

May 26, 2021

**Testimony of ACLU of Wisconsin
Opposed to Assembly Bill 195
Assembly Committee on Colleges and Universities**



Chair Murphy and the members of the committee,

Good Morning. Thank you so much for inviting us to speak today. My name is Dr. Sheri Swokowski and I am a Board Member of the American Civil Liberties Union of Wisconsin. My Ph.D. dissertation research involved identifying the barriers to care transgender service members encounter. For full transparency, I am a retired Army infantry Colonel and the highest ranking, out, transgender veteran in the United States. The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect civil liberties—including the freedom of speech and the right to equal protection under the law. We are opposed to Assembly Bill 195, which would exclude transgender students from participating in sports teams consistent with their identified gender. This bill is premised on transphobia and misconceptions about transgender athletes, and should not move out of this committee.

Transgender students participate in sports for the same reasons that other young people do: to challenge themselves, improve their fitness, and be part of a team. Excluding trans students from participating in sports teams consistent with their authentic gender identity is unfair and discriminatory. A 2016 Clear Voice Research survey, having a Confidence Index of greater than 95, found 85.4% of people supported equal rights and protections for transgender individuals. The same survey found 86% supported laws against bullying trans kids in schools. In March 2021, a survey done by Hart Research on behalf of the Human Rights Commission, revealed 73% of people surveyed agreed with the statement, “sports are important in young people’s lives. Young transgender people should be allowed opportunities to participate in a way that is safe and comfortable for them.” Majorities of Democrats (89%), Independents (79%), and Republicans (56%) agree with this statement. Most recently, in April 2021, an NPR/PBS/Marist poll indicated 67% supported trans kids playing sports associated with their gender identity. Just 28% of adults, and only 29% of Republicans, support restricting trans youth sports participation.

The International Olympics Committee has allowed trans athletes to compete for almost two decades and the NCAA has done so for nearly a decade. This bill directly conflicts with the guiding principles for trans athletes’ participation the NCAA issued in 2011.

Athletic success is based on many disparate factors that vary from sport to sport, and being transgender does not give girls who are trans an inherent advantage over girls who are not. As a result, this bill is premised on incorrect, biased, and discriminatory myths about trans people that have no place in the law of our state.

The intent of these bills is not to protect students in sports but to alienate trans students and discriminate against them based on their identity. Our lawmakers should do everything they can to support trans people and ensure that they have access to the same opportunities that everyone else does. It is shameful that, instead, some are seeking to alienate them from the other students by introducing a bill such as this one.

This is a bill that tries to solve a problem where none exists. We urge you to not move forward on Assembly Bill 195.