

1 DAN WOODS (State Bar No. 78638)
 EARLE MILLER (State Bar No. 116864)
 2 AARON KAHN (State Bar No. 238505)
 WHITE & CASE LLP
 3 633 W. Fifth Street, Suite 1900
 Los Angeles, CA 90071-2007
 4 Telephone: (213) 620-7700
 Facsimile: (213) 452-2329
 5 Email: dwoods@whitecase.com
 Email: emiller@whitecase.com
 6 Email: aakahn@whitecase.com

7 Attorneys for Plaintiff
 Log Cabin Republicans

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 9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

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 12 LOG CABIN REPUBLICANS, a non-
 13 profit corporation,

14 Plaintiff,

15 vs.

16 UNITED STATES OF AMERICA and
 ROBERT M. GATES (substituted for
 17 Donald H. Rumsfeld pursuant to FRCP
 25(d)), SECRETARY OF DEFENSE,
 18 in his official capacity,

19 Defendants.

Case No. CV 04-8425 VAP (Ex)

**DECLARATION OF JOSEPH
 CHRISTOPHER ROCHA IN
 SUPPORT OF PLAINTIFF LOG
 CABIN REPUBLICANS'
 SUPPLEMENTAL BRIEF ON
 APPLICATION OF WITT
 STANDARD OF REVIEW**

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004
 Trial: July 13, 2010

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 21 **DECLARATION OF JOSEPH CHRISTOPHER ROCHA**

22 I, Joseph Christopher Rocha, declare as follows:

23 1. I am over 18 years old and, if called as a witness, I would be able to
 24 testify competently, of my own personal knowledge, to the truth of the matters
 25 contained in this declaration.
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1 15. After I completed my assignment in the Middle East, I was selected to
2 attend the United States Naval Academy Preparatory School in Newport, Rhode
3 Island (“NAPS”), which was a tremendous honor. I had always dreamed of
4 attending the U.S. Naval Academy, and graduation from NAPS’ one-year program
5 would guarantee me admission into the U.S. Naval Academy.

6 16. I only remained at NAPS for approximately five months. After
7 reflecting on all the abuse I endured as a product of my adherence to Don’t Ask,
8 Don’t Tell, I realized that Don’t Ask, Don’t Tell had endangered my life in the past
9 and would probably continue to do so in the future, as it would not allow me to
10 declare my homosexuality and stand up for myself if, and when, I was abused in the
11 Naval Academy. Additionally, I realized that a career of service under Don’t Ask,
12 Don’t Tell would be a forfeiture of my basic human rights. It would be a forfeiture
13 of basic job security, peace of mind, and meaningful relationships, particularly with
14 my fellow straight servicemembers whom I was forced to deceive and betray by
15 hiding my homosexuality.

16 17. After completing a six-week officer candidate boot camp at NAPS, my
17 commanders said they wanted to offer me a leadership role. Instead, I asked to be
18 removed from NAPS in a statement I addressed to the NAPS legal officer dated
19 September 18, 2007, a copy of which is attached hereto as “Exhibit A.”

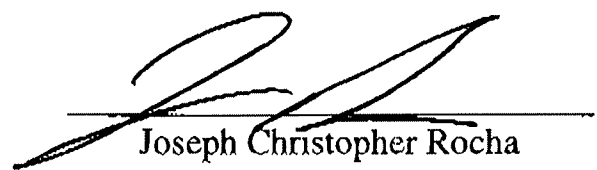
20 18. After my statement was received by NAPS, I was encouraged by a
21 commanding officer at NAPS, apparently at the direction of the U.S. Naval
22 Academy, to withdraw my statement. Additionally, I was told that if I withdrew
23 my statement, my admission into the Naval Academy would not be affected
24 (despite me having given the Navy an official statement disclosing that I am
25 homosexual). I declined.

1 19. I forfeited my dream of graduating from the Naval Academy when I
2 declared I am homosexual. This disclosure ended my military career as I was
3 honorably discharged under Don't Ask, Don't Tell on October 15, 2007.

4 20. After my discharge, the U.S. Department of Veterans Affairs
5 diagnosed me with post-traumatic stress syndrome based entirely on the abuse I
6 endured in the Middle East.

7 21. If Don't Ask, Don't Tell is overturned, I would rejoin the United
8 States Armed Forces.

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct. Executed this 23 day of June 2010, at
11 TIJUANA, MEXICO

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13 
14 Joseph Christopher Rocha

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EXHIBIT A

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE
NAPS / NEWPORT, RI.
2. DATE
2007 09 18

I, JOSEPH CHRISTOPHER ROCHA, make the following free and voluntary statement to LT. CARR whom I know to be NAPS LEGAL OFFICER

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

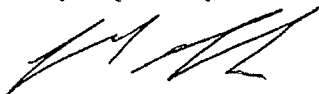
From: MA3 Rocha, J.C. USN
 To: Commanding Officer, Naval Academy Preparatory School

SUBJ: Voluntary Statement

Ref: (a) MILPERSMAN 1910-148

1. Sir, this statement is provided on the advice of counsel and in accordance with reference (a).
2. On 06SEP07 I advised you that I am homosexual, I deeply regret that my personal feelings are not compatible with naval regulations or policy. I am proud of my service and had hoped I would be able to serve the Navy and the Country for my entire career. However, the principals of honor, courage and commitment mean I must be honest with myself, courageous in my beliefs and committed in my course of action.
3. I understand that this statement will be used to end my Naval career.

Very respectfully,



Joseph Christopher Rocha