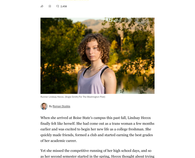

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As transgender rights debate spills into sports, one runner finds herself at the center of a pivotal case

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Runner Lindsay Hecox. (Angie Smith/For The Washington Post)

By Roman Stubbs

When she arrived at Boise State's campus this past fall, Lindsay Hecox finally felt like herself. She had come out as a trans woman a few months earlier and was excited to begin her new life as a college freshman. She quickly made friends, formed a club and started earning the best grades of her academic career.

Yet she missed the competitive running of her high school days, and so as her second semester started in the spring, Hecox thought about trying out for the university's cross-country team. The 19-year-old asked an assistant coach for the typical training plan for team members, and after running the recommended mileage most days along the Boise River, Hecox worked up the courage to tell the coaches she planned to join the team once her sophomore year began.

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But Hecox was also unsure if she would get that chance. In March, Idaho became the first state in the country to bar transgender girls such as Hecox from participating in sports consistent with their gender identity. House Bill 500, known as the Fairness in Women's Sports Act, states "athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex," and also requires that girls and women have genital and hormonal testing if their biological sex is challenged.

Idaho's new law, coupled with another recently passed state law banning transgender people from changing their birth certificates to match their gender identity, is emblematic of the legislation challenging transgender rights across the country over the past year. Republican lawmakers, bolstered by the Trump administration, have specifically homed in on transgender youth issues, proposing bills in several states to restrict medical treatments for transgender youths.

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That push has also been concentrated in the sports landscape: More than a dozen states have recently introduced legislation to ban transgender athletes from competition, including in Arizona, Alabama, Georgia, Louisiana, Ohio and Tennessee, where lawmakers have argued that transgender athletes are gaining an unfair advantage in sports at all levels at the expense of cisgender girls and women.

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“It’s reflective of the fact that we have an election coming up; it’s reflective of our country’s leadership right now,” said Chris Mosier, a transgender advocate and triathlete. “It is intended to drive a wedge in the issues and debates of the Equality Act.”

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In Connecticut, which is one of only a handful of states that allow students to participate in sports based on their gender identity, three cisgender female high school athletes are suing the state’s interscholastic sports governing body. In May, the U.S. Department of Education’s Office of Civil Rights threatened to withhold federal funding to Connecticut after ruling the state’s inclusion of transgender athletes violated Title IX laws.

The Trump administration has also sided with Idaho’s new law. Two civil rights groups, the American Civil Liberties Union and Legal Voice, along with a private law firm, have filed a federal lawsuit against the state on behalf of Hecox and another student-athlete, who is not transgender, arguing that HB 500 violates the constitution and Title IX. While the court battle over the new law promises to be lengthy, Hecox’s representatives proposed in a hearing last week a preliminary injunction to block Idaho’s law and allow her to try out for the team this season. A U.S. District judge, who also heard arguments by the state to dismiss the lawsuit, is expected to decide on the matters of injunction and dismissal by Aug. 10.

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“I just want the chance to run,” Hecox said. “I don’t want to be taking titles or spots away from cis girls. So this lawsuit, if we win, it will just be saying: I am a girl, I get to compete on these teams, and it shows that trans individuals get equal opportunities of the cis people.”

The new Idaho law is at odds with NCAA policy, which requires one year of hormone treatment to compete on a female team. Advocates as well as prominent athletes, including Billie Jean King and Megan Rapinoe, have called for the NCAA to move men’s basketball tournament games scheduled to be played in the state next March — the way the NCAA banned events in North Carolina in 2016 over the state’s since-repealed law that required transgender people to use public bathrooms based on the gender on their birth certificates.

Some advocates say the Idaho lawsuit could be a flash point in the fight for transgender rights.

“It’s a really important case, because it’s going to set a precedent for other states as well. I think the next generation of these bathroom bills are these sports bills,” said Susan K. Cahn, a history professor at the University of Buffalo who specializes in gender and sexuality in sports. “It’s sort of the latest wave in [the] traditionalist defense of sports as they are in the male imagination, the idea … that men are fundamentally, biologically superior to women, and therefore someone that was assigned male at birth should never compete in women’s competition.”

‘I never got to be myself’

When she chose to attend Boise State last year, Hecox didn't envision herself in this position. Her first year of college has been typical in many ways, balancing school with a busy social life and a job at a sandwich shop. But she is now recognized all over Boise. She never expected to become an activist, let alone a leading voice in a potentially groundbreaking case.

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Hecox grew up in Moorpark, Calif., about 45 miles outside Los Angeles, and "had a fairly normal childhood." She was drawn to running at an early age, and by the time she was in high school she was competing year-round on the cross-country and track teams. It gave her structure during a confusing time. Hecox struggled in the classroom because of her attention-deficit disorder, and making friends was always difficult as she endured gender dysphoria.

"I would literally come home from a stressful day at school and dress up in the few female clothes that I had," she said. "I never got to be myself a single day of high school. It was all related. I didn't feel good because I didn't have any friends. I didn't have any friends because I had gender dysphoria and I wasn't being the trans girl that I am now."

[*After landmark Supreme Court ruling, transgender workers stand up for their rights*]

Hecox began her transition the summer after she graduated high school, and Boise State proved to be a perfect place to start her new life. She didn't know anyone, and the scenery was the perfect backdrop for long runs. She made new girlfriends at orientation and went bowling with a few of them later.

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“I was just starry-eyed the whole time that I wasn’t getting harassed or yelled at,” she said.

She began her hormone replacement therapy and made up her mind that she wanted to pursue a career as a psychologist, specifically helping the LGBTQ community. Trans youth are far more likely to experience depression and suicidal thoughts than cisgender youth, according to studies.

Hecox was earning A’s and B’s in her classes and hung out at the campus’s Gender Equity Center, often putting stickers with trans-rights slogans on the windows. She kept an eye on the anti-trans legislation spreading across the country, and by the time HB 500 was introduced in February, Hecox felt she needed to act.

By early March, the bill went before the Senate State Affairs Committee, and she walked to the Capitol building in downtown Boise to deliver a speech against it. A month later, as the bill passed, Hecox had made the decision to try out for the team and was a plaintiff in the lawsuit.

The NCAA said in a statement that it plans to discuss the law and its impact on student-athletes during a board of governors meeting in August. A Boise State spokesman referred questions to the state’s attorney general’s office.

“The trans community has to fight for almost every single thing to be the gender that they are,” Hecox said. “It was the same thing with bathrooms a couple years ago. Anything that is gendered, we have to fight for it.”

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‘It’s about opportunities’

In Connecticut, the debate over transgender athletes has been at the forefront for two years. Three cisgender female athletes have filed a federal lawsuit seeking to change the state rule that allows high school athletes to compete in sports corresponding with their gender identity, largely in response to the success of transgender female track runners Andraya Yearwood and Terry Miller, who have combined to win 15 state titles.

The cisgender girls argued that the Connecticut Interscholastic Athletic Conference policy violates Title IX, in addition to creating competitive disadvantages and hurting scholarship opportunities for cisgender athletes. “Inescapable biological facts of the human species [are] not stereotypes, ‘social constructs,’ or relics of past discrimination,” reads the lawsuit, which was filed by the Alliance Defending Freedom, a religious conservative legal group.

That group also has played a role in shaping Idaho’s policy. Barbara Ehardt, a Idaho Republican legislator and former NCAA women’s basketball player and coach who authored HB 500, worked with the ADF to craft the language of the law, she said in an interview. She said her own experience in sports, coupled with her dismay over the case in Connecticut, led her to pursue the bill.

“No matter how you look at it, we cannot compete against the inherent physiological advantages those biological males possess,” she said, later adding: “This has been 100 percent because of my personal experiences and the blessings I received from having had the opportunity to compete and play in not just high school but collegiate sports. I want to protect those opportunities … for girls and women who will follow after me. This for me is not political but personal. It’s about opportunities.”

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The science over who is viewed as a woman in athletic competition remains inconclusive and contentious. It is reflected in the inconsistency of rules across different levels of competition; while the NCAA allows women to compete after a year of hormone therapy, it doesn’t regulate a transgender athlete’s testosterone levels. The International Olympic Committee allows transgender women to compete so long as they maintain certain blood testosterone levels for at least a year.

Researchers are searching for more data and more answers. One of those scientists, Joanna Harper, said no data on trans athletes existed in 2004; that year, she was a well-known distance runner who was beginning hormone therapy in transitioning to female. Her research, part of which was published in 2015, found that a small group of transgender women runners were no more competitive after hormone therapy in the female division than they had been in the male division and were running at least 10 percent slower after treatment.

But the study was small in scope, said Harper, a former adviser to the IOC who has continued her research at Loughborough University in the United Kingdom.

“How all of these things play out is certainly complicated, and of course we know very, very little about it yet,” Harper said. “But the assumption that trans women will have an unassailable, overall advantage over cisgender women hasn’t proven to be true.”

The fight over who can compete will continue to be waged in courthouses across the country, and how the cases in Idaho and Connecticut are resolved carry significant implications, according to Erin Buzuvis, a Western New England Law School professor who researches and writes about gender and discrimination in education and athletics.

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“So far, this fight for inclusion in high school sports, it has been conducted in the political arena on a state-by-state basis. So if there is a victory in [the Hecox case], that will help ensure that the negative political efforts are curtailed,” Buzuvis said. “If there’s not a victory, the status quo remains and what we’ve been doing all along, which is to convince states one by one to adopt more inclusive policies, that would still be allowed to continue.”

Hecox and her legal team are first aiming to win an injunction by August so she can try out for the school’s team. She continues to train every day, running trails in Boise, often imagining herself wearing the school’s blue and orange colors.

“I definitely feel honored to be a potential trailblazer for my community. If I win the case, it legitimizes the ultimate fact that I’m no different than a cisgender girl,” she said. “I should still be able to compete on the team. It would make me feel that society is valuing me as a member.”

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