

1           A. For the reserve component -- and this is my  
2 perspective. So if I'm a reservist on active duty  
3 orders for greater than 30 days, I am eligible for  
4 full-time medical support, and my family becomes  
5 eligible for healthcare as well.

6           Q. And how is that reflected in DEERS?

7           A. Again, I don't know the coding systems of how  
8 that's manipulated, but when you go on orders, the  
9 admin office works their magic and puts your  
10 eligibility into DEERS. So you become DEERS eligible  
11 as evidenced by your CAC card. So your CAC card will  
12 show you're on active duty. CAC is "common access  
13 card." It's the military ID. So there's a chip in  
14 there that will show that you're eligible in DEERS for  
15 TRICARE.

16           Q. Okay. Who's responsible for inputting  
17 information into DEERS?

18           A. I do not know.

19           Q. Can the service member change their own DEERS  
20 information?

21           A. No.

22           Q. Can a service member request that their DEERS  
23 information be changed, like, for example, to request  
24 a change in their gender identifier?

25           A. Yes.

1 Q. If a service member wants to get some kind of  
2 a change in their DEERS gender identification, how do  
3 they do that?

4 A. There's a process outlined in both the DoDI  
5 and as well as the Air Force policy guidance  
6 memorandum.

7 Q. Okay. Now, if a service member notices that  
8 information in DEERS is incorrect, what do they do  
9 about that?

10 A. I would imagine that they would notify the  
11 full support squadron, their personnel squadron on the  
12 base.

13 Q. Going back to the issue of the gender  
14 identifier in DEERS, how does the Air Force determine  
15 what identifier should be used, male or female, in the  
16 case of any individual airman?

17 A. We're a binary system. So you have one of  
18 two choices. So up until now, we've -- when people  
19 are assessed into the military, they're either  
20 assessed as a male or a female, and that information  
21 goes into DEERS.

22 Q. And what is the significance of the DEERS  
23 gender designation?

24 A. I'm sure there's many different purposes of  
25 it, but for this case right now, one of the -- what

1 I'm familiar for is the designation DEERS as far as a  
2 gender marker. It's applicable to dress and  
3 appearance standards. Its applicable to readiness  
4 standards, and it's applicable to housing, lodging.

5 Q. Does the defense human resources activity  
6 play any role in changing information on an airman in  
7 the DEERS system?

8 A. I don't know, ma'am.

9 Q. If a service member requests that their  
10 information be changed in DEERS, do you know how long  
11 it takes for a request to be acted on?

12 A. I am familiar with the fact that if a service  
13 member, transgender service member submits the proper  
14 documentation to their force support squadron for the  
15 information to be changed, I think there's probably a  
16 30-day lag time, and that's a systems issue.

17 Q. So you would expect responses of -- or  
18 requests of that kind to be acted on within 30 days?

19 A. What do you mean by "acted on"?

20 Q. You said, I think, that there was a 30-day  
21 turnaround?

22 A. The system. So if a member came in and they  
23 said, "Here are my documents, ma'am. I'd like to  
24 change my gender marker in DEERS." I don't know the  
25 specific process in the full support squadron, but

1 they have a process in which they would submit the  
2 documents, and then it would go into the system, and  
3 there's multiple systems that are at work. So one  
4 system would have to talk to another system. And then  
5 by the time that system update would happen, I  
6 understand it's about a 30-day lag time.

7 Q. How does the service member know whether  
8 their application to change gender in DEERS has been  
9 accepted or rejected or even reviewed at all?

10 A. I don't know, ma'am.

11 Q. If a request to change information in the  
12 DEERS is not approved, is there any kind of appeals  
13 process?

14 A. I'm not familiar with any request not being  
15 approved. I'm familiar with people that provide  
16 documents that are maybe incomplete, and they may --  
17 the full support squadron may go back and say, "Hey,  
18 we need something else." In identifying family  
19 members, somebody may have forgotten a birth  
20 certificate or something.

21 So there's document requirements for whatever  
22 actions that you want to have occur in DEERS, and if  
23 any of those documents are missing, there may be a  
24 delay in the change.

25 Q. All I'm trying to understand is if you ask

1 for a request in DEERS and you get turned down, is  
2 there any way to appeal that?

3 A. I don't know.

4 Q. Okay. Do you have any idea how DEERS would  
5 handle the case of an airman who came forward and said  
6 that there was a mistake in the information that the  
7 DEERS system had about them?

8 A. Uh-huh. Well, again, the DEERS is a system.  
9 It's an electronic database. So you can't go to DEERS  
10 and say, "Hey, this is wrong." So you would have to  
11 go to a personnel that's in the force support squadron  
12 and say, "My information is wrong." So you would  
13 bring that information to the unit and have them try  
14 and do whatever corrective actions are needed.

15 Q. Have you heard of any situations where the  
16 Air Force has refused to make a request to change?

17 A. No, ma'am.

18 Q. If there's a service member who identifies as  
19 transgender and has submitted an application in DEERS  
20 to have their gender marker changed and it hasn't yet,  
21 what should they do?

22 A. They probably go back to their full support  
23 squadron and ask for a status update.

24 MS. LAPORTE: Okay. So we've gotten to  
25 12:30. Maybe we should break for lunch. Does that

1 work for you?

2 THE WITNESS: Sure.

3 (A recess was taken from 12:31 p.m.  
4 to 1:35 p.m.)

5 (Deposition Exhibit 10 was marked for  
6 identification.)

7 BY MS. LAPORTE:

8 Q. Okay. All right, Ms. Soper, I have put  
9 before you Exhibit 10, which should be USDOE3662  
10 through -3663. Do you have that?

11 A. Yes, ma'am.

12 Q. Okay. And this is an E-mail from you that  
13 starts out with "HOT HOT HOT \*\*\*\*DSD Meeting follow  
14 up\*\*\*\* HOT HOT HOT." Do you see that?

15 A. Yes, ma'am.

16 Q. It's dated Friday, June 23 of 2017?

17 A. Yes, ma'am.

18 Q. And is "HOT HOT HOT" referring to the speed  
19 with which you need to deal with the request, or is it  
20 referring to something else?

21 A. It refers to a high priority, and with that  
22 high priority is a request for some expediency in the  
23 information.

24 Q. Okay. So can you identify Exhibit 10? Well,  
25 strike that.

1           Exhibit 10 is an E-mail from you dated  
2 Friday, June 23, and it is to the SCCC; correct?

3           A. Yes, ma'am.

4           Q. Okay. And it also has a number of people  
5 cc'd on it; right?

6           A. Correct.

7           Q. And so you report in this E-mail that you  
8 "have some due-outs following the Deputy Secretary of  
9 Defense's meeting with the Services yesterday." Do  
10 you see that?

11          A. Yes, ma'am.

12          Q. Were you at that meeting?

13          A. No, ma'am.

14          Q. How did you hear about the due-outs that you  
15 had as a result of that?

16          A. I don't recall how I got the information  
17 specifically.

18          Q. Do you remember who asked you to get this  
19 information?

20          A. No, ma'am.

21          Q. So you were asked to begin reporting weekly  
22 on the number of airmen with gender marker changes; is  
23 that right?

24          A. Yes, ma'am. That's what the E-mail reflects.

25          Q. And so that E-mail also reflects a change in

1 what you testified about earlier, which was the idea  
2 that it would be preferable not to track people who  
3 were transitioning; correct?

4 A. This is a request from the Secretary of the  
5 Air Force and the chief of staff of the Air Force.  
6 The other was a formal request from P&R to develop an  
7 official tracker for OSD to track service members. So  
8 this is internal to the Air Force only. And it was an  
9 ask.

10 Q. Okay. But so I think that earlier you had  
11 said that there was no effort to track people, and  
12 that, in fact, it would be preferable to give them  
13 their privacy and not track it; right?

14 A. Correct.

15 Q. Okay. And does this reflect a change in that  
16 view?

17 A. It provides a little bit of clarity on  
18 information that is needed in order to better develop  
19 policy and where we are with the situation awareness  
20 on transgender members in the Air Force.

21 Q. So, in other words, there would need to be  
22 some tracking in order to develop good policy in the  
23 future?

24 A. There would be good tracking to get some  
25 situational awareness on what we're dealing with.



1 Q. And the specific number of people who were  
2 transitioning, is that set forth in this E-mail?

3 A. Number of airmen with gender marker changes,  
4 weekly cases, weekly cases, yes. SCCC. Number of  
5 cases the MMDT received.

6 Q. Okay. So in Item No. 5 here it talks about  
7 the "Number of ETPs received weekly." Do you see  
8 that?

9 A. Yes, ma'am.

10 Q. And those are not specifically people seeking  
11 to transition. Those are exceptions to policy that  
12 are being requested?

13 A. Those are exceptions to policies for  
14 transgender service members who are in transition and  
15 are ready for the ability to be able to either wear  
16 the uniform of their preferred gender or requesting  
17 use of facilities.

18 Q. Okay. So did you begin to put together  
19 weekly reports on all of the items that are listed in  
20 this E-mail?

21 A. No.

22 Q. Why not?

23 A. Because it was determined we didn't want to  
24 track this information.

25 Q. Okay. So in the E-mail it says that you

1 would need "to provide the CSECAF and CSAF a weekly  
2 report on the following," but then that order  
3 directive was rescinded?

4 A. Yes, ma'am.

5 (Deposition Exhibit 11 was marked for  
6 identification.)

7 BY MS. LAPORTE:

8 Q. Ms. Soper, Exhibit 11 is a document that does  
9 not have Bates numbers on it. It appears to be an  
10 E-mail thread culminating on the top of the document  
11 with an E-mail from Anthony Kurta to other people  
12 dated November 15, 2016 about a transgender airman.  
13 Do you see that?

14 MR. PARKER: Claire, can I interrupt you.  
15 Ours has Bates numbers on the bottom. Do we have a  
16 different document than you?

17 MS. LAPORTE: Perhaps we do.

18 Let's just go off the record for a moment.

19 (A recess was taken from 1:41 p.m.  
20 to 1:44 p.m.)

21 BY MS. LAPORTE:

22 Q. Okay. Ms. Soper, we are now putting in front  
23 of you a Bates numbered version of Exhibit 11. That  
24 should be USDOE19128 through -19131. Is that what you  
25 have?

1 A. I have -131 and -19132.

2 Q. Is the -132 an empty page? Oh, no. I have  
3 it.

4 A. There's a signature block.

5 Q. Okay. So that mistake was because I didn't  
6 see the last page. They were stuck together. So  
7 correcting the record yet again, Exhibit 11 is  
8 USDOE19128 through -19132. Now are we all together on  
9 that?

10 A. Yes, ma'am.

11 Q. Okay. Great. So this exhibit is an E-mail  
12 chain like some of the other ones that we have been  
13 looking at. And so to understand it, you need to read  
14 it from the bottom up. Okay?

15 A. Uh-huh.

16 Q. So it starts in the beginning with some  
17 E-mails from people who don't involve you, but the  
18 question near the bottom of the second to the last  
19 page of the exhibit is "Can you tell me how many  
20 airmen are seeking treatment?" And after some  
21 back-and-forth on the second page of the exhibit,  
22 there is an E-mail from you to someone else dated  
23 November 9, 2016. Do you see that?

24 A. Which page are you on?

25 Q. It's the second pages of the exhibit.

1 A. Oh, second page of the exhibit. Okay.

2 Q. Do you see on that page an E-mail from you to  
3 Margaret Boatner --

4 A. Uh-huh.

5 Q. -- dated November 9?

6 A. Yes.

7 Q. Okay. And in that one you are reporting on  
8 the number of airmen seeking transgender therapy at  
9 that time?

10 A. It's the number of airmen that have  
11 self-identified as transgender and expressed a desire  
12 to transition.

13 Q. Okay. So as of November 9, 2016, there were  
14 48 airmen in that situation?

15 A. Known to us.

16 Q. Okay. And how many airmen are there in the  
17 Air Force total?

18 A. A lot. I think we have  
19 490-some-odd-thousand. Over 400,000 airmen.

20 Q. Okay.

21 A. That's officer enlisted.

22 Q. So you've got 48 who are currently seeking  
23 some kind of treatment out of that  
24 400-and-something-thousand airmen; right?

25 A. Well, those are the numbers as of today. As

1 of 2016, I don't know the total population of the  
2 Air Force at that time.

3 Q. Okay. So subject to that qualifier -- that  
4 was the information. Okay. There's also some  
5 discussion in this E-mail chain, not involving you,  
6 about the extent to which there should be continued  
7 adherence to the notion that there wasn't going to be  
8 tracking or wasn't going to be disclosure of numbers.  
9 Do you see that?

10 A. Yes.

11 Q. Do you recall any further developments in  
12 discussion about whether there should be tracking of  
13 the number of airmen who are seeking transition or  
14 transitioning?

15 A. Yes.

16 Q. And were you involved in those discussions?

17 A. Within my office, yes.

18 Q. Okay. Did you make any recommendations?

19 A. No.

20 Q. How were you involved in the discussions?

21 A. Being informed that there's a question  
22 whether or not we should or should not release the  
23 information and open it up to media queries because  
24 this request came from a media query.

25 Q. So you didn't involve -- you, yourself, did

1 not get involved in the question of whether the  
2 numbers should or should not be disclosed?

3 A. I had discussions with my leadership,  
4 Mr. Fedrigo, on where we're going and what the  
5 relevance of releasing the data would mean. What's  
6 the relevance of releasing information to the press.

7 Q. And what was ultimately decided on?

8 A. Mr. Fedrigo would take up with Mr. Kurta.

9 Q. So you don't know what happened after that?

10 A. Not above my level. Not that I recall.

11 MS. LAPORTE: Okay.

12 (Deposition Exhibit 12 was marked for  
13 identification.)

14 BY MS. LAPORTE:

15 Q. You should have Exhibit 12 before you now.

16 A. Yes.

17 Q. And that should be stamped DOE2626 --

18 A. Yes.

19 Q. -- through -2657. Is that what you have?

20 A. Yes.

21 Q. Can you identify this document?

22 A. The title on this is "TRANSGENDER AWARENESS  
23 TRAINING (ALL AIRMEN) 2017."

24 Q. Were you involved in preparing the document?

25 A. Not directly.

1 Q. What was your involvement?

2 A. To track the progress of the training and to  
3 provide some QA, quality assurance, to the oversight  
4 to ensure that the content met the criteria outlined  
5 in DoD policy.

6 Q. Who was responsible for putting together the  
7 slide deck?

8 A. That was our A1 personnel, our personnel  
9 division.

10 Q. And do you know who in the personnel division  
11 did this?

12 A. There was Lieutenant Colonel Deborah Packler  
13 and many of her staff that were involved in the  
14 development of this.

15 Q. The cover says, "(ALL AIRMEN)" on it. Was  
16 the objective that every single airman be trained in  
17 transgender awareness?

18 A. Yes, ma'am.

19 Q. Did that actually happen?

20 A. Yes, ma'am.

21 Q. So all the airmen received training?

22 A. Yes, ma'am.

23 Q. And was this slide deck, does that reflect  
24 the content of the training that the airmen received?

25 A. It should.