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Alabama sued in transgender driver's license case

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[[Photo](#): Destiny Clark, 33, of Odenville, Ala., sits in front of a pride flag for a portrait, Tuesday, Feb. 6, 2018, in Odenville, Ala. The American Civil Liberties Union is suing Alabama on behalf of three transgender individuals, Clark, who is one of them, says that she had gender surgery and sent a letter from her doctor, but the state did not allow her to change her license because an official said the "treatment was inadequate."]



MONTGOMERY, Ala. (AP) — Three transgender individuals filed a lawsuit Tuesday against Alabama saying the state won't allow them to change the gender listing of their driver's licenses without proof that they've undergone surgery.

The American Civil Liberties Union, which is representing the plaintiffs, said the requirement to show proof of sex-altering surgery is an unconstitutional violation of privacy, free speech and a person's ability to make their own medical decisions.

Gabriel Arkles, senior staff attorney with the ACLU, said many transgender people cannot

afford the surgery or don't want it.

"It's outrageous to make an accurate, useable driver's license depend on having had a sort of health care that has nothing to do with one's ability to drive. At the end of the day, transgender people are who we say we are regardless of what health care we have had," Arkles said.

The lawsuit claims Alabama has a policy that gender on a driver license can be changed only "due to gender reassignment surgery," and requires applicants to submit an "amended state certified birth certificate and/or a letter from the physician that performed the reassignment procedure."

A spokeswoman for the Alabama Law Enforcement Agency said the agency could not comment on the pending litigation.

Arkles said most states and the federal government allow people to change the gender identity on a government-issued ID without proof of surgery.

The ACLU said Alabama is one of about nine states that require proof of surgery to change the gender identification on a state ID.

Darcy Corbitt, one of the plaintiffs, said she was subjected to "blatant cruelty" when she went to get her license after moving back to Alabama to pursue her doctoral degree at Auburn University. She said the clerk's friendliness evaporated when she saw her previous Alabama license listed male under gender and then began referring to her as "it" and "he."

Corbitt said she was able to change the listing on her federal documents, and North Dakota license, but not in Alabama.

"I have not spent the last seven years of my life undoing 21 years of other people defining my identity to sit back and let the state of Alabama dictate to me who I am and what I have to do to prove it to them," Corbitt said.

In the lawsuit, another plaintiff, Destiny Clark, said she had treatment and sent a letter from her doctor, but the state did not allow her to change her license because an official said the "treatment was inadequate." She later had some surgery, and that a government official called her doctor's office seeking details of what procedures she had done. Clark said she still was not allowed to change her license.

A third plaintiff was not identified and only referred to as John Doe.

Similar lawsuits have been filed in other states, including in Alaska in 2011.

<http://www.timesfreepress.com/news/breakingnews/story/2018/feb/07/alabama-sued-transgender-drivers-license-case/463115/>