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Brian Wonderlich  
General Counsel, State of Idaho  
Office of the Governor  
P.O. Box 83720, Boise, ID 83720-0010

Re: *Veto HB 500, "Fairness in Women's Sports Act"*

Dear Mr. Wonderlich,

Allow me to introduce myself and Champion Women. I'm an Olympic champion, a civil rights lawyer specializing in Title IX, and I lead Champion Women, a non-profit dedicated to providing legal advocacy for girls and women in sports. Doriane Lambelet Coleman is a national collegiate champion runner and a Professor of Law at Duke Law School who has written extensively on sex discrimination law including on sex in sport. Professor Coleman has testified on the subject before the House Committee on the Judiciary and the International Court of Arbitration for Sport.

We are writing to oppose HB 500, "Fairness in Women's Sports Act", and to urge Governor Little to veto the bill. Idaho is misusing Professor Coleman's scholarship in support of legislation that would bar all transgender women and girls from competing in school sports set aside for females. No other state has enacted such a flat prohibition against transgender athletes, and Idaho shouldn't either.

As we wrote in an op-ed that was published in the [Arizona Republic](#) earlier this week, the legislation in this case is flawed because it permits no exceptions or accommodations for trans athletes, even for students who have not experienced male puberty. And because it requires anyone challenged about their sex to submit a doctor's note to sports administrators providing intrusive information about their reproductive anatomy, testosterone levels and chromosomes.

It's important to protect girls' and women's sport, and this does require paying attention to sex. But there is no legitimate reason to seek to bar all trans girls and women from girls' and women's sport, or to require students whose sex is challenged to prove their eligibility in such intrusive detail. Sex discrimination is only constitutional when it's necessary to secure equality for females and when the means chosen to achieve that goal are not unnecessarily broad or intrusive. HB 500 fails this test.

It fails because it doesn't make an exception for trans girls and women who've never experienced male puberty and so haven't developed the traits the classification was designed to exclude. It fails because it doesn't take into account the multiple goals of sport at different levels of play, which range from after-school clubs focused on participation, to elite competitions focused on college scholarships, podium spots, sponsorships, and immortality. HB 500 would prohibit even reasonable accommodations like the NCAA's current testosterone rule, which allows trans women to compete with hormone suppression. Finally, anything more than a doctor's certification of the athlete's reproductive sex and ongoing testosterone levels is unnecessary scientifically and deeply intrusive.

People of good faith across the political spectrum understand that girls' and women's sport has enormous societal value and is worth protecting. We are among them. But accommodating trans athletes can be done; it just requires taking into account our different, sex-linked biology, something the Constitution and Title IX clearly permit. To pass muster at the end of the day, any policy addressing this issue must draw lines intelligently based on the scientific evidence, and thoughtfully based on an ethics of care for all student-athletes. Again, because HB 500 violates those principles, we urge Governor Little to veto it.

Please feel free to reach out to us for any further clarification.



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