



Struggle-La-Lucha.org

# Trans and non-binary activists challenge Florida bathroom ban as unconstitutional prior to national march

written by Center for Constitutional Rights  
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*Temporary restraining order seeks to safeguard rights during October 7 National March to Protect Trans Youth*

September 29, 2023 - Today, a group of trans and non-binary people [asked a federal court](#) to declare Florida's bathroom ban unconstitutional and to issue an order temporarily prohibiting authorities from enforcing it against them while they are in Florida in the coming weeks. The temporary restraining order (TRO) would allow the plaintiffs to use public bathrooms that align with their gender as they travel to, participate in, and return from the National March to Protect Trans Youth in Orlando on October 7.

Plaintiff **Christynne Lili Wrene Wood** issued the following statement in a press release for the march: "This year began with my being targeted by an organized campaign of hatred and lies challenging my legal rights to use the women's locker room at the Cameron YMCA in Santee, California. Because of the love and support of my community, I was empowered with the strength to stand in a very public, televised forum and call out the lies of the racist, transphobic bigots and religious zealots that sought to vilify me. And I'm bringing that love, confidence, and support to my beloved rainbow family in Florida."

Under Governor Ron DeSantis, Florida has been at the forefront of a national movement to legislate against trans rights. In May, DeSantis signed [four anti-trans bills](#), including the bathroom ban, which, plaintiffs say, violates their rights to free expression, equal protection, and non-discrimination. The lead defendant is Andrew Bain, the State Attorney for the Ninth Judicial Circuit in Florida. DeSantis appointed Bain last month to replace Monique Worrell, whom he removed, in part, because she signed a statement pledging not to prosecute people accused of transgender-related "crimes."

**Melinda Butterfield**, a 52-year-old transgender woman traveling from New York City; [Anaïs Kochan](#) (she/her) is a 52-year-old transgender woman traveling from Boston; **Tsukuru Fors**, a 52-year-old nonbinary person traveling from West Hollywood, California; **Lindsey Spero**, a 26-year-old non-binary person from

Pinellas County, Florida; and **Ms. Wood**, a 67-year-old transgender woman traveling from Lakeside, California.

A complaint, along with a motion for the TRO, filed on the plaintiffs' behalf by the Center for Constitutional Rights and Southern Legal Counsel says the ban forces trans, gender-nonconforming, and certain intersex people (TGNCI people) to use a bathroom inconsistent with their identities, risk arrest by using a bathroom consistent with their identities, or forego multi-stall restrooms in public facilities altogether. All of these options are legally impermissible because they deny TGNCI people basic freedoms afforded others, according to the complaint.

**Ms. Butterfield**, of the plaintiff organization Women in Struggle, issued the following statement in a press release: "A protest like this is long overdue. The divide-and-conquer measures of Ron DeSantis, the Florida legislature, and their wealthy backers are echoed in states across the country: banning gender-affirming healthcare, suppressing free speech for queer students and teachers, throttling Pride celebrations and drag performances, banning trans people from using restrooms, and threatening to kidnap trans youth from supportive parents. DeSantis's racist abuse of immigrants, the Black community, and other marginalized groups has contributed to crimes like the recent white supremacist murder of three Black people in Jacksonville, Florida."

Courts have differed on the constitutionality of bathroom bans in public schools, but Florida's law is much broader, applying to all public and government facilities. In the context of the march, the complaint details the harm inflicted on TGNCI people when the state imposes its view that gender is assigned by doctors at birth and immutable.

Ms. Butterfield, who is also the finance manager at the Center for Constitutional Rights, will fly to Orlando on October 2 and spend the week helping to prepare for

the march. She plans to use women's bathrooms, risking arrest, but if someone asks her to prove she is in the right bathroom, she may have to refrain out of fear. The ban not only denies her the right to live in accordance with her gender; it also impedes her ability to contribute to a First Amendment-protected march.

The march comes in response to a raft of state laws across the country restricting trans rights, part of a broader effort to demonize trans people for political purposes: in 2023, [568 anti-trans](#) bills were introduced in 49 states. In January, plaintiff Christynne Wood became a [target](#) of anti-trans groups after a teenager who had shared a bathroom with her alleged at a City Council meeting in Lakeside, California, that she posed a threat to children. But Ms. Woods [pushed back](#), and many in her community rallied behind her.

Said **Zee Scout, a Bertha Justice Fellow and attorney at the Center for Constitutional Rights**, "The State of Florida believes it can eradicate the lives and identities of trans, gender nonconforming, intersex, and queer people through numerous pieces of legislation, including Fla. Stat. § 553.865, otherwise known as the bathroom ban. But this law is an unconstitutional reaction to the growing acceptance of these communities. The state cannot erase viewpoints that it dislikes. It cannot force people to accept its idea of sex and gender. And it cannot demonize these communities by referring to them as 'demons,' 'mutants,' and 'imps.' This lawsuit is a message that trans, intersex, and queer people nationwide will not tolerate this discriminatory behavior against their siblings in Florida or anywhere."

"The bathroom ban is yet another unconstitutional and politically-motivated maneuver in the state of Florida's relentless, multi-faceted attack on the rights, lives, and dignity of transgender Floridians," said **Simone Chriss, Director of the Transgender Rights Initiative at Southern Legal Counsel**. "SLC denounces the state's weaponization of fear and misinformation to strip away the rights of TGNCI Floridians under the guise of protecting others, and we are honored to stand beside

the brave plaintiffs and all others who plan to travel to Florida to speak out and stand up for trans rights on October 7th!"

For more information, see the Center for Constitutional Rights [case page](#).

***Southern Legal Counsel, Inc. (SLC)*** is a Florida statewide not-for-profit public interest law firm that is committed to the ideal of equal justice for all and the attainment of basic human and civil rights. SLC's Transgender Rights Initiative protects the rights of Florida's LGBTQ+ community through federal impact litigation, policy advocacy, and individual representation.

*The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at [ccrjustice.org](http://ccrjustice.org).*

