



January 30, 2023

**Re: Human Rights Campaign Opposition to H.B. 1387 and H.B. 1399**

Dear Chair Frieras and Members of the Subcommittee:

I write to you today as a proud Virginian, and on behalf of myself and the other thousands of supporters in Virginia and three million members and supporters nationwide, the Human Rights Campaign thanks you for the opportunity to submit testimony to help inform your deliberation on H.B. 1387 and H.B.1399. We urge you in the strongest terms to reject the discriminatory legislation before you today.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender and queer (LGBTQ+) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ+ citizens and realize a nation that achieves fundamental fairness and equality for all. H.B. 1387 and 1399 are contrary to those principles and would set Virginia back on a path toward a discriminatory past instead of continuing Virginia's trajectory toward a more inclusive future.

Transgender students, like all students, can benefit from participating in sports, and allowing them to participate in athletic activities consistent with their gender identity in no way disadvantages their fellow students. Attempting to separate transgender youth from their peers is impractical, unfair, and unnecessary. Further, similar legislation passed in other states has resulted in repeated losses for such bills around the country – including the first such bill to have passed in Idaho in 2020 which has been enjoined (suspended) by a federal court on the grounds that it is based in anti-transgender animus and is unconstitutional.

First, let me say that many – including me - are rightly protective of the legacy of women's sports in this country. Importantly, advocates for women and girls in sports – such as the National Women's Law Center and the Women's Sports Foundation – oppose efforts to exclude transgender students from participating in sports. So do high-profile athletes who have invested heavily in the future of women's sports, including Billie Jean King and Megan Rapinoe. That's because while there are real issues facing women's sports, including a lack of resources devoted to supporting them, transgender participation in athletics is not one of them.

Rather, bills like these use fear-based arguments and misinformation about transgender youth. In fact, for decades in states across the country transgender youth have successfully played school sports alongside their peers without problem; similarly, transgender athletes have been able to play in college and professional sports, there's never been any takeover of girls' sports by transgender athletes. The organizations pushing these discriminatory bills do not have any track record of supporting women's sports, but they do have a history of opposing

LGBTQ+ equality and trying to roll it back. This is an invented issue in order to manufacture outrage about an issue which does not exist nor has it existed in the decades that transgender athletes, including transgender girls and women, have openly played sports alongside their peers (other girls and women). There simply is no actual problem facing women and girls' sports that requires the General Assembly's attention.


However, this bill would almost certainly lead to litigation. Many proponents of this legislation across the country have alleged that the election of President Biden has made this effort necessary because of the President's stance on transgender equality, but more than 30 anti-transgender sports bills were filed in 2020 before President Biden had even secured the nomination. That argument is a red herring. With no true examples of a problem, and a specific group of vulnerable, poorly understood folks being singled out for harm by this legislation, only anti-transgender discrimination can explain this legislation.

Here are the facts: a very small percentage of people identify as being transgender. Many transgender youth are not interested in playing sports, and those who do play want to play for the same reasons other youth like sports: because sports are fun, or because their parents said they had to, or to look well-rounded on a college application. While the arguments about physical advantage might sound reasonable to those who have never had cause to look into the issue, neither the science<sup>1</sup> nor the history back them up. For younger transgender kids transition is entirely social, with no medical transition; medical intervention may begin with medication known as puberty blockers – which prevent the development of secondary sex characteristics that are alleged to provide an advantage.

Protecting the ability of all to participate in school sports is extremely important: playing sports is essential for young athletes to be able to stay fit, develop healthy habits, and learn the virtues of practice and teamwork. The history of sports in this country has been about opening up true, meaningful opportunities to participate in sports – and allowing transgender people to participate in sports furthers that goal, not threatens it.

For these reasons, we request you reject these harmful and discriminatory bills.

Sincerely,



Cathryn M. Oakley  
State Legislative Director and Senior Counsel  
Human Rights Campaign

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<sup>1</sup> "Transgender Women Athletes and Elite Sport: A Scientific Review", Inclusion Playbook, Athlete Ally, and the Canadian Centre for Ethics in Sport. 2022.

[https://www.inclusionplaybook.com/files/ugd/eba935\\_2bcc2978e07d4b218b4f20f2b136c38d.pdf](https://www.inclusionplaybook.com/files/ugd/eba935_2bcc2978e07d4b218b4f20f2b136c38d.pdf)