

Talking About the Executive Order Regulating Gender

January 21, 2025

As you know, after spending more than \$200M in attack ads against transgender people this past fall, Donald Trump and his allies have made it clear they will continue to prioritize these attacks in the coming months. Speaker Johnson already instituted a Capitol bathroom ban; the House passed a blanket sports participation ban for transgender girls (with the Senate likely to take action shortly); and Trump has promised a barrage of Executive Orders including actions targeting transgender people. Just yesterday, Trump released an executive order proclaiming [two biological sexes](#) and requiring that the federal government use the term “sex” instead of “gender.” Unfortunately, that’s just the beginning.

It is critical that we respond to these attacks with effective messaging. To ignore these attacks not only puts transgender people at greater risk, but also plays into the hands of the Right by characterizing us as extreme or out of touch. The recent vote on the sports ban was instructive - the House Democratic caucus came together around the messages in the attached deck and all but three Democrats voted against the ban. Please see the overarching values frame below as well as brief talking points related to yesterday’s Executive Order:

No matter the attack or vehicle, our shared values include:

- Supporting individual freedom
- Supporting parental freedom
- Opposing government overreach / interference

We want to protect the rights and freedoms of:

- All people
- Parents and Families
- Doctors and Medical Professionals

The Executive Order proclaiming two biological sexes:

- Is intended to sow chaos and confusion about how transgender people are supposed to navigate interactions with the federal government across a range of areas, including education, public accommodations, healthcare, housing, identification documents, data collection, and more.
- Attempts to force the federal government to discriminate against transgender people and tries—but fails—to erase the reality that transgender people exist and have rights under the law.
- Creates uncertainty about whether schools, healthcare facilities, and other entities in receipt of federal funds may be required to abandon transgender-inclusive policies or programs. It may also try to force federal grantees to adopt sex-segregated facilities.
- Is not based in science, and its interpretation of sex-based discrimination contradicts existing law as laid out in federal regulations and numerous federal court opinions.

- Uses the entire federal government to regulate gender—not just for transgender people, but also for women broadly—based solely on reproductive anatomy. It opens the door for strangers to police women’s gender and invade their privacy.

This guidance is based on dozens of rounds of public opinion research by the Transgender Freedom Alliance, Third Way, Movement Advancement Project, the Trevor Project, and others.