

United States Senate
WASHINGTON, DC 20510

April 22, 2025

The Honorable Pete Hegseth
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Hegseth:

We write to express our expectation that the Department of Defense (Department) adhere to recent U.S. District Court injunctions halting terminations of transgender servicemembers and provide all servicemembers with equal protection under the law by protecting the constitutional and legal rights of our Nation's transgender troops. Our extreme concern over the demonstrably false and propaganda-laden claims in President Donald Trump's January 27, 2025 Executive Order "Prioritizing Military Excellence and Readiness" (EO) is rooted in our commitment to military recruiting and readiness.

Fewer than one percent of the American people—approximately 0.4 percent—choose to serve in the U.S. Armed Forces.¹ Given the unwillingness or inability of 99.6 percent of the U.S. population to serve in our military, the last thing our Nation should be doing is rejecting patriotic Americans who are ready and willing to serve our country in uniform and bravely accept the risk of making the ultimate sacrifice.

The United States military became the greatest fighting force in the world by pioneering the integration of diverse groups.² In fields where performance is the top priority, effective leaders recruit from the widest pool of applicants, understanding that arbitrarily restricting eligibility on a discriminatory basis betrays the very concept of meritocracy. We have triumphed over our enemies because military effectiveness and lethality are strengthened by a broad range of skills, experiences and backgrounds.³ Naysayers who have derided the U.S. military as lacking the discipline, intelligence and ability to achieve unit cohesion among Americans of different classes, races, ethnicities, religions and yes, genders, have been proven wrong again and again.

This should not be a controversial issue: most Americans support transgender individuals serving in the military, and a 2020 study found that transgender servicemembers reported above-average physical health and few risk behaviors.⁴ As the Joint Force faces a recruiting crisis amid a staggering attrition rate for new troops (nearly a quarter of Army recruits have failed to complete

¹ Mona Chalabi, "What Percentage Of Americans Have Served In The Military?," March 19, 2015, <https://fivethirtyeight.com/features/what-percentage-of-americans-have-served-in-the-military>.

² Michael X Garrett, "Military Diversity: A Key American Strategic Asset," *Military Review*, 2021, <https://web.archive.org/web/20250118112613/https://www.armyupress.army.mil/Journals/Military-Review/English-Edition-Archives/May-June-2021/Garrett-Military-Diversity/>; rep., *Department of Defense Board on Diversity and Inclusion Report: Recommendations to Improve Racial and Ethnic Diversity and Inclusion in the U.S. Military* (Washington, DC, 2020), <https://web.archive.org/web/20250117222350/https://media.defense.gov/2020/Dec/18/2002554852/-1/-1/0/DOD-DIVERSITY-AND-INCLUSION-FINAL-BOARD-REPORT.PDF>.

³ *Id.*

their initial contracts since 2022), our Nation cannot afford to expel several thousand troops serving honorably on a baseless, hateful whim.⁵

The Trump administration's repeated attacks on the transgender community reveal an ideological obsession rooted in a poor understanding of science. Transgender identities are valid, and respecting someone's gender identity while minding your own business harms no one.⁶ All servicemembers—cisgender and transgender—benefit from investing in unit cohesion, contrary to the false claims in the EO.⁷ This policy insults the service of brave Americans who believe that all people, regardless of differences, are equal and have a right to life, liberty and the pursuit of happiness. Contrary to the low opinion you and the President seem to have of our servicemembers' professionalism and commitment to mission accomplishment, we believe that our troops can serve together cohesively in pursuit of military effectiveness and excellence, regardless of their differences in identity. Fox News television personalities—not military units—are the ones bothered by transgender people faithfully serving their country.

This EO establishes a dangerous precedent, allowing the President to arbitrarily decide that an entire group of people is harmful to an undefined ideal of "unit cohesion" and purge them from the Joint Force—without producing any meaningful evidence. You have already personally questioned women's fitness to serve and erased public records of accomplishments by American military heroes from minority backgrounds.⁸ Who will be targeted next?

⁴ Brendan Rascius, "Do Americans support transgender people serving in the military? What a new poll found," February 10, 2025, <https://www.miamiherald.com/news/nation-world/national/article300054419.html>; Natasha A. Schvey et al., "A Descriptive Study of Transgender Active Duty Service Members in the U.S. Military," *Transgender Health* 5, no. 3 (September 1, 2020): 149–57, <https://doi.org/10.1089/trgh.2019.0044>.

⁵ Stephen Silver, "The U.S. Military's Great Recruiting Crisis Might Not Be Over," 19FortyFive, February 8, 2025, <https://www.19fortyfive.com/2025/02/the-u-s-militarys-great-recruiting-crisis-might-not-be-over>; Steve Beynon, "The Army Is Losing Nearly One-Quarter of Soldiers in the First 2 Years of Enlistment," Military.com, March 7, 2025, <https://www.military.com/daily-news/2025/03/07/army-losing-nearly-one-quarter-of-soldiers-first-2-years-of-enlistment.html>; "Transgender Military Service," Human Rights Campaign, January 28, 2025, <https://www.hrc.org/resources/transgender-military-service>.

⁶ David Matthew Doyle, "Transgender Identity: Development, Management and Affirmation," *Current Opinion in Psychology* 48 (December 2022), <https://doi.org/10.1016/j.copsyc.2022.101467>; "The New Science of Sex and Gender," *Scientific American*, September 1, 2017, <https://www.scientificamerican.com/article/the-new-science-of-sex-and-gender/>; L. Zachary DuBois and Heather Shattuck-Heidorn, "Challenging the Binary: Gender/Sex and the Bio-logics of Normalcy," *American Journal of Human Biology* 33, no. 5 (June 6, 2021), <https://doi.org/10.1002/ajhb.23623>; Kristina R. Olson, Aidan C. Key, and Nicholas R. Eaton, "Gender Cognition in Transgender Children," *Psychological Science* 26, no. 4 (March 5, 2015): 467–74, <https://doi.org/10.1177/0956797614568156>; "Understanding transgender people, gender identity and gender expression," American Psychological Association, July 8, 2024, <https://www.apa.org/topics/lgbtq/transgender-people-gender-identity-gender-expression>.

⁷ Tom O.G. Lewis, Manuela Barreto, and David Matthew Doyle, "Stigma, Identity and Support in Social Relationships of Transgender People throughout Transition: A Qualitative Analysis of Multiple Perspectives," *Journal of Social Issues* 79, no. 1 (June 28, 2022): 108–28, <https://doi.org/10.1111/josi.12521>; David Matthew Doyle, "Transgender Identity: Development, Management and Affirmation," *Current Opinion in Psychology* 48 (December 2022), <https://doi.org/10.1016/j.copsyc.2022.101467>; Brooke C. Feeney and Nancy L. Collins, "A New Look at Social Support," *Personality and Social Psychology Review* 19, no. 2 (August 14, 2014): 113–47, <https://doi.org/10.1177/1088868314544222>.

⁸ Leo Shane, "Hegseth orders review of physical standards for military combat roles," March 31, 2025, <https://www.militarytimes.com/news/pentagon-congress/2025/03/31/hegseth-orders-review-of-physical-standards-for-military-combat-roles>; Lolita C Baldor and Tara Copp, "The Pentagon's DEI purge: Officials describe a scramble to remove and then restore online content," March 22, 2025, <https://apnews.com/article/pentagon-dei-diversity-social-media-purge-fb15996733408a8122a97acd3baa6820>.

Nearly 20 percent of the transgender community are current servicemembers or Veterans, a significantly higher rate than the approximately seven percent of all U.S. adults fitting these categories.⁹ In return for this patriotism, the administration denies transgender servicemembers not only the ability to serve, but also the resulting benefits they have earned.¹⁰ The EO and ensuing Department policy proposals specifically target transgender individuals who have accessed gender-affirming care, even though such care continues to be accepted as evidence-based, medically necessary and highly effective by all major medical and behavioral health professional organizations, including the American Medical Association and the American Psychological Association.¹¹

On March 18, 2025, U.S. District Court Judge Ana Reyes issued a nationwide preliminary injunction in *Talbott v. Trump* (1:25-cv-00240, (D.D.C.)), blocking implementation of the EO. Judge Reyes stated that the ban undermines national security, is likely unconstitutional and is “soaked with animus and dripping with pretext.”¹² 10 days later, U.S. District Court Judge Benjamin Hale Settle, a former JAG officer appointed by President George W. Bush, issued a second nationwide injunction against the transgender military ban in *Shilling v. Trump* (2:25-cv-00241 (W.D. Wash.)).¹³ These injunctions were timely, as the Department was scheduled to begin implementing the ban on March 28, 2025, despite several military experts and former leaders characterizing this rapid timeframe as “rushed,” “alarming” and “brutal.”¹⁴ We could not agree more.

As the Secretary of Defense, you are ultimately responsible for ensuring the United States maintains a strong and capable fighting force that will keep Americans safe. This harmful EO negatively impacts national security and undermines your oath of office. Given the recent legal developments concerning the order, we request that you respond to the following questions in writing by April 25, 2025:

1. Do you commit to following the nationwide injunctions from *Talbott v. Trump* and *Shilling v. Trump* regarding implementation of President Trump’s transgender servicemember ban? Please explain the steps taken to comply with these injunctions.
2. How many taxpayer dollars will be spent to implement this policy?

⁹ “Military & Veterans,” Advocates for Trans Equality, 2025, <https://transequality.org/issues/military-veterans>; Katherine Schaeffer, The changing face of America’s veteran population, November 8, 2023, <https://www.pewresearch.org/short-reads/2023/11/08/the-changing-face-of-americas-veteran-population>.

¹⁰ Matt White, “Pentagon Orders Immediate Hold on Gender-Affirming Care for Transgender Troops,” Task & Purpose, February 10, 2025, <https://taskandpurpose.com/news/hegseth-memo-transgender-care>.

¹¹ “AMA Reinforces Opposition to Restrictions on Transgender Medical Care,” American Medical Association, June 15, 2021, <https://www.ama-assn.org/press-center/press-releases/ama-reinforces-opposition-restrictions-transgender-medical-care>; “APA Policy Statement on Affirming Evidence-Based Inclusive Care for Transgender, Gender Diverse, and Nonbinary Individuals, Addressing Misinformation, and the Role of Psychological Practice and Science,” American Psychological Association, February 2024, <https://www.apa.org/about/policy/transgender-nonbinary-inclusive-care>.

¹² “Talbott v. USA,” GLAD Law, April 2025, <https://www.glad.org/cases/talbott-v-trump>.

¹³ Settle, Benjamin Hale, 2025, <https://www.fjc.gov/history/judges/settle-benjamin-hale>; “Second Federal Court Blocks Trump’s Transgender Military Ban,” GLAD Law, March 28, 2025, <https://www.glad.org/second-federal-court-blocks-trumps-transgender-military-ban>.

¹⁴ *Id.*; Carlos Del Toro, Ex-Navy Secretary: Trump’s Trans Military Purge Is Rushed, Brutal, March 17, 2025, <https://www.newsweek.com/ex-navy-secretary-trumps-trans-military-purge-rushed-brutal-opinion-2043591>.

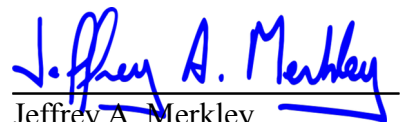
- a. As of the date of this letter, how much has been spent on the government's defense in the aforementioned lawsuits and any other legal challenges related to this EO?
 - b. Approximately how many taxpayer dollars have been spent on training, continuing education, fitness testing, boarding and other related expenses on the transgender troops you are seeking to expel from the Joint Force?
 - c. What is the estimated cost for administrative time spent scouring records to identify transgender servicemembers, pursuing the administrative separation process, providing transition services and implementing associated lifetime benefit payouts to forcibly remove honorably serving, fit transgender troops from service?
3. Were any servicemembers prematurely dismissed due to the EO and planned policy implementations? What assistance was provided to help these individuals transition back to civilian life?
4. Please provide a detailed reintegration plan for any servicemembers prematurely separated or who began the separation process, outlining how the Department is working to undo the harm already done.
5. Do you commit to consulting with professional organizations, such as the American Medical Association and the American Psychological Association, to ensure that our Nation's transgender servicemembers receive the medically necessary, evidence-based healthcare they earned in service to our country?
6. How will you ensure that transgender servicemembers can continue to serve without facing stigma or backlash resulting from the Trump administration's targeted attacks against them?

The ban on transgender service members will have long-term consequences on military morale and recruitment. Addressing these issues promptly is crucial to prevent negative impacts on the Armed Forces. As the Secretary, you have the opportunity to help reverse the Trump administration's anti-science, ideologically driven agenda. Swift corrective action will help preserve the military's integrity and ensure it continues to attract and retain the best talent. Denying any servicemember who has met the qualifications to serve our Nation the right to serve based on ideological grounds is inherently un-American and jeopardizes our national security. This administration's animus towards transgender heroes prioritizes a manufactured culture war over military excellence and readiness and is a purge of brave servicemembers who protect our freedoms.

Sincerely,



Tammy Duckworth
United States Senator



Jeffrey A. Merkley
United States Senator



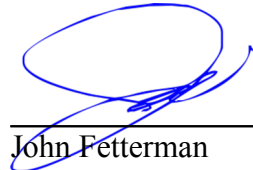
Kirsten Gillibrand
United States Senator



Sheldon Whitehouse
United States Senator



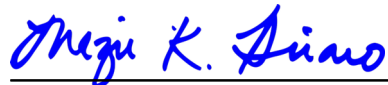
Chris Van Hollen
United States Senator



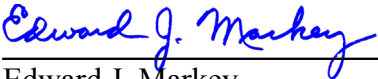
John Fetterman
United States Senator



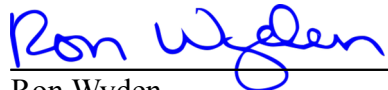
Elizabeth Warren
United States Senator



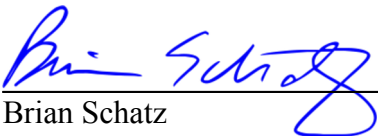
Mazie K. Hirono
United States Senator



Edward J. Markey
United States Senator



Ron Wyden
United States Senator



Brian Schatz
United States Senator



Cory A. Booker
United States Senator



Tammy Baldwin
United States Senator



Andy Kim
United States Senator

CC: Pamela Bondi, Attorney General, U.S. Department of Justice