



# News Release

## Office of the Attorney General

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### **Tennessee AG joins more than a dozen other States urging SCOTUS to review federal decision redefining “sex” to include “transgender status.”**

Tennessee Attorney General Herbert H. Slatery III has joined 15 other States asking the U.S. Supreme Court to review a decision of the Sixth Circuit Court of Appeals interpreting the term “sex” in federal antidiscrimination law to include transgender status.

In *Equal Employment Opportunity Commission v. RG & G.R. Harris Funeral Homes, Inc.*, the Sixth Circuit held that a Michigan funeral home had violated Title VII of the Civil Rights Act by firing a transgender employee who refused to adhere to the employer’s dress code. The Sixth Circuit interpreted Title VII’s prohibition on discrimination “because of sex” to include discrimination based on an employee’s transgender status.

The States’ brief argues that, when Congress enacted Title VII in 1964, it used the word “sex” to mean only biological sex, not gender identity.

“The Sixth Circuit’s decision in *Harris* essentially rewrote federal law,” said Attorney General Herbert H. Slatery III. “Unless and until Congress affirmatively acts to change Title VII, it is up to the States, not the federal judiciary, to determine which protections, or not, should flow to individuals based on gender identity.”

“Because this case may also have implications for Tennessee’s schools, Tennessee has a strong interest in obtaining review by the U.S. Supreme Court.”

Other States joining the brief are Nebraska, Alabama, Arkansas, Kansas, Louisiana, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, Kentucky, Maine, and Mississippi.

To view the brief click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2018/pr18-20-amicus.pdf>

