



Transgender Legal Defense & Education Fund
Working for Transgender Equal Rights

Federal Court Finds Alabama's Driver's License Policy Violates Rights of Transgender People

A federal court struck down Alabama's unconstitutional policy of explicitly requiring surgery before issuing transgender people an accurate driver's license.

(MONTGOMERY, AL — January 15, 2021) — A federal court ruled today that Alabama's policy of explicitly requiring surgery — or a court order that typically requires proof of surgery — before issuing transgender people an accurate driver's license was unconstitutional. Three transgender individuals, Darcy Corbitt, Destiny Clark, and an unnamed third individual sued the state after being denied accurate driver's licenses.

The American Civil Liberties Union and the ACLU of Alabama filed the lawsuit and argued that by refusing to provide accurate gender markers on licenses belonging to transgender individuals, the state compromised the safety and wellbeing of these individuals and exposed them to a higher risk of harassment.

Darcy Corbitt, plaintiff, said:

"I know who I am, and finally the state of Alabama will be required to respect me and provide an accurate driver's license. Since my out-of-state license expired, I have had to rely on friends and family to help me pick up groceries, get to church, and get to my job. I missed a family member's funeral because I just had no way to get there. But the alternative — lying about who I am to get an Alabama license that endangered and humiliated me every time I used it — was not an option. I'm relieved that I will be able to drive again. While much work remains, this decision will make Alabama a safer place for me and other transgender people."

Gabriel Arkles, senior counsel for the Transgender Legal Defense and Education Fund, said:

"I'm thrilled the court found that Alabama's surgery requirement was unconstitutional, and I hope other states that still have similar rules will change them without being taken to court. Trans people are the experts on our own genders, and we have the right to equal access to identification we can safely use. We will keep fighting dangerous and discriminatory policies like these until none remain."

Tish Gotell Faulks, legal director for the ACLU of Alabama, said:

"The court rightfully saw that the state does not have a right to determine which medical procedures a person has, nor can they force surgery on an entire class of people. A growing number of states have realized that providing accurate driver's licenses is the right, and lawful, thing to do. The ACLU will monitor what this decision looks like in practice to ensure that transgender people are treated fairly at offices around the state of Alabama."

The ruling can be found here: https://transgenderlegal.org/documents/68/Corbitt_v._Taylor.pdf

Information about the case can be found here: <https://www.aclu.org/cases/corbitt-v-taylor>

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