

1 Q. And this is another E-mail chain; right?

2 A. Yes, ma'am.

3 Q. Okay. So turning to the last E-mail, so the
4 first one that starts off the chain, that's an E-mail
5 from you; correct?

6 A. Yes, ma'am.

7 Q. Even though it's marked AF central
8 coordination cell, it really comes from you in this
9 case?

10 A. Correct.

11 Q. Okay. And you have sent it to a bunch of
12 people on August 9, 2017; correct?

13 A. Yes, ma'am.

14 Q. So at that point that's about, roughly, two
15 weeks after the tweets?

16 A. Correct.

17 Q. So in the E-mail you are canceling another
18 SCCC meeting for tomorrow, August 10, 2017; right?

19 A. Uh-huh.

20 Q. And one of the reasons that you canceled it
21 was that there hadn't been any release of new policy
22 following the tweets; right?

23 A. That could be one of the reasons. I might
24 have had a schedule conflict as well.

25 Q. Okay. Well, it was difficult, wasn't it, to

1 figure out exactly what the SCCC should be doing until
2 you got further guidance; right?

3 A. Yes, ma'am.

4 Q. Are you aware of any transgender airmen whose
5 surgeries were paused?

6 A. I can't verify that. I can't verify any
7 surgeries that were paused.

8 (Deposition Exhibit 27 was marked for
9 identification.)

10 BY MS. LAPORTE:

11 Q. Ms. Soper, you should have Exhibit 27 in
12 front of you now.

13 A. Yes, ma'am.

14 Q. Are you familiar with this document?

15 A. I'd have to take a minute to look at it.

16 Q. Please.

17 A. And there's no DOE number at the bottom;
18 correct?

19 Q. Right.

20 (The witness reviewed Exhibit 27.)

21 THE WITNESS: I'm familiar with the content
22 of the information in this memo, not the particular
23 format.

24 BY MS. LAPORTE:

25 Q. Okay. But you recognize this as being the

1 Presidential memorandum concerning military service by
2 transgender individuals?

3 A. Yes, ma'am.

4 Q. Okay. And did you first see it on August 25
5 when it was released?

6 A. I don't recall when I first saw it, ma'am.

7 Q. Did you see it right when it was released?

8 A. I probably saw it shortly after it was
9 released, yes, ma'am.

10 Q. Okay. Do you know who was consulted about
11 this memorandum before The White House issued it?

12 A. No, ma'am.

13 Q. Did you have any input in providing
14 information to people who were advising the President?

15 A. No, ma'am.

16 Q. Do you know anyone who did have input?

17 A. No, ma'am.

18 (Deposition Exhibit 28 was marked for
19 identification.)

20 BY MS. LAPORTE:

21 Q. Ms. Soper, you should have Exhibit 28 before
22 you now. Do you recognize this document?

23 A. Yes, ma'am.

24 Q. What is it?

25 A. It's a memo from the Secretary of Defense to

1 the secretaries of the military department and many
2 other people.

3 Q. Okay. And the subject is "Military Service
4 by Transgender Individuals"?

5 A. Yes, ma'am. "Interim Guidance."

6 Q. Okay. And this is the interim guidance that
7 you referred to earlier in your testimony?

8 A. Yes, ma'am.

9 Q. Okay. It says at the end of the first
10 paragraph that "The Deputy Secretary of Defense and
11 the Vice Chairman of the Joint Chiefs of Staff,
12 supported by a panel of experts, shall propose for my
13 consideration recommendations supported by appropriate
14 evidence and information." Do you see that?

15 A. Yes, ma'am.

16 Q. Are you aware of who is on the panel of
17 experts?

18 A. Yes, ma'am.

19 Q. Are you on the panel of experts?

20 A. No, ma'am.

21 Q. Who is on the panel of experts?

22 A. That was convened of the service
23 undersecretaries, the vice chiefs of the services. It
24 started off with senior enlisted personnel from each
25 service, and the joint chiefs of staff, a

1 representative from the joints chief of staff.

2 Q. So I take it that the experts were more
3 experts in military matters than they were in matters
4 of transgender healthcare?

5 A. Yes, ma'am.

6 Q. Did you have any input into the deliberation
7 of the panel of experts?

8 MR. PARKER: I'm going to object to the
9 extent that the question calls for more than a "yes"
10 or "no" answer about types of --

11 BY MS. LAPORTE:

12 Q. You can just answer it "yes" or "no,"
13 Ms. Soper. Did you have any input into the
14 deliberation of the panel of experts?

15 A. Yes.

16 Q. And just from a work flow perspective, what
17 kinds of input did you have? So I'm not asking for
18 the substance. I'm just asking for the work flow.
19 What did you do to help the panel of experts?

20 A. I pulled down documents from -- that OSD put
21 on MAX.GOV, which is a formal secure website that you
22 have to have membership to. I pulled those down and
23 presented them to the undersecretary and the vice
24 chief. Chief of staff of the Air Force.

25 Q. What kind of documents did you pull down?

1 A. What they call read-aheads for -- in
2 preparation for the meetings that the panel of experts
3 would take a look at, information that OSD presented.

4 Q. Were you providing any substantive input into
5 the work of the panel of experts?

6 A. No, ma'am.

7 MR. PARKER: We're about 3:02. If you're
8 kind of in a chain, we can keep going, but if this is
9 a fine time for a break --

10 MS. LAPORTE: This is a fine time for a
11 break.

12 MR. PARKER: Okay.

13 (A recess was taken from 3:02 p.m.
14 to 3:19 p.m.)

15 BY MS. LAPORTE:

16 Q. Okay. Ms. Soper, just following up on some
17 of the things we discussed before the break, in your
18 experience has the DoD ever put a pause on any kind of
19 medical treatment before?

20 A. Not to my knowledge.

21 Q. Did you have any discussions with any airmen
22 about the -- about their treatment after the tweets
23 and before the issuance of the interim guidance?

24 A. Not that I recall.

25 Q. Did you receive any calls or communications

1 from providers who were providing transition care to
2 transgender airmen during that period?

3 A. I don't recall all of the calls that came in
4 following the tweets. I'd have to defer to the SCCC
5 members.

6 Q. Do you recall any communications from people
7 who were concerned about the impact of the pause on
8 surgeries and the care of any transgender airmen?

9 A. Yes.

10 Q. And who did you have those communications
11 with? Just who?

12 MR. PARKER: Are you speaking about specific
13 airmen who would be calling in to ECCC?

14 MS. LAPORTE: No. I'm asking about -- I
15 think she already testified that she didn't have those
16 changes.

17 Q. So I am following up on my question, which
18 was do you recall communications from people who were
19 concerned about the impact of the pause on surgeries
20 and the care of transgender airmen?

21 A. Yes.

22 Q. Right. And so who did you have those
23 communications with?

24 A. I had one discussion with Lieutenant
25 Commander Blake Drummond and he's the president of

1 SPARTA.

2 Q. Is that the only conversation you recall
3 having about that?

4 A. In addition to perhaps my counterparts in the
5 sister services.

6 Q. Did anyone bring any specific situations to
7 you that they were concerned about?

8 A. Not that I recall right now.

9 (Deposition Exhibit 29 was marked for
10 identification.)

11 BY MS. LAPORTE:

12 Q. You should have before you Exhibit 29.

13 A. Yes, ma'am.

14 Q. That should be Bates stamped USDOE16598
15 through -16609. Do you see that?

16 A. Yes, ma'am.

17 Q. This is a file that we received in a format
18 that's a little difficult to understand, but it does
19 say at the top "Panel of Experts - Transgender Policy
20 Review 2017." Do you see that?

21 A. Yes, ma'am.

22 Q. Is this the panel of experts that was
23 convened following the interim guidance?

24 A. That was the panel of experts convened by
25 Secretary Mattis' memo on September -- interim

1 guidance --

2 Q. The interim guidance memo?

3 A. I'm sorry. Yes, ma'am. Too many "interims."

4 Q. Indeed.

5 So this document is the panel of experts
6 convened following Secretary Mattis' interim guidance.
7 Can you walk us through who had what position on the
8 panel of experts since this seems to be a large group
9 of people who were being listed here? Can you walk us
10 through who was doing what for the panel of experts?

11 A. Yes, ma'am. This attachment seems to
12 identify several different working groups. So the
13 panel of experts is the work group directed by
14 Secretary Mattis' memo, interim guidance, and the
15 follow-on memo rules of engagement. So he produced
16 two memos in September. So this is the panel of
17 experts that I had mentioned are the members of the
18 undersecretaries of the services, the vice chiefs of
19 staff of the services, the senior enlisted and people
20 from the Coast Guard and the joint staff.

21 Q. So are the people on the first page of the
22 exhibit, are those the actual panel of experts?

23 A. This is the member -- the members that
24 attended the panel of expert meetings, yes, ma'am.

25 Q. Okay. And then what are the other working

1 groups whose membership is summarized in this
2 document?

3 A. This is the transgender working group. This
4 policy review working group.

5 Q. Okay. So just looking at the second page,
6 there's something called "Transgender Working Group
7 -Transgender Policy Review." Do you see that?

8 A. Yes, ma'am.

9 Q. Okay. So what is that group?

10 A. This is the group that met to look at
11 potential revisions to DoDI 1300.28.

12 Q. And this also was something that was convened
13 as a result of the President's tweets and the
14 subsequent Presidential memorandum?

15 A. Correct.

16 Q. And you are listed on Line 19 of this as one
17 of the members of this group?

18 A. Yes, ma'am.

19 Q. Okay. Then the next page is entitled
20 "Retention & Nondeployable Working Group." Do you see
21 that?

22 A. Yes, ma'am.

23 Q. And were you a part of this one also?

24 A. No, ma'am.

25 Q. What was its purpose?

1 A. This working group was convened in response
2 to Secretary Mattis for the services to look at
3 legality and readiness of the force, and the goal was
4 to establish a single standard for retention and
5 non-deployability of service members. So this is
6 applicable to all service members DOD-wide. So any
7 issues that affected their retention or the
8 nondeployable status.

9 Q. And was this also something that was convened
10 in response to the tweets and the Presidential
11 memorandum?

12 A. This particular working group was convened in
13 response to Secretary Mattis' call to look at legality
14 and deployability of the force at large.

15 Q. And when was that?

16 A. His -- it was one of the memos that we looked
17 at. I don't remember the specific date, but it's to a
18 critical standard that he mentioned, I think it's
19 Line 2 or 3 of the memo itself, but the measure
20 against one critical standard, legality and
21 deployability. So he called for the services because
22 each service has a different standard for retention,
23 medical retention, and deployability. So he wanted to
24 standardize that requirement amongst all the services.

25 Q. I'm trying to find the specific guidance that