



Trouble with Definitions

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Is it time to push for a complete wall of separation between Sports and State?

The First Amendment helped the United States—together and separately—protect religion from the ravages of regulation, taxation, suppression, and favoritism. Maybe it's time to extend the concept.

This came to mind as I skimmed through the [transcript](#) to a current case before the Supreme Court, *Little v. Hecox* (Docket No. 24–38), which involves a challenge to Idaho's law restricting “transgender women and girls” from participating in women's and girls' sports.

I doubt the forthcoming ruling will get government out of sports generally, much less out of sports in public schools—which is what this is all about, Idaho's law applying only to athletic teams sponsored by public educational institutions (or certain nonpublic ones competing against public ones), not to purely private teams.

One lawyer for the respondents, Kathleen R. Hartnett, Esq., got stuck with the “tough” job. She was asked by Justice Alito if an understanding of what men and boys are, and what women and girls are, was relevant to the Equal Protection Clause. She said yes, but then confessed to lacking a definition of the sexes for the Court.

Then “how can a court determine that there's discrimination on the basis of sex,” Alito inquired, “without knowing what sex means....?”

Her answer started out on a most unpromising note: “I think here we just know ...” immediately pivoting to the statute's applicability. Alito went on to challenge her on a key notion in trans ideology, that one becomes trans just by saying so.

I see a lot of people online chortling on the comedy of it all.

But *I think here we just know* it's ... seriously troublesome.

This is Common Sense. I'm Paul Jacob.