

March 3, 2025

RE: ACLU Urges NO Vote on S. 9, the “Protection of Women and Girls in Sports Act.”

Dear Senator:

The American Civil Liberties Union strongly urges you to vote NO on S. 9, the “Protection of Women and Girls in Sports Act.” This discriminatory and unconstitutional legislation would make it illegal for schools receiving federal funding to allow transgender girls and women to play on school sports teams for girls and women, in violation of the Constitution’s guarantee of equal protection. In addition, under Title IX, all girls, including those who are transgender, should be able to participate fully and equally in athletics, in accordance with who they are. **Because of the importance of this vote, the ACLU will be scoring it.**

Since Day 1 of President Trump’s administration, we have witnessed a sweeping strategy to push transgender people completely out of public and civic life. This legislation is part of that effort. Our nation’s schools should be places that create a supportive environment where every single student can receive an education and participate in school activities. Over the past several years, we have seen a sustained effort to ban transgender children - including, just as this bill would do, at the elementary school level - from participating in school sports. The proponents of those bans, like those pushing this federal ban, have argued that prohibiting transgender girls from playing school sports is necessary to protect sports for girls and women who are not transgender. There are indeed a multitude of barriers facing female students participating in school sports, from funding inequities to pay disparities among coaches and staff to harassment and abuse. This legislation would do nothing to address those actual barriers facing school sports for girls and women.

This policy could subject students to highly invasive and traumatizing sex testing, and we have seen how these efforts to ban transgender girls from school sports have been devastating to the lives of all girls, both those who are transgender and those who are not. In Florida, a teenager was subjected to a police investigation that involved armed officers showing up at her home, interviewing her teammates about her body and her weight, and prying into her therapy records to determine if she was transgender. The full report was 500 pages and led to her being forcibly outed as transgender and pushed out of in-person school attendance altogether.¹ The family of a Utah teenage girl faced harassment and death threats after a school board member falsely suggested that she was transgender.²



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¹ [Her trans daughter made the volleyball team. Then an armed officer showed up. - Washington Post](#)

² [Parents of female student-athlete at the center of controversy call on school board member to resign](#)

This bill risks inflicting these harms on the millions of girls and women who play school sports, yet the number of transgender girls and women in competitive athletics is tiny. When the Senate Judiciary Committee held a hearing on federal sports regulations back in December 2024, NCAA President Charlie Baker testified that there are 510,000 NCAA athletes in schools across the U.S., and fewer than ten of them are transgender.

Legislators proposing these bans are cynically using transgender people as political pawns under the guise of “protecting women’s sports,” yet leading advocates for women’s sports, including the Women’s Sports Foundation, and hundreds of athletes in women’s sports and other women’s rights groups, including the National Women’s Law Center, have consistently voiced their strong support for the inclusion of transgender girls and women in women’s sports.

These organizations rightly recognize that transgender youth play sports for the same reasons as other young people: to improve their fitness, challenge themselves, and to be part of a team. School sports are part of education, and no student should be banned from participating because of who they are. Having the opportunity to participate in school sports results in positive outcomes for students, including better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem. Excluding transgender girls and women deprives them of opportunities available to their peers and sends the message that they are not worthy or equal.

S. 9 does nothing to address the real barriers facing female students participating in school sports. Instead, it adopts the Trump administration strategy of attempting to push transgender people completely out of civic life by targeting a very small, already vulnerable group of people for further discrimination and marginalization, while risking deeply invasive investigations that could impact all girls and women in sports. **The ACLU strongly urges all senators to vote NO on S. 9.** Thank you for your attention to this critical matter and, should you have any questions, please contact Ian Thompson at ithompson@aclu.org.

Sincerely,



Mike Zamore
National Director, Policy and Government Affairs