

The Lamp Post

Shining the light in the dark
for trans service members & veterans



Issue No.

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APR 2025

Easter Issue



Addressing the Community

Happy Easter to those who celebrate/observe it. Traditionally, this is meant to be a time of renewal and rebirth, as spring comes and winter ends. But for us, it doesn't feel like the winter is ending any time soon. So, create that warmth and joy with each other. Lean on community and help your siblings through these times; and they'll do the same for you, too.

There's been a lot of something that we're all too familiar with in the military: *Hurry up & Wait*. The initial barrage of anti-trans EOs and policies coming down - whether specifically relating to our service or our community in general - have slowed. Injunctions have been granted and upheld against appeal. We're in a relatively good position for the moment. The big thing we're waiting on is for the DHA to fully revive their policies and services.

The way forward for TMH is going to be continuing the work we've always done, and expand & adapt as necessary. The goal is to get to a place where we are not only rebuilding and preserving community infrastructure, but growing it.

Even in the wake of the ban, even in the midst of all the uncertainty & fear, we will do everything in our power to see our entire community - from applicants to veterans; active duty, reserve, and guard - not only *survive* this tumultuous time, but *thrive* in spite of it.

There is a lot of hard work to be done, and things will not be easy by any stretch of the imagination. We will suffer losses and setbacks, but we will not be erased, demonized, or othered.

As I always say:

Expect the worst; Hope for the best; Fight to bridge the gap.

Happy TDOV. Stay safe. Be good to yourselves and to each other.

-Catie

Taking STOCC

(Summarized Totality of Community Circumstances)

J2 Team

Not much to report this time, as we've been in a limbo.

- The injunction still stands after a failed appeal in the 9th Circuit Court of Appeals. The 19JAN status quo remains.
 - NLT 25APR - DOJ files opening brief.
 - NLT 23MAY - Lambda Legal files response.
 - Further steps to follow from there.
- We're waiting on the DHA to begin movement on reinstating their programs/policies; more to follow as they work through that.
 - A noteworthy hurdle in the future is that even if everything goes well on the executive side, the NDAA can be used to backdoor ban healthcare, like we saw in the months prior to the election.
 - Tracking DHA lawyers are dragging their feet until an official policy change happens. More to follow.
 - **You can contact your senators/representatives and have them submit congressional inquiries to DHA.**

For any and all reporting, send an email to
TMHJ2Submissions@gmail.com

QUEER HISTORY

STONEWALL RIOTS

The Stonewall Riots, which happened June 28, 1969 due to a police raid on the Stonewall Inn, a gay bar in New York City. This is widely considered one of the pivotal events in the LGBTQ+ rights movements.

One of the most well-known figures from the Stonewall Riots is Marsha P. Johnson, a black transgender woman and drag queen. She was a massive advocate for the rights of transgender individuals and was vital in the formation of the Street Transvestite Action Revolutionaries dedicated to supporting homeless transgender youth and individuals.

Another vital figure was Sylvia Rivera, a Puerto Rican transgender woman who co-founded STAR with Marsha. She is also credited for throwing the second molotov cocktail at the Stonewall Riots

Pictured left, Sylvia Rivera

Pictured Below, Marsha P. Johnson



Community Spotlight:

Update on US Passport Case

This week I would like to draw attention to some positive news on a court case that may have slipped under most of our radar, especially mine, *Orr v Trump*. It is a case governing 6 individuals' right to receive and use the X designation on their passports. On 18 Apr, Judge Julia Kobick partially enjoined the US Department of State, forcing them to use pre-Trump passport policy and provide passports with an X designation for those 6 individuals. The judge stated, "In addition, the plaintiffs have shown that they are likely to succeed on their claim that the Passport Policy is arbitrary and capricious, and that it was not adopted in compliance with the procedures required by the Paperwork Reduction Act and Administrative Procedure Act"

Unfortunately, it only extends to those 6 named individuals at this time but the ACLU hopes to get this extended to a nationwide injunction. Li Nowlin-Sohl, a senior staff attorney for the ACLU's LGBTQ & HIV Project said, "This decision is a critical victory against discrimination and for equal justice under the law, but it's also a historic win in the fight against this administration's efforts to drive transgender people out of public life" and she plans to file the motion requesting the ruling be extended nationwide. See below for more information include the Courtlistener link which includes all publicly available court documents including the current injunction! Stay safe and look for the positives out there!

[For Additional Information:](#)

[Judge blocks Trump administration from passport changes affecting some transgender Americans | AP News](#)

[Federal Judge Orders Temporary Relief to Six Plaintiffs in Challenge to Trump Administration Policy Barring Updates to Sex Designation on US Passports | American Civil Liberties Union](#)

[Orr v. Trump, 1:25-cv-10313 – CourtListener.com](#)



Contact TMH Staff or Sylvie on the TMH Discord for [Future Submissions](#).

Legal Forecast

Willow (Guest Author)

Talbott v. USA is one of the lead challenges to EO 14183, the 2025 military ban on transgender service members. Judge **Ana C. Reyes**, appointed by President Biden and confirmed in February 2023, issued a full nationwide preliminary injunction in March. Her decision found that the policy facially discriminates based on sex and transgender status, lacks military justification, and fails under at least intermediate scrutiny. Notably, Reyes is the first Hispanic woman and the first openly LGBTQ+ judge to serve on the U.S. District Court for the District of Columbia.

The **injunction is currently stayed** by the D.C. Circuit pending appeal.

The panel for April 22:

- **Judge Cornelia T.L. Pillard** (Obama appointee): A former Georgetown Law professor and civil rights litigator, known for her strong stance on Equal Protection. **Likely to vote to uphold.**
- **Judge Gregory G. Katsas** (Trump appointee): Former Deputy White House Counsel and Assistant Attorney General, with a history of deference to executive authority, especially in national security contexts. **Almost certain to vote to reverse.**
- **Judge Neomi Rao** (Trump appointee): Former Administrator of the Office of Information and Regulatory Affairs and law professor, known for her formalist approach and deference to executive power. **She is the swing vote**; while she tends to favor executive authority, she may be open to arguments highlighting procedural irregularities or lack of evidence.

This is a challenging panel. As it stands, the most likely outcome is a **2–1 reversal**, unless advocates can persuade Rao that EO 14183 bypassed both military process and factual grounding. The waiver system, in particular, is likely to be a pressure point—arguably designed to appear neutral while functionally acting as a ban.

Panel Forecast:

- **Reverse (2–1): 45%**
- **Affirm (2–1): 50%**
- **Remand/Mixed: 5%**

It's important to note that **Judge Reyes is not a judicial activist by profile**. She built a fact-driven, tightly reasoned opinion rooted in Supreme Court precedent and an extensive evidentiary record. Her decision is cautious, not sweeping, and focuses on structural defects in the policy, not just its impact. That makes it harder to characterize her injunction as an overreach.

Judge Settle's opinion in *Shilling* may influence the panel, but only marginally. While Rao and Katsas are unlikely to be swayed by the fact that Settle is a Bush appointee, the fact that two separate district courts, one liberal, one conservative; reached nearly identical conclusions using the same legal standards helps insulate Reyes's reasoning. It also increases the pressure on the panel to acknowledge that the constitutional challenge isn't a fringe position or outlier view. That won't move Katsas, but it could give Rao pause if the oral argument pushes hard on process and legitimacy, not just ideology.

The Ninth Circuit's denial of the government's emergency stay motion in *Shilling* just four days before *Talbott's* oral argument adds meaningful weight to the plaintiffs' position. While the denial was procedural, not a merits ruling, it signals that at least one appellate panel already sees the government's harm arguments as unconvincing. That puts reputational pressure on the D.C. panel, especially Rao; by reinforcing that both district courts and now one appellate panel have rejected the policy's framing. It also tightens the path to a circuit split if *Talbott* is reversed, strengthening the case for en banc review and increasing the odds of eventual SCOTUS involvement.

If the panel does reverse, plaintiffs are expected to seek **en banc rehearing**. The full D.C. Circuit includes 11 active judges: 7 Democratic appointees and 4 Republicans. That ideological makeup is favorable to plaintiffs, and if rehearing is granted, the **injunction is likely to be reinstated on a 7–4 vote**.

There are **no procedural barriers to en banc**. Plaintiffs will have 14 days from the panel decision to file, and the case easily meets the threshold: it involves a question of exceptional constitutional importance and, if *Shilling* is upheld; raises the prospect of a circuit split.

Ireland v. Hegseth (D.N.J.)

Currently no updates but still live. The plaintiffs (two decorated transgender airmen) were granted a TRO, then voluntarily withdrew their motion to extend it once *Shilling's* nationwide injunction took effect. If either *Talbott* or *Shilling* falls, *Ireland* can be reactivated immediately.

Shilling v. USA (W.D. Wash.)

This case is currently the strongest leg in the litigation. Judge **Benjamin H. Settle**, a George W. Bush appointee with a long history in military law, granted a nationwide injunction on March 27. His ruling aligned closely with Reyes's, rejecting EO 14183's policy as discriminatory, unsupported by evidence, and constitutionally defective.

The fact that Settle, who is typically deferential to executive authority, especially in military contexts; found the government's justification so lacking is significant. It takes the case out of partisan terrain and reinforces the structural flaws in the policy itself.

On April 18, the Ninth Circuit motions panel—Judges Tashima, Owens, and Desai—**denied the government's emergency motion to stay the Shilling preliminary injunction**.

This followed an earlier March 31 order from the same panel, which **denied an administrative stay** that would have temporarily paused the injunction while the full motion was under review.

In the April 18 decision, the panel applied the full *Nken v. Holder* standard and found that **the government had not demonstrated irreparable harm**—a key requirement for granting a stay.

While the ruling was procedural and not a merits decision, it **keeps the nationwide injunction in place during the appeal**.

The case now moves forward under the standard briefing schedule, with the government's opening brief **due April 25**.

This motions panel **may or may not be assigned** to hear oral argument. The final merits panel will be designated once briefing concludes and the case is calendared under **Ninth Circuit General Order 3.3(f)**.

Appellate Forecast (Ninth Circuit):

- **Affirm the injunction**: 75–80%
- **Reverse**: 10–15%
- **Modify/Remand**: 5–10%

If *Talbott* is reversed and *Shilling* is upheld, that creates a circuit split, making Supreme Court review highly likely.

Upcoming Events

- Friday Night Gaming
 - TMH Discord - Every Friday @ 1800 EST
- Pathfinders T4T
 - Veterans Group | Hang-out Night
 - Saturdays at 2100 EST
- TMH Town Hall Schedule
 - 26APR25 @ 1530 EST (Joint TH w/ SPARTA)
 - 24MAY25 @ 1530 EST
 - 28JUN25 @ 1530 EST (Stonewall Day)
 - 26JUL25 @ 1530 EST
 - 23AUG25 @ 1530 EST
 - 27SEP25 @ 1530 EST
 - 25OCT25 @ 1530 EST
 - 22NOV25 @ 1530 EST
 - 27DEC25 @ 1530 EST

To subscribe in an email, click [here](#).

To share a feedback, click [here](#).

How to Exercise Your Rights

- 1) Stop answering Questions and Volunteering Information.
- 2) Say "I am exercising my 5th Amendment Rights."
- 3) Say "I want to speak with a lawyer before any further questioning."
- 4) Say "I want to want to end the interrogation now."
- 5) Stop Talking and remove yourself from the situation.

WARNINGS:

- Ask a military attorney if they are a defense attorney and if your conversation is confidential. If "Yes," you can trust them; if "No," you cannot.
- Command Legal Officers work for the commander, not you- anything you say to them may be used against you.
- Anything you say to military doctors and psychologists may be used against you. Know who you can trust: Do Not Make Assumptions About Confidentiality, but seek mental health as needed and rely on your support systems.
- Some military chaplains leak personal information that can be used against service members. See a defense attorney, not a chaplain, for legal issues.
- Statements to friends, family, civilian, and military police can be used against you.
- Computer based systems, texts, chats, workplace emails may be used against you. They are not confidential. Personal use of work computers violates most policies and is a bad practice.
- Personal items at work, such as diaries, letters, photos, and computer files may be used against you.

Know Your Rights - Protect Yourself

If you are questioned about your gender identity, medical history, or any related matter, remember that you have rights under the Uniform Code of Military Justice (UCMJ). You are not obligated to answer questions that could incriminate you or lead to disciplinary action.

- **You Have the Right to Remain Silent and Not Sign Any Document**
 - Under Article 31 of the UCMJ, you have the right to remain silent or decline to sign any statement if your answers could be used against you in a court-martial or other proceedings.
 - You have the right to consult with a lawyer (Defense Attorney), or civilian counselor any time.
- **You Have the Right to Legal Counsel**
 - You have the right to consult with a military defense attorney or civilian counsel before answering any questions or making any statements.
 - **Waiving your rights** may have significant or adverse consequences.
 - Under Article of the UCMJ, you have the right to remain silent if investigated.
- **You have the Right to not Consent to Search or Seizure**
 - If asked to provide access to personal medical records, electronic devices, or other private information, do not consent without consulting legal counsel.
- **Do Not Make Assumptions About Confidentiality**
 - Conversations with your chain of command, medical professionals, or peers may not be confidential. Exercise caution when discussing sensitive matters.

 This is not an exhaustive list of all of your rights
<https://modernmilitary.org/report-an-incident/>