



Written by [Annalisa Pesek](#) on March 23, 2021

Rising Star Kristi Noem Offers Doublespeak in Explanation for Not Signing Women's Sports Bill

There are always two sides to a story. Yet fans of South Dakota Republican Governor Kristi Noem, a rising star in the national conservative movement, have been scratching their heads after news broke on Friday that the governor refused to sign a bill that would ban biological boys from competing in girls' sports.

It seems Noem's side of the story isn't very convincing.

Voting overwhelmingly in favor of [House Bill 1217](#), the South Dakota legislature sent the bill to the governor to sign on March 10. Noem initially [tweeted](#) she was excited to sign the bill but then reversed her position on Friday, posting in separate tweets parts of the [letter](#) she sent to the legislature explaining why she was returning the bill with "recommendations as to STYLE and FORM."

The legislation, originally comprised of four sections, starts by designating that athletic teams and sports at the elementary, secondary, and collegiate levels in South Dakota be defined as male, female, or coeducation.

As outlined in Section 1, female sports are "available only to participants who are female, based on their biological sex." In her letter to lawmakers, Noem cited concern over "vague and overly broad language [that] could have significant unintended consequences," and determined the bill's approach was "unrealistic in the context of collegiate athletics."

"In South Dakota, we are proud of our universities' athletic programs.... South Dakota has shown that our student athletes can compete with anyone in the country, but competing on the national stage means compliance with the national governing bodies that oversee collegiate athletics," said the governor.

Noem wrote that she seeks to "achieve the legislative intent of protecting girls' sports, while simultaneously avoiding potential unintended consequences." These consequences, which become clearer once one becomes familiar with the bill, relate to potential punitive action that *could* be taken by the National Collegiate Athletic Association (NCAA) were the bill to be signed into law.

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In a press conference on Monday, Noem remarked that the NCAA *could* keep games out of South Dakota, effectively banning South Dakota athletes from participating in tournaments. "So we could pass



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a law, then we could get punished, then we could face expense litigation at taxpayer expense, and then we could lose,” said the governor.

A probing analysis by [The Federalist](#)’s Margot Cleveland found that previously the NCAA had issued a [statement](#) about similar women’s sports bills it found “harmful to transgender student-athletes” and supposedly in conflict “with the NCAA’s core values of inclusivity, respect and the equitable treatment of all individuals.” Yet, as “the new Idaho law did not prevent its collegiate athletes from continuing to compete in NCAA events, neither would passage of H.B. 1217 harm South Dakota student-athletes,” wrote Cleveland.

Doublespeak that is hard to overlook is reflected in the governor’s reasoning for not signing the bill. Her narrative is surprisingly uncharacteristic of the reputation she has garnered. And disturbing is her use of rhetoric all-too-familiar in leftist propaganda.

Section 2, which Noem struck down entirely, required students to verify annually their age, biological sex — “as ascertained at birth in accordance with the student’s reproductive biology” — and that they have not taken any performance-enhancing drugs in the previous 12 months. Noem argued that this stipulation would “create an unworkable administrative burden on schools” obliged to collect the information.

In defense of her changes, Noem said these “clarifications protect women’s sports while also showing empathy for youths struggling with what they understand to be their gender identity.”

Noem’s critics accuse her of playing both sides of the issue and have called her stance a political suicide. Arguably, the governor could extend sensitivity to those dealing with gender dysphoria in another way.

In addition to Section 2, Section 4 was also entirely deleted by the governor. This segment addressed women’s sports in higher education as well as civil action available to students who “suffer direct or indirect harm, as a result of this act being violated.”

As Cleveland eloquently stated, “Noem’s proffered explanation for excluding women collegiate athletes from the protections of H.B. 1217 — that ‘competing on the national stage means compliance with the national governing bodies’ — is beyond misleading. So too is that the changes proposed go only to ‘STYLE and FORM,’ when in fact, striking Section 4 from the bill, eliminates any teeth to the protections elementary and secondary female athletes have by removing the right for girls to sue to vindicate their rights.”

For changes to Section 4, Noem offered no extensive explanation but did provide this contradictory closing statement in her letter: “showing empathy does not mean a biologically-female-at birth woman should face an unbalanced playing field that effectively undermines the advances made by women and for women since the implementation of Title IX in 1972.”

In Monday’s press conference, Noem revealed plans to launch a national coalition campaign to defend Title IX, which protects against discrimination based on sex in educational programs and activities. The coalition ([DefendTitleIXNow.com](#)) will consist of “athletes, leaders, and everybody who cares about protecting women’s sports.”

Noem told reporters that Mississippi Governor Tate Reeves has joined her Defend Title IX efforts, but Reeves, following the lead of Idaho Governor Brad Little, signed a women’s sports bill before ever joining a coalition.



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In a rather contentious interview on Monday night with Fox News' Tucker Carlson, Carlson confronted Noem about her decision and the relevance of defending Title IX.

"I'm not exactly sure why Title IX is really worth defending. I mean, [these standards about men and women] are thousands of years of common sense and tradition. Girls play girls' sports, boys play boys' sports. Why not just say instead, bring it on NCAA?" said Carlson.

"Tucker, you're preaching my sermon...." said Noem.

"You vetoed the bill," said Carlson.

"I did not veto the bill. I did a style and form revision and asked the legislature to change it so I can win.... I'm not going to let anybody from the NCAA, from any big business, I'm not going even to let conservatives on the right bully me. I'm going to solve the problem, I'm going to make sure we're building strength in numbers, and we'll go after the NCAA, and make sure that we're keeping only girls playing in girls' sports," retorted Noem.

It's still not clear what Noem is really defending by not moving forward with the bill. But seeing that she is not willing to take on a battle that she *could* win, but will definitely lose if she doesn't fight, what kind of courage is the highly admired Republican showing her fellow South Dakotans?



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