For Immediate Release

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LGBT Lawyers Attacking Trump's Military Transgender Policy
Using Subpoenas to Punish CMR's First Amendment Rights of Free Speech

CMR Special Report: New Mattis/DoD Transgender Report Promotes Readiness First

Background: When President Trump formally announced his intent to review and revise Obama-era policies regarding transgenders in the military on August 25, 2017, predictable lawsuits ensued. Four federal district judges issued nationwide preliminary injunctions ordering the Trump Administration to retain Obama-era policies. Now LGBT activist plaintiffs have served the Center for Military Readiness with three subpoenas, demanding intrusive searches of CMR emails and communications related to the transgender issue. The following comments may be attributed to Elaine Donnelly, President of the Center for Military Readiness:

"Under Article II of the U.S. Constitution, President Trump has every right to review and change his predecessor's policies affecting military personnel who identify as transgender or suffer from gender dysphoria. Four federal district judges have tried to usurp presidential power, ordering the Trump Administration to continue Obama-era policies.

"LGBT activist lawyers have served three subpoenas on the Center for Military Readiness as a "non-party" in the litigation. They are demanding the right to search through private emails from the first day of the Trump presidential campaign, to the present, and beyond.

"It appears that they are trying to prove what amounts to a conspiracy theory. In their minds, President Trump did not announce a change in policy for pro-defense reasons. He must have been motivated by personal "animus" against transgenders, not the advice of military leaders. None of this is true.

"The subpoenas seek to violate our First Amendment rights of free speech, and to punish CMR for engaging in public policy discussions as an independent source of
information and analysis. CMR refuses to be intimidated, silenced, or deterred from our mission.

"As we have since our founding 25 years ago, CMR will continue to report on and analyze complex military/social issues. This includes the new policies regarding transgenders in the military which were announced on Friday, March 23. As reported in this article, President Trump approved recommendations he received from Secretary of Defense James Mattis on February 22. The Mattis/DoD report highlights new information and empirical data drawn from Defense Department experiences since June 2016:

- **CMR: Trump Transgender Policy Promotes Military Readiness**

"The 44-page Mattis/DoD Report makes a convincing case for restoring sound policies regarding persons who identify as transgender or suffer from a difficult psychological condition called **gender dysphoria**:

- **CMR Special Report: Trump Transgender Policy Promotes Military Readiness, Not Political Correctness** (33 pages)
- **FACT SHEET: The 2018 Mattis/Department of Defense Report** (4 pages)

The Mattis memo and DoD report proposed a nuanced approach that would a) Allow persons identifying as "transgender" but without **gender dysphoria** to serve in their **biological gender**, if they have been "stable" for **36 months** and meet requirements for deployability; b) Disqualify persons with gender dysphoria from military service; and c) Retain "grandfathered" personnel identifying as transgender and receiving treatment under previous administration policies.

In particular, the Mattis/DoD report:

- Asserts **sound priorities**: mission readiness and combat lethality.
- Honors previous commitments with **grandfather** provisions, nullifying lawsuit claims
- States that persons with gender dysphoria will **not be eligible** for military service.
- Allows some gender-non-conforming individuals to serve as persons of their biological gender, if they meet other **medical and deployment requirements**.
- Reveals DoD data gathered since 2016, showing that **994** service members with gender dysphoria accounted for **30,000** mental health visits.
- Cites newly-released data from DoD Health System records showing **3-times greater** (300% increase) in medical costs for persons seeking treatment for gender dysphoria.
- Quotes commanders who said they had to use **operations and maintenance funds** to pay for extensive travel throughout the U.S. for specialized transgender medical care.
• Reports that individuals with gender dysphoria are (sadly) "eight times more likely to attempt suicide" and "nine times more likely to have mental health encounters" than other servicemembers
• Notes the lack of credible studies proving that transgender treatments and surgeries are effective in reducing psychological problems and high risks of suicide.
• Criticizes the 2016 RAND Report, which failed to examine the potential impact of problems with readiness, personal safety, perceptions of fairness and equity, privacy, and other factors that are critical to unit cohesion.

"No one can guarantee future court rulings, but the Mattis/DoD recommendations and report will provide a powerful rationale for Supreme Court intervention on constitutional grounds, especially in view of many legal precedents justifying "deference" to the elected branches of government on matters of national defense.

"LGBT activists have accused President Trump of colluding with a few private organizations, including the Center for Military Readiness, who (they say) wrote the new transgender policy.

"Like all public policy organizations, CMR hopes that our work will be read in high places, but this conspiracy theory has no basis in fact:

• In June 2017, the AP reported that three of four military service leaders wanted one or two years more time before implementing Obama-era transgender mandates.

• In recent testimony before the House Armed Services Committee, Defense Secretary Mattis Secretary said of the DoD report, "It was the best military advice I could draw from civilian overseers and military personnel, both officer and senior enlisted." (HASC video, time marker at 1:01:24 to 1:01:44)

• Secretary Mattis also said that when military leaders expressed concerns about implementation questions early in the Trump administration, he called for an in-house study of the issue on June 30, 2017. (HASC video at 2:32:26 to 2:33:32)

• "That review began weeks before President Trump first expressed his intent to change Obama-era policies with July tweets and his presidential Memorandum in August 2017.

"Secretary Mattis shed more light on the truth during recent testimony before the Senate Armed Services Committee.

"In response to questions from Sen. Kirsten Gillibrand (D-NY), Mattis said that he had asked military leaders whether they had been invited to provide input before Secretary Carter imposed transgender mandates. They said 'no, they did not' - an admission that Secretary Mattis called 'very, very newsworthy.'
"The White House is claiming executive privilege to resist intrusive demands for visitor logs and other documents that the plaintiff's attorneys are hoping will prove their "animus" theories. Plaintiff attorneys have therefore extended their fishing expedition to the Center for Military Readiness, a non-party.

"And CMR is not the only target. Plaintiffs have imposed similar subpoena demands on the Family Research Council (FRC), The Heritage Foundation, and Liberty Counsel.

"CMR is prepared to defend its right to communicate with government officials, without being forced to allow those who oppose CMR's policy positions to violate our First Amendment rights to speak and to petition government officials on matters of national defense.

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More information on this issue is available on CMR's website, www.cmrlink.org. The Center for Military Readiness, founded in 1993, is an independent public policy organization that reports on and analyzes military/social issues.

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