

Steve Marshall
Alabama Attorney General



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For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

William Califf (334) 604-3230

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Alabama Attorney General Marshall Advocates for State Authority to Protect Girls' Sports in Landmark Supreme Court Cases

(Montgomery, Ala) – Alabama Attorney General Steve Marshall today filed two 28-state amicus briefs urging the U.S. Supreme Court to preserve states' authority to enact laws that protect girls' sports by ensuring that all participants are biological females. Idaho and West Virginia enacted such laws but had them invalidated by the Ninth and Fourth Circuit Courts of Appeals, respectively. Both courts held that the state laws likely violate the Equal Protection Clause of the Fourteenth Amendment by not allowing biological males who identify as women to compete on sports teams reserved for women or girls. The Fourth Circuit also held that Title IX of the Civil Rights Act requires states to allow biological males to compete on girls' sports teams consistent with their proclaimed gender identity.

"At the heart of these cases is a fundamental question: can states uphold laws that preserve fairness and opportunity for female athletes? The answer must be yes. Across the country, girls and women are once again being asked to overcome structural disadvantages that Title IX was designed to eliminate. This is not about exclusion – it's about preserving the integrity of female athletics," stated Attorney General Marshall. "We must protect these opportunities because law, science, and the public will is on our side. We believe the court will be as well."

In 2023, the Alabama Legislature passed a similar bill that uses biological sex rather than gender identity to classify sports teams at public schools, including colleges and universities.

During Biden's tenure, Attorney General Marshall was successful in halting the Biden administration's attempted expansion of Title IX regulations, which would have allowed biological males in female-only spaces such as sports locker rooms and bathrooms.

Attorney General Marshall led the briefs with the attorney general of Arkansas, and they were joined by the attorneys general of the following states: Alaska, Florida, Georgia, Idaho (*B.P.J.* only), Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia (*Hecox* only), and Wyoming, and the U.S. Territory of Guam.

Click here to read the brief in [*Little v. Hecox*](#) and here to read the brief in [*West Virginia v. B.P.J.*](#)

