

Save Women's Sports Testimony - H61

Idaho State Rep Barbara Ehardt, sponsor of Idaho's Fairness in Women's Sports Act, first of it's kind legislation. 6-22-21

- Chairman and good committee, thank you for reading my testimony today. I am so appreciative that you are considering supporting the protecting of opportunities of girls & women in sports.
- In the past, I have used this as an outline as I have been a testifier. So I am trying to make this work by filling in with some more information. But this is more of a "quick hit" of points that I'd like to cover.
- Women fought long and hard to earn equal athletic opportunities, and this bill protects those victories for another generation. I should know. My story is about the opportunities provided through sports.

Ehardt's story:

1. I was born in the 60's and grew up in the 70's.
- 2. Title IX changed my life!!! – June 23, 1972**
3. Growing up, very few opportunities existed for girls or women. I could be a secretary, airline stewardess, teacher...I was always asked what I wanted to be when I grew up. I always said that I wanted to play sports. But I was literally told, **that's not what girls do.**
4. I kept my dreams alive and kept practicing – even though I was told it was for nothing.
5. But then I had the chance to play junior high basketball, like my male counterparts. However, I walked to practice at 5:45am, through the cold, every day, while the boys practiced after school – every day.
6. Then I was able to play high school basketball and our games were well attended. We were making progress.
7. As fate would have it, I was able to play college ball, first at North Idaho College and then at Idaho State, on a scholarship.

8. This led to a 15-year women's basketball collegiate coaching career at four fantastic institutions including: UC Santa Barbara, BYU, Washington State and then as the Head Coach at Cal State Fullerton.

9. I was a huge benefactor of Title IX! I benefited from those women in the 70's and earlier, who paved a path forward for me, taught me so much and helped to shape who I am. I have always felt a huge obligation to continue to help pave a path forward for those who follow me.

10. This bill is really about opportunities to preserve those dreams that like me, so many young girls and women have.

11. We have fought hard to get where we are with opportunities – and we still aren't where we need to be. But let's make sure that we don't go backwards. We need to preserve these hard fought for opportunities in girls and women's sports.

12. As that young 6-year old girl wanting so badly to pursue her dreams, this was an amazing journey.

Myopic view of allowing 1 biological male to play:

- **Take a Girl's High school basketball team** – play it all out – most think myopically that this is about just one biological male taking the spot of a biological female.
- But this affects everyone on the team. Those who might have been the high scorer or MVP might now be displaced. But doesn't stop there. Every team against whom they play now must change strategy and plan a way to stop this person.
- But let's play that out. If you are willing to allow one biological male athlete, then you have to systematically play this out. If you are willing to allow one, then you must also be willing that if 12 biological males were to try out, then you have to be willing to allow for all 12 to make the team. **So my question is, where would all the girls go?**

Idaho's gals were annihilated by a biological male:

- Idaho witnessed firsthand what happens when to female opportunities when a biological male runs as a female.
- At the **Indoor Big Sky Championships** (March 2020) at Idaho State University in Pocatello, Idaho, **June Eastwood**, formerly John Eastwood, who ran for University of Montana for 3 years, ran as June, June's senior year. **June absolutely annihilated** every gal out there and won by almost half a track with ease. This is wrong.
- **College level** – at the collegiate level, schools copy each other all of the time. It's like Pete and repeat; imagine if June Eastwood had done what June did the freshman year? **Guarantee that every school in the Big Sky Conference would have also found a biological male athlete to compete against Eastwood because the bottom line in competition is competing & winning.**

NOT about HUMANITY! It's about WINNING

- Many want to make this about “**humanity or community or just being a part of the team.**” That’s fine if you want to play on a local rec team or join the band. But in the world of sports, it is so much more than this. **It’s about winning. If it wasn’t then no one would get cut and coaches wouldn’t get fired.**

Economic Impact:

- Idaho was not hurt economically with the bill; we had a \$650 million plus surplus
- North Carolina – Forbes #1 state for business in 2020 – has been in top 5 since 2016. They were not hurt either.
- NCAA is a private entity and as such should not be creating state policy on these issues. NCAA policy is also currently permissive.

Differences in little boys & girls begins early!

- In my capacity as a coach, running many camps and clinics & leagues, I have watched boys at the age of 3, 4, 5, 6 CRUSH the little girls at that same age.
- Boys & men identifying as girls end up having 2 opportunities because first they can play on the male side and then switch to the female, or 2 opportunities. Girls & women then go from only one opportunity to zero.
- Currently, there is a huge push for transgender athletes to only have to identify as such without any treatment at all. Rachel / Ivy McKinnon and Chris Mosier are two transgender athletes who are pushing for this.
- Lawsuits – during the hearing of my bill, the ACLU said that they would file a lawsuit if this were passed. I said that there absolutely would be lawsuits but let me share from where these lawsuits will be coming. They will be coming from the parents of the girls whose spots have been taken by the biological males. It is the responsibility of State legislatures to make policy on these issues. If we don’t, we then are derelict in our duties as communities are torn apart.
- Using high school athletic association transgender policies to determine Fairness is a fallacy especially given the Dear Colleague push that was sent out by the Obama administration that stated that biological boys should only have to identify as!
- How do you quantify the feelings of a biological boy vs a biological girl?
- College practice squads – males competing

NIKE ad – groundbreaking – spoke of advantages for allowing girls to play sports – 1995

If you let me play, if you let me play sports.

I will like myself more;

I will have more self-confidence.

If you let me play sports. If you let me play,

I will be 60 percent less likely to get breast cancer;

I will suffer less depression.

If you let me play sports,

I will be more likely to leave a man who beats me.

If you let me play;

I will be less likely to get pregnant before I want to.

I will learn what it means to be strong,

if you let me play...

We have been celebrating women & how far we have come. Have we really come that far?

The ad was based on a compilation of research assembled by the **Women's Sports Foundation** (updated July 20, 1995). It also found that girls who participate in sports are less likely to get involved with drugs, less likely to get pregnant and more likely to graduate from high school than those who do not play sports. They would feel greater confidence, self-esteem and pride in their physical and social selves than those who were sedentary as kids.

We have always acknowledged that there are differences between males & females. Our counterparts have enjoyed the many benefits that come from participating in sports, everything from leadership, confidence, cooperation, conflict resolution... sports teach this and so much more.

Consider this, while at all four fantastic institutions while I was coaching, we had a practice squad of guys. Every Division I University Women's basketball program does this. These guys aren't special. They weren't even cut from the men's team. Often, they hadn't played high school ball. But they'd be there to push our gals and they could beat them every time.

In sports, we have requirements and standards, not feelings, in order to participate and ensure fairness and the school handles this. These include **weight** requirements for wrestling (*115 doesn't go against 165*); **age** requirements for all of athletes; **physicals**; school **boundary** requirements; **GPA** eligibility; **concussion** questions; extra in-season sport participation and sex specific requirements. None of these are discriminatory. They are a standard used to create a fair playing field and the state has a **compelling interest to ensure fairness**. This also is true in girl's and women's sports.

This bill will protect the rights and opportunities of girls & women.

- Girls & women shouldn't be forced to be spectators in their own sports.
- Girls & women deserve the same opportunities as boys & men to compete and chase their dreams.
- Women fought long and hard to earn equal athletic opportunities.
- When boys compete in girls' sports, equal opportunity is destroyed.
- **Title IX was designed to eliminate discrimination against girls & women in education and athletics, while creating equal opportunities for girls & women.**
- Allowing boys & men to compete against girls & women shatters dreams and steals opportunities.
- **Allowing boys & men to compete in girls' & women sports reverses nearly 50 years of advances for women.**

Tennis star Martina Navatrolova, who herself is gay and very supportive of LGBT rights addressed fair play. "Needless to say, I have always and will always be a champion of democracy, equal rights, human rights and full protection under the law for everyone," she wrote. "When I talk about sports and rules that must be fair, I am not trying to exclude trans people from living a full, healthy life. And I am certainly not advocating violence against trans people, as has been suggested. All I am trying to do is to make sure girls and

women who were born female are competing on as level a playing field as possible within their sport. (March 5, 2019)

Physical Differences Between Men & Women

Boys & men will always have physical advantages over girls & women

—that's the reason we have women's sports.

- Men are stronger than women. Boys are faster than girls. An influx of hormones doesn't undo these realities.

What are the physical advantages of males?

- They have a bigger body size; longer limbs; and a stronger base that is designed for more mass power! They have denser, stronger bones, tendons and ligaments; they have larger & stronger heart, larger lungs with a greater lung volume per body mass; a higher red blood cell count and higher hemoglobin. Men also have natural levels of testosterone which affects 28 traits such as hemoglobin levels, body fat content, the storage and use of 29 carbohydrates, and the development of type 2 muscle fibers, all of which result in men being able to generate higher speed and power during physical activity... and the list goes on.
- No amount of hormone therapy can eliminate all those advantages.
- Forcing female athletes to compete against biological males isn't fair and destroys their athletic opportunities.
- Even an average male athlete can crush an elite female athlete. That's why the world's No. 203-ranked man soundly beat both Williams sisters back-to-back in their prime in 1998; it's why an under-15 boys' soccer team beat the U.S. Women's National Team in 2017. It's why in Connecticut, two boys have won 15 women's track championship titles since 2017—titles held by nine different girls in 2016. Science and common sense tell us that males are physically stronger than females.

As Duke Law professor and All-American track athlete Doriane Cole-Man, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross recently wrote: "The evidence is unequivocal that starting in puberty, in every sport except sailing/ shooting, and riding / there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science."

Doriane Coleman, Martina Navratilova/ et al. / Pass the Equality Act/ But Don't Abandon Title IX, Washington Post (Apr. 29, 30 2019);

The benefits that natural testosterone provides to male athletes is not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the impact of such treatments found that even "after 12 months of hormonal therapy, " a man who identifies as a woman and is taking cross-sex hormones "had an absolute advantage" over female athletes...