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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 97 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-income<sup>1</sup> — 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 laws<sup>2</sup> 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.<sup>3</sup> 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.

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

<sup>2</sup> Department of Education Organization Act (Public Law 96-88) .

<sup>3</sup> 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,<sup>4</sup> 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,<sup>5</sup> a harmful Title IX rule that uses the more stringent “*and*” standard.<sup>6</sup> 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,<sup>7</sup> gutting the grants that Congress has authorized to ensure research is available for educators,<sup>8</sup> weaponizing funding<sup>9</sup> and the Office for Civil Rights<sup>10</sup> in order to advance their

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

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

<sup>6</sup> 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>.

<sup>7</sup> 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>.

<sup>8</sup> 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>.

<sup>9</sup> 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>.

<sup>10</sup> 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,<sup>11</sup> Trump has also issued executive orders that take direct aim at the safety and wellbeing of children who are LGBTQI<sup>12</sup> and/or immigrants;<sup>13</sup> that seek to scare educators away from teaching students the truth and honestly preparing them for the future;<sup>14</sup> and that seek to turn back the clock on diversity, equity, and inclusion.<sup>15</sup> 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

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<sup>11</sup> 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/>.

<sup>12</sup> “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/>.

<sup>13</sup> “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>.

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

<sup>15</sup> “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  
Agency for Humanity  
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  
Autism Alliance of Michigan  
Autistic People of Color Fund  
Autistic Self Advocacy Network  
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  
Citizens for Public Schools  
Civil Rights Project  
Clearinghouse on Women's Issues  
Coalition on Human Needs  
Disability Rights Education and Defense Fund (DREDF)  
EdTrust  
EducateUS  
Education Law Center  
Education Leaders of Color (EdLoC)  
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  
INCLUDEnyc  
Indianapolis Urban League

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Indivisible  
Interfaith Alliance  
Japanese American Citizens League  
LatinoJustice PRLDEF  
Los Angeles LGBT Center  
MALDEF  
Matthew Shepard Foundation  
Michigan Alliance for Special Education  
Michigan Education Justice Coalition  
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  
North Carolina Justice Center  
PEAK Parent Center  
People For the American Way  
PFLAG Sacramento  
PFLAG Springfield/SWMO  
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

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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  
Wellesley Educators Association  
Western States Center  
Women Employed  
Women's Law Project