



Written by [James Murphy](#) on July 5, 2024

Kansas Judge Issues Injunction Halting Title IX Changes

On Tuesday, a federal judge in Topeka, Kansas, blocked new Biden administration rules on Title IX which would have greatly expanded transgender ideology in schools. U.S. District Judge John Broomes cited the recent Supreme Court [decision](#) of *Loper Bright Enterprises v. Raimondo*, which overturned the decades-old precedent known as *Chevron*.

For decades, the administrative state has used *Chevron* to effectively create new law when Congress has been ambiguous about certain aspects of the law. Or, as Broome put it, “Under the *Chevron* doctrine, courts have sometimes been required to defer to “permissible” agency interpretations of the statutes those agencies administer — even when a reviewing court reads the statute differently.”

The Ruling

Broomes found that the Department of Education’s new Title IX rule that includes so-called gender identity as sex is unlikely to win in court on its merits.

“The court finds that plaintiffs are likely to prevail on their claims that the final rule is contrary to law and exceeds statutory authority,” Judge Broomes, a Trump appointee, said. “The final rule is an unconstitutional exercise of legislative power under the spending clause, the final rule violates the First Amendment and the final rule is arbitrary and capricious.”

“The Department of Education’s reinterpretation of Title IX to place gender identity on equal footing with (or in some instances arguably stronger footing than) biological sex would subvert Congress’ goals of protecting biological women in education,” Broomes said in his order. “The Final Rule would, among other things, require schools to subordinate the fears, concerns, and privacy interests of biological women to the desires of transgender biological men to shower, dress, and share restroom facilities with their female peers.”

Plaintiff attorneys argued that the Biden administration’s new definition of Title IX protections would have invalidated state laws against biological males competing in female sports and would have allowed those same males in female locker rooms.

“It means girls will be forced to undress in locker rooms and share hotel rooms with boys on overnight school trips, teachers and students will have to refrain from speaking truthfully about biological sex, and girls will lose their right to fair competition in sports,” said Alliance Defending Freedom Legal Counsel Rachel Rouleau prior to Broome’s ruling. “The [Biden] administration continues to ignore biological reality, science, and commonsense, and women and girls, including our brave clients in this case, are suffering as a result.”



AP Images
John Broomes



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Opposition to the Ruling

Representative Alexandria Ocasio Cortez (D-N.Y.) [vowed](#) to file charges of impeachment against unspecified members of the Supreme Court over the ruling.

The Kansas ACLU claimed that the plaintiff's interpretation of the new rule, particularly Kansas Attorney General Kris Kobach, who argued the case for plaintiffs, was faulty.

"The U.S. Department of Education's rules require that schools guarantee that all students, including survivors of sexual harassment, LGBTQ students, and pregnant and parenting students, have full and equal access to educational opportunities regardless of sex," said Kansas ACLU's Micah Kubic. They also claimed that Kobach had an ulterior motive for arguing the case.

"To Mr. Kobach, the issuance of the rule is an opportunity to advance his extreme agenda — but for Kansans who face sexual harassment and violence, this is about protecting their right to be safe in leaving their rooms, going to class, or getting help they need," Kubic said.

Proponents of the Ruling

But ultimately, Broome agreed with Rouleau and Kobach: "Given ... the evidence before the court, it is not hard to imagine that, under the [Department of Education]Final Rule, an industrious older teenage boy may simply claim to identify as a female to gain access to the girls' showers, dressing rooms, or locker rooms so that he can observe his female peers disrobe and shower."

Kobach [hailed](#) the ruling.

"We have had many wins in court, but to me, this is the biggest one yet," Kobach said. "It protects girls and women across the country from having their privacy rights and safety violated in bathrooms and locker rooms and from having their freedom of speech violated if they say there are only two sexes."

While courts have ceased citing *Chevron* in interpretation of the law since 2016, the Biden administration and the Deep State has continued to rely upon it in making rules. And that's why the *Loper* ruling has incensed some people. Congress can no longer rely on friendly courts and government agencies to broadly interpret laws to their liking.



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