



Written by [Selwyn Duke](#) on June 21, 2021

## The Empire Strikes Back: DOJ Wants Courts to Overturn States' Stands Against "Trans" Lunacy

It was only a matter of time. Reacting to the unscientific and harmful "transgender" agenda, a wave of states have passed laws banning boys claiming girlhood from competing in girls' sports, while Arkansas has forbade medical professionals from offering puberty blockers, cross-sex hormones, or sexual-organ-mutilation surgery to minors. But now Joe Biden's Department of Justice, upset at this challenge to the leftist agenda, is calling on the courts to overturn these state laws.



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The *Daily Mail* [summarizes](#) the story:

- The U.S. Justice Department on Thursday made its most forceful statement against a wave of Republican-backed state laws that...[rein in "transgender" insanity]
- Justice Department lawyers urged a West Virginia judge to invalidate a state law banning transgender athletes from competing in scholastic female sports
- The department filed a similar brief in federal court in Arkansas, saying it is unconstitutional for that state to restrict ... [Made-up Sexual Status, (MUSS) "medical treatments" for minors]
- The Justice Department argues that the two laws each violate the right to 'equal protection' under the law enshrined in the U.S. Constitution's 14th Amendment
- In both cases, the federal government threw its weight behind court challenges brought by the American Civil Liberties Union and other groups
- Currently nine states have enacted laws banning transgender athletes from female sports, although Idaho's law is being blocked by an injunction

Called a "statement of interest," the DOJ lawyers wrote, the *Mail* relates, that the "'United States has a significant interest in ensuring that all students, including students who are transgender, can participate in an educational environment free of unlawful discrimination and that the proper legal standards are applied to claims under Title IX and the Equal Protection Clause,'" in their filing in response to the new West Virginia law.

The irony here is that while the DOJ claims the state actions are unconstitutional, Title IX is itself unconstitutional, as the federal government has no constitutional warrant to micromanage education in the states.

That said, Title IX only prohibits school-program discrimination on the basis of "sex." Now, it's not just that the Made-up Sexual Status (MUSS) agenda was unknown when the law became operative, in 1972,



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and that “sex” back then, when applied to people, referred *only* to the quality of being male or female. It’s that when applied to people, it *still means just that*.

Even psychologists advocating the MUSS agenda generally distinguish “sex” from “gender,” with the former being the aforementioned biological distinction and “gender” (which should only be applied to words) being a psychological phenomenon: your *perception of what you are*. In fact, MUSS activists have often taken pains to emphasize that your “gender” can be at odds with your sex (the unproven brain-body mismatch theory). That’s the whole idea of which their movement was born!

So the DOJ, reflecting an [Obama administration policy](#), is pulling a fast one: Not yet able to get Congress to amend Title IX to reflect its MUSS passions, it’s simply pretending the law dictates something it doesn’t — and it wants the courts to intervene based on this illusion.

As for “equal protection,” no one is arguing that a class of girls (e.g., of a given race) should not have access to girls’ athletics; argued is that boys are not a “class of girls” just because they claim to be.

So much as in the marriage debate — where the real and unaddressed issue ([except by me](#)) never was whether homosexuals could “marry,” but *what marriage is* — the question here is: What is a girl? (The answer should be obvious, too.)

As for the legal brief filed in federal court in Arkansas, the DOJ is, again, “saying it is unconstitutional for that state to bar healthcare professionals from providing transition-related care to transgender minors,” as the *Mail* tendentiously puts it. Mirroring the aforementioned, however, no one is arguing here that “gender dysphoric” youth shouldn’t get proper treatment. Rather, the question is:

What constitutes proper treatment?

Note here that the feds never weigh in when [governments outlaw MUSS reparative therapy](#) (or, for that matter, such for homosexuals), whose aim is to eliminate unwanted gender dysphoric feelings. Why isn’t it suggested that these laws deny “trans” youth equal protection?

As I’ve illustrated before, there’s [no good science behind the MUSS agenda](#). In fact, the quackery is on the part of “medical professionals” who’d encourage MUSS kids to “transition” (a euphemism).

Consider:

Gender dysphoria — the sense, colloquially put, that you’re the member of one sex stuck in the body of another — either is a psychological problem or a biological one. Reparative therapists proceed under the supposition that it’s the former, that the patient’s thoughts and feelings are the issue as they don’t reflect legitimate biological reality. Medical professionals prescribing puberty blockers, cross-sex hormones, and surgery proceed under the supposition that the patient’s body is the issue as it doesn’t reflect a legitimate perception of the mind. Who’s right?

Consider that diagnostic criteria justifying the body-altering medical professionals’ prescriptions are identical to those of the reparative therapists: A patient is given treatment if he has strong and persistent feelings of cross-“gender” identification lasting more than six months.

In other words, the body-altering practitioners do not and cannot identify a physiological marker — e.g., found via a blood or genetic test or brain scan — indicating that a biological problem is at issue. They use the existence of “feelings” to justify an extreme, body-rending biological intervention.

Put differently:

The reparative therapists use psychological criteria to justify a psychological diagnosis and



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psychological treatment.

The body-altering practitioners use psychological criteria to justify a biological diagnosis and biological treatment.

So you decide: Who is proceeding more rationally?

For sure, however, is that the body-altering practitioners are at least as rational as the federal government. The latter can't explain what marriage is, what girls are, or what's proper treatment for MUSS youths — but still zealously tries to dictate to the "laboratories" that are the states on these matters. This just proves again that the political realm, much like Hell, is a place where there is no reason.



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