

## Unprecedented Attack on Our Servicemembers

Like many of Trump's most callous actions since taking office, this one began as a tweet: "the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military." Exactly two weeks later, NCLR, with the help of GLAD and two private law firms, filed the first lawsuit to stop Trump's hateful attack on transgender servicemembers.

In *Doe v. Trump*, our clients are eight transgender servicemembers from around the country who have collectively served this nation for decades in various branches of the military. Their lives changed dramatically after Trump's announcement, and they needed immediate help. One of our clients faces expulsion from the Naval Academy after years of working toward graduation. Another was unable to reenlist, putting her entire military career and financial future at risk. Another client's college ROTC program banned him because he is transgender. Two other clients lost surgery dates for medically necessary care. Other transgender people who are ready and willing to serve our country are barred from doing so. And transgender servicemembers stationed around the world now face the uncertainty of how they will support their families and perform their daily duties now that Trump has placed a target on their backs.

We were first to challenge Trump's harmful and discriminatory ban, and we will never abandon these brave individuals, no matter how long this battle takes. We will not sit idly by as Trump inflicts great harms on the LGBTQ community. Trump's actions violate the Constitution and lack any lawful justification. Indeed, they have no rational basis at all. While Trump has claimed that transgender servicemembers impose "tremendous medical costs and disruption," just the

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Plaintiff Regan Kibby at the Naval Academy with his mother and sister.



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## Letter from the Executive Director

As we head into fall, marked for me by my kids going back to school, I reflect on this summer, and even more than usual, cannot imagine where the time went. Our family did get a wonderful vacation in June, which is more than I can say for a number of NCLR staff, or more specifically NCLR Legal Director Shannon Minter, who has been pulled into emergency litigation to challenge Trump's shameful ban on transgender servicemembers. The past few months have been some of the most pressing and intense in my 23 years at NCLR. The range of destructive actions taken by this administration has us working, quite literally, around the clock.



Kate Kendell, Esq.

For the first time ever, NCLR filed a federal lawsuit challenging the actions of a sitting president. In the wake of the president's hateful tweets attacking transgender service-members, NCLR legal staff, our legal colleagues at GLAD and our co-counsel Foley, Hoag LLP and WilmerHale shifted into high gear. We identified plaintiffs, drafted our legal complaint, and just two weeks after Trump's terrible announcement, filed *Doe v. Trump*, the first lawsuit challenging this unprecedented assault on transgender service-members.

Our work on *Doe v. Trump* is essential and will require enormous resources and focus in the coming months. And, it is just one of many cases we are taking on to advance LGBTQ equality. In September, we won a landmark victory in the Arizona State Supreme Court, ensuring that Arizona must give same-sex spouses the same full panoply of rights that it gives to all other married couples. In this case, our client Suzan McLaughlin and her wife Kimberly had a child in 2011 using an anonymous sperm donor. When the couple separated, Kimberly refused to respect Suzan's parental status, forcing her to file a lawsuit to be recognized as a legal parent. Both the Arizona Court of Appeals and the trial court protected Suzan's parental rights. And on September 19, 2017, the Arizona Supreme Court agreed, issuing a broad unanimous decision that under *Obergefell* and NCLR's Supreme Court victory earlier this year in *Pavan v. Smith*, Arizona must treat same-sex married couples equally in all respects. But our work is not done. We will keep fighting until every state protects our families. These are just two key highlights from our work over the summer. You will read more in this newsletter. But even what is in these pages is but a snapshot of the enormous workload that NCLR passionately and expertly tackles every day. We know we are in a moment of great threat, and we are meeting that threat head on. No fear, no backing down, no retreat.

You give us this courage every day, for every battle. We've been doing this for 40 years, and we know that no time has ever been more critical to our future than this moment. We won't back down.

Stay strong,

A handwritten signature in blue ink, appearing to read 'Kate Kendell'.

Kate Kendell, Esq.  
NCLR Executive Director

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# Legal Helpline Calls Spike Under Trump Administration

For decades, NCLR's legal helpline has provided our community with free, critical legal information. In response to this administration, our attorneys have witnessed a significant spike in calls. Recent policy proposals and presidential appointments have openly targeted our community and struck fear into the hearts of LGBTQ people across the country. More than ever, people have questions about their own safety and the safety of their families.

During the month after the election, the number of calls received by NCLR's legal helpline tripled. And we experienced another large spike in January and February, after the inauguration, with double the usual number of calls for that period.

A large number of callers were concerned their marriages were in jeopardy, or that their legal relationship with their children was in danger. A number of transgender people also called, concerned that their ability to get legal recognition for their name and gender would be in danger, and asking whether it was possible to expedite getting new identity documents in their correct name and gender. Some people were worried about a possible repeal of the Affordable Care Act (ACA), which would cause them to lose essential health coverage, including for gender affirming care. Many of those calling



**Under the Trump administration, more people have questions about their own safety and the safety of their families.**

about this were able to get health insurance for the first time because of provisions in the ACA, in particular the Medicaid expansion. Also affecting many callers is the growing uncertainty about whether federal agencies will continue to vigorously enforce the anti-discrimination laws they are charged with enforcing, and which protect millions of LGBTQ people across the U.S. in the workplace, in their housing, and in schools.

In the wake of this uncertainty, NCLR will continue to provide free legal resources to our community and take on the cases needed to defend our community from these attacks.

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opposite is true. The Department of Defense has already determined after a comprehensive study that it is in the country's best interest for transgender servicemembers to serve openly. The RAND Corporation, an independent think tank formed after World War II, also concluded that healthcare costs for transgender people would represent "an exceedingly small proportion" of the military's overall health care costs.

Indeed, the military spends five times more on Viagra than it would on healthcare for transgender people.

We are now seeking an immediate court order to stop this new policy from going into effect. We will not wait for the worst to happen as Trump ignores our Constitution and targets our community for discrimination. There is no way forward but to fight Trump at every turn—and that's exactly what we intend to do.



# LGBTQ Immigrants Are More Likely to Be Undocumented—and Need Our Help

When the Obama Administration announced the Deferred Action for Childhood Arrivals (DACA) program in 2012, NCLR leapt into action. We already knew from our years of work in the community that LGBTQ immigrants were disproportionately likely to be undocumented for a variety of reasons, and foresaw a great need for LGBTQ-competent services for those seeking to apply for DACA. We quickly joined with a number of other LGBTQ organizations and the Haas Foundation to establish the LGBTQ DREAMers fund, which raised over \$100,000 in financial assistance to help applicants cover the costs of applying for DACA. We also organized and worked with pro bono attorneys to assist in putting together those applications. Shortly after, we expanded our Immigration Project staffing to provide additional support to our Immigration Project Director, Noemi, and to increase our capacity to participate in the vibrant and strongly LGBTQ and undocumented-led movement for immigration reform.

In the months after Trump's election and inauguration, the Immigration Project got an extremely large influx of calls from LGBTQ immigrants concerned about how the new administration would affect their immigration status, including many DACA recipients, and those who were fleeing homophobic and transphobic violence and were in the process of applying for asylum. A number of LGBTQ asylum seekers from the countries affected



NCLR is fighting to protect LGBTQ DREAMers, asylum seekers, and immigrants.

by the president's "Muslim ban" were worried about submitting their asylum petitions, concerned that they would be rejected without further consideration. We are also getting more calls from people in immigration detention.

In response to this administration's attack on immigrants, NCLR's Immigration Project, together with our counsel of attorneys, is working hard to save the DACA program and to expedite our asylum cases to provide a measure of safety and certainty for some of our most vulnerable clients. We are fighting on every front—in court and in Congress—to protect LGBTQ DREAMers, asylum seekers, and immigrants.

NCLR is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education.

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THE NATIONAL CENTER FOR LESBIAN RIGHTS NEWSLETTER

**OUT FOR JUSTICE**



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