

**Carr, Peter (OPA)**

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**From:** Carr, Peter (OPA)  
**Sent:** Monday, February 13, 2017 12:58 PM  
**To:** Love, Kelly A. EOP/WHO  
**Subject:** RE: Comment on recent court filing?  
**Attachments:** 2017-02-10 - notice of withdrawal of partial stay motion, and joint moti....pdf

For now, all we have been doing is declining to comment beyond the court filing, which is attached. Note two things:

- The government withdrew its motion for a partial stay pending appeal – unlike some reports over the weekend, we did not withdraw the underlying appeal.
- We are considering how best to proceed with the appeal.

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**From:** Love, Kelly A. EOP/WHO (b) (6)  
**Sent:** Monday, February 13, 2017 12:47 PM  
**To:** Carr, Peter (OPA) <Peter.Carr@usdoj.gov>  
**Subject:** RE: Comment on recent court filing?

Hi Peter,  
How have you been responding to this below?  
Thanks,  
Kelly

**From:** German Lopez [<mailto:german.lopez@vox.com>]  
**Sent:** Monday, February 13, 2017 10:20 AM  
**To:** Sanders, Sarah H. EOP/WHO (b) (6); Grisham, Stephanie A. EOP/WHO (b) (6); Love, Kelly A. EOP/WHO (b) (6)  
**Subject:** Comment on recent court filing?

Hello:

I was hoping to get comment on this story: [https://www.buzzfeed.com/chrisgeidner/justice-department-takes-a-step-back-from-effort-to-protect?utm\\_term=.vcExvyg9xy#.vkWal51Ea5](https://www.buzzfeed.com/chrisgeidner/justice-department-takes-a-step-back-from-effort-to-protect?utm_term=.vcExvyg9xy#.vkWal51Ea5)

Is the administration prepared to abandon this case over transgender rights in court? Does it have plans to more officially rescind the guidance on trans students in schools?

Thanks,  
German

German Lopez  
Staff Writer | [@germanlopez](#)

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[The Verge](#), [Polygon](#), [Recode](#), [Eater](#), [Curbed](#), and [Racked](#)

Watch: [Vox's Ezra Klein and Sarah Kliff interview President Obama](#)

**Abueg, Mark (OPA)**

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**From:** Abueg, Mark (OPA)  
**Sent:** Tuesday, February 21, 2017 11:11 AM  
**To:** Simons, Shaheena (CRT)  
**Cc:** Bond, Rebecca (CRT)  
**Subject:** RE: Transgender guidance

Shaheena,

Thanks for letting me know. I actually spoke with him last night about the same thing. Will decline to comment again if he follows up.

Best,

Mark

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**From:** Simons, Shaheena (CRT)  
**Sent:** Tuesday, February 21, 2017 11:10 AM  
**To:** Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>  
**Cc:** Bond, Rebecca (CRT) <Rebecca.Bond@crt.usdoj.gov>  
**Subject:** Transgender guidance

Mark – one of my staff got a cold call from an AP reporter (Jeff Tucker, I think) about the transgender students DCL. She gave him OPA's number.

**Barnes, Robert**

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**From:** Barnes, Robert  
**Sent:** Wednesday, February 22, 2017 1:13 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Gloucester

Hi Peter: I would imagine when something changes re guidance on transgender students, the department or SG will send some sort of notification to the Supreme Court. Could you make sure I'm on the receiving list for a copy?

Thanks very much,

Bob

Robert Barnes  
Supreme Court correspondent  
The Washington Post  
202 334-5633 office  
(b) (6) cell  
[robert.barnes@washpost.com](mailto:robert.barnes@washpost.com)  
on Twitter: @scotusreporter



**Mallonee, Mary Kay**

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**From:** Mallonee, Mary Kay  
**Sent:** Wednesday, February 22, 2017 1:48 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: WH says transgender bathroom guidance out today

Will watch for your email with the guidance letter. Thank you!

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**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 1:46 PM  
**To:** Mallonee, Mary Kay <Marykay.Mallonee@cnn.com>  
**Subject:** RE: WH says transgender bathroom guidance out today

Correct

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**From:** Mallonee, Mary Kay [mailto:Marykay.Mallonee@cnn.com]  
**Sent:** Wednesday, February 22, 2017 1:43 PM  
**To:** Carr, Peter (OPA) <Peter.Carr@usdoj.gov>  
**Subject:** Re: WH says transgender bathroom guidance out today

Ok, so sometime later today.

Thank you Peter!

You will be emailing it out as soon as it's avail later today?

On Feb 22, 2017, at 1:41 PM, Carr, Peter (OPA) <Peter.Carr@usdoj.gov> wrote:

Thanks. As guidance, confirmed the timing is accurate.

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**From:** Mallonee, Mary Kay [mailto:Marykay.Mallonee@cnn.com]  
**Sent:** Wednesday, February 22, 2017 1:26 PM  
**To:** Carr, Peter (OPA) <Peter.Carr@usdoj.gov>  
**Subject:** FW: WH says transgender bathroom guidance out today

This is what Spicer just said

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**From:** Brusk, Steve  
**Sent:** Wednesday, February 22, 2017 1:24 PM  
**To:** \*CNN Political Plus (TBS) <CNNPoliticalPlusTBS@turner.com>  
**Subject:** WH says transgender bathroom guidance out today

From Kevin Liptak

Sean Spicer says guidance from the federal government to schools on transgender bathroom use is expected later today.

He cast the issue as a matter of states' rights, saying President Trump has long said the issue wasn't for the federal government to arbitrate.

He downplayed reports that members of the administration disagreed on the matter, saying there's been discussions on the timing and wording of the guidance, but that "there's no daylight between anybody, between the president and any of the secretaries."

He later added that Education Secretary Betsy DeVos was behind the plan "100 percent."

**VERBATE:**

13:02:07 I would expect further guidance to come out on that today. The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

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Kevin Liptak

CNN White House Producer

(b) (6) (c)

202-898-7666 (o)



**Carr, Peter (OPA)**

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**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 1:49 PM  
**To:** Johnson, Kevin  
**Subject:** RE: Good morning.

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today**. The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

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**From:** Johnson, Kevin [<mailto:kjohnson@usatoday.com>]  
**Sent:** Wednesday, February 22, 2017 10:33 AM  
**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** RE: Good morning.

Thanks.

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**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Wednesday, February 22, 2017 10:31 AM  
**To:** Johnson, Kevin <[kjohnson@usatoday.com](mailto:kjohnson@usatoday.com)>  
**Subject:** RE: Good morning.

As guidance, I know there is a strong desire here to inform the courts about our legal views on this issue as soon as possible. But I don't have any specific information on timing.

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**From:** Johnson, Kevin [<mailto:kjohnson@usatoday.com>]  
**Sent:** Wednesday, February 22, 2017 9:57 AM  
**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** Good morning.

Do you know when the guidance on transgender bathroom use arrives?

Do you know when the guidance on transgender bathroom use coming?

Thanks,  
Kevin

**Williams, Pete (NBCUniversal)**

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**From:** Williams, Pete (NBCUniversal)  
**Sent:** Wednesday, February 22, 2017 1:50 PM  
**To:** 'Carr, Peter (OPA)'  
**Subject:** RE: Transgender

Many thanks. We're all ears. I kinda wondered if there would be a filing in the 5<sup>th</sup> Circuit

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**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 1:49 PM  
**To:** Williams, Pete (NBCUniversal)  
**Subject:** Transgender

Pete,

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today.** The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

Thx,  
Peter



Gurman, Sadie

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**From:** Gurman, Sadie  
**Sent:** Wednesday, February 22, 2017 1:50 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: Transgender

Thank you immensely!

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**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 1:50 PM  
**To:** Tucker, Eric; Gurman, Sadie  
**Subject:** Transgender

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today**. The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

-Peter

**Abueg, Mark (OPA)**

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**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 1:58 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: Transgender

Thanks again.

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**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 1:55 PM  
**To:** Abueg, Mark (OPA) <mabueg@jmd.usdoj.gov>  
**Subject:** Transgender

Here is what I've been providing:

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today.** The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.



**Carr, Peter (OPA)**

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**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 2:08 PM  
**To:** Zapotosky, Matt  
**Subject:** Re: Transgender

No

On Feb 22, 2017, at 2:05 PM, Zapotosky, Matt <[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)> wrote:

Thanks, Peter. Any idea on the time?

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**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Wednesday, February 22, 2017 1:48 PM  
**To:** Zapotosky, Matt  
**Subject:** Transgender

Hey Matt,

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today**. The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

Best,  
Peter

**Navas, Nicole (OPA)**

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**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 2:41 PM  
**To:** Gibson, Jenna  
**Cc:** Abueg, Mark (OPA)  
**Subject:** RE: 2p today

No, I'm pushing out Tax related announcements. I am not in the office tomorrow. Feel free to come by now or at 4:30 pm. Please let me know what you prefer and I will alert the Visitor's Center. Thank you and sorry for any inconvenience

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)  
202-514-1155 (office)  
(b) (6) (cell)  
[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)

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**From:** Gibson, Jenna [mailto:[GibsonJ@cbsnews.com](mailto:GibsonJ@cbsnews.com)]  
**Sent:** Wednesday, February 22, 2017 2:34 PM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Cc:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** Re: 2p today

No problem at all. I'm assuming the news is about transgender bathrooms?  
I have a 330p meeting but am here tomorrow. Would you want to reschedule with you and Peter for then? Otherwise, I could come by after 430p today.

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**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 2:31 PM  
**To:** Gibson, Jenna  
**Cc:** Abueg, Mark (OPA)  
**Subject:** RE: 2p today

So sorry. This was not anticipated and would've scheduled different time. I need 20 more min. Would you prefer to come to DOJ's Visitor's Center (on Constitution btw 9 and 10 sts) and Mark, cc'd, or I will come and get you?

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)  
202-514-1155 (office)  
(b) (6) (cell)  
[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)

**From:** Gibson, Jenna [<mailto:GibsonJ@cbsnews.com>]  
**Sent:** Wednesday, February 22, 2017 2:25 PM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Subject:** Re: 2p today

Hey there-

I know you're busy. Just wanted to get a sense of your timing. Thanks!

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**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 1:52 PM  
**To:** Carr, Peter (OPA); Gibson, Jenna  
**Subject:** RE: 2p today

Hi Jenna,

I would be happy to meet with you. I am just running late because in the middle of finalizing two press releases to push out. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)  
202-514-1155 (office)  
(b) (6) (cell)  
[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)

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**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 1:44 PM  
**To:** Gibson, Jenna <[GibsonJ@cbsnews.com](mailto:GibsonJ@cbsnews.com)>; Navas, Nicole (OPA) <[nnavas@jmd.usdoj.gov](mailto:nnavas@jmd.usdoj.gov)>  
**Subject:** RE: 2p today

I'm so sorry, but I've been called into a meeting and can't meet at 2pm. My colleague Nicole Navas has agreed to come and meet with you in my place. I've copied her on this email.

Thx,  
Peter

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**From:** Gibson, Jenna [<mailto:GibsonJ@cbsnews.com>]  
**Sent:** Wednesday, February 22, 2017 1:01 PM  
**To:** Sen. Jeff Sessions <[peter.carr@usdoj.gov](mailto:peter.carr@usdoj.gov)>  
**Subject:** 2p today

Hi Peter-

Just reconfirming you're still available for coffee at 2p at Paul's today. Looking forward to it.

Jenna



**Schenck, Kristen W (JMD)**

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**From:** Schenck, Kristen W (JMD)  
**Sent:** Wednesday, February 22, 2017 3:04 PM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA); Dilworth, Stephanie (OPA)  
**Subject:** Christine Grimaldi w/ Rewire News

Please contact Christine is inquiring whether "President Trump is rescinding Obama-era guidance to schools barring discrimination against transgender students offering access to the restroom consistent with their gender identity" is final or not.

[Trump admin to rescind trans student protections](#)

**Christine Grimaldi**  
Rewire News  
[Grimaldi.christine@rewrite.news](mailto:Grimaldi.christine@rewrite.news)  
732-299-8876

Thank you,

**Kristen Schenck**  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202.353.7129 | Office  
(b) (6) | Cell



**Schenck, Kristen W (JMD)**

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**From:** Schenck, Kristen W (JMD)  
**Sent:** Wednesday, February 22, 2017 4:44 PM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA); Dilworth, Stephanie (OPA)  
**Subject:** Alexandra Vitali w/ NBC News

Mark,

Alexandra had called regarding the transgender student guidance.

**Alexandra Vitali**  
NBC News  
[Alexandra.Vitali@nbcuni.com](mailto:Alexandra.Vitali@nbcuni.com)  
202-494-7026

Thank you,

**Kristen Schenck**  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202.353.7129 | Office  
(b) (6) | Cell

**Lichtblau, Eric**

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**From:** Lichtblau, Eric  
**Sent:** Wednesday, February 22, 2017 4:52 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re:

ok, thanks. so much for spicer saying there'd be more today...

***Eric Lichtblau***

New York Times  
Washington Bureau  
Reporter

(202) 862-0306 (o)

(b) (6) (c)

On Wed, Feb 22, 2017 at 4:47 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Nothing new.

**From:** Lichtblau, Eric [mailto:[ericl@nytimes.com](mailto:ericl@nytimes.com)]  
**Sent:** Wednesday, February 22, 2017 4:47 PM  
**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:**

any update on transgender policy?

***Eric Lichtblau***

New York Times  
Washington Bureau  
Reporter

(202) 862-0306 (o)

(b) (6) (c)

## Abueg, Mark (OPA)

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**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 5:30 PM  
**To:** Christine Grimaldi  
**Subject:** RE: Press inquiry

Hi, Christine.

Thanks for your message. For guidance, the plan is still for something to come out on the matter. Just don't have definite timing yet.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

**From:** Christine Grimaldi [mailto:[grimaldi.christine@rewire.news](mailto:grimaldi.christine@rewire.news)]  
**Sent:** Wednesday, February 22, 2017 4:59 PM  
**To:** Mark.Abueg@usdoj.gov  
**Subject:** Press inquiry

Hi Mark,

Christine Grimaldi here from *Rewire*. I called earlier this afternoon and again just now to ask if DOJ has any guidance, even off the record/for planning purposes, about whether the guidance related to transgender students will still come out today or if we can expect to see it tomorrow/Friday.

Appreciate your guidance here.

Thanks so much,  
Christine

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**CHRISTINE GRIMALDI**  
Federal Policy Reporter  
Rewire  
[grimaldi.christine@rewire.news](mailto:grimaldi.christine@rewire.news)  
[@chgrimaldi](#) | [732.299.8876](tel:732.299.8876)

## Caitlin Emma

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**From:** Caitlin Emma  
**Sent:** Wednesday, February 22, 2017 5:33 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** RE: Title IX guidance

Okay, thank you. Is there a chance that it's not coming tonight or not coming at all?

Or should we still expect something?

Caitlin Emma  
Education reporter  
POLITICO  
@caitlinzemma

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**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 5:29 PM  
**To:** Caitlin Emma <CEmma@politico.com>  
**Subject:** RE: Title IX guidance

Sorry...still nothing.

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**From:** Caitlin Emma [mailto:CEmma@politico.com]  
**Sent:** Wednesday, February 22, 2017 4:02 PM  
**To:** Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov>  
**Subject:** RE: Title IX guidance

Hey Mark, any update on when this will be released?

Caitlin Emma  
Education reporter  
POLITICO  
@caitlinzemma

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 11:42 AM  
**To:** Caitlin Emma <CEmma@politico.com>  
**Subject:** RE: Title IX guidance

Hi, Caitlin.

Thanks for checking. DOJ is still declining to comment.

Best,

Mark

---

**From:** Caitlin Emma [mailto:CEmma@politico.com]  
**Sent:** Wednesday, February 22, 2017 11:39 AM

**To:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** RE: Title IX guidance

Hi Mark,

Following up again on this Cabinet fight seemingly sparked by the decision to rescind the guidance. Is DOJ commenting?

Caitlin Emma  
Education reporter  
POLITICO  
[@caitlinzemma](https://twitter.com/caitlinzemma)

---

**From:** Abueg, Mark (OPA) [<mailto:Mark.Abueg@usdoj.gov>]  
**Sent:** Monday, February 20, 2017 9:41 PM  
**To:** Caitlin Emma <[CEmma@politico.com](mailto:CEmma@politico.com)>  
**Subject:** RE: Title IX guidance

Caitlin,

Thank you for your inquiry.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

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**From:** Caitlin Emma [<mailto:CEmma@politico.com>]  
**Sent:** Monday, February 20, 2017 8:53 PM  
**To:** [Press@usdoj.gov](mailto:Press@usdoj.gov)  
**Subject:** Title IX guidance

Hello,

I've heard from sources that the Trump administration is going to rescind Obama-era Title IX guidance on transgender students soon, possibly as early as tomorrow.

I'm seeking confirmation of this tip and comment from the agency.

Thank you,

Caitlin Emma  
Education reporter



**POLITICO**

Desk: (703)842-1739

Cell: (b) (6)

[@caitlinzemma](#)

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**Schenck, Kristen W (JMD)**

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**From:** Schenck, Kristen W (JMD)  
**Sent:** Wednesday, February 22, 2017 5:41 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** Jacob Murray w/ PBS NewsHour  
**Importance:** High

Mark,

Please call Murray regarding an update on the transgender guidelines. He will be hoping on a plane soon!

**Jacob Murray**

PBS NewsHour

202-257-2696

Thank you,

**Kristen Schenck**

Office of Public Affairs

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

202.353.7129 | Office

(b) (6) | Cell

**Mallonee, Mary Kay**

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**From:** Mallonee, Mary Kay  
**Sent:** Wednesday, February 22, 2017 5:47 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: Any ETA?

OK, thank you!

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 5:45 PM  
**To:** Mallonee, Mary Kay <Marykay.Mallonee@cnn.com>  
**Subject:** Re: Any ETA?

I don't have any information yet. Will let you know.

On Feb 22, 2017, at 5:40 PM, Mallonee, Mary Kay <[Marykay.Mallonee@cnn.com](mailto:Marykay.Mallonee@cnn.com)> wrote:

Hi Peter, truly sorry to bother! Any guidance you can give me at all on ETA of bathroom guidance?  
And will you be sending out the actual guidance letter? Our White House team says they were told a statement will be issued soon, but wondering (in addition to ETA) will the release also include the actual letter to schools? I think I understood you to mean it would – but just double checking.

Thank you!

Mary Kay

Mary Kay Mallonee  
**CNN** Senior Justice Producer  
(202) 779-2505  
[marykay.mallonee@cnn.com](mailto:marykay.mallonee@cnn.com)  
<image001.jpg>

**Carr, Peter (OPA)**

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**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 6:00 PM  
**To:** Gurman, Sadie  
**Subject:** Re: Transgender

Yes

On Feb 22, 2017, at 5:59 PM, Gurman, Sadie <[SGurman@ap.org](mailto:SGurman@ap.org)> wrote:

Still thinking this is likely? I appreciate any update you can provide!

---

**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Wednesday, February 22, 2017 1:50 PM  
**To:** Tucker, Eric; Gurman, Sadie  
**Subject:** Transgender

Saw that Sean Spicer said the following:

13:02:07 **I would expect further guidance to come out on that today**. The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

-Peter

**Press**

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**From:** Press  
**Sent:** Wednesday, February 22, 2017 6:09 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** FW: PBS NewsHour inquiry for Marc

-----Original Message-----

From: Murrey Jacobson [mailto:MJacobson@newshour.org]  
Sent: Wednesday, February 22, 2017 6:04 PM  
To: press@usdoj.gov  
Subject: PBS NewsHour inquiry for Marc

Can I get a callback about the transgender letter please? We are going to air soon.

202-257-2696.

Murrey Jacobson  
Sr. Producer, National Affairs  
PBS NewsHour

Sent from my iPhone



**Abueg, Mark (OPA)**

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**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 6:15 PM  
**To:** bpascual@efeamerica.com  
**Cc:** Dilworth, Stephanie (OPA)  
**Subject:** RE: Guidelines transgender

Bestriz,

Thanks for your email. For guidance, it'll come from DOJ.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** [bpascual@efeamerica.com](mailto:bpascual@efeamerica.com) [<mailto:bpascual@efeamerica.com>]  
**Sent:** Wednesday, February 22, 2017 5:49 PM  
**To:** Nicole (OPA) Navas <[nicole.navas@usdoj.gov](mailto:nicole.navas@usdoj.gov)>; Press <[press@usdoj.gov](mailto:press@usdoj.gov)>  
**Subject:** Guidelines transgender

Good afternoon,

I hope you are doing well.  
This is Bestriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!



## USDOJ-Office of Public Affairs (SMO)

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**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:06 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
**Bcc:** Carr, Peter (OPA); matthew.frendewey@ed.gov; Simotes, Jenna A. (OPA); Aguilar, Rita (OAAG); Amuluru, Uma (OAG); Avery, Charles W (JMD); Bies, John (OLC); Boente, Dana (ODAG); Boyle, Brian (DEA); Bracey, Kali N. (CIV); Branda, Joyce (CIV); Brandenberger, Mary (COPS); Brantley, Bill (OJP); Bruck, Andrew J. (ODAG); Burton, Faith (OLA); Cadogan, James (OAG); Carlos Uriarte (DAG); Carrier, Tim (USANAC); Carter, Cyntoria (JMD); Casey, Christopher (OAAG); Chandler, Adam D. (OPA); Chilakamarri, Varudhini (ENRD); Chuck Wagner; Conley, Danielle (ODAG); Cox, James (OAG); CRM News Clips; Crowell, James (ODAG); Crowell, James (USAMD); Cutrona, Danielle (OAG); Elias, John (OAAG); Gamble, Nathaniel (ODAG); Gauhar, Tashina (ODAG); Gebremariam, Helam (ODAG); Guzman, Javier M. (OAAG); Henderson, Charles V (ODAG); Hilliard, Everett R (SEPS); Hirsch, Sam (ENRD); Hodge, Jennifer; Hunt, Jody (OAG); Jackson, Theron T. (ATF); Jacobs, Joanna (ODR); JCC (JMD); Jenkins, Mark A (NSD); Johnson, Joanne E. (OLA); Jones, Lisa E. (ENRD); Kadzik, Peter J (OLA); Kurren, Amy M. (OAAG); Lan, Iris (ODAG); LaRocca, Joan (OJP); Lash, Karen (A2J); Limprecht, Jane (USTP); Long, Shannon (COPS); Lucas, Daniel (JMD); Lynch, Michael K. (JMD); MacLeod, Lisa (JMD); Macy, Creighton (ATR); Mathers, Amy A (JMD); McCarthy, Kara (OJP); McCord, Mary (NSD); McGowan, Sharon (CRT); Mizer, Benjamin C. (CIV); Nichols, Matthew (JMD); OLA (JMD); Olin, Jonathan F. (CIV); Ostrowsky, Jon (CRT); Panuccio, Jesse (OASG); Parker, Rachel (OASG); Powell, SeLena Y (ODAG); Prober, Raphael (ODAG); Ratliff, Gerri L. (CRS); (b) (6); Rybicki, David (OAG); Santangelo, Mari (JMD); Scarlett, Philippa (OASG); Schreiber, Jayne (OAG); Shackelford, Kelly (NSD); Shannon Munro (OLA); Solley, Patricia (FBI); Taylor, Will (OPATTY); Terwilliger, Zachary (ODAG); Terwilliger, Zachary (USAVAE); Thiemann, Robyn (OLP); Toscas, George (NSD); Tucker, Rachael (OAG); Wagner, Chuck (OJP); Washington, Gary D (JMD); Washington, Tracy T (OAG); White, Clifford (EOUST); Williams, Linda Fitzgerald (JMD); Wilson, Cheryl (CRT); Wilson, Karen L (OLA); Donald Peter; FBI National Press Office; FBI office; Grover, Monica L. (DO) (FBI); Harrison, Tamara R. (DO) (FBI); Jerusalem, Sheila (OJP); NSDwebmaster; OIPL (SMO); Price, Ned (NSC Public Affairs); Sellers, Donna (USMS); Wade, Drew J. (USMS); Bohn, Kevin (CNN); Hsu, Spencer (Washington Post); Kosnar, Michael (NBC); Shiffman, John (Reuters); Taylor, Marisa (McClatchy); Anderson, Joanna (CQ Roll Call); Apuzzo, Matt (NYTimes); Ballou, Jeffrey (Al Jazeera English); Betsy Woodruff; Biesecker, Michael (AP); Bloomberg - General Releases; Blum, Justin (Bloomberg); Brown, Pamela (CNN); Bruer, Wesley; Brune, Tom (Newsday); Bulletin News (Clips Service); Capra, Tony (NBC); Charlie Savage (NY Times); Cooper, Josh (CBS); CSPAN DC Editor; Date, Jack (ABC Producer); Dean, Matt (Fox News); Devlin Barrett; Doyle, Michael; Drinkard, Jim (AP); Dunsmuir, Lindsay (Reuters); Dyer, Lois (CBS); Edwards, Julia (Reuters); Faries, Bill (Bloomberg); Gaynor, Joshua (CNN); Gerstein, Josh (Politico); Gerstein, Josh (Politico); Gibson, Jake (Fox News); Gramlich, John (CQ); Harte, Julia (Reuters); Horwitz, Sari (Washington Post); Hurley, Lawrence (Reuters); Ingram, Dave (Reuters); Johns, Joe (CNN); Johnson, Carrie (NPR); Johnson, Kevin (USA Today); Juliana Monsalve (Telemundo); Karen Freifeld;



Jamison, Kevin (WP); Jones, Sandra (Bloomberg); Kathryn Wolfe; Kendall, Brent (Dow Jones); Leinwand, Donna (USA Today); Levine, Mike (ABC); Lichtblau, Eric (NY Times); Liebert, Larry (Bloomberg); Mallonee, Mary Kay (CNN); Markon, Jerry (WP); McLaughlin, David (Bloomberg); Nobel, Andrea (Washington Times); O'Keefe, Ed (WP - Federal Eye); Perez, Evan (CNN); Prokupecz, Shimon (CNN); Reid, Paula (CBS); Reilly, Ryan (Huffington Post); Reuters Washington Bureau; Riddell, Kelly (Washington Times); Riley, Michael (Bloomberg); Rivas-Vasquez, Victoria (NBC Universal); Ross, Lee (FOX); Ruf, Renzo; Sadie Gurman; Sarah Karlin Smith (Politico); Sarah Tully (Bloomberg); Sargent, Greg; Scarcella, Michael (Legal Times / NLJ); Schoenberg, Tom (Bloomberg); Shane, Scott (NYT); Simpson, Ian (Reuters); Soltermann, Beat (Swiss Radio SRF); Strohm, Chris (Bloomberg); Summers, Patrick (Fox - backup for Mike Levine); Taylor, Audrey (ABC); Thomas, Pierre (ABC); Tomlinson, Lucas (Fox News); Triay, Andy (CBS News); Tucker, Eric (AP); Univision; Viswanatha, Aruna (WSJ); Wilber, Del (LA Times); Wilde, Winston (NBC); William Rashbaum; Williams, Pete (NBC); Zapotosky, Matt (Washington Post); Abueg, Mark (OPA); Acker, Maria (OPA); Bockhorn, Lee F. (OPA); Creighton, Kelly M (OPA); Dilworth, Stephanie (OPA); Hornbuckle, Wyn (OPA); Keshwani, Sonya (OPA); McGowan, Ashley L. (OPA); Navas, Nicole (OPA); Raimondi, Marc (OPA); Schenck, Kristen W (JMD); Blanco, Dena (USANH); Nellin McIntosh (EDNY); Rachel Scherle (USAIAS); USAEO-News Briefing (USA); Adams-Falconer, Thomas;

(b) (6); Brundage, Amy; Dominique Mann; Escobar, Felicia; Foster, Heather; Inouye, Shin (Director of Special Media); Keith Maley; Lee, Jesse; Media Affairs; Racusen, Rachel; Schultz, Eric; Tiller, Jeff; Wall, Anne; Walsh, James; Whisenant, Addie; Arnold, Larry (Bloomberg); Asseo, Laurie (Bloomberg); Bourg, Jim (Reuters); Diaz, Jose (Reforma); Elswich, John (AP); Hartson, Merrill (AP); Kang, Hyongwon (Reuters); Montgomery, Lori (Wash Post); Riley, Jim (NY Newsday); Rosenberg, Carol (Miami Herald); Stohr, Greg (Bloomberg); Wilson, John (AP); Adam Dobrik; Alex Byers (Politico); Alex Pappas (Washington Examiner); Ali Dukakis (ABC); Anderson, Mark (Dow Jones); Andrew Keshner; Andrew Harris (Bloomberg); AP Planner (Associated Press); Ari Melber; Assam, Cecelia (BNA); Barrett, Devlin (WSJ); Beatriz Pascual Macias; Bell, Stuart (National Post -Canada); Carrie Feibel; Catherine Treyz (CNN); Cheryl Corley (NPR); Corder, Chris (UPI); Dai Kaneko; Dareh Gregorian; Decker, Susan (Bloomberg); Eastland, Terry (Weekly Standard); Eckert, Toby (Politico); Eggen, Dan (Wash Post); Ellen Nakashima; Ensign, Rachel (WSJ); Freedman, Dan (Hearst); Freeze, Collin (The Globe and Mail); Frosh, Ariane (OAG); Geidner, Chris (Buzz Feed); Gina Chon (reuters); Goldfarb, Zachary (WP - Corporate Crimes); Holland, Jesse (AP); Hosenball, Mark (Reuters); Jensen, Kristen (Bloomberg); Josh Saul (Newsweek); Kate O'Keefe (WSJ); Kathleen Reuschle; Kathryn O'Keefe; Keith Perine (Bloomberg); Kellman, Laurie (AP); Kristen Welker (NBC); KSDK; KTVI News; Laura Jarrett (CNN); Laura Rozen; Letitia Stein; Lisa Schencker (Chicago Tribune); Mark Berman; Mike Isikoff (Yahoo News); O'Harrow, Robert (Wash Post); O'Reilly, Cary (Bloomberg); Palazzolo, Joe (Dow Jones); Partlow, Wayne (AP); Patrick Rodenbush (WHO); Patrick Terpstra; Rebecca Shabad; Reuters; Rob Barry; Roger Hamilton Martin; Sarah Lynch; Schouten, Fredrica (USA Today); Schweiger, Ellen (CSPAN); Sebastien Blanc; Shin Inouye; Shinichi Inouye; Simpson, Shelly (ABC 7 - DC); Singer, Paul (Roll Call); Stein, Sam (Huffington Post); Sydney Kashiwagi; Thompson, Cheryl (Wash Post); Tom Sweeney; Toyohiro Horikoshi; Valeria Fernandez (CNN Spanish); Varias, Stelios (Reuters); Walton, Don (Lincoln, NE Journal Star); Wesley Lowery; WNYC (NPR); Youngstrom, Nina (AIS)



Healthcare); Andriotis, AnnMaria (WSJ); Aronld, Justin (Yomiuri DC); Bennett, Brian (LA Times); Bentz, Leslie (CNN); Bliss, Jeff (Mlex); Bloomberg Calendar; Bocchetti, Mark (Mlex); Brooke Sngman (FOX); Burne, Katy (WSJ); Caranza, Peggy; Crampton, Liz (Mlex); Crowther, Phillip; Desjardins, Lisa (PBS); Dockery, Stephen (WSJ); Fitzpatrick, Joseph; Gentry, Robert (TV Asahi); Iati, Marisa (LB Research); Jacoby, Mary (LB Research); James Goodwin (OJP); Javers, Eamon (CNBC); Koerner, Claudia (BuzzFeed); Kopan, Tal (CNN); Kovensky, Josh (LB Research); Lane, Justin (EPA); Lurie, Jennifer (Mother Jones); Mann, James; Marshall, Miller; McCagg, David (NHK DC); McKelvey, Tara (BBC); Meminger, Dean (NYL News); Menn, Joesph (Reuters); Muskai, Michael (LA Times); Nysten, Leah (Mlex); Pegues, Jeff (CBS); Reyes, Samantha (CNN); Schectman, Joel (Reuters); Smith, Mitch (NY Times); Stallings, Michelle; Stefanie, Katharina (BBC); Suh, Sung Hee; Teinowitz, Ira; Tokar, Dylan (LB Research); Tomoko; Uceda, Claudia; Williams, Katie (The Hill)

**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



## Department of Justice

FOR IMMEDIATE RELEASE  
WEDNESDAY, FEBRUARY 22, 2017  
[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

AG  
(202) 514-2007  
TTY (866) 544-5309

### STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

###

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE  
CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.



**USDOJ-Office of Public Affairs (SMO)**

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**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:13 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
**Bcc:** Abueg, Mark (OPA); Carrie Johnson; Vitali, Alexandra (NBCUniversal); Caitlin Emma; Viswanatha, Aruna; Bazelon, Emily; Dominic Holden; alex.emmons@theintercept.com; bpascual@efeamerica.com; Gurman, Sadie; MJacobson@newshour.org  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

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17-214

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CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.



## USDOJ-Office of Public Affairs (SMO)

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:07 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
**Bcc:** Abueg, Mark (OPA); Bater, Jeff (Dow Jones); Blackstone, Brian (Dow Jones); Gordon, Greg (McClatchy); Hill, Richard (BNA); Lin, Betty (World Journal); Lipton, Eric (NY Times); Marshall, Kelly (CNN); McManamon, E. (Hearst); Molinares, Ione (CNN); Randall, Maya (Dow Jones); Ryntjes, Daniel (Feature Story News); Sullivan, Laura (NPR); Sweet, Lynn (Chicago Sun Times); Tapper, Jake (CNN); Wong, Alex (Getty Images); Yen, Hope (AP); Bernardini, Laura (CNN); Bonilla, Laura (AFP); Caruso-Cabrera, Michelle (CNBC); CSPAN; C-Span; Denniston, Lyle (SCOTUS Blog); Foreman, Dave (NBC); FOX 26 - Houston, Tx; FOX News; Gately, Gary (CS Journalism); Goudie, Chuck (ABC - Chicago); Green, JJ (WTOP Radio - Wash, DC); Hanneman, Kirk (Federal News Service); Jackman, Tom (WP); Julia Lurie; Kassraie, Aaron (KUNA); Kunzelman, Mike (AP); Lichtblau, Eric (NY Times); Local 6 WKMG; Merina, Dorian (SCPR); Muskal, Michael (LA Times); Nutting, R (Marketwatch); Overby, Peter (NPR); Richard Harleston; Rowley, Jim (Bloomberg); Schmidt, Rob (Bloomberg); Temple-Raston, Dina (NPR); Vartabedian, Ralph (LA Times); Voreacos, David (Bloomberg); Washington Day Book; Aarons, Tony (Bloomberg); Andrejczak, Matt (Marketwatch); Aoyama, Erina (NHK); Bennett, Johanna (Dow Jones); Bragale, Charlie (NBC); Bravin, Jess (WSJ); Cacas, Max (Fed News Radio); Carney, Dan (USAT); Cha, Ariana (Wash Post); Cook, Dave (Christian Science Monitor); Diab, Ahmed (Al Jazeera TV); Diamond, Phillis (BNA); Dienst, Jonathan (NBC); Doyle, Ken (BNA); Doyle, Ken (BNA); Dujardin, Peter (Hampton News); Fell, Jackie (Cox Media); German Press Agency; Girion, Lisa (LA Times); Glassman, Matt (NBC); Goya, Raghubir (India Globe); Hambach, Eva (AFP); Harriet McLeod (Reuters); Hey, Leslie (CSPAN); Jose A. Delgado (El Nuevo Dia); Keenan, Colleen (Lexis Nexis); KFYI News (News radio - Phoenix, AZ); Lenzie, Frank (Portland, OR News Radio); Markos, Cabret (The Bergen (NJ) Record); McCray, Rebecca (TakePart.com); Metro Networks; Perticone, Joseph (IReview); Salzman, Eric (NBC); Sanchez, Raf (Telegraph); Stackhouse, Nicholas (Federal News Service); Tami Abdollah (AP); Thomas, Amy (ABC); Wile, Robert (Fusion); Bender, William (Philadelphia Daily News); Boles, Corey (Dow Jones); Breen, Anne Marie (News 14 North Carolina); Butler, John (KMox CBS Radio St. Louis); DeYoung, Karen (WP); Eaton, Sabrina (Cleveland Plain Dealer); Alexis, Alexei (Bloomberg BNA); Allen, Mike (Politico); Anderson, Mark (Dow Jones); AP Daybook; Barron-Lopez, Laura (Huffington Post); Capomaccio, Anne-Marie (French Radio); Carney, Jordain (The Hill); Clayton, Cindy (Virginian-Pilot); Competition Law 360; Foreign Press Center (State Dept); Gonzales, Suzannah (Reuters); Hope, Leah (ABC); Jones, Joyce (BET); Kaleem, Jaweed (LA Times); Katherine Trafecante (CNN Money) (Katherine.Trafecante@turner.com); Kidd, Sally (WPBF ABC Florida); Kravets, David (Wired); Lopez, Juan Carlos (CNN); Martin, Gary (San Antonio Express-News); Matza, Max (BBC); Mcfeatters, A (Rocky Mountain News); Mochizuki, Mami (NHK Washington Bureau); Myers, Emily (National Association of AGs); Platt, Eric (Financial Times); Richards, Paul (AFP); Ruger, Todd (CQ Roll Call); Salt Lake Tribune; Tricchinelli, Rob (BNA); Vega, Tanzina (CNN Politics); Webb, Kayla (CO Roll Call); Wordock, Colleen (Sinclair Broadcast Group); Zacharek, D (WXYZ



(Fox News Tampa); Hirsch, Steven (American Broadcast Group); Kucharski, David (ABC Detroit); Abbott, Ryan (Courthouse News); AFP; Antonides, Scott (Tax Analysts); AP New Orleans; AP photo; Barnes, Peter (Fox); Bridis, Ted (AP); Bunce, Keith (Fox tv Tampa); CQ Daybook; Divito, Nick (Courthouse News); Dow Jones - Spot News; El-Sabawi, Yasmine (Kuwait News Agency); Forkin, Jim (CNBC); Fox News Tampa; Frank, Tom (USA Today); Gillman, Todd (Dallas Morning News); Guthrie, Savannah (NBC); Huff, Priscilla (Feature Story News); Hughes, Siobhan (Dow Jones); Jacobson, Murray (PBS Newshour); James, Christine (WATD-Boston); Jha Lalit (Indian Press); Kawakita, Shogo (Kyodo News); Koff, Stephen (Cleveland Plain Dealer); Linger, Jake (Courthouse News Service); LoGiurato, Brett; Marketwatch; New, William (Intellectual Property Watch); Reuters Washington, D.C.; Ruggiero, Ryan (CNBC Business Assignment Desk); Safi, Amor (State Dept); Schor, Elana (The Hill); Schroeder, Rob (MarketWatch); Singel, Ryan (Wired); Starks, Tom (CQ); Strickler, Laura (CBS); Swarns, Rachel (New York Times); Taylor, Matt (VICE Magazine); Thew, Shawn (European Press Photo Agency); Thomas Burr (Salt Lake Tribune); Tom Hall (WYPR); Tsnaustin (CBS); Wainscott, Kip (White House); Weaver, Jay (Miami Herald); Weiser, Ben (NY Times); Wells, Rob (Dow Jones); Zoe Tillman (BuzzFeed); Bates, Daniel (Daily Mail); Bourg, Jim (Reuters); Bowman, Quinn (PBS NewsHour); Brady, Jessica (Roll Call); Bruer, Wes (CNN); Caronello, Sophie (Bloomberg); Chung, Joanna (WSJ); Cloherty, Jack J. (ABC); Corder, David (The Villages Daily Sun); Elhassani, Camille (Al Jazeera English); Finn, Peter (Wash Post); Fountain, Sharon (The Chicago Crusader); Ha, Tu Thanh (Globe & Mail); Joshua Gaynor; Joyce, Stephen (BNA); Kang, Hyungwon (Reuters); Khalaf, Maysa (Al Jazeera); Leary, Alex (St. Petersburg Times); Lemons, Stephen (Phoenix New Times); Lengel, Allan (ticklethewire.com); Matthews, Christopher (Main Justice.com); Mauer, Rich (Anchorage Daily News); McCormack, John (Weekly Standard); McGuire, Tray (Upfront News); Mitchell, John (Rainbow PUSH Coalition and Affiliates); Montenegro, Lori (Telemundo); Morales, Isabel (El Pais, Colombia); Nezu, Hirohito (NHK Washington Bureau); Pitney, Nico (Huffington Post); Rivas, Robert (MSNBC); Rockelli, Lisa (BNA); Rodriguez, Jesse (MSNBC - Dylan Ratigan Show); Ruiz, Sussy (Univision); Sargent, Greg (Wash Post); Soley, Joan (BBC); Sung, Chinling (Hong Kong Phoenix Satellite Television); Tate, Julie (Wash Post); The Villages Daily Sun; TLS News Tips; Vardi, Nathan (Forbes); Ware, Ed (Foresight News); Washington Pix (Reuters); WCCO Radio News; Wright, Pierce (Getty Images); Zwillich, Todd (Public Radio International); Ackerman, Spencer (The Guardian); Aomoto, Riyo (KYODO News Service); Berman, Russell (The Wire); Brickhouse, Ayana (Al Jazeera English); Cameron, Dell (The Daily Dot); CNN; Coutts, Andrew; Crowther, Phillip (Agence France); Dinan, Steve (Washington Times); Dugan, Kevin (NY Post); Eaglesham, Jean (WSJ); Eggerton, Joseph (New Bay Media); Elliot, Justin (Salon); Fay, Mary Beth (NBC); Forden, Sara (Bloomberg); Frosch, Dan (WSJ); Guest, Frank (Federal News); Hattem, Julian (The Yomiuri Shimbun - Japanese Newspaper); Heath, Lesette (MLEX US); Hristova, Rozalia (BBC); Killion, Nikole (Hearst); Kline, Betsy (NBC); Law 360; Linssen, Stefan (Ethisphere); Milton, Pat (CBS); O'Neill, Patrick Howell (The Daily Dot); Reisinger, Sue (American Lawyers Magazine); Richard Fausset; Robin Bravender (Eenews); Rothfield, Michael (WSJ); Rovella, David (Bloomberg); Rubenfelf, Samuel (Dow Jones); Sankin, Aaron (The Daily Dot); Scannell, Kara (Financial Times); Schultz, Marisa (NY Post); Sherman, Mark (AP); Stern, Ray (Phoenix New Times); Tillman, Zoe (National Law Journal); Turrell, Liz (CNN); WBUR; Zapler, Mike (Politico); Alandete, David (El Pais); Bergman, Jesse



(NBC); Buchanan, Doug (Fox 5 DC); Byrne, Maria (BBC); Davies, Elizabeth (BBC); de Freytas, Mariko (Kyodo News); Devaney, Tim (The Hill); Dobuzinskis, Alex (Reuters); Farrell, Greg (Bloomberg News); Faus, Joan (El Pais); Fisk, Margaret (Bloomberg); Gentile, Gary (Platts); Gertz, Matthew (Media Matters); Graham, Mike (WPIX); Guest, Frank W. (Federal News Service); Guillen, Alex (Politico); Halkett, Kimberly (Al Jazeera); Hightower, Ashlee A. (Bloomberg BNA Legal Editor); Jones, Andrew (Al Jazeera); Khalaf, Lina (Al Jazeera); Kianpour, Suzanne (BBC); Lillis, Mike (The Hill); Mack, Errin (Fusion); Moore, Terry (Metro Networks); Murray, Laura Rena (100 Reporters); Nina Youngstrom; Noble, Andrea (Washington Times); Norman, Brett (Politico); Rosenthal, Jessica (Fox News Radio); Ryan, Josiah (The Blaze); Schatz, Bryan (Mother Jones); Seldin, Jeff (VOA News); Shalal-Esa, Andrea (Reuters); Sherrod, Lawrence (Federal News Service); Smith, R. Jeffrey (Center for Public Integrity); Strohm, Chris (Bloomberg); Torrens, Claudia (AP); Van Hall, Karey (Politico); Vasquez, Jennifer (NBC); Waddell, Kaveh (National Journal); Walker, Joseph (Wall Street Journal); Whitlock, Kip (NBC); Wilkinson, Kisha (Bay News 9); Aaron Morrison (Mic); ABC DC; Alan Blinder (NYT); Albergotti, Reed (WSJ); Alonso, Luis, (AP); Bacon, Perry (NBC); Bario, David (American Lawyer); Berger, Catherine (Al Jazeera); Bob Kovach (PBS NewsHour); Boogaard, Peter; Brianna Ehley; Brown, Taylor Kate (BBC); Calabresi, Mario (Time); Chekuru, Kavitha (Al Jazeera); Childress, Sarah (Frontline/WGBH); Christ, Ginger (EHS Today); Christine Grimaldi (Rewire); Cohn, Scott (NBC); Courthouse News Service; Courthouse NewsService; Douglas, Danielle (Washington Post); Doovere, Edward-Isaac (Politico); Eisler, Geoffrey (ABC); El-Nahas, Sherine (BBC); Eric Geller; Farrah Fazal; Foley, Elise (Huffington Post); Fowler, Tom (WSJ); Futrowsky, David (VOA); Geoff Earle (Daily Mail); Grant Rodgers; Grimaldi, James (WSJ); Groll, Elias; Hall, Kevin (McClatchy-DC); Hartman, Rachel (Yahoo, Inc); Henry, Shirley (NPR); Horie, Tomoko (NTV); Iva Kova; Jack Detsch (CS Monitor); Jenna Mclaughlin; Johnson, Eric (Reuters); Jon Sonnheim (Cox News DC Bureau); Kavanaugh, Shane (Vocativ); Kellogg, Aaron (Ropes & Gray LLP); Lantigua-Williams, Juleyka; Lim, Lister (Al Jazeera English); Lind, Dara (Vox); Lopez, German (Vox); Lorenzo Castro (EFE); Mark; Mark Hensch; Mesner, Jesse (Al Jazeera); Olivia Hampton (AFP); Ordonez, Franco (McClatchy); Pasquali, Valentina; Paul Handley; Rubin, Joel (Los Angeles Times); Showell, Andre (BET News); Skillings, Jonathan; Stempel, Jon (Reuters); Swaine, Jon (The Guardian US); Swiss TV; Tate, Tiffany (BET News); Tau, Byron (Wall Street Journal); Teichert, Erica (Law 360); Terpstra, Patrick (Cox Media Group); Thompson, Mark (Sirius XM); Tony Starks; Wise, Lindsay (McClatchy-DC); Wright, Kai (The Nation); Zornick, George (The Nation); Arnold, Larry (Bloomberg); Asseo, Laurie (Bloomberg); Bourg, Jim (Reuters); Diaz, Jose (Reforma); Hartson, Merrill (AP); Kang, Hyongwon (Reuters); Montgomery, Lori (Wash Post); Riley, Jim (NY Newsday); Rosenberg, Carol (Miami Herald); Stohr, Greg (Bloomberg); Adam Dobrik; Alex Byers (Politico); Alex Pappas (Washington Examiner); Ali Dukakis (ABC); Andrew Keshner; Andrew Harris (Bloomberg); AP Planner (Associated Press); Ari Melber; Assam, Cecelia (BNA); Audrey Taylor (ABC); Barrett, Devlin (WSJ); Beatriz Pascual Macias; Bell, Stuart (National Post -Canada); Bloomberg - general releases; Carrie Feibel; Catherine Treyz (CNN); Cheryl Corley (NPR); Corder, Chris (UPI); Dai Kaneko; Dareh Gregorian; Decker, Susan (Bloomberg); Eastland, Terry (Weekly Standard); Eckert, Toby (Politico); Eggen, Dan (Wash Post); Ellen Nakashima; Ensign, Rachel (WSJ); Freedman, Dan (Hearst); Freeze, Collin (The Globe and Mail); Frosh, Ariane (OAG); Geidner, Chris (Buzz Feed); Gina Chon (reuters); Goldfarb, Zachary (WP - Corporate Crimes); Holland, Jesse



(AP); Hosenball, Mark (Reuters); Jensen, Kristen (Bloomberg); Josh Saul (Newsweek); Kate O'Keefe (WSJ); Kathleen Reuschle; Kathryn O'Keeffe; Keith Perine (Bloomberg); Kellman, Laurie (AP); Kristen Welker (NBC); KSDK; KTVI News; Laura Jarrett (CNN); Laura Rozen; Letitia Stein; Lisa Schencker (Chicago Tribune); Mark Berman; Mike Isikoff (Yahoo News); O'Harrow, Robert (Wash Post); O'Reilly, Cary (Bloomberg); Palazzolo, Joe (Dow Jones); Partlow, Wayne (AP); Patrick Rodenbush (WHO); Rebecca Shabad; Reuters; Rob Barry; Roger Hamilton Martin; Sarah Lynch; Schouten, Fredrica (USA Today); Schweiger, Ellen (CSPAN); Sebastien Blanc; Shin Inouye; Shinichi Inouye; Singer, Paul (Roll Call); Stein, Sam (Huffington Post); Sydney Kashiwagi; Thompson, Cheryl (Wash Post); Tom Sweeney; Toyohiro Horikoshi; Valeria Fernandez (CNN Spanish); Varias, Stelios (Reuters); Walton, Don (Lincoln, NE Journal Star); Wesley Lowery; WNYC (NPR); Youngstrom, Nina (AIS Healthcare); Andriotis, AnnMaria (WSJ); Aronld, Justin (Yomiuri DC); Bennett, Brian (LA Times); Bentz, Leslie (CNN); Bliss, Jeff (Mlex); Bloomberg Calendar; Bocchetti, Mark (Mlex); Brooke Singman (FOX); Burne, Katy (WSJ); Caranza, Peggy; Crampton, Liz (Mlex); Desjardins, Lisa (PBS); Dockery, Stephen (WSJ); Fitzpatrick, Joseph; Gentry, Robert (TV Asahi); Harte, Julia (Reuters); Iati, Marisa (LB Research); Jacoby, Mary (LB Research); James Goodwin (OJP); Javers, Eamon (CNBC); Koerner, Claudia (BuzzFeed); Kopan, Tal (CNN); Kovensky, Josh (LB Research); Lane, Justin (EPA); Mann, James; Marshall, Miller; McCagg, David (NHK DC); McKelvey, Tara (BBC); Meminger, Dean (NYL News); Menn, Joesph (Reuters); Nysten, Leah (Mlex); Pegues, Jeff (CBS); Reyes, Samantha (CNN); Schectman, Joel (Reuters); Smith, Mitch (NY Times); Stallings, Michelle; Stefanie, Katharina (BBC); Suh, Sung Hee; Teinowitz, Ira; Tokar, Dylan (LB Research); Tomoko; Uceda, Claudia; Williams, Katie (The Hill)

**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



## Department of Justice

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AG  
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### STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of

sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

# # #

17-214

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## USDOJ-Office of Public Affairs (SMO)

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**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:08 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
**Bcc:** Abueg, Mark (OPA); Wheeler, Tom (CRT); Gore, John (CRT); Alan Neuhaser (U.S. News & World Report); Alexander, Peter (NBC); Berry, Deborah (Gannett); Blake Ellis; Bsummers@newshour.org; Conrad, Katy (CBS News); Cook, Leslie A. (NPR); Crowther, Philip (France 24); Dan Denvir; Dorell, Oren (USA Today); Eli hager; Ellard, Nancy (NBC); Gary Fields; Good, Liz (Yahoo!); Hall, Sylvia (Fox); Harrer, Andrew (Bloomberg); Hernandez, Michael (Anadolu Agency); Holpuch, Amanda (The Guardian); Horan, Erin (CBS); Jessica DaSilva; Jessica Lussenhop; Joe.Madison@siriusxm.com; Josh Kovensky; Joshua Rhett Miller (NY Post); JP Updates; Kenneth Lipp; Klasfeld, Adam (Courthouse News); Kumar (McClatchy); Leonard, Tom (Daily Mail); Liberman, Howard (Fox); MacKenzie, Jessica (Fox); Maddox, Jack (Al Jazeera America); Marcius, Chelsia Rose (NY Daily News); McCabe, David (The Hill); Melanie Hicken; Miller, Zeke (Time); Mokhiber, Russell (Corporate Crime Reporter); Moody, Chris (Yahoo!); Namako, Tom (Buzzfeed); Norman, Mark (Al Jazeera); Orol, Ron (Market Watch); Protess, Benjamin (NY Times); Puzzanghera, Jim (LA Times); Randazzo, Sara (WSJ); Raymond, Nate (Reuters); Renee Schoof (Bloomberg BNA); Reuters Reporters; Robert Pear; Rucker, Phil (Washington Post); Schiffner, Christine (CCTV America); Sharon.Madison@siriusxm.com; Simeone, Jessica (Buzzfeed); Slater, Joanna (Globe and Mail); Tanner, Courtney (Salt Lake Tribune); Teinowitz, Ira (The Wrap); Toosi, Nahal "Halley" (Politico); Valentina Pasquali (Money Laundering); Warmbrodt, Zachary (Politoc); Wilk, Wendy (Hearst); Yang, Jia Lynn (Washington Post); Amor, Ivonne (Fox News); Beeson, Ed (Law 360); Blackden, Richard (FT); Blackwell, Tom (National Post); Bubaris, Philomena (Al Jazeera); CARBONNE, Frédéric (Radio France); Caterina Andreano; Cocoli, Isabella (Voice of America); Csapo, Jonathan (BBC); DC Bureau (Reuters); Dennis, Brady (Washington Post); Douglas, David (Al Jazeera); Fox, Mary Rose (CNN); Garcia, Eric (Market Watch); Gillison, Doug (100 Reporters); Hamilton, Colby (Capital New York); Johnston, Nicholas (Bloomberg); Joseph Ax; Kamisar, Ben (The Hill); Lydia Wheeler; Lynch, David (Financial Times); Marr, Chris (Bloomberg BNA); Michelle (Disability Scoop); Newberry, Tom (NBC); Oliphant, James (Reuters); Overley, Jeff (Law 360); Pena, Maria (La Opinion); Pessin, Don (Reuters); Polantz, Katelyn (National Law Journal); Reynolds, Matt ( Courthouse News Service); Rosenwald, Mike (Washington Post); Roth, Zachary (MSNBC); Ryan, Tim (Reuters); Schectman, Joel (WSJ); Swift, Tim (BBC); Taylor, Marisa (Kaiser Health News); Trujillo, Mario (The Hill); Voice of America; Williams, Jake (The Capitol Forum); AWP; Bennett, Brian (LA Times); De Vogue, Ariane (CNN); Durham, Debbie (Univision); Erkan Avci (Anadolu Agency); Fabian, Jordan (The Hill); Farivar, Cyrus (Ars Technica); Felton, Ryan (Detroit Metro Times); Fritze, John (The Baltimore Sun); Gilbert, Ben (VICE); Gilbert, Benjamin (VICE); Hess, Hannah (CQ Roll Call); Hong, Nicole (WSJ); Ichniowski, Tom (Engineering News Record); Kassraie, Aaron (Kuwait News Agency); Kaye, Diane (CNN); Kelly, Nora (The National Journal); Kelly, Suzanne (Cipher); Ken Doyle; Kopan, Tal (CNN); Lo Wang, Hansi (NPR); Mary O'Hara (Daily Dot); Mazza, Kyle (UNF News); McDevitt, Lauren C (Hearst); Muna Shikaki; Palomo, Elvira (RRC Mundo); Pearce, Matt (LA Times); Pete, Joseph (Times of



Northwest Indiana); Pitti, Edwin (Univision); Rivas-Vazquez, Victoria (Telemundo); Sands, Geneva (ABC News); Sneed, Tierney (Talking Points Memo); Spangler, Todd (Detroit Free Press); Stefanie, Katharina (BBC); Thielman, Sam (The Guardian); Volz, Dustin (Reuters); Wang, Callie (Cipher); Wellford, Rachel (News Hour); White, Chris (LawNewz); Abe, Taka (Nippon Television Network); Araki, Yumi (Yomiuri Shimbun); Carney, Jordain (The Hill); Chauhan, Abha (CT News); Chon, Gina (Reuters); Curtis Eichelberger (MLex); Davies, Tom (BBC); Dlouhy, Jennifer (Bloomberg); Duffy, Sean (Courthouse News); Foran, Claire (National Journal); Forsehee, Stephanie (ALM); Ghanem, Pierre (Al-Arabiya News); Gross, Grant (IDG News Service); Horikoshi, Toyohiro (Kyodo News); Jongsma, Joshua (Daily Voice); Kaneko, Dai (Kyodo News); Korte, Gregory (USA Today); Laughland, Oliver (The Guardian); Lee, MJ (CNN); Linger, Jake (Courthouse News Service); Lisa Schencker (Modern Healthcare); Mague, Anthony (NBC 4); Marks, Ben (NHK Japan Broadcasting Corporation); Merle, Renae (Washington Post); Miller, Greg (European Press Photo Agency); Molly O'Toole (Foreign Policy) (molly.otoole@foreignpolicy.com); Norah Stephenson (WNCT); Perkins, Luke (Durango Herald); Shepardson, David (Reuters); Sheridan, Christopher (Al Jazeera); Tejada, Denise (Youth Radio); Van Hall, Karey (POLITICO); VICE News Tonight DC; Wintersmith, Saraya (88.9 WVCE); Barrett, Raymond (PaRR); Bennett, Cory (Politico); Brush, Pete (Law 360); Chokshi, Niraj (NY Times); Coombes, Andrew (Al Jazeera); Cousins, Bria (CNBC); Demko, Paul (Politico); Dixon, Darius (POLITICO); Eakin, Britain (Courthouse News Service); Eisler, Geoffrey (ABC News); Evans, Melanie (WSJ); Federal Insider (Washington Post); Gillison, Douglas (AFP); Guest, Steve (Daily Caller); Gurman, Sadie (AP); Hallerman, Tamar (Atlanta Journal-Constitution); Joachim, Dave (Bloomberg); Kerkman, Maggie (Fox News); Linden, Daniel (ABC); Marcial, Jennifer (Univision); Marks, Joseph (Nextgov); Matishak, Martin (Politico); McMurray, Evan (ABC); Morrissey, Kate (San Diego Union Tribune); Nasr, Amir (Morning Consult); Nawaguna, Elvina (CQ Roll Call); Neidig, Harper (The Hill); Rahman, Rema (Roll Call); Saul, Joshua (Newsweek); Sherman, Ted (Star Ledger); Smith, David (The Guardian); Thomson, Craig (Vice); Turton, William (Gizmodo); Varfolomeeva, Anna (Sputnik News); Angione (Courthouse News); Ciaramella, CJ (Reason Magazine); Deporte Awe; Gallo, William (VOA); Katz, Celeste (Mic); Lesskis, Courtney Stein (Fox News); Perry, Caitriona (RTE); Redmond, Lisa; Reinhard, Beth (WSJ); Sancho, Victor (El Universal); Saunders, Debra (Las Vegas Review Journal); Alisa Tiwari; Axiom, Hilary; Bains, Chiraag; Bains, Chiraag (CRT); Basrawi, Mazen (CRT); Blumberg, Mark; bobbi.bernstein@usdoj.gov; Bosserman, Barbara; Bostrom, Jim; Brzozowski, Thomas E. (NSD); Cheryl Wilson (CRT); Danis, Jodi (CRT); Deerinwater, Verlin (CRT); Deines, Jennifer (CRT); eric.treene@usdoj.gov; Feenster, Martina (CRT); Felte, James (CRT); Fitzgerald, Paige; Flynn, Diana; Foushee-McAdoo, Michelle A (CRT); Friel, Gregory; Gross, Mark; Gupta, Vanita (CRT); Hill, Eve (CRT); Hogan, Gerard; Jackson, Lisa N. (CRT); Jacobs, David; Kijewski, Kevin (CRT); Legore-Traore, Camille (CRT); Levitt, Justin (CRT); Lorenzo-Giguere, Susana (CRT); Majeed, Sameena (CRT); Makeba Rutahindurwa; Marshall, Franz R (CRT); Maurer, Michael (CRT); McCarthy, Emily (CRT); Moossy, Robert; Moran, Timothy (CRT); Nicholas Durham; Ostrowsky, Jon (CRT); Paige Herwig; Parker, Kristy; Pellegrino, Whitney (CRT); Popowich, Janice; Rosenbaum, Steven (CRT); Ruisanchez, Alberto (CRT); Seward, Jon (CRT); Simons, Shaheena (CRT); Smith, Johnathan (CRT); Stoneman, Christine; Tamara Kessler (CRT); Toomey, Kathleen (CRT); Wechsler, Darren (CRT); Wohlenhaus, Renee;



Wohlenhaus, Renee (CRT); Dana Liebelson; Demarco, Marisa (KUNM NPR Affiliate); Gonzales, Suzannah (Reuters); Holden, Dominic (BuzzFeed); Jessie Liu; Laura D. Francis (Bloomberg BNA); Lee, Jaeah (Mother Jones); Roy L. Austin, Jr.; Suzanne Gamboa; Trymaine Lee; Tyler Kingkade (BuzzFeed)

**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



## Department of Justice

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WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

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17-214

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Navas, Nicole (OPA)

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**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 7:08 PM  
**To:** Gibson, Jenna; sakwaj@cbsnews.com  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

It was a pleasure meeting you earlier today. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)

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Navas, Nicole (OPA)

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**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 7:09 PM  
**To:** bpascual@efeamerica.com  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)  
202-514-1155 (office)

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



## Department of Justice

---

FOR IMMEDIATE RELEASE  
WEDNESDAY, FEBRUARY 22, 2017  
[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

AG  
(202) 514-2007  
TTY (866) 544-5309

### STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

###

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE  
CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

De Vogue, Ariane

---

**From:** De Vogue, Ariane  
**Sent:** Wednesday, February 22, 2017 7:12 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: filed with scotus?

I did not

---

**From:** "Carr, Peter (OPA)" <Peter.Carr@usdoj.gov>  
**Date:** Wednesday, February 22, 2017 at 7:10 PM  
**To:** "De Vogue, Ariane" <Ariane.DeVogue@cnn.com>  
**Subject:** Re: filed with scotus?

Just issued the release. Let me know if you got it.

On Feb 22, 2017, at 7:01 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

Scotus pio just sent out

---

**From:** "Carr, Peter (OPA)" <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Date:** Wednesday, February 22, 2017 at 6:58 PM  
**To:** "De Vogue, Ariane" <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)>  
**Subject:** Re: filed with scotus?

Yes, very soon.

On Feb 22, 2017, at 6:57 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

Do you think tonight is still a possibility. Asking for a friend.

---

**From:** "Carr, Peter (OPA)" <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Date:** Wednesday, February 22, 2017 at 6:55 PM  
**To:** "De Vogue, Ariane" <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)>  
**Subject:** Re: filed with scotus?

Am working on getting things out. Just coordinating with Education.

On Feb 22, 2017, at 6:54 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

So I'm being told that something has been filed with the SG's office, a "dear colleague letter."

---

**From:** "Carr, Peter (OPA)" <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Date:** Wednesday, February 22, 2017 at 2:54 PM  
**To:** "De Vogue, Ariane" <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)>  
**Subject:** Re: filed with scotus?



**Subject:** RE: one last thing

That would be me. I'll let people know.

---

**From:** De Vogue, Ariane [<mailto:Ariane.DeVogue@cnn.com>]

**Sent:** Wednesday, February 22, 2017 2:50 PM

**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>

**Subject:** one last thing

Is there someone in your office assigned to SG matters. So that if the SG were to draft a letter to the Court on the GG case I would know about it?

De Vogue, Ariane

---

**From:** De Vogue, Ariane  
**Sent:** Wednesday, February 22, 2017 7:17 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Thanks for all your help and sorry to be such a pain.

---

**From:** "Carr, Peter (OPA)" <Peter.Carr@usdoj.gov>  
**Date:** Wednesday, February 22, 2017 at 7:15 PM  
**To:** "De Vogue, Ariane" <Ariane.DeVogue@cnn.com>  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Might be a delay in our previous email, but here you go.

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:06 PM  
**To:** USDOJ-Office of Public Affairs (SMO) <Ex\_PAOMailbox@jmd.usdoj.gov>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



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"The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX."

issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

# # #

17-214

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## Press

---

**From:** Press  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** Abueg, Mark (OPA)  
**Cc:** Dilworth, Stephanie (OPA)  
**Subject:** FW: Los Angeles Times request -- trans gender guidance letter

---

**From:** Resmovits, Joy [mailto:Joy.Resmovits@latimes.com]  
**Sent:** Wednesday, February 22, 2017 7:13 PM  
**To:** press@usdoj.gov  
**Cc:** nicole.navas@usdoj.gov  
**Subject:** Los Angeles Times request -- trans gender guidance letter

Hi Nicole,

This is Joy Resmovits from the Los Angeles Times. I cover education. Could you please send the letter about withdrawing Title IX guidance on transgender students?

<https://twitter.com/chrisgeidner/status/834553755869777922?refsrc=email&s=11>

Thanks,  
Joy

**USDOJ-Office of Public Affairs (SMO)**

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
**Bcc:** Joy.Resmovits@latimes.com  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** Guidance Letter.pdf; Supreme Court Letter.pdf

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



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###

17-214

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**Beatriz Pascual**

---

**From:** Beatriz Pascual  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** Re: Guidelines transgender

Yes, got it! thank you so much!

**Beatriz Pascual Macías**

Efe News Services  
529, 14th Street Apt. 1220  
20045 NW Washington DC  
(b) (6) (mobile)  
(202)- 745.7692 (office)  
[www.efes.com](http://www.efes.com)

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On Wed, Feb 22, 2017 at 7:15 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Just sent the release to you. Hopefully you got it okay.

**From:** Beatriz Pascual [<mailto:bpascual@efeamerica.com>]  
**Sent:** Wednesday, February 22, 2017 7:11 PM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Cc:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>; Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** Re: Guidelines transgender

Thank you very much!

Just received an alert from Reuters, saying DOJ has notifies the suprem court. Is this true?

Thanks!

**Beatriz Pascual Macías**

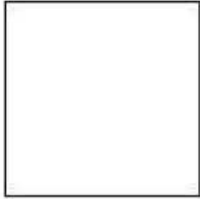
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is the leading Spanish-language news agency and the fourth largest news agency in the world, with more than seventy-five years of experience.



On Wed, Feb 22, 2017 at 6:19 PM, Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)> wrote:

Hi Beatriz,

I added to email my colleagues, who will advise if and when there is anything new to report. Thank you

Nicole A. Navas

Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

---

**From:** [bpascual@efeamerica.com](mailto:bpascual@efeamerica.com) [mailto:[bpascual@efeamerica.com](mailto:bpascual@efeamerica.com)]

**Sent:** Wednesday, February 22, 2017 5:49 PM

**To:** Nicole (OPA) Navas <[nicole.navas@usdoj.gov](mailto:nicole.navas@usdoj.gov)>; Press <[press@usdoj.gov](mailto:press@usdoj.gov)>

**Subject:** Guidelines transgender

Good afternoon,

I hope you are doing well.

This is Beatriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!

Resmovits, Joy

---

**From:** Resmovits, Joy  
**Sent:** Wednesday, February 22, 2017 7:32 PM  
**To:** Navas, Nicole (OPA)  
**Subject:** Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Got it, thanks. And if you could please add me to your press list for education issues, that would be great. Thanks.

---

**From:** "Navas, Nicole (OPA)" <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Date:** Wednesday, February 22, 2017 at 4:31 PM  
**To:** Joy Resmovits <[joy.resmovits@latimes.com](mailto:joy.resmovits@latimes.com)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Thanks,  
Nicole A. Navas  
Spokesperson  
U.S. Department of Justice

Begin forwarded message:

**From:** "USDOJ-Office of Public Affairs (SMO)" <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Date:** February 22, 2017 at 7:06:06 PM EST  
**To:** "USDOJ-Office of Public Affairs (SMO)" <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.



**Abueg, Mark (OPA)**

---

**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 7:41 PM  
**To:** lara.jakes@nytimes.com  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** image005.jpg; ATT00001.htm; image007.jpg; ATT00002.htm; Guidance Letter.pdf; ATT00003.htm; Supreme Court Letter.pdf; ATT00004.htm

Hi, Lara.

I believe this is what you're looking for.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** USDOJ-Office of Public Affairs (SMO) <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.

**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 8:00 PM  
**To:** Reid, Paula  
**Subject:** Re: Is this guidance still coming today?

Just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 6:32 PM, Reid, Paula <[ReidP@cbsnews.com](mailto:ReidP@cbsnews.com)> wrote:

Carrie Johnson

---

**From:** Carrie Johnson  
**Sent:** Wednesday, February 22, 2017 8:01 PM  
**To:** 'Carr, Peter (OPA)'  
**Subject:** RE: seeing docs online

OK THANK YOU

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 7:58 PM  
**To:** Carrie Johnson  
**Cc:** Abueg, Mark (OPA)  
**Subject:** Re: seeing docs online

Carrie,

I know you look at these things carefully. The main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:14 PM, Abueg, Mark (OPA) <[mabueg@jmd.usdoj.gov](mailto:mabueg@jmd.usdoj.gov)> wrote:

Carrie,

Just sent it. Hopefully you got it okay.

Best,

Mark

---

**From:** Carrie Johnson [<mailto:CJohnson2@npr.org>]  
**Sent:** Wednesday, February 22, 2017 7:07 PM  
**To:** Abueg, Mark (OPA) ([Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>; Carr, Peter (USAVAE) ([Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** seeing docs online

But not in my inbox. Can you send? Need to go live soon. THANKS Carrie



**Abueg, Mark (OPA)**

---

**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 8:02 PM  
**To:** Navas, Nicole (OPA)  
**Subject:** Fwd: seeing docs online

FYI...good TP below.

Begin forwarded message:

**From:** "Carr, Peter (OPA)" <[pcarr@jmd.usdoj.gov](mailto:pcarr@jmd.usdoj.gov)>  
**Date:** February 22, 2017 at 7:57:54 PM EST  
**To:** Carrie Johnson <[CJohnson2@npr.org](mailto:CJohnson2@npr.org)>  
**Cc:** "Abueg, Mark (OPA)" <[mabueg@jmd.usdoj.gov](mailto:mabueg@jmd.usdoj.gov)>  
**Subject:** Re: seeing docs online

Carrie,

I know you look at these things carefully. The main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:14 PM, Abueg, Mark (OPA) <[mabueg@jmd.usdoj.gov](mailto:mabueg@jmd.usdoj.gov)> wrote:

Carrie,

Just sent it. Hopefully you got it okay.

Best,

Mark

---

**From:** Carrie Johnson [<mailto:CJohnson2@npr.org>]  
**Sent:** Wednesday, February 22, 2017 7:07 PM  
**To:** Abueg, Mark (OPA) ([Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>; Carr, Peter (USAVAE) ([Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** seeing docs online

But not in my inbox. Can you send? Need to go live soon. THANKS Carrie

**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 8:02 PM  
**To:** Aruna Viswanatha  
**Subject:** Transgender guidance

As guidance just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

**Dean, Matthew**

---

**From:** Dean, Matthew  
**Sent:** Wednesday, February 22, 2017 8:05 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: Transgender guidance

Thanks for the guidance, Peter

Matt Dean

Department of Justice & Federal Law Enforcement Producer Fox News Channel (b) (6) (Mobile)  
202.789.0261 (DOJ) matthew.dean@foxnews.com  
@MattFirewall

> On Feb 22, 2017, at 8:03 PM, Carr, Peter (OPA) <Peter.Carr@usdoj.gov> wrote:

>

> As guidance just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

>

> The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

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De Vogue, Ariane

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**From:** De Vogue, Ariane  
**Sent:** Wednesday, February 22, 2017 8:08 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Want to make sure u r good with it.

Sent from my iPhone

On Feb 22, 2017, at 8:05 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Yes, I've read it. Thank you.

On Feb 22, 2017, at 8:02 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

I think that's reflected in my story. Did u see

Sent from my iPhone

On Feb 22, 2017, at 7:59 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:18 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

Thanks for all your help and sorry to be such a pain.

---

**From:** "Carr, Peter (OPA)" <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Date:** Wednesday, February 22, 2017 at 7:15 PM  
**To:** "De Vogue, Ariane" <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)>  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Might be a delay in our previous email, but here you go.

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**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:06 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
<Ex\_PAOMailbox@imd.usdoj.gov>

~~2017-02-22 10:00:00 AM~~  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF  
SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter  
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<image001.jpg><image002.jpg>

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WEDNESDAY, FEBRUARY 22,  
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TTY (866) 544-5309

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SESSIONS ON THE WITHDRAWAL OF TITLE  
IX GUIDANCE**

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

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17-214

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CONTACTS IN THE MESSAGE OR CALL THE  
OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.



**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 8:11 PM  
**To:** Zapotosky, Matt  
**Subject:** Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Don't have my notes with me on the metro, but as I understand it, they didn't believe a proper legal analysis was done - yet the courts are citing that guidance in the underlying cases at issue.

On Feb 22, 2017, at 8:04 PM, Zapotosky, Matt <[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)> wrote:

Got it -- though, if no final decision has been made, why undo the previous guidance? Why not let that stand while the issue is considered?

Sent from my iPhone

On Feb 22, 2017, at 7:59 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:17 PM, Zapotosky, Matt  
<[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)> wrote:

Strange. This just landed along with the old one. Thank you!

Sent from my iPhone

On Feb 22, 2017, at 7:15 PM, Carr, Peter (OPA)  
<[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Might be a delay but this was sent to you earlier.

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:06 PM  
**To:** USDOJ-Office of Public Affairs (SMO)  
<[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.

<image005.jpg><image007.jpg>

---

FOR IMMEDIATE

RELEASE

AG

WEDNESDAY, FEBRUARY 22,

2017

(202)

514-2007

[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

[\[justice.gov\]](http://justice.gov)

TTY (866) 544-5309

**STATEMENT BY ATTORNEY GENERAL JEFF  
SESSIONS ON THE WITHDRAWAL OF TITLE  
IX GUIDANCE**

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

###

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU  
HAVE QUESTIONS, PLEASE USE THE  
CONTACTS IN THE MESSAGE OR CALL THE  
OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

<Guidance Letter.pdf>

<Supreme Court Letter.pdf>



Gurman, Sadie

---

**From:** Gurman, Sadie  
**Sent:** Wednesday, February 22, 2017 8:12 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: Transgender

Thank you for the guidance, I am always glad to hear it.

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 8:12 PM  
**To:** Gurman, Sadie  
**Subject:** Re: Transgender

Ok, thx. Just want to make sure our position is characterized right so wanted to pass that along.

On Feb 22, 2017, at 8:07 PM, Gurman, Sadie <[SGurman@ap.org](mailto:SGurman@ap.org)> wrote:

I don't think we make mention of DOJ's letter to the court specifically, just the letter to the schools.

In a letter to the nation's schools, the Justice and Education departments said the earlier guidance "has given rise to significant litigation regarding school restrooms and locker rooms." The agencies withdrew the guidance to "in order to further and more completely consider the legal issues involved."

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 8:03 PM  
**To:** Gurman, Sadie  
**Subject:** Re: Transgender

Thx

On Feb 22, 2017, at 8:01 PM, Gurman, Sadie <[SGurman@ap.org](mailto:SGurman@ap.org)> wrote:

I will make that abundantly clear thank you!!

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 8:00 PM  
**To:** Gurman, Sadie  
**Subject:** Re: Transgender

Just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 5:59 PM, Gurman, Sadie <[SGurman@ap.org](mailto:SGurman@ap.org)> wrote:

Still thinking this is likely? I appreciate any update you can provide!

---

**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Wednesday, February 22, 2017 1:50 PM  
**To:** Tucker, Eric; Gurman, Sadie  
**Subject:** Transgender

Saw that Sean Spicer said the following:

**13:02:07 I would expect further guidance to come out on that today.** The president, as I said yesterday, is a firm believer in states' rights. When you look at the guidance that was issued under the Obama administration -- to the best of my knowledge that was stalled, never fully implemented, and I think there were various reasons for that, several legal reasons and several procedural reasons, and so both the Department of Education and the Department of Justice, who jointly issued that guidance back during the Obama administration, are now working together again under a trump administration. They have been reviewing the guidance that was signed, that basis by which it was put through, i think there have been several areas on concern, both legal and procedural, that they have been discussing. I think where you might be hearing something is more on the timing and wording on stuff. The conclusions that everyone in the administration has agreed upon. There's no daylight between anybody, between the president and any of the secretaries. I think there's been some discussion between the timing of the issuance and recommendations, or between the exact wording, but as far as the conclusions go, i've made this clear, and the president's made it clear throughout the campaign, that he's a firm believer in states' rights, and that certain issues like this are not best dealt with at the federal level.

As guidance only, I'm told that this is accurate and we expect to issue something later today. I don't have much information beyond that.

-Peter

**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 8:13 PM  
**To:** Williams, Pete (NBCUniversal)  
**Subject:** Re: Any words of wisdom? Are we safe going home?

Thx, and agree. (b) (6)

On Feb 22, 2017, at 8:10 PM, Williams, Pete (NBCUniversal) <[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)> wrote:

Got it all and many thanks. What a day!

Sent from my iPhone

On Feb 22, 2017, at 7:56 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

You got our release, right? We had glitches with our bulk email lists.

Main legal point is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:42 PM, Williams, Pete (NBCUniversal) <[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)> wrote:

cool

---

**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Wednesday, February 22, 2017 6:46 PM  
**To:** Williams, Pete (NBCUniversal)  
**Subject:** Re: Any words of wisdom? Are we safe going home?

Very soon.

On Feb 22, 2017, at 6:45 PM, Williams, Pete (NBCUniversal) <[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)> wrote:

Or might it still happen today.



**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 8:13 PM  
**To:** Carrie Johnson  
**Subject:** Re: seeing docs online

Thx

On Feb 22, 2017, at 8:10 PM, Carrie Johnson <[CJohnson2@npr.org](mailto:CJohnson2@npr.org)> wrote:

I tweeted a couple times about this and included it in audio for our newscast and for atc (west coast feeds)

Sent from my iPhone

On Feb 22, 2017, at 7:58 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Carrie,

I know you look at these things carefully. The main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

On Feb 22, 2017, at 7:14 PM, Abueg, Mark (OPA) <[mabueg@jmd.usdoj.gov](mailto:mabueg@jmd.usdoj.gov)> wrote:

Carrie,

Just sent it. Hopefully you got it okay.

Best,

Mark

---

**From:** Carrie Johnson [<mailto:CJohnson2@npr.org>]  
**Sent:** Wednesday, February 22, 2017 7:07 PM  
**To:** Abueg, Mark (OPA) ([Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov))  
<[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>; Carr, Peter (USAVAE)  
([Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** seeing docs online

But not in my inbox. Can you send? Need to go live soon. THANKS  
Carrie

**Beatriz Pascual**

---

**From:** Beatriz Pascual  
**Sent:** Wednesday, February 22, 2017 8:25 PM  
**To:** Navas, Nicole (OPA)  
**Cc:** Carr, Peter (OPA); Abueg, Mark (OPA)  
**Subject:** Re: Guidelines transgender

I received it! Thank you so much!

**Beatriz Pascual Macías**

Efe News Services  
529, 14th Street Apt. 1220  
20045 NW Washington DC  
(b) (6) (mobile)  
(202)- 745.7692 (office)  
[www.efe.com](http://www.efe.com)

**EFE** is the is the leading Spanish-language news agency and the fourth largest news agency in the world, with more than seventy-five years of experience.

On Wed, Feb 22, 2017 at 7:38 PM, Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)> wrote:

I forwarded you the announcement earlier

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 7:11 PM, Beatriz Pascual <[bpascual@efeamerica.com](mailto:bpascual@efeamerica.com)> wrote:

Thank you very much!

Just received an alert from Reuters, saying DOJ has notifies the suprem court. Is this true?

Thanks!

**Beatriz Pascual Macías**

Efe News Services  
529, 14th Street Apt. 1220  
20045 NW Washington DC  
(b) (6) (mobile)  
(202)- 745.7692 (office)  
[www.efe.com](http://www.efe.com)

**EFE** is the is the leading Spanish-language news agency and the fourth largest news agency in the

world, with more than seventy-five years of experience.

On Wed, Feb 22, 2017 at 6:19 PM, Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)> wrote:

Hi Beatriz,

I added to email my colleagues, who will advise if and when there is anything new to report. Thank you

Nicole A. Navas

Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

---

**From:** [bpascual@efeamerica.com](mailto:bpascual@efeamerica.com) [mailto:[bpascual@efeamerica.com](mailto:bpascual@efeamerica.com)]

**Sent:** Wednesday, February 22, 2017 5:49 PM

**To:** Nicole (OPA) Navas <[nicole.navas@usdoj.gov](mailto:nicole.navas@usdoj.gov)>; Press <[press@usdoj.gov](mailto:press@usdoj.gov)>

**Subject:** Guidelines transgender

Good afternoon,

I hope you are doing well.

This is Beatriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!





**Abueg, Mark (OPA)**

---

**From:** Abueg, Mark (OPA)  
**Sent:** Wednesday, February 22, 2017 8:39 PM  
**To:** lara.jakes@nytimes.com  
**Subject:** FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE  
**Attachments:** image005.jpg; ATT00001.htm; image007.jpg; ATT00002.htm; Guidance Letter.pdf; ATT00003.htm; Supreme Court Letter.pdf; ATT00004.htm

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**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** USDOJ-Office of Public Affairs (SMO) <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.

Reid, Paula

---

**From:** Reid, Paula  
**Sent:** Wednesday, February 22, 2017 8:41 PM  
**To:** Raimondi, Marc (OPA)  
**Subject:** Re: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

Yes! (b) (6)

Paula Reid, Justice Reporter, CBS News

On Feb 22, 2017, at 8:11 PM, Raimondi, Marc (OPA) <[Marc.Raimondi@usdoj.gov](mailto:Marc.Raimondi@usdoj.gov)> wrote:

Is this what you were waiting for?

Marc Raimondi  
National Security Division  
U.S. Department of Justice  
O: 202-514-1153  
M: (b) (6)

Begin forwarded message:

**From:** "USDOJ-Office of Public Affairs (SMO)"  
<[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Date:** February 22, 2017 at 7:06:06 PM EST  
**To:** "USDOJ-Office of Public Affairs (SMO)" <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE  
WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.

<image005.jpg>

<image007.jpg>

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RELEASE

FOR IMMEDIATE

AG

WEDNESDAY, FEBRUARY 22,

2017

(202) 514-2007

[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

TTY (866) 544-5309

STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE



STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE  
WITHDRAWAL OF TITLE IX GUIDANCE

WASHINGTON – The Department of Justice and the Department of Education today withdrew guidance for educational institutions, issued in 2015 and 2016, that took the position that the prohibitions in Title IX of the Education Amendments of 1972 and implementing regulations against discrimination on the basis of sex require access to sex-segregated facilities on the basis of gender identity rather than biological sex. Attorney General Jeff Sessions issued the following statement:

“The Department of Justice has a duty to enforce the law. The prior guidance documents did not contain sufficient legal analysis or explain how the interpretation was consistent with the language of Title IX. The Department of Education and the Department of Justice therefore have withdrawn the guidance. Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue. The Department of Justice remains committed to the proper interpretation and enforcement of Title IX and to its protections for all students, including LGBTQ students, from discrimination, bullying, and harassment.”

# # #

17-214

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS,  
PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE  
OF PUBLIC AFFAIRS AT 202-514-2007.

<Guidance Letter.pdf>

<Supreme Court Letter.pdf>

Jakes, Lara

---

**From:** Jakes, Lara  
**Sent:** Wednesday, February 22, 2017 8:54 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** Re: FW: STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

got, thanks!

Lara Jakes  
Washington Night Editor  
The New York Times  
O: 202-862-0315  
M: (b) (6)  
@jakesNYT

On Wed, Feb 22, 2017 at 8:39 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

---

**From:** USDOJ-Office of Public Affairs (SMO)  
**Sent:** Wednesday, February 22, 2017 7:18 PM  
**To:** USDOJ-Office of Public Affairs (SMO) <[Ex\\_PAOMailbox@jmd.usdoj.gov](mailto:Ex_PAOMailbox@jmd.usdoj.gov)>  
**Subject:** STATEMENT BY ATTORNEY GENERAL JEFF SESSIONS ON THE WITHDRAWAL OF TITLE IX GUIDANCE

**NOTE:** The Guidance Letter and Supreme Court Letter are attached as PDF files.

**Navas, Nicole (OPA)**

---

**From:** Navas, Nicole (OPA)  
**Sent:** Wednesday, February 22, 2017 7:38 PM  
**To:** Beatriz Pascual  
**Cc:** Navas, Nicole (OPA); Carr, Peter (OPA); Abueg, Mark (OPA)  
**Subject:** Re: Guidelines transgender

I forwarded you the announcement earlier

Thanks,

Nicole A. Navas

Spokesperson

U.S. Department of Justice

On Feb 22, 2017, at 7:11 PM, Beatriz Pascual <[bpascual@efeamerica.com](mailto:bpascual@efeamerica.com)> wrote:

Thank you very much!

Just received an alert from Reuters, saying DOJ has notified the supreme court. Is this true?

Thanks!

**Beatriz Pascual Macías**

Efe News Services

529, 14th Street Apt. 1220

20045 NW Washington DC

(b) (6) (mobile)

(202)- 745.7692 (office)

[www.efe.com](http://www.efe.com)

**EFE** is the leading Spanish-language news agency and the fourth largest news agency in the world, with more than seventy-five years of experience.

On Wed, Feb 22, 2017 at 6:19 PM, Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)> wrote:

Hi Beatriz,

I added to email my colleagues, who will advise if and when there is anything new to report.

Thank you

Nicole A. Navas



Spokesperson/Public Affairs Specialist

U.S. Department of Justice (DOJ)

---

**From:** [bpascual@efeamerica.com](mailto:bpascual@efeamerica.com) [mailto:[bpascual@efeamerica.com](mailto:bpascual@efeamerica.com)]

**Sent:** Wednesday, February 22, 2017 5:49 PM

**To:** Nicole (OPA) Navas <[nicole.navas@usdoj.gov](mailto:nicole.navas@usdoj.gov)>; Press <[press@usdoj.gov](mailto:press@usdoj.gov)>

**Subject:** Guidelines transgender

Good afternoon,

I hope you are doing well.

This is Bestriz Pascual Macias, a Reporter working for EFE (Spanish newswire).

I write you regarding the guidelines for transgender students. Do you know if the official press release is going to come from the DOJ or the White House?

In case that happens or I need assistance with any other issue. Could you please provide me the email of the person on duty tonight?

Thank you so much!!

Best!

Levine, Mike

---

**From:** Levine, Mike  
**Sent:** Wednesday, February 22, 2017 11:11 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: Transgender guidance

Got it thanks!

> On Feb 22, 2017, at 8:02 PM, Carr, Peter (OPA) <Peter.Carr@usdoj.gov> wrote:

>

> As guidance just so it's clear, the main legal point from our letter to the court is that the guidance is withdrawn in order to allow the Departments to consider the legal issues further and more completely.

>

> The decision should not be portrayed as if a final decision on whether Title IX has any relevance in this setting has been made.

## Abueg, Mark (OPA)

---

**From:** Abueg, Mark (OPA)  
**Sent:** Thursday, February 23, 2017 9:43 AM  
**To:** Chris Johnson  
**Cc:** Dilworth, Stephanie (OPA)  
**Subject:** RE: Seeking comment on Title IX guidance

Chris,

My sincerest apologies. It was definitely an accident as I thought you were on the main DOJ distro list. I'll make sure to have you added if that's okay.

Best,

Mark

**From:** Chris Johnson [mailto:[cjohnson@washblade.com](mailto:cjohnson@washblade.com)]  
**Sent:** Thursday, February 23, 2017 6:27 AM  
**To:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Cc:** Dilworth, Stephanie (OPA) <[Stephanie.Dilworth2@usdoj.gov](mailto:Stephanie.Dilworth2@usdoj.gov)>  
**Subject:** Re: Seeking comment on Title IX guidance

I never received anything from you.

On Wed, Feb 22, 2017 at 6:25 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Hi, Chris. For guidance...I'm issuing something tonight.

Best,

Mark

**From:** Chris Johnson [mailto:[cjohnson@washblade.com](mailto:cjohnson@washblade.com)]  
**Sent:** Wednesday, February 22, 2017 6:12 PM  
**To:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Cc:** Simotes, Jenna A. (OPA) <[Jenna.A.Simotes@usdoj.gov](mailto:Jenna.A.Simotes@usdoj.gov)>  
**Subject:** Re: Seeking comment on Title IX guidance

Just want to follow up. Did DOJ ever issue a letter on this issue?

On Tue, Feb 21, 2017 at 11:00 AM, Chris Johnson <[cjohnson@washblade.com](mailto:cjohnson@washblade.com)> wrote:

Just want to follow up to see if you have anything more to offer at this time.

On Mon, Feb 20, 2017 at 3:43 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Hi, Chris.

Thanks for checking. DOJ declines to comment.

...



Dest,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

On Feb 20, 2017, at 2:58 PM, Chris Johnson <[cjohnson@washblade.com](mailto:cjohnson@washblade.com)> wrote:

Greetings!

I heard from a credible source the Trump administration tomorrow will rescind Obama-era guidance to schools instructing them to allow transgender students to use the restroom consistent with their gender identity.

Can you confirm that for me? If so, what is the reason?

Thanks.

--

Chris Johnson  
**Washington Blade**  
Chief Political & White House Reporter  
*Follow me on Twitter:*  
<https://twitter.com/chrisjohnson82>

--

Chris Johnson  
**Washington Blade**  
Chief Political & White House Reporter  
*Follow me on Twitter:*  
<https://twitter.com/chrisjohnson82>

--

Chris Johnson  
**Washington Blade**  
Chief Political & White House Reporter  
*Follow me on Twitter:*  
<https://twitter.com/chrisjohnson82>

--

Chris Johnson

**Washington Blade**

Chief Political & White House Reporter

*Follow me on Twitter:*

<https://twitter.com/chrisjohnson82>

**Schenck, Kristen W (JMD)**

---

**From:** Schenck, Kristen W (JMD)  
**Sent:** Thursday, February 23, 2017 12:04 PM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** Kevin McGowan with Bloomberg BNA

Mark,

Kevin is inquiring about the Joint Guidance (DOE and DOJ) to help schools ensure the Civil Rights of transgender students and would like to know DOJ's stance. He has a 4pm deadline.

**Kevin McGowan**  
Bloomberg BNA  
[KMcGowan@BNA.com](mailto:KMcGowan@BNA.com)  
703-341-3938

Thanks,

**Kristen Schenck**  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202.353.7129 | Office  
(b) (6) | Cell



**Bohn, Kevin**

---

**From:** Bohn, Kevin  
**Sent:** Saturday, February 11, 2017 5:00 PM  
**To:** mark.abueg@usdoj.go; Carr, Peter (OPA)  
**Subject:** CNN inquiry

If you have a comment about the filing Friday in the transgender case can you let me know.

Thanks

Kevin Bohn  
Supervising Producer  
202-898-7954 work  
(b) (6) cell



**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Saturday, February 11, 2017 5:29 PM  
**To:** Bohn, Kevin  
**Cc:** mark.abueg@usdoj.go  
**Subject:** Re: CNN inquiry

d\plain\fo

d\plain\foThx, at this time we will decline to comment beyond our court filing.

d\plain\fo On Feb 11, 2017, at 5:00 PM, Bohn, Kevin <[Kevin.Bohn@turner.com](mailto:Kevin.Bohn@turner.com)> wrote:

d\plainIf you have a comment about the filing Friday in the transgender case can you let me know.

d\plain

d\plainThanks

d\plain

d\plainKevin Bohn

d\plainSupervising Producer

d\plain202-898-7954 work

d\plain(b) (6) cell

d\plain

d\plain

## Press

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**From:** Press  
**Sent:** Monday, February 13, 2017 1:06 PM  
**To:** Navas, Nicole (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** Media Inquiry -- Texas Case

Nicole,

Kevin McGowan | [KMcGowan@bna.com](mailto:KMcGowan@bna.com) | (703) 341-3938

Looking for a comment about this matter: <http://www.cnn.com/2017/02/11/politics/justice-department-transgender-guidance-case/>

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)



**Navas, Nicole (OPA)**

---

**From:** Navas, Nicole (OPA)  
**Sent:** Monday, February 13, 2017 1:19 PM  
**To:** sara.randazzo@wsj.com  
**Subject:** RE: WSJ/ on deadline Sunday

Hi Sara,

I apologize for the delayed reply. The Justice Department declines to comment beyond the government's filing in this pending litigation. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)  
202-514-1155 (office)

**From:** Randazzo, Sara [<mailto:sara.randazzo@wsj.com>]  
**Sent:** Sunday, February 12, 2017 3:24 PM  
**To:** [press@usdoj.gov](mailto:press@usdoj.gov)  
**Subject:** WSJ/ on deadline Sunday

Hi there,

I'm writing an article on the Friday filing in the 5th Circuit appeal of the challenge to the transgender rights guidance. Does DOJ have any comment on whether it plans to abandon the appeal altogether? I'm on deadline today.

Sara Randazzo  
REPORTER



**O:** 310-498-4710  
**E:** sara.randazzo@wsj.com  
**A:** 5900 Wilshire Blvd., Suite 2900, Los Angeles CA 90036



**Schenck, Kristen W (JMD)**

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**From:** Schenck, Kristen W (JMD)  
**Sent:** Monday, February 13, 2017 3:12 PM  
**To:** Navas, Nicole (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** Inquiry from Seth Hemmelgarn with The Bay Area Report

Nicole,

Seth Hemmelgarn with The Bay Area Report would like comments on why DOJ withdrew their support for transgender students. I found the article below. "U.S. withdraws stay request in transgender bathroom case". He would like a response by COB today.

**Seth Hemmelgarn**  
Bay Area Report  
415-875-9986  
[seth@ebar.com](mailto:seth@ebar.com)

Thank you!

**Kristen Schenck**  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202.353.7129 | Office  
(b) (6) | Cell

Chris Johnson

---

**From:** Chris Johnson  
**Sent:** Monday, February 13, 2017 4:08 PM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** Re: Seeking comment on Title IX letter

Thanks!

On Mon, Feb 13, 2017 at 4:06 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Hi, Chris.

Hope all is well. Nicole Navas asked me to get back to you as I cover the Civil Rights Division.

In response to your inquiry, please attribute the following statement to a DOJ Spokesperson:

"We have received the letter and will review it."

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** Chris Johnson [<mailto:cjohnson@washblade.com>]  
**Sent:** Monday, February 13, 2017 2:50 PM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Subject:** Seeking comment on Title IX letter



Nicole,

Does the Justice Department have a response to this letter urging the Trump administration to maintain Title IX guidance for transgender students?

Thanks.

--

Chris Johnson

**Washington Blade**

Chief Political & White House Reporter

*Follow me on Twitter:*

<https://twitter.com/chrisjohnson82>

--

Chris Johnson

**Washington Blade**

Chief Political & White House Reporter

*Follow me on Twitter:*

<https://twitter.com/chrisjohnson82>



February 13, 2017

The Honorable Betsy DeVos  
Secretary of the United States Department of Education  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

The Honorable Jeff Sessions  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Secretary DeVos and Attorney General Sessions:

On behalf of the undersigned organizations representing women and girls and lesbian, gay, bisexual, and transgender (LGBT) Americans, we urge you to preserve critical Title IX guidance for schools and universities. These guidance documents, addressing important issues such as sexual violence prevention and response, bullying and harassment, and the needs and rights of transgender students, provide practical answers to schools on issues they face every day. Each of these guidance documents is based on years of careful research to accurately reflect a substantial body of case law and proven best practices from schools across the country. Most importantly, these guidance documents have been instrumental in providing schools with the tools they need to protect the health, safety, and educational opportunities of millions of students.

The Departments' guidance documents help educational institutions understand and comply with the law. Under Title IX, all forms of gender-based discrimination are prohibited unless specifically exempted by statute. This includes sexual violence, sexual harassment, and bullying and harassment based on gender. It also includes discrimination against the hundreds of thousands of students who were assigned one gender at birth but who live and attend school as another.

This guidance also helps protect some of our most vulnerable students. Three-quarters of all elementary school students (75%) reported that students at their school are called names, made fun of, or bullied with at least some regularity.<sup>1</sup> In middle and high schools, sexual harassment is all too common, with 56% of

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<sup>1</sup> Gay, Lesbian and Straight Education Network (GLSEN), *Playgrounds and Prejudice: Elementary School Climate in the United States*. 2012. [http://www.glsen.org/binary\\_data/GLSEN\\_ATTACHMENTS/file/000/002/2027\\_1.pdf](http://www.glsen.org/binary_data/GLSEN_ATTACHMENTS/file/000/002/2027_1.pdf).

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girls and 40% of boys saying they have been sexually harassed by peers,<sup>2</sup> and LGBT students overwhelmingly face sex-based harassment.<sup>3</sup> And sexual violence continues to plague students at our nation's schools, with 8% of girls experiencing rape or attempted rape before age 18,<sup>4</sup> and one in five women experiencing sexual assault before they leave college.<sup>5</sup> Recent studies confirm that transgender students across the country are as healthy and thriving as their siblings and peers when they are supported by the adults around them,<sup>6</sup> but their health and academic success suffers severely when they are bullied or singled out at school. Unfortunately, nearly two-thirds (64.5%) of transgender students report harassment at school.<sup>7</sup> Guidance from the Departments has helped schools, colleges, and universities prevent these harms, and has now been widely and successfully implemented. For example, nearly half of the nation's K-12 students already attend schools with clear policies consistent with the Department's guidance on transgender students.

We note with deep concern that Secretary DeVos declined to commit to maintaining this guidance in her confirmation hearing, and that the Justice Department just days ago abandoned its request to stay a district court preliminary injunction of the transgender student guidance – both moves that have caused alarm for students and families throughout the country. In her address to Department of Education staff on February 8, Secretary DeVos called for “acting justly, being compassionate and moving forward humbly on behalf of the future of our nation - America's students.” A withdrawal of this critical guidance would represent a major retreat from these commitments. We urge you to ensure that your Departments continue to support and protect all students.

Sincerely,

Mara Keisling, Executive Director,  
National Center for Transgender Equality

Nancy Duff Campbell & Marcia Greenberger,  
Co-Presidents, National Women's Law Center

Eliza Byard, Executive Director,  
GLSEN

Chad Griffin, Executive Director,  
Human Rights Campaign

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<sup>2</sup> American Association of University Women (AAUW). Crossing the Line: Sexual Harassment at School. 2011. <http://www.aauw.org/learn/research/crossingtheline.cfm>.

<sup>3</sup> GLSEN, The 2015 National School Climate Survey. <http://www.glsen.org/article/2015-national-school-climate-survey>.

<sup>4</sup> “Sexual Violence in Youth,” National Intimate Partner and Sexual Violence Survey, <https://www.cdc.gov/violenceprevention/pdf/2012FindingsonSVinYouth.pdf>.

<sup>5</sup> Bureau of Justice Statistics Research and Development Series, Campus Climate Survey Validation Study: Final Technical Report, January 2016, <https://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>.

<sup>6</sup> Durwood, L., McLaughlin, K.A., & Olson, K.R. (2017). Mental Health and Self Worth in Socially Transitioned Transgender Youth. *Child & Adolescent Psychiatry*, 56 (2), 116-123.e2; Olson, K.R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2016). Mental health of transgender children who are supported in their identities. *Pediatrics*, 137 (3), 1-8.

<sup>7</sup> GLSEN, The 2015 National School Climate Survey.

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Vin Gurrieri

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**From:** Vin Gurrieri  
**Sent:** Monday, February 13, 2017 5:46 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: Law360 Request For Comment In Re: 5th Circ. DOJ Filing

Thanks Peter, much appreciated.

On Mon, Feb 13, 2017 at 5:39 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

Thank you, Vin. We'll decline to comment beyond the filing at this time.

**From:** Vin Gurrieri [mailto:[vin.gurrieri@law360.com](mailto:vin.gurrieri@law360.com)]  
**Sent:** Monday, February 13, 2017 5:37 PM  
**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** Law360 Request For Comment In Re: 5th Circ. DOJ Filing

Good Afternoon Peter,

I am writing in regards to the DOJ's decision to withdraw its request in the 5th Circuit for a partial stay of an injunction blocking Obama administration guidance that allowed students to use the restroom that matches there gender identity.

I wanted to offer an opportunity for comment. Thank you for the consideration.

--

Best,

Vin Gurrieri  
Senior Reporter, Employment

**Law360 | a LexisNexis company**  
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444 West 140th St.

111 West 19th St.

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[vin.gurrieri@law360.com](mailto:vin.gurrieri@law360.com)

Follow me on Twitter: @VinGLaw360

--

Best,

Vin Gurrieri

Senior Reporter, Employment

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Follow me on Twitter: @VinGLaw360

**DANIEL.TROTTA@thomsonreuters.com**

---

**From:** DANIEL.TROTTA@thomsonreuters.com  
**Sent:** Tuesday, February 14, 2017 12:59 PM  
**To:** Mark.Abueg@usdoj.gov  
**Cc:** julia.ainsley@thomsonreuters.com; Julia.Harte@thomsonreuters.com; Jenna.A.Simotes@usdoj.gov  
**Subject:** RE: Reuters request for comment on LGBT letter

Many thanks for your prompt response.

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Tuesday, February 14, 2017 12:57 PM  
**To:** Trotta, Daniel (Reuters News)  
**Cc:** Edwards, Julia (Reuters News); Harte, Julia (Reuters News); Simotes, Jenna A. (OPA)  
**Subject:** RE: Reuters request for comment on LGBT letter

Daniel,

Thank you for your email.

All I can offer you is the same comment: "We have received the letter and will review it." (Attributable to a DOJ Spokesperson)

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** [DANIEL.TROTTA@thomsonreuters.com](mailto:DANIEL.TROTTA@thomsonreuters.com) [mailto:[DANIEL.TROTTA@thomsonreuters.com](mailto:DANIEL.TROTTA@thomsonreuters.com)]  
**Sent:** Tuesday, February 14, 2017 12:25 PM  
**To:** [Mark.abueg@usdoj.gov](mailto:Mark.abueg@usdoj.gov); [press@usdoj.gov](mailto:press@usdoj.gov)  
**Cc:** [julia.ainsley@thomsonreuters.com](mailto:julia.ainsley@thomsonreuters.com); [Julia.Harte@thomsonreuters.com](mailto:Julia.Harte@thomsonreuters.com)  
**Subject:** Reuters request for comment on LGBT letter

Dear Mr. Abueg,

I am a reporter for Reuters who is seeking immediate comment from the Justice Department regarding this letter sent by four LGBT groups to the attorney general and the education secretary asking that they preserve guidance issued by the Obama administration.

<http://www.washingtonblade.com/content/files/2017/02/LGBT-and-NWLC-Letter-re-Title-IX-Guidance-2-13->



[17.pdf](#)

I understand from the signatories that the letter was delivered. Has Attorney General Sessions received it and read it?

Can you say whether DOJ intends to stand by the guidance? Will it continue to defend the Justice Department in the case referred to in the letter? (**State of Texas, et al v. USA, et al**)

Please call 646 223 4186 at your earliest convenience. I am writing this story on deadline.

Many thanks and best regards

.....  
Daniel Trotta  
Correspondent, U.S. General News  
**Reuters**

New York office +1 646 223 4186  
Cell phone (b) (6)

[daniel.trotta@reuters.com](mailto:daniel.trotta@reuters.com)  
[www.reuters.com](http://www.reuters.com)

CNS Houston

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**From:** CNS Houston  
**Sent:** Tuesday, February 14, 2017 2:09 PM  
**To:** 'Navas, Nicole (OPA)'  
**Subject:** RE: Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

Thank you Nicole.

---

**From:** Navas, Nicole (OPA) [mailto:Nicole.Navas@usdoj.gov]  
**Sent:** Tuesday, February 14, 2017 1:04 PM  
**To:** houston@courthousenews.com  
**Subject:** RE: Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

Hi Cameron,  
The Justice Department declines to comment beyond the government's filing in this pending litigation. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)

---

**From:** CNS Houston [mailto:houston@courthousenews.com]  
**Sent:** Tuesday, February 14, 2017 1:32 PM  
**To:** Berwick, Benjamin L. (CIV) <BBerwick@civ.usdoj.gov>  
**Subject:** Reporter seeking comment on DOJ decision in transgender litigation out of the Northern District of Texas

Hello Mr. Berwick—I'm inquiring about the DOJ's decision to drop the injunction stay request made to the Fifth Circuit in the litigation challenging the Obama administration's directive that public schools must let transgender students use their preferred restrooms and locker rooms.

Just have a few questions:

- 1) What will the DOJ's next step be in the case?
- 2) Do you expect the Trump administration to revoke the directive?
- 3) Anything else you want to say?

Sincerely,

Cameron Langford  
Courthouse News Service  
713-550-4826



**Carr, Peter (OPA)**

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**From:** Carr, Peter (OPA)  
**Sent:** Monday, February 20, 2017 7:00 PM  
**To:** Eric Tucker  
**Subject:** Fwd: Seeking background help?

Hi Eric,

Sarah asked me to get back to you. Just tried to call, but as guidance I'm not aware of anything happening tomorrow.

Thx,  
Peter

----- Forwarded message -----

From: **Tucker, Eric** <[etucker@ap.org](mailto:etucker@ap.org)>  
Date: Mon, Feb 20, 2017 at 6:47 PM  
Subject: Seeking background help?  
To: (b) (6) Sarah Isgur Flores' personal email address

Hi Sarah, sorry to bother you on a weekend, but we're hearing rumors that the administration is going to act tomorrow to reverse the guidance given to schools last year on transgender students. We're looking to publish tonight but we want to make sure we have all the facts correct. Anything you could say tonight to help on background? Call me anytime at (b) (6) Thanks so much, and I hope you had a great weekend.

Sent from my iPhone

--  
\*\*\*

Sarah Isgur Flores  
(b) (6)  
@whignewtons

**Caitlin Emma**

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**From:** Caitlin Emma  
**Sent:** Monday, February 20, 2017 9:52 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** RE: Title IX guidance

Thank you.

Would it be possible to sign up for media releases so that I'm informed if such an action takes place?

Caitlin Emma  
Education reporter  
POLITICO  
[@caitlinzemma](#)

---

**From:** Abueg, Mark (OPA) [<mailto:Mark.Abueg@usdoj.gov>]  
**Sent:** Monday, February 20, 2017 9:41 PM  
**To:** Caitlin Emma <[CEmma@politico.com](mailto:CEmma@politico.com)>  
**Subject:** RE: Title IX guidance

Caitlin,

Thank you for your inquiry.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** Caitlin Emma [<mailto:CEmma@politico.com>]  
**Sent:** Monday, February 20, 2017 8:53 PM  
**To:** [Press@usdoj.gov](mailto:Press@usdoj.gov)  
**Subject:** Title IX guidance

Hello,

I've heard from sources that the Trump administration is going to rescind Obama-era Title IX guidance on transgender students soon, possibly as early as tomorrow.

I'm seeking confirmation of this tip and comment from the agency.

Thank you,

Caitlin Emma

Education reporter

**POLITICO**

Desk: (703)842-1739

Cell: (b) (6)

[@caitlinzemma](#)

Sign up for [Morning Education](#) — your daily overview of education policy news.



Chris Johnson

---

**From:** Chris Johnson  
**Sent:** Tuesday, February 21, 2017 11:00 AM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** Re: Seeking comment on Title IX guidance

Just want to follow up to see if you have anything more to offer at this time.

On Mon, Feb 20, 2017 at 3:43 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:  
Hi, Chris.

Thanks for checking. DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

On Feb 20, 2017, at 2:58 PM, Chris Johnson <[cjohnson@washblade.com](mailto:cjohnson@washblade.com)> wrote:

Greetings!

I heard from a credible source the Trump administration tomorrow will rescind Obama-era guidance to schools instructing them to allow transgender students to use the restroom consistent with their gender identity.

Can you confirm that for me? If so, what is the reason?

Thanks.

--

Chris Johnson  
**Washington Blade**  
Chief Political & White House Reporter  
*Follow me on Twitter:*  
<https://twitter.com/chrisjohnson82>

--  
Chris Johnson

**Washington Blade**

Chief Political & White House Reporter

*Follow me on Twitter:*

<https://twitter.com/chrisjohnson82>

**OHara, Mary Emily (NBCUniversal)**

---

**From:** OHara, Mary Emily (NBCUniversal)  
**Sent:** Tuesday, February 21, 2017 11:19 AM  
**To:** Abueg, Mark (OPA)  
**Cc:** Navas, Nicole (OPA)  
**Subject:** RE: Title IX guidance changes today (due asap)

Thanks Mark. Again, just checking on this to make sure we have enough notice to schedule balanced coverage.

Looking forward to more info as it comes!

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Tuesday, February 21, 2017 10:52 AM  
**To:** OHara, Mary Emily (NBCUniversal)  
**Cc:** Navas, Nicole (OPA)  
**Subject:** RE: Title IX guidance changes today (due asap)

Hi, Mary.

Thank you for checking on these both.

DOJ declines to comment. If I find out about any announcement or proposed letter as you mentioned, I'll make sure to provide you guidance.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** OHara, Mary Emily (NBCUniversal) [mailto:MaryEmily.OHara@nbcuni.com]  
**Sent:** Tuesday, February 21, 2017 10:49 AM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Cc:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** RE: Title IX guidance changes today (due asap)

Thanks Nicole!

Mark: feel free to call my desk at (b) (6). Or leave a message on my cell at (b) (6). Thanks.

---

**From:** Navas, Nicole (OPA) [mailto:Nicole.Navas@usdoj.gov]  
**Sent:** Tuesday, February 21, 2017 10:48 AM



**To:** OHara, Mary Emily (NBCUniversal)  
**Cc:** Abueg, Mark (OPA)  
**Subject:** RE: Title IX guidance changes today (due asap)

Hi Emily,

I am connecting you to the Department's Civil Rights Division spokesperson to get back to you. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)

---

**From:** OHara, Mary Emily (NBCUniversal) [<mailto:MaryEmily.OHara@nbcuni.com>]  
**Sent:** Tuesday, February 21, 2017 8:23 AM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Subject:** Title IX guidance changes today (due asap)

Good morning Nicole,

Hope you had a great holiday. My sources tell me they are expecting a change today to the Justice Department and Department of Education guidance regarding Title IX interpretations as it pertains to transgender students.

Is there such an announcement planned? I'm happy to commit to an embargo, but just want to be prepared for planning purposes.

We're also hearing about a Dear Colleague letter that is rumored to be released this week. If that's true, is it possible to get an embargoed copy?

Thank you,  
Mary



Mary Emily O'Hara  
Reporter, NBCNews.com  
T: @maryemilyohara  
C: (b) (6)  
[Maryemily.ohara@nbcuni.com](mailto:Maryemily.ohara@nbcuni.com)

Carrie Johnson

---

**From:** Carrie Johnson  
**Sent:** Tuesday, February 21, 2017 2:36 PM  
**To:** 'Abueg, Mark (OPA)'  
**Subject:** RE: Transgender

Thanks Mark

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**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Tuesday, February 21, 2017 2:35 PM  
**To:** Carrie Johnson  
**Cc:** Carr, Peter (OPA)  
**Subject:** RE: Transgender

Carrie,

Thanks for checking. DOJ declines to comment.

If I hear of anything I'll make sure to let you know for guidance.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** Carrie Johnson [mailto:CJohnson2@npr.org]  
**Sent:** Tuesday, February 21, 2017 2:11 PM  
**To:** Carr, Peter (USAVAE) ([Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>; Abueg, Mark (OPA) ([Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** Transgender

Hi there

Just checking in with you regarding timing on transgender guidance and announcement re the GG Gloucester VA case before the Supreme Court.

Much chatter for the past week about a DOJ change in position. Sean Spicer just said from the WH podium that further guidance about the issue and the Scotus case will come from DOJ.

Is that happening today? Tomorrow?

THANKS

Carrie Johnson

NPR

[Cjohnson2@npr.org](mailto:Cjohnson2@npr.org)

202-513-2216

**Abueg, Mark (OPA)**

---

**From:** Abueg, Mark (OPA)  
**Sent:** Tuesday, February 21, 2017 4:01 PM  
**To:** andrew.kreighbaum@insidehighered.com  
**Cc:** Dilworth, Stephanie (OPA)  
**Subject:** RE: Title IX guidance from administration

Andrew,

Thanks for checking.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** Andrew Kreighbaum [<mailto:andrew.kreighbaum@insidehighered.com>]  
**Sent:** Tuesday, February 21, 2017 3:58 PM  
**To:** [press@usdoj.gov](mailto:press@usdoj.gov)  
**Subject:** Title IX guidance from administration

Hi press team,

White House Press Secretary Sean Spicer was asked today about a decision to rescind the guidance issued by the Obama administration on access by transgender students to their preferred bathroom. Spicer said the Department of Education and Department of Justice are "addressing" the issue and that further guidance is expected from DOJ in particular. Can the department offer any comment or statement on the Title IX issue and what form new guidance might take?

Thanks,

--

Andrew Kreighbaum  
Reporter  
Inside Higher Ed  
Office: (202) 448-6111  
Cell: (b) (6)



Abueg, Mark (OPA)

---

**From:** Abueg, Mark (OPA)  
**Sent:** Tuesday, February 21, 2017 6:13 PM  
**To:** dana.goldstein@nytimes.com  
**Subject:** Re: From NY Times - transgender student guidance?

Hi, Dana.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

**From:** Goldstein, Dana [<mailto:dana.goldstein@nytimes.com>]  
**Sent:** Tuesday, February 21, 2017 5:48 PM  
**To:** [press@usdoj.gov](mailto:press@usdoj.gov)  
**Subject:** From NY Times - transgender student guidance?

To Whom it May Concern:

The National Center for Transgender Equality has [released a statement](#) suggesting that DOJ is preparing new joint guidance on transgender students, which would rescind the aggressive enforcement of Title IX practiced by the Obama administration.

I am trying to confirm this report, and also see if I can access any draft of this guidance.

I am working on this currently. Thank you.

Best  
Dana

--

Dana Goldstein  
New York Times national correspondent  
(212) 556-1774

**Dean, Matthew**

---

**From:** Dean, Matthew  
**Sent:** Tuesday, February 21, 2017 4:26 PM  
**To:** mark.abueg@usdoj.gov  
**Cc:** Dean, Matthew  
**Subject:** DOJ guidance on transgender restrooms

Hi Mark –

This is Matt Dean from Fox. If I'm not mistaken, you are handling Civil Rights inquiries, right?

If so, I want to see if you have any guidance to pass along on Sean Spicer's comments during the briefing today. He alluded to there being guidance forthcoming from DOJ on the issue of transgender restrooms. There was also a write up in the Washington Examiner on this. Anything that you could provide on this is appreciated.

Thanks,

Matt

#### **SPICER TODAY - EXPECT "GUIDANCE" FROM DOJ ABOUT TRANSGENDER RESTROOMS**

Q natl center for transgender equality said admin will rescind obama guidance on restrooms?

14:08:59 that's issue that DOJ, education are addressing

14:09:03 there will be further guidance from DOJ in particular with respect to EO, and the supreme court case

14:09:12 POTUS has maintained that this is a states rights issue, not one for federal gov

14:09:22 further guidance will be coming out, but look at what POTUS' view has been - this is not something federal gov should be involved in, it's a states rights issue

#### **Washington Examiner**

The Trump administration will rescind an Obama-era order compelling public schools nationwide to permit restroom and locker room access on the basis of gender identity, the Washington Blade reported.

The Blade cites Mara Keisling, executive director of the National Center for Transgender Equality, who says she heard from "reliable sources" that President Trump has authorized the Education and Justice Departments to revoke the guidance.

When asked about the report Tuesday, White House Press Secretary Sean Spicer said the president has long considered the matter a "states' rights issue."

"That's an issue that the Department of Justice and the Department of Education are addressing," Mr. Spicer said at his press briefing. "I think there will be further guidance coming from DOJ in particular with respect to, not just the executive order, but also the case that's in front of the Supreme Court. The president has maintained for a long time that this is a states' rights issue, and not one for the federal government. This is not something that the federal government should be involved with."

The Obama administration issued an edict in May forcing public schools nationwide to allow transgender students to use the restrooms, locker rooms and shower facilities of their choice. Noncompliant schools risked losing federal education funding

Matt Dean  
Department of Justice & Federal Law Enforcement Producer  
Fox News Channel  
(b) (6) (Mobile)  
202.789.0261 (DOJ)  
[matthew.dean@foxnews.com](mailto:matthew.dean@foxnews.com)  
@MattFirewall

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De Vogue, Ariane

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**From:** De Vogue, Ariane  
**Sent:** Tuesday, February 21, 2017 7:06 PM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: hi from me

Bless u

---

**From:** "Carr, Peter (OPA)" <Peter.Carr@usdoj.gov>  
**Date:** Tuesday, February 21, 2017 at 6:54 PM  
**To:** "De Vogue, Ariane" <Ariane.DeVogue@cnn.com>  
**Cc:** "Carr, Peter (OPA)" <Peter.Carr@usdoj.gov>  
**Subject:** Re: hi from me

As guidance only, I've been given no indication that anything will happen tonight. If that changes I'll let you know.

On Feb 21, 2017, at 6:51 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

So sorry to bug wondering if you had any OFF THE RECORD GUIDANCE whether you think transgender guidance is coming out tonight. They are making me stay until 10 because the groups are so revved up on this...but if it's slipped (or was never planned) to come tonight I'd love to know?

Thanks

Ariane de Vogue  
202 669 7740

**Zapotosky, Matt**

---

**From:** Zapotosky, Matt  
**Sent:** Tuesday, February 21, 2017 11:04 PM  
**To:** peter.carr@usdoj.gov  
**Subject:** Another draft to run by you  
**Attachments:** image1.PNG; ATT00001.txt; image2.PNG; ATT00002.txt

Hey Peter--

Sorry to bug you so late, and hope this message gets to you. We just got a hold of another alleged draft related to Title IX -- this one on the nose to the guidance. Is this legit?

Many thanks,

Matt

February [[xx]], 2017

Dear Colleague:

The purpose of this guidance is to inform you that the Department of Education and the Department of Justice are withdrawing the statements of policy and guidance reflected in:

- Letter to Emily Prince from James A. Ferg-Cadima, Acting Deputy Assistant Secretary for Policy, Office for Civil Rights at the Department of Education (OCR) dated January 7, 2015; and,
- Dear Colleague Letter on Transgender Students jointly issued by the Civil Rights Division of the Department of Justice ("DOJ") and OCR dated May 13, 2016.

These guidance documents take the position that the prohibitions on discrimination "on the basis of sex" in Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681 et seq., and its implementing regulations, see, e.g., 34 C.F.R. § 106.33, require access to sex-segregated facilities based on gender identity rather than biological sex.

This interpretation has given rise to significant litigation regarding school restrooms and locker rooms. The U.S. Court of Appeals for the Fourth Circuit concluded that the term "sex" in the regulations is ambiguous and deferred to what the court characterized as the "novel" interpretation advanced in the guidance. That case is currently pending before the Supreme Court. By contrast, a federal district court in Texas held that the term "sex" unambiguously refers to biological sex and that, in any event, because the guidance was "legislative and substantive," formal rulemaking should have occurred prior to the adoption of any such policy. The Texas court preliminarily enjoined enforcement of the interpretation, and that injunction currently remains in effect.



In addition, over the past two years, school administrators, parents, and students have expressed varying views on the legal issues arising in this setting. They have also struggled to understand and apply the statements of policy and guidance in the two documents identified above.

In these circumstances, OCR and DOJ have decided to withdraw and rescind the above-referenced guidance documents in order to further consider the legal issues involved. The Departments thus will not rely on the views expressed within them.

Please note that the withdrawal of these guidance documents does not diminish the protections from bullying and harassment that are available to

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all students. Schools must ensure that transgender students, like all students, are able to learn in a safe environment.

This guidance does not add requirements to applicable law, but provides information about how OCR and DOJ will proceed in developing the appropriate approach for determining whether covered entities are complying with their legal obligations in this context. If you have questions or are interested in commenting on this guidance, please contact OCR at [ocr@ed.gov](mailto:ocr@ed.gov) or 800-421-3481 (TDD 800-877-8339); or DOJ at [education@usdoj.gov](mailto:education@usdoj.gov) or 877-292-3804 (TTY: 800-514-0383).

De Vogue, Ariane

---

**From:** De Vogue, Ariane  
**Sent:** Wednesday, February 22, 2017 8:17 AM  
**To:** Carr, Peter (OPA)  
**Subject:** Re: hi from me

Lemme know if u hear more. Thanks.

Sent from my iPhone

On Feb 21, 2017, at 6:54 PM, Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)> wrote:

As guidance only, I've been given no indication that anything will happen tonight. If that changes I'll let you know.

On Feb 21, 2017, at 6:51 PM, De Vogue, Ariane <[Ariane.DeVogue@cnn.com](mailto:Ariane.DeVogue@cnn.com)> wrote:

So sorry to bug wondering if you had any OFF THE RECORD GUIDANCE whethere you think transgender guidance is coming out tonight. They are making me stay until 10 because the groups are so revved up on this...but if it's slipped (or was never planned) to come tonight I'd love to know?

Thanks

Ariane de Vogue  
202 669 7740

**OHara, Mary Emily (NBCUniversal)**

---

**From:** OHara, Mary Emily (NBCUniversal)  
**Sent:** Wednesday, February 22, 2017 9:06 AM  
**To:** Abueg, Mark (OPA)  
**Cc:** Navas, Nicole (OPA)  
**Subject:** Draft copy of Title IX guidance letter

Hi Mark and Nicole!

I was given a draft copy of the Dear Colleague letter that rescinds Title IX guidance regarding transgender students.

Given that Sean Spicer acknowledged this change yesterday, and the Washington Post cited a Republican source in the administration who said the letter is being announced today, we really need a comment from DOJ as soon as possible.

The draft letter says "OCR and DOJ have decided to withdraw and rescind the above-reference guidance documents in order to further consider the legal issues involved. The Departments thus will not rely on the views expressed within them."

The letter also appears to reference the Supreme Court case of Gavin Grimm, a transgender boy in Virginia. The draft states: "The U.S. Court of Appeals for the Fourth Circuit concluded that the term "sex" in the regulations is ambiguous and deferred to what the court characterized as the "novel" interpretation advanced in the guidance."

We can't hold back on this any longer at this point. Can you please tell me if the department is set to announce or take any other action today?

Thanks,  
Mary

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Tuesday, February 21, 2017 10:52 AM  
**To:** OHara, Mary Emily (NBCUniversal)  
**Cc:** Navas, Nicole (OPA)  
**Subject:** RE: Title IX guidance changes today (due asap)

Hi, Mary.

Thank you for checking on these both.

DOJ declines to comment. If I find out about any announcement or proposed letter as you mentioned, I'll make sure to provide you guidance.

Best,  
Mark



Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** OHara, Mary Emily (NBCUniversal) [<mailto:MaryEmily.OHara@nbcuni.com>]  
**Sent:** Tuesday, February 21, 2017 10:49 AM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Cc:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** RE: Title IX guidance changes today (due asap)

Thanks Nicole!

Mark: feel free to call my desk at (b) (6) Or leave a message on my cell at (b) (6). Thanks.

---

**From:** Navas, Nicole (OPA) [<mailto:Nicole.Navas@usdoj.gov>]  
**Sent:** Tuesday, February 21, 2017 10:48 AM  
**To:** OHara, Mary Emily (NBCUniversal)  
**Cc:** Abueg, Mark (OPA)  
**Subject:** RE: Title IX guidance changes today (due asap)

Hi Emily,

I am connecting you to the Department's Civil Rights Division spokesperson to get back to you. Thank you

Nicole A. Navas  
Spokesperson/Public Affairs Specialist  
U.S. Department of Justice (DOJ)

---

**From:** OHara, Mary Emily (NBCUniversal) [<mailto:MaryEmily.OHara@nbcuni.com>]  
**Sent:** Tuesday, February 21, 2017 8:23 AM  
**To:** Navas, Nicole (OPA) <[Nicole.Navas@usdoj.gov](mailto:Nicole.Navas@usdoj.gov)>  
**Subject:** Title IX guidance changes today (due asap)

Good morning Nicole,

Hope you had a great holiday. My sources tell me they are expecting a change today to the Justice Department and Department of Education guidance regarding Title IX interpretations as it pertains to transgender students.

Is there such an announcement planned? I'm happy to commit to an embargo, but just want to be prepared for planning purposes.

We're also hearing about a Dear Colleague letter that is rumored to be released this week. If that's true, is it possible to get an embargoed copy?

Thank you,  
Mary





Mary Emily O'Hara

Reporter, NBCNews.com

T: @maryemilyohara

C: (b) (6)

[Maryemily.ohara@nbcuni.com](mailto:Maryemily.ohara@nbcuni.com)

**Schenck, Kristen W (JMD)**

---

**From:** Schenck, Kristen W (JMD)  
**Sent:** Wednesday, February 22, 2017 10:34 AM  
**To:** Abueg, Mark (OPA)  
**Cc:** Simotes, Jenna A. (OPA)  
**Subject:** George Colli w/ Cox Media Group

Mr. Colli is asking the status of the guidelines on DOJ's Education release joint guidance to help schools ensure the Civil Rights of transgender students.

<https://www.justice.gov/opa/pr/us-departments-justice-and-education-release-joint-guidance-help-schools-ensure-civil-rights>

**George Colli**  
Cox Media Group  
[G.Colli@coxinc.com](mailto:G.Colli@coxinc.com)  
202-754-2856

Thanks,

**Kristen Schenck**  
Office of Public Affairs  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202.353.7129 | Office  
(b) (6) | Cell



**Dominic Holden**

---

**From:** Dominic Holden  
**Sent:** Wednesday, February 22, 2017 11:15 AM  
**To:** Abueg, Mark (OPA)  
**Subject:** Re: Media request — rescinding Title IX transgender guidance?

Where does this stand as of today? I'm hearing quite a bit about DOJ's work on this. But I need to hear from you. Is there anything you can give me here?

On Mon, Feb 20, 2017 at 6:34 PM Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Will do.

**From:** Dominic Holden [mailto:[dominic.holden@buzzfeed.com](mailto:dominic.holden@buzzfeed.com)]  
**Sent:** Monday, February 20, 2017 6:27 PM  
**To:** Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** Re: Media request — rescinding Title IX transgender guidance?

Thank you. Please let me know as soon as you can say something.

On Mon, Feb 20, 2017 at 6:12 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Hi, Dominic.

Thanks for checking.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice

Office of Public Affairs

Office: (202) 353-6836

Cell: (b) (6)

Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)

Website: [www.justice.gov](http://www.justice.gov)

On Feb 20, 2017, at 5:55 PM, Dominic Holden <[dominic.holden@buzzfeed.com](mailto:dominic.holden@buzzfeed.com)> wrote:

Hi!

I've heard that as soon as tomorrow, the DOJ and/or ED will rescind the transgender student guidance issued last May — possibly by issuing a new dear colleague letter. Is there anything that you can confirm for me here? I'd be very grateful. Happy to get confirmation on background or the conditions you need.

Thank you.

Dominic

--

Dominic Holden | National Reporter | **BuzzFeed**

Desk: (646) 668-3199 | Mobile: (b) (6) | [@dominicholden](https://twitter.com/dominicholden)

111 East 18th St, New York, NY 10003

--

Dominic Holden | National Reporter | **BuzzFeed**

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111 East 18th St, New York, NY 10003



**Gurman, Sadie**

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**From:** Gurman, Sadie  
**Sent:** Wednesday, February 22, 2017 9:03 AM  
**To:** Abueg, Mark (OPA)  
**Cc:** Carr, Peter (OPA)  
**Subject:** Re: AP inquiry re: transgender bathroom guidance

Hi, guys:

Touching base again. It looks like WaPo has a copy of the new guidance, and just taking a chance that would be something you could share with

me: [https://www.washingtonpost.com/local/education/trump-administration-poised-to-change-transgender-student-bathroom-guidelines/2017/02/21/cd690204-f7bf-11e6-9845-576c69081518\\_story.html?utm\\_term=.3562def2758c](https://www.washingtonpost.com/local/education/trump-administration-poised-to-change-transgender-student-bathroom-guidelines/2017/02/21/cd690204-f7bf-11e6-9845-576c69081518_story.html?utm_term=.3562def2758c)

I appreciate your help.

Sadie Gurman  
Reporter  
The Associated Press  
815-621-8598

On Feb 21, 2017, at 2:35 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Sadie,

Thanks for checking. DOJ declines to comment.

If I hear of anything, I'll make sure to let you know for guidance.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

---

**From:** Gurman, Sadie [<mailto:SGurman@ap.org>]  
**Sent:** Tuesday, February 21, 2017 2:30 PM  
**To:** Carr, Peter (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>; Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)>  
**Subject:** AP inquiry re: transgender bathroom guidance

Peter, Mark:

Sean Spicer said today that there will soon be guidance coming from DOJ with regard to the transgender bathroom guidance to public schools. I'm hoping you might tell me, at the very least on background, when or whether we can expect some movement from DOJ on this particular issue, given Spicer's comment.

I appreciate your looping me in on anything you can related to this! Thank you always,

**AP**

**ASSOCIATED PRESS**

**Sadie Gurman**  
Justice Department Reporter

1100 13th Street, NW, 5th Fl.  
Washington, D.C. 20005

[sgurman@ap.org](mailto:sgurman@ap.org)  
[www.ap.org](http://www.ap.org)

T 202.641.9439  
C(b) (6)

**Carr, Peter (OPA)**

---

**From:** Carr, Peter (OPA)  
**Sent:** Wednesday, February 22, 2017 11:24 AM  
**To:** Josh Gerstein  
**Subject:** RE: Transgender guidance/osg filing etc?

I'm checking, but not aware of any plans for today.

---

**From:** Josh Gerstein [mailto:jgerstein@politico.com]  
**Sent:** Wednesday, February 22, 2017 11:23 AM  
**To:** Carr, Peter (OPA) <Peter.Carr@usdoj.gov>  
**Subject:** Re: Transgender guidance/osg filing etc?

Hey Peter

Anything happening today?

--Josh

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network. Please excuse typos likely due to jostling of my horse and buggy.

---

**From:** Josh Gerstein  
**Sent:** Tuesday, February 21, 2017 4:12 PM  
**To:** Carr, Peter (OPA)  
**Subject:** RE: Transgender guidance/osg filing etc?

OK

Spicer bounced Q to you guys this aftn.

Appreciate the guidance

---

**From:** Carr, Peter (OPA) [mailto:Peter.Carr@usdoj.gov]  
**Sent:** Tuesday, February 21, 2017 4:10 PM  
**To:** Josh Gerstein <jgerstein@politico.com>  
**Subject:** RE: Transgender guidance/osg filing etc?

Sorry, been pulled in so many different directions today. As guidance only, I'm not aware of anything for today. I know there is a strong desire to let the courts know the department's position as soon as possible.

---

**From:** Josh Gerstein [mailto:jgerstein@politico.com]  
**Sent:** Tuesday, February 21, 2017 4:06 PM  
**To:** Carr, Peter (OPA) <Peter.Carr@usdoj.gov>  
**Subject:** RE: Transgender guidance/osg filing etc?

You're very quiet





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**From:** Carr, Peter (OPA) [<mailto:Peter.Carr@usdoj.gov>]  
**Sent:** Tuesday, February 21, 2017 10:37 AM  
**To:** Josh Gerstein <[jgerstein@politico.com](mailto:jgerstein@politico.com)>  
**Subject:** RE: Transgender guidance/osg filing etc?

Checking...

---

**From:** Josh Gerstein [<mailto:jgerstein@politico.com>]  
**Sent:** Tuesday, February 21, 2017 10:36 AM  
**To:** Peter Carr (OPA) <[Peter.Carr@usdoj.gov](mailto:Peter.Carr@usdoj.gov)>  
**Subject:** Transgender guidance/osg filing etc?

Hi Peter

Happy Tuesday.

My education reporters are hearing something is moving on transgender as soon as today.

That so?

Thanks

--Josh  
703 980 5029

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network. Please excuse typos likely due to jostling of my horse and buggy.

**Caitlin Emma**

---

**From:** Caitlin Emma  
**Sent:** Wednesday, February 22, 2017 11:46 AM  
**To:** Abueg, Mark (OPA)  
**Subject:** RE: Title IX guidance

Okay, thank you

Caitlin Emma  
Education reporter  
POLITICO  
@caitlinzemma

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Wednesday, February 22, 2017 11:42 AM  
**To:** Caitlin Emma <CEmma@politico.com>  
**Subject:** RE: Title IX guidance

Hi, Caitlin.

Thanks for checking. DOJ is still declining to comment.

Best,

Mark

---

**From:** Caitlin Emma [mailto:CEmma@politico.com]  
**Sent:** Wednesday, February 22, 2017 11:39 AM  
**To:** Abueg, Mark (OPA) <Mark.Abueg@usdoj.gov>  
**Subject:** RE: Title IX guidance

Hi Mark,

Following up again on this Cabinet fight seemingly sparked by the decision to rescind the guidance. Is DOJ commenting?

Caitlin Emma  
Education reporter  
POLITICO  
@caitlinzemma

---

**From:** Abueg, Mark (OPA) [mailto:Mark.Abueg@usdoj.gov]  
**Sent:** Monday, February 20, 2017 9:41 PM  
**To:** Caitlin Emma <CEmma@politico.com>  
**Subject:** RE: Title IX guidance

Caitlin,

Thank you for your inquiry.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836  
Cell: (b) (6)  
Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)

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**From:** Caitlin Emma [<mailto:CEmma@politico.com>]

**Sent:** Monday, February 20, 2017 8:53 PM

**To:** [Press@usdoj.gov](mailto:Press@usdoj.gov)

**Subject:** Title IX guidance

Hello,

I've heard from sources that the Trump administration is going to rescind Obama-era Title IX guidance on transgender students soon, possibly as early as tomorrow.

I'm seeking confirmation of this tip and comment from the agency.

Thank you,

Caitlin Emma  
Education reporter  
**POLITICO**  
Desk: (703)842-1739  
Cell: (b) (6)  
[@caitlinzemma](https://twitter.com/caitlinzemma)

Sign up for [Morning Education](#) — your daily overview of education policy news.

Esme Cribb

---

**From:** Esme Cribb  
**Sent:** Wednesday, February 22, 2017 12:30 PM  
**To:** Abueg, Mark (OPA)  
**Subject:** Re: Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections

Thanks much!

Esme

On Wed, Feb 22, 2017 at 12:26 PM, Abueg, Mark (OPA) <[Mark.Abueg@usdoj.gov](mailto:Mark.Abueg@usdoj.gov)> wrote:

Esme,

Thank you for the inquiry.

DOJ declines to comment.

Best,

Mark

Mark Abueg  
Public Affairs Specialist  
U.S. Department of Justice  
Office of Public Affairs

Office: (202) 353-6836

Cell: (b) (6)

Email: [mark.abueg@usdoj.gov](mailto:mark.abueg@usdoj.gov)

Website: [www.justice.gov](http://www.justice.gov)

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**From:** Esme Cribb [<mailto:esme@talkingpointsmemo.com>]

**Sent:** Wednesday, February 22, 2017 12:18 PM

**To:** [Press@usdoj.gov](mailto:Press@usdoj.gov)

**Subject:** Reports that AG Sessions and Education Secretary DeVos clashed over transgender protections



Hi,

I'm a reporter for Talking Points Memo reaching out about reports that Attorney General Sessions and Education Secretary DeVos disagreed over a draft executive order regarding protections for transgender students in public schools, and that DeVos eventually agreed to sign off on the order after President Trump sided with Sessions. Can you confirm whether that's the case, or whether you have any statement on the matter? Thanks so much.

Best,

Esme Cribb

**Viswanatha, Aruna**

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**From:** Viswanatha, Aruna  
**Sent:** Wednesday, February 22, 2017 12:44 PM  
**To:** Mark Abueg  
**Subject:** are you handling the transgender bathroom issue?

Hi Mark, do you have any eta on when that guidance will be coming today? If you have a minute, 202.862.9269

Thanks!

Aruna

-----  
Aruna Viswanatha  
REPORTER

M: (b) (6) O: +1 202 862 9269  
E: aruna.viswanatha@wsj.com  
A: 1025 Connecticut Ave., 8th floor, Washington, DC 20036