

Episode 123: The Attempted Gutting of Title IX

- Announcer: [00:04](#) Welcome to the Bill Walton Show, featuring conversations with leaders, entrepreneurs, artists, and thinkers. Fresh perspectives on money, culture, politics, and human flourishing. Interesting people, interesting things.
- Bill Walton: [00:24](#) Welcome to the Bill Walton show. I'm Bill Walton. Yesterday, Governor Kristi Noem of South Dakota vetoed a bill that would have banned transgender boys/girls from girls' and women's sports in the state of South Dakota. She's taking a lot of heat from conservatives around the country for her approach to this. But as I dig into it, I think it's a lot more complicated issue than just open and shut transgenders in girls' sports and wanted to get all sorts of points of view on this. So I've asked our team to join in, weigh in. This is going to be an opinion piece. I don't think anybody's got a definitive answer, although maybe somebody does and I'll learn about what that is. Anyway, Brian McNicoll, Alyona Wazeter, Frank Wazeter, Maureen O'Donnell and Greg Corombus. Thanks for joining in guys.
- Maureen O'Donne...: [01:19](#) Yeah.
- Greg Corombus: [01:20](#) Absolutely.
- Bill Walton: [01:21](#) So Brian, you're our veterans sports reporter. Why don't you tell me what your take on this is.
- Brian McNicoll: [01:29](#) All right. So the governor received this bill from the legislature. She sent it back with what they call style informed corrections, which is supposed to be putting the commas and periods in the right place. And she did it for a bunch of more substantive stuff, like one of them was the bill was originally written applied to colleges as well as high schools. And she worried that would run them afoul of the NCAA. South Dakota makes a lot of money on hosting NCAA events. NCAA Division II basketball is there in Sioux Falls. They had one of the pre-season major college basketball tournament. They have NCAA volleyball is there. So she does have something to preserve there. And the NCAA would treat them like they treated North Carolina during the bathroom bill controversy.
- She also was worried about how do you determine who's a boy or a girl? Are we going to check at some point? Are we going to look? Are we going to take birth certificates? What about

people who are changing? You get your birth certificate changed. What would be the actual measure? She didn't think that had been nailed down yet. And she was worried that a part of the bill that had to do with steroids would leave the state open to being sued by people who got cut from a team because the guy in front of them did steroids and got to beat stronger. So there was some stuff there she tried to get straightened out. The legislature overturned her style and former revision 67 to two. So she issued two executive orders yesterday. One that says biological boys cannot play in girls' sports up through K-12 in South Dakota. And colleges they should not, but she doesn't order them. She just says that they should not. That's where things stand now.

Bill Walton: [03:36](#)

Greg, you got a point of view.

Greg Corombus: [03:37](#)

Sure. Well, I think she's probably right about how the NCAA would crack down. Brian made the perfect analogy to what happened in North Carolina. They removed ACC tournament sites, certainly for football, I think maybe for basketball as well. They made it very clear that North Carolina was not going to host anything again until that was dealt with. And that threat was acted upon. So she's right about that. But the problem is that Kristi Noem put herself out there as the leader on this issue. And it's like she didn't think it through or something before the legislation actually came to her desk because it's only then that she decided that, oh, well maybe we don't want to do this. Even though she might have a decent legal argument, politically it's going to hurt her a lot, I think, because she put herself out there and then as soon as the legislature gave her what she asked for, she said, no.

Bill Walton: [04:29](#)

Well, this is an issue that's just come up in the last few years. Maureen, Alyona, do you remember any girls when you were growing up or boys growing up identifying as transgender?

Maureen O'Donne...: [04:40](#)

I did not. I did not. And I'm significantly older than Alyona so ...

Bill Walton: [04:48](#)

What about you Alyona? Of course, you're from Eastern, you're from one of the Russian states. Is this an American only phenomena or is this something that is worldwide?

Alyona Wazeter: [05:00](#)

Definitely. It's definitely unheard of. And if you remember the few years back when there was a whole problem with Putin being anti-transgender, and gay and lesbian, and all of that, it all goes into that as well. So if you are trying to change your gender in any way, shape, or form, it's definitely frowned upon to say the least. So if you survive, that would be a miracle.

- Bill Walton: [05:41](#) As I dug into this, it seemed to me to be less and less clear what it is we're dealing with here because even today, there are only 2% of high school students who self proclaim as transgender, and an overwhelming majority of those are young women. So they're not a lot of young men who would be in the category of switching over to girls so they could compete in men's sports. And it seems to be one of these hysterias. 10 years ago, I think only one in 10,000 kids self-identified as transgender. So one in 10,000, or I think it's 0.01% self-identified. And so this is one of these issues that's just come up. I remember when my kids were younger bulimia, anorexia was the hysteria of the time. And then I can go all the way back to the fifties, sixties where everybody had ulcers. And it's sort of like, we have these fads of what the dysfunction du jour is, and this seems to be one of those. Am I missing something?
- Brian McNicoll: [07:00](#) Well, part of it is, yeah, there are more people now saying this, society has changed some, and there are people winning championships because of it. In sports where that individual physical advantage matters like track, weightlifting, wrestling. I haven't really seen it. I coach girls' basketball. and I haven't seen anybody try to, any biological male try to play against us. But the problem with these sports is it doesn't take many people to dominate them. You give me two good basketball players, I can win almost every game. You say, well, there's not many people doing this. Well, it doesn't have to be for it to take championships away from a whole lot of other people.
- Bill Walton: [07:51](#) But how many instances do we really have? There've been 20 states that have put bills into legislation or into the process, and I don't know how many passed them. In those 20 States, there don't seem to be any examples of transgender athletes trying to force their way into girls' sports.
- Brian McNicoll: [08:10](#) Well, it's a lot bigger problems some places than others. Connecticut it seems to be a big problem. It's happened in track, and wrestling, and swimming, and there's one other. The lead litigation of this now is girls in Connecticut who lost sprints at middle distance running events to biological boys.
- Greg Corombus: [08:35](#) And cost them college scholarship.
- Maureen O'Donne...: [08:37](#) Yeah. It's not fair actually because these women, these young girls actually, all their lives want to excel in sports. And then this happens and they lose, like you said, Greg, they lose their scholarships to go to a good college.

Bill Walton: [08:56](#) Well, it seems like it's going to gut Title IX if this takes off in colleges. There's been such progress in women's sports that if all of a sudden women who found themselves on the tennis team or basketball team are competing against what otherwise are men, I don't know where you take. Seems like at some point it sort of falls apart.

Greg Corombus: [09:23](#) Yeah, it kind of baffles the mind that the feminists aren't speaking up on this because for all the things they fought for from the sixties to the present, they're remarkably silent on this issue clearly affecting girls and young women, and even beyond. I think it's probably due to the fact that they're part of the coalition of the left and that's where the coalition of the left is. And so they feel like they've got no other place to go, but to stand by and kind of let it happen. But the ramifications of this are going to be severe, and to see them not even speak up on this with very few exceptions. I know Martina Navratilova talked about it and got roundly condemned by the left. And so that probably led more people to decide not to speak up, but the silence is deafening.

Bill Walton: [10:09](#) Well, we've got a writer, thinker coming on the show later on in the week, James Lindsay. And he's written a very interesting book coauthored with Helen Pluckrose called Critical Theory, or Cynical Theory rather. And it's about all this crazy theoretic ideas about gender, race, identity, et cetera, coming out of academia. And the plain vanilla feminism of the fifties, sixties, and seventies is morphed into something a lot more radical where they don't even recognize gender identity. So it's not just a question of pushing women, it's a question of not even recognizing that gender differences exist.

Brian McNicoll: [10:56](#) All the victims of this are girls.

Bill Walton: [11:00](#) Yeah.

Brian McNicoll: [11:01](#) Different people benefiting, but all the victims are girls.

Bill Walton: [11:05](#) Frank, what do you think?

Frank Wazeter: [11:07](#) It's a huge can of worms. Socially you want to say, okay, whatever your decisions are with you and your body, yeah, that's your thing. You want to socially say, hey, we don't want to disenfranchise you in any way whatsoever. But you come up to the situation where there's a lot at stake when you're talking about athletics. For a lot of people that's the pathway to elevating their life, whether that's opportunity with college

scholarship, whether that's opportunity beyond that to play professionally. Whenever there's a system in place or there's a game at place, people tend to inevitably start manipulating that game to whatever they can. And one of the prime reasons why men and women's sports are different is that men and women's bodies are fundamentally different enough that it creates an uneven and unfair playing field between the two. There's a reason men and women basketball is separated. There was a conversation that we were having where Brian was saying just the game is fundamentally different because of what you can do around the rim.

So if you start introducing these elements where somebody has an unfair advantage because of what their biological sex was, and then that's now costing opportunity from somebody who is of the origin biological sex, then now you've disenfranchised somebody by enfranchising somebody. It's messy. And I can see why the governor's like, I don't want anything to do with this. We're not ready yet. We don't even know what to do here because it's a can of worms. I think it's a can of worms politically. It's a can of worms socially. It's a can of worms even monetarily,

Bill Walton: [13:16](#)

If you took a hundred people just on the street and asked them what they thought about this issue or whether they thought this was an important issue, how many people do you think would say, yeah, this is really important?

Greg Corombus: [13:29](#)

Important, I don't know, but they have polled on this recently. And I think it's 70 to 75 believed that biological males should not be competing in girls' sports. And transgender in general, because if the girls are transitioning then they're taking steroids or some other substance that makes it an unfair competitive advantage as well. So the numbers are pretty lopsided right now, but of course, as this gets pumped more and more into the culture it will be interesting to see if the numbers change.

Bill Walton: [13:57](#)

Well, I wholeheartedly agree that there should be women's sports and men's sports, but the radicals are really pushing this one. I came across when I was thinking about what we were going to talk about today an article in the Wall Street Journal, of all places, just a year ago. And it's called, the title is The Race to Replace the Binary. And so where the radicals, the woke people are going this out of the campuses is they don't think it should just be a matter of male and female, but they should have other categories. And they start talking about something, some women have intersex characteristics. Great terms, partial androgyne and insensitivity syndrome, and five alpha reductase

deficiency, which means some women have more masculine characteristics than the typical woman so therefore they should be a category. And then there's the trans category we've been talking about. And they've even gotten into thinking that there's no categories. Maybe there'll be an, A, B, C, and D based on your chemical makeup in your body.

My point is, it's crazy. The race to replace the binary, until we got into this topic I didn't even know that was a race we were in.

Brian McNicoll:

[15:31](#)

There's two fundamental, I think, untruths that get argued by the other side of this, and other side may not be the right way to put it. The people who oppose these bills. One of them is, otherwise these kids are being discriminated against. And that's not true because if you're a biological male, there is a team for you. It's the boys' teams. It's not the one you're comfortable playing, but there is a team available to you where you can go compete with what really are your peers. And the other thing is, and I'm seeing this increasingly, and it's incredible to me, is people arguing that it doesn't give a competitive advantage.

And it's like, I had one year, I coach these travel teams and AAU teams and stuff, basketball. So the girls I have are pretty good athletes. We cut people. We take the best players. And so one year there was no girls' league. Our girls' league fell apart. So they said, if you want to play, you have to play in the boys' league. And we said, yeah, we wanted the games. And so we lost every game. We were close a couple of times, but it's like every 50, 50 ball they got because they had stronger hands. We would reverse the ball around to the other side of the court like pros, and then they're fast enough to where they could recover. So we didn't really get any advantage out of it. It was hard to get the ball in.

And then there was stuff like we played against this one guy who deliberately like showed up stinking as bad as he could. Smelled like both bathroom and locker room and [crosstalk 00:17:19] play. And there was a timeout, and the girls' are like, we're not covering 15 anymore, coach. Why? [crosstalk 00:17:29] what are we going to do? If he gets the ball, he's going to go in and score because we're not standing in the way. [crosstalk 00:17:36]. Luckily for us, the other team did not realize it and give him the ball every time because they could have scored 200 points. But there's all kinds of stuff that happens like that.

There's not enough, people say, oh, give them their own league. There's not enough for that, right? And I can tell you as somebody who's coached for 40 years the people that you're asking to do this, the coaches of the world, they not about excluding, right? Their whole thing is to get kids doing activities, right? So when you say, hey, exclude this person, that doesn't sit well with anybody. But as Frank said, it's a sticky issue because there's really not an apparent good, fair, equitable answer. These are colliding competing rights. And it's not clear who or what or how it should come out.

- Bill Walton: [18:35](#) Well, do you think [crosstalk 00:18:35] as you guys know, I'm very troubled by China and China's grand ambitions. And I look at China and what it's doing to become a dominant power worldwide, and I compare the things they're thinking about and working on versus what we're doing. And I think by comparison, we're an incredibly silly, self-absorbed, narcissistic country worrying about issues that don't warrant any worrying. We're worrying about having four categories of sex in sports. They're using genetic engineering to try to develop super warriors.
- Brian McNicoll: [19:17](#) And super women Olympians. China's solution to this is to drug the girls until they [crosstalk 00:19:25].
- Bill Walton: [19:26](#) Well, that's like the Eastern Europeans. A lot of you saw this, that was the time back in my era where we always compete against the Soviet Union every year or every four years in the Olympics. And the East Germans in particular were notable for their biological re-engineering. But is this something, you look at what's happening in the military now, and you look at what's happening with putting a general in-charge of diversity in special forces and bringing women into that, is this argument about sports feeding directly into the argument about who should be in combat?
- Brian McNicoll: [20:11](#) And it's what you said earlier. Is it really just men and women or is it 50 different flavors or whatever?
- Greg Corombus: [20:22](#) Well, and it's about dividing by group. And it's something we see in politics all the time, divide by race, divide by class, divide by gender. Now it's divide by this issue. And if you're not in some circles you're declared a bigot. There was an article in the USA Today last week when Oral Roberts was still in the sweet 16 about whether they should even be allowed in the tournament because of their school charter being biblically based. Oral Roberts being a famous preacher, of course. So this is not just a matter of we support this. It's getting to the point of, you will agree with this or you don't even get to participate.

Bill Walton: [20:59](#) Well, specifically Oral Roberts requires the kids to sign a pledge that they're not homosexual and won't engage in homosexual activity. And they view that as a biblical pledge and deeply Christian Baptist. I think they're in trouble because the NCAA, as you know, it is incredibly woke, incredibly progressive. I think once that argument gets out there, I can see Oral Roberts in fact getting banned by the NCAA, as crazy as that seems.

Brian McNicoll: [21:33](#) NCAA, they need to explain, if they're going to be woke and all this, why is there this big, beautiful emblem on the floor of the men's games that says March Madness and on the women's games it's stamped, women's basketball, right? What sport are we playing today? Oh, this must be women's basketball. There it is on the floor. And I guess you heard a thing about the weight room. Like the men had this big elaborate weight room at their bubble in Indianapolis, and the women had one rack of weights for everybody to share.

Maureen O'Donne...: [22:06](#) And then they quickly fixed it. And then they quickly fixed it.

Bill Walton: [22:11](#) Did they?

Brian McNicoll: [22:13](#) Because like you say, they're the chairman of wokeness. How did you make those mistakes if you're them? Really the NCAA is down to all it really does anymore is administer championships and especially the basketball championship. And how do you make these mistakes? The carelessness of that operation should cost a lot of people their jobs.

Bill Walton: [22:37](#) Maureen, weren't you making the point that men's basketball is called basketball and what do they call women's basketball?

Maureen O'Donne...: [22:44](#) Yep. All men's sports are basketball, football, wrestling, all of that. And then it's always, women's basketball, women's soccer, and it goes down the line. Why can't they just be NCAA basketball or men's B, men's basketball? Who knows?

Bill Walton: [23:07](#) Brian, I think the instant they call the women's tournament March Madness that would be considered sexist.

Brian McNicoll: [23:15](#) Because they're mad.

Bill Walton: [23:20](#) I don't know. Alyona, you want to chime in here. Anything that strikes you as strange about America?

Alyona Wazeter: [23:27](#) Well, a couple of things. [crosstalk 00:23:29].

Maureen O'Donne...: [23:30](#)

You opened up a can of worms with that one.

Alyona Wazeter: [23:38](#)

I'm just sitting here. I'm like, yeah, this is American issue. But in all reality, when you were asking about asking a hundred people whether it's an issue or not, it's really interesting because when you never talked to someone who is transgendered, who actually been having issues as a male and therefore they decided to switch into a female or vice versa, before you actually talk to those people, before you've encountered those guys and girls, it's really hard to have an opinion, quite honestly, if you never been around them. And one of the people that did share something with me, that was a very interesting situation where the guy I was taking a class with he was born with both genders as weird as it is. And his parents decided that he's going to be a female, but growing up he wasn't able to actually do anything as a female. He didn't feel in his right skin. So he switched into a male. So what do you do with those guys where it's not even their choice.

Brian McNicoll: [25:06](#)

[crosstalk 00:25:06] was saying, the governor of South Dakota, part of her objection was what you're talking about. What do you do with the people like that?

Alyona Wazeter: [25:16](#)

And then another part is that when I was in middle school and high school, I was doing sports and I was on marathons. And one time they had a glitch in the system, they didn't put me in with all the girls on my team with all the female for that particular distance. So they had to put me in with two other guys. It was miserable running with those guys. It was 100 meters distance. It was impossible for me to catch up. And we're talking about like, I think it was about eighth grade. So the difference is starting to be [crosstalk 00:26:01] more and more. In fifth grade, I would beat any guy in our school. In eighth grade, there's a difference that starts to appear.

So people who say, oh, there's absolutely no difference in actual gameplay or anything like that are very wrong and most likely never had that issue to begin with. So people who are naturally born with that, with being a guy, they will have an upper hand over girls just by the way the physique is whether they change gender or not because there are certain things that are put into us that you can't change.

Brian McNicoll: [26:56](#)

Serena Williams has been asked about this. And a guy on NPR said to her, isn't it time we stopped calling you, like you were talking about Maureen, the best women's tennis player in the world and start calling you what you are, the best tennis player in the world. And she said, I would not be the 300th best tennis

player in the world, right? I wouldn't even rank in the top 300 in the men.

Bill Walton:

[27:21](#)

She was allowed to say that. John McEnroe said the same thing, and boy, did he get in trouble. He said, she wouldn't have even made the tour. And we did a show with a woman called Joyce Benenson wrote a book called Warriors and Worriers, and she talks about the biological sex differences. And one of the biggest one is the ability to throw a ball, and that's a very sex determined thing. And coming back to Serena, the most significant sex difference in tennis is the overhead serve. And so the people who are talking about maybe we need four categories, we're talking about neutralizing tennis so that you can't serve overhead, you got to serve underhanded or something like that. I don't know, it's crazy. But my point is this rush to handicap people, change this or that, is getting into a very deep and strange waters.

Greg Corombus:

[28:22](#)

Yeah, if you look at the women's tennis game. And I like to watch women's tennis and men's tennis. Sometimes the women's tennis is more compelling because the points lasts longer. The men are so dominant they charge the net. Their ground strokes are so hard the points are over quicker. But you watch a Serena Williams match when she's on, her serve will overpower just about anyone on the women's tour. You put her over on the other side, it's not going to be nearly as effective. And like you guys said, even she's admitted, I think she was asked about it around the time Andy Murray was number one in the world. She says, I don't know if I'd win a game against him. And so to compare the two and to equate the two is not helpful to either side. She is the most dominant women's player of all time. I think it's pretty safe to say, and so that should be celebrated.

But to then try to muddy the waters about who's really the best. There was a comparison just the other night on Sports Center about number of consecutive Final Fours made by the Connecticut women, and it's now higher than the number made by UCLA back in the sixties and seventies. Yeah, the number's higher, but you're really comparing apples and oranges here. And so I don't think it's fair to either side to try and blur the lines, whether it's just gender versus gender, or then when you throw in the transgender element, it gets even muddier.

Bill Walton:

[29:36](#)

[crosstalk 00:29:36] and the purpose of sport is, I can't give us the purpose of sport. As soon as I said that there were about 10 purposes of sport. But it is fun to see similar people competing. And it's fun to watch women's tennis. I find men's basketball

more interesting than women's basketball. But still you look at UConn women and they're fantastic. Final thought here because we got to go. We're running out of time. Kristi Noem, is her political career done?

- Greg Corombus: [30:15](#) Nationally, I think it is. She might get reelected. She's still pretty popular for how she handled the COVID outbreak. But in terms of her having the same buzz as a DeSantis or obviously a Trump, if he decides to run again, I think that's been diminished. Can it be rehabilitated? Yeah. Politics, 15 minutes is a lifetime nowadays, but she took a big hit.
- Bill Walton: [30:36](#) Any other thoughts?
- Brian McNicoll: [30:37](#) I think that it'll take some time. I think that the problems for her in the 24 cycle don't really have to do with this, right? I think she's behind some people in name recognition and so forth, and it's hard to get elected from South Dakota to be president anyway. So I think it'll take some time, but I'm thinking 28, she's pretty young. She would still be very much a contender.
- Bill Walton: [31:02](#) Yeah, I agree. And the more I got into this issue just to do a little background work for our show, it's much more complicated than a headline and the 24 news cycle. I sort of liked the way she got into it and said, well, this is not a black and white, one size fits all. Maybe we need to be more thoughtful. And she was being practical, too. NCAA matters. To apply a purity test to every politician every time they make a decision like this where it's a 80, 20 decision or a 60, 40 decision, and then excoriate them, I don't know. It's a tough world, and I'm glad I'm not running for office because ...
- Greg Corombus: [31:48](#) Not a good long term strategy [crosstalk 00:31:50].
- Bill Walton: [31:50](#) No. All right, guys, thank you. This is extremely interesting, and hope you listeners and viewers enjoyed it. And we'll be back for another round table in three, four weeks, when something interesting like this comes up again. So thanks for watching, listening.
- I hope you enjoyed the conversation. Want more? Click the subscribe button or head over to the BillWaltonShow.com to choose from over 100 episodes. You can also learn more about our guests on our interesting people page. And send us your comments. We read every one and your thoughts help us guide the show. If it's easier for you to listen, check out our podcast page and subscribe there. In return, we'll keep you informed

about what's true, what's right, and what's next. Thanks for joining. (silence)