

PALM CENTER

BLUEPRINTS FOR SOUND PUBLIC POLICY

PALM CENTER'S ROLE IN THE CAMPAIGN TO LIFT THE MILITARY BAN ON SERVICE BY TRANSGENDER PERSONNEL, 2013-2021



Introduction

This memo describes the role that the Palm Center played in the campaign to lift the military's ban on service by transgender personnel. That campaign culminated in a sweeping executive order lifting the ban which President Joe Biden signed on his sixth day in office. The order quoted Palm Center language verbatim, saying that "transgender troops are as medically fit as their non-transgender peers and that there is no medically valid reason" for the ban. In addition to affirming that individuals can transition gender while in service, the new policy reinstates new enlistment or commission in the military, consistent with 2016 inclusive policy. It also requires the Defense Department to correct the records of anyone adversely affected by the ban. All service members and applicants will now be evaluated under a single standard of fitness for service. The executive order calls for the Secretary of Defense to issue a progress report within sixty days. While it is crucial that advocates monitor implementation to ensure that obstructionism or neglect do not leave any gaps in the completion process, we are clearly on the brink of obtaining fully inclusive policy.

The campaign to lift the military's ban has been a coalition-wide effort, and many key initiatives were launched independently of the Palm Center. SPARTA, for example, identified and promoted transgender service members who became invaluable movement ambassadors. Documentary filmmaker Fiona Dawson produced a powerful documentary film that the *New York Times* broadcasted. And the National Center for Lesbian Rights (NCLR), GLBTQ Advocates and Defenders (GLAD), American Civil Liberties Union (ACLU) and Lambda Legal filed critical lawsuits. Nothing in this memo diminishes the critical contributions of these and other outstanding coalition partners.

Palm Center's Role

Maximizing the Likelihood of Quick Repeal, 2013-2015

(1) Reframed the national conversation

The Palm Center reframed the national conversation about military service by transgender personnel around the medical rationale for firing transgender troops. Previously, the dialogue was dominated by two figures, Chelsea Manning and Kristen Beck. While media stories about Beck were helpful, we concluded it was not sufficient to focus the national conversation on heroic transgender service members, because opponents could always respond that, despite a few exceptions, transgender personnel are medically unfit. The medical argument was one we knew we had the facts to win. So, we took numerous steps, described below, to direct the attention of journalists and opinion leaders to medical aspects of transgender military service.

The framing strategy succeeded beyond our expectations, as demonstrated by the editorial page of the *New York Times*, a barometer of national policy conversations across a range of issues. In the nine editorials on transgender military service that the *Times* has published since the Palm Center launched its campaign, eight addressed the medical

rationale behind the ban. Many other national media outlets reacted to the Palm Center's research and messaging by emphasizing medical aspects of transgender military service as well. This is exactly what our efforts were designed to do.

(2) Won the medical argument

Our purpose was not just to reframe the debate, but to win it. When Pentagon spokespersons tried to justify the ban, they did so by expressing concerns about medical complications. Even when offering support for transgender service, many raised medical concerns. Until we could persuade journalists, opinion leaders, and the public that medical concerns sustaining the ban were groundless, we could not prove the ban's irrationality, and its basis in prejudice rather than military necessity. Our aim was to deprive opponents of any reasonable-sounding arguments that they could advance to mask their prejudice.

Palm won the debate about the medical science sustaining the ban, not just among scholars, but in the court of public opinion. We did so by producing careful, peer-reviewed research about the quality of the medical science; using that research to generate high-profile media stories about the lack of any medical reason for firing transgender personnel; and asking high-level validators to amplify our message. These included six former US Surgeons General, a former US Navy Surgeon General, a former acting US Army Surgeon General, a former US Coast Guard Surgeon General equivalent, a former Chief of the US Army Nurse Corps, the American Medical Association, the American Psychological Association, and the American Psychiatric Association, all of whom reinforced the same point publicly. Along with our work on foreign militaries, described below, our victory in the medical debate enabled then-Defense Secretary Ashton Carter to start off the 2015 Pentagon working group with "the presumption that transgender persons can serve openly without adverse impact."

(3) Identified and leveraged inconsistency in DoD rules

In 2014, we discovered that the Pentagon had quietly modified retention regulations that had previously required all Services to discharge service members who had certain "conditions, circumstances and defects," including "sexual gender and identity disorders." With the revision, the Department delegated authority to each Service to decide whether to discharge personnel with those conditions, but required them to demonstrate that the conditions compromise fitness for duty or duty assignment prior to any discharges. In other words, the Department ceased requiring the Services to discharge transgender personnel, and required them to show, if they did separate them, that transgender service members were not, *as a class*, fit for duty. Since a former US Surgeon General had, via a Palm Center study, found that transgender personnel are fit for duty, we concluded that Services' retention regulations that continued to require their discharge were now in violation of DoD rules, and we sprang into action.

We presented our argument about regulatory inconsistency privately during a Pentagon meeting with senior Air Force officials, who were not aware of the change in the rules or

the inconsistency, and who vowed to fix it. We also released a public statement explaining the regulatory inconsistency signed by three retired General and Flag Officers, including Lt. Gen. Claudia Kennedy, and top leaders from the transgender community such as NCLR attorney Shannon Minter. A major impact of our inconsistency argument was to frame the issue as something the individual Services could address without waiting for Departmental direction. Such Service-specific decisions, in turn, eroded the regulatory edifice sustaining the ban. Seven weeks after we first presented our argument to top Air Force officials, Air Force Secretary Deborah James announced the ban would be reviewed, and the Army issued a new policy effectively placing a moratorium on discharges, a direct response to the Palm argument about regulatory inconsistency. The development represented the first time a Service modified policy in the direction of transgender inclusion. The Air Force and Navy soon followed.

(4) Showcased foreign military successes

Palm Center staff believe that foreign military experiences are essential elements of public education about transgender military service, because most people lack basic familiarity with the issue, and concrete organizational examples of policy success serve as valuable illustrations. In concert with the ACLU, the Palm Center co-organized the first-ever conference on service by transgender personnel in foreign military forces. Service members from five nations, including Canada, Australia, the UK, New Zealand, and Sweden appeared *in uniform* to tell their stories, and Defense Ministries from these countries sent representatives who participated as well. Based on an aggressive media strategy, Palm staff generated newspaper stories and television and radio broadcasts that were distributed globally. The media coverage and the fact that the conference was held in Washington, DC allowed us to establish the talking point in the nation's capital that foreign experiences have been successful. Indeed, our conference prompted a public statement by then-Minority Leader Nancy Pelosi as well as questioning at the daily White House press briefing as to the rationale for the ban.

(5) Articulated the gold standard of implementation

The Palm Center formed a distinguished implementation commission of former military leaders and top transgender advocates, and the membership of the commission thus represented a “handshake” among military and transgender leaders as to what would be acceptable to both communities during the implementation process. The commission examined 14 administrative issues such as grooming standards and physical standards and explained that only a few, simple new rules would be needed, post-repeal, to address these areas. Its overall conclusion was that implementation would not be burdensome or complex. When the commission released its report, Palm Center staff generated high-profile media stories about its findings and distributed it widely within the Pentagon.

When Canada decided to allow transgender personnel to serve openly in 1992, it failed to replace its ban with any new, inclusive policy. As a result, commanders, doctors, and service members experienced unnecessary confusion. These and other foreign military experiences showed that it would not be enough to simply get rid of the transgender ban.

In addition to eliminating bad policy, military forces must implement inclusive policy to replace bans, and must clearly articulate that transgender personnel are entitled to equal treatment under the same standards that apply to everyone else. Despite the importance of replacing a ban with inclusive measures, it is nonetheless crucial for leaders to recognize that the required new policies are not complicated, burdensome, or expensive. Absent widespread understanding of that point, obstructionists could, inaccurately, oppose repeal by pointing to ostensible administrative difficulties associated with eliminating the ban. As we will describe later, we reiterated this crucial point in a widely deployed policy memo in the months leading up to final repeal under President Joe Biden.

(6) Empowered military allies

Palm took numerous steps to empower our allies in the military. It is impossible to assess the impact of these efforts, because the goal was to spur and strengthen conversations behind closed doors, where we would never have access. But we nonetheless pursued this strategy aggressively, confident of its import. We visited military universities such as the US Military Academy, US Air Force Academy, and others, held meetings with senior Pentagon officials, and provided research support to allies involved in internal policy deliberations who faced opposition and required research to respond effectively. For example, we provided a letter signed by three retired General and Flag Officers to assist an ally who was involved in a Pentagon review of accessions regulations when he alerted us that the review group was on the verge of reaching the unacceptable conclusion that transgender recruits should require a waiver at the time of enlistment. Our letter explained why the waiver option is unwise, and provided our ally with arguments, data, and political cover that he could draw on during internal deliberations.

Securing and Implementing Inclusive Service, 2015-2017

(1) Ensured that inclusive policy would be based on best practices

In 2015-2016, the Palm Center met with more than 50 Pentagon policymakers and provided members of the DoD repeal working group, as well as allies in the White House and Congress, with 21 policy memos designed to ensure that officials adopted best practices, rather than harmful ideas, around administrative and medical aspects of repeal. To take one example, accessions policy was perhaps the thorniest aspect of the repeal process, and opponents insisted on a special, burdensome enlistment process just for transgender applicants. Palm viewed this idea as a dangerous, “separate-but-equal” precedent, and wanted DoD to evaluate transgender applicants according to the same medical standards that apply to every other candidate for military service. We responded by deploying research to show that using uniform standards best promoted military readiness, and then addressed the symbolism of creating a separate-but-equal precedent in a memo entitled, “Trans-restrictive accessions policy would be DADT II.” We used this tactic to urge DoD to evaluate transgender troops according to the same standards that apply to everyone else. The majority of our recommendations, including the most important suggestions, were incorporated into the policy that DoD released in June 2016.

(2) Pushed repeal across finish line

In July 2015, Defense Secretary Carter announced that the transgender ban would be repealed in six months, yet after that period ended in January 2016, the ban was still in place, and there was no explanation for the delay. Palm learned that opponents in the Pentagon were blocking progress, so we designed a quiet campaign to apply behind-the-scenes pressure on the White House and Defense Secretary personally. We believed that public pressure would backfire. But at the same time, we knew that if no pressure was applied, repeal could fizzle and die. We designed 17 pressure tactics, implementing a dozen of them. About half of them failed, but half worked as planned. For example, we asked Congressional leaders to personally approach Secretary Carter, allowing him to overcome internal resistance and finalize the repeal process.

(3) Recognized by White House for impact

On June 30, 2016, repeal became official policy. At a White House ceremony that fall, Deputy Assistant Secretary of Defense Tony Kurta, who was in charge of the Pentagon working group and who was effectively responsible for every aspect of repeal, delivered a presentation on repeal. Speaking from the White House stage, Mr. Kurta thanked and recognized the Palm Center and said that he would not have been able to fulfill his mission without the ongoing feedback and research we provided. He said that Palm Center Director Aaron Belkin had “provided mentorship to me on an almost daily basis” throughout the process. No other organization or advocate was recognized in this way.

(4) Defended repeal from derailment

As repeal was being implemented, we determined that it was vulnerable to opponents on the left who believed that it did not go far enough, and opponents on the right who wanted to undo it. To address the former, we conducted outreach to persuade our colleagues in partner organizations that, while not perfect, repeal was an outstanding achievement (using a memo entitled, “New Policy is Exemplary”). These efforts were crucial in helping LGBT groups with limited military expertise to understand that, while some aspects of the new policy might not make sense in civilian settings, they are well tailored for military implementation. To defend repeal from opponents who would undo it, we asked Congressional leaders to take ownership of the new policy, thereby increasing the chances that they would defend it if it came under attack. We were proud that Congressional leaders then-Minority Leader Nancy Pelosi, Minority Whip Steny Hoyer, and Ranking Member of the House Armed Services Committee, Rep. Adam Smith, spoke at a repeal ceremony that we organized, and that we invited a dozen other LGBT groups to co-sponsor.

Defending Inclusive Policy from Reinstatement of the Ban, 2017-2019

(1) Put anti-LGBT culture warriors on guard

Two weeks after Donald Trump's election, we released a statement by 33 retired Generals and Admirals warning the incoming administration not to politicize military policy concerning LGBT troops or women. The Family Research Council had spent decades opposing LGBT military service and, sensing a possible opportunity after the election, FRC's research director Peter Sprigg published an op-ed in *The Hill* citing dishonest research to sustain his claim that transgender service members weaken the armed forces. In response, Palm published an op-ed in *The Hill* in which we methodically examined and refuted each of Sprigg's points. We circulated our op-ed to allies throughout Congress, the military, and the LGBT community.

(2) Resisted Trump's nominees

The Palm Center encouraged members of the Senate Armed Services Committee (SAS) to aggressively question James Mattis at his confirmation hearing for Defense Secretary, and Heather Wilson at her confirmation hearing for Air Force Secretary. Both Mattis and Wilson had made anti-LGBT statements prior to their nomination, and we wanted to press them on their views. Thanks to aggressive questioning from allied Senators, both Mattis and Wilson admitted at their confirmation hearings that LGBT troops could serve in an effective military.

Palm played a leading role in killing the nomination of the virulently homophobic and transphobic Mark Green for Army Secretary. Palm sounded the alarm early by immediately drawing reporters' attention to Green's record of bigotry, and kept Congressional allies informed with talking points. We released a statement by 21 military professors who said that Green would compromise Army readiness, and generated media coverage of the statement. Green's nomination was subsequently withdrawn.

(3) Worked with Congressional allies to promote inclusive service

In early 2017, anti-LGBT political leaders and organizations mounted a coordinated, full-scale assault on transgender troops, culminating in an attempt to attach a transgender service ban in amendments to must-pass defense bills. Palm helped lead the fight against these efforts and, with allies, persuaded 24 moderate Republicans to vote against them. If any of the amendments had become law, it would have taken years to undo the damage.

The next year Palm worked with Rep. Joe Kennedy, head of the House Transgender Equality Task Force, to host a briefing that showcased transgender veterans and advocacy groups, and was attended by House Armed Services Committee Chair Rep. Adam Smith. We then worked with senior members of Congress to produce a bipartisan letter from nearly half the Senate challenging the Mattis policy that reinstated the ban; disseminate a letter from senior Democrats on the House and Senate Armed Services Committees to Secretary Mattis castigating the dubious science in his plan; and write letters from both

Houses of Congress to the Veterans Administration critiquing a proposed policy that would deny care to transgender veterans.

(4) Worked with retired Admirals and Generals to express support for inclusion

Immediately after President Trump tweeted that transgender troops would no longer be allowed to serve in the military in July 2017, the Palm Center released a statement by 56 retired Generals and Admirals who said that banning transgender troops would compromise military readiness and, like the failed “don’t ask, don’t tell” policy, force troops to lie in order to serve. The senior signatory of the statement was a retired 4-star Marine Corps General, and the statement attracted national media coverage.

(5) Supplied research to litigation teams

Palm Center staff provided extensive support to litigation teams challenging President Trump’s transgender ban. We connected litigators to numerous experts, and Palm’s research was cited frequently by experts who filed declarations. We identified a path that litigators relied on to establish standing, thus avoiding dismissal. The federal courts that enjoined DoD from enforcing the ban relied on the biggest takeaway from the 2015-16 Pentagon working group: that all troops must be managed under a single standard, a point that Palm persuaded the Pentagon to embrace.

(6) Created research-based talking points on financial costs of transgender service

When President Trump tweeted that transgender troops could not serve in the military, he cited the extensive cost of providing their health care. Palm immediately released a study showing that it would cost almost \$1 billion dollars to fire transgender troops, which is more than 100x the cost of providing their health care. The study, which was co-authored by three current and former military professors, attracted national media coverage.

Palm was able to deploy a financial analysis it had published in the prestigious *New England Journal of Medicine* showing that the costs of allowing transgender service and providing full health care was so low as to be negligible (~\$5 million per year), concluding that the price, “in short, is too low to matter.”

(7) Forcefully reacted against Pentagon’s “Mattis Report” justifying ban

When Defense Secretary Mattis released a policy blueprint with false and misleading assertions about what medical science says about transgender service, the Palm Center sprang into action. Within days, we had orchestrated forceful public reactions from the American Medical Association, American Psychological Association, American Psychiatric Association, and six former US Surgeons General refuting the Mattis assertions. These expert statements went on to drive international media coverage and debate around the ban.

Within weeks, we wrote a comprehensive report with a panel of retired military Surgeons General repudiating the transgender ban. The 55-page report found that DoD’s rationale for the ban was “wholly unpersuasive” and was “contradicted by ample evidence clearly demonstrating that transition-related care is effective, that transgender personnel diagnosed with gender dysphoria are deployable and medically fit, that inclusive policy has not compromised cohesion, and that the financial costs of inclusion are not high.” The report was widely covered in major media worldwide.

(8) Facilitated strong statements of support by Service Chiefs

The Palm Center encouraged members of the Senate Armed Services Committee to aggressively question each branch’s Service Chief, prompting them all to publicly affirm open service by conceding that it had not created readiness or cohesion problems. Their statements appeared repeatedly in media coverage of the issue and became key to refuting the Trump administration’s assertion that “best military judgment” supports a ban. The statements grew even more important when Trump named Army Chief of Staff Gen. Mark Milley to be Chair of the Joint Chiefs.



Sen. Kirsten Gillibrand cited a Palm Center study as she questioned General Mark Milley during his April, 2018 testimony to SASC.

Restoring Inclusive Service, 2019-2021

(1) Lent military expertise to critical new litigation phase

The focus of the Palm Center’s support to litigators shifted in early 2019 when the Supreme Court removed injunctions that were protecting transgender service members, allowing the Department of Defense to reinstate the ban. Palm provided a wide range of

support to the litigators who challenged the transgender ban but who are not national experts in military regulations and personnel management. Palm's deep expertise in transgender military personnel policy proved invaluable to these litigators, who said they would not have been able to build a strong legal case—deciphering military regulations, explaining the significance of data and documents to judges, responding to case developments involving discovery of documents from government sources—without our extensive support.

Examples of the expertise Palm provided to litigation efforts include: devising strategies to identify potential plaintiffs affected by the ban; advising how to use military personnel records to show that the military was artificially inflating the number of mental-health visits by transgender service members to suggest lack of fitness; explaining why military personnel records might contain misleadingly long periods of non-deployability for transgender service members; deploying that same data to show that the military was making different judgments about deployability depending on whether an individual was transgender or not; suggesting ways to leverage National Guard support while recognizing that state units must remain federally compliant; and evaluating the cases of several ROTC cadets and explaining why the ROTC system was unprepared for reinstatement of a ban, leading to unnecessary disqualification of transgender cadets.

(2) Led new phase of congressional advocacy as a principal external stakeholder

With the House in Democratic hands after the 2018 elections, Palm focused on raising the profile of transgender military inclusion in Washington. We urged the new Chairman of the House Armed Services Committee, Rep. Adam Smith, to elevate open service as a top priority, which he did when he declared it one of the top four priorities for his chairmanship. Building on the foundation of our strong relationships with Chairman Smith and the HASC Military Personnel Subcommittee Chair, Rep. Jackie Speier, we were able to help cement the Palm Center's role as a principal external stakeholder adviser on all of the Committee's deliberations on transgender military issues. We provided research to Committee staff, answered their questions, and worked to ensure there was smooth collaboration across the LGBT advocacy community on the issue.

We helped plan the first ever Congressional hearings to include testimony by current transgender service members. We assisted the Committee with developing a frame for the hearing, drafted questions, anticipated DoD pushback, identified witnesses, and ensured widespread media coverage to elevate the stories of transgender service members.

The Palm Center used research to help the Committee attempt to lift the ban via the annual National Defense Authorization Act (NDAA). We held numerous meetings with the Committee to discuss the research relevant to various options. We had to negotiate delicate staff and Member interplay and worked hard to ensure that the LGBT community was speaking with one voice concerning goals and objectives for the NDAA. We ultimately provided input on the language that became the Speier-Brown floor amendment, which, borrowing part of the 1948 Truman executive order desegregating the military, codified anti-discrimination based on race, national origin, religion, sex,

sexual orientation, and gender identity, including transgender identity. The amendment passed the House with 10 Republican votes. We spent several months fighting to preserve the amendment in the House-Senate conference deliberations over the final bill, participating in weekly calls with partners and talking regularly with Committee staff and Members. Despite heroic efforts, the language was thrown out in the final bill under extreme pressure from the White House, though we were able to preserve a provision to require reporting on discharges and waivers.

(3) Created steady stream of high-profile media stories advancing argument for inclusion

When DoD officials gave inaccurate and misleading testimony at Congressional hearings in March 2019, the Palm Center released a policy memo by military professors entitled “Pentagon Officials Mised Congress on Transgender Troops” as well as a response by the former Secretaries of the Army, Navy, and Air Force. Then, *The Hill* published a story titled, “Former Service Secretaries Accuse Pentagon of Deceiving Congress on Trump’s Transgender Ban.”

Also in March 2019, we released a statement by 41 retired Generals and Admirals who warned of grave consequences that would follow from reinstating the transgender ban. While we knew that the effort was unlikely to prevent reinstatement, our purpose was to leverage every opportunity to signal to supporters of the forthcoming ban that they would be opposed by dozens of senior members of the military community.

On April 12, 2019, the day that DoD reinstated the ban, we broke a national media story explaining that the new military regulation designated the need to undergo gender transition as a “deficiency” and a “defect,” thus embarrassing the Pentagon for its outdated and insensitive references. We asked the American Medical Association to release a statement criticizing this language, and AMA obliged, and we asked six former US Surgeons General to sign a statement making the same point, and they agreed. We then successfully pitched the story to the *Associated Press*, generating stories in hundreds of newspapers and television and radio stations. Palm Center director Aaron Belkin appeared on Rachel Maddow’s show to explain the developments.

The Trump administration repeatedly insisted that its transgender ban was not a ban, and inaccurately stated that transgender troops were welcome to serve. This strategy of disingenuousness was designed to make it harder to fight for the return of inclusive policy. The Palm Center worked to rebut this frame, issuing a detailed policy memo entitled, “The Making of a Ban: How DTM-19-004 Works to Push Transgender People Out of Military Service,” as well as a memo entitled, “Five Things to Know about DoD’s New Policy” to explain the new ban. We worked steadily to explain to journalists why they needed to refer to the ban as a ban. As part of these efforts, we published an op-ed in *Politico* entitled, “Stop Pretending the Transgender Ban Isn’t A Ban.”

(4) Released major study showing the transgender ban harmed readiness

Persuading military leaders to modify policy requires anticipating objections they will encounter and providing research to address those objections. In 2020, the Palm Center published a rigorous study, reflecting a year of research, by three former military Surgeons General, showing that the transgender ban harmed readiness. We successfully pitched the study to the *Washington Post* and then we provided the study and *Post* story to congressional allies and the Biden transition team.

(5) Showed ban could be lifted in under 30 days

When the Pentagon changes policy, it often moves slowly, and Palm Center staff were concerned that if the new administration failed to lift the ban immediately, opponents could leverage the delay to derail the effort. Noting that a parallel track of inclusive policy regulations had remained on the books even under the Trump ban (in order to manage those troops who were “grandfathered” in under the Obama policy), we published a policy memo explaining how quickly inclusive policy could be restored since there was no need to develop new regulations or engage in more study. The *New York Times* wrote a story about our memo, which we distributed aggressively along with the *Times* story to congressional and military allies and the Biden transition team.

(6) Supported new administration

As soon as the outcome of the 2020 election was clear, Palm Center staff reached out to senior congressional leaders such as Senate Armed Services Committee Ranking Member Jack Reed and House Armed Services Committee Chair Adam Smith to underscore that we expected President-elect Biden to honor his day-one pledge to restore inclusive policy, and to ask leaders to contact the Biden transition team to convey their ongoing support. During the lame duck session, the Palm Center assembled a coalition of 14 LGBT groups to respectfully reinforce this position with incoming officials, sending a powerful signal that failure to act quickly would produce stiff community blowback.

(7) Instrumental in final lifting of the ban

On his sixth day in office, President Biden issued a robust executive order lifting the ban, calling for a progress report in just sixty days and quoting Palm Center language verbatim, saying that “transgender troops are as medically fit as their non-transgender peers and that there is no medically valid reason” for the ban. Because executive orders have the force of law, this central statement reflecting the Palm Center’s core message is now the law of the land.

Conclusion

Palm’s goal at the outset was to elevate the profile of transgender military service—in a context of evidence-backed support for inclusion—such that political and military leaders would find it impossible not to support open service. Our eight-year campaign certainly

benefitted from the luck of good timing. The period saw a remarkable sea-change in public opinion about transgender Americans, and political leaders who for at least a generation had garnered votes by demonizing the LGBT community were forced to conclude that, in many cases, they could no longer risk appearing anti-gay or anti-trans (cultural headwinds that we believe Palm's long-term work also helped advance).

Unlike a factory that produces widgets, it is difficult to measure the output of a social justice project, and to pinpoint cause and effect. Yet the efforts and achievements outlined in this report, together with an understanding of the workings of social and historical change, underscore the possibility that the Palm Center's advocacy helped bring about the end of the military's transgender ban.

The New York Times

Discrimination in the Military (Editorial, May 14, 2014)

Three years after the demise of “don’t ask, don’t tell,” an estimated 15,000 members of the military still must lie about themselves in order to go on risking their lives for their country. When Congress eliminated the law against gay men and lesbians serving openly in the military, the Pentagon left in place an equally unfounded prohibition on transgender people.

It was gratifying, then, to hear Defense Secretary Chuck Hagel [say](#) in an interview on ABC’s “This Week” on Sunday, “Every qualified American who wants to serve our country should have an opportunity if they fit the qualifications and can do it.” After all, unlike the ban on openly gay soldiers, the rule on transgender people is just a rule. There is no law prohibiting them from serving openly.

But, inexplicably, Mr. Hagel said only that he was “open” to reviewing the policy. He did not say whether he favored lifting the ban and when — or even whether — such a review might take place. There is none underway, and Mr. Hagel currently has no plan to start one. On Monday he told reporters he would prefer to learn more about the issue rather than begin a formal review.

In the ABC interview, Mr. Hagel repeated the standard excuse for this discrimination — that complex medical and logistical issues could preclude transgender people from serving in “austere” combat conditions. That excuse does not hold up, as a panel of former military officers and experts on gender and health led in part by former Surgeon General Joycelyn Elders concluded in March.

“There is no compelling medical rationale for banning transgender military service,” and “eliminating the ban would advance numerous military interests, including enabling commanders to better care for their service members,” the panel said. Its report belongs at the top of Mr. Hagel’s reading list, along with the psychiatric community’s decision a year ago to finally stop mislabeling transgender identity as a mental disorder.

As with gay and lesbian soldiers, the issue is not whether transgender people can serve in the armed forces. The point is that they — including the estimated 15,000 of them now serving — have to cover up their identities. Some refrain from seeking necessary hormone treatment or other medical care, suffering anguish and risking their physical and emotional health.

And for what? There is “no medical reason to presume transgender individuals are unfit for duty,” the panel wrote. Transgender medical care “is no more specialized or difficult than other sophisticated medical care the military system routinely provides,” even in combat zones. As for gender-changing surgery, the panel noted that some elective cosmetic surgeries allowed at military medical facilities require similar leave time and risk more serious postoperative complications.

At least 12 countries, including Britain, Australia and Israel, allow transgender military service, with no apparent decline in readiness. Lt. Col. Cate McGregor of the Australian Defense Forces, former director of the Land Warfare Studies Center, is now speechwriter for the army chief of staff, who would not accept her offer to resign when she decided to undergo surgery in 2012.

Addressing issues like privacy and housing is not rocket science. It happens in civilian workplaces all the time. With the right leadership, outbreaks of intolerance can be minimized. If Mr. Hagel is still trying to make up his mind, his boss, President Obama, can make it up for him. The question is how fast can the armed forces join the modern world on this issue, not whether they should. The time for lame excuses is long past.

The New York Times

A Growing Problem for the Military Transgender Ban: Facts (Editorial, April 29, 2018)

Since President Trump [announced in March](#) that the Pentagon would prohibit many transgender people from serving in the military, thousands of Americans have been in limbo, not knowing whether their careers were over or whether they would be barred from even joining the armed forces.

Federal courts have put a temporary hold on this directive, which bans “transgender persons who require or have undergone gender transition” unless the Pentagon grants them an exception. In the meantime, a growing body of research and expert opinion supports the only fair and just solution: Repudiating Mr. Trump’s cruel decision and giving transgender people the same right to serve their country in a military uniform as any other citizens.

In separate statements over the past month, the chiefs of the Army, Navy and Air Force; the commandant of the Marine Corps; and the incoming commandant of the Coast Guard, testified to Congress that transgender service members do not impair the cohesion of military units or discipline.

“We treat every one of those sailors regardless with dignity and respect that is warranted by wearing the uniform of the United States Navy,” Adm. John Richardson, the Navy chief, told the Senate Armed Services Committee. “By virtue of that approach, I’m not aware of any issues.”

A half-dozen former United States surgeons general have [rebutted a flawed Pentagon report](#) released in March that served as the intellectual and scientific basis for Mr. Trump’s policy. Their statement said that, in light of the new policy, they felt a need to “underscore that transgender troops are as medically fit as their non-transgender peers and that there is no medically valid reason, including a diagnosis of gender dysphoria, to exclude them from military service or to limit their access to medically necessary care.”

The new policy, which panders to right-wing zealots like Vice President Mike Pence and to regressive generals, overturned President Barack Obama’s 2016 decision to protect gender identity in the Pentagon’s equal opportunity policy.

Mr. Trump issued the new policy after Defense Secretary Jim [Mattis](#) advised him there were “substantial risks” about personnel who seek to change or who question their gender identity, which “could undermine readiness, disrupt unit cohesion, and impose an unreasonable burden on the military that is not conducive to military effectiveness and lethality.” It’s unclear whether Mr. Mattis, a retired Marine general, believes in banning transgender people or felt hemmed in after Mr. Trump decreed the ban in a series of tweets last July.

A 2016 [RAND study](#) had already concluded that letting transgender people serve would have “minimal impact” on Pentagon readiness and health care costs. Now, a [new study](#) by the Palm Center, which advocates for transgender rights, offers a point-by-point rebuttal of Mr. Mattis’s comments and the Pentagon report, arguing they mischaracterized research and made other unfounded assertions.

Contrary to Pentagon claims, the study says the Pentagon’s own data shows that transgender people are deployable and medically fit and that the new Trump policy would impose double standards on transgender service members by applying medical rules and expectations that don’t apply to others. One compelling statistic: Of the 994 service members diagnosed with gender dysphoria in 2016-2017, 393 were deployed to Iraq and Afghanistan and only one was unable to complete the deployment because of mental health reasons.

As for the Pentagon claim that health care for transgender troops would be unduly expensive, the Palm Center study says the total cost for transition-related health care in 2017 was \$2.2 million, about \$12.47 per transgender service member per month.

Despite the fact that the new policy has sent a crushing message to transgender troops who have chosen to serve their country, Gen. Joseph Dunford Jr., chairman of the Joint Chiefs of Staff, told the Senate Armed Services Committee last week he had not met with any transgender troops since the announcement to answer questions or listen to their concerns.

Demonstrating a surprising lack of confidence in his leading generals, Mr. Mattis told the committee that the service chiefs who testified that transgender recruits did not threaten the cohesion of military units might not know of problems because those issues don't rise to their level.

For years, the military has been an essential vehicle for driving inclusion, integration and acceptance in society — of African-Americans, women, gays and now transgender people. Rationale after rationale was offered for barring these groups. As each proved specious, opponents came up with others. Eventually they all failed, of course.

A small fraction of America's active-duty troops, [roughly 2,000 to 11,000](#) out of a military force of 1.3 million, identify as transgender. If the administration refuses to recognize the rights of this vulnerable population to help defend the country and be judged on the basis of ability rather than prejudice, then the courts must remedy that injustice.