

Steve Marshall
Alabama Attorney General



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For **press** inquiries only, contact:

Mike Lewis (334) 353-2199

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Attorney General Steve Marshall Leads 19 States in Support of Indiana Law Prohibiting Boys from Playing on Girls' Sports Teams

(MONTGOMERY) – Attorney General Steve Marshall led a coalition of 19 attorneys general in filing an amicus brief in support of the State of Indiana’s law prohibiting boys from playing on girls’ sports teams. Indiana’s law defines sex in terms of reproductive biology rather than gender identity, and has been challenged on that basis and enjoined in federal district court.

“Indiana, like Alabama and most other states, determines the sex of an individual, including students, by their biology,” said Attorney General Marshall. “This definition has long served as the basis for state and federal laws protecting the rights of those individuals, in particular female students. Yet, this biologically-based, time-tested – and eminently legal – view of sex is now being upended by those who seek to undermine this standard through gender ideology. But defining sex based on sex protects the rights of girls to fair competition in sports, and I am proud to take the side of Indiana in opposing this attack on common sense.”

Attorney General Marshall and fellow attorneys general asserted in their brief that Indiana is a victim to a proliferating litigation strategy targeting the definition of sex:

“This case is emblematic of an increasingly popular litigation strategy in which plaintiffs challenge States’ use of the traditional, biological definition of sex by arguing that the definition itself – not the attendant sex segregation – violates federal law. As is typical in this recent wave of litigation, here a State has enacted a law that adheres to the objective definition of sex that has endured for millennia, and the plaintiff advocates for something quite different: a definition of sex based on individuals’ subjective identities.

“Compelling States to define sex according to gender identity jeopardizes States’ ability to enforce lawful sex-conscious policies. Plus, paradoxically, requiring States to abandon an objective definition of sex may force many of them to resort to sex stereotyping as they search for other ways to define ‘boy’ and ‘girl.’ Federal law does not compel this outcome. *Amici* States have a strong interest in ensuring that federal law continues to permit a definition of sex that accords with reproductive biology and allows States to protect the health, safety, welfare, and privacy of all students.”

Attorney General Marshall joined attorneys general from Alaska, Arizona, Arkansas, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and West Virginia in filing the amicus brief in the U.S. Court of Appeals for the Seventh Judicial Circuit on September 13, 2022.

A copy of their brief may be read [here](#).

