

# American Values

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Gary L. Bauer, President

Speaker Paul Ryan  
H-232 The Capitol  
Washington, D.C. 20515

Senate Majority Leader Mitch McConnell  
317 Russell Senate Office Building  
Washington, D.C. 20510

Dear Speaker Ryan and Leader McConnell:

We are writing to protest, in the strongest possible terms, the Obama Administration's latest unconstitutional abuse of executive authority.

As you know, on May 13<sup>th</sup> the administration sent letters of "significant guidance" to every school district in the nation, redefining Title IX to include "gender identity." According to the letter, "Gender identity refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth."

The letter goes on to state:

"Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time. . . The Departments [of Education and Justice] treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. . . A school may provide separate facilities [restrooms and locker rooms] on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity."<sup>i</sup>

The letter was jointly signed by Catherine E. Lhamon, Assistant Secretary for Civil Rights at the Department of Education, and Vanita Gupta, Principal Deputy Assistant Attorney General for Civil Rights at the Department of Justice.

In short, the Obama Administration is allowing children to choose which bathroom they want to use. This policy violates the privacy of the vast majority of students, subjecting them to the very discomfort that it allegedly seeks to remedy.

According to the *New York Times*, the administration's letter "does not have the force of law, but it contains an implicit threat: Schools that do not abide by the Obama administration's interpretation of the law could face lawsuits or a loss of federal aid."<sup>iii</sup>

As you also know, much of the federal government's funding to local schools goes to poor children and those with special educational requirements. Surely the administration is not seriously going to punish the children that federal education dollars were specifically intended to help. The administration's position is mean-spirited, untenable and unconscionable.

Not surprisingly, a recent Rasmussen poll finds that 55% of parents with school-aged children oppose the administration's order, while just 32% of parents support it.<sup>iii</sup>

Moreover, as the *Times* notes, the letter does not have the force of law because the law has not been changed by Congress. So on what authority is the administration threatening to cut off federal aid to poor and disadvantaged children?

Therefore, we urgently request:

- That the Congressional leadership issues a clear and unequivocal denunciation of this absurd policy;
- That the House and Senate formally side with local school districts, states and families in lawsuits against the federal government's attempts to enforce this policy;
- That Ms. Lhamon and Ms. Gupta be compelled to testify before relevant House and Senate committees to publicly answer for this latest bureaucratic overreach;
- That appropriate legislation be drafted clarifying that the Departments of Education and Justice do not have the authority to mandate such policies; and
- That this legislation be voted on at the earliest possible opportunity so that the American people know who among their elected representatives is standing up for the privacy rights of their children and against this extreme agenda.

Sincerely,

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*(Names and affiliations listed for identification purposes only.)*

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<sup>i</sup> <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

<sup>ii</sup> <http://www.nytimes.com/2016/05/13/us/politics/obama-administration-to-issue-decree-on-transgender-access-to-school-restrooms.html? r=0>

<sup>iii</sup> [http://www.rasmussenreports.com/public\\_content/lifestyle/general\\_lifestyle/may\\_2016/most\\_school\\_parents\\_oppose\\_transgender\\_bathroom\\_policy?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=DailyNewsletter](http://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/may_2016/most_school_parents_oppose_transgender_bathroom_policy?utm_source=newsletter&utm_medium=email&utm_campaign=DailyNewsletter)