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DMV Refusal to Correct Transgender Driver's Licenses Unconstitutional *ACLU Lawsuit Challenges Requirement that Transgender Persons Undergo Surgery for Proper Gender on License*

ANCHORAGE, AK, July 18, 2011 — The American Civil Liberties Union and the ACLU of Alaska filed a brief today seeking to allow transgender individuals to correct the gender marker on their driver's licenses without undergoing major surgery. The state's surgery requirement places an undue burden on transgender individuals and presents a gross violation of an individual's right to privacy.

"It is unfair and unnecessary to require that transgender people undergo prohibitively expensive and drastic surgery in order to have accurate identity documents," said Jeffrey Mittman, executive director of the ACLU of Alaska. "No one should have to disclose sensitive personal information or be forced to make major medical decisions in order to get an accurate driver's license."

The lawsuit is being filed on behalf of a transgender woman, K.L., whose United States passport and work documents all identify her as a female. After initially securing a change to the gender on her driver's license, she was told that her new license would be revoked unless she submitted proof of having surgery. The American Psychiatric Association and medical experts agree that surgery is medically necessary for some with gender identity disorder (GID), but not for everyone. Treatment for GID is individualized, and some can be effectively treated without it, making it unnecessary for the state to confirm whether or not an individual has had surgery before correcting a license. Additionally, such surgery is extremely expensive and potentially dangerous. The State Department no longer requires transgender people to have surgery before it will correct the gender marker on passports and a growing number of states have stopped requiring surgery for changing the gender marker on a driver's license.

"Having a driver's license that doesn't match my appearance and identity would place me at risk of discrimination and physical harm," said K.L., who has lived as a woman for two years.

The state supreme court has found that the Alaska Constitution's privacy clause protects individuals' right to self-expression and to be free from the disclosure of sensitive personal information and government intrusions on their decisions about medical care.

"The surgery requirement not only violates Alaska's laws, it demonstrates a profound lack of understanding about what it means to be transgender," said John Knight, staff attorney with the ACLU Lesbian Gay Bisexual and Transgender Project. "The state cannot deny transgender people an accurate driver's license based on an arbitrary and unconstitutional policy that clashes with accepted medical standards."

The brief can be found on the ACLU websites at www.aclu.org and www.akclu.org.

Attorneys include Knight of the ACLU Lesbian Gay Bisexual and Transgender Project, Thomas Stenson of the ACLU of Alaska Foundation, and Stephanie Boehl of Perkins Coie.

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