



Written by [C. Mitchell Shaw](#) on May 15, 2016

North Carolina, Texas Reject Obama's "Transgender" Directive

In the immediate wake of the Obama administration's letter to school administrators Friday dictating "transgender" policy, at least two states have already issued statements saying they will not comply. The Texas statement, issued by the lieutenant governor, called the administration's directive "blackmail," while the North Carolina statement, also issued by the lieutenant governor, called it "social experimentation" on students. Both statements make clear that the federal government has no authority to set transgender policy for the schools.



The New American [reported](#) on Obama's directive Friday. In that report, this writer said the letter is "an egregious overreach by the federal government as well as an assault on traditional morality." As battle lines continue to be drawn in the "Transgender Wars," both North Carolina and Texas are lining up on the side of the Constitution, states' rights, and basic morality. More states are likely to follow their example, emboldened by both the logic and the conviction offered in the statements these two states have made.

North Carolina Lieutenant Governor Dan Forest released the Tar Heel State's response almost immediately after Obama's letter was made public. In a Facebook post, he [said](#):

North Carolina will not stand by and let our locker rooms and high school showers be used for social experimentation at the expense of the privacy and protection of our young boys and girls. I do not think it is appropriate for teenage boys and girls to share the same bathroom. I don't think it appropriate for teenage boys and girls to shower next to each other. I don't think it is appropriate for male coaches and male teachers to have access to girls' locker rooms and showers while the young girls are naked and exposed. I feel confident, the vast majority of North Carolina parents feel the same.

Forest's common sense reverberates with the power of simple truth. The Obama directive — if followed — would certainly endanger a great many students nationwide, opening them up to all manner of sexual exploitation, in addition to eroding their sense of modesty and morality. How could it be otherwise when boys and girls undress and shower in the presence of each other?

To put our kids in such a situation in order to facilitate the feelings of a very small number of "transgender" students who say their "gender identity" is the opposite of their biological sex is inconsistent with logic, morality, and American principles of governance (where the federal government exercises only those few and specific powers delegated to it in the Constitution, and all other powers are reserved by the states or the people).

If a boy feels that his "gender identity" is female, that does not make him a female any more than



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feeling he is Napoleon makes him Napoleon. Yet though the latter notion would be recognized as not conforming with reality no matter the sincerity of the person making the claim, the former is treated as if it is very real — to the extent that the word “sex” in federal laws against discrimination is now interpreted to include gender identity. Not only that, but unlike a person’s sex, a person’s “gender identity” defies any objective definition since it depends on feelings. And it is also fluid, since feelings can change. As this writer noted Friday regarding the Obama administration’s letter to schools:

Since “the process” of “gender transition can happen swiftly or over a long duration of time,” who is to say when it has happened? Or when it hasn’t? Or whether it is an on-again off-again process? What prevents Billy from deciding every day at the end of gym class that he finds himself “identifying” as a female who is attracted to other females and consequently showering with the girls? Before dismissing that as fantastic, one should remember all the creative ways in which students have always played by the rules while playing the rules.

That this new “definition” of “gender identity” opens the (locker room) door to this kind of sexually perverse environment in our nation’s schools is made clear by the section on **Restrooms and Locker Rooms** which reads:

A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.

So, it’s discrimination to tell the three-tenths of one percent (by the most liberal estimation) of students who “identify” as “transgender” to use an “individual-user” facility because that would single that student out. However, it’s perfectly alright to tell a young girl — who will certainly be labeled as “trans-phobic” and a “bigot” — that she may use the “individual-user” facility if she does not want to undress or shower in the presence of a boy whose “gender identity” is female.

One of the comments on Lt. Governor Forest’s Facebook post illustrates that final point. The commenter wrote, “My 12 year old daughter just said, ‘They are trying to get bullying stopped in the schools, but how can they do that when even the President is a bully?’ Such words of wisdom from a child!” This post, which related the opinion of a 12-year-old-child, garnered both favorable and unfavorable responses, the latter category including: “Please have your child turn off fox news and join the real world”; and “Your daughter is an idiot.” I mention this because it is a foregone conclusion that the negativity toward a child who disagrees with the administration’s transgender policy would not be limited to the Internet. Surely, if some adults feel this way toward the child, then some of the girl’s peers would have similar feelings toward her should she ask not to undress or shower in the presence of a boy whose “gender identity” is female. In fact, if the negative online comments are illustrative of the treatment the 12-year-old girl can expect from adults, then it requires little to imagine the treatment other children could put forth — which is the very point the girl was making.

Since the Obama directive threatened federal funding of schools that do not accept his incredible interpretation of the word “sex” in the law to mean “gender identity,” this writer previously said:

Because all public schools are dependent on federal monies (and those monies always come with strings attached), it is highly unlikely that many schools will resist the president’s dictates. If this new “guidance” does not convince those conservative Christians who still have their children in the



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public school system to take them out and either put them in private schools or homeschool them, nothing probably will.

While validating the sentiments in the second part of the above excerpt, North Carolina and Texas have proved this writer happily wrong on the first part. It is a rare occasion when a writer is glad not only to have been wrong, but to have been shown to be so. This is one of those occasions.

Texas Lieutenant Governor Dan Patrick was also quick to the draw addressing this issue. In a press conference Friday morning, he addressed the letter and its threat of withholding federal funds. "This will be the end of public education — if this prevails," he told the assembled press, adding, "People will pull their kids out. Homeschooling will explode. Private schools will increase. School choice will pass."

As to Obama's threat to take away federal funding (which, constitutionally, should not exist in the first place), Patrick said, "We will not be blackmailed by the president's 30 pieces of silver," adding that the Lone Star State could make up for the funding. He also noted that the lion's share of those federal dollars are allocated to free and reduced meal plans for the "poorest of the poor" students and that that is who Obama is threatening to take this money from.

Patrick made it clear that the state is directing school administrators to disregard the Obama directive. "Let the parents decide," he said, adding, "It's up to each school" to make accommodations such as separate bathrooms for those students who "identify" as "transgender" and that those schools are able to make those accommodations. "We can accommodate — like we do with all kinds of students with all kinds of issues — kids have issues when they come to school and schools have a tough job accommodating them. But they do."

White House spokesman Josh Earnest responded to Patrick's reasoned arguments by comparing them to the rantings of a "right-wing radio host." There, again, is the typical response of those who favor federal overreach into the areas not delegated in the Constitution to the federal government: Reasoned arguments are met with dismissive insults.

North Carolina's lieutenant governor made the case in his statement that school policies — including those related to restrooms, locker rooms, and showers — are, at the most, state issues:

The President needs a reminder that the United States Constitution grants education decision authority to the states and localities not to the President of the United States. Our current state policy protects our children by maintaining bathrooms and restrooms consistent with the biological sex of the child and already gives schools, should special circumstances arise, the freedom to grant private single stall – single shower bathroom accommodations to individuals who might not otherwise be comfortable using the bathroom of their biological sex or a bathroom shared with other people. This is the only reasonable response to the situation that exists today. Opening all showers and all restrooms to all sexes at all times as the President is suggesting, is not a reasonable solution, but an invitation for violations of privacy and personal safety.

He also made it clear that North Carolina's law (HB2) is "binding" and is not set aside by the Obama's administration's hollow directive:

North Carolina public schools in receipt of the President's letter are reminded that there is a binding state law on the books governing bathroom policy and the President's non-binding directive is merely his attempt to push his version of a social policy on our state with no Constitutional authority to do so. It should be rejected as a matter of principle and policy.



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As the Transgender Wars continue, those advocating for giving transgender students full access to the restrooms and locker rooms of the opposite sex may soon find that this is a bridge too far for many Americans. At least North Carolinians and Texans have principled leaders who will confront this for what it is: an unconstitutional, illegitimate overreach by a federal government which appears to have finally lost its mind altogether.



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