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TN ATTORNEY GENERAL JONATHAN SKRMETTI JOINS AMICUS BRIEF FILED WITH U.S. SUPREME COURT IN SUPPORT OF FAIRNESS IN WOMEN'S SPORTS

Nashville- Tennessee Attorney General Jonathan Skrmetti joined attorneys general from 20 other states in filing an amicus brief asking the U.S. Supreme Court to vacate the U.S. Court of Appeals for the Fourth Circuit's injunction blocking West Virginia's enforcement of its Save Women's Sports Act. The Act prevents biological males from participating on female sports teams and taking athletic opportunities away from females. Under the Act, all biological males, including those who identify as transgender, are ineligible for participating on female sports teams.

"For fifty years, Title IX's prohibition on sex discrimination has helped girls and women to flourish," General Skrmetti said. "Capriciously reinterpreting the law to blur the distinction between the sexes deprives girls and women of opportunities and protections. The people of each state are entirely within their rights to insist that girls school sports teams consist of girls."

In a 2-1 ruling, the appeals court reinstated a preliminary injunction the U.S. District Court for the Southern District of West Virginia had initially issued against the Act in July 2021. In a later ruling this past January, the same district court dissolved that preliminary injunction, holding that the state legislature's definition of "girl" and "woman" in the context of HB 3293 (Save Women's Sports Act) is "constitutionally permissible" – and that the law complies with Title IX.

The brief explains that the Fourth Circuit improperly enjoined West Virginia's statute after a district court had held it constitutional. Additionally, the brief argues that the U.S. Constitution "does not compel West Virginia to classify biological males as girls," though the plaintiff in the case is seeking to compel the state to "adjust the contours" of the "state's definition of 'girl' and 'boy.'" The brief also explains that forcing states to define sex on the basis of gender-identity would make other laws unworkable as states cannot "coherently classify men and women based on private, 'internal,' 'fluid' feelings that might not even be 'visible to others.'"

Alabama Attorney General Steve Marshall and Arkansas Attorney General Tim Griffin led the effort. General Skrmetti was joined in signing the amicus brief by attorneys general from Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, and Virginia.

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