

A MESSAGE TO FLORIDA'S TRANSGENDER COMMUNITY REGARDING THE RECENT EXECUTIVE ORDERS

***A Statement from SLC's Transgender Rights Initiative Director
Jan. 31, 2025***

To everyone impacted by the cruel and irrational Executive Orders that the Trump administration has issued over the past ten days: we are devastated, infuriated, and more committed than ever to continuing the fight for the rights of transgender Floridians. To all of my clients and members of the community who are reaching out for answers, guidance, and support, please hear me: you are worthy, you are valuable, you are loved, and this world needs you. There is no community more resilient, more capable of handling adversity, or better prepared to support and embrace each other through these dark and uncharted waters. I am honored to fight alongside you, and I will not stop.

On January 20th, an Executive Order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” was issued, seeking to erase legal recognition of transgender people. On January 28th, an Executive Order titled “Protecting Children from Chemical and Surgical Mutilation” was issued, seeking to strip transgender youth of access to medically necessary gender-affirming care. On January 29th, an Executive Order titled “Ending Radical Indoctrination in K-12 Schooling” was issued, seeking to punish schools and teachers that support transgender students. The hateful rhetoric used in each of these orders is wildly offensive and attempts to weaponize fear and disinformation to accomplish the administration’s agenda.

Unfortunately, this is nothing new for us in Florida – “Project 2025” is just “Florida 2023.” We’ve lived this. And we’ve learned how to resist. Additionally, the suggestion that LGBTQ+ people are inherently dangerous or that children need to be protected is not new; it has been used to justify discriminatory policies and sheer bigotry for decades. The baseless and harmful talking points from Anita Bryant’s “Save Our Children” campaign in the 1970’s have been repackaged and regurgitated throughout the years, now being used as a shield to justify atrocities against the trans community.

What is an Executive Order?

Executive Orders are documents through which the President can **manage the operations of the federal government**. A few important facts to keep in mind: (1) Executive Orders must be grounded in existing law and constitutional authority, they cannot be used to effectuate something that is unconstitutional or conflicts with existing laws; (2) Executive Orders are subject to judicial review, meaning they can be blocked by the courts (as many of Trump’s prior executive orders have been); and (3) the implementation of Executive Orders is rarely immediate, as the document’s function is to provide directives to federal agencies, each of which then has to then conduct assessments and take actions (such as rulemaking) to implement or enforce the directive. (And many of Trump’s agency heads responsible for implementation have not even been confirmed by the Senate yet).

Executive Orders are largely tools for political messaging, often used by Presidents to signal to their constituents that they intend to make good on campaign promises. Without minimizing the impact of the three dangerous Executive Orders referenced above, it is important to remember that

these are, in part, an exercise in political theatre intended to sow fear and confusion among those targeted and impacted. This is further made evident by the inflammatory language used in the Orders – language with absolutely no basis in facts, evidence, science, or reality.

What Do the Anti-Trans Executive Orders Actually Do?

- ***“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”*** (Jan. 20, 2025)
 - Declares that it is “the policy of the United States” to deny the existence of transgender, non-binary, and intersex Americans
 - Creates new inaccurate and unscientific sex-related definitions and directs the executive branch to rely on those discriminatory definitions when interpreting/applying federal laws
 - Prohibits gender marker changes and “X” gender markers on federal government-issued identification documents (including U.S. Passports and Visas), which must reflect a person’s sex assigned at birth
 - **Note:** the White House has said publicly that this is only prospective, not retrospective (i.e. only impacts pending or future requests to amend gender marker on Passports, not valid already-issued Passports), but the Department of State *may* revert the gender marker to sex assigned at birth when the Passport is renewed
 - **Note:** name changes are still permitted on all government-issued identification documents, including state and federal documents
 - Prohibits housing transgender women in women’s prisons or detention centers and prohibits the use of federal funding for gender-affirming medical care for transgender folks who are incarcerated
 - Requires removal of the affirming HUD rule that protected transgender individuals in need of housing and homelessness services

- ***“Protecting Children from Chemical and Surgical Mutilation”*** (Jan. 28, 2025)
 - Prohibits federal government from “funding, sponsoring, promoting, assisting, or supporting” gender-affirming care for minors (including Medicaid, Medicare, Tricare, federal and postal service employee health benefits, and federal research grants)
 - **Note:** It alarmingly redefines “child” to include those who are 18 years old
 - Redefines gender-affirming care using harmful, inflammatory language (“chemical and surgical mutilation”)
 - Directs federal agencies to stop relying on the well-established evidence-based standards of care for the treatment of gender dysphoria (including WPATH)
 - Requires HHS to publish a “literature review” within 90 days (much like Florida did through the politically motivated, biased, and scientifically flawed GAPMS Report in order to create a justification for banning care; and the Cass Report in the UK)
 - Directs federal agencies to ensure medical schools and hospitals that receive federal research and education grants do not provide gender-affirming care to minors (to coerce major institutions to stop providing gender-affirming care to minors)

- In what seems to be a thinly veiled attempt to weaponize an entirely unrelated law against providers and parents of trans youth, it discusses the law against “female genital mutilation” and directs DOJ and AGs to prioritize enforcement of these laws
 - **Note:** the referenced law, Section 116 of Title 18 of the US Code, defines this as “any *procedure* [or *operation*] performed for *non-medical reasons* that involves partial or total removal of” female genitalia. The prescribing of puberty blockers and hormones for minors with gender dysphoria are not even remotely contemplated within the definition of “female genital mutilation.” This is no more than a scare tactic intended to impede transgender minors’ access to needed medical care that is evidence based, safe and effective.
 - Seeks to weaponize DOJ against sanctuary states that provide protections for transgender youth, tells DOJ to prioritize action against those states
 - **Note:** these actions are **not immediate**; the heads of the federal agencies responsible for implementing these cruel measures (some of whom have not even been confirmed to serve in their appointed positions yet) have 60 days to submit a report re: plans for implementation. We will keep you informed as we learn more.
- **“Ending Radical Indoctrination in K-12 Schooling”** (Jan. 29, 2025)
 - Adopts the inaccurate and unscientific sex-related definitions from the “Defending Women from Gender Ideology” Executive Order (Jan 20th) (see above)
 - Prohibits K-12 schools and teachers from supporting transgender students, including supporting the “social transition” of a student, which they define to include using the student’s affirmed name or pronouns, calling a child “non-binary,” using facilities aligned with the student’s gender identity, and even seeing a school counselor
 - **Note:** Section 1, laying out the **purposes** of the Executive Order, focuses heavily on protection of “parental rights” and ending the “usurping” of “parental authority” – it is unclear how this applies to parents who support their transgender child, whose parental rights this Order would violate
 - Requires the development within 90 days of an “Ending Indoctrination” strategy to eliminate federal funding for schools that support/protect trans youth or acknowledge the existence of concepts like gender identity, racism, white privilege, and unconscious bias (which they claim are “[i]mprinting anti-American, subversive, harmful, and false ideologies on our Nation’s children”)
 - Weaponizes the Attorney General and State attorneys to “file appropriate actions against K-12 teachers and school officials who violate the law” (which includes using a transgender or non-binary student’s affirmed name or pronouns)
 - Requires “Reestablishing the President’s Advisory 1776 Commission and Promoting Patriotic Education” to indoctrinate students, mandate the “celebration of America’s greatness,” and to whitewash our country’s true history under the guise of patriotism

Again, these Executive Orders are filled with very scary and harmful language, and I do not want to minimize the valid fears about them, but remember that these are largely acts of political theatre. These are just *directives* to federal agencies asking them to take actions (such as conduct assessments, draft and promulgate rules, rescind prior guidance, etc.) to accomplish the goals and agenda of the president. *As a reminder*, on Day 1 of Trump’s first presidency, he signed many

Executive Orders, including one stating it was the policy of the executive branch to “secure the southern border of the United States through the immediate construction of a physical wall” and that Mexico would pay for it. Four years later, a comically insignificant amount of wall was actually built, and Mexico certainly did not pay for it.

We know there is tremendous fear and anxiety among the communities we serve, and while we don't have all of the answers right now, we will do our best to keep you informed and to ensure you know your rights during these uncertain times. The most important thing we can do is to support one another and resist succumbing to hopelessness. Transgender people have always and will always exist, and nothing this administration has done or could do will change that.

In the face of efforts to erase, the greatest act of resistance is to exist.

As a proud member of Florida's LGBTQ+ community, and as a civil rights attorney who has had the privilege and honor of fighting for the rights of transgender Floridians for nearly a decade, I promise you I am not going anywhere, and we will not stop holding the government accountable. Florida has been ground zero for testing the very same anti-trans measures that the federal government now seeks to implement – we have lived through this, we have fought back, we have supported each other, we have survived, and we will continue to do so.

In this country, there have always been, and will always be, those who want to impede the march towards justice and equality. There will always be those who, whether out of fear or greed or sheer bigotry, believe that basic human rights and dignity are only owed to some. And these people have always tried to exclude groups of people from the American promise of “liberty and justice for all.” We have never let that stop us from marching forward, pushing America to live up to its ideals, and creating a more just and loving world. We are on the right side of history. Love, truth, decency, compassion, and equality will always trump hatred and bigotry.



We love you. We will continue to fight for you. You are not alone.

Sincerely,

Simone Chriss

Director of SLC's Transgender Rights Initiative