

Trump plans to implement transgender military ban after court ruling

By Tal Axelrod - 03/08/19 07:29 PM EST

The Trump administration signaled Friday it intends to implement a ban on transgender people serving in the military after a federal court [struck down the last injunction](#) against the policy the previous day.

“In light of the district court’s decision yesterday to stay the preliminary injunction in *Stone v. Trump* ... there is no longer any impediment to the military’s implementation of the Mattis policy,” Justice Department lawyers [wrote in a filing](#) in federal court in Washington, D.C.

“Defendants therefore respectfully provide notice to the Court that the Acting Secretary of Defense plans to release a Directive-Type Memorandum (DTM) formally implementing the new policy in the near future.”

U.S. District Judge George Russell III announced Thursday he was striking down the last of four injunctions against the transgender service member ban, though advocates for transgender troops say a stipulation in a ruling means one remains in effect.

Russell, an appointee of former President Obama who serves on the U.S. District Court for the District of Maryland, cited in his ruling the Supreme Court’s 5-4 decision in January to stay two of the injunctions.

Obama declared in 2016 that transgender service members would be allowed to serve openly, but [President Trump](#) announced a reversal to that policy in 2017, saying that transgender troops would be prohibited from serving “in any capacity.”

Four lawsuits were filed against the policy, and lower courts in all four cases issued injunctions to the rule as the cases made their way through various courts.

Former Defense Secretary [James Mattis](#) laid out a policy in March 2018 that would allow transgender people to serve if they do so “in their biological sex.”

Advocacy groups have repeatedly slammed the policy as discriminatory against transgender people who simply seek to serve their country.

“Each and every claim made by President Trump to justify this ban can be easily debunked by the conclusions drawn from the Department of Defense’s own review process,” Joshua Block, senior staff attorney with the ACLU LGBT & HIV Project, said of the Thursday ruling. “Our clients are brave men and women who should be able to continue serving their country ably and honorably without being discriminated against by their own commander in chief.”

Transgender Troops Caught Between a Welcoming Military and a Hostile Government

By Dave Philipps

• March 9, 2019

SHREVEPORT, La. — Transgender troops like Senior Airman Sterling Crutcher are seen as “[an unreasonable burden](#)” by the Trump administration. It says their presence hurts morale and the military’s ability to fight, and that they have no place in uniform.

That’s news to Airman Crutcher. He just got back from a deployment with his B-52 bomber squadron, and when he did, fellow airmen in his squadron, whom he counts among his best friends, threw a shower for him and his wife, Aimee, to celebrate their first child, born in February.

“At my level, it’s not an issue,” Airman Crutcher, 30, said about serving while transgender. “I can meet and exceed all the standards, and the people I work with, they like me. They have a lot of questions, but they don’t have a problem.”

This has been an uneasy time for transgender troops in the United States military, caught between a commander in chief who wants them out and court injunctions that, at least temporarily, said they could stay. (The last of the injunctions [was lifted on Thursday](#).)

But dozens of transgender troops like Airman Crutcher said in interviews that they felt supported in the service. Their comrades and commanders have welcomed them, they said, and the military has often been more accepting than the homes and neighborhoods they left to enlist.

Nearly 1,000 troops officially deemed as transgender are currently serving in the American military, according to the Defense Department, and another 228 are in the process of enlisting. They are all over the globe in a wide spectrum of roles — infantry officers, armor platoon leaders, drill sergeants, intelligence specialists, Arabic linguists, nuclear reactor operators. A transgender instructor teaches leadership at the Naval Academy.

They started coming out publicly in 2016 when the military [lifted a longtime ban](#), after concluding that doing so would have no significant negative impact on budgets or operations. But President Trump announced an abrupt reversal of policy on Twitter a year later, saying he would no longer allow transgender troops to serve [“in any capacity.”](#)

The Defense Department laid out its arguments for excluding transgender troops before the House Armed Services Committee late last month. James N. Stewart, a senior Pentagon official, testified that transgender troops were more prone to mental health issues than other troops, and that when they transition, medical treatments can make them nondeployable for months — factors that he said would make recruits ineligible to serve if they stemmed from other kinds of pre-existing health conditions.

Mr. Stewart, who is a retired Air Force general, rejected calling the policy a ban, saying that the policy drafted after the president’s Twitter announcement still allows transgender troops to serve, as long as they never transition.

He argued that having troops who have transitioned in the ranks could also raise complicated questions about physical fitness standards and access to shower and bathroom facilities that may upset others, leading “to unnecessary and debilitating leadership challenges.”

Other troops and military leaders disagree. Five transgender troops who also testified at the hearing

said that, aside from the uncertainty created by the change in policy, they had encountered few problems transitioning in uniform. Instances of harassment have been few, according to Sparta, an association of transgender troops.

And in testimony before the Senate last spring, the heads of the Army, Navy, Air Force and Marine Corps all said they were not aware of any issues caused by having transgender troops serving openly.

Airman Crutcher says that few people outside his unit realize he is transgender. He relaxes on weekends by playing video games and has [Airsoft gun](#) battles with the other troops from his unit.

“There’s nothing remarkable about him either way,” said Senior Airman Kyle Daily, who serves in the same squadron. “There are some people in the unit who don’t agree with what he is, but they’re the minority.”

Many transgender recruits come from socially conservative small towns or strict religious upbringings, and have spent their youth feeling like misfits. Some troops who were born anatomically male said in interviews that they enlisted with the initial hope that military service would drum feminine feelings out of them.

To her surprise, after enlisting in 2012, Sergeant Anderson said, she found a culture that emphasized judging people by ability, not identity. She began to transition to female in 2017.

“The military has been very freeing,” she said by phone from Kunsan Air Base in South Korea, where she repairs electronics in F-16 fighters. “I don’t know if I could have done it otherwise.”

Airman Crutcher, who grew up in a Pentecostal household in rural Missouri, said he wrote a heartfelt letter to his family about his lifelong sense of being a boy in a girl’s body, but they refused to read it, asking him instead if he was on drugs.

By contrast, when he came out to his Air Force commander, he said the reaction was, “What do I need to do for you? I want to make sure you are supported.”

A few days back from a deployment to Guam with his bomber squadron, he was shopping for a crib with his pregnant wife when they got a text from his mother.

But it wasn’t his birth mother, who he says essentially disowned him after he told her in 2015 that he was transgender. It was his Air Force mother — Kim Thomas, the wife of a lieutenant colonel, who informally adopted him after meeting him during basic training. He now spends holidays with her family and calls her Mom.

“She’s the best,” Airman Crutcher said as he leaned over his wife’s phone to see the photo Ms. Thomas had sent of a new outfit for the baby. “It was life-changing to have that support of family who love me no matter what.”

Ms. Thomas said taking Airman Crutcher under her wing came naturally. “Here is this amazing kid who volunteered to fight and die for our country,” she said. “We are not going to allow him to go through the military without support.”

A [2016 RAND Corporation study](#) found that nearly one-fifth of transgender troops do not plan to transition medically. Those who do transition may, depending on gender and preference, undergo hormone therapy, breast removal and other procedures, like surgery to make facial features and voices more gender appropriate. All are covered by the military.

Transitioning troops can also request surgery to change their genitals, but the approval process and recovery time can be lengthy. The Defense Department did not respond to questions about how many such gender reassignment procedures had been performed on troops since the ban was lifted in 2016; Sparta estimates the figure at about six.

The cost and disruption associated with surgery is a chief complaint of critics, but the [RAND study](#) estimated that those factors would be negligible, with fewer than 200 active troops transitioning per year at a total cost of less than \$10 million. In interviews, troops who have transitioned said they tried to time their surgical procedures for scheduled lulls in unit activity, and sometimes put them off because of deployments or demanding work assignments.

Even so, transitioning can detour careers. Some Sparta members said they had been removed from sensitive jobs such as pilots, air traffic controllers or nuclear missile operators, out of concern that they might be mentally unstable.

Regulations can get in the way, as well. Airman Crutcher was sent home early from a 2016 deployment to Qatar when medical staff discovered that the testosterone treatments he was receiving violated a rule about injected medications for troops deployed in the region.

“I was crushed,” he said. “My major called me in and said he had fought for me to stay, but it was regulations.”

Capt. Alivia Stehlik is a transgender woman who graduated from West Point as a man in 2008, completed the Army’s punishing Ranger School and led an infantry platoon. She is now an Army physical therapist stationed at Fort Carson, Colo.

In an interview at her home, she said her transition should be seen as an asset, not a burden.

She volunteered to deploy to Afghanistan with an infantry brigade last spring after the unit’s regular physical therapist became pregnant. Captain Stehlik spent nearly a year hopping helicopters from base to base, treating sprains and other injuries with a medical bag in one hand and an M-4 rifle in the other.

Six-foot-three and broad-shouldered, she said it would have been pretty obvious to the 1,700 soldiers she treated that she was transgender, but it was never a problem.

“It’s not just that as a woman I can still do the same job I did as a man — I can actually do it better,” Captain Stehlik said. “People were actually more open with me because I had made myself more vulnerable to them. I think if I were still a guy, they might have downplayed how much things hurt, tried to act tough. And I might have, too.”