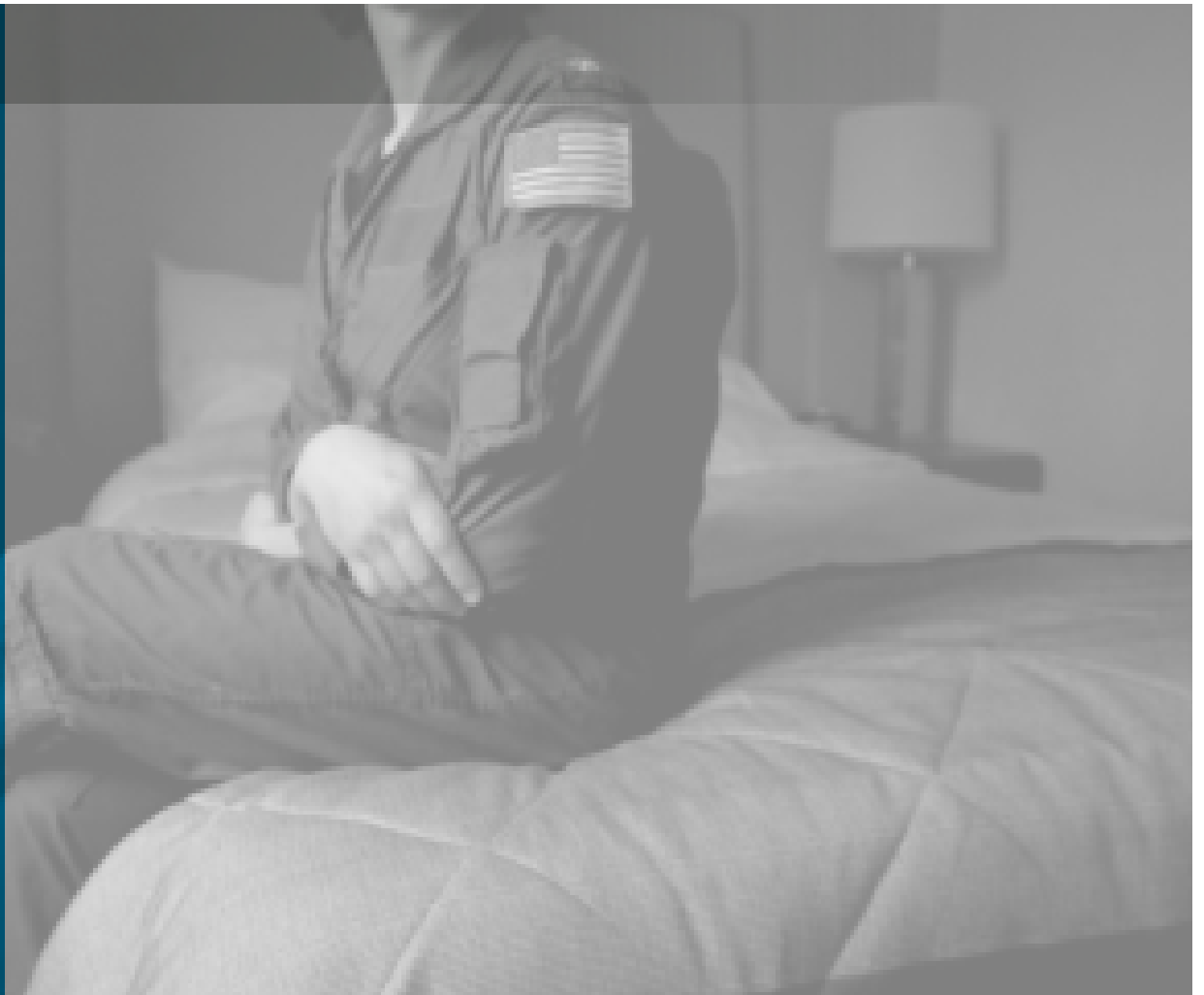

CHAPTER 14:
OPEN MILITARY SERVICE



OPEN MILITARY SERVICE

Transgender people have served with distinction, but in silence, in every branch of our armed forces. According to the National Transgender Discrimination Survey, one in five transgender adults is a veteran.¹ But while the repeal of “Don’t Ask, Don’t Tell” in 2010 has allowed lesbian, gay, and bisexual troops to serve openly, an estimated 15,000 transgender service members are still forced to lie about who they are in order to serve their country.² The ban on open service for transgender people is not mandated by any law passed by Congress. The military maintains its own rules for who is eligible to serve, which can be changed without congressional action. The transgender ban is the result of archaic rules that treat transgender people as mentally and medically unfit—rules that are based on outdated, unfounded stereotypes. Gay, lesbian, and bisexual service members were also once deemed unfit. There is simply no basis in medical science or military need for excluding transgender people from serving openly. Just as there was no basis for believing that openly gay, lesbian, or bisexual service members were unfit to serve or harmful to good order, there is no basis for turning away or drumming out transgender people from the armed forces.

This policy ruins lives and careers, while squandering money and skills that our forces need to carry out their missions. Policies of this kind are rejected by a growing number of U.S. military allies, including Australia, Canada, the United Kingdom, and others. In 2014, Defense Secretary Chuck Hagel called for a review of this outdated policy, which would undoubtedly show that the current policy is harmful and necessary, and only simple administrative changes are needed to permit all qualified individuals to serve openly and honorably. Current Defense Secretary Ashton Carter has also indicated he is open to changing the policy, as has a spokesperson for President Obama. The Department of Defense has the power and the responsibility to end this policy.

Policy Advances

- The Department of The Army issued a directive requiring discharges of military services members based on their transgender status be approved by the Assistant Secretary for Manpower and Reserve Affairs. (2015)

Needed Policy Changes

- The Department of Defense should revise military medical regulations to permit transgender people to serve openly.
- The Department of Defense should eliminate outdated medical care regulations that bar medically necessary treatment for gender dysphoria.

See *Honoring Our Veterans* for more on policies affecting military veterans, retirees, and dependents.

¹Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 30.

²Gates, GJ and Herman, JL. 2014. Transgender Military Service in the United States. Williams Institute, UCLA School of Law.