



September 12, 2024

Submission to the Meta Oversight Board

Re: Gender Identity Debate Videos

**By: IWF Ambassadors Riley Gaines, Paula Scanlan,
Amie Ichikawa, and Payton McNabb**

Dear Meta Oversight Board,

We have more experience than most with trans-identifying males taking opportunities from and, unfortunately, physically harming women, including in prisons. We use the Meta platform to applaud women standing up for their rights and voicing opposition to identity-based access to women's spaces as it affects them.

We submit this comment because continued posting in this manner is highly beneficial for society.

Why? Women deserve single-sex spaces. This is a hard-fought, massively popular right. But no right is guaranteed without continued attention, and today we see women losing this right in the name of gender identity. Posts like the ones under consideration help us galvanize support for single-sex spaces and the opportunity, privacy, safety, and fairness that comes with them.

But there's a bigger picture. This debate boils down to truth. That is, Meta would not receive requests to silence women lamenting that men who identify as men use women's restrooms or win women's athletic awards. The driving force behind censorship here is the belief the individuals featured *are* women. But they are men. Prohibiting us from saying, and thus thinking, such an unremarkable and yet fundamental truth would be unheard of in a free and flourishing society.

About Independent Women's Forum Ambassadors and Our Meta Presence

Each of us is an ambassador with Independent Women's Forum and has been directly impacted by men in women's sports and spaces, which has spurred our advocacy.

Riley Gaines swam against Lia Thomas at the women's 2022 NCAA championships, tying for 5th in the 200-yard freestyle. Lia Thomas, a male, had previously competed as Will Thomas, ranking 554th in that event among collegiate men. Thomas was given the career capstone trophy over Gaines, however, because the NCAA preferred to recognize Thomas over Gaines for public relations reasons. Gaines's decades of dedication in the pool were discarded because she was a woman. Gaines has since become influential nationwide in arguing that the inclusion of males in women's sports is unfair and regressive, and today 26 states have established sex-based participation requirements for women's sports. She has almost half a million followers on Instagram and posts daily, often highlighting new stories about identity-based access to women's sports and spaces.

Paula Scanlan is a survivor of sexual assault and a former member of the University of Pennsylvania women's swim team. When Lia Thomas switched from the men's to the women's team, Scanlan and her teammates had to change and shower with the 6'4" fully intact male, 18 times per week. Her body exposed, Scanlan experienced extreme discomfort in the locker room and began having regular nightmares, but was unable to gain support from her coaches, school administration, or the NCAA. Scanlan has since traveled across the country to advocate for sex-based spaces, to protect other vulnerable young women. Scanlan has almost 21,000 followers on Instagram and frequently posts about the need for biology-based intimate spaces.

Amie Ichikawa is the founder of WomanIIWoman, and provides re-entry services and advocacy for women incarcerated in California. She was herself incarcerated at the Central California Women's Facility in Chowchilla for five years and maintains contact with women in the Central California Women's Facility and the California Institution for Women, serving as their advocate. Ichikawa receives daily reports from women inside the prison suffering from physical and psychological terror from males permitted to self-identify into the women's prison. Ichikawa has more than 4,000 followers on Instagram and frequently posts about the dangers of identity-based access into prisons, with the goal of ending this policy in California and nationwide.

Payton McNabb was permanently injured when a male on the opposing women's volleyball team powerfully spiked the ball, striking her head. The ball's impact caused neurological impairments including a concussion, vision problems, and partial paralysis to the right side of her body. Though she was a three-sport athlete hoping to play in college, that spike ended her sports career entirely. McNabb and her story—which was caught on video—were critical in changing the law in North Carolina, to require sex-based participation in female athletics.

The Posts at Issue Help Women

Most Americans want sex-based policies where fairness, privacy, or safety is at stake. As of 2023, 69 percent of Americans said sports teams should be based on sex, not gender

identity. Gallup, *More Say Birth Gender Should Dictate Sports Participation* (June 12, 2023), <https://bit.ly/47g5PRf>. That number is growing. Support for sex-based prisons, domestic abuse shelters, and locker rooms is equally robust. This public support would be sufficient to enact female protections in every state and within private organizations like the NCAA. And yet half of states and too many organizations continue to permit identity-based access.

There are a few reasons for this, and the posts at stake are critical to address them.

First, the issue can feel too small to address, because statistically few males identify as women. But this considers the perspective of the man. Videos and posts that show *how the affected feel* highlight that the issue is larger: every female in the bathroom or locker room, every athlete on the field, and every parent in the stand is touched by the issue, exploding the consequence of inaction.

And second, decision-makers are concerned their decisions will not be popular. While protecting female spaces is in fact popular, high-passion voices oppose sex-based policies. Decision-makers, seeking to avoid controversy, thus permit identity-based access. Posts that highlight females standing up for themselves in the bathroom, or spectators opposing a male winning a women's track race, give comfort in numbers and encourage women to speak up: others advocate for women, I can too. And it lets decision-makers know that the public demands sex-based rights.

Social media has been incredibly consequential in increasing awareness, knowledge, empathy, and advocacy. Our true stories, and the true stories we share, have changed this country. Notably, before Riley Gaines shared her story, very few states protected women's sports. Two years later, 26 states do. Before Payton McNabb shared her story, North Carolina permitted men in women's sports. After her injury, the legislature changed course.

The Posts at Issue are Not Harassment

Meta recognizes that harassment has a serious subjective component: "Context and intent matter." So consider the intent here.

Posts that show opposition to males in women's spaces are not anti-trans, just as they aren't anti-male. Remove these videos from the context of gender identity to see why. Payton McNabb asking a male (who identifies as male) why he's in the woman's bathroom would not bully males generally or that male specifically, but would reflect a biologically rooted request for privacy and equality for both sexes.

Now add back the context of gender identity, and Payton's question is exactly the same. It comes from the same need for privacy. It's not about excluding trans people or excluding men, but about treating the sexes as equal, but unique, which is how the U.S. Supreme Court views sex equality.

To be sure, there are unique policy considerations in the trans context. A male who experiences discomfort in male settings might not feel he has equal access to bathrooms, and government and industry leaders should think about that. But the “what next” question does not transform advocacy for single-sex spaces into anti-trans harassment.

And we would know something about harassment. Each of us has received ugly, angry, aggressive threats, vulgarly criticizing every part of us. These are rooted in hate and blatant hope for our harm.

We hope for the best for trans-identifying individuals. Traveling the country as we have, we have heard countless heartbreaking stories of sexual abuse, childhood trauma, and difficult fitting in that have led young people to experiment with transgenderism and make painful life-altering decisions. We have serious concerns about this movement that engages people in an unwinnable war against their bodies. But our concern stems from hope that our nation’s culture and policy will help create a healthier, happier populace.

The Posts at Issue are True

Finally and most importantly, we hope the Oversight Board recognizes what’s at stake. It’s not sports. Perhaps someday, sex-based bathrooms and sports will be eliminated. We won’t like that, but society can likely cope.

The Board’s decision will reverberate far beyond this. If the Board labels these videos harassment it will be because these males *must be considered women*.

That falsehood is no white lie. The reality of sex goes to our very nature. Denying that it exists destabilizes society at large.

Conclusion

Continued access to Facebook and Instagram to share stories that include women showing a preference for single-sex spaces is not harassment and benefits women, the quest for truth, and society at large.

We request the Meta Oversight Board maintain access to these important posts and permit this consequential conversation to advance.

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