

From: Patel, Swati <SwatiPatel@gov.sc.gov>  
To: Schimsa, RebeccaRebeccaSchimsa@gov.sc.gov  
CC: Pisarik, HollyHollyPisarik@gov.sc.gov  
Date: 5/26/2016 8:46:45 PM  
Subject: Re: Texas v. US (transgender lawsuit)

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Thanks. Please include in the next staff notes.

Sent from my iPhone

On May 26, 2016, at 1:07 PM, Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov> wrote:

Swati – Please let us know if you need anything else. If you would like, we can also include a short summary in the ISU.

Yesterday, 10 Attorneys General and one Governor (ME) filed a lawsuit against the federal government for administrative actions since 2010 that attempt to include transgender status in the protections against discrimination based on sex in Titles VII (civil rights) and Title IX (education).

The suit was brought against U.S. DOEd, DOJ, EEOC, DOL, and OSHA under the APA alleging that the Obama Administration has rewritten provisions of Title VII and Title IX to include “gender identity” or the “internal sense of gender” as part of protections based upon “sex” but did not comply with the federal rule making process and are unconstitutional under Amendments X and XIV. Title VII of the Civil Rights Act prohibits discrimination based upon race, color, religion, sex, or national origin, and Title IX of the education acts prohibits discrimination on the basis of sex in federally funded education programs and activities.

The allegations include administrative actions dating from 2011 to present:

- 2010 – DOEd issued a letter asserting that Title IX protects transgender and LGBT students.
- 2014 – OCR stated that Title IX protections extend to claims based on gender identity.
- 2014 – US AG Eric Holder issued a memo concluding that Title VII encompasses transgender status.
- 2015 – OSHA published guidance to employers for restroom access for transgender workers.
- 2016 – EEOC issued a fact sheet in response to NC H.B.2 declaring that Title VII extends to gender identity.

Plaintiffs:

1. TX – Attorney General and one school district
2. AZ – Attorney General and one school district
3. AL – Attorney General
4. WI – Attorney General
5. WV – Attorney General
6. TN – Attorney General
7. OK – Attorney General
8. LA – Attorney General
9. UT – Attorney General
10. GA – Attorney General
11. ME – Governor

The complaint can be viewed here: [https://www.washingtonpost.com/apps/g/page/politics/lawsuit-challenging-obamas-guidance-on-transgender-facilities-in-schools/2040/?tid=a\\_inl](https://www.washingtonpost.com/apps/g/page/politics/lawsuit-challenging-obamas-guidance-on-transgender-facilities-in-schools/2040/?tid=a_inl)

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