

CAN BOYS CRASH GIRLS' SPORTS?

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The U.S. Supreme Court will hear oral arguments today on whether boys can compete in girls' sports. The very idea that this has to occupy the time of the high court is testimony to the sexual confusion that is widespread not only in America, but in western civilization; the rest of the world is a lot smarter. Adding to the confusion is the Supreme Court itself.

In 2020, Justice Neil Gorsuch wrote the majority opinion in *Bostock v. Clayton County*. He held that Title VII of the 1964 Civil Rights Act prohibits employees from being fired on the basis of sexual orientation or gender identity, even though the law only addressed sex. "An individual's homosexuality or transgender status is not relevant to employment decisions," he said.

As I said at the time, "This sweeping statement, which will be cited in every lawsuit on this subject, is manifestly false." I gave the following example. "If a man volunteers to be a Big Brother, working with fatherless boys, and desires to 'transition' to a woman, he cannot reasonably be expected to do the job he was hired to do. He deliberately changed the required profile. This should clearly be grounds for termination."

The problem with Gorsuch's position is that it is based on a flawed anthropology. As such, it makes for bad law and bad public policy. "Had it been a more narrow ruling," I said, "tailored to the specific instances of workplace discrimination, there would be no tidal wave of lawsuits. But now that the moral order has been further diced and spliced by the courts—thanks to this classic case of judicial overreach—it is a sure bet there will be."

What is before the court today is a clear demonstration of the

validity of my concerns.

If guys can compete against gals in sports, there is no reason why they can't share the same locker rooms, bathroom facilities and showers. This is exactly what happened. Gorsuch was not unaware that this was a real possibility when he rendered his decision, he simply said that was an issue for another day. He wrote, "we do not purport to address bathrooms, locker rooms, or anything else of this kind." He explicitly said such matters are "questions for future cases," and left it at that. Now that day is upon him.

Justice Samuel Alito wrote a dissent in *Bostock*, joined by Justice Clarence Thomas. He did not take kindly to Gorsuch's dismissive comments. "The Court's brusque refusal to consider the consequences of its reasoning is irresponsible." Indeed, he said, "Before issuing today's radical decision, the Court should have given some thought to where its decision would lead." He got specific.

"The Court may wish to avoid this subject, but it is a matter of concern to many people who are reticent about disrobing or using toilet facilities in the presence of individuals whom they regard as members of the opposite sex. For some, this may simply be a question of modesty, but for others, there is more at stake. For women who have been victimized by sexual assault or abuse, the experience of seeing an unclothed person with the anatomy of a male in a confined and sensitive location such as a bathroom or locker room can cause serious psychological harm."

Again, the fact that such a commonsensical understanding of human nature has to be articulated before the United States Supreme Court shows how ideologically corrupt we have become. It is not the ordinary American who is the problem—it is elite decision makers.

The high court needs to speak with clarity. They can begin by

simply stating that there is no objective human category as a transgender person. This means (a) all human beings are either male or female and, (b) we cannot change our sex. It's time for a dramatic reset: we need to respect women's rights—not the rights of men who falsely claim to be a woman.