychologytoday.com/blog/hidden-andseek/201207/the-battle-the-sexes>.

² Doriane Lambelet Coleman, *Sex in Sport*, 80 LAW AND CONTEMPORARY PROBLEMS 63, 74 (2017) (quoting Gina Kolata, *Men, Women and Speed. 2 Words: Got Testosterone?*, N.Y. TIMES (Aug. 21, 2008)).

³ Doriane Lambelet Coleman and Wickliffe Shreve, “Comparing Athletic Performances: The Best Elite Women to Boys and Men,” Duke Law Center for Sports Law and Policy, <https://web.law.duke.edu/sports/sex-sport/comparative-athletic-performance/>.

development of the talent and capacities of our Nation’s people.” *United States v. Virginia*, 518 U.S. 515, 533 (1996) (internal citations and quotation marks omitted).

One place where sex classifications allow for the “full development of the talent and capacities of our Nation’s people” is in the context of sports and athletics. Courts have recognized that the inherent, physiological differences between males and females result in different athletic capabilities. See, e.g., *Kleczyk v. Rhode Island Interscholastic League, Inc.*, 612 A.2d 734, 738 (R.I. 1992) (“Because of innate physiological differences, boys and girls are not similarly situated as they enter athletic competition.”); *Petrie v. Ill. High Sch. Ass’n*, 394 N.E.2d 855, 861 (Ill. App. Ct. 1979) (noting that “high school boys [generally possess physiological advantages over] their girl counterparts” and that those advantages give them an unfair lead over girls in some sports like “high school track”).

A recent study of female and male Olympic performances since 1983 found that, although athletes from both sexes improved over the time span, the “gender gap” between female and male performances remained stable. “These suggest that women’s performances at the high level will never match those of men.”⁴

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And as Duke Law professor and All-American track athlete Doriane Coleman, 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.”⁵

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 policies like those of the International Olympic Committee that require biological males to undergo at least one year of testosterone suppression before competing in women’s sports do not create a level playing field. “[T]he reduction in testosterone levels required by many sports federation transgender policies is insufficient to remove or reduce the male advantage by any meaningful degree.” For example, “the muscle mass advantage males possess over females, and potentially the performance implications thereof, are not removed by 12 months of testosterone suppression.” Instead, the study concluded that “The data presented here demonstrates that the male physical performance advantage over females, attributed to superior anthropometric and muscle mass/strength parameters achieved at puberty, is not removed by the current regimen of testosterone suppression permitting participation of transgender women in female sports categories. Rather, it

⁴ Valerie Thibault, et al., Women and men in sport performance: The gender gap has not evolved since 1983, 9 JOURNAL OF SPORTS SCIENCE AND MEDICINE 214, 219 (2010).

⁵ Doriane Coleman, Martina Navratilova, et al., Pass the Equality Act, But Don’t Abandon Title IX, WASHINGTON POST (Apr. 29, 2019), <https://wapo.st/2VKINN1>.

appears that the male performance advantage is largely retained by transgender women and thus remains substantial.”⁶

Dr. Greg Brown, professor of exercise science from the University of Nebraska, explained in his testimony during the Pennsylvania House Education Committee hearing:

Males have undeniable biologically based athletic advantages over females in almost all sports, and research currently indicates that neither transgender identity nor extended use of male-to-female hormones erases those advantages. All that [the Fairness In Women's Sports Act] seeks to do is to ensure that female sports teams are preserved for biological females so girls and women can compete on a level playing field.

Having separate sex-specific teams furthers efforts to promote sex equality. Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors.



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⁶ Hilton, E.N.; Lundberg, T.R. Transgender Women in The Female Category of Sport: Is the Male Performance Advantage Removed by Testosterone Suppression? Preprints 2020, 2020050226 (doi: 10.20944/preprints202005.0226.v1).