



August 18, 2017

The U.S. Commission on Civil Rights Condemns the Announced Military Ban on Transgender Individuals

The U.S. Commission on Civil Rights, by majority vote, strongly urges the President to reconsider his position as expressed on July 26, 2017 that “the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military.”¹ The Commission urges this Administration to recommit to the full protection of civil rights for all persons in our country.

Thousands of transgender troops currently serve in the U.S. military and thousands more have served and given their lives for the country throughout our history.² These military men and women honor our country and defend all its citizens with their service. As a group of retired military officers pointed out, the ban, “if implemented, would cause significant disruptions, deprive the military of mission-critical talent, and compromise the integrity of transgender troops who would be forced to live a lie, as well as non-transgender peers who would be forced to choose between reporting their comrades or disobeying policy.”³

Ironically, 69 years previously on the very same day in 1948, President Harry S. Truman issued an executive order to desegregate the U.S. Military.⁴ President Truman then correctly recognized that the nation’s military strength and efficacy depend on equal treatment of its troops. He saw that integration, notwithstanding predictable resistance to the change, was not

¹ Donald J. Trump (@realDonaldTrump), Twitter (Jul. 26, 2017, 8:55 AM), <https://twitter.com/realDonaldTrump/status/890193981585444864> (“After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....”); Donald J. Trump (@realDonaldTrump), Twitter (Jul. 26, 2017, 9:04 AM), <https://twitter.com/realDonaldTrump/status/890196164313833472> (“...Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....”); Donald J. Trump (@realDonaldTrump), Twitter (Jul. 26, 2017, 9:08 AM), <https://twitter.com/realDonaldTrump/status/890197095151546369> (“...victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you”).

² Schaefer, Agnes Gereben, Radha Iyengar, Srikanth Kadiyala, Jennifer Kavanagh, Charles C. Engel, Kayla M. Williams and Amii Kress, *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*, RAND Corporation, 2016, available at https://www.rand.org/pubs/research_reports/RR1530.html (finding that somewhere between 1,320 and 6,630 transgender individuals serve in the military; a more precise estimate was not possible given current data limitations); Gary J. Gates and Jody L. Herman, *Transgender Military Service in the United States*, The Williams Institute, 2014, available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Transgender-Military-Service-May-2014.pdf> (estimating 149,800 transgender adults with military service, including 15,500 on active duty, with the National Guard, or in Reserve units).

³ Palm Center, *Fifty-Six Retired Generals and Admirals Warn That President Trump’s Anti-Transgender Tweets, If Implemented, Would Degrade Military Readiness*, Aug. 1, 2017, <http://www.palmcenter.org/fifty-six-retired-generals-admirals-warn-president-trumps-anti-transgender-tweets-implemented-degrade-military-readiness/>.

⁴ Executive Order 9981, July 26, 1948; General Records of the United States Government; Record Group 11; National Archives, available at <https://www.ourdocuments.gov/doc.php?flash=false&doc=84>.

only possible but essential to living up to the American promise of equal treatment of all persons. Retrenchment seven decades later egregiously fails to learn from our past.

The President's mere announcement of a ban on transgender military service harms all Americans by sending a message that fosters and encourages prejudice, inconsistent with our core national values. If implemented, the ban would further harm Americans, and weaken our defense, by enshrining unequal treatment of Americans based on rank stereotype.

Chair Catherine E. Lhamon stated: "Animus has no place in any aspect of American life. All Americans deserve our government's respect and protection, not affirmative harm from the government itself. The U.S. Commission on Civil Rights calls on the United States to satisfy the civil rights protections that are the responsibility and obligation of the federal government."

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).