



Written by [Raven Clabough](#) on September 3, 2021

20 States Sue Biden Admin Over Mandate Allowing Boys in Girls' Sports

The Biden administration continues to face legal backlash over its egregious transgender policies. This week, a coalition of 20 states filed suit against the Equal Employment Opportunity Commission (EEOC) and the Department of Education (DOE) over Biden's transgender mandate for schools, which allows biological males who identify as females to compete in girls' sports and use girls' locker rooms and bathroom facilities.



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Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, and West Virginia have joined the [lawsuit](#), with Tennessee Attorney General Herbert Slater leading the effort, the Daily Wire reported.

The EEOC and DOE issued guidance asserting that failing to recognize a person's gender identity constitutes an actionable discrimination under Title VII, citing the U.S. Supreme Court's decision in *Bostock v. Clayton County*, which determined that employers cannot terminate people because of their gender identity, Fox News reported.

The lawsuit argues that Bostock's decision was "narrow" and limited to employment termination without addressing "the myriad other forms of alleged discrimination" identified under Title VII.

In fact, the lawsuit argues that expanding sex to include gender identity actually violates Title IX, which "expressly permits sex separation on the basis of biological sex."

The guidance, the lawsuit outlines, "purports to resolve highly controversial and localized issues such as whether employers and schools may maintain sex-separated showers and locker rooms, whether schools must allow biological males to compete on female athletic teams, and whether individuals may be compelled to use another person's preferred pronouns."

"But the agencies have no authority to resolve those sensitive questions, let alone to do so by executive fiat without providing any opportunity for public participation," it states.

Slattery contends the case is about two federal agencies acting outside of their capacities to change the law, "which is Congress' exclusive prerogative."

The plaintiffs, the lawsuit reads, are suing to "prevent the agencies from usurping authority that properly belongs to Congress, the States, and the people and to eliminate the nationwide confusion and upheaval that the agencies' recent guidance has inflicted on States and other regulated entities."



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The lawsuit states it was Biden's Executive Order directing federal agencies to "rewrite federal law to implement the Administration's policy of 'preventing and combating discrimination on the basis of gender identity or sexual orientation'" that compelled the DOE and EEOC to effect the policy changes. The suit states both agencies circumvented procedural requirements "in their rush to overreach" and "issued 'interpretations' of federal antidiscrimination law far beyond what the statutory text, regulatory requirements, judicial precedent, and the Constitution permit."

In addition to this lawsuit, more than 3,000 pediatricians and medical professionals filed a lawsuit against the Biden administration over the "gender identity" expansion of healthcare regulations, which requires medical professionals to provide gender-transition related services and surgeries, despite medical or other objections, the Daily Wire reported. The new policy expanding "sex" to include "gender identity" deems any objections, even as they relates to children, discriminatory.

Alliance Defending Freedom (ADF) filed the lawsuit *American College of Pediatricians v. Becerra* last week with the U.S. District Court for the Eastern District of Tennessee. The plaintiffs include the American College of Pediatricians, the Catholic Medical Association, and an OBGYN who specializes in adolescent care.

In a statement, ADF Senior Counsel Ryan Bangert slammed the Biden administration for "grossly overreaching its authority" and called the mandate flatly "unlawful."

"The law and the medical profession have long recognized and respected the biological differences between boys and girls and the unique needs they each present in health care. Forcing doctors to prescribe transition hormones for 13-year-olds or perform life-altering surgeries on adolescents is unlawful, unethical, and dangerous," Bangert said. "President Biden's Health and Human Services department is grossly overreaching its authority and, in so doing, putting children's psychological and physical health in danger. Our clients are rightfully objecting on medical, ethical, religious, and conscientious grounds to this unlawful government mandate to provide gender-transition procedures."

ADF Senior Counsel Julie Marie Blake asserts the mandate violates the constitutional rights of doctors and hurts patients in the process.

"Doctors should never be forced to perform a controversial and often medically dangerous procedure that goes against their best judgment, their conscience, or their religion, especially when it involves vulnerable children experiencing mental and emotional confusion," Blake's statement said. "To force doctors to engage in experimental medicine that poses a risk to patients — or face huge financial penalties, withdrawal of federal funding, or removal of their ability to practice medicine — is an extreme violation of doctors' constitutional rights and certainly not in the best interest of the patients they serve."



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