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20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 AIDEN STOCKMAN; NICOLAS
TALBOTT; TAMASYN REEVES;
23 JAQUICE TATE; JOHN DOES 1-2;
24 JANE DOE; and EQUALITY
CALIFORNIA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, et al.

28 Defendants.

CASE NO. 5:17-cv-01799-JGB-KKx

SUPPLEMENTAL DECLARATION
OF DEBORAH LEE JAMES IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

Hearing

Date: November 20, 2017
Time: 9:00 a.m.
Courtroom: 1

JAMES SUPPLEMENTAL DECL. ISO MOTION FOR
PRELIMINARY INJUNCTION

1 I, Deborah Lee James, declare as follows:

2 1. As noted in my prior declaration, I served as the Secretary of the
3 United States Air Force (“USAF”) from December 20, 2013 to January 20, 2017.
4 As Secretary, I was responsible for supervising the Department of the Air Force’s
5 participation in a working group convened by the Department of Defense in 2015
6 to identify the practical issues related to transgender Americans serving openly in
7 the Armed Forces, and to develop an implementation plan that addressed those
8 issues with the goal of maximizing military readiness (the “Working Group”).

9 2. Based on the Working Group’s analysis and recommendations, the
10 Department of Defense announced in June 2016 that it would begin to allow
11 transgender people to serve openly in the Armed Forces.

12 3. On July 26, 2017, President Donald Trump issued a statement that
13 transgender individuals will not be permitted to serve in any capacity in the Armed
14 Forces. On August 25, 2017, President Trump issued a memorandum to the
15 Secretary of Defense and the Secretary of Homeland Security to reverse the policy
16 adopted in June 2016 that permitted military service by openly transgender
17 persons. The President’s memorandum stated that the military would return to the
18 pre-June 2016 policy on March 23, 2018.

19 4. Based on my experience regarding military personnel, and in
20 particular personnel and operations of the USAF, the President’s announced
21 decision to ban openly transgender people from serving in the military effective
22 March 23, 2018 is presently harming transgender people currently serving in the
23 military in several significant respects.

24 5. Airmen are typically deployed for periods of time that exceed several
25 months, and planning for a deployment begins several months in advance of the
26 deployment. Commanders in charge of overseeing deployments must take into
27 account the certainty with which Airmen will be available for the entire length of a
28 deployment when making assignment decisions.

1 6. Given the President’s announcement that transgender service
2 members will be subject to separation from the military beginning March 23, 2018,
3 commanders cannot rely on transgender Airmen being able to complete
4 deployments that continue beyond that date. Transgender Airmen with
5 deployment terms that extend beyond March 2018 will thus lose opportunities for
6 assignments because command will not be able to determine with certainty that
7 transgender Airmen will be present for the entire duration of the deployment. In
8 addition to negatively impacting individual Airmen, this uncertainty harms USAF
9 readiness and capabilities where commanders are not able to make assignments
10 based solely on the capabilities and experiences of those under their command.

11 7. Even outside the deployment context, transgender Airmen will lose
12 out on assignments, opportunities, and experiences they would otherwise receive
13 but for the President’s announcement that they will be subject to separation in
14 March 2018. Commanders will be reluctant to invest time and money on training
15 transgender Airmen for important or significant assignments or tasks where
16 commanders believe the Airmen will be expected to leave the USAF in the near
17 future.

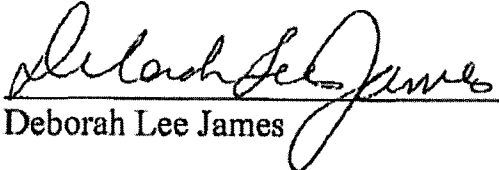
18 8. In addition, the President’s announced ban on transgender people
19 serving in the military creates a sub-class of service members, placing transgender
20 people on unequal footing as compared to their non-transgender peers for reasons
21 having nothing to do with their capabilities or past performance, and suggesting
22 that transgender Airmen are unworthy of their comrades’ trust and support. A lack
23 of trust among service members is deeply concerning, as trust and respect
24 throughout the chain of command is essential to promote military effectiveness.
25 Thus, in addition to causing present harm to transgender Airmen, the President’s
26 ban will have a deleterious effect on the USAF’s effectiveness and capabilities as
27 well.

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1 9. The President’s announced ban is also anathema to the ethos of the
2 military in general, and in particular the USAF. In the USAF, individual Airmen
3 are given assignments and receive commendations and promotions on the basis of
4 their individual merit and skill set. The USAF, and the military in general, are
5 weakened when this fundamental building block of their identities is fractured
6 through suggesting that service members should be judged based on characteristics
7 having nothing to do with their ability to perform their job.

8 10. Finally, I am not aware of any instance – before or after June 2016 –
9 where a transgender person seeking to join the military was granted a waiver to the
10 ban on service of openly transgender individuals. Even if a transgender person
11 were to seek a waiver at this time, doing so would be futile in light of the
12 President’s order making transgender service members subject to separation
13 beginning in March 2018.

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15 Dated: November 2, 2017


Deborah Lee James

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