

FRC Weighs In on Supreme Court's Transgender Bathroom Case

Monday, the Family Research Council and the North Carolina Values Coalition filed an amicus brief with the U.S. Supreme Court in the case of a Virginia girl who thinks she's a boy and is demanding to use bathrooms and locker rooms meant for males only.

The case, Gloucester County School Board v. G.G. will decide the validity of the Obama administration's interpretation that sex-separated facilities must "generally treat transgender students consistent with their gender identity." The case will also decide whether a federal agency letter mandating the same interpretation should receive deference.

The brief makes three key arguments:

- education policy should be decided at the local level,
- the government letter and appellate court ruling threaten the liberty of all students by invading their privacy and
- the letter makes law when that should be left to the legislative branch of government.

More broadly, the brief argues, this case is about whether a local school board is free to determine that students must use the shower, locker room or bathroom of their biological sex and whether "sex" can be reinterpreted to include gender identity. Despite denying that interpretation of federal law is in and of itself law, the Obama administration has hinted at the revocation of federal funds if localities refuse to comply.

While President-elect Trump could direct that such action must

cease in his administration, attempts by legal activists to shoehorn gender identity into definitions of “sex” will persist, and FRC and NCVC hope the Court sees the sense in ruling in a way that leaves localities free from federal government mandates on this issue. Travis Weber, an attorney with FRC who helped file the brief, said:

Young children in public schools all over our land are some of society’s most vulnerable members, especially as they leave their families day-to-day to enter an environment in which they are supposed to be cared for and watched over. Local communities like Gloucester County should be left alone to set their own policies and not suffer federal interference on such an issue. Indeed, studies have found that around 80-95 percent of the pre-pubertal children with gender dysphoria (formerly known as gender identity disorder) will no longer experience gender dysphoria in adolescence. However, according to the Obama administration’s Department of Education and Department of Justice—and this is the issue in this case—children should be forced to sacrifice their expectations of privacy at the behest of one Washington bureaucrat directing whom they shall be made to use the shower, locker room or bathroom with. This is unconscionable.
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