

LATHAM & WATKINS LLP
Marvin S. Putnam (SBN 212839)
marvin.putnam@lw.com
Amy C. Quartarolo (SBN 222144)
amy.quartarolo@lw.com
Adam S. Sieff (SBN 302030)
adam.sieff@lw.com
Harrison J. White (SBN 307790)
harrison.white@lw.com
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Telephone: +1.213.485.1234
Facsimile: +1.213.891.8763

National Center for Lesbian Rights
Shannon P. Minter (SBN 168907)
sminter@nclrights.org
Amy Whelan (SBN 2155675)
awhelan@nclrights.org
870 Market Street, Suite 360
San Francisco, CA 94102
Telephone: +1.415.392.6257
Facsimile: +1.415.392.8442

GLBTQ Legal Advocates & Defenders
Jennifer Levi (*pro hac vice forthcoming*)
jlevi@glad.org
Mary L. Bonauto (*pro hac vice forthcoming*)
mbonauto@glad.org
30 Winter Street, Suite 800
Boston, MA 02108
Telephone: +1.617.426.1350
Facsimile: +1.617.426.3594

*Attorneys for Plaintiffs Aiden Stockman, Nicolas
Talbot, Tamasyne Reeves, Jaquice Tate, John
Does 1-2, Jane Doe, and Equality California*

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

**DECLARATION OF JAQUICE
TATE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

1 I, Jaquice Tate, declare as follows:

2 1. I am 27 years old. I currently serve as a Sergeant, E-5 Rank, in the
3 United States Army. I am transgender.

4 **Background**

5 2. I come from a military family. My father and two of my uncles
6 served in the Army and my cousin served in the Navy. I was raised to respect my
7 country and give back to it. I knew that I would serve my country from a young
8 age. Military service would enable me to protect others, earn respect, and see more
9 of the world than just my small town of Abeline, Texas.

10 3. In 2007, at the age of 17, I started researching how to enlist in the
11 military. I spoke with recruiters. I looked into each branch of the Armed Forces,
12 and ultimately decided to join the Army, like my father. By the age of 18, I had
13 started basic training.

14 **Military Career and Compensation**

15 4. I began my military career nearly ten years ago, on July 25, 2008. I
16 have served domestically, in Germany, and on deployment in Iraq.

17 5. I attended basic training and then progressed to Advanced Individual
18 Training (“AIT”) to become a 31 Bravo, more commonly known as a military
19 police officer. I completed AIT and was stationed in Fort Wainwright, Alaska,
20 joining the 472nd Military Police Company.

21 6. In 2010, my company and I deployed to Ramadi, Iraq. I and my
22 fellow soldiers protected our compound. The region was dangerous, but we
23 survived. I could not have felt closer to my fellow soldiers, nor they to me. While
24 deployed, I was promoted from Private First Class to Specialist. For my service in
25 Iraq, I was awarded an Army Commendation Medal.

26 7. Next, I attended Warrior Leadership Course (“WLC”), which trains
27 specialists to advance to sergeant. I graduated from WLC on the Commandants
28 List, an honor that goes to the top 15 students in a class of more than 100. After

1 graduating WLC, my command made me leader of a Military Police team. On my
2 time off, I spent more than 200 hours helping feed the homeless and I participated
3 in nearly every off-post event that required support until late into 2013.

4 8. From 2013 to 2014, I was stationed in Germany with the 230th
5 Military Police Company. For personal reasons, I received a compassionate
6 reassignment back to the U.S. where the Army stationed me at West Point, New
7 York. Soon after my arrival, my command made me a team leader. I first worked
8 gate duty and then patrol duty. I also had the honor of serving as a garrison driver,
9 securely transporting our highest-ranked military leaders until I was promoted to
10 Sergeant in December 2015.

11 9. As Sergeant, I served as Patrol Supervisor for our Law Enforcement
12 patrols until September 2017. I now hold a position in our company's Arms
13 Room. I begin Armorer School next month and upon completion will be one of
14 three individuals charged with the security, accountability and maintenance of our
15 weapons, ammunition and other military assets. Every day, I make quick decisions
16 with the potential to impact the safety of others, and I have led other soldiers in
17 numerous operations. In the two years that I have been a Non-Commissioned
18 Officer ("NCO"), I have consistently been rated among the top NCOs in my unit.

19 10. To further advance my career, I plan to use my high physical training
20 scores to enter Master Fitness Training, where I can learn how to train others.
21 Recently, military leadership selected me from among other NCOs to attend Drill
22 Sergeant School. Because I am a male, I want to attend and complete the program
23 under the male protocol and standards. To that end, I requested and received
24 approval from the drill sergeant chain of command to begin the program after my
25 medical transition.

26 11. In addition to my Army Commendation Medal, I have received
27 multiple Army Achievement Medals, Certificates of Appreciation and two Colonel
28 Coins of Excellence.

1 12. I earn approximately \$37,000 a year, plus an additional housing
2 allowance of approximately \$2,580 per month. I also receive a food allowance of
3 approximately \$360 per month and an annual uniform allowance.

4 13. I also receive health benefits for me and my wife through TRICARE.
5 TRICARE covers primary, emergency, specialist, vision and dental care. My wife
6 and I both depend on my health benefits.

7 14. I plan to serve my entire career in the military and thus have made no
8 plans for an alternative civilian career. I also expected that I would serve until I
9 qualify for the Army's retirement benefits.

10 15. My wife depends on my income. She has nearly completed her
11 college degree. We plan on transferring my Army education benefits to her so that
12 she may finish her education.

13 **Serving as a Soldier who is Transgender**

14 16. As a child, I never was drawn to activities traditionally considered
15 female. Inside, I felt like a male. At age 13, I told my family how I felt. My
16 grandmother understood, but everyone else said that it was just a phase.

17 17. In 2011, I met a transgender man serving in the United States Army. I
18 listened to his experiences and realized that I too am transgender. I came out to my
19 mom and others close to me, but when I saw the discrimination endured by this
20 other transgender soldier – a man with over 400 combat missions in Iraq and
21 Afghanistan – it made me wary of coming out while still serving in the military.

22 18. In June 2016, I learned that the ban on open military service by
23 transgender soldiers was lifting. At first I was shocked, but then I became ecstatic.
24 The lifting of the ban meant that I could be accepted and supported by the military
25 – that I could transition *and* serve my country.

26 19. I officially came out to my chain of command as soon as the ban was
27 lifted. At the point that I came out to my chain of command and my unit, many
28 people already knew or suspected that I am transgender. It was not, and never has

1 been, an issue with my team or command. In my unit, as long as you can carry
2 your pack and do your job, the rest does not matter.

3 20. After the ban was lifted and the military began to implement the new
4 inclusive policies permitting open service by transgender soldiers, the Army held a
5 training on transgender-related policies for the units in my installation. All
6 personnel in my unit attended.

7 21. Around late October or early November of 2016, my military doctor
8 formally diagnosed me with gender dysphoria. Together with my chain of
9 command, my doctor and I created my medical transition plan. I started Hormone
10 Replacement Therapy in February 2017. I received approval for chest surgery,
11 also called “top surgery,” which I expect will occur in late 2017 or early 2018.

12 **The Ban and Its Impact**

13 22. In July 2017, President Trump announced via Twitter that he intended
14 to reinstate the ban on open service by transgender soldiers and force my
15 involuntary separation from the Army. In August 2017, an official statement made
16 his wish into reality. I was angry and felt betrayed. I immediately went to speak
17 with my chain of command. They said that they would fight for me, but that,
18 ultimately, the decision does not belong to them.

19 23. The ban demeans my years of military service. It tells my fellow
20 soldiers that I am less than them and I worry that this will weaken our close bond.
21 In a setting in which it is critical that fellow unit members rely on each other, at
22 times for our lives, having the President say that I somehow hinder military
23 effectiveness and lethality sends the message to my fellow soldiers, my chain of
24 command, and the nation overall, that I cannot be trusted to perform my job and
25 that I do not adequately support my unit. What hinders military lethality is
26 compromising the hard earned trust among unit members. Being cast as disruptive
27 and untrustworthy, without regard for my abilities and performance, is harmful to
28 me as a soldier.

1 24. In addition, while I am grateful to my command for their continued
2 support, I believe that the focus of the unit should be on our missions – not
3 searching needlessly to replace qualified soldiers doing quality work. In that
4 sense, the ban is an unwarranted distraction.

5 25. I fear being pushed out into the civilian world, because I have only
6 ever known the life of a soldier. I fear I will not be able to support myself or my
7 wife if we lose my income, allowances, and health insurance. I fear that I will not
8 find employment in the civilian job market because I may face discrimination for
9 being transgender or for being declared “unfit” to serve my country.

10 26. I worry about my wife’s future if she cannot finish her education
11 because we lose my education reimbursement. I would consider continuing my
12 education, but I do not know if I will be able to afford it. Use of the GI Bill
13 requires an Honorable discharge, and I do not know the type of discharge that I
14 will receive when I am discharged for being transgender.

15 27. I am concerned with my future retirement. I expected to serve a
16 minimum of 20 years and earn my retirement from the Army. With my nearly 10
17 years of service, I am almost halfway there. When the ban separates me from the
18 military in March 2018, my years of service will not qualify me for any form of
19 retirement benefit.

20 28. My wife and I had planned to begin the process of having children
21 next year. Now, because the ban authorizes my involuntary separation from the
22 military as soon as March 2018, our plans to have a family have been put on hold.

23 29. The ban has put me and other transgender service members in an
24 untenable position. Even though my command and peers support me, the
25 impending deadline for me being declared officially unfit to serve casts a shadow
26 every single day, causing ongoing uncertainty and instability. My command needs
27 to know whether I can continue to serve in order to make decisions about my
28

1 training, deployment, and duties and to mitigate the disruption that will result if I
2 am to be involuntarily discharged in March or sometime thereafter.

3 30. I know that when it comes to doing our jobs, transgender soldiers –
4 like me – absolutely are fit to serve. I have been serving my country for nearly ten
5 years and I continue to serve it well. Earlier this year, the Army selected me to
6 train at Drill Sergeant School so that I can instill our new recruits with military
7 discipline, physical and weapons prowess, and patriotism. If I did not possess
8 those qualities, I could not pass them along to others. Despite what the ban says, I
9 know that I am a worthy soldier.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

2

3

Dated: September 29, 2017

4



Jaquice Tate

5

Sergeant

6

United States Army

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28