

**Steve Marshall**  
Alabama Attorney General



For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

Cameron Mixon (334) 242-7491

## **Attorney General Marshall Leads 17 States in Support of West Virginia Law Protecting Girls' Athletics**

**(Montgomery)** – Alabama Attorney General Steve Marshall today led a coalition of 17 attorneys general in filing an amicus brief supporting West Virginia's law protecting girls-only sports teams. West Virginia's law defines sex in terms of reproductive biology rather than "gender identity" and has been challenged on that basis in federal court.

"To protect equal access for girls in sports, West Virginia has ensured that girls have the chance to compete against other girls, defining 'sex' based on biological sex. The plaintiffs in this case and similar cases seek to upend that with radical policies that will take away opportunities from our daughters and the next generation of leaders," said Attorney General Marshall. "Longstanding federal law has protected rights for men and women based on biology, and Alabama will continue to lead the defense of the traditional definition of 'sex' to ensure fair competition in women's sports."

Following an increasingly popular litigation strategy, plaintiffs in cases like this one target states' time-tested, biological understandings of sex. Some courts have viewed these plaintiffs' arguments as challenges to the government's decision to use sex when allocating benefits. But the coalition's brief notes that plaintiffs are not actually challenging the decision to have a girls-only sports team. Instead, they want access to the girls' team; plaintiffs merely quibble with the states' definition of "girl." Such challenges warrant only deferential rational basis review, which laws like West Virginia's clearly satisfy.

Like many other states' laws, West Virginia's Save Women's Sports Act was codified to reaffirm longstanding separation of girls' and boys' sports teams. After nearly two years of litigation, West Virginia was vindicated when the district court upheld the law's constitutionality. Alabama's brief explains that a proper understanding of plaintiffs' claims will ensure that other states will not be wrongfully forced to "wade through years of litigation" to "justify decisions as basic as 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 brief explain, "the Constitution compels none of this."



Attorney General Marshall's brief was co-led with the Arkansas Attorney General and signed on to by attorneys general in the following states: Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Mississippi, Nebraska, South Carolina, South Dakota, Texas, Utah, and Virginia.

[The full brief can be found here.](#)