



**STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL**

**STEVE MARSHALL
ATTORNEY GENERAL**

**501 WASHINGTON AVE
MONTGOMERY, AL**

January 16, 2025

The Honorable John Thune
Majority Leader
United States Senate
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Chairman
Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
Senate Judiciary Committee
722 Hart Senate Office Building
Washington, DC 20510

Dear Majority Leader Thune, Minority Leader Schumer, Chairman Grassley and Ranking Member Durbin:

We write to express our strong support for the nomination of Pam Bondi as United States Attorney General and to urge her swift confirmation by the Senate. General Bondi's impressive record speaks for itself, though it does seem especially appropriate that a woman has been nominated for this position. Our country is preparing to turn the page on a dark chapter of the United States Justice Department during which the needs and concerns of America's women were readily and regularly sacrificed in service to a radical anti-woman agenda. General Bondi's experience as Attorney General of Florida, our nation's third-largest state, uniquely equips her to rapidly disentangle the Department from its questionable policy priorities and repair the damage inflicted by the Garland Justice Department in the context of public safety, incarceration, privacy, and freedom, generally.

As you may recall, within the first 100 days of taking office, the Biden-Harris Administration issued Executive Order 13988 to "prevent and combat

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discrimination on the basis of gender identity or sexual orientation.”¹ The executive order placed Biden’s Attorney General at the helm of effectuating its purpose, directing him to work with every federal agency head to implement its new interpretation of “sex discrimination” to now include “sexual orientation and gender identity” and to insert this redefinition into every possible facet of government operations. The outcome has been decidedly disastrous for women and girls, elevating the elusive concept of accommodating gender identity above the civil rights of every other American, women in particular.

Following the directive in Executive Order 13988, the Principal Deputy Assistant Attorney General for the Civil Rights Division issued a memorandum to federal civil rights officers and general counsels laying out the DOJ’s faulty interpretation of *Bostock* and the novel position that Title IX now prohibited discrimination on the basis of gender identity and sexual orientation, not just biological sex.² The fallout was nearly immediate. Every federal agency rushed to force the new meaning of the word “sex” onto the states through every financial means possible—no bridge was too far.

For instance, the Civil Rights Division threw its weight behind a lawsuit against the State of Georgia’s corrections department in 2021, arguing that state prison officials had violated the United States Constitution by “categorically refusing to assign transgender prisoners to housing that corresponds to their gender identity” and by “failing to individualize the medical care of transgender prisoners for the treatment of gender dysphoria.”³ While all prisoners are entitled to reasonable protections while incarcerated, the remedy sought by the plaintiff—a biological man—was to place him in a women’s facility to live, recreate, and shower alongside biological females.⁴ In January of 2024, the DOJ filed a statement of interest in a similar case in which an incarcerated man sought to be transferred to a women’s facility due to his gender dysphoria as well as state-

¹ Exec. Order No. 13988, 86 Fed. Reg. 7023 (January 20, 2021).

² Letter from Pamela S. Karlan, Principal Deputy Assistant Attorney General for the Civil Rights Division to Federal Civil Rights Directors and General Counsels (March 26, 2021)

³ Statement of Interest of the United States at 2, *Diamond v. Ward*, No. 5:20-cv-453, 2022 WL 3221224 (April 22, 2021), ECF No. 65.

⁴ *Id.*

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sponsored gender-affirming surgery.⁵ To date, merely cooperating with the DOJ's investigation has cost the State of Georgia over \$2.5 million dollars. As a former state attorney general, Pam Bondi is well-equipped to end the weaponization of the DOJ against states and to support, not financially hinder, states' efforts to improve public safety through effective incarceration.

The Justice Department has also sought to bully state and federal law enforcement partners, victims' advocates, and nonprofit victims' assistance providers into prioritizing gender-free programming and spaces via grant terms. Take, for example, the Office of Victims' Services grant to combat human trafficking. The grant overview stated that the purpose of the grant was to fund services for victims of all forms of human trafficking throughout the United States. By page 17 of the grant terms, however, a potential applicant was instructed to maintain "procedures or policies that provide all survivors access to safe shelter, advocacy services, counseling, and other assistance *without exclusions* based on actual or perceived sex, age, immigration status, race, religion, sexual orientation, *gender identity*..."⁶ The grant terms further require that a gender-specific program "must. . . ensure access to comparable, qualified services for other survivors seeking support."⁷ This would disqualify, for example, more than half of Alabama's domestic service providers, who are set up to serve women victims specifically, and for good reason—women victims do not want to be housed with men.

As Attorney General, Pam Bondi was a passionate advocate for human trafficking victims and pledged to make Florida a zero-tolerance state. She led the passage of comprehensive legislation to significantly increase penalties for human traffickers and hosted the annual Human Trafficking Summit to bring together stakeholders to share strategies for fighting this scourge and protecting survivors. She used the resources at her disposal to launch *YouCanStopHT.com* to educate the public about how to spot and report human trafficking and also led an effective state awareness campaign entitled, "From Instant Message to Instant

⁵ Statement of Interest of the United States at 7, *Doe v. Georgia Dept. of Corrections*, No. 1:23-cv-5578 (January 8, 2024).

⁶ Office for Victims of Crime, *OVC FY 2023 Enhanced Collaborative Model (ECM) Task Force to Combat Human Trafficking*, at 17 (March 10, 2023).

⁷ *Id.*

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Nightmare,” to educate parents about protecting children from sex traffickers. This is the kind of focused leadership the DOJ needs when it comes to combatting human trafficking.

The DOJ’s Office on Violence Against Women has also used its platform to seek and obtain special funding for male victims of domestic violence and sexual assault who identify as women.⁸ While *every* American deserves to live free from the fear of violence, using money allocated explicitly for women victims to serve men ignores the reality that 94% of sexual abuse offenders⁹ and 75% of fatal domestic violence offenders¹⁰ are men. Pam Bondi understands these realities. As an assistant state attorney, she spent many months prosecuting domestic violence cases. She knows first-hand how difficult it is for victims to escape the cycle of domestic violence and how the fear of cooperating with law enforcement often left women to return to their abusers. There is no question that Pam Bondi would be a staunch advocate to return the Office on Violence Against Women to its original mission.

Of course, the Justice Department’s quest to dismantle the plain meaning of Title IX will be the lasting contemptible legacy of Merrick Garland’s tenure. When nearly half the states in the country attempted to stop the U.S. Department of Education from hijacking their schools’ bathrooms and locker rooms before the start of the 2024 school year, the U.S. Department of Justice swooped in with specious arguments in defense of the executive branch’s rewrite of the law without involvement from Congress. In defending the USDOE’s failure to adequately consider the thousands of public comments filed in opposition to the change, the Justice Department argued that although sex-separate restrooms are not presumably discriminatory, preventing a student from using restrooms consistent with their gender identity causes more than *de minimis* harm to the gender-confused individual and was thus not permitted by the rule.¹¹ At no time did the

⁸ Office on Violence Against Women, FY 2022, President’s Budget Request (May 2021), at 2.

⁹ United States Sentencing Commission, *Quick Facts: Sexual Abuse Offenses* (2023).

¹⁰ Milena J. Wisniewska, *Domestic Violence Statistics 2024*, BREAK THE CYCLE (Oct. 7, 2024), <https://www.breakthecycle.org/domestic-violence-statistics/>.

¹¹ See, e.g., *Alabama v. U.S. Secretary of Education*, No. 24-12444, 2024 WL 4588895 (Oct. 21, 2024).

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Department give even a passing mention to the more than *de minimis* concerns raised on behalf of school-aged girls.

In fact, when plaintiff states argued on behalf of their school systems that the practical effect of the Title IX rule was going to require the construction of new restrooms and locker room facilities, the DOJ argued that the rule didn't require this at all and that the Department assumed it would not be necessary.¹² In other words, in its myopia, the position of the United States Department of Justice is that schools around the country would seamlessly invite boys into girls' private spaces without bothering to incur any costs to keep girls safe.

Even after eight federal district and appellate courts halted enforcement of the U.S. Department of Education's Title IX rule as likely unlawful, the Justice Department urged the United States Supreme Court—mere weeks before the start of the 2024-25 school year—to effectively gut the preliminary injunctions issued by the district courts for the Eastern District of Kentucky and the Western District of Louisiana that blocked the rule from going into effect.¹³ The DOJ again ignored the realities facing school districts across the country if the rule were to be even partially forced on schools at the eleventh hour—a fact that the Fifth Circuit noted would inflict “enormous administrative costs and great legal uncertainty on recipients of federal funds.”¹⁴ Just this week, the Eastern District of Kentucky again rejected the federal government's arguments and vacated the Title IX rule for the plaintiff states.¹⁵

Of course, while the Justice Department was busy offending women's privacy, it also managed to botch the direction of its U.S. Attorneys, encouraging prosecutorial leniency and leaving a gaping hole in the nation's critical public safety partnerships. On December 16, 2022, Attorney General Garland issued a now-infamous memorandum to all federal prosecutors that overturned the DOJ's long-held policy of pursuing the most serious, readily provable offense or

¹² *Id.* at 43-44.

¹³ Application for a Partial Stay, *Department of Education v. Louisiana*, No.24A79, 2024 WL 3511533 (2024).

¹⁴ *Louisiana v. U.S. Department of Education*, No. 24-30399, 2024 WL 3452887, at 2 (5th Cir. 2024).

¹⁵ *Tennessee v. Cardona*, No. 2:24-24072, 2025 WL 63795 (2025).

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offenses supported by the facts of the case.¹⁶ Garland opted instead to reinstitute the Eric Holder policy of “individualized assessments,” noting that “equal justice depends on individualized justice” and that mandatory minimums should be avoided for drug crimes due to “perceived and actual racial disparities in the criminal justice system.”¹⁷ This significant change in approach served only to undermine the work of federal law enforcement—tasked with removing predatory and repeat offenders from our communities—and embolden the criminal element. Pam Bondi’s entire career demonstrates her passion for and unwavering dedication to the rule of law and the impartial, equal application of the law. Under her leadership, we can expect a swift departure from the public safety surrender of the outgoing administration.

The United States Justice Department under Merrick Garland has been an abject failure. Our country is less safe, our states are exhausted from fighting for our basic right to govern, and our women and girls are weary of a regime that refuses to acknowledge their distinctiveness. We are confident, however, that Pam Bondi will restore thoughtfulness, integrity, and grit to the agency and that she will weaponize the DOJ only to combat crime, not to promote an extreme agenda or to punish those with whom she disagrees. Over the course of her confirmation hearings this week, she has proven that she is simply the right Attorney General for her time. It is our honor to offer our highest endorsement of our friend and former colleague, Pam Bondi, for United States Attorney General.

Respectfully submitted,



Katherine Robertson
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Alabama Attorney General
Steve Marshall



Ashley Moody
Florida Attorney General

¹⁶ Memorandum from Attorney General Garland to all Federal Prosecutors (Dec.16, 2022) (citing Attorney General Holder, *Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases* (2013)).

¹⁷ *Id.*

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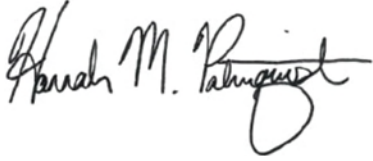


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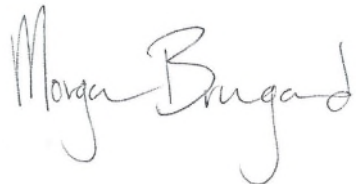
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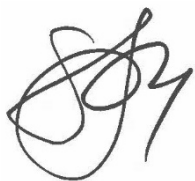
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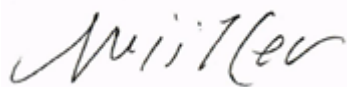
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