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The Transgender Military Ban: A Major Step Back for LGBT Rights

Jon Santiago

On August 25, 2017, President Donald Trump signed a directive banning transgender military recruits.¹ This transgender ban will affect thousands of transgender people currently in the military and those who want to serve the country, but will not be able to.² The directive will go into effect in six months.³

Currently, two lawsuits have been filed against President Trump in response to the ban, and both are still open in their respective district courts.⁴ Lambda Legal and OutServe-SLDN filed the first lawsuit in Seattle, Washington on behalf of two transgender people who wish to enlist but won't be able to because of the directive.⁵ The ACLU of Maryland filed the second lawsuit on behalf of six transgender soldiers.⁶

TRANSGENDER MILITARY FACTS

Around 15,500 transgender individuals are currently serving in the United States military.⁷ Transgender individuals are twice as likely to serve than cisgender (non-transgender) people.⁸ There is no other known organization that employs more transgender people than the U.S. military.⁹ The repeal of "Don't Ask, Don't Tell" (DADT) allowed lesbian, gay and bisexual people to

¹ Jeremy Diamond, *Trump signs directive banning transgender military recruits*, CNN (Aug. 25, 2017), <http://www.cnn.com/2017/08/25/politics/trump-transgender-military/index.html>.

² Julie Hirschfeld Davis, *Military Transgender Ban to Begin Within 6 Months, Memo Says*, N.Y. TIMES (Aug. 23, 2017), <https://www.nytimes.com/2017/08/23/us/politics/trump-military-transgender-ban.html>.

³ *Id.*

⁴ Merrit Kennedy, *2 Lawsuits Challenge Trump's Ban On Transgender Military Service*, NPR (Aug. 28, 2017), <http://www.npr.org/sections/thertwo-way/2017/08/28/546731931/2-lawsuits-challenge-trumps-ban-on-transgender-military-service>.

⁵ *Id.*

⁶ *Id.*

⁷ *Facts on Transgender Service Members*, TRANSMILITARY, www.transmilitary.org. (last visited Oct. 8, 2017).

⁸ *Id.*

⁹ *Id.*

serve openly, however, transgender Americans were still forced to conceal their gender identity.¹⁰

DADT was a law that was eventually repealed.¹¹ The ban on transgender people was due to outdated policies within the Department of Defense.¹² In June of 2016, President Barack Obama officially allowed transgender military members to serve openly under their correct gender identity.¹³

RESPONSE TO THE BAN

Social conservatives have used the ban as a catalyst to argue that transgender people have no place in the military.¹⁴ Some Republican lawmakers have threatened to refuse to fund the military if there is not a prohibition in place that would limit the use of federal money to pay for transition surgery and related hormone therapy.¹⁵

Shannon Minter is the legal director of the National Center for Lesbian Rights; a gay rights organization representing eight transgender U.S. service members in yet another attempt to stop the ban.¹⁶ Mr. Minter stated that their opposition to the “reckless” ban was joined by military experts “who know that ripping trained, experienced service members out of our armed forces - for no reason other than who they are - will leave gaping holes in our defense, compromise national security, and inhibit recruitment during a critical time.”¹⁷

When speaking with the *New York Times*, Blake Dremann, the president of Sparta, an L.G.B.T. military group with 500 active-duty members stated, “as transgender service members, we are and have always been soldiers, sailors, airmen, Marines, and Coast Guardsmen first. . . We serve our country honorably [and] in good faith.”¹⁸ Logan Ireland, a current Air Force Sergeant who spoke with POPSUGAR News also added that the service of transgender peo-

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Ryan Roshke, *How 3 Transgender Service Members Are Coping With Trump's Military Ban*, POPSUGAR NEWS (Aug. 28, 2017), <https://www.popsugar.com/news/Transgender-Military-Members-Interview-About-Trump-Ban-43947521>.

¹⁴ Davis, *supra* note 2.

¹⁵ *Id.*

¹⁶ Spencer S. Hsu, *U.S. service members, gay rights groups ask judge to halt Trump's transgender ban*, WASH. POST (Oct. 8, 2017), <http://www.chicagotribune.com/news/nationworld/politics/ct-trump-military-transgender-ban-20170831-story.html>.

¹⁷ *Id.*

¹⁸ Davis, *supra* note 2.

ple surpasses the policy of any one administration.¹⁹ “We’re here to serve our country, and we’re going to do so until we’re told otherwise. That’s why I enlisted, and that’s why many people join the military: to serve our country.”²⁰

Aaron Belkin is the director of the Palm Center, a research institute that had worked with the military to devise its policy on admitting transgender service members.²¹ Mr. Belkin stated, “It is unconscionable that the commander in chief would take aim at his own, loyally serving troops for political reasons at a time when the military needs to focus on real threats.”²²

Bob Terzich, a veteran of the Navy who served between 1954-1958 explained that he had not noticed or cared that there were transgender people serving along with him.²³ Mr. Terzich stated, “Who cares? They are such a small part of the military. Transgender people have their lives to live, let them live it. Everyone should have a right to freedom and be able to fight for their country.”²⁴

Mr. Terzich’s words and those of many other service members should be heard and acknowledged. The transgender citizens of the United States should be able to enlist in the military because that is what any other citizen is capable of doing. Transgender people have every right to vote, go to school, and live their lives like any other United States citizen. Why would we try to stop them from protecting our nation in times of need?

¹⁹ Roshke, *supra* note 13.

²⁰ *Id.*

²¹ Davis, *supra* note 2.

²² *Id.*

²³ Telephone Interview with Robert Terzich, United States Navy Veteran, (Oct. 5, 2017).

²⁴ *Id.*