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**U.S. House Committee on Oversight and Accountability
Subcommittee on Delivering on Government Efficiency**

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I. Introduction

Thank you for the opportunity to submit testimony about USA Fencing's efforts to include all women and girls in sports, and to ensure safety and opportunity for all women and girl fencers—including women and girls who are transgender ("trans").

I have devoted my career to advancing opportunities for all women and girls, and to eliminating systemic barriers that prevent us from achieving gender justice for all. These goals drive all the dedicated professionals at the National Women's Law Center ("NWLC"), where I am honored to serve as President and CEO.

NWLC was founded in 1972, the year Title IX was enacted. We have worked for over 50 years to advance gender justice in the courts, in public policy, and in our society. NWLC is committed to strong enforcement of civil rights laws and eradicating all forms of sex discrimination, including sex harassment, discrimination against LGBTQI+ women and girls, and intersectional discrimination based on both sex and other protected characteristics, such as discrimination against women and girls of color and women and girls with disabilities. NWLC has long advocated to protect women and girls' athletic opportunities, including through litigation, Title IX administrative enforcement, and policy advocacy. In our more than five decades of gender justice advocacy, NWLC has worked to expand opportunities for women and girls in all areas of life, including athletic opportunities, while rejecting efforts to distract and undermine that work through false narratives and fearmongering.

NWLC's longstanding work for reproductive freedom and its work for trans liberation flow from the belief each person must be free to control her own body and future. If we accept policies that police and exclude trans women, *all* women and girls suffer greater risks of body policing, especially Black and brown women. NWLC's longstanding work to uplift women who are trans, women who are intersex, and women who are cisgender ("cis") is a single fight for gender justice.

This hearing and my testimony address the obligations of USA Fencing and other national sport governing bodies to ensure all women and girls, including trans women and girls, can participate fairly and safely in federation-sanctioned competitions. More specifically, my testimony addresses efforts of anti-trans extremists to manufacture panic about a class of women and girls who have historically

suffered violence and persecution, under the guise of “protecting women and girls.” This assault against trans people is now led by our government, which has taken historic and disturbing steps to exclude trans and intersex¹ women and girls from key aspects of public life, from education to the voting booth.²

As someone who has dedicated her career to fighting gender-based inequities, I want to say this quite clearly: it is disgraceful that our government is targeting a young trans fencer. Let me also be clear: this hearing does nothing to protect the wellbeing of women and girls, and efforts to misuse women and the gender justice movement to legitimize a media circus launched to attack a single trans woman is part of a larger agenda of denying the humanity of trans people.

This hearing is also an opportunity to correct misconceptions that White House executive orders are law—which they are not—and that they require national sports governing bodies to “comply” with their demands—they do not.³

For over 100 days, the Trump administration has relentlessly targeted women and girls across the U.S.: from defunding critical scientific women’s health research and gender-based violence prevention programs, to weaponizing civil rights laws against gender equity and inclusion, to attacking the programs that are critical to the well-being of women and families, from Medicaid to Head Start. It has completely ignored the *real* issues threatening safety and opportunity for girls and women, including in the area of sports. I detail herein pressing opportunities for this Congress and the administration to address disparities in resources and opportunities provided to women athletes when compared to men athletes.

Trans women, who *are* women, bear zero fault for these longstanding disparities. We say this in unison with dozens of coalition groups committed to gender justice.⁴ It is not too late for the leaders in this Congress and this subcommittee to abandon their anti-LGBTQI+ fearmongering and their efforts to bully a teenager, and instead advance these urgent priorities.

II. Attacking a young trans fencer has nothing to do with gender equity in sports and is in fact part of a larger scheme to attack young trans people.

Some background on Red Sullivan and Stephanie Turner’s match is necessary. Pursuant to the eligibility requirements set by USA Fencing’s trans-inclusive participation policy,⁵ Red Sullivan, a nineteen-year-old fencer, entered the Cherry Blossom Tournament USA Fencing Tournament held at University of Maryland on March 30, 2025.⁶ She was rostered to compete against Stephanie Turner, a 31-year-old fencer with 12 years of experience on Sullivan.⁷ As their match was set to begin, Turner knelt, removed her helmet and said she would not fence Sullivan, parroting the anti-trans dog whistle that Sullivan was not “really a woman.”⁸ Turner filmed this interaction and posted it on social media.⁹ Turner made it clear she knew in advance of the tournament she would be competing against Sullivan, and instead of withdrawing from the tournament or informing the organizers ahead of time she did not want to fence against Sullivan, she chose to turn the interaction into a spectacle—in Turner’s words, “I saw that I was going to be in a pool with [Sullivan] and from there I said, ‘OK, let’s do it. I’m going to take the knee.’¹⁰

Since this interaction, Turner has continued to parrot anti-trans rhetoric, proclaiming that Sullivan is not really a woman and thus she should not have been expected to fence against her.¹¹ However, fencing is traditionally a mixed-gender sport, and it is common for fencers to train and

compete in co-ed settings.¹² In fact, in the weeks leading up to the Cherry Blossom Tournament, Turner entered a mixed-gender fencing tournament, the Swarthmore College Phoenix Cup,¹³ where she competed against and defeated four cis men opponents.¹⁴

In the weeks following the Cherry Blossom Tournament, Turner speculated that refusing to fence Sullivan would “destroy [her] life.”¹⁵ However, the single consequence Turner faced was being disqualified from the Cherry Blossom Tournament because she broke USA Fencing’s code of conduct by refusing to compete against an eligible fencer; USA Fencing confirmed this would not impact her eligibility for future events.¹⁶ Since then, Turner received positive media attention and accolades from anti-trans groups, as well as a \$5,000 cash bounty for refusing to fence Sullivan from Jennifer Sey,¹⁷ an anti-trans multi-millionaire who founded an athletic clothing company devoted to attacking trans athletes and reinforcing so-called “biological purity” in sports.¹⁸ Meanwhile, Sullivan has since been kicked off of her college team¹⁹ and is the target of a hateful media storm: she’s been the subject of numerous articles and social media posts that have deadnamed her, claimed she is not really a woman,²⁰ and offensively suggested that she “switched to her college’s women’s team” seeking a so-called advantage in her (again, primarily co-ed) sport.²¹

The national spectacle Turner made of her refusal to fence Sullivan is part of a larger effort by anti-trans extremists to increase scrutiny and surveillance of trans people, and particularly trans young people, in lockstep with the Trump administration’s relentless attacks. Sullivan is a teenager. The hostile media attention she is now facing—which, in her words, made her “entire life . . . political”²²—is an example of the well-funded campaign to shine a distorting spotlight on the lives of young trans people in order to stoke bias and hatred against them. The DOGE Subcommittee’s purported interest in a regional tournament that most fencers enter “just for fun”²³ is part of a multiprong campaign spearheaded by the Trump administration against trans youth. These attacks range from executive orders dismantling safe and inclusive educational spaces for trans youth²⁴ to politicized investigations into those school districts that aim to protect the privacy, safety, and equal athletic opportunities of trans students, for purported violations of federal privacy²⁵ and civil rights laws.²⁶

III. Anti-trans extremists’ justifications for banning trans women and girls from sports are based in sexist stereotypes about all women and girls.

Anti-trans extremists who claim trans women and girls have an overwhelming advantage in women’s sports, or must be banned from sports to protect cis women from injury, are regurgitating tired, sexist tropes. These tropes, which underly much sex discrimination throughout society, posit that certain traits are innate and natural to all men and all women based on their assigned sex at birth. Academics call this ideology “biological determinism.”²⁷

Anti-trans extremists rely on biological determinism to justify banning trans women and girls from sports, claiming being assigned male at birth innately confers total superiority over athletes assigned female at birth, and increases one’s inclination towards sports participation and success. They use phrases like “biological males,” and refuse to recognize the very existence of trans women as a group, all while relying on stereotypes about men and women to support their belief that trans women and girls must be excluded. This approach is inaccurate, unhelpful, and only furthers discrimination against all girls.

First, bans on sports participation by trans women and girls are based on false assumptions that cis women are inherently inferior athletes. These bans use trans status as an inaccurate proxy for advantage. Yet body diversity is an inherent part of sports, and fencing demonstrates that point. In fencing, one major physiological advantage for any fencer is left-handedness—with up to 45% of championship fencers being left-handed²⁸ compared to 10% of individuals being left-handed.²⁹ Left-handedness is a categorical advantage in fencing because it allows angles of attack that right-handed fencers are less accustomed to defending, and because left-handed fencers' guard is the opposite of a right-handed fencer's, they can parry and counterattack more easily.³⁰ However, left-handed fencers are not segregated into a separate league despite the significant advantage their inborn trait confers.³¹

Moreover, it is incorrect to assume trans women's bodies and capabilities are the same as the bodies and capabilities of cis men simply because they have the same assigned sex at birth. The vast majority of the research anti-trans extremists cite compares cis men and cis women, not trans women and cis women—however, even looking only at cis athletes, these narrow sex-based assumptions about athletic performance do not hold true.³²

Our bodies are far more complicated than anti-trans extremists assert, and while they have sought to perpetuate the harmful myth that womanhood entails being weaker and less athletic, the relationship between one's sex and "advantage" is not cut and dry. Again, we need only look at Turner's own experience repeatedly defeating cis men in competition to see this.³³ For all these reasons, bans on sports participation by trans women and girls are based on false assumptions that cis women are inherently inferior athletes and use trans status as an inaccurate proxy for advantage. Put another way, if unfair advantage really is the issue, USA Fencing would have more justification for banning left-handed cis women from competition than trans women.

Second, risk of injury is inherent in playing sports, but it is not true that trans women and girls' bodies are consistently bigger, taller, and stronger than cis women and girls' bodies. The reality is that differences in body size, strength, and mass are inherent in sport (including an incredibly wide range in body size, strength, and mass among cis women). There are many nondiscriminatory ways to prevent injury that do not ban an entire group of women and girls from play—and which should be prioritized for all athletes, cis or trans. These include ensuring coaches have access to adequate and effective resources, ensuring athletes are properly trained on best safety practices and compliance with rules in their sport,³⁴ incorporating protective gear into uniforms, and consistent maintenance and inspection of equipment and facilities.

IV. Banning trans women and girls from sports does nothing to address the serious issues of sexism and inequity women and girl athletes face.

Today women and girls continue to lose out on opportunities to hone their athleticism—not because trans women and girls are being included in play, but because schools cannot be bothered to provide them with the same quality of equipment, facilities, safe areas to train in, or coaching they furnish to their men's and boys' teams. I invite those who profess their commitment to equal opportunity in sports to shift their focus from perpetuating attacks against a vulnerable group of women and girls and instead join NWLC in addressing the actual barriers women and girls in sports face to equal athletic opportunity.

Before Title IX was enacted 52 years ago, women and girls were explicitly—and as a matter of course—denied opportunities to play sports, denied equal training and support, and otherwise denied the opportunities to develop athleticism that were provided to men and boys, all based on the assumption men and boys were categorically athletically superior and naturally inclined towards physical activity and competition in a way that women and girls were not. At that time, opponents of gender equity in sports advanced the biological determinist argument that women and girls were naturally less athletic than men and boys to justify discriminatory inequities in opportunities and resources given to them as compared to men and boys.

This reductive narrative harms *all* women and girls. It invites harassment of any woman, cis or trans, who excels at her sport and does not conform to narrow stereotypes of femininity. For example, journalists exposed a Utah commission secretly investigating whether a cis girl was “a real girl” based on complaints that she didn’t look “feminine enough” and was performing well in her sport, as they sought to enforce the state’s anti-trans sports ban.³⁵ In a separate incident in 2024, a Utah state school board member posted a picture of a cis girl on a high school basketball team on social media and suggested she was trans, leading to intense cyber bullying of the girl and threats against her family—to the point at which she required police protection.³⁶ A nine-year-old cis girl with short hair was brought to tears during a track meet in 2023 when an adult disrupted the event to question whether she was “truly” a girl.³⁷

Black and brown women and girls, whose bodies have historically been subject to excessive scrutiny for nonconformity with white-centric ideals of femininity, are especially likely to face such scrutiny. For example, throughout her career, Serena Williams has endured racist and sexist scrutiny of her body, including comments alleging that “[s]he is built like a man” or that “[she] was born a guy” because of “[her] arms, or because [she’s] strong.”³⁸ Another Black woman, Caster Semenya, was forced to submit to a battery of invasive medical tests because of her speed and success as an Olympic track athlete, for the purpose of determining whether she was “feminine enough” to continue competing with women.³⁹ When Dutee Chand, an Indian woman sprinter, faced scrutiny from fellow athletes for her “stride and musculature” being too “masculine,” she was ordered by an international sporting body to undergo invasive, traumatizing medical examinations.⁴⁰ At the 2024 Olympics, the global anti-trans extremist movement leaned into its calls for sex testing and body policing against brown women by targeting Olympic boxers Imane Khelif and Lin Yu-Ting (both cis women) for mass harassment and scrutiny.⁴¹

Biological determinism is also the driver of the longstanding, chronic refusal to invest in women’s and girls’ sports programs. This includes:

- Fewer opportunities overall: Despite significant progress in addressing sexist disparities in providing chances to play, women and girls continue to have fewer opportunities to participate in sports.⁴²
 - In 2019, high school girls were offered *fewer* high school team spots than existed for boys in 1972, the year Title IX was enacted.⁴³
 - Girls of color have *fewer* opportunities to participate in school sports than are available for either boys of color or white girls.⁴⁴
 - Most intercollegiate athletic departments are not meeting *any* of the standards Title IX sets for schools to demonstrate equity in sports opportunities.⁴⁵

- NCAA institutions would need to provide women an additional *148,030* sports opportunities to provide women the same ratio of opportunities that are offered to men.⁴⁶
- **Denial of resources:** When girls and women do have a chance to play sports, they are frequently provided worse facilities, uniforms, and equipment; receive worse coaching; suffer less support and publicity; and experience a host of other inequities—all this sends a corrosive message to girls and women that they are “less than” men and boy athletes.⁴⁷
 - In the world of professional sport, women consistently report gender bias in pay and being passed over for promotions in favor of men in their field.⁴⁸
 - Women and girl athletes face an egregious gap in compensation compared to men and boys, which Name, Image, and Likeness (NIL) deals threaten to worsen,⁴⁹ yet, just a week after his unlawful executive order seeking to ban trans women and girls from sports, purportedly undertaken to “protect” female athletes,⁵⁰ President Trump rescinded⁵¹ the Biden administration’s Title IX guidance on NIL compensation, which was designed to close this gap.
 - Because the Trump administration has made significant cuts to reduce the capacity of the Department of Education’s Office for Civil Rights (OCR), women and girls are being forced to weather the inequities in resources and opportunities to play given to them as compared to men and boys without the ability to vindicate their rights. By firing over half of the people who investigate Title IX complaints and shuttering seven of the twelve OCR regional offices despite 12,000 pending complaints (with over 6,800 of those complaints being investigated by the shuttered offices), the Trump administration has hamstrung OCR from holding schools accountable for civil rights violations, including violations of Title IX for not providing women and girls equal athletic opportunity.⁵²
- **Endemic abuse:** Sexual abuse of athletes remains a rampant and persistent issue, harming athletes of all ages and at levels of play—federal agency research estimates up to 48% of athletes experience a form of sexual harm, often inflicted by teammates, coaches, or team doctors.⁵³ (It is perhaps worth noting that there is every indication that the *overwhelming* majority of this abuse is perpetrated by cis people.)
 - Congress created the U.S. Center for SafeSport to share findings on sex abuse of athletes with national sports governing bodies and the Olympic committees—and one of the Center’s first surveys found 93% of athletes who survived sexual abuse never reported their experience.⁵⁴ Among athletes who did come forward and report sexual misconduct in their sport, 18% were punished or retaliated against.⁵⁵

These are real threats to women and girls who are athletes. Trans women and girls are responsible for *zero* of these problems. They are in fact harmed by them, just like cis women and girls. If this committee is genuinely interested in addressing and preventing sex discrimination in women’s sports, it would be far better served by focusing on these threats to safety and opportunity rather than misusing the language of gender justice to enact harm against women and girls who are trans.

V. The leaders in Congress responsible for this hearing are distracting from the serious harms the Trump administration, including DOGE, is perpetrating against women and girls.

There are a wide range of areas that the DOGE subcommittee could focus if the goal is to ensure the safety of women and their equal opportunities in sports and beyond. Since Trump took office, DOGE has launched attacks on essential programs like Medicare, Medicaid,⁵⁶ and Social Security;⁵⁷ threatened

public education;⁵⁸ disrupted the functioning of Head Start and forced programs to close across the country;⁵⁹ terminated staff responsible for enforcing federal protections against sex discrimination;⁶⁰ slashed funding of essential scientific research impacting women's health;⁶¹ cut funding for services for survivors of domestic violence;⁶² and more.

Now, to pay for more tax cuts for billionaires and wealthy corporations, Congress is seeking to codify and deepen many of these harms, taking up a budget reconciliation bill that threatens to make massive cuts to core programs that help women and families afford health care, groceries, child care and more, like Medicaid, the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families, and the Social Services Block Grant.⁶³

Women are not served by efforts to leverage the whole of government to bully and intimidate a nineteen-year-old because she qualified for and participated in a fencing tournament. We *are* served by fully funded schools, cancer research, caregiving supports, Social Security, and Medicaid. Women and girls deserve a Department of Education that takes its obligations to enforce civil rights law seriously—not one that warehouses 12,000 student complaints, leaving students experiencing discrimination with half the number of staff ready to respond, all while threatening schools that fulfill their obligations under law to protect and include LGBTQI+ youth.⁶⁴

It is no accident that the Trump administration is devoting so much attention to harming LGBTQI+ people, and specifically to excluding trans people from public life. Spreading fear is a well-worn tactic to convince people to accept dangerous levels of surveillance, policing, and government control, while distracting them from a government's failure to make their lives better. The wholly manufactured panic around trans girls and women has done nothing to make any of us safer, more prosperous, or more connected to one another. The women and girls, both cis and trans, who have been harmed and will be harmed by the unprecedented efforts to defund and break our institutions and our government are the ones whom I am thinking about today.

VI. Conclusion

I encourage Congress to pursue policies that meaningfully increase gender equity and promote fairness. For example, we could make it safer and easier for student athletes to report harassment and sexual misconduct. We could ensure schools offer women's and girls' sports resources equivalent to the resources they provide programs dedicated to men's and boys' sports. We could protect all women and girls' access to healthcare, including reproductive health care and gender affirming health care.

We could address gender inequity in pay and promotions, workplace harassment and bias, the failure to support women who both work and have caregiving responsibilities. We could ensure that all women and their families have access to the affordable, high-quality childcare, paid family and medical leave, and elder care that enable them to thrive. We could invest in public schools and in the programs that ensure women and families can meet their basic needs. Daily, my colleagues and I at NWLC work on these issues to advance opportunities and equity for all women and girls, and we invite all policymakers to focus on these urgent issues with us.

Thank you again for the opportunity to testify on behalf of the strong consensus among the gender justice and survivor advocacy movements: our trans sisters belong, in sports and everywhere.

¹ “Intersex” refers to people who are born with or naturally develop variations in sex-linked characteristics, such as in hormones, chromosomes, internal reproductive organs, or genitals, that are not perceived as fitting binary definitions of “female” or “male.” See InterACT: Advocates for Intersex Youth, *Intersex Variations Glossary*, <https://interactadvocates.org/intersex-definitions/>.

² See NWLC, *How the Save Act Could Disenfranchise Millions of Married Women and Trans Voters* (Mar. 27, 2025), <https://nwlc.org/how-the-save-act-could-disenfranchise-millions-of-married-women-and-trans-voters/> (“The SAVE Act isn’t about election integrity; it’s about making it harder for specific groups of people to vote, like women and trans people. It’s voter suppression.”). See also Lisa Francois, *The Human Toll of Trump’s Anti-Trans Crusade*, ACLU (Apr. 3, 2025), <https://www.aclu.org/news/lgbtq-rights/the-human-toll-of-trumps-anti-trans-crusade>.

³ Sarah Warbelow, *Understanding Executive Orders and What They Mean for the LGBTQ+ Community*, HRC (Feb. 6, 2025), <https://www.hrc.org/news/understanding-executive-orders-and-what-they-mean-for-the-lgbtq-community>. See also Orion Rummier, “Horrible Discrimination:’ Federal judges say Trump’s anti-trans orders are rooted in bias, not law, THE 19TH (Feb. 25, 2025), <https://19thnews.org/2025/02/trump-anti-trans-executive-orders-animus/> (“Federal judges are regarding President Donald Trump’s executive orders targeting transgender Americans with skepticism and, in some instances, outright disdain. As lawsuits against the administration unfold, judges have dismissed and questioned the legal arguments supporting these orders while pointing to the larger effect of the Trump administration’s actions: the attempted erasure of trans people as a whole.”).

⁴ See, e.g., Letter by 100 Women’s Rights and Gender Justice Organizations Opposing H.R. 734 (Apr. 14, 2023), <https://nwlc.org/wp-content/uploads/2023/03/Sign-on-Statement-Opposing-H.R.-734-4.14.23.pdf>; Statement of Women’s Rights and Gender Justice Organizations in Support of Full and Equal Access to Participation in Athletics for Transgender People (Apr. 2019), <https://www.aauw.org/app/uploads/2020/02/Statement-from-Womens-Organizations-Supporting-Full-and-Equal-Access-to-Participation-in-Athletics-for-Transgender-People-nsa.pdf>.

⁵ Presently, USA Fencing maintains a policy that permits trans girls to compete consistent with their gender identity without any restrictions, and trans women to compete if they can demonstrate proof of 12 months of testosterone suppression. In April 2025, USA Fencing announced it would only adopt a trans-exclusive policy pursuant to Trump’s discriminatory executive order blocking trans women and girls from playing “only if explicitly required by oversight organizations (such as the USOPC),” and that USA Fencing “is committed to ensuring athletes have the opportunity to participate in USA Fencing sanctioned events on a fair, inclusive and safe basis without discrimination.” *USA Fencing Transgender and Non-Binary Policy*, USA Fencing (Apr. 15, 2025), <https://www.usafencing.org/transgender-and-nonbinary-policy>.

⁶ *Fencer disqualified from tournament after refusing to face an opponent she says is transgender*, AP (Apr. 3, 2025), <https://apnews.com/article/fencing-stephanie-turner-disqualified-transgender-27a8b2c13b514da62c86d6fc3eb54c60>. Despite anti-trans extremists’ efforts to characterize the Cherry Blossom Tournament as highly competitive, the tournament was not an NCAA-sanctioned event. *Id.*

⁷ Miles Klee, “My entire life is political:’ trans fencer attacked by conservative outrage machine speaks out, ROLLING STONE (Apr. 12, 2025), <https://archive.fo/sVgvw>.

⁸ Sophie Perry, *Trans fencer no longer on college team after cis opponent refused to play her*, PINK NEWS (Apr. 11, 2025), <https://www.thepinknews.com/2025/04/11/trans-fencer-redmond-sullivan-wagner-college/>.

⁹ Miles Klee, *supra* note 7.

¹⁰ Sophie Perry, *supra* note 8; Miles Klee, *supra* note 7.

¹¹ AP article, *supra* note 6.

¹² Miles Klee, *supra* note 7.

¹³ Miles Klee, *supra* note 7; *Swarthmore College Phoenix Cup C & Under Results*, AskFRED, <https://www.askfred.net/tournaments/bfa75475-a6da-48d4-be17-e2203e9108a1/results>.

¹⁴ Fencing Tracker, *Stephanie Turner*, Win/Loss Statistics, <https://fencingtracker.com/p/100173803/Stephanie-Turner/history>.

¹⁵ Miles Klee, *supra* note 7.

¹⁶ AP article, *supra* note 6.

¹⁷ Miles Klee, *supra* note 7.

¹⁸ XX-XY Athletics, *Our Mission* (last visited May 5, 2025), <https://www.xx-xyathletics.com/pages/our-mission>.

¹⁹ Ryan Gaydos & Jackson Thompson, *Trans fencer no longer on college team amid latest controversy*, FOX SPORTS (Apr. 9, 2025), <https://www.foxnews.com/sports/trans-fencer-no-longer-college-team-amid-latest-controversy?msocid=1b43fe44b30668a50818ea75b22a69e2>.

²⁰ Vanshika Sharma, *Who is transgender fencer Red Sullivan*, THE SPORTS GRAIL (Apr. 3, 2025), <https://thesportsgrail.com/who-is-transgender-fencer-redmond-sullivan-bio-age-high-school-college-biological-real-gender-and-fencing-career/>.

²¹ Collin Rugg, Twitter (Apr. 2, 2025, 3:27 PM), https://x.com/CollinRugg/status/1907515296564531652?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwtterm%5E1907515296564531652%7Ctwgr%5E2ea334cd09e95d40d7f43fa50bda73df8a1a5512%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fthesportsgrail.com%2Fwho-is-transgender-fencer-redmond-sullivan-bio-age-high-school-college-biological-real-gender-and-fencing-career%2F. It is harmful and wrong to suggest that trans women are seeking to play consistent with their gender identity for any reason other than accessing the same dignity and opportunity afforded to cis women athletes, and that trans women enjoy a so-called competitive advantage over cis women athletes. See Part III, *infra*.

²² Miles Klee, *supra* note 7.

²³ *Id.*

²⁴ Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025).

²⁵ The Department of Education has opened investigations into the Maine Department of Education and the California Department of Education for purported violations of the Family Education Rights and Privacy Act (FERPA), which only requires that parents or guardians of minor students be able to examine their educational records if they so request, because school districts in Maine and a California law prohibit the forced outing of students to their parents absent such a request—which is consistent with the requirements of FERPA. See, e.g., U.S. Department of Education, *U.S. Department of Education Launches Investigation into Maine Department of Education for Alleged FERPA Violations* (Mar. 28, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-maine-department-of-education-alleged-ferpa-violations>; U.S. Department of Education, *U.S. Department of Education Launches Investigation into California Department of Education for Alleged FERPA Violations* (Mar. 27, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-california-department-of-education-alleged-ferpa-violations>.

²⁶ The Department of Education has opened investigations into multiple school districts, state departments of education, and colleges and universities for Title IX violations simply because they have trans-inclusive sports participation policies, including San Jose State University, the University of Pennsylvania, the Massachusetts Interscholastic Athletic Association, the Minnesota State High School League, the California Interscholastic Federation, the Maine Department of Education and Maine School Administrative District #51. See, e.g., U.S. Department of Education, *U.S. Department of Education to Investigate Title IX Violations in Athletics* (Feb. 6, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-investigate-title-ix-violations-athletics>; U.S. Department of Education, *U.S. Department of Education Launches Title IX Investigations into Two Athletic Associations* (Feb. 12, 2025); <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-title-ix-investigations-two-athletic-associations>; U.S. Department of Education, *Office for Civil Rights Launches Title IX Violation Investigations into Maine Department of Education and Maine School District* (Feb. 21, 2025), <https://www.ed.gov/about/news/press-release/office-civil-rights-launches-title-ix-violation-investigations-maine-department-of-education-and-maine-school-district>.

²⁷ Deborah L. Brake, *Title IX's Trans Panic*, 29 WM. & MARY J. RACE, GENDER & SOC. JUST. 41, 85, 88 (2023).

²⁸ P.S. Bisiacchi et al., *Left-handedness in fencers: An attentional advantage? Perceptual and Motor Skills*, 61 PERCEPTUAL & MOTOR SKILLS 507 (1985). In one multi-decade survey of fencers, 44.5% of fencing tournament champions were left-handed. G. Azemar & Holmer Enrique Ripoll, *Etude neuropsychologique du comportement des gauchers en escrime*, 22 CINESOLOGIE 7 (1983). At both the 1979 Pan American Games and the 1980 Olympics, not one single right-handed fencer made the top 8—all top spots went to left-handed fencers. This is similar to cricket and baseball where laterality can also give an advantage in scoring. Olympic gold medalist fencer Edoardo Mangiarotti was famously trained as a child to be left-handed and went on to a world record of 13 Olympic fencing

medals. See *Fencing 101*, NBC OLYMPICS (Apr. 5, 2024), <https://www.nbcolympics.com/news/fencing-101-olympic-history-records-and-results>.

²⁹ *World's biggest study of left-handedness*, University of Saint Andrews (Apr. 2, 2020), <https://news.st-andrews.ac.uk/archive/worlds-biggest-study-of-left-handedness/>.

³⁰ Steffen Krueger, *Fencing Sport Left Handed*, ANCHORAGE FENCING, <https://anchoragefencingclub.com/fencing-sport-left-handed/> (last visited May 2, 2025).

³¹ Of course, there are also many non-physical, socioeconomic factors that confer a huge athletic advantage that are not policed under a so-called mandate of fairness, like having the time to practice, the ability to access facilities, and the money to pay for additional coaching and high-quality equipment. See Canadian Centre for Ethics in Sport, *Transgender Women Athletes and Elite Sport: A Scientific Review*, 6, 39 (2024), <https://cces.ca/sites/default/files/content/docs/2024-01/transgender-women-athletes-and-elitesport-a-scientific-review-en.pdf>.

³² *Id.*

³³ Fencing Tracker, *supra* note 14. There are many other cases in which cis women and girls have outplaced cis men and boys that anti-trans extremists often overlook. From three different cis high school girls in Arizona, Maine, and Minnesota who defeated cis boys in state wrestling championships in 2024 to the cis woman in England who took outplaced cis men runners and took first place in a 286-mile marathon in 2016—it is clear that cis men and boys are not categorically superior to cis women and girls in sport. Javier Morales, *Sunnyside senior Audrey Jimenez qualifies for finals of U.S. Olympic Trials*, ALL SPORTS TUCSON (Apr. 20, 2024), <https://allsportstucson.com/2024/04/20/sunnyside-senior-audrey-jimenez-qualifies-for-finals-of-u-s-olympic-trials/>; Bill Hutchinson, *No fluke: Maine girl beats boys to win 2nd straight state wrestling title*, ABC NEWS (Feb. 22, 2024), <https://abcnews.go.com/US/fluke-maine-girl-beats-boys-win-2nd-straight/story?id=107407141>; Marielle Mohs, *Northfield sophomore becomes first Minnesota girl to win medal at boys state wrestling tournament*, CBS NEWS (Mar. 5, 2024), <https://www.cbsnews.com/minnesota/news/caley-graber-northfield-minnesota-boys-state-wrestling-tournament/>; Sean Ingle, *Jasmin Paris becomes first woman to win 268-mile Montane Spine Race*, THE GUARDIAN (Jan. 17, 2019), <https://www.theguardian.com/sport/2019/jan/17/jasmin-paris-first-woman-win-gruelling-286-mile-montane-spice-race-ultrarunning>.

³⁴ For example, in rugby, a contact sport, players must be trained to tackle their opponents properly to comply with the rules of the sport and play safely. Both USA Rugby and World Rugby—the national and international governing bodies for the sport, respectively—instruct that players must tackle using their arms and shoulders, aiming to make contact with their opponent's hips to safely complete the tackle and reduce the risk of. Effective coaching help players avoid dangerous tackling techniques, such as “high tackling,” is so dangerous it can lead to suspension. See USA Rugby, *Rugby 101*, <https://usa.rugby/rugby101>; World Rugby, *Laws by Number: Foul Play*, <https://www.world.rugby/the-game/laws/law/9>.

³⁵ Marjorie Cortez, *After a girl beat their daughters in sports, Utah parents triggered investigation into whether she was transgender*, DESERET NEWS (Aug. 17, 2022), <https://www.deseret.com/utah/2022/8/17/23310668/school-investigates-female-athlete-transgender-complaint/>.

³⁶ Matt Lavietes, *Utah official faces calls to resign after falsely suggesting teen girl is transgender*, NBC NEWS (Feb. 8, 2024), <https://www.nbcnews.com/nbc-out/out-news/utah-official-faces-calls-resign-falsely-suggesting-teen-girl-transgen-rcna137903>.

³⁷ Brooke Baitinger, *Adults interrupt track meet to accuse 9-year-old girl of being transgender, parents say*, THE SACRAMENTO BEE (June 14, 2023), <https://www.sacbee.com/news/nation-world/world/article276378716.html>.

³⁸ Gina Vivinetto, *Serena Williams on How She Struggles with Cruel Remarks About Her Body*, TODAY (Sept. 7, 2017), <https://www.today.com/style/serena-williams-body-shamers-i-don-t-let-anything-break-t116063>; Jason Pham, *Serena Williams Shut Down Body Critics: 'I Am Strong and Muscular — and Beautiful,'* BUSINESS INSIDER (May 31, 2018), <https://www.businessinsider.com/serena-williams-shut-down-body-critics-who-said-she-was-born-a-guy-2018-5>.

³⁹ Anna North, *“I am a woman and I am fast:” what Caster Semanya’s story says about gender and race in sports*, VOX (May 3, 2019), <https://www.vox.com/identities/2019/5/3/18526723/caster-semenya-800-gender-race-intersex-athletes>; Dawn Ennis, *IAAF Called Caster Semenya Biologically Male*, OUTSPORTS (June 19, 2019),

<https://www.outsports.com/2019/6/19/18691210/iaaf-caster-semenya-biologically-male-testosterone-olympics-southafrica-athlete>.

⁴⁰ See Human Rights Watch, “*They’re Chasing Us Away from Sport:” Human Rights Violations in Sex Testing of Elite Women Athletes* (Dec. 4, 2020), <https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women#6040>. That Chand was later successful in her challenge of the regulations prohibiting her from competing due to her higher natural levels of testosterone at the Court of Arbitration for Sport does not take away from the intense humiliation and stigma she was subjected to. *Id.*

⁴¹ See How to Learn From and Move Past Anti-Trans Fervor After the Paris Olympics, NWLC, Aug. 15, 2024, available at <https://nwlc.org/how-to-learn-from-and-move-past-anti-trans-fervor-after-the-paris-olympics/>.

⁴² See, e.g., Emine Yucel, *Men’s And Women’s NCAA March Madness Facilities, Separate and Unequal, Spark Uproar*, NPR (Mar. 19, 2021), <https://www.npr.org/2021/03/19/979395795/mens-and-womens-ncaa-marchmadness-facilities-separate-and-unequal-spark-uproar>; Nat’l Collegiate Athletic Assoc., *The State of Women in College Sports* 31 (2022), https://s3.amazonaws.com/ncaaorg/inclusion/titleix/2022_State_of_Women_in_College_Sports_Report.pdf (noting among the largest U.S. universities, “spending for men’s athletics is almost three times more than what is reported for women’s athletics”).

⁴³ Women’s Sports Foundation, *50 Years of Title IX: We’re Not Done Yet*, 31 (2022) <https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/Title-IX-at-50-Report-FINALC-v2-.pdf>.

⁴⁴ See Nat’l Coal. for Women and Girls in Educ., *Title IX at 50: A Report by The National Coalition for Women and Girls in Education* (2022), <https://nwlc.org/resource/title-ix-at-50/>.

⁴⁵ Women’s Sports Foundation, *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women* 44 (Jan. 15, 2020), <https://www.womenssportsfoundation.org/wp-content/uploads/2020/01/Chasing-Equity-Full-Report-Web.pdf>.

⁴⁶ U.S. Department of Education, *Equity in Athletics Disclosure Act Data Analysis Cutting Tool* (2019) <https://ope.ed.gov/athletics>.

⁴⁷ *Chasing Equity*, *supra* note 45 at 49.

⁴⁸ *Id.* at 29 (women college coaches reported facing significant gender bias in the workplace, where 75% of women reported men were better able to negotiate salary increases, 54% of women reported men were more likely to be promoted, and 53% of women reported men were more likely to be compensated with salary increases for successful job performance).

⁴⁹ David Weisenfeld, *Gender equity questions arise with college athletes’ NIL agreements*, ABA JOURNAL (Feb. 12, 2025), <https://www.abajournal.com/web/article/gender-equity-questions-arise-with-college-athletes-name-image-and-likeness-agreements>.

⁵⁰ Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025); The White House, *President Trump Signs No Men in Women’s Sports Executive Order Into Law*, YOUTUBE (Feb. 6, 2025), <https://www.youtube.com/watch?v=2-QfaFvxxQA>. Executive orders cannot undo existing federal court precedent or law, and yet Trump’s executive order banning trans women and girls from sports and locker rooms attempts to contravene years of federal court precedent outlining that policies that ban trans women and girls from sex-separated spaces is unlawful sex discrimination under Title IX. See, e.g., *B.P.J. v. West Virginia State Bd. of Educ.*, 98 F.4th 542 (4th Cir. 2024); *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586 (4th Cir. 2020); *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1047 (7th Cir. 2017); *A.M. v. Indianapolis Public Sch.*, 617 F.Supp.3d 950 (S.D. In. 2022).

⁵¹ U.S. Department of Education, *U.S. Department of Education Rescinds Biden 11th Hour Guidance on NIL Compensation* (Feb. 12, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-rescinds-biden-11th-hour-guidance-nil-compensation>.

⁵² Of these 12,000 civil rights complaints to OCR, 1,654 were for potential Title IX violations, with 106 being cases of athletics-related issues, 184 being cases of sexual violence, and 483 being cases of sexual harassment. U.S. Senate, Health, Education, Labor and Pensions Committee, *Minority Staff Report: President Trump’s Decision to Gut the Office for Civil Rights Has Left Over 46 Million Students Without Protection from Discrimination*, 2–3 (Mar. 27, 2025), <https://www.sanders.senate.gov/wp-content/uploads/03.27.25-OCR-Report-Draft-v9.pdf>. See also Johanna Alonso, *A Reduced Civil Rights Office Could Leave Students and Institutions in Limbo*, INSIDE HIGHER ED (Apr.

15, 2025), <https://www.insidehighered.com/news/students/safety/2025/04/15/students-and-institutions-limbo-after-mass-layoffs-ocr>.

⁵³ See, e.g., Aaron Slone Jeckell et al., *The Spectrum of Hazing and Peer Sexual Abuse in Sports: A Current Perspective*, 10 SPORTS HEALTH 558, 560 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6204631> (estimating that up to 48% of athletes experience some form of sexual mistreatment); Julie Mack & Emily Lawler, *MSU doctor's alleged victims talked for 20 years. Was anyone listening?*, MLIVE (Feb. 8, 2017), https://www.mlive.com/news/page/msu_doctor_alleged_sexual_assault.html.

⁵⁴ Dan Boyce, *U.S. Olympic Report: 93 Percent Of Athletes Surveyed Who Experienced Sexual Harassment Or Unwanted Contact Say They Didn't Report It*, CPR NEWS (July 15, 2021), <https://www.cpr.org/2021/07/15/u-s-olympic-report-93-percent-of-athletes-surveyed-say-they-didnt-report-sexual-harassment-or-unwanted-contact-they-experienced-as-children/>.

⁵⁵ *Id.*

⁵⁶ Ken Alltucker, *Elon Musk's DOGE examines systems at \$1.5 trillion Medicare and Medicaid agency*, USA TODAY (Feb. 5, 2025), <https://www.usatoday.com/story/news/politics/2025/02/05/elon-musk-doge-medicare-medicaid/78255578007/> (after DOGE accessed systems at the Centers for Medicare and Medicaid Services, (CMS), it announced it was examining payment and contracting systems for Medicare and Medicaid, as well as staffing at CMS); Kelly Hooper & Chelsea Cirruzzo, *HHS aftershocks*, POLITICO (Mar. 28, 2025), <https://www.politico.com/newsletters/politico-pulse/2025/03/28/hhs-aftershocks-00255723> (the Department of Health and Human Services cut hundreds of staff from CMS, with 200 from the [Office of Program Operations & Local Engagement](#) which ensures Medicare health plans and providers are compliant with CMS requirements and manages case work for Medicare Advantage).

⁵⁷ Aliss Higham, *DOGE Reveals Social Security Administration Cuts*, NEWSWEEK (Feb. 19, 2025), <https://www.newsweek.com/doge-reveals-social-security-administration-cuts-2033081> (DOGE proposed over \$200 million dollars in cuts at the Social Security Administration); Avery Lotz, *Social Security: How it works, and why it's the "third rail" of U.S. politics*, AXIOS (Mar. 25, 2025), <https://www.axios.com/2025/03/25/social-security-trump-doge-elon-how-it-works> (DOGE's investigation into the Social Security Administration prompted Trump to close six of its ten regional offices and cut its workforce by 7,000 employees—amounting to a 12% cut of its staff of 57,000 employees, which former SSA commissioner Martin O'Malley said could put beneficiaries at risk of an interruption of their benefits).

⁵⁸ See, e.g., Jill Barshay, *Education research takes another hit in latest DOGE attack*, THE HECHINGER REPORT (May 1, 2025), <https://hechingerreport.org/proof-points-nsf-ed-research-pummeled/> (in April, DOGE terminated 1,000 grants to the National Science Foundation, with 40% being grants made to researchers at universities and other organizations studying how to improve the teaching of math and science, with many of this research being focused on increasing the participation of women and girl students and students of color); Hannah Parry, *DOGE Announces it's Slashing \$881M from Education Department Contracts*, NEWSWEEK (Feb. 11, 2025), <https://www.newsweek.com/doge-announces-its-slashing-881m-education-department-contracts-live-updates-2029353> (in February, DOGE terminated \$881 million worth of Department of Education contracts, and of these contracts, 29 were grants to train teachers to “help students understand . . . the complex histories involved in oppression, and help students recognize areas of privilege and power on an individual and collective basis”).

⁵⁹ Cheyanne Mumphrey, *Head Start funding lags by nearly \$1 billion this year, causing some preschool closures*, AP (Apr. 16, 2025), <https://apnews.com/article/head-start-funding-preschool-child-care-closures-1f92fa98f320c7c14db63e69b986d11d>; Moriah Balingit, *DOGE could worsen America's child care crisis with cuts to programs*, FORTUNE (Apr. 2, 2025), <https://fortune.com/2025/04/02/trump-doge-cuts-head-start-child-care-crisis-parents-jobs-economy/>.

⁶⁰ DOGE terminated leases on Equal Employment Opportunity Commission regional offices in San Jose, California and Greensboro, North Carolina. Madelyn Ricket et al., *Doge cancels leases for four Greensboro federal offices*, WFMYNEWS2 (Mar. 5, 2025), <https://www.wfmynews2.com/article/news/local/doge-greensboro-federal-offices-canceled-leases/83-e47fa1d0-6106-4a16-89c8-c753d164ab9c>; Amy Larson, *Doge says it terminated leases of 3 Bay Area-based federal agencies*, KRON4 NEWS (Mar. 4, 2025) <https://www.kron4.com/news/bay-area/doge-says-it-terminated-leases-of-3-bay-area-based-federal-agencies/>.

⁶¹ Network for Public Health Law, *Updates to HHS Restructuring and Funding Cuts: Impact on State and Local Public Health* (May 5, 2025), <https://www.networkforphl.org/news-insights/updates-to-hhs-restructuring-and-funding-cuts-impact-on-state-and-local-public-health/>.

⁶² “We’re disaster planning;” Trump’s funding freeze rattles domestic violence nonprofits, POLITICO (Mar. 1, 2025), <https://www.politico.com/news/2025/03/01/funding-freeze-domestic-violence-00206807>; Justice Department cutting programs that help crime victims, NBC NEWS (Apr. 24, 2025) <https://www.nbcnews.com/politics/justice-department/justice-department-cutting-grants-help-crime-victims-rcna202785>.

⁶³ Center on Budget and Policy Priorities, *2025 budget stakes: proposals would harm women* (Apr. 30, 2025), <https://www.cbpp.org/research/poverty-and-inequality/2025-budget-stakes-proposals-would-harm-women>; Center on Budget and Policy Priorities, *Republican Agenda’s “Triple Threat” to Low- and Moderate-Income Family Well-Being* (Apr. 17, 2025), <https://www.cbpp.org/research/federal-tax/republican-agendas-triple-threat-to-low-and-moderate-income-family-well-being>; Center on Law and Social Policy, *Cuts to SSBG, TANF would eliminate child care for 40,000 children, disrupt care for millions more* (Mar. 9, 2025), <https://www.clasp.org/publications/fact-sheet/cuts-to-ssbg-tanf-would-eliminate-child-care-for-40k-children-disrupt-care-for-millions-more/>.

⁶⁴ Jennifer S. Richards & Jodi S. Cohen, ‘We’ve Been Essentially Muzzled’: Department of Education Halts Thousands of Civil Rights Investigations Under Trump, PROPUBLICA (Feb. 13, 2025), <https://www.propublica.org/article/department-of-education-civil-rights-office-investigations> (“Another department employee... said a number of the students’ complaints are urgent. Many of these students are in crisis... and now the federal government is literally doing nothing.”). See also Riley Board & Dylan Tuskinski, *Maine settles lawsuit against USDA over \$3 million in school funds*, PORTLAND PRESS HERALD (May 2, 2025), <https://www.pressherald.com/2025/05/02/maine-settles-case-over-frozen-usda-school-funds/> (“The USDA matter is just one of several ways the Trump administration has attempted to pull education funding from Maine over the alleged Title IX violations. A lawsuit against the Maine Department of Education, announced by U.S. Attorney General Pam Bondi on April 16, threatens to pull future and retroactive federal education funding, which primarily supports students with disabilities and low-income students.”).