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SISTERS OF CHARITY OF LEAVENWORTH

OFFICE OF JUSTICE, PEACE, AND INTEGRITY OF CREATION



Date: March 6th, 2023

To: Senate Committee on Education

From: John Shively, Lead Coordinator

RE: Opposition to House Bill 2238

Dear Chairwoman Baumgardner and Members of the Committee,

The Sisters of Charity follow in the tradition of St. Vincent de Paul and St. Louise de Marillac, who began the Daughters of Charity with a particular emphasis on serving those living in poverty. Our office continues that work through education, advocacy, and action on justice issues that affect marginalized people.

Fearfully and wonderfully made

We believe that everyone, no matter their sexual orientation or gender identity, is a beloved child of God with inalienable human dignity. As Sr. Luisa Derouen, a Dominican Sister of Peace who has ministered to the transgender community nationally for 21 years writes,

“This sacred journey of living into their true selves in God doesn’t look the same for everyone. We are not cookie cutter people. But I testify to you today that transgender people are who they say they are. I know this because when they live from the place of honesty and truth, God is there. I experience the gifts of the Holy Spirit in them. I see peace, joy, compassion, wisdom, forgiveness and love. They are part of the Body of Christ.”¹

As such, we should take every measure not only to avoid excluding transgender persons but also to include them in whatever ways we can – to affirm and love them for they are “fearfully and wonderfully made”.²

¹ Derouen, S. L. (2021). Keep Your Life and Your Heart Close To God. In *Transgender Persons, Their Families and the Church*. Essay, Catholic Health Association of the United States.

² Psalm 139:14

Scientific evidence does not support HB 2238

We know that there are many competitive advantages that athletes have based not on skill but physiology. Some athletes are more talented because of their wingspan, size, or height, and “genetic advantages frequently occur in sport, and that they are not necessarily unfair.”³ The success of an athlete in any sport can be, in part, a result of natural genetic endowments regardless of the person’s biological sex. Some medical conditions can cause cisgender women and girls to have elevated testosterone levels as well, and we have not felt the need to legislate against their right to compete in the name of fairness.⁴

More importantly, if we are setting up our student-athletes for success and competitiveness beyond their time in Kansas, both the NCAA and International Olympic Committee allow transgender athletes to compete under specific guidelines.

A solution in search of a problem

Every year this issue has come up, we have learned this law would essentially apply to small handful of students in Kansas.⁵ To my knowledge, these athletes are not winning state championships, dominating the competition, or taking scholarship opportunities from others—we have evidence of none of that.

I do not know them personally, but I suspect that they are simply young transgender persons trying to live out their lives as authentically as they know how. Persons who have the same passions, desires, dreams, and goals as any other student-athlete. Can we not find a more compassionate approach?

Let’s make room for compromise, dialogue, and good process

I don’t know the people that support House Bill 2238 to be hateful. I think more than anything, what we are hearing is a fear of loss. By the time we get into a hearing, the temperature is too hot, there is too much at risk, and we aren’t able to have a real dialogue. **I would hope that we could vote no on this bill, and bring people to the table to have honest, hard conversations with each other about what a compassionate and reasonable approach could look like. To listen and hear the concerns from Transgender folks, student athletes, women, and girls to forge consensus rather than force policy.**

I believe we could benefit from an approach like Republican Governor Spencer Cox of Utah in his veto of the Utah Legislature’s outright ban, which I encourage you all to read.⁵ He writes, “From immigration and criminal justice reform to LGBTQ protections and religious freedom, Utah has often shown an unusual willingness to find new and compassionate ways to solve the most toxic debates of our time. For this reason, I was heartened and encouraged to see legislators sitting down with LGBTQ advocates to work on a compromise that would both protect women’s sports and allow some participation for our most marginalized transgendered youth.”

³ Andria Bianchi (2017) Transgender women in sport, Journal of the Philosophy of Sport, 44:2, 229-242, DOI: [10.1080/00948705.2017.1317602](https://doi.org/10.1080/00948705.2017.1317602)

⁴ <https://www.scientificamerican.com/article/trans-girls-belong-on-girls-sports-teams/>

⁵ <https://governor.utah.gov/2022/03/24/gov-cox-why-im-vetoing-hb11/>

Conclusion

Transgender persons have a God-given dignity that calls us to include them in the fullness of social life, including the ability to compete in sports. There is little scientific evidence supporting that Transgender athletes have an advantage, particularly if they are on hormone blockers—but even so, physiological advantages in sport happen literally in all sports, across all time, in all places.

Transgender youth deserve to be included, to be seen, and to be loved for who they are and not one ounce less. Please vote no on HB 2238.