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**JOINT STATEMENT FROM THE SERVICEMEMBERS LEGAL DEFENSE NETWORK AND
THE NATIONAL CENTER FOR TRANSGENDER EQUALITY
FOR IMMEDIATE RELEASE**

***** ATTENTION TRANSGENDER SERVICE MEMBERS ***
It is NOT safe to come out as transgender**

As you know, Congress may repeal "Don't Ask, Don't Tell" (DADT) soon. But you should remember two things: 1) even if Congress votes to repeal the law, actual repeal is contingent on the Department of Defense (DoD) and the President taking some additional steps to finalize the change; and 2) DADT only applies to service members who are gay, lesbian or bisexual—not to transgender service members. Even if DADT is repealed, you can still be discharged for being transgender.

The military can discharge you for being transgender in two ways:

1. You may be considered medically unfit because of Gender Identity Disorder;
2. You may be considered medically unfit if you have had genital surgery.

Transgender people are sometimes impacted by "Don't Ask, Don't Tell":

Even though DADT doesn't directly apply to you, transgender people have been discharged under DADT in the past and will continue to be until it is repealed. Investigators may not know the difference between sexual orientation and gender identity. If you are serving as a woman, but wear men's clothing or have a masculine appearance, military investigators may assume that you are a lesbian; likewise, if you are serving as a male, but wear women's clothing or have a feminine appearance, investigators may believe that you are gay.

Transgender people are also impacted by other rules and regulations:

It can be considered prejudicial to good order and discipline to act or dress in ways that don't meet stereotypes of men and women. For example, service members can be court-martialed for cross-dressing.

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There is also a duty to report any change in your medical status. If, for example, you take hormones, or if you have top surgery, there is a duty to report that “change in medical status” to the military. That information could lead to your discharge for being transgender.

Warning about talking to medical professionals and chaplains:

You should also be aware that DoD recently made changes to "Don't Ask, Don't Tell" that allow lesbian, gay and bisexual service members to make confidential statements about their sexual orientation to mental health, medical and religious professionals. These protections, unfortunately, do not apply to you. ***It is not safe to reveal that you are transgender or that you have questions about whether you may be transgender.***

Remember:

- Service members should NOT come out as transgender¹.
- Transgender service members still cannot openly serve within the military.
- Transgender service members will still be discharged under "Don't Ask, Don't Tell" until the law is repealed, even though it doesn't directly apply.
- You should not share information or questions about your gender identity with medical doctors, psychologists or chaplains².
- Contact SLDN to schedule an appointment with an SLDN attorney if you have questions about your status.

What we're doing about it

Because Congress created a separate law, “Don't Ask, Don't Tell,” that singles out service members who are gay, lesbian or bisexual, it is important to remember that work on repealing that law is important but different than the work being done to address the right of transgender people to serve openly. The military will need to update its understanding of the medical and mental health treatment of transgender people before you can be open about your gender identity.

Both of our organizations will continue to work until all LGBT service members, including transgender people, can serve openly, without fear of discrimination or discharge because of their gender identity or sexual orientation.

¹ We respect the fact that some servicemembers may feel they need to come out for a variety of personal reasons. However, you should be aware that coming out as transgender will almost certainly end your career in the military, may lead to disciplinary action, and can have other very negative outcomes for you and your family. If you feel you need to come out, we urge you to speak to SLDN first so that you are fully informed and understand the discharge and/or discipline processes that will begin after you come out.

² You can speak confidentially to a **civilian** religious professional, provided that you are specifically seeking spiritual services, such as confession or pastoral care. However, if you seek civilian medical or mental health care, you are required to report this to the military, and so discussing your gender identity with those types of providers puts you at significant risk.

As you know, changing military policy takes time. We are building the arguments—based on modern medicine and mental health care—to address the wrong and outdated way that the military considers transgender people as unfit to serve and strategizing about ways to address the military’s policy of discrimination.

SLDN continues to provide much-needed legal services to transgender people caught up in DADT or being discharged because of their transgender identity. If you need help, call 202-328-3244 x100 or email legal@sldn.org to schedule an appointment with an SLDN attorney. If you have concerns about your status, please contact them right away.

We know that this situation is unfair and wrong and we will keep working to change it. But until those changes come down the road, we want you and your family to be safe.

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