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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

STUDENTS FOR FAIR ADMISSIONS,

Plaintiff,

v. Case No. 1:23-cv-02699

THE UNITED STATES NAVAL ACADEMY;
THE UNITED STATES DEPARTMENT OF
DEFENSE; LLOYD AUSTIN, in his
official capacity as Secretary of Defense;
CARLOS DEL TORO, in his official capacity
as Secretary of the Navy; REAR ADMIRAL FRED
KACHER, in his official capacity as Acting
Superintendent of the United States Naval
Academy; and BRUCE LATTA, in his official
capacity as Dean of Admissions for the United
States Naval Academy,

Defendants.

DEPOSITION OF

JEANNETTE GUADRY HAYNIE, Ph.D.

Washington, D.C.

July 18, 2024

9:00 a.m.

Reported by: Goldy Gold, RPR

Job No. J11440527

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DEPOSITION OF JEANNETTE GUADRY HAYNIE,
Ph.D., taken on behalf of the Plaintiffs, at The
Department of Justice, 1100 L Street, NW,
Washington, D.C. beginning at 9:07 a.m. and
ending at 3:23 p.m. on Thursday, July 18, 2024,
before Goldy Gold, a Registered Professional
Reporter and Notary Public in and for the
District of Columbia.

1 A P P E A R A N C E S :

2
3 On Behalf of the Plaintiffs:

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12
13
14 On Behalf of the Defendants:

15 U.S. DEPARTMENT OF JUSTICE
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21 BY: JOHN ROBINSON, ESQUIRE

22
ALSO PRESENT:

Kristina Wolfe, Department of Defense
Karen L. Hecker, Department of Defense
Susan Sutherland, Department of Defense
Sarah Simerling, Department of Justice
Chris Mendez, Department of Justice
John Corrigan, Department of the Navy

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I N D E X

Deposition of Jeannette Guadry Haynie

July 18, 2024

EXAMINATION BY	PAGE
MR. MCCARTHY	6

E X H I B I T S

EXHIBITS	DESCRIPTION	PAGE
Exhibit 1	Notice of Deposition of Dr. Haynie	9
Exhibit 2	DoD Instruction 1020.05	48
Exhibit 3	Haynie report	57
Exhibit 4	document including tasker	115
Exhibit 5	2022 demographics profile of the military community	127
Exhibit 6	Bates 30980	155

(Reporter retained exhibits.)

P R O C E E D I N G S

1
2 WHEREUPON,

3 Jeannette Guadry Haynie, Ph.D.,
4 was called as a witness, having first been duly
5 sworn by the Notary Public, was examined and
6 testified as follows:

7 MR. MCCARTHY: Good morning. This is
8 Thomas McCarthy from Consovoy McCarthy on behalf
9 of plaintiff, Students For Fair Admissions.

10 MR. ROBINSON: John Robinson from the
11 Department of Justice on behalf of defendants.
12 I'll just say right off the bat that we reserve
13 the right to read and sign.

14 MS. SMERLING: Sara Smerling, Department
15 of Defense, agency counsel.

16 MR. MENDEZ: Chris Mendez with the
17 Department of Justice on behalf of defendants.

18 MS. WOLFE: Kristina Wolfe, Department
19 of Defense, on behalf of defendants.

20 MS. SUTHERLAND: Susan Sutherland,
21 agency counsel, Department of Defense.

22 MR. HASSON: James Hasson on behalf of

1 Students For Fair Admissions.

2 MR. CORRIGAN: John Corrigan, Department
3 of Navy, agency counsel.

4 MR. ROBINSON: And on the phone joining
5 in, we have Alyssa O'Gallagher from the United
6 States Attorney's Office for the Southern
7 District of New York. She's an assistant U.S.
8 attorney. And Karen Hecker from the Department
9 of Defense.

10 Is there anyone else on the phone?

11 EXAMINATION

12 BY MR. MCCARTHY:

13 Q. Good morning, Dr. Haynie. My name is
14 Thomas McCarthy. I'm counsel for the plaintiff in
15 this case.

16 Just for the record, could you please
17 state your name, your work address, and your
18 position?

19 A. Yes. Jeannette Guadry Haynie.
20 Workplace is the Pentagon, Department of Defense.
21 And my position is senior advisor to the Office of
22 the Undersecretary of Defense for Personnel and

1 Readiness.

2 (Reporter clarification.)

3 THE WITNESS: Personnel and readiness.

4 BY MR. MCCARTHY:

5 Q. Thank you. So I'm going to go over a
6 few ground rules here. Your attorneys may have gone
7 over them with you, but it's always good to just sort
8 of start fresh with these.

9 I'll ask first, have you ever been in a
10 deposition before?

11 A. No.

12 Q. Okay. So we have a court reporter here
13 who is obviously taking a record of the whole thing,
14 so we need verbal responses. If I ask a question
15 that, you know, would give a yes or no answer, we
16 can't do head nods and head shakes and that kind of
17 thing. So I might ask you, "Could you verbalize
18 that" or "Could you give me the yes or the no" if you
19 shake your head. Or maybe the court reporter will.

20 We'll all do our best to not talk over
21 each other. You know, I'll ask questions, you'll
22 answer. I'll try to make sure you can come to a

1 complete answer before I ask another question. There
2 may be times when your attorney objects. Unless he
3 instructs you not to answer, we're still entitled to
4 an answer to the question, and we'll all try to sort
5 of give each other space so that the court reporter
6 can make a clean record.

7 I don't always ask perfect questions.
8 If you don't understand my question, please feel free
9 to tell me you don't understand it, and I'll try to
10 ask it in a better way. I'm happy to clarify if you
11 don't understand something.

12 If you need a break -- I imagine we'll
13 probably take breaks roughly every hour or so, so
14 people can use the restroom, get a snack, anything
15 like that. If you're at a spot where you need a
16 break, just go ahead and let me know. I'll probably
17 ask you to answer the question that's pending, if
18 there is one pending, but we can take a break anytime
19 you need one.

20 Do you understand those basic ground
21 rules?

22 A. Yes, I do.

1 Q. Great.

2 MR. MCCARTHY: I'd like to mark this as
3 Exhibit 1.

4 [Exhibit 1, Notice of Deposition of
5 Dr. Haynie, was marked for identification.]

6 BY MR. MCCARTHY:

7 Q. Dr. Haynie, you've just been handed
8 what's been marked as Exhibit 1. This is the Notice
9 of Deposition.

10 Have you seen this document before?

11 A. No.

12 Q. Okay. Do you understand that you're
13 here to provide testimony in this case?

14 A. Yes, I do.

15 Q. And do you understand you're testifying
16 as a representative of the Department of Defense and
17 the defendants in this case?

18 A. Yes.

19 Q. Did you do anything to prepare for this
20 deposition?

21 A. Yes.

22 Q. Did you, perhaps, meet with the

1 attorneys?

2 A. Yes, I did.

3 Q. Do you know on how many occasions you
4 did that?

5 A. Something greater than five. Apologies.
6 I haven't kept count.

7 Q. That's okay.

8 A. But, you know, spanning as far as back
9 as last fall in support.

10 Q. Okay. And did you meet for, you know,
11 multiple hours at a time? Do you have a sense of how
12 long it was each time?

13 A. It varied.

14 Q. An hour, maybe, on the short end? Or
15 shorter or longer?

16 A. I didn't keep track of the time exactly,
17 but I think anything from about an hour to three
18 hours.

19 Q. Okay. Are you on medication or anything
20 like that that might inhibit your ability to remember
21 things or to answer accurately and truthfully today?

22 A. No, I'm not.

1 Q. Okay. I'm going to ask you just a few
2 background questions about your -- you know, a little
3 bit about your work history and your history with the
4 military, with DoD, okay?

5 A. That sounds good.

6 Q. You attended the Naval Academy for
7 college?

8 A. Yes, I did.

9 Q. And you studied, I believe, oceanography
10 there?

11 A. Yes, I did.

12 Q. A bachelor's of science?

13 A. That's correct.

14 Q. Did you attend graduate school?

15 A. Yes.

16 Q. And where did you do that?

17 A. Two places. I attended University of
18 New Orleans while we were stationed down there for my
19 master's and then the George Washington University
20 for my doctorate.

21 Q. Where did you work after you completed
22 your doctorate?

1 A. A number of places. I was still in
2 uniform at the time, so I started in the United
3 States Marine Corps. We -- I'm also an active duty
4 spouse to another Marine, so we moved during that
5 time, and I supported Tulane University as an adjunct
6 professor there in the state of Louisiana, as
7 director of military affairs on a part-time basis. I
8 started the Rand Corporation --

9 (Reporter clarification.)

10 THE WITNESS: Rand. As well, and I also
11 served as an adjunct at the George Washington
12 University teaching gender conflict and
13 security, started a research nonprofit, and then
14 came back to the Department of Defense as a
15 civilian.

16 BY MR. MCCARTHY:

17 Q. Okay. Now, how long have you been at
18 the Department of Defense as --

19 A. Since October of 2021.

20 Q. And when you returned to the Department
21 of Defense, what capacity was that in?

22 A. In a senior capacity. It's an -- HQE is

1 the acronym. It's one of those --

2 (Reporter clarification.)

3 THE WITNESS: HQE. It stands for highly
4 qualified expert. It's one of those Department
5 of Defense acronyms that are a little unusual.
6 So I've been in that position since October of
7 2021.

8 BY MR. MCCARTHY:

9 Q. And that's the same position you're in
10 now?

11 A. That's correct.

12 Q. Where you are senior advisor to the
13 Office of the Undersecretary of Defense for Personnel
14 and Readiness?

15 A. That's correct.

16 Q. How many years were you on active duty?

17 A. Approximately, 11 total. 10 at the
18 front end, and then I came back on active duty after
19 I completed my doctorate.

20 Q. And so, did you have some time in the
21 Reserves in between?

22 A. Yes, consistently.

1 Q. How long?

2 A. 11 years.

3 Q. Were any of your assignments in the
4 Reserves active reserve?

5 A. No, they were IMA, Individual
6 Mobilization Augmentee, IMA, which is not your
7 typical one weekend a month, two weeks in the summer.
8 It's a different setup where you're supporting active
9 duty units on a weekly basis.

10 Q. Your CV describes you as a Task Force
11 Lead for DoD. What is the name of that task force?

12 A. The task force is the DoD 2040 Task
13 Force.

14 Q. And what is that?
15 (Reporter clarification.)

16 THE WITNESS: DoD 2040 Task Force, like
17 year 2040.

18 BY MR. MCCARTHY:

19 Q. And can you tell me about that task
20 force?

21 A. Yes. The task force was launched in
22 response to Executive Order 13985, originally. It

1 had a different name, and then we switched names and
2 restructured to ensure that the work being done under
3 that executive order and in relevant areas was
4 directly connected to the Department of Defense's
5 mission.

6 Q. And how would you describe that work
7 being done under that task force?

8 A. It was a range of items. We had work
9 looking at strategies and doctrine to make sure that
10 we understood what the biggest challenges the
11 department faces are, and that we were building the
12 department that we needed to accomplish the DoD's
13 mission. We had a talent management effort within
14 that. We also had some war-gaming efforts --

15 (Reporter clarification.)

16 THE WITNESS: War-gaming. And we were
17 responsive to three different executive orders,
18 so there was a lot of work to comply with those
19 executive orders.

20 BY MR. MCCARTHY:

21 Q. How many people make up that task force?

22 A. It varied. We had -- we had to reach

1 across the department for the different requirements,
2 particularly on the talent management piece and the
3 executive orders. We had a core group that led daily
4 operations and then part-time access to others.

5 Q. Understood. How many people made up
6 that core group?

7 A. Being between three and nine on the
8 federal side, depending on the timing.

9 Q. Okay. And is that task force still
10 ongoing, I take it?

11 A. No.

12 Q. Oh, it's not? Okay.

13 A. No.

14 Q. And when did the work on the task force
15 finish?

16 A. Last month, June of 2024.

17 Q. Is there -- did the task force end
18 because the work was completed?

19 A. The task force is -- by nature, any task
20 force is designed to be a temporary team to
21 accomplish a mission. And so, the team's time had
22 come to an end. We had planned for it to sunset this

1 year. So there's always going to be, you know,
2 never-ending work anywhere you are, so we did what we
3 had the mission to do.

4 Q. Is there, like, a final work product or
5 anything that came out of that task force or that is
6 expected to come out of that task force?

7 MR. ROBINSON: And on this question, I
8 will just instruct the witness not to reveal
9 any predecisional, whoever it is, content.

10 THE WITNESS: We had a number of
11 requirements, especially in the executive
12 orders, that were required to be published and
13 complied with, and those have all been complete
14 and are out there, yes.

15 BY MR. MCCARTHY:

16 Q. Understood. Do you ever conduct work
17 activities over a personal email address?

18 A. I believe my first month, I did, because
19 I didn't have access to MyGovernment. So we sent
20 unclassified -- just communications on meeting times
21 and things like that.

22 Q. And that would have been back in 2021,

1 you said?

2 A. Yes.

3 Q. Do you ever conduct work activities over
4 text message or instant messaging or anything like
5 that?

6 A. From my government phone and from Teams,
7 the government Teams, yes.

8 Q. Do you also run an outside organization
9 called Athena Leadership?

10 A. I do, but it's been on pause since
11 October of 2021.

12 Q. How long -- I guess I should ask this:
13 When did you found Athena Leadership?

14 A. It was founded in March of 2020.

15 Q. And what was the objective of Athena
16 Leadership?

17 A. Primarily, to conduct research around
18 gender diversity and all kinds of diversity in the
19 national security space.

20 Q. And so it ran for about -- in my head,
21 it sounds like about 18 months; is that right?

22 A. Roughly. I mean, it was an unpaid,

1 part-time kind of labor of love, but once I came
2 onboard DoD, I couldn't run it anymore.

3 Q. Understood. So it ceased operations at
4 that point?

5 A. I took a pause in working with the
6 ethics team at OGC at DoD.

7 Q. Do you expect that you'll return to that
8 whenever you complete your time at DoD?

9 A. I honestly haven't quite thought about
10 it. I'm too busy trying to sleep and parent and
11 work.

12 Q. I understand how that goes.
13 Have you ever worked in any role in the
14 U.S. Naval Academy Admissions Office?

15 A. No.

16 Q. Have you ever served on a U.S. Naval
17 Academy admissions board of any kind?

18 A. No.

19 Q. Have you ever participated on a Slate
20 Review Committee?

21 A. No.

22 Q. Have you ever been a reader of Naval

1 Academy applications for admissions?

2 A. No.

3 Q. Have you ever made recommendations to
4 the dean or superintendent on individual admissions
5 decisions?

6 A. No.

7 Q. Okay. I'd like to spend a little bit of
8 time today -- it's probably not surprising -- talking
9 about the report that you submitted in this case.

10 But before I get to that, have you
11 reviewed any of the expert reports that were recently
12 submitted by the experts on behalf of Students for
13 Fair Admissions?

14 A. Very briefly, yes.

15 Q. Do you remember which ones? There was
16 one from Dakota Wood, one from Christopher Walker,
17 for example?

18 A. I've seen Dakota Wood's, and I have seen
19 Chris Walker's, yes.

20 Q. Did you read the other ones, there was
21 one from Richard Kahlenberg and one from Peter
22 Arcidiacono?

1 (Reporter clarification.)

2 BY MR. MCCARTHY:

3 Q. Richard Kahlenberg and Peter
4 Arcidiacono.

5 A. No, I have not.

6 Q. Okay. I may come back to that later.
7 And I'll refer to the report you
8 submitted as "your report." Is that fair?

9 MR. ROBINSON: I'll just object as to
10 vague because the witness did submit a
11 declaration and then a disclosure earlier this
12 week, so it might have been helpful to clarify
13 which document.

14 BY MR. MCCARTHY:

15 Q. If it's easiest, I'll refer to the thing
16 you submitted earlier this week as "your report."
17 I know you submitted a declaration in connection with
18 the West Point case several months ago, and I'll
19 probably -- I may make reference to that today, and
20 if I do, I'll refer to that as the West Point
21 declaration.

22 Is that enough?

1 A. Yes.

2 Q. Great. Your report states that you're
3 prepared to testify about four opinions regarding the
4 Naval Academy's use of race in admissions; is that
5 correct?

6 A. That is correct.

7 Q. And your first opinion is that diversity
8 and inclusion support military effectiveness and
9 mission accomplishment; is that correct?

10 A. That's correct.

11 Q. Your second opinion is that diversity
12 and inclusion support recruitment and retention; is
13 that correct?

14 A. Yes.

15 Q. Your third opinion is that diversity and
16 inclusion support the domestic and international
17 legitimacy of our fighting force; is that correct?

18 A. Yes.

19 Q. And your fourth opinion is that DoD has
20 consistently concluded that a diverse and inclusive
21 military is both critical to mission success and a
22 national security imperative; is that correct?

1 A. I can't remember if I used the word
2 "consistently" or not, but I believe that DoD has
3 judged diversity and inclusion as important and
4 critical to mission success.

5 Q. Okay. How does the Department of
6 Defense define diversity?

7 A. So there is a Department of Defense
8 instruction on diversity inclusion, 1020.5. I don't
9 have the definition memorized, so I'd want to refer
10 to that.

11 Q. Okay. But that one -- the one that's
12 defined at that number is the accepted definition for
13 diversity at DoD?

14 A. Per DoD 1020.05. There are other
15 service definitions that I've seen at different
16 points, but that is the official OSD DoD instruction
17 definition.

18 Q. And does that govern all of the
19 services?

20 A. Yes, it does.

21 Q. Including the service academies?

22 (Reporter clarification.)

1 BY MR. MCCARTHY:

2 Q. Including the service academies?

3 A. I can't speak to that. I don't own the
4 policy, so, yeah, I'd like to refrain from answering
5 that one.

6 Q. Does the DoD's definition of diversity
7 encompass different types of diversity?

8 A. Again, I'm not the policy owner. I'd
9 like to have the policy in front of me to refer to.

10 Q. I'll show it to you in a little bit.
11 What does "inclusion" mean in your view?

12 A. In my view or per the DoD's instruction?

13 Q. In your view?

14 A. In lay terms -- let me think about the
15 words to use for a second.

16 In my words, not quoting any policies,
17 just in lay terms if I was explaining this to my
18 family, I would say it is the act of recognizing the
19 different characteristics and strengths that people
20 bring to any organization or group, valuing those,
21 and making them feel welcome. And I would actually
22 add to that. Ensuring that you're aware of barriers

1 they may face and ensuring that they have
2 opportunities to leverage their strengths.

3 Q. And what does "diversity" mean in your
4 own words?

5 A. In my own words, again, not citing the
6 DoD instruction, if I was explaining this to my kids,
7 I'd say understanding the different characteristics
8 that people can bring -- if we're talking about
9 people, that people can bring, and recognizing what
10 those are and how they may impact the challenges we
11 face. It can also refer to, obviously, like, plant
12 diversity, food diversity. It's a broad range.

13 Q. Those definitions you gave, can you draw
14 a distinction between the two?

15 A. Yes.

16 Q. What's the difference that is between
17 diversity and inclusion?

18 A. A key difference is one is a state of
19 being and recognizing that state of being, again, in
20 lay terms. And the other is responding to that state
21 of being and figuring out how to make it effective,
22 leverage it, use it for good, ensure that people are

1 taken care of.

2 Q. To make sure I understand, which one is
3 the state of being?

4 A. So people have diverse characteristics
5 about them, and some can change over time. You know,
6 you can change how you think about things and your
7 cognitive capabilities. And some are less changeable
8 than others. And so, that diversity, if you're
9 looking at an individual, they may be different from
10 the person next to them in a range of ways.

11 Inclusion is recognizing what those two
12 people bring, who they are, what challenges they
13 face, what strengths they have, and how to bring them
14 into the fold and make them part of the team.

15 Q. Are these concepts important for
16 military effectiveness?

17 A. Yes, they are.

18 Q. Could you tell me how diversity supports
19 military effectiveness?

20 A. Yes. There are a number of ways, and I
21 would add that it's diversity and inclusion. These
22 are important concepts to be together. One way is

1 through the teams and how they function. Any team in
2 a security organization, particularly the military.

3 There are benefits of diversity that are
4 research supported, but if you think about the
5 importance of having functional teams in any
6 situation, we're not talking just private industry
7 or, you know, running a town or something like that.
8 We're talking about war. Having effective teams is
9 more important than anything else when you talk about
10 war and national security. So diversity and the act
11 of including that diversity, building inclusive
12 teams, is very important from a war fighting and
13 security perspective.

14 The second piece is the legitimacy, both
15 domestic and international legitimacy. Domestically,
16 the military should, in some way, shape, or form, be
17 able to relate to the country that it serves. There
18 are examples around the world of militaries that do
19 not have that legitimacy or do not necessarily match
20 with the population and are not respected by the
21 population. That's an important characteristic, both
22 domestically, for recruiting as well -- and I'll get

1 to that in a second. And the third -- and the second
2 part of that is also international legitimacy.

3 We operate around the world. As a
4 military, we have to be able to understand the
5 operational environments that we work in, and we have
6 to understand the people who we work with and be able
7 to integrate with them and work among them to
8 accomplish our mission.

9 And the third piece is recruiting and
10 retention. From a legitimacy standpoint, which I
11 also spoke about a moment ago, but also propensity
12 varies across different demographic groups. We need
13 to be able to pull from every corner of the nation to
14 be able to fill our seats.

15 Do you want me to pause for a second?

16 Q. No, you're good.

17 A. And to be able to get access to the best
18 people we have in this nation. The nation's
19 diversity is actually our critical strength.

20 Do you want me to keep going?

21 Q. Keep going.

22 A. Okay. And it's one that our adversaries

1 do not necessarily have the same type of access to.

2 Q. So when you speak about -- I understand
3 that you mentioned that diversity and inclusion go
4 together. But just so I understand, when you're
5 talking about diversity in this context and we're
6 talking about military effectiveness, what kinds of
7 diversity do you mean?

8 A. Many different kinds of diversity. So
9 you don't know what kind of situation you will find
10 yourself in around the world. Racial and ethnic
11 diversity is important. Gender diversity is
12 important. Cognitive diversity is important.

13 The different characteristics that we
14 bring as humans to understanding and operating in a
15 security environment can all be beneficial at
16 different times across a wide range of context.

17 Q. Would -- I'm sorry. You just mentioned
18 racial and ethnic diversity, correct?

19 A. Yes.

20 Q. You mentioned gender diversity, correct?

21 A. Yes.

22 Q. And I think you mentioned a third?

1 A. Cognitive.

2 Q. Cognitive. Thank you. Cognitive
3 diversity. And by cognitive diversity, you mean
4 having different ways of thinking?

5 A. How we think, how we learn. There are
6 other forms of diversity as well. Those are
7 examples.

8 Q. Would it include diversity of religious
9 belief?

10 A. It could.

11 Q. Could it include diversity of
12 socioeconomic background?

13 A. It could.

14 Q. Could it include diversity of political
15 viewpoint?

16 A. It could, theoretically.

17 Q. Could it include diversity of sexual
18 orientation?

19 A. Again, it could, theoretically.

20 Q. Could it include diversity of gender
21 identity?

22 A. Yes.

1 Q. So all of those different kinds of
2 diversity could affect and support military
3 effectiveness and mission accomplishment?

4 A. It could. Military operations are very
5 context specific. Any time you talk about war,
6 violence, security, and associated violence, it's
7 very context specific. So you don't know in which
8 context you may need to operate, and you need access
9 as a leader, as a unit, to the most diverse group of
10 people you can, and you need to be able to include
11 them and build teams that fully leverage that
12 diversity.

13 Q. So to make sure I understand -- I'm not
14 trying to put words in your mouth. I just want to
15 make sure I understand what you're saying.

16 A leader should have all these kinds of
17 diversity available to them because they don't know
18 what they will need in the military context at any
19 given time?

20 A. No, that's not what I'm saying.

21 Q. Okay. Then I'm sorry. Can you explain
22 to me, again? Because I think you said all of those

1 could be helpful, but in -- I think you said --
2 again, I'm not trying to put words in your mouth --
3 but something about military options and
4 war-fighting, that you don't know what you're going
5 to need?

6 A. You want access to as wide a range of
7 diversity as you can get. That doesn't mean that you
8 need every single type of diversity and inclusion to
9 match that in every team, but you want to be
10 prepared, so you want to be able to access and build
11 an organization across, you know, units at the
12 highest level that has diversity.

13 Q. So the organization should have all
14 those kinds of diversity, but not necessarily at an
15 individual unit level?

16 MR. ROBINSON: Objection.

17 Mischaracterizes the testimony. You can answer.

18 THE WITNESS: I'm not saying should have
19 all of those. I'm saying should seek the
20 broadest range of diversity.

21 BY MR. MCCARTHY:

22 Q. Are there any of those kinds of

1 diversity that I have mentioned -- are there ones
2 that they should have --

3 MR. ROBINSON: Objection, vague.

4 BY MR. MCCARTHY:

5 Q. -- as opposed to just seek them?

6 MR. ROBINSON: Objection. Vague as to
7 "they." You can answer if you understand.

8 THE WITNESS: It would be incredibly
9 context specific for me to say that without
10 being able to picture every operational scenario
11 that a unit might be engaged in.

12 BY MR. MCCARTHY:

13 Q. So let's talk about the United States
14 Navy now instead all of the services.

15 Should the United States Navy always
16 seek to have racial and ethnic diversity?

17 A. United States Navy should seek to have
18 the greatest diversity it can access and understand
19 how to best leverage that diversity depending on the
20 different missions it has to face and it has to
21 accomplish and the kind of teams that it needs to
22 build to accomplish those missions.

1 Q. So, organizationally, should it have
2 racial and ethnic diversity?

3 A. Yes, it should have racial and ethnic
4 diversity, and other forms of diversity as well.

5 Q. So -- and should it have gender
6 diversity?

7 A. Ideally, yes, it would.

8 Q. And religious diversity?

9 A. Ideally, but again, these are context
10 specific, so you want the most diverse teams
11 possible. And remember that diversity is
12 intersectional, so you can't narrowly say, "We need
13 just people with gender diversity."

14 We need people who have an understanding
15 of racial and ethnic considerations, of how those
16 intersect with other forms of diversity. And
17 remember, what you can see is a human being often
18 stands out before anything else, so how people
19 present.

20 Q. What do you mean by that?

21 A. Race and ethnicity and gender are things
22 that we can see pretty quickly with most people.

1 Q. So does that mean that those types of
2 diversity are more important to the U.S. Navy?

3 MR. ROBINSON: Objection.

4 Mischaracterizes the testimony. You can answer.

5 THE WITNESS: I would not call them
6 "most important." I think it's something to
7 keep in mind as a leader and as a planner, that
8 what your team looks like can impact team
9 intraoperations and it can impact how that team
10 operates around the world, and it's something
11 important to understand to be able to leverage
12 that diversity.

13 BY MR. MCCARTHY:

14 Q. And you mentioned that racial and ethnic
15 diversity and gender diversity are more easily seen,
16 correct?

17 A. Generally.

18 Q. So should a leader try to develop and
19 focus on those first before the ones that are not
20 seen as easily?

21 A. No, I would not say that.

22 Q. Are diversity and inclusion measurable?

1 A. It depends on what you're measuring. It
2 depends on the kind of diversity, how you want to
3 measure it. It would depend on whether it's actually
4 measurable or not.

5 Q. So we've mentioned several types of
6 diversity. I'll go through at least some of those
7 here.

8 So in an organization, is racial and
9 ethnic diversity measurable?

10 A. Yes, generally.

11 Q. And how would you measure it?

12 A. There are a number of ways.
13 Self-identifying surveys, information through
14 records. I'm not someone who owns that policy or
15 data, so I'd probably want to stop there and not go
16 further because I'm sure there are other ways that
17 I'm not aware of.

18 Q. So let's use an example. Let's use --
19 you ran Athena Leadership for 18 months.

20 Could you measure racial and ethnic
21 diversity at Athena Leadership?

22 A. Yes.

1 Q. Did you ever measure racial and ethnic
2 diversity at Athena Leadership?

3 A. No, it was a small team.

4 Q. So do you know if it was racially and
5 ethnically diverse?

6 A. Yes, I do.

7 Q. And was it?

8 A. No. There were two of us.

9 Q. You didn't have staff or a board or
10 anything like that?

11 A. We had an advisory board, yes.

12 Q. But no staff?

13 A. No staff.

14 Q. Was the advisory board -- could you
15 measure the racial and ethnic diversity of the
16 advisory board?

17 A. We could have. We didn't.

18 Q. Do you happen to know since it was a
19 small organization what the racial and ethnic
20 diversity of it was?

21 A. I can't put a percentage to it, but it
22 was racially and ethnically diverse.

1 Q. And was it gender diverse?

2 A. Yes, it was.

3 Q. Did you ever measure that?

4 A. No, I did not.

5 Q. How would one go about measuring that?

6 A. Probably some other method to how one
7 would measure race and ethnicity. So survey,
8 collecting personal information, checking records.

9 Q. Was Athena Leadership diverse -- strike
10 that.

11 Would you consider Athena Leadership
12 diverse on religious grounds?

13 A. I'd have to think about that one.

14 Q. Did you ever do anything to measure or
15 assess that?

16 A. No, I did not.

17 Q. Would you consider Athena Leadership
18 diverse on gender identity grounds?

19 A. Yes, I would.

20 Q. And did you do something to measure
21 that?

22 A. I knew the individuals well on the board

1 and on my team.

2 Q. Was Athena Leadership diverse on sexual
3 orientation grounds?

4 A. Yes, it was.

5 Q. And how do you know that?

6 A. I knew the members of my team.

7 Q. Was Athena Leadership diverse on
8 socioeconomic grounds?

9 A. I'm not sure.

10 Q. Was it diverse on political affiliation
11 or viewpoint grounds?

12 A. I did not ask.

13 Q. And you don't know?

14 A. No.

15 Q. In an organization, how does one measure
16 influence?

17 A. It's a fraught question. If you're
18 looking at it from a high level, there are a number
19 of ways to get at it. This is something that I can't
20 speak to directly for how an organization the size of
21 DoD would do, because I'm not in charge of running
22 the databases and the surveys that collected

1 information that could be relevant.

2 For a small team, it's a much more
3 personal assessment. Ensuring you know your team,
4 ensuring you know your team members, seeing the
5 challenges they face, and seeing how they respond to
6 leadership as well.

7 Q. So you said small organization, I think,
8 to distinguish it from the U.S. Navy, which is fairly
9 large.

10 What would you consider a small
11 organization?

12 A. Oh, it's very context specific. I think
13 you can use Athena as an example. That was a very
14 small organization.

15 Q. So did you do anything to measure or
16 assess inclusion at Athena Leadership?

17 A. I talked to the board members and I
18 talked to my team pretty regularly, yes.

19 Q. And you found that to be an effective
20 way to ensure an inclusive environment?

21 A. Yes, I did. For that size team, it was
22 appropriate.

1 Q. Would that be an appropriate way to do
2 it for an organization of 100 people?

3 A. It would really depend on the team and
4 its mission and how they're distributed. My team was
5 primarily remote, so I had to handle that in
6 different ways than you would from a team that's
7 hybrid or in person.

8 Q. What would you do differently if it was
9 hybrid or in person?

10 A. Different kinds of touch points. So
11 remote team, you don't have the interpersonal
12 reactions and integration that would help potentially
13 clue in to other problems. You have to work in
14 different ways to ensure people are included and have
15 opportunities to speak and participate and to lead.

16 Q. I want to go back to something you said
17 about gender diversity and racial diversity being
18 more easily seen.

19 Should those kinds of diversity be
20 treated differently than other kinds of diversity
21 because of that?

22 MR. ROBINSON: Objection. Vague. You

1 can answer if you understand.

2 THE WITNESS: No. I was coming at it
3 from a leadership standpoint. If I had people
4 on my team that I know may face certain
5 challenges based on how they present to the
6 world, based on what I know about discrimination
7 and harmful behaviors, then I would like to
8 have, in the back of my head, that knowledge as
9 I lead them.

10 BY MR. MCCARTHY:

11 Q. So does that translate into how you
12 might want to structure your team or its composition?

13 A. It would really be context specific.

14 Q. So give me a context where it might
15 affect the structure or composition of a team?

16 A. Let's say I have someone who is very
17 small, petite, very feminine in appearance and is
18 going to go brief a roomful of men in the military.
19 I might give them some time to talk with me ahead of
20 time, see if they had any concerns about how to
21 present and how to act in that environment, you know,
22 how to -- the words to use to intro the conversation,

1 something like that. I might not. It would be very
2 context specific.

3 Q. What about in terms of war-fighting? If
4 you're leading a team in actual war-fighting, do you
5 consider the racial and ethnic composition of the
6 unit?

7 A. It would really be context specific.

8 Q. So give me a context where you wouldn't
9 consider it?

10 MR. ROBINSON: Objection. Vague, again,
11 as to "when you would consider it."

12 THE WITNESS: I think I would consider
13 all of what my team brings at every point, and I
14 did do that.

15 BY MR. MCCARTHY:

16 Q. So then you would consider racial and
17 ethnic composition of a unit in every instance?

18 MR. ROBINSON: Objection. Vague,
19 ambiguous, confusing.

20 THE WITNESS: You asked an example that
21 I had seen.

22

1 BY MR. MCCARTHY:

2 Q. Yes.

3 A. I led, you know, small units flying,
4 interact, in other operational areas, and I knew who
5 I was flying with, what strengths they brought, what
6 challenges they might face depending on the mission
7 we had to take on. I was aware of that the whole
8 time.

9 Q. Was the racial and ethnic diversity of
10 the unit important to you?

11 A. Knowing my people and the challenges
12 they might face and the strengths they might bring is
13 important to me which includes racial and ethnic
14 diversity.

15 Q. How does gender diversity affect
16 military effectiveness?

17 A. Again, very context specific, but if you
18 look at some of our key doctoral publications for the
19 military services, Naval doctoral publication 1,
20 Marine Corps doctoral publication 1, how the services
21 think about war-fighting. This is not just the
22 business, it's not just the job. It is a very

1 important mission.

2 In war, particularly in matters of
3 security, whether it's competition, you know, high --
4 increasing tensions over time, all the way up to full
5 scale war and different forms of violence in that
6 area, people have different experiences in war. And
7 understanding both the experiences and perspectives
8 of those people among who we may operate globally,
9 and how the people on your team might be able to best
10 help you all comprehend those experiences and the
11 drivers of tension and violence around the world is
12 really important.

13 Q. So does racial and ethnic diversity aid
14 combat effectiveness?

15 A. It can. It's very context specific. We
16 can't plan for every scenario, so you'd want to have
17 access to the broadest range of skills and
18 perspectives and ensure that you're including those.

19 Q. And does gender diversity facilitate
20 combat effectiveness?

21 A. It can.

22 Q. Can you give me an instance where it

1 can?

2 A. In Iraq, the use of the Lioness teams,
3 female engagement teams --

4 (Reporter clarification.)

5 THE WITNESS: The Lioness teams, like
6 female lion, female engagement teams, cultural
7 support teams in Afghanistan.

8 BY MR. MCCARTHY:

9 Q. What did the Lioness teams do?

10 A. Primarily focused on security, security
11 checkpoints, searching women. Some of the -- some of
12 the cultural considerations around gender that were
13 in play in Iraq helped the ground units have access
14 to different parts of the population that they hadn't
15 before.

16 Q. And so, how did they get access to
17 different parts of the population that they hadn't
18 had before?

19 A. Women were able to search women and to
20 talk to women in a way that the men hadn't been able
21 to. Women were also to, in having those
22 conversations, at times, gain trust and get more

1 intelligence that helped our teams and our units be
2 more aware of the operational environment and design
3 better tactics, operations strategies to accommodate
4 that learning.

5 Q. And is this because of cultural norms in
6 Iraq?

7 A. That's part of it. That's not the whole
8 part.

9 Q. What was the rest of the part?

10 A. Coming back to what I mentioned earlier,
11 people are impacted differently by war and any kind
12 of security-oriented violence, sometimes based on how
13 they present, how they look, and which minority
14 groups they belong to in a state. And as a result of
15 that, you have people with a wide range of
16 experiences in conflict.

17 So we, as the U.S. military, operate in
18 these global situations. We need to be able to
19 understand how different people may be impacted by
20 war and violence in different ways. We need to have
21 people on our teams who understand that as well, can
22 assess it, can bring that information in.

1 And if we don't understand those drivers
2 and the potential in violence around the world and
3 ways they disparately impact people, then we're not
4 going to be as effective in accomplishing our
5 mission.

6 MR. MCCARTHY: I want to take a quick
7 break. Maybe five, ten minutes.

8 MR. ROBINSON: Sounds good.

9 (Brief recess.)

10 MR. ROBINSON: Dr. Haynie, did you want
11 to add something to one of your answers?

12 THE WITNESS: Yes. It was one of the
13 early questions about working from home, and I
14 just want to clarify that, obviously, telework
15 is a thing, so I've done telework. But also,
16 there were times when VPN was down or I did not
17 have VPN access while traveling and things like
18 that, where I brought work home to work on.

19 BY MR. MCCARTHY:

20 Q. Understood. Thanks for clarifying.

21 MR. MCCARTHY: This will be Exhibit 2.

22 [Exhibit 2, DoD Instruction 1020.05, was

1 marked for identification.]

2 BY MR. MCCARTHY:

3 Q. Dr. Haynie, you've been handed what's
4 been marked as Exhibit 2. This is DoD
5 Instruction 1020.05.

6 This is the DoD instruction you
7 mentioned earlier, correct?

8 A. Yes.

9 Q. And you're familiar with this?

10 A. Yes.

11 Q. Could you turn to page 23? There's
12 definitions in the back section.

13 Do you see the definition of "diversity"
14 there?

15 A. Yes.

16 Q. Could you read that?

17 A. "All the different characteristics and
18 attributes of individuals from varying demographics
19 that are consistent with the DoD's core values,
20 integral to overall readiness and mission
21 accomplishment, and reflective of the nation we
22 serve."

1 Q. Thank you. Do you agree with that
2 definition?

3 A. I think it captures a decent
4 understanding of diversity.

5 Q. Is it missing anything?

6 A. I don't think so.

7 Q. So you do agree with the definition?

8 MR. ROBINSON: Objection. Asked and
9 answered.

10 BY MR. MCCARTHY:

11 Q. I'd like a yes or no for the record.

12 A. Yes.

13 Q. Before you talked about, in your own
14 words, the definition, but this is the DoD's
15 definition of diversity, correct?

16 A. That is correct.

17 Q. And does the DoD's definition of
18 diversity encompass racial and ethnic diversity?

19 A. I believe it does, yes.

20 Q. Are you unsure at all?

21 A. I mean, I'm reading the words, so my
22 interpretation of the words is that it does.

1 Q. Does it encompass socioeconomic
2 diversity?

3 A. I'm not the policy owner, so I don't
4 know what the intent was when they wrote the policy
5 or exactly how it's tracked through the policy
6 office, so I don't want to speak for that office.

7 Q. When you say "policy owner," what do you
8 mean?

9 A. So policies at the Department of Defense
10 tend to have owners who are responsible for the
11 drafting and the coordination and the implementation
12 of those policies. This policy was not my team's
13 responsibility. I'm familiar with it in that I've
14 read it, and we work in the vicinity of it, but I
15 don't own it and I don't implement it.

16 Q. You're the senior advisor to the Office
17 of the Undersecretary of Defense for Personnel and
18 Readiness at the Department of Defense, correct?

19 A. That is correct.

20 Q. And on matters relating to diversity and
21 inclusion and the DoD's mission, correct?

22 (Reporter clarification.)

1 BY MR. MCCARTHY:

2 Q. Relating to diversity and inclusion and
3 the DoD's mission, correct?

4 A. That is correct.

5 Q. And you can't say whether the DoD's
6 definition of diversity encompasses socioeconomic
7 diversity?

8 MR. ROBINSON: Objection.
9 Mischaracterizes testimony.

10 THE WITNESS: It's very context specific
11 again. We don't track, to my knowledge,
12 socioeconomic diversity across different
13 categories of people in the DoD. We do track a
14 range of characteristics, but this definition is
15 very broad, so it could.

16 BY MR. MCCARTHY:

17 Q. So it could, but you're not sure?

18 MR. ROBINSON: Objection. Asked and
19 answered.

20 THE WITNESS: It's not that I'm not
21 sure. It's that it's a broad definition, and we
22 could implement it in a number of different ways

1 if we so choose.

2 BY MR. MCCARTHY:

3 Q. So the U.S. Navy could implement it to
4 include socioeconomic diversity? Is that what you're
5 saying?

6 MR. ROBINSON: Objection. Lack of
7 foundation.

8 THE WITNESS: Potentially. It would
9 depend on how you would want to measure that and
10 for what reasons.

11 BY MR. MCCARTHY:

12 Q. Has the U.S. Navy implemented it to
13 encompass socioeconomic diversity?

14 A. I don't work for the Navy. I can't
15 speak to that.

16 Q. Has the DoD implemented it to encompass
17 socioeconomic diversity?

18 MR. ROBINSON: Objection. Vague.
19 Ambiguous.

20 THE WITNESS: I don't know work for the
21 policy office, so I can't speak to what the
22 department has done with regards to

1 socioeconomic diversity.

2 BY MR. MCCARTHY:

3 Q. So you don't know one way or the other?

4 A. I don't know enough to say definitively
5 today in this meeting. I'm not the policy owner.

6 Q. So can you turn back to the first page
7 of this exhibit? Can you tell me who it was approved
8 by?

9 A. The Undersecretary of Defense for
10 Personnel and Readiness in 2020.

11 Q. And that's the position that you're in
12 now, correct?

13 A. No, I am not the undersecretary.

14 Q. I'm sorry. You are the senior advisor
15 to that office, correct?

16 A. I'm senior advisor to the office, yes.

17 Q. Thank you for the clarification.

18 So the predecessor to the undersecretary
19 approved this?

20 A. The undersecretary in 2020 approved
21 this, not my predecessor.

22 Q. I'm sorry. I was trying -- that's what

1 I meant.

2 But the predecessor to the
3 undersecretary approved this in 2020?

4 A. The previous Undersecretary of Defense
5 for Personnel and Readiness approved this in 2020.

6 Q. Thank you. The current Undersecretary
7 of Defense for Personnel and Readiness at the DoD, do
8 you report directly to that person?

9 A. No.

10 Q. Where is that person in the
11 organizational chain compared to you?

12 A. The Undersecretary of Defense for
13 Personnel and Readiness right now is performing the
14 duties of individuals. I report generally to his
15 office, but I align under the Office of Forced
16 Resiliency.

17 (Reporter clarification.)

18 THE WITNESS: Forced Resiliency. I
19 believe it is the Office for Forced Resiliency,
20 actually.

21 BY MR. MCCARTHY:

22 Q. Does the DoD's definition of diversity

1 encompass religious diversity?

2 A. It says, "All the different
3 characteristics and attributes of individuals," so it
4 would include all different characteristics.

5 Q. So it would include religious diversity?

6 A. It could, yes.

7 Q. Has it ever included religious diversity
8 in your time at DoD?

9 MR. ROBINSON: Objection. Vague and
10 ambiguous. Asked and answered.

11 THE WITNESS: So there are -- you've
12 probably seen headlines, like, the Marine Corps
13 allowing people of different faith to have
14 different hair styles and wear different items
15 of clothing. That's one example.

16 I'd say yes, in a broad sense. When we
17 think about diversity of people, we want to
18 think about the different characteristics and
19 attributes that they bring which can include
20 religious diversity.

21 BY MR. MCCARTHY:

22 Q. And would the DoD's definition of

1 diversity include gender diversity?

2 A. Yes, it would include the different
3 characteristics and attributes of people.

4 Q. And diversity of gender identity?

5 A. Yes, it can include that, too.

6 Q. Same answer for diversity of sexual
7 orientation?

8 A. Yes.

9 MR. ROBINSON: We'll mark this as
10 Exhibit 3.

11 [Exhibit 3, Haynie report, was marked
12 for identification.]

13 BY MR. MCCARTHY:

14 Q. Dr. Haynie, you've been handed what has
15 been marked as Exhibit 3. This is your report that
16 we talked about earlier, correct?

17 A. Yes.

18 Q. And you submitted this report just a few
19 days ago, correct?

20 A. That is correct.

21 Q. Can you turn to paragraph 23? It's
22 actually on page 16 if that may be easier.

1 Can you read paragraph 23 for me?

2 A. "Dr. Haynie is expected to testify that
3 despite increased awareness and advocacy by the DoD
4 on diversity and inclusion, minorities continue to be
5 underrepresented within the officer corps and among
6 the military's senior leadership. DoD repeatedly has
7 studied the issue of diversity and inclusion --

8 (Reporter admonishment.)

9 THE WITNESS: "DoD repeatedly has
10 studied the issue of diversity and inclusion in
11 the Armed Forces, starting with desegregation.
12 It consistently reached the conclusion that a
13 diverse and inclusive military is both critical
14 to mission success and a national security
15 imperative.

16 Dr. Haynie is expected to testify that
17 she has become familiar with these efforts
18 during her time at DoD based on her job duties."

19 BY MR. MCCARTHY:

20 Q. So I want to ask you a few questions
21 about this. Your testimony is that minorities
22 continue to be underrepresented within the officer

1 corps, correct?

2 A. That they continue to be
3 underrepresented within the officer corps and among
4 the military's senior leadership.

5 Q. Okay. Let's talk about the officer
6 corps. What do you mean by "minorities being
7 underrepresented within the officer corps"?

8 A. If you look around the officer corps,
9 you don't see the same type of demographic diversity
10 that you see at the military writ large, or even
11 across America, or even across the available
12 population that might be qualified.

13 Q. What do you mean by "the available
14 population that might be qualified"?

15 A. Most people in America are not qualified
16 for military service for a variety of reasons, so the
17 military can primarily recruit and retain from among
18 a slice of that population. So if you look at the
19 demographics of that population, if you look at the
20 demographics of the department as a whole, if you
21 look at the demographics of the enlisted corps, the
22 senior ranks, of the officer corps, and the officer

1 corps writ large do not resemble those.

2 Q. Okay. Let's break that down. So what
3 is the racial composition of the officer corps?

4 A. I'd have to see the numbers. I don't
5 have them memorized.

6 Q. Okay. Do you know how they compare to
7 the population -- sorry. I want to go to the
8 population you just mentioned -- population from
9 which the military recruits, I think you were talking
10 about, but certain people are not within that --

11 A. The available population.

12 Q. Yes, "the available population" is the
13 term you used. I assume you mean that some people
14 can't -- are not available to the military by -- for
15 reasons of age, correct?

16 A. That is one reason.

17 Q. Some are probably unavailable because of
18 physical or medical conditions, correct?

19 A. That's another reason.

20 Q. Okay. What would be other reasons?

21 A. How they performed in school, if they
22 graduated from high school, graduated from college,

1 criminal history, drug use, behavioral. There could
2 be other issues as well in their personal lives that
3 could keep them from being either available or
4 qualified.

5 Q. So if I use the phrase -- I think this
6 is the one you used -- "available population."

7 If I use that, we both know that you're
8 talking about the population available for this
9 military service to recruit from?

10 A. I think we should qualify that a little
11 bit. So there's the available population, and then
12 within that qualified. Qualified and available mean
13 different things.

14 Q. Okay.

15 A. And there's also a propensity to think
16 about. And I -- then we get into areas that are not
17 my area of oversight, and we talk about the sizes of
18 those populations.

19 Q. Okay. So what's the difference between
20 the available population and the qualified
21 population?

22 A. The best way for this would be to refer

1 to one of the department's reports with data because
2 I don't want to get the definition wrong in spouting
3 it from memory.

4 Q. Okay. I want to go back to this word
5 "underrepresented" that we talked about. So it
6 sounds like "underrepresented" is a comparative term
7 to some external reference point; is that correct?

8 A. That is usually how it's used.

9 Q. And you gave me several different
10 reference -- external reference points, correct?

11 A. Those are some reference points that can
12 be used.

13 Q. So one of those was the military writ
14 large, correct?

15 A. Yes.

16 Q. Is it your view that the officer corps
17 should reflect the same racial demographics as the
18 military writ large?

19 A. I don't have a view on the specific
20 breakdown. My view is on the importance of ensuring
21 we have a diverse and inclusive force which is what
22 the research supports.

1 Q. So in your view, does it matter or does
2 it not matter if the racial demographics of the
3 officer corps match the racial demographics of the
4 military writ large?

5 A. It would really be context specific, but
6 ensuring that you have representation is important
7 both to ensure people feel that they are represented
8 and seen and can be understood by those in charge of
9 them, and to ensure that you are pulling from the
10 broadest swath possible of people.

11 Q. So what is the level of minority
12 representation in the officer corps that you would
13 consider minorities to be no longer underrepresented?

14 MR. ROBINSON: Objection. Asked and
15 answered.

16 THE WITNESS: It would be very context
17 specific. The importance for me comes from the
18 research, which states that increased diversity,
19 diversity writ large, and the inclusion of that
20 diversity is important for mission
21 accomplishment, especially in the field of
22 national security and war-fighting.

1 BY MR. MCCARTHY:

2 Q. So, underrepresented, you mentioned, is
3 a reference to an external reference point, correct?

4 A. It can be in reference to any reference
5 point chosen, but for this specific example, it was
6 underrepresented in terms of the different
7 communities that I mentioned.

8 Q. So how does DoD determine whether it's
9 making progress in terms of the representation of
10 minorities in the officer corps?

11 A. This would need to be a regular and
12 consistent assessment that the department would need
13 to do over time, keeping in mind the national
14 security challenges and mission sets that we face,
15 and particularly the adversaries that we face.

16 Q. So how would they assess that?

17 A. Look at the department you have and the
18 people you have, where they come from, what skill
19 sets, experiences, and perspectives they have, and
20 look at the challenges that we face as a department.
21 And national security -- or national defense strategy
22 is a good guide for that.

1 Q. So what does the DoD do to measure
2 racial diversity within the department?

3 A. So, again, I'm not a policy office, so
4 I can speak in lay terms to it, but I don't -- it's
5 not that I don't understand. I don't run the office
6 and the team that actually collects data and
7 interprets and publishes the data. So I can speak in
8 lay terms.

9 The department measures broadly race and
10 ethnicity, gender, and a range of other demographic
11 identifying characteristics that sees fit to measure
12 and then tracks that over time.

13 Q. Has the department ever identified a
14 target goal of minority representation for the DoD?

15 A. To my knowledge, no.

16 Q. Has it ever identified a target goal for
17 the individual services in terms of minority
18 representation among the officer corps?

19 A. To my knowledge, no.

20 Q. In your view, if the minority
21 representation of the officer corps matched the
22 minority representation of the military writ large,

1 would that be a good thing?

2 MR. ROBINSON: Objection. Vague.

3 Ambiguous. Incomplete hypothetical.

4 THE WITNESS: I think it would be very
5 context specific. To go back to the research,
6 the research identifies the importance of
7 diversity to the department's mission, to
8 national security, and to war-fighting. So
9 continually assessing to see who we have, who we
10 have access to, how we bring in the best people,
11 and how we match those people to the challenges
12 we face is critical to mission accomplishment.

13 BY MR. MCCARTHY:

14 Q. Does the DoD take specific efforts to
15 recruit minority candidates?

16 A. I don't own the policy office, so I
17 can't speak to all the details on those, but to my
18 knowledge, yes.

19 Q. At what point would you consider
20 minorities -- strike that.

21 Is there a point where you would
22 consider minorities to have sufficient representation

1 in the officer corps?

2 MR. ROBINSON: Objection. Asked and
3 answered.

4 THE WITNESS: I believe that would,
5 again, be very context specific. It's not, you
6 know, we bring in people and we've think we've
7 made it. We have to constantly keep an eye on
8 who are our key adversaries and key major
9 challenges are and ensure we have access to the
10 people we need to accomplish those mission sets.

11 BY MR. MCCARTHY:

12 Q. So if it's context specific, how can we
13 tell whether they're currently underrepresented?

14 A. If you see that there are problematic
15 behaviors in the military, as we have through surveys
16 and other forms of data, you can see that there are
17 problematic behaviors that affect different groups.

18 If we look at the general officer
19 population and the officer population writ large, you
20 can see that members of those groups are not as
21 represented as they are in any number of those
22 populations, which tells me, as a researcher, that

1 there could be problems with how we bring in and
2 build teams and use people that may mean we're not
3 accessing and leveraging people to their fullest to
4 accomplish our mission.

5 I want to bring this back, as well, to
6 the nature of war. Because of how war impacts
7 different people in different groups, it is critical
8 that we have people who understand those different
9 impacts and people who may be able to speak to those
10 and operate in different environments around the
11 world.

12 Q. How does a person's skin color bear on
13 how they understand those different impacts?

14 A. It varies person to person, but the
15 research underscores that, generally, how we present
16 can push us into different groups or communities that
17 may be impacted in different ways.

18 As a woman, I certainly experience the
19 world in different ways than someone who is, perhaps,
20 a 6'3" man.

21 Q. So I'm trying to understand something.

22 You've said that sometimes, different

1 forms of diversity make a difference to how men and
2 women of the military present, correct?

3 A. Can you restate that?

4 Q. Okay. I'm trying to capture what you
5 said. Sorry.

6 You have said that some forms of
7 diversity make a difference to how men and women of
8 the services present, correct?

9 A. I'll phrase it a little bit differently.

10 Q. Okay.

11 A. What I would say is we have, each of us,
12 certain characteristics about us that are more
13 readily apparent upon first meeting or coming into
14 contact with someone. And understanding those
15 characteristics and that how it can shape -- as a
16 leader, I would want to understand how those
17 characteristics can shape opportunities and
18 challenges for the people I lead, and I would want to
19 understand how to use the experiences and the
20 strengths that they may pull from those life
21 experiences to best accomplish the mission at hand.

22 Q. What does someone's gender tell you

1 about their life experiences?

2 A. I'll give you an example.

3 When I was in Iraq, 2003, part of my
4 job, I was part of an all-male squadron, I was the
5 only female pilot, par for the course at the time.
6 As a result, I was somewhat careful about what I said
7 and tried to fit in with the men.

8 We did a lot of flying on night vision
9 goggles, so 2:00, 3:00 in the morning. And one of
10 the things I noticed while we would have these night
11 flights over some of the cities up and down the
12 rivers in Iraq was that -- I'm talking in April, May,
13 June, and July. It was pretty warm. I noticed
14 families sleeping on the roofs, and we were
15 thundering over, like, 2:00 or 3:00 in the morning,
16 right? I didn't have kids at the time. I didn't
17 plan on having kids at the time. That was a welcome
18 surprise later.

19 I remember thinking, what are these
20 families feeling? What are these kids and these
21 parents feeling? And what are we doing to these
22 families as a result of this? A couple of days

1 later, I mentioned it to a friend in the squadron, to
2 a group of friends. Nobody else had noticed it, and
3 I got laughed at, which taught me to keep those
4 observations to myself for a while.

5 And then as I aged, I realized that that
6 was actually something that could have been valuable
7 information, had we recognized that as valuable
8 information as an organization. It's not anyone's
9 fault in that. Just as an example, I happened to
10 notice that.

11 I noticed it because, you know, I
12 happened to look down and see it and was thinking
13 about parents and kids, partly probably because I was
14 thinking about my own husband and my family back
15 home. I don't know -- I don't know enough about
16 that. But as a result of that set of experiences, I
17 recognized how I potentially, because of the roles
18 I've been in in my life, saw something different in
19 that situation.

20 Compound that times, you know, 3 million
21 people. We can each have different experiences, and
22 as a result of those experiences, particularly in

1 times of war where violence is a threat and it is a
2 threat to some people more than others, those
3 experiences can be very valuable for us to understand
4 as a military.

5 And the flip side of that is if those
6 experiences are not accounted for or even understood,
7 we might design strategies that don't account for
8 those drivers of tension and violence.

9 Q. So noticing the families sleeping on the
10 roofs -- you said they were sleeping on the roofs,
11 correct?

12 A. Mm-hmm.

13 Q. Noticing the families sleeping on the
14 roofs, is that something that only a woman would
15 notice?

16 A. No. It can be context specific, but the
17 research does show that when you have a group of
18 people who tend to be disparately impacted by
19 violence and security issues around the world, that
20 group of people, people belonging to that group may
21 have experiences now and perspectives that others do
22 not. There's an entire, you know, agenda around that

1 at the international level between including
2 minorities in decision-making because of the
3 perspectives that they can bring and their
4 understanding of the actual drivers of tension and
5 violence in their home areas, and there's also a
6 similar agenda for gender, the Women Peace and
7 Security Agenda, because of the difference.

8 (Reporter clarification.)

9 THE WITNESS: Women Peace and Security
10 Agenda.

11 BY MR. MCCARTHY:

12 Q. So do you think women are more likely to
13 notice something like families sleeping on roofs than
14 men?

15 A. The research supports that idea, that
16 women are more likely, because of their experiences
17 and their socialization into certain roles. That
18 doesn't mean every woman will, but it means that
19 including gender perspectives, especially those of
20 women, is important. And translate that to other
21 categories or other demographic groups, it becomes
22 just as important.

1 Q. So you said a lot there, but I think you
2 said research suggests that women are more likely
3 than men to notice something like the families
4 sleeping on roofs, correct?

5 A. Yes, or other signs in communities.

6 Q. Is it fair to say that some women might
7 not notice that and some men might?

8 A. Yes, it's fair. But research supports
9 the idea that if you want a woman's perspective, you
10 should probably have a woman at the table. If you
11 want someone who comes from a racial or ethnic
12 minority group, and you want their perspective and
13 you want to understand the situation on the ground
14 better, you need to have someone from that group
15 present, and you need to actively pull in information
16 about how that group is impacted.

17 Q. So when you say "group" there, do you
18 mean racial or ethnic group?

19 A. Racial, ethnic, gender. They're
20 intersectional characteristics as well across those,
21 so...

22 Q. Do you think that a particular racial

1 group tends to have common experiences?

2 A. They can.

3 Q. Do you think they have common ways of
4 thinking?

5 A. It really would depend, but the
6 experiences are the important piece. What they
7 experience, what they see, those can all contribute
8 to us developing a better operational picture and
9 designing strategies to accomplish our mission as a
10 result.

11 Q. So let me give you an example and see if
12 that helps answer the question.

13 Do you think that, for example,
14 Asian-Americans tend to have similar experiences?

15 A. It would depend on whom and where.
16 Research says they can. It's not a shoe-in for every
17 person or every group.

18 Q. Do you think that Asian-Americans tend
19 to have similar ways of thinking?

20 A. I can't speak to that.

21 Q. So I'm going to give you a hypothetical.
22 Let's talk about the qualified population, and I

1 think you said "qualified population." That was a
2 term you used before to mean the population that the
3 military services could recruit from and those that
4 are qualified.

5 A. There's an actual report from the DoD
6 that comes out that talks about the qualified
7 military available population. I was speaking from a
8 lay perspective. I would want to refer directly to
9 that definition moving forward if we can access those
10 reports. Those reports come from a different
11 department at the Department of Defense.

12 Q. Okay. Well, I'm going to talk about the
13 qualified military available population for just a
14 moment.

15 If you have an Asian-American male -- I
16 want to say this. Let me backup.

17 Let's say you have two Asian-Americans
18 who are among the qualified military available
19 population, okay? One is from an urban area, New
20 York City, grew up in New York City, of Pakistani
21 descent, and one grew up in rural Montana of
22 Vietnamese descent, do you think they would have

1 similar experiences?

2 MR. ROBINSON: Objection. Incomplete
3 hypothetical. Calls for speculation.

4 THE WITNESS: I think I'll really
5 struggle to answer that without a lot more
6 context.

7 BY MR. MCCARTHY:

8 Q. So they might have similar experiences?

9 A. It would really depend.

10 Q. On what?

11 A. Any number of factors. How they grew
12 up? Where they went to school? Are they first
13 generation? What kind of communities do they live
14 in? What did they study? What opportunities they
15 have access to?

16 Q. So imagine that the one in New York City
17 of Pakistani descent is a fourth generation American,
18 went to private schools, high on the socioeconomic
19 ladder, and has high academic qualifications.

20 Let's assume the Vietnamese descent,
21 Asian-Americans from rural Montana went to -- was a
22 first-generation American, went to public schools in

1 Montana, high-achieving academics there too.

2 Do you think they would have similar
3 experiences?

4 MR. ROBINSON: Objection. Incomplete
5 hypothetical. Calls for speculation.

6 THE WITNESS: I mean, it really is
7 context specific, and there are a lot of
8 characteristics that you put out there. I think
9 what the research shows is that, by and large,
10 if you step back from an organizational level,
11 higher diversity is important, bringing in
12 diverse experiences, and leveraging those. You
13 may find two complete outliers in any number of
14 hypothetical situations, you may not.

15 BY MR. MCCARTHY:

16 Q. Would these be outliers?

17 MR. ROBINSON: Same objections.

18 THE WITNESS: I feel like I've asked
19 that -- or answered that already. It would
20 really depend.

21 BY MR. MCCARTHY:

22 Q. So these two might or might not be

1 outliers?

2 MR. ROBINSON: Same objections. Asked
3 and answered.

4 BY MR. MCCARTHY:

5 Q. Does their race alone and their
6 ethnicity -- does their race and ethnicity alone tell
7 you anything about their experiences?

8 A. It can in a population sense.

9 Q. By itself?

10 A. Research says it can. It's not a rule
11 for every single person. It's a hypothetical.

12 Q. How does the research say that race and
13 ethnicity alone can tell you something about a
14 person's experience?

15 A. Again, I want to walk back to the point
16 that we're talking about war and security. And if
17 you look at all of the different things that we, as
18 people, as human beings, can experience around the
19 world in our lives, some of the most violent can be
20 war, can be conflict associated with security issues.

21 When you talk about security and
22 conflict in its most violent forms, who we are, the

1 groups we come from, and how we present can all shape
2 our experiences on those. It can be more violent for
3 us, it can be less, depending on where we are.

4 And because of that, research supports
5 the importance of including diverse perspectives in
6 teams, especially in security organizations and
7 institutions, in order to support mission
8 accomplishment and to better understand the nature of
9 the challenges that we face.

10 Q. So if you have a Chinese-American from
11 Raleigh, North Carolina -- actually, strike that.

12 You have a Japanese-American. That's
13 all you know. What do you know about that person's
14 experiences?

15 MR. ROBINSON: Objection. Vague and
16 ambiguous. Incomplete hypothetical. Calls for
17 speculation.

18 THE WITNESS: I feel like I would give
19 the same answer that I've been giving, which is
20 that research supports increasing diversity. It
21 would be very context specific for each
22 individual person.

1 BY MR. MCCARTHY:

2 Q. Research supports -- say it again,
3 please?

4 A. Increased diversity, ensuring you have
5 the most diverse people that you can, and ensuring
6 that you have inclusive teams that leverage that
7 diversity.

8 Q. I'm asking about this person as an
9 individual. What do you know about this person's
10 experiences if I just tell you it's a
11 Chinese-American?

12 MR. ROBINSON: Same objections.

13 THE WITNESS: It's not a real person, so
14 I don't know this individual. I don't know
15 anything about this individual's experiences and
16 skill sets. Research, again, though, shows that
17 the more diverse a team is, the better it can
18 perform.

19 BY MR. MCCARTHY:

20 Q. Okay. So about this individual, if I
21 don't tell you anything about the experiences, then
22 you don't know anything about the experiences,

1 correct?

2 MR. ROBINSON: Same objection. Asked
3 and answered.

4 THE WITNESS: I would give the same
5 answer.

6 BY MR. MCCARTHY:

7 Q. When I asked about a Chinese-American
8 and I asked you if you know anything about this
9 person's experience, you said --

10 (Reporter admonishment.)

11 BY MR. MCCARTHY:

12 Q. -- so I don't know this individual or
13 not anything about this individual?

14 A. We have general broad strokes about
15 them, so you look at what the research says, again,
16 which is that diverse teams that are leveraged
17 through inclusivity are better performance,
18 especially when you're talking about national
19 security.

20 Q. I'm not talking about teams. This is
21 part of the problem. I'm asking you a specific
22 question about a specific person. I'm not asking

1 about teams.

2 If all you know is Chinese-American, do
3 you know anything about that person's experiences?

4 MR. ROBINSON: Objection. The witness
5 has answered this question multiple times.

6 MR. MCCARTHY: John, the witness hasn't
7 answered the question. The witness had said
8 lots of things about diverse teams. It's a very
9 simple yes or no.

10 BY MR. MCCARTHY:

11 Q. Do you know anything about this person's
12 experiences?

13 MR. ROBINSON: It's not a real person.
14 It's a hypothetical person. That's why we've
15 objected.

16 MR. MCCARTHY: I have a person in my
17 mind. It's not a hypothetical at all.

18 MR. ROBINSON: Well, if you have a
19 person in mind, you can talk about that person.

20 MR. MCCARTHY: Okay. I'm asking a
21 question, John, if you can let your witness
22 answer.

1 BY MR. MCCARTHY:

2 Q. A real person, a Chinese-American is all
3 I'm telling you. Do you know anything about that
4 person's experiences?

5 MR. ROBINSON: Same objections.

6 THE WITNESS: I would give the same
7 answer. I mean, the research is clear about the
8 importance of diverse teams. I don't know this
9 person.

10 BY MR. MCCARTHY:

11 Q. I understand. Let's stop talking about
12 diverse teams for a second because I'm not asking
13 about diverse teams. Let's hone in on another part
14 you said. You said, "I don't know this person,"
15 correct?

16 A. But you can't take the person out of the
17 team. You have to understand the people in the --

18 Q. I'm not asking about the team.

19 A. Are you asking this in the military
20 context?

21 Q. No, I'm just asking about the person.

22 MR. ROBINSON: I don't think there's a

1 question pending.

2 MR. MCCARTHY: I'm going to ask the
3 question again because I haven't gotten the
4 answer.

5 BY MR. MCCARTHY:

6 Q. I'm not talking about diverse teams.
7 I'm not talking about the military. I'm just asking
8 you: I have a person in mind who is a
9 Chinese-American. If I tell you nothing else about
10 that person other than their race, do you know
11 anything about their experiences?

12 MR. ROBINSON: Objection. Asked and
13 answered.

14 THE WITNESS: I would want to sit down
15 and talk to that person to understand them
16 better. But yes, I know he's a Chinese-American
17 because you've used the pronoun "he." I know
18 that much about him.

19 BY MR. MCCARTHY:

20 Q. Do you know anything about his
21 experiences?

22 MR. ROBINSON: Objection. Asked and

1 answered.

2 BY MR. MCCARTHY:

3 Q. It's a yes or no?

4 A. I'd like to sit down and talk to that
5 person and learn more.

6 Q. So it's a yes or no. Are you capable of
7 giving a yes or no answer to this question?

8 MR. ROBINSON: Objection.

9 Mischaracterizes the testimony. And at this
10 point, it really is getting argumentative.

11 THE WITNESS: It's social science, which
12 means that there are going to be outliers and
13 there are going to be cases that fit every
14 situation. With something like this, it really
15 would be context dependent, but we can generally
16 look at the research and understand that how you
17 present, the different groups you come from,
18 things like that can impact how you experience
19 and see the world.

20 And as a result, if I had a team that
21 was lacking elements of diversity, I would want
22 to pull in more diverse people and then make

1 sure I understood who they were, what their
2 backgrounds and experiences and skill sets and
3 talents were, and how to leverage them for
4 mission accomplishment.

5 BY MR. MCCARTHY:

6 Q. And about this individual, it is a yes
7 or no?

8 MR. ROBINSON: I just didn't hear the
9 question.

10 BY MR. MCCARTHY:

11 Q. About this individual, you can't say yes
12 or no about whether you know anything about their
13 experiences?

14 MR. ROBINSON: Objection. Asked and
15 answered.

16 THE WITNESS: I can tell that you've
17 said they're Chinese-American and male. I would
18 like to know more about their background. I'd
19 like to look at their records. I'd like to talk
20 to them and understand. And then am I looking
21 at this as an individual working with one
22 person. It's very context dependent.

1 BY MR. MCCARTHY:

2 Q. Is that because I haven't told you
3 anything else besides Chinese-American and male?

4 A. No, I think it's just a very vague
5 hypothetical.

6 Q. So you do know something else about
7 their experience?

8 MR. ROBINSON: Objection.

9 Mischaracterizes the witness' answer.

10 MR. MCCARTHY: I still haven't gotten a
11 yes or no, John.

12 THE WITNESS: It's not a yes or no
13 question.

14 BY MR. MCCARTHY:

15 Q. Well, it is.

16 A. If you understand people in war, it's
17 not.

18 Q. I'm not asking about war or diverse
19 team, but you don't want to answer, that's fine?

20 MR. ROBINSON: I think the witness --
21 the record will reflect the witness has answered
22 the question.

1 MR. MCCARTHY: The record will reflect
2 there's no yes or no.

3 BY MR. MCCARTHY:

4 Q. So let me ask you this about-- you want
5 to put it in the context of diverse teams, so I'll
6 ask a different question.

7 If you have a team that is, let's say --
8 and we'll put this in the context of military. Let's
9 say you have a unit that is equally divided, half
10 Hispanic -- I'm sorry. Strike that.

11 Let's say it's equally divided, half
12 white and half Asian, would adding a Chinese-American
13 to that unit increase the racial diversity of that
14 unit?

15 MR. ROBINSON: Objection. Incomplete
16 hypothetical.

17 THE WITNESS: It would depend.

18 BY MR. MCCARTHY:

19 Q. On what?

20 A. It would depend on what kind of
21 backgrounds all of them have, where your mission sets
22 are, where you're going to be operating.

1 Q. So let's say you had a unit that is
2 100 percent Asian, would adding another
3 Asian-American to that unit make it more or less
4 racially diverse?

5 MR. ROBINSON: Objection. Incomplete
6 hypothetical.

7 THE WITNESS: It would, again, depend on
8 their background.

9 BY MR. MCCARTHY:

10 Q. So if you have a unit that was entirely
11 white and you added another white member to that
12 unit, would it increase or decrease the racial
13 diversity of that unit?

14 MR. ROBINSON: Objection. Incomplete
15 hypothetical.

16 THE WITNESS: I would need to know more.

17 BY MR. MCCARTHY:

18 Q. You can't say based on the information I
19 gave you?

20 MR. ROBINSON: Same objection.

21 THE WITNESS: I mean, it's a
22 hypothetical. I go back to the research with

1 all of this, which tells me that you'd want to
2 seek out diverse teams and leverage them and
3 understand who they are.

4 BY MR. MCCARTHY:

5 Q. Let me ask another question. So we
6 talked a little bit about minority representation
7 among the officer corps, correct?

8 A. That is correct.

9 Q. Why does -- I guess I should say this.
10 Is minority representation among the officer corps
11 important?

12 A. Increasing diversity among the officer
13 corps is important which also includes minority
14 representation.

15 Q. Okay. So I think I understand you to
16 say minority representation is a component of
17 diversity; is that fair?

18 A. Yes.

19 Q. And so, it is an important component of
20 diversity?

21 A. Yes.

22 Q. So let's focus on the minority

1 representation portion, understanding it's just a
2 component of overall diversity.

3 Why is minority representation among the
4 officer corps important?

5 A. Just as with other forms of diversity,
6 it brings benefits. It brings benefits from a
7 population level.

8 If you look at the discussion we had
9 earlier on, we look at how diversity and inclusion
10 can support the mission. Minority representation is
11 part of that. So domestic and international
12 legitimacy, recruiting and retaining from the best
13 parts of America, and then team function and mission
14 accomplishment, particularly in the security and
15 war-fighting instance.

16 Q. So I want to pick something out of
17 there. You said "team fighting"? Is that the phrase
18 you used?

19 A. Team function.

20 Q. Oh, sorry. Team function. I'm sorry.
21 Team function. So do you mean that, like, internally
22 in terms of how the team functions?

1 A. Internally and also integrating with
2 diverse partners and outliers around the world.

3 Q. Okay. So team function has an internal
4 component and an external component?

5 A. It can.

6 Q. So you used a reference point when
7 talking about underrepresentation within the officer
8 corps of comparing the racial demographics of the
9 officer corps to the military writ large, correct?

10 A. Among other populations.

11 Q. Yes, sure, among others. I'm not trying
12 to be exclusive. I get there's several. But if we
13 look at that one, is that an important comparison,
14 that is the racial demographics of the officer corps
15 to the racial demographics of the military writ
16 large, is that an important comparison when
17 considering minority representation?

18 A. It is one that I would look at when
19 considering --

20 (Reporter clarification.)

21 BY MR. MCCARTHY:

22 Q. When considering minority

1 representation?

2 A. It is one that I would look at.

3 Q. Why would you look at that?

4 A. It's good to know what the organization
5 looks like, given the mission sets that we have to
6 face. This goes back, again, to knowing what skill
7 sets and perspectives and experiences we may have
8 access to as a department, and understanding how to
9 leverage those to accomplish the mission. So I would
10 want to understand what the officer corps looks like.

11 Q. Could people of the same race have
12 different skill sets?

13 A. They could, yes.

14 Q. Could people of different races have the
15 same skill sets?

16 A. They could, yes.

17 Q. Is it a goal of DoD to have equal levels
18 of minority representation as compared between the
19 officer corps and the military writ large?

20 A. The department hasn't set specific goals
21 for representation.

22 Q. Is there a theoretical point at which

1 the department would have a satisfactory level of
2 minority representation in the officer corps?

3 MR. ROBINSON: Objection. Lack of
4 Foundation. Calls for speculation.

5 THE WITNESS: I think answering that
6 would require a consistent reassessment, because
7 if you remember the challenges that the
8 department faces and the mission of the
9 department, it requires us to look externally at
10 what those threats are and how we need to be
11 postured and composed in order to accomplish
12 that mission, so it would depend.

13 BY MR. MCCARTHY:

14 Q. The DoD -- is the DoD taking efforts to
15 become a diverse and inclusive military?

16 MR. ROBINSON: Objection. Lack of
17 foundation.

18 THE WITNESS: The DoD has held the
19 position for some time that a diverse and
20 inclusive military is important. D&I board from
21 2020 shows that process most recently.
22

1 BY MR. MCCARTHY:

2 Q. When you say "shows that process," what
3 do you mean?

4 A. The DoD D&I board in 2020 identified a
5 set of recommendations to increase racial and ethnic
6 diversity in the department.

7 Q. Is the department pursuing those or any
8 other efforts to increase minority diversity?

9 MR. ROBINSON: And, again, on this one,
10 I'd just caution the witness not to reveal
11 internal deliberations.

12 THE WITNESS: In a broad sense, yes, in
13 compliance with the executive orders and the
14 department's guidance.

15 BY MR. MCCARTHY:

16 Q. So tell me what you mean by "in a broad
17 sense, yes."

18 A. Following my attorney's advice, there
19 are some efforts that are internal, deliberative.
20 There are some that are public.

21 Q. So tell me about the public ones.

22 A. The DoD D&I board is one. Our actions

1 to -- in response to the executive orders, 13985 --

2 (Reporter clarification)

3 THE WITNESS: 13985. Executive Order
4 14020, Executive Order 14091, were the ones we
5 directly interacted with. There are other
6 executive orders that the department is
7 responsible to.

8 BY MR. MCCARTHY:

9 Q. In your time as senior advisor to the
10 Office of the Undersecretary for Personnel and
11 Readiness, has DoD improved in terms of having a
12 diverse and inclusive military?

13 A. My work has focused less on the specific
14 percentages and more on the research and how we apply
15 it to build the best teams. With that in mind, yes,
16 we have improved.

17 Q. How have you measured them?

18 A. The kind of work that my team has
19 focused on has been more broadly on applications of
20 the research in the department. Are we studying
21 teams? Are we understanding the kind of experiences
22 and skill sets we would need to accomplish the

1 mission? So it's not something that is measurable in
2 a database or dataset that I would present here.

3 Q. So if it's not measurable in a database
4 or dataset, how would you present the improved
5 diverse and inclusive military in the time that
6 you've been senior advisor to the Office of the
7 Undersecretary?

8 A. There are a couple of different ways to
9 get at it. One would be to pair observations about
10 applications of research, talent management changes,
11 use of people in different teams and environments,
12 and pair that with the databases and datasets that we
13 do have from survey data, demographic markers, things
14 like that. It gives them a more holistic picture.

15 Q. So if you had to sum up your
16 explanation -- are you familiar with the concept of,
17 like, an elevator pitch? You have 30 seconds to
18 explain your point to somebody very quickly. Are you
19 familiar with that concept?

20 A. Yes.

21 Q. What would be your elevator pitch to
22 explain how it is that DoD has improved in diversity

1 and inclusion during your time as senior advisor to
2 the Office of the Undersecretary?

3 MR. ROBINSON: Objection to the extent
4 counsel is setting a time limit on the answer.
5 You can answer.

6 THE WITNESS: One, I'd want to think
7 about that for a few minutes. But, two, there's
8 also -- it depends on the audience. If I'm
9 presenting it to my own leadership, they're
10 deliberative, predecisional items that I would
11 include reference to. So if I'm presenting
12 externally, I'd want a few minutes to think
13 about that.

14 BY MR. MCCARTHY:

15 Q. Have you ever presented externally on
16 this issue before?

17 A. No.

18 Q. You've never spoken to anyone about
19 improved diversity and inclusion at the military
20 since you've been there?

21 MR. ROBINSON: Objection.

22 Mischaracterizes. I think she said she hadn't

1 spoken externally.

2 THE WITNESS: I have not spoken
3 externally in that specific context.

4 BY MR. MCCARTHY:

5 Q. Externally, no one has ever asked you
6 about improvement in diversity and inclusion since
7 you've been in this position since 2021?

8 A. In a formal environment? Can you
9 specify that a little more?

10 Q. Any environment. Any external
11 environment. Am I the first person who has ever
12 asked you outside of your leadership --

13 A. To give a 30-second elevator pitch?

14 Q. Just asked you at all. Has anybody ever
15 asked you outside of the department itself? Has
16 anyone ever asked you before today?

17 A. Of course.

18 Q. And what do you tell them?

19 A. Yes, we're doing better. We have a ways
20 to go.

21 Q. And how could you describe how you're
22 doing better?

1 A. I usually don't because some of the
2 information would be privileged.

3 Q. So is this something you cannot explain
4 to someone outside of the department?

5 A. Can you rephrase and start over about
6 what you're trying to find out?

7 Q. I'm trying to understand. I would like
8 you to tell me how you know that DoD has improved in
9 terms of diversity and inclusion in the military
10 since you have been senior advisor to the Office of
11 the Undersecretary?

12 A. So my oversight, the areas that I have
13 oversight over are not the demographic markers, but I
14 would like to compare that to the demographic
15 markers. I would say, from my perspective, with my
16 team's work, we have improved in how we've used
17 research to better understand the different
18 characteristics and strengths that people can bring
19 to accomplish our mission and to understand how to
20 map those people to our key mission sets and
21 challenges. That's only part of the equation. The
22 other piece of it would be the demographic change.

1 Q. What have you done to better understand
2 the different characteristics and strengths that you
3 mentioned?

4 A. I'm going to not include privileged
5 information that is predecisional.

6 (Reporter clarification.)

7 THE WITNESS: Some of what we've done is
8 privileged. It's not something I can talk about
9 in this room. Other things I can mention.

10 We've conducted a DoD-wide grass roots talent
11 management innovation challenge over the years,
12 pulling in new ideas and solutions to talent
13 management challenges from people who might not
14 normally have had a voice at DoD.

15 We led the development of the 13985
16 Equity Action Plan in 2021 and 2022.
17 Implementation of that Equity Action Plan led
18 the development of the National Gender Strategy
19 Action Plan under Executive Order 14020 for DoD.
20 Led the -- develop -- establishment of and
21 development of the Equity Action Plan under
22 Executive Order 14091.

1 There are other things as well, but I'd
2 want to think carefully about what I can share
3 because some of it would be predecisional.

4 BY MR. MCCARTHY:

5 Q. So you mentioned several actions that
6 the DoD has taken, correct?

7 A. That my team was responsible for.

8 Q. Understood. So you mentioned several
9 actions that your team has been responsible for that
10 DoD's undertaken, correct?

11 A. That is correct.

12 Q. How do you know these have been
13 successful?

14 A. Needles move slowly when you're talking
15 about changing an organization this big, but the
16 feedback we've gotten and the connections that have
17 been able to be made across the department and how
18 these different groups and organizations are working
19 together now in ways that they were not previously
20 shows that they are driving change.

21 Q. So is feedback from others within the
22 department how you measure success?

1 MR. ROBINSON: Objection.

2 Mischaracterizes the witness' testimony.

3 MR. MCCARTHY: I'm asking a question.

4 I'm just asking. I'm not characterizing any
5 testimony.

6 THE WITNESS: It's one part of it.

7 BY MR. MCCARTHY:

8 Q. How else would you measure success?

9 A. Participation, engagement, changes in
10 language and how we communicate, new ideas to try to
11 pull in, new viewpoints and perspectives to help
12 solve our biggest challenges.

13 Q. So you mentioned participation is one
14 way you would measure success.

15 How does participation bear on success?

16 A. If people are engaged and interested,
17 and you're generally doing something good, and if you
18 get feedback from them that the changes you're
19 pushing or working on are positive, then it's kind of
20 like a snowball effect over time and you know you're
21 going down the right path.

22 Q. Now, you mentioned that there is also a

1 demographic component to this that involves numbers,
2 but that's not really what you're responsible for,
3 correct?

4 A. That's correct. I'm broadly familiar
5 with the effort and I know where to access the
6 numbers, but my team does not lead that work.

7 Q. How do the numbers come into play in
8 determining success?

9 MR. ROBINSON: Objection. Vague. Lack
10 of foundation.

11 THE WITNESS: There are a number of
12 ways. One way could be looking at the numbers,
13 seeing what our force looks like, how it's
14 composed. Looking at retention rates, looking
15 at harmful behaviors. Harmful behaviors are a
16 clear sign that we're not doing things as well
17 as we could be.

18 BY MR. MACCARTHY:

19 Q. So you've mentioned a variety of things.
20 I want to ask some questions about this.

21 So you can measure -- there's many ways
22 you can measure success, among them feedback,

1 correct?

2 A. That's one way.

3 Q. Participation, correct?

4 A. Yes, that's another.

5 Q. Engagement, correct?

6 A. Yes.

7 Q. Good or harmful behavior, correct?

8 A. That's another.

9 Q. The actual demographic numbers, correct?

10 A. Who we're bringing in, who we have
11 access to, and are they staying.

12 Q. Okay. So if looking at these various
13 ways of measuring, you're doing well in terms of
14 feedback, participation, engagement, positive
15 behaviors, but minority representation is going down,
16 is that success or not, or you can't tell?

17 MR. ROBINSON: Objection. Vague.
18 Success as to whom, and also an incomplete
19 hypothetical.

20 MR. MCCARTHY: Success as to the DoD.

21 THE WITNESS: I'd want to understand why
22 representation is going down before I gave a

1 finite answer on whether that's good or bad.

2 BY MR. MCCARTHY:

3 Q. Okay. So it might be good, it might be
4 bad. Right now, you're saying, "I can't tell without
5 further information"?

6 A. Generally, according to the research and
7 knowing what we've talked about with the importance
8 of diversity, if I'm losing diversity, I'd want to
9 understand why because that would concern me.

10 Q. But before understanding why, you can't
11 tell whether it's good or bad overall?

12 A. I would say it's generally not a good
13 thing to lose people who don't look like you or who
14 add characteristics that may not be well-represented
15 within the team. If I'm losing those people, then
16 I'd want to understand why for sure.

17 Q. So let's turn this around the other way.
18 If you're getting bad feedback, you have low
19 participation, low engagement, you're seeing some
20 harmful behavior, but, demographically, minority
21 representation is going up, is that success in the
22 DoD in terms of diversity and inclusion?

1 MR. ROBINSON: Objection. Incomplete
2 hypothetical.

3 THE WITNESS: I'd want to understand
4 what's going on with that scenario on a
5 particular as well, because if I'm getting all
6 of those warning signs and people are staying
7 with any background, there's a lot to fix.

8 BY MR. MCCARTHY:

9 Q. So you'd need to know the reasons why
10 this was all happening before you can tell whether
11 this is good or bad?

12 A. With regards to the second set of
13 questions or the first?

14 Q. The second.

15 A. So if all of these qualitative markers
16 are flashing red but I have good representation, I'd
17 want to understand why. It would be a concern. As a
18 leader, I want to make sure I am taking the right
19 steps. But if everything looks good to me and I'm
20 still losing people, I would consider that a problem
21 that I'd want to learn more about and address.

22 Q. Okay. Let me just take them apart and

1 make sure I understand. I'll try to use your words.

2 So you used the word "qualitative,"
3 which I take to mean the stuff that's not numerical.

4 A. Correct.

5 Q. Okay. So qualitatatives are all going up,
6 demographic minority representation among officer
7 corps is going down, you would like to know more
8 about what's causing that to happen before
9 determining whether that's a -- that's successful or
10 unsuccessful in terms of diversity and inclusion at
11 the military?

12 MR. ROBINSON: Objection. Asked and
13 answered.

14 THE WITNESS: Qualify a little bit as
15 well. I have answered it. I'd say I would want
16 to know more, but I would also --

17 (Reporter clarification.)

18 THE WITNESS: I would want to know more.
19 I would want to understand more about what's
20 going on, why they're leaving, but I would also
21 see that as a negative. Because if I'm losing
22 people, particularly people from

1 underrepresented communities, then there may be
2 something I'm not tracking on the qualitative
3 side or in my -- in my data, whether it's
4 qualitative or quantitative, that I'm not aware
5 of that could impact our ability to function as
6 a team and accomplish the mission.

7 BY MR. MCCARTHY:

8 Q. So it seems like it's problematic, but
9 you're not sure without further information; is that
10 fair?

11 A. I would assume it's problematic and
12 immediately look into it and to determine more about
13 why people are leaving. If we're losing people from
14 underrepresented groups at greater rates or losing
15 them and not losing others, then there may be
16 something that you're not tracking among the markers
17 you're already looking at.

18 Q. Okay. So back to the other one. All
19 the qualitative measures that you have undertaken are
20 going down, minority representation in the officer
21 corps is going up, is this successful in terms of the
22 diversity and inclusion at the military,

1 unsuccessful, or you need more information?

2 MR. ROBINSON: Objection. Incomplete
3 hypothetical. Asked and answered.

4 THE WITNESS: We can't constantly, as
5 individuals, be aware of every factor or
6 variable that may impact the people on our team
7 or impact our ability to lead a team to
8 accomplish a mission.

9 If everything that I'm tracking is
10 telling me that we're doing something wrong on
11 the qualitative side, yet I have people staying,
12 I would want to know more about why they're
13 staying and what they're seeing, because perhaps
14 I'm tracking the wrong things, or perhaps, you
15 know, I'm doing things right and not quantifying
16 it properly. I'd want to know more.

17 BY MR. MCCARTHY:

18 Q. So you'd want to know more before you
19 decide if this is successful or not successful?

20 A. Yes, I would.

21 Q. Has DoD ever done a wide-range study
22 that examines whether diverse teams resolve complex

1 problem sets better than non-diverse teams?

2 A. DoD itself or sponsored through one of
3 the research organizations?

4 Q. Let's say DoD itself.

5 A. To my knowledge, not a large
6 quantitative analysis.

7 Q. Has it ever done a small quantitative
8 analysis?

9 A. To my knowledge, no.

10 Q. Now, how about, had they ever done this
11 through a research organization?

12 A. It would really depend on how you scope
13 that study. There have been FFRDC, Federally Funded
14 Research and Development Center, studies on the
15 questions of diversity and inclusion in the military.
16 It would depend on what aspect of that you're talking
17 about.

18 MR. MCCARTHY: Why don't we take a
19 break?

20 (Brief recess.)

21 MR. MCCARTHY: Back on the record.

22

1 BY MR. MCCARTHY:

2 Q. So, Dr. Haynie, earlier, you mentioned
3 that DoD has not done any wide-ranging studies that
4 examine whether diverse teams solve complex problem
5 sets better than non-diverse ones. Now, I want to
6 ask you a separate sort of related question.

7 Has DoD ever commissioned any
8 wide-ranging study that examines whether diverse
9 teams in the military context solve complex problem
10 sets better than non-diverse ones?

11 A. To my knowledge, no.

12 Q. Do you know whether the Naval Academy
13 considers race in making admissions decisions to the
14 Academy?

15 A. I do not know details about the Naval
16 Academy's admissions processes.

17 Q. Do you know whether the Naval Academy --
18 well, strike that.

19 I take it, then, you don't know whether
20 the Naval Academy considers race in making admission
21 decisions to NAPS and other Academy prep programs?

22 A. No, I don't.

1 Q. Do you know the current racial
2 demographics of the student body at the Academy?

3 A. No, I don't.

4 Q. You mentioned earlier that you had read,
5 at least to some extent, the expert reports of Dakota
6 Wood and Christopher Walker, correct?

7 A. That is correct. I would call them more
8 skimmed, just to be clear.

9 Q. Fair enough.

10 A. It was, like, 11:00 p.m.

11 Q. And I understand it was just a few days
12 ago.

13 Based on your skim of those two reports,
14 did you disagree with any of their conclusions?

15 A. I'd want to see the reports again to
16 remind myself exactly of what their points were.

17 Q. Okay. Do you know whether the U.S. Navy
18 considers race in making promotion decisions?

19 A. I don't have oversight of the promotion
20 policies and processes of the Navy.

21 Q. Do you know whether the Navy considers
22 race and ethnicity in making unit assignments?

1 A. I don't have -- structure oversight of
2 the Navy, so I don't know.

3 MR. MCCARTHY: Let's mark this as
4 Exhibit 4.

5 [Exhibit 4, document including tasker,
6 was marked for identification.]

7 BY MR. MCCARTHY:

8 Q. Dr. Haynie, you've been handed what's
9 marked as Exhibit 4. It's a few pages long. Please
10 feel free to take a little bit of time to flip
11 through it, familiarize yourself with it, and I'll
12 ask you a few questions about it.

13 Do you recognize this document,
14 Dr. Haynie?

15 A. Not the first part of it, but the tasker
16 itself, I recognize.

17 Q. What do you recognize about the tasker?

18 A. The tasker is a task that my office was
19 directed to put out across DoD.

20 Q. And can you explain what that task was?

21 A. I'm trying to remember the different
22 data points we asked for. This was two-plus years

1 ago, but we were directed to ask for specific
2 categories of demographic data across different
3 ranks, if I remember correctly, but I'd want to see
4 the full tasker to remember. This was part of the
5 reorganization of what was called the defense equity
6 team that I mentioned earlier.

7 Q. And so, you were directed to ask for
8 specific categories? Who directed you to ask for
9 specific categories of demographic data?

10 A. Can I confer with you about privileged
11 information for a second?

12 MR. ROBINSON: Yes. Can we just take a
13 30-second break?

14 (Off the record.)

15 THE WITNESS: There's a counsel in DoD
16 called the deputy's workforce counsel that is
17 headed by senior leaders and that counsel
18 directed the department to collect this data
19 through the venue of the expansion of the team.

20 BY MR. MCCARTHY:

21 Q. And what was the purpose of this data
22 request?

1 A. The intended purpose at the time was to
2 pull in the data and identify where -- and forgive
3 me, I don't remember exactly which ranks and the full
4 accounting of the data that we were requesting, but
5 to build a dataset to inform senior leaders of the
6 status of those categories of data.

7 This was part of a broader task which
8 you can see on the -- I don't see page numbers, but
9 it's the front of the back page, the last page.

10 Q. Mm-hmm.

11 A. It was modified charter data called
12 "Template New for Structure." All of those were part
13 of it, and this was the full tasker, it looks like,
14 minus the attachments.

15 Q. And this was in March of 2022?

16 A. That is correct.

17 Q. How often was your office directed to
18 make data requests like this?

19 A. This kind of broad DoD-wide request?
20 This was the only time.

21 Q. Were you ever directed to make narrower
22 data requests?

1 A. In accordance with the Equity Action
2 Plan requirements, but it was different kinds of
3 data.

4 Q. When you say "different kinds of data,"
5 what kind of data do you mean?

6 A. The Equity Action Plan, per Executive
7 Orders 13985, 14020, 14091, required that we pull in
8 information from those parts of the department that
9 were doing work in key strategy areas that would fall
10 under the strategy. And so, for those components and
11 pieces of the department, we had to reach out
12 directly to collect information.

13 Q. Okay. And were those requests related
14 to diversity and inclusion at all, or no?

15 A. They fall broadly under the Equity
16 Action Plans. So when you say "diversity and
17 inclusion," that doesn't include equity, but
18 sometimes people say DEI as well, which is diversity,
19 equity, and inclusion, so there's some overlap, I
20 think, in that instance.

21 Q. Okay. Were those more on the equity
22 side than the diversity and inclusion side?

1 A. That's correct.

2 Q. Did the results of this data request in
3 Exhibit 4 here, were they used to complete any sort
4 of study?

5 A. No.

6 Q. No report?

7 A. We built a database for senior leaders
8 as directed and then shifted on to other activities.

9 Q. Understood. Were you ever directed to
10 make any data requests of the Naval Academy?

11 A. No. This data request was DoD-wide. I
12 actually was surprised to see it at the Naval
13 Academy. I don't know how the Navy tracks its
14 different organizations.

15 Q. Would you ever have occasion to, like,
16 on your own make a data request of the Naval Academy?

17 A. No.

18 Q. Can you describe the responsibilities of
19 the Office of the Undersecretary of Defense for
20 Personnel and Readiness?

21 A. I'll use layperson's terms without
22 having, you know, the orders in front of me.

1 Q. Sure.

2 A. It's broken down into the components of
3 personnel and readiness, so it handles issues
4 regarding readiness for the military services and for
5 the department as a whole, which include forced
6 readiness, education and training, health.

7 There's also the personnel standpoint.
8 So personnel policy, forced resiliency, harmful
9 behaviors, health affairs, things like that.

10 Q. So does that office make DoD personnel
11 policy?

12 A. Yes, it does.

13 Q. Is it the final decision-making
14 authority for personnel policy?

15 A. So documents across DoD policies have to
16 be coordinated across the services, which means that
17 for a document like any kind of policy, it would need
18 to be coordinated among the organizations that would
19 be directly impacted by it, and then that
20 coordination process, ideally, would result in a
21 product that the organizations all agree to and that
22 is eventually signed.

1 Q. So I want to make sure I'm understanding
2 you correctly. The Office of the Undersecretary of
3 Defense for Personnel and Readiness doesn't dictate
4 personnel policies for the entire DoD on its own?

5 A. Generally, if the Office of the
6 Undersecretary of Defense for Personnel and Readiness
7 needs to put a policy in play, that policy needs to
8 be coordinated and gain concurrence from the --
9 coming into organizations that would be impacted.
10 It's not a dictatorship.

11 Q. Understood. So they work with the other
12 components before setting a policy and get their
13 approval on it?

14 A. That is generally the path. If there
15 are exceptions, I can't think off the top of my head,
16 but it's DoD, so there may be.

17 Q. Do you know whether there has been any
18 exceptions since you've been at the Office of the
19 Undersecretary?

20 A. To policy being implemented without
21 concurrence?

22 Q. Yes.

1 A. To OSD P&R or OUSD P&R driven policy, I
2 cannot think of any. It doesn't mean there weren't.

3 Q. I want to go back to a question that I
4 asked near the start of this session, so I'll bring
5 us back to that.

6 You testified that the DoD has not
7 commissioned any wide-ranging study that examines
8 whether diverse teams in the military context solve
9 complex problem sets better than non-diverse ones,
10 correct?

11 A. I guess I can say I'm not aware of any.

12 Q. Fair enough. You're not aware of any.
13 Do you think there's a need for such
14 studies?

15 A. Yes, I do.

16 Q. Has the DoD commissioned any such
17 studies while you've been at the Office of the
18 Undersecretary? I guess -- I'm sorry. You already
19 said you're not aware.

20 A. Well, no, there is a study underway
21 right now by the FFRDC, but I'm not engaged in
22 ethics. It's one that we recommended. It's

1 underway.

2 Q. What do you mean by "FFRDC"?

3 A. Federally Funded Research and
4 Development Centers, but it's not the large end.
5 It's just looking at the problem broadly, from my
6 recollection.

7 Q. Is that funded by DoD?

8 A. Yes.

9 Q. And it's examining whether diverse teams
10 in the military context solve complex problems better
11 than non-diverse ones?

12 A. So it's relevant to understanding how
13 diversity and inclusion work in teams in the national
14 security context, but I don't know if it's
15 specifically -- I'm separated from that process
16 because I worked at Rand previously. So I don't know
17 if it's specifically getting at diverse versus
18 non-diverse teams. The words you used, I don't --
19 I'm trying to be a little bit broader than that.

20 Q. When was this study that you're
21 referring to commissioned?

22 A. I believe it started this spring. I

1 don't have the exact month. Again, I'm separated
2 from the process, and it's not a large end. It's a
3 qualitative assessment.

4 Q. Okay. Do you know what office is
5 responsible and holds oversight for this project?

6 A. I believe that's within P&R, Office of
7 Forced Resiliency, one of the subordinate offices
8 within that.

9 Q. Okay. What office -- where does that
10 office report to?

11 A. I'm drawing a blank on the name for the
12 office. It's Office of Civil Rights and Equal
13 Opportunity. It is providing oversight within the
14 Office of Forced Resiliency, which is within
15 Personnel and Readiness.

16 Q. So that comes underneath the
17 Undersecretary's purview?

18 A. Yes.

19 Q. But not something you're working on?

20 A. No. I'm separated from that.

21 Q. Do you know what entity is conducting
22 this study?

1 A. Rand.

2 Q. Rand? And do you know when the results
3 are expected of that study?

4 A. I would be guessing.

5 Q. Don't know?

6 A. I don't know. Actually, I should amend
7 my words just on the nature of it. I don't think
8 it's quantitative. I think just the brief info I
9 have, it's qualitative, but I'm not up-to-date on the
10 current version of that.

11 Q. Thank you for the clarification.

12 MR. MCCARTHY: I think instead of
13 embarking on a new sort of flight of stuff, it's
14 probably a decent time to take a break for
15 lunch, probably for 30 or 35 minutes or so. Is
16 that okay with you all?

17 MR. ROBINSON: Yes.

18 (Brief recess.)

19 MR. MCCARTHY: Back on the record.

20 BY MR. MCCARTHY:

21 Q. Dr. Haynie, I'd like to go back to
22 Exhibit Number 3, which we talked about earlier, your

1 report?

2 A. Okay.

3 Q. And I'd like you to turn to
4 paragraph 23, which we talked about a bit earlier?

5 A. And what page number was that?

6 Q. 16.

7 A. Okay.

8 Q. So we talked a little bit earlier about
9 underrepresented of minorities within the officer
10 corps and the military's senior leadership.

11 Which minority groups are
12 underrepresented in the officer corps and senior
13 leadership?

14 A. So I can't speak off the top of my head,
15 but I'd really like to really refer to data to answer
16 that more holistically.

17 Q. Okay. So what data do you need to do
18 that? Qualitative? Quantitative?

19 A. Quantitative.

20 Q. Quantitative data?

21 A. Yes.

22 MR. MCCARTHY: Can we mark this as

1 Exhibit 5?

2 [Exhibit 5, 2022 demographics profile of
3 the military community, was marked for
4 identification.]

5 BY MR. MCCARTHY:

6 Q. The court reporter has marked Exhibit
7 Number 5. And don't worry. We're not going to go
8 through this whole thing.

9 A. It's thick.

10 Q. This is 2022 demographics profile of the
11 military community published by DoD, correct?

12 A. Yes.

13 Q. Are you familiar with this document?

14 A. Yes.

15 Q. Could you turn to 27? I'm sorry, 28.

16 A. Okay.

17 Q. Dr. Haynie, the table on page 28 says,
18 "Number and percentage of active duty members by race
19 and pay grade," correct?

20 A. That's correct.

21 Q. Okay. So do these figures help you
22 identify which minority groups are underrepresented

1 in the officer corps?

2 A. That's part of the picture.

3 Q. What does this picture tell you?

4 A. Well, when you say "underrepresented," I
5 would also want to consider both the officer corps
6 compared to the whole department, compared to lower
7 ranks, compared to the qualified military available
8 population, compared to the United States.

9 Q. Okay. So rather than make this an
10 exercise and tons of statistics, these are the --
11 basically the same external reference points you
12 mentioned earlier, correct?

13 A. These are some.

14 Q. Okay. So in order to determine whether
15 a minority group or minorities generally are
16 underrepresented in the officer ranks, what would you
17 look at among those external reference points?

18 A. The population groups that I mentioned
19 as well. So looking at the Department of Defense as
20 a whole. I mean, you can look at a combination of
21 factors. Junior enlisted qualified military
22 available population, the U.S. population. I would

1 also consider it relevant to look at who's getting
2 out, who's being retained and who's not.

3 Q. Retention rates?

4 A. Retention rates, yes. And problematic
5 behaviors. So I think all of that gives you a little
6 bit more of a holistic picture of DoD. But I also
7 look at occupational specialties and different
8 categories.

9 Q. And what do you mean by that?

10 A. Within the military services. People
11 are assigned to different occupational specialties,
12 pilot being the best. I'm joking. Aviation, you
13 know, aviation maintenance, combat, logistics,
14 support, administrative, et cetera.

15 Q. Okay. I appreciate there's different
16 occupational specialties. What would you be looking
17 at there for?

18 A. If you're looking for representation,
19 I'd be looking at the percentage of different
20 demographic group representation levels in those
21 different occupations.

22 Q. I see. And would you be looking at

1 officer corps versus enlisted within those
2 occupations?

3 A. I think it would be helpful to look at
4 that, yes.

5 Q. Okay. So keeping in mind that you would
6 look at all these different reference points, is
7 there a certain number of those reference points that
8 would mean, okay, if the officer corps is below the
9 reference point, then we're underrepresented?

10 Or does the officer corps have to beat
11 all of those reference points to be considered fully
12 representational in your mind?

13 MR. ROBINSON: Objection. Compound.

14 You can answer.

15 THE WITNESS: I hear a couple of
16 questions in that. Can you state it again?

17 BY MR. MCCARTHY:

18 Q. Sure. So let me preface it with this.
19 Using all those benchmarks, how would you determine
20 whether the level of minority representation in the
21 officer ranks is underrepresented.

22 A. How would I determine if it's

1 underrepresented?

2 Q. Yes.

3 A. Not -- which is different, I think, than
4 what you were saying earlier, which is the level
5 that's enough or something like that.

6 Q. I'm trying to phrase it in a different
7 way so it makes more sense.

8 A. Okay. So how would I determine that a
9 certain demographic group is underrepresented? I
10 would look in comparison to all of those different
11 categories and try to get a good sight picture of
12 what we're seeing, particularly across occupational
13 specialties, but I would also look at retention
14 rates.

15 Retention rates, likely promotion rates
16 as well to get a better sense of the picture, because
17 what you're looking at here is a snapshot. There's
18 movement that you need to assess as well to consider
19 the health of the organization and the composition.

20 Q. Okay. So having concluded that
21 minorities continue to be underrepresented, how do
22 you get there based on what the level of

1 representation is at the officer corps versus all
2 those other benchmarks and retention rates and so on?

3 A. I'm not sure I understand the difference
4 between from what you just asked and what you're
5 asking me now.

6 Q. So you told me things that you look at.

7 A. Yes.

8 Q. You didn't tell me how you decide that
9 it's underrepresented still.

10 Does it have to like -- so, in other
11 words, is the officer -- is the representation that
12 the officer corps below these other benchmarks?

13 Is that what matters? Are retention
14 rates of a certain level or lower? Like, are there
15 thresholds that matter to you when you look at those?

16 Because if you're looking at all these
17 reference points, how do you then say, "Okay, I can
18 conclude it's underrepresented"?

19 MR. ROBINSON: Objection. Compound.

20 But you can answer.

21 THE WITNESS: So there are offices that
22 do this directly. Mine does not. What I do is

1 I look at the research and I look at the reports
2 from those offices to understand. So I'm giving
3 a lay term for it. There's probably a DoD
4 official term that I don't know about for this
5 or that I'm not as familiar with off the top of
6 my head.

7 But it's a holistic picture, so I look
8 at problematic behaviors, I look at who's
9 impacted by those problematic behaviors. I
10 would look at retention rates and promotion
11 rates. I would look at current snapshot
12 representation and make an assessment from
13 there.

14 There's no exact number that I would
15 throw out as we have to match one for one,
16 because this is -- again, we're talking people.
17 People move, add, leave, etcetera. It's more of
18 a holistic picture in my mind.

19 But I, again, want to reinforce that I'm
20 not the office at DoD that determines the
21 exact -- you know, that collects the data and
22 assesses the data. I review the reports and I

1 make my determination from that.

2 BY MR. MCCARTHY:

3 Q. And it is your determination that
4 minorities are underrepresented within the officer
5 corps and the military's senior leadership?

6 A. Yes, it is.

7 Q. If the minority representation at the
8 officer corps met or exceeded all those benchmarks
9 you just referenced, exceeded representation at the
10 DoD as a whole, exceeded representation at the
11 enlisting level, at the qualified -- at the --
12 sorry -- qualified military available U.S.
13 population, high retention rates, no problematic
14 behavior, exceeds levels in occupational specialties,
15 would you be able to say then that minorities were no
16 longer underrepresented at the officer corps?

17 A. It's a bit of a hypothetical. I think
18 it would -- you mentioned promotion and retention
19 rates, problematic behaviors, and who's impacted.

20 Did you mention that?

21 Q. Mm-hmm.

22 A. I lost track. I wasn't taking notes.

1 It would really depend on our need as well. I think
2 representation is a part of the importance of
3 diversity and inclusion. If we have -- if we are
4 meeting and exceeding our expectations across
5 categories for representation, that is, again, only
6 part of it.

7 So I would want to look at the
8 inclusiveness of the organization. Are we losing
9 people? Do we have behaviors impacting different
10 groups at different rates? I mean, it is a complex
11 picture.

12 Q. So is it fair then to say there's no
13 specific level of minority representation in the
14 officer corps that you could just say, "That's
15 enough. No longer underrepresented"?

16 MR. ROBINSON: Objection. Asked and
17 answered, but you can answer.

18 THE WITNESS: I'd add one more thing to
19 that. Again, the research supports diversity at
20 different times and inclusive teams to bring
21 that in. My -- my understanding of and
22 connection with the research has not identified

1 a specific number, but it does identify the need
2 for continual reassessment based on the
3 conditions within the organization and the
4 challenges and adversaries that we face.

5 And it, to me, is a very important point
6 to qualify because if we're looking for a, "Hey,
7 at this point, we've arrived," well, our
8 adversaries have votes, too, and that makes the
9 continuous assessment of who we have access to,
10 how they are included across occupational
11 specialties in different areas, very important.

12 BY MR. MCCARTHY:

13 Q. What do you mean by "our adversaries
14 have votes, too"?

15 A. We don't operate in a vacuum in the
16 world. China and Russia, for example, have
17 strategies and plans that may not be aligned with
18 ours for the world, for security around the world.
19 And so, we have to pay attention to what our
20 adversaries and the challenges we face, such as
21 climate change, such as political instability in
22 various places around the world, probably to a degree

1 in our nation at this point. We have to pay
2 attention to what's going on around the world to
3 determine what our organizations look like in the
4 U.S. military so that we can best build teams and
5 posture them for success.

6 So I am not comfortable in putting a
7 number to that because it is a constantly shifting
8 scenario. I can say the research supports ensuring
9 that you have as many diverse voices presented and
10 inclusive teams to leverage those as possible, but it
11 will be very specific to -- or context specific
12 depending on where we're deploying, what world events
13 are, et cetera.

14 Q. You've made reference now on several
15 occasions to research on diverse teams?

16 A. Yes.

17 Q. Is any of that research specific to the
18 military war-fighting context?

19 A. Yes.

20 Q. Which reports, which studies?

21 A. It's specific to a wide range of
22 military organizations, particularly Jason Lyall's

1 work, which you may be familiar with.

2 (Reporter clarification.)

3 THE WITNESS: Jason Lyall, L-Y-A-L-L.

4 BY MR. MCCARTHY:

5 Q. Oh, sure, sure.

6 A. There are studies on DoD-specific
7 organizations. Like, there's a study -- well, Rand,
8 CNA, for example, but Crystal Farh, et al., 2020
9 study on teams in the Marine Corps in the combat
10 environment.

11 Then there are a number of studies on
12 militaries around the world and on security
13 organizations that look at how teams operate,
14 function, inclusion of different perspectives,
15 different aspects of the problem set.

16 Q. And how many studies of these are of the
17 United States military?

18 A. I believe a number of the Rand studies,
19 without referencing them one-by-one and counting,
20 having looked at the U.S. military and diversity and
21 inclusion in various ways.

22 If you're looking at things that look at

1 battlefield performance or studies that look at
2 battlefield performance, I'd point your attention to
3 Jason Lyall's work into Crystal Farh's work, which
4 was much more at a tactical level, her team's work.
5 Those are the DoD or U.S. context-specific ones that
6 I'd point to. Although, Jason's was global.

7 Q. And --

8 (Reporter clarification.)

9 THE WITNESS: Jason Lyall. Dr. Lyall
10 was global.

11 (Reporter clarification.)

12 THE WITNESS: I said Jason -- I
13 should've referred to him as Dr. Jason Lyall.
14 His work was globally focused.

15 BY MR. MCCARTHY:

16 Q. And Dr. Jason Lyall's work, you've cited
17 in your report, correct?

18 A. That's correct.

19 Q. Let's turn to paragraph 20 in your
20 report. This is still Exhibit 3. Towards the bottom
21 of paragraph 20, your testimony is, "As one example
22 of where diversity has proven benefits, a U.S. Army

1 captain, who was born in Haiti, deployed to Haiti in
2 2021 to assist in post-earthquake relief efforts.
3 His language proficiency and cultural awareness
4 facilitated coordination with Haitian partners."

5 First, did I read that correctly?

6 A. Yes.

7 Q. So it seems here, if I'm capturing this
8 right, you're telling the story where it was helpful
9 to have someone in this unit who is from Haiti and
10 ended up getting deployed to Haiti; is that correct?

11 A. That is correct.

12 Q. We talked about different kinds of
13 racial diversity. Let's pick another one. So let's
14 say a native Hawaiian.

15 Could a native Hawaiian have been
16 equally useful in that role?

17 A. I don't know that I would say equally,
18 but could a native Hawaiian have been useful in that
19 role? I'm sure one could have been.

20 Q. What about an Asian-American soldier --
21 or I guess I should say captain. Sorry.

22 MR. ROBINSON: As before, I'll just

1 object to these as an incomplete hypothetical,
2 but you're free to answer.

3 THE WITNESS: Potentially, if we're
4 talking about an individual person, yes.

5 However, if you read the commander's
6 quote, it was really the captain's ability to
7 speak the language and be from there. And so,
8 as a result, that was what was very useful to
9 them as a team.

10 BY MR. MCCARTHY:

11 Q. So it was the matching of experience and
12 language skills that made that work?

13 A. Cultural fluency, competency,
14 understanding of the local environment and how to
15 operate in it.

16 Q. I guess, similar question: Could a
17 Africa-American or white American Army captain have
18 fit the role just as well?

19 A. It's a hypothetical, but if they brought
20 similar skill sets, they potentially could have.

21 Q. I'd like to reference the report
22 submitted the other day by Lisa Truesdale.

1 Do you know Ms. Truesdale?

2 A. Not personally.

3 Q. Did you read her report?

4 A. No.

5 Q. I'll represent to you that she is the
6 deputy assistant Secretary of the Navy for Military
7 Manpower and Personnel within the Office of the
8 Assistant Secretary of the Navy.

9 Do you have any reason to contradict
10 that or disagree with that?

11 A. I don't know her personally, so I would
12 have to take that on good faith.

13 Q. Okay. So I'll represent to you that
14 it's in the first paragraph of her report.
15 Paragraph 8 of her report states that Ms. Truesdale
16 will testify, quote, "that the Navy and Marine Corps
17 are generally prohibited from considering race and
18 ethnicity after the initial accession stage."

19 Do you have any reason to dispute or
20 contradict that testimony?

21 A. Can you read it again?

22 Q. Sure.

1 MR. MCCARTHY: Can you read that back?

2 (Whereupon, the referred to question was
3 read back by the Reporter.)

4 BY MR. MCCARTHY:

5 Q. Do you have any reason to dispute or
6 contradict that testimony?

7 A. No.

8 Q. Going back to the U.S. Navy officer
9 corps, I know you're a graduate of the Naval Academy.

10 Do you happen to know about how much of
11 the Navy officer corps is composed of U.S. Naval
12 Academy graduates?

13 A. I do not. Hopefully all of it. That's
14 a joke. Sorry.

15 Q. That's okay. You're allowed to make
16 jokes.

17 MR. MCCARTHY: All right. Why don't we
18 take a short break?

19 MR. ROBINSON: Sure.

20 (Brief recess.)

21 MR. MCCARTHY: Back on the record.

22

1 BY MR. MCCARTHY:

2 Q. Okay. Dr. Haynie, you referenced some
3 work done by Crystal Farh a little bit ago.

4 Are you referring to the study that you
5 cite at paragraph 16 in your report? This would be
6 at the bottom of page 6 just for reference.

7 A. Yes.

8 Q. Okay. And I know you've made reference
9 to the work of Dr. Jason Lyall before. And are you
10 -- I'm not sure if I asked this before. If I did,
11 forgive me, but I want to make sure you're talking
12 about the studies by Dr. Lyall that are referenced in
13 your report?

14 A. That's correct.

15 Q. Okay. You mentioned earlier that people
16 from different backgrounds, groups, and cultures may
17 experience security and conflict differently,
18 correct?

19 A. That is correct.

20 Q. Could you give me an example of how some
21 different racial or ethnic groups might experience
22 security and conflict differently?

1 A. Yes. I think, in fact, there's a -- I'm
2 going to mess up the title, but in the United
3 Nations, there's a special repertoire on minority
4 rights because of this.

5 If you look at different countries and
6 communities around the world, you will see that
7 people can get treated differently both by
8 surrounding communities, other groups, other racial
9 ethnics groups, and sometimes by the states
10 themselves.

11 All of that can ensure that a group
12 either has access to resources and power and
13 opportunities or has less than open access to that.
14 And that access and the rights they're afforded or
15 have access to can impact how they experience
16 violence and security in different ways.

17 You know, I can point to an example in
18 World War II, you know, being a Jewish person or Roma
19 or Catholic, all of those contributed to people from
20 those backgrounds having different experiences of
21 World War II, by and large, than people who are not
22 from those groups.

1 Q. How about within the -- I don't want to
2 say this wrong again, but the available qualified
3 population that we discussed earlier?

4 A. The term I've been using is qualified
5 military available, but I would prefer if we need a
6 strict definition, we look at the JAMRS report to
7 make sure we're citing it appropriately.

8 Q. Well, I just want you to -- I want to --
9 (Reporter clarification.)

10 THE WITNESS: JAMRS, Joint Advertising
11 and Marketing Research Service.

12 BY MR. MCCARTHY:

13 Q. So what do you understand that term to
14 mean?

15 A. Qualified military available?

16 Q. Yes.

17 A. My understanding of it, without
18 referring directly to the words in the report, is the
19 population of the United States that is qualified for
20 service and available to serve. And there are
21 factors that go within that that I can't speak to
22 without having the report in front of me.

1 Q. Okay. I understand. So you gave me a
2 historical example of how different ethnic
3 populations might experience security and conflict,
4 and you referenced -- I think it was a UN group
5 that's designed --

6 A. Special repertoire for the United
7 Nations, yes.

8 Q. Special repertoire for the United
9 Nations that's designed to look specifically at this
10 around the world, correct?

11 A. They're looking -- again, lay person,
12 I'd like to refer to the website to be exact. But in
13 my own words without referencing it, to ensure that
14 minority rights are considered and included when we
15 think about security and war because of how conflict
16 can be linked to the treatment of minority groups and
17 the different, you know, experiences they can have in
18 security and war.

19 Q. Okay. So I'm looking for an example
20 within the qualified military available population of
21 how different racial or ethnic groups might
22 experience security and conflict differently?

1 A. We'll start with an example of -- you
2 asked for racial and ethnic. I'm going to expand
3 that a little bit and start with gender because it's,
4 you know, my own experience, and that is an example
5 of state-led or, like, national-led policy.

6 The Combat Exclusion Policy kept women
7 from participating in certain types of occupations in
8 units in the military until very recently. That can
9 impact who is potentially interested in serving,
10 who's available to serve, because we limit who we can
11 pull in and in what capacity when we restrict from
12 certain areas.

13 Don't Ask, Don't Tell is another one
14 when it was in play that limited people from
15 different sexual backgrounds, different sexualities
16 from serving openly in their capacities.

17 Race and ethnicity, I would point to --
18 obviously, in this country, we had a history of
19 segregation, of laws that turned, in some ways, into
20 norms and, you know, societal expectations about
21 different racial and ethnic groups that are -- can
22 be, I should say, embedded in our society in

1 different ways over time. And that can limit
2 opportunities people have, what they see as -- you
3 know, as they see the military as an opportunity for
4 them to serve. It can shape the power and resources
5 they have access to to get an education, to access
6 food, to have food security, things like that.

7 Q. The U.S. military was officially
8 desegregated 70 years ago, correct?

9 A. 75, I believe.

10 Q. 75?

11 A. It might be 76 now.

12 Q. Let's say at least 70 years ago then.
13 How's that?

14 A. That works.

15 Q. As we looked at some of those charts
16 earlier, I'm sure you're familiar with. DoD groups,
17 different racial and ethnic -- different races and
18 ethnicities within sort of broader groups; is it fair
19 to say?

20 A. Explain that a little bit more?

21 Q. So the term "Asian" covers a lot of
22 different nationalities, correct?

1 A. I'd want to talk to the policy owners on
2 that and the database owners. I'm not -- I don't
3 feel comfortable speaking off the top of my head on
4 that one.

5 Q. Okay. Do you know that Asian includes
6 Korean, Vietnamese, Chinese, Japanese, Bangladeshi,
7 Pakistani, Filipino?

8 A. I would like to look at, again, the
9 database and how the data is collected to answer in
10 the affirmative or negative right here.

11 Q. If I represented to you that it did
12 include all those, would you have reason to dispute
13 that?

14 A. Not from my knowledge, no.

15 Q. Okay. Do you believe that those
16 different groups might have different experiences
17 and, in fact, experience security and conflict in
18 different ways than each other?

19 A. Potentially, they could.

20 Q. So a person of Korean descent might well
21 experience security and conflict in a different way
22 than a person of Bangladeshi descent?

1 A. It could, but if you think about the way
2 the research is set up, we talk about people with
3 different backgrounds compared to a majority party or
4 a majority power source in those areas. So they may
5 differ between each other, but they may differ
6 between each other less than they do when compared to
7 a majority power or a majority group in their areas.

8 Q. Okay. So let's say -- let's take an
9 example under the racial group African-American. A
10 descendant of American enslaved persons and a first
11 generation child of wealthy Nigerian immigrants, do
12 you think they might perceive security and conflict
13 in different ways?

14 A. It's a hypothetical. And this kind of
15 reminds me of the exchange we had earlier. You're
16 asking about specific people. I can speak to the
17 population and what the research says broadly about
18 experiences. It would be very context specific for a
19 specific individual for me to understand what their
20 experiences were.

21 Q. So they might have similar perceptions
22 of conflict and security, and they might not?

1 A. I don't have enough information to
2 determine that. Again, it's population based. So if
3 you want to build a diverse team, one person is not
4 going to be your bellwether, one way or the other.
5 You really want to build, organizationally, access to
6 the most diverse people you can and include them in
7 meaningful ways, knowing that, generally, people who
8 have different demographic characteristics can
9 experience certain things the same way or in ways
10 that are similar enough to give them perspectives
11 that might not be included if the group is more
12 homogeneous.

13 (Reporter clarification.)

14 THE WITNESS: More homogeneous.

15 BY MR. MCCARTHY:

16 Q. Let's say you had a unit -- if you had a
17 group of -- let's say you had a unit, an alternate
18 unit, that was all American descendants of enslaved
19 persons, would it make that group more diverse, less
20 diverse, or the same to add first generation
21 African-American children of wealthy Nigerian
22 immigrants?

1 MR. ROBINSON: Objection. Incomplete
2 hypothetical. You can answer.

3 THE WITNESS: I think we come back to
4 the answer I gave before, which is that you want
5 to seek diversity where you can get it and to
6 ensure you have access to the broadest range of
7 people.

8 If that's the only population out there
9 to pull from, then we make it as diverse as we
10 can within that. That's not the only population
11 available within the United States, so we'd want
12 to build a diverse team to ensure that we have a
13 wide range of perspectives and skill sets
14 represented. Without knowing the specifics
15 of -- I don't know how large the team is that
16 you're talking about.

17 A very large team, from the research, we
18 can assume that there will be different
19 characteristics that are present as a result of
20 those different experience sets and
21 demographics. If you're talking about a team of
22 two or three, I would want to know the people

1 and get to know them better and understand what
2 strengths they bring and what challenges they
3 face.

4 BY MR. MCCARTHY:

5 Q. Do you think that a person of Lebanese
6 descent and a member of the British royal family
7 would have different perceptions of security and
8 conflict?

9 MR. ROBINSON: I just have a standing
10 objection. It's hypothetical. I don't want to
11 interrupt every time. You can answer.

12 THE WITNESS: I mean, it's a very broad
13 set of people. Lebanese-American, you said?

14 BY MR. MCCARTHY:

15 Q. Yes, Lebanese-American and a --

16 A. And a member of the royal family?

17 Q. Let's say a white member of the British
18 royal family. Do you think they might have different
19 perceptions of security and conflict?

20 A. Potentially, but I wouldn't know without
21 knowing them specifically. But, again,
22 population-based, if we're looking to build the most

1 effective organizations, we'd want to try to drive
2 increased diversity and access to diverse
3 perspectives and skill sets in the most meaningful
4 ways possible.

5 MR. MCCARTHY: Let's mark this as
6 Exhibit 6.

7 [Exhibit 6, Bates 30980, was marked for
8 identification.]

9 BY MR. MCCARTHY:

10 Q. Dr. Haynie, you've been handed what's
11 been marked as Exhibit Number 6.

12 Are you familiar with this document?

13 A. Yes.

14 Q. Can you tell me what this document is?

15 A. Yes, it's a research report done by
16 Office of People Analytics at the DoD.

17 Q. And can you tell me the title of it?

18 A. "An expiration of the return on
19 investment for diversity and inclusion in the
20 military using cluster analysis to identify
21 force-wide climates, correlates, and implications
22 executive report."

1 Q. Thank you.

2 MR. MCCARTHY: It looks like probably in
3 the copies that you all have the Bates numbers
4 going, but it's Bates-numbered 30980 in case
5 that's helpful.

6 BY MR. MCCARTHY:

7 Q. Dr. Haynie, I'd like to turn a couple of
8 pages to the executive summary. It's on what you
9 might call romanette page number 3.

10 Do you see that page?

11 A. Yes.

12 Q. Can you read the first sentence of the
13 executive summary?

14 A. "The purpose of this executive report is
15 to summarize top line findings from a study conducted
16 by the Office of People Analytics, OPA, to identify
17 the return on investment, ROI, for promoting healthy
18 diversity and inclusion, D&I, climates in the
19 military."

20 Q. Okay. Down beneath that, there's a
21 series of bullets.

22 Can you read the second bullet point?

1 A. Yes. Would you like me to read it?

2 Q. Yes, please.

3 A. "Too much attention paid to D&I in the
4 military climate (TMA climate 18 percent) active duty
5 members who uniquely indicated they felt the military
6 pays too much attention to D&I issues, who also
7 largely denied experiencing negative behaviors that
8 could threaten D&I."

9 Q. So as I understand it, that says that
10 18 percent of responsive active duty members to the
11 survey indicated they felt the military pays too much
12 attention to D&I issues; is that correct?

13 A. That is my understanding.

14 Q. Okay. Is this of concern to the DoD?

15 A. That too much attention was paid? I
16 can't speak for the department as a whole on this. I
17 don't know where the department stands on it.

18 Q. How about at your office?

19 A. My office? My office does not have a
20 formal stance on this.

21 Q. Do you have your own opinion of whether
22 this should be a concern for DoD?

1 A. I have my own experience, which is that,
2 as an active duty member of the Marine Corps in
3 uniform and as a Reservist, especially as a woman in
4 the Marine Corps, I wanted to avoid all talk of
5 anything around diversity and inclusion because I
6 felt it made me a target.

7 So I can see people feeling different
8 ways about it, but this is not my study, so I can't
9 speak to the indicators that went into it in detail
10 without getting to that section.

11 Q. Okay. Can we turn to page 4?

12 A. I'm sorry. Which page?

13 Q. I'm sorry. Page 4. There's a section
14 here that says, "Research On Diversity and Inclusion
15 in the Military."

16 Do you see that?

17 A. Yes.

18 Q. If you go down towards the bottom of
19 this section, do you see the sentence that says,
20 "However"?

21 A. Yes.

22 Q. Could you read that sentence for me?

1 A. "However, limited systematic research
2 has been conducted within the military population to
3 demonstrate the length between D&I climate and key
4 readiness and retention outcomes that are important
5 to the military mission and DoD goal to create and
6 maintain a diverse military force to demonstrate the
7 ROI for D&I initiatives."

8 Q. Do you have any reason to dispute or
9 contradict that?

10 A. No.

11 Q. Can you turn to page 26? If you go to
12 the top, the paragraph at the top is a continued
13 paragraph from the previous page. There's a sentence
14 that says, "Thus, it is not possible."

15 Can you read that sentence for me?

16 A. "Thus, it is not possible with our data
17 to know whether the D&I climate experiences and
18 perceptions preceded over the result of the readiness
19 and retention outcomes examined on the same survey."

20 Q. Do you have any reason to dispute or
21 contradict that?

22 A. No.

1 Q. Okay. A little earlier, we talked about
2 whether and how racially diverse American military
3 units have a greater degree of cultural awareness and
4 are thus more effective in interacting with foreign
5 populations than non-diverse units.

6 Do you remember when we talked about
7 that?

8 A. I remember broadly the topics.

9 Q. I'd like to talk but with a slightly
10 different focus. I'd like to focus specifically on
11 how levels of racial diversity affect what you
12 mentioned a little bit ago. You said battlefield
13 performance at some point? Remember we talked about
14 that?

15 A. Battlefield performance, yes.

16 Q. So are racially diverse units more or
17 less effective at entering and clearing rooms than
18 non-diverse units?

19 A. That would really depend on a number of
20 factors.

21 Q. What about evacuating casualties? Would
22 racially diverse units be better at evacuating

1 casualties faster than non-diverse units?

2 A. I can't answer that based on that
3 information. It would depend on a number of factors.

4 Q. Are racially diverse units better at
5 reacting to indirect fire than non-diverse units?

6 A. Same answer.

7 Q. Are racially diverse units better at
8 coordinating close air support than less diverse
9 units?

10 A. It would be the same answer. We need
11 more information. It would depend on other factors,
12 potentially. We'd have to see.

13 Q. Okay. Would racially diverse units be
14 better at reacting to an ambush than less diverse
15 units?

16 A. It would depend on a number of factors.

17 Q. Would racially diverse units be better
18 at coordinating indirect fire on an enemy than less
19 diverse units?

20 A. It would depend on a number of factors.

21 Q. Would racially diverse units be better
22 at assaulting an objective than less diverse units?

1 A. It would depend on a number of factors.

2 Q. How about the same questions but gender
3 diverse?

4 A. It would depend on a number of factors.

5 Q. For all those questions?

6 A. There are a lot more of considerations.
7 Each one is context specific. Just as with so many
8 of the scenarios we go into, broadly speaking, the
9 research identifies the benefits of diverse teams
10 leveraged through inclusiveness.

11 Q. And is it --

12 A. I would add, specifically in the
13 war-fighting context in particular too.

14 Q. And this is -- the research is, like,
15 the Lyall studies and the Fahr study you mentioned
16 before?

17 A. Those are some of them, yes.

18 Q. Are there other ones that are cited in
19 your report?

20 A. Yes, I would say what was included in my
21 disclosure and declaration.

22 Q. Okay. Understood.

1 MR. MCCARTHY: Let's take a break now.

2 (Brief recess.)

3 MR. MCCARTHY: Back on the record.

4 BY MR. MCCARTHY:

5 Q. Okay. Dr. Haynie, I'd like to look
6 at -- I think it's Exhibit Number 3, your report.

7 A. Yes.

8 Q. Paragraph 9. I know you've made several
9 references to Dr. Jason Lyall's research that you
10 cited in your report here. On the part of
11 paragraph 9 that goes on to page 5, do you see that?

12 A. Yes.

13 Q. It's referring to Dr. Lyall's findings
14 and it says, "They inform DoD work on diversity and
15 inclusion today."

16 A. Yes.

17 Q. Could you tell me how Dr. Lyall's
18 conclusions informed DoD's work on diversity and
19 inclusion today?

20 A. I think some of those efforts would be
21 potentially protected, so I'd want to discuss them
22 with my attorney.

1 Are you asking about specific efforts,
2 or are you talking about broadly?

3 Q. Let's start broadly. To what extent did
4 Dr. Lyall's conclusions inform DoD's work on
5 diversity and inclusion today?

6 A. Broadly, they help us understand how
7 units perform in battle in various contexts and how
8 the people who make up those units and the leaders
9 that lead them can perform under varying
10 circumstances.

11 Q. So in the context of racial and ethnic
12 diversity within units?

13 A. In the context of racial and ethnic
14 diversity writ large, but also in the context of the
15 inclusion piece, because if you're familiar with
16 Dr. Lyall's research, you know that the inclusion
17 piece is a key part of it as well.

18 Q. Okay. But I just want to make sure I
19 understand. Both writ large and within units?

20 A. We can't use the word "unit" kind of
21 specifically in this instance. I would say broadly.
22 We want to understand as a department how racial and

1 ethnic diversity and other forms of diversity, what
2 those bring to our ability to accomplish the mission,
3 and then --

4 (Reporter clarification.)

5 THE WITNESS: To our -- what those bring
6 to enable us -- I'm trying to remember exactly
7 what I said -- to accomplish our mission and
8 then how to best leverage that diversity to
9 accomplish the mission.

10 So when you say "units," it could be,
11 you know, a number of different types of units
12 and levels, but I would say organizationally for
13 DoD, big DoD, it's important to know this.

14 BY MR. MCCARTHY:

15 Q. Okay. I'd like to ask you some
16 questions about the U.S. Army and the U.S. Military
17 Academy at West Point.

18 Have you ever worked in the admissions
19 office at West Point?

20 A. No.

21 Q. Have you ever served on any kind of
22 admissions board for West Point?

1 A. No.

2 Q. Have you ever reviewed any kind of
3 applications for admission to West Point?

4 A. No.

5 Q. Have you ever made any recommendations
6 to the Office of Admissions, the dean, the
7 superintendent at West Point about specific
8 admissions decisions?

9 A. No.

10 Q. Do you happen to know the racial
11 demographics of the incoming freshman class at
12 West Point?

13 A. No.

14 Q. Or of the entire brigade at West Point?
15 (Reporter clarification.)

16 BY MR. MCCARTHY:

17 Q. Or of the entire brigade at West Point?

18 A. By "brigade," you mean the entire
19 student body?

20 Q. Yes, sorry. The student body?

21 A. No.

22 Q. Do you know whether the U.S. Military

1 Academy at West Point considers race in making
2 admission decisions?

3 (Reporter clarification.)

4 BY MR. MCCARTHY:

5 Q. Considers race in making admissions
6 decisions?

7 A. I'm not familiar with their admissions
8 processes and decisions.

9 Q. Okay. At various times today, we've
10 discussed the four opinions that you offer in your
11 report, correct?

12 A. Yes.

13 Q. Are all four of those opinions equally
14 applicable to the U.S. Navy and the U.S. Army?

15 A. Let me think about that one for a
16 second. The opinions are applicable to the
17 Department of Defense as an institution and to the
18 military services. Those two academies feed into
19 different services which have different but can be
20 overlapping missions, so I don't know that I would
21 use the word "equal." I would say they are similarly
22 important and similarly important to those academies.

1 And I use that word "similarly" because the teams and
2 units are different, but they all fall under that
3 national security and war-fighting mission which
4 makes it important.

5 Q. Okay. And not to, you know, fight with
6 you about the question, but I wasn't asking about the
7 academies. I was asking about the U.S. Army and
8 U.S. Navy, so just step aside from the Academy for a
9 second. I want to make sure I understand your
10 answer.

11 A. Okay.

12 Q. So all four opinions that you express in
13 your report, are they similarly applicable to both
14 the U.S. Army and the U.S. Navy?

15 A. Yes. I would also include the Air Force
16 and the Marine Corps organizations with that security
17 mission. I think this is important for having
18 diverse teams, understanding the strengths and skill
19 sets, and leveraging them to accomplish the mission.

20 Q. Okay. A little earlier today, you
21 testified that your organization, Athena Leadership,
22 was racially diverse in your observation, correct?

1 A. I can't remember if I said that. We
2 were racially diverse or had broad, you know, access
3 to different people with different racial and ethnic
4 backgrounds, but we did have diversity, yes.

5 Q. Okay. And you mentioned it was just two
6 people within that board?

7 A. Yes.

8 Q. Okay. And that's everybody? You said
9 there was no staff, correct?

10 A. There's no staff.

11 Q. Okay. So between the two people, one of
12 which I presume is you, correct?

13 A. That's correct.

14 Q. Was, I should say, since it's on hold
15 right now?

16 A. Yes.

17 Q. So the two people, you and the other
18 person who ran the entity with you, and along with
19 your board, you would consider that group racially
20 diverse?

21 A. Relatively speaking. We were seeking to
22 do better.

1 Q. Okay. Do you know how many members of
2 that group were Hispanic-American?

3 A. I'm trying to remember. It changed over
4 time, so I believe at one point, we had -- we had
5 one, but the board was small, so I don't remember the
6 exact number at peak on the board.

7 Q. Okay. Do you remember how many were
8 Asian or Asian-American?

9 A. We didn't have any.

10 Q. Do you remember how many were Black or
11 African-American?

12 A. I'm sorry. I take it back about
13 Asian-American. We did have one Asian-American. And
14 I don't think we had any who were Black,
15 African-American. We had one we were in talks with
16 when we -- about pulling them on board when we
17 paused.

18 Q. Do you know how many were Hawaiian or
19 Pacific Islander?

20 A. We had none.

21 Q. Do you know how many were American
22 Indian?

1 A. We had one who may have been affiliated,
2 but I didn't ask that question.

3 Q. Okay. So you're not sure if the person
4 was American Indian?

5 A. I'm not sure about that one.

6 Q. Okay. Do you know if any of them were
7 Native Alaskan?

8 A. I don't know if they were.

9 MR. MCCARTHY: All right. I think
10 that's it. But before we go off the record,
11 we're, of course, going to reserve the right to
12 call Dr. Haynie back if she submits a rebuttal
13 report consistent with the discussion we had
14 prior in this case.

15 And I know I asked some questions about
16 the U.S. Army here, but, certainly, to be clear,
17 we're trying to cooperate, but to the extent
18 that she might submit a separate report in the
19 West Point case, we'll call her and depose her
20 at that time on that report as well, okay?

21 MR. ROBINSON: Understood. Thank you.
22 And you did notify us of your intent,

1 potentially, to recall Dr. Haynie if she submits
2 a report. I can't commit to any position we'll
3 take on that today, but we'll address it if it
4 becomes an issue.

5 MR. MCCARTHY: Fair enough.

6 MR. ROBINSON: Before we go off the
7 record, if we could just have a one-minute
8 break.

9 (Brief recess.)

10 MR. ROBINSON: Back on the record. We
11 have no questions. Thank you, Dr. Haynie.

12 COURT REPORTER: Are you purchasing a
13 copy of the transcript?

14 MR. ROBINSON: Yes.

15 COURT REPORTER: And this will be read
16 and sign?

17 MR. ROBINSON: Yes.

18 COURT REPORTER: Okay. Do I close the
19 record?

20 MR. MCCARTHY: You can close the record.

21 COURT REPORTER: The time is 3:23.

22 (Deposition concluded 3:23 p.m.)
(Reading and signing was requested.)

1 REPORTER'S CERTIFICATE

2 I, GOLDY GOLD, do hereby certify:

3 That I am a duly qualified Registered
4 Professional Reporter and a Notary Public in and for
5 the District of Columbia, which is in full force and
6 effect and that I am authorized to administer oaths
7 and affirmations;

8 That the foregoing deposition testimony of
9 the herein named witness was taken before me at the
10 time and place herein set forth;

11 That prior to being examined, the witness
12 named in the foregoing deposition, was duly sworn or
13 affirmed by me, to testify the truth, the whole
14 truth, and nothing but the truth;

15 That the testimony of the witness and all
16 objections made at the time of the examination were
17 recorded stenographically by me, and were thereafter
18 transcribed under my direction and supervision;

19 That the foregoing pages contain a full,
20 true and accurate record of the proceedings and
21 testimony to the best of my skill and ability;

22 That prior to the completion of the

1 foregoing deposition, review of the transcript was
2 requested.

3 I further certify that I am not a relative
4 or employee or attorney or counsel of any of the
5 parties, nor am I a relative or employee of such
6 attorney or counsel, nor am I financially interested
7 in the outcome of this action.

8

9 IN WITNESS WHEREOF, I have subscribed my name
10 this 29th day of July, 2024.

11



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GOLDY GOLD, RPR

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DECLARATION

Our Assignment No. J11440527
CASE NAME: Students For Fair Admissions v. The
United States Naval Academy, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I
have read the entire transcript of my Deposition
taken in the captioned matter or the same has been
read to me, and the same is true and accurate, same
and except for changes and/or corrections, if any, as
indicated by me on the DEPOSITION ERRATE SHEET
hereof, with the understanding that I offer these
changes as if still under oath.

JEANNETTE GUADRY HAYNIE

Subscribed and sworn to on the _____ day of
_____, 2024 before me,

Notary Public,
in and for the State of _____

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JEANNETTE GUADRY HAYNIE

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JEANNETTE GUADRY HAYNIE