

POLICY PAGES

The Transgender Movement's Harm to Women

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OVERVIEW

The transgender movement began as a simple plea for acceptance but quickly became a demand to replace all previous understanding of humanity and science with the notion that sex is not linked to chromosomes, genitalia, and reproductive organs but is whatever one believes it to be.

Ignoring the reality of the biological characteristics of sex creates countless problems. One of which is the devaluation of both male and female bodies and their unique differences. This paper focuses on the effects on women and girls. For more on the harms of the transgender movement generally, visit *The Harms of the Transgender Movement Policy Page* [here](#).

The growing and ever evolving transgender movement has come at great expense to women and girls. It strips them of their uniqueness and their privacy, as well as their hard-fought achievements over many years. It relegates women, who have a history of being marginalized, to a social construct. It ignores the physical differences in women that allow them to be the sole carriers of new human life and the sole natural sustainer of that new life through breastfeeding.

The aggressive push to reject human biology and artificially expand gender beyond two biological sexes, effectively erases women and girls. It is a radical shift after decades of effort to ensure women equality with men under the law.

Some of the same politicians, activists, celebrities, and organizations that championed women's rights are now telling those women that they are a social construct with an identity that anyone with false eyelashes and lipstick can assume. The fight to free women from the claimed heavy hand of misogyny has ironically given way to a patriarchy in which men can rule simply by "becoming" women.

ANALYSIS



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Intellectual honesty requires the acknowledgment of the physical differences in males and females beyond the biology of chromosomes and reproductive organs. Yet even they are rejected by the transgender movement.

We see these differences, namely size and strength, put biological women in vulnerable situations and even set them up for victimization.

The aggressive movement to embrace the transgender ideology ignores the facts and insists biological men should be housed with women in dorm rooms and domestic violence shelters, share restrooms, locker rooms and showers, even prisons.

Reports of sexual abuse by biological males housed with woman have fallen on deaf ears. One such incident kept a known sexual predator in a women's facility.¹ A Department of Corrections employee wrote in part, *"He is a proven sexual predator, having committed multiple crimes against women, yet the State of Washington had no problem moving him into a women's facility and housing him with the most vulnerable in our population (our mental health unit)."*

Inmate reports of rape, death threats, and physical harm are ignored by politicians who put the trans movement above women's safety.² Meanwhile, parts of Europe are rolling back their transgender prison policy after male sexual predators attacked female inmates.³

The clear danger in blurring the lines between male and female reaches beyond prison walls to school restrooms and locker rooms. Girls and women are now forced to share private spaces with biological males, risking their safety and forfeiting their privacy. No surprise, this too, has led to sexual assault,⁴ as well as triggering fear and anxiety among women who have suffered abuse in the past. The idea of sharing a private space with a biological male sends them back in time to relive the horrors of their abuse.⁵

The political divide apparent in the issue took a hit early in the movement's efforts when the Georgia ACLU Executive Director resigned over the organization's insistence on forcing girls to share private spaces with biological males. Maya Dillard Smith came face-to-face with the reality when she and her two young daughters entered a public restroom shared by biological males. She wrote, *"My kids were visibly frightened. I was scared. And I was ill-prepared to answer their questions. I've been asking those same questions, and now I want to raise an honest conversation about them."*⁶

LOSING OPPORTUNITIES

Ignoring the physical differences between males and females leads to the detriment of girls and women beyond the threat of bodily harm. It steals opportunities, hard-fought achievements, and their very identity.

When female athletes are forced to compete with biological males, the playing field is no longer level because males have a sizable advantage over females when it comes to physical competition.

Athletic differences:

- Men have circulating testosterone levels 15-times higher than the upper range of circulating testosterone in healthy females, leading to major differences between the

sexes in muscle complexion, bone thickness, skeletal muscle mass, and red blood cell count.⁷

- Males have larger lungs, providing greater oxygen intake.
- Women produce more estrogen than men do, which leads to higher body fat and less lean muscle.⁸
- Men produce more Type Two muscle fibers (fast-twitch muscles) than they do Type One muscle fibers (slow-twitch),⁹ which gives men more power than women and helps make men stronger and faster.¹⁰

Biological males are replacing females on the winner's stand, taking trophies, titles and scholarships away from deserving girls and women. Many are speaking out and fighting back with lawsuits and legislation, even in the face of extreme pressure and risk of being squeezed out of their sport.

Swimmer Riley Gaines has become a pro-women activist after being forced to compete against and share a locker room with "Lia" Thomas. Thomas is a male swimmer who lives as a woman and competes on the University of Pennsylvania swim team. He holds a national championship title even over two Olympian silver medal winners, among other titles in women's swimming.

Gaines has a huge following as one of the few female athletes willing to speak out against men and boys competing against women and girls – at the expense of her swimming career.¹¹

Save Women's Sports has become the mantra of female athletes and others trying to put the "fair" back in "fair playing field." A website under the name tracks the many women cheated out of their titles by men in various sports, educates on the science backing the fact men have an advantage over women, and provides other resources for the fight to protect women's sports.¹²

In one of the first lawsuits, a number of female athletes were breaking records on their Connecticut high school track field until two biological boys identified as girls and started competing on the girls' team. Those boys won 15 championship titles in just two years; 15 titles that would have been held by girls had the competition been fair.¹³

As many as thirty-six states have introduced legislation to protect girls and women's sports, and at least 10 of those have been signed into law. Arizona's Save Women's Sports Act passed the state Senate in 2020 and was on to the House when the COVID pandemic hit, shutting down the state Legislature and all the work to that point. Lawmakers came back and eventually passed the bill in 2022 protecting girls and women athletes from unfair competition, and Governor Doug Ducey signed it into law.

In 2023, two trans-identified boys filed suit against the law, three mothers of female athletes intervened and now the law is held up in litigation.

Trans activists argue against the facts, denying any such physical advantage. While others contend biological males need only to adjust their hormones to be able to fairly compete against women and girls. This thought is behind the many policies requiring a year of hormone therapy before becoming eligible to compete. But the facts show such treatment makes no measurable difference.

A number of studies, including one in the Journal of Medical Ethics found biological males could retain their muscle mass through training, because of muscle memory. Also, it found that opposite-sex hormones did not alter the athletic-enhancing effects of testosterone on the male body.¹⁴ A 2019 rigorous study by the Karolinska Institute in Sweden came to a similar conclusion, with the scientist stating, “*Transgender women did not lose strength at all despite inhibited testosterone production. In addition, the effect on muscle mass of the transgender women was less pronounced than many people previously thought, losing only 5% of the muscle volume over the thigh muscles.*”¹⁵

ERASING WOMEN

Many women, including feminist groups, fear the aggressive push will not only be the end of female sports, but will ultimately erase women by denying the characteristics of females and forcing people to embrace the faulty notion that men can *be* women.

To that effort, biological males have worn contraptions allowing them to simulate breastfeeding. But perhaps the most disturbing effort involves men believing they *can* breastfeed. A recent TV video clip went viral showing a trans couple (male living as a female and a female living as a male) in an intimate setting. The “mother” (biological male) was trying to breastfeed their newborn. In an effort to satisfy the delusion of the adult male, he was subjecting a newborn baby to the futile attempt of obtaining nourishment from a male breast.¹⁶

The effort to dissolve gender differences relies heavily on the careful and consistent use of new language. For example, putting the word “transgender” before the word “woman,” or rejecting the use of the word “male.” After backlash from trans activists, USA Today changed the wording in an op-ed written by Chelsea Mitchell, a student athlete suing for a level playing field. The paper replaced the word “male” in every instance in the op-ed to the word “transgender” and condemned her use of “hurtful language.”¹⁷ Distinguishing between a biological female and a biological male is now deemed hurtful by mainstream news media.

One need not even be a biological female to compete against women in beauty pageants, the long-held tradition of women showcasing their beauty, talents, skill, and smarts. A recent Miss USA contestant is a biological male.¹⁸

The movement aims to completely dissolve distinctions between male and female, but a fundamental question is almost universally directed at women. What is a woman? Rarely is the question asked of men. The question of womanhood even stumped the most recent U.S. Supreme Court Justice Ketanji Brown Jackson during her confirmation hearings. When asked to define a woman, she answered, “I can’t... I’m not a biologist.”¹⁹

SUPREME COURT AND FEDERAL LAW

As the transgender movement marches forward, long held and established norms fall to the pressure, including rules and laws designed to protect girls and women and provide fairness on various levels.

Politicians have told schools to open their restrooms to boys living as girls. They did and the inevitable followed. A boy dressed as a girl was able to use the girls' school restroom in Loudoun County, Virginia. After he sexually assaulted a female student, school authorities simply transferred him to another school, where he did it again. The Superintendent was removed for covering for the trans movement at the expense of student safety.²⁰

A "gender-fluid" boy sexually assaulted a five-year-old girl in the girls' school restroom in Decatur, Georgia under school policy that allowed him to use the girls' room.²¹

Some lawmakers shame girls and women who protest to sharing private spaces with men. Arizona Senator Christine Marsh suggested the solution was to put up a shower curtain between the biological boy and the girl. Some lawmakers are clearly not taking the threat to girls and women seriously.

Some current key legal battles:

- Arizona's Save Women's Sports Act ensuring only biological females compete on girls' and women's sports teams remains held up in court.
- A Washington state music teacher was forced out of his job after school officials required him to call students by their wrong pronouns and affirm their chosen gender over their true gender in violation of his religious convictions. Alliance Defending Freedom is representing the teacher in court.²²
- The U.S. Supreme Court recently refused to take up the controversial issue of sex-segregated bathrooms in *Gloucester Country School board v. Grimm*. In doing so, the school's mixed sex restroom policy was allowed to stand, forcing girls to share the private space with biologicals boys.²³
- A family funeral home fired a male employee who stopped following the dress code and began dressing as a woman. The U.S. Supreme Court ruled in favor of the employee, declaring the firing was based on sex discrimination.²⁴
- Not long after that ruling, the Biden Administration issued an Executive Order expanding the decision beyond employment to also include private spaces and athletics.²⁵ More than a dozen states are challenging the Executive order, citing its clear violation of Title IX.²⁶ The Second Circuit Court of Appeals said in *McCormick ex rel. McCormick v. Sch. Dist. of Mamaroneck*, [370 F.3d 275](#), 295 (2d Cir. 2004): "This reality is discrimination against girls that directly violates the requirements of Title IX: 'Treating girls differently regarding a matter so fundamental to the experience of sports-the chance to be champions-is inconsistent with Title IX's mandate of equal opportunity for both sexes.'" Title IX of the 1972 Education Amendments reads, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Unfortunately, in 2023, the Ninth Circuit Court of Appeals, which

governs Arizona, held that “sex” in Title IX includes “sexual orientation.”²⁷ The Supreme Court will likely revisit the issue given the different conclusions of federal courts.

- Efforts continue in Congress to pass the Equality Act, which, according to the findings of The Heritage Foundation, “*would give the federal government the power to dictate how Americans think and act regarding gender and sex. The bill violates constitutional freedoms and weaponizes civil rights laws to punish those who do not hold the “correct” beliefs.*”²⁸

TALKING POINTS

1. **Ignoring the scientific fact that men and women differ does not change reality, nor does it help people who struggle with gender identity issues. Instead, it hurts women and girls in many ways.** They’re forced to sacrifice their privacy and safety, as well as their dreams.
2. **After 50 years of fighting for the rights, and counting the achievements of women, the transgender movement threatens to make them obsolete by treating women as simple social constructs.**
3. **Pretending men can be women puts girls and women in vulnerable situations, risking sexual assault, physical abuse, and mental distress.**
4. **Girls deserve to compete on a level playing field.** Biological boys who believe they are girls are shattering dreams and stealing opportunities from girl athletes who deserve to win.
5. **Studies show biological males have “an absolute advantage” over female athletes, even long after using cross-sex hormones.**²⁹ Men generally have “denser, strong bones, tendons, and ligaments” and “larger hearts, greater lung volume per body mass, [and] a higher red blood cell count.”³⁰ The physical advantages are undeniable.

CONCLUSION

The growing and ever evolving transgender movement has come at great expense to women and girls. It strips them of their uniqueness and their privacy, as well as their hard-fought achievements over many years. It relegates women, who have a history of being marginalized, to a social construct.

The aggressive push to reject human biology and artificially expand gender beyond two biological sexes, effectively erases women and girls. It is a radical shift after decades of effort to ensure women equality with men under the law.

¹ Monson, D. (2021, March 10). DOC employee reports men are claiming to be women to transfer prisons, *KIRO Radio*

<https://mynorthwest.com/2666243/doc-washington-correctional-center-women-men-transfer/>

² Luthi, S. (2023, January 31). California’s female prisoners feel threatened by transgender inmates. Sate doesn’t care. *The Washington Free Beacon* <https://freebeacon.com/california/californias-female-prisoners-feel-threatened-by-transgender-inmates-the-state-doesnt-care/> (last viewed July 2023).

³ Violent Trans Women banned from female prisons (2023, February). *SkyNews*

<https://www.youtube.com/watch?v=AA58eDJZo00> (last viewed July 2023).

⁴ Balingit, M. (2018, October 10). After alleged sexual assault, officials open investigation of transgender bathroom policy, *Washington Post* https://www.washingtonpost.com/local/education/after-alleged-sexual-assault-officials-open-investigation-of-transgender-bathroom-policy/2018/10/09/431e7024-c7fd-11e8-9b1c-a90f1daae309_story.html

Aabram, V. (2021, October 25). Teenager found guilty in Loudoun County Bathroom Assault *Washington Examiner*

<https://www.washingtonexaminer.com/news/teenager-found-guilty-in-loudoun-county-bathroom-assault>

⁵ Bolar, K. (2016, January 25). Sexual Assault Victims Speak Out Against Washington’s Transgender Bathroom Policies, *Daily Signal* <https://www.dailysignal.com/2016/01/25/sexual-assault-victims-speak-out-against-washingtons-transgender-bathroom-policies/>

⁶ Bluesein, G. (2016, June 1). GA ACLU director resigns over transgender fight, *The Atlanta Journal-Constitution*

<https://www.ajc.com/blog/politics/georgia-aclu-director-resigns-over-transgender-fight/SNEPqzwOyUqtWlxJHH6ho/>

⁷ Lee, L. (2018, December 11). How do men and women differ athletically? *Sports Rec*

<https://www.sportsrec.com/6580144/how-do-men-and-women-differ-athletically>

⁸ What every woman needs to know to achieve her desired body composition goals (2017, Nov 14). *In Body*

<https://inbodyusa.com/blogs/inbodyblog/what-every-woman-needs-to-know-to-achieve-her-desired-body-composition-goals/>

⁹ Kamb, S. (2009, June 9). Fast twitch vs. slow twitch: What kind of muscles do you want? *Nerd Fitness*

<https://www.nerdfitness.com/blog/fast-twitch-vs-slow-twitch-what-kind-of-muscles-do-you-want/>

¹⁰ A E Miller¹, J D MacDougall, M A Tarnopolsky, D G Sale Gender differences in strength and muscle fiber characteristics, *NIH* <https://pubmed.ncbi.nlm.nih.gov/8477683/>

¹¹ Kruta, V. (2023, June 21). What about us?: Riley Gaines fires back at senator Dick Durbin for bowing to trans activists, *The Daily Wire* <https://www.dailywire.com/news/what-about-us-riley-gaines-fires-back-at-sen-dick-durbin-for-bowing-to-trans-activists>

¹² *Save Women’s Sports* <https://www.savewomenssport.com/is-this-fair>

¹³ Easton-Robbap, P. (2021, February 26). Judge hears arguments in lawsuit over transgender athletes. *Associated Press* <https://apnews.com/article/connecticut-high-school-sports-lawsuits-gender-identity-laws-299951f62de1fc93a109d6128687af82>

¹⁴ Knox, T., Anderson, L.C., Heather, A. Transwomen in elite sport: Scientific and ethical considerations, *Journal of Medical Ethics* <https://jme.bmj.com/content/45/6/395>

¹⁵ New study on changes in muscle mass and strength after gender-affirming treatment may have an impact on sports regulations (2019, November 12). *Karolinska Institute* <https://news.ki.se/new-study-on-changes-in-muscle-mass-and-strength-after-gender-affirming-treatment-may-have-an>

¹⁶ Taylor, S. (2021, July 14). Viral Video: Trans man gives birth to baby and trans woman unsuccessfully tried to nurse the child, *Blaze Media* <https://www.theblaze.com/news/viral-video-trans-man-gives-birth-to-baby-and-trans-woman-unsuccessfully-tries-to-nurse-the-child>

¹⁷ Sahakian, T. (2021, May 27). USA Today scrubs “male” from teen’s op-ed on competing against transgender athletes, *Fox News* <https://www.foxnews.com/us/usa-today-transgender-athlete-op-ed-chelsea-mitchell>

¹⁸ Avery, D. (2021, June 30). Nevada pageant winner to become first transgender Miss USA contestant. *NBC News* <https://www.nbcnews.com/nbc-out/out-news/nevada-pageant-winner-become-1st-transgender-miss-usa-contestant-rcna1298>

¹⁹ Downey, C. (2022, March 23). Judge Jackson refused to define ‘woman’ during confirmation hearings: ‘I’m not a biologist.’ *National Review* <https://www.nationalreview.com/news/judge-jackson-refuses-to-define-woman-during-confirmation-hearing-im-not-a-biologist/>

- ²⁰ Mian, L. (2023, June 3). Loudoun County public schools names new superintendent amid controversy over response to sexual assaults *Fox News* <https://www.foxnews.com/us/loudoun-county-public-schools-names-new-superintendent-amid-controversy-over-response-sexual-assaults>
- ²¹ Balingit, M. (2018, October 10). After alleged sexual assault, officials open investigation of transgender bathroom policy *Washington Post* https://www.washingtonpost.com/local/education/after-alleged-sexual-assault-officials-open-investigation-of-transgender-bathroom-policy/2018/10/09/431e7024-c7fd-11e8-9b1c-a90f1daae309_story.html
- ²² Alliance Defending Freedom (2023, January 31) Music Teacher Forced Out for his religious beliefs <https://adflegal.org/article/music-teacher-forced-out-his-religious-beliefs>
- ²³ Gloucester Country School Board v. Grimm, (2021, June 28). *SCOTUS Blog* <https://www.scotusblog.com/case-files/cases/gloucester-county-school-board-v-grimm/>
- ²⁴ RG & RG Harris Funeral Homes v. EEOC, (2021, June). *SCOTUS Blog* <https://www.scotusblog.com/case-files/cases/r-g-r-harris-funeral-homes-inc-v-equal-opportunity-employment-commission/>
- ²⁵ White House Executive Order, (2021, January 20) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation>
- ²⁶ Williams, K. (2021, August 30). Kansas, Missouri join lawsuit to end enforcement of transgender discrimination guidelines, *KSHB* <https://www.kshb.com/news/local-news/kansas-missouri-join-lawsuit-to-end-enforcement-of-transgender-discrimination-guidelines>
- ²⁷ *Grabowski v. Arizona Board of Regents*, No. 22-15714 (9th Cir. June 13, 2023).
- ²⁸ 11 Myths about HR 5, the Equality Act of 2021, (2021, February 24). *Heritage Foundation*. <https://www.heritage.org/gender/report/11-myths-about-hr-5-the-equality-act-2021>
- ²⁹ Lundberg, T., et al., (2019, September 26). Muscle strength, size and composition following 12 months of gender-affirming treatment in transgender individuals: retained advantage for the transwomen,” *Karolinska Institute*
- ³⁰ Dr. Burton, N. (2012, July 2). The Battle of the Sexes, *Psychology Today* <https://www.psychologytoday.com/us/blog/hidden-and-see/201207/the-battle-the-sexes>