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**TN AG SKRMETTI URGES PRESIDENT BIDEN’S ADMINISTRATION TO UPHOLD  
TITLE IX AND PROTECT PRIVACY, SAFETY AND EQUALITY FOR FEMALES**

**Nashville** – Tennessee Attorney General Jonathan Skrmetti led a coalition of 16 state attorneys general in urging the Biden Administration to uphold Title IX protections for women and girls. On April 13, 2023, the U.S. Department of Education (DOE) proposed an overreaching, unlawful rule that strips states of their power and duty to protect the equality, privacy and safety of females by preventing biological males from competing in female sports.

In multiple comment letters to DOE, attorneys general voiced their opposition to the proposed rule, stating that the rule disregards five decades of evidence showing the benefits of applying the traditional definition of biological sex in sports. They argue that the rule ignores basic considerations of privacy and dignity, fails to meet the Department’s duty to analyze costs and benefits, and injects uncertainty into student athletics and threatens the progress Title IX has ushered in for women and girls over the past 50 years.

In the letter led by General Skrmetti, the coalition writes, “It makes little sense to read Title IX as rigorously policing ‘sex-related criteria’ for determining whether someone is a boy or a girl when trying out for an athletics team while the statute itself categorically allows separating locker rooms using biological sex. For nearly half a century, Title IX regulations in the Code of Federal Regulations have allowed, and sometimes required, schools to separate the two sexes in athletics and other contexts.”

In a letter led by Mississippi Attorney General Lynn Fitch, the attorneys general write, “Engrafting the deliberately vague, undefined, and malleable concept of gender identity onto Title IX – and subjecting schools to an extreme form of intermediate scrutiny if they try to continue to uphold Title IX’s aims – will do a great disservice to our Nation’s student athletes. Instead of advancing the mission that Title IX started more than 50 years ago, the proposed rule would take a large leap toward erasing many women and girls from competitive sports.”

In a letter led by Arkansas Attorney General Tim Griffin, the attorneys general write, “The Proposed Regulation seeks to balance gender identity and sex, but its proposal for how States do so is self-contradictory and utterly un-administrable. On the one hand, a student’s identification as transgender triggers a complex, individualized assessment of that student’s athletic performance. On the other hand, the Proposed Regulation discourages States from asking whether any student is transgender in the first place because it says coming out as transgender is ‘extremely traumatic.’ ... The Department’s failure to grapple with those questions alone means this Department has not seriously considered how anyone could ever apply with the Proposed Regulation, and that alone requires that it be rejected”

In a letter led by Kansas Attorney General Kris Kobach, the attorneys general write, “It is a telling illustration that Kansas native Jim Ryun (a male track athlete and, later, a Congressman) was the first high-school athlete to run a mile in under four minutes back in 1964, when he was seventeen years old. Since then, ten other high-school boys have broken the four-minute mark in the United States alone. To this day, however, no woman of any age or any nationality has run the mile that quickly; the women’s world record hasn’t even yet reached 4:12.”

In a letter led by Indiana Attorney General Todd Rokita, the attorneys general write, “For support and justification, the Proposed Rule erroneously cites *A.M. v. Indianapolis Pub. Schs....* One district court’s now-vacated preliminary assessment that relies on bathroom-access precedents rather than sports participation cases cannot bear the weight the Department places on it. It was never ‘courts’ plural, and it was never final or reviewed. Indiana’s statute continues to apply in all cases and the Department’s suggestion otherwise is deceptive.”

General Skrmetti was joined in his efforts by state attorneys general from Alabama, Alaska, Georgia, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, South Carolina, South Dakota, Texas, Utah and Virginia.

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

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