

Kuuipo Carr

From: Kuuipo Carr
Sent: Friday, February 10, 2017 9:46 AM
To: peter.carr@usdoj.gov
Subject: CRT
Attachments: CRT Talking Points.pdf; 2017 Dear Colleague 1.pdf; 2017 Dear Colleague.pdf; 2016 Dear Colleague.pdf

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Friday, February 10, 2017 10:03 AM
To: Carr, Peter (OPA)
Cc: Hornbuckle, Wyn (OPA)
Subject: RE: CRT matter for 11

Peter,

Thanks. Will review now.

Best,

Mark

From: Carr, Peter (OPA)
Sent: Friday, February 10, 2017 10:02 AM
To: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: CRT matter for 11

Attached are some materials to review, if possible, before the 11am call.

- 2016 Dear Colleague Letter – (b) (5)
- 2017 Dear Colleague Letter – (b) (5)
- Talking Points – (b) (5)

(b) (5)

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Friday, February 10, 2017 10:03 AM
To: Sarah Isgur Flores
Subject: FW: CRT matter for 11
Attachments: CRT Talking Points.pdf; 2016 Dear Colleague.pdf; 2017 Dear Colleague.pdf

From: Carr, Peter (OPA)
Sent: Friday, February 10, 2017 10:01 AM
To: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: CRT matter for 11

Attached are some materials to review, if possible, before the 11am call.

- 2016 Dear Colleague Letter – (b) (5)
- 2017 Dear Colleague Letter – (b) (5)
- Talking Points – (b) (5)

(b) (5)

Navas, Nicole (OPA)

From: Navas, Nicole (OPA)
Sent: Monday, February 13, 2017 3:19 PM
To: Carr, Peter (OPA)
Cc: Abueg, Mark (OPA); Hornbuckle, Wyn (OPA)
Subject: FW: Seeking comment on Title IX letter
Attachments: LGBT and NWLC Letter re Title IX Guidance 2 13 17.pdf

Hi Peter,
Can you get back to Chris on attached letter to AG?

Nicole A. Navas
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b) (6) (cell)
Nicole.Navas@usdoj.gov

From: Chris Johnson [mailto:cjohnson@washblade.com]
Sent: Monday, February 13, 2017 2:50 PM
To: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>
Subject: Seeking comment on Title IX letter

Nicole,

Does the Justice Department have a response to this letter urging the Trump administration to maintain Title IX guidance for transgender students?

Thanks.

--

Chris Johnson
Washington Blade
Chief Political & White House Reporter
Follow me on Twitter:
<https://twitter.com/chrisjohnson82>

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Monday, February 13, 2017 3:54 PM
To: Carr, Peter (OPA)
Subject: RE: Seeking comment on Title IX letter

Will do.

From: Carr, Peter (OPA)
Sent: Monday, February 13, 2017 3:52 PM
To: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: FW: Seeking comment on Title IX letter

Could you get back to the reporter?

From: Tucker, Rachael (OAG)
Sent: Monday, February 13, 2017 3:50 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

same

From: Wheeler, Tom (CRT)
Sent: Monday, February 13, 2017 3:49 PM
To: Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

Same here

From: Aminfar, Amin (ODAG)
Sent: Monday, February 13, 2017 3:35 PM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

Fine here. Adding Sujit.

From: Carr, Peter (OPA)
Sent: Monday, February 13, 2017 3:31 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>

Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>

Subject: FW: Seeking comment on Title IX letter

See the inquiry and attached letter. OK if we provide the standard response here: "We have received the letter and will review it."

Best,
Peter

From: Chris Johnson [<mailto:cjohnson@washblade.com>]

Sent: Monday, February 13, 2017 2:50 PM

To: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>

Subject: Seeking comment on Title IX letter

Nicole,

Does the Justice Department have a response to this letter urging the Trump administration to maintain Title IX guidance for transgender students?

Thanks.

--

Chris Johnson

Washington Blade

Chief Political & White House Reporter

Follow me on Twitter:

<https://twitter.com/chrisjohnson82>

Frendewey, Matthew

From: Frendewey, Matthew
Sent: Monday, February 13, 2017 4:23 PM
To: Carr, Peter (OPA)
Cc: Abueg, Mark (OPA)
Subject: RE: Seeking comment on Title IX letter

Ditto.

Thanks,

From: Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]
Sent: Monday, February 13, 2017 3:59 PM
To: Frendewey, Matthew
Cc: Abueg, Mark (OPA)
Subject: FW: Seeking comment on Title IX letter

Hi Matt,

Just wanted to flag for you that we will respond to this with the following: "We have received the letter and will review it."

Thx,
Peter
202 616-0907 direct
(b) (6) cell

From: Chris Johnson [mailto:cjohnson@washblade.com]
Sent: Monday, February 13, 2017 2:50 PM
To: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>
Subject: Seeking comment on Title IX letter

Nicole,

Does the Justice Department have a response to this letter urging the Trump administration to maintain Title IX guidance for transgender students?

Thanks.

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Chris Johnson
Washington Blade
Chief Political & White House Reporter
Follow me on Twitter:
<https://twitter.com/chrisjohnson82>

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Monday, February 13, 2017 4:24 PM
To: Carr, Peter (OPA)
Subject: RE: Seeking comment on Title IX letter

Thanks.

From: Carr, Peter (OPA)
Sent: Monday, February 13, 2017 4:08 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

(b) (5)

From: Wheeler, Tom (CRT)
Sent: Monday, February 13, 2017 3:54 PM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

(b) (5)

From: Carr, Peter (OPA)
Sent: Monday, February 13, 2017 3:51 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

Thanks for the quick help everyone.

From: Tucker, Rachael (OAG)
Sent: Monday, February 13, 2017 3:50 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Seeking comment on Title IX letter

same

From: Wheeler, Tom (CRT)

Sent: Monday, February 13, 2017 3:49 PM

To: Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>

Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>

Subject: RE: Seeking comment on Title IX letter

Same here

From: Aminfar, Amin (ODAG)

Sent: Monday, February 13, 2017 3:35 PM

To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>

Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>

Subject: RE: Seeking comment on Title IX letter

Fine here. Adding Sujit.

From: Carr, Peter (OPA)

Sent: Monday, February 13, 2017 3:31 PM

To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>

Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>

Subject: FW: Seeking comment on Title IX letter

See the inquiry and attached letter. OK if we provide the standard response here: "We have received the letter and will review it."

Best,
Peter

From: Chris Johnson [<mailto:cjohnson@washblade.com>]

Sent: Monday, February 13, 2017 2:50 PM

To: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>

Subject: Seeking comment on Title IX letter

Nicole,

Does the Justice Department have a response to this letter urging the Trump administration to maintain Title IX guidance for transgender students?

Thanks.

--

Chris Johnson

Washington Blade

Chief Political & White House Reporter

Follow me on Twitter:

<https://twitter.com/chrisjohnson82>

Navas, Nicole (OPA)

From: Navas, Nicole (OPA)
Sent: Tuesday, February 14, 2017 2:04 PM
To: Berwick, Benjamin L. (CIV)
Subject: RE: Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

I responded, thanks. How are you?

Nicole A. Navas
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)

From: Berwick, Benjamin L. (CIV)
Sent: Tuesday, February 14, 2017 1:38 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: FW: Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

FYI

From: CNS Houston [<mailto:houston@courthousenews.com>]
Sent: Tuesday, February 14, 2017 1:32 PM
To: Berwick, Benjamin L. (CIV) <BBerwick@civ.usdoj.gov>
Subject: Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

Hello Mr. Berwick—I'm inquiring about the DOJ's decision to drop the injunction stay request made to the Fifth Circuit in the litigation challenging the Obama administration's directive that public schools must let transgender students use their preferred restrooms and locker rooms.

Just have a few questions:

- 1) What will the DOJ's next step be in the case?
- 2) Do you expect the Trump administration to revoke the directive?
- 3) Anything else you want to say?

Sincerely,

Cameron Langford
Courthouse News Service
713-550-4826

Sarah McBride

From: Sarah McBride
Sent: Tuesday, February 14, 2017 7:12 PM
To: mary.blanche.hankey@usdoj.gov
Cc: David Stacy
Subject: Letter from Parents of Transgender Children re: Texas v. US
Attachments: TitleIXParentsLetter.pdf

Hi Mary,

Sorry we haven't had the opportunity to meet yet.

Attached please find a letter from 800 parents of transgender children in response to the recent announcement from the Department of Justice regarding Texas v. United States.

Please let me know if you have any questions.

Best,

David

David C. Stacy | Government Affairs Director
Human Rights Campaign
1640 Rhode Island Avenue NW | Washington, DC 20036
(b) (6) direct | [202.423.2861](tel:202.423.2861) fax

David.Stacy@hrc.org | www.hrc.org | @david_stacy



HUMAN
RIGHTS
CAMPAIGN[™]

February 14, 2017

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20006

Dear President Trump,

As parents of transgender children, we were heartbroken and scared when we learned that your Administration's Department of Justice had dropped its objections to a nationwide hold on Obama era protections for transgender students. You promised to be a president for all Americans, but less than 48 hours after Jeff Sessions was confirmed as Attorney General, the Department of Justice took a concrete step to undermine equality for the LGBTQ community.

All students deserve equal access to a safe, welcoming school and a high quality education no matter who they are and where they live. This is the value at the center of our nation's education policies and civil rights laws and it is a principle espoused by the 2016 guidance issued by the U.S. Departments of Justice and Education seeking the fair and respectful treatment of transgender students in our nation's schools and colleges.

In communities across this country, thanks in part to this guidance, we have seen transgender students of all ages seamlessly welcomed into their schools by friends and faculty. We have witnessed, first hand, the success of inclusive policies that reflect the overwhelming consensus from health professionals like the American Academy of Pediatrics and the American Psychological Association that affirming our children's gender identities is imperative. And, as more transgender young people come out, the guidance adopted by the Obama Administration continues to offer teachers and administrators a helpful tool in building learning environments that allow all students to flourish.

Sadly, there remain some in our school environments who still choose to target our children for mistreatment and violence. Many of us find ourselves in school districts or states that are considering or have already adopted policies that single-out transgender students for discrimination. We know the devastating impacts these policies can have. 75 percent of transgender young people report feeling unsafe in school. One study found that more than fifty percent of transgender youth have attempted to commit

suicide at least once in their lifetime. These policies are wrong, they hurt our children, and they violate the principle of equal protection.

We could not be prouder of our children. They have shown our families and the world a courage and authenticity that has filled our hearts and opened our minds. Their lives enrich our homes, our schools, and our neighborhoods. We have seen many recent, pivotal changes that signal a bright future. The Boys Scouts of America recently changed its policy to include transgender boys in their organization, a move that mirrors a similar longstanding policy by the Girl Scouts of America welcoming transgender girls. The cover of National Geographic magazine featured a bright eyed, brave young transgender girl. In contrast to these positive social changes, the decision by your Administration to undermine our legal progress is mean-spirited and potentially threatens the wellbeing of our beloved children.

Like all parents, all we want is for our children to be healthy, safe, and loved. No young person should wake up in the morning fearful of the school day ahead. When this guidance was issued last year, it provided our families -- and other families like our own across the country -- with the knowledge and security that our government was determined to protect our children from bullying and discrimination. Please do not take that away from us. We ask you to preserve the guidance and instruct the Departments of Justice and Education to robustly pursue every opportunity to enforce Title IX on behalf of transgender students.

Signed,

(b) (6) Parents and Home Towns of Minor Children



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



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(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



cc: The Honorable Jeff Sessions
The Honorable Betsy DeVos

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Monday, February 20, 2017 3:36 PM
To: Wheeler, Tom (CRT)
Cc: Carr, Peter (OPA)
Subject: Re: Seeking comment on Title IX guidance

Will do. Thank you.

On Feb 20, 2017, at 3:35 PM, Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov> wrote:

Please decline.

Sent from my iPhone

On Feb 20, 2017, at 3:19 PM, Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov> wrote:

Tom,

Good afternoon.

I'm assuming it's okay to decline to comment on the media inquiry below?

Best,

Mark

Begin forwarded message:

From: Chris Johnson <cjohnson@washblade.com>
Date: February 20, 2017 at 2:58:26 PM EST
To: "Simotes, Jenna A. (OPA)"
<Jenna.A.Simotes@usdoj.gov>, "Abueg, Mark (OPA)"
<Mark.Abueg@usdoj.gov>
Subject: Seeking comment on Title IX guidance

Greetings!

I heard from a credible source the Trump administration tomorrow will rescind Obama-era guidance to schools instructing them to allow transgender students to use the restroom consistent with their gender identity.

Can you confirm that for me? If so, what is the reason?

Thanks.

--
Chris Johnson

Chris Johnson

Washington Blade

Chief Political & White House Reporter

Follow me on Twitter:

<https://twitter.com/chrisjohnson82>

Sarah Isgur Flores

From: Sarah Isgur Flores
Sent: Monday, February 20, 2017 6:55 PM
To: Hunt, Jody (CIV)
Subject: Fwd: Seeking background help?

Just a heads up. I'm going to forward this to Peter--but this is the AP:

----- Forwarded message -----

From: **Tucker, Eric** <etucker@ap.org>
Date: Mon, Feb 20, 2017 at 6:47 PM
Subject: Seeking background help?
To: (b) (6) Sarah Flores Personal Email

Hi Sarah, sorry to bother you on a weekend, but we're hearing rumors that the administration is going to act tomorrow to reverse the guidance given to schools last year on transgender students. We're looking to publish tonight but we want to make sure we have all the facts correct. Anything you could say tonight to help on background? Call me anytime at [202-579-5650](tel:202-579-5650). Thanks so much, and I hope you had a great weekend.

Sent from my iPhone

--

Sarah Isgur Flores
(b) (6)
@whignewtons

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Monday, February 20, 2017 6:58 PM
To: Sarah Isgur Flores
Cc: Carr, Peter (OPA)
Subject: Re: Seeking background help?

On Feb 20, 2017, at 6:55 PM, Sarah Isgur Flores (b) (6) Sarah Isgur Flores Personal Email wrote:

For you to handle

----- Forwarded message -----

From: Tucker, Eric <etucker@ap.org>
Date: Mon, Feb 20, 2017 at 6:47 PM
Subject: Seeking background help?
To: (b) (6) Sarah Isgur Flores Personal Email

Hi Sarah, sorry to bother you on a weekend, but we're hearing rumors that the administration is going to act tomorrow to reverse the guidance given to schools last year on transgender students. We're looking to publish tonight but we want to make sure we have all the facts correct. Anything you could say tonight to help on background? Call me anytime at [202-579-5650](tel:202-579-5650). Thanks so much, and I hope you had a great weekend.

Sent from my iPhone

--

Sarah Isgur Flores
(b) (6)
@whignewtons

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Monday, February 20, 2017 7:06 PM
To: Carr, Peter (OPA); Navas, Nicole (OPA)
Subject: RE: Media request — rescinding Title IX transgender guidance?

Will do. Thanks.

From: Carr, Peter (OPA)
Sent: Monday, February 20, 2017 7:03 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: Re: Media request — rescinding Title IX transgender guidance?

I'm not aware that this is happening. Mark, feel free to decline to comment.

On Feb 20, 2017, at 6:47 PM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:

Hi Mark,
Can you get back to reporter and cc me? Added Peter in case he heard of any new guidance.
Thanks,
Nicole A. Navas
Spokesperson
U.S. Department of Justice

Begin forwarded message:

From: Dominic Holden <dominic.holden@buzzfeed.com>
Date: February 20, 2017 at 5:55:09 PM EST
To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>, "Abueg, Mark (OPA)" <mark.abueg@usdoj.gov>, "Simotes, Jenna A. (OPA)" <Jenna.A.Simotes@usdoj.gov>, "Hornbuckle, Wyn (OPA)" <wyn.hornbuckle@usdoj.gov>
Subject: Media request — rescinding Title IX transgender guidance?

Hi!

I've heard that as soon as tomorrow, the DOJ and/or ED will rescind the transgender student guidance issued last May — possibly by issuing a new dear colleague letter. Is there anything that you can confirm for me here? I'd be very grateful. Happy to get confirmation on background or the conditions you need.

Thank you.

Dominic

--
[Redacted signature]

Dominic Holden | National Reporter | **Buzzfeed**
Desk: (646) 668-3199 | Mobile: (b) (6) | @dominicholden
111 East 18th St, New York, NY 10003

Navas, Nicole (OPA)

From: Navas, Nicole (OPA)
Sent: Monday, February 20, 2017 7:22 PM
To: Abueg, Mark (OPA)
Subject: Re: Media request — rescinding Title IX transgender guidance?

Thanks,
Nicole A. Navas
Spokesperson
U.S. Department of Justice

On Feb 20, 2017, at 7:07 PM, Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov> wrote:

Nicole,

I actually did get back to him. My fault I didn't Cc you.

Best,

Mark

From: Dominic Holden [<mailto:dominic.holden@buzzfeed.com>]
Sent: Monday, February 20, 2017 6:27 PM
To: Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov>
Subject: Re: Media request — rescinding Title IX transgender guidance?

Thank you. Please let me know as soon as you can say something.

On Mon, Feb 20, 2017 at 6:12 PM, Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov> wrote:

Hi, Dominic.

Thanks for checking.

DOJ declines to comment.

Best,

Mark

Mark Abueg
Public Affairs Specialist
U.S. Department of Justice
Office of Public Affairs

Office: (202) 353-6836

Cell: (b) (6)

Email: mark.abueg@usdoj.gov

Website: www.justice.gov

On Feb 20, 2017, at 5:55 PM, Dominic Holden <dominic.holden@buzzfeed.com> wrote:

Hi!

I've heard that as soon as tomorrow, the DOJ and/or ED will rescind the transgender student guidance issued last May — possibly by issuing a new dear colleague letter. Is there anything that you can confirm for me here? I'd be very grateful. Happy to get confirmation on background or the conditions you need.

Thank you.

Dominic

--

Dominic Holden | National Reporter | **BuzzFeed**
Desk: [\(646\) 668-3199](tel:6466683199) | Mobile: (b) (6) | @dominicholden
111 East 18th St, New York, NY 10003

--

Dominic Holden | National Reporter | **BuzzFeed**
Desk: (646) 668-3199 | Mobile: (b) (6) | @dominicholden
111 East 18th St, New York, NY 10003

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Monday, February 20, 2017 7:52 PM
To: Panuccio, Jesse (OASG); Tucker, Rachael (OAG); Raman, Sujit (USAMD); Parker, Rachel (OASG); McHenry, James (OASG)
Subject: Fwd: Media request — rescinding Title IX transgender guidance?

Sent from my iPhone

Begin forwarded message:

From: "Carr, Peter (OPA)" <pcarr@jmd.usdoj.gov>
Date: February 20, 2017 at 7:11:02 PM EST
To: "Wheeler, Tom (CRT)" <Tom.Wheeler@crt.usdoj.gov>
Cc: "Abueg, Mark (OPA)" <mabueg@jmd.usdoj.gov>
Subject: Fwd: Media request — rescinding Title IX transgender guidance?

Hi Tom,

Just flagging that we are getting a lot of inquiries on this tonight. According to one reporter, this is coming from the advocate groups who are getting this second hand and not from within the department.

So far we are declining to comment.

Best,
Peter

Begin forwarded message:

From: Dominic Holden <dominic.holden@buzzfeed.com>
Date: February 20, 2017 at 5:55:09 PM EST
To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>, "Abueg, Mark (OPA)" <mark.abueg@usdoj.gov>, "Simotes, Jenna A. (OPA)" <Jenna.A.Simotes@usdoj.gov>, "Hornbuckle, Wyn (OPA)" <wyn.hornbuckle@usdoj.gov>
Subject: Media request — rescinding Title IX transgender guidance?

Hi!

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I've heard that as soon as tomorrow, the DOJ and/or ED will rescind the transgender student guidance issued last May — possibly by issuing a new dear colleague letter. Is there anything that you can confirm for me here here? I'd be very grateful. Happy to get confirmation on background or the conditions you need.

Thank you.

Dominic

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Dominic Holden | National Reporter | **BuzzFeed**

Desk: (646) 668-3199 | Mobile: (b) (6) | [@dominicholden](https://twitter.com/dominicholden)

111 East 18th St, New York, NY 10003

Press

From: Press
Sent: Monday, February 20, 2017 9:39 PM
To: Abueg, Mark (OPA)
Subject: FW: Title IX guidance

From: Caitlin Emma [mailto:CEmma@politico.com]
Sent: Monday, February 20, 2017 8:53 PM
To: Press@usdoj.gov
Subject: Title IX guidance

Hello,

I've heard from sources that the Trump administration is going to rescind Obama-era Title IX guidance on transgender students soon, possibly as early as tomorrow.

I'm seeking confirmation of this tip and comment from the agency.

Thank you,

Caitlin Emma
Education reporter
POLITICO
Desk: (703)842-1739
Cell: (b) (6)
[@caitlinzemma](mailto:ce@politico.com)

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HUMAN
RIGHTS
CAMPAIGN[™]

February 21, 2017

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20006

Dear President Trump,

As parents of transgender children, we were heartbroken and scared when we learned that your Administration's Department of Justice had dropped its objections to a nationwide hold on Obama era protections for transgender students. You promised to be a president for all Americans, but less than 48 hours after Jeff Sessions was confirmed as Attorney General, the Department of Justice took a concrete step to undermine equality for the LGBTQ community.

All students deserve equal access to a safe, welcoming school and a high quality education no matter who they are and where they live. This is the value at the center of our nation's education policies and civil rights laws and it is a principle espoused by the 2016 guidance issued by the U.S. Departments of Justice and Education seeking the fair and respectful treatment of transgender students in our nation's schools and colleges.

In communities across this country, thanks in part to this guidance, we have seen transgender students of all ages seamlessly welcomed into their schools by friends and faculty. We have witnessed, first hand, the success of inclusive policies that reflect the overwhelming consensus from health professionals like the American Academy of Pediatrics and the American Psychological Association that affirming our children's gender identities is imperative. And, as more transgender young people come out, the guidance adopted by the Obama Administration continues to offer teachers and administrators a helpful tool in building learning environments that allow all students to flourish.

Sadly, there remain some in our school environments who still choose to target our children for mistreatment and violence. Many of us find ourselves in school districts or states that are considering or have already adopted policies that single-out transgender students for discrimination. We know the devastating impacts these policies can have. 75 percent of transgender young people report feeling unsafe in school. One study found that more than fifty percent of transgender youth have attempted to commit

suicide at least once in their lifetime. These policies are wrong, they hurt our children, and they violate the principle of equal protection.

We could not be prouder of our children. They have shown our families and the world a courage and authenticity that has filled our hearts and opened our minds. Their lives enrich our homes, our schools, and our neighborhoods. We have seen many recent, pivotal changes that signal a bright future. The Boys Scouts of America recently changed its policy to include transgender boys in their organization, a move that mirrors a similar longstanding policy by the Girl Scouts of America welcoming transgender girls. The cover of National Geographic magazine featured a bright eyed, brave young transgender girl. In contrast to these positive social changes, the decision by your Administration to undermine our legal progress is mean-spirited and potentially threatens the wellbeing of our beloved children.

Like all parents, all we want is for our children to be healthy, safe, and loved. No young person should wake up in the morning fearful of the school day ahead. When this guidance was issued last year, it provided our families -- and other families like our own across the country -- with the knowledge and security that our government was determined to protect our children from bullying and discrimination. Please do not take that away from us. We ask you to preserve the guidance and instruct the Departments of Justice and Education to robustly pursue every opportunity to enforce Title IX on behalf of transgender students.

Signed,

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



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(b) (6)



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(b) (6)



(b) (6)



(b) (6)



cc: The Honorable Jeff Sessions
The Honorable Betsy DeVos



TIMOTHY B. WILDMON, President
P.O. Drawer 2440 • Tupelo, MS 38803
Tel: 662-844-5036 • Fax: 662-821-2044
E-mail: twildmon@afa.net

February 21, 2017

The Honorable Jeff B. Sessions
Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RECEIVED
DEPT. OF JUSTICE
EXECUTIVE SECRETARIAT
2017 FEB 21 11 05 AM

Dear Attorney General Sessions,

I am writing in protest to the *Dear Colleague Letter on Transgender Students*. This letter was issued by the Obama administration to public schools on March 13, 2016 as a joint guidance letter (see attached) from the Civil Rights Division of the U.S. Department of Justice and the Office for Civil Rights of the U.S. Department of Education. I ask that the Department of Justice, either individually or in conjunction with the Department of Education, affirmatively revoke this guidance letter.

The purpose of this joint-guidance letter was to inform public schools of new guidelines on gender identity. The letter also stated public schools were obligated to implement these guidelines to ensure they “are complying with their legal obligations” to Title IX of the Education Amendments of 1972 (Title IX). According to the Departments, failure to comply with the guidelines results in the forfeiture of federal funds under Title IX.

The Departments also stated, “This guidance does not add requirements to applicable law.” I disagree. The Departments altered existing law through changes in policy to create a protected class under Title IX. The Departments used the Executive branch to amend a congressionally passed statute (20 U.S.C. § 1681(a)) to create gender identity as a protected class. Such action by the Departments is a clear violation of separation of powers.

Title IX states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance....” 20 U.S.C. § 1681(a).

The prohibition of sex discrimination is subject to a number of exceptions, including this one:

“Notwithstanding anything to the contrary contained in this chapter, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.” 20 U.S.C. § 1686.

Based on those sections, the then-existing Department of Health, Education, and Welfare (predecessor to the Department of Education) promulgated the following rule, which President Gerald Ford approved on May 27, 1975:

"A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex." 34 C.F.R. § 106.33.

The terms "gender," "gender identity," and "transgender" do not appear anywhere in Title IX or its implementing rules. Title IX prohibits discrimination on the basis of sex. According to Title IX, requiring public school students to use the restroom or locker room consistent with their biology is not prohibited. The valid legal means to amend Title IX is congressional. It is wholly improper to use the executive branch or the courts to amend legislation.

I agree with the statement by Vice President Pence during the campaign that both he and President Trump "believe that the transgender bathroom issue can be resolved with common sense at the local level. Washington has no business intruding on the operation of our local schools." Indeed, education is a matter that the U.S. Constitution leaves for each state to decide.

The American Family Association will begin an online petition, at www.AFA.net, urging citizens to support the revocation of the Obama administration's joint guidance bathroom letter.

Again, I ask that the Department of Justice, either individually or in conjunction with the Department of Education, affirmatively revoke this guidance letter.

Sincerely,

A handwritten signature in black ink that reads "Tim Wildmon". The signature is written in a cursive, slightly slanted style.

Tim Wildmon

The Honorable Jeff B. Sessions
Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

February 20, 2017

Dear Attorney General Sessions,

I am writing in protest to the *Dear Colleague Letter on Transgender Students*. This letter was issued by the Obama administration to public schools on March 13, 2016 as a joint guidance letter (see attached) from the Civil Rights Division of the U.S. Department of Justice and the Office for Civil Rights of the U.S. Department of Education. I ask that the Department of Justice, either individually or in conjunction with the Department of Education, affirmatively revoke this guidance letter.

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The Departments also stated, “This guidance does not add requirements to applicable law.” I disagree. The Departments altered existing law through changes in policy to create a protected class under Title IX. The Departments used the Executive branch to amend a congressionally passed statute (20 U.S.C. § 1681(a)) to create gender identity as a protected class. Such action by the Departments is a clear violation of separation of powers.

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Again, I ask that the Department of Justice, either individually or in conjunction with the Department of Education, affirmatively revoke this guidance letter.

Sincerely,

Tim Wildmon

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Tuesday, February 21, 2017 8:39 AM
To: Carr, Peter (OPA)
Cc: Wheeler, Tom (CRT)
Subject: Re: Media request — rescinding Title IX transgender guidance?

Will do.

On Feb 21, 2017, at 8:28 AM, Carr, Peter (OPA) <pcarr@jmd.usdoj.gov> wrote:

So far, I haven't found any — Mark, let me us know if you come across any stories. The WSJ published an op-ed today. OPA's online subscription is not working for me this morning, but here is a brief overview from the news clips:

WSJournal: Administration Should Rescind Transgender Bathroom Guidance.

In response to the possibility of the Education Department rescinding the Obama Administration's Title IX guidance on transgender bathrooms Tuesday, the [Wall Street Journal](#) (2/20, Subscription Publication, 6.37M) editorializes that the move would have no negative effects, and the federal government should not do the work of localities in determining restroom policies. While the Journal emphasizes the importance of treating transgender students with respect, it says the Education Department should be allowed to focus on more important issues.

From: Wheeler, Tom (CRT)
Sent: Tuesday, February 21, 2017 7:29 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Media request — rescinding Title IX transgender guidance?

Any articles written yet?

From: Carr, Peter (OPA)
Sent: Monday, February 20, 2017 7:11 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>
Cc: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: Fwd: Media request — rescinding Title IX transgender guidance?

Hi Tom,

Just flagging that we are getting a lot of inquiries on this tonight. According to one reporter, this is coming from the advocate groups who are getting this second hand and not from within the department.

So far we are declining to comment

Best,
Peter

Begin forwarded message:

From: Dominic Holden <dominic.holden@buzzfeed.com>
Date: February 20, 2017 at 5:55:09 PM EST
To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>, "Abueg, Mark (OPA)" <mark.abueg@usdoj.gov>, "Simotes, Jenna A. (OPA)" <Jenna.A.Simotes@usdoj.gov>, "Hornbuckle, Wyn (OPA)" <wyn.hornbuckle@usdoj.gov>
Subject: Media request — rescinding Title IX transgender guidance?

Hi!

I've heard that as soon as tomorrow, the DOJ and/or ED will rescind the transgender student guidance issued last May — possibly by issuing a new dear colleague letter. Is there anything that you can confirm for me here here? I'd be very grateful. Happy to get confirmation on background or the conditions you need.

Thank you.

Dominic

--

Dominic Holden | National Reporter | **BuzzFeed**
Desk: (646) 668-3199 | Mobile: (b) (6) | @dominicholden
111 East 18th St, New York, NY 10003

Press

From: Press
Sent: Tuesday, February 21, 2017 3:58 PM
To: Abueg, Mark (OPA)
Cc: Simotes, Jenna A. (OPA)
Subject: FW: Title IX guidance from administration

KC

From: Andrew Kreighbaum [mailto:andrew.kreighbaum@insidehighered.com]
Sent: Tuesday, February 21, 2017 3:58 PM
To: press@usdoj.gov
Subject: Title IX guidance from administration

Hi press team,

White House Press Secretary Sean Spicer was asked today about a decision to rescind the guidance issued by the Obama administration on access by transgender students to their preferred bathroom. Spicer said the Department of Education and Department of Justice are "addressing" the issue and that further guidance is expected from DOJ in particular. Can the department offer any comment or statement on the Title IX issue and what form new guidance might take?

Thanks,

--
Andrew Kreighbaum
Reporter
Inside Higher Ed
Office: (202) 448-6111
Cell: (b) (6)

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Tuesday, February 21, 2017 5:46 PM
To: Hunt, Jody (OAG)
Cc: Kneedler, Edwin S (OSG); (b) (6) (OSG); Panuccio, Jesse (OASG)
Subject: Spicer comments on Guidance

From: Abueg, Mark (OPA)
Sent: Tuesday, February 21, 2017 4:31 PM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>
Cc: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Subject: FW: DOJ guidance on transgender restrooms

Tom,

FYI, most of the major outlets are picking up on the White House comments today about the matter below.

I will continue to decline to comment.

Best,

Mark

From: Dean, Matthew [<mailto:Matthew.Dean@FOXNEWS.COM>]
Sent: Tuesday, February 21, 2017 4:26 PM
To: mark.abueg@usdoj.gov
Cc: Dean, Matthew <Matthew.Dean@FOXNEWS.COM>
Subject: DOJ guidance on transgender restrooms

Hi Mark –

This is Matt Dean from Fox. If I'm not mistaken, you are handling Civil Rights inquiries, right?

If so, I want to see if you have any guidance to pass along on Sean Spicer's comments during the briefing today. He alluded to there being guidance forthcoming from DOJ on the issue of transgender restrooms. There was also a write up in the Washington Examiner on this. Anything that you could provide on this is appreciated.

Thanks,

Matt

SPICER TODAY - EXPECT "GUIDANCE" FROM DOJ ABOUT TRANSGENDER RESTROOMS

Q natl center for transgender equality said admin will rescind obama guidance on restrooms?

14:08:59 that's issue that DOJ, education are addressing

14:09:03 there will be further guidance from DOJ in particular with respect to EO, and the supreme court case

14:09:12 POTUS has maintained that this is a states rights issue, not one for federal gov

14:09:22 further guidance will be coming out, but look at what POTUS' view has been - this is not something federal gov should be involved in, it's a states rights issue

Washington Examiner

The Trump administration will rescind an Obama-era order compelling public schools nationwide to permit restroom and locker room access on the basis of gender identity, the Washington Blade reported.

The Blade cites Mara Keisling, executive director of the National Center for Transgender Equality, who says she heard from "reliable sources" that President Trump has authorized the Education and Justice Departments to revoke the guidance.

When asked about the report Tuesday, White House Press Secretary Sean Spicer said the president has long considered the matter a "states' rights issue."

"That's an issue that the Department of Justice and the Department of Education are addressing," Mr. Spicer said at his press briefing. "I think there will be further guidance coming from DOJ in particular with respect to, not just the executive order, but also the case that's in front of the Supreme Court. The president has maintained for a long time that this is a states' rights issue, and not one for the federal government. This is not something that the federal government should be involved with."

The Obama administration issued an edict in May forcing public schools nationwide to allow transgender students to use the restrooms, locker rooms and shower facilities of their choice. Noncompliant schools risked losing federal education funding.

Matt Dean

Department of Justice & Federal Law Enforcement Producer
Fox News Channel

(b) (6) (Mobile)

202.789.0261 (DOJ)

matthew.dean@foxnews.com

@MattFirewall

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Press

From: Press
Sent: Tuesday, February 21, 2017 5:57 PM
To: Abueg, Mark (OPA)
Subject: FW: From NY Times - transgender student guidance?

Thank you - Kristen

From: Goldstein, Dana [mailto:dana.goldstein@nytimes.com]
Sent: Tuesday, February 21, 2017 5:48 PM
To: press@usdoj.gov
Subject: From NY Times - transgender student guidance?

To Whom it May Concern:

The National Center for Transgender Equality has [released a statement](#) suggesting that DOJ is preparing new joint guidance on transgender students, which would rescind the aggressive enforcement of Title IX practiced by the Obama administration.

I am trying to confirm this report, and also see if I can access any draft of this guidance.

I am working on this currently. Thank you.

Best
Dana

--

Dana Goldstein
New York Times national correspondent
(212) 556-1774

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Tuesday, February 21, 2017 6:16 PM
To: Hunt, Jody (OAG)
Cc: Kneedler, Edwin S (OSG); Panuccio, Jesse (OASG); (b) (6) (OSG)
Subject: Fwd: From NY Times - transgender student guidance?

Sent from my iPhone

Begin forwarded message:

From: "Abueg, Mark (OPA)" <mabueg@jmd.usdoj.gov>
Date: February 21, 2017 at 6:14:44 PM EST
To: "Wheeler, Tom (CRT)" <Tom.Wheeler@crt.usdoj.gov>
Cc: "Carr, Peter (OPA)" <pcarr@jmd.usdoj.gov>
Subject: Fwd: From NY Times - transgender student guidance?

FYI

Begin forwarded message:

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Dana

--

Dana Goldstein
New York Times national correspondent
(212) 556-1774

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Tuesday, February 21, 2017 6:29 PM
To: Tucker, Rachael (OAG)
Subject: Fwd: DOJ guidance on transgender restrooms

Sent from my iPhone

Begin forwarded message:

From: "Abueg, Mark (OPA)" <mabueg@jmd.usdoj.gov>
Date: February 21, 2017 at 4:30:49 PM EST
To: "Wheeler, Tom (CRT)" <Tom.Wheeler@crt.usdoj.gov>
Cc: "Carr, Peter (OPA)" <pcarr@jmd.usdoj.gov>
Subject: FW: DOJ guidance on transgender restrooms

Tom,

FYI, most of the major outlets are picking up on the White House comments today about the matter below.

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Mark

From: Dean, Matthew [<mailto:Matthew.Dean@FOXNEWS.COM>]
Sent: Tuesday, February 21, 2017 4:26 PM
To: mark.abueg@usdoj.gov
Cc: Dean, Matthew <Matthew.Dean@FOXNEWS.COM>
Subject: DOJ guidance on transgender restrooms

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When asked about the report Tuesday, White House Press Secretary Sean Spicer said the president has long considered the matter a "states' rights issue."

"That's an issue that the Department of Justice and the Department of Education are addressing," Mr. Spicer said at his press briefing. "I think there will be further guidance coming from DOJ in particular with respect to, not just the executive order, but also the case that's in front of the Supreme Court. The president has maintained for a long time that this is a states' rights issue, and not one for the federal government. This is not something that the federal government should be involved with."

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Matt Dean

Department of Justice & Federal Law Enforcement Producer

Fox News Channel

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202.789.0261 (DOJ)

matthew.dean@foxnews.com

@MattFirewall

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Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Tuesday, February 21, 2017 6:45 PM
To: Hunt, Jody (OAG)
Subject: Fwd: Urgent meeting request: Title IX guidance

Sent from my iPhone

Begin forwarded message:

From: Harper Jean Tobin <hjtobin@transequality.org>
Date: February 21, 2017 at 6:43:19 PM EST
To: "Tom.Wheeler@usdoj.gov" <Tom.Wheeler@usdoj.gov>, "crt.oaag@usdoj.gov" <crt.oaag@usdoj.gov>
Cc: "education@usdoj.gov" <education@usdoj.gov>
Subject: Urgent meeting request: Title IX guidance

Dear Acting Assistant Attorney General Wheeler,

On behalf of the National Center for Transgender Equality and the over 1.5 million transgender Americans we represent, I am writing to request an urgent meeting with the Attorney General and yourself to discuss the May 13, 2016 Dear Colleague Letter on the application of Title IX with respect to transgender students.

Recalling the Attorney General's statements at his confirmation hearing that he understands the LGBTQ community's struggle for justice, we are deeply concerned by reports that the Administration is considering imminently withdrawing this critical and well-supported guidance, which we regard as nothing short of life-saving.

Sincerely,

Harper Jean Tobin, Esq.
Director of Policy
National Center for Transgender Equality
1400 16th St. NW
Washington, DC 20036
(202) 745-2303
hjtobin@transequality.org

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 10:02 AM
To: Wheeler, Tom (CRT)
Cc: Abueg, Mark (OPA)
Subject: FW: Guidance on transgender bathroom issue
Attachments: image1.png; image2.png

Hi Tom,

See below from the WH. (b) (5)

[REDACTED]

Also, attached are images that the Washington Post sent late last night asking if they were legitimate. (b) (5)

[REDACTED]

Thx,
Peter
202 616-0907 direct
(b) (6) cell

From: Love, Kelly A. EOP/WHO (b) (6)
Sent: Wednesday, February 22, 2017 8:33 AM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: Guidance on transgender bathroom issue

Hi Pete,

Wanted to flag this story for you from the [WaPo: Trump administration poised to change transgender student bathroom guidelines](#). (b) (5)

[REDACTED]

As Sean said in the briefing yesterday, "The President has maintained for a long time that this is a states' rights issue and not one for the federal government. So while there will be further guidance coming out on this, I think that all you have to do is look at what the President's view has been for a long time -- that this is not something that the federal government should be involved in; this is a states' rights issue."

(b) (5)

[REDACTED]

Thanks again,
Kelly

Kelly Love
Senior Assistant Press Secretary
The White House

Executive Office of the President

(b) (6)

cell: (b) (6) | Twitter: [@kellyalove45](#)

February [[xx]], 2017

Dear Colleague:

The purpose of this guidance is to inform you that the Department of Education and the Department of Justice are withdrawing the statements of policy and guidance reflected in:

- Letter to Emily Prince from James A. Ferg-Cadima, Acting Deputy Assistant Secretary for Policy, Office for Civil Rights at the Department of Education (OCR) dated January 7, 2015; and,
- Dear Colleague Letter on Transgender Students jointly issued by the Civil Rights Division of the Department of Justice ("DOJ") and OCR dated May 13, 2016.

These guidance documents take the position that the prohibitions on discrimination "on the basis of sex" in Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681 et seq., and its implementing regulations, see, e.g., 34 C.F.R. § 106.33, require access to sex-segregated facilities based on gender identity rather than biological sex.

This interpretation has given rise to significant litigation regarding school restrooms and locker rooms. The U.S. Court of Appeals for the Fourth Circuit concluded that the term "sex" in the regulations is ambiguous and deferred to what the court characterized as the "novel" interpretation advanced in the guidance. That case is currently pending before the Supreme Court. By contrast, a federal district court in Texas held that the term "sex" unambiguously refers to biological sex and that, in any event, because the guidance was "legislative and substantive," formal rulemaking should have occurred prior to the adoption of any such policy. The Texas court preliminarily enjoined enforcement of the interpretation, and that injunction currently remains in effect.

In addition, over the past two years, school administrators, parents, and students have expressed varying views on the legal issues arising in this setting. They have also struggled to understand and apply the statements of policy and guidance in the two documents identified above.

In these circumstances, OCR and DOJ have decided to withdraw and rescind the above-referenced guidance documents in order to further consider the legal issues involved. The Departments thus will not rely on the views expressed within them.

Please note that the withdrawal of these guidance documents does not diminish the protections from bullying and harassment that are available to

all students. Schools must ensure that transgender students, like all students, are able to learn in a safe environment.

This guidance does not add requirements to applicable law, but provides information about how OCR and DOJ will proceed in developing the appropriate approach for determining whether covered entities are complying with their legal obligations in this context. If you have questions or are interested in commenting on this guidance, please contact OCR at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 10:09 AM
To: Love, Kelly A. EOP/WHO
Subject: RE: Guidance on transgender bathroom issue

(b) (5)

[REDACTED]

From: Love, Kelly A. EOP/WHO (b) (6)
Sent: Wednesday, February 22, 2017 9:34 AM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: FW: Guidance on transgender bathroom issue

(b) (5)

[REDACTED]

From: Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]
Sent: Wednesday, February 22, 2017 9:12 AM
To: Love, Kelly A. EOP/WHO (b) (6)
Subject: RE: Guidance on transgender bathroom issue

(b) (5)

[REDACTED]

From: Love, Kelly A. EOP/WHO (b) (6)
Sent: Wednesday, February 22, 2017 8:33 AM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: Guidance on transgender bathroom issue

Hi Pete,

Wanted to flag this story for you from the [WaPo: Trump administration poised to change transgender student bathroom guidelines](#). (b) (5)

[REDACTED]

As Sean said in the briefing yesterday, "The President has maintained for a long time that this is a states' rights issue and not one for the federal government. So while there will be further guidance coming out on this, I think that all you have to do is look at what the President's view has been for a long time -- that this is not something that the federal government should be involved in; this is a states' rights issue."

(b) (5)

Thanks again,
Kelly

—
Kelly Love

Senior Assistant Press Secretary
The White House
Executive Office of the President

(b) (6)

cell: (b) (6) | Twitter: [@kellyalove45](https://twitter.com/kellyalove45)

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 11:22 AM
To: Abueg, Mark (OPA)
Subject: RE: AP inquiry re: transgender bathroom guidance

Thx

From: Abueg, Mark (OPA)
Sent: Wednesday, February 22, 2017 11:10 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Subject: RE: AP inquiry re: transgender bathroom guidance

Peter,

I'll talk to her if you hadn't already.

Best,

Mark

From: Gurman, Sadie [<mailto:SGurman@ap.org>]
Sent: Wednesday, February 22, 2017 9:03 AM
To: Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov>
Cc: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: Re: AP inquiry re: transgender bathroom guidance

Hi, guys:

Touching base again. It looks like WaPo has a copy of the new guidance, and just taking a chance that would be something you could share with me: https://www.washingtonpost.com/local/education/trump-administration-poised-to-change-transgender-student-bathroom-guidelines/2017/02/21/cd690204-f7bf-11e6-9845-576c69081518_story.html?utm_term=.3562def2758c

I appreciate your help.

Sadie Gurman
Reporter
The Associated Press
815-621-8598

On Feb 21, 2017, at 2:35 PM, Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov> wrote:

Sadie,

Thanks for checking. DOJ declines to comment.

If I hear of anything, I'll make sure to let you know for guidance.

Best,

Mark

Mark Abueg
Public Affairs Specialist
U.S. Department of Justice
Office of Public Affairs

Office: (202) 353-6836
Cell: (b) (6)
Email: mark.abueg@usdoj.gov
Website: www.justice.gov

From: Gurman, Sadie [<mailto:SGurman@ap.org>]
Sent: Tuesday, February 21, 2017 2:30 PM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>; Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov>
Subject: AP inquiry re: transgender bathroom guidance

Peter, Mark:

Sean Spicer said today that there will soon be guidance coming from DOJ with regard to the transgender bathroom guidance to public schools. I'm hoping you might tell me, at the very least on background, when or whether we can expect some movement from DOJ on this particular issue, given Spicer's comment.

I appreciate your looping me in on anything you can related to this! Thank you always,



ASSOCIATED PRESS

Sadie Gurman
Justice Department Reporter

1100 13th Street, NW, 5th Fl.
Washington, D.C. 20005

sgurman@ap.org
www.ap.org

T 202.641.9439
C (b) (6)

Press

From: Press
Sent: Wednesday, February 22, 2017 12:22 PM
To: Abueg, Mark (OPA)
Cc: Simotes, Jenna A. (OPA); Dilworth, Stephanie (OPA)
Subject: FW: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Thank you - Kristen

From: Esme Cribb [mailto:esme@talkingpointsmemo.com]
Sent: Wednesday, February 22, 2017 12:18 PM
To: Press@usdoj.gov
Subject: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Hi,

I'm a reporter for Talking Points Memo reaching out about reports that Attorney General Sessions and Education Secretary DeVos disagreed over a draft executive order regarding protections for transgender students in public schools, and that DeVos eventually agreed to sign off on the order after President Trump sided with Sessions. Can you confirm whether that's the case, or whether you have any statement on the matter? Thanks so much.

Best,
Esme Cribb

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Wednesday, February 22, 2017 12:25 PM
To: Carr, Peter (OPA)
Subject: RE: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Got it. Thanks.

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 12:25 PM
To: Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Yes, thx.

From: Abueg, Mark (OPA)
Sent: Wednesday, February 22, 2017 12:23 PM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>
Subject: RE: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Peter,

Shall I decline to comment on this one?

Best,

Mark

From: Esme Cribb [<mailto:esme@talkingpointsmemo.com>]
Sent: Wednesday, February 22, 2017 12:18 PM
To: Press@usdoj.gov
Subject: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Hi,

I'm a reporter for Talking Points Memo reaching out about reports that Attorney General Sessions and Education Secretary DeVos disagreed over a draft executive order regarding protections for transgender students in public schools, and that DeVos eventually agreed to sign off on the order after President Trump sided with Sessions. Can you confirm whether that's the case, or whether you have any statement on the matter? Thanks so much.

Best,
Esme Cribb

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 1:20 PM
To: Barnes, Robert
Subject: RE: Gloucester

Sure, should we communicate something with the court, I'll make sure you get it.

From: Barnes, Robert [mailto:Robert.Barnes@washpost.com]
Sent: Wednesday, February 22, 2017 1:13 PM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: Gloucester

Hi Peter: I would imagine when something changes re guidance on transgender students, the department or SG will send some sort of notification to the Supreme Court. Could you make sure I'm on the receiving list for a copy?

Thanks very much,

Bob

Robert Barnes
Supreme Court correspondent
The Washington Post
202 334-5633 office
(b) (6) cell
robert.barnes@washpost.com
on Twitter: @scotusreporter

Press

From: Press
Sent: Wednesday, February 22, 2017 5:52 PM
To: Abueg, Mark (OPA)
Cc: Simotes, Jenna A. (OPA); Dilworth, Stephanie (OPA)
Subject: FW: Guidelines transgender

Thank you - Kristen

From: bpascual@efeamerica.com [mailto:bpascual@efeamerica.com]
Sent: Wednesday, February 22, 2017 5:49 PM
To: Nicole (OPA) Navas <nicole.navas@usdoj.gov>; Press <press@usdoj.gov>
Subject: Guidelines transgender

Good afternoon,

I hope you are doing well.
This is Bestriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!

Abueg, Mark (OPA)

From: Abueg, Mark (OPA)
Sent: Wednesday, February 22, 2017 6:20 PM
To: Navas, Nicole (OPA)
Cc: Carr, Peter (OPA)
Subject: RE: Guidelines transgender

I got back to her.

From: Navas, Nicole (OPA)
Sent: Wednesday, February 22, 2017 6:20 PM
To: bpascual@efeamerica.com
Cc: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>
Subject: RE: Guidelines transgender

Hi Beatriz,
I added to email my colleagues, who will advise if and when there is anything new to report. Thank you

Nicole A. Navas
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)

From: bpascual@efeamerica.com [<mailto:bpascual@efeamerica.com>]
Sent: Wednesday, February 22, 2017 5:49 PM
To: Nicole (OPA) Navas <nicole.navas@usdoj.gov>; Press <press@usdoj.gov>
Subject: Guidelines transgender

Good afternoon,

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This is Bestriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 7:07 PM
To: (b) (6) WH Email Kelly Love ; Matthew.Frendewey@ed.gov;
(b) (6) WH Email Ninio Fetalvo
Subject: Fwd: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE
Attachments: image005.jpg; ATT00001.htm; image007.jpg; ATT00002.htm; Guidance Letter.pdf; ATT00003.htm; Supreme Court Letter.pdf; ATT00004.htm

This is out on our end. Thank you for your coordination on this.

Begin forwarded message:

From: "USDOJ-Office of Public Affairs (SMO)" <Ex_PAOMailbox@jmd.usdoj.gov>
Date: February 22, 2017 at 7:06:06 PM EST
To: "USDOJ-Office of Public Affairs (SMO)" <Ex_PAOMailbox@jmd.usdoj.gov>
Subject: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

NOTE: The Guidance Letter and Supreme Court Letter are attached as PDF files.

FOR IMMEDIATE RELEASE

AG

WEDNESDAY, FEBRUARY 22, 2017

(202) 514-

2007

WWW.JUSTICE.GOV

TTY (866) 544-

5309

**STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL
OF TITLE IX GUIDANCE**

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

###

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

From: Simotes, Jenna A. (OPA)
Sent: Wednesday, February 22, 2017 7:08 PM
To: Abueg, Mark (OPA)
Subject: RE: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Mark – I can post this online – already have it queued up!

From: USDOJ-Office of Public Affairs (SMO)
Sent: Wednesday, February 22, 2017 7:06 PM
To: USDOJ-Office of Public Affairs (SMO) <Ex_PAOMailbox@jmd.usdoj.gov>
Subject: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

NOTE: The Guidance Letter and Supreme Court Letter are attached as PDF files.



Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 22, 2017
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AG
(202) 514-2007
TTY (866) 544-5309

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“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

###

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE
CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

Frendewey, Matthew

From: Frendewey, Matthew
Sent: Wednesday, February 22, 2017 7:18 PM
To: Carr, Peter (OPA)
Subject: Re: U.S. Secretary of Education DeVos Issues Statement on New Title IX Guidance

Thank you!

Sent from my iPhone

On Feb 22, 2017, at 7:17 PM, Carr, Peter (OPA) <Peter.Carr@usdoj.gov> wrote:

Thanks, Matt.

From: Frendewey, Matthew [<mailto:Matthew.Frendewey@ed.gov>]
Sent: Wednesday, February 22, 2017 7:16 PM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>
Subject: FW: U.S. Secretary of Education DeVos Issues Statement on New Title IX Guidance

FOR IMMEDIATE RELEASE:

Feb. 22, 2017

CONTACT:

Press Office, (202) 401-1576 or press@ed.gov

U.S. Secretary of Education Betsy DeVos Issues Statement on New Title IX Guidance

We have a responsibility to protect every student in America and ensure that they have the freedom to learn and thrive in a safe and trusted environment. This is not merely a federal mandate, but a moral obligation no individual, school, district or state can abdicate. At my direction, the Department's Office for Civil Rights remains committed to investigating all claims of discrimination, bullying and harassment against those who are most vulnerable in our schools.

The guidance issued by the previous administration has given rise to several legal questions. As a result, a federal court in August 2016 issued a nationwide injunction barring the Department from enforcing a portion of its application. Since that time, the Department has not enforced that part of the guidance, thus there is no immediate impact to students by rescinding this guidance.

This is an issue best solved at the state and local level. Schools, communities, and families can find – and in many cases have found – solutions that protect all students.

I have dedicated my career to advocating for and fighting on behalf of students, and as Secretary of Education, I consider protecting all students, including LGBTQ students, not only a key priority for the Department, but for every school in America.

We owe all students a commitment to ensure they have access to a learning environment that is free of discrimination, bullying and harassment.

The new guidance can be found [here](#).

###

(b) (6) (OSG)

From: (b) (6) (OSG)
Sent: Wednesday, February 22, 2017 7:19 PM
To: Carr, Peter (OPA)
Cc: Kneedler, Edwin S (OSG)
Subject: Documents filed with the Court
Attachments: Supreme Court Letter.pdf; Guidance Letter.pdf

Peter, in case you don't have them, these were the documents filed with the Court.

(b) (6)
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
(b) (6)

Navas, Nicole (OPA)

From: Navas, Nicole (OPA)
Sent: Wednesday, February 22, 2017 9:08 PM
To: Abueg, Mark (OPA)
Subject: Re: Guidelines transgender

No worries

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 8:01 PM, Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov> wrote:

Ah, man. That's my fault. I found out a few hours before I sent it out and after the WH press briefing. I should have let you know. My fault.

I thought I said to them both sometime this evening when they asked.

On Feb 22, 2017, at 7:57 PM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:

No i didnt know this was coming out

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 7:52 PM, Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov> wrote:

I don't follow. Did you say something else was coming?

On Feb 22, 2017, at 7:47 PM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:

(b) (6)

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 7:39 PM, Abueg, Mark (OPA)
<mabueg@jmd.usdoj.gov> wrote:

I did too. One of those days. Lol

On Feb 22, 2017, at 7:38 PM, Navas,
Nicole (OPA) <nnavas@jmd.usdoj.gov>
wrote:

I forwarded you the
announcement earlier

Duplicative



Navas, Nicole (OPA)

From: Navas, Nicole (OPA)
Sent: Wednesday, February 22, 2017 7:38 PM
To: Beatriz Pascual
Cc: Navas, Nicole (OPA); Carr, Peter (OPA); Abueg, Mark (OPA)
Subject: Re: Guidelines transgender

I forwarded you the announcement earlier

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 7:11 PM, Beatriz Pascual <bpascual@efeamerica.com> wrote:

Thank you very much!

Just received an alert from Reuters, saying DOJ has notified the supreme court. Is this true?

Thanks!

Beatriz Pascual Macías

Efe News Services

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20045 NW Washington DC

(b) (6) (mobile)

(202)- 745.7692 (office)

www.efe.com

EFE is the leading Spanish-language news agency and the fourth largest news agency in the world, with more than seventy-five years of experience.

On Wed, Feb 22, 2017 at 6:19 PM, Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov> wrote:

Hi Beatriz,

I added to email my colleagues, who will advise if and when there is anything new to report.

Thank you

Nicole A. Navas

Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

From: bpascual@efeamerica.com [mailto:bpascual@efeamerica.com]

Sent: Wednesday, February 22, 2017 5:49 PM

To: Nicole (OPA) Navas <nicole.navas@usdoj.gov>; Press <press@usdoj.gov>

Subject: Guidelines transgender

Good afternoon,

I hope you are doing well.

This is Bestriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!

Dilworth, Stephanie (OPA)

From: Dilworth, Stephanie (OPA)
Sent: Thursday, February 23, 2017 8:02 AM
To: Abueg, Mark (OPA)
Subject: Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

I got it! Thanks!

Sent from my iPhone

On Feb 22, 2017, at 8:46 PM, Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov> wrote:

Stephanie,

Just wanted to make sure you're getting the press releases.

Best,

Mark

Begin forwarded message:

From: "USDOJ-Office of Public Affairs (SMO)"
<Ex_PAOMailbox@jmd.usdoj.gov>
Date: February 22, 2017 at 7:12:34 PM EST
To: "USDOJ-Office of Public Affairs (SMO)" <Ex_PAOMailbox@jmd.usdoj.gov>
Subject: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE
WITHDRAWAL OF TITLE IX GUIDANCE

NOTE: The Guidance Letter and Supreme Court Letter are attached as PDF files.

<image005.jpg>

<image007.jpg>

RELEASE

FOR IMMEDIATE

AG

WEDNESDAY, FEBRUARY 22,

2017

(202) 514-2007

WWW.JUSTICE.GOV

TTY (866) 544-5309

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#

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS,
PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE
OF PUBLIC AFFAIRS AT 202-514-2007.

<Guidance Letter.pdf>

<Supreme Court Letter.pdf>

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Thursday, February 23, 2017 11:41 AM
To: Dorr, Kaelan K. EOP/WHO; Rateike, Bradley A. EOP/WHO
Subject: RE: Talking Points

Here you go:

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Dorr, Kaelan K. EOP/WHO (b) (6) White House Email
Sent: Thursday, February 23, 2017 11:27 AM
To: Carr, Peter (OPA) <Peter.Carr@usdoj.gov>; Rateike, Bradley A. EOP/WHO (b) (6) White House Email
Subject: Talking Points

It's great to meet you Peter! If you wouldn't mind - (b) (5)
[REDACTED] We really appreciate your help and if you ever need anything what so ever please don't hesitate to give us a call!

Best,

Kaelan

Kaelan Dorr
Strategic Communications Advisor and Special Projects Manager (b) (6) White House Email (b) (6) Phone
[REDACTED]

Hunt, Jody (OAG)

From: Hunt, Jody (OAG)
Sent: Friday, February 24, 2017 10:19 AM
To: Wheeler, Tom (CRT); Panuccio, Jesse (OASG)
Subject: Fwd: Transgender Parents Letter to AG Sessions
Attachments: Transgender Parents Letter 2-23-17.pdf; ATT00001.htm

Begin forwarded message:

From: "Schedule, AG84 (OAG)" <AG84Schedule@jmd.usdoj.gov>
Date: February 24, 2017 at 8:39:07 AM EST
To: "Hunt, Jody (OAG)" <johunt@jmd.usdoj.gov>
Subject: FW: Transgender Parents Letter to AG Sessions

(b) (5) Thanks

From: David Stacy [<mailto:david.stacy@hrc.org>]
Sent: Thursday, February 23, 2017 10:44 PM
To: Ag.schedule84@usdoj.gov
Cc: Jordan Dashow <jordan.dashow@hrc.org>
Subject: Transgender Parents Letter to AG Sessions

Hi Emical,

Attached please find a letter from parents of transgender children to the Attorney General regarding the recent decision to rescind the Department of Justice and Education's guidance on schools' obligations to transgender children under Title IX of the Education Amendments Act. They are asking the President, Attorney General and Secretary of Education to meet with them and their children.

We would normally send this to the Personal Assistant and Chief of Staff to the Attorney General but understand that those positions are not filled yet. We called the Department of Justice switchboard operator and were told you would be the best person to email. However, if there is someone else we should send this or future correspondence to please let us know.

Thank you.

David

David C. Stacy | Government Affairs Director
Human Rights Campaign
1640 Rhode Island Avenue NW | Washington, DC 20036
(b) (5) direct | [202.423.2861](tel:202.423.2861) fax
David.Stacy@hrc.org | www.hrc.org | @david_stacy



February 23, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Attorney General Jeff Sessions
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Secretary Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear President Trump, Attorney General Sessions, and Secretary DeVos,

This week, you rescinded guidance that had clarified schools' obligations to protect transgender students -- students like our children. We are heartbroken and scared about what this means for them. We respectfully request an opportunity to meet with you face-to-face to discuss the impact of your decision on our children's lives. This action exposes transgender students to harassment and discrimination in their own classrooms, places they should feel safe and able to learn.

Before you made this decision, we sent a letter to you, President Trump, that has been signed by more than 1,000 parents of transgender children ([read it here](#)). We asked you not to roll back this guidance and called on your administration to fully enforce federal civil rights laws. The letter has been signed by parents in 45 states and Washington, D.C.

As members of HRC's Parents for Transgender Equality Council, a coalition of the nation's leading parent-advocates working for equality and fairness for transgender people, we ask that the federal government fully protect our children at school -- something that all families deserve. We urge you to listen to families across the country demanding basic fairness and respect for every child.

Thank you for your time, and I sincerely hope you will sit down with us -- and some of our brave, wonderful children -- in the coming weeks to share our concerns about what your actions mean to hundreds of thousands of American families.

Sincerely,

(b) (6)

WORKING TO ACHIEVE EQUALITY
FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER PEOPLE
1640 Rhode Island Avenue Washington, D.C. 20036
phone (202) 628 4160 e-mail press@hrc.org

(b) (6)



WORKING TO ACHIEVE EQUALITY
FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER PEOPLE
1640 Rhode Island Avenue Washington, D.C. 20036
phone (202) 628 4160 *e-mail* press@hrc.org

Wheeler, Tom (CRT)

From: Wheeler, Tom (CRT)
Sent: Friday, February 24, 2017 11:53 AM
To: Hunt, Jody (OAG); Panuccio, Jesse (OASG)
Subject: RE: Transgender Parents Letter to AG Sessions

We are getting similar letters/e-mails (2,500) and calls (200). (b) (5)

(b) (5) we have been referring these inquiries and requests to the US Department of Education as the Secretary invited these contacts. In her press release she indicated that her Office of Civil Rights was ready willing and able to handle these issues. (b) (5)

(b) (5) Thanks.

From: Hunt, Jody (OAG)
Sent: Friday, February 24, 2017 10:19 AM
To: Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>; Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Subject: Fwd: Transgender Parents Letter to AG Sessions

Begin forwarded message:

From: "Schedule, AG84 (OAG)" <AG84Schedule@jmd.usdoj.gov>
Date: February 24, 2017 at 8:39:07 AM EST
To: "Hunt, Jody (OAG)" <johunt@jmd.usdoj.gov>
Subject: FW: Transgender Parents Letter to AG Sessions

(b) (5) Thanks

From: David Stacy [<mailto:david.stacy@hrc.org>]
Sent: Thursday, February 23, 2017 10:44 PM
To: Ag.schedule84@usdoj.gov
Cc: Jordan Dashow <jordan.dashow@hrc.org>
Subject: Transgender Parents Letter to AG Sessions

Hi Emical,

Attached please find a letter from parents of transgender children to the Attorney General regarding the recent decision to rescind the Department of Justice and Education's guidance on schools' obligations to transgender children under Title IX of the Education Amendments Act. They are asking the President, Attorney General and Secretary of Education to meet with them and their children.

We would normally send this to the Personal Assistant and Chief of Staff to the Attorney General but understand that those positions are not filled yet. We called the Department of Justice switchboard operator and were told you would be the best person to email. However, if there is someone else we should send this or future correspondence to please let us know.

Thank you.

David

David C. Stacy | Government Affairs Director

Human Rights Campaign

1640 Rhode Island Avenue NW | Washington, DC 20036

(b) (6) | direct | [202.423.2861](tel:202.423.2861) fax

David.Stacy@hrc.org | www.hrc.org | @david_stacy

Congress of the United States
Washington, DC 20515

March 2, 2017

President Donald J. Trump
The White House
Washington, D.C. 20500

Dear President Trump:

We write to urge you to reconsider your decision to rescind important Title IX guidance detailing schools' obligation to protect transgender students from discrimination. The guidance set forth by both the Departments of Education and Justice in May 2016 has helped educational institutions answer common, practical questions concerning this population of students while maintaining compliance with the law. Further, we ask you and members of your administration to meet with transgender students and their families who have relied on this guidance for a safe learning environment and hear their stories about what it means to be transgender in school.

Hundreds of thousands of transgender students live and attend school in every part of our country. A recent report by the Williams Institute estimated there are over 350,000 transgender teens and young adults between ages 13 and 24 in America. Studies show that transgender students are healthy and successful when they receive support and fair treatment, but too many of these students face discrimination. The 2015 U.S. Transgender Survey found that more than three-quarters (77%) of respondents who identified or were perceived as transgender in K-12 school had one or more negative experiences, such as being verbally harassed, prohibited from dressing according to their gender identity, or physically or sexually assaulted. Singling out transgender students by excluding them from school facilities and forcing them to use separate facilities is a real and harmful form of discrimination that causes humiliation and puts students at risk for bullying and health problems.

The federal guidance issued in May 2016 pertaining to transgender students reflects over a decade of case law and proven best practices from schools around the country. The Departments issued this guidance at the request of educators across the country seeking clarification about how to best comply with existing laws. National leaders in education - including the leading associations of teachers, principals, pediatricians, and school counselors and psychologists - supported this clarification.

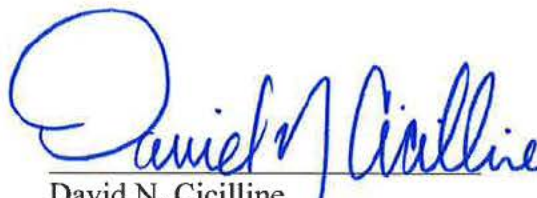
Title IX provides transgender students the right to equal treatment in accordance with their gender identity. Unfortunately, rescinding this guidance only serves to confuse school administrators and take away a vital tool for students and their families who want to be treated with dignity and respect. Further, this action sends the wrong message - a very dangerous message - to transgender youth and their peers.

For these reasons, we urge you to reverse your decision and reinstate the Title IX guidance. Furthermore, we urge you, the U.S. Attorney General Jeff Sessions, and U.S. Department of Education Secretary Betsy DeVos to meet with transgender students and their families to hear firsthand about their school experiences. Thank you for your prompt attention to this matter.

Sincerely,



Mark Pocan
Member of Congress



David N. Cicilline
Member of Congress



Sean Patrick Maloney
Member of Congress



Jared Polis
Member of Congress



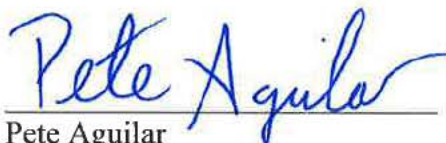
Kyrsten Sinema
Member of Congress



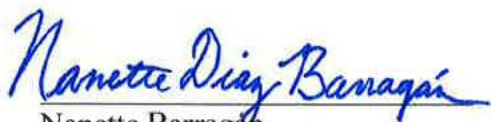
Mark Takano
Member of Congress



Alma Adams
Member of Congress



Pete Aguilar
Member of Congress



Nanette Barragan
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Earl Blumenauer
Member of Congress



Suzanne Bonamici
Member of Congress



Brendan F. Boyle
Member of Congress



Robert A. Brady
Member of Congress



Julia Brownley
Member of Congress



G. K. Butterfield
Member of Congress



Michael E. Capuano
Member of Congress




Salud Carbajal
Member of Congress



Tony Cardenas
Member of Congress



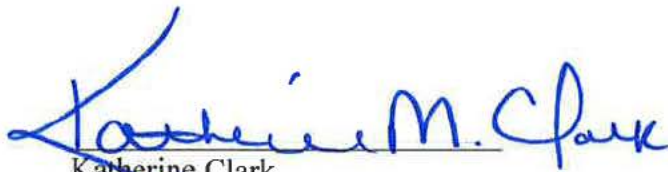
André Carson
Member of Congress



Matt Cartwright
Member of Congress



Kathy Castor
Member of Congress



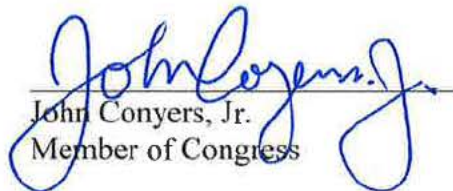
Katherine Clark
Member of Congress



Emanuel Cleaver, II
Member of Congress



Steve Cohen
Member of Congress



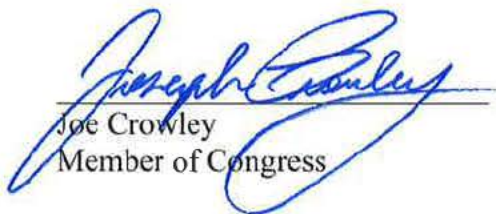
John Conyers, Jr.
Member of Congress



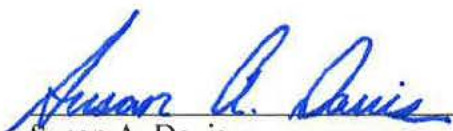
J. Luis Correa
Member of Congress



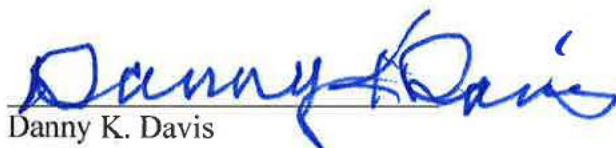
Charlie Crist
Member of Congress



Joe Crowley
Member of Congress



Susan A. Davis
Member of Congress



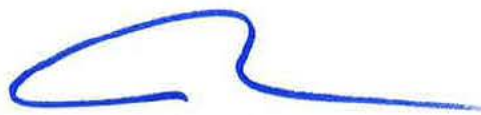
Danny K. Davis
Member of Congress



Peter DeFazio
Member of Congress



Diana DeGette
Member of Congress



John K. Delaney
Member of Congress



Suzan DelBene
Member of Congress



Mark DeSaulnier
Member of Congress



Theodore E. Deutch
Member of Congress



Keith Ellison
Member of Congress



Eliot L. Engel
Member of Congress



Anna G. Eshoo
Member of Congress



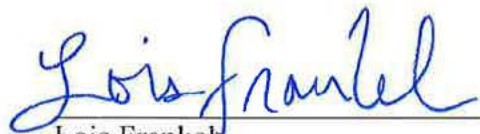
Adriano Espaillat
Member of Congress



Elizabeth H. Esty
Member of Congress



Bill Foster
Member of Congress



Lois Frankel
Member of Congress



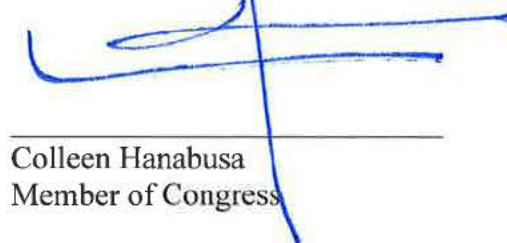
Ruben Gallego
Member of Congress



Al Green
Member of Congress

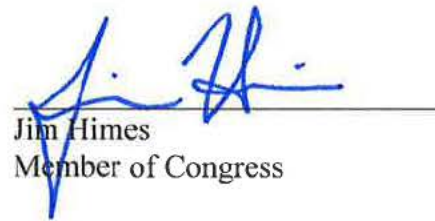

Raúl M. Grijalva
Member of Congress

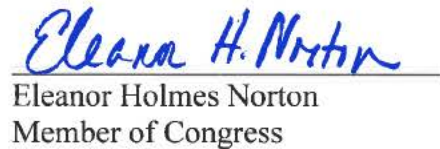

Luis V. Gutiérrez
Member of Congress


Colleen Hanabusa
Member of Congress


Alcee L. Hastings
Member of Congress


Brian Higgins
Member of Congress


Jim Himes
Member of Congress


Eleanor Holmes Norton
Member of Congress


Jared Huffman
Member of Congress


Sheila Jackson Lee
Member of Congress


Pramila Jayapal
Member of Congress


Hakeem Jeffries
Member of Congress


Henry C. "Hank" Johnson, Jr.
Member of Congress



William R. Keating
Member of Congress



Joseph P. Kennedy, III
Member of Congress



Ruben J. Kihuen
Member of Congress



Dan Kildee
Member of Congress



Derek Kilmer
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Brenda L. Lawrence
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Barbara Lee
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Sander Levin
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Alan Lowenthal
Member of Congress



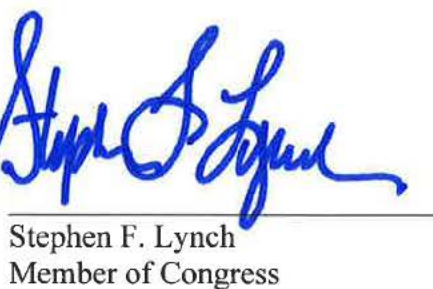
Nita M. Lowey
Member of Congress



Ben Ray Luján
Member of Congress



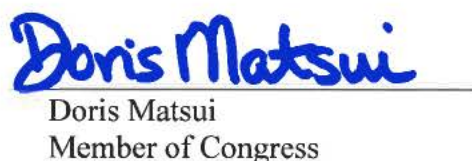
Michelle Lujan Grisham
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Stephen F. Lynch
Member of Congress




Carolyn B. Maloney
Member of Congress



Doris Matsui
Member of Congress



Betty McCollum
Member of Congress



James P. McGovern
Member of Congress



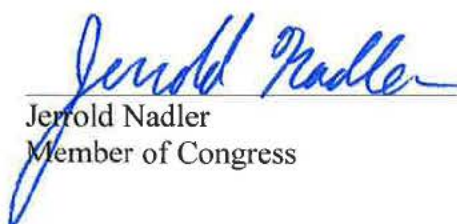
Grace Meng
Member of Congress



Gwen S. Moore
Member of Congress



Seth Moulton
Member of Congress



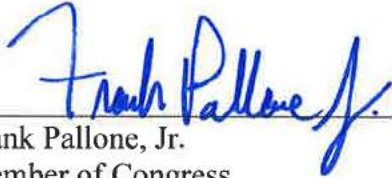
Jerrold Nadler
Member of Congress



Richard M. Nolan
Member of Congress



Donald Norcross
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Member of Congress



Jimmy Panetta
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Bill Pascrell, Jr.
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Scott H. Peters
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Chellie Pingree
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David Price
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Mike Quigley
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Jamie Raskin
Member of Congress



Kathleen M. Rice
Member of Congress



Ileana Ros-Lehtinen
Member of Congress



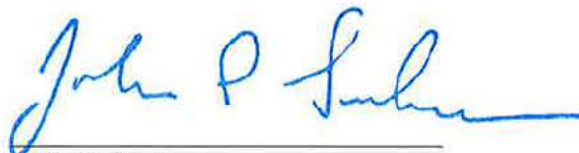
Lucille Roybal-Allard
Member of Congress



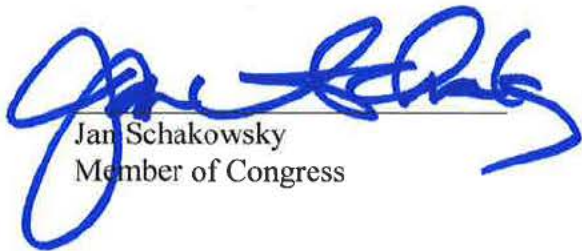
Tim Ryan
Member of Congress



Linda Sánchez
Member of Congress



John P. Sarbanes
Member of Congress



Jan Schakowsky
Member of Congress



Adam B. Schiff
Member of Congress



Bradley S. Schneider
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



José E. Serrano
Member of Congress



Carol Shea-Porter
Member of Congress



Albio Sires
Member of Congress



Louise Slaughter
Member of Congress



Adam Smith
Member of Congress



Darren Soto
Member of Congress



Jackie Speier
Member of Congress



Eric Swalwell
Member of Congress



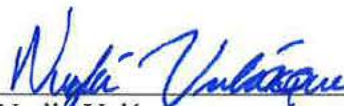
Dina Titus
Member of Congress




Paul D. Tonko
Member of Congress



Niki Tsongas
Member of Congress



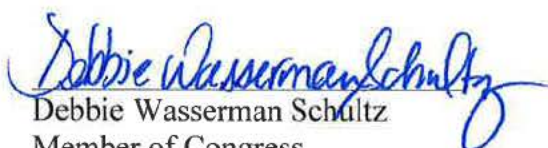
Nydia Velázquez
Member of Congress



Peter J. Visclosky
Member of Congress



Tim Walz
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Bonnie Watson Coleman
Member of Congress



Peter Welch
Member of Congress



Frederica Wilson
Member of Congress



John Yarmuth
Member of Congress



Zoe Lofgren
Member of Congress

Cc: The Honorable Jeff Session, Attorney General of the United States
The Honorable Betsy DeVos, Secretary of Education



LOG CABIN REPUBLICANS

1090 Vermont Avenue, NW | Suite 850
Washington, DC 20005
(202) 420-7873

March 3, 2017

Hon. Betsy DeVos, Secretary of Education
Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Hon. Jeff Sessions, Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Secretary DeVos and Attorney General Sessions,

As transgender members of the Log Cabin Republicans and Republican parents of transgender students, we have deep concerns about your decision to rescind the May 13, 2016 directive entitled "Dear Colleague Letter on Transgender Students" pertaining to Compliance with Title IX and K-12 transgender children's access to school facilities.

As an organization, Log Cabin Republicans is proud to help play a part in the President Trump's goal to "Make America Great Again." To this end, we request that the Trump Administration and the Department of Justice's Civil Rights Division and Department of Education's Office of Civil Rights reconsider rescinding the "Dear Colleague Letter on Transgender Students" and instead improve upon the directive itself.

In the coming weeks, Log Cabin Republicans will provide the Departments Justice and Education with our recommendations in this regard, focusing on effective, common-sense conservative solutions designed to provide safety and respect to transgender students, including:

- 1. Acknowledgement of the legitimate concerns of transgender children and their parents.***
- 2. Sustaining the positive elements of the previous Obama Administration guidance while refining those parts that have become flashpoints for controversy.***
- 3. Recognizing the need for both federal rules and supervision as well as flexible local implementation.***

It is imperative that the Trump Administration and, specifically, the Departments of Justice and Education act to ensure that any future directives or guidance regarding access to school facilities are not inhibited in any way that would harm transgender youth or impede upon their ability to receive an education.

Log Cabin Republicans stands in support of our country's transgender students and encourages collaboration on any directives or initiatives involving transgender Americans in the future.

Respectfully,

Jordan Evans, Charlton, MA
Regina W. Roberts, Valley Center, CA
Piper Laurie Smith, Santee, CA
Jennifer C. Williams, Trenton, NJ
Crystal Dawn Hasinsky, parent of a transgender child, Valley Center, CA

Co-Signed: Gregory T. Angelo, President, Log Cabin Republicans