

From: Alexandra Meyrick
Sent: Thu, 10 Jun 2021 12:32:37 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing. E.O. 13988

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern;

I am writing regarding E.O. 13988 and its implications for Title IX, and our education system. The text of the EO reads;

Under *Bostock's* reasoning, laws that prohibit sex discrimination—including Title IX of the Education Amendments of 1972, as amended ([20 U.S.C. 1681 et seq.](#)), the Fair Housing Act, as amended ([42 U.S.C. 3601 et seq.](#)), and section 412 of the Immigration and Nationality Act, as amended ([8 U.S.C. 1522](#)), along with their respective implementing regulations—prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary.

However, this is a blatant misrepresentation of the ruling, and broadens it far beyond its original narrow finding. As Justice Gorsuch stated;

"They say sex-segregated bathrooms, locker rooms, and dress codes will prove unsustainable after our decision today," Gorsuch wrote, "but none of these other laws are before us; we have not had the benefit of adversarial testing about the meaning of their terms, and we do not prejudge any such question today."

To state that "Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports." unfairly misrepresents the position of many who believe that young women and girls have a right to bodily dignity, privacy, and fairness in public places, education, and sports. No children are to be denied access to bathrooms, locker rooms, or sports based on their gender identity not matching their sex, nor is anyone calling for that. What is being called for is that they continue to use the those resources that are already built for *their* sex, rather than encroaching on the resources that are for those of the other sex, merely relying on what they feel about themselves in a social/cultural or socially constructed manner.

It is not gender identity based discrimination to deny a biological male placement on a female team if they identify as a girl or woman. If that same biological male were denied a place on a *male* team due to identifying as a girl or woman, *that* would be discrimination based on their gender identity, since there are no other justifications to deny that person a place.

Women and girls are still today faced with blatant sexism, harassment, and abuse based on their immutable physical sex. The only escape from the harassment by males is in private sex-based places such as bathrooms, locker rooms, and other places that are designated for them. Laws like Title IX were meant to provide equity for females in areas (such as sports) where males have

always dominated and would continue to dominate merely due to their sex. Males dominate sports when competing against females, to such an extent that only the rarest of top female athletes could ever win, even when competing against males that are mediocre in their own sex category.

Fairness requires that objective standards be applied, but there are no objective tests or means of diagnosing a person as “trans gender”. Places of privacy and opportunity have been campaigned for by women for decades. To simply eliminate their exclusivity to females based on nothing more than how a male self-identifies prevents them from achieving their purpose: to maintain and provide safety, dignity and opportunity for females.

I, and many other females both young and old, can share stories of times we retreated to the women’s room to find relief from male harassment, and how our vulnerability increases when those spaces are opened to males based on a nebulous concept of “gender identity”, which cannot be measured or proven. Sex is almost always easily and readily identified visually. The few exceptions are so negligible they do not warrant changing the current status quo.

School is one of the places females experience male harassment most severely and frequently, and where there are the fewest social consequences to male perpetrators who are also considered minors and thus too immature to be held to account.

Yet school and sports determine much of a young girl’s or woman’s future opportunities in careers and financial stability. Harassment greatly decreases her capacity to capitalize on the opportunities granted her by school, finite opportunities with time limits. Given the existing pay gaps and diminished chances of promotion, should girls be forced to step aside to affirm a male’s self-identity that may or may not be fixed, that is unverifiable by others?

Finally, if we are willing to demand that women and girls step aside as students, it only follows that we demand the same in female prisons, and female-only emergency and homeless shelters. The plight of the most vulnerable women in our society is already too neglected, without subjecting them to further trauma.

Still, what we do to women and girls as students sets the tone for what we do to them elsewhere in life.

Please consider carefully how you implement E.O. 13988.

Best,

Alexandra Meyrick-Macina