

PREPARING FOR EXECUTIVE ORDERS: HOW WE COMMUNICATE MATTERS

January 2025

As we head into the uncertainty—and likely chaos—of a new Administration, a few key themes are critical for us as trusted voices for LGBTQ people. The administration will likely continue to make exaggerated claims about the scope of its policies, even if the actual actions amount to less than what is claimed.

Understand the Fear and Uncertainty People Are Experiencing

Millions of LGBTQ people, especially transgender people and their families, are anxious and fearful about what will happen at the federal level, including actions by the new president and Congress. This mirrors the uncertainty and lived realities of many people residing in states that have passed harmful state laws. It is okay to name and acknowledge the concern people have and the uncertainty of these times.

This widespread concern and uncertainty make it all the more imperative that, in our roles as spokespeople, communicators, and advocates, we must focus on accuracy and clarity in what we say and how we say it.

Elevate Accuracy, and Do Not Proactively Concede Rollback or Losses

Undoubtedly, there will be Day 1 and Week 1 executive orders and declarations of policy via social media, not to mention additional attacks in the years ahead. It is critical that, on Day 1 and beyond, we carefully and rigorously work to understand *what a given action actually does (and doesn't do), what it may be telling agencies to do (and the processes they will have to undertake), and what the next steps are for both community members and advocates.*

Very few executive orders change policy immediately. They cannot immediately change regulations, and they cannot change the law as established through statutes and the courts. Rather, there will be steps that take time and follow a clear process (such as the regulatory process requiring agencies to make notice, to solicit comments, to review such comments, and then to issue final rules). In some instances, litigation is not only expected but is also already being prepared.

We do not want to encourage anticipatory obedience, rather than asserting what is and is not happening at a given moment.

Anticipate Litigation

In addition to the fear and uncertainty amongst our community members and not wanting to induce panic and allow misinformation to circulate, we know that our legal advocates

will work hard to fight illegal and unconstitutional actions. We do not want to put forward interpretations of any presidential action or policy that could run afoul of arguments our advocates will want to make in court.

For example, if an executive order were issued defining sex and declaring that LGBTQ people are not protected by existing sex nondiscrimination laws, we would not want to immediately acknowledge or accept this action as ending those protections. Regardless of such an action, for example, the 2020 U.S. Supreme Court decision in *Bostock* makes extremely clear that LGBTQ people are protected by sex nondiscrimination laws in the workplace. Saying otherwise could both undermine that existing precedent or future litigation against such a sweeping action.

Center next steps and shared values—rather than fear or panic

By elevating accuracy and minimizing speculation about what an action *could* do, we can help minimize unnecessary fear or panic in our community.

Remember to center core values in our messaging. Every statement, whether in response to a presidential action or not, is an opportunity to connect with the public and move the needle—and it’s also an opportunity to ground ourselves within community in these difficult times. This can mean sharing resources such as “know your rights” guides or community gatherings where people can find support from one another.

Proceed Carefully: Some Recommended Steps

1. Lead with accuracy. Connect with trusted legal and policy analysts within your organization or in coalitions to get “the facts” about what an Executive Order or presidential announcement means and what it does (and doesn’t do!)—even if this means waiting longer to make detailed statements. Resist the urge to say something just for the sake of responding.
2. Focus on the substance of the actions and the timing of the consequences. Be clear about timelines, what happens next, and what you’ll be doing as an organization.
3. Emphasize harm reduction strategies. Pair your communications about an action with resources about protections, rights, and where to seek help.
4. Set priorities. Are we only focusing on orders specifically targeting the LGBTQ community or also responding to more broad reaching orders that may have a disproportionate impact on the community?
5. Communicate Patience. It will take time for legal experts to analyze and fully understand “the facts” of each order, so the comms coalition is working on consistent language to reiterate community power and resilience during that gap, while not taking the bait and causing panic.