

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JANE DOE 1, JANE DOE 2, JANE DOE 3,
JANE DOE 4, JANE DOE 5, JOHN DOE 1,
REGAN V. KIBBY, and DYLAN KOHERE,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; JAMES N.
MATTIS, in his official capacity as Secretary of
Defense; JOSEPH F. DUNFORD, JR., in his
official capacity as Chairman of the Joint Chiefs
of Staff; the UNITED STATES DEPARTMENT
OF THE ARMY; RYAN D. MCCARTHY, in
his official capacity as Secretary of the Army;
the UNITED STATES DEPARTMENT OF
THE NAVY; RICHARD V. SPENCER, in his
official capacity as Secretary of the Navy; the
UNITED STATES DEPARTMENT OF THE
AIR FORCE; HEATHER A. WILSON, in her
official capacity as Secretary of the Air Force;
the UNITED STATES COAST GUARD;
ELAINE C. DUKE, in her official capacity as
Secretary of Homeland Security; the DEFENSE
HEALTH AGENCY; RAQUEL C. BONO, in
her official capacity as Director of the Defense
Health Agency; and the UNITED STATES OF
AMERICA,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

FILED UNDER SEAL

**DECLARATION OF CHRISTOPHER R. LOONEY IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR A PRELIMINARY INJUNCTION**

I, Christopher R. Looney, hereby declare:

1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this Declaration, I could and would do so.

2. I am an attorney with the law firm of Wilmer Cutler Pickering Hale and Dorr,

counsel for Plaintiffs in the above-captioned matter.

3. I provide this Declaration in support of Plaintiffs' Application for a Preliminary Injunction.

4. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration of [REDACTED] referred to in the Amended Complaint for Declaratory and Injunctive Relief ("Complaint") and the Application for Preliminary Injunction as Jane Doe 1.

5. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of [REDACTED] referred to in the Complaint and the Application for Preliminary Injunction as Jane Doe 2.

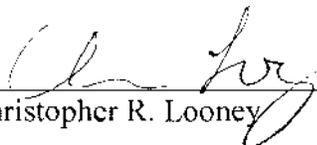
6. Attached hereto as **Exhibit C** is a true and correct copy of the Declaration of [REDACTED] referred to in the Complaint and the Application for Preliminary Injunction as Jane Doe 3.

7. Attached hereto as **Exhibit D** is a true and correct copy of the Declaration of [REDACTED], referred to in the Complaint and the Application for Preliminary Injunction as Jane Doe 4.

8. Attached hereto as **Exhibit E** is a true and correct copy of the Declaration of [REDACTED], referred to in the Complaint and the Application for Preliminary Injunction as John Doe 1.

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

Dated: August 31, 2017
Boston, Massachusetts



Christopher R. Looney

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

_____)	
DOE, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 17-cv-1597 (CKK)
)	
DONALD TRUMP, et al.,)	
)	
<i>Defendants.</i>)	
_____)	

DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, [REDACTED] declare as follows:

1. [REDACTED] I have served in the Coast Guard since 2003. The Coast Guard is responsible for maritime safety, security, and environmental stewardship in U.S. ports and waterways, and it protects and defends our coasts. We are an armed service but are also a first responder and humanitarian service provider to help people who are in distress.

2. I am transgender. However, from a very young age, I learned to repress and deny my true gender identity. I had felt different since my early childhood, but I did not understand why. I kept my feelings of gender difference carefully hidden, not only from others, but also from myself. In order to protect myself from the negative consequences of being different, I compartmentalized and separated my gender identity from the rest of my life to such an extent that [REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I am

mindful of the investment the Coast Guard has made in educating and training me, and I have done my best to be hardworking, faithful, and loyal to the Coast Guard.

12. I married in [REDACTED] I am the primary wage-earner in my family, and my spouse receives health insurance through TRICARE, the program that provides health care coverage for uniformed service members and their families worldwide.

13. In [REDACTED] I came to the realization that I am transgender. This realization required me to come to terms with deep-seated feelings I had had since childhood. With the support of my spouse, I began to deal with this issue.

14. With my spouse's support, I found professionals who could help me. I paid for this help myself because I was very concerned that if I sought help for gender-related issues through military healthcare channels, I might be separated from the Coast Guard.

15. In [REDACTED] I was diagnosed with gender dysphoria, and I began medical treatment in [REDACTED]. Treatment helped alleviate my gender dysphoria. With the help of the professionals I had consulted, I developed a plan for transitioning.

16. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17. [REDACTED]
[REDACTED]
[REDACTED]

18. [REDACTED]
[REDACTED] Secretary of Defense Ashton Carter announced that transgender people would be able to serve openly in the U.S. Armed Forces. Although the Coast Guard is within the Department of Homeland Security, Secretary of Homeland Security Jeh C. Johnson and Commandant of the U.S. Coast Guard Admiral Paul Zukunft issued this statement on the same day: “We support the announcement made today by Secretary of Defense Carter regarding the service of transgender individuals in the U.S. armed forces. The U.S. Coast Guard has been involved in the Department of Defense’s extensive review of this issue, and will align its policies with the other military services. All qualified people who wish to serve in our Nation’s military should have the opportunity to do so.”

19. This came as a great relief. I also found the announcements to be a powerful affirmation of my value as a service member, and the value of other transgender service members. It meant a tremendous amount to me to know that after I had dedicated my adult life to the Coast Guard, I could stay and would be accepted for who I am.

20. [REDACTED]

21. Because TRICARE does not provide comprehensive gender transition health care, I have had to apply to the Defense Health Agency (DHA) for “waivers” to obtain coverage for some treatments. This has led to delays. To avoid these delays and meet my medical needs, I have continued to pay for care myself, including surgical care. It has been my goal to complete all transition care as quickly as possible so that I will be available for any assignment that may best meet the needs of the Coast Guard. Throughout my transition, I have continued to work hard at my job and contribute my full energy to the mission of the Coast Guard.

22. On July 26, 2017, President Trump tweeted, “After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you.”

23. [REDACTED]

[REDACTED] Commandant
Zukunft also expressed public support of transgender service members in the Coast Guard,

noting our “meaningful Coast Guard work.” [REDACTED]

[REDACTED] “We have made an investment in you and you have made an investment in the Coast Guard and I will not break faith.” So for a while, I had some hope.

24. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

25. On August 16, 2017, someone posted to one of the websites for transgender service members an internal Army memo from Colonel Myron B. McDaniels, whose title is Director, Healthcare Delivery. The memo stated that “Surgery related to gender transition is to be held at this time, effective now, pending further guidance.” It also indicated that “any planned surgeries for gender transition must be cancelled at this time.” It specifically referred to the need for “additional guidance from DoD in response to forthcoming guidance from the administration in respect to transgender service.”

26. On August 25, the President issued a memorandum reversing the current policy that allows me to serve openly and stating that as of March 23, 2018, openly transgender people will no longer be able to serve in the military.

27. I am devastated by the President’s announcements and the impact they will have on me. [REDACTED]

[REDACTED] I now

know that as of March 23, 2018, I am no longer permitted to serve in the military and can be separated at any time.

28. The sudden reversal of the policy I had relied upon, and which my chain of command was implementing effectively, blindsided me and is a terrible betrayal of trust, particularly because it has nothing to do with my own performance, which has always been highly regarded.

29. The sudden reversal of the policy has also disrupted my medical care [REDACTED]

[REDACTED]

[REDACTED]

30. This reversal of policy also has serious consequences for my financial future. [REDACTED]

[REDACTED] If I serve for 20 years—and it was my plan to serve until at least the 20-year mark—I will be eligible for significant military pension benefits not available to those who serve for less time. But the President's August 25, 2017 memorandum directs that as of March 23, 2018, I will no longer be permitted to serve in the military and will be subject to separation at any time. When I am separated from the Coast Guard, I will lose all of the seniority that I have invested in an effort to reach the 20-year mark. I relied on having a military pension for my future support. I have minimal other retirement savings.

31. Both my [REDACTED] and I will lose our TRICARE health insurance when I am separated from the Coast Guard. We both depend on this health insurance.

32. I am concerned about my ability to find a new job when I am separated. I am aware that some transgender people have encountered significant employment discrimination in the private sector.

33. I know of many other transgender service members whose lives, like mine, have been thrown into turmoil. Many are risking their lives to protect our country. Their abrupt departure will endanger the other members of the fighting force who have come to depend upon them and who have worked shoulder to shoulder with them to make our country safer. The situation in which I and my fellow transgender service members find ourselves is a repudiation of the values and ideals that the armed services were constituted to protect and defend.

34. Since the President's tweets, other members of the transgender military community have reported being treated disrespectfully by fellow service members, including being called "it." This shows the harm that occurs when the Commander-in-Chief disparages an entire class of servicemembers by suggesting that they are unfit for military service.

35. [REDACTED]

36. Being in the Coast Guard is a central part of my identity. As much as the Coast Guard has invested in me, I have invested in the Coast Guard. I love serving, [REDACTED]

[REDACTED]

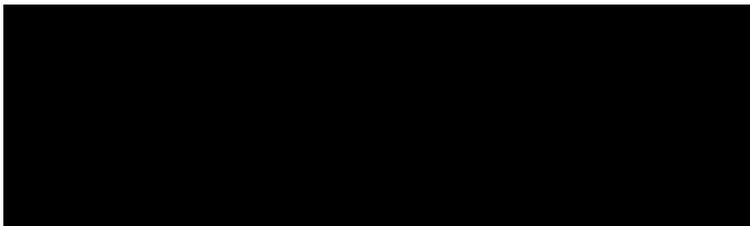
[REDACTED] I had expected to continue serving as a Coast Guard officer for many years.

37. I trusted and relied on the Coast Guard's commitments to me. But now those commitments have been withdrawn through no fault of the dedicated career Coast Guard officers and civilian officials who have always treated me with respect. It is hard to believe that I am

going to be involuntarily separated for being transgender by the same service that encouraged me to serve openly and that told me it would not break faith with me.

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

DATED: August 28, 2017



**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

DOE, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 17-cv-1597 (CKK)
)	
DONALD TRUMP, et al.,)	
)	
<i>Defendants.</i>)	
)	

**DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, [REDACTED] declare as follows:

1. [REDACTED] As a child, I moved around a lot with my mother and brother. I always knew that something didn't sit right with me about being a boy, as I always felt uncomfortable being labeled as male. My family expressed a lot of anti-gay sentiments, however, so over the years I learned to keep my feelings to myself.

2. When I was a teenager, I was in a rough spot, spending time with bad people who would get into trouble with the authorities. As I got more freedom from my family, I began to experiment with my gender expression, growing my hair out longer and doing my nails. This felt like it made sense to me, though I still struggled with my gender identity.

3. I joined the Army National Guard in 2003, when I was 17. I had seen people go into the Army to get away from the bad crowds I had fallen in with. I also hoped that serving in the traditionally masculine environment of the military would help me get rid of my discomfort with my gender identity.

4. From the time I joined the National Guard, I served as a [REDACTED]. During this time, I only saw the people in my Guard unit once a month, so it was easy to tamp down my feelings and put on a masculine façade. I felt like I was able to express myself better when I was home.

5. I met my wife [REDACTED] at the civilian job I held while I was in the National Guard. We married in [REDACTED]. She soon became pregnant, and I made the decision to go on active duty with the U.S. Army so I could obtain health care benefits to support my growing family. Our first child was born in [REDACTED] and we had two more children in [REDACTED].

6. I continued working as a [REDACTED] once I had moved to active-duty status. My superiors recognized that I was very driven and dedicated to my job, and they recommended that I be promoted ahead of schedule.

7. During my time on active duty, I deployed overseas on multiple occasions. I served in South Korea from [REDACTED] and again from [REDACTED]. I also deployed to Kandahar in Afghanistan from [REDACTED].

8. Unlike in the National Guard, where I would only see my unit infrequently, I saw the other soldiers in my unit every day while I was on active duty. It became much harder to hide who I was. I tried to repress my identity as a woman, but the difficulty of this effort left me feeling angry and led me to drink alcohol more frequently than I should have.

9. Finally, [REDACTED] I couldn't repress my feelings any longer and told my wife that I was transgender. She told me that she thought that explained why I had seemed so angry. Once I told her, it was like a weight had been lifted—I felt more connected to my wife, and I stopped drinking.

10. I did not tell anyone else that I was transgender until late in 2015, when the Department of Defense issued an order saying that nobody would be discharged from the military for being transgender while the Department conducted its review of whether transgender people would be allowed to serve openly on a permanent basis. The day after that regulation was issued, I made a public post on Facebook saying that I was a transgender woman.

11. My company commander, who I had met when our units were attached in Afghanistan, was very supportive when she saw my Facebook post. Her support gave me hope that I would be able to serve openly as a transgender person.

12. Around the time I came out, I began seeing a therapist through the Army's Behavioral Health Services. Because transgender people still were technically not permitted to serve openly, my formal diagnosis at the time was for "adjustment disorder with anxiety." When I spoke with my therapist, however, we worked together on a plan for how I would move forward with my transition if and when the ban on transgender servicemembers was lifted.

13. In June 2016, when Secretary of Defense Ash Carter announced that transgender people could serve openly, my formal diagnosis was changed to gender dysphoria. My therapist then gave me a referral to my military health care provider so I could begin receiving medical care for my transition. I began receiving hormone therapy in [REDACTED]

14. On July 26, 2017, President Trump tweeted that transgender people would not be allowed to serve in the military "in any capacity." I was shocked to see the tweets, but I also had felt on some level that this was coming—a month before, the Department of Defense had delayed allowing transgender people to accede to the Armed Forces, and I felt like transgender people who were already serving would be next on the chopping block. Shortly after the tweets, I received numerous calls from other transgender people I knew in the military; we all worried

that even though the tweets had not yet been implemented as formal policy, we would be discharged from service. On August 25, 2017, when the President signed the order formally implementing his ban, it made things feel all the more real. Under the terms of the order, as of March 23, 2018, I will not longer be permitted to serve in the military and will be subject to discharge at any time. Now, although I still work hard to fulfill my duties on a day to day basis, I constantly worry about how I will take care of my family.

15. I had joined a new unit in [REDACTED] around the time of the President's tweets, as I had just returned from my second deployment to South Korea. Since I have joined the new unit, I have been on a detail that has me driving far from my base all day, every day. I am supposed to be in charge of four or five other soldiers, but I have yet to meet them. Other soldiers in my unit have asked me who I pissed off such that I was given this detail so constantly, as the detail used to rotate between numerous different people before I arrived. I believe I am being kept separated from the rest of my unit because I am transgender and because of the President's ban, as I never had any problems with this kind of treatment in my old unit and do not know of any other reason why I would be treated this way.

16. I had been hoping to serve for twenty years in the military, as twenty years of service would entitle me to retirement benefits from the military, including a pension and access to health care services for my family on base. I have built my retirement income plans around having access to these benefits. Between my National Guard and active-duty service in the Army, I have accrued 12 to 13 years of time towards these benefits. The new policy will result in my being separated from military service before I can serve a full twenty years, meaning that I will not receive the retirement benefits I have planned my future around.

17. I am also distressed about having my discharge from the military labeled as a medical discharge or a mental health discharge, as the pre-June 2016 policy required. The kind of discharge one receives when leaving the military can have a major effect on getting civilian employment, and I am concerned that being discharged for being transgender would make it difficult for me to provide for my wife and three children.

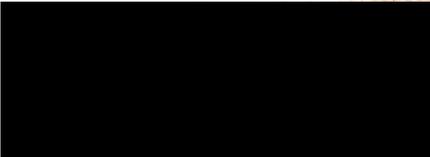
18. My wife and children receive their health insurance through TRICARE, which provides health insurance to servicemembers and their families. My wife and oldest daughter both are on medication that is provided through TRICARE, and I worry that when I am separated from the Army because I am transgender, my family will lose access to the insurance that allows them to continue receiving the medication they need. In addition, I will lose access to the doctors who have been providing me with the medication I take for my transition.

19. The directive barring transgender people from serving in the military has left me feeling excluded, and it hurts that people like me are being singled out and told that we aren't good enough to serve our country based on a characteristic that has no relevance at all to our abilities or fitness to serve. I love this country and have served it faithfully and well. To be told that I am no longer worthy to serve is a terrible blow. It affects how I see myself, and I know that it casts me in a negative light that will affect every aspect of my life, including my prospects for future civilian employment.

20. The fact that I am transgender in no way stops me from being able to do my job successfully, and I am not aware of any problems, major or minor, that inclusion of transgender people has caused since the Department of Defense began allowing us to serve openly last summer. All I want is to be allowed to serve my country and to be evaluated based on my job performance rather than on my status as a transgender person.

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

DATED: August 29, 2017



IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

_____)	
DOE, et al.,)	
))	
<i>Plaintiffs,</i>)	
))	
v.)	Civil Action No. 17-cv-1597 (CKK)
))	
DONALD TRUMP, et al.,)	
))	
<i>Defendants.</i>)	
_____)	

DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

I, [REDACTED] declare as follows:

1. I grew up as [REDACTED] in Southern California. By the time I was eight, I realized that I was “different” somehow. I consistently preferred things that were feminine. I was uncomfortable in male clothing and asked to wear dresses instead of suits at major family events. By age twelve, I began to understand that the experiences I was having and the emotions I was feeling were because I was transgender. I did not tell people. I felt that I would have to deal with it on my own.

2. I graduated from high school in [REDACTED]. Before graduating, I enlisted in the Army at a Military Entrance Processing Station. I did this partly in hopes of making more of a man of myself. As detailed below, that strategy did not work.

3. After I joined the Army, I spent two months in the Delayed Entry Program. I shipped out to basic training in [REDACTED]. Before I left, I heard about an upcoming change in the Department of Defense policy relating to the service of transgender people. Hearing about

this gave me some hope that the Army might come to accept me as transgender and that I might be able to come out while a soldier.

4. I completed basic training and was stationed at [REDACTED] I was there for two months before being deployed to Afghanistan in [REDACTED] as part of the [REDACTED] This deployment lasted six months.

5. After my deployment, I returned to [REDACTED] where I have been stationed ever since. I am currently a [REDACTED] I achieved this rank ahead of schedule because I have demonstrated skill and leadership qualities in the field.

6. I am scheduled to deploy again in [REDACTED] this time to Iraq. I will be going as a team leader, with soldiers reporting to me.

7. After I had been in the Army for several months, I learned from a friend who is also transgender that I could talk about my feelings about my gender with the Army's Behavioral Health service on a confidential basis. Based on this friend's recommendations, I went to the Behavioral Health Services in [REDACTED] and told them that I was transgender. This was a relief, because I felt that I could not continue to present as male. I was referred to a therapist with experience working with transgender people. The therapist diagnosed me with gender dysphoria.

8. After June 2016, I was aware that military policy permitted me to serve openly as a transgender person. However, I did not immediately tell anyone other than my friend and the people at Behavioral Health that I was transgender.

9. I have continued to see the therapist and to work toward developing a transition and treatment plan with the therapist and a physician's assistant (PA). In [REDACTED], the write-up of the plan had been completed, had been submitted to Medical Command, and had been approved by the Major who supervises the PA's work. I have not yet begun any of the treatment steps, which include surgery. I am still listed as male in DEERS and must comply with male grooming standards.

10. Before President Trump's tweets, I had not come out to anyone in my chain of command. After the tweets, I decided to have a conversation with my Company Commander during his "open door" office hours. That meeting was the hardest thing I have ever done in my life, but I felt that my chain of command would support me based on the policy announced in June 2016. The Commander expressed surprise and shock. I explained that I had come to talk with him in part because I was worried that I would not be permitted to deploy with my unit because of the president's tweets, and I am committed to being deployed.

11. The Commander was not supportive. He suggested that perhaps I would be separated under honorable conditions. I was discouraged that he did not provide me with any reassurance. I also came out to my squad leader, who then informed my platoon sergeant, and to a friend in my unit. All three have been supportive after my disclosure.

12. Since coming out to my chain of command, I have continued to prepare for deployment. I understand that I cannot begin treatment until after I return from the deployment. While it will be hard to wait, I will not put my personal needs ahead of the needs of the mission and my fellow soldiers.

13. My unit command structure (Battalion Commander and Brigade Commander) must approve my transition plan. During the week of [REDACTED] I began the process of

submitting the plan for approval. I spoke again with my Company Commander to advise him that I was submitting the plan and as a courtesy before I sent it to the Battalion Commander. He asked why I was transmitting it to him, and he expressed skepticism that it would be approved. He also suggested that I submit it when I return from deployment instead of now. Although I have said that I am willing to wait to begin treatment, he expressed the view that submitting the plan might make me non-deployable, because the plan says that treatment is “medically necessary.” I explained that I was submitting it now so that I could begin treatment promptly upon my return from deployment.

14. The plan has now been submitted to all appropriate people in my chain of command.

15. I have not told anyone else at my rank or below that I am transgender. Thus, I was able to hear an unfiltered reaction to the President’s announcement right after he tweeted it. Some made ugly remarks about transgender servicemembers, while others remarked people who kill transgender people should not be punished. After the tweets, people seemed emboldened to express hostility to transgender people.

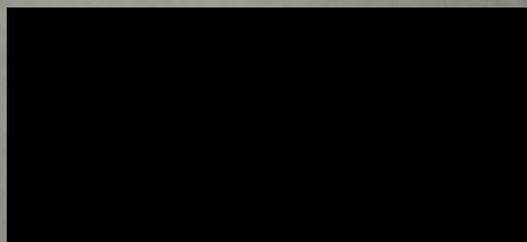
16. On August 16, I learned that transition-related treatment had been halted for many of my transgender colleagues. I was and remain very troubled by this development. I am also aware that on August 25, the President issued a memorandum that formally changes military policy to exclude transgender people from openly serving. In addition to reversing the policy permitting transgender people to serve openly – and so making me subject to separation – he also directed that surgical care for gender transition be halted. My current contract is up in [REDACTED] [REDACTED] I intended to renew, but if the ban is permitted to go into effect, I will not be able to do so.

It also seems that my transition plan will not be approved because of the President's announcements, because it would require surgical care.

17. Many transgender soldiers, sailors, marines, and airmen are being hurt by these new developments. But I believe in myself and other transgender members of the service, so I want to step up and work to enforce our rights. Every trans service member is family to me, and we will work together to overcome the injustice and unfairness of what the President is trying to do to us. I am still getting my boots on every morning and doing my job to the fullest.

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

DATED: August 28, 2017



IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

_____)	
DOE, et al.,)	
))	
<i>Plaintiffs,</i>)	
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v.)	Civil Action No. 17-cv-1597 (CKK)
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DONALD TRUMP, et al.,)	
))	
<i>Defendants.</i>)	
_____)	

DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, [REDACTED], declare as follows:

1. I am a [REDACTED] in the [REDACTED] Army National Guard, stationed at Guard headquarters in [REDACTED]. I am also a civilian employee of the Department of Defense, working as a [REDACTED]. I am [REDACTED] years old and have been serving in the United States military since [REDACTED].

2. I am a transgender woman, but I did not truly come to understand and accept that until [REDACTED]. My family and my husband, to whom I have been married since [REDACTED] have been supportive.

3. I was born in [REDACTED]. When I was young, my parents separated and my mother worked and took care of me on her own. My mother later met and fell in love with a man in the United States. She emigrated to the United States and I joined her a short time later, finishing high school in a very small town in [REDACTED]. After a period of adjustment, I grew

to love my adopted country. There is so much opportunity in the United States, and this country enables people to reach and attain goals that would not be possible in other countries.

4. After high school, I felt that I had an obligation to give back to this country. I saw a documentary on basic training in the Army and decided that I wanted to join the military. In [REDACTED], I visited an Army recruitment office and told the recruiter that I wanted to serve my country, because it had done so much for me and my mother. I also hoped that the Army could help me improve myself, develop skills, and build a career.

5. I attended Basic Training at [REDACTED]. After Basic Training, I was assigned to serve as a [REDACTED]. After receiving further specialty training, I was assigned to serve overseas in South Korea. I had served in Korea for about a year when the 9/11 terrorist attacks happened. I was then called back to the United States and stationed as a [REDACTED]. I served at [REDACTED] for about three years.

6. In [REDACTED] I began a tour at [REDACTED] in Baghdad, Iraq. As a [REDACTED] at [REDACTED] I helped my fellow soldiers who were looking for spiritual guidance in an incredibly difficult and dangerous environment. I finished my tour in Iraq in [REDACTED] and returned to be stationed again at [REDACTED].

7. While I was back at [REDACTED], my enlistment contract period was coming to an end. I decided to not to continue on active duty, but rather to reenlist in the [REDACTED] Army National Guard.

8. My commander in the Guard suggested that I should have another military specialty, so I received training in [REDACTED].

9. After some time in the Guard, my commander asked if I wanted to join the Active Guard Reserve (“AGR”). AGR soldiers serve on active duty full time in units of the Army Reserve, or in units or organizations that directly support the Army Reserve. I agreed to join AGR, where I served for five years. I resigned from the AGR to continue my schooling.

10. Since resigning from the AGR, I have maintained my status in the [REDACTED] Army National Guard. I have also been employed by the Department of Defense (“DoD”) as a civilian [REDACTED]. As a [REDACTED] [REDACTED] for DoD, I focus mostly on [REDACTED]

Although I am in a civilian position with the DoD, I wear my military uniform while at work.

11. In [REDACTED], while serving in the [REDACTED] Army National Guard and working as a civilian specialist for DoD, I came to fully understand and accept that I am transgender. I was taking a course on diversity in the classroom, which included a discussion on how teachers can foster inclusive environments to benefit LGBTQ students. Through my studies and class discussions, I began to better understand the feelings I had been experiencing my whole life. On the one hand, I had a great sense of freedom that came from finally understanding and accepting who I am. But on the other hand, I feared that if I disclosed my gender identity at work I would be discharged from the Guard. I would also lose my job at DoD as a result, because DoD requires that, in order to serve in my position as a civilian DoD specialist, I must remain in the Guard.

12. Ultimately, this contradiction between my personal and professional lives was becoming very stressful. I began to have difficulty focusing on my work and felt ashamed that the military that I loved would stop respecting my service if I came out. Because this stress was

becoming difficult to bear, I had started to plan to talk to my commander about being transgender when, in June 2016, Secretary of Defense Ashton Carter announced that the military was lifting its ban on transgender people serving openly. Secretary Carter's announcement was a huge relief. Finally, I could be true to myself and still serve the country that I love.

13. Shortly after the announcement was made, I planned to come out as transgender to my unit Commanding Officer, a Major, but wanted to talk to the senior Non-Commissioned Officer ("NCO") in my unit first. My senior NCO said that she supported me "100%," and offered to go with me when I spoke to our Commanding Officer. When I came out as transgender to the Major, he acknowledged that he was not very knowledgeable about the experiences of transgender people, but told me that he and the rest of our unit would support and work with me through the process as DoD finalized the policy. I was not expecting that level of commitment and support from our Commanding Officer, and I was very grateful for it. I also was relieved to find that my fellow soldiers and DoD employees were learning more about transgender people and were accepting and supportive.

14. The change in policy allowing transgender soldiers to serve openly has changed my life in the military. My fellow soldiers in my unit and my senior leaders have told me that they have noticed how much happier I am. It has been incredibly empowering to be true to who I am at work while serving my country, and to have my team members be so encouraging and supportive.

15. Then in July 2017, President Trump announced that transgender service members would no longer be allowed to serve in the military "in any capacity." This was devastating to me. The President's announcement made me feel ashamed, and I was deeply saddened that he was ordering the Army, which I had been a part of for so long and which I loved so much, to

stop treating me with respect. After the President's announcement, my fellow soldiers in my unit remained very supportive of me. They do not see me as a transgender soldier. They see me as [REDACTED]. But every day that goes by, I worry that will change. The uncertainty that the President's announcement caused over the past several weeks has been distressing. I went to work each day wondering whether I would be discharged, not because of any problem with my job performance or my commitment to serving this country, but solely because of my gender identity.

16. On or about [REDACTED] I applied to reenlist in the [REDACTED] Army National Guard for two additional years. If I complete two years of additional service, I will have a total of twenty years of military service. This milestone is important to me, not only because of the accompanying retirement benefits that service members receive after twenty years, but also because my two decades of service will serve as a powerful demonstration of my commitment to and love for this country.

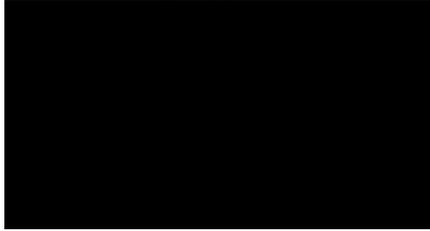
17. In prior years, all of my applications to reenlist have been approved within approximately one week. But for reasons that have not been explained to me, I have yet to receive approval of my reenlistment application. In none of the previous times that I have applied to reenlist have I encountered a similar level of delay and difficulty. In light of this and the highly public nature of the President's announcement, I can only conclude that my current application is being held up in response to the President's reversal of the DoD policy to allow transgender service members to serve openly, and that ultimately my application to reenlist will be denied solely because I am transgender.

18. I am also aware that on August 25, the President issued a memorandum that formally reverses the policy permitting transgender people to serve openly, and also halts

surgical care for gender transition. In addition to depriving me of my job, my livelihood, and my eligibility for important retirement benefits, this would be a devastating rebuke in the face of my many years of commitment to serving and defending this nation.

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

DATED: August 28, 2017



IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

_____)	
DOE, et al.,)	
))	
<i>Plaintiffs,</i>)	
))	
v.)	Civil Action No. 17-cv-1597 (CKK)
))	
DONALD TRUMP, et al.,)	
))	
<i>Defendants.</i>)	
_____)	

DECLARATION OF [REDACTED]
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, [REDACTED] declare as follows:

1. I am a [REDACTED] in the United States Army [REDACTED]
[REDACTED] [REDACTED] I have served in the Army since
2014. I make this declaration based on my own personal knowledge.

2. I am transgender. From an early age, although I did not understand what it meant to be transgender, I identified as male, going by male names as a child and through high school instead of my birth name. However, when I was a child, I did not have a name for this mismatch between my body and my identity.

3. My family has a proud history of serving in the Armed Forces. My great grandfather served in Europe in World War II. My father served in the United States Air Force, and was deployed to Honduras shortly after I was born at [REDACTED]
[REDACTED] My father was awarded the Bronze Star for valor in connection with his service in Honduras. My aunt served in the [REDACTED], and my uncle was a United States

Marine who was wounded and paralyzed by an improvised explosive device during Operation Desert Storm. Beginning as a child and throughout my early life and adolescence, I idolized those who serve their country in the military. I saw it as a uniquely honorable profession.

4. In [REDACTED] I entered the [REDACTED] on a full academic scholarship. It was during college that I decided to join the military. In addition to my family's military history, my best friend in college was in the service. Talking with him about his experiences as an officer, deploying to the Middle East, and the esprit de corps of the military confirmed my resolve to join.

5. In [REDACTED], I graduated *magna cum laude* from the [REDACTED] with a Bachelor of Arts Degree in [REDACTED]. I then entered the Army Reserve Officers' Training Corps (ROTC) program at [REDACTED] to pursue a Master's Degree in [REDACTED]. While typically cadets entering ROTC during graduate school must complete a mandatory training camp, I was waived into my ROTC contract because of my prior strong academic performance.

6. My fellow cadets in ROTC knew that I was transgender and were supportive. I was ranked third in my class of ROTC cadets, most of whom had previously been in a four-year undergraduate program, and perhaps as a result, my superiors were also generally supportive. For example, I was a member of the Color Guard for my ROTC unit, which required that I often wear a dress uniform. While regulations required that I wear a female dress uniform – my gender marker at that time was female – I was issued and allowed to wear a male dress uniform.

7. While serving in the Army ROTC program, I joined the [REDACTED] National Guard, [REDACTED] through the Simultaneous Membership Program. The Simultaneous Membership Program allows ROTC cadets to serve and drill with

the Guard. The first National Guard drill that I attended was in [REDACTED]
[REDACTED]

8. The National Guard paid me as an enlisted service member (E5), but during my time in the Guard, I functioned in effect as the Executive Officer (“XO”) for my unit. As XO, I worked directly under the Commanding Officer, managing maintenance, training, and helping with personnel matters such as writing promotions and organizing ceremonies.

9. During graduate school at [REDACTED], I met my future wife, [REDACTED] the love of my life and a constant source of support. We married in [REDACTED] and have a two-year-old son, [REDACTED].

10. On April 4, 2016, while in graduate school and the ROTC program, I changed my legal name to [REDACTED] and submitted paperwork to the ROTC/Cadet Command and National Guard to reflect the change. Shortly thereafter, my ROTC professor of military science and I discussed the fact that the Department of Defense was considering amending its policy banning transgender individuals from openly serving in the military, but that no such change had been made yet. My Senior Military Instructor told me that I needed to “play by the rules” while I completed the ROTC program. From that point forward, I was no longer allowed to wear a male dress uniform while in ROTC.

11. Prior to commissioning, I participated in the Cadet Leadership Course (“CLC”) at [REDACTED]. While at CLC, I suffered a shoulder injury and struggled during the field training exercise. But although I was hurt, I toughed it out and finished.

12. In [REDACTED] I obtained a Master’s Degree in [REDACTED] [REDACTED] and was commissioned as a [REDACTED] in the Army on [REDACTED] I was also designated as a Distinguished Military Graduate for being ranked on the Order of Merit List

in the top 20% of Army ROTC cadets across the nation. Because the Army was not ready to assign me to my future post at the time, I was commissioned into the Individual Ready Reserve (“IRR”).

13. In June 2016, Secretary of Defense Ashton Carter announced that transgender people would be able to serve openly in the U.S. Armed Forces. While I had received support from my commanders and fellow officer peers prior to the change in policy, the change signaled to me in official terms that the Army valued who I was and valued the contributions I could make in performing my duties and responsibilities. It signaled the respect I had from the Army and helped confirm that serving in the Army was my life’s true calling.

14. On [REDACTED] I began training at the [REDACTED] Basic Officer Leadership Course (BOLC) at [REDACTED]. At BOLC, I came out as transgender to my platoon instructors, who were very supportive, and also to my peers. At the time, my gender marker in the Defense Enrollment Eligibility Reporting System (DEERS) was “female.” I was therefore technically supposed to adhere to female standards concerning dress, grooming, housing, and use of facilities. But my superiors and fellow officers at BOLC recognized that I was male, regardless of my designation in DEERS, and treated me as such.

15. For example, while in the field I was supposed to sleep in the female tent, but my teammates strung up ponchos to make a barrier to respect my privacy and to make sure that I was comfortable. My superiors at BOLC also devised a system to allow for a block of time in the field for me to shower on my own. And during the BOLC graduation ceremony, my superiors allowed me to wear my Operational Camouflage Pattern daily uniform, as opposed to a female dress uniform. I was ranked “superior” in every category at BOLC. Throughout my time at BOLC, I benefited from the tremendous camaraderie, team spirit, and mutual respect that is

expressed among the Army officer ranks. My experiences in the Army up until the recent reversal of policy have made me feel honored to serve, defend, and be willing to die for my country.

16. Following BOLC, I was stationed at my current post as a [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] I am the XO for my unit, performing administrative tasks on behalf of and reporting directly to our unit Commanding Officer. As XO, I serve as both the maintenance and supply officer for my unit. I manage our fleet of vehicles to ensure operational status and readiness. I also assist in managing in excess of \$50 million worth of [REDACTED]. And I fulfill a critical additional duty in my unit of Unit Movement Officer, which means I am in charge of preparing my unit for deployment into theater. Until recent events, I was preparing for deployment in mid-2018, and was excited about the opportunity to deploy with my unit.

17. At my first meeting with my Commanding Officer at [REDACTED], I came out to her as transgender. I stressed to my Commanding Officer that my first priority was being a soldier, and that in crafting an approved plan for medical treatment under the new policy, it was extremely important to me to make sure that my plan would not interfere with my duties. I would not allow any medical procedures or appointments to prevent me from participating with my unit in field exercises or deployments or to affect unit readiness. Both my Company and Battalion Commanders at [REDACTED] have been very supportive beyond my greatest expectations. To me, they have set the standard for leadership.

18. On [REDACTED] my medical treatment plan was authorized and approved by the [REDACTED] [REDACTED] As part of my approved treatment plan, I scheduled a surgery consult at [REDACTED]

just outside [REDACTED] My planned surgery was encouraged and fully supported by my command team at every level up to and including my Brigade Commander.

19. During [REDACTED], I took steps to revise my legal documentation to reflect my gender. In [REDACTED], I acquired an updated driver's license with a male gender marker. In [REDACTED] I obtained a new passport on which I was identified as male. On [REDACTED] [REDACTED] I submitted a request to change my gender marker in DEERS to male. My request for a gender marker change in DEERS was approved and took effect on [REDACTED] As a result, I am now treated the same as other male service members in all respects, including the standards for uniform, grooming, physical fitness, and any other requirements that differ by gender.

20. During the summer of 2017, my military medical care provider notified me that Secretary of Defense James Mattis was collecting information about the experience of transgender service members regarding medical appointment frequency, days on non-deployable profiles, and impact on unit cohesion and command. I submitted information in response to the Secretary's request on [REDACTED] In addition to describing my experiences, I submitted the following Personal Statement:

I serve the people of the United States, and live the Army values. It is my personal belief that selfless service is the foundation of LDRSHIP and I strive to embody that trait every day. I did not join the military out of a selfish desire for the benefits it would bring, medical or otherwise. I volunteered because I was instilled with a profound sense of patriotism as a child and raised on the belief that military service is one of the most esteemed honors an individual can fulfill in their lifetime. If my commitment to selfless service requires me to pay out of pocket for any transition related care, I will do so without hesitation. If my commitment requires me to cease all transition related treatment, I will do so if necessary. All that I ask is that I be allowed to fulfill my oath to serve this country like my father before me, and as my brothers and sisters in arms that are currently serving.

“LDRSHIP” is an acronym that summarizes the Army’s core values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

21. In response to my submission, Colonel Mary V. Krueger, Assistant Deputy Health Affairs at the Pentagon, wrote to me to say, “Thank you very much for sharing your story. Your narrative reflects a commitment to excellence and duty. This perspective is very helpful in giving Senior Leaders a picture of transition from the front lines.”

22. The day after I made this submission to the Secretary of Defense—July 26, 2017—the President tweeted that transgender service members would no longer be allowed to serve in the military “in any capacity.”

23. The day of that announcement was extremely distressing. Earlier that day, I had undergone Lasik eye surgery for which I had been administered tranquilizing pain medications. When I emerged from surgery groggy and with limited eyesight, my phone was all but exploding with the volume of text and emails I was receiving from family, friends, and former BOLC classmates about the tweets. Despite the medications I had received, the situation was so distressing that I could not sleep. I paced around my house worrying that I was going to lose my job and my home, and wondering how on earth I was going to take care of my family and protect them from fallout of the President’s announcement. Since that day, I continue to worry about my standing in the Army.

24. On [REDACTED] as my scheduled surgery consult approached, my military medical care provider told me that all gender transition related surgeries had been suspended. In her message, my provider added, “[t]his is incredibly frustrating and pretty terrible in my opinion and I am really sorry to have to give you this news today[.]” I understand that on the same day

as my doctor's message to me, [REDACTED] others also had medical procedures cancelled or put "on hold."

25. On August 25, the President issued a memorandum reversing the current policy that allows me to serve openly and stated that as of March 23, 2018, the policy permitting openly transgender people to serve in the military will no longer be in effect, and the old policy prohibiting such service will be reinstated.

26. I am devastated by the President's cancellation of the policy I had relied upon to notify command of the fact that I am transgender and to take steps forward in treatment for gender transition. I grew up idolizing the military and wanting to serve my country. Before the President's announcement of July 26, my experiences while serving in the military were overwhelmingly positive. Each morning when I put on the uniform, I was fully invested, filled with pride and excitement about my job and the chance to serve alongside my brothers and sisters in the Army I love.

27. But the President's announcements that transgender people will face separation from service, and the steps toward cutting off medical care for transgender soldiers, have caused me distress and will have a devastating impact on my future. It has made every day difficult. I have planned for a future in the Army. If I am separated, as the new policy requires, I face serious negative financial consequences, uncertainty about my future career path, and the likely inability to provide for the health and welfare of my family. I carry a strong desire in my heart to serve my country, and despite the recent change in policy, still want to be part of the Army and to lead soldiers.

28. The situation is also distressing for my wife. She and my son [REDACTED] receive health insurance through TRICARE, the program that provides health care coverage for uniformed

service members and their families. [REDACTED] has a history of respiratory and ear infection problems. He has had surgery on his ears and adenoids and has a follow up with an Ear Nose and Throat Specialist next month because he is still having significant problems. Loss of military health care coverage will be devastating to our family.

29. [REDACTED] also attends the base daycare, and it is heartbreaking to think that he might have to leave his school because his father is no longer wanted in the Army.

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

DATED: August 28, 2017

