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In Support of the Harris/Walz Ticket

A Group of Democratic Champion Athletes Offers Two Policy Principles That, When Used Together, Can Resolve The Women's Rights vs. Transgender Rights Conundrum in Women's Sports

Like many Democrats committed to fairness for female athletes, we support the Harris/Walz ticket because Vice President Harris and Governor Walz are intelligent, honorable, experienced leaders who **have demonstrated longstanding commitments to women's rights, LGBTQ rights, and equal justice for all.**

To the Harris/Walz administration and all Democratic leaders, we recommend the following two policy principles, which we believe would resolve the current tensions between the rights of female athletes and the rights of male athletes who identify as transgender.

Principle #1: Women and girls deserve equal protection under the law.

To realize the longstanding Democratic principle of equal rights for women, **sex-based spaces must be preserved**.

Title IX mandates that female athletes in schools and colleges be provided with equitable participation opportunities at every competition level, including scholarships, recruitment, treatment, benefits, and the opportunity to win. **This is why the all-female category exists**: To provide fair and safe sports opportunities to girls and women. **Women have this protected right to single-sex sports competition because immutable physical and physiological differences between the sexes advantage male bodies in sports.** In contact sports, larger, stronger male bodies also threaten female safety.

Women also have a legal right to **privacy and protection from male aggression** and the threat of male aggression when disrobing or using restroom facilities.

These rights to sex-based sports and spaces are akin to reproductive freedom: rooted in respect for female bodily integrity and autonomy.

Sex-based spaces include but are not limited to locker rooms, changing rooms, and restrooms. For the sake of women's privacy, dignity, and safety, this same principle applies to healthcare; women's shelters; rape-crisis centers; and prisons.

Principle #2: Individuals who identify as transgender, nonbinary, or other gender identities deserve equal protection under the law.

People with any identities must enjoy the same human rights afforded all citizens when it comes to housing, work, school, and related domains – and must be protected from discrimination.

Blending Principle #1 and #2

To preserve women's rights to sex-based spaces while ensuring equal rights for all, males who identify as transgender or other gender identities can participate in a men's or "open" category in sports. To accomplish this, male athletes should be educated to accept some gender-nonconforming men (those who have long hair, etc.) among them.

We know that males who identify as transgender or other gender identities can participate on men's or open teams without sacrificing their sense of themselves as something other than men (transwomen, nonbinary, etc.) because some of them already do.

(We also know this because women who identify as men (transmen) but do not take testosterone routinely remain in the women's category in sports, without apparent harm to their gender identity. They do this because they know, as everyone knows, and as overwhelming scientific research has shown, the female category is the place for people with female bodies. If women (of whatever gender identity) were to try to compete in the men's sports category, they would in most cases not even be selected to participate on such teams due to inherent, immutable differences in male and female strength, speed, height, and power.)

However, when males (transwomen) find it intolerable to participate alongside men, accommodations (such as separate scoring or events) can be provided *so long as those accommodations do not diminish females' opportunities, scholarships, or prize money, nor females' right to fair, safe, separate sports experiences.*

Summary

In sum, Democrats could carve out a unique position of support for both female athletes and transgender athletes, and thus appeal to both groups.

Women's Sports Policy Working Group

We are Democrats and champion athletes, coaches, and administrators, and lifelong advocates for the rights and opportunities of female athletes. We are national and

international leaders and have spent long careers advocating for the implementation of Title IX, for women's sports rights, and more broadly for LGBTQ rights.

Our mission is to affirm and strengthen girls' and women's legal right to separate, single-sex sports competitions. We encourage accommodations for males who identify as transgender so long as those accommodations do not diminish females' opportunities, scholarships, or prize money, nor females' right to fair, safe, separate sports experiences.

Members

- **Martina Navratilova**, OLY: Winner, 59 Grand Slam singles, doubles, & mixed doubles tennis titles, the most ever; first openly gay professional athlete; LGBTQ rights advocate
- **Donna de Varona**, OLY: Two-time Olympic gold medal swimmer; Title IX leader; Hall of Fame broadcaster; first president, Women's Sports Foundation
- **Nancy Hogshead-Makar**, JD, OLY: Three-time Olympic gold medal swimmer; athletes' rights activist; Past-President, Women's Sports Foundation; CEO, Champion Women; member, U.S. Congress' legislative oversight commission of the USOPC
- **Donna Lopiano**, PhD: Hall of Fame softball player; Title IX expert; women's sports leader; former women's athletics director, University of Texas; first CEO, Women's Sports Foundation; CEO, the Drake Group
- **Mariah Burton Nelson**, MPH: former Stanford University and professional basketball player; pioneering author: *The Stronger Women Get, The More Men Love Football* and other books; columnist, Stronger Women on Substack.
- **Tracy Sundlun**: Six-time Olympic track coach and manager; founding Board member, National Scholastic Athletics Foundation; co-founder, Rock 'n' Roll Marathon Series; CEO, Everything Running

Champion Women

Champion Women is a non-profit organization that provides legal advocacy for girls and women in sports.

For more info and extensive research on male-female sex differences and their relevance in sport: Women's Sports Policy Working Group.