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Attorney General Steve Marshall Leads 22 States in Support of Florida Law That Preserves Girls' Sports Teams for Girls

(MONTGOMERY) – Attorney General Steve Marshall led a coalition of 22 attorneys general who filed an amicus brief in support of the state of Florida’s law that preserves girls’ sports teams for girls alone. Florida’s law defines sex in terms of reproductive biology rather than “gender identity” and has been challenged on that basis in federal court.

“Florida, like Alabama, determines the sex of an individual, including students, by their biology,” said Attorney General Marshall. “However, this longstanding legal view of sex is being undermined by radical activists seeking to promote their gender identity ideology. Maintaining the traditional definition of ‘sex’ is critical to protecting the right of fair competition in women’s sports. I am proud to stand with Florida in this important and worthy fight.”

Following an increasingly popular litigation strategy, plaintiffs in cases like this one target states’ time-tested, biological understandings of sex, which in turn has led some courts to view these plaintiffs’ arguments as traditional sex-discrimination claims. But, as the attorneys general explain, “the key to properly analyzing these claims is . . . to recognize that courts have dealt (and dispatched) with them before – primarily in the racial-affirmative-action context.”

While the attorneys general acknowledge that “confusion is understandable” among courts as to how they should view these “novel challenges to well-settled understandings of sex,” the attorneys general emphasize that “the costs of continued confusion are high.” By confusing these sorts of claims with traditional sex-discrimination claims, federal courts have “forced many state and local governments to wade through years of litigation and employ costly experts to justify decisions as basic of giving a ‘Female’ designation on a driver’s license only to females or making a girls’ sports team available only to girls.”

Perversely, “compelling States to define sex according to gender identity would jeopardize States’ ability to enforce coherent sex-conscious policies. It may even force



them to resort to sex stereotyping as they search to define ‘boy’ and ‘girl’ beyond biology.” But, as the attorneys general explain, “the Constitution compels none of this.”

Attorney General Marshall was joined by the attorneys general of the states of Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and West Virginia in filing the amicus brief in the U.S. District Court for the Southern District of Florida.

A copy of the brief can be viewed online [here](#).