



Frequently Ask Questions on the Transgender Military Ban

1) What is the current status of the transgender military ban?

The Trump administration began enforcing the transgender military ban on April 12, 2019.

2) Who is affected by the ban? Can currently-serving transgender troops be discharged? Are transgender individuals able to enlist?

While this ban is enforced:

- As of April 12, any transgender person in active service (active duty, reserve, and National Guard) who comes out publicly and seeks to transition will face discharge.
- Currently-serving transgender troops who came out before April 12, 2019 in reliance on the open service policy do not face discharge but are forced to serve under an official policy that deems them unfit despite their demonstrated ability to meet military standards.
- Transgender individuals are barred from enlistment.
- [Military academies](#) bar transgender individuals from enrollment.
- Because transgender individuals are prohibited from commissioning or enlisting with the military, participation in ROTC programs is limited. Even transgender students enrolled in ROTC programs before the ban went into effect may be [barred](#) from ROTC scholarships or from full program participation.

3) Some have called this a “partial ban” on transgender troops – is that accurate?

No. The “Mattis Plan” and the guidance the Department of Defense issued on March 12, 2019 ban transgender people from enlisting and serving in the military, with the sole exception of the small group of transgender service members who came out in reliance on the open service policy that this administration is seeking to reverse.

Once that small group retires or leaves military service, no openly transgender individuals will be allowed to serve.

The government has deliberately sought to obscure the discriminatory nature of this policy by saying that because transgender people who suppress or hide their transgender status can serve, the policy is not a ban. But just as Don’t Ask, Don’t Tell barred gay people from serving, the Mattis Plan bars transgender people from military service.

As the Ninth Circuit Court of Appeals held in its June 14, 2019 ruling in *Karnoski v. Trump*: “On its face, the 2018 Policy regulates on the basis of transgender status.”

4) Are transgender service members and recruits seeking special accommodations?

No. Transgender troops and those seeking to enlist only want to be held to the same military standards as any other service member. Thousands of transgender service members have demonstrated their ability to meet or exceed those standards, whether at home or in deployed locations.

5) The military restricts enlistment by individuals with a variety of medical conditions. How is this different?

The ban against transgender troops has never been about a medical condition. The government is disregarding established medical research and studies that show transgender people to be just as stable, mentally fit, and highly functioning as their non-transgender peers, a fact proved by the many transgender people who have served, including in active combat.

The American Medical Association, American Psychological Association, and American Psychiatric Association have all spoken out against the ban, stating that it lacks any medical justification:

*“[T]he AMA is troubled that the DoD characterizes the need to undergo gender transition as a ‘deficiency’... **The only thing deficient is any medical science behind this decision. The AMA has said repeatedly that there is no medically valid reason—including a diagnosis of gender dysphoria—to exclude transgender individuals from military service...** There is a global medical consensus about the efficacy of transgender health care, including treatment for gender dysphoria”*

- April 11, 2019 [statement from the American Medical Association](#)

6) Why is the ban harmful to transgender troops and the military?

[Transgender Americans serve with honor, many on the front lines.](#) Transgender recruits have demonstrated their fitness to serve. These courageous individuals deserve our respect and gratitude, not this cruel ban based on bias, not facts.

Both the Pentagon and the [RAND Corporation](#) spent years studying service by transgender personnel and concluded there is no military reason to prohibit transgender service members from transitioning and serving openly.

The military’s own research concluded that the transgender ban itself harms military readiness by irrationally excluding qualified individuals from service simply for being transgender. As 26 retired generals and admirals [stated](#), “The singling out of one group of service members for unequal treatment harms military readiness, while inclusion supports it.”

The military currently struggles to meet personnel demands and to fill essential, needed positions. This ban artificially restricts the pool of qualified individuals and exacerbates military recruitment challenges.

Excluding qualified service members solely because they are transgender is discrimination, it disrupts military readiness, and it is contrary to military values. The ban is destabilizing for non-transgender troops, as well as transgender troops, and sends the destructive message that military service and opportunities do not turn on ability but, rather, may be subject to political whims.

The military's own core values affirm that diversity is a strength that promotes readiness. For instance, an [Army website](#) lists among the many benefits of the Army's diversity efforts:

- “The opportunity to better understand our Nation’s increasingly diverse population and attract the best available talent to fill our Soldier and Civilian ranks”;
- “Personnel who feel valued are inspired to serve at a higher level”; and
- “Bringing everyone’s different attributes and experiences together will enhance our ability to operate globally with a culturally astute Force.”

An inclusive, diverse military improves readiness by increasing the pool of people available to serve, reinforcing equal standards, and bolstering recruitment by maintaining the military's image as an open and welcoming place.

[Top U.S. military and political leaders](#), from across the political spectrum, have consistently said that transgender individuals should be allowed to serve, and that their service is valuable and promotes readiness. These have included the following:

- [Gen. Joseph Dunford, Chairman, Joint Chiefs of Staff](#): “I believe any individual who meets the physical and mental standards, and is worldwide deployable and is currently serving, should be afforded the opportunity to continue to serve.”
- [Gen. Mark Milley, Army Chief of Staff](#): “I have received precisely zero reports of issues of cohesion, discipline, morale and all those sorts of things [as a result of service by transgender personnel].”
- [Sgt. Maj. Daniel Dailey, Army’s top enlisted soldier](#): “I agree with the chief. We haven’t heard any issues or concerns, and I personally have not had any issues or concerns.”
- [Vice Adm. Karl Schultz, U.S. Coast Guard Commandant](#): “I am not aware of any disciplinary or unit cohesion issues resulting from the opening of the Coast Guard to transgender individuals.”
- The late [Sen. John McCain, former Chairman of the Senate Armed Services Committee](#): “We should welcome all those who are willing and able to serve our country. Any member of the military who meets the medical and readiness standards should be allowed to serve—including those who are transgender.”

7) Is there ongoing litigation to stop the ban?

Yes. Four legal cases – [Doe v. Trump](#), [Stockman v. Trump](#), [Karnoski v. Trump](#), and [Stone v. Trump](#), were filed in 2017 challenging the ban on equal protection grounds, among others, and the plaintiffs and advocates in all four cases are continuing to challenge it in four separate federal district courts, including developing a full record to show that the ban is based on bias, not facts.

Each of these cases secured preliminary injunctions blocking the ban in 2017, with four courts finding both that the ban would cause imminent harm, and that the plaintiffs were likely to ultimately prevail on their claims that the ban is unconstitutional. While Supreme Court action on January 22 effectively stayed those injunctions and allowed the government to begin enforcing the ban on April 12, **no court has yet issued a final decision on the constitutionality of the ban.**

A [June 14 ruling](#) from the 9th Circuit Court of Appeals, the circuit considering both *Karnoski v. Trump* and *Stockman v. Trump*, stated two important conclusions supporting the Plaintiffs' argument that the transgender military ban is unconstitutionally discriminatory:

- The 2018 Mattis policy on implementing the ban clearly targets transgender people, despite the government's efforts to obscure that fact.
- As a result, the transgender military ban must be held to a heightened level of scrutiny when the court considers whether it is constitutional. The government faces an uphill battle in justifying this ban.

Additionally, in a [September 13 ruling](#) regarding discovery in the *Doe v. Trump* case, the DC District Court rejected the government's claims that documents and information relating to the development of the Mattis Policy are privileged and ruled that the plaintiffs are entitled to discovery on that process and on the government's justifications for adopting a ban. !

8) Does the American public support open transgender service?

Yes, overwhelmingly so. A recent [Gallup](#) poll shows that **71% of Americans support transgender people openly serving in the military**, including 56% of veterans and majorities across ages and genders.

Additionally, a recent poll from [Public Religion Research Institute](#) found growing Republican support for transgender military service – up from 37% in 2017 to 47% in 2019.

9) How have states reacted to the ban?

A growing number of states have expressed opposition to the ban and declared they will continue to support transgender servicemembers in their state National Guards. Currently, governors of the following states have done so: Colorado, California, Nevada, New Jersey, Washington, Oregon, and New Mexico. [Massachusetts Governor Charlie Baker](#) has also expressed support for transgender servicemembers, saying, "I think anybody who wants to serve their country and put themselves in harm's way should be commended and given the opportunity to serve."

10) What is the role of Congress in fighting the ban?

Congress has the power to enact legislation protecting the integrity of our military, prohibiting discrimination against transgender people in military service, and ensuring that anyone who meets military standards is eligible to serve.

While the ban violates constitutional equality guarantees and should ultimately be struck down by the courts, it can also be reversed by federal legislation.

[Bipartisan legislation](#) introduced February 7, 2019 by Senator Kirsten Gillibrand in the Senate and Representative Jackie Speier in the House would do just that.

- Sen. Kirsten Gillibrand: “President Trump’s ban on transgender service members is discrimination, it undermines our military readiness, and it is an insult to the brave and patriotic transgender Americans who choose to serve in our military.”
- Sen. Susan Collins: “Anyone who is qualified, able to be deployed into war zones and wants to serve should continue to be allowed to do so, including our transgender troops. If individuals are willing to put on the uniform of our country and risk their lives for our freedoms, then we should be expressing our gratitude to them, not trying to kick them out of the military.”
- Rep. Jackie Speier: “Our transgender service members put their lives on the line every day despite an ill-advised edict from the President. This bill makes it clear to our brave transgender troops that we see them and that we honor the risks they take and sacrifices that they and their families make for the safety of our country. It’s also solid common sense. The President’s ban is not only hateful and un-American, it harms military readiness and morale and ultimately makes our country less strong.”

Five active duty transgender service members presented powerful testimony before the House Armed Services Committee on February 27.

Additionally, on March 28, the U.S. House passed a bipartisan resolution introduced by Representative Joseph Kennedy rejecting the transgender military ban and urging the Department of Defense not to reinstate the discriminatory policy.

On June 18, 2019, the U.S. House passed an amendment to defense appropriations legislation barring the use of funds to implement the ban.

And July 11, the U.S. House passed an amendment to the National Defense Authorization Act that would allow any qualified individuals, including transgender people, to serve in the U.S. military.

As litigation against the ban continues, this parallel legislative effort in Congress to reverse the ban is a welcome second front in the effort to ensure that the cruel and baseless transgender military ban is blocked permanently.

For press inquiries or additional information, contact:

GLAD/NCLR:

Amanda Johnston (GLAD), ajohnston@glad.org, 617-417-7769

Shannon Minter (NCLR), sminter@nclrights.org, 415-624-6071
Perry Sacks, psacks@mrss.com, 908-917-7097