



## Title IX for Thee but Not for a He

You would think that after decades of Title IX enforcement, sex discrimination in school sports would be a thing of the past. But this isn't the case in Suffolk County, New York, where a skilled student-athlete is [being denied](#) the right to compete in sports based solely on sex.

The child is 13-year-old Keeling Pilaro, who for the last two years has been a member of Southampton High School girls' field hockey team. He tried out for it and was allowed to play because there are no boys' field hockey teams anywhere in the county. So what's the problem now?

He's too good, say Suffolk officials.

(Translation: he's a *boy* who is too good.)

To many, Keeling's exclusion may seem entirely intuitive and just. This is why we have separate sports categories for men and women, boys and girls, right? Not so fast.

Title IX, the federal legislation mandating equal opportunity for the sexes in schools, has long been interpreted to mean that a student must be allowed to try out for an opposite-sex team if there's no corresponding team for his sex. Because of this, girls have occasionally appeared on boys' teams. In fact, a traditionalist Catholic Arizona high school just [forfeited](#) the Arizona Charter Athletic Association championship because of the presence of a female player on the opposing team.

Now, being a traditionalist myself, I object to (obviously unconstitutional) Title IX. But as Abraham Lincoln said, "The best way to get a bad law repealed is to enforce it strictly." After all, our modern "equality" — a euphemistically named concept, indeed — may not look as attractive to feminists once it no longer amounts to preferential treatment. And fair is fair.

Ah, but there's the rub. Suffolk County officials claim that Keeling — a 4'8", 82-pound towhead who is dwarfed by his more physically mature female teammates — possesses skills far better than the girls', giving him an unfair advantage. But this is interesting. When justifying a girl's presence on boys' teams, we're told all that matters is that she's good enough. But when the roles are reversed, the standard changes: The boy must be bad enough. Of course, to a traditionalist this would make some sense, as it is, respectively, a step up versus a step down in competition. But this reasoning cuts no ice in equality-*über-alles* dogma. Note that Title IX plainly states, "No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid." It says nothing about skill.

Officials also cited a New York law stating that a boy can be barred from a girls' team if his presence "would have a significant adverse effect" on a girl's participation. But this is a non-starter. After all, our government has long accepted the principle that state law must be subordinated to federal law. It's also nonsense, as a boy's presence will always have an adverse effect on a girl: the girl who won't be able to





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participate because he has supplanted her. Of course, a boy suffers the same effect when a girl joins a boys' team.

But then there's the problem we always encounter with social engineering: Who is going to define "adverse effects" and "fairness"? Let's examine it.

In 2002, golfer Jenny Suh was allowed to enter the Virginia AAA boys' high-school championship, at least partially, no doubt, in deference to an equality argument. This was despite the fact that there already was a girls' championship in which Suh could — and did — participate.

Then she won the boys' title.

This, however, was while playing from tees that were 20 percent (1100 yards) shorter than those of her male opponents. Now, how does it make sense to allow a girl entry into a boys' competition based on an equality argument and then, once the competition starts, throw equality out the window?

Perhaps the state officials just wanted to be fair; after all, girls don't hit the ball as far as boys do.

Then again, some boys don't hit the ball as far as other boys do. So what constitutes fairness here?

After all, a level playing field is seen as fair because everyone abides by the same rules, and the chips then fall where they may. But once deviating from that, it gets complicated. Does the formula applied in Virginia involve some average difference in the sexes' driving distances? Is the formula accurate? Perhaps Suh should have only received a 17 or 18 percent length handicap or a 22 or 23 percent one. But now let's get to the main point.

All civilizations have frequently divided people based on sex because of the significance of the male-female dichotomy (no, it's not a social construct). Is this fair? In a sense — except insofar as life isn't fair. After all, boys (girls, too) come in all shapes and sizes and talents. And this variation is especially pronounced in high school, which can include a 6'2", 200-pound bruiser who drives the ball 310 yards and a 110 pounds-soaking-wet lad who'll be the better part of a football field back in the fairway. So why don't the small, short-hitting boys receive a distance handicap? Because they're boys?

Well, hold on. When Suh wanted to enter the golf tournament, sex couldn't be a disqualifying factor. But, then, once the tournament began and it was time to offer the handicap, it became the only qualifying factor. Short hitters needed not apply — the only prerequisite was an XX chromosome configuration. Talk about selective sexism (or, perhaps, caricatured chivalry?).

As for adverse effects, what about the boy who came in second — losing by only *one shot* — who would have captured the golf title had the deck not been stacked?

Really, though, this just reflects Title IX itself, which has nothing to do with fairness. Just consider its effects. The legislation has been interpreted to mean that the percentages of male and female athletes at a college must reflect the student-body male-female ratio (this is known as "proportionality"). Thus, at a school that is 60 percent women — common today — 60 percent of the athletes must also be. The problem? Many more men than women are interested in sports, so it's often difficult attracting enough female athletes to meet the quota. This, along with tight budgets, has led to the elimination of male sports teams — solely in deference to social engineering.

Moreover, while Title IX says nothing about sports, that area — where men have markedly greater interest — is the only one targeted by it. It's never applied to debate teams or other extra-curricular activities where women are numerically dominant and would be the ones to lose opportunities.



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And then there's the 800-pound gorilla in the arena. Given that academics are more important than athletics, I ask you: If "proportionality" is such an imperative, why do we tolerate 60-40 female/male student bodies to begin with? Why don't we apply Title IX and insist that they reflect the sex ratio of the wider population? After all, what's sauce for the goose is sauce for the gander, isn't it?

No, because that might actually be fair. And with feminist social engineers as the arbiters of fairness and adverse effects, it's always a guarantee that the gander's goose will be cooked.



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