

An Open Letter to Leaders: Stop Transforming American Self-Government

While Putting All Children at Risk

The movement for “transgender rights” in the United States is in need of serious scrutiny, as our federal and state governments are taking this controversial notion too far. The very concept of “transgender” is of recent origin and uncertain meaning. Instead of the detailed and skeptical attention any such novelty should receive, transgender “rights” are now being inscribed into federal civil rights statutes with potentially dangerous consequences, including the exploitation of children.

We believe that there is a profound need to examine the basis of “transgender rights” before framing any public policy aimed at sheltering these rights at the expense of the privacy and safety of the public. We are also concerned about the risks of harm such policies may pose to vulnerable young people who may suffer from aberrant psychological conditions. And, we are mindful that the call for transgender rights is, in some instances, part of a larger movement aimed at a fundamental transformation of marriage, family, sexual relations, and “gender identity” in our society, not to mention biology.

None of these are matters to take lightly, or to delegate to bureaucrats who may have, at best, a very limited perspective on the underlying issues. But that is exactly what has happened. This radical policy represents a profound expansion of federal power without a legitimate statutory basis.

The Office for Civil Rights in the U.S. Department of Education and the Civil Rights Division of the U.S. Justice Department jointly issued a “Dear Colleague” letter on May 13, 2016, setting forth a public policy that allows “transgender” students in the nation’s schools an enforceable right to use the restrooms, showers and locker rooms of the sex they arbitrarily “identify with,” at that moment, rather than those of their biological sex. This controversial and reckless government overreach increases the risk for our children’s safety and privacy in deference to an un-tethered notion of rights. This policy rejects the scientific reality of every person’s biological sex. To force all Americans to comply with such an extreme and faulty premise – that every person’s sex is “assigned” to them, rather than simply identified at birth – is beyond the pale.

There is no statutory basis for the government’s letter, although it goes through the motions of claiming that Title IX of the Higher Education Act mandates allowing boys in girls’ locker rooms. Congress passed no such law. The courts have made no such ruling. Nor is there even a regulatory basis for this new rule. A “Dear Colleague” letter is a format increasingly employed by the Obama administration when it seeks to impose a rule without going to the trouble of seeking legal authority or even public hearings. Typically, recipients of guidance letters from the Civil Rights Division or Office of Civil Rights presume that such letters accurately reflect the law and are almost always cowed into compliance with the terms of the letter. Very few recipients have the courage or resources to challenge such a letter.

Even those who might agree with the spirit or substance of the rule ought to be concerned about the process. If this sort of administrative power-grab can be employed successfully to advance a cause favored by one side of the political spectrum, in due time it can - and will - be employed by the other side, as well. We should all agree that our public policy should be made on the basis of the rule of law and due process, not on the basis of political expediency by some unelected bureaucrats.

Any claim that a portion of the American people has been treated unfairly summons our sympathy, but such claims are not above careful examination for their factual basis, as well as for danger of unintended consequences. The movement for transgender rights rests on ideologically-manufactured definitions of human biology of a very recent vintage; themes in popular entertainment and celebrity culture; and on hypothetical extensions of Supreme Court decisions.

“Transgenderism” itself is rare and frequently pathological, as it is associated with high suicide rates and other psychological dysfunctions. Some young people, however, are vulnerable to both “body dysmorphia” and to related conditions. By turning these vulnerabilities into a right to *choose* one’s own “gender,” the advocates of transgenderism pose a significant danger to the health and safety of the people they propose to help.

If progressive advocates are aware of this danger, they ignore it. The movement appears to be far more interested in furthering its ability to dominate the instruments of state power than it is in the welfare of actual children or the American public. Distorting the law to implement radical policy, opposed by the overwhelming majority of Americans, evinces a design to dispense with legal traditions and limits on power that have blessed this nation for centuries. In addition, considering all the possible actions the federal government *should* be taking to keep us safe -- like addressing porous borders, rising terrorism, the weakening economy, the escalating collapse of the Middle East, rising crime rates, etc. -- we firmly believe that, in setting bathroom, shower and locker room policies in local schools, the federal government has exceeded its authorities while putting our children’s mental health at risk to politically-driven psychology and their very lives in peril at the hands of potential sexual predators. **We urge you to join us in opposing this grave threat to children and this abject rejection of law-making by self-government, that manner by which America’s founders intended our constitutional system to function.**

Sincerely,

The Undersigned:

(Titles for identification purposes only)

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