



HB 649

OUR MISSION

To restore, protect, and advance the rights of women and girls through legal argument, policy advocacy, and public education

OUR VISION

Total liberation of women and girls from all forms of sex-based oppressions, including gender identity, male violence, commercial sexual exploitation, and reproductive coercion

OPPOSE UNLESS AMEND

Women's Liberation Front OPPOSE UNLESS AMEND HB 649 which adds provisions under antidiscrimination laws in education to include "gender identity" which nullifies antidiscrimination laws against women and girls on the basis of sex.

Women's Liberation Front is a national secular nonpartisan 501(c)(3) nonprofit that works to restore, defend, and advance the rights of women and girls. We agree that no one must be discriminated against under the categories provided in HB 649, especially on the basis of sex, but extending antidiscrimination laws to "gender identity" at least insofar as spaces and sports effectively removes antidiscrimination protections for women and girls. Further, everyone regardless of their other identifiers are either male or female and it is *not* discrimination to have males and females use facilities and participate in sports categories by sex and. Male discomfort for using facilities designated for men and boys because they prefer to present as women and girls or identifying into the female sports category if they are not competitive on the boys' team is not an excuse to give all men and boys the special right to violate women-only spaces and female-specific opportunities.

The material condition of sex is what is being discriminated against when employers choose to pay women less than men; when housing was historically denied to single women; when institutions of higher education declined to accept female applicants believing that the only reason women seek higher education was to get a husband; when credit card companies didn't allow women to apply without a husband; when employers declined to employ women under prejudice that women were not meant to work outside the home; or any number of misogynistic pretense that prevented women from equal and fair treatment in public participation. Women were and are still discriminated against for being female.

"Gender identity" gives men and boys the legally protected right to identify into the female sex category and violate any designated spaces for women and girls. This legal entitlement to female-only space will result women and girls being intimidated out of public participation, especially socioeconomically disenfranchised women who have no options outside of public accommodations. Single-sex accommodations is a common sense measure to ensure equal access to education that has been treated as settled wisdom in recent systematic reviews.¹



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In provisions related to any athletic or athletic opportunity through academic institutions, the legal entitlement for boys and men to cheat by identify into the female category violates the original intent of Title IX and prioritizes the feelings and beliefs of boys and men over the science and evidence of one's material condition. There is broad scientific consensus that men have an athletic advantage over women of similar age and training, outperforming females by 10-40%² depending on the sporting event.³ There are profound differences between the sexes in terms of strength, power, speed, endurance, and body sizes that exist before puberty and become more pronounced as girls and boys grow into adulthood.² Studies have found that enhanced athletic performance have been driven in males in utero, early life, and onward into adulthood and cannot be reversed.⁴ Estrogen therapy cannot undo male advantage in athletic sports which makes males competing in women's sports egregiously unfair.

Allowing males to identify into the female sex category in sports have already led to predictable outcomes. In the most thorough account of boys who've used their athletic advantages against girls in high school due to policies that categorize sports based on "gender identity," boys have competed in at least 3,520 female-category events, taken at least 981 first place finishes, and at least 1,802 finishes in the top three.⁵ Outside of interscholastic and intramural athletics, men competing in female category sports have participated in over 18,439 events, and taken away over 10,205 top three placements from women, including 5,967 first places.⁶ Applying "gender identity" under antidiscrimination laws as applied to interscholastic, intramural, and professional sports categories has already resulted in men being legally entitled to cheat in women's sports and take opportunities, protections, and acknowledgement away from women and girls.

In contrast, girls and women who identify as males do not pose any threat to boys and men because girls and women cannot outperform boys and men in their own sports categories.

Places of education will also have an effective loophole to discriminate against women and girls by claiming a significant percentage of their students identify as woman and girls and therefore, satisfy any scrutiny over antidiscrimination laws. Any girl or woman who is sexually harassed or discriminated against by a man or boy in situations where "gender identify" allows men access to female-only spaces may be subject to reverse-victimization (i.e. "Deny, Attack, Reverse Victim and Offender") by the aggressor posing that he felt harassed or discriminated against for the woman or girl not accepting him as a woman and that her discomfort over his behaviors was "transphobia," "bigotry," and "hatred." In places where there is preference for males over females, the boys' complaint will prevail and the girl will be penalized. If a boy or man openly identifies as a woman and sexually harasses



or discriminates against his female coeds, girls and women will be intimidated into silence, knowing the unequal power dynamic that weighs more heavily in his favor than before the recognition of “gender identity” in antidiscrimination laws.

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The situations posed are not exaggerated concerns as we’ve already seen reverse-victimization happen to both boys and girls in educational institutions under “gender identity” antidiscrimination policies. A girl in Stone Bridge High School in Virginia went into the boys’ locker room as per her “gender identity” and began filming the boys despite the boys’ clear discomfort at her being there and telling her to leave. The incident resulted in the boys’ being disciplined for “sexual harassment” despite the aggressor being a girl who felt entitled to violate their privacy and film them due to her “gender identity.”⁷ In Deerfield, Illinois, teachers took part in sexually harassing a locker room full of 13-year-old girls by forcing them to undress in front of a male student who identifies as a girl after the girls expressed distress having to share a locker room with him.⁸ Recognizing “gender identity” over sex in antidiscrimination policy in these situations is neither progressive nor inclusive, but enabling, excusing, and even promoting predatory behavior and harassment between the sexes.

Women’s Liberation Front urges Maryland’s general assembly to AMEND HB 649 to keep antidiscrimination laws under all other categories provided and concerning “gender identity,” either add emphatic provisions that male students and female students must still use facilities and participate in sports categories according to their sex, or else omit provisions concerning “gender identity” altogether. Laws must not prioritize the feelings and entitlements of men and boys over the material condition of being female in laws that cater to “gender identity.”

Sincerely,

Women’s Liberation Front

¹Birdthistle, I, Dickson, K, Freeman, M. et al. What impact does the provision of separate toilets for girls at schools have on their primary and secondary school enrolment, attendance and completion? : A systematic review of the evidence. EPPI-Centre. July 2011.

<https://www.ircwash.org/sites/default/files/Birdthistle-2011-What.pdf>

²Joyner MJ, Hunter SK, Senefeld JW. Evidence on sex differences in sports performance. Journal of Applied Physiology. Vol 138, No.1.

<https://doi.org/10.1152/jappphysiol.00615.2024>

³Hunter SK, Angadi SS, Bhargava A, et al. The Biological Basis of Sex Differences in Athletic Performance: Consensus Statement for the American College of Sports Medicine.



Medicine and Science in Sports and Exercise. 55(12), 2328–2360. December 1, 2023.
<https://doi.org/10.1249/MSS.0000000000003300>

⁴ Heather AK. Transwoman Elite Athletes: Their Extra Percentage Relative to Female Physiology. International Journal of Environmental Research and Public Health. Vol. 19,15 9103. July 26, 2022. <http://doi.org/10.3390/ijerph19159103>

⁵ Hecheated.org. Accessed March 30 2026. https://hecheated.org/Totals_high-school_results.html

⁶ Hecheated.org. Accessed March 24, 2026. https://hecheated.org/Total_results.html

⁷ Minock N. WATCH: 7News obtains locker room video in LCPS investigation into Loudoun Co. boys. ABC News. May 16, 2025. Updated May 19, 2025.
<https://wjla.com/news/local/loudoun-county-boys-locker-room-video-lcps-investigation-exclusive-7news-virginia-public-bathroom-schools-transgender-gender-identity-female-student-title-ix-donald-trump-stone-bridge-education>

⁸ Illinois Review. Deerfield, Ill. School Officials Spark National Outrage After Forcing Girls to Change in Front of Transgender Boy, as Calls for Accountability Grow. March 18, 2025.
<https://www.illinoisreview.com/illinoisreview/2025/03/deerfield-ill-school-officials-spark-national-outrage-after-forcing-girls-to-change-in-front-of-transgender-boy-as-calls-for-accountability-grow.html>

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