



March 27, 2023

Oppose H.R. 734 to Protect Civil Rights

Dear Member of Congress,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 187 undersigned organizations, we call for the full inclusion, protection, and celebration of transgender, nonbinary, and intersex youth, including access to extracurricular activities such as athletics and to school facilities, safe and inclusive school environments, and accurate and inclusive curriculum. **We reject H.R. 734, the so-called Protection of Women and Girls in Sports Act of 2023, because it would harm women and girls and undermine civil rights for all students.**

This discriminatory proposal seeks to exclude transgender, nonbinary, and intersex people from athletics programs in schools. Although the authors of the legislation represent themselves as serving the interests of cisgender¹ girls and women, this legislation does not address the longstanding barriers all girls and women have faced in their pursuit of athletics. Instead of providing for equal facilities, equipment, and travel, or any other strategy that women athletes have been pushing for for decades, the bill cynically veils an attack on transgender people as a question of athletics policy.²

Youth sports often play a significant role in children's lives and development, helping them to develop critical life skills like communication, teamwork, and leadership. Sports spaces are imperative for all young people, no matter their gender. Transgender, nonbinary, and intersex youth want to participate in team sports for the same reasons as their cisgender peers: to be part of a team, learn sportsmanship, and challenge themselves. School athletics are very often the centerpiece of communities across the country, and denying transgender,

¹ The term “cisgender” means that someone’s gender identity is the same as the gender they were thought to be at birth. A transgender person is someone whose gender identity is different from the gender they were thought to be at birth. A person who is nonbinary is someone who does not identify as a woman or a man. A person who is intersex is someone who is born with or naturally develops genitalia, hormones, internal anatomy, and/or chromosomes that may be perceived as not fitting binary definitions of “male” or “female.”

² For more information about how to sincerely advance gender equity in athletics, see: <https://www.womenssportsfoundation.org/wp-content/uploads/2020/01/Chasing-Equity-Executive-Summary.pdf>, https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13_Low-Res_Title-IX-50-Report.pdf, and <https://www.ncwge.org/TitleIX50/NCWGE%20Title%20IX%20At%2050%20-%206.2.22%20vF.pdf>.

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nonbinary, and intersex youth the chance to participate only serves to deny them an opportunity to be part of that community, further isolating and stigmatizing these youth.³

The civil and human rights community is no stranger to the proffering of a bigoted agenda as if it were about equal opportunity. We know about wolves in sheep's clothing. We know that when affirmative action policies created to level the playing field in higher education admissions are attacked by opponents of voting rights, that their agenda is not about the rights of people of color.⁴ We know that when companies profit from poverty wages for disabled people, especially in segregated work sites, that their agenda is not about independence and self-determination for workers.⁵ And we know that when opponents of Title IX, those who have sought for decades to weaken its protections and undermine its enforcement, now present themselves as the law's champions, that their agenda is not about the rights of women and girls.⁶

Targeting and excluding transgender, nonbinary, and intersex students from participation in school programming, including athletics programs, alongside their cisgender peers is harmful to all students and undermines the learning environment for everyone. If schools mark some students effectively as outcasts, they foster an environment where no student is included and safe. H.R. 734's vague language and intrusive focus on scrutiny of students' bodies will effectively exclude girls and women with intersex variations from participation, will invite scrutiny and harassment of any other student perceived by anyone as not conforming to sex stereotypes, and will likely be disproportionately used to target girls and women of color. We support the full inclusion and protection of transgender, nonbinary, and intersex youth.

We are fortunate that transgender, nonbinary, and intersex people are present in our community, and we fully embrace them as members of our community. As organizations that care deeply about ending sex-based discrimination and ensuring equal educational opportunities, we support laws and policies that protect transgender people from discrimination, including full and equal participation in sports, access to gender-affirming care, access to school facilities, and access to inclusive curriculum. We firmly believe that an attack on transgender youth is an attack on civil rights.

³ Denying students the opportunity to participate in athletics because they are transgender, nonbinary, or intersex not only causes the harm of a lost benefit, but anti-LGBTQ policies themselves harm the mental wellbeing of LGBTQ students. See, for example, https://www.thetrevorproject.org/wp-content/uploads/2023/01/Issues-Impacting-LGBTQ-Youth-MC-Poll_Public-2.pdf.

⁴ Biskupic, Joan. "Challenge to Harvard's Use of Affirmative Action Was Designed By a Conservative to Reach a Friendly Supreme Court." *CNN*. October 31, 2022. Available at: <https://www.cnn.com/2022/10/30/politics/scotus-affirmative-action-college-admissions-edward-blum/index.html>.

⁵ Hopkins, Madison. "Missouri Allows Some Disabled Workers to Earn Less than \$1 an Hour. The State Says It's Fine If That Never Changes." *The Kansas City Beacon*. November 15, 2022. Available at: <https://www.propublica.org/article/missouri-sheltered-workshops-low-graduation-rate>.

⁶ See, for example: <https://dojmt.gov/attorney-general-knudsen-leads-15-state-coalition-against-federal-attempt-to-weaken-title-ix/>, <https://www.greatfalltribune.com/story/news/2021/09/01/montana-ag-knudsen-signs-onto-lawsuit-challenging-federal-stance-transgender-athletes/5680724001/>, <https://www.heritage.org/gender/commentary/bidens-new-title-ix-rule-guts-protections-women-and-girls-heres-how-fight-it>, <https://www.regulations.gov/comment/ED-2018-OCR-0064-104813>, <https://www.regulations.gov/comment/ED-2018-OCR-0064-32712>, and <https://www.regulations.gov/comment/ED-2018-OCR-0064-10499>.

We ask all members of Congress to strongly oppose H.R. 734 and to reject attacks on transgender, nonbinary, and intersex youth; to commit themselves to meaningfully advancing policies that support equal opportunity; and to reassure all students in the nation's classrooms that they will have the chance to learn, grow, and thrive. If you have any questions, please reach out to Liz King, senior program director at The Leadership Conference on Civil and Human Rights, at king@civilrights.org.

Sincerely,

National (116)

The Leadership Conference on Civil and Human Rights
Act To Change
Advocates for Youth
American Association of University Women
American Atheists
American Civil Liberties Union
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers
American Humanist Association
American School Counselor Association
Asexual Visibility and Education Network
Asian Americans Advancing Justice | AAJC
Athlete Ally
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Campus Pride
Care in Action
Center for American Progress
Center for Applied Transgender Studies
Center for Law and Social Policy (CLASP)
Center for LGBTQ Economic Advancement & Research (CLEAR)
CenterLink: The Community of LGBT Centers
Children's Defense Fund
Clearinghouse on Women's Issues
Collective Power for Reproductive Justice
Community Catalyst
Disability Rights Education & Defense Fund
EDGE Consulting Partners
EducateUS: SIECUS In Action
Education Reform Now
Educators for Excellence
End Rape On Campus
Equal Rights Advocates

Equality Federation
Equity Forward
ERA Coalition
Evaluation, Data Integration, and Technical Assistance (EDIT) Program
Family Equality
Feminist Campus
Feminist Majority Foundation
Fenway Institute
FORGE, Inc.
Girls Inc.
GLAAD
GLBTQ Legal Advocates and Defenders (GLAD)
GLMA: Health Professionals Advancing LGBTQ+ Equality
GLSEN
Grandmothers for Reproductive Rights
Human Rights Campaign
Human Rights First
Ibis Reproductive Health
If/When/How: Lawyering for Reproductive Justice
Impact Fund
interACT: Advocates for Intersex Youth
Interfaith Alliance
Japanese American Citizens League
Juvenile Law Center
Know Your IX
Labor Council for Latin American Advancement
Lambda Legal
League of United Latin American Citizens (LULAC)
Legal Momentum, the Women's Legal Defense and Education Fund
LPAC Action Network
LULAC-IL
MALDEF (Mexican American Legal Defense and Educational Fund)
Matthew Shepard Foundation
MomsRising
Movement Advancement Project
MoveOn
NAACP
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Center for Youth Law
National Council of Jewish Women

National Crittenton
National Disability Rights Network (NDRN)
National Domestic Workers Alliance
National Education Association
National Hispanic Media Coalition
National LGBT Cancer Network
National Organization for Women
National Recreation and Park Association
National Urban League
National Women's Law Center
Oregonizers
PFLAG National
Planned Parenthood Federation of America
Plume Health
PowerOn, a program of LGBT Tech
Public Citizen
Public Justice
Reproductive Rights Coalition
Sexual Violence Prevention Association (SVPA)
SIECUS: Sex Ed for Social Change
Sikh American Legal Defense and Education Fund (SALDEF)
Stanton Ventures
Supermajority
The Advocates for Human Rights
The Education Trust
The Sikh Coalition
The Trevor Project
TransAthlete
Transform Together
Transgender Law Center
True Colors United
Trust Women
Union for Reform Judaism
Unitarian Universalist Association
United State of Women (USOW)
VoteProChoice
We Testify
Whole Woman's Health
Whole Woman's Health Alliance
YWCA USA

State/Local (72)

Acadiana Queer Collective

Aces NYC
Action Together New Jersey
Advocates for Children of New York
African American Office of Gay Concerns
AIDS Foundation Chicago
Arkansas Black Gay Men's Forum
Avow Texas
Bans Off Miami
Central Florida Jobs with Justice
Chicago Abortion Fund
Cobalt
Colorado Children's Campaign
DC Abortion Fund
Democrats for Education Reform DC (DFER DC)
DFER Colorado
Disability Law Center
Dutchess County Progressive Action Alliance
Education Law Center Pennsylvania
Education Reform Now Massachusetts
Education Reform Now Texas
Equality California
Equality Florida
Equality Illinois
Equality South Dakota
Equality Virginia
EqualityMaine
FL National Organization for Women
Florida Council of Churches
Florida Health Justice Project
Gender Justice
GLSEN New Mexico
Greater Orlando National Organization for Women
Indivisible Coalition of Georgia
Indivisible DuPage
Indivisible Miami
Jane's Due Process
JASMYN, Inc.
Joy as Resistance
Lafayette Citizens Against Censorship
Los Angeles LGBT Center
Louisiana Citizens Against Censorship
Louisiana Coalition for Reproductive Freedom
Louisiana Progress

Louisiana Trans Advocates
Massachusetts Transgender Political Coalition
Mazzoni Center
Men Stopping Violence, Inc.
Missouri Health Care for All
National Council of Jewish Women St. Louis
New Jersey Safe Schools Coalition
New Orleans Youth Alliance
One Colorado
OutFront Minnesota
OutNebraska
Pride Action Tank
Pro Choice Missouri
Pro-Choice Connecticut
Pro-Choice North Carolina
Pro-Choice Ohio
Pro-Choice Washington
Progress Florida
Project Butterfly New Orleans
Queer Nortshore
Reproductive Freedom Acadiana
Silver State Equality-Nevada
SOMA Justice of South Orange/Maplewood
St. Tammany Library Alliance
The Parents' Place of MD
The Womxn Project
Virginia Coalition of Latino Organizations
Youth Outlook