

Female athletes ask to sue over policy allowing transgender athletes to compete in sports

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A federal appeals court on Tuesday questioned whether a group of female track and field athletes in Connecticut has the right to [sue over a policy](#) allowing transgender athletes to compete in girls' athletic events.

"It is a clear violation when a school or school district knowingly lets sexual discrimination proceed. I don't think we can say that here," Judge Denny Chin said.

An attorney for the athletes, John Bursch with the conservative legal group Alliance Defending Freedom, urged the judges on the 2nd U.S. Circuit Court of Appeals to allow the case to move forward.

"All we need to decide today is whether they get into the courthouse door," Bursch said.

The athletes -- Selina Soule, Chelsea Mitchell, Alanna Smith and Ashley Nicoletti -- said they each felt the impact of the policy by the Connecticut Interscholastic Athletic Conference.

"They trained hard to shave fractions of seconds off their race times so they could compete in state and regional meets, stand atop the winners' podium, and perhaps even secure college athletic scholarships and gainful employment beyond," the women said in court

papers. "Yet those dreams were dashed, as the policy forced them to compete -- and lose -- to biological males."



Bloomfield High School transgender athlete Terry Miller, second from left, wins the final of the 55-met...

Pat Eaton-Robb/AP, FILE

They want the chance to sue the state agency and several Connecticut high schools, alleging the policy that allows transgender athletes into competition violates Title IX by failing to provide female athletes with equal treatment.

The state argued the athletes have not alleged any concrete or imminent harm.

"Nothing about track results would affect the plaintiffs' life prospects," said Peter Murphy, the Connecticut Interscholastic Athletic Conference's attorney.

"Is there an injury in fact that you see on this complaint by money damages, if money damages is available?" asked Judge Alison Nathan.

"No," Murphy responded. "The plaintiffs are alleging they ran a race and lost, and they don't like the rules."

Issues involving the transgender community have become a hot-button topic in recent months, as Republican lawmakers have passed legislation seemingly targeting the community.

In April, House Republicans passed the "Protection of Women and Girls in Sports Act," which would ban transgender athletes from competing on school sports teams with women and girls.

"Last year, we pledged if we had the opportunity to be in the majority, we would bring this bill forward. We would stand up for fairness, we'd stand up for you; we'd stand up for Title IX," House Speaker Kevin McCarthy said outside the Capitol at the time. "We asked others across this country to join with us to help us pass it in the Senate and get it to the president's desk, so every woman is protected in fairness and in competition."

At least 21 states since 2020 have enacted laws or policies that ban transgender athletes from playing on school sports teams with women and girls, [according to the Movement Advancement Project](#).

A growing number of states, including Alabama, Florida, Georgia, Mississippi, South Dakota and Tennessee, have passed legislation or policies restricting gender-affirming care for people under the age of legal majority.

The American Civil Liberties Union is [tracking](#) nearly 500 anti-LGBTQ+

bills around the country.

ABC News' Teddy Grant, Kiara Alfonseca, Lauren Peller, Lalee Ibssa and Libby Cathey contributed to this report.