

Fate of Utah's transgender athlete ban may be decided in court

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Advocates and protestors gathered at Utah's Capitol Hill following the legislature's override of Gov. Cox's HB. 11 veto. (KUTV)

SALT LAKE CITY, Utah (KUTV) — Republican leaders in the Utah State Legislature took a victory lap Friday afternoon after securing the votes to override the governor's veto of a controversial measure that prohibits transgender athletes from competing in girls sports.

"Somebody identifying as a girl, I don't believe based on that alone, should give them the opportunity to deny the right and opportunities to another girl," said Rep. Kera Birkeland (R – Morgan), the sponsor of H.B. 11.

At a press conference after the legislative vote to override the veto, Senate President J. Stuart Adams (R – Layton) said he hopes the state will "move forward" from the fight over the trans-athlete bill.

"To try to move it behind us serves the trans community better," Adams said. "I just don't think it's very considerate or kind to keep bringing this issue up because it is divisive."



Despite Adams' hopes, it's likely the fight over H.B 11 is far from over.

The ACLU has already threatened a lawsuit to challenge the bill.

Birkeland addressed the potential for a lawsuit when questioned by the press Friday afternoon.

“I think the biggest mistake would have been to just wait until someone litigates on this issue and then us saying, ‘Gosh, I wish would we have gotten in front of it and handled it the way we wanted to on the issue that matters most to us in the state,’” she said.

With legal challenges nearly certain, attorney Rocky Anderson believes the law will fail in court.

“Legally, it’s preposterous. They are going to lose. It’s going to be a long, expensive, wasteful legal battle,” Anderson told 2News.

Anderson successfully challenged state law in federal court when he represented a local movie theater that was accused of violating the Alcohol Beverage Control Act.

“It is all part of a pattern that we’ve seen from a one-party legislature - they want to play politics, they want to grandstand. They pass this foolish, divisive legislation then they end up using taxpayer’s money to foot the bill. I think it’s absolutely outrageous,” Anderson said. “It’s clearly unconstitutional. It’s wasteful, it’s divisive, it’s damaging.”

Many organizations were quick to condemn the legislature’s actions Friday.

“H.B. 11 is not about fairness,” said Chase Thomas, the executive director of Alliance for a Better Utah. “It is the latest example of a coordinated national attack on the rights and lives of transgender individuals, a campaign that has shamefully been aimed most recently at children and their families. GOP lawmakers are playing politics and creating division in a culture war that is harming vulnerable youth.”

Salt Lake City Mayor Erin Mendenhall said she was ashamed and accused Republican lawmakers of “playing politics with children’s lives.”

“To Utah’s transgender kids: I’m sorry this is happening to you, and some of our leaders seem intent on going out of their way to persecute and punish you just for being who you are. They do not speak for all of us. You are perfect as you are. You are loved. I stand with you,” Mendenhall said.

Utah lawmakers rejected the first transgender athlete bill proposed by Rep. Birkeland in 2021.

Leading up to the 2022 legislative session, Equality Utah said it had worked with Birkeland to craft a compromise bill regarding transgender athletes. Equality Utah pulled their support from the bill when changes were made to it during the session.

On the last day of the legislative session, Republican lawmakers brought the bill back in the form of an outright prohibition on transgender athletes competing in girl sports.

Gov. Spencer Cox, a Republican, said he did not like the process for how H.B. 11 was pushed through the legislature on the final day of the session and promised to veto the bill.

Cox did just that earlier this week, but Republican legislative leadership quickly announced they had the votes necessary to override the Governor's veto.

The override of the veto passed through both chambers of the legislature Friday afternoon.

"We'll see what form any lawsuits take and respond at that time," said House Speaker Brad Wilson (R – Kaysville).