

REPRESENT

Transphobia and National Security OCTOBER 2020

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Represent is a series from the CSIS International Security Program on diversity, inclusion, and representation in national security. Shawn Skelly, a retired Navy officer and former commissioner for the National Commission on Military, National, and Public Service, presents the data about transgender Americans and explains why banning them from military service affects more than just the military.

Is transphobia relevant to national security? Like other forms of discrimination, transphobia contradicts the respect, acceptance, and inclusion of Americans as stakeholders of, and valued contributors to, our nation and its security. Transphobia has a clear, negative effect on our national security, harming the institutions responsible for protecting us, the society those institutions are meant to serve, and the vital relationship between the two.

Transgender Americans are in every demographic—every generation, walk of life, geographic and political region and, most relevant to the consideration of this essay, every profession in the United States. Despite the challenges and often tragic injustices so many of us face, we are doctors, lawyers, engineers, educators, artists, pilots, scientists, actors, journalists, entrepreneurs, civil servants, and military servicemembers. We always have been and we always will be. We are Americans.

Yet we are often invisible to our fellow Americans. Less than one in four people in this country has a family member or friend who is trans, [compared to nearly seven in ten](#) who have a gay or lesbian person in their lives. Overall, while acceptance of trans people in American life is [gradually increasing](#), it is driven by younger generations that have not yet reached senior decision-making or leadership positions in [government](#) and [military](#) service.

Transgender Americans are also the most targeted for discrimination, and among the most vulnerable people in our society. Compared to the average American, we are much more likely to suffer from [food](#) and [housing](#) insecurity, experience greater [unemployment](#), and encounter more [discrimination](#) and [violence](#), often at rates many times the national average. This is especially the case for those transgender Americans who are younger, black, indigenous, or people of color. Despite a multitude of [federal court rulings](#) increasingly affirming the protection of transgender people under the Constitution, most recently by the [U.S. Supreme Court](#), many states have [laws and policies](#) infringing the equality, inclusion, and well-being of transgender Americans, and new laws are continually being [proposed](#).

It was only twenty-two years ago that sexual orientation was officially precluded as a rationale for denial of a [security clearance](#), and just nine years have passed since gay, lesbian, and bisexual servicemembers could openly serve following the repeal of Don't Ask Don't Tell.

The particular vehemence of the focus on transgender Americans is evident in an [administration brief](#) filed with the Supreme Court in *Bostock v. Clayton County*. In it, the government argues that federal law “does not prohibit discrimination against transgender persons based on their transgender status.” Not to be deterred following the Court’s decision in that case in favor of LGBTQ workplace protections under Title VII, the White House immediately began to espouse official Executive Branch arguments designed to [negate the ruling](#) with regard to transgender people.

The centerpiece of the administration’s [campaign](#) against the place of transgender Americans in our society is the policy [effectively banning](#) transgender people from openly joining and serving in our armed forces, reversing the policy established by the Obama Administration. After the president precipitously announced the decision on Twitter, the DoD ultimately reverse-engineered supporting rationales. [Policy claims](#) such as “special accommodations for medical conditions requiring sustained medical intervention”, and the [President’s](#) own claims on the [cost of care](#) for transgender servicemembers have been readily [debunked](#).

The [policy](#) is also contrary to [research findings](#) about the impact of transgender servicemembers on military readiness and the positions of the [American Medical Association](#), [American Psychiatric Association](#), [American Psychological Association](#), [six former Surgeons General of the United States](#), [dozens of retired flag and general officers, to include two recent Chairmen of the Joint Chiefs of Staff](#), and the [Congressional testimonies](#) of [service chiefs](#). As demonstrated by those who are currently serving in all manner of specialties, to include infantry and tactical aviation, there is no reason to think transgender Americans are incapable of meeting the qualifications and standards required of any other recruit or candidate. It is not the presence of transgender service members which threatens military readiness, it is policy’s very discrimination against them. Even as the department’s policy bars willing and able transgender Americans from serving, the Army is [grappling](#) with nearly thirteen Brigade Combat Teams-worth of soldiers with myriad [non-deployable conditions](#).

The ban also creates unnecessary friction within the force. As we saw in the era of the damaging Don’t Ask, Don’t Tell policy banning gay and lesbian Americans from openly serving, the stigmatization of transgender identities can make superiors reluctant to engage with their troops and create barriers to their performance and advancement. The ban and its bigoted presumptions can also give aid and comfort to transphobic individuals in the armed forces. The effect of the ban is contrary to good order and discipline, in addition to its base insult to the dignity of the transgender Americans serving in uniform and those patriotic Americans who seek to join them.

The transphobia behind the ban on military service has effects well beyond the military ranks. It “[others](#)” transgender people as government policy. By denying transgender Americans the recognition and benefit of participation in the most respected American [institution](#), the government portrays us as less than full members of society.

One of the historic mechanisms that repressed groups’ have for expanding civil rights has been the ability to fight for the country that tries to reject them. Their ranks include immigrants who wore the uniform shortly after arriving on our shores, and Black Americans who served in World Wars I and II. These Americans rightly demanded that their service be respected with equal rights, helping to propel the modern civil rights movement and [producing](#) some of its [prominent leaders](#). This also includes the Japanese-Americans who were interned during World War II and responded by producing the 100th Infantry Battalion and 442nd Regimental Combat Team which became one of the most decorated units in Army [history](#). Many of these Americans became political leaders and civil rights [activists](#), not only for Japanese-Americans, but all Americans. Military service isn’t the only determinant of American worth and respect,

but it is a significant, historic factor in the struggle for groups of Americans to gain the recognition and justice due to all.

It is in this light where transphobia becomes most harmful to our national security, in its effect upon our society's consideration of serving the country and our fellow Americans, not just in uniform in the armed services, but in public service writ large.

The damage done by this policy also reaches forward into the future. Generation Z, Americans 24 years old and younger, are the critical answer to the question of [who will fill the positions](#) that are vital to our national security. They have already been [joining the ranks](#) of the All-Volunteer Force for several years and will remain its mainstay for years to come. Gen Z is also [the generation we need](#) to revitalize our aging federal civil service in the decades ahead. Yet discriminatory policies deter this generation from national service.

Gen Z Americans, along with many of their Millennial predecessors, have a much greater acceptance of transgender, gender non-conforming, and nonbinary Americans than the generations that currently dominate American political, governmental, and military leadership. Generation Z's views are also much less divided along partisan political lines than their [predecessors](#). This latest generation is the most diverse in American history and it [expects to see that diversity](#) not only reflected in their world and their government, they expect to see it respected and protected.

I've personally seen evidence of this expectation, and its relevance, in my recent service as a Commissioner on the [National Commission on Military, National, and Public Service](#). Without prompting, young Americans of high school and college ages would raise the ban as diminishing their propensity to choose public service or military careers and damaging their estimation of the federal government. Likewise, nationally regarded academics and experts on military personnel matters and civil-military relations also raised the transgender service ban in official Commission hearings, pointing to its negative impact on both recruitment and the public's views of military service and the federal government, particularly in the rising Gen Z population.

The transgender service ban is a key component of the attempt to cleave millions of Americans from the very society many of us have already fought and undoubtedly died for, and still fight for today. Its intent is to ensure that no more transgender veterans, American heroes, are created— people who can be held up as exemplars of the worth of not just transgender Americans, but every American. How much more difficult will it be to deliberately deny healthcare, education, employment, and housing to a transgender American and their family when they are a veteran? And once a case is made and accepted that a veteran should not be treated thusly because they happen to be transgender, the argument to deny all transgender Americans anything that other Americans enjoy rapidly falls apart.

All people have dignity and value, as citizens, as servicemembers, as public servants, and most importantly as shared stakeholders in a healthy society. Transphobia and its fruits are antithetical to both that cherished ideal and our national security today.

Author

Shawn Skelly is a retired Navy officer who served in the Obama Administration as a Special Assistant in the Department of Defense and as Director of the Executive Secretariat of the Department of Transportation as the first and to date only out transgender veteran appointed by a President of the United States. She recently served as a Commissioner on the National Commission on Military, National, and Public Service, is a Co-Founder and Vice President of Out in National Security, and is a member of the Atlantic Council LGBTI Advisory Council and the Service Year Alliance Leadership Council.

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