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Civil Rights Under Law

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Educational Fund, Inc.
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Maria Town
American Association of
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Service Employees International Union
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American Federation of Teachers

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National Congress of American Indians
John C. Yang
Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley

February 19, 2025

Oppose Confirmation of Linda McMahon for Secretary of Education

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 85 undersigned organizations, **we urge you to oppose the confirmation of Linda McMahon to be the next U.S. Secretary of Education.** All parents and students in this country — a majority of whom are people of color or are low-income¹ — want the best education, support, and dignity for their own children. We are with them and cannot support a nominee who has demonstrated that she seeks to undermine bedrock American principles of equal opportunity, nondiscrimination, and public education itself.

The Secretary of Education's role as an enforcer of education and civil rights laws² is central to advancing our shared vision of an inclusive and diverse system of high-quality public education that enables every student to live up to their potential. McMahon has demonstrated no previous commitment to ensuring equal educational opportunity in schools. There are even shocking and credible allegations in an ongoing lawsuit that she enabled and concealed more than a decade of child sexual abuse that she was obligated to prevent and address.³ And most recently, in her hearing before the Senate Health, Education, Labor and Pensions Committee on February 13, 2025, she failed to demonstrate that she is capable of and committed to protecting students and enforcing the law, including when directed by President Trump or unelected Elon Musk to do otherwise.

While Linda McMahon did rightfully emphasize the obligation of the secretary to comply with and enforce the law during her hearing, she had no meaningful response to what she would do when asked or directed to violate the law by President Trump or unelected Musk.

¹ See: <https://southerneducation.org/publications/newmajorityresearchbulletin/>.

² Department of Education Organization Act (Public Law 96-88) .

³ Nadra Nittle, *McMahon would oversee student safety — but advocates worry about her own misconduct allegations*, The 19th (Nov. 25, 2024), <https://19thnews.org/2024/11/linda-mcmahon-education-leaders-concerned-misconduct-allegations>. These allegations surfaced as early as 2020.

David Bixenspan, *WWE cofounder Linda McMahon, who runs Trump's biggest super PAC, once hired a suspected child molester on the condition that he 'stop chasing after kids.'* He didn't., Business Insider (Oct. 29, 2020), <https://www.businessinsider.com/linda-mcmahon-once-employed-an-accused-child-molester-2020-10>.

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Even having been told by senators that federal law prohibits interference in curriculum,⁴ McMahon was unable or unwilling to unequivocally acknowledge that courses about Black history are lawful (regardless of any executive action) and vital to a thorough education. When asked about whether sex-based harassment must be both severe *and* pervasive before a school should be required to intervene, McMahon rightly recognized the importance of addressing harassment that is *either* severe *or* pervasive — seemingly unaware that the Office for Civil Rights (OCR) is currently enforcing, and the organization she chairs has explicitly supported,⁵ a harmful Title IX rule that uses the more stringent “*and*” standard.⁶ McMahon’s clear lack of knowledge and understanding about the requirements of the role — whether her inability to name any of the federal guardrails in the Every Student Succeeds Act (ESSA), her inability to describe the purpose of the Individuals with Disabilities Education Act (IDEA), or her lack of response to the underfunding of OCR (and resultant backlog of complaints) — only underscore how unqualified she is for such an important position.

McMahon’s defense that she hopes to learn on the job what is required of a Secretary of Education would be a disqualifying answer in any environment. In this moment, when the threats to education are so overwhelming, and when so much damage has already been done in the first few weeks of this new administration, McMahon’s response is even more alarming.

At no point in the history of the U.S. Department of Education has the question of leadership been more important. President Trump and unelected Musk have worked since January 20 to eviscerate equal opportunity in education. Not only do they seek to destroy the Department of Education by terminating the people who do the work,⁷ gutting the grants that Congress has authorized to ensure research is available for educators,⁸ weaponizing funding⁹ and the Office for Civil Rights¹⁰ in order to advance their

⁴ See: <https://civilrights.org/wp-content/uploads/2025/01/ProhibitionsFederalInterferenceCurriculum.pdf>.

⁵ See: <https://americafirstpolicy.com/issues/20220913-afpi-submits-public-comment-on-proposed-changes-to-title-ix-regulations>

⁶ For more about protecting students from sex-based harassment in school, see, for example: <https://nwlc.org/wp-content/uploads/2015/08/ACS-Article-Moving-Beyond-Gebser-and-Davis-Final.pdf>.

⁷ Binkley, Collin. “Dozens of Education Department workers are put on leave over Trump’s anti-DEI order”. *AP*. February 3, 2025. Available at: <https://apnews.com/article/education-department-paid-leave-dei-ad8ab48fabba227316e394dc5ad32770>.

⁸ Cohen, Jodi S. and Jennifer Smith Richards. “Elon Musk’s Team Decimates Arm That Tracks National School Performance”. *ProPublica*. February 11, 2025. Available at: <https://www.propublica.org/article/department-of-education-institute-education-science-contracts-doge>.

⁹ Korecki, Natasha. “Education Department calls for review of grants connected to DEI”. *NBC News*. February 5, 2025. Available at: <https://www.nbcnews.com/politics/politics-news/live-blog/trump-gaza-usaid-executive-orders-immigration-live-updates-rcna190378/rcrd72335?canonicalCard=true>.

¹⁰ The Office for Civil Rights dismissed 11 complaints related to the hostile learning environment caused by book banning that disproportionately targeted LGBTQ authors and topics as well as authors of color or topics related to race and racism without investigating whether the schools created hostile learning environments (see: <https://www.ed.gov/about/news/press-release/us-department-of-education-ends-bidens-book-ban-hoax>), while also opening directed investigations into Denver Public Schools’ provision of a gender inclusive restroom (see: <https://www.chalkbeat.org/colorado/2025/01/28/trump-education-department-investigating-denver-for-all-gender-restroom/>), and campus protests with which the administration disagrees (see: <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>). In utilizing the precious tools of the Office for Civil Rights to advance a narrow political agenda, instead of faithfully applying the law to the facts to root out discrimination, the Department of Education is currently weaponizing the work of this vital office.

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agenda of bias and discrimination, and threatening the private data of student loan holders,¹¹ Trump has also issued executive orders that take direct aim at the safety and wellbeing of children who are LGBTQI¹² and/or immigrants;¹³ that seek to scare educators away from teaching students the truth and honestly preparing them for the future;¹⁴ and that seek to turn back the clock on diversity, equity, and inclusion.¹⁵ President Trump and unelected Elon Musk have brought their cronies into the department and granted them access to private data about students, families, and schools in furtherance of their lawless and reckless agenda. While the immediate targets of this disaster machine may be vulnerable children and families, civil servants, and seasoned researchers, left unchecked by Congress and the courts, this plan would lead to shuttered classrooms, squandered potential, and a diminished future for our nation.

The U.S. Department of Education is responsible for implementing and enforcing civil rights laws protecting students from discrimination on the basis of race, color, national origin (including immigration status, first language, and shared ancestry), sex (including sexual orientation and gender identity), and disability and laws providing for educational opportunity from early childhood through graduate school. The person responsible for leading that department must absolutely be committed to enforcing federal laws on behalf of every single student in this country — without regard to immigration status, disability, race, ethnicity, sexual orientation, gender identity, family income, home language, or religion. Our nation’s Constitution, economy, future, and children deserve no less. For their sake, you must reject Linda McMahon’s confirmation to serve as Secretary of Education.

Sincerely,
The Leadership Conference on Civil and Human Rights

¹¹ See: Meckler, Laura, Danielle Douglas-Gabriel, and Hannah Natanson. “Trump preps order to dismantle Education Dept. as DOGE probes data”. *The Washington Post*. February 3, 2025. <https://www.washingtonpost.com/education/2025/02/03/trump-education-department-dismantling-executive-order-draft/>.

¹² “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.; “Protecting Children From Chemical and Surgical Mutilation.” January 28, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-children-from-chemical-and-surgical-mutilation/>.

¹³ “Protecting The Meaning And Value Of American Citizenship.” January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.; Department of Homeland Security. “Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole.” January 21, 2025. <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.

¹⁴ “Ending Racial Indoctrination in K12 Schooling.” January 29, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-indoctrination-in-k-12-schooling/>.

¹⁵ “Initial Rescissions of Harmful Executive Orders and Actions.” January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/>.; “Ending Radical and Wasteful Government DEI Programs and Preferencing.” January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>.; “Ending Illegal Discrimination and Restoring Merit-Based Opportunity.” January 21, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

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Advancement Project
Advocates for Trans Equality
Advocates for Youth
All4Ed
American Association of People with Disabilities
American Association of University Women (AAUW)
American Atheists
American Federation of State, County and Municipal Employees
American Humanist Association
Americans United for Separation of Church & State
Association for Special Children and Families
Autistic People of Color Fund
Awace Life Care Center
Bend the Arc: Jewish Action
Brighter Future for Colorado
Center for American Progress
Center for Law and Social Policy (CLASP)
Chattanoogans in Action for Love, Equality & Benevolence
Civil Rights Project
Clearinghouse on Women's Issues
Disability Rights Education and Defense Fund (DREDF)
EdTrust
EducateUS
Education Law Center
Educators for Excellence
Empowering Pacific Islander Communities (EPIC)
End Rape On Campus
Equal Justice Society
Equality California
Family Voices NJ
Feminist Majority Foundation
FFRF Action Fund
FL National Organization for Women (FL NOW)
GLSEN
Human Rights Campaign
Indivisible
Interfaith Alliance
Japanese American Citizens League
LatinoJustice PRLDEF
MALDEF
Matthew Shepard Foundation
Michigan Alliance for Special Education
Michigan Education Justice Coalition

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Moms for Social Justice
NAACP
Nathaniel R. Jones Foundation
National Action Network, (NAN)
National Association of Social Workers
National Center for Youth Law
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Education Association
National Employment Law Project
National Organization for Women
National Urban League
National Women's Law Center
National Women's Political Caucus
PEAK Parent Center
People For the American Way
PFLAG Sacramento
Public Justice
REACH
Reproaction
Service Employees International Union (SEIU)
Serving At-risk Families Everywhere, Inc.
Silver State Equality
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
SPAN Parent Advocacy Network
Student Borrower Protection Center
Support FHPS Action
Tennessee State Conference NAACP
The Center for Learner Equity
The Center for WorkLife Law
The Institute for College Access & Success
The Parents' Place of MD
The Sikh Coalition
Towards an Anti-Racist North Kingstown (TANK)
Victim Rights Law Center
Virginia Unitarian Universalist State Action Network
Voices for Progress
Volunteer State Seal of Biliteracy
Western States Center
Women Employed
Women's Law Project