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**TENNESSEE ATTORNEY GENERAL JONATHAN SKRMETTI FILES AMICUS BRIEF IN
OPPOSITION TO VA'S NEW ABORTION RULE**

Rather than respect the Constitution and the Supreme Court's ruling, President Biden's Administration seeks to wrest control over abortion back from the people

Nashville- Tennessee Attorney General Jonathan Skrmetti announced today he joined a coalition of 17 attorneys general in filing an amicus brief in the Western District of Texas in the case of *Carter v. McDonough*.

In September 2022, the Department of Veterans Affairs (VA) reversed long-standing agency practice and adopted an interim final rule that purports to authorize taxpayer-funded abortions and abortion counseling for veterans and their beneficiaries. The plaintiff, Stephanie Carter, is a VA nurse who opposes the new rule. The brief was filed in support of Carter.

“In *Dobbs*, the Supreme Court recognized that regulation of abortion is entrusted to the states,” General Skrmetti said. “Tennessee’s law reflects the will of the people as expressed through their elected representatives. We will not allow federal bureaucrats to undermine the General Assembly’s lawful authority.”

In the brief, the attorneys general write, “These [State] laws strike a balance among the competing interests and reflect the outcome of hard-fought democratic processes. Some amici have chosen to adopt tighter restrictions on abortion following *Dobbs*. Other States have maintained or embraced more permissive regimes. All States have provisions in their abortion laws to protect a woman’s life.”

The brief explains that the rule is deeply flawed because the VA does not have the legal authority it claimed to use in its defense.

“[The VA’s rule] reflects disregard for the democratic process, intrusion on areas of traditional state authority, and defiance of the Supreme Court’s recognition that the hard questions in this area have been ‘return[ed]’ to ‘legislative bodies,’” wrote the attorneys general. “[T]he VA justifies the rule not because of the absence of state laws on the subject of abortion, but because of the Department’s disapproval of them on policy grounds.”

In November, General Skrmetti joined a coalition of 14 attorneys general in sending a letter warning the VA that it lacked authority to impose this new rule. The letter put the agency on notice that states would be monitoring and ready to act if the VA defied the law.

In addition to General Skrmetti, the effort was joined by attorneys general from Alabama, Arkansas, Georgia, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah and West Virginia signed on.

Read the brief in its entirety [here](#).