

For Friends unfamiliar with transgender concerns and discrimination:

Definitions

Transgender: having an innate sense of gender different from that assigned at birth

Cisgender: having an innate sense of gender the same as that assigned at birth

Transition: any of: using a new set of name/pronouns, changing clothing styles, changing appearance, etc.

Gender dysphoria: “a distressed state arising from conflict between a person's gender identity and the sex the person has or was identified as having at birth.” Often exacerbated by being called by the wrong name or pronouns and by having to dress and present oneself as the wrong gender.

Legal protections

- Gender identity is legally protected (for employment, housing, etc.) in only 21 states, DC, Guam, and Puerto Rico.
- In 2012, the EEOC ruled that discrimination on gender identity *counts* as sex discrimination in violation of Title VII of the Civil Rights Act.
- In 2014, an Executive Order added “gender identity” to list of protected statuses for federal employment (both as an employee and as a contractor). The DOJ directed courts to interpret discrimination on gender identity as a type of sex discrimination.
- In 2017, those 2014 changes **were revoked**. The President announced he would seek to ban transgender service members from the military.

The Ban

- Adds “gender dysphoria” to the list of pre-existing conditions disqualifying service.
- After April 12, personnel can be fired if they are diagnosed with gender dysphoria or begin transition.
- Everyone else (new recruits and undiagnosed current service members) must have lived for the last 3 years as their sex assigned at birth with no dysphoria.

Concerns

- Due to other forms of discrimination faced by transgender people (e.g. lack of family support, leading to lack of access to education), transgender people are more than twice as likely to join the military as cisgender people are¹.
- The military is the largest employer of transgender individuals. There may be 15,500 active duty transgender personnel¹.
- It is estimated that **13,700** transgender individuals could **lose their jobs**² due to this ban.
- The federal government's behavior sets expectations for private sector. This could be reasonably expected to result in increased discrimination in private industry.
- The unemployment rate among transgender people is 15%—three times higher than the general population¹.

¹

<https://www.washingtonpost.com/news/posteverything/wp/2017/07/28/president-trumps-trans-military-ban-is-far-more-cruel-than-you-realize/>

² <https://www.advocate.com/transgender/2019/1/23/defense-dept-about-fire-more-13700-trans-people>