



**DFI**

Defense of  
Freedom Institute

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## 2023 Annual Report

“We envision a republic where freedom, opportunity, creativity, and innovation flourish in our schools and workplaces.

Our mission is to defend and advance freedom and opportunity for every American family, student, entrepreneur, and worker and to protect our civil and constitutional rights at school and work.”

# Dear Friends and Supporters,

**Our nation is at a pivotal moment. Extremists are pushing our schools, colleges, and universities in the wrong direction while abusing federal power to violate the very core of our constitutional and civil rights.**

We founded the Defense of Freedom Institute for Policy Studies to strike back against the ideologues, unions, and bureaucrats that have taken over America's educational institutions and school systems. DFI has laid the groundwork for innovative reform that will tame federal power in education and restore constitutional and civil rights for students, parents, families, and faculty by:

- **Combating President Biden's radical Title IX rewrite.** Our multi-faceted campaign is countering Biden's plan to destroy women's sports, strip parents of their rights, infringe on free speech and religious liberty, and undermine due process on campus. The next year will be pivotal in this battle.
- **Defeating President Biden's costly, unfair, and illegal attempts to transfer student loan debt to other Americans,** most of whom never went to college or paid back what they borrowed. Despite their Supreme Court defeat in *Biden v. Nebraska*, the extremists in the administration are working through arcane regulatory processes to cancel a trillion dollars of student debt in an effort to buy votes. DFI continues to engage on the front lines of these battles, which will likely become more heated as the general election approaches.

- **Preparing for the future.** While fighting the battles around Title IX, student loan debt cancellation, and other critical issues, we are also getting ready for 2025. Americans want families to be able to choose schools suited to their values and children's needs. Americans want federal support of higher education to be fair, frugal, and focused on preparing students for their future jobs and lives. Americans do not want to see their individual liberties compromised by increasingly powerful federal agencies like the Department of Education. DFI is preparing for what comes after the 2024 elections.

In our 2023 annual report, we take a deeper dive into our work last year. We hope you take the time to review it and are pleased with what you see. **We greatly appreciate your commitment to freedom, opportunity, and innovation in America's schools and workplaces. DFI's work would not be possible without your continued support.**



*Bob*

Robert S. Eitel  
President & Co-Founder



*Jim*

Jim Blew  
Co-Founder

# DFI's 2023 accomplishments

**13,768 public comments**

on the Biden administration's student loan bailout

**6 policy reports**

**10 grassroots campaigns & coalition letters**

on issues like Title IX, student loan debt, and campus anti-Semitism

**12,815 public comments**

on the Biden administration's radical Title IX rule

**18 lawsuits, investigations, & administrative complaints**

**76,235 followers**

on social media

**6 expert comments**

opposing the administration's extraordinary effort to rewrite our laws through the regulatory process

**85,865**

email subscribers

**15**  
op-eds

**1,545 media stories**

in outlets like Fox News, the Wall Street Journal, and the Washington Examiner

**11 amicus briefs**

on student loan cancellation, fair college admissions, Title IX, and education freedom

broadcasted in  
**74 media markets**

# Preserving Civil & Constitutional Rights in Schools & Workplaces

## Defending Title IX

The Biden administration's ideological rewrite of Title IX will radically change American culture unless it is repealed by Congress or defeated in court. Using new Title IX rules, the federal government will require male participation in women's and girls' sports, prohibit parental involvement when children question their gender, and obliterate due process rights for victims and accused in sexual misconduct cases, among other things. DFI is fighting at the grassroots, in the bureaucracy, and in the courts to combat this dangerous rule.

### At the Grassroots...

DFI launched an online campaign to educate the public about Biden's disastrous Title IX rule on athletics, with more than 12,000 Americans using DFI's public comment portal to submit comments to the U.S. Department of Education.

In our "[Leveling the Playing Field](#)" video series, athletes, lawmakers, and parents explained the real-world impact of Biden's rule on women and girls. This series reached over 245,000 people on social media.



## In the courts...

DFI filed amicus briefs in several high-profile Title IX cases, including:

### ***The State of Tennessee v. U.S. Department of Education***

Arguing that the Biden administration does not have the statutory authority to change the definition of “sex” in Title IX to include “gender identity.”

### ***Soule v. Connecticut Association of Schools***

Supporting four female athletes who were forced to compete against males in high school track competitions and who missed opportunities for prizes, scholarships, and recognition. The Court of Appeals sided with DFI in this case and remanded the case to the trial court for further litigation.

### ***B.P.J. v. West Virginia State Board of Education***

Supporting West Virginia’s “Save Women’s Sports Bill” and arguing that the law does not violate the Equal Protection Clause of the Federal Constitution.

### ***Roe v. Critchfield* and *Metropolitan School District of Martinsville v. A.C.***

Arguing that the recent Supreme Court ruling in *Bostock* does not bar school policies or state laws requiring students to use the public school bathrooms, locker rooms, and sleeping quarters that correspond with their biological sex.

## In the bureaucracy...

DFI also [urged](#) the administration to give the public more time to have its voice heard on the proposed Title IX athletics rule. Nineteen organizations joined our coalition letter.

DFI submitted a 51-page [public comment](#) pointing out the dozens of ways the proposed rule would undermine women’s and girls’ athletics.



## Protecting Constitutional and Civil Rights

The Supreme Court ruling in *Students for Fair Admissions v. Harvard* was a major victory for the Constitution and civil rights protections. DFI filed an [amicus brief](#) in the case, cited by Justice Neil Gorsuch in his concurring opinion.

The work to ensure that colleges and universities apply the ruling with fidelity has only started. DFI issued a [memo](#) to all higher education institutions about their legal obligations in light of the ruling when considering students for admission.

Meanwhile, critical race theory (CRT) has invaded too many learning environments and workplaces. DFI is at the forefront of protecting students' civil rights by opposing efforts to promote race-based stereotypes, assert claims of racial inferiority or superiority, or treat students adversely based on race:

- [DFI Lawsuit](#): DFI sued the Biden Education Department for refusing to produce records related to federal funding of CRT and gender theory instruction in public schools.
- [DFI Civil Rights Complaint](#): DFI filed a complaint with regard to racially discriminatory policies of Evanston Township High School District 202.
- [DFI Letter to OCR](#): DFI sent a letter to the Office for Civil Rights criticizing its resolution agreement with Forsyth County Public Schools in Georgia.

<sup>5</sup>See Brief for **Defense of Freedom Institute for Policy Studies** as *Amicus Curiae* 11 (recruited athletes make up less than 1% of Harvard's applicant pool but represent more than 10% of the admitted class); P. Arcidiacono, J. Kinsler, & T. Ransom, *Legacy and Athlete Preferences at Harvard*, 40 J. Lab. Econ. 133, 141, n. 17 (2021) (recruited athletes were the only applicants admitted with the lowest possible academic rating and 79% of recruited athletes with the next lowest rating were admitted compared to 0.02% of other applicants with the same rating).

*Justice Neil Gorsuch citing DFI in his concurring opinion*

DFI Civil Rights Complaint ↓

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DEFENSE OF FREEDOM INSTITUTE FOR POLICY STUDIES, INC.  
*Plaintiff,*  
v.  
U.S. DEPARTMENT OF EDUCATION  
*Defendant.*

Case No. 23-cv-\_\_\_\_\_

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER RELIEF

December 8, 2023

[Via Email to OCR@ed.gov](#)  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

**Re: Complaint Concerning Racially Discriminatory Policies of Evanston Township High School District 202**

COMPLAINT

Plaintiff, Defense of Freedom Institute for Policy Studies ("DFI"), by undersigned attorney of Education (the "D

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May 25, 2023

The Honorable Catherine E. Lhamon  
Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

**Re: OCR Resolution Agreement with Forsyth County Public Schools  
Complaint No. 04-22-1281**

Dear Assistant Secretary Lhamon:

The Defense of Freedom Institute for Policy Studies ("DFI") is a national nonprofit organization dedicated to defending and advancing freedom and opportunity for every American family, student, entrepreneur, and worker and to protecting the civil and constitutional rights of Americans at school and work. DFI envisions a republic where freedom, opportunity, creativity, and innovation flourish in our schools and workplaces. Our organization is composed of former U.S. Department of Education ("Department") appointees who are experts in education law and policy, in particular the areas described below.

On May 19, 2023, the Department's Office for Civil Rights ("OCR") issued a letter ("Resolution Letter") to Forsyth County Schools ("FCPS" or "District") in Georgia informing the District of OCR's "concern" that certain communications regarding the removal of sexually explicit books from libraries and resource centers of the District's schools may have created a hostile environment requiring action by the District under federal civil rights laws.<sup>1</sup> Due to this concern, OCR will now require the District to implement a resolution agreement ("Agreement") that goes far beyond the

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resolution procedures of the U.S. Department of Education ("OCR"), DFI brings this federal civil rights complaint to the U.S. Department of Education ("Department") in Evanston, Illinois or, and national origin in programs or activities that fall under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, and Title VI of the Civil Rights Act of 1964 ("Title VI").<sup>1</sup> DFI is a third-party organization that strongly advocates for a free, open, and innovative environment in our schools, and innovation flourish in our schools. DFI envisions a republic where freedom, opportunity, creativity, and innovation flourish in our schools and workplaces. Our organization is composed of former U.S. Department of Education ("Department") appointees who are experts in education law and policy, in particular the areas described below.

DFI Letter to OCR

400, Suite 400, Washington, DC 20004  
DFI@policy.org

DFI Lawsuit ↑

## Protecting Free Speech

Free speech is the basis of a free society. In too many cases, however, state-supported colleges and universities have failed to honor the First Amendment. DFI is in the fight to protect free speech and hold public institutions accountable when they fail to protect this constitutional right.

In *Speech First v. Sands*, on appeal to the U.S. Supreme Court from the Fourth Circuit Court of Appeals, DFI argued in an amicus brief that Virginia Tech’s bias response team poses an unconstitutional burden on free speech on campus when it “responds” to claims of “bias.”

In February 2023, the Department of Education announced plans to rescind a Trump-era regulation that protects religiously affiliated student organizations. DFI pushed back in a [public comment](#) calling on the Department to recognize that religiously affiliated student organizations often suffer from discriminatory treatment and deserve protection.

In *Damiano v. Grants Pass*, before the U.S. Ninth Circuit Court of Appeals, DFI joined the legal battle to protect the First Amendment rights of two public school employees who were fired after expressing their views on gender identity education policies.

## Confronting Campus Anti-Semitism

The attacks on Israel on October 7, 2023, and Israel’s counter-attacks against Hamas revealed appalling anti-Semitism on many of our nation’s college campuses.

DFI filed [five civil rights complaints](#) with the U.S. Department of Education—against Yale University, The Cooper Union, Rutgers University, Drexel University, and Arizona State University—for their failure to prohibit discriminatory conduct against Jewish students.

DFI also [led a coalition](#) of like-minded advocates demanding an emergency audit of all federal international education and foreign language studies grants made to colleges and universities under Title VI of the Higher Education Act of 1965 to ensure that grantees have not been promoting anti-Semitic or anti-American viewpoints.



# Advancing Opportunity in Postsecondary Education & Fighting Foreign Influence

## Fighting Illegal Student Loan Debt Cancellation

The Biden administration's schemes to cancel student debt at the expense of taxpayers are unfair, illegal, and costly. They prove that the federal role in higher education financing needs radical reform.

DFI continues to be at the forefront of exposing and stopping Biden's plans to buy votes with taxpayer funds:

- In the *Biden v. Nebraska* case, DFI [teamed up](#) with five former Secretaries of Education—Betsy DeVos, Margaret Spellings, Rod Paige, Lamar Alexander, and William Bennett—to submit a brief explaining why Biden's scheme to forgive student loans using emergency powers was unconstitutional and illegal. Siding with the arguments in our brief, the Supreme Court struck down the President's mass student loan debt cancellation program.

Although the high-profile *Nebraska* case has received the most media attention, the administration continues working behind the scenes to find new ways to “forgive” student loans. DFI continues to push back.

- A DFI-led coalition of higher education experts is fighting Biden's [Income-Driven Repayment program](#) called SAVE. DFI's [public comment](#) on the new program explains how the Biden administration is turning federal student loans into a grant program that unjustly places the burden of college costs on taxpayers.
- DFI also submitted a substantive [public comment](#) opposing Biden's plans to use alleged authorities under the Higher Education Act to enact mass loan forgiveness, and we [provided critical feedback](#) on the administration's proposed Gainful Employment regulations.



Expert panel discussion hosted by The Heritage Foundation



## Reshaping Postsecondary Accreditation

- DFI hosted a January convening of federal accreditation policy experts to discuss the state of accreditation and potential reforms.
- Building on our [support](#) for accreditation reform in Florida, DFI encouraged UNC-Chapel Hill's trustees to resist political meddling by the university's accreditor and joined a [letter](#) supporting the university's plans to establish a School of Civic Life and Leadership.
- DFI published a [report](#) in March describing action Congress could take to reform accreditation and ensure students have access to rigorous higher education opportunities.
- DFI also [issued a coalition letter](#) to block an accreditor from regulating innovative third-party service providers that make education less costly and more accessible. DFI argued that the plan would especially harm low-income students by increasing cost and limiting access to online learning.

## Uncovering Chinese Communist Party Influence

The Chinese Communist Party, its proxies, and other foreign powers have spent billions to influence American higher education. Although colleges and universities are legally required to disclose those foreign financial ties, many have failed to do so, and the Biden administration has turned a blind eye. DFI is working to expose those invisible strings that impact campus culture.

We've [sued the Biden administration](#) for records on its weakened oversight of foreign money pouring into America's colleges and universities—a development that came on the heels of a dramatic increase in foreign gifts to the University of Pennsylvania after it established the Biden Center for Diplomacy and Global Engagement.

DFI also drafted a substantive [public comment](#) on the Department of Education's proposed changes to data collection from colleges and universities regarding foreign gifts and contracts as required by federal law.



Watch the documentary [here](#)



# Demanding Teacher Union Accountability & Respect for Parents' Rights

From CRT to DEI, America's government-run, union-controlled schools are teaching everything but the ABCs. As student achievement plunges to record lows, the teacher unions and their allies have spent their time harnessing political power and imposing a progressive agenda in schools.

Because DFI supports education freedom for all students and teachers, we published original research exposing how the teacher unions and the U.S. Department of Education have failed students:



**DFI** Defense of Freedom Institute  
**PILLS AND PRONOUNS**  
School Districts Require Parental Consent for Over-the-Counter Medicine But Not New Names and Pronouns  
By Angela Morabito

In some of the nation's largest public school districts, it is easier for a student to choose a new name and pronouns than it is to get an aspirin from the school nurse. At least three million K-12 students in 25 districts are given free rein to choose their gender identity at school by changing the name and pronouns used by school employees without parental consent, even though their schools require parental permission to choose over-the-counter medication to those same children.

**Methodology**

DFI examined policies in the nation's 20 largest school districts by enrollment, as well as in districts located in select major cities and districts accused of allowing K-12 students to choose names and pronouns aligned with their gender identity without parental consent.

We pulled the 20 largest school districts by enrollment from the most recent list in the Digest of Education Statistics ("Digest"), last tallied in 2018.<sup>1</sup> Because public school enrollment has changed substantially in recent years, we calculated the number of students covered by these policies based on school districts' self-reported enrollment numbers or numbers posted by state education agencies, which are likely more current than what is represented in the Digest. We also included charter schools in our calculations (Addendum A).

Because this study examines only a sample of school districts, the total number of districts nationwide that allow students to change their name and pronouns at school without parental permission is likely far higher.

In this study, we considered policies and guidance regarding the name and pronouns by which a

1 Pills and Pronouns

## Pills and Pronouns

details how eight of America's 20 largest school districts allow students to choose names and pronouns aligned with their gender identity without parental knowledge and consent while requiring parental permission for the school to give over-the-counter medication.

## The Corrupt Bargain

spotlights how teacher union bosses use collective bargaining agreements to embed their leftist ideology in school district policies and impose woke curricula on public school students and teachers.



**DFI** Defense of Freedom Institute  
**THE CORRUPT BARGAIN**  
How School Unions and Government Contractors Use Collective Bargaining Agreements to Embed Their Political Agenda in Schools  
By Paul Zimmerman

Public school unions have become the primary force pushing an anti-student process of indoctrination, and have used their political power to embed their agenda in school policies. This report details how school unions have used their political power to embed their agenda in school policies, and how they have used their political power to embed their agenda in school policies. This report details how school unions have used their political power to embed their agenda in school policies, and how they have used their political power to embed their agenda in school policies.

**Key Findings**

- School unions across the country have used their political power to embed their agenda in school policies through the collective bargaining process. The resulting curriculum, textbooks, and other materials are often biased and unrepresentative of the general public.
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## Catching the Trash

exposes how teacher unions manipulate districts to perpetuate the systemic problem of teacher-on-student sexual assault and harassment and documents the failure of the Biden administration to take effective measures to investigate and seek accountability for this conduct.



**DFI** Defense of Freedom Institute  
**Catching the Trash**  
How Teacher Unions, School Districts, and the U.S. Department of Education Fail to Investigate and Seek Accountability for Teacher-on-Student Sexual Assault and Harassment  
By Paul Zimmerman

This report details how teacher unions manipulate districts to perpetuate the systemic problem of teacher-on-student sexual assault and harassment. It documents the failure of the Biden administration to take effective measures to investigate and seek accountability for this conduct.

## Summer of Woke, The Sequel

follows up on DFI's original *Summer of Woke* report and exposes the radical policy priorities of the nation's two largest teacher unions, the NEA and AFT, and their impact on students, families, and teachers.



**DFI** Defense of Freedom Institute  
**Summer of Woke, The Sequel**  
How the NEA and AFT Push Radical Policies in Schools  
By Angela Morabito and Paul Zimmerman  
August 16, 2023

This report follows up on DFI's original *Summer of Woke* report and exposes the radical policy priorities of the nation's two largest teacher unions, the NEA and AFT, and their impact on students, families, and teachers.

# Influencing the Education Policy Debate with Bold Ideas

In September, DFI and the Federalist Society for Law and Public Policy Studies co-hosted the Education Law and Policy Conference—bringing together some of the nation’s most prominent figures in education law and policy to discuss pressing federal issues. 2023’s day-long event featured keynote speakers including the Honorable Eugene Scalia, former U.S. Secretary of Labor, and the Honorable Mitch Daniels, former President of Purdue University and former Governor of Indiana.

View the highlights ↓



## **Welcome and Opening Address:**

Philip K. Howard, chair and founder of Common Good



## **Teacher Unions:**

Roadblocks to Education Reform or Defenders of Teacher and Student Interests?



## **Luncheon Address:**

Hon. Eugene Scalia, former United States Secretary of Labor



## **Religious Charter Schools:**

Protected or Prohibited by the First Amendment?



## **U.S. Department of Education Rulemaking:**

Hiding Regulatory Elephants in Statutory Mouseholes?



## **Closing Address:**

Hon. Mitchell E. Daniels, former Indiana governor and chair of the Purdue Research Foundation



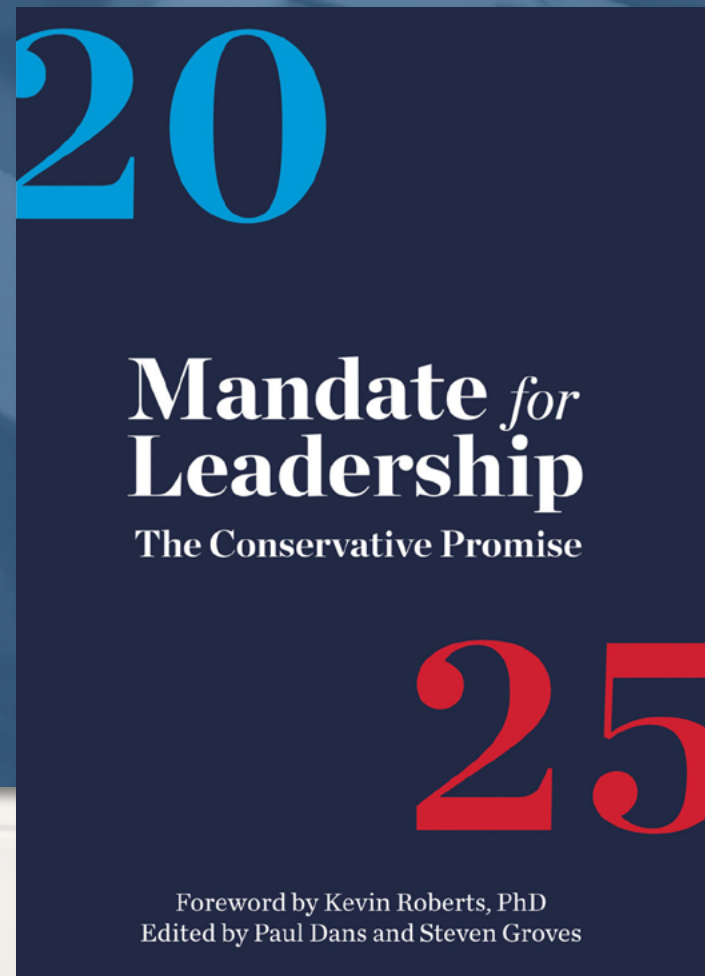
## Redesigning Pell Grants to Reflect New Realities

By Arthur M. Hauptman, July 2023

 **DFI** Defense of Freedom Institute

### **Redesigning Pell Grants to Reflect New Realities:**

DFI issued a report on reforming Pell Grants, rather than mindlessly doubling them as the higher education lobby selfishly advocates.



# 20

## Mandate *for* Leadership

The Conservative Promise

# 25

Foreword by Kevin Roberts, PhD  
Edited by Paul Dans and Steven Groves

### **Project 2025:**

DFI's Co-Founders also participated in Project 2025, making substantial contributions to its federal education policy chapter in *Mandate for Leadership: The Conservative Promise*.

Washington Examiner

### The long march of the campus Title IX coordinators

By Robert S. Eitel

September 27, 2023 6:00 am



NATIONAL REVIEW

### Biden's Zombie Student-Loan Bailout Continues to Stalk Taxpayers

By ROBERT S. EITEL & PAUL ZIMMERMAN  
October 9, 2023 6:30 AM



### Give parents this simple solution to take back their rights in education

Today's parents' rights movement demonstrates little has changed in the public school wars

By Robert S. Eitel **OPINION** Fox News  
Published April 3, 2023 10:00am EDT



NATIONAL REVIEW

### Just Do It: A Plan to Close the Federal Department of Education

By ROBERT S. EITEL & JIM BLEW April 23, 2023 6:30 AM



### Widespread student support of Hamas attacks exposes 'moral bankruptcy' of US higher education

Protests at major campuses demand swift and unwavering response from university leaders

**OPINION** by Angela Muschlin Fox News  
Published October 23, 2023 9:00am EDT



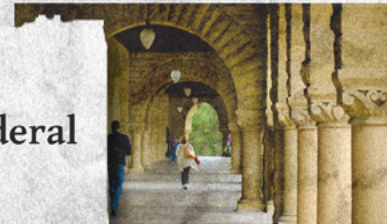
### Higher Ed Should Disclose China Ties Or Lose Federal Funding

By Robert S. Eitel & Paul R. Moore  
February 14, 2023

Washington Examiner

### Stanford Law's refusal to enforce its free speech policies calls into question its accreditation

By ROBERT S. EITEL & PAUL ZIMMERMAN April 6, 2023 9:59 am



**Expanding Our Reach**

**76.2K**  
social media  
followers

**10M**  
social media  
impressions

**85.9K**  
email  
subscribers



DFI's Angela Morabito joins the Glenn Beck Program to discuss saving women's sports

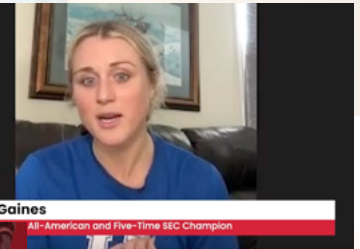
Fox News' *Outnumbered* features DFI's analysis of Biden's student loan cancellation plans

DFI writes about the importance of disclosing foreign funding in our higher education institutions

DFI's *Leveling the Playing Field* series earns a reach of 245K on Facebook and Instagram combined and 49K impressions on X



DFI leads a coalition to fight anti-Semitism on college campuses



DFI sues the Biden administration for lack of transparency

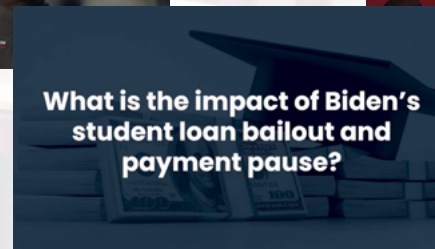
DFI's *A Less Perfect Union* series garners a reach of 139.9K on Facebook and Instagram combined and 11.6K impressions on X



DFI's Angela Morabito joins Fox News to discuss anti-Semitism on college campuses



DFI transmits 12.8K public comments on Biden's radical Title IX rewrite



DFI's series on Biden's illegal student loan cancellation scheme garners a reach of 124K on Facebook and Instagram combined and 9K impressions on X



Rep. Virginia Foxx cites DFI's *Pills and Pronouns* report in hearing with Sec. Cardona



DFI's Angela Morabito joins Fox News at Night to discuss Biden's illegal student loan cancellation scheme

# Meet the DFI Team



**Martha Astor**  
Associate Counsel



**Selena Lin**  
Research Assistant



**Emily Cruikshank**  
Associate Counsel



**Clairece Marker**  
Digital Media Associate



**Donald Daugherty, Jr.**  
Senior Counsel,  
Litigation



**Paul Zimmerman**  
Policy Counsel



**Robert S. Eitel**  
President & Co-Founder



**Jim Blew**  
Co-Founder