

Brief of *Amicus Curiae* Citizens for Self-Governance in *Mid Vermont Christian School v. Saunders*

- Court: United States Court of Appeals for the Second Circuit
- Party Supported: Mid Vermont Christian School
- Issues: Parental Rights; Girls' Sports; Biological Sex Distinctions
- Attorneys: Duncan Kilmartin, local counsel filing the brief drafted by attorneys Rita Peters and Michael Farris on behalf of Citizens for Self-Governance.

Summary:

In this case, Mid Vermont Christian School officials, its students, and their parents decided to forfeit one game in a girls' basketball tournament rather than compete against a team that included a biological male. As Christians, the School and Parents believe that treating a person God created male as a female is dishonoring to God and also dishonest, since they do not believe that a male can become a female. Moreover, the School and Parents did not want the Students to risk injury by playing a highly competitive, highly physical basketball game against a team that included a biological male.

This was an imminently reasonable decision, in light of the fact that basketball is a contact sport, and boys are physically stronger than girls. The School, Students, and Parents knew that this would not be a fair competition, and that it may well result in Students being injured. Unfortunately, Vermont's athletic conference

chose to penalize the School for its choice to forfeit the game by kicking the School's teams out of the athletic conference, rendering them ineligible to compete.

In its brief, Citizens for Self-Governance argues that to allow the School to be penalized for making this sensible choice is to force the School (and others like it) to choose between eliminating its sports program altogether or forcing its girls to face considerable risks of injury along with the demoralization of competing in unfair contests against boys. Such a choice should never be required in a fair and just society. Penalizing the School and Students for the decision trespasses upon the jurisdiction of parents and their designees to make decisions in the best interests of their children's safety and welfare, including decisions about living consistently with their religious beliefs.

