

Congress of the United States
Washington, DC 20515

June 19, 2020

The Honorable Mark Esper
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Secretary Esper,

We write today as Members of Congress who previously served on active duty or in national security fields. We request that the Department of Defense rescind its discriminatory policy on transgender military service and remove the presumptive disqualification for transgender individuals who want to serve our country in the armed forces.

The U.S. Supreme Court recently ruled that Title VII of the Civil Rights Act of 1964 protects LGBTQ employees from being discriminated against on the basis of sexual orientation or gender identity. In the Court's majority opinion, Associate Justice Neil Gorsuch wrote that when an employer fires an employee "for being homosexual or transgender," that employer "fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."

While lower courts have held that Title VII does not apply to uniformed military personnel, it is in our nation's interest that the policies of our armed forces align with the spirit and intent of our civil rights laws to the utmost extent possible. Indeed, it is in our military's own interest to focus on standards that directly impact mission success like physical fitness rather than on policies that effectively discriminate against patriotic Americans based on gender identity. We strongly urge you to rescind the Department's policy on transgender military service and stand ready—as Members of Congress, as veterans, and as Americans—to assist.

We look forward to your response.

Sincerely,



Ted W. Lieu
Member of Congress



Ruben Gallego
Member of Congress



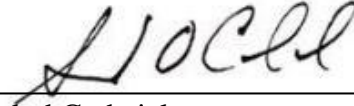
Chrissy Houlahan
Member of Congress



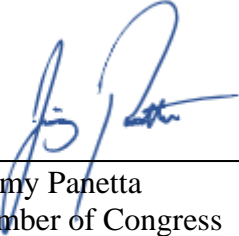
Bill Pascrell, Jr.
Member of Congress



Mikie Sherrill
Member of Congress



Salud Carbajal
Member of Congress



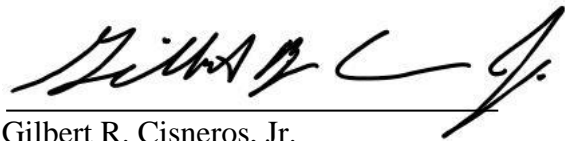
Jimmy Panetta
Member of Congress



Anthony G. Brown
Member of Congress



Seth Moulton
Member of Congress



Gilbert R. Cisneros, Jr.
Member of Congress



Tom Malinowski
Member of Congress



Jason Crow
Member of Congress