

NO. 25-5087

**UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT**

Nicolas Talbott, et al.,

Plaintiffs-Appellees,

v.

United States of America, et al.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
D.C. DISTRICT

No. 1:25-cv-00240-ACR
The Honorable Ana C. Reyes

**BRIEF FOR THE STATES OF VERMONT, WASHINGTON,
ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT,
DELAWARE, HAWAI'I, ILLINOIS, MAINE, MARYLAND,
MASSACHUSETTS, MICHIGAN, MINNESOTA, NEVADA, NEW
JERSEY, NEW YORK, NORTH CAROLINA, OREGON AND RHODE
ISLAND AS AMICI CURIAE IN SUPPORT OF APPELLEES**

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<i>Adkins v. City of New York</i> , 143 F. Supp. 3d 134 (S.D.N.Y. 2015).....	15
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-------------------------	----

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Del. Code Ann. tit. 6, § 4603(b)	17
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N.H. Rev. Stat. Ann. § 354-A:2(XIV-e).....	17
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N.J. Rev. Stat. Ann. § 10:5-5(rr).....	17
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N.M. Stat. Ann. 28-1-7(G).....	17
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Nev. Rev. Stat. § 613.310(4)	17

Nev. Rev. Stat. § 613.330	17
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Nev. Rev. Stat § 651.070	17
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16 Pa. Code § 41.206	17
43 Pa. Stat. § 953	17
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28 R.I. Gen. Laws § 28-5-6(12).....	17
28 R.I. Gen. Laws § 28-5-7	17
34 R.I. Gen. Laws § 34- 37-3(9).....	17
34 R.I. Gen. Laws § 34-37-4	17
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Utah Code Ann. § 34A-5-102(o).....	17
Utah Code Ann. § 57-21-5.....	17
Vt. Stat. Ann. tit. 1, § 144	17
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Vt. Stat. Ann. tit. 9, § 4503	17
Wash. Rev. Code Ann. § 28A.642.010.....	18
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Wash. Rev. Code Ann. § 49.60.040(29).....	18
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Wash. Rev. Code Ann. § 49.60.215.....	18
Wash. Rev. Code Ann. § 49.60.222.....	18
Engr. Sub. S.B. 5187, 68th Leg., Reg. Sess., Chapter 475 Wash. Sess. Laws 2023, 132-33.....	4

Executive Orders

Executive Order 14,183, 90 Fed. Reg. 8757 (Feb. 3, 2025).....	24
---	----

Periodicals and Professional Authorities

- Allison Ross, Note, *The Invisible Army: Why the Military Needs to Rescind Its Ban on Transgender Service Members*, 23 S. Cal. Interdisc. L. J. 185, 209 (2014) 28
- American Medical Association, *Military Medical Policies Affecting Transgender Individuals H-40.966* (2015), <https://policysearch.ama-assn.org/policyfinder/detail/40.966?uri=%2FAMADoc%2FHOD.xml-0-3487.xml> 14
- Bonnie Moradi, *Sexual Orientation Disclosure, Concealment, Harassment, and Military Cohesion: Perceptions of LGBT Military Veterans*, 21 Mil. Psychol. 513 (2009)..... 28
- Emma Moore, *Women in Combat: Five-Year Status Update*, Center for a New American Security (Mar. 31, 2020), <https://www.cnas.org/publications/commentary/women-in-combat-five-year-status-update>..... 29
- Gary J. Gates & Jody L. Herman, *Transgender Military Service in the United States*, The Williams Inst. (May 2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Military-Service-US-May-2014.pdf> (estimating 134,300 transgender veterans and 15,500 members in active service)..... 12, 13
- J. E. Pachankis et al., *Sexual orientation concealment and mental health: A conceptual and meta-analytic review*, Psychological Bulletin, 146(10), 831–871 (2020)..... 27
- John G. Ferrari, *McDonald’s or the Army? A California Case Study*, American Enterprise Institute (Mar. 19, 2024), <https://www.aei.org/research-products/report/mcdonalds-or-the-army-a-california-case-study/> 11
- Johns Hopkins University, *Gen Z In The Workplace: How Should Companies Adapt?* (Apr. 18, 2023), <https://imagine.jhu.edu/blog/2023/04/18/gen-z-in-the-workplace-how-should-companies-adapt/> 11

- Joycelyn Elders & Alan M. Steinman, *Report of the Transgender Military Service Commission*, The Palm Ctr., 4 (March 2014), https://palmcenterlegacy.org/wp-content/uploads/2014/03/Transgender-Military-Service-Report_1.pdf..... 26, 27
- Lt. Col. Frank Dolberry & Charles McEnany, “*Be All You Can Be*”: *The U.S. Army’s Recruiting Transformation*, Association of the United States Army (Jan. 2024), <https://www.ausa.org/publications/be-all-you-can-be-us-armys-recruiting-transformation> 10
- Matthew F. Kerrigan, *Transgender Discrimination in the Military: The New Don’t Ask Don’t Tell*, 18 Psychol. Pub. Pol’y & L. 500, 513-14 (2012) 27
- Natasha A Schvey et al., *A Descriptive Study of Transgender Active Duty Service Members in the U.S. Military*, 5 *Transgender Health* 149, 149 (2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7906232/pdf/trgh.2019.0044.pdf>..... 13
- Sandy E. James et al., *Early Insights: A Report of the 2022 U.S. Transgender Survey*, Nat’l Ctr. For Transgender Equality, 15 (Feb. 2024), https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf..... 14, 16
- Vice Admiral Donald C. Arthur & Major General Gale Pollock et al., *DoD’s Transgender Ban Has Harmed Military Readiness*, The Palm Ctr., 24-26 (Nov. 2020) <https://palmcenterlegacy.org/wp-content/uploads/DoDs-Transgender-Ban-Has-Harmed-Military-Readiness-copy-3.pdf>..... 26

Government Reports, News, Press Releases and Other Authorities

- American Medical Association, *Statement on Pentagon’s Ban on Transgender in Military* (Apr. 11, 2019), <https://www.ama-assn.org/press-center/press-releases/ama-statement-pentagons-ban-transgender-military> 24

American Psychological Association, <i>Statement Regarding Transgender Individuals Serving in Military</i> (2018), https://www.apa.org/news/press/releases/2018/03/transgender-military	24
Annual Performance Progress Report at 3, Oregon Military Dep't (Oct. 3, 2022), https://www.oregon.gov/omd/Documents/2022%20Proposed%20APPR.pdf	9
Army National Guard, <i>Guard FAQs</i> , https://nationalguard.com/guard-faqs	5
Bradford Leighton, Ill. <i>National Guard helps civilian agencies fight flooding</i> , National Guard (June 3, 2019), https://www.nationalguard.mil/News/Article-View/Article/1863818/ill-national-guard-helps-civilian-agencies-fight-flooding/	7
C. Todd Lopez, <i>Recruiting force remains unchanged, despite shrinking goals</i> , U.S. Army (Jan. 22, 2014), https://www.army.mil/article/118369/recruiting_force_remains_unchanged_despite_shrinking_goals	8
California State Budget Office, 2023-24 STATE BUDGET – GG1, 8940 Military Dep't, https://ebudget.ca.gov/2023-24/pdf/Enacted/GovernorsBudget/8000/8940.pdf	4
California State University Maritime Academy, <i>Non-Discrimination Statement</i> , https://www.csum.edu/admissions/non-discrimination-statement.html	21
Council for a Strong America, <i>77 Percent of American Youth Can't Qualify for Military Service</i> (Jan. 24, 2023), https://www.strongnation.org/articles/2006-77-percent-of-american-youth-can-t-qualify-for-military-service	11
Declaration of Former Chairman of Joint Chiefs of Staff, Admiral Michael Mullen, <i>Stockman v. Trump</i> , Case No. 5:17-cv-01799-JGB-KK (C.D. Cal.)	27

- Desiree D'Iorio, *Know someone who wants to join the National Guard? In some states, you now can get a finder's fee*, the American Homefront Project (Jan. 19, 2023),
<https://americanhomefront.wunc.org/news/2023-01-19/know-someone-who-wants-to-join-the-national-guard-in-some-states-you-now-can-get-a-finders-fee>..... 9
- District of Columbia National Guard, *National Guard support to the District of Columbia and the 60th Presidential Inauguration* (Jan. 13, 2025),
<https://dc.ng.mil/Public-Affairs/News-Release/Article/4028262/national-guard-support-to-the-district-of-columbia-and-the-60th-presidential-in/> 7
- Erich B. Smith & Jon Soucy, *Guard members ready for new DoD transgender policy*, National Guard (June 15, 2017),
https://www.army.mil/article/189440/guard_members_ready_for_new_dod_transgender_policy 19
- Erich B. Smith, *Hawaii Army National Guard Supports Maui Wildfire Response*, National Guard (Aug. 28, 2023),
<https://www.nationalguard.mil/News/Article-View/Article/3507502/hawaii-army-national-guard-supports-maui-wildfire-response/>..... 6
- Indiana National Guard, *Referral Enlistment Program*,
<https://www.in.gov/indiana-national-guard/about/referral-enlistment-program/> 10
- J. Scott Detweiler, *Vermont National Guards Supports Cyclone Beryl Response*, DVIDS (July 11, 2024),
<https://www.dvidshub.net/news/475930/vermont-national-guards-supports-cyclone-beryl-response>..... 6
- Jeff Schogol, *Many of the National Guardsmen activated for election focus on cybersecurity*, Task & Purpose (Nov. 5, 2024),
<https://taskandpurpose.com/news/national-guard-election-cybersecurity/> 8

- Jonah Kaplan, *Minnesota National Guard meets its annual recruitment goal after three-year slump*, WCCO News (May 24, 2023), <https://www.cbsnews.com/minnesota/news/minnesota-national-guard-meeting-its-recruitment-goals-after-three-year-slump/>..... 9
- Joseph Siemandel, *Adjutant General testifies for the Keeping our Washington National Guard Strong Act legislation*, DVIDS (Jan. 10, 2024), <https://www.dvidshub.net/news/461590/adjutant-general-testifies-keeping-our-washington-national-guard-strong-act-legislation>..... 9
- Joseph Siemandel, *Year in Review: 2024 was a busy year for Washington Military Department*, Defense Visual Information Distribution Service (DVIDS) (Jan. 7, 2025), <https://www.dvidshub.net/news/488741/year-review-2024-busy-year-washington-military-department> 6
- Kansas Hum. Rts. Comm’n, *Kansas Human Rights Commission Concurs with the U.S. Supreme Court’s Bostock Decision* (Aug. 21, 2020)..... 17
- Kimberly Hill, *California National Guard supports wildfire response following devastating fires in SoCal*, DVIDS (Jan. 20, 2025), <https://www.dvidshub.net/news/489368/california-national-guard-supports-wildfire-response-following-devastating-fires-socal> 6
- Maryland National Guard, *Maryland National Guard activated to support winter storm response across the state* (Jan. 8, 2025), <https://news.maryland.gov/ng/2025/01/08/maryland-national-guard-activated-to-support-winter-storm-response-across-the-state/> 7
- Massachusetts Maritime Academy, *Equal Opportunity and Diversity*, <https://www.maritime.edu/human-resources/equal-opportunity> 21
- Megan Kon, *Transgender guardsman born for military service*, U.S. Dep’t of Veterans Affairs (Mar. 27, 2023), retrieved from <https://web.archive.org/web/20250221185745/https://www.va.gov/augusta-health-care/stories/transgender-guardsman-born-for-military-service/> (website capture by Wayback Machine dated Feb. 21, 2025, retrieved May 14, 2025) 19

- Meghann Myers, *Fears of openly gay troops were vastly overblown: Pentagon report*, *The Military Times* (Sept. 28, 2022), <https://www.militarytimes.com/news/your-military/2022/09/28/fears-of-openly-gay-troops-were-vastly-overblown-pentagon-report/> 29
- Military Division, Budget Summary FY2025 Enacted, Commonwealth of Massachusetts, <https://budget.digital.mass.gov/summary/fy25/enacted/public-safety/military-division/?tab=budget-summary> 5
- Military One Source, *National Guard Employment Support*, <https://www.militaryonesource.mil/resources/millife-guides/national-guard-employment>..... 5
- Minnesota National Guard, *Here to Serve* (June 25, 2020), retrieved from <https://web.archive.org/web/20250214221108/https://ngmnpbpublic.azurewebsites.us/here-to-serve/> (website capture by Wayback Machine dated Feb. 14, 2025, retrieved May 14, 2025) 19
- Movement Advancement Project, *Local Nondiscrimination Ordinances* (current as of May 28, 2025), https://www.lgbtmap.org/equality-maps/non_discrimination_ordinances..... 18
- National Guard Association of the United States, *Recruiting Continues to Be Challenging* (Oct. 17, 2023), <https://www.ngaus.org/newsroom/recruiting-continues-be-challenging> 9
- Naval Service Training Command, *Strategic Sealift Midshipman Program* (last visited May. 28, 2025), <https://www.netc.navy.mil/Commands/Naval-Service-Training-Command/NROTC/Prospective-Midshipmen/NROTC-Program-Options/SSMP/> 22
- Oregon Army National Guard, *Enlistment Enhancement Program*, <https://www.oregonarmyguard.com/referral> 10
- Paul-Thomas Ferguson, *African American Service and Racial Integration in the U.S. Military*, U.S. Army (Feb. 23, 2021), retrieved from <https://web.archive.org/web/20250301050059/https://www.army.mil/art>

icle/243604/african_american_service_and_racial_integration_in_the_u_s_military (website capture dated Mar. 1, 2025, retrieved May 14, 2025).....	29
Skyilar Rispens, <i>National Guard ready to assist states with cyber response, say officials</i> , State Scoop (Mar. 20, 2024), https://statescoop.com/national-guard-ready-assist-with-state-cyber-response/	8
State of Vermont, FY2025 Governor’s Recommended Budget: Rollup Report, https://perma.cc/LNY6-E2EJ	4
State University of New York, <i>Supporting our LGBTQIA+ community</i> , https://www.suny.edu/diversity/lgbtq/	21
Svetlana Shkolnikova, <i>Army on pace to meet lowered recruitment goal for 2024, but long-term challenges remain</i> (Apr. 18, 2024), https://www.stripes.com/branches/army/2024-04-18/army-soldiers-recruiting-enlistment-senate-wormuth-13590935.html	10
U.S. Dep’t of Defense, <i>Department of Defense Releases Annual Demographics Report – Upward Trend in Number of Women Serving Continues</i> (Dec. 14, 2022), https://www.defense.gov/News/Releases/Release/article/3246268/department-of-defense-releases-annual-demographics-report-upward-trend-in-numbe/	5
U.S. Dep’t of Transp., Maritime Administration, <i>The Student Incentive Payment (SIP) Program</i> (last visited May 28, 2025), https://www.maritime.dot.gov/education/maritime-academies/student-incentive-payment-sip-program	22
University of Vermont, <i>Equal Opportunity in Educational Programs and Activities</i> (last visited May 28, 2025), https://catalogue.uvm.edu/undergraduate/aboutuniv/equalopportunity/	21
University of Washington, <i>EO31-Nondiscrimination and Affirmative Action</i> (last visited May 28, 2025),	

https://policy.uw.edu/directory/po/executive-orders/eo-31-nondiscrimination-and-affirmative-action/	21
USA Facts, <i>What percentage of the US population is transgender?</i> , https://usafacts.org/articles/what-percentage-of-the-us-population-is-transgender/ (last visited May 28, 2025)	14
Vermont National Guard, <i>Joint Enlistment Enhancement Program (JEEP)</i> , https://vt.public.ng.mil/Join-The-VT-Guard/Joint-Enlistment-Enhancement-Program/	10
Whitney Hughes, <i>National Guard Provides Critical Election Cybersecurity</i> , National Guard (Nov. 7, 2022), https://www.nationalguard.mil/News/Article/3211891/national-guard-provides-critical-election-cybersecurity/	7

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1), I hereby certify that:

(A) **Parties and Amici.** Except for the following, all parties, intervenors, and amici appearing before the district court and in this Court are listed in the Briefs for Appellants and Appellees: The state of Arizona.

(B) **Rulings Under Review.** References to the rulings at issue appear in the Briefs for Appellants and Appellees.

(C) **Related Cases.** We are not aware of any related cases within the meaning of Circuit Rule 28(a)(1)(C). *Shilling v. Trump*, No. 25-2039 (9th Cir.), involves similar parties and issues.

DATED this 13th day of November 2025.

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I. INTRODUCTION

The President's Executive Order banning transgender people from serving in the military not only violates the Constitution—as the district court correctly concluded—but it will also weaken our nation's military, including the National Guards operated by all Amici States. The Executive Order harms the Amici States' emergency and disaster preparedness by depriving their National Guard units of experienced and qualified soldiers at a time when recruiting is especially challenging for s. Without providing any evidence-based rationale for doing so, it again pulls the rug out from under service members who have served with honor and distinction. And it entangles the Amici States in a discriminatory policy fundamentally at odds with their own experiences in enacting and enforcing laws protecting transgender individuals from discrimination. Their experience shows that allowing transgender individuals to participate fully in society, including the military, benefits Amici States and the nation. The Executive Order and the policies and directives implementing it are unconstitutional and harm national security. This Court should affirm the district court's grant of a preliminary injunction.

II. IDENTITY AND INTERESTS OF AMICI

The States of Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont and Washington (“Amici States” or “States”) respectfully submit this *amicus curiae* brief in support of Plaintiffs-Appellees as of right pursuant to Federal Rule of Appellate Procedure 29(a)(2). The Amici States have an interest in the strength and preparedness of our national defense, including through the National Guard, which the States ordinarily control and rely on in times of peace and emergency. The Amici States also have interests in protecting other state institutions implicated by the Executive Order and in enforcing their own civil rights protections for transgender individuals. These interests are best served by allowing transgender individuals to serve without discrimination.

III. ARGUMENT

A. The National Guard Serves a Vital Role in Ensuring the Security and Disaster Preparedness of the States.

As the modern-day successor to the Founding-era concept of the militia, the National Guard is governed by the United States Constitution. *Ass’n of Civilian Technicians, Inc. v. United States*, 603 F.3d 989, 992 (D.C. Cir. 2010). Article I, Section 8 gives Congress the power “[t]o provide for calling forth the

militia to execute the laws of the union, suppress insurrections and repel invasions.” U.S. Const. art. I, § 8, cl. 15. It also gives Congress the power “[t]o provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.” U.S. Const. art. I, § 8, cl. 16. These clauses “reflect a delicate compromise that gives the States power over their respective militias—subject to the President’s power to call those militias into national service when necessary.” *Abbott v. Biden*, 70 F.4th 817, 821 (5th Cir. 2023).

Statutes governing the National Guard reflect this compromise. As the Fifth Circuit has explained, “the National Guard includes two ‘overlapping but distinct organizations’—the National Guards of the various States and the National Guard of the United States.” *Id.* at 822 (quoting *Perpich v. Dep’t of Def.*, 496 U.S. 334, 345 (1990)). “All who enlist in a State’s National Guard must simultaneously enlist in the National Guard of the United States, which is a reserve component[] of the armed forces.” *Id.* (internal quotations and citations omitted); 10 U.S.C. § 10101. However, “[m]embers of the Army National Guard of the United States and the Air National Guard of the United States are not in

active Federal service except when ordered thereto under law.” 10 U.S.C. § 12401. The States retain control over the National Guard when it is not properly called into federal service. 32 U.S.C. §§ 328, 502(f).

Although the National Guard is primarily funded through federal appropriations, *see* 32 U.S.C. §§ 106-07, it also receives funding from the States. For example, California’s enacted budget for fiscal year 2024 allocated more than \$293 million for its National Guard; of this amount, more than \$148 million—approximately 51% of the budget—came from California’s General Fund.¹ Vermont’s fiscal year 2025 budget allocated almost \$7 million to its military department, most of which flows to various National Guard functions.² In Washington, the adopted budget for 2023-2025 allocated over \$151 million in state appropriations to the Military Department, including more than \$59 million for the disaster response account³; in federal fiscal year 2024, Washington spent about \$6.3 million on National Guard facilities, construction,

¹ California State Budget Office, 2023-24 STATE BUDGET – GG1, 8940 Military Dep’t, <https://ebudget.ca.gov/2023-24/pdf/Enacted/GovernorsBudget/8000/8940.pdf>.

² State of Vermont, FY2025 Governor’s Recommended Budget: Rollup Report, <https://perma.cc/LNY6-E2EJ>.

³ Engr. Sub. S.B. 5187, 68th Leg., Reg. Sess., Chapter 475 Wash. Sess. Laws 2023, 132-33.

and projects, and the state also appropriates almost \$1 million per year combined to the Guard for wildland fire training, administrative costs, and death benefits for families of Guard members who died in service. In Massachusetts, the enacted budget for the fiscal year 2025 included state spending for (among other things) the office of the adjutant general, certain National Guard aviation facilities, and National Guard missions and division operations.⁴

The National Guard is unique for its dual state-federal service and because it provides for part-time service. Joining the Guard requires attending one weekend of drill per month and a two-week training course each year.⁵ The National Guard allows service members to keep their civilian jobs while serving.⁶ This allows more individuals to participate. For example, women make up a larger percentage of the National Guard and reserves than they do active-duty forces.⁷ The Amici States benefit from a National Guard composed of

⁴ Military Division, Budget Summary FY2025 Enacted, Commonwealth of Massachusetts, <https://budget.digital.mass.gov/summary/fy25/enacted/public-safety/military-division/?tab=budget-summary>.

⁵ Army National Guard, *Guard FAQs*, <https://nationalguard.com/guard-faqs>.

⁶ Military One Source, *National Guard Employment Support*, <https://www.militaryonesource.mil/resources/millife-guides/national-guard-employment>.

⁷ U.S. Dep't of Defense, *Department of Defense Releases Annual Demographics Report – Upward Trend in Number of Women Serving Continues* (Dec. 14, 2022), <https://www.defense.gov/News/Releases/Release/article/3246>

individuals from different professional backgrounds who are engaged in different civilian careers and bring different skills to their service.

In addition to serving as a reserve force of the U.S. Military, the National Guard saves lives by responding to natural disasters. The National Guard responded to major wildfires in Washington in 2024 and California in 2025.⁸ Members of the Vermont Army National Guard collaborated with search and rescue teams to evacuate nineteen people from Hurricane Beryl in one night in 2024.⁹ In 2023, the Hawai'i National Guard responded to devastating wildfires in Lahaina by maintaining order, fighting the fires, and searching for victims.¹⁰ In 2019, 200 members of the Illinois National Guard responded to major river

268/departments-of-defense-releases-annual-demographics-report-upward-trend-in-numbe/.

⁸ Joseph Siemandel, *Year in Review: 2024 was a busy year for Washington Military Department*, Defense Visual Information Distribution Service (DVIDS) (Jan. 7, 2025), <https://www.dvidshub.net/news/488741/year-review-2024-busy-year-washington-military-department>; Kimberly Hill, *California National Guard supports wildfire response following devastating fires in SoCal*, DVIDS (Jan. 20, 2025), <https://www.dvidshub.net/news/489368/california-national-guard-supports-wildfire-response-following-devastating-fires-socal>.

⁹ J. Scott Detweiler, *Vermont National Guards Supports Cyclone Beryl Response*, DVIDS (July 11, 2024), <https://www.dvidshub.net/news/475930/vermont-national-guards-supports-cyclone-beryl-response>.

¹⁰ Erich B. Smith, *Hawaii Army National Guard Supports Maui Wildfire Response*, National Guard (Aug. 28, 2023), <https://www.nationalguard.mil/News/Article-View/Article/3507502/hawaii-army-national-guard-supports-maui-wildfire-response/>.

floods by placing sandbags and monitoring levees.¹¹ And in January of this year, Maryland activated its National Guard to respond to a winter storm.¹²

In addition to natural disasters, states sometimes activate members of the National Guard to provide support at major events. For example, members of the National Guard from the District of Columbia and about forty other states provided support for President Trump's 2025 Inauguration, in a tradition dating back to the first inauguration of President George Washington.¹³

The National Guard also uses the technical expertise of its members to provide cybersecurity support during elections. As of 2022, the National Guard cyber force included over 2,200 members from thirty-eight units.¹⁴ These

¹¹ Bradford Leighton, *Ill. National Guard helps civilian agencies fight flooding*, National Guard (June 3, 2019), <https://www.nationalguard.mil/News/Article-View/Article/1863818/ill-national-guard-helps-civilian-agencies-fight-flooding/>.

¹² Maryland National Guard, *Maryland National Guard activated to support winter storm response across the state* (Jan. 8, 2025), <https://news.maryland.gov/ng/2025/01/08/maryland-national-guard-activated-to-support-winter-storm-response-across-the-state/>.

¹³ District of Columbia National Guard, *National Guard support to the District of Columbia and the 60th Presidential Inauguration* (Jan. 13, 2025), <https://dc.ng.mil/Public-Affairs/News-Release/Article/4028262/national-guard-support-to-the-district-of-columbia-and-the-60th-presidential-in/>.

¹⁴ Whitney Hughes, *National Guard Provides Critical Election Cybersecurity*, National Guard (Nov. 7, 2022), <https://www.nationalguard.mil/News/Article/3211891/national-guard-provides-critical-election-cybersecurity/>.

members provided cybersecurity support during the 2022 primary elections in eight states.¹⁵ In 2024, fifteen states activated the National Guard to provide cybersecurity for the November general election.¹⁶ Many states rely on the National Guard for their cybersecurity needs because many state and local governments experience gaps in their cybersecurity workforce.¹⁷

B. Banning Transgender Individuals from Military Service Harms National Guard Recruitment Efforts and Jeopardize States' Security and Readiness.

While the pressing need for its services continues to grow, the National Guard has struggled with recruitment. More than a decade ago, in 2014, the Army expressed concerns about future recruitment based on physical fitness issues and young Americans showing less interest in military careers.¹⁸ In fiscal

¹⁵ *Id.*

¹⁶ Jeff Schogol, *Many of the National Guardsmen activated for election focus on cybersecurity*, Task & Purpose (Nov. 5, 2024), <https://taskandpurpose.com/news/national-guard-election-cybersecurity/>.

¹⁷ Skylar Rispens, *National Guard ready to assist states with cyber response, say officials*, State Scoop (Mar. 20, 2024), <https://statescoop.com/national-guard-ready-assist-with-state-cyber-response/>.

¹⁸ C. Todd Lopez, *Recruiting force remains unchanged, despite shrinking goals*, U.S. Army (Jan. 22, 2014), https://www.army.mil/article/118369/recruiting_force_remains_unchanged_despite_shrinking_goals.

year 2023, the National Guard had “another rough year for recruiting[.]”¹⁹ Many states have fallen short of their recruiting targets in the past several years. For example, Washington has failed to reach targets for the last five years.²⁰ Oregon failed to reach targets in 2021 and 2022.²¹ Minnesota lowered its recruiting goal in 2023 after failing to meet its target for three years.²² Some states have instituted programs for referral bonuses.²³ Washington law authorizes a bonus of up to \$500 when a current member of the National Guard refers someone who

¹⁹ National Guard Association of the United States, *Recruiting Continues to Be Challenging* (Oct. 17, 2023), <https://www.ngaus.org/newsroom/recruiting-continues-be-challenging>.

²⁰ Joseph Siemandel, *Adjutant General testifies for the Keeping our Washington National Guard Strong Act legislation*, DVIDS (Jan. 10, 2024), <https://www.dvidshub.net/news/461590/adjutant-general-testifies-keeping-our-washington-national-guard-strong-act-legislation>.

²¹ Annual Performance Progress Report at 3, Oregon Military Dep’t (Oct. 3, 2022), <https://www.oregon.gov/omd/Documents/2022%20Proposed%20APPR.pdf>.

²² Jonah Kaplan, *Minnesota National Guard meets its annual recruitment goal after three-year slump*, WCCO News (May 24, 2023), <https://www.cbsnews.com/minnesota/news/minnesota-national-guard-meeting-its-recruitment-goals-after-three-year-slump/>.

²³ Desiree D’Iorio, *Know someone who wants to join the National Guard? In some states, you now can get a finder’s fee*, American Homefront Project (Jan. 19, 2023), <https://americanhomefront.wunc.org/news/2023-01-19/know-someone-who-wants-to-join-the-national-guard-in-some-states-you-now-can-get-a-finders-fee>.

joins the Guard.²⁴ Vermont offers \$1,000 for a successful enlistment.²⁵ Other states have similar referral programs.²⁶

The National Guard's recruitment struggles are not unique. The Army has fallen short of its targets in recent years by thousands of recruits,²⁷ leading it to lower its recruiting targets.²⁸ As a recent paper by a lieutenant colonel and a national security analyst explains, the Army's insufficient recruiting poses a national security risk.²⁹ The American Enterprise Institute recently released a report by a retired major general noting that the number of eighteen-year-olds in the U.S. population is expected to drop, and arguing that current pay for new

²⁴ Wash. Rev. Code Ann. § 38.24.070.

²⁵ Vermont National Guard, *Joint Enlistment Enhancement Program (JEEP)*, <https://vt.public.ng.mil/Join-The-VT-Guard/Joint-Enlistment-Enhancement-Program/>.

²⁶ Indiana National Guard, *Referral Enlistment Program*, <https://www.in.gov/indiana-national-guard/about/referral-enlistment-program/>; Oregon Army National Guard, *Enlistment Enhancement Program*, <https://www.oregonarmyguard.com/referral>.

²⁷ Lt. Col. Frank Dolberry & Charles McEnany, “*Be All You Can Be*”: *The U.S. Army's Recruiting Transformation*, Association of the United States Army (Jan. 2024), <https://www.ausa.org/publications/be-all-you-can-be-us-armys-recruiting-transformation>.

²⁸ Svetlana Shkolnikova, *Army on pace to meet lowered recruitment goal for 2024, but long-term challenges remain* (Apr. 18, 2024), <https://www.stripes.com/branches/army/2024-04-18/army-soldiers-recruiting-enlistment-senate-wormuth-13590935.html>.

²⁹ Dolberry & McEnany, *supra* note 41.

soldiers is too low to attract enough recruits.³⁰ A 2020 study found that 77% of youth cannot qualify for military service.³¹ In this difficult recruiting environment, the military cannot afford to turn away otherwise-qualified recruits simply because they are transgender.

The President's Executive Order makes matters worse by excluding transgender individuals from military service and requiring the Amici States to be discriminatory employers, contrary to their own laws. This forced discrimination will further hamper already-challenging recruitment efforts for the National Guard. Johns Hopkins University found that members of Generation Z—those born in the late 1990s through the early 2010s—“embrace[] the right to freely express one's gender identity.”³² An overwhelming 88% of respondents to Johns Hopkins' poll believed that

³⁰ John G. Ferrari, *McDonald's or the Army? A California Case Study*, American Enterprise Institute (Mar. 19, 2024), <https://www.aei.org/wp-content/uploads/2024/03/McDonalds-or-the-Army-A-California-Case-Study.pdf?x85095>.

³¹ Council for a Strong America, *77 Percent of American Youth Can't Qualify for Military Service* (Jan. 24, 2023), <https://www.strongnation.org/articles/2006-77-percent-of-american-youth-can-t-qualify-for-military-service>.

³² Johns Hopkins University, *Gen Z In The Workplace: How Should Companies Adapt?* (Apr. 18, 2023), <https://imagine.jhu.edu/blog/2023/04/18/gen-z-in-the-workplace-how-should-companies-adapt/>.

companies ought to respect employees' pronouns.³³ Thus, in addition to violating the Constitution, the President's discriminatory Executive Order will harm recruiting efforts with young Americans in the peak age demographic for recruitment. Former high-ranking military officials share this concern about the effect of the ban. *See* JA403 (Declaration of Alex Wagner, ¶ 29) ("Any organization that is perceived by America's youth as discriminatory will be at a competitive disadvantage in this race for talent."); JA557 (Declaration of Yvette Bourcicot, ¶ 32) ("This sudden reversal of policy will damage the reputation of the military and diminish its attractiveness among the young people we most need to persuade to join our ranks.").

Nor is the Executive Order necessary to address any new phenomenon, given that transgender individuals have served in the military for years. A 2014 study found that approximately 150,000 veterans, active-duty service members, and members of the National Guard or Reserves identified as transgender.³⁴ As of 2020, one study estimated that at least 8,000 transgender people were serving

³³ *See Id.*

³⁴ Gary J. Gates & Jody L. Herman, *Transgender Military Service in the United States*, The Williams Inst. (May 2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Military-Service-US-May-2014.pdf> (estimating 134,300 transgender veterans and 15,500 members in active service).

on active duty in the U.S. Military.³⁵ Notably, transgender individuals are about twice as likely as other adults to have served their country in the Armed Forces.³⁶ The President's Executive Order requires the National Guard to discharge transgender members and turn away potential recruits solely because they identify as transgender. The lost potential for new personnel, not to mention the loss of personnel in whom training and money have been invested, impedes the National Guard's ability to respond to natural disasters and perform its other functions at a time when a robust National Guard is more necessary than ever.

C. The Executive Order Broadly Undermines the Amici States' Institutions and Efforts to Protect Members of Their Communities.

In addition to harming military recruitment and national security, the Executive Order constitutes a blatantly discriminatory policy targeting transgender residents of the Amici States. As Amici States' experience shows, discrimination of this sort threatens to harm all state residents, whether part of the transgender community or not.

³⁵ Natasha A Schvey et al., *A Descriptive Study of Transgender Active Duty Service Members in the U.S. Military*, 5 *Transgender Health* 149, 149 (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7906232/pdf/trgh.2019.0044.pdf>.

³⁶ Gates & Herman, *Transgender Military Service*, *supra* note 48.

1. Transgender people are a vital part of the Amici States' communities but face ongoing discrimination.

Nationwide, about 2.3 million adults—or about 0.95% of the nation's population—identify as transgender.³⁷ They live in the Amici States (as well as every other State and U.S. territory)³⁸ and contribute to our communities in countless ways—as parents, educators, students, firefighters, police officers, musicians, writers, nurses, doctors, and more. Nothing about being transgender inhibits a person's ability to contribute to society or to serve in the military.³⁹ On the contrary, the experience of the Amici States shows that transgender people are just as capable as their cisgender counterparts and make a meaningful, positive impact not only in the military, but in our schools, workplaces, and communities.

³⁷ USA Facts, *What percentage of the US population is transgender?*, <https://usafacts.org/articles/what-percentage-of-the-us-population-is-transgender/> (last updated Feb. 12, 2025).

³⁸ Sandy E. James et al., *Early Insights: A Report of the 2022 U.S. Transgender Survey*, Nat'l Ctr. For Transgender Equality, 15 (Feb. 2024), https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

³⁹ American Medical Association, *Military Medical Policies Affecting Transgender Individuals* H-40.966 (2015), <https://policysearch.ama-assn.org/policyfinder/detail/40.966?uri=%2FAMADoc%2FHOD.xml-0-3487.xml>. (“[T]here is no medically valid reason to exclude transgender individuals from service in the US military.”).

Still, the transgender community has suffered “a history of persecution and discrimination” that persists to the present day. *Adkins v. City of New York*, 143 F. Supp. 3d 134, 139 (S.D.N.Y. 2015); *Flack v. Wis. Dep’t of Health Servs.*, 328 F. Supp. 3d 931, 953 (W.D. Wis. 2018) (“In short, other than certain races, one would be hard-pressed to identify a class of people more discriminated against historically or otherwise more deserving of the application of heightened scrutiny.”). As the Ninth Circuit has held, gender identity is at least a quasi-suspect class, and classifications based on gender identity are subject to heightened scrutiny—including in the context of military decisions. *Karnoski v. Trump*, 926 F.3d 1180, 1200-01 (9th Cir. 2019). The district court correctly applied heightened scrutiny after concluding that the Executive Order “creates an explicit sex-based classification” and that transgender persons are a quasi-suspect class. JA1260.

And the protections of heightened scrutiny are necessary here, because transgender people continue to experience discrimination that impairs their physical and mental health, curtails their economic prospects, and ultimately limits their ability to realize their potential and participate fully in society.

According to the 2022 United States Transgender Survey (“2022 USTS”),⁴⁰ transgender individuals continue to face verbal harassment and physical violence at home, in school, and in their communities; grapple with mistreatment in the workplace and a higher rate of unemployment than the general United States population; confront homelessness and difficulty obtaining and maintaining housing; and endure myriad other forms of discrimination in education, employment, housing, and access to health care due to their gender identity.⁴¹

To combat those problems, states began providing civil rights protections for transgender people over a quarter century ago. Currently, 23 states—including many of the Amici States—and the District of Columbia have enacted civil rights protections for transgender people in education, employment, health care, housing, and/or public accommodations.⁴² And at least 395 municipalities

⁴⁰ The 2022 USTS “is the largest survey ever conducted to examine the experiences of binary and nonbinary transgender people in the United States.” James et al., *supra* note 52, at 4.

⁴¹ *See generally id.*

⁴² **California:** Cal. Civ. Code § 51(b), (e)(5), (6) (public accommodations); Cal. Educ. Code §§ 220 (education), 221.5(f) (education and school athletic participation); Cal. Gov’t Code §§ 12926(o), (r)(2), 12940(a), 12949 (employment); 12955 (housing); Cal. Penal Code §§ 422.55, 422.56(c) (hate crimes). **Colorado:** Colo. Rev. Stat. §§ 24-34-301(9)-(10) (definition); 24-34-402 (employment); 24-34-502 (housing); 24-34-601 (public accommodations). **Connecticut:** Conn. Gen. Stat. §§ 10-15c (schools); 46a-51(21) (definition); 46a-60 (employment); 46a-64 (public accommodations); 46a-64c (housing).

Delaware: Del. Code Ann. tit. 6, §§ 4501 (public accommodations); 4502(11) (definition); 4603(b) (housing); tit. 19, § 711 (employment). **Hawai‘i:** Haw. Rev. Stat. § 489-2 (definition); 489-3 (public accommodations); 515-2 (definition); 515-3 (housing). **Illinois:** 775 Ill. Comp. Stat. 5/1-102(A) (housing, employment, access to financial credit, public accommodations); 5/1-103(O-1) (definition). **Kansas:** Kansas Hum. Rts. Comm’n, *Kansas Human Rights Commission Concurs with the U.S. Supreme Court’s Bostock Decision* (Aug. 21, 2020). **Maine:** Me. Rev. Stat. Ann. tit. 5, § 4553(5-C) (definition); 4571 (employment); 4581 (housing); 4591 (public accommodations); 4601 (education). **Maryland:** Md. Code Ann., State Gov’t §§ 20-101(e) (definition); 20-304 (public accommodations); 20-606 (employment); 20-705 (housing); Md. Code Ann., Educ. § 26-704 (schools). **Massachusetts:** Mass. Gen. Laws ch. 4, § 7 (definition); ch. 76, § 5 (education); ch. 151B, § 4 (employment, housing, credit) (as amended by Ch. 205, 2024 Mass. Acts); ch. 272, §§ 92A, 98 (public accommodations) (as amended by Ch. 134, 2016 Mass. Acts). **Michigan:** Mich. Comp. Laws § 37.2102(1) (employment, housing, public accommodations, education); 37.2103(f) (definition). **Minnesota:** Minn. Stat. § 363A.03(44), (50) (definitions); 363A.08 (employment); 363A.09 (housing); 363A.11 (public accommodations); 363A.13 (education). **Nevada:** Nev. Rev. Stat. §§ 118.075, 118.100 (definition, housing); 613.310(4), 613.330 (definition, employment); 651.050(2), 651.070 (public accommodations). **New Hampshire:** N.H. Rev. Stat. Ann. § 354-A:2(XIV-e) (definition); 354-A:6 (employment); 354-A:8 (housing); 354-A:16 (public accommodations); 354-A:27 (education). **New Jersey:** N.J. Stat. Ann. § 10:5-5(rr) (definition); 10:5-12 (public accommodations, housing, employment); 18A:36-41 (school activities). **New Mexico:** N.M. Stat. Ann. § 28-1-2(T) (definition); 28-1-7(A) (employment); 28-1-7(F) (public accommodations); 28-1-7(G) (housing). **New York:** N.Y. Exec. Law §§ 291, 292, 296 (definition, education, employment, public accommodations, housing). **Oregon:** Or. Rev. Stat. § 174.100(4) (definition); 659.850 (education); 659A.006 (employment, housing, public accommodations). **Pennsylvania:** 43 Pa. Stat. § 953; 16 Pa. Code § 41.206 (definition, employment, housing, public accommodations). **Rhode Island:** 11 R.I. Gen. Laws § 11-24-2 (public accommodations); 28 R.I. Gen. Laws §§ 28-5-6(12) (definition), 28-5-7 (employment); 34 R.I. Gen. Laws §§ 34-37-3(9), 34-37-4 (housing). **Utah:** Utah Code Ann. §§ 34A-5-106 (employment); 34A-5-102(o) (definition); 57-21-5 (housing). **Vermont:** Vt. Stat. Ann. tit. 1, § 144 (definition); tit. 9, §§ 4502 (public accommodations),

offer express protections against discrimination based on gender identity.⁴³ As the experiences of the Amici States and these other jurisdictions show, transgender-inclusive policies help to ease the stigma on transgender people, and mitigate the negative impact on their educational, work, and health outcomes. Those policies also foster a more just and productive society for all our residents.

2. The Executive Order will needlessly harm the Amici States by limiting National Guard readiness and creating unequal opportunities at public institutions.

The Amici States' experience belies the President's stated rationale for reinstating a ban on transgender service members in the military. For years, transgender individuals have served in Amici States' National Guard components with honor and distinction. After the first, longstanding ban was lifted in 2016, and again when the Trump Administration's first attempt to ban

4503 (housing); tit. 21, § 495 (employment). **Washington:** Wash. Rev. Code Ann. §§ 28A.642.010 (education); 49.60.030(1)(a)-(e) (employment, public accommodations, real estate transactions, credit transactions, and insurance transactions); 49.60.040(29) (definition); 49.60.180 (employment); 49.60.215 (public accommodations); 49.60.222 (housing). **District of Columbia:** D.C. Code § 2-1401.02(12A-i) (definition); 2-1402.11 (employment); 2-1402.21 (housing); 2-1402.31 (public accommodations); 2-1402.41 (education).

⁴³ Movement Advancement Project, *Local Nondiscrimination Ordinances* (current as of Nov. 5, 2025), https://www.lgbtmap.org/equality-maps/non_discrimination_ordinances.

transgender service members from the military was reversed in 2021, Guard members came out to their superiors and peers with no negative impact on the Guard's functions.⁴⁴ The National Guard trained its members on compliance with the nondiscrimination policy, expressing no particular concerns about compliance.⁴⁵ Likewise, transgender cadets in ROTC programs supported by many of Amici States' colleges and universities also disclosed their gender identities. The Amici States are unaware of any resulting adverse consequences to their Guard units or ROTC programs.

The Trump Administration's latest about-face threatens the Amici States' efforts to provide an inclusive environment for current transgender service members and foists upon us the discriminatory policies of the past. It entangles the Amici States—once again—in a federal scheme that requires us to

⁴⁴ *E.g.*, Minnesota National Guard, *Here to Serve* (June 25, 2020), retrieved from <https://web.archive.org/web/20250214221108/https://ngmnpublish.azurewebsites.us/here-to-serve/> (website capture by Wayback Machine dated Feb. 14, 2025, retrieved May 14, 2025); Megan Kon, *Transgender guardsman born for military service*, U.S. Dep't of Veterans Affairs (Mar. 27, 2023), retrieved from <https://web.archive.org/web/20250221185745/https://www.va.gov/augusta-health-care/stories/transgender-guardsman-born-for-military-service/> (website capture by Wayback Machine dated Feb. 21, 2025, retrieved May 14, 2025).

⁴⁵ Erich B. Smith & Jon Soucy, *Guard members ready for new DoD transgender policy*, National Guard (June 15, 2017), https://www.army.mil/article/189440/guard_members_ready_for_new_dod_transgender_policy.

differentiate National Guard recruits and service members based on a characteristic that has been demonstrated to have nothing to do with their ability to serve. Such discrimination is in direct conflict with the policies of the Amici States.⁴⁶

Beyond harming state military components, the Trump Administration's ban on transgender service members also harms the Amici States' public colleges and universities that support ROTC programs. ROTC programs are designed to train commissioned officers for the Armed Forces; they are located on and supported by college campuses but are subject to federal entry requirements.⁴⁷ Many public colleges and universities in the Amici States host ROTC programs and provide them with physical space, and, in some instances, financial support in the form of a budget or scholarship funds. Reinstating the ban on transgender service members renders these ROTC programs—together with the scholarship and career opportunities they provide—actually or effectively unavailable to transgender students, who will be ineligible to serve in the Armed Forces upon graduation. The ban thus harms the Amici States' public colleges and universities

⁴⁶ *See supra note 56.*

⁴⁷ *See* 10 U.S.C. § 2103. *See also* 10 U.S.C. § 2031(a)(2) (providing for the establishment and organization of Junior ROTC programs in middle and high schools).

by limiting their ability to extend the same opportunities to all students, in direct contravention of many schools' own transgender-inclusive policies and the Amici States' broader anti-discrimination laws.⁴⁸

Finally, the ban also imposes a distinct set of harms on one subset of state-run educational institutions: the public specialized maritime academies in Massachusetts, California, and New York that serve as pathways for students interested in pursuing maritime professions or becoming commissioned officers in the Coast Guard or other branches of the Armed Forces.⁴⁹ These academies welcome transgender students.⁵⁰ In addition to the state-of-the-art training and

⁴⁸ See *supra* note 56, see also, e.g., University of Vermont, *Equal Opportunity in Educational Programs and Activities* (last visited May 28, 2025), <https://catalogue.uvm.edu/undergraduate/aboutuniv/equalopportunity/>; University of Washington, *EO 81 Prohibiting Discrimination, Harassment, and Sexual Misconduct* (July 23, 2025), <https://policy.uw.edu/directory/po/executive-orders/eo-81-prohibiting-discrimination-harassment-and-sexual-misconduct/>.

. Congress has barred institutions of higher education that receive federal funding from preventing the Armed Forces from establishing or operating ROTC programs on campus. 10 U.S.C. § 983.

⁴⁹ Massachusetts operates the Massachusetts Maritime Academy; California, the California State University Maritime Academy; and New York, the State University of New York Maritime College. New York is also home to the federally administered U.S. Merchant Marine Academy.

⁵⁰ Massachusetts Maritime Academy, *Equal Opportunity and Diversity*, <https://www.maritime.edu/human-resources/equal-opportunity/>; State University of New York, *Supporting our LGBTQIA+ community*, <https://www.suny.edu/diversity/lgbtq/>;

curriculum they offer all students, maritime academies extend special benefits to those who intend to join the military, including funding conditioned on subsequent military service⁵¹ and programs that enable students to obtain military commissions after graduation. For example, the maritime academies all offer a “Strategic Sealift Midshipman [or Officer] Program,” which allows students earning Coast Guard Licenses to be commissioned as officers in the Navy Reserve upon graduation and provides stipends to help pay for school.⁵² As with the ROTC programs (and against these academies’ own anti-discrimination policies), reinstating a ban on transgender service members effectively requires these public institutions to offer different opportunities to their students based solely on their transgender status. That is, while cisgender

California State University Maritime Academy, *Notice of Non-Discrimination on the Basis of Gender or Sex*, https://crco.calpoly.edu/Notice_of_Non-Discrimination.

⁵¹ The Student Incentive Payment (SIP) Program is offered for students of all the academies. Following graduation, SIP students must either enter the U.S. Armed Forces on active duty or must be in a reserve unit for at least six years, along with other requirements. *See* 46 C.F.R. § 310.7; U.S. Dep’t of Transp., Maritime Administration, *The Student Incentive Payment (SIP) Program* (last visited May 28, 2025), <https://www.maritime.dot.gov/education/maritime-academies/student-incentive-payment-sip-program>.

⁵² *See, e.g.*, Naval Service Training Command, *Strategic Sealift Midshipman Program* (last visited May 28, 2025), <https://www.netc.navy.mil/Commands/Naval-Service-Training-Command/NROTC/Prospective-Midshipmen/NROTC-Program-Options/SSMP/>.

students will be eligible for the full range of services, scholarships, and programs at the academies, transgender students will be unable to take advantage of benefits that depend on a future military career. Considering the more limited opportunities that will be available to transgender students after graduation, the overall education these academies provide will be of significantly lesser value.

The Amici States' experience with the National Guard, ROTC programs, and maritime academies is consistent with the broader lessons we have learned from implementing transgender-inclusive laws and policies: welcoming transgender individuals to live and participate fully in society consistent with their gender identity improves their lives and makes our communities stronger. Reversing the military's policy on transgender service members harms Amici States by undermining our institutions and requiring us to discriminate against our own residents based on their gender identity.

3. The Executive Order harms the Amici States' veterans, active service members, and those who wish to serve.

The Trump Administration's irrational decision to reinstate the ban on transgender service members also directly harms the residents of the Amici States: our veterans, active service members, and those who wish to serve. As the district court observed, the Executive Order "is soaked in animus and dripping with pretext." JA1273. The Order repeats a number of "unabashedly

demeaning” claims about transgender people, *id.*, including that being transgender is somehow inconsistent with “an honorable, truthful, and disciplined lifestyle” and with the “humility and selflessness required of a service member,” Executive Order 14,183, 90 Fed. Reg. 8757 (Feb. 3, 2025). But the experiences of the named Plaintiffs who have longstanding, distinguished service—even during their transitions—plainly belie those claims, as do the positions of the major medical organizations that have weighed in on the issue.⁵³ Other Plaintiffs will be deprived of the opportunity to serve absent court intervention.

The Amici States have an interest in upholding their residents’ right to live free from discrimination and its associated harms. *See, e.g., Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 609 (1982) (“[A] State has a substantial interest in assuring its residents that it will act to protect them from these evils [of discrimination].”). The harm to the dignity of transgender veterans and soldiers is obvious. The ban degrades the service of 150,000 transgender

⁵³ *See* American Psychological Association, *Statement Regarding Transgender Individuals Serving in Military* (2018), <https://www.apa.org/news/press/releases/2018/03/transgender-military> (“No scientific evidence has shown that allowing transgender people to serve in the armed forces has an adverse impact on readiness or unit cohesion.”); American Medical Association, *Statement on Pentagon’s Ban on Transgender in Military* (Apr. 11, 2019), <https://www.ama-assn.org/press-center/press-releases/ama-statement-pentagons-ban-transgender-military>.

veterans, active-duty service members, and members of the National Guard and Reserves, as well as those who wish to serve. Reinstating the ban serves no purpose but to deny a group disfavored by the Trump Administration equal opportunity and equal treatment under the law and erode our military readiness. The Executive Order relegates transgender individuals to second-class status, sending the unmistakable message that their Commander-in-Chief believes they are unfit to serve or that their service is not valued.

The ban also harms the many transgender residents of the Amici States who relied on the assurance of the federal government over the years that they were welcome to serve without discrimination. Many service members in the National Guard and other branches of the military identified themselves as transgender to their command based on that assurance, believing that they would not thereby be deprived of their opportunity to serve (or their livelihoods). The Executive Order breaks that promise to the grave detriment of those who relied on it. Transgender service members may now be targeted for discharge, other adverse actions, or harassment and discrimination. Likewise, transgender residents of the Amici States who took steps to prepare for careers in the military, by joining ROTC or enrolling in the maritime academies, for example, did so in reliance on the promise that they would be able to serve. They too face losing

the opportunity to serve, and along with it the investment they have made in their careers thus far and other opportunities forgone.

Finally, transgender service members who have not yet revealed their transgender status, together with those who wish to pursue careers in the military, now face the unfathomable choice of being honest about who they are and being discharged or denied accession outright, or hiding their identities and serving in fear of being discovered.⁵⁴ Denying otherwise qualified transgender individuals the opportunity to serve denies them equal participation in a core civic activity. And forcing transgender people to hide their identities in order to enlist or continue serving is extremely harmful to their health and wellbeing⁵⁵—a reality evidenced by the experiences of the thousands of gay, lesbian, and transgender

⁵⁴ Cf. *Log Cabin Republicans v. United States*, 716 F. Supp. 2d 884, 897-909 (C.D. Cal. 2010) (recounting harrowing testimony of service members describing the experience of serving under a “cloud of fear” during the military’s Don’t Ask Don’t Tell policy).

⁵⁵ Joycelyn Elders & Alan M. Steinman, *Report of the Transgender Military Service Commission*, The Palm Ctr., 4 (March 2014), https://palmcenterlegacy.org/wp-content/uploads/2014/03/Transgender-Military-Service-Report_1.pdf (“We determined not only that there is no compelling medical reason for the ban, but also that the ban itself is an expensive, damaging and unfair barrier to health care access for the approximately 15,450 transgender personnel who serve currently in the active, Guard and reserve components.”); Vice Admiral Donald C. Arthur & Major General Gale Pollock et al., *DoD’s Transgender Ban Has Harmed Military Readiness*, The Palm Ctr., 24-26 (Nov. 2020) <https://palmcenterlegacy.org/wp-content/uploads/DoDs-Transgender-Ban-Has-Harmed-Military-Readiness-copy-3.pdf>.

service members who have served under previous discriminatory policies.⁵⁶ Concealing core aspects of one's identity has a negative impact on mental health.⁵⁷ The need to hide their gender identity makes transgender service members less likely to seek necessary mental health and medical care, as the limited confidentiality of communications with medical providers in the military makes it more difficult for them to be candid in seeking help.⁵⁸

Further, prohibiting transgender individuals from serving consistent with their gender identity estranges them from their fellow service members and encourages latent discriminatory attitudes, undermining unit cohesion and troop morale. One study on the impact of concealment versus disclosure of sexual orientation in the military found that concealment relates negatively to unit and social task cohesions and conversely, that disclosure positively impacts

⁵⁶ Declaration of Former Chairman of Joint Chiefs of Staff, Admiral Michael Mullen, *Stockman v. Trump*, Case No. 5:17-cv-01799-JGB-KK (C.D. Cal.) [ECF No. 21].

⁵⁷ See, e.g., J. E. Pachankis et al., *Sexual orientation concealment and mental health: A conceptual and meta-analytic review*, *Psychological Bulletin*, 146(10), 831–871 (2020) (a meta-analysis of 193 studies finding that sexual orientation concealment was associated with increased rates of mental health problems such as depression, anxiety, and psychological distress).

⁵⁸ See Matthew F. Kerrigan, *Transgender Discrimination in the Military: The New Don't Ask Don't Tell*, 18 *Psychol. Pub. Pol'y & L.* 500, 513-14 (2012); Elders & Steinman, *supra* note 69, at 4.

cohesion.⁵⁹ “Concealment leads to . . . stress and isolation, which can lead to decreased performance ability.”⁶⁰ The negative repercussions of concealment are especially pertinent in the military, where “interpersonal connection, support, and trust among unit members are thought to be paramount to unit cohesion and effectiveness.”⁶¹ Thus, depriving transgender service members of the mutual trust and bonding with fellow service members that is so fundamental to the military experience harms service members individually and undermines military readiness and effectiveness generally. By changing military policy based on animus and without regard for the realities of military service, the Executive Order will have the opposite effect of its stated goal.

D. The Executive Order Undermines the Military’s Role as an Inclusive Institution That Reflects Our Nation’s Population.

The consequences of the Executive Order will be felt across society at large. The military is among our country’s most integrated and diverse institutions, as it has eliminated several discriminatory restrictions on service

⁵⁹ Bonnie Moradi, *Sexual Orientation Disclosure, Concealment, Harassment, and Military Cohesion: Perceptions of LGBT Military Veterans*, 21 *Mil. Psychol.* 513 (2009).

⁶⁰ Allison Ross, Note, *The Invisible Army: Why the Military Needs to Rescind Its Ban on Transgender Service Members*, 23 *S. Cal. Interdisc. L. J.* 185, 209 (2014).

⁶¹ *Id.*

over the last seventy years. By 1954, the military was fully racially integrated, and the percentage of African Americans in the military is now higher than the percentage of African Americans in the general population.⁶² Women have been allowed to serve in combat since 2015, and the rate of military service by women has been rising.⁶³ Since 2011, individuals who are not heterosexual have been allowed to serve without concealing their sexual orientation, and a Pentagon report issued ten years later found that concerns about repealing the “Don’t Ask, Don’t Tell” policy were “vastly overblown.”⁶⁴ Reinstating a ban on transgender service members is equally unfounded. Beginning in 2016, and again in 2021, the military took similar steps forward for transgender individuals by allowing them to serve consistent with their gender identity. The Executive Order singles out transgender individuals for renewed exclusion, sending a message that

⁶² Paul-Thomas Ferguson, *African American Service and Racial Integration in the U.S. Military*, U.S. Army (Feb. 23, 2021), retrieved from <https://web.archive.org/web/20250301050059/https://www.army.mil/article/243604/african-american-service-and-racial-integration-in-the-u-s-military> (website capture dated Mar. 1, 2025, retrieved May 14, 2025).

⁶³ Emma Moore, *Women in Combat: Five-Year Status Update*, Center for a New American Security (Mar. 31, 2020), <https://www.cnas.org/publications/commentary/women-in-combat-five-year-status-update>.

⁶⁴ Meghann Myers, *Fears of openly gay troops were vastly overblown: Pentagon report*, *The Military Times* (Sept. 28, 2022), <https://www.militarytimes.com/news/your-military/2022/09/28/fears-of-openly-gay-troops-were-vastly-overblown-pentagon-report/>.

threatens to slow progress and that will be heard and felt throughout our communities. Indeed, it seems that is precisely the point.

The military has already concluded—twice—that allowing transgender individuals to serve consistent with their gender identity is in the nation’s best interest. Reinstating the ban cannot be justified by reference to costs, unit cohesion, or overall readiness.⁶⁵ Rather, the Administration seeks to ban otherwise qualified people from service simply because of who they are. In doing so, the Administration harms both the Amici States and our residents in profound ways. The National Guard’s experience allowing transgender individuals to serve consistent with their gender identity aligns with the military’s role as a highly trained, professional fighting force that prioritizes its national security mission over political debates. The Executive Order is a step backwards for transgender people, for civil rights, for the military, and for the country.

IV. CONCLUSION

This Court should affirm the district court’s grant of Plaintiffs-Appellees’ Motion for Preliminary Injunction.

DATED this 13th day of November 2025.

Respectfully submitted,

⁶⁵ See JA403-04 (Wagner Decl. ¶¶ 27-33); JA554-55 (Bourcicot Decl. ¶¶ 23-26); JA694-96 (Cisneros Decl. ¶¶ 12-18); JA678-80 (Skelly Decl. ¶¶ 8-14).

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CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Fed. R. App. P. 29(a)(5) and 32(a)(7)(B) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 6,261 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because the document was prepared in a proportionally spaced type face using Microsoft Microsoft® Word for Microsoft 365 MSO (Version 2510 Build 16.0.19328.20144) 64-bit in 14-point Times New Roman font.

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On November 13, 2025, I filed an electronic copy of this brief with the Clerk of the D.C. Circuit using the Court's electronic-filing system. That system sends a Notice of Docket Activity to all registered attorneys in this case.

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