



SCOTUS Snapshot

Your weekly window into the Court that shapes the nation.

Women's Sports: *Little v. Hecox* and *West Virginia v. B.P.J.*

What's At Stake

- What is the case about?

These cases involve challenges to laws enacted by Idaho and West Virginia to protect fairness and safety in women's sports. The Court heard arguments that will determine whether women's sports are legal.

- Who is affected and how?

Every woman and girl now and in the future. These cases are monumental in nature with historical significance and represent a defining moment for the future of women's sports.

- Why does it matter?

Equal Protection Argument: The legal argument at stake in both cases hinges on whether or not these state laws violate the Equal Protection Clause of the Fourteenth Amendment. The state laws classify on the basis of sex, and are constitutional if the state can show an important governmental interest and the classification is substantially related to achieving that interest. The states argue that sex-separated sports serve an important state interest in preserving female athletic competition and maintaining equal athletic opportunities for females.

Title IX Argument: For more than 50 years, Title IX has guaranteed equal athletic opportunities for women on the basis of biological sex, and has specifically permitted sex-separated athletics. Historically, "sex" in Title IX means "biological sex" and does not include "gender identity." The states argue that protecting women's sports laws is necessary and consistent with Title IX.

Our Take

It appears highly likely that the Supreme Court will uphold the state laws to protect women's sports and rule that the states are legally entitled to classify sports based on sex, which is good news for the 27 states that have laws protecting women's sports. Further, it seems likely that the Court will uphold and clarify that the historical definition of "sex" within Title IX means "biological sex."