



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

February 7, 2025

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: United States v. Jonathan Skrmetti, Attorney General and
Reporter for Tennessee, et al., No. 23-477

Dear Mr. Harris:

This case concerns the constitutionality of Tennessee Senate Bill 1 (SB1), which prohibits healthcare providers from “[p]rescribing, administering, or dispensing any puberty blocker or hormone” if that treatment is provided “for the purpose” of “[e]nabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex” or “[t]reating purported discomfort or distress from a discordance between the minor’s sex and asserted identity.” Tenn. Code Ann. §§ 68-33-102(5)(B), 68-33-103(a)(1). Last year, the United States filed briefs contending that SB1 violates the Equal Protection Clause of the Fourteenth Amendment. The United States advanced the same position at oral argument. Following the change in Administration, the Department of Justice has reconsidered the United States’ position in this case. The purpose of this letter is to notify the Court that the government’s previously stated views no longer represent the United States’ position.

This case began as a suit by private plaintiffs challenging the constitutionality of SB1. After the private plaintiffs filed suit, the United States intervened under 42 U.S.C. 2000h-2 and filed its own complaint challenging the constitutionality of SB1. Section 2000h-2 authorizes intervention by the United States in an action “seeking relief from the denial of equal protection * * * on account of * * * sex * * * if the Attorney General certifies that the case is of general public importance.” 42 U.S.C. 2000h-2. The Department has now determined that SB1 does not deny equal protection on account of sex or any other characteristic. Accordingly, the new Administration would not have intervened to challenge SB1—let alone sought this Court’s review of the court of appeals’ decision reversing the preliminary injunction against SB1.

Nevertheless, the United States believes that the confluence of several factors counsels against seeking to dismiss its case in this Court. The Court’s prompt resolution of the question presented will bear on many cases pending in the lower courts. Since granting certiorari last June, the Court has received full briefing and heard oral argument, including from the private plaintiffs, who have participated in this Court as respondents supporting the United States at the merits stage and who remain adverse to the state respondents in a dispute that has not become moot. Accordingly, the Court may resolve the question presented without either granting the private plaintiffs’ pending petition for a writ of certiorari, see *L.W. v. Skrmetti*, No. 23-466 (filed Nov. 1, 2023), or

requesting further, likely duplicative briefing from the same parties about the same court of appeals judgment in the underlying suit between the private plaintiffs and the state respondents. See Sup. Ct. R. 12.6; see also, *e.g.*, *Director v. Perini North River Assocs.*, 459 U.S. 297, 305 (1983) (noting that, even if the government petitioner lacked standing, the presence of an injured employee “as a party respondent [in this Court] * * * assure[d] that an admittedly justiciable controversy” with his employer, another respondent, remained “before the Court”).

I would appreciate it if you would circulate this letter to the Members of the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis E. Gannon", with a long horizontal flourish extending to the right.

Curtis E. Gannon
Deputy Solicitor General*

cc: See Attached Service List

* The Acting Solicitor General is recused in this case.

23-0477

USA

JONATHAN SKRMETTI, ATTORNEY GENERAL OF
TENNESSEE AND REPORTER, ET AL.

JESSICA RING AMUNSON
JENNER & BLOCK LLP
1099 NEW YORK AVENUE NW
SUITE 900
WASHINGTON, DC 20001
202-639-6023
JAMUNSON@JENNER.COM

DAVID AXELMAN
THE FLORIDA HOUSE OF REPRESENTATIVES
317 THE CAPITOL
402 SOUTH MONROE STREET
TALLAHASSEE, FL 32399
850-717-5500
AXELMAN@MYFLORIDAHOUSE.GOV

PETER T. BARBUR
CRAVATH, SWAINE & MOORE LLP
825 EIGHTH AVENUE
NEW YORK, NY 10019
212-474-1000
PBARBUR@CRAVATH.COM

H. CHRISTOPHER BARTOLOMUCCI
SCHAERR | JAFFE LLP
1717 K STREET NW,
SUITE 900
WASHINGTON,, DC 20006
202-787-1060
CBARTOLOMUCCI@SCHAERR-JAFFE.COM

BORIS BERSHTEYN
SKADDEN, ARPS, SLATE, MEAGHER & FLOM
LLP
ONE MANHATTAN WEST
NEW YORK, NY 10001
212-735-3000
BORIS.BERSHTEYN@SKADDEN.COM

JAMES F. BLUMSTEIN
VANDERBILT UNIVERSITY SCHOOL OF LAW
131 21ST AVENUE SOUTH
NASHVILLE, TN 37203
615-322-0045
JAMES.BLUMSTEIN@VANDERBILT.EDU

CARMINE D. BOCCUZZI
CLEARY, GOTTlieb, STEEN, ET AL
ONE LIBERTY PLAZA
NEW YORK, NY 10006
212-225-2508
CBOCCUZZI@CGSH.COM

WILLIAM BOCK III
KROGER GARDIS AND REGAS, LLP
111 MONUMENT CIRCLE, SUITE 900
INDIANAPOLIS, IN 46204
317-777-7412
WBOCK@KGRLAW.COM

BENJAMIN G. BRADSHAW
O'MELVENY & MYERS LLP
1625 EYE ST., NW
WASHINGTON , DC 20006
202-383-5300
BBRADSHAW@OMM.COM

KRISTINE L. BROWN
8700 E. JEFFERSON AVE. #370953
DENVER, CO 80237
720-285-9552
KRISTIBURTONBROWNB@GMAIL.COM

DEAN R. BROYLES
THE NATIONAL CENTER FOR LAW AND
POLICY
539 WEST GRAND AVENUE
ESCONDIDO, CA 92025
760-747-4529
DBROYLES@NCLPLAW.ORG

BRIAN T. BURGESS
GOODWIN PROCTOR LLP
1900 N STREET, NW
WASHINGTON, DC 20036
202-346-4215
BBURGESS@GOODWINLAW.COM
202-204-7265(Fax)

JAMES M. BURNHAM
KING STREET LEGAL PLLC
800 CONNECTICUT AVE. NW,
SUITE 300
WASHINGTON, DC 20006
602-501-5469
JAMES@KINGSTLEGAL.COM

JOHN J. BURSCH
ALLIANCE DEFENDING FREEDOM
440 FIRST STREET, NW
SUITE 600
WASHINGTON, DC 20001
616-450-4235
JBURSCH@ADFLEGAL.ORG

ANTHONY T. CASO
CONSTITUTIONAL COUNSEL GROUP
1628 N MAIN ST.
#289
SALINAS, CA 93906
916-601-1916
ATCASO@CCG1776.COM

CLAUDIA CENTER
DISABILITY RIGHTS EDUCATION & DEFENSE
FUND
3075 ADELINE STREET
SUITE 210
BERKELY, CA 94703
510-644-2555
CCENTER@DREDF.ORG

SAMANTHA L. CHAIFETZ
DLA PIPER LLP (US)
500 8TH STREET NW
WASHINGTON, DC 20004
202-799-4082
SAMANTHA.CHAIFETZ@US.DLAPIPER.COM

FREDERICK W. CLAYBROOK, JR.
CLAYBROOK LLC
655 15TH ST., NW, STE. 425
WASHINGTON, DC 20005
301-622-0360
RICK@CLAYBROOKLAW.COM

THEODORE M. COOPERSTEIN
THEODORE COOPERSTEIN PLLC
1888 MAIN STREET
SUITE C-203
MADISON, MS 39110
601-397-2471
TED@APPEALSLAWYER.US

DANIEL J. CRAGG
ECKLAND & BLANDO LLP
10 SOUTH 5TH STREET
SUITE 800
MINNEAPOLIS, MN 55402
612-236-0160
DCRAGG@ECKLANDBLANDO.COM

ELSPETH B. CYPHER
WOMEN'S LIBERATION FRONT
1802 VERNON STREET NW
#2036
WASHINGTON, DC 20009
202-507-9475
ELSPETH@WOMENSLIBERATIONFRONT.ORG

DAVID A. DALIA
ATTORNEY AT LAW
700 CAMP STREET
NEW ORLEANS, LA 70130
504-524-5541
DAVIDADALIA@GMAIL.COM

KARA DANSKY
WOMEN'S DECLARATION INTERNATIONAL
USA
P.O. BOX 21160
WASHINGTON, DC 20009
833-670-2474
INFO@KARADANSKY.COM

DONALD A. DAUGHERTY, JR
DEFENSE OF FREEDOM INSTITUTE FOR
POLICY STUDIES
1455 PENNSYLVANIA AVENUE NW
SUITE 400
WASHINGTON, DC 20004
414-559-6902
DON.DAUGHERTY@DFIPOLICY.ORG

ANDREW RHYS DAVIES
WILMER CUTLER PICKERING HALE AND
DORR LLP
7 WORLD TRADE CENTER
250 GREENWICH STREET
NEW YORK, NY 10007
212-610-6300
ANDREW.DAVIES@WILMERHALE.COM

TREY DELLINGER
SENIOR LEGAL FELLOW AMERICAN FAMILY
ASSOCIATION, INC. AFA ACTION, INC
108 PARKGATE DRIVE
TUPELO, MS 38801
662-821-2024
TRDELLINGER@AFA.NET

DEBORAH J. DEWART
111 MAGNOLIA LANE
HUBERT, NC 28539, NC 28539
910-326-4554
LAWYERDEBORAH@OUTLOOK.COM

JOSHUA M. DIVINE
MISSOURI SOLICITOR GENERAL
SUPREME COURT BUILDING
207 WEST HIGH ST.
P.O. BOX 899
JEFFERSON CITY, MO 65101-5102
573-751-8870
JOSH.DIVINE@AGO.MO.GOV

SYDNEY DUNCAN
TRANSGENDER LEGAL DEFENSE &
EDUCATION FUND, INC.
520 8TH AVENUE
SUITE 2204
NEW YORK, NY 10018
646-898-2205
SDUNCAN@TRANSEQUALITY.ORG

CHARLES K. ELDRED
CHIEF, LEGAL STRATEGY DIVISION
P.O. BOX 12548 (MC 059)
AUSTIN, TX 78711
512-936-1700
CHARLES.ELDRED@OAG.TEXAS.GOV

JOHN P. ELWOOD
ARNOLD & PORTER KAYE SCHOLER LLP
601 MASSACHUSETTS AVE., NW
WASHINGTON, DC 20001
202-942-5000
JOHN.ELWOOD@ARNOLDPORTER.COM

DAVID S. FLUGMAN
SELENDY & GAY PLLC
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104
212-390-9000
DFLUGMAN@SELENDYGAY.COM

MITRA N. FOROUHAR
MNF LAW
77 VAN NESS AVE., STE 101
PMB 1319
SAN FRANCISCO, CA 94102
415-602-1864
MITRA@MNF-LAW.COM

TERRY LEE FOWLER
3201 ZAFARNO DR.
SUITE C-378
SANTA FE, NM 87507
505-226-8218
BIOETHICSAMICUS@OUTLOOK.COM

SEAN P. GATES
CHARIS LEX P.C.
155 N. LAKE AVE. STE. 800
PASADENA, CA 91101
626-508-1715
SGATES@CHARISLEX.COM

BRIANNE J. GOROD
CONSTITUTIONAL ACCOUNTABILITY
CENTER
1200 18TH STREET NW
SUITE 501
WASHINGTON, DC 20036
202-296-6889
BRIANNE@THEUSCONSTITUTION.ORG

LESLIE GREATHOUSE
SPENCER FANE LLP
1000 WALNUT, SUITE 1400
KANSAS CITY, MO 64106
816-474-8100
LGREATHOUSE@SPENCERFANE.COM

JASON C. GREAVES
BINNALL LAW GROUP
717 KING STREET,
SUITE 200
ALEXANDRIA, VA 22314
703-888-1943
JASON@BINNALL.COM

CHRISTOPHER R. GREEN
481 CHUCKY MULLINS DRIVE
UNIVERSITY, MS 38677
662-915-6837
CRGREEN@OLEMISS.EDU

STEVEN JAMES GRIFFIN
TENNESSEE ATTORNEY GENERAL'S OFFICE
PO BOX 20207
NASHVILLE, TN 372202
6157419598
STEVEN.GRIFFIN@AG.TN.GOV

JEFFREY A. HALL
BURKE LAW GROUP
2001 L ST. NW,
SUITE 500
WASHINGTON, DC 20036
832-968-7564
JEFF@BURKEGROUP.LAW

JEFFREY MATTHEW HARRIS
CONSOVOY MCCARTHY PLLC
1600 WILSON BLVD.
SUITE 700
ARLINGTON, 22209
703-243-9423
JEFF@CONSOVOYMCCARTHY.COM

KATHLEEN R. HARTNETT
COOLEY LLP
3 EMBARCADERO CENTER
20TH FLOOR
SAN FRANCISCO, CA 94111-4004
415-693-2000
KHARTNETT@COOLEY.COM

WHITNEY DOWNS HERMANDORFER
OFFICE OF THE TENNESSEE ATTORNEY
GENERAL & REPORTER
PO BOX 20207
NASHVILLE, TN 37202-0207
6157417403
WHITNEY.HERMANDORFER@AG.TN.GOV

KARA N. INGELHART
NORTHWESTERN PRITZKER SCHOOL OF
LAW, BLUHM LEGAL CLINIC, LGBTQI+
RIGHTS CLINIC
375 E. CHICAGO AVENUE
CHICAGO, IL 60611
312 503-3770
KARA.INGELHART@LAW.NORTHWESTERN.ED
U

ERIC N. KNIFFIN
ETHICS AND PUBLIC POLICY CENTER
1730 M STREET N.W.
SUITE 910
WASHINGTON, DC 20036
202-682-1200
EKNIFFIN@EPPC.ORG

JONAH M. KNOBLER
AQDEEL A. MANGI
PATTERSON BELKNAP WEBB & TYLER LLP
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036
212-336-2000
JKNOBLER@PBWT.COM

CRAIG KONNOTH
UNIVERSITY OF VIRGINIA SCHOOL OF LAW
580 MASSIE ROAD
CHAQRLOTTESVILLE,, VA 22903
CRAIG.KONNOTH@LAW.VIRGINIA.EDU

MATTHEW F. KUHN
SOLICITOR GENERAL
OFFICE OF KENTUCKY ATTORNEY GENERAL
700 CAPITAL AVENUE
SUITE 118
FRANKFORT, KY 40601
502-696-5400
MATT.KUHN@KY.GOV

EDMUND GERARD LACOUR, JR.
OFFICE OF THE ATTORNEY GENERAL
501 WASHINGTON AVE.
MONTGOMERY, AL 36130
334-242-7300
EDMUND.LACOUR@ALABAMAAG.GOV

WM. GRAYSON LAMBERT
OFFICE OF THE GOVERNOR
SOUTH CAROLINA STATE HOUSE
1100 GERVAIS STREET
COLUMBIA, SC 29201
803-734-2100
GLAMBERT@GOVERNOR.SC.GOV

JULIA R. LISSNER
AKERMAN LLP
71 SOUTH WACKER DRIVE
47TH FLOOR
CHICAGO, IL 60606
312-634-5700
JULIA.LISSNER@QAKERMAN.COM

JANICE MARIE MACAVOY
FRIED, FRANK, HARRIS , SHIVER &
JACOBSON LLP
ONE NEW YORK PLAZA
NEW YORK, NY 10004
212-859-8182
JANICE.MACAVOY@FRIEDFRANK.COM

BRIAN R. MATSUI
MORRISON & FOERSTER LLP
2100 L STREET NW
SUITE 900
WASHINGTON, DC 20037
202-887-8784
BMATSUI@MOFO.COM

MARY E. MCALISTER
CHILD & PARENTAL RIGHTS CAMPAIGN
5805 STATE BRIDGE RD., SUITE G310
JOHNS CREEK, GA 30097
770-448-4525
MAILTO:MMCALISTER@CHILDPARENTRIGHTS.ORG

R. TRENT MCCOTTER
BOYDEN GRAY PLLC
800 CONNECTICUT AVE. NW
SUITE 900
WASHINGTON, DC 20006
202-706-5488
TMCCOTTER@BOYDENGGRAY.COM

ANITA Y. MILANOVICH
OFFICE OF THE GOVERNOR
1301 E. 6TH AVE.
HELENA, MT 59601
406-444-5554
ANITA.MILANOVICH@MT.GOV

NICHOLAS P. MILLER
SCHAERR | JAFFE LLP
1717 K STREET NW
SUITE 900
WASHINGTON, DC 20006
202-787-1060
NMILLER@SCHAERR-JAFFE.COM

RACHEL G. MILLER-ZIEGLER
MUNGER, TOLLES & OLSON LLP
601 MASSACHUSETTS AVE. NW
SUITE 500 E
WASHINGTON, DC 20001
202-220-1100
RACHEL.MILLER-ZIEGLER@MTO.COM

CHRISTOPHER E. MILLS
SPERO LAW LLC
557 EAST BAY STREET
#22251
CHARLESTON, SC 29413
8436060640
CMILLS@SPERO.LAW

JONATHAN F. MITCHELL
MITCHELL LAW PLLC
111 CONGRESS AVENUE
SUITE 400
AUSTIN , TX 78701
512-686-3940
JONATHAN@MITCHELL.LAW

DANIEL I. MORENOFF
THE AMERICAN CIVIL RIGHTS PROJECT
POST OFFICE BOX 12207
DALLAS, TX 75225
214-504-1835
DAN@AMERICANCIVILRIGHTSPROJECT.ORG

CAMERON THOMAS NORRIS
CONSOVOY MCCARTHY PLLC
1600 WILSON BLVD.,
STE 700
ARLINGTON, VA 22209
703-243-9423
CAM@CONSOVOYMCCARTHY.COM

WILLIAM J. OLSON
WILLIAM J. OLSON, P.C.
370 MAPLE AVENUE WEST
SUITE 4
VIENNA, VA 22180-5615
703-356-5070
WJO@MINDSPRING.COM

JOSHUA K. PAYNE
CAMPBELL MILLER PAYNE, PLLC
5955 ALPHA RD #1491
DALLAS, TX 75240
214-316-7156
JOSH@CMPPLLC.COM

RITA M. PETERS
CITIZENS FOR SELF-GOVERNANCE
5850 SAN FELIPE
SUITE 575A
HOUSTON, TX 77057
540-830-1229
RPETERS@COSACTION.COM

JUSTIN R. RASSI
DEBEVOISE & PLIMPTON LLP
66 HUDSON BOULEVARD
NEW YORK, NY 10001
212-909-6000
JRASSI@DEBEVOISE.COM

JAMES MATTHEW RICE
OFFICE OF TENNESSEE ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TN 37202
615-532-6026
MATT.RICE@AG.TN.GOV

EMMETT EUGENE ROBINSON
ROBINSON LAW FIRM LLC
6600 LORAIN AVENUE
#731
CLEVELAND, OH 44102
216-505-6900
EROBINSON@ROBINSONLEGAL.ORG

GENE C. SCHAERR
SCHAERR JAFFE LLP
1717 K STREET, NW
SUITE 900
WASHINGTON, DC 20006
202-787-1060
GSCHAERR@SCHAERR-JAFFE.COM

STEPHANIE SCHUSTER
MORGAN, LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, NW
WASHINGTON , DC 20004
202-739-3000
STEPHANIE.SCHUSTER@MORGANLEWIS.COM

KELLY J. SHACKELFORD
FIRST LIBERTY INSTITUTE
2001 W. PLANO PARKWAY
SUITE 1600
PLANO , TX 75075
KSHACKELFORD@FIRSTLIBERTY.ORG

ALEXANDER SHALOM
LOWENSTEIN SANDLER LLP
ONE LOWENSTEIN DRIVE
ROSELAND, NJ 07068
973-597-2500
ASHALOM@LOWENSTEIN.COM

ILYA SHAPIRO
MANHATTAN INSTITUTE
52 VANDERBILT AVE.
NEW YORK, NY 10017
212-599-7000
ISHAPIRO@MANHATTAN.INSTITUTE

J. THOMAS SMITH
CONSTITUTIONAL GOVERNMENT DEFENSE
FUND
1113 MURFREESBORO ROAD
FRANKLIN, TN 37064
615-591-2090
INFO@FACTN.ORG

SAMUEL SPITAL
NAACP LWGAL DEFENSE & EDUCATIONAL
FUND, INC.
40 RECTOR STREET
5TH FLOOR
NEW YORK, NY 10006
212-965-2200
SSPITAL@NAACPLDF.ORG

AMELIA T.R. STARR
DAVIS POLK & WARDWELL LLP
450 LEXINGTON AVENUE
NEW YORK , NY 10017
212-450-4000
AMELIA.STARR@DAVISPOLK.COM

MATHEW D. STAVER
LIBERTY COUNSEL
109 SECOND ST., NE
WASHINGTON, DC 20002
202-289-1776
COURT@LC.ORG

EUGENE E. STEARNS
ALHADEFF & SITTERSON, P.A.
150 WEST FLAGLER ST.
SUITE 2200
MIAMI, FL 33130
305-789-3200
ESTEARN@SWMWAS.COM

CATHERINE E. STETSON
HOGAN LOVELLS US LLP
COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004
202-637-5491
CATE.STETSON@HOGANLOVELLS.COM

CHASE BACHRACH STRANGIO
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 BROAD STREET
NEW YORK , NY 10004
212-549-2500
CSTRANGIO@ACLU.ORG

JAMES P. SULLIVAN
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 12428
AUSTIN , TX 78711
512-936-1700
JAMES.SULLIVAN@TEXASATTORNEYGENERAL.GOV

DAVID H. THOMPSON
COOPER & KIRK, PLLC
1523 NEW HAMPSHIRE AVENUE, NW
WASHINGTON, DC 20036
202-220-9659
DTHOMPSON@COOPERKIRK.COM
202-220-9601(Fax)

CONOR D. TUCKER
GOODRICH & ROSATI, P.C.
633 WEST FIFTH STREET
LOS ANGELES, CA 90071
323-210-2900
CTUCKER@WSGR.COM

JULIE VEROFF
STATE OF CALIFORNIA DEPARTMENT OF
JUSTICE
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102-7004
415-510-3776
JULIE.VEROFF@DOJ.CA.GOV

D. JEAN VETA
COVINGTON & BURLING LLP
ONE CITY CENTER
850 TENTH STREET, N.W.
WASHINGTON, DC 20001
202-662-6000
JVETA@COV.COM

ANDREW D WATKINS
TORCHINSKY & JOSEFIK, PLLC
15405 JOHN MARSHALL HWY
HAYMARKET, VA 20169
540-341-8808
AWATKINS@HOLTZMANVOGEL.COM

JESSICA MICHAEL WEISEL
COMPLEX APPELLATE LITIGATION GROUP
LLP
96 JESSIE STREET
SAN FRANCISCO, CA 94105
4156496700

RANDALL L. WENGER
INDEPENDENCE LAW CENTER
23 NORTH FRONT STREET
FIRST FLOOR
HARRISBURG, PA 17101
717 657-4990
RWENGER@INDLAWCENTER.ORG

J. MARC WHEAT
ADVANCING AMERICAN FREEDOM, INC.
801 PENNSYLVANIA AVENUE, N.W.
SUITE 930
WASHINGTON, DC 20004
202-780-4848
MWHEAT@ADVANCINGAMERICANFREEDOM.COM

MEGAN M. WOLD
COOPER & KIRK, PLLC
1523 NEW HAMPSHIRE
AVENUE, N.W.
WASHINGTON, DC 20036
202-220-9600
MWOLD@COOPERKIRK.COM