

May 26, 2021

**Testimony of ACLU of Wisconsin
Opposed to Assembly Bill 196
Assembly Committee on Education**



Chair Theisfeldt and the members of the committee,

Good Morning. Please include this testimony as a part of the official record. My name is Hope Owens-Wilson and I am the Youth Organizer for the American Civil Liberties Union of Wisconsin. The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect and advance the civil liberties and civil rights of all Wisconsinites. We are opposed to Assembly Bill 196, 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 and is on par with the logic used to justify the antiquated notions of "separate but equal." A 2016 Clear Voice Research survey, with 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. Most recently, 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. It is also worth noting that agreement among voters who have children under age 18 is even higher than 73% with 80% agreeing, including 48% who strongly agree. In April 2021, an NPR/PBS/Marist poll indicated 67% of people surveyed supported trans kids playing sports associated with their gender identity.

The International Olympics Committee has allowed trans athletes to compete for almost two decades and the NCAA has done so for nearly a decade even providing guidance for their participation and criticism about states passing these laws that conflict with their guidance. 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 our state's laws.

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. Instead, it is shameful that some are seeking to alienate them from other students by introducing a bill such as this one. To quote Chief Justice Warren in his majority opinion for *Brown v. Board of Education*, "[t]o separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone." Here, race is not the issue but gender identity is. Still, the point stands, separating children from their peers on arbitrary notions such as these can have long-lasting damaging effects.

This is a bill that tries to solve a problem where none exists. We urge you to not move forward on Assembly Bill 196.