

Suzanne Goldberg and Catherine Lhamon Should Resign for Flagrant Violations of the APA to Promote Lethal Medical Experiment

Dear Deputy Assistant Secretary Goldberg and Assistant Secretary Lhamon:

The Administrative Procedure Act was enacted by Congress in 1946 due to concerns with Executive Branch over-reach. The APA requires that federal agencies follow these steps before implementing a new regulation:[1]

1. **Notice:** “General notice of proposed rulemaking shall be published in the Federal Register”

2. **Opportunity for public review and comment:** “the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments.”

3. **Agency’s response to public comments:** “the agency shall incorporate in the rules...consideration of the relevant matter presented.”

On June 22, 2021, the Department of Education Office for Civil Rights unexpectedly published a new Title IX Rule. The Federal Register announcement asserted, “Title IX prohibits discrimination based on sexual orientation and gender identity...OCR will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities” [2] The new policy took effect on the same day.

These actions represent a violation of all three APA requirements:

1. No prior notice.
2. No opportunity for public review and comment.
3. No agency response to public comments, since no comments had been solicited.

The following day, the Department of Education released a Dear Educator Letter that reiterated the same warning that the Office for Civil Rights would “fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity.” [3]

The new Rule was signed by Suzanne Goldberg, Acting Assistant Secretary for Civil Rights, and aggressively implemented by Catherine Lhamon upon taking over as the Office for Civil Rights director on November 17, 2021.

In response, on August 30, 2021 the Attorneys General from 20 states -- AL, AK, AZ, AR, GA, ID, IN, KS, KY, LA, MS, MO, MT, NE, OH, OK, SC, SD, TN, and WV -- brought a 14-count lawsuit against the Department of Education, alleging the new Title IX Rule was procedurally and substantively unlawful under the Administrative Procedure Act.[4] On July 15, 2022, the District Court of Tennessee issued a Temporary Injunction against the OCR Rule.[5]

But the effects have been far-reaching. At last count, 18,355 schools around the country now have policies stating school personnel can or should keep a student's transgender status hidden from parents.[6] About 300,000 American youth ages 13-17 now identify as transgender, representing a doubling of their numbers in the past five years.[7]

The psychological and physical harm to these youth is difficult to fathom. Third-party reports reveal the following:

- **Mental health:** "Transgender children are at least three times as likely as their cisgender peers to experience depression, anxiety, and neurodevelopmental disorders including ADHD." [8]
- **Suicide:** "18% of LGBTQ youth attempted suicide in the past year." [9]
- **Gender transitioning:** Many of these youth eventually undergo a complete gender transitioning, rendering them infertile for life. [10]

Encouraging hundreds of thousands of children and youth to transition to a different sex represents a radical medical experiment. In the words of ethicist Ryan Anderson, "Doctors are conducting a giant experiment that does not come close to the ethical standards demanded in other areas of medicine." [11]

These violations of the Administrative Procedure Act are unlawful, willful, and utterly contrary to the public interest. We call on you to immediately resign your positions at the U.S. Department of Education.

Sincerely,

National Organizations (34):

SAVE (Stop Abusive and Violent Environments)
American Association of Christian Schools (AACCS)

American Association of Evangelicals (AAE)
American Family Association (AFA)
Amac Action
Americans for Limited Government
American Life and Liberty PAC

American Principles Project
American Values
Catholics Count
Center for Military Readiness
Citizens for Renewing America
Coalition of Conservative Christian
Colleges
Conservatives of Faith
ConservativeHQ.com
Eagle Forum
Katartismos Global
Law Offices of Philip A. Byler
Less Government
Life Line Addiction Foundation
Men and Women for a Representative
Democracy in America
Mission America
National Association of Scholars
No Left Turn in Education
Palm Beach Freedom Institute
Radiance Foundation
Save the Persecuted Christians
60 Plus Association
Strategic Coalitions and Initiatives, LLC
Tea Party Nation
Tea Party Patriots Action
Tradition, Family, Property, Inc
We the People USA PAC
Women for Democracy in America

State Organizations (33):

Alexander Hamilton Institute for the
Study of Western Civilization
American Life and Liberty PAC, Virginia
American Principles Project
California Association of Scholars
Child Protection League

Eagle Forum of Alabama
Eagle Forum of California
Eagle Forum of Michigan
Frontline Policy Council
Girls Deserve Privacy
Greenwich Patriots
Independent Women's Network,
Colorado Chapter
Independent Women's Network, North
Dakota Chapter
Louisiana Family Forum
MassResistance, Texas
Moms for Liberty, Baltimore County,
Maryland
Moms for Liberty, Harford County,
Maryland
Moms for Liberty, Howard County,
Maryland
Moms for Liberty, Montgomery County,
Maryland
Moms for Liberty, Talbot County,
Maryland
Ohio Value Voters
Protect Ohio Children Coalition
Rhode Island Center for Freedom and
Prosperity
Roughrider Policy Center
Southwest Policy Group
Tennessee Eagle Forum
Texas Eagle Forum
Texas Freedom Coalition
United Against Racism in Education
Utah Citizens for the Constitution
Utah Eagle Forum
Virginia Association of Scholars
Washington Eagle Forum

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- [1] <https://www.law.cornell.edu/uscode/text/5/553>
- [2] <https://www.federalregister.gov/documents/2021/06/22/2021-13058/enforcement-of-title-ix-of-the-education-amendments-of-1972-with-respect-to-discrimination-based-on>
- [3] <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>
- [4] <https://www.saveservices.org/wp-content/uploads/2023/08/AG-Complaint-8.21.2021.pdf>
- [5] <https://adfmedialegalfiles.blob.core.windows.net/files/TennesseeOrderOpinionPI.pdf>
- [6] <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>
- [7] <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>
- [8] <https://thehill.com/changing-america/well-being/mental-health/3570956-transgender-children-are-more-likely-to-face-mental-health-challenges-study-says/>
- [9] <https://www.thetrevorproject.org/survey-2022/>
- [10] <https://www.reuters.com/investigates/special-report/usa-transyouth-data/>
- [11] <https://www.goodreads.com/review/show/4067621127>