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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 RAYMOND EDWIN MABUS, JR.
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

Hearing

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

MABUS SUPPLEMENTAL DECL. ISO MOTION FOR
PRELIMINARY INJUNCTION

1 I, Raymond Edwin Mabus, Jr., declare as follows:

2 1. As set forth in my earlier declaration signed and dated September 24,
3 2017, I was part of a Working Group that comprehensively reviewed military
4 policy with regard to transgender people serving across the service branches. It
5 was based upon that review and the recommendations of that group that the
6 Department of Defense announced in June 2016 that it would begin allowing
7 transgender people to serve openly in the military.

8 2. As further set forth in that declaration, I am aware that in a series of
9 announcements made on Twitter on July 26, 2017, and then again in a formal
10 memorandum issued by the White House on August 25, 2017, President Trump
11 announced the reversal of military policy stating that transgender individuals
12 would no longer be able to serve in any capacity. The memorandum set March 23,
13 2018 as the date when military policy would revert to the pre-June 2016 policy
14 whereby transgender individuals are subject to discharge upon disclosure of their
15 transgender status.

16 3. Based on my experience in military personnel and operations, the
17 recently announced policy change is presently causing significant harms to current
18 servicemembers who have disclosed that they are transgender. Those harms are
19 not speculative or future harms. They are current harms that prevent transgender
20 service members from serving on equal terms with non-transgender service
21 members and that impose substantial limitations on their opportunities within the
22 military.

23 4. Consideration of the ways in which deployment decisions are made
24 highlights the current limitations and lost opportunities being experienced by
25 transgender service members. Consistent with naval operations, ships may deploy
26 for up to 9 months at a time. Commanders making decisions about how to staff
27 naval operations must consider the length of time that a sailor will be available for
28 a deployment. If a sailor may not be available for the full length of a deployment,

1 command knows that they will have to expend significant resources to backfill
2 staffing needs in order to address the diminishment of resources. Rather than face
3 those challenges, command will predictably make assignments based on certainty
4 about sailors' ability to serve the full length of deployment.

5 5. Because of the announcement of the ban on transgender people being
6 able to serve after March 2018, command lacks the requisite certainty that
7 transgender service members will be able to complete the terms of their
8 deployments where they extend beyond that date.

9 6. Similarly, command must regularly make personnel decisions that
10 relate to "permanent change of station" (PCS) moves. PCS moves are made to
11 ensure maximum utilization of personnel and to achieve military missions. PCS
12 moves involve transporting service members and their families to a different base
13 and duty station, often across the country or the world. The introduction of any
14 uncertainty with regard to a service member's future service, or status, changes
15 command's consideration of PCS moves and military operations staffing. Based
16 on my experience, the announced ban on transgender people serving is impacting
17 PCS moves.

18 7. As a result of the announced ban, transgender service members are
19 losing opportunities for assignments that they are capable of doing. These include
20 lost opportunities for deployment, training, and assignments. These lost
21 opportunities are based not on individual assessment of the service member's merit
22 but rather based on whether the person is transgender. These lost opportunities, in
23 addition to depriving transgender members of the military of the ability to serve on
24 equal footing with their peers, hinder transgender service members opportunities
25 for advancement and promotions as well.

26 8. The impact of this immediate harm reaches beyond the individual
27 service member and affects the institution of the military as a whole. The military
28 is designed to be a meritocracy where individuals receive opportunities and tackle

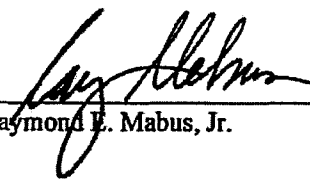
1 assignments based on their ability to do the job. The institution is weakened when
2 people are denied the ability to serve not because they are unqualified or because
3 they cannot do the job but because of who they are.

4 9. The ban on transgender service members weakens the military in a
5 second way as well. With an all-volunteer force, which is the current structure of
6 the military, a small segment of the population is responsible for the security of the
7 whole. In this circumstance, it becomes even more important to have a diverse
8 military in order to maintain a strong connection between those who serve to
9 protect society and the society that the force is protecting. Banning a segment of
10 the community from service weakens the bond of that connection between the
11 military and society and sends a message that certain segments of the community
12 are not within the scope of the mission. That message interferes with and
13 diminishes military readiness and lethality.

14 10. In addition, I know of no instance either prior to June 2016 or since
15 when a transgender person seeking to enlist was granted a waiver to the ban on
16 service. In any case, it would be futile for a transgender person to seek a waiver to
17 join the military at this point in time since, according to the announced policy, they
18 would be subject to administrative discharge as soon as March 2018.

19 I declare under the penalty of perjury that the foregoing is true and correct.
20

21 Dated: November 2, 2017


Raymond E. Mabus, Jr.