



Written by [James Murphy](#) on May 11, 2020

Connecticut Judge: Don't Call "Transgender" Athletes Males

Attorneys for three Connecticut girls who are suing the Connecticut Interscholastic Athletic Conference (CIAC) and several school districts over alleged violations of Title IX are being told by the judge that they are no longer allowed to refer to biological males as males. The attorneys are asking the judge to recuse himself from the case.

The [suit](#) — brought by Selina Soule, Chelsea Mitchell, and Alanna Smith, three Connecticut female high-school athletes — alleges that the CIAC violated their Title IX rights by allowing biological males, who refer to themselves as female, to compete against biological females.



The girls are defended by attorneys with the [Alliance Defending Freedom \(ADF\)](#), an organization that defends religious liberties and Christian causes.

A transcript of the call obtained by *National Review* shows that District Judge Robert Chatigny ordered attorneys for the plaintiffs not to refer to the so-called "transgender females" as males.

Judge Chatigny stated,

What I'm saying is you must refer to them as "transgender females" rather than as "males." Again, that's the more accurate terminology, and I think that it fully protects your client's legitimate interests. Referring to these individuals as "transgender females" is consistent with science, common practice and perhaps human decency. To refer to them as "males," period, is not accurate, certainly not as accurate, and I think it's needlessly provocative. I don't think that you surrender any legitimate interest or position if you refer to them as transgender females. That is what the case is about. This isn't a case involving males who have decided that they want to run in girls' events. This is a case about girls who say that transgender girls should not be allowed to run in girls' events. So going forward, we will not refer to the proposed intervenors as "males"; understood?

Robert Brooks, the lead attorney for ADF, countered that the judge's demand hit at the heart of the plaintiffs' complaint — that males should not be allowed to compete against females.

"The point of this case is physiology of bodies driven by chromosomes and the documented athletic advantage that comes from a male body, male hormones, and male puberty in particular. So, Your Honor, I do have a concern that I am not adequately representing my client and I'm not accurately representing their position in this case as it has to be argued before Your Honor and all the way up if I refer to these individuals as "female," because that's simply, when we're talking about physiology, that's not accurate, at least in the belief of my clients."



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Brooks further indicated that he was unsure if he could comply with the judge's order and asked if he could be allowed to use the term "transgender" to describe the boys instead of "transgender females," which Chatigny said he would allow.

Chatigny further stated that although he did not wish to "bully" attorneys for the plaintiffs, he felt that "civility" required them to abide by his demand. After saying he would give the ADF attorneys some time to think over his demand, Chatigny said, "I don't want to bully you, but at the same time, I don't want you to be bullying anybody else. Maybe you might need to take an application to the Court of Appeals. I don't know. But I certainly don't want to put civility at risk in this case."

But on Saturday, ADF filed a motion asking Chatigny to recuse himself from the case, claiming that his order was without precedent and showed that the judge could not be impartial in his oversight of the case.

"A disinterested observer would reasonably believe that the Court's order and comments have destroyed the appearance of impartiality in this proceeding. That requires recusal," the motion stated. "To be sure, the public debate over gender identity and sports is a heated and emotional one. This only increases the urgency that court preserve their role as the singular place in society where all can be heard and present facts before an impartial tribunal."

Chatigny has not yet commented publicly on the motion, nor has he recused himself, as of this writing.

The plight of female athletes being forced to compete against males in Connecticut first came to light last June when Soule, Mitchell, and Smith [filed a complaint](#) with the Department of Education alleging discrimination under Title IX. When that complaint went nowhere, the girls, supported by their mothers, decided to file suit.

The male athletes in question — Terry Miller and Andraya Yearwood — have dominated female track and field in Connecticut since 2017, compiling 15 championships between them. In the year prior to their participation, the same titles were held by 10 different girls.

"It's just really frustrating and heartbreaking, because we all train extremely hard to shave off just fractions of a second off of our time," Soule told the *Wall Street Journal*. "We have no chance of winning."

James Murphy is a freelance journalist who writes on a variety of subjects, with a primary focus on the ongoing anthropogenic climate-change hoax and cultural issues. He can be reached at jcmurphyABR@mail.com



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