

UNDERSTANDING THE FEDERAL GOVERNMENT'S CONTINUED MEASURES TARGETING THE TRANSGENDER COMMUNITY

A Statement from SLC's Transgender Rights Initiative Director

Feb. 26, 2025

This is the third statement issued by SLC's Trans Rights Director, Simone Chriss, regarding the actions being taken by the federal government targeting transgender people nationwide. Since January 20, 2025, we've barely had time to catch our breath from the last blow before the next one comes to knock us down. **But remember, this is by design; keeping us scattered, overwhelmed, and unable to keep up – and thus unable to effectively resist – is the goal.** (Click [here](#) to read sociologist Jennifer Walter's words of wisdom on how to manage the information overload we are all facing right now). Remember that when we cut through the noise, look beyond the cruel, fear-mongering language, and truly understand what these measures mean, we take some of the power away from those seeking to oppress us. They want us uninformed and afraid. But we are neither. When we come together, we can be informed, empowered, and prepared to protect and defend.

If you missed the **statement from January 31, 2025**, which provides (i) messages of support and a promise that we will continue fighting for your rights; (ii) an analysis of what Executive Orders can and cannot do; and (iii) a thorough breakdown of the Executive Orders seeking to legally erase transgender people (issued Jan. 20), to ban gender-affirming care for minors (issued Jan. 28), and to prohibit schools and teachers from supporting their transgender students (issued Jan. 29), **you can read that statement [here](#).**

Please keep in mind that things are **constantly evolving, so this statement contains the most current and accurate information as of this date, but it could change tomorrow.** We will continue providing updates on the status of the anti-trans Executive Orders and other measures, but please be patient as there is so much information to analyze and dissect to ensure that you're receiving the most high-quality and reliable guidance.

The Federal Government's Continued Attack on Trans Rights:

The anti-trans measures being taken by this administration include, among other things, the removal of guidance regarding (and, in some cases, even mention of) transgender people or gender identity on federal websites, the purging of transgender federal government employees, and Executive Orders seeking to strip transgender people of rights and protections using inflammatory, inaccurate, and hateful language. As a reminder, Executive Orders **only** allow the President to manage the operations of the *federal government*; they are largely exercises in *political theatre* designed to sow fear and confusion; they must be grounded in *existing law and constitutional authority* (and are subject to judicial review); and their implementation is *rarely immediate*, as their function is to provide *directives* to federal agencies, who then take steps to assess and implement.

- **Reminder:** For a thorough breakdown of the first three anti-trans Executive Orders (*"Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the*

Federal Government” (Jan. 20, 2025), “*Protecting Children from Chemical and Surgical Mutilation*” (Jan. 28, 2025), and “*Ending Radical Indoctrination in K-12 Schooling*” (Jan. 29, 2025)), **read the Jan. 31, 2025 Statement [here](#).**

- **“Prioritizing Military Excellence and Readiness”** (Jan. 27, 2025)
 - Seeks to exclude transgender people from the military
 - Declares that the U.S. military has been “afflicted with radical gender ideology” and that “expressing a false gender identity” is inconsistent with the “rigorous standards necessary for military service” (among other hateful and demeaning statements)
 - Adopts the inaccurate and unscientific sex-related definitions from the “Defending Women from Gender Ideology” Executive Order (Jan 20th)
 - Directs Secretary of Defense to (i) amend the DoD instruction manual within 60 days to reflect this “policy” of excluding trans people from the military; and (ii) issue directives to “end invented and identification-based pronoun usage”
 - Prohibits Armed Forces from allowing trans service members from using or sharing sleeping, changing or bathing facilities aligned with their gender identity

- **“Keeping Men Out of Women’s Sports”** (Feb. 5, 2025)
 - Seeks to exclude transgender girls and women from participating in sports in accordance with their gender identity
 - Adopts the inaccurate and unscientific sex-related definitions from the “Defending Women from Gender Ideology” Executive Order (Jan 20th)
 - Weaponizes Title IX, a federal statute that prohibits sex discrimination in educational institutions, to penalize those who allow trans girls and women to participate in accordance with their gender identity
 - Seeks to rescind all federal funds from educational programs that “deprive women and girls of fair athletic opportunities” by allowing transgender athletes to participate
 - Directs the Assistant to the President for Domestic Policy to convene the major athletic associations within 60 days to change their policies to exclude trans girls and women
 - Directs Secretary of State and Representative to the United Nations to “rescind support for and participation in” sports programs/events that don’t exclude trans women
 - Directs Secretary of Homeland Security to issue guidance under the Immigration and Nationality Act to deny trans women admission to the U.S. if they are seeking to participate in women’s sports
 - Directs Secretary of State to ensure the International Olympic Committee amends the rules to deny transgender women the ability to participate in the Olympics

The Status of the Legal Challenges to the Anti-Trans Executive Orders:

- **Executive Order seeking to ban gender-affirming care for individuals under 19 years old:**
 - **Status: Temporarily blocked by two different federal courts**
 - *PFLAG, Inc. v. Trump* (D.Md.), TRO issued Feb. 13th
 - *State of Washington v. Trump* (W.D. Wash.), TRO issued Feb. 14th and 16th

- Federal judge affirmed Chriss’s analysis in the Jan. 31st [statement](#) (re: the weaponization of an unrelated law prohibiting “female genital mutilation” (18 U.S.C. 116) being entirely inapplicable), stating that this attempt to “expand the scope of criminalized conduct in another federal statute...**trespasses beyond the President’s power** under the Constitution.”
 - This was reaffirmed by 15 Attorneys General who issued a Joint Statement on Protecting Access to Gender-Affirming Care on Feb. 5th, explaining “[d]espite what the Trump Administration has suggested, there is no connection between ‘female genital mutilation’ and gender-affirming care, and no federal law makes gender-affirming care unlawful.”

- ***Executive Order mandating transgender women be housed in men’s prisons and banning gender-affirming care for transgender inmates:***
 - **Status: Temporarily blocked by three different federal courts**
 - *Maria Moe v. Trump* (D. Mass.), TRO issued Jan. 26th
 - *Doe v. McHenry* (D.D.C.), TRO issued Feb 4th and P.I. issued Feb. 18th and expanded P.I. issued Feb 24th
 - *Jones v. Trump* (D.D.C.), TRO and P.I. issued Feb 24th

- ***Executive Order banning transgender individuals from serving in the military:***
 - **Status: Challenged in federal court in two separate lawsuits**
 - *Talbott v. Trump* (D.D.C.) – filed Jan. 27th
 - During preliminary injunction hearing, federal judge said “**we are dealing with unadulterated animus**” and made clear that the Executive Order, which “calls an entire category of people dishonest, dishonorable, undisciplined, immodest, who lack integrity,” is “frankly ridiculous.”
 - This federal judge also referenced the removal of the word “transgender” from the Stonewall National Monument website in concluding “[y]ou cannot tell me that transgender people are not being discriminated against.”
 - *Shilling v. Trump* (W.D. Wash.) – filed Feb 6th

- ***Executive Orders banning gender marker amendments on U.S. Passports and banning transgender women and girls from sports:***
 - **Status: Both have been challenged in federal court**
 - Passport policy challenged Feb. 7th in *Orr v. Trump* (D. Mass.)
 - Trans sports ban challenged Feb. 12th in *Tirrell v. Edelblut* (D.N.H.)

- ***Executive Orders threatening to revoke, rescind, pause, block, and/or terminate federal funding/assistance that conflicts with Trump’s priorities” (including to end “wokeness” and to prohibit the use of federal resources to advance “transgenderism”)***
 - **Status: Multiple federal courts have blocked the federal funding provisions**

- For example, in *State of Washington v. Trump* (W.D. Wash.), the case challenging the Executive Order seeking to strip federal funding (research and education grants) from any institution providing gender-affirming care to people under 19 years old, a federal judge said that Trump’s federal funding threats “overstep[] the President’s authority under the separation of powers.”
 - Similarly, in *New York v. Trump* (D.R.I.), a federal judge issued a TRO prohibiting federal agencies from pausing/freezing/impeding/blocking federal financial assistance because the Executive Branch must “align federal spending and action with the will of the people **as expressed through congressional appropriations**, not through ‘Presidential Priorities.’”
 - On January 31, 2025, following federal court orders regarding such federal funding threats, the U.S. Department of Justice issued a notice that “**federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations...on the basis of the President’s recently issued Executive Orders.**”
 - On February 5, 2025, a statement by the Attorney Generals of 15 different states was issued, titled “Joint Statement on Protecting Access to Gender-Affirming Care” - which further clarified the impact of the orders blocking the federal funding provisions:
 - “This means that **federal funding to institutions that provide gender-affirming care continues to be available, irrespective of President Trump’s recent Executive Order.** If the federal administration takes additional action to impede this critical funding, we will not hesitate to take further legal action.”
- **This is important because nearly every anti-trans Executive Order uses the threat of federal funding as an enforcement mechanism to compel states, institutions, providers, teachers, etc. to deny trans folks of their rights. For example:**
- “*Ending Radical Indoctrination in K-12 Schooling*” threatens to “**eliminate federal funding or support**” for K-12 schools that support their transgender students
 - “*Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*” is effectuated in part by “**end[ing] the Federal funding of gender ideology**” and ensuring “**no Federal funds are expended**” for gender-affirming medical care for inmates
 - “*Protecting Children from Chemical and Surgical Mutilation*” requires any medical institution, including medical schools and hospitals, that **receives federal research or education grants** to “end the chemical and surgical mutilation of children” (i.e. stop providing gender-affirming care)
 - “*Keeping Men Out of Women’s Sports*” weaponizes Title IX to “**rescind all [federal] funds from educational programs**” that allow transgender girls and women to participate in sports in accordance with their gender identity

Updates and Guidance on Identification Document Amendments:

- **U.S. Passports**

- As explained in the Jan 31st statement, the Executive Order “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” (Jan 20, 2025) directed the Secretaries of State, Homeland Security, and OPM to require passports to “accurately reflect the holder’s sex” (as inaccurately defined by the EO). This means Passports must reflect a person’s sex assigned at birth, so the Department of State will **not** be granting requests to amend the gender marker on a Passport to reflect a person’s gender identity, nor issuing Passports with “X” gender markers.
- **IMPORTANT GUIDANCE ON STATUS OF PASSPORT POLICY:**
 - If you have a valid U.S. passport, regardless of the name or gender marker listed, you **should NOT apply to amend anything on your Passport** until we have more information about how the Department of State is processing amendments (and until we see whether federal courts block enforcement of the passport ban).
 - If you had **already amended your gender marker**, and currently have a valid Passport that reflects the gender marker aligned with your gender identity, there is no reason to believe that your Passport will be impacted.
 - The White House has made clear that the executive order is **not retroactive** and **does not invalidate currently valid existing passports**. However, if government-issued documents need to be *renewed*, they must be changed to reflect the person’s sex assigned at birth. Reminder: changing the name on a passport is considered a “renewal.”
 - “They can still apply to renew their passport — they just have to use their God-given sex, which was decided at birth,” White House press secretary Karoline Leavitt said.
- Further, based on the best information we have before us currently, Passports **are not** being confiscated or destroyed, nor are trans people being detained when seeking to travel, despite accounts/concerns of this nature that have circulated widely on the internet. People who sent in their Passports prior to the inauguration seeking a gender marker change **are getting their Passports back**, but of those I am aware of, they have all reflected the person’s sex assigned at birth.

- **Social Security Records**

- Though the Executive Order discussed above in the Passport section does not specifically mention Social Security records, an internal “emergency message” went out to all SSA employees on Jan. 31st directing them **not to make changes to a person’s sex** on their Social Security record.
- There is no reason to think they will revert Social Security records that were amended prior to January 20th to reflect the person’s sex assigned at birth.

- The email instructed the SSA employees: “if the applicant requests a replacement card with **no changes**, follow normal processing instructions in RM 10205.015”
- Additionally, there is no reason to think they will refuse to amend legal names (nor that a legal name change request will trigger a reversal of a previously amended gender marker) on a Social Security record.
 - The email instructed the SSA employees: “if the applicant requests a replacement card with changes to fields **other than the sex field**, follow normal processing instructions in RM 10212.200”

Nevertheless, We Resist:

The playbook this administration is following is not new—for centuries, those in power have weaponized fear and disinformation to garner support for their efforts to oppress targeted communities. Often, these efforts include the use of dehumanizing language to reduce empathy for the “out group” being attacked. One particularly despicable narrative that has been regurgitated throughout history to justify oppression and violence is the notion of “protecting children” from the targeted group, which is depicted as inherently dangerous. For example, protecting white women and children from black men during Reconstruction & Jim Crow; protecting children from gay men during the Lavender Scare and Anita Bryant’s ‘Save Our Children’ Campaign; protecting children from being raised by same-sex parents during the Prop 8 Campaign; and now, protecting cisgender women and girls from transgender women in bathrooms, on sports teams, in schools, and beyond. Of course, none of these efforts to paint minority groups as dangerous were based in facts or reality, and the goal has never been to “protect” children or women or anyone else. The goal has always been to justify the violations of the basic human rights of the targeted group. Thus, it is incumbent upon each of us to confront the hateful rhetoric, to dispel the blatant mistruths that perpetuate dehumanization, and to hold those in power accountable for their indefensible actions.

“When Injustice Becomes Law, Resistance Becomes Duty”

Right now, for many people, the courage to exist and to live authentically, is an act of resistance. For others, remaining vigilant and informed is an act of resistance. Refusing to succumb to hopelessness, fear, apathy, overwhelm, and the information overload that is designed to numb us and foster apathy **is** resisting. Learning from the past is one of the most effective resources we have at our disposal—throughout this country’s fraught history, communities have effectively resisted and organized when faced with discrimination, inequality, and violence. We must look to the leaders of the Civil Rights movement, the leaders at Stonewall, and others for guidance and wisdom.



**Most importantly, we must continue to support one another.
Together, we can do hard things. You are not alone.**

Sincerely,

Simone Chriss

Director of SLC’s Transgender Rights Initiative