NAACP Legal Defense Fund Files Brief Supporting G.G. in First Transgender Rights Case to Reach Supreme Court

Brief Documents Ugly History of Segregation in Public Accommodations

Today, the NAACP Legal Defense Fund (LDF) filed an amicus brief in the Supreme Court of the United States in support of a high school student named G.G., who seeks to be treated equally under the law and allowed to use the school restroom that comports with his gender identity.

“The brief filed jointly today powerfully demonstrates that the demand for equality and justice and the arguments used frustrate those rights are drawn from a common well. LDF’s rich and unique history challenging discrimination in public accommodations provides a critical vantage point from which to analyze the exclusion of transgender persons. We are proud to work together with Asian American Legal Defense and Education Fund in providing this essential context and perspective,” said Sherrilyn Ifill, President and Director-Counsel of LDF.

LDF’s friend-of-the-court brief lays out the painful but deeply relevant history of segregation in restrooms and other public accommodations. As the brief notes, “a key lesson of that painful and ignoble era is that while private space barriers like racially segregated bathrooms may have once seemed, to some, like minor inconveniences or insignificant sources of embarrassment, they were, instead, a profound indignity that inflicted deep and indelible harms on individuals of both races, and society at large.” The brief carefully examines the ugly history of using unfounded fears about sexual contact and discomfort to justify segregation in bathrooms – as well as swimming pools and even the institution of marriage. The brief also highlights that “arguments offered to defend the discriminatory singling out of G.G. are painfully similar to the historical claims that this Court long ago determined were insufficient to justify discrimination based on race. The proposition that G.G. should go back to using the ‘separate bathroom,’ parrots the functionalist logic that this Court discarded along with ‘separate but equal.’

In “striving to achieve our ‘historic commitment to creating an integrated society,” as Justice Anthony Kennedy recently reaffirmed, our nation has demonstrated a tremendous capacity to move forward. “Landmark decisions like Brown v. Board, Loving v. Virginia, and Obergefell v. Hodges powerfully illustrate that forms of equality that were once inconceivable can, and do, become indisputable. We are confident that the same will ultimately prove true for transgender students,” said John Paul Schnapper-Casteras, LDF’s Special Counsel for Appellate and Supreme Court Advocacy.

“We are proud to stand with G.G. in this case. From the schoolchildren who courageously challenged segregation in Brown to the college students who put their life on the line to integrate restrooms and other facilities on the Freedom Rides, G.G. joins an honorable tradition of young Americans fighting for equality and for their constitutional rights,” concluded Monique Lin-Luse, LDF’s Assistant Counsel.
LDF filed the brief together with Professor Suzanne B. Golberg of the Columbia Law School Sexuality and Gender Law Clinic and the law firm of Stris & Maher LLP.

Read the brief.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*