

PALM CENTER

BLUEPRINTS FOR SOUND PUBLIC POLICY

FORMER SERVICE SECRETARIES REINFORCE CHIEFS' TESTIMONY ABOUT UNIT COHESION AND INCLUSIVE POLICY FOR TRANSGENDER TROOPS

The following statement was issued by former military Service Secretaries Ray Mabus, Deborah Lee James and Eric Fanning in response to Defense Secretary James Mattis's April 26, 2018 testimony to the Senate Armed Services Committee. Senator Kirsten Gillibrand asked Sec. Mattis to address Service Chiefs' confirmation that inclusive policy for transgender personnel has not compromised unit cohesion, and Sec. Mattis responded as follows:

"[I]ssues like this would not come to Service Chief level . . . and the reason is that under the [former Defense Secretary Ash] Carter Policy, the reporting is opaque. We cannot report that a problem emanated from a transgender. We cannot, under the Carter policy, do that. So, the question you have asked the Service Chiefs and the Chairman are ones that right now, the Carter Policy prohibited that very information from coming up, because it's private information and it's specifically called out in his policy statement, so it's impossible for them to have responded to you."

STATEMENT BY FORMER SERVICE SECRETARIES

“We presided over inclusive policy for almost seven months, from the lifting of the transgender ban on June 30, 2016 until the January 20, 2017 transition. During that time, there was no indication that inclusive policy compromised cohesion or any other aspect of readiness. But this was not due to unfamiliarity with operational climate at the unit level. To the contrary, as Army Chief of Staff Mark Milley testified, the situation has been “monitored very closely” so that any problems could be nipped in the bud. Sec. Mattis’s claim that the Carter Policy precludes commanders from reporting problems overlooks several factors:

- **“The Chiefs regularly assess unit performance and meet with commanders at various levels, and the senior enlisted advisors do the same with the enlisted force. If there were significant issues looming, the Chiefs would know about it from these sources.**
- **“The Carter Policy established in each military service ‘a Service Central Coordination Cell (SCCC) to provide multi-disciplinary (e.g., medical, legal, military personnel management) expert advice and assistance to commanders with regard to service by transgender Service members.’ Secretary Carter created this mechanism, in part, to encourage commanders to report issues and concerns related to inclusive policy for transgender personnel.**

- **“The Carter Policy requires commanders to ‘protect against unwarranted invasions of personal privacy and the unauthorized disclosure of [personally identifiable information],’ but the provision’s purpose is to remind them not to make unwarranted disclosures, such as announcing that a unit has a transgender service member in its midst. This provision does not prevent reporting problems. Indeed, the DoD Commander’s *Implementation Handbook* instructs that ‘[Y]ou should not disclose someone’s gender identity without their permission, unless the disclosure is made for official use.’ Reporting a cohesion problem certainly counts as “official use.”**

“Commander responsibility under the Carter Policy is clear: they should not make unwarranted disclosures, but they can disclose someone's gender identity for official use, such as reporting a problem with unit cohesion. Nothing in the Carter Policy precludes the flow of information up the chain of command. If inclusive policy had compromised cohesion, the Chiefs would be aware of it.”

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