

Fight for Transgender Service Members to Serve Openly

GRADES 8-12



Overview

This activity is geared toward participants in grades 8-12. The estimated amount of time to deliver this lesson is 75 minutes.

What role does research play in policy making? As early as 1963, transgender service members were banned from the armed forces.

In 2015, the Pentagon began to make plans to allow transgender personnel to serve; however, a working group was created to study the implications of allowing transgender service members to serve openly.

The 2016 Rand report connected to this study would then be used to support arguments for the repeal of the ban later that year and the reversal of the ban that was reinstated in 2019.

In this lesson, participants will investigate the role that the Rand report and responses to policy played in allowing transgender personnel to serve openly and determine what was the most persuasive to decision makers.



Objective

Participants will be able to identify ways in which the Rand report and responses to policy played in allowing transgender personnel to serve openly.



Materials

- Photograph of Joanna Clark
- Excerpts from “Rand Report 2016”, “Tweets from President Donald Trump, July 2017,” and “Executive Order 14004.”



Inquiry

Ask participants the following:

- What role should research play in policy decision making?
- How can research be biased?
- What are the strengths and weaknesses of quantitative data vs qualitative data?

Let participants know that they will be exploring the role research played in policy impacting transgender service in the military.



Investigation

The Original Ban on Transgender Military Service

Discuss the ban on transgender service members.

Share the photograph of Joanna Clark and the story of the legal action against the military.

- How might a service member be impacted negatively after being discharged after almost 12 years of service?
- How might the Navy be impacted by discharging service members solely on the basis of their transgender identity?
- Is Joanna Clark sharing her experience an example of quantitative or qualitative data?

Discuss events leading up to the announcement that transgender individuals would be able to openly serve in the U.S. armed forces effective in 2017, including the study to determine the impacts of transgender service members serving openly in the military.

2016 Rand Report

Have participants read “Key Findings” and “Recommendations” from the 2016 Rand Report, discussing the questions below in pairs and then as part of a larger group.

- What were the key findings from the 2016 Rand Report?
- Which of the recommendations do you believe would have the most positive impact for transgender service members? Why?
- Are the findings of the Rand report an example of quantitative or qualitative data?

The Response to Reinstating the Ban

On July 26, 2017, President Donald Trump announced plans to reinstate the ban of transgender servicemembers via Twitter. Have participants read the tweets and answer the following:

- What rationale does President Trump provide for reinstating the ban on transgender service members?
- How does this rationale conflict with the rationale from the 2016 Rand Report?

Share response to reinstating the ban from advocacy groups, members of congress and activists.



Activity

Review information from Rand report. Share events leading up to Executive Order 14004. Have participants read an excerpt from the Executive Order and answer the following in pairs and then as a larger group:

- What rationale does President Biden provide for allowing transgender service members to serve openly in the military?
- Should qualitative or quantitative data have more of an impact on policy decisions?

Listen to an interview with Joanna Clark

Have participants [listen to an interview](#) with Joanna Clark from 1:10 to 14:25. Ask participants: How did Joanna's discharge from the Navy impact her negatively? What were the grounds that Joanna was able to win her case against the army?



Lesson Connection

For more content on the experiences of LGBTQ+ service members, see our lesson: **Silenced Stories**.



Background

The Original Ban on Transgender Military Service

In 1953, during what is now known as the “Lavender Scare,” President Harry Truman signed Executive Order 10450. This banned gay and lesbian individuals from being employed by the federal government, including military service. This executive order also applied to transgender individuals, or individuals whose gender identities are different from the gender they were assigned at birth, serving in the military.

In 1963, the military officially banned transgender service members on the grounds that they were “mentally unfit” under Army Regulation 40-501. Conditions that the military referred to as “transsexualism and other gender identity disorders” prohibited people from serving since they were considered disqualifying medical conditions at the time. This means that transgender service members could not enlist or could be discharged from service if they disclosed that identity or if that identity was discovered.

There were individuals that pushed against this ban. Joanna Clark served with the Navy for nearly 12 years, reaching the rank of Chief Petty Officer (E-7) before she was discharged from the Navy for coming out as transgender in 1969. After her discharge, she enlisted in the Army as an openly transgender woman in 1976. Clark served for 19 months until she was told she was being released from service due to her transgender identity. When she received her discharge from the Army, Clark sued and won the first ever legal action against the military by a transgender enlistee, receiving a settlement of \$25,000 with an honorable discharge.

This was not always the case for other transgender service members serving in the military at this time, who were still at risk for a less than honorable discharge for their transgender identity.

2016 Rand Report

In December 2010, President Barack Obama signed a repeal of Don’t Ask Don’t Tell, a military policy that limited the military service of lesbian, gay, and bisexual people, into law. This was a major victory for LGBTQ+ service members. However, transgender service members were still at risk.

In July 2015, Defense Secretary Ashton B. Carter announced a plan to study the policy and readiness implications of allowing transgender persons to serve openly in the military. In his statement, Carter states:

“The Defense Department's current regulations regarding transgender service members are outdated and are causing uncertainty that distracts commanders from our core missions. At a time when our troops have learned from experience that the most important qualification for

service members should be whether they're able and willing to do their job, our officers and enlisted personnel are faced with certain rules that tell them the opposite. Moreover, we have transgender soldiers, sailors, airmen, and Marines - real, patriotic Americans - who I know are being hurt by an outdated, confusing, inconsistent approach that's contrary to our value of service and individual merit.”

Shortly after, in September 2015, the Department of Defense (DoD) asked the RAND Corporation's National Defense Research Institute (NDRI), a federally funded research and development center sponsored by the Office of the Secretary of Defense, to initiate a study on the implications of allowing transgender personnel to serve openly. The DoD often calls on RAND NDRI to serve as an independent and objective lens to analyze sensitive policy issues.

On June, 30, 2016, Carter announced that transgender individuals would be able to openly serve in the U.S. armed forces and be able to receive transition-related medical care while enlisted, stating that the full policy would be completely implemented by July 1, 2017.

Reinstating the Ban

On July 26, 2017, President Donald Trump announced plans to reinstate the ban of transgender servicemembers via Twitter.

Protests responding to this announcement took place around the country, including New York, San Francisco, Los Angeles and Washington, DC. Organizations such as the ACLU (American Civil Liberties Union), Lambda Legal, Outserve-SLDN, and GLAD (GLBTQ Legal Advocates & Defenders) all took the ban to court on the behalf of transgender service members.

Members of the 116th Congress (2019–2020) responded with H.Res.124, which passed the house with a vote of 238–185, stating: “That the House of Representatives— (1) strongly opposes President Trump’s discriminatory ban on transgender members of the Armed Forces; (2) rejects the flawed scientific and medical claims upon which it is based; and (3) strongly urges the Department of Defense to not reinstate President Trump’s ban on transgender members of the Armed Forces and to maintain an inclusive policy allowing qualified transgender Americans to enlist and serve in the Armed Forces.”

In May 2019, Gallup, an analytics and advice firm, conducted a survey with a random sample of 1,017 adults, ages 18 and above, living in all 50 U.S. states and the District of Columbia. The question asked was “Do you favor or oppose allowing openly transgender men and women to serve in the military?” The results of that survey stated that 71% were in favor, 26% opposed, and 2% had no opinion.

The Trump Administration began to enforce the ban in April 2019, which led otherwise qualified transgender Americans not being able to enlist, attend military academies, or participate in ROTC. Transgender service members who transitioned prior to April 12, 2019 would be exempt from discharge based on gender identity, however they would not be able to return if they left the military for any length of time. In February 2018, The Palm Center identified 14,700 transgender troops serving that could be impacted (8,980 active duty and 5,727 selected reserve).

In response, advocacy groups such as the National Center for Transgender Equality Action Fund put pressure on presidential candidates during the 2020 presidential race, asking them to share their thoughts on transgender service members in the military publicly. After a series of interviews with the presidential candidates, The NCTE Action Fund endorsed Joseph R. Biden Jr. as a presidential candidate, citing Biden's strong agenda for addressing issues facing transgender Americans and his record of accomplishments during the Obama-Biden administration.

President Biden won the 2020 election. Shortly after President Biden was sworn into office in 2021, the Biden Administration reversed the 2019 ban with Executive Order 14004: Enabling All Qualified Americans to Serve Their Country in Uniform.



Additional Resources/References

Full Interview with Joanna Clark

<https://kkfi.org/program-episodes/trans-talk-november-2017-living-legend/>

Release: Statement by Secretary of Defense Ash Carter on DOD Transgender Policy, July 2015

<https://www.defense.gov/News/Releases/Release/Article/612778/>

Release: Secretary of Defense Ash Carter Announces Policy for Transgender Service Members, June 2016

<https://www.defense.gov/News/Releases/Release/Article/821675/secretary-of-defense-ash-carter-announces-policy-for-transgender-service-members/>

Executive Order 14004: Enabling All Qualified Americans to Serve Their Country in Uniform

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/executive-order-on-enabling-all-qualified-americans-to-serve-their-country-in-uniform/>

H.Res.124 — 116th Congress (2019-2020)

<https://www.congress.gov/bill/116th-congress/house-resolution/124/text>

2016 Rand Report: Assessing the Implications of Allowing Transgender Personnel to Serve Openly

https://www.rand.org/pubs/research_reports/RR1530.html

Palm Center: Department of Defense Issues First-Official Count of Active Duty Transgender Service Members

<https://www.palmcenter.org/wp-content/uploads/2019/06/14700-Transgender-Troops-.pdf>

Transform the White House website

<https://transformthewhitehouse.org/>



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Documents and Images



"Joanna Clark in Uniform." Photograph. 1976. *Digital Transgender Archive*, <https://www.digitaltransgenderarchive.net/files/9s1616431>

Credit: Digital Transgender Archive

Document A

Excerpt from Schaefer, Agnes Gereben, Radha Iyengar Plumb, Srikanth Kadiyala, Jennifer Kavanagh, Charles C. Engel, Kayla M. Williams, and Amii M. Kress, *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*. Santa Monica, CA: RAND Corporation, 2016. https://www.rand.org/pubs/research_reports/RR1530.html.

Key Findings

There Are an Estimated 1,320–6,630 Transgender Service Members in the Active Component, but Not All Will Seek Gender Transition–Related Treatment

- It is difficult to estimate the number of transgender personnel in the military due to current policies and a lack of empirical data. Applying a range of prevalence estimates, combining data from multiple surveys, and adjusting for the male/female distribution in the military provided a midrange estimate of around 2,450 transgender personnel in the active component (out of a total number of approximately 1.3 million active-component service members) and 1,510 in the Selected Reserve.
- Only a subset will seek gender transition–related treatment. Estimates derived from survey data and private health insurance claims data indicate that each year, between 29 and 129 service members in the active component will seek transition-related care that could disrupt their ability to deploy.

The Costs of Gender Transition–Related Health Care Treatment Are Relatively Low

- Using private health insurance claims data to estimate the cost of extending gender transition–related health care coverage to transgender personnel indicated that active-component health care costs would increase by between \$2.4 million and \$8.4 million annually, representing a 0.04- to 0.13-percent increase in active-component health care expenditures.
- Even upper-bound estimates indicate that less than 0.1 percent of the total force would seek transition-related care that could disrupt their ability to deploy.

Previous Integration Efforts and the Experiences of Foreign Militaries Indicate a Minimal Likely Impact on Force Readiness

- The limited research on the effects of foreign military policies indicates little or no impact on unit cohesion, operational effectiveness, or readiness. Commanders noted that the policies had benefits for all service members by creating a more inclusive and diverse force.
- Policy changes to open more roles to women and to allow gay and lesbian personnel to serve openly in the U.S. military have similarly had no significant effect on unit cohesion, operational effectiveness, or readiness.

Recommendations

- DoD should ensure strong leadership and identify and communicate the benefits of an inclusive and diverse workforce to successfully implement a policy change and

successfully integrate openly serving transgender service members into the force.

- DoD should develop an explicit written policy on all aspects of the gender transition process to minimize any impact on service member or unit readiness.
- DoD should provide education and training to the rest of the force on transgender personnel policy, and it should integrate this training with other diversity-related training and education.
- DoD should develop and enforce a clear anti-harassment policy that addresses harassment aimed at transgender personnel alongside other targets of harassment.
- DoD should make subject-matter experts and gender advisers serving within military units available to commanders seeking guidance or advice on gender transition-related issues.

What were the key findings from the 2016 Rand Report?

Which of the recommendations do you believe would have the most positive impact for transgender service members? Why?

Document B

Tweets from President Donald J. Trump, July 26, 2017

After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....

— Donald J. Trump (@realDonaldTrump) July 26, 2017

....Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....

— Donald J. Trump (@realDonaldTrump) July 26, 2017

....victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you

— Donald J. Trump (@realDonaldTrump) July 26, 2017

What rationale does President Trump provide for reinstating the ban on transgender service members?

How does this rationale conflict with the rationale from the 2016 Rand Report?

Document C

Excerpt from “Executive Order on Enabling All Qualified Americans to Serve Their Country in Uniform” -Joseph R. Biden Jr.

JANUARY 25, 2021

“By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. All Americans who are qualified to serve in the Armed Forces of the United States (“Armed Forces”) should be able to serve. The All-Volunteer Force thrives when it is composed of diverse Americans who can meet the rigorous standards for military service, and an inclusive military strengthens our national security.

It is my conviction as Commander in Chief of the Armed Forces that gender identity should not be a bar to military service. Moreover, there is substantial evidence that allowing transgender individuals to serve in the military does not have any meaningful negative impact on the Armed Forces. To that end, in 2016, a meticulous, comprehensive study requested by the Department of Defense found that enabling transgender individuals to serve openly in the United States military would have only a minimal impact on military readiness and healthcare costs. The study also concluded that open transgender service has had no significant impact on operational effectiveness or unit cohesion in foreign militaries.

On the basis of this information, the Secretary of Defense concluded in 2016 that permitting transgender individuals to serve openly in the military was consistent with military readiness and with strength through diversity, such that transgender service members who could meet the required standards and procedures should be permitted to serve openly. The Secretary of Defense also concluded that it was appropriate to create a process that would enable service members to take steps to transition gender while serving.

The previous administration chose to alter that policy to bar transgender persons, in almost all circumstances, from joining the Armed Forces and from being able to take steps to transition gender while serving. Rather than relying on the comprehensive study by a nonpartisan federally funded research center, the previous administration relied on a review that resulted in a policy that set unnecessary barriers to military service. It is my judgment that the Secretary of Defense’s 2016 conclusions remain valid, as further demonstrated by the fact that, in 2018, the then-serving Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps, and Chief of Staff of the Air Force all testified publicly to the Congress that they were not aware of any issues of unit cohesion, disciplinary problems, or issues of morale resulting from open transgender service. A group of former United States Surgeons General, who collectively served under Democratic and Republican Presidents, echoed this point, stating in 2018 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.”

Therefore, it shall be the policy of the United States to ensure that all transgender individuals who wish to serve in the United States military and can meet the appropriate standards shall be able to do so openly and free from discrimination.”

What rationale does President Biden provide for allowing transgender service members to serve openly in the military?

What advocacy took place that led up to this Executive order?