

COMMENTARY **Gender**

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1 min read

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U.S. President Donald Trump signs the No Men in Women's Sports Executive Order into law in the East Room of the White House in Washington, D.C., on February 5, 2025.

ANDREW CABALLERO-REYNOLDS / AFP / Getty Images

KEY TAKEAWAYS

Surgical Mutilation.”

2 The plaintiffs in *PFLAG v. Donald Trump* have not alleged that Trump’s executive order violates the law—because there is no law for him to violate.

3 Thankfully, Hurson’s order is not a determination on the merits of the plaintiffs’ case, but merely a procedural determination. He still has time to get it right.

It’s difficult to envision a more dizzying exercise in judicial gymnastics than the temporary [restraining order](#) and accompanying [memorandum opinion](#) from U.S. District Judge Brendan A. Hurson in *PFLAG et al v. Donald Trump et al*. Hurson’s decision halts the directives of President Donald Trump’s Jan. 28 executive order “[Protecting Children From Chemical and Surgical Mutilation.](#)”

While Hurson seems content indulging overwrought [questions about whether](#) the president “den[ies] that this [transgender] population exists, or even has the right to exist,” he patently ignores a correct application of guiding law that gives the president the authority to halt further governmental federal funding of “gender-affirming care” for minors.

The Department of Health and Human Services under President Joe Biden took the position that funding appropriated by Congress through the Medicaid, Medicare and Affordable Care Act appropriations bill could be used to support such care.

But [appropriations bills do not](#)—unless otherwise specified—create substantive law. And in this case, the bills did not create a requirement that funds be used in this

is well within its right to say “stop.”

The plaintiffs in PFLAG v. Donald Trump have not alleged that Trump’s executive order violates the law—because there is no law for him to violate. They simply want the government to pay for transgender surgeries and treatments for minors from which many developed nations have retreated. Hospitals, clinics and medical providers are free to offer these services all they want. But the government is under no obligation to pay for them.

Thankfully, Hurson’s order is not a determination on the merits of the plaintiffs’ case, but merely a procedural determination. He still has time to get it right.

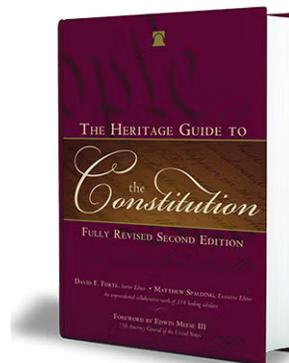
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