

## Know Your Rights: Legal Preparedness Toolkit for Trans Activists

This section equips trans activists in the U.S. with critical knowledge about their rights during protests, how to navigate legal challenges, and what to do if detained or arrested. Understanding your rights can make the difference between staying safe or facing repression.

### LEGAL DISCLAIMER

This document is intended solely for educational and analytical purposes. It is not a call to action, nor does it condone, promote, or instruct on the use of sabotage, violence, or illegal activity. All information contained herein is derived from publicly available sources and intended for use in defense-only planning, civil contingency analysis, community resilience mapping, and academic discourse. The authors are not responsible for how readers use or interpret this document. Engage responsibly and lawfully.



### 1. Stay Informed on Recent Legal Changes

Recent federal actions have introduced policies that may affect trans individuals' rights:

- **Executive Order on Gender Definition:** An executive order issued on January 20, 2025, defines sex as an immutable male-female binary, impacting federal recognition of transgender identities. This affects documentation, access to gender-affirming care, and use of gendered facilities.
- **Restrictions on Gender Marker Changes:** Policies have been implemented preventing individuals from updating gender markers on passports and other federal documents, complicating identification processes for trans individuals.
- **Military Service Ban:** An executive order has been signed banning transgender individuals from serving in the military, which has faced legal challenges and injunctions.

## 2. Protest Rights: Where and How You Can Demonstrate

### Where You Can Legally Protest

#### ✓ Public Spaces:

- Streets, sidewalks, and parks are generally considered public forums where free speech rights are protected.
- Permits may be required for marches that block traffic or involve large groups, but spontaneous protests in response to current events often do not require permits.

#### ✓ Private Property:

- You need permission to protest on private property. If you remain after being asked to leave, you can be charged with trespassing.

#### ✓ Government Buildings:

- Protests can occur on the steps of government buildings, but you may be restricted from entering without permission.
- Some government spaces, such as courts and airports, have tighter regulations about demonstrations.

#### ✓ Schools and Universities:

- Public universities are subject to First Amendment protections, but private institutions may have more leeway to restrict protests.

### When a Permit is Required

- **Large Gatherings:** Marches that block traffic or involve loudspeakers often require permits.
- **Parks and Public Grounds:** Permits may be necessary for large-scale protests or overnight encampments.
- **Emergency Protests:** Permits are not required for spontaneous protests in response to recent events, but police may still attempt to impose restrictions.

### What Police Can and Cannot Do

#### ✓ Can:

- Order you to disperse if there is a credible threat to public safety.
- Establish protest zones or enforce curfews during emergencies.

#### ✗ Cannot:

- Disrupt peaceful protests without cause.
- Arrest individuals based on identity, gender expression, or political beliefs.
- This section may change quickly always check for updated information.

### 3. Protect Yourself During Police Interactions

#### If Approached by Police

- **Stay Calm and Silent:** You have the right to remain silent. Say, “I am exercising my right to remain silent.”
- **Do Not Consent to Searches:** Say clearly, “I do not consent to a search.”
- **Ask If You Are Free to Go:** If the officer says no, you are being detained. If you are free to go, calmly leave the area.

#### If You Are Detained or Arrested

- **Exercise Your Rights:** Say, “I want to speak to a lawyer.”
- **Do Not Answer Questions:** Do not discuss your actions, your identity, or your affiliation with activist groups.
- **Demand Medical Attention:** If you are injured or need medical care, request immediate medical assistance.

#### Trans-Specific Protections When Arrested

- **Gender-Affirming Housing:** You have the right to be housed in a facility that corresponds to your gender identity.
- **Request a Gender-Affirming Officer:** Demand to be searched by an officer whose gender aligns with your identity.
- **Refuse to Disclose Legal Name or Gender If Unsafe:** If you are outed or misgendered, demand corrections.

### 4. Documenting and Recording Police Interactions

#### Right to Record Public Officials

- You have the **right to record** police and public officials in public spaces.
- Police cannot legally confiscate or delete your footage without a warrant.
- Use apps like **Mobile Justice** or **Signal** to automatically upload footage.

#### Best Practices for Recording

- Announce that you are recording to avoid escalation.
- Maintain a safe distance to protect yourself.
- Record badge numbers, officer names, and time stamps.

## 5. Legal Emergency Preparation

### Memorize Emergency Contacts

- Write the number of a trusted contact and legal aid organization on your body.
- Ensure your emergency contact knows your preferred name, pronouns, and any medications you may need.

### Partner with Legal Observers

- **National Lawyers Guild (NLG):** Connect with NLG for legal observers at protests.
- **ACLU:** Provide support for civil rights violations and wrongful arrests.

## 6. Bail Funds and Mutual Aid Networks

### Trans-Specific Bail Funds

- **LGBTQ Freedom Fund:** Provides bail assistance for LGBTQ+ individuals.
- **National Bail Fund Network:** Connects activists with local bail support.
- **Local Mutual Aid Groups:** Coordinate rapid response funds for jailed activists.

### Post-Arrest Support

- Organize a **jail support team** to monitor detained activists.
- Prepare **transportation and medical care** for individuals released from custody.

## 7. Legal Resource List

1. **National Lawyers Guild (NLG):** Legal support and representation.
2. **ACLU:** Civil liberties and constitutional protections.
3. **Lambda Legal:** LGBTQ+ legal advocacy.
4. **Transgender Legal Defense & Education Fund (TLDEF):** Legal aid for trans communities.

## Stay Informed and Empowered

Knowing your rights can protect you and your community in moments of crisis. Prepare yourself, support fellow activists, and resist oppression with confidence. 🏳️‍🌈 🙌