

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 Talbott,
Tamasyn 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 ADMIRAL
MICHAEL MULLEN IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

1 I, Michael Mullen, declare as follows:

2 1. I am a retired Admiral of the United States Navy. From to 2007 to
3 2011, I served as the Chairman of the Joint Chiefs of Staff. In this capacity, I was
4 the principal military advisor to Presidents George W. Bush and Barack Obama. I
5 offer this declaration in my personal capacity and not as an expert witness.

6 **PERSONAL BACKGROUND**

7 2. I am a 1968 graduate from the United States Naval Academy in
8 Annapolis. In 1985, I graduated from the Naval Postgraduate School in Monterey,
9 California, with a Master of Science degree in Operations Research. In 1991, I
10 completed the Harvard Business School Advanced Management Program.

11 3. I served over 43 years in the Navy. During my tenure, I served in the
12 Bureau of Naval Personnel as Director, Chief of Planning and Provisions, Surface
13 Officer Distribution and in the Office of the Secretary of Defense on the staff of
14 the Director, Operational Test and Evaluation. I also served as Deputy Director
15 and Director of Surface Warfare and as Deputy Chief of Naval Operations for
16 Resources, Requirements, and Assessments. From August 2003 to October 2004, I
17 was the Vice Chief of Naval Operations. As Commander, U.S. Naval Forces
18 Europe and Allied Joint Force Naples, I had operational responsibility for NATO
19 missions in the Balkans, Iraq, and the Mediterranean. I was also responsible for
20 providing overall command, operational control, and coordination of Naval forces
21 in Europe. I then became Chief of Naval Operations, a position included among
22 the Joint Chiefs of Staff, under the direction of the Vice Chairman and Chairman.

23 4. In June 2007, then Defense Secretary Robert M. Gates announced his
24 intention to advise President George W. Bush to nominate me to be Chairman of
25 the Joint Chiefs of Staff. After receiving the nomination, the Senate confirmed me.
26 On October 1, 2007, I was sworn in as the 17th Chairman of the Joint Chiefs of
27 Staff ("Chairman"), becoming the highest-ranking officer in the United States
28 Armed Forces. I became Chairman in the midst of the Global War on Terrorism

1 and two wars.

2 5. My duties and functions as Chairman are set forth in Department of
3 Defense Directive 5100.01. The Chairman is the senior ranking member of the
4 Armed Forces and principal military adviser to the President, Secretary of Defense,
5 the National Security Council (NSC), the Homeland Security Council (HSC), and
6 the Secretary of Defense. My duties as Chairman included, among other things,
7 reporting to the Secretary of Defense on the responsiveness and readiness of the
8 military, advising the Secretary of Defense with regard to joint personnel matters
9 such as requirements for command and control, promulgating publications to
10 provide military guidance for joint activities of the Armed Forces, and developing
11 policies and procedures for education and training of service members.

12 6. I concur with Defense Secretary Ash Carter's July 2015 assessment
13 that the Defense regulations regarding transgender service members "[were]
14 outdated and [were] causing uncertainty that distracted commanders from our core
15 missions." I closely followed Secretary Carter's direction to Armed Services
16 leadership to evaluate the implications of allowing transgender personnel to serve
17 openly in the military and the Pentagon's ensuing evaluation.

18 7. My understanding is that the military conducted a thorough research
19 and evaluation process on the issue of open service by transgender troops and
20 concluded that inclusive policy for transgender troops promotes readiness. I agree
21 with this conclusion and support Secretary Carter's June 2016 directive to end the
22 ban on open service by transgender people.

23 8. To reverse this policy by implementing a ban on open service would
24 go against the best interests of thousands of service members currently serving. As
25 the Pentagon has pointed out, it may also deprive our military of trained and skilled
26 service members and leave vacancies that may not be easy to fill. This would
27 harm military readiness as well as morale. The military's prior considered
28 judgment on this matter should not be disregarded and we should not breach the

1 faith of service members who defend our freedoms, including those who are
2 transgender.

3 **PARALLELS TO END OF DON'T ASK, DON'T TELL**

4 9. In 2008, pursuant to my duties as Chairman, I ordered my staff to
5 conduct a study about the Don't Ask, Don't Tell ("DADT") policy and its
6 ramifications to the force. This policy barred gay, lesbian, and bisexual individuals
7 from serving openly in the military.

8 10. During his January 2010 State of the Union Address, President
9 Obama reiterated his pledge to end DADT. A week later, I testified and endorsed
10 the President's plan before members of the Senate Armed Services Committee.

11 11. Part of that plan, as adopted by Congress, required the Pentagon to
12 study the effects of allowing open military service by gay men, lesbians, and
13 bisexuals. That study, which was released in late November of 2010, concluded
14 that allowing such open service would present minimal risk to military
15 effectiveness. President Obama subsequently signed the repeal of DADT into law.
16 On September 20, 2011, nine months after Secretary Leon Panetta, President
17 Obama, and I certified to Congress that the military was ready to execute the new
18 policy, DADT officially ended.

19 12. In my 2010 testimony to the Senate Armed Services Committee
20 regarding DADT, referenced above, I stated, "It is my personal belief that allowing
21 gays and lesbians to serve openly would be the right thing to do." I also testified
22 that "no matter how I look at the issue, I cannot escape being troubled by the fact
23 that we have in place a policy which forces young men and women to lie about
24 who they are in order to defend their fellow citizens." This is still my opinion.
25 Just as gay and lesbian soldiers should not have to lie about who they are to serve,
26 nor should transgender soldiers.

27 13. The now repealed DADT was problematic and flawed in similar ways
28 as the ban on open service by transgender service members. Both DADT and the

1 ban on open service by transgender individuals set apart a subset of brave women
2 and men serving in uniform and treat them worse than other soldiers for no valid
3 reason – and both policies potentially undermine military readiness.

4 14. When I led our armed forces under DADT, I saw firsthand the harm to
5 readiness and morale when we fail to treat all service members according to the
6 same standards. There are thousands of transgender Americans currently serving
7 and there is no reason to single them out to exclude them or deny them the medical
8 care that they require.

9 15. Moreover, I strongly believe that we should not return to the days of
10 “forc[ing] young men and women to lie about who they are in order to defend their
11 fellow citizens.”

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1 I declare under penalty of perjury that the foregoing is true and
2 correct.
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5 DATED: September 24, 2017


Admiral Michael G. Mullen