

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

**To:** Interested Persons  
**Date:** April 2022  
**From:** A. Eric Johnston  
**RE:** SB184 and HB266 - VCAP

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The Alabama Vulnerable Child Compassion and Protection Act (VCAP) prohibits sex change treatments and procedures on children below the age of 19 years. Over 19 years, a person is an adult and can make that decision on their own, notwithstanding it may be a very unfortunate decision.

For now the third legislative session, we have attempted to educate members of the Alabama Legislature on the legal and medical propriety on prohibiting these aberrant medical practices which are a part of the LGBTQ+ agenda of sexual freedom. Last month we provided you with a copy of a memo that addressed possible issues of child abuse and violation of the minor's ultimate right to procreate by having his or her sex changed without his or her consent. A Texas Attorney General memo, which we explained last month, precipitated a communication by the federal Department of Health and Human Services. An Alabama advocacy organization, "Children First," sent the HHS memo, with its own memo, threatening the state of Alabama with a loss of significant federal funds. As a result, we prepared a memo and provided it to Alabama legislators. It is copied verbatim below, as we published it.

Since then, HHS, with the outspoken support of President Biden, issued on March 31, 2022, its statement of "Gender-Affirming Care and Young People". HHS is now restating its questionable support of those procedures which VCAP seeks to prohibit. Not only is HHS vocal, but significant pressure has been received by legislative members from major corporations in support of this bad medicine. We know you find this as difficult to believe as do we.

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Children First released a memo last week saying Alabama would lose federal Health and Human Services funding if it passes VCAP, a law that would prohibit sex change operations on minors. The basis for the Children First memo is a document referred to as an "Information Memorandum" released by HHS on March 2, 2022, in response to a Texas Attorney General opinion that the minor sex change procedures are "child abuse". While it is likely such procedures are child abuse, there is no court ruling, but the medical evidence for or against these procedures is significantly debatable.

The HHS Memo is not a law or a regulation, but is a progressive inspired memo from HHS Secretary Xavier Becerra, one of the Biden Administration's most ultra-liberal activists. Google Mr. Becerra for his liberal activist history as the California Attorney General.

The HHS Memo deals with two sections of law, i.e., Title IV-B (helping families at risk or crisis) and Title IV-E (removing a child from a home placing him or her in foster care). Both of these are legitimate resources to protect abuse and neglected children. However, Becerra has unlawfully added, in his words, "LGBTQI+" goals to the HHS mission. Such extravagant expansions are subject to rule making procedures, and/or administrative and/or court review procedures.

The HHS Memo says that entities who accept federal funds must comply with "plan requirements associated with the family, as well as other applicable federal laws." There are no laws or regulations that require Alabama to acquiesce to Becerra's unproved and dangerous agreement to the LGBTQI+ agenda. The Memo insistence on adding assistance to LGBTQI+ beliefs overstates federal authority. Titles IV-B and IV-E concern risks to children from the family structure, not collateral politicized issues. Becerra is suggesting that if a parent refuses sex change counseling leading to sex change operations, HHS may intervene to take the child. This is far beyond his authority. However, that is exactly what he intends, stating:

"The agency [HHS] must be prepared and competent to address trauma-related issues that have occurred as a result of a child or youth facing rejection, discrimination, or harassment because they are LGBTQI+, **especially in their family of origin.**"  
Emphasis added.

To HHS, if the parent does not agree to the sex change operation, the child may be removed from the family. That is not the law or the authority of HHS. Children First is following this alien agenda at the behest of the LGBTQI+ lobby, just as Mr. Becerra and HHS are.