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

**RYAN KARNOSKI, et al.,**  
  
**Plaintiffs,**  
  
**v.**  
  
**DONALD TRUMP, in his official  
capacity as President of the United  
States; the UNITED STATES OF  
AMERICA; JAMES N. MATTIS, in his  
official capacity as Secretary of Defense;  
and the UNITED STATES  
DEPARTMENT OF DEFENSE,**  
  
**Defendants.**

Case No: 2:17-cv-1297

**DECLARATION OF DAVID  
POSTMAN IN SUPPORT OF  
WASHINGTON STATE'S  
MOTION TO INTERVENE**

Pursuant to 28 U.S.C. § 1746(2), I, DAVID POSTMAN, hereby declare as follows:

1. I am over 18 years of age, have personal knowledge of the facts set forth in this declaration and am competent to testify about them.
2. I am the Chief of Staff for Washington State Governor Jay Inslee and have served as such since December 14, 2015. Prior to becoming Chief of Staff, I served as Governor Inslee's Executive Director of Communications from 2013 to 2015.
3. As Chief of Staff for the Governor, I oversee all operations of state government under the purview of the Governor. This includes, but is not limited to, management of the Governor's policy, legal, communications and legislative staff, as well as primary supervision of the

1 Governor’s cabinet, including the Military Department. As Chief of Staff, I serve as the  
2 Governor’s primary advisor and ensure that his priorities and policy directions are carried out by  
3 state agencies.

4 4. The Governor is the chief executive of the State. The Governor is responsible for  
5 overseeing the operations of the State and ensuring the faithful execution of its laws, including  
6 but not limited to the Washington Law Against Discrimination, which, among other things,  
7 prohibits discrimination based on gender or sexual orientation in employment. Chapter 49.60  
8 RCW.

9 5. The Governor sets policy and priorities to protect both the physical and economic well-  
10 being of the State and its residents. The Governor implements these policies and priorities with  
11 the assistance of department and agency heads.

12 6. As chief executive of the State, the Governor is responsible for protecting  
13 Washingtonians in emergencies and disasters. The Washington National Guard is an integral  
14 part of Washington’s emergency preparedness and disaster recovery planning as well as a  
15 member of Washington’s militia. Wash. Rev. Code § 38.04.030.

16 7. As commander-in-chief, the Governor has the authority to deploy the Washington  
17 National Guard to respond to emergencies and disasters in order to safeguard lives, property,  
18 and the economy of Washington State by providing in-state disaster recovery and assistance.  
19 Wash. Rev. Code § § 38.08.020, 38.08.040. When the Governor deploys the Guard for in-state  
20 service, such activation is called State Active Duty.

21 8. Currently, there are more than 8,000 citizen soldiers and airmen in the Washington  
22 National Guard. Since 2007, the Guard has been deployed eight times intrastate to fight forest  
23 fires, battle flooding, and provide rescue services to communities devastated by landslides.

24 9. When the Governor deploys the Washington National Guard for emergencies that occur  
25 in State, the State pays Guard members for their service. When the Guard is on State Active  
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1 Duty, Guard members are paid with State funds at the same rate of pay for their rank or grade as  
 2 their active duty counterparts. The State also ensures that all costs and expenses incurred by the  
 3 Guard during State Active Duty are paid. The State also maintains records to ensure that accurate  
 4 accounting records are kept.

5 10. Between 2007 and September 2017, the Governor has deployed the Washington National  
 6 Guard eight times to respond to emergencies in Washington State. The State has paid the below  
 7 amounts for these State duty activations:

8 YEAR	9 DEPLOYMENT	10 ACTIVATED WASHINGTON NAT'L GUARD MEMBERS	11 NG STATE ACTIVE DUTY EXPENDITURE
12 2007-2008	13 Flooding – Western Washington	14 480	15 \$272,232.00
16 2009	17 Flooding - Thurston and Pierce Counties	18 340	19 \$401,775.00
20 2012	21 Taylor Bridge Fire Complex	22 15	\$396,410.00
23 2014	24 SR530 Landslide (Oso Mudslide)	25 700	26 \$1,969,570.00
2014	Wildfire Support	800	\$4,969,045.00
2015	Wildfire Support	1500	\$8,058,795.00
2017	March Flooding Eastern WA	41	\$59,526.00
2017	Sep 2017 Wildfire Activation (Note - includes the total for all fires)	356	Currently mobilized and costs not available yet
		4,232	

11. To ensure that Guard members have the appropriate knowledge, tools, and training when  
 utilized in wildfire response, Washington State annually spends \$392,000 to fund a special Fire  
 Land training.

1 12. Although the federal government primarily funds the Washington National Guard and its  
2 operations, Washington State is responsible for funding the following three full-time positions:  
3 Adjutant General and two Assistant Adjutant Generals. The salary and benefits cost per year for  
4 these three positions is \$605,615.00.

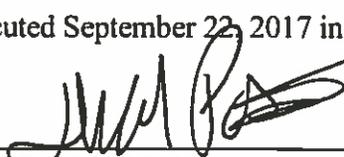
5 13. Washington State also provides \$2,795,512 per year to maintain the buildings utilized by  
6 the Washington National Guard. This amount equals 25% of the funding necessary to keep the  
7 buildings operational.

8 14. In 2016, the Department of Defense ("DoD") directed that members who openly  
9 identified as transgender would be permitted to join and serve openly in the military. The  
10 Washington National Guard conducted training on this policy and was prepared to implement  
11 it on its effective date of July 1, 2017.

12 15. On June 30, 2017, the DoD issued a directive delaying accession by openly transgender  
13 individuals to the military, including the Guard, until January 1, 2018.

14 16. The Washington National Guard currently has one soldier that identifies as transgender.  
15 This individual has not taken steps to change their gender marker in the Defense Enrollment  
16 Eligibility Reporting System (DEERS). Due to this soldier's gender transition, the soldier  
17 desired to leave the Washington National Guard, and with the Washington National Guard's  
18 approval, this soldier voluntarily agreed to assume inactive status until the soldier's term of  
19 service expired. This member entered service on March 7, 2012 and is currently in an inactive  
20 status approaching their military Expiration of Term of Service (ETS) on March 6, 2018, which  
21 means that their military service obligation is complete.

22 Executed September 22, 2017 in Olympia, Washington.

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25 DAVID POSTMAN  
26 Chief of Staff for the Governor of Washington State