

STATE OF TENNESSEE

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

Re: *Tennessee Wine and Spirits Retailers Association v. Byrd*, 18-96

Dear Mr. Harris:

On September 27, 2018, the Court granted certiorari in the above-referenced case on the following question:

Whether the Twenty-first Amendment empowers States, consistent with the dormant Commerce Clause, to regulate liquor sales by granting retail or wholesale licenses only to individuals or entities that have resided in-state for a specified time.

Certiorari is to the Sixth Circuit Court of Appeals, which held that Tennessee's durational-residency requirements for retail liquor licenses, Tenn. Code Ann. § 57-3-204(b)(2)(A), (3)(A)-(B), and (3)(D), violate the dormant Commerce Clause. *Byrd v. Tenn. Wine & Spirits Retailers Ass'n*, 883 F.3d 608, 626 (6th Cir. 2018). (Pet. App. 33a.)

Respondent Clayton Byrd, in his capacity as Executive Director of the Tennessee Alcoholic Beverages Commission, initiated the declaratory-judgment action that ultimately led to the Sixth Circuit decision. (Pet. App. 4a.) He filed a brief in the Sixth Circuit in defense of the constitutionality of the durational-residency requirements (Pet. App. 4a n.1) but did not participate in oral argument. On the petition for writ of certiorari filed by Tennessee Wine & Spirits Retailers Association, Respondent Byrd waived his right to file a response.

Respondent Byrd maintains an interest in the outcome of this case. See U.S. Sup. Ct. R. 12.6. He strongly agrees with Petitioner that the durational-residency

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requirements do not violate the dormant Commerce Clause and adopts the merits argument presented in Petitioner's brief, which fully represents Tennessee's position.

Accordingly, Respondent Byrd requests that the Court accept this letter for filing in lieu of a formal brief prepared in accordance with U.S. Sup. Ct. R. 24, 33.1, and 34.

Respectfully submitted,

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