

Nos. 24-38, 24-43

In the Supreme Court of the United States

BRADLEY LITTLE GOVERNOR OF IDAHO, ET AL.,
Petitioners,

v.
LINDSAY HECOX, ET AL.,
Respondents.

WEST VIRGINIA, ET AL.,
Petitioners,

v.
B.P.J., BY HER NEXT FRIEND AND MOTHER, HEATHER
JACKSON,
Respondent.

*On Writs of Certiorari to the United States Court of
Appeals for the Ninth Circuit and the United States
Court of Appeals for the Fourth Circuit*

**BRIEF OF BUSINESS LEADERS AS *AMICI
CURIAE* IN SUPPORT OF PETITIONERS**

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INTEREST OF *AMICI CURIAE*¹

The amici, listed in Addendum A, are 24 current and retired executives with deep experience in leadership, hiring, and the skills that drive competitive success. They also know that records of athletic participation and achievement are vital hiring signals, and that those records reliably predict career success when set under a fair Title IX standard.

Therefore, your *amici* support Petitioners' position because it secures the fairness that makes those records reliable for women. Many of these same *amici* urged the Court to grant certiorari. Now they reaffirm their interest as the Court considers the merits.

The *amici* appear here as individuals. While present or past employers are noted to show the *amici*'s relevant experience, the statements here are not made on behalf of persons or businesses other than the *amici*.

¹ Pursuant to Rule 37.6, counsel for *amici curiae* certifies that no counsel for a party authored the brief in whole or in part. No person other than the *amici curiae* or their counsel made a monetary contribution to fund the preparation or submission of this brief.

SUMMARY OF ARGUMENT

1. Participation in school sports powerfully predicts labor-market success and gender equality.
2. Records of athletic accomplishment are similarly predictive but can be skewed by even a few unfair competitors.
3. Petitioners' position best preserves fairness and equal treatment under Title IX.

ARGUMENT

I. PARTICIPATION IN SCHOOL SPORTS POWERFULLY PREDICTS LABOR-MARKET SUCCESS AND GENDER EQUALITY.

Your amici observe that studies and experience alike show that high school athletics predict career success.

A 2015 study showed that managers who hire employees associate participation in athletics with higher leadership, self-confidence and self-respect compared to students that participate in non-athletic extracurricular activities. See Kevin Kniffin, Brian Wansink, & Mitsuru Shimizu, *Sports at Work: Anticipated and Persistent Correlates of Participation in High School Athletics*, J. Leadership & Organizational Stud., May 2015 at 217–230 (2015). The same study also used biodata to show that male varsity athletes continued to have higher-status careers *sixty years* after high school. *Id.* Varsity athletes also showed more pro-social behaviors, like often volunteering their time. *Id.*

In 2000, three scholars found evidence that athletic participation directly increases wages and educational attainment. See John M. Barron, Bradley T. Ewing & Glen R. Waddell, *The Effects of High School Athletic Participation on Education and Labor Market Outcomes*, 82 Rev. Econ. & Stat., at 409-421.

In 1998, Professor Bradley T. Ewing published a seminal analysis showing former high school athletes are more likely to be in jobs associated with better labor market outcomes than non-athletes. Bradley T. Ewing, *Athletes and Work*, Econ. Letters, Apr. 1998, at 113 .

Another study by Professor Ewing in 2007 found high school athletes fare better in terms of compensation structure (wages and fringe benefits) than their non-athlete counterparts. See Bradley T. Ewing, *The Labor Market Effects of High School Athletic Participation: Evidence from Wage and Fringe Benefit Differentials*, J. Sports Econ., Jun. 2007, at 255–265 .

Title IX’s protection of equal opportunity plays an important part in ensuring women receive these benefits. Betsey Stevenson’s 2010 study found that a 10-point rise in female sports participation produced a 1-point rise in college attendance and a 1–2-point rise in labor-force participation, particularly in high-skill fields. Betsey Stevenson, *Beyond the Classroom: Using Title IX to Measure the Return to High School Sports*, 92 Rev. Econ. & Stat., at 284-301 (2010).²

² Available at <https://www.nber.org/papers/w15728>, last accessed September 5, 2025.

II. RECORDS OF ATHLETIC ACCOMPLISHMENT ARE SIMILARLY PREDICTIVE, BUT MANY RECORDS CAN BE SKEWED BY EVEN ONE, UNFAIR COMPETITOR.

Records of accomplishment—not just participation—shape admissions, scholarships, and careers. At higher levels, success signals leadership and talent that open doors to elite jobs.

These higher levels of competition are good markers of business leadership and executive talent. Especially for elite athletes, correct records of their accomplishments will predictably open opportunities for higher level jobs.

Yet the record in this case shows that even a single, unfair competitor can skew these important records for hundreds of women competitors.

Amici's personal experiences are supported by academic and professional studies. It has been easier to show that athletic participation is correlated with better labor market outcomes using statistical surveys. But a smaller number of studies reveal that *records* of higher achievement or participation at higher levels within athletics also affects labor market outcomes.³ So not only does it matter that a student participates in athletics, but the student athlete also

³ “Records” in this brief refers to the publicly available records of wins, losses, rankings, and other achievements and honors given to athletes, reflecting their success and dedication.

receives some market benefits from a record of athletic wins at higher levels.

For example, Gallup found college athletes more likely to earn advanced degrees and good jobs. See Gallup, Inc., A Study of NCAA Student-Athletes: Undergraduate Experiences and Post-College Outcomes (2020), at 3.⁴ College athletes were more likely to earn advanced degrees than non-athlete students. And college athletes were slightly more likely to have a good job waiting for them after graduation. *Id.*

Daniel Bowen and Jay Greene found high school athletic success correlated with academic success school wide. Daniel Bowen & Jay Greene, Does Athletic Success Come at the Expense of Academic Success?, J. Res. in Educ., Fall 2012, at 2-23.⁵ High Schools with more wins are correlated positively with academic achievement for students in the school, even after controlling for demographics. So, far from detracting students from academics, students in a school focused on athletic achievement can also expect higher performance academically.

These effects are particularly strong for women athletes, who can use the fair playing field of school athletics to show competitive success. Ernst & Young reported that 94% of women executives had athletic

⁴ Available at <https://www.gallup.com/file/education/312941/NCAA%20Student-Athlete%20Outcomes.pdf>, last accessed September 5, 2025.

⁵ Available at <https://eric.ed.gov/?id=EJ1098405>, last accessed September 5, 2025.

backgrounds, and 80% of Fortune 500 women played competitive sports. Most believed athletics accelerated careers. See Ernst & Young, How can winning on the playing field prepare you for success in the boardroom? March 2020.⁶ The records of achievement are predictably, undeniably linked to corporate success.

The facts of this case also show that a small number of male competitors can have a significant impact on the athletic records of hundreds of young women.

For example, at one 2025 meet, BPJ - a single male competitor - displaced 18 girls in 33 events, denying at least three medals. Across his career, he displaced more than 400 girls 1,100 times.⁷ Thus, even one unfair competitor can distort hundreds of records for hundreds of women.

In order to avoid distortion of these important records, it is essential for government to ensure that women's athletic records are fair and treat women equally. As explained below, only the Petitioners in these cases advocate a position that is fair and equal under Title IX.

⁶ Available at https://www.ey.com/en_bg/women-fast-forward/how-can-winning-on-the-playing-field-prepare-you-for-success-in-the-boardroom, last accessed September 5, 2025.

⁷ See Pet. West Virginia's Br. at 14, citing B.P.J., ATHLETICNET <https://tinyurl.com/373b8vt8>; accord *B.P.J. by Jackson v. West Virginia State Board of Education*, 98 F.4th 542, 566 (4th Cir. 2024) (Agee, Cir. J., concurring in part).

III. PETITIONERS' POSITION BEST PRESERVES FAIRNESS AND EQUAL TREATMENT UNDER TITLE IX.

Title IX is not a law to ensure that women can participate in athletics, as beneficial as participation in athletics can be. Title IX prohibits discrimination on the basis of sex in school activities, and its enabling regulations require equal athletic opportunity for fair competition and public recognition. See 34 C.F.R. § 106.41(c)(1), (10).

These dual purposes should be complementary, not contradictory. Pierre de Coubertin, founder of the modern Olympic Games, once said “the most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph but the struggle.” On the other hand, Vince Lombardi is popularly credited with saying, “Winning isn’t everything; it’s the only thing.”

This case does not ask the Court to decide whether participation or victory is the better public policy goal. Title IX guarantees women the chance for both glories: participation and accolades for objective success. *Chang v. Univ. of Rhode Island*, 606 F. Supp. 1161, 1256 (D.R.I. 1985) (“...there is an objective evaluation scheme in the coaching domain: the won-lost record.”) Thus, the Court sets the proper balance by enforcing the text of Title IX and its regulations, which require women to have opportunities for both participation and victory, as compared to men.

Here, Title IX's "nondiscrimination" is not satisfied merely by letting everyone participate. Once government offers sex-differentiated athletics, it must ensure both sexes can participate, win, and be recognized. See 34 C.F.R. § 106.41(c)(1), (10).

Only women's competitions have been disadvantaged by letting men compete in them. Because of physiological differences, women lose fair competition if men enter women's sports. This was the very basis for Title IX's allowance of sex-differentiated teams. So, failing to offer competitions that accommodate the interests and abilities of the female sex is a *differential* treatment on the basis of sex that violates Title IX.

Only Petitioners' position ensures reliable records and fair opportunities that allow female athletes to translate sports success into career success.

CONCLUSION

Sports participation and achievement predict career success. Unfair competition distorts those signals and harms women. Only Petitioners' position secures the fairness Title IX requires. Amici respectfully urge the Court to rule for Petitioners.

Respectfully submitted,

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APPENDIX

TABLE OF APPENDICES

Appendix A – List of Individual *Amici* App. 1

Appendix A – List of Individual *Amici*

List of individual *Amici Curiae*, including relevant experience and company:¹

1. **Margaret Iuculano**
President
Christian Employers Alliance
2. **Andrew Crapuchettes**
CEO & Founder
Red Balloon LLC
3. **Sam Thevanayagam**
President & CEO
Parts Life, Inc.
4. **Mike Sharrow**
CEO & President
C12 Group LLC
5. **Dr. Clinton Phillips**
CEO & Founder
Medici Health
6. **Jacob Rogers**
CEO & Founder
Performance Pulsation Control, Inc.

¹ Institutions of individual *Amici Curiae* are listed for identification purposes only. The opinions expressed are those of the individual *amici*, and not necessarily of their affiliated institutions.

App. 2

7. **Jacob Wells**
Co-CEO & Co-Founder
GiveSendGo, LLC
8. **Paul Kalmbach**
CEO
Kalmbach Feeds, Inc.
9. **Anthony Hahn**
President & CEO
Conestoga Wood Specialties
10. **Nick Anderson**
CEO
OneAccord
11. **Ariana Anderson**
CEO, Head of Design
Ariana Designs & Interiors
12. **Steve Calhoun**
Principal Chair
C12 Mid-Atlantic
13. **Ed Naylor**
C12 Chair
C12
14. **Nelson Long**
Owner
W. R. Long Inc.

App. 3

15. Jessica C. McKnight
President & CEO
CarneyCo

16. Neill Nelson
President
Davenport Autopark

17. Michael T. Hamilton
CEO & Founder
Good Comma Editing

18. J. Michael Stocks, PE
Owner
Stocks Engineering

19. Rex Elliott
CFO & COO
Classical Conversations, Inc.

20. Joan C. Maxwell
President
Regulator Marine, Inc.

21. Clifton Sellers
Founder
Legacy Builder

22. Spencer Patton
Founder & Chairman of the Board
Patton Logistics,
Route Consultant &
Route Consultant Purchasing Alliance

App. 4

23. Carli Patton

Co-Founder
Hello Truck Lease

24. Jeff Rogers

Chairman
OneAccord Partners & Park Place Motors