

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 MEGAN
WINTERS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

NOTE ON MOTION CALENDAR:
October 6, 2017

ORAL ARGUMENT REQUESTED

I, Megan Winters, declare as follows:

1. My name is Megan Winters. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am a 29-year-old woman, and I live in Alexandria, Virginia.

3. I am a Petty Officer Second Class in the U.S. Navy and am currently stationed at Hopper Information Service Center, in the Office of Naval Intelligence, out of Washington, D.C.

4. I am a member of the American Military Partner Association ("AMPA"), the nation's largest organization of lesbian, gay, bisexual, and transgender ("LGBT") military families and their allies.

5. I have served in the U.S. Navy for approximately five years.

6. I have always been dedicated to the mission of the United States Navy—to

1 maintain, train and equip combat-ready Naval forces capable of winning wars, deterring
2 aggression, and maintaining freedom of the seas. During my 5 years of naval service, I have
3 delivered responsive, reliable, and adaptable intelligence mission systems, applications, and
4 services in support of sustained global maritime and joint intelligence operations.

5 7. I have served one main role within the Navy: Information Systems Technician. I
6 have spent the majority of my career receiving specialized training and provided mission-related
7 information technology and services to the Office of Naval Intelligence, its subordinate
8 commands, the Fleet, and Joint Forces commands. I have performed these duties with honor and
9 precision in support of the Global War on Terrorism.

10 8. I joined the Navy to serve my country and for the security and stability that a
11 military career provides.

12 9. I am transgender. I was assigned the sex of male at birth. However, I have known
13 for many years, since approximately 2001, that I am female.

14 10. After struggling for many years to receive family acceptance, I began to come to
15 terms with accepting and living openly in my gender identity approximately one-and-a-half years
16 ago. I thereafter started to see a mental health professional who diagnosed me with gender
17 dysphoria.

18 11. On June 30, 2016, I was working in a server room of a sensitive compartmented
19 information facility and had no access to news or media. I was therefore initially unaware that
20 the ban on open transgender military service had been lifted. Another service member notified
21 me of the change in policy. After leaving work, I verified the news through social media postings
22 and was absolutely ecstatic.

23 12. I had informed my family that I was transgender immediately prior to the
24 announcement that the transgender ban was lifted, while I was on leave. I realized that I needed
25 to finally live my true authentic life, and hoped to do that while continuing my service to the
26 country in the Navy. I began living openly as a woman in July 2016.

27 13. I began scheduling the necessary medical appointments and phone interviews to
28 acquire the required transition-related paperwork to submit to my Commanding Officer.

1 14. I am taking medical steps to bring my body into conformity with my female
2 gender identity. In consultation with my physician, I began hormone therapy in July 2016.

3 15. I have taken legal steps to transition. I have legally changed my first and middle
4 names to Megan Dawn. I have also changed my name on my driver's license and social security
5 card and records.

6 16. I have worked with my chain of command throughout my transition.

7 17. Since coming out, others have mostly addressed me by female pronouns, which
8 match my gender identity. In general, my peers know and treat me as the woman that I am,
9 though some officers have called me "sir," despite the request to use female pronouns, and
10 despite the custom that "sir" is not used with enlisted service members.

11 18. The fact that I am transgender has not prevented me from doing my job in the
12 military. I perform a valuable service for the Navy that strengthens military readiness—
13 providing information technology and services that, in turn, allows other service members to do
14 their jobs. Conversely, my exclusion from the military on the basis of my transgender status
15 would weaken military readiness.

16 19. On July 26, 2017, President Trump posted three tweets that said that transgender
17 people would not be able to serve in the military "in any capacity."

18 20. When I first saw the President's tweets, I was temporarily assigned to another
19 command with other service members from my office, for additional training in the information
20 systems technology field. I began receiving scores of messages on my phone from individuals
21 that were worried about my safety and the safety of other transgender service members.
22 Bewildered, I excused myself from the class to verify the distressing news.

23 21. I was overcome with anxiety and emotionally concerned about myself and my
24 fellow transgender members of the military. I felt helpless and hopeless. I began reaching out to
25 my medical providers, my chain of command, and other service members whom I know to be
26 transgender to give and receive words of encouragement. Grappling with fear, anger, and
27 insecurity, I realized the necessity of continuing to support my command's mission. I returned to
28 work for the rest of the day.

1 22. I have been dismayed and enraged to watch people claiming to be experts
2 publicly question my capacity—and that of an entire group of people like me—to serve in the
3 military, all based on a characteristic that has no relation to ability. At the most basic level, I
4 have abided by every instruction placed in front of me and my work product, military demeanor,
5 and physical readiness have been of the utmost quality, regardless of my gender identity. Having
6 served in silence for so long, at a great personal cost, it adds insult to injury that my gender
7 identity prevents these uninformed persons from acknowledging that not only do I help
8 accomplish the military's mission, but I do it well.

9 23. Unfortunately, within a month after the President's tweets, I received a
10 notification from Naval headquarters at Millington that administrative separation proceedings
11 were being initiated against me, with a cited reason relating directly to the fact that I am
12 transgender.

13 24. Specifically, Naval command notified me that a basis for the separation
14 proceedings was Military Personnel Manual (MILPERSMAN) 1910-120 "Separation By Reason
15 Of Convenience of the Government - Physical or Mental Conditions." On the list of conditions in
16 that policy, the only one that applies to me is "(13) Sexual gender and identity disorders
17 paraphilias." This is a reference to my gender dysphoria diagnosis.

18 25. Beginning in July 2016, I followed every order regarding my treatment plan as
19 indicated by Navy medical officers. This treatment plan did not impact my duty status or my
20 operational readiness.

21 26. I continually provided my chain of command with military medical paperwork
22 which affirmed that my fitness for duty was not affected. To the contrary, my command
23 validated my status as "fit for full duty" and worldwide deployable in May 2017 and again on
24 September 6, 2017.

25 27. I am living in a dire and constant state of fear and anxiety at the threat of my
26 career being in immediate jeopardy by Naval command, despite following the treatment
27 recommendations of Navy medical officers. That fear and anxiety will remain, regardless of how
28 the threatened administrative separation proceedings unfold or are resolved, so long as the

1 President's ban on open service by transgender individuals remains in effect.

2 28. Following the lifting of the ban on open service by transgender military personnel
3 in June of 2016, Navy medical officers created an individualized treatment plan for my gender
4 transition, which I have followed with their continued supervision and guidance.

5 29. The first step of my treatment plan included the initiation of hormone replacement
6 therapy, pursuing a legal name change, and updating my gender marker in the Defense
7 Enrollment Eligibility Reporting System ("DEERS").

8 30. The second step of my treatment plan includes medically necessary surgical
9 treatment. Because TRICARE does not outright cover these procedures, I am required to submit
10 and have granted a Defense Health Agency ("DHA") waiver in order for TRICARE to consider
11 payment.

12 31. I submitted a DHA waiver to the TRICARE office at Portsmouth for transition-
13 related surgical care as part of my Navy medical approved treatment plan on August 24, 2017.

14 32. On the following day, August 25, 2017, the White House released its memo
15 directing the Department of Defense to halt all planned surgical treatment for transgender service
16 members. Since August 25, 2017, I have been attempting to make contact with TRICARE
17 personnel at Portsmouth to determine if my paperwork is still in process or has been rejected. I
18 have not received any response to my continued and persistent inquiries into this matter.

19 33. Serving in the United States Navy truly means everything to me. Growing up as
20 the child of a veteran, the military's core values and creeds have been ingrained into every aspect
21 of my life from a young age. Nothing makes me prouder than being able to hold my head high as
22 I wear the cloth of this country.

23 34. I live and breathe military service, and have never seen a future for myself
24 without a long and decorated military career. For me, news of the ban felt like the ripping apart
25 of a core aspect of my identity, something as important and sacred as my gender identity. The
26 deep shame that comes from this rejection has caused me immeasurable emotional pain, the scars
27 of which I will carry with me forever.

28 35. The ban on open service for transgender military personnel deprives me of highly

1 specialized educational opportunities. I am honored to serve in the Navy intelligence community,
2 and have received an incredible and costly education in order to do so, but my education must
3 continue in order for me to remain competitive in my field. The Navy provides specialized
4 opportunities that I cannot attain elsewhere.

5 36. The ban on open service for transgender military personnel also robs me of the
6 hard-earned respect and esteem that I have cultivated with my fellow service members and chain
7 of command. The loss of such respect and esteem not only impacts my self-confidence but it also
8 impacts my future employability in the private sector, should I in fact be discharged from the
9 military.

10 37. The ban on open service for transgender military personnel impairs my ability to
11 develop the necessary trust and reliance between my colleagues and command because I myself
12 no longer feel that I can trust the country to which I have dedicated my life in service to provide
13 me with equal opportunities to serve, regardless of my identity.

14 38. I have demonstrated my professionalism and commitment to serving
15 appropriately in the military by following orders regarding open transgender service. I waited to
16 come out and to pursue the medical treatment I needed until the military and my command
17 deemed it appropriate. I have followed guidance and orders to the letter and am proud to be a
18 disciplined service member in every aspect of my life. I believe these qualities make me a strong
19 asset to the military each day of my service.

20 39. I disclosed my transgender status and expressed my gender identity openly in
21 reliance upon the open service ban being lifted in the summer of June 2016 and now, the betrayal
22 I have experienced is having those very actions used against me feels truly appalling.

23 40. I want to continue to be able to share my transgender status and express my
24 gender identity but I am afraid to speak openly or honestly about my identity or the positive steps
25 I've made to live my life authentically because of how I have been punished for doing so.

26 41. If permitted to do so, I would re-enlist in the military following the expiration of
27 my term of service in March 2019. Indeed, I would, if I could, serve honorably in the military
28 until retirement.

1 42. All that I want is to live openly as the woman I am and to serve my country with
2 respect and dignity.

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

4
5 DATED: September 13, 2017


Megan Winters

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*