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August 31, 2021

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Attorney General Steve Marshall Sues to Stop Unlawful Changes in Federal Employment and Education Sexual Identity Guidance

(MONTGOMERY)—Attorney General Steve Marshall joined 19 states in filing a lawsuit Monday to stop the Biden Administration from enforcing expansive and unlawful interpretations of federal rules that will force drastic changes in sexual identity guidelines for businesses and schools throughout the country.

“I have joined 19 other attorneys general in taking the Biden administration to court for its complete disregard for procedural safeguards and accountability in unilaterally ordering new sexual identity guidelines for American businesses and schools,” said Attorney General Marshall.

“Instead of considering the views of states, localities and stakeholders, as the law requires, the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education excluded public notice and participation in the regulatory process before implementing their radical social agenda. Americans are not passive recipients of the law, but rather active participants in the process of its creation and revision. Such cavalier avoidance of the law by this administration will not go unchallenged.”

In the lawsuit, Attorney General Marshall and the other 19 attorneys general challenge new federal guidance that purports to resolve highly controversial and localized issues such as whether schools must allow biological males to compete on girls’ sports teams, whether employers and schools may maintain sex-separated showers and locker rooms, and whether individuals may be compelled to use another person’s preferred pronouns.

The federal guidance relies on a flawed interpretation of the June 2020 U.S. Supreme Court decision in *Bostock v. Clayton Cty., Georgia*, even though the Supreme Court’s narrow ruling in the employment discrimination case explicitly refrained from addressing “sex-segregated bathrooms, locker rooms, and dress codes.”

According to the lawsuit, the federal agencies have no authority to unilaterally resolve these sensitive questions, let alone do so without providing the public with notice and an opportunity to comment. The attorneys general ask the court to declare the EEOC and Department of Education guidance invalid and unlawful and to prohibit their enforcement.

Attorney General Marshall joined attorneys general from Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee and West Virginia in filing the lawsuit in Eastern Tennessee federal district court on Monday.

The attorneys general lawsuit can be read [here](#).

