

HONESTY, HUMILITY, INTEGRITY: PETE HEGSETH FAILS TO MEET STANDARDS HE CLAIMS TRANS SERVICE MEMBERS LACK

Amid the torrent of scandal and legal fights characterizing Donald Trump's second term, the United States faces a moral and ethical question about what it means to be honest, humble, to have integrity.

On the one hand, you have over forty (thirty-two, eight, two) plaintiffs, challenging Donald Trump's ban on their service in the military. They include Commander Emily Shilling, a naval aviator who flew over 60 combat missions before serving as a test pilot and now leading acquisition programs, Lieutenant Colonel Ashley Davis, who serves as an Air Battle Manager flying the E-3 AWACS, Major Minerva Bettis, who serves as an Air Force weapons instructor at Nellis Air Force Base, First Lieutenant Sean Kersch-Hamar, who serves as an Air Force weapons systems officer, Master Sergeant Logan Ireland, who serves as Flight Chief in the Air Force's Office of Special Investigations, Staff Sergeant Vera Wolf, who serves as an Air Force weapons specialist.

While this is just a selection of the 40 plaintiffs, these happen to be the kinds of people who make strikes like those launched against the Houthis on March 15 happen.

These plaintiffs are being kicked out of the military for no other reason than because they are transgender. To justify kicking out these service members, Donald Trump accused all transgender people of lacking the honesty, humility, and integrity, not to mention the "warrior ethos," to serve in the armed forces, a

claim adopted in DOD's implementation of Trump's order.

They are being kicked out by Pete Hegseth.

During his confirmation hearing to be Secretary of Defense, Pete Hegseth confessed to serial adultery. He confessed *to that* as a way to dodge questions about drinking before work, spousal abuse, and sexual misconduct. He confessed to serial infidelity but denied the other allegations.

After denying the allegations, Hegseth refused to say whether showing up to work drunk, engaging in spousal abuse, or sexually assaulting a woman would disqualify him from serving as Secretary of Defense.

Pete Hegseth refused to say whether showing up to work drunk, engaging in spousal abuse, or sexually assaulting a woman would prove he lacked the honesty or integrity to work at DOD, much less lead it.

But questions about Hegseth's fitness did not end with his confirmation hearings.

In his time as Secretary of Defense, Pete Hegseth has brought his spouse to sensitive international meetings. To be fair, he may simply not know better. Along with serial infidelity, in his confirmation hearing, Hegseth confessed that he had conducted almost no such international negotiations in the past. Maybe he simply *doesn't know* that including spouses undermines candor and security?

Hegseth also hired his brother, Phil, who did PR at the non-profit which Hegseth financially ruined, to a senior position at DOD. This at least *looks* like nepotism, the hiring of someone because of who he is, other than merit. As he has with his spouse, Hegseth has toted his brother along to meetings: to his first big overseas trip, to Gitmo, to the Conor McGregor meeting at the White House.

All that might not have been enough to revisit

questions about Hegseth's honesty, humility, and integrity.

But then, Pete Hegseth – the guy kicking out every trans service member based on a claim they lack honesty, humility, and integrity – shared National Defense Information on an insecure Signal chat that happened to include a journalist. While the compromise of attack information did not, in real time, get anyone killed, between his comments on the chat and those of Vice President JD Vance and National Security Adviser Mike Waltz, the compromise may expose service members – people like Commander Shilling, Lieutenant Colonel Davis, Major Bettis, First Lieutenant Kersch-Hamar, Master Sergeant Ireland, or Staff Sergeant Wolf – to possible *legal* danger going forward, because they raise questions about the presidential authorization for an operation that knowingly targeted a civilian residence.

Just as troubling, after his reckless actions were exposed, Hegseth has persistently lied about how sensitive the information is.

He has refused to accept responsibility for his own actions.

As the NYT describes, Hegseth's intransigence has led those flying such missions to question whether the Secretary of Defense is going to get them killed, in part because he lacks the humility to admit that he did something wrong.

On air bases, in aircraft carrier "ready rooms" and in communities near military bases this week, there was consternation. The news that senior officials in the Trump administration discussed plans on Signal, a commercial messaging app, for an impending attack angered and bewildered men and women who have taken to the air on behalf of the United States.

The mistaken inclusion of the editor in chief of The Atlantic in the chat and Mr. Hegseth's insistence that he did

nothing wrong by disclosing the secret plans upend decades of military doctrine about operational security, a dozen Air Force and Navy fighter pilots said.

Worse, they said, is that going forward, they can no longer be certain that the Pentagon is focused on their safety when they strap into cockpits.

“The whole point about aviation safety is that you have to have the humility to understand that you are imperfect, because everybody screws up. Everybody makes mistakes,” said Lt. John Gadzinski, a retired Navy F-14 pilot who flew combat missions from aircraft carriers in the Persian Gulf. “But ultimately, if you can’t admit when you’re wrong, you’re going to kill somebody because your ego is too big.”

And that’s why I keep obsessing about the fact that Hegseth continues to lie about the Signal chat even as DOJ continues to insist that Commander Shilling, Lieutenant Colonel Davis, Major Bettis, First Lieutenant Kersch-Hamar, Master Sergeant Ireland, or Staff Sergeant Wolf lack honesty, integrity, and humility.

Hegseth is relying on such claims even though there’s absolutely no evidence to support it in the case of these 40-some named plaintiffs.

Here’s how Judge Benjamin Settle, a George W. Bush appointee, described it in the third of three orders freezing the trans ban.

Commander Emily “Hawking” Shilling, for example, transitioned within the Navy beginning in the fall of 2021 in reliance on the Austin Policy. She has been a Naval Aviator for 19 years. She has flown more than 60 combat missions, including in Iraq and Afghanistan, and was a Navy test pilot. She has 1750 flight hours in high performance Navy jets—including the F/A-18 Super

Hornet—and has earned three air medals. She asserts without contradiction that the Navy already spent \$20 million training her. There is no claim and no evidence that she is now, or ever was, a detriment to her unit's cohesion, or to the military's lethality or readiness, or that she is mentally or physically unable to continue her service. There is no claim and no evidence that Shilling herself is dishonest or selfish, or that she lacks humility or integrity. Yet absent an injunction, she will be promptly discharged solely because she is transgender.

Settle reached his conclusion via different means than Judge Ana Reyes, whose injunction focused on the clear animus targeting trans service members.

Settle didn't deny there was animus; he just didn't rely on it, focusing instead on DOD's failure to present *any* evidence to support the stated goals of the trans ban, a ban that goes further even than the Mattis policy approved in Trump's first term, which permitted trans members already serving, including some of the plaintiffs, to remain. DOJ relied on suppositions made in formulating the Mattis policy during Trump's first term and ignored the reality of the last seven years – the honorable service of the plaintiffs who've served openly – that debunked those suppositions.

But Settle did hold that the stigma of being fired based on these shoddy claims would likely support a due process claim, even if DOD ousts these plaintiffs via an honorable discharge, which the government claims would eliminate any stigma.

The Military Ban and Hegseth Policy's demeaning language is repeated even here in the government's response: "The Commander has determined that it is 'the policy of the United States Government

to establish high standards for troop . . . honesty, humility, uniformity, and integrity,' and that this policy is 'inconsistent with the . . . constraints on individuals with gender dysphoria.'" Dkt. 76 at 41 (quoting Military Ban). In effect, the government, in line with the Military Ban and Hegseth Policy, posits that, as a class, transgender service members are only in the military as the result of a radical, insane, false gender ideology. See, e.g., Military Excellence and Readiness Fact Sheet ("During the Biden Administration, the Department of Defense allowed gender insanity to pervade our military organizations."). There is no evidence in the record supporting these assertions.

One discharged from service based on these grounds is plainly stigmatized. The accuracy of the government's proclamations is obviously contested, and plaintiffs are about to lose their military careers because of them. An honorable discharge does not erase or sanitize the language the government uses to describe the character of separated service members under the Military Ban and Hegseth Policy.

Plaintiffs have demonstrated the Chaudhry elements of a stigma-plus Procedural Due Process claim. They have also demonstrated that the Military Ban violates "bedrock" Due Process fairness principles precluding arbitrary or vindictive measures that upset settled expectations. On the record before the Court, they are likely to succeed on the merits of their Procedural Due Process claim.

There's been a lot of attention to the arbitrary claims Trump has used to target one after another law firm (even while protecting Jones

Day), though in my opinion far too many journalists have treated these grievances as real, ignoring the falsehoods Trump used to manufacture grievance. There has, similarly, been a lot of attention on the protected free speech that the government has used to justify kidnapping Mahmud Khalil, Rumeysa Ozturk, and others.

That's all justified attention.

But there's something especially noxious about this manufactured claim – the enthusiasm with which Hegseth has adopted Trump's slander of all trans people as dishonest and lacking integrity.

When it came to his own alleged conduct, for which there was at least credible (if aggressively contested) evidence, Hegseth refused to concede whether dishonesty would disqualify him. Yet since then, Hegseth has used baseless insinuations about honesty, integrity, and humility to kick out people who've served honorably for two decades.

Pete Hegseth is lying about how dangerous his actions were. In doing so, he's putting his career above those doing the riskiest work.

And all the while he's slandering others about lacking honesty, integrity, and humility.

Talbott v. Trump docket

Ana Reyes opinion granting preliminary injunction

Shilling v. Trump docket

Benjamin Settle opinion granting preliminary injunction

Ireland v. Hegseth docket

Christine O'Hearn order granting TRO