

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: SLI Supporters
Date: July 2016
From: A. Eric Johnston
Re: Obama Attempts to Illegally Establish Transgender Rights

The problem first became significant when the State of North Carolina passed a law requiring persons to use public restrooms in accordance with their gender as shown on birth certificates. This resulted in the threat by the Obama Administration to remove federal funds from North Carolina. President Barack Obama then issued executive orders to agencies of federal government to enforce laws based on sexual discrimination against transgender persons. He informed the states they would lose federal funds if they did not comply.

The executive orders were issued by Obama to various agencies of government pursuant to two laws, the “Civil Rights Act of 1964,” Title VII, and the Educational Amendments of 1972, Title IX. The effect of this would be for states which disobey those orders to lose millions of dollars in federal funds for all types of programs, and particularly public schools.

Title VII was passed principally to stop racial discrimination. It also included other protected immutable characteristics, i.e., national origin, religion, color and sex. Title IX was passed to protect women’s rights in public schools and universities. Again, it was based on sex. All of the congressional history and court opinions construing these laws from the beginning have held that “sex” means one’s gender. It has never been applied to include transgender persons, persons who are not sure of their sex, or homosexuals. Yet, the Obama Administration takes it upon itself to redefine the law and issue the far reaching and significant draconian executive orders to remove needed federal funding from the states. Obama’s arrogance violates the separation of powers and usurps the authority of Congress.

Unfortunately, states have come to rely too much on federal funding. Now, they are in a position of (1) submitting to Obama’s orders, (2) losing federal funds, or (3) challenging Obama in court. This is exactly what eleven states and several school districts, including the State of Alabama did when a lawsuit was filed against the United States of America, U.S. Department of Education, U.S. Department of Justice, U.S. Equal Opportunity Commission and U.S. Department of Labor. The lawsuit points out these efforts to radically change not only the culture of America, but the physical location and use of restrooms and locker rooms, and the intimate privacy of men and women. The lawsuit is very clear that the acts of the Obama Administration are *ultra vires*, meaning unlawful. Barack Obama has taken it upon himself, through his unconstitutional exercise of his executive authority, to dictate to America his personal belief of the way it should be, without regard to the law, culture, history, traditions or will of the American people.

These executive actions begin a progression to legal precedents for establishing new broad definitions of sex protected by federal law. We are fearful this calculated and seductive effort will lead to a *Bob Jones University* type conclusion. You will recall the *Bob Jones University* case (1982) removed tax exempt status from the university when it did not permit interracial dating. Efforts of the federal government, in that case, established the “civil rights” of race and then protected them with the full force of federal law. We find it hard to believe now how a religious institution could have rationalized such discrimination on the basis of Scripture. But in the transgender case now before the court, we have just the opposite. There is strong biblical support for recognition of the sexes, one man and one woman marriage, and all of the other values and traditions that we have held as a nation with respect to all that the word “sex” encompasses.

We expect to see a number of federal decisions through the courts and that it will ultimately end up before the U.S. Supreme Court. This progression of events may also lead to more and different applications against our cultural norms, creating new ones, including the diminution of religious rights, which will be redefined. SLI will continue to do all it can to protect our religious freedom.

Christians cannot condone what they know is sin. Yet, these events may lead them to forced capitulation. It is important that states exercise their rights to protect their citizens from the overreach of such unconstitutional executive actions as Barack Obama is practicing on us.

It is therefore significant that our Attorney General, Luther Strange, has taken the step to join this litigation. We need to support him in this very wise and proper choice. We must encourage him and other state officials to protect our rights at every turn. We are under constant threat by the LGBTQ agenda.