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To: [reportsgroup](#)
Subject: comments regarding Report and Recommendations of NYSBA Task Force on the Treatment of Transgender Youth in Sports
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Attachments: [image001.png](#)

I submit these comments as a member of the NYSBA Executive Committee (Vice-President of the Sixth Judicial District) regarding the Report and Recommendations of the Task Force on the Treatment of Transgender Youth in Sports (the "Report").

I recognize the hard work and dedication that went into the creation of the report. I am concerned, however, that the viewpoint of those opposed to the recommendations are not addressed in the report and some of the assertions are frankly irrational thereby making the report easily dismissed as disingenuous. In particular....

1. Throughout the report, there are references to laws or proposals that, according to the report, are "excluding transgender youth from participation in athletics." (see report pages 5,7,8,10 and 11). Although I realize exclusion from participation in a sport that fits an individual's gender identity may be considered exclusion from sports in the mind of that individual, it is clear that a blanket exclusion from sports is not involved. Participation in sports based on the gender assigned at birth or specifically organized for transgender athletes are not impacted by the laws or proposals mentioned.
2. The Introduction (page 4) states that the recommendations are centered on the scholastic sports setting. The report should clarify whether that means only sports through 12th grade, and, if so, expressly state that Intercollegiate athletics are not dealt with by the report.
3. There are several assertions in the report that defy logic, science and observation:
One is set forth at page 8 as follows: "The Task Force has found no credible evidence that participation of trans kids has caused either unfairness or harm..."
Another is at page 11 where the report dismisses concerns that transgender students' participation in sports in accordance with their gender identity tend to assume that transgender girls, assigned male at birth, are categorically bigger and stronger than cisgender girls, and that under this assumption transgender girls either have an unfair competition advantage and/or that they will harm cisgender girls in competition. There is no evidence to support these assumptions."
I can accept a report that acknowledges that transgender girls assigned male at birth will in many cases be larger, with more muscle mass, than girls assigned female at birth and thus will have a competitive advantage but that the overall benefit to society justifies permitting them to participate as the gender with which they identify. But to claim no such advantage occurs makes the entire report easily dismissed as a one-sided, illogical effort.
4. Unless I somehow missed it, it appears that the report recommends no restrictions on transgender athletes participating in the sport appropriate to the gender with which they identify regardless of their testosterone levels or any other hormone levels or treatment. If so, a 12th grade athlete assigned male at birth and identifying as a transgender girl must be allowed to participate in girls' sports without any school oversight or knowledge of that athlete's medical situation. This position suggests that there is absolutely no reason for high

schools to have boys' track and field separate from girls' track and field, boys' basketball separate from girls' basketball etc. I have personally seen a boy playing on a girl's volleyball team at the JV level and he dominated the court. That is fine as the teams knew the girl's team could have a boy and it was after all at the JV level. If it is a sport that does not favor taller, faster, and stronger athletes, or if it is decided that society will benefit from permitting boys and girls to compete together in the same sport, then we should support such an effort. But to deny the existence of clearly observable competition advantages makes the report easily dismissed.

Thank you for considering my comments. I fully support laws that prohibit discrimination against transgender people regardless of their age. As the athlete advances to higher levels of sport, however, the science of hormones, muscle mass, and sheer size, make it obvious that fairness is a serious issue and the integrity of girls' sports is harmed absent reasonable restrictions.

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