

The Honorable Marsha J. Pechman

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

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 2:17-cv-01297-MJP

**DECLARATION OF CATHRINE
SCHMID IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

NOTE ON MOTION CALENDAR:
October 6, 2017
ORAL ARGUMENT REQUESTED

I, CATHRINE Schmid, declare as follows:

1. My legal name is Cathrine Schmid, although I often use the nickname "Katie." I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am a 33-year-old woman, and I live in Lakewood, Washington with my wife.

3. I am a Staff Sergeant in the U.S. Army and am currently stationed at Joint Base Lewis McChord in Washington State.

4. I enlisted in the U.S. Army in 2005. I have been serving for more than twelve years.

5. I am a member of the Human Rights Campaign and the American Military Partner Association.

6. I was exposed to military life at an early age. My father served in the military

1 when I was a child. I have always been a patriotic American with a desire to serve others and
2 was drawn to opportunities presented by serving in the Army. I am proud to put on my uniform
3 each day and serve my country.

4 7. My military occupation specialty is Signals Intelligence Analyst within the Army
5 and I currently perform duties as Brigade Land and Ammunition Manager. Before my current
6 role, I performed duties as a Signals Intelligence Analyst, All-Source Analysis System Master
7 Analyst, Human Intelligence Collector, and Counterintelligence Agent.

8 8. I am transgender. I was assigned the sex of male at birth. I knew from the age of
9 five or six that I am female.

10 9. I began to come to terms with my gender identity approximately four years ago.
11 At that time, I started to see a mental health professional who diagnosed me with gender
12 dysphoria.

13 10. I began living openly as a woman in 2014.

14 11. In consultation with health care professionals, I have taken clinically appropriate
15 steps to transition. I also have further transition-related health care needs, including medically
16 necessary surgical treatment. The approval for that treatment is now uncertain, at best, as a result
17 of the recent events discussed below.

18 12. I have taken legal steps to transition. In June 2015, I legally changed my first
19 name to Cathrine. At that time, I also changed my name and changed my gender marker to
20 female on my driver's license, passport, and social security records.

21 13. I have worked with my chain of command throughout my transition, and both
22 they and other enlisted personnel have been supportive of me throughout that process.

23 14. The fact that I am transgender has not prevented me from doing my job in the
24 military nor has my gender identity prevented others from doing their jobs in the military. I
25 perform valuable services for the Army working in the field of military intelligence, and my
26 performance of those duties strengthen our nation's military readiness.

27 15. I have received awards and decorations for my service including a Joint Service
28 Commendation Medal, two Army Commendation Medals, two Joint Service Achievement

1 Medals, an Army Achievement Medal, a Joint Meritorious Unit Award, an Army Superior Unit
2 Award, four Army Good Conduct Medals, a National Defense Service Medal, a Korean Service
3 Medal, a Global War on Terrorism Service Medal, two Non-Commissioned Officer Professional
4 Development Ribbons, an Army Service Ribbon, two Overseas Service Ribbons, a
5 Marksmanship Qualification Badge-Expert with Rifle, and a Marksmanship Qualification
6 Badge-Sharpshooter with Pistol.

7 16. Prior to my transition, I was recognized for my excellence at work, but
8 maintaining my secret could, at times, be distracting. I took pains to filter my speech and
9 behavior so as not to appear too feminine and would spend energy worrying that others had
10 noticed when my behavior was feminine in nature. This most negatively affected my ability to be
11 a confident leader. Since my transition, I no longer filter myself and I am a better, more
12 confident leader.

13 17. Being able to serve openly as a transgender woman has made me a stronger asset
14 to the military. I am able to function as a productive, healthy member of the military, and I am
15 able to forge stronger relationships with others in my unit. Comradery is an absolute necessity in
16 any unit and honesty is the single most important factor in cohesiveness. If members of the unit
17 can be honest with each other, then they can trust each other. Now that I can be open about who I
18 am, I have noticed that others are more open about themselves in my presence because they can
19 perceive my trust in them.

20 18. On June 30, 2016, Secretary of Defense Ash Carter announced a new military-
21 wide policy lifting the ban on transgender service. This change in policy permitted other people,
22 similarly situated to me, to come out and serve openly as transgender members of the military
23 without fear of forced separation based on their transgender status. I remember stating, at the
24 time, that I felt a huge sense of relief and happiness that I was able to stop worrying about losing
25 my career based on my transgender status and simply focus on my duties.

26 19. On October 1, 2016, the DoD issued instructions for implementing the new
27 inclusive policy. Among the provisions were procedures for how transgender service members
28 may transition, for medical treatment, and for changing a service member's gender marker in the

1 Defense Enrollment Eligibility Reporting System (DEERS).

2 20. In October 2016, I changed my gender marker in DEERS. Since that time, I have
3 followed female standards for dress, grooming, and physical fitness.

4 21. Over the last year, the DoD has been implementing new the inclusive policy,
5 including through transgender-specific trainings. I have assisted in the provision of these
6 trainings to fellow service members.

7 22. On July 26, 2017, President Trump posted three tweets that indicated a radical
8 shift in military policy that previously had allowed open service by transgender service members.

9 23. This abrupt change in policy and implicit commentary on my value to the military
10 and competency to serve has caused me to feel tremendous anguish. Nevertheless, on the
11 morning that I learned of the tweets, I remained steadfast in my duties—I still stood in morning
12 formation, still did my morning reports, and still did my morning four mile run. I did my job
13 because, in the wake of such sudden chaos, I was able to fall back on my training and focused on
14 my duties.

15 24. In the weeks since the President posted the tweets about transgender service and
16 the White House issued a memorandum implementing the policy in those tweets, I have lost
17 sleep. The memorandum also indicates that the military will no longer provide transition-related
18 surgical care—which I still need—on the same terms as before.

19 25. The ban against open service has affected my ability to maintain employment in
20 the military at all, causing me to feel incredible fear. Serving in the Army is my calling. I have
21 served for more than twelve years and currently have an Estimate Termination of Service date of
22 February 28, 2026. The ban throws my future and livelihood into jeopardy.

23 26. I am currently living with an immense amount of anxiety regarding all the ways in
24 which the new retention policy negatively affects me.

25 27. I am the sole financial provider for my household and I am responsible for
26 monthly child support payments. My wife, who also is transgender, and I both rely on TriCare
27 for all of our medical needs. My separation from the Army would disrupt our medically
28 necessary transition-related care.

1 28. My military career has already been harmed because of discrimination on the
2 basis of my transgender status. In June 2017, I submitted an application to become an Army
3 warrant officer, which my commanding officers had encouraged me to do. A warrant officer is a
4 highly specialized expert and trainer in a technical area such as aviation, military police, or, in
5 my case, intelligence. My application was approved at the initial stages.

6 29. The military's current accessions bar not only excludes transgender individuals
7 from enlistment but also from becoming officers, even where an individual is already serving in
8 the military. I was informed in writing in July 2017 by Human Resources Command G3 Special
9 Programs Office at Army Recruiting Command Headquarters that my application was placed on
10 hold, and thus was not being considered further at the time, because of the current accessions
11 bar. My understanding is that that bar was previously set to expire as early as January 1, 2018,
12 but it has now been extended indefinitely by the White House memorandum.

13 30. I have been deprived of an equal opportunity to become a warrant officer solely
14 because I am transgender. The accessions ban prevents me from advancing in my career and
15 thereby forecloses future opportunities only open to warrant officers. I am prevented from
16 applying my skillset to positively influence the military in a more impactful way than my current
17 position allows. I know that I could better serve the Army as a warrant officer.

18 31. An enlisted service member must apply to be a Warrant Officer within the first
19 twelve years of their service. I reached twelve years of service in February 2017. I submitted a
20 waiver request with my application in June 2017. However, every day that my application is
21 delayed moves me further from the date marking my twelve years of service, which reduces the
22 likelihood that my related waiver will be granted.

23 32. On August 31, 2017, my company commander spoke with the Human Resources
24 Command G3 Special Programs Office at Army Recruiting Command Headquarters. My
25 company commander was informed that I could submit an exception to policy request to become
26 a warrant officer despite my transgender status. However, the ability to make an exception to
27 policy request does not mean that it will be granted, and I have received no confirmation that any
28 such request would be authorized. Indeed, I have already previously pursued multiple avenues—

1 including through a U.S. Senator's office, the Inspector General's office, the Army Equal
2 Opportunity process, and others—to pursue my application after I was informed in July 2017
3 that the accessions bar stood as a barrier to its consideration. All of these avenues resulted in
4 confirmation that the accessions bar was being correctly applied to prevent my application from
5 moving forward and being approved because I am transgender.

6 33. I have engaged in speech and conduct disclosing my transgender status and
7 expressing my gender identity, including by coming out to my chain of command and my fellow
8 service members, taking steps to transition, and living openly as a woman in military life. I want
9 to continue to be able to engage in speech and conduct disclosing my transgender status and
10 expressing my gender identity.

11
12 I declare under the penalty of perjury that the foregoing is true and correct.

13
14 9/13/2017

15 X 

16 DATED: September 13, 2017

17 Signed by: SCHMID.CATHRINE.JOY.1276935565

18 Cathrine Schmid
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that on September 14, 2017, I caused true and correct copies of the foregoing documents to be served by the method(s) listed below on the following interested parties:

By Hand Delivery:

US Attorney's Office
700 Stewart St., Suite 5220
Seattle, WA 98101-1271

By Registered or Certified Mail:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Secretary of Defense James N. Mattis
1000 Defense Pentagon
Washington, DC 20301-1000

President Donald J. Trump
1600 Pennsylvania Ave. NW
Washington, DC 20500

I hereby certify under the penalty of perjury that the foregoing is true and correct. Executed on September 14, 2017 at Seattle, Washington.

s/Rachel Horvitz

Rachel Horvitz, *Paralegal*