



Written by [James Murphy](#) on December 20, 2022

Federal Appeals Court OKs Biological Males to Compete Against Girls in Connecticut HS Sports

On December 16, a three-judge panel of the Second Circuit Court of Appeals determined that Connecticut Interscholastic Athletic Conference (CIAC) rules allowing biological males to compete against girls in female sporting competitions were allowed by Title IX, a 1972 law that prohibits sex-based discrimination at educational facilities.

Four female athletes, led by [Selina Soule](#) — a Connecticut track and field athlete who was denied the opportunity to compete in the New England Interscholastic Track and Field Championships because two biological males “identifying” as females beat her out for the top spots — brought the suit. The other athletes are Chelsea Mitchell, Alanna Smith and Ashley Nicoletti.



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Judges Denny Chin and Susan Carney, both Obama appointees, and Beth Robinson, a Biden appointee, [agreed](#) with a District Court ruling that the four girls lacked standing to sue for damages and their case must be dismissed.

“We are unpersuaded, with respect to the claim for an injunction to alter the records, that Plaintiffs have established the injury in fact and redressability requirements for standing; both fail for reasons of speculation,” the judges wrote. “And because we conclude that the CIAC and its member schools did not have adequate notice that the Policy violates Title IX — indeed, they had notice to the contrary — Plaintiffs’ claims for damages must be dismissed.”

“The 2nd Circuit got it wrong, and we’re evaluating all legal options, including appeal. Our clients—like all female athletes—deserve access to fair competition.”

- [@ChristianaADF](#) <https://t.co/N8UuawKcia>

— Alliance Defending Freedom (@ADFLegal) [December 16, 2022](#)

The Alliance Defending Freedom (ADF), who is representing the female plaintiffs, strongly disagreed and is considering an appeal.

“The 2nd Circuit got it wrong, and we’re evaluating all legal options, including appeal. Our clients — like all female athletes — deserve access to fair competition. Thankfully, a growing number of states are stepping up to protect women’s athletics,” an ADF [statement](#) read. “Right now, 18 states have enacted laws that protect women and girls from having to compete against males, and polls show that a majority of Americans agree that the competition is no longer fair when males are permitted to compete in women’s sports. Every woman deserves the respect and dignity that comes with having an equal opportunity to excel and win in athletics, and ADF remains committed to protecting the future of



women's sports."

"Our clients, like all female athletes across the country, deserve fair competition," Christiana Kiefer, an ADF attorney, told the AP. "And that means fair and equal quality of competition, and that just does not happen when you're forced to compete against biological males in their sports."

"The vast majority of the American public recognizes that in order to have fair sports, we have to protect the female category, and I think you're seeing that trend increasingly with states across the country passing laws to protect women's sports.... This is certainly not the end of the road in the fight for fairness for female athletes," Keifer added.

The ACLU, who defended the CIAC policy on behalf of the two "transgendered" male athletes — Andraya Yearwood and Terry Miller — was, naturally, delighted with the biology-denying ruling.

"Today's ruling is a critical victory for fairness, equality, and inclusion," said Joshua Block, an ACLU attorney specializing in LGBTQ issues. "The court rejected the baseless zero-sum arguments presented by the opposition to this policy and ultimately found transgender girls have as much a right to play as cisgender girls under Title IX. This critical victory strikes at the heart of political attacks against transgender youth while helping ensure every young person has the right to play."

"Trans student athletes belong on our sports teams and in our schools, and all trans youth should be celebrated and protected for who they are," said Elana Bildner, an ACLU Foundation of Connecticut senior staff attorney. "Today, the courts have once again dismissed this lawsuit seeking to attack trans student athletes. The record shows that our clients played by the rules, and the court agreed."

Nobody was arguing that the two male athletes who competed in the girls division didn't play "by the rules." Instead, they argued that the rules that allow the stronger and faster males to compete against females were ridiculous and wrong.

A tiny science-denying minority has gained an undeniable foothold in our culture. Merely by virtue of proclaiming themselves "female," male athletes who would be, at best, middle of the road in competitions against other males are allowed in some jurisdictions to dominate sports that should be female-only. And many courts in America are bowing to the whims of that minority.



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