

1 Q. So as far as you know, this slide deck is
2 current and is the one that was used to train the
3 airmen?

4 A. From what I understand, yes, ma'am.

5 Q. And what's the basis of that understanding?

6 A. That this was the slide deck that was
7 released to the field from Lieutenant General Gruso
8 for training.

9 Q. Were you aware of any efforts that began at
10 some point in or before July of 2017 for the Secretary
11 of Defense to collect information regarding the
12 experience of and with transitioning service members?

13 A. I'm sorry. I don't understand what you're --

14 Q. Okay. So at some point did you ever hear of
15 an effort for the Secretary of Defense to collect
16 information regarding the experience of transgender
17 service members?

18 A. Yes.

19 Q. How did you hear about that?

20 A. Through word of mouth.

21 Q. What did you hear?

22 A. That OSD was looking to reach out to
23 transgender service members to come and talk to senior
24 leaders.

25 Q. And when you say you heard about that

1 "through word of mouth," can you say more about how
2 you learned about that?

3 A. I don't remember the exact place or who the
4 discussions were. I just remember the discussion
5 topic.

6 Q. Did you have any understanding about what the
7 purpose of this initiative was?

8 A. Can I ask the time frame again that you --
9 that this was occurring?

10 Q. Around July of 2017 is the specific time
11 frame I'm asking you about.

12 A. All I can recall at this time is there were
13 potential meetings that were going to occur, and OSD
14 would like to get information from service members.

15 Q. What do you mean "potential meetings that
16 were going to occur"?

17 A. As services and OSD were trying to understand
18 the transgender care and concerns expressed by the
19 services, OSD was still trying to gather information.
20 One of the directives from Secretary Carter was that
21 there would be a study done. And to my knowledge, to
22 this date there has never been any academic, formal
23 study done understanding the transgender care and the
24 impact on the readiness within the U.S. military.

25 Q. And so to this day that hasn't been done?

1 A. Not to my knowledge.

2 Q. Okay. Are you aware of any other aspects of
3 the queries coming from the Secretary of Defense? Was
4 it only to find out the experience of service members,
5 or was it also to find out about the experience of
6 their commanders and peers?

7 A. Yes.

8 Q. So it was also to find out information from
9 their commanders and peers?

10 A. Yes.

11 Q. Did you ever hear anything about the results
12 of those inquiries?

13 A. I understand that there was a meeting with --
14 I don't know the final results, no, ma'am. I cannot
15 recall any final results.

16 Q. Okay. So do you recall any --

17 A. Can I ask for a sidebar on this?

18 MR. PARKER: Sure. We can take a very brief
19 conversation if you think that's necessary.

20 THE WITNESS: Yeah, I would like to.

21 MS. LAPORTE: Okay. Let's go off the record
22 for a moment.

23 (A recess was taken from 1:55 p.m.
24 to 1:57 p.m.)

25 BY MS. LAPORTE:

1 Q. Okay. Was there some kind of a meeting that
2 related to the inquiries that you just talked about
3 that were made by the Secretary of Defense?

4 A. There were senior level meetings that did
5 occur that had various meeting requirements and
6 meeting discussions.

7 Q. And did you provide any information or
8 support for those meetings?

9 A. May I ask which meeting specifically you're
10 talking about?

11 Q. The one that you testified about in response
12 to my previous question. So I asked you whether there
13 were any meetings relating to these inquiries by the
14 Secretary of Defense. I think you said that there
15 were some senior level meetings.

16 A. Right.

17 Q. Do you know how many senior level meetings
18 there were?

19 A. And for clarity, because there's been so many
20 meetings, can I ask the time frame that you're
21 referencing?

22 Q. July of 2017.

23 A. I do not recall specific updates from
24 meetings in the July of 2017 time frame.

25 Q. Do you recall any meetings that came out of

1 these queries to transgender service members that
2 occurred at some other date?

3 A. There have been a lot of queries for
4 transgender service members. Again, I would -- the
5 question is vague. So I would have to kind of ask for
6 specific dates.

7 Q. Well, let's go back to the high-level
8 meetings that you referred to before. How many
9 different high-level meetings are you referring to, or
10 are you not sure?

11 A. The original meetings that occurred after the
12 announcement in 2015, July of 2015. So the working
13 group meetings that occurred in August --

14 Q. Let me just stop you because I'm specifically
15 interested in inquiries made by Secretary Mattis. So
16 we're definitely talking 2017 here, at least.

17 A. Okay.

18 Q. So let's limit it to that.

19 Can you tell me how many meetings you recall
20 that occurred in the 2017 time frame that related to
21 trying to understand the experience of transgender
22 service members, their commanders, and their peers?

23 A. So you're talking high-level meetings in
24 2017, not that one specific date?

25 Q. Correct.

1 A. Okay. I recall that Secretary Mattis
2 produced two memos in September calling for another
3 senior level panel meeting to meet and look at -- this
4 was following the pause of the accessions for
5 transgender service members. So there was a pause.
6 Instead of implementing the policy effective 1 July,
7 there was a pause to January 2018.

8 Following that memo to pause the accessions,
9 Secretary Mattis produced two additional memos. One
10 was an interim guidance memo. The other one was a
11 rules of engagement memo. It called -- those memos
12 called for OSD P&R to establish another senior-level
13 working group to look at information that is relevant
14 to address any impacts on readiness in legality to the
15 force regarding transgender service members. The
16 service of transgender individuals.

17 Q. Okay. And do you recall any meetings where
18 efforts of the sort that you just described that
19 occurred before the President issued tweets announcing
20 that transgender people would not be allowed to serve
21 in the military?

22 A. I'm sorry. Can you repeat that.

23 Q. Do you recall any meetings where there were
24 efforts to understand the experience of service
25 members, their commanders, or their peers in the

1 period before the President issued the tweets
2 announcing the transgender people would not be allowed
3 to serve in the military?

4 A. Yes.

5 Q. And how many meetings do you recall about
6 that in that time frame?

7 A. I do not recall the total number of meetings.

8 Q. And you weren't yourself an attendee at any
9 of these; right?

10 A. Not to my recollection.

11 Q. Okay. Did you have any support role in
12 preparing for those specific meetings?

13 A. Yes, ma'am.

14 Q. What was that role?

15 A. The support role that I had was providing
16 information to senior leaders in the Air Force; where
17 we stand, are we ready to assess transgender
18 individuals.

19 Q. Were there any inquiries that were going down
20 into the force looking for the experience of
21 transgender service people or their commanders that
22 did not relate to the issue of accessions?

23 A. Not to my recollection.

24 MS. LAPORTE: Okay.

25 (Deposition Exhibit 13 was marked for

1 identification.)

2 BY MS. LAPORTE:

3 Q. Ms. Soper, you should have Exhibit 13 before
4 you now, which has a number at the bottom reading
5 1705250200. Do you see that?

6 A. Yes, ma'am.

7 Q. Can you identify this document?

8 A. This is a memorandum for secretaries of the
9 military departments, chiefs of the military
10 department. The subject is "Readiness of Military
11 Department to Implement Accession of Transgender
12 Applicants into Military Service."

13 Q. Okay. And who's the person who issued
14 this memo?

15 A. I can't read the writing, ma'am.

16 Q. Mr. Work?

17 A. Okay.

18 Q. So is that the effort that was in place to
19 try to determine the readiness to begin accessing
20 transgender applicants into military service on
21 July 1?

22 A. Yes, ma'am.

23 Q. And the meetings that you recall doing some
24 support work for, did they follow the issuance of this
25 memo?

1 (The witness reviewed Exhibit 13.)

2 THE WITNESS: Yes, ma'am.

3 BY MS. LAPORTE:

4 Q. And this memo is dated May 8, 2017?

5 A. Correct.

6 Q. Okay. In the -- so during the discussions
7 that you've just referenced, the high-level
8 discussions that you supported relating to accessions,
9 what kind of information and support did you supply?

10 MR. PARKER: I'm going to object just to the
11 extent that the question could call for you to share
12 recommendations that you made regarding information.

13 To the extent you're asking about factual
14 information that was provided to the panel, I don't
15 think that is -- implicates the privilege. But to the
16 extent that question could go to her recommendations
17 to the panel regarding specific subjects, that would
18 be protected by the deliberative process privilege.

19 I would direct you not to answer that
20 portion.

21 BY MS. LAPORTE:

22 Q. For the moment, I'm really just asking a work
23 flow question.

24 What kinds of support did you provide?

25 A. Again, there were several meetings that

1 occurred during this time with Mr. Work's signature,
2 and I'm trying to recall the meetings. One of them
3 was a senior-level meeting with the service
4 secretaries and chiefs, with Mr. Work -- Secretary
5 Work and the vice chairman of the joint chiefs of
6 staff where the services expressed concern over the
7 lack of knowledge and understanding and policy gaps
8 for transgender -- for the service of transgender
9 service members.

10 The services submitted many questions to OSD
11 to respond to the questions, and these questions were
12 presented to Secretary Work, and the answers were
13 provided by OSD, and the outcome revealed the fact
14 that we need to do some more work to answer questions
15 for the services.

16 So I was a participant in some -- in that
17 specific meeting.

18 Q. And did you help provide answers to the
19 questions?

20 A. No. No, ma'am. OSD provided the answers to
21 all the questions for the working group that I'm
22 referencing.

23 Q. Okay. So this is a working group that
24 relates to accessions policy following the May 8
25 request from Mr. Work?

1 A. Well, so it's a working group that addressed
2 current concerns of currently serving transgender
3 service members, as well as what we're going to do for
4 the accessions. There was a request for information
5 on are we ready to assess service members. So I was
6 asked questions and I provided answers.

7 MS. LAPORTE: Okay. Let me mark another
8 document.

9 (Deposition Exhibit 14 was marked for
10 identification.)

11 BY MS. LAPORTE:

12 Q. This is Exhibit 14. Exhibit 14 should be
13 marked USDOE3252 through -3283. Is that what you
14 have?

15 A. Yes, ma'am.

16 Q. Okay. So this document starts off with an
17 E-mail chain. Are you a participant in this E-mail
18 chain?

19 A. Yes, ma'am.

20 Q. Okay. So you appear in a number of the
21 E-mails in the chain; correct?

22 A. Yes, ma'am.

23 Q. Okay. One of the E-mail exchanges in here is
24 between Daniel Sitterly and Heather Wilson, and it's a
25 little hard to read. So I'm going to try to mark

1 another exhibit to try to make it a little bit easier
2 to digest.

3 (Deposition Exhibit 15 was marked for
4 identification.)

5 MR. PARKER: Claire, just to be clear, is
6 this just a subset of the document in the other
7 exhibit?

8 MS. LAPORTE: Yeah. It's easier to read
9 though.

10 Q. Okay. So you should have Exhibit 15 before
11 you now, which should be USDOE3284 through -3288. Is
12 that what you have?

13 A. Yes, ma'am.

14 Q. Okay. And that is also an E-mail chain that
15 starts with some E-mails between Heather Wilson and
16 others that you can see at the bottom of the document;
17 correct?

18 A. Yes, ma'am.

19 Q. And then you get into the conversation later,
20 including in the very final E-mail which is at the top
21 of the document; correct?

22 A. Yes, ma'am.

23 Q. Okay. So going back down to some of the
24 material that you received by forwarding, there's some
25 remarks from Heather Wilson; right?

1 A. Yes, ma'am. What page --

2 Q. If you look at the second to the last page of
3 the Exhibit, -3287, you see that there's a forwarded
4 message there that started out as a message from
5 Heather Wilson to Lisa Disbrow and others. Do you see
6 that?

7 A. Yes, ma'am.

8 Q. And who is Heather Wilson?

9 A. She's a secretary of the Air Force.

10 Q. Okay. And so she was ultimately the person
11 who was going to have to make recommendations about
12 what the Air Force wanted to do regarding accessions;
13 right?

14 A. Yes, ma'am.

15 Q. And she had some issues about -- actually,
16 I'm sorry. Let me correct what I said before.

17 On this initial message from Heather Wilson,
18 you are actually one of the recipients; correct?

19 A. Correct.

20 Q. Okay. And I realized that when I looked at
21 this and saw -- was reminded that it said, "Martha."
22 You might be able to fill us in on which parts of the
23 headquarters and others you've gotten input from;
24 right?

25 A. Yes, ma'am.

1 Q. So she was expecting you to have some active
2 involvement in this; right?

3 A. Uh-huh.

4 Q. Okay. So near the end of the E-mail she
5 writes, "I accept that deployability is an issue. I
6 also accept that stability is an issue." And then a
7 couple lines down she says, "At the same time, we are
8 talking about a very small percentage of the force.
9 With such small numbers, it is hard to make the case
10 that this change in policy would cause readiness
11 problems that would lessen our ability to fight and
12 win on battlefield." Do you see that?

13 A. Yes, ma'am.

14 Q. And was she correct in that assessment?

15 A. That's her opinion, ma'am.

16 Q. She also said that "If the policy requires a
17 period of stability before accession, and we're
18 talking about quite small numbers," she said she
19 wasn't sure that it was really worth fighting about
20 with the delay as opposed to an operational study for
21 the first 48 months; correct?

22 A. Correct. That's what she writes.

23 (Deposition Exhibit 16 was marked for
24 identification.)

25 BY MS. LAPORTE:

1 Q. All right. You should have Exhibit 16 in
2 front of you now. That should be USDOE9472
3 through -9479. Is that what you've got?

4 A. Yes, ma'am.

5 Q. And this is an E-mail with some attachments;
6 correct?

7 A. Yes, ma'am.

8 Q. And it's a little hard to tell what's going
9 on with this because of the redactions. There's a
10 talking paper at the end; right?

11 A. Yes, ma'am.

12 Q. And somewhere at the bottom it says,
13 "Ms. Martie Soper," if you look at the very last page.

14 A. Yes, ma'am.

15 Q. So is this talking paper your work product?

16 A. Yes, ma'am.

17 Q. And what sources of input did you receive in
18 putting together this talking paper?

19 THE WITNESS: May I have a minute to just
20 reread it?

21 MS. LAPORTE: Yes. And just keep in mind my
22 question is your sources of input.

23 THE WITNESS: Yes, ma'am.

24 MS. LAPORTE: Thank you.

25 (The witness reviewed Exhibit 16.)

1 THE WITNESS: So regarding my sources for
2 input, the time line section is always down to policy,
3 policy documents. So it's a compilation of the time
4 line of the stamped policy documents, and the
5 background information is just a summary of
6 established policy and where we are right now within
7 the Air Force and the questions that we have.

8 And accessions standard identified here
9 reflect the DoDI 6130.03.

10 BY MS. LAPORTE:

11 Q. Okay. Are there any other inputs?

12 A. None that I can identify at this time.

13 Q. Okay. So the rest of it reflects -- well,
14 strike that.

15 MS. LAPORTE: Okay. Let's mark this.

16 (Deposition Exhibit 17 was marked for
17 identification.)

18 BY MS. LAPORTE:

19 Q. Can you identify Exhibit 17, Ms. Soper?

20 A. Yes, ma'am. This is a memorandum from
21 Secretary Mattis. It's a memorandum for secretaries
22 of the military departments, chairman of the joint
23 chiefs of staff.

24 Q. And the gist of this memo is that accessions
25 are being postponed from July 1, 2017 to January 1,

1 2018; correct?

2 A. Yes. If I may just --

3 (The witness reviewed Exhibit 17.)

4 THE WITNESS: So the gist of the memo is
5 Secretary Mattis being newly appointed is looking at
6 the critical standard, looking at the legality of our
7 force. And in doing so, to make sure we have the
8 most -- best information, he's requesting a delay in
9 the accessions.

10 BY MS. LAPORTE:

11 Q. So this -- is this memo -- do you understand
12 this memo to be Secretary Mattis' response to the
13 recommendations that were received by the various
14 services about what they wanted for accessions delays?

15 A. I'm not sure what this is in response to,
16 ma'am.

17 Q. Okay. Do you understand this to be the
18 culmination of an effort that began with the May 8
19 memo requesting input from the services?

20 A. It could be.

21 Q. As of May 8, which was about, what, seven
22 weeks before the previous July 1, 2017 deadline, what
23 was the state of readiness of the Air Force to receive
24 transgender applicants in terms of the specific
25 policies and procedures required to process applicants

1 through military entry processing stations?

2 A. The Air Force requested additional
3 information before we could start the accessions of
4 transgender individuals.

5 Q. Right. And I understand that. What I'm
6 trying to understand is that when accessions -- in
7 December of 2017 you'll recall that there was some
8 further activity regarding accessions; right?

9 A. Uh-huh.

10 Q. In which the different forces got ready to
11 accede transgender individuals starting on January 1;
12 right?

13 A. Yes, ma'am.

14 Q. Okay. And as part of that effort, they had
15 to put together very specific processes and procedures
16 for getting people through things like their medical
17 examinations and exactly how things would work at the
18 military entry processing stations; right?

19 A. Yes, ma'am.

20 Q. So what I'm trying to find out is how far
21 along were those preparations, as of the time of the
22 May 8 memo, where further information was requested?

23 A. To my knowledge, the U.S. medical entrants --
24 it's called MEPCOM, U.S. medical entrancing processing
25 command, and DODMER, DoD medical evaluation review

1 board, did not have processes in place to screen or
2 assess the stability for transgender service members.
3 So there were not many processes in place for those
4 agencies to go through and accept transgender
5 individuals.

6 Q. So there wasn't anything, even drafts in
7 place, as of May 8?

8 A. Not to my knowledge, no, ma'am.

9 Q. Do you know whether anyone -- do you know
10 when work on those accession procedures began?

11 A. For whom? For MEPCOM?

12 Q. Yes.

13 A. It's my understanding that those processes
14 began after the release of this memo -- to be honest
15 with you, I don't know when they began.

16 Q. Did you have any input?

17 A. No, ma'am.

18 (Deposition Exhibit 18 was marked for
19 identification.)

20 BY MS. LAPORTE:

21 Q. Ms. Soper, you should have Exhibit 18, which
22 should bear the numbers uSDOE9574 through -76. Is
23 that what you have?

24 A. Yes, ma'am.

25 Q. And can you identify this document?

1 A. This is an E-mail from Lieutenant Colonel
2 Aaron Wellman to a group of people, and it's the
3 transgender policy action officer working group.

4 Q. Sorry. What is the transgender policy action
5 officer working group?

6 A. It is a working group --

7 Q. Are you saying that the recipients are the
8 working group?

9 A. Yes, ma'am.

10 Q. Okay. And are you on the working group?

11 A. Yes, ma'am.

12 Q. Okay.

13 A. Let me go back and find my name. I may not
14 be on this one.

15 (The witness reviewed Exhibit 18.)

16 THE WITNESS: I do not see my name on this
17 E-mail.

18 BY MS. LAPORTE:

19 Q. Well, take a look at what it says. It
20 attaches a slide deck from a senior implementation
21 group meeting. Do you see that? Just the top line of
22 the E-mail.

23 A. Oh. Okay. Yes, ma'am.

24 Q. Okay. So there was some kind of a meeting of
25 the senior implementation group on July 14. Did you

1 attend that meeting?

2 A. I believe I did.

3 Q. Okay. And did you attend that meeting as a
4 plus one or one of the principals?

5 A. I attended the action officer working group,
6 not the senior implementation working group.

7 Q. Okay. And so that was a different meeting
8 than the one referred to here?

9 (The witness further reviewed Exhibit 18.)

10 BY MS. LAPORTE:

11 Q. Ms. Soper, let me just strike that question.
12 I'll ask you a different one.

13 A. I'm sorry. I was trying to --

14 Q. Okay. At the last page of this document,
15 there is a "TG Action Officer Work Group" document of
16 some kind. Do you see that?

17 A. Yes, ma'am.

18 Q. And it's one of the attachments that's listed
19 to the E-mail. Were you one of the members of the TG
20 action officer work group?

21 A. Yes, ma'am.

22 Q. Okay. And this document appears to be the
23 announcement of some kind of a meeting to take place
24 in the July 25 to July 28 time frame; correct?

25 A. Yes, ma'am.

1 Q. And that was a meeting in which all of you
2 were sequestered; right?

3 A. We were sequestered for the handbook meeting.
4 This is an addition to the handbook because this is a
5 later date. This is in 2017.

6 Q. Right. So were you involved in a meeting
7 that took place between July 25 and July 28 relating
8 to service by transgender people in the military?

9 A. Yes.

10 Q. And what was the purpose of that meeting?

11 A. To -- there were so many meetings. This
12 meeting was a working group to develop courses of
13 action for potential policy regarding the potential
14 policy determinations regarding transgender service
15 members serving in the military.

16 Q. So this was an effort to come up with some
17 recommendations on that topic?

18 A. Yes.

19 Q. And there were some further meetings that
20 were also in contemplation?

21 A. Yes, ma'am.

22 Q. So those are reflected in the time line,
23 Part 2 of this page?

24 A. Correct. The time line was based on the
25 outcome of the senior-level meetings.

1 Q. So the July 25 to the July 28, is that a
2 senior level meeting or not?

3 A. Without having all the full documents, ma'am,
4 I don't want to speculate.

5 Q. Okay. So when you talk about the
6 senior-level meeting, is there some particular title
7 that that meeting had?

8 A. I think it was -- they referred to it as the
9 senior --

10 Q. Implementation group?

11 A. Yes, ma'am.

12 Q. Okay. So just looking at the time line,
13 then, shown here on this last page, the time line from
14 July 25 to July 28 relates to a multi-day meeting that
15 you participated in; correct?

16 A. Yes, ma'am.

17 Q. Okay. And then there were some other
18 meetings that were also scheduled for the future that
19 are set forth in this time line; right? Like July 31
20 to August 4; correct?

21 A. Uh-huh.

22 Q. And there's another one for the senior
23 implementation group to reconvene the weeks of
24 August 14 through 18; correct?

25 A. Correct.

1 Q. And the purpose of those meetings was to try
2 to figure out -- to provide some policy
3 recommendations for the future; right?

4 A. Correct.

5 MS. LAPORTE: Okay. All right.

6 (Deposition Exhibit 19 was marked for
7 identification.)

8 BY MS. LAPORTE:

9 Q. Ms. Soper, you should now have Exhibit 19,
10 which is USDOE2543. Do you have that?

11 A. Yes, ma'am.

12 Q. And is that an E-mail from you to the SCCC on
13 Tuesday, July 25, 2017; correct?

14 A. Yes, ma'am.

15 Q. Okay. And there you're announcing that
16 there's not going to be a meeting of the SCCC that
17 week; right?

18 A. Yes, ma'am.

19 Q. Okay. And part of the reason for that is
20 that the AOs -- and that's action officers; right?

21 A. Yes, ma'am.

22 Q. And you're one of those?

23 A. Yes, ma'am.

24 Q. Are being sequestered from Tuesday through
25 Friday of that week; correct?

1 A. Yes, ma'am.

2 Q. And the sequester relates to the meeting that
3 we just discussed that was highlighted in that
4 previous document; right?

5 A. Yes, ma'am.

6 Q. Okay. So you also are reporting on -- in
7 this E-mail on a visit that you made to the MMDT in
8 Texas; correct?

9 A. Yes, ma'am.

10 Q. And you looked at -- you were impressed
11 during your visit to the MMDT and what they managed to
12 accomplish; right?

13 A. Yes, ma'am.

14 MS. LAPORTE: Okay.

15 (Deposition Exhibit 20 was marked for
16 identification.)

17 BY MS. LAPORTE:

18 Q. Ms. Soper, I'm showing you what's been marked
19 Exhibit 20. Can you identify that?

20 A. Yes, ma'am. It is a document with
21 information that President Trump wrote.

22 Q. And specifically, information that he tweeted
23 early in the morning of July 26, 2017; correct?

24 A. Yes, ma'am.

25 Q. And these tweets occurred in the middle of

1 the meeting in which you were sequestered to try to
2 make recommendations about policy; correct?

3 A. Yes, ma'am.

4 Q. And is it fair to say that the members of
5 that meeting were not expecting to see tweets to this
6 effect?

7 A. That is -- yes, ma'am.

8 Q. How did you first learn about the tweets?

9 A. I received E-mails and phone calls asking me
10 if I had seen the tweets.

11 Q. And who was it who was E-mailing and calling
12 you?

13 A. Everybody.

14 Q. How many E-mails or phone calls did you
15 receive that day about this?

16 A. I don't know the exact number. I received
17 probably three or four E-mails in probably -- I
18 answered two or three calls because I was on my way
19 out the door to find out if we were going to meet and
20 continue this meeting.

21 Q. In the tweets -- actually, I'll strike that.

22 In the third tweet the President refers to
23 "the tremendous medical costs" that transgender in the
24 military would entail. Do you see that?

25 A. Yes, ma'am.

1 Q. Had you been involved in any efforts to come
2 up with soft estimates of what had been spent to that
3 point?

4 A. No, ma'am.

5 (Deposition Exhibit 21 was marked for
6 identification.)

7 BY MS. LAPORTE:

8 Q. All right. Ms. Soper, you should have
9 Exhibit 21 before you now. That is a document with
10 the Bates No. USDOE5531. Do you see that?

11 A. Yes, ma'am.

12 Q. And this is from something called "CSAF." Do
13 you see that?

14 A. Yes, ma'am.

15 Q. What is that?

16 A. That's the chief of staff of the Air Force.

17 Q. Okay. And is that David Goldfein, or was it
18 David Goldfein on July 27?

19 A. Yes, ma'am.

20 Q. And this was the day after the tweets?

21 A. Yes, ma'am.

22 Q. Okay. And in that E-mail he refers to
23 "potential policy changes referenced by" -- well,
24 strike that.

25 So it embeds a message from CJCS to service

1 chiefs, commanders, and senior enlisted leaders. Do
2 you see that?

3 A. Yes, ma'am.

4 Q. And who is CJCS?

5 A. That's the chairman of the joints chief of
6 staff.

7 Q. Okay. And so in this embedded message, am I
8 correct in understanding that the chairman is saying,
9 "I know there are questions about yesterday's
10 announcement on the transgender policy by the
11 President. There will be no modification to the
12 current policy until the President's direction has
13 been received by the Secretary of Defense and the
14 Secretary has issued implementation guidance." Do you
15 see that?

16 A. Yes, ma'am.

17 Q. Were you aware of that E-mail at the time
18 that it was made, or did you hear about it when you
19 received this?

20 A. I heard about it when I received this.

21 Q. Okay. And so you were one of the ones -- one
22 of the recipients of this E-mail in Exhibit 21; right?

23 A. Yes, ma'am.

24 Q. Okay. And it says, "To All Airmen." So I
25 gather that the distribution was wide.

1 A. Yes, ma'am.

2 Q. So in the framing E-mail from the chief of
3 staff of the Air Force, it refers to "the potential
4 policy changes referenced by the chairman in his
5 message"; right?

6 A. Yes, ma'am.

7 Q. So did the meeting in which you were
8 sequestered between the 25th and the 20th of July, did
9 you change what you were doing as a result of the
10 tweets coming out in the middle of it?

11 A. Basically, all work stopped.

12 Q. Did you continue to be together in some kind
13 of meeting format?

14 A. No, ma'am. We were released.

15 Q. Did you receive any direction from anyone in
16 the days following the tweets about any further action
17 that you were supposed to be taking?

18 A. I don't recall any specific E-mails. There
19 were hallway conversations or phone calls from Colonel
20 Wellman trying to provide guidance to the group.

21 Q. And who's Colonel Wellman?

22 A. He is my counterpart. He works for OSD
23 personnel and readiness PNR. So he was the lead for
24 the action officer working group that had been
25 sequestered.

1 (Deposition Exhibit 22 was marked for
2 identification.)

3 BY MS. LAPORTE:

4 Q. All right. Exhibit 22 should be before you
5 now, and that is USDOE1895. Do you have that?

6 A. Yes, ma'am.

7 Q. That is -- can you identify Exhibit 22?

8 A. This is an E-mail from Colonel Colleen Kelly
9 to myself.

10 Q. And it's dated August 8, 2017?

11 A. Yes, ma'am.

12 Q. So that's about 10 days or so after the
13 tweets?

14 A. Yes, ma'am.

15 Q. And she's responding to a request from you?

16 A. Yes, ma'am.

17 Q. What had you asked her to do?

18 A. We had asked to get information, again,
19 maintaining some situational awareness on the status
20 of our transgender airmen in the Air Force, and
21 following statements made that there is a small
22 population, there was a desire to get a situational
23 awareness on the numbers of the small population.

24 Q. So, in other words, people wanted to find out
25 how many transgender airmen there were?

1 A. How many airmen self-identified as
2 transgender and had a diagnosis of gender dysphoria
3 and were seeking care.

4 Q. So the total number of patients who had been
5 referred to the MMDT and the information you received
6 in this E-mail was 163?

7 A. Yes, ma'am.

8 Q. And that would be 163 airmen?

9 A. Yes, ma'am.

10 Q. Okay. And near the bottom of this it
11 mentions that the total number of gender marker change
12 recommendations from the MMDT was 14; is that right?

13 A. Yes, ma'am.

14 Q. And the gender marker change recommendation
15 would be something that would happen when an airman
16 completed his or her transition?

17 A. Yes, ma'am. In the initial stages, we used
18 the term "completed," again because understanding
19 transgender care was an evolving process. So we used
20 the term "completed," but we now understand that
21 transgender care is a lifelong process. So --

22 Q. Let me just see if -- let me just repeat the
23 question, see if you can respond to it specifically.

24 So the question was the gender marker change
25 recommendation would be something that would happen

1 when an airman completed a transition?

2 A. At the time, yes, ma'am.

3 Q. Okay. Was a desire to obtain this
4 information relating -- did it relate to the tweets?

5 A. No, ma'am.

6 Q. What was it a part of?

7 A. It was an ongoing effort to maintain
8 situation awareness of where we were in the Air Force
9 with the status of our transgender airmen.

10 Q. So at this point, early August 2017, there
11 had been 163 people who had had some interaction with
12 the MMDT, but only 14 who were at the point where
13 there could be a gender marker change recommendation;
14 right?

15 A. Yes, ma'am.

16 (Deposition Exhibit 23 was marked for
17 identification.)

18 BY MS. LAPORTE:

19 Q. Ms. Soper, you should have Exhibit 23 before
20 you now, which should have the Bates marking USDOE1413
21 through -1416. Is that what you have?

22 A. Yes, ma'am.

23 Q. And this is another E-mail thread?

24 A. Yes, ma'am.

25 Q. So if you start from the bottom up, the first

1 one is an E-mail from Mary Krueger to various people,
2 including you; correct?

3 A. Yes, ma'am.

4 Q. And in that she indicates that "Guidance from
5 OSD" -- that's the Secretary of Defense; right?

6 A. Yes, ma'am.

7 Q. -- "is to pause surgeries and gender marker
8 change"; is that right?

9 A. Yes, ma'am.

10 Q. It also says, "All else is pending guidance."
11 Does that mean that it was unclear what the services
12 were supposed to do about other aspects of
13 transition-related care?

14 A. Yes, ma'am.

15 Q. So looking at the next E-mail in the chain,
16 there are some things that have been removed from that
17 for privilege reasons, but the next one is an E-mail
18 from you to a group of people in the Air Force;
19 correct?

20 A. Yes, ma'am.

21 Q. And in that you say that you're "sharing some
22 guidance that our Army counterparts shared"; right?

23 A. Yes, ma'am.

24 Q. And the guidance specifically that you were
25 sharing was what Mary Krueger had sent you about the

1 fact that the guidance from OSD was to pause surgeries
2 and gender marker change, and all else was pending
3 guidance; is that right?

4 A. Yes, ma'am.

5 Q. And so you also indicated in this message
6 that the Air Force was to pause efforts on surgeries
7 and gender marker changes; correct?

8 A. Yes, ma'am.

9 Q. Looking back at Exhibit 21, did you discuss
10 with anyone how the pause directive -- or the pause
11 guidance fit with the announcement that there would be
12 no change until direction had been received by the
13 Secretary of Defense and the Secretary had issued
14 implementation guidelines?

15 A. I'm sorry. Could you repeat that question
16 again.

17 Q. Did you discuss with anyone how the guidance
18 to pause surgeries and gender marker changes fit with
19 the earlier announcement that we saw in Exhibit 21
20 that there would be no changes until further guidance
21 had been received both from the President and from the
22 Secretary of Defense?

23 A. So as far as guidance, as far as surgeries
24 go --

25 Q. So the question was did you discuss with

1 anyone.

2 A. Oh. I'm sorry. One more time. I'm sorry.

3 Q. Did you discuss with anyone how to fit
4 together what's said in Exhibit 21, which is "no
5 modifications to the current policy until the
6 President's direction has been received" with the
7 pause surgeries?

8 A. No, ma'am.

9 MS. LAPORTE: Okay.

10 (Deposition Exhibit 24 was marked for
11 identification.)

12 MR. PARKER: I don't know how you feel about
13 a break at around 3:00. Maybe another 15 minutes.
14 Does that seem like a good time for a break?

15 MS. LAPORTE: That's fine.

16 BY MS. LAPORTE:

17 Q. Okay. Exhibit 24 should be USDOE3207 through
18 -08. Do you have that?

19 A. Yes, ma'am.

20 Q. And this is an E-mail from the SCCC or the
21 SCCC; is that right?

22 A. Yes, ma'am.

23 Q. And that really means that's it's from you,
24 at least as far as this E-mail is concerned?

25 A. Yes, ma'am.

1 Q. And in this E-mail you're canceling the SCCC
2 meeting that was to have occurred on August 3 of 2017?

3 A. Yes, ma'am.

4 Q. In the second line of the E-mail you
5 indicated that in the meeting that you had been
6 attending, "We worked to develop COAs in response to
7 the tweet anticipating OSD being asked for policy
8 recommendations"; correct?

9 A. Yes, ma'am.

10 Q. Okay. And "COAs" are what?

11 A. Courses of action.

12 Q. In the second paragraph it says that "As of
13 now - there's been no changes to current policy," and
14 then a line down from that you say, "the only caveat
15 we are waiting for is an update from Health Affairs
16 regarding surgical procedures. Army has put out a
17 pause on surgery." Do you see that?

18 A. Yes, ma'am.

19 Q. Okay. And was the pause that was on
20 surgeries the result of the tweets?

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

22 Q. So you don't know -- did you ever discuss
23 that with Ms. Krueger?

24 A. I discussed the E-mail that she put out
25 saying that the Army paused. I did not discuss why

1 the Army paused.

2 (Deposition Exhibit 25 was marked for
3 identification.)

4 BY MS. LAPORTE:

5 Q. Exhibit 25 should be USDOE1800 through -1803.
6 Is that what you have, Ms. Soper?

7 A. Yes. Yes, ma'am.

8 Q. And unlike some of the other exhibits, this
9 one is an E-mail chain.

10 A. Yes. Yes, ma'am. I'm sorry.

11 Q. It starts at the bottom with an E-mail from
12 Mary Krueger on Friday, July 28 to various people,
13 including you as a CC?

14 A. Yes, ma'am.

15 Q. In the message she indicates that the tweet
16 came moments before she "met with the British
17 delegation and 4 hours before meeting with the
18 Canadians, both about transgender accessions." Do you
19 see that?

20 A. Yes, ma'am.

21 Q. Did you ever discuss with her why she was
22 meeting with the British and Canadian delegations
23 regarding accessions?

24 A. No, ma'am.

25 Q. There is a further E-mail from you which is

1 the second page of the exhibit --

2 A. Yes, ma'am.

3 Q. -- that is an E-mail from you to Roosevelt
4 Allen; is that correct?

5 A. Yes, ma'am.

6 Q. On August 2, 2017?

7 A. Yes, ma'am.

8 Q. So in this E-mail you say that "In light of
9 the recent statement from the President, there are
10 many questions needing clarification"; right?

11 A. Yes, ma'am.

12 Q. And so you were in some uncertainty about how
13 to proceed in light of the tweets; right?

14 A. Yes, ma'am.

15 Q. So you noted that the Army had released a
16 message regarding the Secretary of Defense's position
17 to respond by putting a pause on surgical procedures
18 and gender marker changes; right?

19 A. Yes, ma'am.

20 Q. And you noted that that had yet to be put in
21 writing; correct?

22 A. Yes, ma'am.

23 Q. And that's because it had to be done quickly
24 after the tweets; right?

25 A. What? The Army guidance had to be put out

1 quickly?

2 Q. No. In other words, OSD had put out the
3 guidance to pause surgeries but had not put it in
4 writing?

5 A. Correct.

6 Q. You indicated to General Allen that you
7 submitted some questions to health affairs, asking for
8 clarity on what medically necessary care you were
9 allowed to proceed with; correct?

10 A. Yes, ma'am.

11 Q. And so the two things that you were concerned
12 about were you were concerned about interrupting
13 medically necessary care; right?

14 A. Yes, ma'am.

15 Q. And you were also concerned about making sure
16 that there was compliance with what the commander in
17 chief wanted; right?

18 A. Yes, ma'am.

19 (Deposition Exhibit 26 was marked for
20 identification.)

21 BY MS. LAPORTE:

22 Q. All right. Ms. Soper, Exhibit 26 should be a
23 document going from USDOE4294 through -4296. Do you
24 see that?

25 A. Yes, ma'am.