



Senate Bill 377 and Senate Bill 378

Public Testimony

Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

December 13, 2023

Thank you Chairman James and members of the committee for holding this public hearing on Senate Bills 377 and 278.

These bills will preserve gender-specific sports categories at the high school and collegiate level, based on the athletes' biological sex, while allowing for the creation of co-ed sports teams. This will ensure that all athletes have equal access to athletic opportunities and fair recognition based on their talents and efforts.

Over 50 years ago, Title IX brought fairness and opportunity to organized sports, which are built on the principle of fair and safe competition. The movement to open female sports to biological males raises legitimate concerns about the inherent physical advantages that males tend to possess. These include differences in muscle mass, bone density, metabolism rates, and lung capacity, which are already emergent by early adolescence. This disparity increases the risk of injury and threatens to diminish the achievements of biological women if traditional gender-specific sports categories are not preserved. Indeed, this has already happened, as you will soon hear in further testimony from people affected by this policy.

Allowing biological males into female sports largely defeats the purpose of Title IX, and changing this arrangement becomes a serious matter when it limits opportunities for female athletes to succeed and advance in their chosen sports.

This legislation has broad bipartisan support in the public. In my 2023 summer survey, I asked constituents the question, "Should someone who is born a biological male be allowed to participate in girls' sports?" An overwhelming 73% of respondents said "No." This aligns with other public polling in Wisconsin and nationwide.

In today's debate about inclusion in athletic competition, we cannot ignore concerns related to fairness, physical advantage, and the preservation of opportunities for female athletes.

Thank you for taking the time to consider this proposed legislation. Representative Dittrich and I would be happy to take any questions you may have.



BARBARA DITTRICH

STATE REPRESENTATIVE • 38th ASSEMBLY DISTRICT

December 13, 2023

Rep. Barbara Dittrich Testimony

SB 377 - designating University of Wisconsin and technical college sports and athletic teams based on the sex of the participants

SB 378 - designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the sex of the participants

Good Morning Committee Chair James and members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families. I appreciate you hearing SB 377 and SB 378 so that Wisconsin women's voices will be heard today. Taking everyone back to when I originally introduced this legislation in 2021, I decided to propose the "Protecting Women in Sports Act" bills, consisting of both K-12 and collegiate level athletics, because of the pleadings of parents whose daughters were competing in sports in my district. As I quickly learned when I agreed to be their champion in the legislature, there is a whole army of women in Wisconsin sports that are fed up with giving their titles and awards to those who were born biological males. Those women along with historic groundbreakers for women's rights in Wisconsin testified on the bills in 2021. These women worked hard and earned accolades in their own right, and they still deserve to have their Title IX rights protected.

What is this Title IX we keep hearing about? On June 23, 1972, Title IX became ensconced in federal civil rights law. That law was historic in its provisions honoring and protecting the abilities and achievements of women in their own divisions in competitive sports. Prior to that time, females were not offered the opportunities to compete in anything other than informal activities, lacking equipment, resources, and scholarships. Since its passage in my youth, Title IX has made a way for women to be inspired by the high achievement of other women. Educational and competitive opportunities have been opened up through scholarships and tournaments.

Now, in a fractured, well-meaning attempt at inclusion, women's achievements have once again been put at great risk of loss. By biological males being permitted to play on women's teams because of gender identity, biological females are once again losing opportunities at titles, scholarships, and even participation. Additionally, by ignoring the scientific, biological fact that males have higher bone density, greater muscle mass, and often greater height, women are being put in physical danger of greater injury in competition.

In fact, much has happened in these past two years since I first introduced this legislation. First off, with a wider public awareness of this issue, Marquette University Law School's latest poll on the matter learned that, "Views concerning sports competition for transgender athletes find a majority, 71%, in favor of requiring that transgender athletes compete on teams that match the sex they were assigned at birth, not the gender they identify with, while 28% are opposed to this." Back in 2021, people really hadn't heard the name "Lia Thomas," the trans swimmer who didn't even finish in the top 10 as a male but who stole the top seat from Riley Gaines, who had worked a lifetime to achieve that top spot in swimming. Since that time, a young lady named Payton McNabb has literally been sidelined by a transgender player who spiked the ball during a high school volleyball game. McNabb received head and neck injuries leaving her with headaches, partial paralysis, and impaired vision that make her unable to now play the game at the collegiate level. A transgender athlete injured three female rugby players in April of 2022. In March of this year, Sun Prairie School District had an incident where a student claiming to be trans disrobed in front of showering freshmen females in their locker room. I could continue.

The good news is that many are coming to their senses seeing that something needs to be done to protect and revere females. Unlike many who would like to deny settled biology, we CAN define what a woman is — an adult human female with two XX chromosomes. FINA, the world's top international swimming association has put restrictions on biological males swimming in women's categories. The International Rugby League announced in 2022 that it was developing a new policy regarding transgender athletes and suspending biological male competition in the female category. In July of this year, UCI, world cycling's governing body banned biological males from competing in the female category if they transitioned after puberty. And just like this proposed legislation, the Boston Marathon created a 3rd category for competition, a "non-binary" category for transgender and non-binary athletes in 2022.

Ladies and gentlemen, there is a fair way to let everyone have their opportunity to engage and compete in athletics without an unfair advantage. When even members of the LGBTQ community like Martina Navratilova and Caitlyn Jenner, both having won multiple awards for their athletic performances, along with a number of brave doctors say that it's wrong for transgender women and girls to compete in female sports, we need to wake up! When a female basketball is smaller than a male basketball, we should be foolish to think hormone treatment or surgery can change the advantage of an individual's hand size. We CANNOT go back to the days where women were deprived of their equal participation and deprived of the respect they deserve. And at a time where we are all so concerned about trauma and mental health, why are we traumatizing the vast majority of our female athletes like this when it is within our power to peaceably solve this problem in a fair way for all?

My fellow legislators, this is not a matter of transphobia, hate, or any of the false pejoratives thrown at women who wish to stand up for women in sports. This absolutely not a "BAN" as the extreme left has tried to claim. This is a matter of equality and justice. Despite the fact I have transgender acquaintances whom I love does not mean that I need give them the right to steal my competitive accomplishments. That is known as overcompensation. This legislation is a matter of fairness based on facts that cannot be changed by the opinions of special interest groups. This legislation is not, as many have said, exclusionary and putting people into boxes. It is giving us an "ALL" category, ensuring that those who may not fit into their birth category have a home to foster their love of their sport with everyone.

I know there are those on this committee who will not listen, no matter what the facts are. Nevertheless, with my testimony is a handout for all of you on the immutable physiological differences between females and males that exist beyond any medical treatment or procedure. Those facts cannot be denied. Just like it cannot be denied that this transgender dilemma never seems to impinge upon men's sports.

Colleagues, this challenge has only grown worse since last legislative session. Let's work together to create a fair place for everyone. I want to thank the committee for their time in hearing this bill today. I am happy to answer your questions.



FAST FACTS SPORTS

The strongest 10% of females can only beat the bottom 10% of men in hand grip tests.²⁸ Hand grip is one of the most widely-used markers for **strength**.



Men are **faster** than women. In running, swimming, rowing, kayaking, and short distance and long distance, women's speed world records are all about 90% of their



men's speed world records.²⁹ Each year, **hundreds** of men easily beat the world's best time in the women's marathon.³⁰

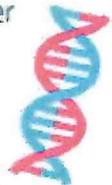
Men have broader shoulders, and larger feet and hands, all of which grant an **advantage** in sports like volleyball, swimming, and basketball.



Male marathon runners have **lower body fat** percentages than female marathon runners.³¹



Men have a greater amount of fast twitch muscle fibers, which give men



explosive power.³²

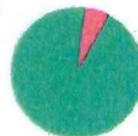
On average, men are physically stronger than women.³³

Men have **66%** more upper-body muscle than women,

and **50%** more lower-body muscle.³⁴



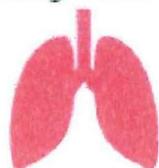
There is a **10%** performance gap between male and female athletes in most sports and it hasn't narrowed as women train harder.³⁵



Men have **higher hemoglobin levels**, allowing their body to oxygenate muscles more quickly and efficiently.³⁶



Men have **larger hearts and lungs**. A larger heart can pump more blood to the body and larger lungs allow for the body's tissues to receive more oxygen.



Men have bigger and stronger bones. A larger skeletal structure means men's bodies can hold **more muscle** and **larger bones** facilitate leverage.³⁷



Men are **taller**, giving them an advantage in sports like basketball or volleyball.



CIVIL RIGHTS & LIBERTIES SECTION

To: Members, Senate Committee on Mental Health, Substance Abuse Prevention,
Children & Families
From: Civil Rights & Liberties Section, State Bar of Wisconsin
Date: December 13, 2023
Re: SB 377/SB 378 – prohibiting transgender females from participating in women’s
school sports

The State Bar of Wisconsin’s Civil Rights & Liberties Section opposes SB 377 and SB 378, prohibiting transgender female athletes from participating in sports designated for women in public or private K-12 schools, as well as at the collegiate level within the UW or technical college system.

In *Bostock v. Clayton County*, the US Supreme Court interpreted discrimination against transgender individuals as sex discrimination. Based on that decision, and subsequent interpretation and application, the Civil Rights & Liberties Section believes this legislation violates the Equal Protection Clause of the 14th Amendment as it would discriminate against transgender female athletes.

In addition, the Section believes excluding any students from participating in athletic events consistent with their authentic gender is harmful and stokes anti-transgender fears. Defining a person's sex as that which is determined at birth by a physician is outdated and has no scientific basis. Further, sex determined at birth tells nothing about the athletic ability of the players.

Evidence shows that transgender females do not have an inherent advantage over cisgender females. The reality is that there are hundreds, possibly thousands, of trans women competing in sports, yet only a handful have had any success at the high school or collegiate level. Women’s sports have continued to grow and thrive in states with policies that allow trans student athletes to compete. There is no evidence that any legislative action is necessary to maintain a level playing field.

Lastly, major medical and mental health associations have found that affirming trans youth in their gender is a critical part of improving physical and mental health outcomes for this population. Therefore, this legislation would be damaging to trans youth, by disaffirming their gender.

For these reasons, the Civil Rights & Liberties Section opposes SB 377 and SB 378.

For more information, please contact our Government Relations Lobbyist, Lynne Davis, ldavis@wisbar.org or 608.852.3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



STATE BAR OF WISCONSIN



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the Senate Committee on Mental Health, Substance Abuse Prevention,
Children and Families
From: Wisconsin Coalition Against Sexual Assault (WCASA)
Date: December 13, 2023
Re: Senate Bill 378
Position: Oppose

The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. WCASA is a hybrid organization: functioning both to support member Sexual Assault Service Providers (SASPs), while advancing the anti-sexual assault movement in the state and nationally.

Transgender girls participate in college sports for the same reasons as everyone else: to improve overall health and fitness, to be part of a team, and to foster friendships and sense of belonging. Furthermore, studies have demonstrated the benefits of girls participating in sports, including enhancing leadership skills and self-confidence¹. When we tell transgender girls they cannot play girls' sports, they miss out on these important experiences and all the lessons they can teach.

25 states have inclusion policies that allow transgender athletes to play sports alongside their peers. Furthermore, the NCAA, the International Olympic Committee (IOC), and USA Gymnastics have also adopted similar policies. Banning transgender girls from participating in K-12 girls' sports teams puts Wisconsin out of step with all these efforts.

Ensuring girls' athletics is on a level playing field is an important goal. That is why laws like Title IX have been so important when it comes to girls' sports. If we want to meaningfully support girls' athletics at the K-12 level, we should focus our efforts on increasing investment in women's coaches and strengthening Title IX to protect female athletes from harassment and abuse. Banning transgender girls from participating in sports does nothing to address these issues.

Furthermore, transgender girls vary in athletic ability just like cisgender athletes. Some girls excel at soccer, some at volleyball, and some at gymnastics. Simply put, there is no reason why a person's genetic makeup and reproductive anatomy should be an indicator of athletic performance.² According to Dr. Joshua D. Safer, "There is no inherent reason why [a transgender woman's] physiological characteristics related to athletic performance should be treated differently from the physiological

¹ Hinkelman, L. (2016) *The Girls' Index: Girls and Sports Impact Report*. Columbus, OH: Ruling Our eXperiences, Inc. Final Girls & Sports Impact Report (squarespace.com)

² Strangio, C., & Arkles, G. "Four Myths About Trans Athletes, Debunked." www.aclu.org, April 30, 2020.
www.aclu.org/news/lgbtq-rights/four-myths-about-trans-athletes-debunked/

characteristics of a non-transgender woman.”³ We should not discriminate against girls and ban them from playing sports because they are transgender.

This legislation also compounds the discrimination transgender people already experience in their daily lives and sends a dangerous message that they are not welcome on sports teams. For example, transgender people experience higher rates of bullying, anxiety, and depression⁴, all of which will be exacerbated if they are not allowed to participate in sports because of their gender identity. Furthermore, transgender women and girls face discrimination and violence that make it difficult to stay in school. For example, 22% of transgender women who were perceived as transgender in school were harassed to such an extent that they had to leave school because of it.⁵ These data contradict the notion that transgender girls have an unfair advantage when participating on women’s sports team. Furthermore, forcing transgender girls to participate on teams that do not align with their gender exposes them to range of serious negative impacts. This includes gender dysphoria and continually being mis-gendered, which increases the risk of suicide, self-harm, and bullying.

Transgender people are also disproportionately impacted by sexual violence, as nearly half of all transgender adults report experiencing sexual assault⁶. Those rates are even higher for Black and Native American transgender people, who thus experience intersecting discrimination and violence related to race and gender identity/expression⁷. Furthermore, this bill is rooted not just in transphobia, but also racism, as the main cases cited by proponents of similar legislation across the country involve two young Black women athletes in Connecticut. Black women in sports have long been subject to racist depictions about their femininity or been accused of cheating in an effort to keep them from competing. Instead of focusing efforts on preventing transgender athletes from participating in sports, we would be better served by ensuring they are treated with dignity and respect by welcoming them K-12 sports teams.

For the reasons stated above, WCASA opposes SB 378, and we urge this committee to take no further action on this legislation. Thank you for your consideration. If you have any questions, you can reach me at ianh@wcasa.org.

³Ibid.

⁴ Turban, Jack L. “Research Review: Gender Identity in Youth: Treatment Paradigms and Controversies.” *The Journal of Child Psychology and Psychiatry*. October 2017.

⁵ James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, D.C.: National Center for Transgender Equality.

⁶ Ibid.

⁷ Ibid.



WISCONSIN CATHOLIC CONFERENCE

TO: Senator Jesse James, Chair
Members, Senate Committee on Mental Health, Substance Abuse Prevention, Children
and Families

FROM: Barbara Sella, Executive Director

DATE: December 13, 2023

RE: Support for SB-378, AB-377, SB-377 and AB- 378 School Sports Participants

The Wisconsin Catholic Conference (WCC), the public policy voice of the Catholic bishops of Wisconsin, appreciates the opportunity to offer testimony in support of Senate Bill 378 and Assembly Bill 377, as well as Senate Bill 377 and Assembly Bill 378.

Senate Bill 378 and Assembly Bill 377 impact public schools, private schools participating in a parental choice program, and independent charter schools by requiring that any interscholastic, intramural, or club athletic teams or sports designate the athletic team or sport as falling into one of three categories based on the sex of the participating pupils: 1) participants who are males, men or boys; 2) participants who are females, women, or girls; 3) coed or participants of both sexes. The bill defines “sex” as the sex determined at birth by a physician and reflected on the birth certificate. The bill also requires the educational institution to prohibit a male pupil from participating on an athletic team or in an athletic sport designed for females. Lastly, the bill requires the educational institution to notify pupils and parents if it intends to change a designation for an athletic team or sport. Senate Bill 377 and Assembly Bill 378 have nearly the exact same requirements for any University of Wisconsin institutions and technical colleges that operate intercollegiate, intramural, or club athletic teams or sports.

Pope Francis has said that “The Church is interested in sport because the person is at her heart, the whole person, and she recognizes that sports activity affects the formation, relations and spirituality of a person.” However, while every person should be given the opportunity to take part in sport, it does not follow that every team must be open to all who wish to join, especially when basic fairness and dignity are at stake.

The United States Conference of Catholic Bishops (USCCB) has affirmed that “[i]n education and in sports, we must seek to avoid anything that debases human dignity, including rejection of a person’s body or unequal treatment between men and women. This has particular relevance in athletics, where male competition in activities designated for women and girls can be both unfair and, especially in high-contact sports, unsafe. It is true that some women have excelled in these events with men. But any time a policy facilitating such male competition takes an athletic opportunity away from a female, it is a loss for basic fairness and the spirit of Title IX.”

As Catholics, we believe that every human being is made in the image and likeness of God and is deserving of dignity, respect, and compassion. We know that each person has been given a natural body that is either male or female. And we affirm, as Pope Francis has written, that “[t]he acceptance of our bodies as God’s gift is vital for welcoming and accepting the entire world as a gift from the Father and our common home, whereas thinking that we enjoy absolute power over our own bodies turns, often subtly, into thinking that we enjoy absolute power over creation.”

We know that some will feel hurt by this legislation. Even as we support these bills and urge their passage, we ask everyone to see each other as members of one human family. We need to listen to one another and to search for ways that bring about unity and mutual respect.

Thank you.



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**TESTIMONY IN SUPPORT OF SENATE BILL 378
SENATE COMMITTEE ON MENTAL HEALTH,
SUBSTANCE ABUSE PREVENTION, CHILDREN AND FAMILIES
WEDNESDAY, DECEMBER 13, 2023
JACK HOOGENDYK, WISCONSIN FAMILY ACTION**

Thank you, Chairman James and committee members, for the opportunity to testify on Senate Bill 378. We support this bill for several commonsense reasons:

Firstly, biological males have numerous physiological advantages. They have greater bone density, muscle mass, and cardiovascular capacity than girls. This remains true even after males have undergone hormone treatment. Often, their physiological advantages remain unchanged or decrease only slightly.

Female athletes deserve fair competition – and that means the chance to maintain women’s categories distinct from co-ed or boy’s/men’s categories. For example, Chelsea Mitchell, once described as the “fastest girl in Connecticut, recounted her experiences in numerous track meets. "I've lost four women's state championship titles, two all-New England awards, and numerous other spots on the podium to transgender runners. I was bumped to third place in the 55-meter dash in 2019 behind two transgender runners," Mitchell recalled. "With every loss, it gets harder and harder to try again. That's a devastating experience," she added. "It tells me that I'm not good enough; that my body isn't good enough; and that no matter how hard I work, I am unlikely to succeed, because I'm a woman."¹

WIAA rules state that “a male-to-female student needs to have a year of testosterone suppression therapy in order to play on a female team.” However, such testosterone suppression doesn’t really make a significant difference. Extensive research concluded that after one year of treatment “the physical advantage enjoyed by biological males over females is only minimally reduced when testosterone is suppressed...Furthermore, the reductions observed in muscle mass, size, and strength are very small compared to the baseline differences between males and females in these variables.”²

Secondly, allowing biological males to compete in girls’/women’s sports enables them to take elite opportunities meant specifically for biological girls/women. Eligibility rules are a part of sports. Athletes must wear legal equipment and uniforms, in-state competitors need to attend a school in that state, and there may be age or grade requirements. These rules make sure that athletes are not playing with an unfair advantage over their opponents. Likewise, it’s only fair that to play in girls’/women’s sports, you need to be a biological female.

Third, allowing males in female sports defeats the very purpose of Title IX: equal opportunity for biological women. Title IX ensures that no one can be denied equal access educational opportunities on the basis of sex. Imagine a world where Simone Biles or Katie Ledecky were relegated to a recreation-only team or a competitive team with far less opportunity than the comparable men’s team. Before the creation of Title IX, that was the world in which many women lived. “Before Title IX, one in 27 girls played sports. Today that number is

¹ ['It tells me that I'm not good enough': Female HS track star recalls 'devastating' impact of losing to transgender athletes | Blaze Media \(theblaze.com\)](https://www.theblaze.com/story/20231213-it-tells-me-that-i-m-not-good-enough-female-hs-track-star-recalls-devastating-impact-of-losing-to-transgender-athletes/)

² Emma Hilton, Ph.D. and Tommy Lundberg, Ph.D. (13 May 2020). University of Manchester, UK. and Karolinska Institute. Department of Laboratory Medicine/ANA Futura. Division of Clinical Physiology. Huddinge, Sweden. Retrieved from: [https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931258260a4e77f/downloads/preprints202005.0226.v1%20\(1\).pdf](https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931258260a4e77f/downloads/preprints202005.0226.v1%20(1).pdf).

two in five.”³ With the dawn of Title IX, women could finally compete on a level playing field against other women, with similar opportunities as men. Historically, Title IX has been used to advance women’s opportunities. Now, some want to use Title IX as a justification to let biological men steal those very opportunities.

Finally, this bill aligns with public opinion. Recent polling done by the Women’s Liberation Front, a feminist organization, shows that most Americans, regardless their political affiliation, agree that female athletes should not be forced to compete against biological men.⁴ Similar legislation has already been passed in 23 states—showing that Americans care about this issue and want to preserve girls’ sports for their daughters and granddaughters.

Wisconsin has the opportunity to do the right thing and protect girls’ and women’s sports so they can excel in the sport or sports of their choice.

Wisconsin Family Action urges you to support this bill and recommend it for final passage.

³ <https://www.womenssportsfoundation.org/education/title-ix-and-the-rise-of-female-athletes-in-america/>

⁴ <https://womensliberationfront.org/womens-sports>

To Members of the Committee:

My name is Tessa Jade Price, and I am a trans woman who works with Trans Advocacy Madison. We organize folks around Madison and all over Wisconsin to advocate for trans people.

This is a unique time for our community. For years now, there has been a massive smear campaign on outlets like Fox News who have platformed violent bigots, and smeared people like myself - once literally a video of me at the Wisconsin State Capitol, as evil.

This bill seeks to ban trans folks from college and university sports. There is no evidence for this supposed problem. There is no competitive advantage for having one gender identity over another. Height, weight, and hormone levels are overwhelming the reasons for competitive advantage, not one's identity. So why is this being proposed and supported by many legislators?

Trans lives are being used as wedge issues in a political game. This bill is a doomed attempt to win elections. Banning young trans adults from school sports serves one major purpose - a foot in the door to banning trans folks from public life - an announced goal of many of the ideologues who push these dangerous bills. The only result here is excluding, abusing, and neglecting trans folks in their schools more than they already are. You will not win elections by hurting innocent people. You will not defeat the queers by hurting innocent people.

Queer and trans folks come to our group and tell us they are routinely abused in schools. They are called slurs like "faggot," "dyke," or "tranny" just like I was as a kid. These people just want to be themselves and all they get in return is vitriol. They are being used as scapegoats for problems they have nothing to do with.

I will not mince words - there is a global genocide under way of trans people starting at our youth and young adults, aiming to wipe us out entirely. The proposed bans on life-saving gender-affirming care is the next big step in that goal. Let me warn you - you cannot wipe us out. You cannot kill all the trans people.

Genocide is doomed to fail. Obvious bigotry and cruelty will not win you elections. If you are a Republican, you might be shocked to hear the average voter in rural Wisconsin isn't quaking in their boots about trans kids in sports. If you are a Democrat, there is no compromise on our lives. Either way we will organize against you with our lives. This is war. This so-called culture war is a war on our lives. We will defeat you. What side of history do you want to be on?

Whatever you choose to do here and going forward about this trans sports ban, or the life-saving gender-affirming care ban - we will track and we will share. Every voter in Wisconsin will know how you voted on hurting innocent young trans adults. And I should warn you - they are much more popular than politicians.

Testimony 12/13

Thank you to the chairman and committee.

My name is Amy Wall, I live in Sun Prairie. I have two wonderful children who actually do not play sports. However, because I am transgender, these bills affect me indirectly.

I am opposed to both AB377/378 and SB 377/378.

The basis of these bills is purely anecdotal. There has been no measure of trans athletes performance over cis gendered athletes. There has been no measure because there is no measurable advantage. But what about cis-gendered girls who sign up for basketball and are 6 foot, have larger feet and bigger hands? They clearly have an advantage. Are they banned from participating? Of course not.

This bill is clearly focused on girls. For sports, we never discuss trans boys and non-binary kids. It boils down to "men vs. women"

This is a "hmmm well" bill. Amy, what is a hmmm well bill? Golly Gee, I'm glad you asked! It is one where a person not invested in the conversation hears "*Fairness in girls sports. Transgender girls. Were assigned male at birth. Are male. Males are better than females. Hmm well I see your point*". It's discriminatory but for the layperson who hears it they are unlikely to immediately oppose it. That's why it's a favorite in the red states to pass early as part of the bigger Republican plan. What is the Republican plan? Remove the queers from public life. To a Republican, there is no such thing as a good queer. Trans kids and adults are easy to target now since many people cannot immediately say one trans person they know.

We talk about "biological" advantage alot. What does that mean? If you look around the world, you will see trans women (again, note it's purely focused on women) are being accused of having "biological" advantage over other women in darts, pool, Irish folk dancing, videogames, etc. People throw around the term biological without understanding or having any means of explaining it. Let me tell you about biology! I have been on hormone therapy since July 2022. I *look* different. I *smell* different. My physical capabilities have changed. When my breasts fully develop, I could lactate and may be able to nurse babies!

Since this bill is based on anecdotes. I have an anecdote for the sponsors!!!

When my late wife and I moved to our house in Sun Prairie, she wanted a craft room to make her cards and other things. There was a spot in the unfinished basement. I did it all. I framed out two walls, hung sheetrock, crown molding. I installed an island on the concrete floor for her to use. In order to carry the 20 pieces of sheetrock down in the basement, I had a little plastic carrier from Mernards. Not really a problem for me, even at age 44. Well, fast forward to 2022, and when I started hormones I was on spironolactone (a testosterone blocker) and estrogen. They had already started to change me. Within several weeks, I knew those days of carrying sheetrock around were over (as long as I continued on them of course). In fact I found I lost quite a bit of my former strength being on the hormones. Muscle atrophy is a part of transitioning for women.

I see the sponsors have authored other more reasonable bills and have to wonder why they need to divert attention from real issues to fight an imaginary battle.

Thank you and I will happily answer any questions you have.



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Wisconsin

December 13, 2023

Chair James, Vice-Chair Cabral-Guevara, and Honorable Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Assembly Bill 377/Senate Bill 378 and Assembly Bill 378/Senate Bill 377.

Plain and simple, excluding trans students from participating in sports teams consistent with their authentic gender identity is harmful and discriminatory.¹ Bills like AB 377/SB 378 and AB 378/SB 377 are part of a nationwide coordinated effort to deny transgender people their freedom, safety, and dignity. In 2023 alone, over 500 anti-LGBTQ bills have been introduced in statehouses across the country.²

Transgender students participate in sports for the same reasons other young people do: to challenge themselves, express themselves, and be part of a team. Excluding transgender students from participation just deprives them of opportunities available to their peers and sends the message they are not worthy of a full life.

Transgender athletes' participation is nothing new. Trans people of all ages have been participating in sports consistent with their gender at all levels for years, including at the Olympics since at least since 2004 and in the NCAA since at least 2011. With close to 20 years of clear policies for inclusion of women and girls who are transgender in women's events at the highest level of sport around the world, there has been absolutely no categorical dominance by women and girls who are transgender anywhere.

¹ A bill with similar provisions to AB 377 was signed into law in Idaho in March 2020. The ACLU, ACLU of Idaho, Legal Voice, and Cooley LLP filed a lawsuit, and a federal judge issued a temporary injunction blocking implementation of the Idaho law in August 2020, reaching the "inescapable conclusion that the Act discriminates on the basis of transgender status." *Hecox v. Little*, 429 F.Supp.3d 930, 975 (D. Idaho 2020). The court further held that given the small percentage of people who are transgender and the extensive discrimination that transgender people face, "[i]t appears untenable that allowing transgender women to compete on women's teams would substantially displace female athletes." *Id.* at 978-79. On August 17, 2023, the Ninth Circuit Court of Appeals upheld the injunction, finding the Idaho law barring transgender athletes from participating in student athletics likely violates the rights of transgender students under the Equal Protection Clause of the U.S. Constitution by discriminating on the basis of sex and trans status. *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023).

² "Mapping Attacks on LGBTQ Rights in U.S. State Legislatures," ACLU (Dec. 12, 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights>.

As the University of Wisconsin-Madison and the Wisconsin Intercollegiate Athletic Conference noted in testimony on AB 378, passage of a bill targeting trans students at the collegiate level would put Wisconsin colleges and universities out of compliance with current NCAA policy and could also subject Wisconsin colleges to an investigation by the U.S. Department of Education's Office of Civil Rights.

Further, testimony from the Wisconsin Interscholastic Athletic Association (WIAA) in opposition to AB 377 stated, "WIAA staff works with its 500+ member schools and its Sports Medical Advisory Committee (SMAC), comprised of 12 medical professionals, collaboratively to develop standards and practices to promote a safe, healthy, inclusive, and positive environment for Wisconsin's student athletes. The WIAA membership of public and private schools has had an existing policy related to transgender athlete participation since 2015," a policy that "has been professionally developed over time, has worked in practice, receives regular review, and has the support of member schools."

Sports governing bodies created existing transgender sports policies for a population that is exceedingly small, and one that already lacks representation in sports due to exorbitant social and socioeconomic disadvantage. Testosterone is one factor of many influencing athletic ability. Trans athletes, like other athletes, do not have a single body type; there is absolutely no merit to the claim that women and girls who are transgender automatically have advantages in sport.³ In fact, particularly when referring to young people, many trans athletes have physiological characteristics that are typical of peers with their gender identity and not their assigned sex. This means that a girl who is transgender may have more physiological characteristics typical of non-transgender girls than non-transgender boys.⁴ Thus, any data purporting to compare the relative athletic abilities typical of non-transgender girls and non-transgender boys simply do not apply to most transgender youth.

For youth, advantage comes largely from proximity to privilege.⁵ The average parent of a child in youth sports spends \$883 per single season of participation.⁶ Meanwhile, disparities faced by the transgender community begin at a young age and impact all facets of life including sports access.

³ Declaration of Helen Carroll from *Hecox v. Little*, https://www.aclu.org/sites/default/files/field_document/hecox_v_little_-_carroll_declaration.pdf.

⁴ See, e.g., *Hecox v. Little*, 419 F.Supp.3d at 980 (D. Idaho 2020) (finding that "there is a population of transgender girls who, as a result of puberty blockers at the start of puberty and gender affirming hormone therapy afterward, never go through a typical male puberty at all").

⁵ "The Making of a College Athlete: High School Experiences, Socioeconomic Advantages, and the Likelihood of Playing College Sports," *Sociology of Sport Journal* (Aug. 2021), <https://journals.humankinetics.com/view/journals/ssj/39/2/article-p129.xml>.

⁶ "Youth Sports Facts: Challenges," Project Play, <https://projectplay.org/youth-sports/facts/challenges>.

Transgender youth are 9 times more likely to experience homelessness and associated poverty.⁷ Sixty-eight percent experience bullying in middle school and high school.⁸ In 2015, 22% of transgender women surveyed stated they were bullied so badly in school that they dropped out.⁹

Without supportive services to help transgender students navigate these additional challenges, it's tougher for them than their peers to make it through class, let alone onto a soccer field. Efforts to ban transgender girls from participating in girls' sports jeopardize their mental health, physical well-being and ability to access education opportunities comparable to their peers. Having the opportunity to participate in sports results in positive outcomes for students — better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem.¹⁰ We should want that for all Wisconsin students.

Effective solutions to promote sporting fairness and equity do exist, like ensuring equal pay and opportunity for women's leagues and providing equal funding for athletic programs at less wealthy public schools. Targeting transgender women is not one of them.

⁷ "Student Homelessness: Lessons from the Youth Risk Behavior Survey," School House Connection (June 2021), <https://schoolhouseconnection.org/wp-content/uploads/2021/06/YRBS-Part-III-Sexual-Orientation-and-Gender-Identity-Equity.pdf>.

⁸ "Bullying and Suicide Risk among LGBTQ Youth," The Trevor Project (Oct. 14, 2021), <https://www.thetrevorproject.org/research-briefs/bullying-and-suicide-risk-among-lgbtq-youth/>.

⁹ "The Report of the 2015 U.S. Transgender Survey," National Center for Transgender Equality (Dec. 2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

¹⁰ Expert Declaration of Dr. Mary Fry from *Hecox v. Little*, https://www.aclu.org/sites/default/files/field_document/hecox_v_little_-_fry_declaration.pdf.

FOR IMMEDIATE RELEASE

DPI-NR 2023-66

Wednesday, Oct. 4, 2023

Contact: DPI Media Line, (608) 266-3559, media.inquiries@dpi.wi.gov

How we can save lives

An open letter from State Superintendent Dr. Jill Underly to the residents of Wisconsin

Dear Wisconsin,

We need to talk. I want to have a conversation based on fact and lived experience, grounded in reality and with the intention of learning, growing, and supporting the children of our state – *all* the children of our state. Our trans and non-binary kids in Wisconsin are hurting. I see it in the data. I hear it from friends. My colleagues tell me stories; yesterday, one told me about attending a memorial service where there was a pile of backpacks on the floor outside the funeral home because the mourners had walked from school. We have to remember that at the center of all of this are kids. Kids who were wanted by their parents; kids who are cherished by their families, friends, and teachers. Kids who crave belonging and inclusion in all the things kids do. The reality is that our children are hurting, and the anti-trans legislation currently being debated stands to hurt them even more.

In every single category of [the most recent Youth Risk Behavior Survey](#), LGBTQ+ youth reported more health challenges (physical and mental) and fewer supportive, mitigating factors (like physical activity, aka sports) than their peers. Trans athletes compete out of a love for the sport, not as a political statement, nor out of sheer compulsion to win at all costs. Their stories are woefully missing from the discussion, and that's not because we shouldn't be listening to them; it's because sharing their stories puts this small population in real danger of attack. And those of us supporting Wisconsin's trans children are doing it out of a belief in support for all kids – again, not as a political or ideological statement. I have no doubt I will also be attacked for this letter. But I'd rather it be me than the kids.

In fact, gender identity is not about ideology at all. It is about identity. The irony is that we all have one – a gender identity, a core self-knowledge of our own selves. That is not the problem, nor is it radical, it just is. What is radical, what is ideological, and what is dangerous is this identity being used as a weapon in a political war where the losses we stand to witness will be measured in the body count of dead children.

(more)

I need to stop talking in future tense. We have already lost children. And we will lose more unless we change. Take a moment. Think of four LGBTQ+ youth. [The data shows that](#), of those four, two of them seriously considered taking their own lives in the previous year, and one of them tried. I'm not willing to lose any of them. And so, yes, I am going to continue supporting policies that support their mental health and physical well-being, not the opposite.

Supporting trans athletes does not threaten girls. Supporting trans kids – including trans student-athletes – supports their physical and mental health. Attacking them in the name of protecting girls harms everyone involved, and lets transphobic policies hide behind people hurling accusations of sexism.

Frankly, I've seen this movie and I know how it ends. Hating people, isolating them, and hurling insults at them because of their identity has never turned out well in our history. So, let's call this anti-trans push for what it is – a dangerous lie – and for what the hate behind it can do – kill children. The fact is, a discussion about what is best for kids has been co-opted by fearmongers posing as saviors, and it's hurting our children and poisoning our communities – both here in Wisconsin and beyond.

The truth is, we do have an ideology as educators – it is the deep-seated belief in the worth and value of our students, in the charge we have to ensure their safety and their growth, in the knowledge they are the future leaders of our world and the hope that we are preparing them well for that role. We teach empathy, and we teach compassion – for ourselves and for others. That is our ideology, one of kindness and fellowship. I don't think that's radical. It's definitely not sexist. Honestly, I think it's rather beautiful.

If anyone is radical, it is the willing peddlers of disinformation and bigotry. We hear it all too often and at too loud a volume right now. This is the reason I'm writing today. Because they might be loud, but we – the kind, the compassionate, the supporters – *are right*.

Sincerely,

Jill Underly, PhD
Wisconsin State Superintendent of Public Instruction

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NOTE: A related video message is available on the [Wisconsin Department of Public Instruction's YouTube channel](#). A headshot for publication of State Superintendent Dr. Jill Underly is available on the [Wisconsin DPI's website](#). This open letter is available online on the [news release page of the DPI's website](#).



WISCONSIN LEGISLATURE

P.O. BOX 7882 • MADISON, WI 53707-7882

To: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

From: Senator Mark Spreitzer, Senator Tim Carpenter, Representative Greta Neubauer, and Representative Lee Snodgrass, Representative Marisabel Cabrera

RE: Senate Bill 377/Assembly Bill 378

Date: December 13, 2023

Chair James and committee members:

As the Wisconsin Legislative LGBTQ+ Caucus, we are submitting written testimony today in opposition to Senate Bill 377/Assembly Bill 378. We ask that our testimony be shared with all members of the committee, and be entered into the committee record for this bill.

This bill discriminates against transgender students in Wisconsin by denying transgender women the opportunity to participate in women's sports. All young people should have the opportunity to participate in school-sponsored athletics consistent with their gender identity.

Categorical exclusion of transgender women from participating in school sports alongside their peers is harmful because it singles out transgender youth and denies them the opportunities provided by organized sports and being part of a team. Studies have shown that participating in youth sports can lead to lifelong, positive impacts on a child's physical, mental, emotional, and social health. In addition to helping students stay fit and build physical activity into their lives, youth sports allow students to develop deep and lasting friendships with their peers. Athletes learn life skills such as empathy, leadership, perseverance, and teamwork that will help them throughout the rest of their lives. We know that access to youth sports is crucially important to every student's success.

This bill also likely violates federal law. In 2020, the U.S. Supreme Court ruled in *Bostock v. Clayton County* that federal bans on sex discrimination must be read to prohibit discrimination on the basis of gender identity. This means that where the federal government bans discrimination on the basis of sex, it also bans discrimination against transgender people. The U.S. Department of Education is currently engaged in federal rulemaking to make clear that categorical, one-size-fits-all restrictions on transgender students participating in organized school athletics violate Title IX of the Education Amendments of 1972.

Senate Bill 377/Assembly Bill 378 was previously introduced in the 2021-2022 legislative session as 2021 Assembly Bill 195. Last session, members of this committee heard hours of testimony from those who shared how this bill would discriminate against and stigmatize transgender and nonbinary college students in Wisconsin. Students, parents, teachers, coaches, and others shared last session – and will



WISCONSIN LEGISLATURE

P.O. BOX 7882 • MADISON, WI 53707-7882

share again this session – how the introduction of this bill is harmful and ostracizing to members of the LGBTQ+ community.

Although this bill will not become law in our state, its reintroduction alone is harmful. Recent national surveys have shown that 86% of transgender and nonbinary youth reported negative impacts to their mental health from the introduction of anti-transgender bills, with nearly 1 in 3 LGBTQ+ young people stating that their mental health was poor “always” or “most of the time” due to anti-LGBTQ+ policies and legislation.

Senate Bill 377/Assembly Bill 378 would further stigmatize and isolate transgender youth, who are already vulnerable. A recent national survey by the Trevor Project found that half of transgender and nonbinary young people seriously considered attempting suicide in the past year, and a 2022 study in the Journal of Interpersonal Violence found that 86% of transgender youth reported suicidality with 56% reporting a previous suicide attempt. This bill will put the physical and mental health of transgender youth in Wisconsin at risk.

We ask that you not schedule Senate Bill 377/Assembly Bill 378 for a vote. If Senate Bill 377/AB 378 comes before you for a vote in this committee or on the Senate floor, we ask that you vote no. This bill is deeply harmful, unnecessary, and dangerous. We hope that you will join us in telling transgender and nonbinary youth in our state that they are seen, are loved, and that they belong here in Wisconsin.

Sincerely,

Mark Spreitzer

State Senator

15th Senate District

Tim Carpenter

State Senator

3rd Senate District

Greta Neubauer

State Representative

66th Assembly District

Lee Snodgrass

State Representative

57th Assembly District

Marisabel Cabrera

State Representative

9th Assembly District



WISCONSIN INTERSCHOLASTIC ATHLETIC ASSOCIATION

December 13, 2023

Chairman James and members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families:

The Wisconsin Interscholastic Athletic Association (WIAA) would like to express our concerns and opposition to both SB 378 and AB 377.

WIAA staff works with its 500+ member schools and its Sports Medical Advisory Committee (SMAC), comprised of 12 medical professionals, collaboratively to develop standards and practices to promote a safe, healthy, inclusive, and positive environment for Wisconsin's student athletes.

The WIAA membership of public and private schools has had an existing policy related to transgender athlete participation since 2013. This policy has been professionally developed over time, has worked in practice, receives regular review, and has the support of the member schools. While the WIAA staff and the member schools encourage thoughtful and open dialogue on how to improve policies, we do not support a legislative end-run around membership processes.

As a private, not for profit association, the WIAA will object to any legislative action which circumvents the well-established processes of the membership. We encourage legislators to vote against SB 378 and AB 377.

Sincerely,

Stephanie Hauser
WIAA Executive Director



WISCONSIN COUNCIL
OF CHURCHES
COURAGE. JUSTICE. HOLY IMAGINATION.

30 W. Mifflin, Suite 602
Madison, WI 53703

To: Members of the Senate Mental Health, Substance Abuse Prevention, and Children & Families
From: Eyon Alexander Biddle, Sr., Advocacy and Engagement Facilitator,
Wisconsin Council of Churches
Date: December 13, 2023
Re: Testimony in opposition to SB 378

The Wisconsin Council of Churches (WCC) is a network of Christian churches and faith-based organizations committed to working together across our many differences to promote collective good. We connect 21 Christian traditions with approximately 2,000 congregations and over one million church members. Exercising holy imagination, we help one another make courageous choices that lead toward peacemaking, social and economic justice for Wisconsin's most vulnerable residents, the vitality of the church, and the well-being of our neighbors.

As a Council, we have adopted a statement on Nonviolence that reminds us that "Faithfulness to its mission requires the Church to speak out against violence, minister to its victims, and work tirelessly to reduce the level of violence in society." We come here today to decry the violence in SB 378.

Transgender individuals are unnecessarily under attack, and this legislation is just one of many items currently before our state legislature that cause undue harm to a marginalized community. The isolation and demonizing that this bill promotes are spiritually harmful, empowering hate speech and hateful action. Transgender individuals are children of God who deserve a dignified existence.

While it may seem strange to have a group of churches and people of faith speaking on sports, the reality is that we share some commonalities. Sports teams, like our churches, are meant to be shared spaces to bring people together and build people up. They create community and provide outlets for health, wellness, and collaboration. This bill fails to do any of those things. It does quite the opposite, creating needless division and punishing our young people simply for being who they are in the world.

Our faith teaches that God is relentless in pursuit of well-being for the world and its inhabitants. As Christians, we are called to facilitate communities of well-being and public policy that does not harm. In this spirit of love and accountability, we reject SB 378 on its merits and ask this body to do the same.

Thank you for your time.

NASW WI TESTIMONY IN OPPOSITION TO 2023 ASSEMBLY BILL 377 AND SENATE BILL 378 BEFORE THE SENATE COMMITTEE ON MENTAL HEALTH, SUBSTANCE ABUSE, CHILDREN AND FAMILIES ON DECEMBER 13, 2023

Chairperson James and members of the Senate Committee on Mental Health, Substance Abuse, Children and Families.

My name is Marc Herstand, I have served as Executive Director of the National Association of Social Workers Wisconsin chapter for the last 31 years.

I am speaking in opposition to Assembly Bill 377 and Senate Bill 378 which would ban transgender youth from participating in K-12 sports teams.

During the 2019-2020 legislative session, Speaker Robin Vos established a Task Force on Suicide Prevention, which held statewide hearings and developed legislation to help address the high suicide rate in Wisconsin. During the 2013-2014 legislative session, Speaker Vos established a Task Force on Mental Health. This Task Force also held statewide hearings and developed legislation to help address unmet mental health needs in Wisconsin.

The Covid-19 pandemic has greatly exacerbated already high levels of suicidality, mental health and substance abuse in our state that were examined in these early Task Forces. Our current Legislature and Governor have begun taking steps to address these very challenging conditions.

Unfortunately the impact of Assembly Bill 377 and Senate Bill 378 would undermine these important efforts and increase suicidality, depression, anxiety and other mental health challenges among transgender youth in our state.

Transgender young people face greatly increased rates of suicidality, depression and bullying compared to other children. More specifically an analysis of data from the 2017 and 2019 Youth Risk Behavior State and Local Survey showed that almost 44% of transgender youth, versus 16 percent of cisgender youth, reported considering suicide in the previous year. Almost 30% of transgender youth had made at least one suicide attempt compared with only 7.3% of cisgender youth. 59.4% of transgender youth compared to 33.5% of cisgender youth reported feeling sad or hopeless in the previous 12 months. 50% of transgender youth reported feeling bullied at school or electronically compared to 23% of cisgender youth. 34.6% of Transgender youth reported that they skipped school due to safety concerns in the past 12 months compared to 9.3% of cisgender children and 28% of transgender youth compared to 7% of cisgender youth were threatened or injured with weapons on school property in the past 12 months.¹ These bills will further stigmatize these children and contribute to the already high levels of mental health distress and suicidality faced by transgender children.

In addition to the negative impact of Assembly Bill 377 and Senate Bill 378 on the mental health of transgender youth, there is absolutely no evidence that there is a problem in Wisconsin of transgender girls putting non-transgender girls at a disadvantage. In a state of 5.9 million people, advocates for this legislation have been unable to find more than a few cases where a transgender girl actually won a race. The reality is that very few transgender youth actually participate in athletics. And when cases are cited invariably these cases don't hold up to evidence. One example promoted by one of the legislative advocates for this bill, reported by the Milwaukee Journal Sentinel in a front-page article on May 11, 2021, is of a 28-year-old transgender woman who won a 50 kilometer race a year ago. The non-transgender women who came in second strongly objected to the assertion that she came in second

because the other runner was transgender. According to the MJS article, she stated, “How could they be co-opting something for me that is pure joy” It’s kind of harsh someone is trying to leverage me and painting a picture as if I’m upset or mad about coming in second, which happens all the time. Emma was having a good day and I was having a bad day”.²

I would also like to mention that for high school athletes participating at the highest level of competition, the Wisconsin Interscholastic Athletic Association (WIAA) already has a policy governing participation by transgender youth. There is absolutely no need for the State of Wisconsin to get involved with this policy.³

Young people of all sexual orientations and gender identities learn many important life lessons in sports: leadership, confidence, self-respect, self-discipline and working as a team. No child should be denied the opportunity to participate in sports, simply because of who they are. We should not discriminate against kids and ban them from playing simply because they are transgender.

Please reject this bill that is not needed to solve any problem in our state and that will further stigmatize transgender youth in our state who are already facing huge levels of suicidality, depression and mental health distress.

Marc Herstand, CISW MSW
Executive Director
National Association of Social Workers, Wisconsin Chapter

1. <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play/>
2. “Bills banning trans athletes stir debate in Wisconsin” Milwaukee Journal/Sentinel, Tuesday May 11, 2021
3. <https://www.wiaawi.org/Portals/0/PDF/Eligibility/WIAAtransgenderpolicy.pdf>

TO: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families
FROM: Rev. Douglas Clement, United Methodist Pastor
DATE: October 10, 2023
RE: Senate Bill 378 – designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the sex of the participants

My name is Rev. Douglas Clement, my pronouns are he/him/his, and I am an ordained United Methodist pastor serving in the state of Wisconsin. I am writing in opposition to the proposed SB 378.

Growing up, I was taught that being a Christian and being an American meant embracing the wide diversity of thought, practice, and personhood that exists in our communities. I remember learning how Jesus told us we were to “love one another” (John 13:34) and how, as people living in the United States, we had the right to “live, liberty, and the pursuit of happiness”. While there have certainly been times when we haven’t always lived up to these ideals, the act of striving for them (and of believing they should be for all people) were (as I understood it) fundamental to who we are.

As a United Methodist, I am part of a tradition and a movement that has fought throughout our history to make this a reality. Our own Social Principles call us to “work toward societies in which each person’s value is recognized, maintained, and strengthened” and to “deplore acts of hate or violence against groups or persons based on race, color, national origin, ethnicity, age, gender, disability, status, economic condition, sexual orientation, gender identity, or religious affiliation.” (§162, *The United Methodist Book of Discipline*, 2016). Which is why I feel compelled to speak out against these bills.

SB 378 seeks to amend statute 118.13, carving out from the broader “...no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity...” an exception to bar transgender students from participating according to their gender identity. By singling them out because they are transgender, this bill gives credence to the falsehood that they are somehow “dangerous” and “unsafe to be around”. It gives space for hateful rhetoric, for bullying behavior, and for discriminatory practice. In fact, it *requires it* (by prohibiting these individuals from participating in athletics and other extracurriculars according to their gender identity).

There are multiple instances, both in scripture and in the history of our nation, where we have witnessed the consequences of our failure to include and care for those on the margins. As the Apostle Paul observed in his letter to the churches in Corinth, we are all members of one body (i.e. community). “If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it.” (1 Corinthians 12:26). Yet, rather than encouraging this kind of relationship and community-building, proposed SB 378 creates further division among young transgender folks and their peers (at a time when they are most in need of such relationships), and puts them at greater risk for lasting harm.

The truth is, our brothers, sisters, siblings who are transgender are made in the image of God, same as you or me. They deserve the same love, acceptance, and affirmation. They deserve the same chance to be able to share their skills, talents, and passions. And they deserve to participate with their peers *according to their gender identity*.

I ask you to give them the same opportunities that have been afforded to generations of young folks. Vote “no” on SB 378.

My name is Emmett Lockwood, I play on the University of Wisconsin - Madison Men's Water Polo team. And right now I should be working on finals, I should be studying with my friends, or discussing bayesian updating formulas with my classmates. But instead, I am writing this testimony.

I am writing this testimony because I have been playing water polo since I fell in love with the sport in 2013. I love the sport even when I miss shots or am out of breath trying to swim fast enough, maybe even especially then. I am writing to plead with you to let me play this sport I love. I have to plead because the passing of AB 378 would require me to enter an appeal which I have been given information would most likely fail with the Collegiate Water Polo Association to discount my hormone levels to allow me to play on a women's team in accordance with the fact that I was assigned female at birth. AB 378 would force me, an individual who has been on testosterone for over 2 and a half years to play on a women's team and would force me, someone who identifies as a man back into women's changing rooms during competitions.

AB 378 claims to be in protection of those assigned female at birth. I don't need protection from my teammates who are all assigned male at birth. Maybe this body may be more successful in turning it's efforts to the defense of the player on the University of Illinois team who I tackled while playing defense against him during a game in October. But, in all seriousness, if this legislative body was truly interested in making a better experience for women and girls in sports as someone who was the Captain of my high school's Women's Water Polo team this is not what you need to be tackling. This body needs to look at the Women's Sports Foundation's list of barriers to fair play including finances, a lack of women in sports leadership, and a lack of adequate media coverage. I did not have my first female coach in Water Polo till I was seventeen. The inclusion of transgender women and transgender men in collegiate sports does not come up on the list.

It is conversations of exclusion like these that have led to students egging the windows of other transgender students on UW-Madison's campus, and have led to this being the third time in my undergraduate career I have had to defend my ability to play the sport I love. Transgender athletes belong in the pool, on the rink, on the court, and on all athletic teams.

Best,
Emmett Lockwood

Dear members of the Committee on on Mental Health, Substance Abuse and Children and Families,

My name is Bex Streit and I am a Transgender man and resident of the city of Milwaukee for the past 10 years.

I am speaking today to urge you to vote NO on Senate bill 378. As a Wisconsinite and Trans person, I am opposed to this bill because it seeks to fix a problem that does not exist and in doing so excludes an already vulnerable population of young people. As a former student athlete myself I can tell you that sports played an important role in shaping me into the person I am today. Belonging to a team helped me to feel less alone and more accepted at a time when I didn't feel like there were many places for me. Unfortunately for me, coming into my Transness pushed me out of the sports I love for a number of years during college. Personally feeling excluded from those spaces took a huge toll on my health mentally and physically. Luckily for me I have been able to recently get involved in sports again and it has brought back some great joy in my life. Please do not let falsities and mis-information take away a valuable part of the college experience from other student athletes.

If passed, this bill will cost lives. At a time when LGBTQ+ youth are already struggling with harassment and discrimination, we should be making it clear that they are safe and welcome in Wisconsin.

Thank you for your time!

Bex Streit
Milwaukee, WI 53212



Women's Declaration International

Testimony of Kerri Bruss

Before the Senate Mental Health, Substance Abuse Prevention, Children and Families Committee
Wisconsin Senate Bills 377, 378 and Assembly Bills 377, 378
December 12, 2023

SUPPORT

Thank you, members of the Senate Mental Health, Substance Abuse Prevention, Children and Families Committee, for allowing me the opportunity to provide written testimony in support of SB 377, SB 378, AB 377, and AB 378. My name is Kerri Bruss and I reside in Waukesha County, Wisconsin.

Women's Declaration International (WDI) is a global, nonpartisan group of volunteer women dedicated to protecting women's sex-based rights. [WDI USA](#) is its U.S. chapter. WDI is based on the [Declaration on Women's Sex-Based Rights](#), which has over 37,000 signatures globally. WDI USA urges you to support these bills on the basis of Article 7 of the Declaration, "Reaffirming women's rights to the same opportunities as men to participate actively in sports and physical education," an Article which is consistent with Article 10 (g) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as with the Title IX Education Amendments of 1972.

In recent years, there has been an incursion of men and boys into women's and girls' athletic competitions on the basis of so-called "gender identity," a linguistic mechanism by which men and boys claim the identity of women and girls. This claim has no basis in observable material reality.

The provision of single-sex sports is necessary if women and girls are to have opportunities that are on a par with those of men and boys. As Eric Vilain, a professor of human genetics at UCLA and consultant to the IOC medical commission has [noted](#), "We separate men and women into categories because we want women to be able to win some competitions. There is a 10% to 12% difference between male and female athletic performance." Significant differences in the average bone density, heart size, lung volume, hemoglobin levels, and muscle development of men and women, among other physical differences, result in men being able to generate higher speed and power during physical activity. Even after two years of testosterone suppression, males [retain physical advantage over females](#), especially when it comes to speed.

If sex segregation in sports continues to be eroded, more and more women and girls will lose their spots on teams and podiums to males. This is in direct opposition to Title IX, as well as common sense and the principles of fairness in athletic competitions. It is fairness – a level playing field – that must prevail over arguments about the inclusion of males as females, if women's and girls' sports are to exist as legitimate competitions. I urge you to support these bills and help save women's sports in Wisconsin.

Kerri Bruss
Signatory to the Declaration on Women's Sex-Based Rights
Country Contact WDI USA

December 12, 2023

To the Committee on Mental Health, Substance Abuse Prevention, Children & Families,

My name is Rev. Jen Petricca Bloesch, and I serve as the pastor at Community of Hope, UCC/Madison Christian Community on the west side of Madison. I am writing to you today to share my concerns and opposition to the 2023 Assembly Bill 377.

I believe that a bill that prescribes sports participation solely on the basis of sex (assigned at birth)-- and therefore effectively outlaws the participation of transgender students from participating in sports in accordance with their gender identity-- is a gross legislative overreach which unnecessarily harms transgender students. Whether or not students are allowed to participate in sports groups and competitions that correlate with their gender identity should be the decision of the school and should be considered on a case-by-case basis, not enshrined as law.

Additionally, this bill clearly targets transgender students, who represent a very small fraction of students playing sports. In the infrequent example where concerns about fairness-- particularly in girls' sports-- exist, there are other avenues to pursue to increase fairness that do not require the government to enact law that allows for no flexibility or case-by-case consideration.

I am especially concerned about the harm done to transgender individuals who are singled out and legally forbidden from participating in school sports that match their gender identity. I believe this will have an outsized impact on the mental health and well-being of a small group of people who already experience isolation and vulnerability due to their gender identity. I would not like to see our fair state of Wisconsin take additional steps to marginalize these individuals and create additional and unnecessary harm.

I urge you to oppose Assembly Bill 377.

Sincerely,

Rev. Jen Petricca Bloesch
Madison, 53704

To the members of the Senate Committee on Mental Health, Substance Abuse and Children and Families:

Please oppose the Transgender Athlete Bans for both K-12 and Universities (AB 377 & 378 + SB 377 & 378). We are all different, don't you think that those little men who swam against Michael Phillips felt there was an unfair advantage??? Besides, we're not talking about the Olympics.

I've lived in WI since 1974. I was a teacher in the public schools for 37 years and know how important playing in sports is to team building skills! I've also been a leader in PFLAG Door County since 1995. PFLAG is a National organization of LGBTQ+ people, parents, families, and allies who work together to create an equitable and inclusive world. We are hundreds of thousands of people and hundreds of chapters from coast to coast who are leading with love to support families, educate allies, and advocate for just, equitable, and inclusive legislation and policies. Since our founding in 1973, PFLAG works every day to ensure LGBTQ+ people everywhere are safe, celebrated, empowered and loved.

Let kids be kids!
Thank you,

Sandy Brown
811 N. 5th Ave.
Sturgeon Bay, WI 54235



December 13, 2023

Testimony of Wisconsin Faith Voices for Justice re: Ban on Trans Youth Participation in Sports

Re: SB 377 (Colleges); SB 378 (k-12)

To: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

Contact: Rabbi Bonnie Margulis, Executive Director, Wisconsin Faith Voices for Justice, wifaithvoices4justice@gmail.com; 608-513-7121

I am Rabbi Bonnie Margulis, Executive Director of Wisconsin Faith Voices for Justice. We are a statewide, non-partisan, interfaith organization dedicated to promoting social justice in Wisconsin. I am submitting this testimony today to oppose any and all legislation that harms members of the LGBTQ+ community, especially young people in that community. And make no mistake, legislation that seeks to bar students from team sports does grave harm.

When we ban trans students from participating in school sports, we deny them the opportunity afforded to other students to learn leadership skills, the value of teamwork, and the discipline of hard work and cooperation toward a common goal. But even more importantly, we send them and the rest of the community the message that trans students are not worthy of the same rights and opportunities as other students. We send the message that members of the trans community are somehow 'less than', Other, less worthy of being treated with the same dignity and respect as everyone else.

The stigma created by these messages is the reason depression, anxiety, and suicidality are at a crisis level in the LGBTQ+ community. According to the Trevor Project's 2020 National Youth Survey on LGBTQ mental health, 40% of LGBTQ youth seriously considered attempting suicide in the previous 12 months, with more than half of trans and nonbinary youth having considered it.

The members of Wisconsin Faith Voices for Justice come from many different faith traditions. We are Jewish, Christian, Muslim, Buddhist, Baha'i, Wiccan, Hindu, Quaker, Unitarian, and others. We have different beliefs and practices. But all our faiths teach the same basic value that honors the worth and dignity of every human being and the imperative above all else to love others as we love ourselves and to do no harm. We call upon our legislature to refrain from doing harm to the trans community and to vote against these bills.

Rabbi Bonnie Margulis
Madison, WI 53719

Dear All Committee Members,

I urge you to NOT pass bills SB 377/378 and AB 377/378.

I am an intersex person, which I know is not the same, but these bills would also affect folks like me that may have sex chromosomes that don't "match" their identity. When I found out at the age of 15 that I was a girl with xy chromosomes, I was scared and alone. I didn't know if I was supposed to be a girl or a boy. I felt like a girl, but my biology told me I was a boy. One of the things that saved me at that age was playing volleyball. It was the one place I felt like myself. I was celebrated for being so tall instead of being looked at with side eyes. Volleyball was a place I felt safe and had people around me that loved me. If I would've been told I couldn't play volleyball, I don't know what I would've done, but I know it would have been very bad, not only for myself, but the effects it would have had on my family.

Bills like SB 377/378 and AB 377/378 would take opportunities like this away from kids. They are kids and it is just a game.

I was lucky enough to get a scholarship to play Division 2 volleyball. If I didn't have volleyball, I most likely wouldn't have gone on to college, gotten 2 degrees and met people who are still my close friends today from all over the world.

As much as I love the competition of sport, it boils down to the fact that it is just a game and it is supposed to be fun. Let's not take fun and opportunities away from kids, just because they don't follow gender norms.

Thank you for listening. I live in Prairie du Sac, WI and I oppose bills SB 377/378 and AB 377/378

Michelle Vande Hey

Dear members of the Senate Committee,

My name is Anna Knapp and I am a resident of Liberty Grove. I've lived in Wisconsin for the last 13 years and grew up right here on the family farm where I currently live with my husband and 2 daughters. I am a parent of a transgender teenager. My daughter has the support of our entire family of 4 as well as extended family--aunts, uncles, grandparents, cousins who also live and vote here in Wisconsin.

I am writing to urge you to vote NO on Senate Bills 377 and 378. As a Wisconsinite, I am opposed to these bills because these bills discriminate against transgender individuals. I can tell you from a family who lives this reality that my daughter being able to participate in 3 seasons of school sports--volleyball, basketball, and softball. In all cases, she is on the team that matches her gender identity. She has always played on these teams. She gains great confidence and self-esteem from being included in our small school sports teams. Her mental and physical health is excellent because she is an athlete on these teams. She is definitely not the best athlete on the team, but she's a part of the school spirit and camaraderie that comes from being part of the team.

Our small school district would not be able to support having multiple teams divided by gender. There are just not enough kids in our school to support this. What will this mean for a kid like my daughter? Exclusion is what it means. Being told that even though you are one of the most "girly" girls in your grade (by appearance and actions), you don't belong on the girls volleyball team.

Why would our state government support this kind of discrimination? Let's be inclusive and show support for all kids. There are a lot of different types of kids on every team--as I watch our school's football or basketball team, whether it's middle school or high school level--I see all types of bodies and maturity levels even on the same team. Some of those kids are over 6 feet tall and some are under 5 feet tall. Some are extremely muscular and some are not. It doesn't matter what their gender expression is. These differences exist in all situations. Let's support all of them and let them play.

If passed, these bills will cost lives. At a time when LGBTQ+ youth are already struggling with harassment and discrimination, we should be making it clear that they are safe and welcome in Wisconsin.

Sincerely,
Anna Knapp
Ellison Bay, WI 54210
Township of Liberty Grove

I oppose The Bill **SB 377/378** and **AB 377/378**!

- **Transgender kids, like other students, deserve the same chances to learn teamwork, leadership, and self-discipline**, and to build a sense of belonging with their peers. When we tell transgender girls that they can't play girls' sports—or transgender boys that they can't play boys' sports—they miss out on this important childhood experience and all the lessons it teaches.
- Title IX is vitally important when it comes to girls' sports. **If we want to support girls' sports, we should be providing more funding and more opportunities to play and creating stronger laws to protect female athletes from harassment and abuse**—not banning transgender youth from participating in sports.
- **Transgender kids want the opportunity to play sports for the same reason other kids do: to be a part of a team where they feel like they belong.** We should not discriminate against kids and ban them from playing because they are transgender.
- This legislation **compounds the discrimination** transgender people already experience in their daily lives.
- **Transgender people are also disproportionately impacted by sexual violence**, as nearly half of all transgender adults report experiencing sexual assault. Those rates are even higher for Black and Native American transgender people, who thus experience intersecting discrimination and violence related to race and gender identity/expression.
- Instead of focusing efforts on keeping transgender athletes from participating in sports, we would be better served by **ensuring they are treated with dignity and respect** by welcoming them on sports teams.

Andrea Rodriguez

Lac du Flambeau, WI
54538

My name is Aedan Gardill and am a resident of Madison, WI. I am firmly against the Senate bills SB 377/378 and AB 377/378. Any child has a right to play sports, regardless of how they identify.

I also find it abhorrent that the Wisconsin legislature is so focused on the sexual identity of children. Children's sports hold almost no importance in the grand scheme of life -- these kids are not trying out for professional league sports teams, so why does it matter, in the end, that a non-binary or trans child play on one or the other sports team?

Aedan Gardill
Madison, WI

To the members of the Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families,

My name is Mandi Garcia and I am typing this email as my written testimony opposing the bills SB 377/378 & AB 377/378 that would ban Transgender and Non-Binary youth from participating in team sports.

To pass this bill would be equivalent to supporting the act of division, exclusion, isolation and is condoling violence, and hate.

This is personal to me because I am the mother of a transgender daughter. Throughout my daughter's high school years, she was involved in sports and in theater. Having the chance that she and every child and human deserve in their lifetime, is critical to their exploration of skills, strengths, weaknesses, self-confidence, self worth and can ultimately pave the path for future endeavors and success. To steal this right of another person is a disgusting, shameful and nothing more than an act of fear and hate.

We as the human race have one chance at this lifetime. Let's be better do better and lose that dire need for control and power over other human beings. There are far more important things you could be fighting for. Like peace, love, and equality.

Thank you for your time and consideration.

Mandi Garcia

Middleton, WI
53562

Megin McDonell
Executive Director, Fair Wisconsin
122 E. Olin Ave. Ste. 100
Madison, WI 53713

To All Members of the Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families, Clerk and Staff,

Good morning. My name is Megin McDonell, I am the Executive Director of Fair Wisconsin – Wisconsin’s only statewide LGBTQ+ civil rights and political advocacy organization – and I am also the parent of a transgender child.

I am speaking today in opposition to Assembly Bills 377 and 378, as well as their counterparts, Senate Bills 377 and 378. These bills would ban transgender students at K-12 schools and Wisconsin colleges and universities from playing on sports teams that align with their lived gender.

This legislation is harmful, unnecessary, and only seeks to further divide our communities. Transgender and non-binary athletes play sports for the exact same reasons as other college students their age: staying healthy, being part of a team, and fostering friendships – all lifelong benefits of playing a sport.

It can be hard to understand what it means to be transgender, especially if you’ve never met a transgender person. And it’s common to have questions at first. But we can all agree that transgender kids should be treated with dignity and respect, just like everyone else.

When we tell transgender girls that they can't play girls' sports – or transgender boys that they can't play boys' sports – they miss out on this important experience and all the lessons it teaches.

Like other students, some transgender and non-binary youth turn to sports as an affirming space. Preventing them from participating sends a dangerous message to all youth about not being welcome or wanted, and increases risks to their physical and emotional wellbeing. **Major athletic associations such as the NCAA, the International Olympic Committee, and USA Gymnastics have instituted policies that allow transgender athletes to participate professionally.**

The introduction of these bills adds Wisconsin to a growing list of states that are introducing similar legislation as part of a coordinated effort by national anti-LGBTQ activists to spread myths and misinformation about what it means to be transgender and chip away at support for LGBTQ equality.

Laws like these do not protect girls' and women's access to sports. Instead, they create greater inequality and fail to address actual barriers to access like a lack of resources, lack of training, and lack of investment in women coaches.

And they are a 'solution' in search of a problem: 25 states have athletic inclusion policies that allow transgender youth athletes to play alongside their peers—providing for a level playing field and protecting transgender youth from discrimination. These policies make it possible to create pathways to participation for aspiring athletes.

K-12 schools and colleges and universities across the nation are already creating policies that protect their transgender students and ensure a level playing field for all students—and they're working. Blanket bans on transgender student athletes undermine those local efforts.

All our kids, regardless of their gender, deserve to be able to play on sports teams in Wisconsin. It's that simple.

Please vote against Assembly and Senate Bills 377 and 378, and protect the right to play sports for *all* students. Thank you.

Hello,

My name is Megan Spielbauer Sandate, and I am a queer Madison resident. I am testifying to state my opposition to AB 377, AB 378, SB 377, and SB378 and make clear why I think that moving these pieces of legislation forward will be harmful to all students but particularly trans and nonbinary students.

Students should be able to be their most authentic selves at school, whether that is K-12 or higher education. This bill would negatively impact queer students, particularly trans and non-binary students. Students should be able to decide what their gender means to them and what sports team they play on. TERFs, or "Trans-Exclusionary Radical Feminists" have pushed a terrible narrative about trans femme people, making them out to be predators and somehow "stealing" from cis women when they participate in "femme-designated" activities. This bill with its specific provision about prohibiting "male" students from participating in "female" or "women's" sports is a perfect example of how trans femmes are being targeted in anti-trans legislation and popular media. Additionally, designating activities, including various sports, as "women's sports" is based on misconceptions around gender and an over-commitment to outdated gender roles. Second, numerous studies have shown that trans athletes have minimal to non-existent advantages to their cis peers, so the idea that trans athletes will dominate all sports because they are trans is unfounded.

This is why I encourage you to strike down these bills. These bills are not rooted in science but fear and hatred. Politicians and others are scapegoating and vilifying the trans community in order to push an agenda of "family values" or morality. There is nothing moral about forcing people to claim a gendered identity that is not their own. Students should be able to play sports and participate in their schools in a fashion that is honest to who they are.

Thank you,
Megan Spielbauer Sandate
She/They
Madison, 53704

To the Wisconsin Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families:

My name is Robyn Schultz. I live in the City of Milwaukee, where an important element of my life involves serving as President of the Southeast Wisconsin chapter of Pride at Work, the AFL-CIO's LGBTQ+ constituent group. It is partly in that capacity that I would like to testify today on the matter of Senate Bill 378, a bill that I strongly oppose.

I have been living a transgender experience for my entire life. It was only much later in life that I was able to come to terms with this and come out as the person I am. Looking back, I can hardly believe that I survived to talk about this. An element that contributed to my survival through my adolescence was my involvement with sports, both team and individual varieties. Today, I am puzzled as to why I have to deliver this testimony against this inappropriate, exclusionary and discriminatory piece of legislation.

The standards that have been established for care of gender dysphoria have been refined over the course of a century. In almost all cases, the students that stand to be impacted by this legislation are working with their parents, coaches, mental health and other medical professionals to resolve complicated matters around their gender identities. In most instances, the individuals being impacted by this bill have worked through social transitions and many have begun the next steps of medical transitioning. The notion of requiring them to ignore their histories and situations, which are in line with thoroughly researched medical standards, strikes me as discriminatory and unjust. While looking at the allegations thrown about that stand to deprive young people who are undergoing medically supervised transitions from having access to opportunities to participate in sports, I feel it's appropriate to make a few comments.

First of all, there does not seem to be very much in the way of objections from the actual participants in the sports. I've spoken with college and professional athletes, most of whom are cisgender female, about their positions on this issue. Without exception, they have acknowledged this as a concern worth discussing, and have agreed that the governing bodies of their respective sports have policies in place which address any potential unfairness through medical means. I was encouraged by one to try and beat her at her own game. I declined to accept that challenge.

Additionally, sports is an incredibly important means to develop personal and interpersonal skills along with social and other life skills. The lessons that come from working towards and achieving goals as individuals and as members of teams are priceless. Many of us had opportunities as students to discover what it was to be a part of a team. Many of us chose solo sports where we established and learned to work towards fulfilling personal goals. Those experiences shape who we are, how we perceive our place in communities, and maybe most importantly, how we choose to treat others, both as teammates and as opponents. Perhaps this is a key piece in the attempts to quantify the

importance of sports among young people and to find means to allow inclusion as often as possible.

Also, after years of investment in training, there are many instances where students are able to attend colleges, universities and other higher learning institutions by virtue of athletic scholarships. Depriving these individuals of the chance to compete for these scholarships seems like an enormous concern from the perspective of equal opportunity.

Finally, I have to question the validity of the arguments put forward that suggest people are transitioning in order to secure victories. Speaking from experience, I do not see a scenario where a young adult would choose trophies over dates and prospective partners. I have to question whether any victory would be worth the costs in terms of lost social standing and the alienation and pain that too frequently accompanies transitioning.

I know that you all have good intentions, and believe that you will choose to do what's best for this group of people who are worthy of respect and dignity and the freedom to build solid and stable lives no matter who says they should not. Given how many difficulties the people of Wisconsin face right now, this hardly seems like the point to focus your interest and attention on. So much more could be done to expand access to health care, reduce poverty, and expand access to education and opportunities statewide. Perhaps this issue is not worth the effort it will take to enact and enforce.

I challenge you to accept the reality and gravity of your choice on this bill, and the potential impacts this bill stands to have on countless young people in the future. This ill-conceived assault on a very small number of people in a system which has proven to help young people to develop their potential. This effort to remove an important means of developing confidence, leadership, teamwork and other important skills must end before it goes any further. I submit this statement to assert my place on the right side of history, and to ask that you commit to doing the same.

Thank you all for your time and your willingness to accept this testimony.

Respectfully,

Robyn Schultz

Submitted on 12 December, 2023

Testimony Regarding Senate Bills 377 & 378

Dear members of the Senate,

My name is Sam Eifert, and I am a resident of Stoughton. I've lived in Wisconsin for 34 years (my entire life) and have spent almost all of it in Stoughton. I am a Realtor, a business owner, board member of a local non-profit as well as a professional Realtor council. I also grew up playing baseball and basketball from the time I could play through my high school career.

I am writing to urge you to vote NO on Senate Bills 377 and 378. As a Wisconsinite, I am opposed to these bills and I am exhausted fighting this battle as there are far more important issues facing our country, and our great state of Wisconsin, than these ones.

Transgender children and young adults are at a high risk of bullying, suffering, and self-harm. To ban them from playing sports within their gender identity would cause even more fodder for harm. The sports organizations and schools can put in place certain regulations and rules to accommodate the very minute, tiny "issue" of advantage in a sport over transitioning. **Should Michael Phelps have been banned as his body makeup was not "standard" when compared to other swimmers?*

At the end of the day, especially when it comes to our K-12 populations, the kids want to play sports, learn from the game, the teamwork, the dedication and hard work; let them.

To weaponize this issue and position it as if there is some big problem with unfair competition in sports is disingenuous.

Please, take a breath, take a moment, and actually think about the kids. Do not pass these bills.

Thank you.

Sam Eifert
Stoughton, WI 53589

I am the Reverend Dr. Philip Hobson. I am a resident of Madison, Wisconsin 53719, and I serve as the pastor of Salem United Church of Christ in Verona, Wisconsin.

As a man, a husband, a parent, and a Christian minister, I care deeply about the mental health, emotional wellbeing, and physical safety of my parishioners, my neighbors, and my fellow Wisconsinites. I am also committed to such virtues as being honest about what we are doing in our lives, and why we are doing it.

I am related to, friend of, acquaintance of, and neighbor to people who are transgender and intersex, as well as many who are cisgender. And if we were honest with ourselves, and the world were a safe enough place for people to be honest with each other, we would and could all say the same thing.

The difficulties faced by transgender and intersex people are well documented, from rejection by their families, bullying and harassment by peers and neighbors, and refusal for medical care by those who have taken an oath to first, do no harm.

Codifying transphobia and denial of intersex people in K-12 school athletics programs is a sin and poor public policy.

I write in opposition to SENATE BILL 376. This bill attempts to co-opt science for the sake of erasing some parts of the population and excluding others. In its wording, it makes the seemingly simple claims

1. That there are only two genders, male and female, and that these are determined at birth by a physician and easily summarized on a birth certificate, and
2. Transgender girls (who, one assumes based on the language of the bill, were categorized as male at birth by a physician) should not participate in female sports.

These claims seem straightforward. They are not.

According to the Cleveland Clinic

People who are intersex have genitals, chromosomes or reproductive organs that don't fit into a male/female sex binary. Their genitals might not match their reproductive organs, or they may have traits of both. Being intersex may be evident at birth, childhood, later in adulthood or never. Being intersex isn't a disorder, disease or condition.

An estimated 1 in 100 Americans is intersex. Around 2% of people worldwide have intersex traits.¹

In other words, world renowned medical practices have stated that an estimated 1% of people in the United States cannot be simply or easily categorized by a physician at birth as male or female. This 1 percent would fall outside of the boundaries of this law and therefore be denied the opportunity to participate in athletics in schools under SB 376.

But the real purpose of denial of transgender students from athletics is not the sanctity of the scoreboard or the purity of the pursuit of greatness.

It is, as the gospels would say, looking to remove the speck from another's eye and ignoring the very log in our own. It is disguising transphobia and exclusion of intersex Wisconsinites with poor science and current cultural hysteria. It is a solution seeking a problem, with the actual desire of further disempowering, disenfranchising, and demeaning people who are transgender and intersex.

This bill stands in a long line of attempts to use misinformation and current cultural fervor to misidentify, vilify, and nullify the lies and legal protections of our family members, neighbors, and fellow Wisconsinites.

As a citizen of the state of Wisconsin and a person of faith, I oppose SB 377 and urge you to also oppose Assembly Bills AB 377 & 378 + Senate Bills SB 377 & 378.

Grace and Peace,
Rev. Dr. Philip Hobson

¹ <https://my.clevelandclinic.org/health/articles/16324-intersex>. Retrieved 12/12/2023.

I am the Reverend Dr. Philip Hobson. I am a resident of Madison, Wisconsin 53719, and I serve as the pastor of Salem United Church of Christ in Verona, Wisconsin.

As a man, a husband, a parent, and a Christian minister, I care deeply about the mental health, emotional wellbeing, and physical safety of my parishioners, my neighbors, and my fellow Wisconsinites. I am also committed to such virtues as being honest about what we are doing in our lives, and why we are doing it.

I am related to, friend of, acquaintance of, and neighbor to people who are transgender and intersex, as well as many who are cisgender. And if we were honest with ourselves, and the world were a safe enough place for people to be honest with each other, we would and could all say the same thing.

The difficulties faced by transgender and intersex people are well documented, from rejection by their families, bullying and harassment by peers and neighbors, and refusal for medical care by those who have taken an oath to first, do no harm.

I write in opposition to SENATE BILL 377. This bill attempts to co-opt science for the sake of erasing some parts of the population and excluding others. In its wording, it makes the seemingly simple claims

1. That there are only two genders, male and female, and that these are determined at birth by a physician and easily summarized on a birth certificate, and
2. Transgender women (who, one assumes based on the language of the bill, were categorized as male at birth by a physician) should not participate in female sports.

These claims seem straightforward. They are not.

According to the Cleveland Clinic

People who are intersex have genitals, chromosomes or reproductive organs that don't fit into a male/female sex binary. Their genitals might not match their reproductive organs, or they may have traits of both. Being

intersex may be evident at birth, childhood, later in adulthood or never. Being intersex isn't a disorder, disease or condition.

An estimated 1 in 100 Americans is intersex. Around 2% of people worldwide have intersex traits.¹

In other words, world renowned medical practices have stated that an estimated 1% of people in the United States cannot be simply or easily categorized by a physician at birth as male or female. This 1 percent would fall outside of the boundaries of this law and therefore be denied the opportunity to participate in collegiate sports under SB 377.

There are an estimated 37-50 transgender athletes competing in the NCAA right now, although the actual numbers are not known. The world is not a safe place for all transgender people to be out and clear about who they are. Nor are transgender athletes a new phenomenon. But now the spotlight has shifted here. And so, we must estimate.

The NCAA touted a record number of athletes in 2021-2022, reporting more than 520,000 athletes participating in NCAA Championship sports. This does not count intermural and club sports as SB 377 does.²

If there are 50 transgender athletes among 520,000, and we are concerned about transgender women in women's collegiate sports, we might say half of the athletes, or 25 people, out of 226,212 women athletes in NCAA sports.³

This means that this bill is attempting to solve a problem regarding .01 percent of all female athletes in the United States. And it does so by rejecting the possibility of the existence of 1 percent of the population.

It is, as the gospels would say, looking to remove the speck from another's eye and ignoring the very log in our own. It houses transphobia and exclusion of intersex Wisconsinite in the guise of poor science and current cultural hysteria. It

¹ <https://my.clevelandclinic.org/health/articles/16324-intersex>. Retrieved 12/12/2023.

² <https://www.ncaa.org/news/2022/12/5/media-center-ncaa-student-athletes-surpass-520-000-set-new-record.aspx>. Retrieved 12/12/2023.

³ <https://www.ncaa.org/news/2023/3/1/media-center-a-look-at-trends-for-women-in-college-sports.aspx>. Retrieved 12/12/2023.

is a solution seeking a problem, with the actual desire of further disempowering, disenfranchising, and demeaning people who are transgender and intersex.

This bill stands in a long line of attempts to use misinformation and current cultural fervor to misidentify, vilify, and nullify the lies and legal protections of our family members, neighbors, and fellow Wisconsinites.

As a citizen of the state of Wisconsin and a person of faith, I oppose SB 377 and urge you to also oppose Assembly Bills AB 377 & 378 + Senate Bills SB 377 & 378.

Grace and Peace,
Rev. Dr. Philip Hobson

Dear Members of the Senate Assembly Committee on Mental Health, Substance Abuse Prevention, Children & Families,

My name is Shannon O'Donnell, and I am a resident of Madison. I grew up in Central Wisconsin and have been living in Madison for over 3 years after earning my undergraduate degree in Virginia and my graduate degree in Ireland.

I am writing to urge you to vote NO on Assembly Bills 377 & 378 and Senate Bills 377 & 378. I am opposed to these bills because being able to play ice hockey on a varsity team in high school and on a club team in college was a site of refuge for me during some difficult times in my life. As someone who has since come out as queer and non-binary, I cannot imagine the extra layer of anxiety and discomfort I would have felt if my gender was a point of controversy in relation to my teammates and competitors. I fear for how these bills would cause harm and create barriers for trans athletes who deserve the same opportunity I had to compete at a high level and develop their leadership skills in the environment that most aligns with who they are and how they define what supports their growth as individuals.

These bills are not based on science and sense, but fear and prejudice. Numerous peer reviewed studies have shown the minimal to non-existent advantages of trans athletes in competition with their cis peers. All these bills will do is isolate and vilify a vulnerable community.

Sincerely,

Shannon O'Donnell (they/them)

Madison, WI 53704

To the Senate Committee on Mental Health, Substance Abuse Prevention,
and Children and Families:

Hello,

My name is Matthew McKellips. I am a social work student in Madison, WI. I am writing to you today to urge you to vote against SB 377/378 and AB 377/378. These bills propose the ban of transgender student athletes. As a former student athlete, I would like to share with you the reality of trans athletes.

Trans people are no better at sports than people who aren't trans. There is no biological advantage to trans athletes and the idea that one exists takes away from the dignity and hard work of student athletes. The ban on trans athletes is an attempt at furthering a political wedge issue that only causes harm. Banning trans athletes won't make cisgender athletes better or safer. It just takes opportunities away from people who deserve to participate in these activities with their peers.

I urge you to consider your humanity when looking at these bills. I ask you to consider the value that sports may have played in your lives.

Signed,
Matthew McKellips

To the entire Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families,

I write to you in opposition to bills, SB 377/378 & AB 377/378, that the Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families will be voting on on Wednesday, December 13th.

These bills are cruel for these reasons:

1. It further engrains the tremendous disparity in the rates of anxiety and depression and suicide among TGNC youth versus their cisgender peers by blockading their access and participation in the benefits of sports. The benefits of which can build confidence and character building, competence, and coping.
2. This is a decision that is really not based on science. There is no body of evidence to suggest that there is an advantage because there are so many characteristics that contribute to excellence in sports. And the same attributes don't always carry over from one sport to the next.
3. The third thing that's really problematic about these bills is its implementation, which promises to force women to prove their womanhood, putting the burden of proof on the accused. If this goes so far as to blood samples or even genital examinations, we would be furthering the abuse on womens' bodies and risking the health and wellbeing of our youth and their financial and social emotional stability.

These are the reasons I wholeheartedly oppose these bills, and why it is IMPERATIVE for us, as adults and members of our communities to protect ALL children.

Your Wisconsin resident,

Jenna Resendiz
Milwaukee, WI

To all members of the senate committee on Mental Health, Substance Abuse Prevention, and Children and Families:

My name is Jill Nagler and I'm a resident of Madison, WI, 53719 and lifelong resident of Wisconsin.

I write you in staunch opposition to SB 377/378.

This is another violent and dehumanizing bill that attacks transgender people for no reason. Discussion of this bill and debating the humanity of trans people is detrimental to the mental health of transgender people and those who love us.

Let transgender people play sports!

Stop criminalizing transgender people for existing.

We are literally just trying to live our lives just like you.

I implore you to oppose this bill and all others that are cruel and unconstitutional.

Please act with humility and compassion and end this assault on trans people in Wisconsin.

With gratitude,

Jill

They/Them

“For me, forgiveness and compassion are always linked: how do we hold people accountable for wrongdoing and yet at the same time remain in touch with their humanity enough to believe in their capacity to be transformed?” – **bell hooks**

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This is another violent and dehumanizing bill that attacks transgender people for no reason.

Discussion of this bill and debating the humanity of trans kids is detrimental to the mental health of transgender people and those who love us.

Let transgender kids play sports!

Stop the attacks on transgender children, let them live.

I implore you to oppose this bill and all others that are cruel and unconstitutional.

Please act with humility and compassion and end this assault on trans people in Wisconsin.

With gratitude,

Jill

They/Them

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To the Assembly and Senate committees on Mental Health, Substance Abuse Prevention, Children and Families:

My name is Alex Burke. I grew up in Seymour, Wisconsin, lived in Madison Wisconsin, and am now a resident of Minneapolis, MN. The majority of my family still lives in Wisconsin and I visit frequently. I want to protect those residing in the state. This bill does not reflect the state of Wisconsin and the communities that I know. It does not reflect the rights that all citizens of Wisconsin deserve. It does not reflect the future that the citizens of Wisconsin deserve. I am staunchly against SB 377/378 and AB 377–378.

As Dr. Melinda Brennan, Executive Director of the ACLU of Wisconsin, stated:

“Transgender students participate in sports to challenge themselves and be part of a team – the same as their peers. The opportunity to participate in sports results in positive outcomes for students, including better grades, greater homework completion rates, higher educational and occupational aspirations, and improved self-esteem.

Lawmakers should tackle the real issues with gender parity in sports, including unequal funding, resources, pay equity, and more. Promoting baseless fears about trans athletes does nothing to address those fundamental problems. Excluding trans students from participating in sports teams consistent with their authentic gender identity is unfair and discriminatory. School sports should be inclusive for all students.”

Thank you,

Alex Burke