

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

COMMANDER EMILY SHILLING, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:25-cv-00241-BHS

**DECLARATION OF ASHISH S.
VAZIRANI IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Ashish S. Vazirani, declare as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify.

2. I have actual knowledge of the matters stated herein. If called to testify in this matter, I would testify truthfully and competently as to my knowledge and experience and as to the matters stated herein.

3. I performed the duties of and served as the Acting Under Secretary of Defense for Personnel and Readiness from September 8, 2023 to January 20, 2025. In this role, I served as the principal staff assistant and advisor to the Secretary of Defense for force readiness, force management, health affairs, National Guard and Reserve component affairs, education and training, and military and civilian personnel requirements and management, which includes

1 equal opportunity, morale, welfare, recreation, and quality of life matters. Prior to assuming this
 2 position and beginning on July 18, 2022, I served as the Deputy Under Secretary of Defense for
 3 Personnel and Readiness, meaning I was the primary assistant of the then-serving Under
 4 Secretary. As a Department of Defense official and United States Navy veteran, I can attest to
 5 the importance of non-discriminatory policies in bolstering military preparedness and to the
 6 positive impacts of including qualified individuals in military service with different backgrounds.

7 **PROFESSIONAL BACKGROUND**

8 4. I attended Vanderbilt University on a Navy Reserve Officer Training Corps
 9 scholarship and obtained a Bachelor of Engineering in Mechanical Engineering in 1986. I later
 10 obtained a Master of Engineering from the McCormick School of Engineering at Northwestern
 11 University in 1995 and a Master of Business Administration from the Kellogg School of
 12 Management at Northwestern University in 1995.

13 5. After completing my bachelor's degree, I was commissioned as an officer in the
 14 United States Navy and served on active duty in the Submarine Force from 1986 to 1993.
 15 Following graduate school, I worked as a management consultant focused on sales and
 16 marketing issues in the health care and technology industries.

17 6. In 2017, I joined the Armed Services YMCA ("ASYMCA"), where I led
 18 development and programming and ensured implementation and measurement of programs to
 19 support junior enlisted families. In 2019, I went on to serve as the Executive Director and CEO
 20 of the National Military Family Association ("NMFA") where I provided direction and strategic
 21 and operational oversight for all aspects of NMFA's advocacy and programing to support
 22 military families.

23 7. From 2018 to 2021, I also served as a Member of the National Academies of
 24 Sciences, Engineering, and Medicine's Committee on the Well-Being of Military Families.

25 8. From March 2022 to July 2022, prior to my positions within the Office of the
 26 Secretary of Defense, I served in the Department of the Navy as the principal advisor on issues
 27 pertaining to sexual assault, sexual harassment, and suicide prevention and response within the

Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

9. On July 12, 2022, I was confirmed by the U.S. Senate to be the Deputy Under Secretary of Defense for Personnel and Readiness and was sworn in on July 18, 2022. I resigned from this role on January 20, 2025.

IMPACT OF THE AUSTIN POLICY

10. On January 25, 2021, President Joseph R. Biden overturned the first Trump administration's restrictive ban with Executive Order No. 14004 ("EO 14004"), entitled *Enabling All Qualified Americans To Serve Their Country in Uniform*. Around four months later, on April 30, 2021, the Department of Defense ("DoD") implemented EO 14004 through DoD Instruction 1300.28, entitled *In-Service Transition for Transgender Service Members* ("DoDI 1300.28") (the "Austin Policy").

11. As Deputy Under Secretary, and then Acting Under Secretary of Defense for Personnel and Readiness, my responsibilities included implementation and oversight of the Austin Policy permitting service by transgender troops, including evaluating any proposed new Military Department and Military Service regulations, policies, and guidance related to military service by transgender persons and persons with gender dysphoria, and revisions to such existing regulations, policies, and guidance, to ensure consistency with the Austin Policy. In implementing the Austin Policy, I observed the benefits of merit-based policies for America's military capabilities.

12. **Investment in Highly Trained Service Members.** The Austin Policy enables our military to retain highly trained service members with specialized skills that have taken significant investment and time to develop, all the while applying the same standards to transgender service members that are applied to others, including standards relating to medical care. The military invests significant money and time (months to years, depending on occupational specialty) to develop a service member in a military specialty. For example, an aviation mechanic in the Army will spend 10 weeks in basic training followed by 24 weeks of advanced individual training. A military pilot will spend two to three years in pilot training

1 before reporting to their first operational unit. Investments in professional development continue
 2 throughout a service member's career. Applying the same standards to all service members
 3 ensures that the military services can realize the benefit of these investments over the long-term.

4 13. **Readiness.** I am aware of no evidence to suggest that the Austin Policy has
 5 negatively impacted readiness. This is consistent with the predictions of the RAND
 6 Corporation's 2016 report, entitled *Assessing the Implications of Allowing Transgender*
 7 *Personnel to Serve Openly* (the "RAND Report"). In my role, I had responsibility for the
 8 Military Health System ("MHS") and the provision of health services to the Joint Force, which
 9 includes 2.1 million active duty, reserve, and National Guard service members as well as their
 10 dependents, and retired military members and their dependents—a total of approximately 9.6
 11 million Americans. Service members seeking transgender health care are required to go through
 12 a formal process that includes seeking a referral from their medical provider and undergoing
 13 review by command. A service member seeking transgender health care follows the same
 14 process as any other service member seeking health care including adhering to timelines and
 15 reporting procedures to ensure that readiness is not negatively impacted. Since the
 16 implementation of the Austin Policy, providing transgender health care did not require any
 17 significant changes to the DoD health care system, and any additional costs related to providing
 18 transgender health care have been negligible.

19 14. **Unit Cohesion.** Unit cohesion is crucial for military effectiveness, and the Austin
 20 Policy improves this by generating trust among unit members. The RAND Report also predicted
 21 that allowing transgender individuals to serve would not have a negative impact on unit
 22 cohesion. Cohesive teams are a significant component of the value proposition of military
 23 service as the military needs to recruit and retain individuals with an array of skills and
 24 capabilities necessary for mission execution. Everyone who wishes to serve and meets the
 25 eligibility requirements should have an equal opportunity to serve their country based on merit.

26 15. The military has successfully integrated individuals from a very wide array of
 27 backgrounds, and our ability to do so is a central foundation of our strength and effectiveness.

1 The military is an intensely meritocratic institution: what counts is a person's ability to meet
 2 standards and execute the mission. Transgender service members continue to prove that they
 3 meet standards, are serving honorably, ably, and, in many cases, with distinction throughout the
 4 military. I have not been made aware of any cases of reduced unit cohesion or readiness based on
 5 the service of a transgender service member.

6 **16. Merit-based Standards.** Personnel policies that allow transgender service
 7 members to be evaluated based on skill and merit, rather than transgender status, do not
 8 jeopardize the military's mission of protecting the United States, but strengthen it.

9 **17.** Since World War II, the United States has worked to recruit different people into
 10 our military so that it is a greater reflection of the people the military serves. This started with the
 11 desegregation of the military in 1948 under President Truman's Executive Order 9981 that
 12 officially ended racial segregation of the military. This effort continued with greater integration
 13 of women, including allowing women to serve in combat roles.

14 **18.** The DoD has recognized the significance of having merit-based standards applied
 15 on equal terms of service within its organization as an important aspect of its ability to
 16 successfully meet its mission. For example, the National Defense Strategy ("NDS") is produced
 17 by the Office of the Secretary of Defense and serves as the DoD's key strategic guidance. It lays
 18 out the DoD's vision and path forward into the next decade and describes how it will focus its
 19 efforts and manage the various threats in our swiftly changing world. An important pillar of the
 20 2022 NDS is our effort to build an enduring advantage for our current and future Joint Force
 21 (defined as the Army, Marine Corps, Navy, Air Force, and Space Force) by, among other efforts,
 22 making investments in the extraordinary people who work for the DoD, including its military
 23 personnel. That pillar includes broadening our recruitment pool to attract individuals with
 24 different backgrounds and skill sets to drive innovative solutions across the DoD. Department of
 25 Defense, *2022 National Defense Strategy of the United States of America*, (Oct. 27, 2022).

26 **19. A Military Reflective of the Skilled American Population.** A military that
 27 reflects our society is important for operational and strategic reasons. At the operational level,

1 people with varying skills and aptitude lead to unit cohesion, as well as improved ability to
 2 assess and mitigate risk. Policies that allow service members to serve equally based on merit as
 3 part of a representative force and, importantly, see themselves as potential future leaders of that
 4 force, engenders a shared commitment, greater cohesion, trust, and confidence that enhances
 5 military effectiveness through increased job satisfaction and performance. Bringing together
 6 people with different experiences and perspectives into a common mission can increase the
 7 effectiveness, adaptiveness, and capability of the entire group to assess and mitigate risk.

8 20. To succeed in its mission to prevent and win wars, the DoD must problem solve
 9 and formulate solutions to the complex situations that we face today. This too requires a military
 10 with different backgrounds and environments, which provides a broader range of perspectives,
 11 experience, and knowledge that amplifies thought and drives solutions to the complex issues the
 12 armed forces encounter in warfighting and defending our national security.

13 21. It is critical that the DoD, and the military in particular, maintain public trust and
 14 its belief that the military institution serves the nation and its population. A military that is
 15 reflective of the population of the United States and operates based on merit and equal standards
 16 instills trust in the American public that the armed forces will faithfully execute their duty to
 17 protect all Americans.

18 **RECENT REVERSAL OF POLICY**

19 22. On January 20, 2025, President Trump issued an executive order reversing the
 20 Austin Policy and prohibiting transgender individuals from enlisting or continuing their service
 21 in the United States Armed Forces.

22 23. The executive order suggests that transgender service members are unfit for
 23 service solely because they are transgender and that their service is harmful to unit cohesion and
 24 reduces military readiness. The suggestion that a person's transgender status alone renders them
 25 dishonest or unfit for service is cruel and is unsupported by evidence. In fact, the past three years
 26 of experience under the Austin Policy indicates that transgender service members serve
 27 honorably, often with distinction, and meet the same standards as other service members.

24. Given the absence of evidence that a problem exists requiring a policy change, the abrupt reversal of a policy that has been in place for over three years is highly unusual and contrary to the DoD's deliberative policy making process. DoD policies are typically formulated through a meticulous and structured process involving an extensive collection and analysis of pertinent facts and data, contributions from a variety of stakeholders and experts, and several drafts and revisions based on review and feedback.

25. Prohibiting transgender individuals from serving in the military degrades military readiness and is harmful to our national security for several reasons.

26. Prohibiting currently serving transgender service members who are meeting standards and succeeding on their merits from continuing in service can result in a reduction in military capability based on the loss of highly skilled service members trained and developed at significant cost to the American taxpayer. These skills take time and additional investment to replace, thereby reducing investment in other critical areas and resulting in a corresponding reduction in readiness in the near and longer term.

27. Removing currently serving transgender service members who are contributing to the mission and are meeting standards will cause a disruption to units by creating capability and capacity gaps. These gaps will create additional stress on the unit, reduce morale, and degrade unit cohesion and readiness.

28. The abrupt and arbitrary reversal of the Austin Policy sends a message that equal opportunity is not afforded to all who are qualified and meet standards and thus undermines the military's merit-based culture.

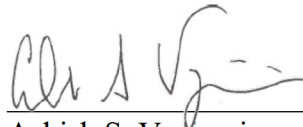
29. Excluding transgender individuals from accessing into the military can further reduce the pool of qualified candidates. Further, the abrupt reversal of the Austin Policy can negatively impact recruiting if the military is perceived to be discriminatory. Discriminatory practices can have a negative effect on individuals who may have an interest in serving in the military, as well as key influencers (e.g., parents, teachers, counselors, etc.) who may be guiding a candidate's decision.

1 30. Reversing policy in an abrupt and arbitrary manner can erode service members'
2 trust in military leadership's ability to make sound policy and uphold consistent standards since
3 the reversal was not based in fact, nor developed through a deliberate and thoughtful process.

4 31. The reversal of the Austin Policy risks reducing readiness, negatively impacting
5 recruiting, and eroding trust in leadership.

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

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9 DATED: February 12, 2025

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Ashish S. Vazirani