



Why We Need the Women's Bill of Rights

Lynn Fitch, Carrie Lukas

June 21, 2023

Women who grew up before Title IX remember when we had to fight for every second of court time, dollar for equipment, and ounce of respect – and often lost. Five decades later, we find ourselves back at the starting line, fighting again for those same protections. This Women's Sports Week, we affirm what it means to be women in order to protect women's sports, spaces, and opportunities. We celebrate the achievements of female athletes by promoting equal access to athletic opportunities for both sexes.

Title IX and similar laws paved the way for generations of young women to excel in sports, academics, and professional life. Before 1972, for example, according to an NCAA count, there were only 13 U.S. women's collegiate soccer teams, with a total of 313 players. By the 2020–21 school year, those numbers had risen to 1,026 teams and nearly 28,000 players. In 1996, women's soccer was played for the first time at the Olympics, and we all cheered for stars like Mia Hamm and Brandi Chastain as they brought home the gold for America – a moment that undeniably had its birth in Title IX.

Women today enjoy opportunities unheard of not long ago. But the progress women have made is under attack – ironically, in the name of equality. In an effort to expand society's understanding of gender identity, women are being left behind again. We must restore a shared lexicon, at least in the courtroom and in legislative chambers, to ensure that the gains that women have made are not lost.

That's why we need the Women's Bill of Rights, which codifies our common understanding of sex-based words. It declares that there is a difference between sex – which denotes immutable, biological characteristics – and gender, which is influenced by societal norms and trends and feelings. Being a woman and being feminine may coexist for many women; but they are not the same. Mistakenly merging the two can lead to devastating, if unintended, consequences for young women still struggling to enjoy the full promise of Title IX.

The Biden administration's efforts to read this misunderstanding into federal rules and prohibit states from keeping girls' sports open only to girls threatens the next generation of role models for our daughters and granddaughters.

In the high-profile example of collegiate women's swimming, the new Biden administration rules will penalize women. Lia Thomas, a transgender swimmer who placed 65th in the 500-yard freestyle when competing against men, shot up to number one when competing against women.

The cycling circuit yields similar results for female athletes. Male cyclist Austin Killips bested the top female cyclist by five minutes in winning last month's 131-mile Belgian Waffle Ride in North Carolina. Earlier this year, after losing to a male competitor, elite cycling champion Hannah Arensman decided to end her career. "It has become increasingly discouraging to train as hard as I do only to have to lose to a man with the unfair advantage of an androgenized body that intrinsically gives him an obvious advantage over me, no matter how hard I train," she said.

These examples, among many others, demonstrate why it is so important that our rules and laws emanate from a common understanding of sex and gender.

Women are now speaking out, telling their stories, and standing up for women's spaces and opportunities. One of these outspoken champions is swimmer Riley Gaines, who suffered the indignity of watching the trophy she earned go to a biologically male competitor. Riley is showing great courage, taking a stand for all women, whether they swim, putt, run, or tend goal.

More women are following her lead. A former Thomas teammate, Paula Scanlan, recently said, "My only regret is not speaking out sooner. ... Swimming carried me through, providing me with motivation and purpose in each and every day. Many young girls rely on this foundation, but now, it is crumbling."

Our girls deserve a shot at greatness on the playing field. They deserve a private and safe space in the locker room. They deserve a place to call their own when they need to come together for support and fellowship.

The need to make clear that a woman is a woman and a man is a man would have been inconceivable 50 years ago – but this is where we are today. We need the Women's Bill of Rights to unblur the line between the sexes and to set out plainly the necessary definitions to ensure privacy, safety, and equal opportunity, both on and off the field, for women.