

House rebuke of military transgender ban nears vote

By CLAUDIA GRISALES | STARS AND STRIPES Published: March 27, 2019

WASHINGTON — The House is poised to vote on a resolution this week that rebukes a controversial Trump administration ban of transgender personnel in the military ahead of the plan's potential implementation next month.

The House on Wednesday approved debate of the resolution on the House floor and could see passage of the measure by Thursday in the Democrat-controlled chamber.

Rep. Norma Torres, D-Calif., a mother of an Air Force veteran, said the transgender ban “hits close to home.”

“Our nation has broken a promise to their children. This doesn't make us safer,” Torres said from the House floor of the transgender ban. “We should welcome every qualified person who is willing to stand up to the plate and enlist in our armed forces.”

The resolution, H.Res. 124, is authored by Rep. Joe Kennedy III, D-Mass., and has 214 mostly Democratic co-sponsors. That support will likely ensure its passage in the lower chamber this week.

The resolution expresses opposition to banning service in the armed forces by openly transgender individuals. It states the service of transgender individuals has had “minimal” impact on the military since it was permitted in 2016. The resolution estimates thousands of transgender personnel now serve in the military and disputes the Defense Department contention that there is scientific uncertainty regarding the efficacy of related care.

Rep. Lori Trahan, D-Mass., said the military's care of transgender personnel in 2017 cost \$2.2 million, one-tenth of 1 percent of Defense Department's annual health care budget for active-duty servicemembers. However, the cost to train a single fifth-generation fighter pilot is \$11 million, she said.

“Consider how short-sighted this ban is,” Trahan said from the House floor. “So the retraining cost of losing just one transgender military pilot would be five times more than the entire transition-related care for the military for a year.”

The debate comes on the heels of a Tuesday move by the U.S. Court of Appeals for the District of Columbia to drop a final, remaining injunction stopping implementation of the ban. Some experts said they expected the decision to allow the Defense Department to proceed with its plans to implement the ban as early as next month.

In January, the U.S. Supreme Court issued a 5-4 ruling in favor of the ban, allowing the measure to stay in place pending several lawsuits fighting the move.

The U.S. Court of Appeals for the District of Columbia previously said a lower court judge erred in blocking the policy, also known as the “Mattis Plan,” which was named for former Defense Secretary Jim Mattis who drafted its specifics. The policy originated from a proposal in 2017 by President Donald Trump.

The White House effort to ban transgender people from military service was subsequently mired in confusion, chaos and a web of litigation for nearly two years after Trump fired off a series of tweets

that ignited the controversy, some experts have said.

“After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you,” Trump’s July 26, 2017 tweets read.

A 2016 Pentagon policy to open the military to transgender individuals had remained in place, but a Trump administration effort to reverse it created a chilling effect for potential recruits and heightened fears for some servicemembers, some advocates for transgender personnel have said.

About a month after the Trump tweet, the president formally issued a new directive to the Defense Department to issue the ban. With that, Mattis issued a new 48-page policy in March 2018 to ban most transgender individuals from serving in the military. The transgender military ban by Trump had been blocked by four federal judges, with injunctions pending the outcome of four discrimination lawsuits filed by transgender individuals and advocates against the federal government.

Also following the Trump tweets, a bipartisan group of lawmakers, including the late Arizona Republican Sen. John McCain, then-chairman of the Senate Armed Services Committee, former Sen. Orrin Hatch, R-Utah, and more than 50 retired generals and admirals condemned the move.

Other senators filed legislation to block a military transgender ban. Sen. Kirsten Gillibrand, D-N.Y., who through Senate Armed Services Committee hearings last year, was able to confirm with all four military service chiefs that transgender servicemembers have not impacted morale or created problems for the services. Also, current and former top U.S. medical officials charged the ban was not based on a medically valid reason.

However, the Pentagon policy called for the reversal of the policy by former President Barack Obama’s administration to lift the ban on transgender men and women serving in the military, but allows people serving now to remain in the service. The new policy disqualifies from service all transgender people who require or have already undergone gender transition, and bans people with current or recent gender dysphoria diagnosis other than in rare circumstances.