

Congress of the United States
Washington, DC 20515

Hon. Patrick M. Shanahan
Acting Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

February 4, 2018

Acting Secretary Shanahan,

We write to urge you to not act to implement President Donald Trump's proposed ban on transgender servicemembers. For almost three years, as many as 14,700 transgender servicemembers have been able to serve openly without any evidence of harm to unit cohesion or readiness. In June 2017, President Donald Trump abruptly announced on Twitter—without consultation or apparent justification—that he was banning from enlistment or retention these brave servicemembers from working to protect our nation. Fortunately, thus far his attempted change in policy has been repeatedly blocked by the courts. However, a recent procedural order from the U.S. Supreme Court has opened the possibility the Pentagon may seek to implement the President's tweets. We call on you to maintain the status quo and to allow the successful and inclusive policy of allowing transgender servicemembers to continue to serve, particularly while litigation is ongoing, many transgender individuals are serving essential functions, and there remains no evidence of the speculated harms from open service.

This recent stay order only adds further uncertainty to the lives of transgender servicemembers, as well as to their units and commanders. These are patriots who deserve our gratitude but are instead subject to having their livelihood and dedication to service thrown into further uncertainty. Furthermore, implementation of the ban would cause real disruption in the military. While the Court's order *allows* the Pentagon, if the remaining injunction were also to be stayed, to reinstate this discriminatory ban after nearly three years of open service, it does not *mandate* that any action be taken against current servicemembers or qualified recruits. We strongly urge you to leave the inclusive policy intact until the multiple pending lawsuits are resolved to give stability to servicemembers' personnel policy.

The policy being defended by the administration at this time is a transgender ban, no matter what word games are used to get around it. It targets and stigmatizes a whole class of people without justification for reasons inextricably tied to their very identity. Moreover, through the numerous court proceedings that have occurred in the wake of the President's tweet, we have learned how the ban is untethered from any evidentiary support. Any concerns about the fitness of transgender troops as a group have been rejected by the American Medical Association,¹ the


¹ See Letter from Dr. James L. Madara to Hon. James Mattis (April 3, 2018) (*available at* <https://www.politico.com/f/?id=00000162-927c-d2e5-ade3-d37e69760000>).

American Psychological Association,² and the American Psychiatric Association, all of which deny any medical rationale for a ban.


In addition to lacking evidence for its necessity, the ban on transgender service is unconstitutional. While certainly, and tragically, considerable misunderstandings about transgender people exist in this country, these misunderstandings cannot justify invidious discrimination and give transgender servicemembers less than equal protection and due process under the law.

Military personnel policies must be based on evidence—not animus, misunderstanding, or political considerations. While the Supreme Court may have granted temporary stays pending further proceedings, nothing in its orders requires you to implement the ban—and certainly nothing requires a rush to implement this ban while litigation remains pending. Therefore, we ask that you continue to allow transgender servicemembers to serve openly as they have for nearly three years.


Sincerely,



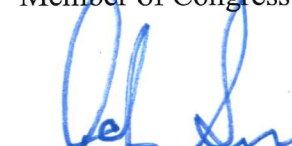
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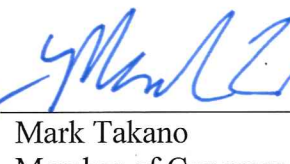
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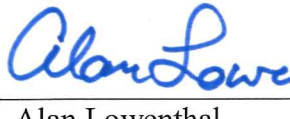
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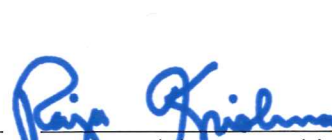
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² See Statement of the American Psychological Association Regarding Transgender Individuals Serving in Military (March 26, 2018) (available at <https://www.apa.org/news/press/releases/2018/03/transgender-military.aspx>)

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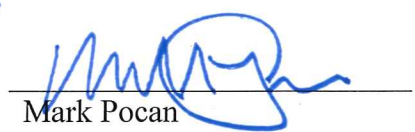

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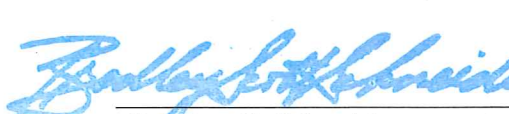

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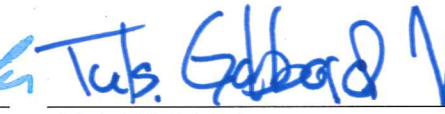

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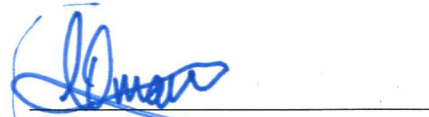

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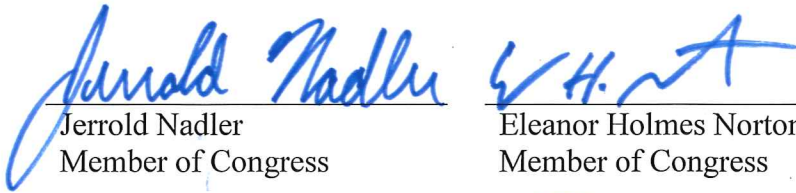
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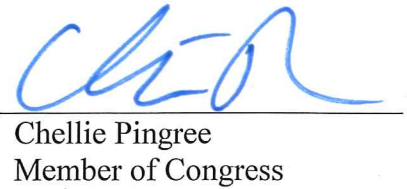
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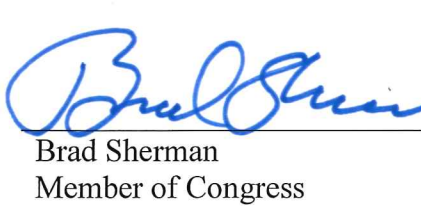


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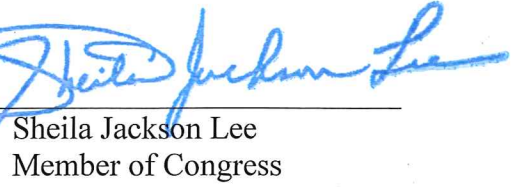

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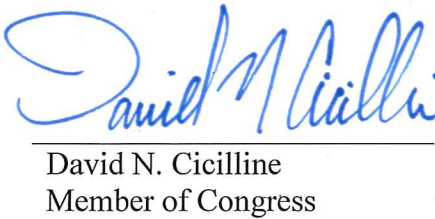

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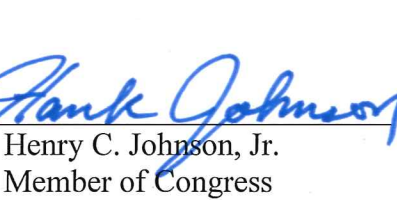

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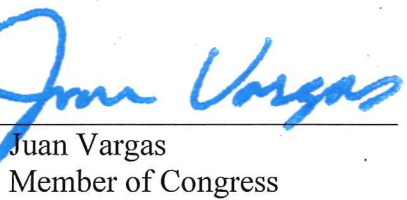

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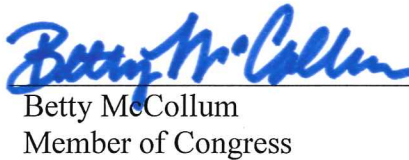

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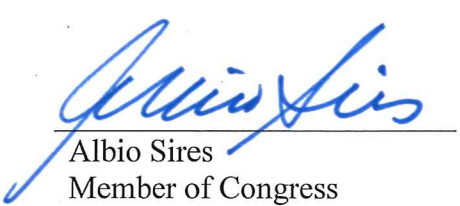

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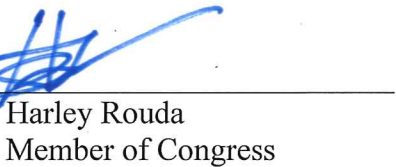

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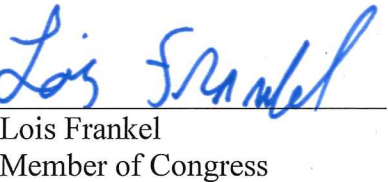

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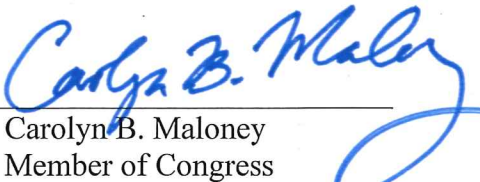

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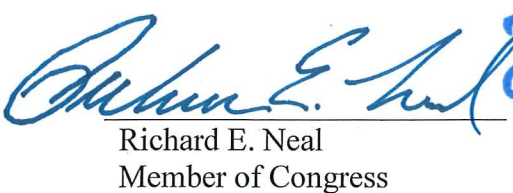

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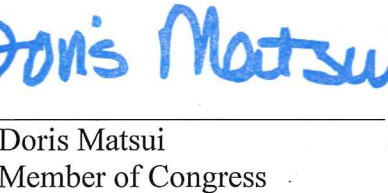

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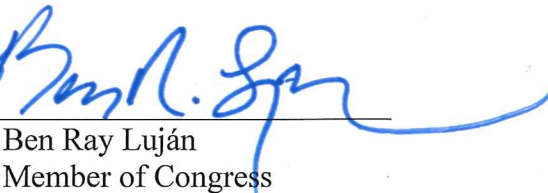

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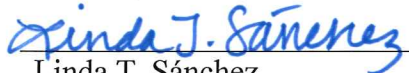

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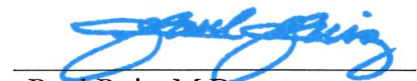

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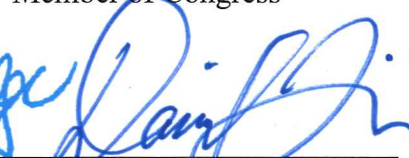

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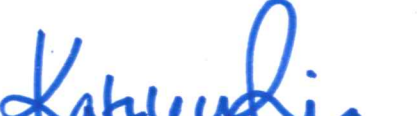

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