



AMERICAN ATHEISTS

January 27, 2023

The Honorable Nicholas J. Freitas
Chairperson, Higher Education Subcommittee
900 East Main Street
Richmond, Virginia 23219

Re: HB 1399, OPPOSITION for HB 1399 a bill to deny participation in public school athletics activities to transgender students

Dear Chairperson Freitas and Members of the Higher Education Subcommittee:

As a parent and a Virginia resident, I write in opposition to HB 1399. HB 1399 is a controversial bill which would intensify systemic discrimination against transgender students in Virginia's athletics programs. We urge you to vote against this discriminatory bill that is extremely harmful to young people and would discourage the athletic participation of transgender students.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. We reject efforts to undermine the education, acceptance, and well-being of gender diverse students based on the religious beliefs of others.

HB 1399 is unnecessary, and it harms an already vulnerable population of young people. Supporters of this bill insist, without evidence, that the gender assigned at birth is necessary to ensure fairness in athletic competition. However, by doing so they are willing to sacrifice young people who already face a great deal of discrimination. This legislation would make transgender students far more susceptible to bullying and harassment in Virginia due to state-mandated exclusion and opprobrium. The 2015 U.S. Transgender Survey described the rampant bullying and harassment that transgender students already face, concluding that:

- Fifty-four percent (54%) of those who were out or perceived as transgender in K–12 were verbally harassed, and 24% were physically attacked; and

- Seventeen percent (17%) of those who were out or perceived as transgender left a K–12 school because the mistreatment was so bad.¹

This bill stigmatizes trans kids and makes them more vulnerable to bullying and harassment. When it comes to school sports, trans kids, like other students, deserve the same chances to learn teamwork, sportsmanship, leadership, self-discipline, and to build a sense of belonging with their peers. When we tell trans students that they cannot participate in sports with their classmates, they miss out on this important childhood experience and all the lessons it teaches. Every student deserves the opportunity to participate in sports and benefit from the lessons that come with that opportunity.

The Virginia House of Delegates has a clear choice in this matter, either they choose to intensify the unnecessary victimization of a historically marginalized demographic of students or to foster empathy and diversity and set a precedent of equality by rejecting HB 1399. Interscholastic sports encourage teamwork, inclusivity, self-confidence and determination amongst the students that participate, and thus, athletic opportunities should be equally available and encouraged for all students.

We urge you, please do not contribute to the discrimination against transgender young people by passing this bill. Do not pass this intolerant legislation under a false conception of “fairness.” If you should have any questions regarding American Atheists’ opposition to HB 1399, please contact American Atheists’ State Policy Counsel, Brittany Williams, by email at bwilliams@atheists.org.

Sincerely,



Matthew DeGrave
Assistant State Director
American Atheists

¹ 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, DC: National Center for Transgender Equality.