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LDF Files Amicus Brief in Ninth Circuit Tracing Bigoted Roots of Transgender Military Ban

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) urging the Ninth Circuit Court of Appeals to find unconstitutional the U.S. government's ban on transgender Americans serving in the military. The brief explains that the justifications the government is relying on to discriminate against transgender people are almost identical to the explanations used more than a half century ago to discriminate against Black Americans.

"The ban on transgender military service is not just about the right to fight, it's about full equality as guaranteed by the Constitution," said LDF Assistant Counsel [Daniel Harawa](#). "By prohibiting Black people from serving their country, the U.S. Government denied them equal citizenship. The Government now seeks to do the same to transgender people. It was unconscionable and unconstitutional to allow prejudice to drive policy then, and it's no different today."

LDF's brief traces the history of the U.S. military's racially discriminatory policies, as well as the similarly discriminatory policies governing transgender service. In doing so, LDF highlights the prejudicial justifications the military once provided for discriminating against Black soldiers and likens them to the justifications the government is now using to ban transgender soldiers. After valiant service and sustained advocacy by civil rights activists, the U.S. government commissioned studies to understand the ramifications of the military's racial segregation and ban on transgender service, respectively. Even though they took place almost 60 years apart, their findings were remarkably similar: that these bigoted policies were indefensible and had cost lives and money. These studies led President Truman to sign an executive order integrating the military in 1948, and Secretary of Defense Ash Carter to issue a directive ending the prohibition on transgender military service in 2016.

Rather than learning from the military's history of discrimination, President Trump resurrected the ban on transgender military service in the summer of 2017. In its brief defending the change, the Administration asserted that transgender troops would harm military readiness, undermine military effectiveness, and be disproportionately costly. LDF's brief shows that these are the same justifications that the previous administration found baseless just two years ago, and they are almost identical to the unconstitutional justifications the government used to discriminate against Black people more than half a century ago. LDF's brief also notes that the Supreme Court has repeatedly found that discriminatory classifications by the federal government violate the Constitution, and that the ban on transgender military service should therefore be struck down.

Read the entire brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.