

# CITIZENS FOR SELF-GOVERNANCE LITIGATION SUMMARY

## **Brief of *Amicus Curiae* Citizens for Self-Governance in *United States v. Skrmetti***

- Court: United States Supreme Court
- Party Supported: Jonathan Skrmetti, Attorney General for Tennessee
- Issues: Legal Prohibition of Gender Transitioning Medical Treatments for Minors, Federalism, Separation of Powers,
- Attorneys: Rita Peters, Michael Farris, and Robert Kelly on behalf of Citizens for Self-Governance.

### **Summary:**

In this case, the Biden Administration is asking the Supreme Court to rule that a duly-enacted Tennessee state law prohibiting children from receiving medical treatments aimed at changing their gender violates the Fourteenth Amendment's Equal Protection Clause. Specifically, the United States is asking the Supreme Court to hold that the Tennessee law, which applies equally to male and female children, discriminates against people on the basis of sex.

Citizens for Self-Governance filed its brief to draw the Court's attention to the significant issues of federalism and separation of powers involved in the case. For the Court to strike down this state law would be to not only dramatically expand the Court's own Equal Protection doctrine, but to effectively rewrite the Equal Protection Clause by unmooring it from its original public meaning. CSG argues that the Court should be especially wary of doing so in this particular case, because the law in question is the product of a state's political process, operating in the context of medical novelty and social controversy, upon a subject over which the states have broad policy-making authority.

In its brief, CSG asks the Court to hold that even where a law makes distinctions on the basis of sex, it will not be subjected to heightened judicial scrutiny if it does not treat one sex less favorably than the other or otherwise demonstrate prejudice or animus. CSG further argues that it is constitutionally inappropriate for the Supreme Court to entertain the United States' request that it create a new "quasi-suspect class" for transgender individuals. Finally, CSG explains that even if the Court were to apply heightened scrutiny, the Court should uphold SB1 in light of the nature of the state interests it advances.

Our Constitution sets a number of limitations upon the states' policymaking authority. So long as they do not transgress those limitations, however, the states' elected legislators must remain free to enact the policies they deem wisest and most reflective of the will of their constituents. Because the Tennessee law in no way transgresses the boundaries set by the Equal Protection Clause, CSG urges the Supreme Court to affirm the Sixth Circuit's decision below.

