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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

DONALD J. TRUMP, et al.

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

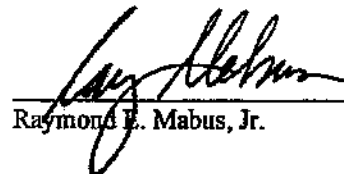
1 assignments based on their ability to do the job. The institution is weakened when  
2 people are denied the ability to serve not because they are unqualified or because  
3 they cannot do the job but because of who they are.

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  
22

  
Raymond E. Mabus, Jr.