

May I first respectfully ask that you look at these series of numbers?

I	II
9 <sup>th</sup> : 1:51.10	9 <sup>th</sup> : 4:57:44
8 <sup>th</sup> : 1:53.60	8 <sup>th</sup> : 5:05.08
7 <sup>th</sup> : 1:50.70	7 <sup>th</sup> : 4:56.41
6 <sup>th</sup> : 1:50.59	6 <sup>th</sup> : 4:55.84
5 <sup>th</sup> : 1:49.61	5 <sup>th</sup> : 4:55.47
4 <sup>th</sup> : 1:48.95	4 <sup>th</sup> : 4:55.41
3 <sup>rd</sup> : 1:48.92	3 <sup>rd</sup> : 4:52.28
2 <sup>nd</sup> : 1:48.69	2 <sup>nd</sup> : 4:48.99
<b>1<sup>st</sup>: 1:41.93</b>	<b>1<sup>st</sup>: 4:34.06</b>

Did you notice something odd about these numbers? In each case, the 9<sup>th</sup> place number is smaller than those in 8<sup>th</sup>. Also, in each case, the drop between the 2<sup>nd</sup> and 1<sup>st</sup> place number is quite large and not in sync with the others number declining in order.

These are the finals results from a swim meet at the **University of Akron in December of 2021, known as the Zippy Meet**. This was the first meet in which senior Lia Thomas competed on the University of Pennsylvania women's team, after competing for two years as a member of the men's team, and it was here in Ohio. These are the finals results for the 200 free (column I) and the 500 free (column II). Thomas also competed in the 1650, and won by over 38 seconds, breaking pool and meet records, previously held by women, in all three events. When Thomas competed for the men's team at Penn, he never won a race, and was ranked 462<sup>nd</sup> in the nation.

More important to me, however, are the 9<sup>th</sup> place numbers. These are women who would have normally been in top 8, and each would have scored 7<sup>th</sup> place overall, but they were denied a spot because Thomas was permitted to swim. The 9<sup>th</sup> place finisher in the 500 free was Akron senior Brooke Lamoureux, competing in her final season.

Here are some other numbers for you to consider:

Normal testosterone levels\*: Men: 10-35 nmls/L      Women: .5-2.4 nmls/L

NCAA permissible levels for Men to compete as Women in 2022-2023: 5nmls/L

Please note that Women who measure a testosterone level of 5 nmls/L would be and have been disqualified from competition under NCAA, IAFF, and Olympic rules.

I wanted these numbers to be the first thing you see, and I thank you for indulging me.

\*Nano moles per Liter

My name is Cynthia Millen, and I am a 67 year old woman and native Ohioan. Thank you for permitting me to testify today, and thank you for the work you do for us.

I played varsity lacrosse at a public university in Ohio before the implementation of Title 9. I am sure you are all aware of the disparity which existed between men's and women's sports in the 1970's, but permit me to run through a quick list: We had no locker rooms: we changed in public bathrooms, our dorms, at opposing team member's homes, and even gas station bathrooms when we were on the road. There was no university transportation to meets: we drove ourselves. Our equipment was never new, unless we purchased it ourselves. We had no team dinners: our coach provided meals in her home or we ate at the homes of opposing team members when we traveled. We played home games on our practice field while the men, in addition to getting all of the benefits that we did not receive, played in the football stadium, complete with announcers, lights, and cheerleaders. We did not receive our varsity letters until over 20 years after we graduated. This was standard practice for most public universities.

I was admitted to the Ohio Bar in 1983, clerked for a District Judge in Cincinnati, and practiced in a prosecutor's office a few years, but with marriage and the births of our 5 wonderful kids in 4 years (twins x 2), my husband and I drastically changed our focus. With most of our kids swimming, I began to volunteer as a swim official in 1989, and eventually became a national and international starter—the person who says, “Take your marks.” For over 30 years, I worked meets at every level---from summer meets, to high school, NCAA, USA Swimming national championships, and international Paralympic meets in South Africa, Europe, Canada, China, including the Paralympics in Beijing. Paralympic swimming is my passion, yet I resigned in protest in 2021.

I love swimming because of its beauty and, most of all, its fairness. The winner is the one who touches first, and every start, stroke, and finish is watched carefully to ensure that the rules are strictly followed. Every child, even one who has the most severe disabilities, can swim, and can fairly compete against others who have the same kind of disability. From the earliest age, all boys and girls are separated in competition because boys generally swim 5-12% faster than girls. Here is where girls especially can learn the joy of competing with other girls, celebrating their strong bodies in a most healthy and wonderful way. Most importantly, boys and girls are given private spaces where they can change clothes, shower, and feel safe with one another and their changing bodies.

When puberty hits, boys skyrocket with their burst of testosterone and their streamline “T” shape. They develop larger hearts, muscular and skeletal systems; greater fast-twitch muscle fibers, more expansive circulatory systems, which provides them with more oxygen; and, of course, less subcutaneous fat which means less buoyancy and greater underwater streamlining ability. Girls, on the other hand, typically suffer a huge setback with the unwieldy development of breasts, hips, more subcutaneous fat, and the monthly drain and pain of periods. Post-pubescent girls must learn how to swim all over again because their center of gravity has drastically changed, and their

weight has been redistributed. They must work twice as hard as boys to often achieve the speed they had when they were younger, but it is such a rewarding achievement when girls continue to swim and learn how capable they are with their new and stronger bodies. Please look back at those numbers on the first page and think about how hard those girls had to work to get to that point.

It is vitally important for women to have their own sports teams and their own private spaces without the intrusion of naked biological males. **A woman is not a biological male who has suppressed his testosterone or surgically mutilated his body. It is unjust for males to be in women's sports or in their private spaces.**

**Bodies compete against bodies;** “gender identities” do not compete, and have no logical place in the determination of sports competition or team make up. **No amount of surgery, or drug toxicity, even to the point of permanent infertility, can change a male into a female, or a female into a male.** Our differences in organs, muscles, circulation system, skeletal and brain design are immutable in our DNA.

### **Why must Ohio pass this law?**

Because there are no other laws to protect our girls and women.

Right now, there is way too much corporate money to be made in the “transgender” business. Just look at how many “gender-affirming” clinics are now in business throughout Ohio, including Planned Parenthood and your local children's hospital.

At the federal level, the current administration is working contrary to the best interest of girls and women as it is determined to gut the original purpose of Title 9 by altering its interpretation of “sex” to include “gender identity.”

The NCAA, in its most cowardly and shameful, has decided that if a male suppresses his testosterone for 3 years to 5 Nano moles per Liter, then he can compete as a female. No surgery or other modifications are required. Yet, as you saw, women, at best, will always have less than half of that amount, and would be banned if they attempted to dope up to a higher level. USA Swimming is not much better when it states that a male can swim as a female if he started his “transition” before puberty. Males have legacy physical advantages from birth which are not lost even if “transition” occurs before puberty. USA Swimming's position does not provide fairness to girls and women, and only serves to encourage and normalize surgical mutilation of young bodies at a vulnerable age.

### **Do not be afraid to be the adults in the room.**

Our kids are depending upon you; our daughters especially. Please do not let them down.

Thank you very much for your time. I'm happy to answer any questions you may have.