

September 13, 2017

Dear Senator:

The National Women's Law Center strongly supports Gillibrand-Collins Amendment 869 to H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018

The bipartisan Gillibrand-Collins amendment would protect currently-serving transgender service members from President Trump's discriminatory and unconstitutional ban on transgender people serving in the military. President Trump's ban's violates guarantees of equal protection and due process by treating transgender members of the military as second-class citizens. It constitutes invidious discrimination on the basis of sex and on the basis of gender identity. This discriminatory treatment of transgender people should be clearly rebuked by the courts and Congress.

All qualified individuals who are willing put their lives at risk to serve in our nation's military should be allowed to serve. The thousands of transgender service members serving in the military, including those represented in lawsuits brought by Lambda Legal and the American Civil Liberties Union, need Congress to quickly and decisively act.¹

Although this amendment does not address new accessions, it would draw a necessary line in the sand that rejects discharging service members on the basis of their gender identity, protecting transgender people currently serving from involuntary separation from the military.

While Secretary of Defense James Mattis has stated that transgender individuals will temporarily be able to stay in the military, this is not assurance enough that service members will be shielded from President Trump's baseless discrimination as commander-in-chief. Secretary Mattis has stated that this permission to continue to serve is only for the interim, while he determines how to implement President Trump's ban.²

The Gillibrand-Collins amendment also codifies the study announced by Secretary Mattis on June 30, 2017, on the review of policy on the accession of transgender individuals into the Armed Forces, stating it must be completed no later than December 31, 2017, and submitted to Congress no later than February 21, 2018. This review would ensure that enlistment policy is grounded in facts and the law, rather than discriminatory conjecture.

For all of these reasons, we urge you to vote YES on Gillibrand-Collins Amendment 869 to the NDAA.

If you have any questions, please contact Emily Martin at the National Women's Law Center (emartin@nwlc.org). Thank you for your consideration.

Sincerely,



Emily Martin
General Counsel and Vice President for
Workplace Justice

¹ <http://www.cnn.com/2017/08/28/politics/transgender-service-members-military-ban/index.html>

² <http://time.com/4921270/james-mattis-transgender-ban-donald-trump/>