

# Public Advocate of the United States

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September 8, 2017

Hon. Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Re: Office of Civil Rights' Mutiny Against President Trump's Policy on Transgenders in the Nation's Schools

Dear President Trump:

As you know, in May of 2016, former President Obama's Department of Education issued a "Dear Colleague Letter" ("Obama DCL") to the nation's public schools. Disguised as a form of "guidance," the Obama DCL instead was a veiled threat to the nation's schools — either get in line with President Obama's radical left-wing vision for America, or else lose your federal funding. Claiming to "interpret" the term "sex" as it is used in Title IX of the Education Amendments of 1972, the Obama DCL instead rewrote Title IX, adding "gender identity" to the statute's prohibited forms of discrimination.

The Obama DCL ordered that so-called "transgender" students — consisting of those who have generally been known as transvestites, or those suffering from gender dysphoria and who do not "identify" with their biological sex — be treated as if they are whatever sex with which they do identify. The Obama DCL ordered that public schools must permit, for example, a boy feeling like or pretending to be a girl to use the girls' bathrooms, locker rooms, participate on the girls' athletic teams, and even share rooms with girls during overnight school trips. The Obama DCL even claims that public schools must call a Jon a Jane, and refer to a he as a "she," even though his official birth certificate lists his legal name as Jon and his sex as male.

Naturally, countless millions of Americans (including the vast majority of those who voted for your election) realize the absolute insanity of this left-wing hysteria. Numerous public opinion polls have reported that a majority of Americans believe that a person should use the bathroom that corresponds to his biological sex, rather than being permitted to use whatever facilities he "feels" like using. In other words, most people believe that our children deserve better than to be subjected to a perverted liberal ideology which grants sexual license to the mentally troubled as well as those who seek to exploit their new power.

The Obama Department of Education rejected common sense, choosing instead to use threats and coercion to instill President Obama's radical liberal vision upon a country that has since soundly rejected it. What makes this social experiment all the more noxious is that it is being perpetrated against the most innocent and impressionable among us, who are being taught

that down is up and up is down — and that the perversion of God’s creation should be embraced and celebrated.

Thankfully, by November 8, 2016, America had enough, and sent you to Washington with a mandate — put an end to such nonsense. True to your promises to defend traditional and Christian values, on February 22, 2017, your administration withdrew the Obama DCL, returning the status quo to the nation’s schools. Once again, students were to use the bathroom that corresponds with their actual sex, consistent with the plain meaning of federal law, the English language, and thousands of years of human history.

Although I, Public Advocate, and its members and supporters thank you for your swift action to address this problem, gratitude is not the purpose of my letter today. Rather, I write to inform you that there are those within your Administration who seek to undermine your policies as expressed in the February 22, 2017 letter.

On June 6, 2017, the Department of Education published a letter entitled “OCR Instructions to the Field re Complaints Involving Transgender Students.”<sup>1</sup> The document was signed by Candice Jackson, Acting Assistant Secretary for Civil Rights, within the Office of Civil Rights, Department of Education.

Ms. Jackson’s June 6 letter appears to be an attempt to sabotage your February 22 change of policy. Ms. Jackson’s letter acknowledges the February 22 letter, and recognizes that it repealed the Obama Administration policies about transgender use of bathrooms. However, rather than moving away from those Obama-era policies, Ms. Jackson’s letter instead embraces them — claiming that “OCR may not rely on the policy set forth in the May 2016 DCL ... **as the sole basis** for resolving a complaint.” Apparently, it is Ms. Jackson’s position that the OCR may continue to rely on the policies of the withdrawn Obama DCL, as long as that is not the sole authority on which it relies.

Ms. Jackson then provides a clue as to other authorities that can be relied on to resolve a transgender complaint — pointing to a document entitled The Department’s Examples of Policies and Emerging Practices for Supporting Transgender Students.”<sup>2</sup> Amazingly, that document was published in May of 2016 — **to go along with the Obama DCL!** Apparently Ms. Jackson’s position is that since the policy document was not expressly repealed by name in the February 22 letter, it continues to be in effect.

The May 2016 policies document to which Ms. Jackson refers gives a list of policies that the Department of Education suggests public schools adopt. Those policies include:

- that schools “rely on students’ ... expression of their gender identity”;

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<sup>1</sup> <https://assets.documentcloud.org/documents/3866816/OCR-Instructions-to-the-Field-Re-Transgender.pdf>.

<sup>2</sup> <https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>.

- that schools “use the name ... and pronouns ... a student identifies as consistent with the student’s gender identity regardless of whether the student has completed a legal name change”;
- “that students must be permitted to access facilities consistent with their gender identity and not be required to use facilities inconsistent with their gender identity or alternative facilities”;
- that students “participate in athletics consistent with their gender identity”;
- that schools use their “gender identity” rather than their sex “when providing overnight accommodations”; and
- “that schools allow transgender students to dress consistent with their gender identity.”

**Mr. President, you have been betrayed by officials within your own Administration. All of these policies contained in this Obama-era policies document are the very same policies you explicitly rejected on February 22, 2017 by choosing to withdraw the Obama DCL.**

Yet your Acting Assistant Secretary of Education Candice Jackson has now rejected your Administration’s policies and has ordered that those very same Obama policies be put back into effect — as if your February 22 decision had never occurred! Ms. Jackson — and perhaps others working with her — have chosen to enforce the policies of former-President Obama over the policies of President Trump.

Mr. President, it is not too late to put down this mutiny. Therefore, I urge you immediately to fire Acting Assistant Secretary Candice Jackson, and to demand an explanation from Education Secretary Betsy DeVos, to find out how this could have happened under her watch — or, even worse, whether it was done at her direction.

Mr. President, the nation has spoken. Americans simply do not want little boys using the little girls’ bathrooms, and vice versa, in the nation’s public schools. It is up to you to protect the innocence of this country’s next generation from the remnants of President Obama’s radical leftwing experiment with our youth.

Please make it clear that the nation’s schools are free to treat little boys as little boys, and little girls as little girls, and that your Department of Education will not continue to undermine traditional, Biblical, and American values.

Sincerely yours,

*Eugene Delgaudio*

HON. EUGENE DELGAUDIO  
President

ED:ls

cc: Hon. Betsy DeVos  
Secretary of Education  
Department of Education

Ms. Candice Jackson  
Acting Assistant Secretary for Civil Rights  
Department of Education

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