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DoD's Transgender Ban Has Harmed Military Readiness

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Executive Summary

On June 30, 2016, the U.S. military began allowing transgender Americans to serve openly in uniform. Although all five service chiefs subsequently testified that inclusive policy was a success, on April 12, 2019, the Department of Defense implemented a ban prohibiting transgender individuals, with some exceptions, from serving in the military, citing the financial costs of inclusive service as well as a threat to readiness, cohesion, and lethality. More than a year and a half has passed since the ban's implementation, but scholars have not yet assessed its impact on readiness.

This scholarly study is the first to undertake such an assessment. We use five research strategies including surveys, interviews, demographic analysis, a scholarly literature review, and content analysis of media articles to analyze the impact of the ban. Our data indicate that the overall impact of the ban has been to harm readiness by compromising recruitment, reputation, retention, unit cohesion, morale, medical care, and good order and discipline.

- **Recruitment:** The ban undermines recruitment by artificially shrinking a recruiting pool comprising an estimated 205,850 transgender Americans of recruiting age, by discouraging transgender and gender-nonconforming individuals from considering service, and by making military service less attractive to American youth.
- **Reputation:** The ban harms the military's reputation and its appeal to millions of qualified non-transgender Americans by casting the armed forces as unwelcoming and intolerant.
- **Retention:** The ban harms retention, including in ways not captured in discharge figures, by stigmatizing and uniquely burdening transgender personnel, making them less likely to continue or extend their service.
- **Unit Cohesion:** The ban harms unit cohesion by encouraging anti-transgender harassment and by undermining trust when troops conceal their identities.
- **Morale:** The ban hurts the morale of transgender service members by establishing a separate standard that treats them differently, by stigmatizing them and their service as a mission threat, and by distracting them from their focus.
- **Medical Care:** The ban thwarts access to medical care for transgender personnel by directly denying care and by making candid communication with providers a risk for discharge. Even grandfathered personnel have experienced slowdowns in medical care and artificial roadblocks to deployment, and must endure separate standards applied only to transgender personnel.
- **Good Order and Discipline:** The ban creates confusion and uncertainty among commanders and subordinates, undermining leadership and commitment to clear rules and expectations.

Impact of Transgender Ban

(April 2019 – November 2020)

Category	Impact of Transgender Ban
Recruitment	Artificially shrinks recruiting pool
Reputation	Casts armed forces as intolerant
Retention	Adds burdens to serving personnel
Unit Cohesion	Encourages harassment and undermines trust
Morale	Stigmatizes transgender members as mission threat
Medical Care	Denies proper care and discourages candid communication
Good Order and Discipline	Undermines leadership and clear standards

Introduction

On June 30, 2016, the U.S. military began allowing transgender Americans to serve openly in uniform, ending decades of restrictions attributed largely to medical rationales for exclusion.¹ By all accounts, inclusive policy was a success. Two years after it was implemented, then-Army Chief of Staff General Mark Milley testified before the Senate Armed Services Committee that “I have received precisely zero reports of issues of cohesion, discipline, morale and all those sorts of things.”² Then-Chief of Naval Operations Admiral John Richardson, then-Air Force Chief of Staff General David Goldfein, and then-Marine Corps Commandant General Robert Neller subsequently confirmed that inclusive policy for transgender personnel had not compromised military readiness.³

In July 2017, however, President Trump announced by tweet that he would reinstate the transgender ban, and on March 23, 2018, he accepted a recommendation from then-Defense Secretary James Mattis for how to implement such a ban. According to a memorandum signed by Sec. Mattis, which accompanied the Defense Department’s “Report and Recommendations on Military Service by Transgender Persons,” there are “substantial risks associated with allowing the accession and retention of individuals with a history or diagnosis of gender dysphoria,” and allowing transgender people to serve “could undermine readiness, disrupt unit cohesion, and impose an unreasonable burden on the military that is not conducive to military effectiveness and lethality.”⁴

Several court injunctions blocked reinstatement of the ban, but on January 22, 2019, the Supreme Court granted the administration’s request to allow it. On March 26, the last court injunction blocking the ban was lifted. Then, on April 12, 2019, DTM-19-004, “Military Service by Transgender Persons and Persons with Gender Dysphoria,” went into effect implementing the Mattis recommendation, which functions as a ban on transgender Americans while “grandfathering” about 10 percent of currently serving transgender troops as exempt.⁵ More than a year and a half has passed since its

Timeline of Key Developments

June 30, 2016	U.S. military begins allowing transgender individuals to serve openly in uniform.
July 26, 2017	President Trump tweets that he will reinstate transgender ban.
August 25, 2017	President Trump issues memo ordering secretary of defense to submit implementation plan for ban.
October 30, 2017	First of multiple court injunctions blocks the ban from being implemented.
March 23, 2018	President Trump accepts plan from then-Defense Secretary James Mattis that targets all of the estimated 14,700 transgender troops serving and bars accession of new troops.
January 22, 2019	Supreme Court grants administration's request to allow reinstatement of ban while legal challenges continue (remaining court injunctions continue to block reinstatement).
March 12, 2019	Defense Department issues DTM-19-004, a regulation implementing the Mattis plan to ban most transgender Americans from serving openly.
March 26, 2019	D.C. Circuit Court of Appeals becomes the last remaining court to lift injunction blocking the ban, allowing it to go forward (while legal challenges on the merits continue).
April 12, 2019	The Trump ban fully takes effect, barring most transgender Americans from serving openly, while exempting ("grandfathering") about 10 percent of transgender troops.
September 4, 2020	Defense Department issues new DoD Instruction (DoDI) 1300.28, "Military Service By Transgender Persons and Persons With Gender Dysphoria," replacing DTM-19-004, and issues accompanying commander handbook explaining and justifying the continued ban.

implementation, but scholars have not yet assessed the Trump ban's impact on the overall effectiveness of the U.S. military. This study is the first to undertake that assessment.

To make that assessment, our team deployed five separate research strategies starting six months after reinstatement of the ban. We used these multiple methodological strategies in order to maximize the chances of uncovering all relevant evidence of the impact of the ban's reinstatement. Those strategies included 1) Surveying 97 transgender service members, 2) In-depth interviews of 16 individuals including current and aspiring transgender service members as well as faculty members at U.S. military training academies, 3) Demographic and related analyses of transgender military cohorts and likely recruitment and retention patterns, 4) A literature review of scholarly publications, and 5) A content analysis of 218 media articles.

Military scholars have found that the key components of readiness include, among other factors, recruitment, reputation, retention, unit cohesion, morale, medical readiness, and good order and discipline. The transgender ban impairs the readiness of the U.S. military by harming each of these components. Our conclusion is that the ban's overall impact has been to undermine readiness by blocking or discouraging many transgender individuals from serving or deploying, uniquely burdening transgender service, and stigmatizing transgender individuals as a threat to the military mission. The result has been to compromise recruitment, reputation, retention, unit cohesion, morale, medical care, and good order and discipline.

Methodology

Our objective was to conduct an impartial inquiry, based on social science research methods, that assessed the impact of the Department of Defense's ban on transgender individuals serving in the military, which was implemented on April 12, 2019. Given the difficulties in accessing full data on this topic, we created a research design that would take full advantage of our access to a network of transgender service members and aspiring transgender service members. We supplemented qualitative data with quantitative data that include statistical and demographic figures about the percentage of Americans who are both transgender and of prime recruiting age, Defense Department data and related estimates of the number of transgender individuals currently serving, data and trends on recruitment and retention, public and military opinion data, information from current litigation efforts challenging the ban, reports from think tanks, Congressional testimony, experiences from foreign militaries, and scholarly research on diversity and inclusion, organizational effectiveness, and military readiness. Specifically, we deployed the following five research strategies:

Survey (n = 97): We conducted an in-depth, online survey of service members who identify as transgender and are or were serving at any point under the current transgender ban, since April 12, 2019. Our survey, which had 97 respondents, was conducted between February 9 and April 20, 2020, using SurveyMonkey. The "convenience sample" was drawn by posting a call to respond on social media and elsewhere to members of SPARTA, an advocacy group for transgender service members. We asked sixteen

identical questions to all respondents, and then asked four or six additional questions, respectively, depending on whether respondents said that they were “grandfathered” under the prior, inclusive policy rules (meaning they are exempt from the reinstated ban) or not. There were 26 questions total, covering personal identifying information, transition status, deployments, level of “outness,” the behavior and treatment of non-transgender peers, access to medical care, feelings about continued service, and perceptions of the ban’s impact on morale, cohesion, and readiness.

Interviews (n = 16): We conducted seven in-depth telephone interviews with current service members who identify as transgender, seven correspondences via email with transgender individuals who want to join the military but are restricted by the ban, and two telephone interviews with faculty members at military training academies with knowledge of transgender cadets. The service member and aspiring service member interviewees were identified through working with the transgender military advocacy group, SPARTA. We granted anonymity to many of these sources to avoid putting their careers at risk while discussing personal details and viewpoints related to controversial personnel policy.

Demographic and related data analyses: We derived quantitative data on the risk of talent loss resulting from the transgender ban using figures obtained directly from the Defense Department on recruitment and retention, as well as data from think tanks, expert commissions, and elsewhere on expected turnover rates; the share of personnel who identify as transgender and who have obtained a diagnosis of gender dysphoria; and the likely number of transgender personnel who are currently serving and who are expected to join the military each year.

Scholarly literature review: We reviewed all retrievable scholarly studies (n = 26) published between 2016 and 2020 that concerned U.S. military service by transgender personnel. For those studies whose data collection periods coincided with inclusive policy (June 30, 2016, to April 12, 2019) our focus was the identification of data that could help underscore the effectiveness, or lack thereof, of inclusion, and could therefore help establish a baseline against which the impact of the ban could be assessed. We did not identify any scholarly publications concerning military service by transgender personnel whose data collection periods occurred after the April 2019 reinstatement of the ban. (Relevant findings from the review are referenced and cited throughout this study rather than in a dedicated section.)

Media search (n = 218): We conducted a comprehensive search of media stories on the military’s transgender ban published between July 12, 2019, and January 12, 2020, to capture reporting on the impact of the ban in the six-month period starting three months after the ban’s reinstatement on April 12, 2019. We searched all English-language articles using the database, Nexis Uni (formerly LexisNexis), that were published during this period, by conducting a keyword search using “transgender” and “military” or “army” or “navy” or “marines” or “air force” or “coast guard,” all in headline and lead paragraphs. The search returned 218 non-duplicate articles, the full text of which we read to identify and incorporate any relevant reporting on the impact of the transgender ban on military

readiness. We also read additional media reports to which these preliminary articles, as well as other research, pointed us.

To guard against bias, we gave particular focus to methods and materials that would maximize the likelihood of identifying any data contradicting our hypothesis that the transgender ban harms military readiness, and indeed we found some evidence of positive developments that occurred in the military following implementation of the ban, although the bulk of our evidence confirmed our hypothesis that the ban harms military readiness.

The ban harms recruitment

The transgender ban undermines recruitment in numerous ways: it reduces the number of Americans the military will consider for service through artificial restrictions of the recruitment pool, and it discourages transgender and gender-nonconforming individuals from considering service under such burdensome conditions. In addition, the ban makes military service less attractive to the most important population from which recruiters draw to fill their ranks: American youth, whom polling data show to be overwhelmingly in favor of inclusion and equal treatment.

Demographic information on the transgender population and statistics on the propensity of this cohort to serve in the military allow us to estimate the number of transgender Americans whose contributions to the military are put at risk by the ban. An estimated 1.4 million American adults are transgender.⁶ Of these individuals, 205,850 are of prime recruiting age, 18 to 24.⁷ Assuming enlistment at a rate proportionate to population representation (0.7 percent), 1,235 transgender individuals enter military service each year out of a total of 176,505 active duty accessions.⁸

This accession calculation is conservative, because demographic research reveals that transgender Americans are twice as likely to serve in the military despite policies designed to exclude them.⁹ The annual estimate of 1,235 recruits is, however, in line with the Defense Department's own survey data showing that a total of 8,980 transgender individuals serve on active duty:¹⁰ A commission of military personnel experts studying the costs of the "don't ask, don't tell" policy reported that enlisted personnel serve for an average of 7.25 years.¹¹ Dividing a total transgender force of 8,980 by 7.25—the rate of expected turnover—yields an almost identical number to the 1,235 annual transgender accessions calculated based on population representation.

It is impossible to quantify how many of the 205,850 transgender Americans of prime recruiting age are deterred or disqualified from military service specifically because of the ban. But one source of evidence of the lost talent that the transgender ban inflicts is the "Future Warriors" program, a group of highly qualified aspiring service members with badly needed skills to offer their country but who are banned from service because of their gender identity. According to SPARTA, the advocacy organization for transgender active duty military members and veterans that oversees the program, there are 218 members.¹²

Many of them have already been screened and meet the qualifications for service. Some have taken the Armed Services Vocational Aptitude Battery (ASVAB) or Officer Qualifying Test. Some have previously served in uniform, with distinction, but cannot re-enlist now that they are out as transgender, have transitioned, or have been diagnosed with gender dysphoria. These individuals demonstrate patriotism, commitment to serve, and a skill set that the military urgently needs, including healthcare credentials, flight training, and educational achievement. Yet, rather than deploying their talents to strengthen our national security, the military bans them while waiving or lowering standards for those it does let serve, and while spending added taxpayer money on enlistment incentives that would not be necessary if it could meet its target goals.¹³ While not all members of Future Warriors would likely qualify or end up serving—and the organization represents only a sample of nationwide transgender youth with propensity to consider military service—they provide concrete examples of candidates who are automatically disqualified from service for reasons unrelated to their abilities, without having a chance to demonstrate their fitness.¹⁴

Some examples of skills and commitments lost to the military because of the accessions ban come from the stories of the following individuals:

“Trevor,” a 29-year-old licensed family therapist with a doctorate degree in marriage and family therapy, previously completed four years of the Air Force Reserve Officer Training Corps program and joined the Air Force Reserves. Trevor was a highly accomplished service member and healthcare professional. He earned a Veterans of Foreign Wars award, Military Order of the Purple Heart National Leadership Award, National Society of Daughters of Founders and Patriots of America award, was named “cadet of the month” three times, and repeatedly showed superior performance on his physical fitness tests.¹⁵

Yet when it came time to commission, Trevor received a notice of a reduction-in-force under which cadets could opt to be released from continuing their contractual service obligation. His commanders, who knew of his transgender identity and were “bluntly not supportive” of it, encouraged him to take the separation option. With great uncertainty about future regulations on transgender service and whether they might interfere with his career goals, Trevor declined the commission and separated, a decision that left him distraught when he later learned that there would be a limited opportunity to serve openly and obtain a grandfathered exemption to remain in service.

“My passion has always been wanting to be a part of an organization that encompasses the values in the military,” he explained, citing the discipline, organization, and camaraderie of the armed forces. “As a prior service member, the military became a constant place of solace driven by purpose and structure. I loved the bond I developed with fellow service members and the physicality” of service. Trevor’s ordeal shows how the whipsawing of U.S. military personnel policy, together with confused and unsupportive guidance on transgender service policy, contributed to the loss of a well-qualified military officer.

“Alex” originally enlisted in the Navy as a hospital corpsman. Navy hospital corpsmen are a highly prized asset in the armed forces. They have been called “the most uniquely trained military medic between all of the armed services,” whose “skills and training are the envy of other services.”¹⁶ Hospital corpsmen and other medics perform critical jobs, including providing life-saving medical care. Some tested sailors from the aircraft carrier USS *Theodore Roosevelt* for COVID-19 after a massive outbreak on the ship.¹⁷ (Thousands of retired Army personnel, many of them medical professionals, answered a call in March 2020 to rejoin Army teams that volunteered to help support the nation’s pandemic response.¹⁸) Yet the Navy recently reported a severe shortage of flight medics,¹⁹ and announced it would offer enlistment bonuses for hospital corpsmen in specialized fields.²⁰

Alex loved his experience as a medic, but his gender identity likely deprived the Navy and the nation of his badly needed talent. “That experience opened my eyes,” he recalled of his initial service. “Being a part of the military is not about power, it’s about purpose. Putting on that uniform gave me a feeling like none other.” After recovering from a condition that had resulted in a medical discharge unrelated to his transgender identity, he heard that transgender accessions were being accepted in 2018 and raced to a Navy recruiter’s office. He took the ASVAB, obtained necessary waivers, and was cleared by MEPS and given a ship-off date for basic training. But the closer it got to his ship-out date, the less he heard from his recruiter. Eventually he was told by someone else in recruitment that there were “complications” regarding new guidelines for transgender service, and that officials were trying to figure out his options. “That was the last I ever heard from them and then the ban fully went into effect.”

Alex said his experience was “very discouraging because I worked so hard to try to enlist, I thought I had completed the process and was cleared to go.” He even stayed on top of his physical training so he could meet the male fitness standards for entry. He believes his ship-out date was cancelled because of his gender identity. “I’m still a human being and I feel that if I could physically and mentally qualify then that one word ‘transgender’ should not have been an issue” in determining whether he could re-enlist. “Serving in the military was my calling. It was my duty; it wasn’t just some job to me,” he said. “I still have that pride, purpose, and honor feeling but I also would love to re-enlist to give others who are transgender hope and inspiration to not give up on your calling.”

“Max” joined the Army before transitioning, and was deployed to Afghanistan. He earned a master’s degree from the prestigious London School of Economics, where he wrote his thesis on counterinsurgency warfare, and graduated with merit. “The Army was the first job I ever wanted,” he recalled. “Serving and leading soldiers is my calling, and was the privilege of my life. I love the lifestyle, the camaraderie, the missions, the emphasis on taking care of your people. It’s a great life, and I want to be allowed to continue it to my highest potential.” When the original transgender ban was lifted under President Obama, Max transitioned, and was subsequently accepted to Officer Candidate School.

Yet President Trump’s 2017 tweets announcing that the military would stop allowing service by transgender personnel threw his future—and his chain of command—into uncertainty. Without recognizing that the grandfathering policy would ultimately mean he could continue his career as an officer, his recruiters informed him that they would not be moving forward with his application and swearing-in, given their interpretation of the new regulations. Max is not an officer today because of the confusion resulting from policy uncertainties created between President Trump’s 2017 tweets and the ultimate regulatory implementation in 2019 (which probably would have protected his officer commission through the grandfather clause). “At the time, there was total confusion over if people would be grandfathered or if it meant that currently serving individuals would be kicked out,” he explained in a 2020 interview. “The grandfathering policy is clear now, but it wasn’t then.” Max makes much more money in his current, civilian job with a major new media company, but says he would choose the Army in an instant: “I love the Army and would give up everything I’ve built as a civilian to go back.”

Failures of grandfathered protection have also resulted in the loss of highly qualified officer candidates in the college-based Reserve Officer Training Corps (ROTC) pipeline. Unlike Max’s case, in which interim policy confusion and lack of guidance on future commissioning opportunities pushed him out of service, officer candidates in ROTC were left without a pathway to grandfathering even when the ban was formally implemented. This failure occurred despite the policy expressing an explicit intent by the Defense Department to protect its investment in individuals selected for or enrolled in officer commissioning programs.

The military regulation that implemented the Trump ban²¹ included an offer to grandfather some transgender personnel who were either already serving in the military or enrolled in officer commissioning programs (federal service academies or ROTC). If they qualified for grandfathering, which was extended in recognition of the investment the Defense Department had made in their service, transgender personnel would continue to serve under prior, inclusive policy for the rest of their careers. The restrictions under the Trump ban would not apply to them.

The most immediate failure in implementing the ban, however, took place in the context of ROTC. To qualify for grandfathering, cadets had to receive a diagnosis of gender dysphoria *from a military medical provider* prior to April 12, 2019. The problem is that ROTC cadets, who are the most “civilian” of military personnel potentially eligible for grandfathering, had no pathway to obtain that diagnosis. They train largely in a civilian college environment and receive medical care, including transition-related care, from civilian doctors, like other students.

Under inclusive policy crafted by the Obama administration,²² transgender ROTC cadets were not required to obtain military approval before receiving gender-transition care. They were simply advised that, like all cadets, they would be subject to separation if a medical condition impaired their ability to complete training or meet standards for accession at the time of graduation. Defense Department guidance to ROTC cadets was nonspecific and did not explain how or even whether they should access a military

process for approving gender transition or confirming a civilian gender-transition plan. It wasn't clear if they could or should attempt to obtain approval or confirmation during ROTC enrollment in preparation for commissioning. In fairness, however, the 2016 Defense Department that implemented inclusive policy had no reason to anticipate it might need to protect cadets from a future ban.

But once the Trump ban was released on March 12, 2019, and scheduled to take effect one month later, transgender ROTC cadets were left without a life preserver, even though the implementation plan included a statement of intent to grandfather persons "selected for entrance into an officer commissioning program."²³ This grandfather clause, however, was limited as a practical matter to personnel who already had a standard pathway for military medical approval, and ROTC cadets had never had one. As a result, despite the Defense Department's promise to protect people in officer training, the new policy, as implemented, appears to have broken that faith with ROTC cadets. Without grandfathering, any treatment related to gender transition is permanently disqualifying for commissioning, even though cadets may have begun transition in reliance on inclusive policy.

This poor fit between ROTC and the requirements for grandfathering became immediately apparent. A University of Texas ROTC cadet, Map Pesqueira, lost his academic scholarship and was disenrolled from ROTC as soon as the Trump ban went into effect.²⁴ By creating new, discriminatory standards in the midst of Pesqueira's training, the military lost a future officer chosen through a competitive selection process. A Defense Department spokesperson explained the dismissal, and the failure of grandfathering, with this evasive response: "The student's gender identity did not impact his status in the ROTC program. The scholarship offer was contingent upon meeting the standards required of all prospective recruits; the student did not meet those standards."²⁵

Additional information on the lost talent inflicted by the ban comes from several federal lawsuits brought by both current and aspiring service members who are targeted by the ban. Their circumstances reveal that dedicated, patriotic Americans seek to serve their country in uniform by offering the armed forces an impressive array of skills that the military relies on for mission effectiveness, but which it foregoes due to its own counter-productive policy. These skills include advanced degrees in social work,²⁶ certifications as an emergency medical technician and firefighter,²⁷ policy and security work, and more.

Many undertook gender transition or came out as transgender only after their nation explicitly assured them, with the lifting of the longstanding ban under President Obama, that they would still be allowed to serve irrespective of their gender identity—only to then be told that, under the Trump reversal, the promise would not be kept. The result was personal devastation for the individuals denied entry, and a military deprived of talent that it now must pay more money to secure, if it can secure it at all.

For instance, Dylan Kohere, a plaintiff in *Doe v. Trump*, said, "A big part of the reason I was comfortable coming out as transgender to the ROTC was the announcement in the

summer of 2016 that transgender people would be able to serve openly in the military. I was so excited that I would be able to achieve my goal of serving while remaining true to who I am.” Nicolas Talbott, a plaintiff in *Stockman v. Trump*, said, “When I read President Trump’s tweets, my heart sank. I feared that I would never be permitted to fulfill my longtime dream of military service. Small towns like Lisbon, Ohio—where I live—do not have many job opportunities. I am actively searching for a job where I can support myself and my grandmother who is unwell. Enlisting in the military provides a stable job, steady income, health benefits, and the pride of serving my country.”²⁸

Defense Department policy states that “transgender persons may seek waivers or exceptions to these or any other standards, requirements, or policies on the same terms as any other person.”²⁹ The availability of waivers has been a central point in efforts to justify the ban. In DoD’s view, one of the reasons the policy should not be considered a ban is because waivers “may be granted on a case-by-case basis.”³⁰ This assertion, however, has not been borne out in practice. In response to a congressional mandate to disclose data on transgender waivers, DoD reported that not a single accession candidate had been granted a waiver, or even been considered for one, in the 10 months following reinstatement of the ban. Nineteen transgender accession candidates had persisted in applying despite the ban and all qualified for service except for the ban; none of them was permitted to serve.³¹ It appears that waiver does not provide a feasible path to military service for individuals who have transitioned gender as civilians.

The transgender ban also makes military service less attractive to the most important population from which recruiters draw to fill their ranks: American youth, whom polling data show to be overwhelmingly in favor of inclusion and equal treatment. The vast majority of enlisted accessions—over 97 percent—are under age 30.³² That cohort is one of the groups most likely to favor inclusive policy. In 2019, Gallup found that 84 percent of respondents aged 18 to 29 support transgender service; Quinnipiac found that 86 percent of young adults support transgender service; and a Harvard/Harris poll found 68 percent in favor. This level of support is considerably higher than the already high levels of support among the American population as a whole. A substantial majority of Americans consistently expresses support for transgender inclusion in military service. Numerous major national polls conducted in 2019 showed such support ranging from 59 percent to 71 percent, with a six-poll average of 67 percent. Polls found that up to half of Republicans—a group traditionally hostile to LGBTQ equality—nevertheless supported allowing transgender Americans to serve. Their support increased in the last two years more decisively than any other cohort, indicating a dramatic trend toward acceptance of transgender service.³³

Young adults who serve in the military support inclusive policy for transgender troops as well. A 2020 study of 486 active duty personnel found “broad support for transgender military service across all four branches of the military and military ranks.”³⁴ A 2016 study conducted by military scholars at the U.S. Military Academy at West Point surveyed the attitudes of ROTC and academy cadets toward transgender people. It found that 80.3 percent of ROTC and 68.2 percent of academy cadets believed that transgender individuals in their workplace would have no impact on their ability to do their jobs,

while just 11.9 percent of ROTC and 15.9 percent of academy cadets wanted a transgender colleague to conceal their status in the workplace.³⁵

A 2019 Gallup poll found that 56 percent of veterans support transgender service and a 2017 Military Family Advisory Network survey of 5,650 active duty troops, veterans, and their families found that the military community supports transgender service by a two-to-one margin, 62 percent to 31 percent. A 2020 study funded by the Pentagon found that a majority of active duty personnel support allowing service by transgender individuals. The peer-reviewed study, “Support for Transgender Military Service from Active Duty United States Military Personnel,” reported that 66 percent of those surveyed support inclusive policy. “Findings suggest broad support for transgender military service across all branches of service and military ranks,” according to the study. The authors concluded that “transgender military service was widely supported among active duty heterosexual and LGB [lesbian, gay, and bisexual] cisgender military personnel, indicating that from the perspective of service members themselves, the ban should be lifted.”³⁶

The ban harms the military’s reputation

The transgender ban harms the military’s reputation and hence its appeal to millions of qualified non-transgender Americans by casting the armed forces as unwelcoming and intolerant. Mainstream editorial pages, for example, have been scathing in their criticism of the military’s ban. The *New York Times* ran headlines such as “Trump’s Heartless Transgender Military Ban Gets a Second Shot,” with its editorial board calling the ban the “latest example of [the president’s] disgraceful proclivity ... to transform America into a country that divides and dehumanizes its people.”³⁷ A column in *USA Today* was entitled, “Transgender military ban: Trump isolates America once again.”³⁸ The *New Yorker* denounced “The Cruelty and Cynicism of Trump’s Transgender Ban.”³⁹ A *Washington Post* analysis ran with the headline, “Trump’s transgender military ban is losing support even in his own party.”⁴⁰ Its editorial section ran headlines including, “The transgender military ban is damaging America and those who want to serve it”⁴¹ and “Trump’s transgender troop ban is as insidious as ever.”⁴² Headlines mocked the president’s argument that the transgender ban was necessary for cost savings, with headlines noting that “the military spends five times as much on Viagra as it would on transgender troops’ medical care.”⁴³ Major medical organizations widely denounced the ban, with the CEO of the American Medical Association signing a letter on behalf of the group’s more than two hundred thousand members stating that the Pentagon had “mischaracterized and rejected” the science on the transgender troops issue.⁴⁴

It wasn’t just mainstream outlets and organizations, however, that denounced the ban but also Republican and conservative figures, often voicing critiques in major conservative venues. The conservative *Washington Examiner* ran an opinion piece entitled, “If Trump really cares about veterans, he should rethink the transgender military ban.” It argued that “any transgender person who can meet the same requirements as anyone else and receive medical and psychiatric clearance to serve should be allowed to do so. Anything else is blatant, baseless discrimination.”⁴⁵ The AMA’s critique was reported in the right-wing

news outlet, Newsmax, with the headline, “AMA to Mattis: ‘No Valid Reason’ to Exclude Transgender Troops.”⁴⁶ The *American Conservative* ran the headline, “Trump’s Transgender Troops Blunder,” focusing on the botched announcement of the new policy via Twitter.⁴⁷

The transgender celebrity, Caitlyn Jenner, at the time a Trump ally, denounced the ban, generating the headline, “Caitlyn Jenner Calls Out Trump Over Transgender Military Ban.”⁴⁸ The gay conservative group Log Cabin Republicans released a statement saying the announcement of the ban “smacks of politics, pure and simple.”⁴⁹ “Republican Senators Aren’t Embracing Trump’s Transgender Military Ban,” according to FiveThirtyEight, which found in an analysis that only two out of 52 Republican senators backed the ban publicly, and that most of the ones who commented on it “didn’t seem thrilled by Trump’s decision.”⁵⁰ And, as discussed elsewhere, numerous top military officials, both current and retired, expressed disapproval or outright condemnation of the Trump ban. All these developments exacerbate the dangerous civil-military gap that erodes trust in, and respect for, the military.

National security experts and the federal government have recognized the impact of military discrimination and exclusion on the ability of the armed forces to attract badly needed talent. As part of the 2019 National Defense Authorization Act, Congress tasked the respected Center for a New American Security to produce an independent assessment of geopolitical challenges in Asia that must be met if the U.S. is to successfully implement its 2018 National Defense Strategy. Among the key conclusions and recommendations that CNAS issued was that the government must “broaden military recruitment strategies to fully leverage America’s talents.” Currently, explains its 2020 report, institutional and cultural factors “intersect to make military service less attractive to vital targets in the recruit population.” The military must focus on “mobilizing the rich diversity of America and persuading populations who do not see themselves having a career in the military that their service is valuable,” it reads. The report recommends repealing the transgender service ban as it is among the “policies and regulations that unnecessarily deter vital pools of talent.”⁵¹

Similarly, a report released in March 2020 by the National Commission on Military, National, and Public Service, an expert panel charged by the U.S. Congress to help bolster our national security by exploring ways to increase military and public service, referenced “concerns over a disconnect between what younger generations value and how they perceive the military, particularly regarding the treatment of women and LGBTQ individuals.”⁵² Expert testimony solicited by the commission and provided by the Palm Center indicated that “the transgender service ban is a substantial barrier to participation in military service by qualified personnel, both by directly eliminating a pool of qualified transgender potential recruits, and by casting the military as an intolerant and unwelcome place that highly qualified, young Americans are less likely to want to join given what the data say about their values.”⁵³ The commission concluded that a “civil-military divide has contributed to many trends that prevent young adults and Americans with critical skills from considering military service” and that the Defense Department should “work to improve the acceptance of military service by all communities as a valued career choice

for their sons and daughters” and “create opportunities for all young Americans to be able to visualize themselves serving as part of the All-Volunteer Force in the United States military.” It recommended that political and military leaders “prioritize a military that is representative of the Nation it serves and open to all citizens.”⁵⁴

The transgender ban has soured some of the nation’s top educational institutions on military service, straining a common pipeline for recruitment, especially of officers. After President Trump announced that he planned to reinstitute a transgender ban, several law schools decried the step because it conflicted with their robust non-discrimination policies. A spokesperson for the Vermont Law School called the idea of a ban a “grave concern” and said the institution would have to consider whether it would ban representatives of the military on its campus: “The Vermont Law School administration will take a hard look at the details of the policy to determine if our discrimination policy will allow military recruiters on the VLS campus.” The Mitchell Hamline School of Law also indicated that a ban on recruiters was “being considered” by the administration and faculty.⁵⁵

Early in 2019, a dean at the Boston University School of Law expressed an “unwavering commitment to diversity and inclusion” as she was compelled to navigate a planned protest by 23 student groups of a networking event that welcomed Judge Advocate General attorneys to campus. “Let me be clear,” she wrote in a statement. “The new federal ban on transgender military service is in direct conflict with our values, and the presence of JAG attorneys at this event is indeed inconsistent with our non-discrimination policy.” She explained that the Solomon Amendment, a federal statute dating to 1996, threatens any university with a loss of federal funding, including for student aid and critical research, if it prevents military recruiters from coming to campus. “For this reason alone, I have made the difficult decision to issue this exception to our policy,” she wrote, describing the quandary faced by dozens of law schools and other institutions whose nondiscrimination policies and principles are forcibly violated by this federal law, creating conflict on their campuses.⁵⁶

After the April 2019 implementation of the revived transgender ban, American University and University of Wisconsin Law School both issued statements expressing consternation about the federal government forcing them to choose between violating their own nondiscrimination policies and forfeiting millions of dollars in essential federal aid. “While the US military’s current policy conflicts with AU’s values and our policies prohibiting discrimination, the university is compelled by a federal law known as the Solomon Amendment to allow military recruiters on campus,” said American University leaders in a statement. “To ban military recruiters would otherwise risk losing access to federal funding, including federal student financial aid and institutional research grants.” A University of Wisconsin Law School dean stated, “We have suspended the application of our nondiscrimination policy to military recruiters for purely pragmatic reasons. ... This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.”⁵⁷

The reputational harm that the transgender ban inflicts on the military echoes the impact of “don’t ask, don’t tell,” the policy that banned gays, lesbians, and bisexuals from the armed forces. A 2007 study published in the peer-reviewed journal, *Armed Forces and Society*, investigated the reputational impact of the 1993 policy. The study found that the ban harmed the military’s reputation by prompting journalists to criticize the armed forces and providing a vehicle for anti-military protesters to portray military culture as conflicting with widely accepted civilian values.⁵⁸ Similar to “don’t ask, don’t tell,” the transgender ban harms the military’s reputation and hence its appeal to millions of qualified non-transgender Americans by casting the armed forces as unwelcoming and intolerant.

The ban harms retention

The ban harms retention, including in ways not captured in discharge figures, by stigmatizing and uniquely burdening transgender personnel. An estimated 14,700 transgender troops are currently serving in uniform⁵⁹, notwithstanding reinstatement of the transgender ban in April 2019, but the ban makes them less likely to continue or extend their service. Even when the ban doesn’t catch service members directly in its grasp by leading to forcible separation, it contributes to lost skills through the decisions of transgender members to cut their service short as a result of the policy.

Many transgender service members we communicated with cited the ban as a consideration in deciding if they would continue to make a career out of military service. Most said it made them less likely to extend their service beyond their current contract, although as we note elsewhere, some transgender troops reacted to the ban by redoubling their commitment to prove their worth to the military. Others said they had chosen to leave because of the ban. At the U.S. service academies, some cadets came to feel that they could not or would not commission after they graduated. A faculty member at the U.S. Military Academy at West Point who works closely with several transgender cadets said that, after the ban was announced, many transgender cadets “wondered if the military would really be right for them.” It was “heartbreaking because you’re working with some amazing cadets and you know they’d make an incredible contribution to the Army,” the professor said, but their military career was suddenly up in the air. “You lose some amazing people, some amazing leaders, with perspectives that are very valid and unheard, and that is a huge loss” for the institution. Many of those cadets “I’d gladly have on my team because they’d add tremendous value. And it’s sad that they might not be able to continue their service.”⁶⁰

A Navy aviation electronics technician said the weight of the ban drove him to leave service after his obligation ended: “I separated in large part due to the treatment of myself and other trans troops. I could not justify putting my life on hold to [support] an organization that in an official capacity says that people like me are a burden to the service and that continually mistreated me on the basis of being trans. I wasn’t told that I had to leave but the treatment that I received made it clear that if I wanted continued medical care or a non-abusive work environment I would need to.”⁶¹

Other examples of comments by transgender service members indicating that the ban reduced their likelihood of continuing to serve include the following:

“I don’t want to have to fight for my right to exist anymore.”⁶²

“I’m questioning if I can stick out the next 9 years in order to get my 20.”⁶³

“I know some transgender troops have accepted being chaptered out, only because if they can’t serve as their true selves they don’t want to serve.”⁶⁴

“We feel much less secure in our economic stability and are reconsidering my Naval career as a result. ... I don’t want to be in a position where I can suddenly lose my job due to the whim of an elected official. My family can’t afford that. ... I don’t want to serve under people I can’t trust.”⁶⁵

“I plan to separate from the military after my time is up in January 2021 and the trans ban definitely is a factor. I am tired of working so tirelessly for an organization (government) that does not support me.”⁶⁶

“I have been considering not re-enlisting at the end of my current contract so that I won’t have to worry about being involuntarily separated in the future. I believe it would be better for me to leave on my own terms in that case.”⁶⁷

“The ban has cemented my decision to separate after my term of service is complete.”⁶⁸

“I would NOT re-enlist unless I was able to transition while in.”⁶⁹

Other evidence of skills lost or at risk because of the ban comes from lawsuits challenging the policy’s legality. “Jane Doe 1,” a plaintiff in *Doe v. Trump*, who has served in the Coast Guard for more than ten years, informed her command that she was transgender after the ban was lifted in 2016. She came out because of her understanding that open service would now be permitted. But when President Trump tweeted his announcement that he would reinstate the ban, she wrote a letter indicating that she would opt to resign rather than be forcibly separated due to the new ban. She stated that she would withdraw her resignation if the ban were reversed.⁷⁰

A separate plaintiff, Lt. “Jane Doe,” was commissioned as a naval officer in 2010 after graduating from college with an engineering degree.⁷¹ She served two extended tours of duty as a Surface Warfare Officer, earned several advanced degrees, and was deployed around the world. The Navy has invested heavily in Lt. Doe’s training and education, and has committed to employ her for at least the next six years, absent any intervening restrictions. Her hope was to continue her distinguished military career for many more years, and to serve on equal terms with her peers, which means being able to count on medically necessary healthcare, including any transition-related care, and being able to express her gender identity just like anyone else can.

Yet in the spring of 2019, just as the Trump ban was going into effect, Doe began psychotherapy and was ultimately diagnosed with gender dysphoria in June. Consistent with military rules on waiver of policy, she disclosed her transgender identity to her commanding officer, which put her at risk of involuntary separation. Hoping to avoid a discharge, she requested a waiver allowing her to serve in a manner consistent with her gender identity, which further raised her risk of losing her career since the waiver request could alert officials of her gender identity and medical diagnosis, and may or may not be granted. According to her attorneys, Lt. Doe had to prepare and submit her waiver request “without the benefit of reliable guidance as to its proper form or content because the Defense Department has not issued such guidance. Nor has it issued guidance on the criteria by which a waiver request will be evaluated, or a timeframe in which it is to be adjudicated.”

In addition to the risk and confusion she faced in the absence of clear guidance for the waiver process, Lt. Doe was prohibited from obtaining medically necessary treatment for her gender dysphoria, or from transitioning, without a waiver. Her military medical provider refused to make a timely decision about whether gender transition was medically necessary, while a separate “Transgender Care Team” reviewed her medical circumstances and concluded that gender transition was, in fact, medically necessary, and that the provider’s decision “to delay a determination of medical necessity for 1 year is not congruent with Lt. [Doe’s] clinical course or with current guidelines for the management of gender dysphoria.”

In May 2020, the acting Navy secretary granted Lt. Doe the waiver she had requested, the first one granted to any transgender service member since the Trump ban went into effect in April 2019. As the waiver was granted in response to a lawsuit, it appears that the Pentagon is using the waiver process to fend off legal challenges to the policy.⁷² The waiver grant, however, leaves unchanged the fact that the ban undercuts accession and retention: It makes transgender people ineligible for accession and retention even when they would meet the same standards that apply to everyone else in comparable circumstances. The fact that the Defense Department holds open the theoretical possibility of a discretionary exception does not mitigate the ban’s injury to the troops it affects, or the harm to the military’s own ability to attract and retain needed talent. Following the granting of the waiver, advocates dropped the lawsuit, but one of the lead attorneys noted that, “The transgender military ban is irrational and harmful. The granting of one single waiver does nothing to change that.”⁷³

Waiver consideration for currently serving personnel is almost non-existent, contrary to policy assurances that transgender individuals may seek waivers to policy on the same terms as fellow service members.⁷⁴ According to DoD data released in response to congressional mandate,⁷⁵ only two transgender service members have been considered for a waiver in the 10 months following reinstatement of the ban. One request was granted—Lt. Doe’s, in response to a lawsuit—and the other was not reported as either granted or denied. This suggests that waiver requests from non-grandfathered personnel are being discouraged, either explicitly or implicitly, casting doubt on the Pentagon’s position that its transgender policy is not discriminatory since it allows service by waiver.

Waiver requests carry great risk, and so it is unsurprising they are rarely made. In seeking a waiver, transgender service members are affirming they have been medically advised that gender transition is necessary. However, a medical need for gender transition is also a clear basis for discharge under the ban. By asking for a waiver, an applicant has to concede there is a basis for discharge if the waiver is denied. The same set of Pentagon data backs up the weight of this difficult and risky calculation. A total of 197 service members have been diagnosed with gender dysphoria in the 10 months after grandfathered protection elapsed in April 2019, but only two have sought a waiver that, if granted, would entitle them to appropriate medical care.

Discharge figures fail to capture the true and complete effect of reinstating the ban. Of the 197 individuals diagnosed with gender dysphoria after the ban went into effect, DoD has reported that only three are subject to administrative separation because of that diagnosis. It appears that most of them have accepted one of the two limited options available to them: to either continue to serve indefinitely in birth gender without transition-related support, or to leave service on their own terms on an earlier schedule than they otherwise would have chosen. There is no realistic opportunity for continued service by those with a need to transition gender.

The transgender ban may also be depressing retention even for the grandfathered personnel it was intended to protect. DoD data on the number of current grandfathered personnel in service across an arc of time in 2019 may reveal consequences of the ban that would otherwise remain invisible on the surface. For example, the number of currently serving, protected grandfathered individuals increased from 1,071 in February 2019⁷⁶ to 1,400 as the ban officially went into effect in April 2019.⁷⁷ The jump likely reflected the choice to seek exemption from the ban by obtaining a qualifying gender dysphoria diagnosis before the deadline. However, the number of DoD-reported grandfathered personnel then declined precipitously from 1,400 to 772 by September 2019, just five months later.⁷⁸ If those numbers are accurate—and there is no way to confirm DoD’s count independently—it may mean that large numbers of grandfathered personnel are finding the promise of equal conditions of service to be lacking and leaving service prematurely. If this is a measure of the burden of the ban on a population of grandfathered personnel, the burden on non-grandfathered personnel is undoubtedly worse.

Despite its overall negative impact on retention, we discovered that some transgender troops, rather than cutting short their service, reacted to the ban with a renewed commitment to remain in service in an effort to demonstrate that the ban was misguided and to support other LGBTQ troops. An Army medical laboratory NCO explained that, for her, the ban was “definitely a factor in my decision to stay in for more than 20 years. I see it as the best way I can prove that open, accepting, and supportive transgender service only improves the military’s readiness.”⁷⁹ A sailor said she wanted “to stay in and help other trans sailors, whether or not they can transition, and getting to that position keeps me going.”⁸⁰ A signal officer in the Army Reserve said that, while reinstatement caused him to “doubt my future” in the military, the return of the ban was “why I stayed.” He explained

that, because “serving as an officer holds a lot of weight, I’m not about to give up that opportunity to help LGBTQ soldiers.”⁸¹

Despite this unexpected impact in inducing some transgender troops to remain in service to prove that the ban is misguided, it is clear that the ban’s overall impact on the retention of transgender personnel goes beyond just what would be captured in separation data. The policy’s stigmatizing effect, its service restrictions, and the uncertainty it thrusts upon transgender troops create a destabilizing effect that impinges on readiness and potentially makes thousands of qualified, trained U.S. service members less likely to remain in uniform.

The ban harms unit cohesion

The Defense Department has claimed that there are “substantial risks associated with allowing the accession and retention” of transgender individuals, and that allowing them to serve could “disrupt unit cohesion.”⁸² Our data, however, suggest that the ban itself has harmed unit cohesion by encouraging anti-transgender harassment and by undermining trust when troops conceal their identities.⁸³

The ban appears to have emboldened anti-transgender harassment by commanders or peers, which can come in the form of selective and unequal enforcement of personnel policies (for example, applying rules against transgender service members but not cisgender ones); disparaging comments; and implied threats that the ban’s overriding message that transgender people don’t belong in uniform could be used to drive such service members out.

We found numerous examples of actual and perceived anti-transgender harassment in the wake of the ban’s reinstatement.⁸⁴ A Navy aviation electronics technician who flew in multiple combat missions explained that having the ban as policy strongly signals a lack of support or care for transgender personnel. “The ban has kind of emboldened everybody to be transphobic again. There’s no protections,” she said. “Before the ban, the Navy’s stance was that transgender people are real people and they have a status and we’re going to help them transition to what they need to be so they can continue to serve. So there was pressure for the leadership to push down [from the top] acceptance of trans people. But now that the ban has been reinstated, there’s no longer anyone trying to accept us anymore.”⁸⁵

A Navy cryptologic technician said his supervisors “are outright harassing” him in an effort to drive him out. “My superiors have tried to kick me out in every way possible,” he said. “I am currently facing NJP [non-judicial punishment] for having financial difficulties and not telling them, something that they would let a cisgender person off the hook for.” He said he felt he was sent to NJP “because my chain of command are finding ways to punish me.”⁸⁶

One sailor said that the main consequence of the ban’s reinstatement has been that “people who don’t like the idea of transgender people serving in the military have been

emboldened. They seem to feel vindicated and they have amplified their anti-transgender rhetoric.”⁸⁷ Another sailor, an aviation structural mechanic, put it this way: “When a leader in the highest office discriminates against a group, it emboldens some junior people to target trans members for harassment, and the trans people tend to be afraid of being seen as a burden.”⁸⁸

An Army Reserve signal officer said that treatment of transgender troops deteriorated after reinstatement created a climate of permissiveness around anti-transgender sentiment. “It’s gotten worse for those who deal with soldiers who just needed ‘permission’ to be disrespectful,” he explained. “I hear jokes all the time about trans women and now I feel less safe correcting people even though I outrank many of them.” He added, “The ban seems to have solidified the idea that trans folks do not belong and have no purpose, which I believe correlates at some level with the violence we are seeing against trans folks today. Hateful speech and jokes are rarely corrected except by other trans folks.”⁸⁹

A faculty member at the U.S. Military Academy at West Point who works closely with several transgender cadets said that when the ban was reinstated, “There was this feeling of, ‘Well, now it’s not okay to be trans, and maybe this gives people a license to say negative comments toward trans service members.’”⁹⁰ As discussed, the ban’s tendency to create fear among both those directly targeted by discriminatory policy and potentially others in the organization corrodes the workplace climate, whether or not the feared treatment actually materializes.⁹¹ By sending a signal about transgender second-class citizenship in the military and by making it more difficult to report anti-transgender harassment, the ban makes harassment more likely and more difficult to manage, undermining overall readiness of the force.

In addition, the ban harms unit cohesion by undermining trust when troops conceal their identities. The ban’s effect on trust and concealment echoes the operation of “don’t ask, don’t tell,” which prohibited gay, lesbian, and bisexual troops from serving openly between 1994 and 2011. A 2004 report released by the Palm Center, for example, found that forced concealment “impeded [service members’] capacity to bond with their peers, to develop trust within their units, to discuss basic personal matters, and to achieve maximum productivity in their working lives.” Many sexual minorities in the military reported that, “due to the policy’s strictures on expression, they sometimes avoided socializing with their comrades, and were perceived by others as anti-social.”⁹²

Although the transgender ban harms cohesion by encouraging anti-transgender harassment and by undermining trust when troops conceal their identities, those harms were slightly moderated for an unexpected reason: Cisgender troops have reacted to the ban by acting in a protective manner toward their transgender peers. One transgender Army sergeant, for example, said that some of his cisgender unit mates “express active opposition to the ban being implemented” and that some of his supervisors had “gone above and beyond in support.”⁹³ A Chief Aviation Structural Mechanic in the Navy said that she “received complete support, and I feel it has made me a more approachable and

better leader.” She said the ban did not harm her unit’s cohesion and, “if anything it has improved because it’s opened dialogue and opportunities for training.”⁹⁴

A Marine captain said that, since the ban was reinstated, acceptance of transgender service members had “improved ... but not because of the ban.” Instead, more transgender troops began coming out around the same time and, “once people get to know a transgender service member, their attitude towards trans people in general changes” for the better. “Since the first guy has come out, I notice fewer jokes made.”⁹⁵ An Army staff sergeant said she had “no bad experiences with coming out” and that her first sergeant “noticed that I was happier and more confident” after sharing her true identity.⁹⁶ An Army captain said that, “from the get-go, almost everywhere I’ve turned has been supportive. Everyone seems not to care that much, and I mean that in a positive way, not a negative way. They’re like, ‘If you can do your job, why does this matter?’”⁹⁷

Data suggest, in short, that while the ban’s overall impact on unit cohesion has been to undermine it by encouraging anti-transgender harassment and by undermining trust when troops conceal their identities, those harms were slightly moderated for the unanticipated reason that some cisgender peers redoubled their commitment to full acceptance of transgender service members in reaction against the ban, which they felt was unfair and unnecessary. The ban appears to have prompted a backlash to perceived injustice that spurred many cisgender service members to express support for their transgender peers, helping cement bonds of trust and affinity.

The ban harms morale

The ban hurts the morale of transgender service members by establishing a separate standard that treats them differently, by stigmatizing them and their service as a mission threat, and by distracting them from their focus. We found that the most consistently noted effect of reinstatement of the ban has been its impact on the morale of transgender service members. Numerous survey respondents and interviewees noted the feeling of being singled out, targeted for unfair treatment, stigmatized and devalued, and of having their careers and futures thrown into uncertainty as a result of the ban.

A faculty member at the U.S. Air Force Academy who is familiar with LGBTQ cadets said the reinstatement of the ban was “really disheartening” to many in the LGBTQ military population and that “there was definitely a feeling of being betrayed.”⁹⁸ A faculty member at the U.S. Military Academy at West Point who works closely with several transgender cadets echoed this view, saying the whipsaw in policy direction had taken a toll on many cadets. “It’s been very tough for them because they felt like they were able to be out and open about who they were, and the process they were going through,” he said, “but then the Trump policy came into effect and suddenly they were completely jostled around.” Many transgender cadets were uncertain about what they were allowed to say without getting penalized or even discharged. “Cadets felt they had to watch what they say,” the faculty member said.⁹⁹

Capt. Alivia Stehlik, who has served in the Army since commissioning out of West Point in 2008 and who testified about her experience before Congress in 2019, said that the ban “definitely had a negative effect. There’s been a dramatic negative impact on morale. And for the trans community as a whole, an increased fear of, ‘What if I’m next?’” She explained that, despite being grandfathered, “even for me it’s a precarious situation. The Defense Department took one step backwards so who’s to say they won’t take one more, and that my service won’t be allowed? There’s some real fear and anxiety about that.”¹⁰⁰

A Navy aviation electronics technician who has flown in multiple combat missions described how the ban affected her. “I really just stopped caring about work,” she said. “I still have very little motivation to give a shit at work anymore. Our leadership has made it clear to me that their only concern is how they’re perceived by other leaders, especially leaders above them, rather than taking care of their subordinates.” One of the most difficult aspects was being forced to live a double life. “Even though I live the rest of my life as female,” she said, “I still have to come to work as male. Mentally it’s not easy to have to keep making that switch every day.”¹⁰¹

Jaquice Tate, an Army sergeant who has been serving for more than ten years (and is a plaintiff in *Stockman v. Trump*), deployed to Ramadi, Iraq, in 2010. Sgt. Tate completed a Warrior Leadership Course, and was made a leader of his Military Police team, having graduated on the Commandant’s List (the top fifteen percent of his class). Sgt. Tate received an Army Commendation Medal, numerous Army Achievement Medals, as well as Certificates of Appreciation and Coins of Excellence. “The ban demeans my years of military service,” Sgt. Tate said. “It tells my fellow soldiers that I am less than them and I worry that this will weaken our close bond.” Sgt. Tate feels that the stigma of the ban hurts his morale, and he worries about the impact of the policy on his unit’s cohesion. “What hinders military lethality is compromising the hard-earned trust among unit members. Being cast as disruptive and untrustworthy, without regard for my abilities and performance, is harmful to me as a soldier.”¹⁰²

Asked about the impact of the new policy, transgender troops in our survey almost uniformly cited lower morale as a primary effect. Instances of the ban’s detriment to morale included feelings of sapped motivation, distraction, inauthenticity, fear, anger, betrayal, feeling unwelcome and like a “burden,” and feeling a sense of division between transgender troops who were exempted from the ban and those who were not, and between transgender and cisgender troops.

Examples of what transgender service members said about the ban’s detriment to morale include the following:

*“Personally it brought down morale ... It’s demotivating.”*¹⁰³

*“I just want to be myself. I feel like I’m faking all the time ... I’m afraid to come out, I feel stuck. I would do so much better if I just could transition.”*¹⁰⁴

“It is naturally demoralizing, and for those that must continue to serve in the closet, it is devastating.”¹⁰⁵

“We’re angry and we’re scared. Every trans service member I know, and I include myself, feels betrayed by this administration and by the flag officers who are going along with it. I personally have no faith in the Pentagon to do right by us, or any member of another marginalized group.”¹⁰⁶

“The ban of military trans service member[s] has severely impacted the ability for members to do their job. Being transgender does not nor will impact any job in [the] military[;] what impacts it is the hinderance that the ban imposes.”¹⁰⁷

“It has had a terrible effect on troops who were unable to get their gender dysphoria diagnosis in time.”¹⁰⁸

“It has drastically affected [the] morale of all of us. When the highest leader in your chain of command tells you that he doesn’t want you, that you’re a burden via Twitter, how could it not?”¹⁰⁹

“It gives me so much anxiety. I want to just be me.”¹¹⁰

A particular area of concern emanated from the divide between transgender troops that was created by the grandfather provision of the reinstated ban. It’s “disgusting that I can be free with a grandfather clause,” said an Army infantry officer, while a fellow transgender service member “must suffer in silence.”¹¹¹ An Air Force technical sergeant called the divide “extremely frustrating for myself and the other transgender troops on my base. For me it is the sense of betrayal by the institutions that have authority over me, and anguish at the knowledge that not everyone could qualify for the exempt status and are still out there suffering without access to the medically necessary care that they need.”¹¹² An Army medical laboratory NCO said, “The current policy has created a rift between those of us that are adhering to the 2016 policy, and those adhering to the 2019 policy. We try to work with them, and try to support them, but there is a certain level of animosity.”¹¹³

Capt. Alivia Stehlik, the grandfathered Army officer, expressed the difficulty of bonding with others over this divide: “I’ve had a handful of conversations with people who didn’t come out until after April 12, and there’s this bizarre question of, ‘Why are you different? What makes you different from me?’ And the only answer is just the date that I came out. And that’s a really bizarre, awkward conversation to have.”¹¹⁴

Air Force Lt. Col. Bree Fram, a member of the transgender military advocacy group SPARTA, said that she does what she can to assist those who are not exempt, but it takes a toll on her. “As a senior officer, I continue to face a very welcoming military,” she said, “but there are others who don’t face the same situation. Trying to make sure they are taken care of has had an impact on me.” Navy Hospital Corpsman Alonna Lovanh put it this way: “April 12 created a break between those who already transitioned and those

who had not yet. Those who are nonexempt, they have been told they are not allowed to take medications or transition. They would not be allowed to get medical aid as provided by the military. But for me, since I am exempt, I have a care plan for where I am in my transition.” Lovanh offered her transgender counterparts this advice: “Hold your head high. And the day will come again when you will be able to come in and wear the same uniform I am. It may not be right now, but your time will come.”¹¹⁵

Our interview and survey data are consistent with extant scholarship, in particular a 2017 survey of 174 active duty transgender service members. Survey data were collected between July and December 2017, and the beginning of the data collection period corresponded with President Trump’s July 2017 announcement via tweet that transgender service members would not be allowed to serve. In response to an open-ended question seeking descriptions of respondents’ worst experience of gender identity-related stigma while serving in uniform, “many respondents cited the policy change as the worst instance of stigmatization they had faced in the military.”¹¹⁶

The ban thwarts access to necessary medical care

The ban thwarts access to medical care for transgender personnel by directly denying care and by making candid communication with providers a risk for discharge. Even grandfathered personnel have experienced slowdowns in medical care and artificial roadblocks to deployment, and must endure the requirement that they meet separate standards applied only to transgender personnel.

The U.S. military has a longstanding practice, mandated by federal statute,¹¹⁷ of providing full medical care to all its members. It is considered a major component of military readiness to ensure maximum physical and emotional health for all uniformed personnel, both because the overall health of the force is key to readiness and because it undercuts readiness if individuals are distracted from their mission by concerns about where and how they will get their healthcare needs met. The provision of healthcare is also an important benefit offered to recruits that’s considered essential to attracting personnel who may be considering employment options from a variety of other competitors. Assisting service members in obtaining necessary healthcare is also an important way that commanders help take care of their subordinates, a key leadership principle and ingredient in shaping cohesive units bonded by a sense of mutual concern around well-being and preparedness.

The transgender ban undercuts these core components of readiness in several ways. The ban explicitly deprives an estimated 13,400 currently serving transgender troops of access to transition-related healthcare even though federal statute requires the military to provide them with necessary medical care (which it does for all other service members). Based on a DoD survey, an estimated 14,700 transgender individuals serve on active duty and in Reserve and National Guard forces.¹¹⁸ When the ban was reinstated in April 2019, just 1,400 transgender service members (approximately 10 percent) were grandfathered to serve openly under prior inclusive policy, according to the Defense Department,¹¹⁹ leaving 13,400 unprotected and without their full statutory entitlement to healthcare if

needed. Over time, the number of grandfathered personnel has dwindled by attrition, and more recent Defense Department figures show that just 772 remain in service, able to serve openly despite the ban.¹²⁰

The ban also discourages transgender personnel from seeking healthcare, including counseling and other mental health support. Because the policy makes gender dysphoria a basis for separation, consulting with a military medical provider for any aspect of care puts transgender service members who do not have grandfathered protection at risk of losing their careers even if they are not seeking transition-related care, because they could be diagnosed with a disqualifying condition when simply presenting for ordinary care or counseling.¹²¹ As a 2019 Palm Center memo put it, the policy “invites personnel lacking grandfathered protection (the ‘nonexempt’) to seek appropriate mental-health support, but then it makes the potential outcome of that consultation a basis for separation.”¹²²

We found several reports and examples of compromised healthcare due to the ban. “If I had to name the top two issues that the service members have faced, it’s getting an appointment and seeing a doctor willing to diagnose them,” said Lt. Col. Fram of SPARTA.¹²³

An Army Reserve signal officer explained that he stopped his TRICARE military healthcare plan when he decided to medically transition out of fear that his personal information could out him and lead to separation. This step has been personally costly and delayed the provision of care. He pays out-of-pocket for his care, at three times the rate of what TRICARE would cost. “All of my counseling was provided by a personal therapist and a Kaiser psychologist that I paid for,” he said. The wait for a needed surgery “has already been two years with an expected first phase a year to 18 months” away. He said these added burdens take a toll on him, but that “it’s worth having a care team that isn’t connected to the military.”¹²⁴

An Air Force technical sergeant said that access to care had “worsened” since the ban’s reinstatement and shared reports that her transgender peers had waited many more months for care than they would have to for care in the civilian system. For in-service transition, she explained, “everything has to funnel through the Medical Multidisciplinary Team, which often serves as a significant bureaucratic and administrative speed-bump in accessing timely transition-related care.” She said she had to wait eight months after her gender dysphoria diagnosis before her treatment plan was ready for approval, and that her exception to policy approval took another eight months. “I could have had my surgeries and gender marker change done already if I did not have to go through the MMDT [medical multidisciplinary team].¹²⁵ An Army major in the infantry agreed, saying medical care had “worsened due to the confusion.”¹²⁶

A Navy cryptologic technician said he contemplated suicide several times a week as he faced “crippling dysphoria without any hope of getting the life-saving, gender affirming treatment I need while still serving the Navy that I love.” He said the situation destroyed his faith in his chain of command as he described how “stigmatizing, dehumanizing,

discriminating and humiliating” it was that he couldn’t be himself at work and had no way to safely speak to others about what he was going through.¹²⁷

A Navy aviation electronics technician said his transition-related care was “not at all satisfactory” because decisions were not based on medical expertise, and were inconsistent across commands. “Ability to get treatment isn’t dictated by medical staff,” he said, but “by your command leadership that almost uniformly have no medical training, no understanding of the process, and no interest in the service member receiving care.”¹²⁸

A different Navy aviation electronics technician said she felt targeted and undervalued, especially considering that, since she is not grandfathered, she cannot obtain transition-related medical care. “It’s really easy to make a policy decision from behind a desk,” she said, “but we’re out here on the frontlines and a lot of us have been for a number of years, and despite the ban we’re still committed to doing our jobs and fighting for this country. It just feels like a huge attack, huge disrespect for all the sacrifices we’ve made to not even consider trying to allow us to get the treatment we need.”¹²⁹

Much of the difficulty obtaining medical care, at least for those who were officially supposed to receive it, resulted from confusion and uncertainty among military and medical leaders about what the policy required, banned, or allowed. A 2020 study that evaluated Defense Department medical transition protocols and practices found that they were plagued by bureaucratic delays, inadequate expertise, foot-dragging due to personal opposition, inaccurate information, and communication gaps.¹³⁰

An Air Force technical sergeant who worked in a leadership position said that she had to step in by educating and advocating for herself when confusion reigned about how various processes were supposed to work. “People didn’t know what they were doing, and I had to correct them a lot. For instance, when the ban came out, I was grandfathered, but TRICARE was going to stop my coverage, saying it was no longer covered and I had to say, ‘No no, it is covered,’ and I had to show them where it said that.” She had to get an improper refusal of care overturned twice because military healthcare providers failed to understand that her exemption meant she was supposed to be covered.¹³¹

The ban undermines good order and discipline

The ban creates confusion and uncertainty among commanders and subordinates, undermining leadership and commitment to clear rules and expectations. Strong leadership and associated good order and discipline require clear understanding of and respect for regulations, policies, and expectations. The ban has caused a high degree of confusion and uncertainty among both command leaders and the rank and file, which conflicts with the readiness and discipline principles of establishing clear, predictable rules and expectations, communicating them clearly, and minimizing ambiguity.¹³²

The Defense Department claimed that, as of April 2019 when the ban was reinstated, “all those most immediately affected by the update have the information they need about the

policy.”¹³³ Yet our inquiry found that the ban has created a climate of confusion and uncertainty among both transgender service members and the leaders who are charged with caring for them.

A grandfathered sailor lamented the highly confusing process necessary to obtain treatment. Since reinstatement, she said, access to transition-related care “has gotten worse because many providers don’t realize that there are some who were exempt from the ban” and there are “different interpretations regarding what exactly exempts a member from the ban.” She said there appeared to be no agreed-upon, official process for setting up a treatment plan and her military medical team “seemed to have no idea whatsoever” how to do it. “It seems that the situation is completely different at every MTF [military treatment facility], or even the same MTF a month later.” She was unable to fill certain prescriptions locally, and had to pay out of pocket for needed medical supplies.¹³⁴ An Air Force technical sergeant called his care team the “road block” to obtaining a treatment plan and scheduling surgery.¹³⁵

The Defense Department has claimed that there is no ban on transgender service members, stating that “the new DOD policy doesn’t ban transgender individuals from service” and “specifically prohibits discrimination based on gender identity.”¹³⁶ Additional DoD material states that, “under the policy, all service members will be treated with dignity and respect, and every service member is able to express their gender identity.”¹³⁷ Yet for much, if not most, of the period covered by the new policy, many transgender troops and many of their leaders, including those responsible for military medical care, have been under the impression that it’s impermissible to be transgender in uniform. “From the cadets’ perspective, it feels like you cannot be trans and be at the academy,” said a faculty member at the U.S. Air Force Academy who is familiar with LGBTQ cadets. “We all went through this big training, and were told that trans people were now allowed, but then it was like, ‘All that we just told you, forget that, it’s changed,’” she said. “Really, they’re *not* okay.”¹³⁸ She said that transgender troops very often don’t know what they are allowed to say and not say. “No one really knows how to facilitate transgenders,” said an Army infantry soldier who saw combat in Iraq and Afghanistan, and is not grandfathered. “They don’t know what we’re allowed to do and what we’re not.”¹³⁹

Several transgender service members mentioned that the uncertainty wrought by the policy detracts from their focus on their mission. “I have been a lot more concerned that I may be separated at any time at the whim of the president,” a Navy counselor said. “He has made it clear that he does not appreciate my service, and that he reserves the right to remove me from service at any time. It makes it challenging to plan for my future and it is a distraction from my duties.”¹⁴⁰ A signal officer in the Army Reserve said it was “a constant distraction from the mission to always be hyper vigilant of what people know or how you are perceived.”¹⁴¹

The confusion wrought by the policy is particularly evident when it comes to understanding its grandfather clause, which itself undercuts any rationale for the ban—and hence respect for policy—since it concedes that the presence of at least some

transgender troops is consistent with readiness. Some commanders appear not to have understood the new policy. A Navy aviation structural mechanic said that even though she was grandfathered, the situation for transgender troops since reinstatement had “slightly worsened because there are leaders who think that we are all supposed to be kicked out now and are not grandfathered.”¹⁴² A grandfathered Marine captain in the Judge Advocate division who had six combat deployments said the ban had “caused confusion and misunderstanding about the policy” and that “post-ban reinstatement has caused more challenges, especially when leaders don’t know what rules apply to whom.”¹⁴³ An Air Force technical sergeant said the new policy had caused him anxiety because of the “initial uncertainty” created by reinstatement of the ban, with his leadership unclear about whether it would lead to his separation. He said his anxiety lessened “since finding out I was grandfathered.”¹⁴⁴

Two red herrings: financial cost and deployability

Financial cost: On July 26, 2017, President Trump tweeted that the military “cannot be burdened with the tremendous medical costs . . . that transgender [sic] in the military would entail.” U.S. House Representative Vicky Hartzler estimated that inclusive policy for transgender personnel would cost \$135 million per year.¹⁴⁵ The Defense Department subsequently reported, however, that transition-related medical care cost approximately \$3 million per year, or one one-hundredth of one percent of the Military Health System’s annual budget.¹⁴⁶ Rep. Hartzler’s estimate was 45 times too high. Inclusive policy, in other words, did not impose a meaningful financial burden on the Defense Department’s budget, and it is unlikely that the ban, whose financial costs include extensive litigation, entailed any financial savings.

Deployability: The Defense Department has argued that a central reason for the ban is that transgender troops are less deployable than their peers, claiming that they have “higher rates of anticipated unavailability for deployment.” But the report endorsed by former Defense Secretary Mattis provides no evidence for these claims, instead citing the “potential” that transgender individuals could be “sent home” from a deployment and “render the deployed unit with less manpower.”¹⁴⁷

In fact, DoD’s own data on deployment of service members diagnosed with gender dysphoria show its deployment claims to be inaccurate. Out of 994 service members diagnosed with gender dysphoria and serving between 2015 and 2017, 393 (40 percent) deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn. Only one individual with a gender dysphoria diagnosis was unable to complete the deployment for mental health reasons during the period covered by the data.¹⁴⁸ A panel of retired military surgeons general released a detailed report in 2018 reaching this same conclusion: “Individuals who are diagnosed with gender dysphoria and receive adequate medical care are no less deployable than their peers,” the report reads.¹⁴⁹

Our data confirm these findings. Among our survey respondents, 52 out of 97, or 54 percent, said they had been deployed. At least ten percent were deployed since the Trump

ban took effect. Many had made multiple deployments to combat zones, including Iraq and Afghanistan. Several transitioned, obtained their gender marker change, or came out to their supervisors or unit mates as transgender in between, or even during, deployments and did not see any problems as a result. One Marine was deployed as a rifleman with the 3rd Battalion, 6th Marines, then deployed to Okinawa, and ultimately became a squad leader and platoon sergeant.¹⁵⁰ Another service member deployed twelve times while closeted and then came out as transgender to leadership, subsequently going underway for 1- to 5-week periods conducting training and certification for fleet deployers.¹⁵¹ Another came out to his unit while deployed, got his transition authorization the next year and began hormone therapy, and then re-deployed with the same battalion, with no disruption to his unit's cohesion.¹⁵² These examples, along with combat deployments to Iraq, Afghanistan, and elsewhere that we discuss in separate sections of this study, show that transgender status does not render troops undeployable.

Notwithstanding the demonstrated ability for a majority of our survey respondents to deploy, one out of every two said that they or other transgender troops they knew had been denied deployment, thwarted from doing their job fully, or separated due to their gender identity. "I was removed from recruiting in the national guard because I came out," one service member shared.¹⁵³ "Almost every single person with flight status has had it removed and not reinstated," another said.¹⁵⁴ One respondent mentioned transgender troops "who have been marked as unsuitable for deployments and orders just because of [taking] hormones."¹⁵⁵ As noted by the panel of retired military surgeons general, however, hormones are not normally disqualifying for deployment for anyone other than transgender service members. They wrote that the ban "impose[s] double standards on transgender service members, applying medical rules and expectations to them that do not apply to any other members."¹⁵⁶ Interference with ability to deploy appears to be the result of DoD's reluctance to apply a single standard of fitness to everyone.

Contrary to the Mattis report's unsubstantiated claims that transgender status limits deployability, both DoD data and the data from this study show that substantial numbers of transgender troops deploy without causing disruptions. If anything, the ban itself compromises deployability when commanders downgrade the deployment status of fully fit transgender personnel.

Conclusion

Despite testimony by all five service chiefs that inclusive policy was successful, the Department of Defense on April 12, 2019, implemented a ban prohibiting transgender individuals, with some exceptions, from serving. The Pentagon cited a threat to readiness, unit cohesion, and lethality, and the financial costs of inclusive service, yet it offered little evidence linking transgender service to these outcomes, and scholars have not assessed the impact of the ban itself on readiness. This is the first scholarly study to undertake that assessment.

The transgender ban singles out members of one cohort, but not those of the dominant group, and targets them for differential treatment, restricted opportunity, and dignitary harms. Scholars, courts, psychologists, legal experts, and others have repeatedly recognized that singling out specific groups as unfit or as a threat to the greater good has an inherently stigmatizing effect and undermines the core values—widely shared across the country and within our military culture—of equal treatment, dignity, and respect for individuals of different backgrounds, an emphasis on ability over identity, and the application of a single standard to all individuals.¹⁵⁷ The stigmatizing effects of discrimination are well documented, and are particularly harmful for transgender individuals.¹⁵⁸ This would be a serious blow to the military in its own right even if it were the only harm the ban perpetrates on the institution. But as we have demonstrated above, the ban inflicts concrete harms on the military in numerous areas of readiness.

This study has found that, contrary to claims by the president and the Pentagon that allowing transgender service would be disruptive and costly, the ban itself has harmed readiness. Our data indicate that its overall impact has been to undermine readiness by compromising recruitment, reputation, retention, unit cohesion, morale, medical care, and good order and discipline.

Policymakers who aim to advance military personnel policy that maximizes readiness benefits and minimizes overall costs would be well served by reconsidering the current transgender ban, weighing the costs and benefits of the policy, and noting our findings that the costs far outweigh the benefits.

¹ We are grateful for the co-sponsorship of the Michael D. Palm Center for Research Translation and Public Policy at San Francisco State University.

² Claudia Grisales, “Defense Chief Says He Is ‘Prepared to Defend’ New Transgender Military Policy,” *Stars and Stripes*, April 12, 2018.

³ Geoff Ziezulewicz, “No Reports of Transgender Troops Affecting Unit Cohesion, Marine Corps and Navy Leaders Say,” *Military Times*, April 19, 2018; Rebecca Kheel, “Air Force Chief Not Aware of Cohesion, Morale Issues Due to Transgender Troops,” *The Hill*, April 24, 2018.

⁴ Secretary of Defense James Mattis, Memorandum for the President, “Military Service by Transgender Individuals,” February 22, 2018, <https://media.defense.gov/2018/Mar/23/2001894037/-1/-1/0/MILITARY-SERVICE-BY-TRANSGENDER-INDIVIDUALS.PDF>.

⁵ DTM-19-004 has since been cancelled and its content incorporated, without substantive change, into a different regulation, DoD Instruction (DoDI) 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020.

⁶ Andrew R. Flores, et al., “How Many Adults Identify as Transgender in the United States?,” The Williams Institute, June 2016, <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>.

⁷ Jody L. Herman, et al., report, “Age of Individuals Who Identify as Transgender in the United States,” The Williams Institute, January 2017, <https://williamsinstitute.law.ucla.edu/publications/age-trans-individuals-us/>.

⁸ U.S. Department of Defense press release, “Department of Defense Announces Fiscal Year 2018 Recruiting and Retention Numbers—End of Year Report,” November 15, 2018, <https://www.defense.gov/Newsroom/Releases/Release/Article/1691314/departement-of-defense-announces-fiscal-year-2018-recruiting-and-retention-numbe/>.

⁹ Gary Gates and Jody Herman, policy brief, “Transgender Military Service in the United States,” The Williams Institute, May 2014, <https://williamsinstitute.law.ucla.edu/publications/trans-military-service-us/>; “Military Service by Transgender People: Data From the 2015 U.S. Transgender Survey,” The Williams Institute, <https://www.transequality.org/sites/default/files/docs/usts/USTS-VeteransDayReport.pdf>.

¹⁰ Aaron Belkin and Diane Mazur, report, “Department of Defense Issues First-Ever Official Count of Active Duty Transgender Service Members,” Palm Center, February 13, 2018, <https://www.palmcenter.org/wp-content/uploads/2019/06/14700-Transgender-Troops-.pdf>.

¹¹ Frank Barrett, et al., report, “Financial Analysis of ‘Don’t Ask, Don’t Tell’: How Much Does the Gay Ban Cost?,” University of California Blue Ribbon Commission, 2006, 7, <https://www.palmcenter.org/wp-content/uploads/2018/11/Blue-Ribbon-Report.pdf>.

¹² Future Warriors material is based on Logan Ireland Interview, March 27, 2020.

¹³ Dave Philipps, “As Economy Roars, Army Falls Thousands Short of Recruiting Goals,” *The New York Times*, September 21, 2018.

¹⁴ Logan Ireland Interview, March 27, 2020; Mary Emily O’Hara, “Out Transgender Troops Have Served for a Year but New Recruits on Ice,” NBC News, June 30, 2017.

¹⁵ This section is based on email exchanges conducted in April and May 2020 between study authors and seven members of SPARTA’s “Future Warriors” group. We granted the individuals anonymity to avoid putting them at risk while discussing details of their personal lives.

¹⁶ Dave Campbell and Jon Clarke, “Calling All Corpsmen – In this Time of Pandemic,” MSNBC, March 25, 2020, <https://www.msnbc.com/morning-joe/calling-all-corpsmen-time-pandemic-msna1342296>.

¹⁷ “Four USS *Theodore Roosevelt* Sailors Taken to Hospital,” *The Maritime Executive*, April 14, 2020.

¹⁸ Thomas Brading, “25,000 ‘Soldiers for Life’ Respond to Nation’s Call,” Army News Service, April 10, 2020.

¹⁹ Shawn Snow, “Putting Marines at Risk: How Shocking Flight Medic Training Gaps Could Endanger Grunts on the Ground,” *Marine Corps Times*, May 8, 2018.

²⁰ U.S. Navy webpage, “Enlistment Bonuses,” <https://www.navy.com/bonus?activity=1228875>.

²¹ Now incorporated in DoDI 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020, 11.

²² Inclusive policy was implemented on June 30, 2016, by DoDI 1300.28, “In-Service Transition for Transgender Service Members.” This Obama-era regulation was reissued on September 4, 2020, to

incorporate the Trump ban (under the same number but with a new title, “Military Service By Transgender Persons and Persons With Gender Dysphoria”).

²³ DoDI 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020, 11.

²⁴ Alexander Kacala, “Trans Student Set to Lose Army Scholarship Following New Military Policy,” NBC News, April 17, 2019.

²⁵ Samantha Allen, “Meet Map Pesqueira, The First Trans Person Prevented from Joining the Military By Trump’s Ban,” Daily Beast, April 19, 2019.

²⁶ Declaration of Ryan Karnoski in Support of Plaintiffs’ Motion for Preliminary Injunction, *Karnoski v. Trump* (W.D. Wash., September 14, 2017), https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/035_declaration_of_ryan_karnoski_2017-09-14.pdf.

²⁷ Declaration of Ryan Wood in Support of Plaintiffs’ Opposition to Defendants’ Motion to Dissolve the Preliminary Injunction, *Stone v. Trump* (D. Md., April 23, 2018), https://www.aclu.org/sites/default/files/field_document/stone_v._trump_affidavit_of_ryan_wood.pdf.

²⁸ GLBTQ Legal Advocates & Defenders and National Center for Lesbian Rights, webpage, “Meet the Plaintiffs,” No Trans Military Ban, <https://notransmilitaryban.org/our-mission/meet-the-plaintiffs/>; Jennifer Levi and Shannon Minter, “Reversing Trump’s Transgender Military Ban Will Make Us Stronger,” *The Advocate*, July 26, 2019.

²⁹ DoDI 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020, 5.

³⁰ U.S. Department of Defense news release, “5 Things to Know About DOD’s New Policy on Military Service by Transgender Persons and Persons With Gender Dysphoria,” March 13, 2019, <https://www.defense.gov/Explore/News/Article/Article/1783822/5-things-to-know-about-dods-new-policy-on-military-service-by-transgender-perso/>.

³¹ U.S. Representative Anthony Brown press release, “Brown, Speier and 10 Lawmakers Call for an End to President Trump’s Discriminatory Ban on Transgender Servicemembers, Demand More Transparency,” July 23, 2020, <https://anthonybrown.house.gov/news/documentsingle.aspx?DocumentID=1033>.

³² CNA, “Population Representation in the Military Services: Fiscal Year 2018 Summary Report,” report, <https://www.cna.org/pop-rep/2018/summary/summary.pdf>.

³³ Palm Center polling brief, “Substantial Majority of Americans Supports Transgender Military Service,” July 1, 2019, <https://www.palmcenter.org/wp-content/uploads/2019/06/Substantial-Majority-Supports-Transgender-Military-Service.pdf>.

³⁴ Shannon Dunlap, et al., “Support for Transgender Military Service from Active Duty United States Military Personnel,” *Sexuality Research and Social Policy* (February 2020). Survey data were collected between July 2017 and March 2018.

³⁵ Morton G. Ender, et al., “Cadet and Civilian Undergraduate Attitudes Toward Transgender People: A Research Note,” *Armed Forces & Society*, 42, 2 (2016): 427–35.

³⁶ Dunlap, 2020. A 2018 *Stars and Stripes* poll found that 61 percent of their subscribers opposed transgender service, but the opt-in sample was heavily skewed toward older respondents, and the same poll found that young adults solidly backed transgender service. Palm Center polling brief, “Substantial Majority of Americans Supports Transgender Military Service,” July 1, 2019, <https://www.palmcenter.org/wp-content/uploads/2019/06/Substantial-Majority-Supports-Transgender-Military-Service.pdf>.

³⁷ “Trump’s Heartless Military Transgender Ban Gets a Second Shot,” *The New York Times*, March 28, 2018.

³⁸ David Andelman, “Transgender Military Ban: Trump Isolates America Once Again,” *USA Today*, July 27, 2017.

³⁹ David Remnick, “The Cruelty and Cynicism of Trump’s Transgender Ban,” *The New Yorker*, July 26, 2017.

⁴⁰ Aaron Blake, “Trump’s Transgender Military Ban is Losing Support Even in His Own Party,” *The Washington Post*, June 11, 2019.

⁴¹ “The Transgender Military Ban is Damaging America and Those Who Want to Serve It,” *The Washington Post*, February 6, 2019.

⁴² “Trump’s Transgender Troop Ban is as Insidious as Ever,” *The Washington Post*, March 28, 2018.

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- ⁴³ Christopher Ingraham, “The Military Spends Five Times as Much on Viagra as It Would on Transgender Troops’ Medical Care,” *The Washington Post*, July 26, 2017.
- ⁴⁴ Veronica Stracqualursi, “Top Medical Group Says ‘No Medically Valid Reason’ to Ban Transgender Troops,” CNN, April 5, 2018.
- ⁴⁵ Brad Palumbo, “If Trump Really Cares About Veterans, He Should Rethink the Transgender Military Ban,” *The Washington Examiner*, November 11, 2019.
- ⁴⁶ Jeffrey Rodack, “AMA to Mattis: ‘No Valid Reason’ to Exclude Transgender Troops,” Newsmax, April 5, 2018.
- ⁴⁷ Rod Dreher, “Trump’s Transgender Troops Blunder,” *The American Conservative*, July 26, 2017.
- ⁴⁸ Lorena O’Neil, “Caitlyn Jenner Calls out Trump over Transgender Military Ban,” *The Hollywood Reporter*, July 26, 2017.
- ⁴⁹ Charles Moran, press release, “Log Cabin Republicans Oppose Trump Transgender Military Statement,” Log Cabin Republicans, July 26, 2017, <http://logcabin.org/pressrelease/log-cabin-republicans-oppose-trump-transgender-military-statement/>.
- ⁵⁰ Harry Enten, “Republican Senators Aren’t Embracing Trump’s Transgender Military Ban,” *FiveThirtyEight*, July 26, 2017.
- ⁵¹ Ely Ratner, et al., report, “Rising to the China Challenge: Renewing American Competitiveness in the Indo-Pacific,” Center for a New American Society, January 28, 2020.
- ⁵² “Inspired to Serve: The Final Report of the National Commission on Military, National, and Public Service,” The National Commission on Military, National, and Public Service, March 2020, 32, <https://inspire2serve.gov/reports/final-report>.
- ⁵³ Palm Center Statement submitted to National Commission on Military, National, and Public Service, Palm Center, June 10, 2019, <https://inspire2serve.gov/api/files/315>.
- ⁵⁴ “Inspired to Serve,” 2020, 32–33.
- ⁵⁵ Chris Johnson, “Law Schools Weigh Ban on Military Recruiters Over Trans Policy,” *Washington Blade*, August 30, 2017.
- ⁵⁶ Kathryn Rubino, “Students Protest Law School for Inviting Military Recruiters on Campus,” *Above the Law*, February 12, 2019.
- ⁵⁷ Daniel Myers and Fanta Aw, Memorandum, “Military Recruiting on the AU Campus,” American University, July 31, 2019, <https://www.american.edu/provost/communications/july-31-2019.cfm>; Brandon Micech, “Law School Dean Slams Trump Military Transgender Rule in Email to Students,” *Campus Reform*, July 31, 2019, <https://www.campusreform.org/?ID=13510>.
- ⁵⁸ Aaron Belkin, “‘Don’t Ask, Don’t Tell’: Does the Gay Ban Undermine the Military’s Reputation?” *Armed Forces and Society* 34, 2 (May 2007): 276–91.
- ⁵⁹ Belkin and Mazur, “Department of Defense Issues First-Ever Official Count,” 2018.
- ⁶⁰ Interview with anonymous, June 12, 2020.
- ⁶¹ Survey Response #29.
- ⁶² Survey Response #2.
- ⁶³ Survey Response #3.
- ⁶⁴ Survey Response #5.
- ⁶⁵ Survey Response #7.
- ⁶⁶ Survey Response #11.
- ⁶⁷ Survey Response #15.
- ⁶⁸ Survey Response #18.
- ⁶⁹ Survey Response #20.
- ⁷⁰ GLBTQ Legal Advocates & Defenders and National Center for Lesbian Rights, webpage, “Meet the Plaintiffs,” No Trans Military Ban, <https://notransmilitaryban.org/our-mission/meet-the-plaintiffs/>.
- ⁷¹ This section is based on the following: Complaint for Declaratory and Injunctive Relief, *Doe v. Esper* (D. Mass., March 17, 2020), https://notransmilitaryban.org/wp-content/uploads/2020/03/ECF-1_Complaint.pdf.
- ⁷² Caitlin Kenney, “Navy Officer Receives First Waiver to Pentagon Transgender Policy,” *Stars and Stripes*, May 15, 2020.
- ⁷³ Richard Sisk, “Lawsuit Against SecDef Dropped After Transgender Sailor Gets Waiver to Serve,” *www.military.com*, June 9, 2020, <https://www.military.com/daily-news/2020/06/09/lawsuit-against-secdef-dropped-after-transgender-sailor-gets-waiver-serve.html>.

-
- ⁷⁴ DoDI 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020, 5.
- ⁷⁵ U.S. Representative Anthony Brown press release, “Brown, Speier and 10 Lawmakers Call for an End to President Trump’s Discriminatory Ban on Transgender Servicemembers, Demand More Transparency,” July 23, 2020, <https://anthonybrown.house.gov/news/documentsingle.aspx?DocumentID=1033>.
- ⁷⁶ Tom Vanden Brook, “Exclusive: Pentagon spent nearly \$8 million to treat 1,500 transgender troops since 2016,” *USA Today*, February 27, 2019.
- ⁷⁷ Jim Garamone, Department of Defense news release, “DOD Official: Updated Transgender Policy Based on Treating All With Dignity,” April 12, 2019.
- ⁷⁸ Department of Defense, “Active Duty Service Members (ADSMs) with Gender Dysphoria (GD): Data from the MHS Data Repository (MDR),” September 17, 2019, 3 (obtained through a Freedom of Information Act request, data in authors’ possession).
- ⁷⁹ Survey Response #21.
- ⁸⁰ Survey Response #26.
- ⁸¹ Survey Response #9.
- ⁸² Secretary of Defense James Mattis, Memorandum for the President, “Military Service by Transgender Individuals,” February 22, 2018 (released March 23, 2018), <https://media.defense.gov/2018/Mar/23/2001894037/-1/-1/0/MILITARY-SERVICE-BY-TRANSGENDER-INDIVIDUALS.PDF>.
- ⁸³ James Parco and David Levy, *Attitudes Aren’t Free: Thinking Deeply about Diversity in the U.S. Armed Forces*, (Maxwell Air Force Base, Alabama: Air University Press, 2010).
- ⁸⁴ The difficulty of establishing pre-ban base rates is illustrated by two important studies of stigmatization and harassment that do not, even though they are well-done studies, allow the reader to distinguish between abuses experienced before vs. after the June 2016 implementation of inclusive policy. See Ashley C. Schuyler, et al., “Experiences of Sexual Harassment, Stalking, and Sexual Assault During Military Service Among LGBT and Non-LGBT Service Members,” *Journal of Traumatic Stress* 33 (March 2020): 257–66; See also Natasha Schvey, et al., “Stigma, Health, and Psychosocial Functioning Among Transgender Active Duty Service Members in the U.S. Military,” *Stigma and Health* 5, 2 (2020): 188–98.
- ⁸⁵ Interview #5, March 24, 2020.
- ⁸⁶ Survey Response #2.
- ⁸⁷ Survey Response #15.
- ⁸⁸ Survey Response #17.
- ⁸⁹ Survey Response #9.
- ⁹⁰ Interview with anonymous, June 12, 2020.
- ⁹¹ Kathy Miner and Paula Costa, “Ambient Workplace Heterosexism: Implications for Sexual Minority and Heterosexual Employees,” *Stress & Health* 34, 4 (2018): 563–72.
- ⁹² Nathaniel Frank, white paper, “Gays and Lesbians at War: Military Service in Iraq and Afghanistan Under ‘Don’t Ask, Don’t Tell,’” Palm Center, September 15, 2004, <https://www.palmcenter.org/publication/gays-lesbians-war-military-service-iraq-afghanistan-dont-ask-dont-tell/>. See also Moradi, Bonnie. “Sexual Orientation Disclosure, Concealment, Harassment, and Military Cohesion: Perceptions of LGBT Military Veterans,” *Military Psychology* 21, 4 (October 2009): 513–33.
- ⁹³ Survey Response #12.
- ⁹⁴ Survey Response #17.
- ⁹⁵ Survey Response #27.
- ⁹⁶ Interview with anonymous, March 13, 2020.
- ⁹⁷ Interview with Alivia Stehlik, March 20, 2020.
- ⁹⁸ Interview with anonymous, June 12, 2020.
- ⁹⁹ Interview with anonymous, June 12, 2020.
- ¹⁰⁰ Interview with Alivia Stehlik, March 20, 2020.
- ¹⁰¹ Interview with anonymous, March 24, 2020.
- ¹⁰² Declaration of Jaquice Tate in Support of Plaintiffs’ Motion for Preliminary Injunction, *Stockman v. Trump* (C.D. Cal., October 2, 2017), <https://www.glad.org/wp-content/uploads/2017/10/Tate-Declaration-As-Filed.pdf>.

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- ¹⁰³ Survey Response #3.
- ¹⁰⁴ Survey Response #4.
- ¹⁰⁵ Survey Response #6.
- ¹⁰⁶ Survey Response #7.
- ¹⁰⁷ Survey Response #10.
- ¹⁰⁸ Survey Response #11.
- ¹⁰⁹ Survey Response #17.
- ¹¹⁰ Survey Response #20.
- ¹¹¹ Survey Response #6.
- ¹¹² Survey Response #13.
- ¹¹³ Survey Response #21.
- ¹¹⁴ Interview with Alivia Stehlik, March 20, 2020.
- ¹¹⁵ Philip Van Slooten, “Trans Service Members Fight COVID-19 Under Ongoing Ban,” *Washington Blade*, April 23, 2020.
- ¹¹⁶ Schvey, et al., “Stigma, Health, and Psychosocial Functioning,” 188–98.
- ¹¹⁷ 10 U.S.C. § 1074, “Medical and Dental Care for Members and Certain Former Members.”
- ¹¹⁸ Belkin and Mazur, “Department of Defense Issues First-Ever Official Count,” 2018.
- ¹¹⁹ Jim Garamone, Department of Defense news release, “DOD Official: Updated Transgender Policy Based on Treating All With Dignity,” April 12, 2019.
- ¹²⁰ Department of Defense, “Active Duty Service Members (ADSMs) with Gender Dysphoria (GD): Data from the MHS Data Repository (MDR),” September 17, 2019, 3 (obtained through a Freedom of Information Act request, data in authors’ possession).
- ¹²¹ The relevant language of the policy states: “Service members with a diagnosis of gender dysphoria may be subject to the initiation of administrative separation processing ... if they are unable or unwilling to adhere to all applicable standards, including the standards associated with their biological sex.” DoDI 1300.28, “Military Service By Transgender Persons and Persons With Gender Dysphoria,” September 4, 2020, 10.
- ¹²² Policy memo, “The Making of a Ban: How DTM-19-004 Works to Push Transgender People Out of Military Service,” Palm Center, March 20, 2019, <https://www.palmcenter.org/wp-content/uploads/2019/04/The-Making-of-a-Ban.pdf>.
- ¹²³ Carson Frame, “Some Troops Rushed to See Doctors Before the Military’s New Transgender Policy Took Effect,” Houston Public Media, April 15, 2019.
- ¹²⁴ Survey Response #9.
- ¹²⁵ Survey Response #13.
- ¹²⁶ Survey Response #6.
- ¹²⁷ Survey Response #28.
- ¹²⁸ Survey Response #29.
- ¹²⁹ Interview with anonymous, March 24, 2020.
- ¹³⁰ Sheri A. Swokowski, dissertation, “Barriers to Care: A Multiple Case Study Examining the Experiences of Transgender Service Members Seeking Gender Reassignment Surgery” (Cardinal Stritch University), July 2020, 97–141.
- ¹³¹ Ashley interview, March 19, 2020.
- ¹³² A 2019 RAND study notes that “senior leaders should clearly communicate what tasks are important and when are they important,” should provide “clearly thought-out and articulate explanations for how requirements impact a unit’s status of readiness,” and “should contribute to a shared understanding of a unit’s status and what must be done to succeed.” Lisa Saum-Manning, et al., “Reducing the Time Burdens of Army Company Leaders,” RAND Corporation, 2019, https://www.rand.org/content/dam/rand/pubs/research_reports/RR2900/RR2979/RAND_RR2979.pdf.
- ¹³³ Garamone, “DOD Official: Updated Transgender Policy,” April 12, 2019.
- ¹³⁴ Survey Response #15.
- ¹³⁵ Survey Response #18.

¹³⁶ “5 Things to Know About DOD’s New Policy on Military Service by Transgender Persons and Persons With Gender Dysphoria,” U.S. Department of Defense News, March 13, 2019, <https://www.defense.gov/Explore/News/Article/Article/1783822/5-things-to-know-about-dods-new-policy-on-military-service-by-transgender-perso/>.

¹³⁷ Garamone, “DOD Official: Updated Transgender Policy,” April 12, 2019.

¹³⁸ Interview with anonymous, June 12, 2020.

¹³⁹ Interview with anonymous, March 13, 2020.

¹⁴⁰ Survey Response #15.

¹⁴¹ Survey Response #9.

¹⁴² Survey Response #17.

¹⁴³ Survey Response #30.

¹⁴⁴ Survey Response #18.

¹⁴⁵ Liz Stark, “Hartzler: Transgender Service Members ‘Costly’ to Military,” CNN, July 26, 2017.

¹⁴⁶ Tom Vanden Brook, “Exclusive: Pentagon Spent Nearly \$8 Million to Treat 1,500 Transgender Troops Since 2016,” *USA Today*, February 27, 2019.

¹⁴⁷ Secretary of Defense James Mattis, Memorandum for the President, “Military Service by Transgender Individuals,” February 22, 2018, 27, 34, <https://media.defense.gov/2018/Mar/23/2001894037/-1/-1/0/MILITARY-SERVICE-BY-TRANSGENDER-INDIVIDUALS.PDF>.

¹⁴⁸ Department of Defense, “Health Data on Active Duty Service Members with Gender Dysphoria: Comparison Health Care Data with Statistical Analysis, Deployment, Treatment Plan, Surgical Recovery Times, Separation Data and Cost Data,” December 13, 2017, 10–12.

¹⁴⁹ Vice Admiral Donald C. Arthur, USN (Ret.), et al., report, “DoD’s Rationale for Reinstating the Transgender Ban Is Contradicted by Evidence,” Palm Center, May 4, 2018, 2, <https://www.palmcenter.org/wp-content/uploads/2018/04/Transgender-troops-are-medically-fit-pdf.pdf>.

¹⁵⁰ Survey Response #39.

¹⁵¹ Survey Response #75.

¹⁵² Survey Response #25.

¹⁵³ Survey Response #24.

¹⁵⁴ Survey Response #17.

¹⁵⁵ Survey Response #47.

¹⁵⁶ Arthur, et al., “DoD’s Rationale for Reinstating the Transgender Ban,” May 4, 2018, 2, 17–24.

¹⁵⁷ See for instance *Obergefell v. Hodges* (2015) which states, “when sincere, personal opposition becomes enacted law and public policy, the necessary consequence is to put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose own liberty is then denied”; see also Eric Merriam, “Obergefell and the Dignitary Harm of Identity-Based Military Service Exclusion,” *UCLA Women’s Law Journal* 27, 1 (2020).

¹⁵⁸ “What Does the Scholarly Research Say About the Effects of Discrimination on the Health of LGBT People?” web portal, Cornell University, 2019, <https://whatwewknow.inequality.cornell.edu/topics/lgbt-equality/what-does-scholarly-research-say-about-the-effects-of-discrimination-on-the-health-of-lgbt-people/>; Miner and Costa, “Ambient Workplace Heterosexism”; Interview with anonymous, June 12, 2020.