

1 UNITED STATES DISTRICT COURT FOR THE
2 DISTRICT OF MARYLAND
3 NORTHERN DIVISION
4 No. 1:23-cv-02699

5 STUDENTS FOR FAIR ADMISSIONS, :
6 Plaintiff, :
7 v. :
8 THE UNITED STATES NAVAL :
9 ACADEMY; THE UNITED STATES :
10 DEPARTMENT OF DEFENSE; LLOYD :
11 AUSTIN, in his official :
12 capacity as Secretary of :
13 Defense; REAR ADMIRAL FRED :
14 KACHER, in his official :
15 capacity as Acting :
16 Superintendent of the United :
17 States Naval Academy; and :
18 BRUCE LATTA, in his official :
19 capacity as Dean of :
20 Admissions of the United :
21 States Naval Academy, :
22 Defendants. :

Washington, D.C.

Thursday, August 8, 2024

1 Deposition of LISA M. TRUESDALE, a witness
2 herein, called for examination by counsel for the
3 Plaintiffs in the above-entitled matter,
4 pursuant to notice, the witness being duly sworn by
5 Barbara J. Moore, a Notary Public in and for the
6 District of Columbia, taken at the offices of
7 DEPARTMENT OF JUSTICE, 1100 L Street, N.W.,
8 Washington, D.C. commencing at 9:00 a.m., and the
9 proceedings being taken down by Stenotype by
10 BARBARA MOORE, CRR, RMR, and transcribed under her
11 direction.

1 APPEARANCES:

2
3 On Behalf of the Plaintiffs:

4 THOMAS R. McCARTHY, ESQ.

5 CONSOVOY McCARTHY PLLC

6 1600 Wilson Boulevard, Suite 700

7 Arlington VA 22209

8 tom@consovoymccarthy.com

9
10 On behalf of the Defendants:

11 JOSHUA GARDNER, ESQ.

12 UNITED STATES DEPARTMENT OF JUSTICE

13 Civil Division

14 1100 L Street, NW

15 Washington, D.C. 20005

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

TABLE OF CONTENTS

WITNESS	PAGE
LISA MARIE TRUESDALE	
By Attorney McCarthy	5

EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1	Notice of Deposition	8
Exhibit 2	Rule 26(a)(2)(C Disclosures of Lisa Truesdale	12
Exhibit 3	Declaration	14
Exhibit 4	Final Report	273

1 P R O C E E D I N G S

2 *****

3 LISA MARIE TRUESDALE,

4 having been called as a witness on behalf of the
5 Defendants and having been first duly sworn, was
6 examined and testified as follows:

7 EXAMINATION BY

8 ATTORNEY MCCARTHY:

9 Q. Good morning.

10 A. Good morning.

11 Q. My name is Thomas McCarthy. I'm
12 counsel for the plaintiff in this case. I guess we
13 should probably put our appearances on the record.
14 Thomas McCarthy from Consovoy McCarthy on behalf of
15 the Plaintiff, Students for Fair Admissions?

16 ATTORNEY GARDNER: Josh Gardner
17 with the United States Department of
18 Justice on behalf of the defendants, and
19 the witness will read and sign.

20 (Discussion held off the
21 record.)

22 Q. I'll start over. My name is Thomas

1 McCarthy. I'm counsel for the plaintiff in this
2 case. Could you please state your name and your
3 position within the U.S. Navy for the record.

4 A. It's Lisa Marie Truesdale, and I'm
5 the Deputy Assistant Secretary of the military,
6 military manpower personnel.

7 Q. Okay. Could you identify your work
8 address for the record.

9 A. It's 1000 Navy Pentagon, Washington,
10 D.C.

11 Q. Okay. Thank you. I should ask,
12 when you left the service, you were a commander.
13 Do you go by Commander Truesdale or Ms. Truesdale?

14 A. Ms. Truesdale.

15 Q. Thank you. Have you ever been
16 deposed before, deposition like this?

17 A. I have not.

18 Q. Okay. Have you ever testified in a
19 court proceeding?

20 A. No.

21 Q. Okay. I'm going to go over some
22 ground rules with you about how this should

1 hopefully go today. Probably Josh has gone over
2 some of this stuff with you, but I always find it
3 helpful sometimes for me as well.

4 It's good to have a reminder that the court
5 reporter's job here is to take a clean and accurate
6 transcript of the proceedings today. So what that
7 means is if I ask a question that's like a
8 yes-or-no question, head bobs and head shakes and
9 that kind of thing don't work. We need a yes-or-no
10 answer to those so it will appear on the
11 transcript.

12 Somewhat relatedly, I will do my best to
13 not talk over you and ask that you do the same so
14 that way we can have a clean question and answer,
15 that kind of thing for the transcript.

16 I admit I don't always ask the clearest
17 questions. If you don't understand my question,
18 feel free to tell me you don't understand. You can
19 ask me to rephrase it. I'm happy to do so. If you
20 answer a question, I'll assume that you understood.
21 Is that fair?

22 A. Yes.

1 Q. At times, your attorney may object
2 to my questions, but unless he -- I guess, if he
3 objects, first let him make his objection. Unless
4 he instructs you not to answer the question, then
5 you're still supposed to answer the question.

6 Does that make sense?

7 A. Yes.

8 Q. I will probably take breaks
9 periodically in here so people can use the
10 restroom, whatever else. If you feel like you need
11 a break, go ahead and tell me. If there's a
12 pending question, I'll ask that you answer the
13 question, but if you need a break to get a drink or
14 anything else, let me know and I'll be happy to
15 take breaks whenever you need one.

16 Do you understand the ground rules?

17 A. Yes.

18 Q. Great.

19 (Exhibit 1 was marked for
20 identification.)

21 Q. Do you recognize this document?

22 A. I have not seen this before.

1 Q. Okay. This is a Notice of
2 Deposition, probably the notice that has your name
3 on it.

4 Do you see that?

5 A. Yes.

6 Q. Do you understand that you are here
7 to provide testimony in this case?

8 A. Yes.

9 Q. And you understand that you are
10 testifying as a representative of the United States
11 Navy on behalf the defendants in this case?

12 ATTORNEY GARDNER: Objection.
13 She's testifying on behalf of herself.
14 You said she's testifying as a
15 representative of the Navy. That
16 suggests that she's a 30(b)(6) or
17 something. I just want it clear for the
18 record she's testifying on her own
19 behalf. She is an employee of the Navy
20 to be sure.

21 ATTORNEY McCARTHY: Testifying as
22 both expert and fact?

1 ATTORNEY GARDNER: She's a hybrid
2 witness offering fact testimony.

3 ATTORNEY McCARTHY: Fair enough.

4 ATTORNEY GARDNER: I'm not trying
5 to quibble with you. I want to be clear
6 that she's speaking on her own behalf,
7 and she's offering some expert testimony.

8 ATTORNEY McCARTHY: Fair enough.
9 I thought you were trying to suggest she
10 was only fact.

11 ATTORNEY GARDNER: We're clear.

12 ATTORNEY McCARTHY: Okay.

13 BY ATTORNEY McCARTHY:

14 Q. Did you spend some time preparing
15 for this deposition?

16 A. Yes.

17 Q. How many days did you spend
18 preparing for this deposition?

19 A. About six days.

20 Q. Do you remember about how much time
21 roughly each day that you spent?

22 A. Anywhere from approximately three

1 hours to approximately six.

2 Q. Did you spend that time with
3 Mr. Gardner or other attorneys from the Department?

4 A. I spent time with Mr. Gardner.

5 Q. During each one of those sessions?

6 A. Yes.

7 Q. Did you review any documents in
8 preparation for this deposition?

9 ATTORNEY GARDNER: You can answer
10 that question with a yes or no.

11 THE WITNESS: Yes.

12 BY ATTORNEY McCARTHY:

13 Q. What documents did you review in
14 preparation for this deposition?

15 ATTORNEY GARDNER: I object. The
16 question calls for the disclosure of
17 information which violates the work
18 product doctrine. I instruct her not to
19 answer.

20 ATTORNEY McCARTHY: It's a pretty
21 common question, but I'm going to go on.

22

1 BY ATTORNEY McCARTHY:

2 Q. Are you on medication or anything
3 like that that would affect your ability to testify
4 truthfully and accurately today?

5 A. No.

6 Q. Okay.

7 (Exhibit 2 was marked for
8 identification.)

9 Q. Ms. Truesdale, are you familiar with
10 this document. You've just been handed Exhibit 2.
11 Are you familiar this document?

12 A. Yes.

13 Q. This is the Rule 26(a)(2)(C)
14 disclosures of Lisa Truesdale; correct?

15 A. Correct.

16 Q. During the course of our time today,
17 if I refer to this document as your disclosures, do
18 you understand what I mean?

19 A. Yes.

20 Q. Great. Paragraph 1 of your
21 disclosures identifies your current position within
22 the United States Navy; correct?

1 A. Yes.

2 Q. As I read them, paragraphs 2 and 3
3 highlight previous positions you held over the last
4 20 years; correct?

5 A. Yes.

6 Q. Rather than spend time walking
7 through all of that, I'll just ask, is that
8 recitation of your position and work history in
9 paragraphs 1 through 3-accurate?

10 A. Yes.

11 Q. Were there any other posts you held
12 during that time period, either inside or outside
13 of the DoD?

14 A. No.

15 Q. Have you ever served in the field,
16 been deployed?

17 A. I have not.

18 Q. I'd like to direct you to
19 paragraph 5 of your disclosures.

20 A. Yes.

21 Q. I believe this summarizes your
22 post-high school education; correct?

1 A. Yes.

2 Q. And does it do so accurately?

3 A. It does.

4 Q. It says here that you graduated from
5 undergrad at Cornell. What year was that?

6 A. 1990.

7 Q. Were there any other jobs you held
8 between graduating from Cornell and now?

9 A. No.

10 (Exhibit 3 was marked for
11 identification.)

12 Q. Ms. Truesdale, you've been handed
13 what's been marked as Exhibit 3. Do you recognize
14 this document?

15 A. Yes.

16 Q. This is the declaration you
17 submitted in this case in December of 2023;
18 correct?

19 A. Yes.

20 Q. If during our time today I refer to
21 this as your declaration, do you understand what I
22 mean?

1 A. Yes.

2 Q. I'll probably make references to
3 Exhibits 2 and 3 pretty regularly today. So that
4 makes it easy.

5 I'd like to direct you to paragraph 2 of
6 your declaration. Can you read that for me?

7 A. You'd like me to read paragraph Two?

8 Q. Yes, please.

9 A. "In my current role, I'm responsible
10 for establishment and oversight of policies related
11 to the United States Navy and the United States
12 Marine Corps; active in reserve components, service
13 members and their families. These policies cover
14 military human resource management, accessions,
15 recruiting, assignments, force management,
16 promotions and compensation, education and
17 training, healthcare, military family and quality
18 of life programs, defense resale including
19 exchanges and commissaries, drug demand reduction
20 and readiness in transition."

21 Q. Thank you. And I take it that's an
22 accurate description of your current post?

1 A. Uh-huh. Yes.

2 Q. Thank you. I just want to make sure
3 since this was December and it's now been nine
4 months or so.

5 A. Yes.

6 Q. Thanks. Have you ever worked in the
7 Naval Academy?

8 A. I have not.

9 Q. Have you ever worked in an
10 admissions office in any of the service academies?

11 A. No.

12 Q. Have you ever served on a Naval
13 Academy admissions board or for any other service
14 academies?

15 A. No.

16 Q. Have you ever reviewed applications
17 for admissions to the Naval Academy or any other
18 service academy?

19 A. No.

20 Q. Have you ever made recommendations
21 to the dean or the superintendent on a candidate
22 for admissions to the Naval Academy?

1 A. No.

2 Q. Do you know whether the Naval
3 Academy considered race in making admissions
4 decisions to the academy?

5 A. My understanding is the Naval
6 Academy uses race and ethnicity in its admissions
7 decisions.

8 Q. Do you know whether the Naval
9 Academy considers race and ethnicity in making
10 admissions decisions to NAPS or the other Navy
11 programs?

12 A. I'm unaware.

13 Q. Do you ever conduct work activities
14 over a personal email address?

15 A. Aside from a logistics question in
16 my personal -- you said "personal email"?

17 Q. Yes.

18 A. No, no.

19 Q. Did you ever use text messaging to
20 do work?

21 A. As it relates to a logistics
22 question, okay, who has the meeting tomorrow, yes.

1 Q. Okay.

2 A. It's limited to logistics.

3 Q. Understood. Do you ever conduct
4 work activities over any form of instant messaging
5 or social media?

6 A. No.

7 Q. How do you store and maintain
8 computer files related to work?

9 A. They are stored in my government
10 system. It's in our government system for filing.

11 Q. And have you stored and maintained
12 paper files related to work?

13 A. My paper files are in my office in
14 the Pentagon.

15 Q. Understood. I'd like to go back to
16 Exhibit 2, which is your disclosures. Turn to
17 paragraph 6.

18 A. (Witness complies with request.)

19 Q. It's probably easiest if you just go
20 ahead and read paragraph 6 if you don't mind.

21 A. Okay. "In addition to the topics
22 covered in her December 1, 2023 declaration, given

1 her personal knowledge, specialized knowledge and
2 expertise in career progression in the Navy and
3 Marine Corps, Ms. Truesdale is expected to testify
4 about the Navy and Marine Corps officer diversity
5 trends; the responsibility of the Navy and Marine
6 Corps to ensure service members an environment free
7 from prohibited discrimination, and the impact that
8 responsibility has on their ability to increase the
9 diversity of the officer corps beyond the
10 initial accessions stage."

11 Q. Thank you.

12 As I read this paragraph, it looks to me
13 that this is a summary of the intended testimony
14 outlined in paragraphs 7 through 10. Am I correct
15 about that?

16 A. Yes.

17 Q. Could you go on and read paragraph
18 7?

19 A. Okay. Seven. "In particular,
20 Ms. Truesdale is expected to testify that there has
21 been a relative increase in the diversity of the
22 officer corps over time based on the data she

1 reviewed contained in official records generated
2 from the Defense Manpower Center and provided by
3 Department of the Navy Manpower, analytics, and HR
4 system, MAHRS, directorate. See Exhibit A.

5 Ms. Truesdale is expected to testify to why that
6 diversity provides substantial benefits to the Navy
7 and the Marine Corps.

8 Q. Thank you. Could you go ahead and
9 read paragraph Eight as well.

10 A. Okay. Paragraph 8, "Ms. Truesdale
11 is also expected to testify that the Navy and
12 Marine Corps are generally prohibited from
13 considering race and ethnicity after the initial
14 accessions stage, making the limited consideration
15 of race by the United States Naval Academy
16 particularly important in creating a racially
17 diverse officer corps."

18 Q. Thank you. And then could you
19 please read paragraph 9 as well.

20 A. Paragraph 9. "Ms. Truesdale is also
21 expected to testify about other barriers minority
22 service members face in terms of career

1 progression, such as those reflected in the Task
2 Force One Navy final report supplemented by the
3 Navy's culture of Excellence 2.0 Playbook. The
4 United States Marine Corps' talent management 2030
5 and the CNA report DRM-2018-U-0107. Female and
6 minority representation among Navy officers and
7 DRM-2-22-U-032535, Racial Differences in Navy
8 Officer FITREP outcomes and O-4 selection."

9 Q. Thank you. Just to complete the
10 whole thing, could you read paragraph 10 for me.

11 A. Paragraph 10. "Ms. Truesdale is
12 also expected to provide her view as to the value
13 of diversity, including racial and ethnic diversity
14 within the Navy based on her own experience
15 serving."

16 Q. Thank you very much.

17 Do paragraphs 6 through 10 of your
18 disclosures accurately describe your intended
19 testimony in this case?

20 A. Yes.

21 Q. Do you intend to testify at trial on
22 any other topic?

1 ATTORNEY GARDNER: Objection.
2 Calls for speculation. Also to the
3 extent it calls for work product, I'll
4 instruct her not to answer.

5 If you can answer that without
6 disclosing work products, you may.

7 THE WITNESS: Could you ask me
8 again.

9 BY ATTORNEY McCARTHY:

10 Q. Do you intend to testify on any
11 other topic at trial?

12 ATTORNEY GARDNER: Same
13 objections.

14 THE WITNESS: I don't know.

15 BY ATTORNEY McCARTHY:

16 Q. Do you intend to provide any
17 rebuttal testimony to any of the SFFA experts?

18 ATTORNEY GARDNER: Objection,
19 calls for speculation. Also, objection
20 to the extent it calls for work product.
21 To the extent it calls for work product,
22 I instruct the witness not to answer.

1 Q. Do you --

2 A. Could you ask the question again.

3 Q. Sure. Do you intend to provide any
4 rebuttal testimony to any of the SFFA's experts?

5 ATTORNEY GARDNER: Same
6 objections. Same instruction.

7 THE WITNESS: I don't know.

8 BY ATTORNEY McCARTHY:

9 Q. Have you reviewed the expert reports
10 submitted by SFFA's experts?

11 A. No.

12 Q. I'd like to look back at paragraph 8
13 we read just a little bit ago.

14 A. Okay.

15 Q. In paragraph 8 you state, and I'll
16 try to read this right, the Navy and Marine Corps
17 are generally prohibited from considering race and
18 ethnicity after the initial accession stage;
19 correct?

20 A. Yes.

21 Q. What do you mean by "initial
22 accession stage"?

1 A. The initial accession stage, I would
2 define as when -- so for officers it's when they're
3 coming into -- on to active duty with the other
4 Naval Academy, ROTC, there's other pathways; and
5 initial accession stage defined for enlisted is
6 when they swear in and they are off to boot camp.
7 So that's the initial accessions stage.

8 Q. So it's their first entry into the
9 U.S. Navy?

10 A. Yes.

11 Q. And I'm sorry, I'm not sure if I
12 heard you correctly, for those who attend the Naval
13 Academy, is the initial accession when they start
14 at the academy or is it when they graduate?

15 A. It's when they start at the academy.

16 Q. In this line you say, "The Navy and
17 Marine Corps are generally prohibited from
18 considering race and ethnicity."

19 What do you mean by "generally prohibited"?

20 A. What I mean by generally prohibited
21 is we are not using any categories like what is
22 written here, race, ethnicity, sex to make

1 decisions, to make discussions about a person's
2 assignments. We don't use any of those factors in
3 decisions on how to manage our services members.

4 Q. Okay. So that would include
5 promotions?

6 A. Correct.

7 Q. And assignments?

8 A. Yes. That's two examples.

9 Q. What other places would that
10 prohibition be in effect?

11 A. Compensation.

12 Q. And in terms of assignments, does
13 that mean like unit assignments?

14 A. Yes.

15 Q. Now, this general prohibition, as
16 you've described it, where does that come from?

17 A. We have DoD policy that talks about
18 what we are not to base those decisions on. So
19 it's a DoD instruction.

20 Q. Is there a statute, executive order,
21 anything else like that, reflecting this policy?

22 A. Well, we have, you know, if you go

1 back in history, we have Truman's executive order
2 about -- essentially the executive order that
3 talked about not segregating the armed services
4 anymore moving forward. I would trace it back to
5 that.

6 Q. I think that's Executive Order 9981.

7 A. I would have to rely on your memory
8 for that number and not mine.

9 Q. I think it's referenced in your
10 declaration maybe, but I'll represent to you that
11 it's Truman Executive Order 9981.

12 And in -- that order states that there
13 shall be equal treatment and opportunity for all
14 persons in the armed services without regard to
15 race, color, religion, or national origin. I take
16 it that's what you were talking about?

17 A. If you just quoted Truman's
18 executive order, yes.

19 Q. I'll represent that I was quoting
20 Truman's executive order. So that's what you were
21 referencing?

22 A. Yes.

1 Q. Thank you.

2 Any other rule or regulation prohibiting a
3 consideration of race and ethnicity after the
4 initial accession stage?

5 A. I think this all tracks back to
6 somewhere in the Constitution.

7 Q. Do you know where that might be in
8 the Constitution?

9 A. Not specifically.

10 Q. I think you mentioned that that
11 prohibition extends to compensation; correct?

12 A. Yes.

13 Q. Unit assignment; correct?

14 A. Yes.

15 Q. And promotions; correct?

16 A. Yes.

17 Q. Does it also apply to deciding which
18 officers to place in command of the unit?

19 A. It also -- the prohibition from
20 considering race, ethnicity, other factors, yes, in
21 the selection for officers for command.

22 Q. I'd like to go back to your

1 declaration now. I think that one was number 3.

2 Sorry for the back-and-forth. I'll try to stick to
3 one for a while.

4 A. I'm following.

5 Q. I'd like you to turn to paragraph 7.

6 A. (Witness complies with request.)

7 Q. It's on page 4. You state there
8 that the diversity of the Navy and Marine Corps
9 force is one of our greatest strengths.

10 Do you see that?

11 A. I do.

12 Q. What are the Navy's and Marine
13 Corps' other greatest strengths?

14 A. Some of the other Navy and Marine
15 Corps' greatest strengths is our ability, the
16 service's ability to meet their mission. Our
17 ability to overcome obstacles in accomplishing the
18 mission.

19 I would also offer -- I'm a people person,
20 right, but I'm overlooking what our technology as
21 well. So we have quite a technological force, and
22 I would also offer the ability to learn and adapt.

1 Q. Do you have any others in mind?

2 A. That kind of covers it.

3 Q. Okay. In terms of these greatest
4 strengths, would you rank any one of those as
5 higher than the others?

6 A. No.

7 Q. Would you consider any of those more
8 important than the others to fulfilling the Navy's
9 top priorities?

10 A. They all work together to fulfill
11 the Navy's priorities.

12 Q. Referring to the sentence, it's the
13 first sentence of paragraph 7. When you use the
14 word "diversity" in that sentence, are you
15 referring to racial diversity or diversity more
16 broadly?

17 A. I'm referring to diversity in its
18 broadest sense. So racial, ethnicity, gender, sex,
19 geography. Thinking. It's a broad usage of that
20 for me.

21 Q. Okay. Would that include like
22 diversity of viewpoint?

1 A. Yes.

2 Q. Would it include religious
3 diversity?

4 A. Uh-huh, yes.

5 Q. Would it include gender diversity?

6 A. I did say it, yes.

7 Q. Would it include gender identity
8 diversity?

9 A. Yes.

10 Q. Would it include political
11 affiliation diversity?

12 A. Yes.

13 Q. And let me ask this: I know that
14 sometimes in your declaration and in your
15 disclosures you use the word "diversity" and
16 sometimes you specifically say "racial diversity."
17 Is it fair to say that when you use just the word
18 "diversity" without the modifier "racial" that
19 you're talking about it in this broader sense?

20 ATTORNEY GARDNER: Objection.

21 Overbroad. Did you want to go paragraph
22 by paragraph?

1 THE WITNESS: If you --

2 ATTORNEY McCARTHY: We can do it
3 as it comes up. I'm just trying to save
4 the witness's time.

5 ATTORNEY GARDNER: I appreciate
6 that. I think that's a pretty global
7 question and it may be context-specific.
8 I want to make sure you and her are on
9 the same page when she's answering
10 specific questions.

11 BY ATTORNEY McCARTHY:

12 Q. Do you know whether you did that
13 intentionally, like you used the word "diversity"
14 to mean something broader than racial diversity
15 when you use it?

16 A. I think it would be helpful if you
17 want to go through the declaration, I can give you
18 the thinking behind the usage of the word.

19 Q. Okay.

20 A. It's what, 10 pages, and there's a
21 lot in there.

22 Q. I'll save it for when it comes up.

1 I thought I'd save it some time and I'll do it when
2 it comes up. Or when you're answering questions
3 you can clarify which one you mean. How is that?

4 A. Okay.

5 Q. So going back to that same sentence
6 in paragraph 7, and you mentioned that -- I'm not
7 trying to put words in your mouth, so I think I'm
8 actually capturing this accurately. You described
9 diversity in that sentence as diversity in its
10 broadest sense; correct?

11 A. Yes.

12 Q. And so each one of those different
13 kinds of diversity that we just discussed is all
14 part of that greatest strengths, what are the
15 greatest strengths of the Navy and Marine Corps;
16 correct?

17 A. Yes.

18 Q. Of all those different kinds of
19 diversity that we just discussed, do you view those
20 as having a ranking or hierarchy, or are they all
21 equivalent in terms of their importance?

22 A. I don't see any hierarchy in those

1 different parts of diversity.

2 Q. So could you rank those?

3 A. I don't see any hierarchy.

4 Therefore, I won't be able to rank them.

5 Q. The next part of paragraph 7 says

6 the DoD and the DON -- stop there for a second.

7 DON means Department of the Navy; correct?

8 A. It does.

9 Q. "The Department of Defense and the

10 DON have made a military judgment that a racially

11 diverse officer corps is necessary for mission

12 execution and maritime dominance, recruitment and

13 retention and the Navy's legitimacy in the United

14 States and abroad."

15 Did I read that written testimony

16 correctly?

17 A. Yes.

18 Q. First I'd like to ask, this talks

19 about DoD and the Navy having made a military

20 judgment. I want to ask, how is a military

21 judgment reached? Who makes that judgment?

22 A. Sorry. I'm not trying to create --

1 I missed the -- yeah.

2 Q. Who makes that judgment?

3 A. Who makes the judgment?

4 Q. Yes.

5 A. These are military and civilian
6 leadership.

7 Q. Okay. So this is like a top-down
8 type of judgment?

9 A. Sure. You could characterize it as
10 our senior military and civilian leaders, yes.

11 Q. Okay. When you say senior military
12 and civilian leaders, who do you mean specifically?

13 A. Given this has been a judgment over
14 decades, I wouldn't be able to give you every
15 single senior and civilian leader who has arrived
16 at that military judgment.

17 Q. Could you tell me the positions of
18 those people? What do you mean, have they been
19 replaced over time?

20 A. Positions would be service
21 secretaries. So in our case in the Department of
22 the Navy, it's the Navy secretary -- we have two

1 services. So the chief of Naval operations, Marine
2 Corps commandant of the Marine Corps.

3 Q. And you mentioned that there are
4 both military and civilians in the group that would
5 be making military judgments; correct?

6 A. I do, yes.

7 Q. Are some of these -- are some of the
8 people in the senior and -- strike that.

9 Let me back up.

10 Are some of the people in the senior
11 civilian and military leadership political
12 appointees?

13 A. We have no political appointees in
14 military leadership.

15 Q. Where does it come from ultimately
16 in the top?

17 A. What is it, what is the "it" you're
18 referring to?

19 Q. So military judgment, who is
20 ultimately responsible for it?

21 A. The military judgment I'm referring
22 to is from our senior civilian military and

1 civilian leadership.

2 Q. Okay.

3 A. Our military leadership offers its
4 best military advice to our civilian leaders, and
5 we have civilian leadership of the military
6 ultimately.

7 Q. Okay.

8 A. Those types of decisions happen
9 there.

10 Q. And at the secretary level I think
11 you mentioned, are some of these people political
12 appointees?

13 A. Yes.

14 Q. So they would sometimes change with
15 the change in the administration?

16 A. If you're referring to the political
17 appointees changing themselves literally, the
18 person in the role, yes. Those people change.

19 Q. Thank you. Has the military made a
20 similar judgment about other types of diversity?

21 ATTORNEY GARDNER: Objection.

22 Lack of foundation. You can answer if

1 you know.

2 THE WITNESS: Has the military
3 made a military judgment about other
4 types of diversity?

5 BY ATTORNEY McCARTHY:

6 Q. Yes.

7 A. And I'll be more specific. So I'm
8 looking back at the second sentence of paragraph 7
9 that we have been talking about that discusses a
10 military judgment about racially diverse officer
11 corps.

12 A. Okay.

13 Q. Has the military made a similar
14 judgment about gender diversity, for example?

15 ATTORNEY GARDNER: Objection. Lack
16 of foundation.

17 THE WITNESS: The military, what
18 we're talking about now is the diversity
19 of the military. The different pieces
20 you're asking me about, I don't know.
21 There's been a judgment on different
22 pieces.

1 BY ATTORNEY McCARTHY:

2 Q. So just to be clear, you don't know
3 whether the DoD and the Department of the Navy have
4 made a military judgment that a gender-diverse
5 officer corps is necessary for mission execution of
6 maritime dominance, recruitment and retention of
7 the Navy legitimacy in the United States and
8 abroad?

9 A. I can tell you the Navy has --
10 correct myself. The Department of Defense has a
11 judgment that we want a racially diverse -- excuse
12 me. A diverse force. So when I use diverse in
13 that sense, I mean the broadest sense of diverse.
14 So we have an objective to have a diverse
15 military -- well, really a diverse military force
16 and also overall a diverse DoD workforce. Which is
17 composed of civilians like me.

18 Q. So I just want to make sure I
19 understand, because in the one sentence you're
20 talking about broad diversity, and then in the
21 second sentence of paragraph 7 it is focused on
22 racial diversity. And I just want to make sure I

1 understand.

2 It sounds like you're saying that the
3 Department of Defense and the Department of the
4 Navy have made a military judgment about these
5 other kinds of diversity as well and how they
6 relate when necessary to mission execution, etc.?

7 A. Yes.

8 Q. Okay. And that goes for all those
9 other kinds of diversity we discussed?

10 A. Uh-huh, yes.

11 Q. Thank you. Moving on to
12 paragraph 8, the first sentence there says, "the
13 DON's strategy focuses on placing people first with
14 a mission and vision to acquire, develop, employ
15 and retain the diversity of talent needed to
16 achieve readiness."

17 Did I read your written testimony correctly
18 there?

19 A. Yes.

20 Q. What do you mean by "diversity of
21 talent"?

22 A. When I mean is it's in the context

1 of recruiting and our objective, which is to
2 recruit all kinds of talent. If you look at the
3 Department of the Navy, I mean, we have everything
4 from pilots. If you think about the civilian
5 workforce, we have plumbers. So we have everything
6 from juried, you know, workmanship to high-tech
7 cyber, pilots, HR, finance, we have everything. So
8 diversity of talent, that's the way I would
9 describe that.

10 Q. Thank you.

11 Does racial diversity bear on that
12 diversity of talent?

13 A. Racial diversity does bear on that
14 talent, yes.

15 Q. How does racial diversity bear on
16 that talent?

17 A. Well, I would start with -- I'll
18 speak specifically to the military workforce. So
19 what we're looking for is offering the opportunity
20 to serve throughout all of the country. So that
21 is -- if it touches on racial diversity and then,
22 again, I'm speaking about racial diversity in its

1 broadest sense.

2 Q. Okay. So stepping away from
3 diversity in its broadest sense for a moment, just
4 focusing on racial diversity.

5 A. Uh-huh.

6 Q. How does racial diversity contribute
7 to the diversity of talent within the Navy?

8 A. It's a facet of the talent that we
9 would have coming in the door.

10 Q. Do racially diverse groups have
11 different talents?

12 A. No.

13 Q. How does, say -- let's talk about,
14 as you mentioned before this, the Navy workforce as
15 an example. The Navy workforce.

16 A. Uh-huh.

17 Q. And you mentioned different
18 positions. I think you mentioned plumbers.

19 A. Yes.

20 Q. Does a Hispanic plumber bring
21 something different than a black plumber to the
22 Navy workforce?

1 A. No.

2 Q. Does a Hispanic pilot bring
3 something different than a black pilot to the U.S.
4 Navy?

5 A. No.

6 Q. Does an Asian unit bring something
7 different to the U.S. Navy than a Hispanic unit
8 commander?

9 A. You're asking me the same questions,
10 and the same answer is no. And you're asking me a
11 question about individuals. And this is a -- which
12 operate in teams. So you're asking me very
13 discreet questions that really kind of drive into
14 stereotypes. So my answer is no.

15 Q. Okay. Do different racial groups
16 have different viewpoints?

17 A. Different racial groups may or may
18 not have different viewpoints, and also, again, I'm
19 not in a position to summarize. That's a question
20 without an answer, to summarize the way one group
21 of people thinks over another.

22 Q. Okay. If I understand you, I think

1 you're suggesting that one racial group doesn't
2 necessarily have a different viewpoint than a
3 different racial group.

4 A. Yes.

5 Q. Further down in paragraph 8, and
6 I'll try to direct you to the right spot. Do you
7 see where it says SECNAV'S top priorities?

8 A. Yes.

9 Q. You identify the SECNAV'S top
10 priorities as maintaining maritime dominance,
11 empowering our people and strengthening strategic
12 partnerships; correct?

13 A. Yes.

14 Q. So, again, I'm talking about racial
15 diversity for a moment and all the other broader
16 kinds of diversity, but in terms of racial
17 diversity, how does race help maintain maritime
18 dominance?

19 A. Well, let's unpack it then. The
20 Navy achieves maritime dominance with the Marine
21 Corps through our people. People are our greatest
22 strengths. People are an all-volunteer force. We

1 have to recruit people to join, and likewise we
2 recruit civilians to serve. So where race comes
3 into all of that is in recruitment and retention
4 and how we want to be able to offer the opportunity
5 to serve to everyone.

6 So at the end of the day where race comes
7 into it or any other part of diversity that we're
8 speaking about is maximizing our ability to get the
9 talent that we need in the Navy and Marine Corps to
10 execute the Navy's missions, and hence you get to
11 maritime dominance.

12 Q. So does the racial composition of a
13 unit bear on their ability to carry out their
14 mission?

15 A. There's -- well, we can unpack that
16 too a little bit. Ask me, again, the question.

17 Q. Does the racial composition of a
18 unit bear on their ability to carry out their
19 mission?

20 A. So if you're asking me if one race
21 or another performs better, the answer is no.
22 Where race and overall the culture of the unit

1 matters, that's when we get into teams and the
2 environment and the culture with the team. And
3 that's where I would unpack some of that is about
4 what is the culture of the team.

5 Q. So how does the racial composition
6 of the unit bear on the culture of that unit?

7 A. It may or may not bear on the
8 culture of the unit.

9 Q. Can you give me an example of how it
10 would bear on the culture of the unit?

11 A. I can give you a historical example
12 of if you go back in time to issues on Navy ships
13 in the late 60s and early 70s where there was a
14 predominantly diverse ship's crew of enlisted and a
15 predominantly white officer corps on the ship, and
16 the Navy's history with some racial tensions even
17 to the point of work stoppage on ships.

18 And so in those cases, the Navy experienced
19 ultimately we can't get the job done. We have
20 sailors refusing to do the work on the ship.

21 Q. And so it sounds like you're saying
22 that the problems -- let me back up.

1 Was this the Vietnam era?

2 A. Yes.

3 Q. And if I understand you correctly,
4 you're saying that the disparity between the
5 diverse racial mix of the enlisted and the
6 predominantly white officer corps resulted in
7 problems at that time?

8 ATTORNEY GARDNER: Objection.

9 That mischaracterizes the witness's
10 previous testimony.

11 You can answer.

12 THE WITNESS: So I'll read it back

13 or --

14 BY ATTORNEY McCARTHY:

15 Q. I can ask it --

16 A. Yeah, can you do that.

17 Q. Sure.

18 A. Okay.

19 Q. This example you gave me from the
20 Vietnam era --

21 A. Uh-huh.

22 Q. -- you explained that there was

1 problems where there were racially diverse enlisted
2 and predominantly white officers; correct?

3 A. Yes.

4 Q. And what were those problems? Was
5 there racial unrest, for example?

6 A. My read of history, yes, there was.

7 Q. And I believe you said there were
8 work stoppages?

9 A. Correct.

10 Q. And I believe you said there was an
11 inability to get the job done?

12 A. That would equal work stoppage for
13 me, yes.

14 Q. And these problems of racial unrest,
15 work stoppages, inability to get the job done, you
16 believe that was a result of the racial disparities
17 between the enlisted and the officers?

18 A. Yes, and the climate that it
19 generated on those ships.

20 Q. Just to make sure I understand. The
21 climate that that racial disparity generated on the
22 ships?

1 A. Correct. If you have sailors
2 refusing the orders of the officers appointed over
3 them, they're refusing to follow the oath of
4 enlistment that they took. So that tells you
5 something quite significant is going on. A unit, a
6 military unit is breaking down and orders are not
7 being followed.

8 So that tells me by my read of history
9 there's something not well that's going on with the
10 climate on the ships.

11 Q. You mentioned this as Vietnam era
12 example; correct?

13 A. Yes.

14 Q. Can you give me any similar examples
15 from more recently than Vietnam?

16 A. I can give you -- yes. I can talk
17 to you about what we know about climates that are
18 not healthy in terms of racially harassing
19 behaviors or other types of behaviors, toxic
20 leadership. We know that when units have cultures
21 like that, they influence decisions of service
22 members to stay.

1 So more recent examples is understanding
2 what healthy climates look like and unhealthy
3 climates and, again, tying it back to we have
4 volunteers who serve. They are not conscripted to
5 serve. So they can serve their term of enlistment
6 And they can leave.

7 And there's research that shows some of the
8 influence that poor climate has is influence for
9 people to not stay and depart.

10 Q. I forget if you mentioned this
11 before, so forgive me if you have. But how many
12 years did you serve?

13 A. 20 and a half.

14 Q. Okay. In those 20 and a half years,
15 did you ever witness any member of the Navy refuse
16 to follow the order of a superior because of that
17 superior's race?

18 A. No.

19 Q. Let's move further down in paragraph
20 8. Just to orient you to the page, about the fifth
21 line from the bottom. You note that a diverse
22 force is a strategic imperative invested within the

1 physical defense strategy. Correct?

2 A. Yes.

3 Q. And using just the word "diverse"
4 without the modifier "racially," I take it you are
5 meaning diversity in all of the different forms we
6 discussed earlier?

7 A. Yes.

8 Q. So that strategic imperative
9 includes racial diversity; correct?

10 A. Yes.

11 Q. And it includes socio-economic
12 diversity; correct?

13 A. Yes.

14 Q. And gender diversity; correct?

15 A. Yes.

16 Q. And religious diversity; correct?

17 A. Yes.

18 Q. And gender identity diversity;
19 correct?

20 A. Yes.

21 Q. And viewpoint diversity; correct?

22 A. Uh-huh, yes.

1 Q. Let's go on to the next page.

2 At the top of paragraph 9 here, there's a
3 reference to the SECNAV's strategic guidance. And
4 you state that describes how the Department of the
5 Navy will build the strongest possible war fighting
6 force by recruiting, retaining, and promoting the
7 best America has to offer.

8 Does the best that America has to offer
9 there, by that do you mean a racially diverse team?

10 A. It means that and also, again,
11 broadly.

12 Q. Okay. So on all those different
13 formation of diversity that we discussed?

14 A. Yes.

15 Q. I want to move on to the next
16 sentence that says -- your written testimony here
17 says, "Cultivating talent and unique insights from
18 individuals from diverse, personal, cultural and
19 professional backgrounds is key to this objective";
20 correct?

21 A. Yes.

22 Q. Do people from diverse backgrounds

1 have unique insights?

2 A. They can.

3 Q. Could you give me an example?

4 A. Do people of diverse backgrounds
5 have unique insights. Sure. An example. I think
6 that you could, depending on where someone is from,
7 you might get a different viewpoint of where
8 they're from, how they solve a problem, how they
9 approach a problem.

10 I don't want to delve into stereotypes,
11 but, for example, maybe someone from a more rural
12 background who has a personal experience of having
13 jobs growing up and doing and being very, I'll call
14 it resourceful or what they've learned in jobs
15 they've had growing up, could be someone who is
16 very good as a mechanic or very good at solving
17 some innovative problem or or they've had an
18 experience at school with technology that they
19 bring to the table. So it could be a product of
20 their own education and what they bring to the
21 table.

22 Q. So from your example, I take it that

1 geographic diversity might bear on someone's
2 insights?

3 A. Uh-huh, sure.

4 Q. And educational background as well?

5 A. Yes.

6 Q. Would you say that all of those
7 forms of diversity that you mentioned previously
8 might bear on whether someone has unique insights?

9 A. Uh-huh, yes.

10 Q. Do you think people from one racial
11 or ethnic group tend to have more unique insights
12 than any other?

13 A. No.

14 Q. Okay. Still on paragraph 9. I'd
15 like to slide down to the last sentence. It says,
16 "The national defense strategy further highlights
17 that DoD and the military departments must build a
18 resilient force by, amongst other things, advancing
19 diversity, equity, and inclusion to obtain and
20 maintain the critical skills and experience
21 necessary to secure our nation for years to come."

22 Did I quote that portion of your written

1 testimony correctly?

2 A. Yes.

3 Q. How does advancing diversity,
4 equity, and inclusion build a resilient force?

5 A. I would go back to recruiting and
6 the recruitment all-volunteer force. And we want
7 to be represented everywhere across the country to
8 give an opportunity to serve to all groups.

9 And if we miss markets, then we miss groups
10 of people. We put ourselves at a disadvantage. So
11 considering the ability to be in every place to
12 talk about service is about maximizing the type of
13 force that we have who come in to serve. And then
14 our ability to retain that force to be able to
15 continue to serve.

16 Q. I want to try to make sure I
17 understand. You mentioned this is about being in
18 every place in the country I think you said?

19 ATTORNEY GARDNER: Objection.

20 Mischaracterizes the witness's previous
21 statement.

22 You can answer.

1 THE WITNESS: I'm talking about
2 the ability to talk about service.
3 Again, I'll just kind of narrow in on the
4 military with who I am.

5 BY ATTORNEY McCARTHY:

6 Q. Please.

7 A. So I'm talking about ensuring that
8 our recruiters are marketing the opportunities of
9 service to all parts of the country.

10 Q. Okay. So -- now, so making sure the
11 recruiters market to all parts of the country, are
12 you saying that's a way that advancing diversity,
13 equity, and inclusion help to build a resilient
14 force?

15 A. It is. And I'll take it a step
16 further too. That we also need to think about are
17 we missing certain markets which then by their very
18 nature might mean we're missing certain diverse
19 ethnic groups. So that's, you know, again, I'm
20 kind of unpacking it a little bit for you here.
21 But that's what that means.

22 Q. That's helpful. And when you say

1 "markets" there, do you mean geographic markets, or
2 do you mean markets, other kinds of markets
3 involved?

4 A. Geographic.

5 Q. Okay. So ensuring that the
6 recruiters reach every corner of the country?

7 A. Yes.

8 Q. Part of this idea; right?

9 A. Yes.

10 Q. Okay. And that helps them, the
11 recruiters make sure they get a sampling of
12 everybody from all parts of America?

13 A. It's ensuring that recruiters are --
14 recruiters need to be present everywhere. So as
15 we're saying why has recruiting been difficult in
16 the last several years. One of the answers is we
17 weren't -- we, recruiting was not present like
18 literally present where recruiters should be
19 present. For example, schools.

20 So it's about -- the way you asked me was
21 like a precision that our recruiters don't operate
22 at. They operate at my job, my recruiting job.

1 Having me manage 200 recruiters for a year and a
2 half, a while ago. It's about them talking about
3 the value of service to all of the people, all of
4 that market, that geographic market that they have.

5 Q. And so trying to cover the nation's
6 entire footprint helps advance that diversity,
7 equity, and inclusion?

8 A. Yes.

9 Q. And I think you said that at least
10 for some time those recruiters were not present
11 everywhere. What did you mean by that?

12 A. Meaning simply distilling it to
13 COVID. So during COVID some schools closed. A
14 primary area that recruiters talked to young people
15 about the value of military service is in school or
16 maybe at a sporting event, a science fair. So when
17 schools were closed, the ability for recruiters to
18 do that is not there. And that did cause an impact
19 on the service's ability to recruit.

20 Q. I think I understand. So COVID
21 impacted whether schools were open, whether certain
22 activities like sporting events were taking place,

1 and where those things were closed down, military
2 recruiters weren't?

3 A. That's right; correct.

4 ATTORNEY GARDNER: I don't mean to
5 interrupt your line of questions. We've
6 been going about an hour. Would now be a
7 good time for a break.

8 ATTORNEY McCARTHY: Let me go here
9 for a couple minutes and we'll stop if
10 that's okay with you.

11 THE WITNESS: Yes.

12 BY ATTORNEY McCARTHY:

13 Q. You mentioned being for some time in
14 charge of a team of about 200 recruiters; correct?

15 A. Yes.

16 Q. Was that during the COVID era?

17 A. No. It was a long time ago. It was
18 1999 to 2001.

19 Q. During that time were the recruiters
20 getting -- let me try to use the word you used.
21 During that time, were the recruiters present
22 everywhere, in your words?

1 A. In my market, which was northern
2 California and part of western Nevada, yes.

3 Q. So I take it, at least, at that
4 time, supervision over military recruiters was
5 divided up in regions?

6 A. Correct. And it is now.

7 Q. Okay. Were you aware at that time
8 of any other regions not having recruiters
9 everywhere within their region?

10 A. I was aware at that time that that
11 was a time maybe recruiting was actually expanding.
12 So we were growing recruiting stations. Just for
13 the simple logistics matter of -- like if I use my
14 territory as an example. It's northern California.
15 It's a lot of land.

16 So for our district and really for a lot of
17 other parts of Navy recruiting, there was a time
18 where we were resourced to be able to put stations,
19 more stations. So at the end of the day it
20 somewhere around 50 some -- I'm going back a long
21 while.

22 I think we expanded about 10 to 12, 15

1 stations, and it was meant to have a physical
2 presence, which from a logistics standpoint meant
3 that my recruiters in Sacramento were no longer
4 driving three hours north to Chico or further
5 north. So we were able to have a physical
6 recruiting presence.

7 Q. And does the military's recruitment
8 arm, if you will -- I guess we should say the
9 Navy -- the Navy's recruitment arm, if you will,
10 have a similar physical presence today?

11 A. I don't know the exact physical --
12 they do have a physical presence, and what's
13 different now is social media, you know, all the
14 technology and then who they communicate to
15 primarily, which is the digital natives of Gen Z.

16 So, yes, there's a physical presence and
17 there's quite a social media presence. Got to be
18 where they are, except Tik Tok. No Tik Tok.

19 Q. Understood. I'm pretty aware of
20 that one.

21 A. Yeah.

22 Q. I don't have it in my house either.

1 ATTORNEY GARDNER: The same.

2 Q. And I take it there was -- that was
3 not a consideration in the 1999 to 2001 era;
4 correct?

5 A. Are you --

6 Q. The social media?

7 A. The good old days. I'm a parent.

8 Q. I'm a parent too. The good old days
9 as well?

10 A. No, no social media. Yeah.

11 Q. So you gave me the example of the
12 COVID era during which military recruiters weren't,
13 in your words, present everywhere; correct?

14 A. Yes.

15 Q. Have there been similar difficulties
16 or problems, if you will, in terms of military
17 recruiters being present everywhere since COVID?

18 A. I would -- I would say yes, and it's
19 more about -- it kind of goes back to where
20 physical presence of recruiting stations are. And
21 there's some work going on now to look at how
22 people shifted where they live, is our market

1 moving, and are we, we, recruiters, recruiting
2 commands where we need to be, knowing that maybe in
3 market was very fruitful for 10 years, but it
4 hasn't been fruitful -- I'm making this up, but it
5 hasn't been fruitful for five years. We probably
6 should think about moving. Those assessments go on
7 all the time.

8 Q. Understood. That's what I was going
9 on. Sorry for interrupting you.

10 Are there areas right now where you
11 understand military recruiting to be deficient in
12 terms of geography?

13 A. I'm not at that level of detail. So
14 I couldn't give you a specific example beyond me
15 just describing the overall assessment the commands
16 do, I can't tell you a specific state, market. I
17 don't know the level of detail on that.

18 Q. Fair enough. Where there are, let's
19 say, geographic deficiencies -- let me back up.

20 We've been talking about geographic
21 markets; right?

22 A. Uh-huh.

1 Q. So where -- understanding you don't
2 know where they might be or if there are
3 deficiencies right now, so I'm going to ask you
4 questions. If there were a geographic deficiency
5 in terms of recruitment in a particular era, in a
6 particular area --

7 A. Uh-huh.

8 Q. -- might that affect the Navy's
9 ability to recruit a diverse set of individuals?

10 A. Yes.

11 Q. And I imagine that could be on any
12 one of those types of diversity we discussed;
13 correct?

14 A. Uh-huh, yes.

15 Q. So just to give an example, if there
16 were, you know, a geographic hole, so to speak, in
17 recruitment, it might affect how well the Navy can
18 recruit in terms of religious diversity; correct?

19 A. Well, we don't recruit by religious
20 diversity. I want to make sure I'm clear that the
21 recruiters don't have in mind I'm recruiting this
22 many Methodists; right. That is not how we

1 recruit.

2 But overall if I follow your example, yes,
3 if there's some lack of presence, but presence can
4 now can social media too, so that's the mitigator,
5 right, it's different in the 2020s. But that could
6 impact the types of people we recruit and all the
7 different facets of who they are. So I don't even
8 if I follow your example.

9 Q. Okay. And just for the record, I
10 didn't mean to suggest that the Navy targeted a
11 certain number of Methodists or anything like that.

12 A. I just want to make sure I'm clear
13 on that.

14 Q. I appreciate that. We can take a
15 break.

16 (Recess taken from
17 10:08 a.m. to 10:29 a.m.)

18 BY ATTORNEY McCARTHY:

19 Q. Back on the record. Ms. Truesdale.
20 We were just looking at your declaration, and I
21 want to stick on that document for a little while.

22 Can you go to paragraph 10 that's on page

1 5.

2 A. (Witness complies with request.)

3 Yes.

4 Q. You quote there some previous
5 testimony of Secretary Del Toro.

6 Do you see that?

7 A. I do.

8 Q. Do you agree with Secretary Del Toro
9 that the Navy needs a diverse force so every child
10 in America can see themselves wearing a uniform or
11 working in civilian ranks tomorrow?

12 A. Yes.

13 Q. And I know that this is Secretary
14 Del Toro's words, but do you agree, since you agree
15 with that, understand diverse force to mean not
16 only racially diverse but in all the other kinds of
17 diversity we discussed today?

18 A. That's the way I understand it, yes.

19 Q. So I'd like to -- I'd like you to
20 expand on that a little bit. What does it mean
21 that every child in America can see themselves
22 wearing a uniform? How does the diversity make

1 that happen?

2 A. It's about who is serving today and
3 as a person who would be contemplating service, it
4 could mean seeing yourself in that person. So I'm
5 someone contemplating service, and I know certain
6 things about the military. I maybe start learning
7 about what the military is. I try to learn who
8 they are, what do they do.

9 And so some of this captures an affinity of
10 knowing that's something that I could do some day.
11 So personally for me, not as many women serving
12 when I started out. But any chance I saw more
13 senior female officer, I was like Holy cow, I want
14 to know who she is and understand how she got to
15 where she did.

16 So this for me captures the, just the
17 simple notion of if I'm thinking about serving, I
18 want to know who this group is and I want to know
19 if there's a place for me.

20 Q. So in the example you gave of
21 yourself, seeing more gender diversity within the
22 Navy helps you see yourself have an opportunity

1 there?

2 A. It communicates -- yes. And so it
3 communicates to me there's an environment there
4 where there's leaders progressing, still serving.
5 That could be something I continue to do.

6 Q. And do you think that that is a
7 thing that helps recruit, for example, young women
8 to the military?

9 A. Yes.

10 Q. And do you believe the same with
11 regard to racial diversity?

12 A. Yes.

13 Q. In other words, a young Asian male
14 or female individual seeing more Asian
15 representation within the Navy might make them feel
16 like the Navy is more open to them?

17 A. Yes.

18 Q. The term "Asian" tends to encompass
19 a lot of different people. Do you think it makes a
20 difference if, say, the young male or name is
21 Vietnamese and what they're seeing is, say,
22 Pakistanis, but not Vietnamese in the Navy?

1 ATTORNEY GARDNER: Objection.

2 That calls for a hypothetical. You can
3 answer.

4 THE WITNESS: I'm not Vietnamese.
5 I'm not observing someone Pakistani, but
6 you can say to the extent, I don't know
7 if people make those distinctions. For
8 me speaking only from gender, it's what I
9 related to earlier that seeing women in
10 the force communicates women serve, women
11 are successful. I'm contemplating
12 continuing to serve. That is important
13 information for me to make decisions
14 about continuing to serve, in my example.

15 BY ATTORNEY McCARTHY:

16 Q. So I totally understand your
17 example. With regard to the example I gave you, I
18 think you said you're not Vietnamese observing
19 Pakistani members of the military. Do you feel
20 that you're unable to say how a person in that
21 hypothetical situation would react to viewing
22 people like that?

1 ATTORNEY GARDNER: Objection.

2 Calls for a hypothetical.

3 THE WITNESS: Yes. The way you
4 asked it, I can't predict how that person
5 is going to react one way or the other.

6 BY ATTORNEY McCARTHY:

7 Q. What about -- what about, say, a
8 young male or female Nigerian immigrant to the
9 United States. If they see black African-American
10 representation in the military but they don't see,
11 say, Nigerians immigrants, how do you think that
12 that works for them?

13 ATTORNEY GARDNER: Objection.

14 Calls for a hypothetical. Also
15 incomplete hypothetical.

16 THE WITNESS: I'd answer the same
17 way. I don't know -- if you're asking in
18 the sense of are they deciding to serve
19 or not -- it's not as discreet as you're
20 posing it to me what this human
21 interaction might be, what that person's
22 impressions might be. ,

1 You know, I have to think about it
2 a little more broadly that -- I'm not a
3 person of color. You're giving me an
4 example about a person of color. I would
5 presume that the presence of other people
6 of color in your example would
7 communicate to that other person there's
8 other people of color in this
9 organization.

10 I would presume that is going to
11 mean something of benefit to that other
12 person, just as when I relate my gender
13 example, my own personal experience, and
14 I can relate it even more recently. When
15 I see women executives and I did while I
16 was contemplating being a female
17 executive in the department, that was
18 communicating to me there's opportunity
19 there for someone of -- like me.

20 So if I port that over to your
21 example, again, I'm not a person of
22 color. I would suggest that it's

1 suggesting to them -- and it goes back to
2 like every child can see themselves --
3 it's suggesting an opportunity there to a
4 person of color. Not to the precision of
5 Nigerian versus African-American or
6 Pakistani to Vietnamese but more broadly,
7 hey, there's folks different in this
8 organization than the majority. This
9 might be an organization of opportunity.

10 BY ATTORNEY McCARTHY:

11 Q. So I'm definitely not trying to put
12 words in your mouth. I want to make sure I
13 understand.

14 So your experience viewing gender diversity
15 and how it allowed you to see opportunities for
16 yourself suggests to you that a young person of
17 color might have a similar reaction to seeing
18 people of color within the military?

19 A. Yes.

20 Q. And you don't know whether a finer
21 distinction of Vietnamese versus Pakistani makes a
22 difference to the individual who is doing the

1 observing?

2 ATTORNEY GARDNER: Objection.

3 Calls for speculation. Also

4 hypothetical.

5 THE WITNESS: Yes.

6 BY ATTORNEY McCARTHY:

7 Q. Do you think young persons of color
8 are capable of seeing themselves in the military if
9 they don't see others of color in the Navy?

10 ATTORNEY GARDNER: Objection.

11 Calls for speculation.

12 THE WITNESS: I'm losing you in
13 the negatives of your question.

14 BY ATTORNEY McCARTHY:

15 Q. Let me try to rephrase it.

16 Well, let's go back to your example first.

17 A. Uh-huh.

18 Q. Do you think young women will not be
19 able to see themselves in a military uniform if
20 they do not see women represented in some
21 substantial number of the Navy?

22 ATTORNEY GARDNER: Objection.

1 Calls for speculation.

2 THE WITNESS: No. Because if that
3 were true, we wouldn't have had women
4 pioneering in the fields that they have
5 pioneered in previously as surface worker
6 officers, pilots, more recent example of
7 submarines; we're about 10 years into
8 women of submarine service. They clearly
9 saw zero women and yet said I want to try
10 that.

11 BY ATTORNEY McCARTHY:

12 Q. So would it be fair to say that
13 seeing -- I'll go back to the quote, sorry.

14 So some young women -- let me back up.

15 So from your point, I take it that some
16 young women are able to see themselves in uniform
17 without seeing much female representation in the
18 military all?

19 ATTORNEY GARDNER: Objection.

20 Calls for speculation.

21 THE WITNESS: That's -- previously
22 where it would have began with women

1 coming into the worker communities of the
2 Navy, you know.

3 The law changes. Significant law
4 change, 1994. I can fly fighter
5 aircraft. There's clearly no women
6 there. Now they are. So in that
7 instance, yes.

8 BY ATTORNEY McCARTHY:

9 Q. So in that instance, 1994, there
10 were clearly some women who were able to see
11 themselves as Navy pilots even though there had
12 been none before then; correct?

13 A. Yes.

14 Q. Do you think young women of today
15 are able to do similarly?

16 ATTORNEY GARDNER: Same objection.
17 Calls for speculation.

18 THE WITNESS: Well, you know
19 again, the question you're asking is --
20 listening to your question, it's about
21 what role does diversity have or have not
22 in someone's decision to join.

1 And so when -- for me the diverse
2 force that we have, more women serving in
3 the roles that they have, we continue on
4 gender. It's about maximizing our
5 ability to recruit and retain. It's not
6 like a turn on and off switch,
7 particularly because you're asking me
8 about how some person is processing what
9 they see and the choices they are making
10 to serve or not. A whole lot goes into
11 that. Having personally experienced the
12 decision myself and then as a volunteer,
13 there's natural points in time you decide
14 am I going to stay or am I not going to
15 stay.

16 So that's really how I would
17 answer the question is in today's force,
18 particularly with women, there's so many
19 more women who are serving. Like our
20 Chief of Naval operations is a woman.
21 And I'd get an opportunity every now and
22 then to see her in a meeting, see her

1 walk down the hall, see the impact she
2 has on everybody in the Navy, because she
3 strikes Truesdale as a very authentic
4 leader. She says "Good morning," she's
5 not just saying it because she's walking
6 by you.

7 So I guess back to where I
8 started, it's the larger environment that
9 our diverse workforce brings to the
10 table. And back to the Secretary's
11 comments of what that means for people
12 who are choosing to serve or not. I
13 mean, that's our value proposition to an
14 American citizen is to join or not.

15 BY ATTORNEY McCARTHY:

16 Q. So there was a lot there.

17 A. There's a lot in this whole topic.

18 Q. I want to isolate something here.

19 You said at some point that how -- let's just say
20 subgroup rather than just females. How a subgroup
21 is represented. Let me say a certain population.
22 How a certain population is represented in the Navy

1 might matter differently to different individuals.

2 A. Uh-huh.

3 Q. Correct?

4 A. Yes.

5 Q. I thought that was a point you were
6 getting at.

7 So in 1994, for example, for some young
8 women it didn't matter that they didn't see female
9 fighter pilots; correct?

10 ATTORNEY GARDNER: Objection.

11 Calls for speculation.

12 THE WITNESS: I have no idea of
13 what was going through the minds of
14 people thinking about trying to fly or
15 not.

16 BY ATTORNEY McCARTHY:

17 Q. So -- and I'm sorry, I'm just trying
18 to get back to a point you made before about the
19 women in 1994. Let me say it differently.

20 So how about this: 1994, the absence of
21 women among fighter pilots, do you think it
22 deterred some young women from pursuing a career as

1 a naval fighter pilot?

2 ATTORNEY GARDNER: Objection.

3 Calls for speculation.

4 THE WITNESS: Possibly.

5 BY ATTORNEY McCARTHY:

6 Q. And you noted earlier that there's
7 someone that didn't deter; correct?

8 A. Yes. My bad, okay, yes.

9 Q. Thanks. So then I take it it
10 depends on the individual, which is the point you
11 were making before?

12 A. Yes.

13 Q. So if we go to one of the examples I
14 made before, say a young -- let's say a young Asian
15 woman. For a particular individual, you can't
16 really predict whether or how much it would matter
17 to her how much representation there was in the
18 Navy among Asian females; correct?

19 ATTORNEY GARDNER: Objection.

20 Calls for a hypothetical.

21 THE WITNESS: Again, if you're
22 asking me how an individual is going to

1 process what, that example, I can't tell
2 you how that individual is going to make
3 a decision or react to that.

4 BY ATTORNEY McCARTHY:

5 Q. Okay. That makes sense.

6 A. It may be quite beneficial to them,
7 as we kind of talked about, what the Secretary is
8 talking about. Clearly there's people who pioneer
9 and they're the first of whatever occupation that
10 they're in. And -- but I would also offer, you
11 know, from the more recent example of submarines,
12 we had firsts.

13 So now we have more women in submarine
14 service. That's of great benefit to the Navy
15 submarine force if I use them as an example.
16 Highly technical, subsequently very hard to retain.
17 We pay a lot of different money to retain them as
18 an incentive.

19 And so the fact that we have a market open
20 now, we're not excluding half the U.S. population
21 anymore to be on a submarine. That's a big deal.
22 So that kind of goes back to what we talked about

1 earlier. We're not excluding a whole group of
2 people to serve in that community anymore.

3 So who were the firsts? To me are a
4 maximizer. They are not a detractor. But if
5 they're a maximizer, at the end of the day with
6 that individual contemplating service, that's their
7 own decision.

8 The diversity is, if we go on general
9 gender diversity in the submarine force, that is a
10 maximizer to our recruiting service to have people
11 join submarine service, which is one of the hardest
12 things we ask people to do.

13 Q. Let me ask you a question to make
14 sure I understand. I get the concept of women
15 being allowed to serve in submarines.

16 A. Uh-huh.

17 Q. Opens up your market quite a bit?

18 A. Yes.

19 Q. I think you put it in terms of we're
20 no longer closed to half of the United States in
21 terms of who you can recruit; correct?

22 A. At a very global level.

1 Q. Sure.

2 A. Because I'm ignoring all the
3 requirements to actually be qualified. Like we
4 can't forget the bad apple thing, whole bunches of
5 things you need to be qualified to even be there.
6 But yes.

7 Q. Totally understand, but at a sort of
8 high level, you're now opening up to the full
9 population of America rather than just half?

10 A. Yes.

11 Q. And you used the word "maximizer."
12 Is that what you mean by maximizer that allowing
13 women into submarine roles, maximizes the Navy's
14 ability to recruit?

15 A. Yes, uh-huh.

16 Q. Okay. I'm really just trying to
17 make sure I understand the difference between the
18 term "maximizer," and the other term you used was
19 detractor?

20 A. Yes.

21 Q. I take it those are antonyms?

22 A. Yes.

1 Q. So give me an example of a
2 detractor.

3 A. In a recruiting context?

4 Q. Yes.

5 A. We go back to what we talked about
6 earlier. So a detractor to recruiting mission's
7 success is am I missing a geographic market. Am I
8 avoiding that high school because I make
9 assumptions about that high school. They don't
10 want to hear what it means to have an opportunity
11 in the Navy or Marine Corps. I would use that as
12 an example of a detractor.

13 Q. I suppose a detractor would be, for
14 example, before 1994 where there couldn't be
15 fighter pilots. It's a detractor in terms of
16 recruiting, it closes the door to lots of people?

17 A. Yes.

18 Q. Okay. Is it fair to say that the
19 ability of a young person -- strike that.

20 I want to go back to this discussion we
21 were having about it being sort of an individual
22 decision to a person. For any individual, whether

1 they -- strike that.

2 For an individual of any diverse group,
3 let's say, their ability to see others of the same
4 diverse group --

5 A. Uh-huh.

6 Q. -- within the military --

7 A. Uh-huh.

8 Q. -- may have a large effect on them
9 or a small effect on them, depending on that
10 individual; correct?

11 ATTORNEY GARDNER: Objection.

12 Calls for a hypothetical.

13 THE WITNESS: The presence of
14 seeing -- the presence of a diverse
15 military force is additive to our ability
16 to recruit. Again, maximize equals
17 additive when I say that. So in a macro
18 sense.

19 BY ATTORNEY McCARTHY:

20 Q. Is that makes sense to you?

21 A. How that plays out at the individual
22 level -- again, I'm repeating myself, but that

1 depends.

2 Q. Okay. So this is what I'm trying to
3 get to, and that's helpful.

4 So ensuring there's representation of
5 different subgroups in the Navy at a macro level is
6 additive; correct?

7 A. It is. And it can be a huge selling
8 point to someone making the choice to serve or not
9 to serve.

10 Q. Understood.

11 A. Uh-huh.

12 Q. And so what I'm getting at is, you
13 can't tell me whether it is for a particular
14 individual a selling point?

15 ATTORNEY GARDNER: Objection.

16 Calls for a hypothetical.

17 THE WITNESS: It's hard for me to
18 envision. Again, I have to use gender.
19 I'm not a person of color here. But it's
20 hard for me to envision a scenario where
21 someone is contemplating service as a
22 woman, seeing women serve and say, Oh, I

1 don't want to join. That's my point
2 earlier. It doesn't detract. It adds.
3 And that's what we're looking to do with
4 accessions is how do we continue to to
5 add to our ability to have an
6 all-volunteer force.

7 BY ATTORNEY McCARTHY:

8 Q. Understood. And I'm suggesting that
9 it's being a detractor for an individual. I think
10 I'm gathering from our back-and-forth here that for
11 some individuals it's an additive, and for others
12 it probably doesn't matter at all or is, you know,
13 matters maybe a tiny bit?

14 ATTORNEY GARDNER: Objection.

15 Calls for speculation.

16 Q. It seems like what I'm getting to.

17 ATTORNEY GARDNER: Objection.

18 Calls for speculation.

19 THE WITNESS: Well, I mean, I'm
20 guessing what humans are deciding to join
21 or not, so I guess you and I can discuss
22 all day on scenarios.

1 Again, I can't see someone who is
2 a woman contemplating military service
3 being turned off by those women of
4 military. It just doesn't add up for me.
5 I guess I'll just extend that to I can't
6 see a person of color being turned off
7 that there's people of color serving in
8 the military.

9 Now, I could see someone
10 contemplating service and perhaps being
11 concerned that there isn't representation
12 of women in leadership roles from the
13 standpoint of well, geez, don't I get to
14 lead?

15 I could say the same thing from a
16 racial standpoint. Why are all the
17 senior NCOs not people of color? I'm
18 being extremely hypothetical here. But,
19 again, it's like we're talking about
20 people, not machines. They don't take in
21 data, crunch the data, and come out with
22 a mathematical answer. That's kind of

1 how I feel like a little bit of what the
2 questions are. So they're not absolute
3 answers.

4 BY ATTORNEY McCARTHY:

5 Q. I understand that.

6 A. Okay.

7 Q. And, again, I'm not suggesting with
8 any of these questions that, for example, the
9 presence of women in the military would be a
10 detractor for a potential female recruit. I'm
11 trying to connect the point that you made earlier
12 about women in 1994, for example --

13 A. Uh-huh.

14 Q. -- were able to see themselves as
15 fighter pilots even though there were no fighter
16 pilot females at the time.

17 A. Uh-huh.

18 Q. At a macro level, as you put it, I
19 understand that the presence of females within the
20 fighter pilot community is additive for female
21 recruits who might be interested in serving in a
22 fighter pilot role; correct?

1 A. Uh-huh.

2 ATTORNEY GARDNER: Make sure you
3 give audible answers.

4 THE WITNESS: Sorry, yes.

5 ATTORNEY McCARTHY: Thanks, Josh.

6 BY ATTORNEY McCARTHY:

7 Q. For those who started in 1994, they
8 didn't need that presence; correct?

9 ATTORNEY GARDNER: Objection to
10 the extent it calls for speculation.

11 THE WITNESS: Those women didn't
12 have anyone there serving, but they chose
13 to serve, yes.

14 BY ATTORNEY McCARTHY:

15 Q. Okay. So -- and this is, again,
16 right now suggesting any of this as a detractor,
17 but the point I think I'm taking from you but I
18 just haven't heard yet is, so for -- let's just use
19 the same example of female representation within
20 the fighter pilot community.

21 A. Uh-huh.

22 Q. At a macro level, that's additive

1 for female recruits who might be interested in the
2 fighter pilot career; correct?

3 A. Uh-huh.

4 Q. At a micro level, it might be
5 additive for some individual -- back up.

6 At a microlevel, it might be additive for
7 an individual young female who is interested in a
8 career as a fighter pilot; correct?

9 A. It being the presence of women, yes.
10 And I would say or it's neutral because it might
11 not make a difference to them. And it's not
12 negative, which was my comment earlier about it's
13 not a turnoff if there are women serving; right.
14 Like there's not a negative piece to this
15 conversation, presence or lack thereof.

16 Q. That makes sense to me, and that's
17 actually what I was getting at, which is is it
18 neutral for some people, and I take it your
19 response is it's neutral for someone?

20 ATTORNEY GARDNER: Again, my
21 objection, it calls for speculation.

22 THE WITNESS: Again, I feel like

1 you're asking me to summarize human
2 behavior about the desire to serve. I'm
3 getting generally answers the way I have.
4 Like, I don't see the presence of women
5 serving being a turnoff. You're either
6 saying, you know what, to hell with it.
7 People don't serve in that job and I'm
8 going to be the first one, which is what
9 I would offer were the women who ended
10 up, again, being in aviation.

11 Again, I'm not saying one obvious
12 point, but I'll just say it out loud, but
13 there's a whole lot between the decision
14 to say yes, I want to do it, yes, I want
15 to be a trailblazer and I have my wings.
16 There's like two years of a lot of
17 training involved to even get there.

18 BY ATTORNEY McCARTHY:

19 Q. I'm certain it's a massive
20 commitment and a lot of work.

21 A. Yeah. I'll leave it at that. I'll
22 leave it at that.

1 Q. So you mentioned before, we had some
2 discussion about recruitment executive order. That
3 formerly, beneficially, and legally desegregated
4 the military; correct?

5 A. Yes.

6 Q. After that, do you know whether
7 there was an increase in minority representation in
8 the military?

9 ATTORNEY GARDNER: Objection.
10 Lack of foundation.

11 THE WITNESS: I'm aware of
12 Truman's executive order, and I am aware
13 of a continuing lack of racial diversity
14 in the officer corps. I'm also aware of
15 the persistence of racial segregation in
16 the services after the executive order.

17 BY ATTORNEY McCARTHY:

18 Q. The persistence of racial
19 segregation after the executive order, do you have
20 a certain time frame in mind that you're thinking
21 of?

22 A. The time frames I'm -- the time

1 frames I'm referencing are the 50s, '60s as it
2 relates to there being commissions to review the
3 military and hey, are you all executing this
4 executive order. So there was several commissions
5 looking at the military in those periods of time.
6 And then more recently as well.

7 Q. Is there a persistence of
8 segregation in the military today?

9 A. Segregation? There's a persistence
10 of a nonracially diverse officer corps today.

11 Q. You used the word "segregation" at
12 some points.

13 A. Yes.

14 Q. Do you mean that -- do you mean
15 segregation to mean the same thing as lack of
16 diversity?

17 A. My reference to segregation
18 historically was occupations. So if you were to go
19 back and look historically at what were
20 African-American sailors, for example, what were
21 their occupations, there was a segregation. That's
22 my reference is about occupation.

1 Q. Do you mean like -- by "occupation,"
2 what do you mean? Do you mean like is it enlisted
3 versus officer, or is it something different?

4 A. I'm just going to speak specifically
5 to enlisted when you look at what their military
6 occupational specialties are. There were clear
7 differences in where minority sailors, the jobs
8 they had and the jobs that majority sailors had.

9 Q. And to be clear, are you talking
10 about from a particular historical era, or are you
11 talking about right now?

12 A. I'm talking about in the context of
13 what you just asked me, I'm talking about
14 historically there were quite different occupations
15 that black sailors had versus white sailors.

16 Q. And is that the case, let's say,
17 today?

18 A. A difference?

19 Q. Yes. Is there segregation among
20 occupations?

21 A. So --

22 Q. Black sailors in the Navy?

1 A. So, again, we don't use race as a
2 discriminator for occupation. So the answer is no.
3 We don't use race as a factor to determine you're
4 eligible for this occupation versus this
5 occupation.

6 Are there differences in representation of
7 sailors in certain occupations versus others? Yes.
8 Are we using that as a factor? No.

9 Q. Understood. That's what I was
10 trying to figure out. I just want to make sure
11 that when you're speaking I understand what you're
12 saying. Racial disparities among certain
13 positions, that means something different than
14 segregation?

15 A. Yes. When I use the -- when I use
16 the reference of disparities in office -- in
17 disparities, it was meant from a demographic
18 looking at like the officer corps.

19 My reference to segregation was the way
20 that sailors -- the differences, the very, very
21 differences that sailors, the different occupations
22 that sailors had, 50s, '60s, yes.

1 Q. Okay. And in that time, they were
2 actually -- the Navy was doing something to
3 segregate those black sailors into different
4 occupations, whereas now they are not; correct?

5 ATTORNEY GARDNER: Objection.

6 Compound.

7 THE WITNESS: We do not use race
8 as a factor in occupational selection.
9 How the Navy arrived at having,
10 continuing to use black sailors as an
11 example, how the Navy arrived at black
12 sailors being in the occupations they
13 were in in larger numbers than majority
14 white sailors, how that occurred, I
15 wasn't an expert in how that happened in
16 the 50s and '60s. I know it to be true.
17 I don't know how it occurred, and I know
18 what we do now in the present.

19 BY ATTORNEY McCARTHY:

20 Q. Okay. You served since 1999;
21 correct?

22 A. I was commissioned in 1990.

1 Q. I'm sorry. Sorry. I got that
2 wrong. I didn't mean to dock you service time.

3 A. That's okay.

4 Q. So in your time, since 1990, has the
5 Navy ever considered race in assigning occupations,
6 units, promotions, compensation in the Navy?

7 ATTORNEY GARDNER: Objection.

8 Lack of foundation.

9 THE WITNESS: The Navy doesn't use
10 race in those areas.

11 BY ATTORNEY McCARTHY:

12 Q. You are not aware of the Navy to
13 ever having used race in the military since you've
14 been in service in 1990?

15 A. Yes, I'm not aware of the Navy doing
16 that.

17 Q. Going back to this testimony of
18 Secretary Del Toro, I think at the start of our
19 exchange on that you said you understood diverse
20 force to mean diversity in all of the different
21 types we discussed today; correct?

22 A. Yes.

1 Q. And when we were talking about
2 various examples, you used your own example,
3 gender. You talked about a number of examples of
4 race.

5 A. Uh-huh.

6 Q. But seeing themselves wearing the
7 uniform, that concept, do you think that that's
8 additive for people of other types of diversity as
9 well?

10 ATTORNEY GARDNER: Objection.

11 Vague.

12 THE WITNESS: I would see it
13 overall as additive.

14 BY ATTORNEY McCARTHY:

15 Q. So for someone of a particular
16 religion, if they saw their religion represented in
17 the military, that might be additive to them in
18 terms of seeing themselves as a member of the
19 military?

20 ATTORNEY GARDNER: Objection.

21 Calls for speculation.

22 THE WITNESS: I can take your

1 question and say if I'm of a particular
2 faith and I've done some homework and I
3 know that the military has chaplains and
4 that was meaningful to me to know that
5 and I did further homework or talk to my
6 recruiter and said help me understand
7 what a chaplain does, and they would
8 explain this is what a chaplain does for
9 service members, which is not specific
10 religious-based.

11 That's what the chaplain does, and
12 that was meaningful to me, that would be
13 the information I would take in and say
14 hey, I think I can still practice my
15 faith and serve. I'm giving you like
16 extreme narrow example of if that's a
17 meaningful thing for me in my life, I
18 would want to understand like okay, how
19 do I continue to be a faithful person and
20 serve, and I might do my homework on that
21 and talk to somebody about it. Maybe ask
22 my recruiter and see if they're able to

1 tell me what does that look like to a
2 faithful person to serve.

3 BY ATTORNEY McCARTHY:

4 Q. So in that instance, the presence
5 of -- so in that instance in your example, the
6 presence of faithful people within the military
7 would be additive for that individual who is a
8 person of faith?

9 A. Yes, an example I gave you, uh-huh.

10 Q. Okay. Could that be the same for
11 someone who is diverse on gender identity grounds?

12 ATTORNEY GARDNER: Objection.
13 Calls for speculation.

14 THE WITNESS: I would give you the
15 same type of example we've talked through
16 with, you know, women, we just talked
17 about religious diversity, and I would
18 say the same as well.

19 BY ATTORNEY McCARTHY:

20 Q. So it could be additive with a
21 person of gender identity diversity as well?

22 ATTORNEY GARDNER: Objection.

1 Calls for speculation.

2 THE WITNESS: Yes.

3 BY ATTORNEY McCARTHY:

4 Q. Okay. And, I take it your answer is
5 the same for any of the context of diversity we
6 discussed; is that correct?

7 ATTORNEY GARDNER: Same objection.

8 Also vague.

9 THE WITNESS: Yes.

10 BY ATTORNEY McCARTHY:

11 Q. Part of Secretary Del Toro's
12 statement is about every viewpoint being
13 represented in the Navy's operations today.

14 Do you see that?

15 A. Yes.

16 Q. Do the various kinds of diversity
17 promote diverse viewpoints?

18 A. Yes.

19 Q. Does, say, one racial or ethnic
20 group have a greater ability to promote diversity
21 viewpoints than another?

22 A. No.

1 Q. Further down there's a quote from
2 Gilbert Cisneros. This is still on paragraph 10.
3 Are you with me?

4 A. Yes.

5 Q. You quoted some testimony from
6 Gilbert Cisneros here that talks about strategic
7 diversity.

8 A. Yes.

9 Q. So I want to understand what that
10 means. What does strategic diversity mean? Is it
11 different than the other types of diversity we
12 talked about?

13 ATTORNEY GARDNER: Tom, just to be
14 clear, you're asking about what is meant
15 in this sentence or generally what her
16 understanding of strategic diversity is?

17 ATTORNEY McCARTHY: I'm asking her
18 what her understanding of strategic
19 diversity is.

20 THE WITNESS: My understanding is
21 of the usage of strategic diversity here
22 has been the way I've talked about

1 diversity overall being many different
2 facets of diversity, race, sex,
3 ethnicity, race. I think I just said
4 race twice, but all of it, yes.

5 BY ATTORNEY McCARTHY:

6 Q. So you understand strategic
7 diversity to mean diversity in all the forms we
8 discussed?

9 A. Yes.

10 Q. And Gilbert Cisneros, his testimony
11 that you quoted, how do you understand that
12 leveraging this strategic diversity helps the DoD
13 to outthink, outmaneuver, and outfight any
14 adversary or threat?

15 A. I see this from two standpoints.
16 One from access and the conversations we've had
17 about where we are and are we geographically around
18 the country to put the option to serve on the
19 table.

20 I also see the statement that speaks to
21 what we know about diverse teams and their ability
22 to put new ideas on the table, and that then

1 connects to outthink, outmaneuver, and outfight.

2 So what a diverse team brings to the table to solve
3 problems.

4 Q. Let's move on to paragraph 11. Can
5 you read the second sentence of your written
6 testimony there?

7 A. The second in paragraph 11?

8 Q. Yes.

9 A. "Diversity is an important
10 capability that directly contributes to operational
11 readiness and provides the strategic advantage over
12 our adversaries."

13 Q. When you used the term "diversity"
14 in that sentence, did you mean diversity in all of
15 its forms?

16 A. Yes.

17 Q. So religious diversity, for example,
18 is part of that; correct?

19 A. Yes.

20 Q. Can you explain to me how religious
21 diversity is a capability, as you describe it?

22 A. I can explain to you how diversity

1 overall leads to a team, again. The team is the
2 unit that accomplishes the mission. So the
3 diversity of the team, we know diverse teams
4 operate with new ideas, etc.

5 So that's the capability that's spoken to
6 in that sentence.

7 Q. Okay. I'm going to ask about, you
8 know, because as you testified it encompasses all
9 these different types of diversity. I want to
10 focus on the religious aspect of that.

11 So how is religious diversity an important
12 capability of that?

13 ATTORNEY GARDNER: Objection.

14 Asked and answered.

15 THE WITNESS: Again, I'm not able
16 to parse out religious diversity,
17 socio-economic diversity, racial
18 diversity. It's not a precise math
19 equation of this one is weighted more
20 than this one. That's not -- that's not
21 what's meant here. So I can't answer
22 that question.

1 BY ATTORNEY McCARTHY:

2 Q. So I want to be clear. I'm not
3 asking about what religious diversity is weighted
4 compared to the others, but you did testify that
5 all these different types of diversity are
6 encompassed by the use -- your use of the word
7 "diversity" in that sentence.

8 A. Yes.

9 Q. So I'm trying to understand, and
10 maybe you can do it with an example, I'm not asking
11 about weight or ranking or anything, but how might
12 religious diversity be an important capability of
13 the type you described there?

14 ATTORNEY GARDNER: Objection.

15 THE WITNESS: I don't know. I
16 can't give you an example.

17 BY ATTORNEY McCARTHY:

18 Q. What about gender identity
19 diversity? Can you tell me, with an example or
20 otherwise, how that's an important capability of
21 the type you described?

22 A. I can't give you an example.

1 Q. How about racial diversity? Can you
2 tell me how that's an important capability in the
3 manner you described there?

4 A. It's the same answer. You're asking
5 me to dissect the word "diversity" in this sentence
6 in a very ethereal way. So it's the same answer.
7 I can't give you an example.

8 Q. Would your answer be the same if I
9 asked about all those other individual types of
10 diversity we discussed?

11 ATTORNEY GARDNER: Objection.
12 Vague.

13 THE WITNESS: Once again, if
14 you're asking me to dissect the word
15 "diversity" in this sentence and then
16 give you a precise example of how that
17 contributes to operational readiness,
18 again, it's the same answer.

19 BY ATTORNEY McCARTHY:

20 Q. And I'm not asking you to dissect
21 anything. I'm making sure I understand your
22 testimony. And diversity you testified in this

1 sentence means all the different forms of diversity
2 we discussed. And I want to understand that you
3 cannot give me an example of how any one of those
4 individual types of diversity is an important
5 capability of the type you describe in there. Is
6 that what you're saying?

7 ATTORNEY GARDNER:

8 Mischaracterizes the witness's testimony.

9 You can answer.

10 Q. I can go through them one by one if
11 that's easier. I can try to save some time, but
12 I'll go through the others. Religious, gender
13 identity, racial.

14 So political diversity. Could you tell me
15 how that's an important capability of the type you
16 described in that sentence?

17 A. No.

18 Q. Is your answer the same for the
19 other types of diversity we've discussed today?

20 ATTORNEY GARDNER: Objection.

21 Vague.

22 THE WITNESS: You're asking me to

1 dissect the word "diversity," which I'm
2 unable to do in the context of what
3 you're asking me. When we compose teams
4 of people, we do not have a ledger about
5 all these different facets of who they
6 are.

7 So when we're talking about
8 capability, we're talking about who the
9 group of people are. Are they skilled
10 and ready to go to accomplish the
11 mission?

12 And so in the context of this
13 statement, this statement means we know
14 through research that diverse teams lead
15 to better thinking through problems,
16 innovation, we know that. We know that
17 from social science research, we know
18 that from private sector research, which
19 is applicable to what we do to some
20 level. We prosecute work, we have to do
21 it a little bit different than the
22 private sector, but we know that to be

1 true.

2 So the questions you asked me are,
3 again, I don't -- this is dissecting this
4 concept in a way that is asking me to
5 give specific examples that are just, you
6 know, again, you and I could talk this
7 human behavior all afternoon, but this
8 is -- I'm unable to dissect diversity in
9 a way that you're asking me these
10 questions. We don't keep a ledger of
11 everybody's composition of these various
12 factors and then -- that is not how this
13 works.

14 BY ATTORNEY McCARTHY:

15 ATTORNEY GARDNER: I'm not trying
16 to cut you off. But can we take a break?

17 ATTORNEY McCARTHY: Yes, in a
18 couple minutes.

19 BY ATTORNEY McCARTHY:

20 Q. I just want to make sure here. You
21 stand by this statement in paragraph 11 that
22 diversity is an important capability that directly

1 contributes to operational readiness and provides
2 the strategic advantage over our adversaries;
3 correct?

4 A. Yes.

5 Q. But you're unable to tell me how
6 religious diversity is an important capability that
7 directly contributes to operational readiness and
8 provides the strategic advantage over our
9 adversaries; correct?

10 ATTORNEY GARDNER: Objection.

11 Asked and answered.

12 THE WITNESS: I've answered the
13 question.

14 BY ATTORNEY McCARTHY:

15 Q. I'm trying to make sure. You said
16 you're unable to dissect that?

17 A. Which I've answered now maybe the
18 fifth time.

19 Q. The answer is no?

20 ATTORNEY GARDNER: Objection.

21 Mischaracterizes the witness's testimony.

22 Q. I'm just trying to be quick because

1 there's a little bit of going in circles here. It
2 seemed like you were walking away from the
3 statement in this.

4 A. I've absolutely not walked away from
5 that statement.

6 Q. I understand. You've made it very
7 clear.

8 A. You just said I did not make it
9 clear. I have not walked away from that statement.

10 Q. I'm sorry. I didn't mean to say
11 that. I meant -- sorry. It seemed like to me at
12 some point that you had, so I asked you the
13 question to clarify that you never walked away from
14 it. I understand that.

15 A. I hope so.

16 Q. I do. And I appreciate that you
17 clarified it.

18 Having clarified that, I want to make sure
19 I understand the other answer in context. So I'm
20 going to ask it again, and I think it can be a
21 yes-or-no answer.

22 Are you able to tell me how religious

1 diversity is an important capability that directly
2 contributes to operational readiness and provides
3 the strategic advantage over our adversaries?

4 ATTORNEY GARDNER: Objection.

5 Asked and answered. Also object to the
6 extent it's demanding a yes-or-no answer.
7 Yes-or-no answer is not appropriate. So
8 you can answer again to the best of your
9 knowledge.

10 Q. Are you able to tell me or no?

11 ATTORNEY GARDNER: Objection.

12 THE WITNESS: I am unable to
13 dissect diversity into all the facets you
14 have been dissecting it in over the last
15 10 minutes.

16 BY ATTORNEY McCARTHY:

17 Q. Do you still maintain that diversity
18 in that sentence includes all the different forms
19 of diversity we discussed today?

20 ATTORNEY GARDNER: Objection.

21 Asked and answered.

22 THE WITNESS: Yes.

1 BY ATTORNEY McCARTHY:

2 Q. We can take a break.

3 (Recess taken from
4 11:29 a.m. to 11:47 a.m.)

5 Q. Ms. Truesdale, I'd like to move on
6 to paragraph 12 from your declaration.

7 A. Okay.

8 Q. The first sentence there says,
9 "DON's leadership's objective is to produce the
10 best combat-ready Naval and Marine forces in the
11 word to meet our missions with our force."

12 Did I read that portion of your written
13 testimony correctly?

14 A. Yes.

15 Q. Great. Does diversity within the
16 Navy help produce this best combat-ready Naval and
17 marine forces?

18 A. Yes.

19 Q. How does racial diversity help to
20 produce the best combat-ready Naval and Marine
21 forces?

22 A. So I'd answer that in the context of

1 how racially diverse our enlisted force is and the
2 officer's job to lead that team. So in that
3 context it's a -- again, it contributes to the
4 ability to get the mission done.

5 Q. You said something there about the
6 officer's job to lead that team. How does racial
7 diversity affect the officer's job to lead that
8 team?

9 A. So the racial diversity of the
10 officer corps as it relates to the enlisted, it is
11 a benefit with a racially officer diverse corps
12 with our enlisted force, given how, you know, it
13 offers a pretty exceptionally enlisted force that
14 we have.

15 Q. So in a particular unit, does the
16 racial identity of the officer-- strike that. Let
17 me back up.

18 In a particular unit, how does the racial
19 identity of the officer affect his or her ability
20 to do their job within the team?

21 A. So, again, we don't use race in
22 assignments of units or selections of a person's

1 role or leadership role within the unit. And I'll
2 offer an answer from the perspective of what the
3 culture of the unit is, the cohesion, the trust.
4 And an officer's race may or may not add to what
5 that cohesion is.

6 An officer who is contributing to a toxic
7 environment or they are a poor leader in terms of
8 the climate, officers are expected to set the tone
9 and climate for their unit, and those are things
10 that we measure.

11 And so, we can have situations where we
12 have poor climate. We can have officers
13 contributing to poor alignment in a lot of
14 different ways through their own actions. They
15 could be sexually harassing actions. They could be
16 demeaning actions the way they deliver negative
17 feedback to the team.

18 What we're talking about is what the leader
19 is creating with the team and the environmental
20 leader creates with the team and the officer's role
21 as really the person who builds the culture of the
22 team and the climate of the team.

1 Q. Let's talk about different pieces of
2 that.

3 So the officer -- the officer's job is to
4 lead the team; correct?

5 A. Yes.

6 Q. And the officer, I think as you
7 said, sets the climate; correct?

8 A. Yes. Along with senior
9 noncommissioned officers, yes.

10 Q. Okay. You mean senior
11 noncommissioned officers within the unit?

12 A. Uh-huh.

13 Q. That's part of the leadership?

14 A. Correct. Your officers, your senior
15 enlisted senior NCOs, the same thing and then your
16 unit. Your effective junior people in your unit.

17 Q. You indicated that in certain
18 circumstances, a particular officer leading a unit
19 may be a poor leader or engage in different types
20 of demeaning or bad conduct. It could happen;
21 correct?

22 A. We do have units with -- yes, we

1 have units that have bad climate, yes.

2 Q. I'm sure that's something in that
3 Navy strives to minimize; correct?

4 A. Yes.

5 Q. Whether an individual officer
6 leading a unit is a good leader or a poor leader,
7 does their race make a difference to that?

8 A. No.

9 Q. The best combat-ready Naval and
10 Marine forces.

11 A. Uh-huh.

12 Q. I want to stick with racial
13 diversity here for a moment. Are racially diverse
14 units more effective at combat?

15 A. Are racially diverse units more
16 effective at combat?

17 Q. Yes.

18 A. I know -- so I don't have personal
19 experience in combat nor leading units in combat.
20 I can tell you that from previous research of
21 military units and their performance, there is
22 research on the table that shows more diverse

1 forces have had better outcomes. So I can speak to
2 it from that standpoint.

3 I can speak to it from the standpoint of
4 what we know teams produce and are they innovative
5 and do they problem solve like from private sector
6 research and where that relates to military. I can
7 answer it from those perspectives.

8 Q. So let me ask you a couple questions
9 about that.

10 You mentioned research in the military
11 context by diverse teams. Are you talking about
12 the research of Dr. Jason Lyall?

13 A. Yes.

14 Q. Okay. And then you mentioned some
15 private sector research, not military; right?

16 A. Yes.

17 Q. Okay. And that's not Dr. Jason
18 Lyall; correct?

19 A. Correct.

20 Q. Okay. Among those private sector
21 studies about diversity, do any of those isolate
22 and evaluate the effect of religious diversity on

1 cohesion and problem solving?

2 A. I don't know.

3 Q. Do any of those studies isolate and
4 evaluate the effect of gender identity diversity on
5 cohesion and problem solving?

6 A. I don't know.

7 Q. Do any of those private sector
8 studies isolate and evaluate the effect of racial
9 diversity on cohesion and problem solving?

10 A. I don't know.

11 Q. Getting back to combat, and I
12 understand you did not learn combat or however you
13 answer, I totally understand. But do you know
14 whether racially diverse units are more effective
15 at coordinating close air support to nondiverse
16 units?

17 ATTORNEY GARDNER: Objection.
18 Lack of foundation.

19 THE WITNESS: I don't have
20 experience in combat. So I do not know
21 the answer to that.

22

1 BY ATTORNEY McCARTHY:

2 Q. Okay. Would you know whether
3 racially diverse units are more effective at
4 entering and clearing rooms than nondiverse units?

5 ATTORNEY GARDNER: Objection.

6 Lack of foundation.

7 THE WITNESS: Same answer.

8 BY ATTORNEY McCARTHY:

9 Q. Do you know whether racially diverse
10 units are better at coordinating indirect fire on
11 enemies than nondiverse units?

12 ATTORNEY GARDNER: Objection.

13 Lack of foundation.

14 THE WITNESS: It's the same
15 answer.

16 BY ATTORNEY McCARTHY:

17 Q. Is it fair to say that given your
18 lack of combat experience that you're unable to
19 answer combat-related questions like this?

20 ATTORNEY GARDNER: Objection.

21 Vague.

22 THE WITNESS: I think we

1 established what I'm here for today,
2 which is not an expert in combat. So I'm
3 not quite sure why you're asking me that
4 question.

5 BY ATTORNEY McCARTHY:

6 Q. I asked because there's a sentence
7 that we just discussed in your testimony that
8 says -- that talks about the objective to produce
9 the best combat-ready Naval and Marine forces. I
10 understand that you don't have a background in
11 combat.

12 A. I have a background in producing,
13 and that's the key word in that sentence. That's
14 the action word, the production. That's the
15 subject matter expertise I bring to the table is
16 how are they produced. Where do we get people we
17 need to serve. So that's where my expertise is.

18 Q. Produce meaning -- I'm sorry. I'm
19 not sure.

20 A. It means to recruit, assess,
21 recruit.

22 Q. But given your lack of combat

1 experience, you can't say exactly how it translates
2 in the field of combat. Is that fair to say?

3 A. Your question is a little vague, but
4 I'll answer it anyway. What I am saying is when we
5 do -- when the Navy and Marine Corps' manning power
6 and personnel others do their job, which is
7 assessing and recruiting, assigning, developing,
8 training and educating, when they do all of those
9 parts of the system, the output of that system is a
10 combat-ready Naval and Marine force.

11 So all of the interplay of that system
12 compensating to taking care of families and leaving
13 a lot of healthcare. When all of those things
14 happen, the output today and into the future is a
15 combat-ready Navy and Marine Corps team.

16 My role in all of that is the policy behind
17 all of those actions.

18 Q. I understand --

19 A. Send people, teams and leaders who
20 then go do the mission. So the effectiveness of
21 that actual combat mission when you ask me, close
22 air support, you ask me knocking down doors, I

1 can't give you a -- I certainly can't give you a
2 lived experience. I can tell you what the human
3 capital contribution is to all of that. And it's
4 all the things I just discussed that are behind the
5 word "produced."

6 Q. Okay. So all those things you just
7 discussed, your role is in the production, which I
8 understand to be the recruitment aspect of that;
9 correct?

10 A. My role is in policy about
11 accessions, recruiting, force management,
12 compensation, healthcare, retirement, education,
13 there. I think I got it all. It's a lot.

14 Q. It is a lot.

15 A. It's policy. The overall policy
16 that we work on with Navy and Marine Corps, and
17 they then do the work of those policies, the
18 recruiting, assigning, developing, supporting
19 families, supporting service members.

20 Q. Okay. Just to make sure I know
21 where I'm going with the questions going forward,
22 you are not prepared to speak on issues relating to

1 combat on the ground; correct?

2 ATTORNEY GARDNER: Objection.

3 Vague.

4 THE WITNESS: Can you define -- do
5 you mean actual engagement of enemy
6 combat on the ground?

7 BY ATTORNEY McCARTHY:

8 Q. Yes.

9 A. I cannot speak to that.

10 Q. So you can't tell me the effect of
11 racial diversity, for example, in the field of
12 combat?

13 ATTORNEY GARDNER: Objection.

14 THE WITNESS: If you mean actual
15 engagement of enemies and who the
16 American forces are by diversity in
17 engaging the enemy, I cannot speak to
18 that.

19 BY ATTORNEY McCARTHY:

20 Q. Okay. Within a unit, how does
21 racial diversity improve cohesiveness?

22 A. Within a unit, the presence of

1 racial diversity can certainly enhance team
2 cohesiveness.

3 Q. How does it do that?

4 A. I think our history shows the
5 absence of it and our present time shows -- for
6 example, we know in certain command climates that
7 there's negative behavior, there's certain
8 harassing behaviors that affects people's -- it can
9 affect people's job performance, and we know it
10 absolutely affects people's desires to stay or go.

11 Q. Is it more or less likely to get
12 along with members of his or her unit if they are
13 the same race?

14 ATTORNEY GARDNER: Objection.

15 Calls for a hypothetical.

16 THE WITNESS: Ask it again.

17 BY ATTORNEY McCARTHY:

18 Q. Is an enlisted more or less likely
19 to get along with other members of his or her unit
20 if they are of different races?

21 ATTORNEY GARDNER: Same objection.

22 Also objection. Vague.

1 THE WITNESS: It depends.

2 BY ATTORNEY McCARTHY:

3 Q. On what?

4 A. It depends on a group of humans and
5 how they treat each other and what the culture is
6 in that unit.

7 Q. How does race affect that equation?

8 A. If we're talking about a team and a
9 culture, we're talking about -- we're talking about
10 the tone the officers and the senior enlisted set
11 in that unit. And is it an environment that's, you
12 know, certainly mission-focused. That's what
13 everyone is there to be is mission-focused.

14 And is it also an environment that's taking
15 care of the people in the unit. And the diversity
16 of the unit is going to be, of course, a multiplier
17 in that equation. We already have units that -- I
18 don't study unit demographics, but I think it's a
19 safe assumption I'm going to make right now, that
20 we already have units that are more predominantly
21 one race than another. They are effective. Why?
22 Because you're in the Navy. They get the job done.

1 So when we talk about your question, which
2 is what's the contribution of race, which I guess
3 is the question behind your question, the
4 contribution of that is additive back to what we
5 talked about before. It's about taking risk
6 factors off the table.

7 The risk factors we saw in play in the
8 Navy's past, i.e., extremely white officer corps,
9 extremely diverse ship's crew, black sailors, and
10 sometimes that created a lot of tension, strife or
11 in some cases outright protests and I'm not going
12 to get the work done.

13 Q. You stated that there are some
14 racially disparate units in the Navy; correct?

15 A. My assumption is that while I don't
16 study the unit demographics at all, that it's a
17 good assumption that we have some units that are
18 more majority than others.

19 Q. So it's a safe assumption, you don't
20 know for sure if it's a safe assumption?

21 A. Uh-huh.

22 Q. Say --

1 A. Yes.

2 Q. And I believe you said will they get
3 the job done, yes, because they're in the Navy?

4 A. Yes.

5 Q. So a unit that is predominantly
6 Hispanic, do you think they could get the job done
7 just as well as a unit that is predominantly white?

8 A. Yes.

9 Q. Do you think it matters to that
10 predominantly Hispanic unit whether their leader is
11 of a particular race?

12 ATTORNEY GARDNER: Objection.
13 Calls for speculation.

14 THE WITNESS: It might.

15 BY ATTORNEY McCARTHY:

16 Q. And how might it?

17 A. Again, I'd need to know -- again,
18 we'd need to know a lot more about the unit.
19 There's a lot of assumptions built into the unit.
20 So if I work off the assumption that the culture of
21 the unit is positive and -- again, in your example,
22 the Hispanic officer's presence -- it depends.

1 You're asking me to speculate on about five -- many
2 multiple dimensions of a group of humans. This
3 is -- you know; right?

4 Q. So let's talk about leaders for a
5 minute. You said before that a leader sets the
6 tone of the environment; correct?

7 A. Yes.

8 Q. And they are mission-focused or
9 something to that effect; correct?

10 A. Yes.

11 Q. And it's their job to take care of
12 the people in their unit; correct?

13 A. Yes.

14 Q. Is a Hispanic unit leader just as
15 likely to do those things successfully as an Asian
16 unit leader?

17 ATTORNEY GARDNER: Objection.

18 Calls for a hypothetical.

19 THE WITNESS: I don't know enough
20 about the leaders to know -- again, you
21 need to know a lot more about somebody
22 and their abilities as a leader aside --

1 you need to know an awful lot more about
2 these people.

3 BY ATTORNEY McCARTHY:

4 Q. Does it depend more on their
5 leadership capabilities than their skin color?

6 A. It depends on the kind of leader
7 they are.

8 Q. So let me just use an example of a
9 Hispanic and an Asian here. I'm just going to
10 stick with that.

11 If those two leaders both have Spanish
12 capabilities in terms of leadership, are they just
13 as likely to be effective leaders as you tell it?

14 ATTORNEY GARDNER: Objection.
15 Calls for a hypothetical.

16 THE WITNESS: To the extent of
17 following you, yes. My answer is yes.

18 BY ATTORNEY McCARTHY:

19 Q. So those two leaders, let's go back
20 to our example of a predominantly Hispanic unit.
21 Is that predominantly Hispanic unit equally capable
22 of getting the job done with a superb unit leader

1 who is Hispanic as compared to a superb unit leader
2 who is Asian?

3 ATTORNEY GARDNER: Objection.

4 Calls for a hypothetical.

5 THE WITNESS: I pause because I'm
6 getting lost in your question. So I
7 think you asked me Hispanic unit,
8 Hispanic leader or Asian leader, and I
9 think you said of equal exemplary
10 leadership abilities.

11 BY ATTORNEY McCARTHY:

12 Q. Yes.

13 A. With an assumption that the climate
14 in the unit is positive?

15 Q. Yes.

16 A. That the outputs would be -- again,
17 I'm speculating. We're talking about a group of
18 people. My answer is if you have good leadership
19 and the climate that this leader sets is positive,
20 then that unit should be accomplishing its mission,
21 assuming the resources are there.

22 There's a couple things we haven't talked

1 about, but I assume they have equipment and the
2 resources that they need. I will make that
3 assumption.

4 Q. Okay. Assuming all those things are
5 there equally, the predominantly Hispanic unit
6 should be just as well with a superb Spanish leader
7 as opposed to a superb Asian leader?

8 ATTORNEY GARDNER: Objection.
9 Calls for a hypothetical.

10 THE WITNESS: Given all those
11 things are turned on to the positive that
12 you've explained in your example, we live
13 in a good world. So the answer is to the
14 extent that we're being in the
15 hypothetical world, yes.

16 BY ATTORNEY McCARTHY:

17 Q. Earlier you testified that you're
18 not aware of anyone in your time in the Navy
19 disregarding an order because of a superior's race;
20 correct?

21 A. Yes.

22 Q. Do you think an enlisted minority is

1 more likely, less likely, or the same amount as
2 likely to follow the orders of a unit leader of
3 another race?

4 ATTORNEY GARDNER: Objection.

5 Calls for speculation. Also
6 hypothetical.

7 THE WITNESS: All our enlisted
8 members swear to support and defend the
9 Constitution and follow the orders of the
10 officers appointed over them. That's the
11 covenant. That's the agreement.

12 BY ATTORNEY McCARTHY:

13 Q. And I take it they are bound to keep
14 that and hold that commitment?

15 A. Correct. And the large assumption
16 is that the orders are legal, ethical orders.

17 Q. Understood. Let's turn to paragraph
18 15 in your declaration.

19 A. (Witness complies with request.)

20 Q. This is on page 7. Are you with me?

21 A. Yes.

22 Q. Great. Can you read the first

1 sentence of your testimony there?

2 A. Paragraph 15. "The military
3 services continue to be one of the most
4 meritocratic organizations in the United States due
5 to the principles established by President Truman
6 in Executive Order 9981, that there shall be equal
7 treatment and opportunity for all persons in the
8 armed services without regard to race, color,
9 religion or national origin."

10 Q. Thank you. So how does President
11 Truman's executive order 9981 help the military
12 services continue to be one of the meritocratic
13 organizations in the United States?

14 A. By the prohibition of considering
15 race, color, national origin.

16 Q. Very good. So keeping race, color,
17 religion and national origin out of promotion and
18 assignment decisions, help keep the military
19 services more meritocratic. Is that correct?

20 A. It's about merit, yes.

21 Q. Next sentence says, "In that vein,
22 robust and diverse pipeline of new talent into the

1 Navy and Marine Corps assures that the Department
2 of the Navy has the breadth and depth of talent
3 needed for a multidomain-capable force in the
4 future envisioned by the SECNAV."

5 Did I read that portion of your testimony
6 correctly?

7 A. Yes.

8 Q. What do you mean by
9 "multidomain-capable force"?

10 A. So what that means is where all of
11 the Navy and Marine Corps operate, which is space,
12 air, sea, under sea, and land.

13 Q. Understood.

14 A. Cyber too. I just dated myself. I
15 can't forget that, cyber.

16 Q. It wasn't always cyber, but it is
17 too?

18 A. Correct.

19 Q. I'd like to look at the last
20 sentence of this paragraph. "A diverse officer
21 corps including a racially diverse brigade of
22 midshipmen at the Naval Academy is an integral part

1 of the success of the strategy."

2 Did I read that portion of your testimony
3 correctly?

4 A. Yes.

5 Q. And first, just to make sure I
6 understand, brigade of midshipmen, that's a
7 reference to the entire undergraduate population of
8 the Naval Academy; correct?

9 A. Correct.

10 Q. Then here, this is a question I've
11 asked a number of times. You mentioned a diverse
12 officer corps, and then specifically note
13 "including racially diverse."

14 A. Yes.

15 Q. I take it then by that use of
16 "diverse" in that sentence, you mean in all of the
17 different types that we've discussed today?

18 A. The first part, yes, before the
19 clause, uh-huh.

20 Q. Okay. Can you explain to me how an
21 officer corps that is diverse in all of those ways
22 is integral to the strategy of having a robust and

1 diverse pipeline of new talent into the Navy and
2 Marine Corps?

3 A. Sure. So that goes back to what we
4 discussed earlier, which is about the accessions
5 and recruitment and the ability to be present in
6 all markets of the country. There's -- we talked
7 about this earlier. There's the notion of how many
8 people we need, we need so many people to do the
9 work. We lose so many every year.

10 So there's just the sheer kind of numbers
11 behind what we do to staff up the ranks. And we
12 don't -- and we staff up the ranks from what I'll
13 say the bottom up. So it's an internal labor
14 market, we recruit and we retain internally. We're
15 not taking in thousands of people later on to
16 become like staff sergeants. You become a staff
17 sergeant because you were a private and you work
18 your way up to the ranks.

19 Q. So nobody comes in laterally. They
20 all work their way up through the ranks?

21 A. Some members do. We have
22 professionals who do too, like chaplains and

1 doctors. But like the front line, we're fighting
2 specialties bottom up.

3 Q. Okay. And then I understand that
4 there's the, you know, recruiting portion of this
5 you were discussing.

6 A. Uh-huh.

7 Q. But then having an officer corps as
8 diverse in all the many types of dangerous weapons
9 there are, how does that help have this robust and
10 diverse type line of talent?

11 A. It, again, is not excluding any
12 parts of the country. Not excluding any markets of
13 the country. That's the big component of it. And
14 knowing -- knowing -- when we talk about officers,
15 we're talking about who will lead our service --
16 who will lead our enlisted force.

17 And knowing the enlisted force that we
18 have, which is a racially diverse, quite a racially
19 diverse officer -- excuse me, enlisted force,
20 that's what this is talking about, is the fact that
21 the Naval Academy is one of only a few ways we
22 produce officers and what their job will be, which

1 is to be not just war fighters but leaders. That's
2 what's meant here about robust, meaning numbers,
3 diverse meaning we're on all the markets knowing
4 the output is an officer corps that's going to go
5 lead sailors and Marines.

6 Q. You mentioned that the Naval Academy
7 is only one of the ways that the Navy produces
8 officers?

9 A. Uh-huh.

10 Q. What are some of the other ways that
11 the Navy produces officers?

12 A. So there's the reserve officer
13 training corps, Naval resource officer because
14 we're talking about Naval and Marine Corps. We
15 have officer commissions school programs in
16 services. So people already have degrees. Just
17 wanted to keep the criteria of the officers who
18 have a degree, commissioned officer.

19 Then there's also several programs that the
20 services have where enlisted folks can apply to be
21 officers, and in some cases they don't have
22 degrees.

1 Q. Some cases they don't have degrees?

2 A. But the main, the largest producing
3 sources for officers for Navy and Marine Corps,
4 Naval Academy, ROTC and then officer-commissioned.
5 OCS is the acronym.

6 Q. OCS, I was going to ask you that.
7 So in Naval -- ROTC supplies officers to both the
8 Navy and the Marine Corps; correct?

9 A. Yes.

10 Q. Is that the same with OCS?

11 A. Yes. There's different programs in
12 the Marine Corps that are the same. There are
13 people who have a degree, yes.

14 Q. Okay. And then you said in some
15 cases there's opportunities for enlisted men and
16 women to apply to become officers as well?

17 A. Yes.

18 Q. And is that true for both the Navy
19 and the Marine Corps?

20 A. Yes.

21 Q. Okay.

22 A. So that's when you talk about

1 chief -- excuse me, chief warrant officers.

2 Q. Okay.

3 A. Limited duty officers. There's
4 other programs too where enlisted force can apply
5 and become commissioned officers as well.

6 Q. Okay. And we'll probably break in a
7 little bit. A few more minutes if that's okay.

8 A. Uh-huh.

9 Q. Probably. You mentioned chief
10 warrant officers. How is a warrant officer
11 different than a commissioned officer?

12 A. There's a whole bunch of statutes
13 behind the differences of a commissioned officer
14 versus a warrant officer.

15 Q. Are they considered different ranks?

16 A. There are a different rank
17 structure.

18 Q. Okay. Is the rank structure such
19 that warrant officers are below, the same level, or
20 higher than a commissioned officer?

21 A. They are different, and it's not --
22 well, I can give you an example where -- yes, I

1 mean, they are considered below. If I thought
2 about a ship and was there a warrant officer on the
3 ship, that warrant officer is subordinate to the
4 CO, who is a commanding officer, who is a
5 commissions officer like 01 to 010.

6 Q. Okay. Can a warrant officer rise to
7 the level of commissioned officer?

8 A. I'm not aware of that, no.

9 Q. Okay. And then you mentioned, I
10 think you used the phrase "limited duty officers."

11 A. Yes.

12 Q. What does that mean?

13 A. So it's a group of -- they are
14 officers, and they're considered like 01E, all the
15 letters. Yeah. I will not go down there. But
16 they are -- they're limited duty officers. They
17 are commissioned, and their primary
18 responsibilities are technicians. They are masters
19 at being -- in their technical abilities. So when
20 you think of like a commissioned officer -- you can
21 stop me if you've got it.

22 Q. You can continue.

1 A. A commissioned officer's main job is
2 to be a leader and then also have the technical
3 expertise. We have LDOs to be like the reactor
4 limited duty officer on a submarine, for example.
5 They are there for their technical expertise.

6 Q. I see. If they are limited duty
7 officers, do they only act in the role of an
8 officer with respect to that duty?

9 A. Duty in the broadest -- duty would
10 equal their technical expertise. So we have LDOs
11 who are in administration. We have LDOs in certain
12 surface warfare technical areas. We have limited
13 duty officers in certain technical areas in
14 submarines, for example.

15 Q. So are they -- when dealing within
16 their area of technical expertise --

17 A. Uh-huh.

18 Q. -- is it that they're considered an
19 officer when in that role but then they're not
20 considered an officer outside that role?

21 A. No, they are absolutely an officer.

22 Q. They are an officer all the time?

1 A. Correct.

2 Q. Okay. But the reason why they
3 become an officer is because they fill some
4 specific technical role for which they have active
5 duty skills?

6 A. Yes.

7 Q. I see.

8 A. Yes.

9 Q. Thank you.

10 (Discussion held off the
11 record.)

12 (Recess taken from
13 12:30 p.m. to 1:27 p.m.)

14 BY ATTORNEY McCARTHY:

15 Q. So Ms. Truesdale, I'm going to pick
16 back up with your declaration for a second, what we
17 were looking at before the lunch break, and I'd
18 like you to turn to paragraph 16, which is on
19 page 7.

20 A. (Witness complies with request.)

21 Q. Are you with me?

22 A. Yes.

1 Q. Great.

2 Paragraph 16 discusses Department of Navy
3 retention efforts; correct?

4 A. I'm just reviewing it. Yes.

5 Q. And specifically, it talks about
6 retaining diverse talent; correct?

7 A. Yes.

8 Q. What does the Department of the Navy
9 do to retain diverse talent?

10 A. The Department of the Navy, first
11 from a data perspective, looks at who is retaining
12 and who isn't retaining, and then digs into reasons
13 behind what retention decisions are to the best
14 that you can.

15 Retention is complex, whether people stay
16 or go. But from a data perspective, the Navy looks
17 at by occupations what is the retention. And if
18 there's differences in retention, then there's more
19 research to look into are the differences in
20 retention things that we can influence and we can
21 help change for the better to help better retention
22 outcomes.

1 So there's differences in women's retention
2 behavior, for example. Certain occupations. So
3 the Navy would say why do we have this difference,
4 can we get to the root cause and other ways we can
5 influence the decisions, the retention decisions.

6 Q. Could you give me an example? You
7 just mentioned retention outcomes. Could you give
8 me an example of that?

9 A. Sure. Aviation women's retention
10 behavior is on average less than men's retention at
11 certain key career points. They retain -- we
12 retain less women.

13 Q. Has the Department of the Navy
14 studied the reasons for that?

15 A. The Navy has studied that and
16 continues to study it. What are we learning from
17 the study again, and can we influence what we're
18 learning.

19 Q. So has the Department of the Navy
20 implemented measures to try to counteract those
21 retention difficulties for females in the, you
22 know, I think you said fighter pilot?

1 A. Just in general the aviation.

2 Q. Aviation, sorry. General aviation.

3 A. Yes.

4 Q. So what have they done?

5 A. So there's -- there's bonuses to
6 retain people. There's can we offer stability in
7 assignments, so if you're west coast, we keep you
8 on the west coast versus moving you to the east
9 coast.

10 So broadly it's like, monetary incentives,
11 nonmonetary incentives. There's work to do more
12 mentoring and reach out to people and talk to them
13 more about the community, you know, Hey, are you
14 thinking about staying or going, have a much better
15 understanding than -- a much better understanding
16 by more people what's going on with those types of
17 folks. Because we have an office that does their
18 assignments, it's called the detailers. They have
19 hundreds of constituents they have to deal with.
20 So there's broadly monetary, nonmonetary and career
21 counseling guidance and mentoring.

22 Q. Are those programs offered on a, I

1 guess, gender-neutral basis?

2 A. Oh, yes.

3 Q. So if it's decided hey, we actually
4 think that some mentoring services may keep females
5 in the service, they could offer it to male as
6 well?

7 A. Right. There's no distinction by
8 compensation by sex. Everyone is compensated the
9 same.

10 Q. Understood. And has there been
11 follow-up research to determine whether any of
12 these measures have actually helped retain more
13 females in aviation?

14 A. Yes.

15 Q. Has the department been able to tell
16 which measures work better than others?

17 A. It's an area I'll characterize as we
18 know certain measures have some effects. It's also
19 work that the Navy continues to do, Marine Corps
20 does the same thing because it's complicated and
21 complex.

22 For example, like in submarines, we don't

1 even know yet because we just don't have enough
2 women yet reaching certain points to stay or go.
3 We probably do now, it's been about two years. But
4 the research has continued to be done on retention.

5 Q. Is there any indicator whether it's
6 more likely than monetary or the nonmonetary
7 incentives that are working?

8 A. So that depends. So, you know, my
9 recollection of the research is that -- and only
10 being very general here -- is that women --
11 monetary incentives for women are less of an
12 influence for women than they are compared to
13 monetary incentives for men.

14 Q. Does the Navy engage in any specific
15 efforts to retain enlisted minorities?

16 A. The Navy engages in efforts to
17 retain enlisted. We're not looking to -- we don't
18 have a specific -- the Navy doesn't have a specific
19 objective by a minority framework to retain. Race
20 isn't a factor in retaining a certain skill set.

21 Q. My question was in the context of
22 the enlisted ranks. Is that the same with respect

1 to the officer ranks?

2 A. If race --

3 Q. I'll re-ask the question.

4 Does the Navy engage in any specific
5 efforts to retain minority officers?

6 A. The Navy engages in -- again, this
7 solution is race-neutral, and also the Navy does
8 have affinity groups like the Naval Officers
9 Association. There's a Hispanic association. I go
10 there because that's an example of mentoring and
11 people who join that association to, you know, talk
12 about ways -- here is how I have my Navy career,
13 here is how I have this type of career.

14 So from an outreach perspective, it's -- I
15 can't tell you the exact status. National Naval
16 Officers Association. It's not a part of the Navy
17 organizationally. It's in a separate association.

18 Q. Could you repeat that name again?

19 A. NNOA is the acronym.

20 Q. NNOA. Is that a racial affinity
21 group?

22 A. Yes.

1 Q. Okay. Is that black,
2 African-American?

3 A. Yes, that's what my understanding
4 is.

5 Q. Of aviators?

6 A. No, it's across all different types
7 of occupations.

8 Q. And is that -- I think you said the
9 acronym in part stands for Navy?

10 A. Well, Naval.

11 Q. Naval, okay.

12 A. But I think your question was Navy,
13 and I went into a separate organization. Again,
14 the Navy is going to look at -- the Navy is going
15 to look at retention, behavior. It's going to look
16 at demographics. It's going to look at, you know,
17 are we retaining, how are we retaining black
18 officers, white officers, Asian officers, Hispanic
19 officers.

20 How many officers in what demographic group
21 do we have and what, where are they over the life
22 cycle -- like how much are we losing along the way.

1 Because, again, we're not going to gain -- you kind
2 of think of it as in a bathtub. We're not
3 injecting large numbers of people laterally like we
4 talked about this morning. So we get kind of on
5 the front end, and then you're working to retain on
6 the other side of accessions.

7 Q. And so in terms of how the Navy
8 approaches these retention issues, is it similar to
9 the gender example you gave me? And I can flesh
10 this out a little more and make sure you
11 understand.

12 With respect to minority retention issues,
13 does the Navy study retention if they find a
14 minority disparity, they study and look for the
15 reasons and then they try to provide solutions?

16 A. Yes.

17 ATTORNEY GARDNER: Objection.

18 Compound. That's okay.

19 THE WITNESS: Yes. They do do
20 that.

21 BY ATTORNEY McCARTHY:

22 Q. And the solutions that they provide

1 would be race-neutral in the same as the example
2 you gave me?

3 A. Yes.

4 Q. I take it just like with your gender
5 example, they could be monetary, they could be
6 nonmonetary?

7 A. Correct.

8 Q. As you did with the gender example,
9 could you give me an example of an identified
10 minority retention issue that the Navy took
11 measures to alleviate and tell me whether it was
12 successful or not?

13 A. I'm going to try to summarize
14 probably one of the studies that's in one of the
15 documents here.

16 So one of the studies I think it's in my, I
17 think it's in the disclosure.

18 Q. You can turn to it if you like. Are
19 you talking about the appendix?

20 A. I'm actually in the -- my disclosure
21 in Exhibit 2, I think I reference a study.

22 ATTORNEY GARDNER: Are you talking

1 about paragraph 8 or 9?

2 THE WITNESS: Yes, paragraph 9 on
3 page 3.

4 So female and minority
5 representation among Navy officers, that
6 particular CNA study looked at -- I'll
7 use the word persist. So along the
8 career continuum, you start at when we're
9 talking about officers, O1 and forward,
10 what's the representation of the officer
11 corps along the way.

12 So CNA looked at this study and
13 then tried to understand reasons behind
14 representation.

15 And, I mean, I'm going off memory.
16 The study shows kind of where like black
17 officers are, where women are, what their
18 share is in the beginning and then over
19 time where their -- what does that look
20 like. It's certainly not growing. But
21 is it decreasing or is it plateauing?

22 And so this study showed some

1 plateauing of our accession of black
2 officers, and then I'm not recalling what
3 the retention part of it was.

4 So then that, the biggest
5 take-away in this study for me was just
6 such small numbers of minority officers
7 entering into like the field grade rank,
8 which is 04, 05, 06. And that was --

9 BY ATTORNEY McCARTHY:

10 Q. Could I stop you for a second?
11 Field grade?

12 A. Yes, field and then grade, which
13 is 04, 05, 06.

14 Q. Okay. And that term, "field grade
15 rank," is used to describe officers of the 04, 05
16 and 06 level?

17 A. Yes.

18 Q. Got it. Thanks.

19 A. And it's that particular point in
20 time is like the first statutory promotion board.
21 Previous, previous determinations of promotions are
22 done not in a promotion board structure.

1 And so when you look at the data,
2 particularly for minority officers and you look at
3 who is there, because -- finish that sentence, when
4 you look at who is there, the numbers are small.
5 What's happened before that point is the end of
6 obligated service for an officer. So that's
7 telling the Navy, Okay, we have a good amount --
8 I'm being very general when I say "good amount," I
9 know this. But we have a lot of people leaving, so
10 why are they leaving after their minimum service
11 time.

12 So that study wanted to look at other
13 things that didn't -- it was a few other research
14 questions in the study, but just the relative
15 numbers of who is still there really speaks volumes
16 of we lose a good amount of, in this case, black
17 officers to that promotion point of 04.

18 Q. Okay. And when you say that they're
19 losing black officers before that promotion to 04,
20 is that losing them relative to other racial groups
21 or just losing them in reference to, comparatively
22 to how many there were coming out of the Naval

1 Academy or both?

2 A. It's both.

3 Q. Both?

4 A. Yes.

5 Q. Okay. I want to go back to the
6 declaration. We'll spend some time on the
7 disclosures later on.

8 A. Okay.

9 Q. We'll get into all the fancy
10 structures too.

11 So back to, I think we're on paragraph 16.
12 The last sentence of that says, "Retainment of
13 right talent directly improves the legality and
14 readiness of our Navy and Marine Corps."

15 What did you mean there by the "right
16 talent"?

17 A. Well, simply it's the talent that's
18 there to do whatever their occupation is.

19 Retaining the right pilots, the right ships
20 officers, whatever enlisted occupations we're
21 talking about.

22 Q. So are there -- you mentioned pilots

1 and surface worker officers, for example. Are
2 there other, some pilots and some surface officers
3 that the Navy doesn't wish to retain?

4 A. Yes. And this is going to come down
5 to right talent, meaning the officer, you know, is
6 the officer progressing in their, what's expected
7 of them as a pilot. So are they remaining capable
8 to fly, are they flying safely. Are they medically
9 qualified to fly still because we're human, people
10 break. We can maybe fix them, sometimes you can't.

11 So right talent speaks to the officer doing
12 the job and progressing along their careers.
13 That's the expectation, the upper-out. So you're
14 expected to continue in your career and make the
15 next level of responsibilities. And then you're
16 assessed on that, performance appraisals, etc.

17 Q. Those performance appraisals,
18 FITREPs, that's fitness reports?

19 A. Uh-huh, yes.

20 Q. Thanks. And you mentioned
21 upper-out. So for officers that are not
22 progressing in the manner that they should and

1 whether it's aviation, surface worker or what have
2 you --

3 A. Right.

4 Q. -- what happens to those officers?

5 A. Sure. So there's a few things. And
6 this will be assuming that there's -- their conduct
7 is good. That's a whole conversation.

8 If there's issues with their conduct,
9 that's a disciplinary. But if it's strictly
10 conduct, we're talking about their ability to
11 continue to progress or not. If officers are
12 failing, the Navy gives officers several
13 opportunities to do better. And if that's not
14 happening, sometimes they can choose to try to
15 what's called laterally transfer to a different
16 community or maybe they're at the top of their game
17 in surface warfare and they still want to be in a
18 different community. There's opportunities
19 internal to the Navy for officers to change their
20 community, their occupation.

21 Q. Okay. And, again, you qualify this
22 by saying this is people without conduct

1 disciplinary issues?

2 A. Right, right, yeah.

3 Q. They might have an opportunity if
4 they're not progressing in a manner they should in
5 their field to change occupations?

6 A. Right. Now, this is all happening,
7 right, and time keeps marching on. They're going
8 to be up for promotion. There is always some
9 points in time you're up for a promotion going to
10 the next rank. So whatever is your performance
11 history documented in your fitness reports is up
12 for review. They'll look at a history of
13 assignment.

14 So if they see a lack of progression like
15 you're asking about, that is going to be taken into
16 consideration in a promotion board. They're going
17 to see, Hey, this person didn't qualify for this
18 role on this ship and they should have had this
19 qualification. That will be something that's
20 looked at that isn't looked at favorably in a
21 board. There's certain things that officers should
22 be having those -- that experience and then

1 performing in that job.

2 Q. Understood. So if they come before
3 a promotions board and their record suggests that
4 they -- let me back up.

5 If they come before the promotions board,
6 the promotions board decides they're not going to
7 advance, are they discharged or do they stay in the
8 same officer level that they're at?

9 A. Yeah. So if they're found they're
10 not best and fully qualified and they fail to
11 select, it depends on the grade you had. If
12 you're 04 and 05 and you fail to select the first
13 time, you have another opportunity to look to be
14 considered.

15 There's also -- there's also policies in
16 place that will allow like a failed to select 04 to
17 still make it to 20 years of service and retire.
18 If you're an 05, by the time you go through that
19 first couple of looks at a board, there's
20 opportunities to be looked at over and over again.

21 The 04 example I gave you is called
22 continuation policy. So the Navy doesn't have to

1 continue a failed to select 04 to 20 years, but the
2 Navy will generally have -- the Navy will generally
3 retain someone for 20 if they're an 04 trying to
4 make 05 and they don't make it. It's not
5 guaranteed. It's a whole continuation -- a whole
6 policy about continuing, continuation.

7 Q. Okay. And if the Navy elects not to
8 have that officer who failed at that level to
9 continue, are they discharged?

10 A. They are separated. Separation
11 paid. Full separation, benefits, transition
12 assistance. Anyone leaving gets transition
13 assistance, which is, you know, a whole week's
14 worth of VA and benefits and healthcare and write a
15 resume and practice, you know, interviewing. It's
16 a big program to transition people properly.

17 Q. Understood. And, again, I take it
18 that we're assuming still here no conduct problems
19 or disciplinary problems?

20 A. Right.

21 Q. Because in that case, there might be
22 discharge maybe without all those benefits?

1 A. Correct.

2 Q. Okay.

3 A. Yes.

4 Q. Okay. And in paragraph 17, that's
5 another next page, 8, you outline the four ways the
6 Department of the Navy measures the impact of its
7 diversity efforts; correct?

8 A. Yes.

9 Q. Okay. Among those, you note at
10 number 3 that the Navy tracks the demographic
11 diversity of the force, including the officer corps
12 and whether minority representation is changing;
13 correct?

14 A. Yes.

15 Q. What do you mean there by the phrase
16 "demographic diversity"?

17 A. That would be race, ethnicity,
18 gender of the force.

19 Q. Okay. And I'll save the tables and
20 graphs again, until a little bit later. I'll do
21 all those at the same time and do it this way.

22 Is that the type of thing that you're

1 talking about, which is about race, ethnicity, and
2 gender?

3 ATTORNEY GARDNER: Objection.

4 Vague.

5 Q. In terms of "demographic" diversity.

6 ATTORNEY GARDNER: Just to be
7 clear, when you say that, are you talking
8 about the charts?

9 ATTORNEY McCARTHY: Yes.

10 BY ATTORNEY McCARTHY:

11 Q. We were discussing demographic
12 diversity, and you mentioned that that's race,
13 ethnicity and gender; correct?

14 A. In the context of measuring it in
15 this paragraph?

16 Q. Yes.

17 A. That's what I mean, yes.

18 Q. Okay. Are the charts at the back of
19 your disclosures which focus on gender and race and
20 ethnicity, are those an example of this tracking
21 measurement of the demographic diversity?

22 A. Yes.

1 Q. So in what other ways does the Navy
2 track demographic diversity?

3 A. That's the primary way. The
4 cataloging of the data and then looking at it over
5 time, like in the disclosure, the graphs in my
6 disclosure, that's a key way the Navy does that.

7 Q. Okay. Are there particular
8 benchmarks that the Navy looks at in terms of like
9 you mentioned the 04, 05 transition. Is that one
10 that's frequently looked at because of the nature
11 of the transition?

12 A. Are you asking from a demographic
13 diversity standpoint, because when we talked 04
14 to 05 earlier, it was all about retention.

15 Q. So let me make these two separate
16 things.

17 A. Okay.

18 Q. So let's talk about retention.

19 A. Okay.

20 Q. So with regard to retention, are
21 there benchmark points in the path of an officer
22 that are typically analyzed for retention purposes?

1 A. Yes. There are benchmarks from this
2 standpoint. So are there benchmarks built on
3 different jobs in that community.

4 So, for example, I keep using -- let's just
5 use surface worker this time. There's a
6 progression of jobs when you're done with your
7 training. A division officer job, a department
8 head job. You want to progress to executive
9 officer, progress to commanding officer. Major
10 command is later, and then we stop there because
11 now you're at captain.

12 So at that department head standpoint,
13 that's where Navy is looking at. That's a key
14 retention point. So you have benchmark. That
15 would be an example. Who is -- what is our
16 retention for department head, and where that
17 benchmark comes from is how many ships we have
18 total, how many department heads per ship, which is
19 like there's -- the number is like somewhere
20 between 200 and 300 department head jobs the Navy
21 needs to man up. And then you can --

22 Q. Total?

1 A. Then you can annualize the number.
2 And that just tells you every year, I need to be
3 cutting orders to X number of people to those
4 department head jobs.

5 So the Navy looks at the occupation, that
6 key benchmark, and then says what are my numbers of
7 officers flowing into -- how many do I have who
8 should be filling those -- let's just use the
9 number 250. Annually there's 250. That's the
10 retention benchmark, a department head for surface
11 worker.

12 And the Navy looks at this whole community
13 of officers who should be coming into that window
14 and says do I have enough. And where the Navy has
15 been, in that look at that benchmark is sometimes
16 there's not enough officers. The SEALS is a
17 perfect example too. The department head is a
18 perfect example of what you just asked me before
19 about a retention benchmark.

20 Q. That was in the context of warfare?

21 A. But they're similar for aviation.
22 Very similar conversation for SEALS and a very

1 similar conversation for submarine. But that
2 department head's job and knowing that you have
3 enough is the key parameter that communities --
4 that the occupation managers look at and use to
5 know how they're doing.

6 Q. Okay. Is the department head, is
7 that a certain level of officer? Was it like a 07
8 or 08 or something like that?

9 A. Department head for surface is about
10 an 03.

11 Q. Okay.

12 A. 04. And more so 04 for aviation.
13 Not flag. This is way left of flag officer. These
14 are like very beginning management leader -- I
15 shouldn't say "leadership." It's officers. It's
16 leadership roles way earlier than flag. They're
17 the building blocks, yeah.

18 Q. Wouldn't they still be considered
19 general service?

20 A. Yes, yes. I think one of the
21 studies has a real good diagram too, but anyway.
22 Sometimes it's easier to visualize than it is to

1 move my hands around a lot, but it's easier to see
2 it.

3 Q. Sure. It probably takes a lot of
4 committing stuff to memory.

5 A. That's why I'm kind of waving my
6 hands, yeah.

7 Q. Okay. So that was with respect to
8 retention. So the department head is a level that
9 is commonly analyzed for retention purposes?

10 A. Yes. As are others. It's just a
11 great example of the JO, Junior Officer benchmark.

12 Q. Okay. Is there a different
13 benchmark for more senior officers?

14 A. It's going to be executive officer,
15 commanding officer.

16 Q. And what level are those in terms of
17 the O grade?

18 A. O5s. Commanders, lieutenant
19 colonels.

20 Q. I forget. Where does flag and
21 general officers start?

22 A. So they're going to be post --

1 they're going to be -- there's a command level
2 called major command. That's a 06.

3 So 05 is kind of your first command, and
4 then there's major command is at the 06 level. And
5 success and major commands is a key factor, you
6 have to have all your joint experience too in
7 education.

8 But that major command performance, your
9 performance as an officer in major command is a big
10 variable that comes into consideration for flag.

11 Q. So that was in the context of
12 retention. Now I want to talk about the context of
13 tracking the demographic diversity of the force.
14 Are there certain benchmarks that are looked at
15 there when measuring the tracking demographic
16 diversity of the force?

17 A. So overall we have the benchmark of
18 a DoD workforce reflective of the demographics of
19 the United States. We have that overarching
20 benchmark.

21 Q. To make sure I understand. So
22 comparing demographic diversity among the force

1 against the diversity of the American population?

2 A. Yes.

3 Q. Okay. And, again, just to make sure
4 I understand demographic diversity, we're talking
5 about race, ethnicity, and gender; correct?

6 A. In this context in this paragraph,
7 yes.

8 Q. Okay. Just to be clear, that's
9 where my questions are too.

10 A. Seventeen, yes.

11 Q. Are there other benchmarks used when
12 tracking demographic diversity like this?

13 ATTORNEY GARDNER: Objection.

14 Vague.

15 THE WITNESS: It's a little vague.

16 BY ATTORNEY McCARTHY:

17 Q. You gave me one. You gave me --
18 sorry. I didn't mean to talk over you.

19 So you gave me the example of one benchmark
20 being the demographic diversity of the American
21 population.

22 A. Yes.

1 Q. Is there another example you can
2 give me that demographic diversity is compared to?

3 A. We also consider -- and I mentioned
4 it earlier -- we also consider what the demographic
5 diversity of the enlisted force is. And then that
6 force compared to the American, to the U.S.
7 population, the enlisted force. So we also look at
8 officer demographic diversity as it relates to
9 enlisted demographic diversity.

10 Q. In other words -- to make sure I
11 have this right. So in measuring, tracking
12 demographic diversity of the officer corps, two
13 benchmarks are, one, the demographic diversity of
14 the American population, and, two, the demographic
15 diversity of the enlisted force?

16 ATTORNEY GARDNER: Objection to
17 the extent that it mischaracterizes
18 testimony.

19 THE WITNESS: So we know what the
20 demographic diversity of the U.S. is. We
21 know what the demographic diversity of
22 the officer corps is, and we know the

1 demographic diversity of the enlisted
2 force. So it's those data points.

3 BY ATTORNEY McCARTHY:

4 Q. Okay. So those three data points
5 are compared against each other?

6 A. Yes.

7 Q. Okay. Would you say there's
8 disparities between those data points?

9 ATTORNEY GARDNER: Objection.

10 Vague.

11 THE WITNESS: There are
12 differences in diversity, so, for
13 example, our enlisted diversity, our
14 African-American diversity enlisted is
15 like 19 percent. Officers is 8 percent.
16 U.S. population is 12 percent. so there
17 are differences there.

18 The U.S. population is like 50,
19 high 50 percent white, and the Navy's
20 officer data is like the white officer
21 population is like 75 percent. So those
22 are some examples of differences.

1 BY ATTORNEY McCARTHY:

2 Q. Does the Department of the Navy have
3 any particular goals with regard to demographic
4 diversity among the officer corps?

5 A. Well, overall we want -- we want the
6 officer corps to be as diverse as the U.S.
7 population. And we certainly look at the
8 difference, and there's quite a difference, in the
9 racial diversity of the Navy officer corps, in the
10 Marine Corps too, the same thing and even more so
11 in the Marine Corps. The racial diversity is quite
12 different in the officers than the enlisted.

13 Q. Understood. Does the Navy have --
14 let me back up.

15 That was just in the context of race and
16 ethnicity; correct?

17 A. I think, yeah, I was speaking
18 really -- I didn't say anything about Hispanic, but
19 race specifically, for example.

20 Q. Okay, sorry.

21 A. Yeah.

22 Q. That was -- would that be -- so that

1 was -- your example wasn't race specifically. Is
2 that true for ethnicity as well?

3 ATTORNEY GARDNER: Objection.
4 Vague.

5 Q. Does the Navy have a goal for
6 ethnicity in terms of having the Hispanic
7 population of the officer corps approach the U.S.
8 population of Hispanics?

9 A. That, that would be a goal. Again,
10 yes. Yeah. Yes.

11 Q. So I want to switch over to gender
12 diversity, which is an element of demographic
13 diversity that we've been talking about --

14 A. Yes.

15 Q. -- some here. Does the Navy have
16 any particular goals with respect to gender
17 diversity of the officer corps?

18 A. So the Navy is going to look at
19 nationally and then the Navy would also, again,
20 similar to the race, racial diversity part of this
21 demographic diversity thing, what we're talking
22 about, so the Navy will look at it nationally, what

1 the numbers are and then also the officer corps
2 with enlisted as well.

3 Q. So the same data points?

4 A. For gender, yes.

5 Q. Okay. Obviously, there's a large
6 disparity between female representation in the
7 officer corps and the United States population.

8 A. Yes.

9 Q. With that in mind, is the female
10 representation in the enlisted corps a more
11 meaningful benchmark than the U.S. population?

12 ATTORNEY GARDNER: Objection.
13 Vague.

14 THE WITNESS: If you're -- can you
15 ask me the question again.

16 BY ATTORNEY McCARTHY:

17 Q. Sure. And I'll back up a bit. I'm
18 trying to figure out whether the benchmark of the
19 United States population or the benchmark of the
20 enlisted force demographics matter more.

21 A. Okay.

22 Q. And I recognize that answer might be

1 different for gender than it is for race. So I
2 don't know. This is where I'm going, if you're
3 with me.

4 ATTORNEY GARDNER: Same objection.
5 Just not what you mean by matter more.
6 More for what purpose? That was my
7 biggest objection. If you can clarify
8 that --

9 Q. So does the Navy look at those data
10 points in assessing whether it is successful at
11 increasing racial, ethnic, gender diversity?

12 ATTORNEY GARDNER: Objection.
13 Compound.

14 THE WITNESS: What I can offer is
15 the -- there's an important additional
16 layer to this, which is who is -- so
17 from -- let's talk from a -- this is
18 equally for officer and enlisted.
19 There's, you know, the U.S. population
20 and whatever that demographic diversity
21 is, there's also then the eligible U.S.
22 population, because there's quite a large

1 amount of requirements to serve:
2 Physical, moral, mental, criminal
3 background, the whole thing. So that
4 makes the population smaller.

5 And then of that population,
6 there's a propensed population. So you
7 kind of have to unpack all these numbers.
8 So we know like the U.S. population is
9 this number. We know that there's
10 parameters to enlist, so that eliminates
11 certain people for whatever reason,
12 health, whatever.

13 So there's a couple layers to what
14 the demographics are. But strategically,
15 that kind of overarching goal is we want
16 an all-volunteer force that reflects the
17 nation it serves. From a legitimacy
18 standpoint, for all of those reasons.
19 Then you start getting into what, how you
20 want to parse out if you're speaking by
21 occupation and comparing.

22 But I think that's an important

1 part of this discussion is exactly -- so
2 you get into kind of an apples to apples.
3 We would want to understand who are
4 college degree-holding Americans.
5 Because you have to have a college degree
6 if you're getting -- if you're thinking
7 about -- you have to look at that.
8 That's where an officer corps, they have
9 a degree, once you make it through the
10 academy, ROTC, etc.

11 BY ATTORNEY McCARTHY:

12 Q. So I understand you to be drawing a
13 distinction between the American population writ
14 large and the American population to which the Navy
15 can recruit from. Is that correct?

16 A. Right.

17 Q. Which -- and you've flagged some of
18 these things. Age is an eliminator, education is
19 an eliminator?

20 A. Or an enabler.

21 Q. Sure. But all these things affects
22 the American population and not the population writ

1 large; right?

2 A. Yes.

3 Q. Does the Navy maintain statistics on
4 the demographics of that eligible population?

5 A. I know the DoD does. I'm sure the
6 Navy does. I'm being very precise with you. I
7 know the DoD has the data. I don't work in the
8 Navy's office where this is done or the Marines,
9 but I'm going to make an educated guess that they
10 do.

11 Q. But the DoD has?

12 A. Yes.

13 Q. You made another distinction, I
14 think you said "propensed eligible." Is that
15 propensed, is that what you said? Does that mean
16 people that have started the recruiting process?
17 What does that mean?

18 A. It really means we have a joint
19 advertising and marketing research service the DoD
20 contracts with, and they will survey kind of our
21 target market of 18 to, forgetting, 20-something
22 year-old population and they will survey. And

1 through that survey, there's certain questions that
2 give you a measurement of hey, at this point in
3 time in this year, the 18 to let's just say
4 26-year-old population is X percent propensed to
5 serve, so there's a bank of survey questions that
6 give that you measurement.

7 And propensity has been dropping in the
8 last like 15 years. So that's another metric that
9 both maybe Marine Corps, all the services are
10 watching.

11 Okay, what does that mean? It means you
12 have to go recruit harder. It means you can't miss
13 anybody. It means you got to talk to everybody.
14 That's a very scary metric.

15 Q. Understood. Are there -- I assume
16 there's some gender differences between say the
17 American population and the eligible American
18 population and the propensed population. Is that
19 correct?

20 ATTORNEY GARDNER: Objection.

21 Vague.

22 THE WITNESS: If you mean are

1 there gender differences with propensity,
2 the answer is yes.

3 BY ATTORNEY McCARTHY:

4 Q. And when the Navy does -- I'm sorry.
5 I should say DoD since DoD keeps this -- so when
6 the DoD tracks the eligible population and the
7 propensed population, do they have data on the
8 racial and ethnic and gender representation, those
9 populations?

10 ATTORNEY GARDNER: Objection.

11 Lack of foundation.

12 THE WITNESS: It's been a while.
13 The JAMRS is the acronym, Joint
14 Advertising Marketing and Research
15 Studies. It's been a while since I
16 looked at it. My understanding is there
17 is data collected by gender, race, and
18 ethnicity for propensity.

19 BY ATTORNEY McCARTHY:

20 Q. You said there's a difference in
21 terms of propensity for gender. Is there a
22 difference in terms of propensity for race and

1 ethnicity?

2 A. I do not remember.

3 Q. So how does the Navy assess whether
4 its efforts in regard to demographic diversity are
5 successful?

6 A. The Navy is going to measure,
7 assuming people disclose -- you know, people don't
8 have to disclose -- for example, we talk about
9 race, we don't need them to disclose their racial
10 background. The Navy is going to look at the data
11 that the Navy has from accessions.

12 So start of boot camp, start of an officer
13 program, who we have, what is their demographic
14 diversity, and then the Navy will measure over
15 time, who is still here, what is their demographic
16 diversity. And then, again, the Navy is going to
17 look at those measures and look at it as it relates
18 to the enlisted force and look at those measures,
19 those demographic diversity measures along an
20 officer's -- the officer population.

21 And then it would look at it against the
22 overall U.S. population. So they're going to

1 compare those data over time. Keeping in mind it's
2 a close labor market, an internal labor market.

3 So, again, who we have when we assess is
4 who we have when we assess. And then over time who
5 still remains. And then are there differences in
6 who is retaining and we talked about that before.

7 Q. And by internal labor market, do you
8 mean this bathtub effect where there's not really
9 any significant number of laterals?

10 A. Yes.

11 Q. I want to go back to retention for a
12 moment. Does the Navy have particular goals with
13 regard to retention of minority officers?

14 A. The Navy does not have specific
15 goals to retain like a precise number, no.

16 Q. Is the Navy seeking to improve its
17 performance in regards to minority retention?

18 A. Yes.

19 Q. How does the Navy discern whether
20 it's making improvements with regard to minority
21 retention?

22 A. So the Navy is going to look at, for

1 example, at those key occupational time periods.
2 The Navy is going to measure -- the Navy will
3 measure who is there, who is performing in those
4 roles. And then if the Navy is seeing differences,
5 the Navy will look to try to understand what the
6 root causes of the differences are.

7 So the Navy is either going to use its own
8 analytics or it's going to go to like our Center
9 for Naval Analyses. So we really need to study
10 this, being retention. Because we're talking
11 retention, but it's all connected together, all the
12 things we've been talking about.

13 So the Navy is going to look at the
14 numbers, like where we are in this paragraph here,
15 and then look to try to get to root causes.

16 Q. Okay. Let's look at, I guess you
17 can call it the last section, 04 of your
18 declaration, paragraphs 17 to 23.

19 A. Okay.

20 Q. And this Section 4 is entitled
21 Diversity at the United States Naval Academy;
22 correct?

1 A. Yes.

2 Q. Can you read paragraph 19 for me.

3 A. Okay. 19. "To that end, the Naval
4 Academy's mission is to develop midshipmen morally,
5 mentally, and physically, and to view them with the
6 highest ideals of duty, honor, and loyalty in order
7 to graduate leaders who are dedicated to a career
8 of Naval service and have potential for future
9 development in mind and character to assume the
10 highest responsibilities, command citizen and
11 government, see SECNAV instruction 1531.2d. The
12 DON considers the Naval Academy of future military
13 leaders of the United States Navy and Marine
14 Corps."

15 Q. Thank you.

16 You testified earlier that the Naval
17 Academy considers race as a factor in making
18 admission decisions; correct?

19 A. I testified as a limited factor,
20 yes.

21 Q. Fair enough. How does considering
22 midshipmen in part by race on their way into the

1 academy help develop them morally, mentally, and
2 physically?

3 ATTORNEY GARDNER: Objection.
4 Mischaracterizes.

5 THE WITNESS: So the Naval Academy
6 uses race in a limited way in its
7 admissions decision. And the product of
8 its admissions decisions is a group of
9 young people who then enter the academy
10 to then be educated, trained, tested to
11 not only graduate with the requirements
12 of their degree but also to be leaders.

13 So there's a whole ethics,
14 leadership, quite a rigorous physical
15 education requirement. That's the
16 purpose of what the academy does. Not
17 only graduates people with degrees but
18 graduates leaders.

19 BY ATTORNEY McCARTHY:

20 Q. What I'm asking is does
21 consideration of midshipmen by race impact how
22 those midshipmen develop morally, mentally, and

1 physically at the academy.

2 ATTORNEY GARDNER: Objection.

3 Vague.

4 THE WITNESS: Sorry. So the Naval
5 Academy isn't assessing midshipmen. You
6 used the word "midshipmen." So the Naval
7 Academy is not assessing -- it's not
8 assessing midshipmen by race, which is
9 what I think you said in your question.

10 BY ATTORNEY McCARTHY:

11 Q. Yes. I guess I'm -- I can rephrase
12 it. I meant once they're there, they've been
13 assessed by race on the front end, but I can ask it
14 another way.

15 A. No, I don't agree with how you just
16 characterized that.

17 Q. I'll use the word "access."

18 A. Okay.

19 Q. Does the Naval Academy's
20 consideration of the race of the applicants to the
21 academy --

22 A. The Naval Academy uses race in a

1 limited way in a whole review of everything in an
2 applicant's application.

3 Q. Right. I'm asking does that
4 consideration of the race of an applicant impact
5 those who become midshipmen morally, mentally, or
6 physically?

7 ATTORNEY GARDNER: Objection.

8 Vague.

9 THE WITNESS: To the degree I'm
10 understanding what you asked, the answer
11 is no.

12 BY ATTORNEY McCARTHY:

13 Q. If we look at paragraph 20. I'm
14 going to refer you to the middle of that paragraph.

15 Do you see where it says "the Naval Academy
16 program"?

17 A. Yes.

18 Q. Can you read that sentence there.

19 A. Yes. "The Naval Academy program
20 combines character development, an undergraduate
21 education and professional training to provide a
22 key source of officers instilled with values of

1 Navy service and career motivation."

2 Q. So I'm going to ask a similar
3 question to the one I asked before, which is, does
4 the Naval Academy's consideration of applicants by
5 their race impact them once they become midshipmen
6 in terms of instilling the values of Navy service
7 and career motivation?

8 ATTORNEY GARDNER: Objection.

9 Vague.

10 THE WITNESS: So, again, the Naval
11 Academy uses race in a limited way. And
12 I'm saying that again just to ensure that
13 there's part of your question that is
14 suggesting the Naval Academy -- there's
15 a -- there's more of a -- an inference to
16 your question about the usage of race.

17 So the Naval Academy uses it in a
18 limited fashion when it assesses everyone
19 who has an application in for review.
20 And then the other part of your question,
21 I think, is how is that connected to a
22 midshipmen once they're there and getting

1 their character development, undergrad ed
2 and professional training.

3 There's -- I don't understand the
4 relationship that you're asking.

5 BY ATTORNEY McCARTHY:

6 Q. Perhaps you think there's no
7 relationship?

8 A. I don't understand, I don't
9 understand your question.

10 Q. So do you think the Navy's
11 consideration of the race of applicants has any
12 impact on those applicants whatsoever?

13 ATTORNEY GARDNER: Objection.
14 Vague. Can you reask the question one
15 more time, Tom.

16 Q. Do you think that the Navy's --
17 sorry. Do you think the Naval Academy's
18 consideration of the race of an applicant has an
19 impact on that applicant?

20 ATTORNEY GARDNER: Objection.
21 Vague.

22 THE WITNESS: Again, the Navy's --

1 in those decision-making with an
2 applicant's record and any limited --
3 again, I'm going to keep emphasizing
4 "limited consideration," whatever that
5 limited consideration is, it's also or
6 not on the table with everything else
7 that applicant has in his or her record.
8 What is their GPA in high school? The
9 rigor of their curriculum. The clubs and
10 activities they participated in or not.
11 Did they participate in a sport? What
12 was the sport? Was it a club sport? Was
13 it a, you know, AAU sport of basketball?
14 Like there's a host of things that
15 applicants are going to submit. I don't
16 know if they do essays. I have no idea.
17 So I guess there is. I'm going to guess
18 there's an interview that an applicant
19 would have had as well.

20 So all of that is in front of
21 admissions officials, and I'm assuming
22 it's plural in the review of a person's

1 record.

2 BY ATTORNEY McCARTHY:

3 Q. Let's go to your disclosures in
4 paragraph 8.

5 A. Okay.

6 ATTORNEY GARDNER: When is a good
7 time to stop? The reason I'm asking is
8 we've been going for an hour. We can
9 have time for a break.

10 ATTORNEY McCARTHY: You know what,
11 let me think about this for a second.
12 Maybe this is a good time for a break.

13 BY ATTORNEY McCARTHY:

14 Q. We can do this. Let's do something
15 quickly. Let's go back to the declaration. Sorry
16 for the switcheroo here. This will get us quick to
17 a break.

18 So paragraph 21, which is on page 9. Are
19 you with me?

20 A. Yes.

21 Q. Great. In paragraph 21, you note --
22 and this is about two-thirds of the way down, so

1 hopefully you follow me -- you note that Naval
2 Academy graduates account for a specific proportion
3 of officers, roughly 18 percent annually in recent
4 years; correct?

5 A. Yes.

6 Q. When you say "officers" in that
7 sentence, are you talking about both Navy and
8 Marine Corps officers?

9 A. This was meant, I think it's Navy.

10 Q. Okay. I ask because right before
11 the parenthetical there it says Navy and Marine
12 Corps. Do you still think it's just Navy?

13 A. I don't remember.

14 Q. When -- so I'll set that aside for
15 now.

16 The 18 percent annually, is that a
17 reference to newly commissioned officers?

18 A. I think so.

19 Q. So then are you saying there that
20 the Naval Academy supplies roughly 18 percent of
21 the newly commissioned 01 officers each year?

22 A. I think so.

1 Q. There are approximately, and this
2 is, I guess, in paragraph 22, I think you said
3 there's approximately 1100 midshipmen who take
4 their place as officers to serve each year?

5 A. Yes.

6 Q. So is that 1100 and roughly
7 18 percent?

8 A. I don't remember the math behind the
9 18 percent.

10 Q. Do you know where the roughly
11 82 percent of the other officers come from?

12 A. Again, the 18 percent I'm going to
13 have to say I'm assuming, because I don't remember
14 exactly, but that means commissioned, and therefore
15 that yield, the other 82 percent annually will be
16 ROTC, OCS, and again if we're talking -- again, I'm
17 just not remembering. If it's -- it's all the
18 other commissioning sources. So the enlisted
19 programs we talked about earlier. Again, ROTC,
20 OCS, and other commissioning programs.

21 Q. Do you know which one of those
22 sources contributes the largest percentage of new

1 officers?

2 A. I know that -- I know that when you
3 look at the population of 01s and 02s, the most
4 junior officers and you look at the share of their
5 sources, so where were they commissioned from,
6 Naval Academy is 28 percent of 01s and 02s. The
7 next largest share is ROTC. ROTC and OCS are about
8 the same.

9 Q. Do you mean about 28 percent each?

10 A. Naval Academy is definitely -- you
11 know, overall you can kind of say a third, a third,
12 and a third for 01s and 02s. I got to give you one
13 more, sorry. It's unrestricted line, so warfare
14 communities.

15 That's why this one, my memory is just not
16 here with this 18 percent, if it's -- so
17 unrestricted line, it's like there's like 55,000
18 total officers in the Navy. Little less than half
19 are unrestricted line, worker communities. So the
20 28 percent I just gave you is unrestricted line
21 officers of pay grade 01 to 02, Naval Academy
22 grads.

1 So in our junior officers ranks, a third of
2 those junior officers are Naval Academy. In the
3 URL, which is the purpose of the Naval Academy.
4 Naval Academy is meant to be graduating officers,
5 the vast majority in the unrestricted line,
6 submarine, surface, aviation, SEALS. That's about
7 all of it.

8 Q. I just to just make sure I
9 understand a few things here. At one point you
10 used the acronym URL. Does that mean unrestricted
11 line?

12 A. It does, yes.

13 Q. And unrestricted line, is that
14 phrase used because those officers are not
15 restricted before they can be assigned?

16 A. It's meant to -- it's meant to
17 capture -- it's not as literal as that. It's meant
18 to capture the war fighting communities of the
19 Navy. The big ones are the ones we've been talking
20 about: Surface, submarines, aviation, SEALS.

21 Q. I want to go back to make sure I
22 understand the statistics you gave me before. So

1 28 percent of the 01 and 02 officers in the
2 unrestricted line --

3 A. Were commissioned from the Naval
4 Academy.

5 Q. Okay. Is that number on an annual
6 basis?

7 A. Yes.

8 Q. Let me strike that.

9 Is that the number of the 01 and 02
10 officers today?

11 A. That date is about from 2022. I
12 doubt it's changed very much.

13 Q. So as of 2022, that was the number?

14 A. And that was, again, currently
15 serving 01s and 02s who are commissioned from the
16 Naval Academy about 28 percent.

17 Q. And in the unrestricted line?

18 A. In the unrestricted line, yes.

19 Q. I understand now. And then I think
20 you then said that ROTC and OCS supply about the
21 same number of the --

22 A. Of the unrestricted line 01 to 02,

1 when you looked at that population.

2 Q. So the same population when you make
3 that comparison, you're talking about the 01, 02,
4 unrestricted line population?

5 A. Correct. Yes.

6 Q. Okay. But you're unsure about the
7 numbers for just commissioning as 01s?

8 A. I'm unsure. Help me out with --

9 Q. Sorry. Let me back up. Before I
10 was asking about that roughly 18 percent number.

11 A. Right.

12 Q. And you were unsure if that was
13 referring to newly commissioned officers.

14 A. Yes.

15 Q. So what I'm asking is, do you know
16 to what percent Naval Academy graduates account for
17 newly commissioned officers annually?

18 A. I think the statistic I gave you is
19 the right -- is the statistic. You just said
20 "newly commissioned officers," so that's 01s. I
21 gave you 01 to 02. I don't have 01 separate. I
22 don't have it in the data, in the exhibit, I don't

1 remember. Actually, we won't by commissioning
2 source in the exhibit.

3 But the data I just gave you, that's two
4 grades of newly commissioned -- it's O1s, it's not
5 isolated to O1s, but I think that's still a fair
6 statistic that if you're thinking like who is the
7 share of Naval Academy graduates, newly
8 commissioned graduates who were sourced from the
9 academy, it's that number 28 percent.

10 Q. And then it says "to the
11 unrestricted line"; correct?

12 A. Yes.

13 Q. Which you said is approximately half
14 of the --

15 A. Entire Navy officer corps.

16 Q. That entire Navy officer corps is
17 about 55,000 officers?

18 A. Yes.

19 Q. So the unrestricted line is about
20 half of that, so 27, 28,000?

21 A. Correct.

22 Q. Okay. We can stop there to take a

1 break.

2 (Recess taken from 2:39 p.m.
3 to 2:58 p.m.)

4 BY ATTORNEY McCARTHY:

5 Q. Let's go to your disclosures,
6 Ms. Truesdale.

7 A. Okay.

8 Q. Could you turn to paragraph 6 there.

9 A. (Witness complies with request.)

10 Okay.

11 Q. I think before, if I remember
12 correctly, you described paragraph 6 as kind of a
13 summary version of your intended testimony. Is
14 that outlined in paragraphs 7 through 10?

15 A. That was so long ago, yes, I did,
16 yes, this morning, I'm sorry.

17 Q. The cold makes it feel longer.

18 So I will -- since 6 is a summary, I'll
19 just move on to 7, 8, 9 and 10. How is that?

20 A. Okay.

21 Q. So Paragraph 7, can you look at
22 that one first?

1 A. Yes.

2 Q. Is this paragraph referencing the
3 testimony about diversity trends, is that about the
4 testimony you intend to offer regarding the tables
5 and figures in the appendix?

6 A. Yes, it summarizes, yes.

7 Q. We'll get to that in a little bit.
8 I'll do 8, 9 and 10, and then we'll go back to 7
9 and do all figures at once.

10 A. Okay.

11 Q. Number 8, paragraph 8 says that you
12 are expected to testify that "The Navy and Marine
13 Corps are generally prohibited from considering
14 race and ethnicity after the initial accession
15 stage, making a limited consideration of race by
16 the United States Naval Academy particularly
17 important in creating a racially diverse officer
18 corps."

19 We talked a little bit about this earlier
20 about this general prohibition. Do you remember
21 that?

22 A. Yes.

1 Q. Okay. What is it about that general
2 prohibition that makes the limited consideration of
3 race by the Naval Academy particularly important in
4 creating a racially diverse officer corps?

5 A. So if you look at the accession
6 stage, which we defined earlier as boot camp or
7 entering the Naval Academy or entering ROTC,
8 everything beyond accessions, so, you know,
9 training, education is done, graduation is done.
10 The person serving -- the Navy -- the DoD does not
11 use factors of race, gender, ethnicity for
12 assignments, consideration of graduate education.
13 None of that is used in any way. Not in retention,
14 not in compensation.

15 And when we look at the Department of
16 Defense, the Department of the Navy's objective,
17 which is to have a racially diverse officer corps,
18 if you're not able to influence your human capital
19 beyond accessions and create a racially diverse
20 officer corps, then where do you do that. That's
21 what this is meant, that the limited consideration
22 of race in Naval Academy admissions decisions is

1 where in that limited way race would be considered.

2 Because later on you're not going to pay --
3 I don't mean this in a crass way, but you're not
4 going to pay Hispanic people more. You're not
5 going to pay black people more to retain. That is
6 prohibited for us to pay that way. We don't do
7 that.

8 So, again, internal labor market we
9 recruit, recruit everywhere nationally. And
10 knowing how diverse our enlisted force is and
11 knowing that we benchmark off the country, we look
12 at what the enlisted force is. To be able to have
13 a racially diverse officer corps, where that's
14 going to happen is going to be in an admissions
15 context.

16 Q. Okay. I want to make sure I
17 understand.

18 So when you say the limited consideration
19 of race is particularly important -- I'm sorry.
20 Strike that.

21 When you say that the limited consideration
22 of race in admissions decisions at the Naval

1 Academy is particularly important, your point is
2 it's important because the Navy cannot use race
3 anywhere else. Is that right?

4 A. The Navy isn't going to use race or
5 any other demographic factor or element of
6 diversity in making assignment, retention,
7 compensation, professional development, exactly.
8 So the Navy isn't using any of those factors to
9 make employment, I guess I'd call it employment
10 decisions in a civilian context.

11 Q. So in other words --

12 A. Promotions. I'm sorry, I talked
13 over you. That's such a big one, I meant to say
14 that earlier.

15 Q. What was the one you just said?

16 A. Promotion.

17 Q. So its particular importance is
18 because the only place that race could be
19 considered is in the admissions process to the
20 Naval Academy; correct?

21 ATTORNEY GARDNER: Objection. It
22 mischaracterizes the witness's testimony.

1 THE WITNESS: We know that race is
2 used in some limited way in admissions
3 decisions.

4 BY ATTORNEY McCARTHY:

5 Q. And it's important there because
6 that's the only place you can use it. Is that your
7 point?

8 A. Yes. That is the point.

9 Q. Okay. So in terms of the Naval
10 Academy's consideration of race in admissions
11 decisions, I have a few questions.

12 Have you ever done any statistical analysis
13 of the academy's consideration of race to determine
14 the magnitude of its racial preferences?

15 A. No.

16 Q. Do you know what relative weight
17 race has a factor in admissions decisions as
18 compared to other factors that the academy
19 considers?

20 A. I do not know.

21 Q. Do you know what practical effect
22 race has in admissions decisions at the Naval

1 Academy?

2 ATTORNEY GARDNER: Objection.

3 Vague.

4 THE WITNESS: I don't know.

5 BY ATTORNEY McCARTHY:

6 Q. Do you know in what portions of the
7 admissions process the academy considers race?

8 A. I do not.

9 Q. Do you know how the congressional
10 slate process works?

11 A. Can you give me a little more, what
12 you mean by "congressional slate process."

13 Q. Sure. I'm referring to the process
14 whereby members of Congress nominate slates of
15 applicants for admission to the U.S. Naval Academy.

16 A. So I know about this much, meaning a
17 tiny bit, in terms of I know that potential -- I
18 did this 30 some years ago. I sought my members --
19 I don't even know the right terminology. I think
20 you endorse their -- I don't even know the right
21 word.

22 I know that applicants need to seek their

1 representative's nomination, I guess is the right
2 word. And there's a process for that too that I
3 would assume -- I'm going to assume it could be
4 slightly different per member how they do it.

5 Q. Okay. Do you know whether race is a
6 factor in that process?

7 A. I do not know.

8 Q. Do you know whether race affects how
9 the academy selects qualified alternatives?

10 A. I do not know.

11 Q. Do you know whether race affects how
12 the academy selects additional appointees?

13 A. I do not know.

14 Q. Do you know how race affects how
15 service-connected nominees are evaluated?

16 A. I don't think I've heard the term
17 "service-connected." I don't know.

18 Q. Do you know how race affects how the
19 academy decides which applicants are admitted to
20 NAPS or one of the other high school programs?

21 A. I do not know.

22 Q. Let's go on to paragraph 9. And we

1 touched on this briefly before. Can you read
2 paragraph nine for me.

3 A. Okay. Nine. "Ms. Truesdale is also
4 expected to testify about other barriers minority
5 service members face in terms of career progression
6 such as those reflected in the Task Force 1 Navy
7 Final Report, supplemented by the Navy's Culture of
8 Excellence 2.0 playbook, the United States Marine
9 Corps' Talent Management 2030 and the CNA reports
10 DRM-2018-U-0107 female and minority representation
11 among Navy officers and DRM2022-U-032535 racial
12 differences in Navy officer FITREP outcomes and 04
13 selection."

14 Q. Thank you. Earlier you made a
15 distinction between racial disparities in retention
16 and promotion on one hand and actual acts of
17 segregation on the other hand within the Navy;
18 correct?

19 A. I recall talking about racial
20 differences and retention. I don't remember us
21 talking about differences and disparities in
22 promotion. And then yes, I remember talking about

1 racial segregation in occupations.

2 Q. Okay. When you mentioned in
3 paragraph 9 barriers that minority service members
4 face in terms of career progression, are you
5 talking about racial disparities in retention?

6 A. When I speak of barriers in terms of
7 career progression, I am talking about -- the short
8 answer to your question is yes, with retention and
9 what that means is culture can be a barrier.

10 Again, there's literature that shows
11 service members in serving in cultures that are
12 unhealthy, toxic that does influence retention
13 decisions. And if -- and those data also show that
14 it's more minority service members reporting the
15 impact of negative cultures on their retention
16 decisions, so that is a barrier, yes.

17 Q. Okay. So I don't mean to misquote
18 you. Did you say negative culture, is that what
19 you said?

20 A. I think so. Like toxic.

21 Q. Okay.

22 A. There is harassing behaviors, poor

1 leadership. Bad work-life balance. A lot of
2 stress.

3 Q. Okay. I assume some of those were
4 common to all different races of officers within
5 the Navy.

6 A. Those meaning like those types of
7 cultures?

8 Q. Yes.

9 A. They can happen with any type of
10 unit or not, but it may not be a negative culture.

11 Q. At some point you mentioned stress.
12 Stress can affect any unit or any racial group
13 among the officers?

14 A. Yes.

15 Q. When you talk about these barriers,
16 are you aware of the official acts of segregation
17 by the Navy during your time in service?

18 A. I think it's important that
19 barrier -- so to answer your question, no. And I
20 want to make sure I'm clear being clear that
21 barriers here, you know, the Navy is -- for me
22 segregation is, it's meant in the context of those

1 occupations that were so clearly delineated this
2 type of racial group does this work, this type of
3 racial group doesn't do this kind of work.

4 When I'm speaking barriers here in
5 testifying about barriers, it's things like the
6 culture piece we just talked about in retention.
7 It's also barriers with respect to fitness reports.
8 And some research that we have about fitness
9 reports which document people's performance, and
10 they are a key input variable into assignments and
11 promotions.

12 Q. And are you talking about this study
13 listed in paragraph 9, Racial Differences in Navy
14 Officer FITREP Outcomes in 04 Selection?

15 A. Yes.

16 Q. Okay. And that study found there
17 was no racial bias in the 04 selection; correct?

18 A. The study found -- the study found
19 that there was no bias in the promotion board
20 selection process. The study found that there was
21 racial differences in fitness reports for Navy
22 officers. And there was -- the study also showed

1 there was bias. Those fitness reports are a
2 primary source of information that a promotion
3 board uses.

4 Q. Let's look at paragraph number 10.
5 It says that you intend to testify about your view
6 as to the value of diversity, including racial and
7 ethnic diversity within the Navy, based on your own
8 experience serving; correct?

9 A. Yes.

10 Q. In terms of your experience, are you
11 basing your testimony off of any studies that you
12 conducted or reviewed?

13 A. I am basing on my own experiences
14 serving as an officer in the United States Navy.

15 Q. So not like a study that you
16 personally conducted or anything like that?

17 A. Oh, not, no, not me as a researcher
18 if that's the question.

19 Q. That's the question.

20 A. Correct. Not as a researcher, no.

21 Q. Not as a researcher, any survey that
22 you conducted?

1 A. No. I've done consumer research and
2 surveys for a very long time. I guess I can say
3 decades; I'm old. But based on my experience
4 serving, it means when I served in as an officer.

5 Q. Understood. What is the value of
6 diversity in your view?

7 A. The value of diversity in my view,
8 to give you an example, is during my time
9 recruiting. So my role in my time of recruiting
10 was a department head in northern California with
11 an enlisted recruiting mission of about 200 people
12 a month. And quite a diverse market. So northern
13 California up to Oregon, just south of Fresno,
14 California, out towards Nevada, quite a diverse
15 market role, urban, racially and ethnically
16 diverse.

17 So with the amount of recruiters we had,
18 the value of having a recruiter from a diverse
19 background, ethnically or racially, was the ability
20 often to connect with someone who is considering
21 service. And then often more importantly, the
22 ability to recruit, a recruiter would have to

1 relate to whoever that person is in their life, a
2 parent, a guardian, an aunt, a sister, whoever it
3 is. The person considering service is not
4 always -- they don't always have the motive to say
5 yes. So one of the things you train your
6 recruiters on is who is going to say yes in that
7 whole relationship a recruiter makes with an
8 applicant.

9 And so diversity is often very much an
10 enabler of a recruiter's ability to relate to the
11 applicant himself, herself or whoever that family
12 is. So we would have situations where we would
13 want -- we would consider the race and the
14 ethnicity of our recruiters and where we put them
15 in markets knowing there might be more of an
16 affinity they have in a certain market to be
17 successful in recruiting.

18 Q. Okay. So --

19 A. Or going back to their hometown
20 again.

21 Q. Okay. In your experience in
22 recruiting, having diverse members of your

1 recruiting team was helpful in recruiting diverse
2 candidates for the Naval Academy?

3 A. Sure. I didn't recruit for the
4 Naval Academy.

5 Q. I didn't mean to say academy.

6 A. I -- I managed it too. I managed
7 the recruiters doing that work, but yes, their
8 ability to connect to family. And, frankly, it's
9 the human connection of I'm talking to a young kid,
10 he or she is Hispanic, I'm Hispanic, I get to tell
11 you all the great stuff I've done in the Navy.

12 Q. Okay.

13 A. And it goes back to they can see
14 themselves being successful in the Navy.

15 Q. Understood. I was just going to ask
16 the question again so that I say it correctly on
17 the record.

18 A. Okay.

19 Q. Sorry about the slipup there.

20 So in your experience serving in recruiting
21 for the Navy, having diverse members of your
22 recruiting team was helpful in recruiting diverse

1 candidates to the Navy; correct?

2 A. Yes.

3 Q. And you also mentioned it was nice
4 to have people who live in their own hometown;
5 correct?

6 A. Yes. Yes.

7 Q. I can imagine that would be helpful.

8 A. They are coming ashore from being at
9 sea, so one way to incentivize them to recruit is
10 you get to go home again.

11 Q. That makes sense. People probably
12 sign up for that job.

13 A. Yes.

14 Q. In terms of your recruiting teams,
15 how are people selected for those teams?

16 A. Yes. So selection for -- I'm going
17 to go back in time, I'm making an assumption it
18 hasn't changed very much, but I'm also now going
19 back to the late 90s.

20 So there is a screening process that's done
21 by our Navy personnel command, so they'll have a
22 set criteria they're going to use to assess --

1 again, I'm going back in time. I think there's
2 always a grade level, like below this grade you're
3 not going to go on recruiting duty.

4 So there's going to be set criteria. Do
5 they have a clean disciplinary record? What are
6 their -- they call them evaluations for enlisted.
7 So there will be a set criteria that Navy personnel
8 is going to do to look at if someone is able to go
9 to recruiting duty.

10 If they're selected, they have orders, they
11 go to training, we have a whole curriculum,
12 schoolhouse, they physically go to training in
13 Florida to learn how to be a recruiter.

14 Q. And would I be correct that race is
15 not considered in those kind of assignments?

16 A. That's correct.

17 Q. But once someone is on your or a
18 recruiting team, if you knew, for example, there
19 was a large Hispanic community in northern
20 California, it might be useful to have a Hispanic
21 person on a recruiting team to do outreach in that
22 area?

1 A. Yes.

2 Q. And did you find that gender
3 diversity in the recruiting team was helpful for
4 recruiting females?

5 A. I did. And the challenge for my
6 time serving was just not having a lot of female
7 sailors available to be recruiters. So those
8 inventory -- sorry, I'm giving you manpower lingo.

9 The amount of people you have, like we just
10 don't have enough women to be able to be there and
11 all the other places.

12 So yes, useful, and I might have had
13 probably 10 or less women of about 200 recruiters,
14 very small.

15 Q. And this was I think you said 1999
16 to 2001?

17 A. Yes.

18 Q. Can you give me any other examples
19 that you personally experienced the value of
20 diversity during your time serving in the Navy?

21 ATTORNEY GARDNER: Just for
22 clarification, do you mean just racial

1 diversity or --

2 ATTORNEY McCARTHY: Right now,
3 racial diversity. Fair question.

4 BY ATTORNEY McCARTHY:

5 Q. Can you give me other examples in
6 which you personally experienced the value of
7 racial diversity during your experience serving in
8 the Navy?

9 A. I can give you the value of the
10 Navy -- so I'll speak to my time at the ceremonial
11 guard when I was the officer in charge of the
12 ceremonial guard. This is more from a legitimacy
13 standpoint and the representation of the Navy.

14 So the ceremonial guard's job is to
15 represent the Navy in ceremonies based here in
16 D.C., works with the old guard, 8th and I, the Air
17 Force's honor guard. And it's the representation
18 of the, you know, the whole military for things
19 from state arrivals to funerals of veterans.

20 And so one thing I observed as a young
21 officer was we, at the time the Navy's ceremonial
22 guard, it was us Navy and Air Force. Speaking

1 gender again for a moment, but then I'll get right
2 to the question. It's the fact that we -- you
3 know, again, I'm going back a long time, but when I
4 remember or I look at old pictures, it's the
5 diversity we had of who was serving, and that was
6 the portrayal of who the Navy is.

7 So, again, it comes back to legitimacy of
8 the service. It's an all-volunteer force. We
9 represent you. And that was the purpose of the
10 ceremonial units is the face of the Navy in
11 Washington and, you know, state funerals and all
12 the things that occur.

13 So it's more of a philosophical kind of
14 observation I have if I go back and think about
15 what did I do and who did I represent. For me, if
16 you were looking at the ranks of the ceremonial
17 guard, you should be seeing like this is your,
18 America's Navy. Like this is who they are.

19 Q. So it sounds like you're saying
20 there was some measure of diversity among the
21 ceremonial guard at the time.

22 A. Yes.

1 Q. And would that be on gender and
2 racial grounds that you're talking about?

3 A. Yes, and ethnicity, yes.

4 Q. And ethnicity?

5 A. Yes.

6 Q. About how many people were serving
7 on the ceremonial guard?

8 A. We had a unit that was about 150 or
9 so sailors.

10 Q. Do you happen to remember about how
11 many were female?

12 A. Wow. It's going to be an educated
13 guess.

14 I probably had about 20 women or so
15 sailors. I was the only female officer, so about
16 20 enlisted force women.

17 Q. Do you remember about how many
18 ethnic or racial minorities there were out of about
19 150?

20 A. That would be hard to remember. I
21 don't remember.

22 Q. Was race or ethnicity or gender a

1 factor in the assignment to the ceremonial guard?

2 A. No.

3 Q. Can you think of any other examples
4 where you personally experienced the value of
5 racial diversity during your service in the Navy?

6 A. I think I've given you the two big
7 ones for me.

8 Q. Okay. Let's go on to the tables and
9 graphs.

10 A. Okay. That's why I wear glasses
11 today.

12 Q. That's why I brought mine too.

13 Okay. So I am looking at the tables and
14 charts in Exhibit A on the back of your
15 disclosures, okay?

16 A. Yes.

17 Q. The first page is entitled "USM
18 officer race"; correct?

19 A. Yes.

20 Q. All right. I have a few questions
21 just to orient myself to the data displayed on this
22 page.

1 Towards the bottom left of the graphical
2 portion of this page, it says, "Source, DMDC."

3 A. Uh-huh.

4 Q. What is DMDC?

5 A. That is defense manpower data
6 center.

7 Q. And then it says "DoD total force
8 demographics-dashboard."

9 A. Yes.

10 Q. Is that something from the DMDC?

11 A. That DMD total force demographics
12 dashboard is going to be the dashboard that our
13 MAHRS, the manpower analytics human resources group
14 within our organization, that's their dashboard.
15 Sourced by -- the central repository is the defense
16 manpower data center.

17 Q. Understood. And what data is
18 contained in the DoD total force demographics
19 dashboard?

20 A. Demographics as it relates to the
21 total force. So certainly military data, and I'm
22 not an expert in the whole total force demographics

1 dashboard. My educated assumption is there's
2 civilian data there as well.

3 Q. Okay. So since it's DoD, does it
4 have demographic data on all the members of all the
5 different services?

6 A. Yes, but DMDC does. The DMD total
7 force demographics dashboard, I'm going to make an
8 educated assumption that that's our group within
9 Department of the Navy. So it's going to be Navy
10 and Marine Corps data.

11 Q. Okay. Beneath that it says, "Active
12 plus reserve." Does that mean that the figures on
13 this table all encompass both active and reserve
14 officers?

15 A. Yes.

16 Q. And beneath that it says, "Warrant
17 plus commissions officers." Does that mean that
18 the data in this table reflects all the warrant and
19 commissioned officers within the U.S. Navy?

20 A. Yes.

21 Q. If we go up towards the top, the
22 columns along the top, the first one that has

1 numbers in it says FY14DS. What does that mean?

2 A. That DS means end strength.

3 Q. So is this fiscal year 14 end
4 strength?

5 A. Of U.S. Navy officers, yes.

6 Q. And end strength meaning at the end
7 of that fiscal year, this is the total number of
8 U.S. Navy officers?

9 A. That's how I would interpret it.

10 Q. Okay. Did you actually create this
11 appendix?

12 A. I did not.

13 Q. Do you know who created this
14 appendix?

15 A. That would be our -- the data come
16 from our manpower analytics human resources group.

17 Q. Okay. And did you ask for this to
18 be created?

19 A. Yes.

20 Q. Okay. So, in other words, you asked
21 for these tables to be created, and someone within
22 the manpower group actually created the tables?

1 A. That is correct.

2 Q. Okay. So, again, I just want to --
3 this is an orientation exercise and it will,
4 hopefully, only happen for this first page, but if
5 I look at that first column again, it says, "Total
6 68,996."

7 Do you see that?

8 A. Correct. Yes. I see it, uh-huh.

9 Q. So does that mean that the end
10 strength for the fiscal year of 2014, there were
11 68,996 U.S. Naval officers total?

12 A. Yes.

13 Q. And that total includes both active
14 and reserve; correct?

15 A. Yes.

16 Q. And that total includes both warrant
17 and commissioned officers; correct?

18 A. Yes.

19 Q. So then if I just go down one line
20 of those 68,996 U.S. Naval officers who made up the
21 end strength of fiscal 14, 523 of those were
22 American Indian, or Alaskan native. Is that

1 correct?

2 A. Yes.

3 Q. So if I move to the column just to
4 it right of that where it says FY14 with a
5 percentage sign, do you see that?

6 A. I do.

7 Q. So if I look down that column to the
8 row where it's for American Indian and Alaskan
9 native, do you see it says 0.8 percent?

10 A. Yes.

11 Q. In that column right there with
12 those percentages for FY14, are those using the
13 same data underlying the column to the left of
14 that, this fiscal year 14 end strength?

15 A. Yes.

16 Q. So, in other words, for that
17 American Indian or Alaskan native there, that
18 0.8 percent in fiscal year 14, that's representing
19 that the 523 American Indian or Alaskan native
20 officers represent 0.8 percent of the total 68,996
21 U.S. Naval officers that made up the end strength
22 in fiscal year 14. Is that correct?

1 A. Yes.

2 Q. Okay. Again just for clarity, this
3 is all U.S. Naval officers in this table, not
4 officers that commissioned through the Naval
5 Academy; correct?

6 A. These numbers of 68,996?

7 Q. Those have got to be the whole
8 thing, right?

9 A. The Naval Academy, Naval Academy
10 commissionees would be part of that number.

11 Q. Yes, yes.

12 A. Yes, great.

13 Q. So this includes Naval
14 Academy-sourced officers, but it's all of the U.S.
15 Naval officers that are at the end strength fiscal
16 year 14 including active, reserve, warrant, and
17 commission?

18 A. Yes.

19 Q. Now, you mentioned that these tables
20 are created at your direction. Is there a reason
21 why you chose both active and reserve officers?

22 A. Well, those are the two components

1 of the Navy. We have active officers and reserve
2 component officers.

3 Q. Okay.

4 A. If you're wanting to consider what's
5 the United States Navy officer population, you
6 don't want to forget the reserve component.

7 Q. So you want a complete picture?

8 A. Yes.

9 Q. Is that the same reason why you
10 chose both warrant and commissioned officers? Is
11 that to complete the picture?

12 A. Yes.

13 Q. If we look down the left-most column
14 at the top, there's different racial groups
15 identified there. Multiracial, does that mean --
16 actually, let me back up, I'm sorry.

17 These racial groups, how does -- how does
18 DoD get this racial information on all these
19 officers? Is it self-reported?

20 ATTORNEY GARDNER: Objection.

21 Lack of foundation.

22 THE WITNESS: My understanding is

1 it's self-reported.

2 BY ATTORNEY McCARTHY:

3 Q. And so the multiracial category,
4 does that mean that the officer who self-reported
5 self-reported more than one race?

6 A. Yes.

7 Q. So, for example, an officer could
8 have reported black and white. That officer would
9 be listed as multiracial; correct?

10 A. Yes. I will have to also say that
11 definitions are going to be OMB-based definitions,
12 and having not filled this out, what I don't know.
13 So if you ask me if it's sourced by the person, the
14 answer is yes. What I don't know is how that
15 definition is given to the person to fill out it,
16 so I don't know. Your example, my answer is yes.

17 Q. And just to make sure I understand
18 what you don't know.

19 A. Yes.

20 Q. You don't know if the officer is
21 presented with these specific options?

22 A. I don't know when multiracial is

1 given to the person filling out the form, I don't
2 know if there's a, like an explanation for them.

3 Q. I see, okay. Or I suppose it's
4 possible even that multiracial is not an option,
5 but if they fill in or select two different races,
6 they might be taken as multiracial?

7 ATTORNEY GARDNER: Objection to
8 the extent it calls for speculation.

9 THE WITNESS: I don't know what
10 the form looks like.

11 BY ATTORNEY McCARTHY:

12 Q. I take it that you don't know
13 whether there's instructions on the form as to, for
14 example, what ethnic groups constitute Asian?

15 ATTORNEY GARDNER: Objection.
16 Vague. Tom, which form are you talking
17 about?

18 ATTORNEY McCARTHY: Ms. Truesdale
19 filled out the form for when officers
20 self-report their race.

21 THE WITNESS: There's a form for
22 everything, so I know there's going to be

1 some form; right.

2 BY ATTORNEY McCARTHY:

3 Q. That's what I was assuming.

4 A. Yeah, that's going to be very
5 difficult. The reason I'm bringing up that is I
6 don't -- I don't know how it's explained. There's
7 explanations to fill out every form. So --

8 Q. And you're not familiar with this
9 form, basically?

10 A. No.

11 Q. We can leave it there.

12 A. Okay.

13 Q. Okay. If we go down that column
14 that has the different racial groups, unknown, does
15 that mean that the officer declined to answer?

16 A. I don't know. I'm not sure.

17 Q. Okay. I want to look down at, we're
18 just discussing some of the larger table at the
19 top, and there's a smaller table in gray sort of
20 highlighted beneath at that point.

21 Do you see that one?

22 A. Mine is not great, but do you mean

1 that one?

2 Q. I mean that one.

3 A. Okay.

4 Q. So that smaller table, am I correct
5 that that table is using the same information
6 that's in the larger table above?

7 A. Yes.

8 Q. So it's sort of a slice of the
9 percentage data from the table above; correct?

10 A. Yes, it is. Yes.

11 Q. Okay. And do you remember why you
12 chose to report in that table just fiscal year 17
13 through April 2024 as opposed to starting with
14 fiscal year 14 above?

15 A. I don't know.

16 Q. Let me ask about the entries for
17 April 2024 both on the smaller chart and the larger
18 chart. Are those April because we hadn't reached
19 the end of fiscal year 24 yet?

20 A. Yes.

21 Q. So would that have been the most
22 recent data available at the time that you had

1 these tables created?

2 A. Yes.

3 Q. If we look at the bar graph, do you
4 see that?

5 A. Yes.

6 Q. Just to the right of the smaller
7 table. Does that bar graph show the same
8 information as the smaller table, but just in a
9 different format?

10 A. Yes, it shows the gray on your
11 screen, the middle table on my paper, yes.
12 Visually it shows the same data.

13 Q. So this page with these tables and
14 the bar graph of the U.S. Navy officer race, does
15 this page illustrate anything in particular to you?

16 ATTORNEY GARDNER: Objection.

17 Vague.

18 Q. I'm asking because I know you're
19 testifying about trends. Is there a trend that you
20 see here that you would like to testify about?

21 A. I think you can see various trends
22 by the one, two, three, four, five, six, seven

1 different racial categories that are in the data.

2 So you can see seven years what the composition of
3 the officer corps is. And then over time, it had
4 changed.

5 Q. So what are the trends that you see
6 there?

7 A. Well, if I were to look at the
8 bottom portion of the data where it says "percent
9 change," and you look, for example, the first
10 column that represents the changes from FY17 to
11 April of 2024, you can see how the composition, the
12 racial composition has changed in those categories
13 in the officer corps.

14 So, for example, the change in individuals
15 who are officers and have identified as Asian is
16 27.5 percent. So that's a trend up and you see it
17 visually over to the right. In contrast, you see a
18 negative 4.4 percent of officers who identified as
19 white over the same time period.

20 Q. So before you mentioned that this
21 is -- this includes both active and reserve
22 officers; correct?

1 A. Yes.

2 Q. Do you know whether there are
3 differences in these percentages as between active
4 and reserve officers?

5 A. I don't know.

6 Q. Do you know whether there are
7 differences in these percentages as between warrant
8 and commissioned officers?

9 A. The specifics I don't know.

10 Q. Does this page of data say anything
11 about what diversity is providing to the Navy and
12 Marine Corps?

13 ATTORNEY GARDNER: Objection.

14 Vague.

15 THE WITNESS: This data shows
16 essentially over time the shares of
17 various racial categories in the officer
18 corps, it shows increases in some of race
19 categories. It shows a decrease for
20 white. Unknown, I'm going to make the
21 logical assumption that that's unknown
22 and not marked. So there's a decrease

1 there.

2 And then, looking across the
3 categories, again there's a decrease in
4 the majority of categories, some much
5 more of a greater magnitude than others.
6 So, again, the Asian, if you look at that
7 compared to black African-American, the
8 magnitude of the Asian growth is greater.

9 BY ATTORNEY McCARTHY:

10 Q. Let's turn to the next page.

11 ATTORNEY GARDNER: Would now be a
12 good time for a break? We've been going
13 about an hourish. I'm really tired.

14 ATTORNEY McCARTHY: It's up to
15 you, Ms. Truesdale. That was -- that's
16 going to be the slowest one because I had
17 to do all the setup. We can take a break
18 now or we can try to power through the
19 next five or six charts.

20 ATTORNEY GARDNER: How long do you
21 think --

22 ATTORNEY McCARTHY: We can take a

1 break, that's fine.

2 (Recess taken from 3:52 p.m.
3 to 4:02 p.m.)

4 BY ATTORNEY McCARTHY:

5 Q. So we're on the second page of
6 tables in Exhibit A to your disclosures. Do you
7 see at the top where it says "USM officer
8 ethnicity"?

9 A. Yes.

10 Q. To save us some time, this -- you
11 did not create this table, but you had this
12 created; correct?

13 A. Yes.

14 Q. And all this data is from the same
15 source as the pages of tables?

16 A. That's correct.

17 Q. And this time we're just looking at
18 it in terms of ethnicity; correct?

19 A. Yes.

20 Q. And, again, it's active and reserve
21 officers or post-commission officers; correct?

22 A. That's correct.

1 Q. And the same structure in terms of
2 the FY14 percent all the way down; correct?

3 A. Yes.

4 Q. Does this page with the tables and
5 the bar graphs here reveal any trends to you about
6 ethnicity within the U.S. Navy officers?

7 A. Yes.

8 Q. Can you tell me what it tells you
9 about those trends?

10 A. Yes. So focus on the same column as
11 the last chart. If I look at percentage change
12 from FY17 to April of 2024, what you see is a
13 negative 2.1 percent percentage change in those
14 last seven years of the officer population
15 identifying as not Hispanic and Latino, and then
16 you see a 24.4 percent increase in the last seven
17 years of officers identifying as Hispanic and
18 Latino.

19 Q. And on the previous page, you had
20 said you didn't remember why you selected FY17
21 through April of 2024 for the smaller table. I
22 take it it's the same here, you don't remember why

1 you made that choice to highlight those percentages
2 on this page?

3 A. Yeah. I don't remember.

4 Q. Okay. Would that be the same for
5 the next four pages of tables that are constructed
6 in a similar fashion?

7 A. The reasoning behind where we
8 started and stopped, correct, I don't remember.

9 Q. Okay. Let's go to the next page.
10 At the top this one says USM officer gender.

11 Do you see that?

12 A. Yes.

13 Q. The data for this page all came from
14 the same source; correct?

15 A. Yes.

16 Q. It's, in fact, the same figures, you
17 active plus reserve officers, warrant plus
18 commissioned officers for the U.S. Navy; correct?

19 A. Same population of people, yes.

20 Q. You can even see it's got the same
21 number for the total number in, for example, fiscal
22 year 14, it's still 16,996; right?

1 A. Yes.

2 Q. Similar smaller table and
3 accompanying bar graph. This page on U.S. Navy
4 officer gender, does this reveal any trends to you?

5 A. Yes.

6 Q. What does it tell you?

7 A. Again, focusing on the far left
8 column, when we look at the percentage change in
9 the last seven years, FY17 to April of 2024, we see
10 a decrease negative 3.2 percent in male officers
11 and then a 13.8 percent increase over that time
12 period for female officers.

13 Q. Let's go to the next page. This one
14 at the top says USMC officer race.

15 Do you see that?

16 A. Yes.

17 Q. So this is Marine Corps officers;
18 correct?

19 A. Yes.

20 Q. This is a different slice of data
21 obviously because it's Marine Corps officers now,
22 but it's from the same source; correct?

1 A. Yes.

2 Q. As with the Naval officers on the
3 previous two pages, these are active plus reserve
4 and also warrant plus commissions officers in the
5 U.S. Marine Corps; correct?

6 A. Yes.

7 Q. Otherwise, this page is styled in a
8 similar way as to the last year; correct?

9 A. Yes.

10 Q. So if we look up for fiscal year 14
11 end strength, the total number of Marine Corps
12 officers was 25,122; correct?

13 A. Yes.

14 Q. And, for example, 722 of those that
15 year were Asian; correct?

16 A. That is correct.

17 Q. And that 722 Asian officers
18 represents 2.9 percent of the fiscal year 14 and
19 total end strength of Marine Corps officers;
20 correct?

21 A. Yes.

22 Q. So when you look at the data on this

1 page, does this reveal to you any trends about the
2 race of Marine Corps officers during this time?

3 A. Yes.

4 Q. What are those trends?

5 A. So, again, if I focus on the
6 percentage change, FY17 to April of 2024, and then
7 you look at the seven categories below, it gives
8 you some trends there.

9 So, for example, American Indian or Alaskan
10 native, the trend there is an increase of that
11 shared 24.2 percent. I highlighted negative
12 trends, it's unknown, and that's minus
13 54.1 percent.

14 Q. Now, I'll ask a question similar to
15 the one I asked before with regard to the U.S.
16 Naval officers, and that is do you know if the
17 percentages vary among these racial groups as
18 between active and reserve officers?

19 A. I do not know.

20 Q. Do you know whether these
21 percentages among racial groups vary as between
22 warrant and commissioned officers?

1 A. I don't know.

2 Q. Are there differences between the
3 percentages reported here for Marine Corps officer
4 race as compared to a few pages back for Naval
5 officer race?

6 ATTORNEY GARDNER: Can you repeat
7 that. I missed the first part.

8 Q. Are there differences in the
9 percentages by race reported here for Marine Corps
10 officers as compared to the percentages reported
11 for Naval officers a few pages back?

12 A. Yes.

13 Q. So it looks like the Marine Corps
14 has a somewhat higher percentage of American Indian
15 and Alaskan native officers than the U.S. Navy;
16 correct?

17 A. I would say it looks roughly
18 comparable for American Indian, Alaskan native, and
19 maybe percentages for Asian are higher. So I
20 forgot if you said Asian. I'm seeing higher for
21 Navy.

22 Q. Navy, Asian, I would say it's

1 higher; correct?

2 A. Yes.

3 Q. Okay. Navy is higher for black
4 officers, generally speaking; correct?

5 A. That is correct.

6 Q. Multiracial is higher among Navy
7 officers; correct?

8 A. Yes.

9 Q. Native Hawaiian and Pacific Islander
10 is slightly higher for Marine Corps officers;
11 correct?

12 A. A tenth of a percentage, yes.

13 Q. Unknown is generally higher for
14 Marine Corps officers, yes?

15 A. Yes, but the trend in later years it
16 was comparable.

17 Q. It came down to later years, but
18 still a bit higher, I guess, for Marine Corps, that
19 is?

20 A. Yes. I'm going to now reference the
21 unknown percentage changes for seven years. So, of
22 unknown, yes.

1 Q. Okay. And Marine Corps has slightly
2 higher percentage of white officers than
3 the -- strike that -- than the Navy as well;
4 correct?

5 A. Somewhat comparable back in '17,
6 '18, but more recently in the last several years,
7 Marine Corps has a greater percentage of white
8 officers.

9 Q. Okay. Let's go to the next page.

10 A. (Witness complies with request.)

11 Q. This is U.S. Marine Corps officer
12 ethnicity; correct?

13 A. Yes.

14 Q. The data came from the same source;
15 correct?

16 A. Yes.

17 Q. And this is, in fact, the same
18 dataset as the previous page; correct?

19 A. Same populations, active reserve,
20 warrant and commissioned officers.

21 Q. Same actual data, given that the
22 total number of Marine Corps officers and, for

1 example, fiscal year 14 end strength was 25,122 in
2 both of them, correct?

3 A. Yes, the data point is the same.

4 Q. Do you recognize any trends shown by
5 this data on Marine Corps officer ethnicity over
6 time?

7 A. So I go to the same spot. FY17 to
8 April of 2024, the share of officers identified as
9 not Hispanic, Latino, went down 2.4 percent, and
10 then the share of officers identifying as Hispanic
11 or Latino changed and increased by 23.3 percent
12 over those seven years.

13 Q. If we look at Marine Corps officer
14 ethnicity as compared to the U.S. Navy officer
15 ethnicity over these same time periods here, there
16 is higher percentages of Hispanic officers at the
17 Marine Corps; correct?

18 A. Yes.

19 Q. Let's go to the next page.

20 A. (Witness complies with request.)

21 Q. This page is U.S. Marine Corps
22 officer's gender; correct?

1 A. Yes.

2 Q. Okay. Same data source; correct?

3 A. Yes.

4 Q. Same population as the last two
5 charts; correct?

6 A. Yes.

7 Q. Active and reserve officers, warrant
8 and commissioned officers; correct?

9 A. Yes.

10 Q. What trends, if any, do you notice
11 on this page?

12 A. Again, I'll look at percentage
13 change in the last seven years of FY17 to April of
14 2024. Male percentage, that share has decreased
15 2.6 percent, and then the female share, the
16 percentage change is 32 percent increase over that
17 time period.

18 Q. And if you compare Marine Corps
19 officer gender statistics here with the Naval --
20 with the Navy officer gender statistics a few pages
21 back --

22 A. Uh-huh.

1 Q. -- the percentage of females in
2 terms of Marine Corps officers is well within the
3 percentage of Navy officers; correct?

4 A. Yes.

5 Q. Let's go to the next page.

6 A. (Witness complies with request.)

7 Q. Now, this one appears to be a
8 different dataset. Sorry, I have to do more setup.

9 A. Okay.

10 Q. Now, this page does not say DMDC on
11 it. Nor does it say DoD total force demographics
12 dashboard. But do you know whether this data would
13 have come from the same source?

14 A. I know our manpower analytics and HR
15 systems team pulled the data. And without the
16 source, I would guess. So I don't want to guess,
17 but I do know who pulled the data.

18 Q. Okay. And this data and the charts
19 here were pulled by someone at your direction;
20 correct?

21 A. Yes, by my staff direction, yes.

22 Q. So you didn't actually create these

1 tables, but you asked someone to do it and they
2 created it for you?

3 A. Yes.

4 Q. USNA accessions is the title of this
5 page; correct?

6 A. The Naval Academy accessions;
7 correct.

8 Q. Okay. So not totally clear to me
9 what this dataset is, but if I look under the
10 columns for the first table on race, for example,
11 for fiscal year 20, there's 450 -- I'm sorry.
12 4,580 total U.S. Navy accessions; correct?

13 A. The --

14 Q. I'm sorry. I'll try to make sure
15 we're looking at the same thing. There's a few
16 tables on this page.

17 A. Yes.

18 Q. The one that's on the top left.

19 A. Yes.

20 Q. Which at the top of those columns
21 says, "race, fiscal year 20, fiscal year 21, fiscal
22 year 22, 23."

1 Are we looking at the same table?

2 A. Yes.

3 Q. Great. So at the bottom of fiscal
4 year 20, for example, it indicates that there are
5 4,580 total U.S. Naval Academy accessions fiscal
6 year 20; correct?

7 A. I see the number, and the --
8 there's, the whole student body of the Naval
9 Academy is in the 4,000 range.

10 Q. That's what I was going to ask,
11 because I think accessions -- when we talked
12 earlier accessions means when they first show up to
13 the Naval Academy?

14 A. Uh-huh.

15 Q. So this number appears that perhaps
16 to be the entire brigade of midshipmen in fiscal
17 year 20?

18 A. Yes, that brigade of midshipmen
19 number is around 4500.

20 Q. So would I be correct in saying that
21 that reflects that the first table, the population
22 that's being analyzed during that first table is

1 the brigade of midshipmen for each of those first
2 years?

3 A. It's the brigade, yes.

4 Q. For February 2023, I take it, that
5 was the data that was available at the time that
6 the chart was pulled?

7 A. Correct.

8 Q. Okay. So, for example, just to make
9 sure I'm reading this chart correctly, in fiscal
10 year 20, there were 317 black or African-American
11 midshipmen within the entire brigade of midshipmen
12 which composed 4,580 individuals. Is that correct?

13 A. Yes.

14 Q. And then the table below that also
15 at the top, race, fiscal year 20, fiscal year 21,
16 fiscal year 21, 2023, are those percentages in
17 there reporting the same data in the table
18 immediately above it, which is by percentage
19 instead of head count?

20 A. Yes.

21 Q. In other words, that number I
22 mentioned before for black and African-American

1 midshipmen, that 317 black and African-American of
2 midshipmen in fiscal year 20, represents
3 6.9 percent of the entire brigade of midshipmen of
4 4,580 people?

5 A. Yes.

6 Q. All right. If we move to the right,
7 still looking at the smaller charts towards the
8 top, kind of the middle of the page. Are you with
9 me?

10 A. Yes.

11 Q. Great. So there's ethnicity and
12 then gender. If we just look at the top ones that
13 are by head count rather than percentage, are you
14 with me?

15 A. Yes.

16 Q. Okay. This dataset is the same as
17 the one we were just discussing with regard to
18 race; correct?

19 ATTORNEY GARDNER: Do you mean
20 ethnicity? You said with respect to
21 race.

22

1 BY ATTORNEY McCARTHY:

2 Q. I'm saying -- I meant with respect
3 to race. I'm saying that these tables that we are
4 looking at now for ethnicity and gender, they are
5 looking at the same dataset that we just discussed
6 in the tables on race.

7 A. If you mean the same population?

8 Q. Yes.

9 A. But now it's sliced by ethnicity on
10 the top and then gender in the next one down?

11 Q. Yes, same population.

12 A. With the same 4580 and all the
13 numbers to the right, 4516, 4442, 4393?

14 Q. Yes. 'Okay. So same population but
15 now we're looking by ethnicity on the top and
16 gender underneath that; correct?

17 A. Yes.

18 Q. Okay. And then just like was
19 displayed with regard to race, underneath that
20 there are similar tables, but they show
21 percentages; correct?

22 A. They do, yes.

1 Q. Okay. So I want to make sure I'm
2 reading these tables correctly. So if I look at
3 I'm going to say fiscal year 20 again.

4 A. Okay.

5 Q. There were 543 Hispanic or Latino
6 midshipmen out of the entire brigade of 4,580 from
7 fiscal year 20; correct?

8 A. Yes.

9 Q. And then 543, that set of 543
10 Hispanic or Latino midshipmen composed 11.9 percent
11 of that entire brigade of 4,580; correct?

12 A. Yes.

13 Q. Same exercise for gender just to
14 make sure I'm reading. Fiscal year 20 there were
15 1,293 women out of the entire brigade of 4,580 in
16 fiscal year 20; correct?

17 A. Yes.

18 Q. And those 1,293 women made up
19 28.2 percent of that entire brigade of 4,580 in
20 fiscal year 20; correct?

21 A. Yes.

22 Q. So for the previous tables that

1 we're looking at, the Naval Academy -- I'm sorry.

2 I said Naval Academy.

3 For the previous tables we were looking at
4 Naval officers and Marine Corps officers.

5 A. Uh-huh.

6 Q. The data went back to fiscal year
7 14?

8 A. Yes.

9 Q. This time, the data only goes back
10 to fiscal year 20. Was there a reason for that
11 choice in terms of how you decided to have these
12 tables created?

13 A. I don't know.

14 Q. You don't recall?

15 A. No.

16 Q. You don't recall if there was any
17 significance to it at all?

18 A. I don't know.

19 Q. If we look below at bar graphs, the
20 first bar graph on the chart, it says "USNA
21 midshipmen;" right?

22 A. Yes.

1 Q. Is that reporting the same data as
2 in the percentage chart immediately before or after
3 it?

4 A. Yes.

5 Q. Just displaying it in a different
6 way by bar graphs; correct?

7 A. Yes.

8 Q. Then in the middle it says "USNA
9 midshipmen by ethnicity." It's reporting the same
10 data, just in the form of a bar graph as the
11 percentage table for ethnicity a little bit above
12 that; correct?

13 A. Yes.

14 Q. And then the last bar graph on the
15 right, I think this should actually say "USNA
16 midshipmen by gender"; correct?

17 A. Yes.

18 Q. Okay. It looks like it's a typo
19 there, but that bar graph on the far right
20 corresponds to the gender percentage table that we
21 discussed; correct?

22 A. Yes.

1 Q. Okay. This is a much narrower slice
2 of data compared to fiscal year 14 all the way
3 through 24. We're now looking at a spread of three
4 years as opposed to 10, but to the extent there's a
5 trend to be divined from this small amount of data,
6 do you recognize any trends on this page?

7 A. I still think it shows three years.
8 So I don't know if I'd characterize it as small,
9 smaller than the other range. But again, if I
10 looked at -- yeah, I mean, I think you can see what
11 the shares are by year easier visually.

12 So, for example, if I looked at the FY20 to
13 Feb23 table on race, you see an upward trend of the
14 Asian share of the brigade. You see, it's native
15 Hawaiian, other Pacific Islander relatively flat.
16 Multiracial appears to be relatively flat.
17 Likewise, African-American black relatively same.

18 Q. They are all relatively flat except
19 I guess the Asian number went up a bit; correct?

20 A. Slight decrease in one.

21 Q. Fair enough. I guess I should say
22 technically it's not exactly three-years of data.

1 It's less than that?

2 A. It's from February of 23 all the way
3 up to --

4 All of FY21, all of FY22 and a portion of
5 FY23 up to February.

6 Q. I guess it depends which way you
7 look at it. Fair enough?

8 A. We always do a cutoff at the end of
9 the FY. So it's like three and a half years of
10 data.

11 Q. Okay. So in your disclosures you
12 indicated -- you talked about the trends
13 represented here. Do you recognize any trends
14 overall from these tables and charts from the last,
15 you know, from these six, seven pages of your
16 Exhibit A?

17 ATTORNEY GARDNER: Objection.

18 Asked and answered.

19 You can answer.

20 THE WITNESS: I feel like each of
21 the tables I highlighted, the percentage
22 change in the last, you know, FY17 to

1 April -- I feel like I've answered that
2 and given you some highlights of what the
3 changes are in the data.

4 BY ATTORNEY McCARTHY:

5 Q. Fair enough.

6 A. Okay.

7 Q. So did the diversity levels -- did
8 the racial diversity levels here indicate anything
9 about benefits being provided to the Naval -- to
10 the Navy and Marine Corps?

11 ATTORNEY GARDNER: Objection.

12 Vague.

13 THE WITNESS: So we see -- we see
14 increasing shares of diverse officers in
15 the seven-year period. And I talked
16 earlier about the diversity in the
17 officer ranks being an objective of the
18 DoD. I mean, broadly the DoD's objective
19 is the whole workforce. I don't like to
20 forget the civilians.

21 So I think we see an increase in
22 the Navy and Marine Corps officer corps

1 and its diversity and then that tying
2 back to what the DoD's objective is and
3 the Department of the Navy's objective.

4 BY ATTORNEY McCARTHY:

5 Q. So how can you tell to what extent
6 these levels of racial diversity are helping
7 fulfill the DoD's objective?

8 A. By the fact that we -- by the fact
9 that we are seeing increased shares of diverse
10 categories in the officer corps over time. And we
11 know that's an objective of the DoD and the
12 Department of the Navy to have a more racial
13 diverse officer corps, and we are seeing that in
14 the data. Some cases smaller than other shares of
15 increases, but we're seeing that in the data.

16 Q. So are increases in the number of
17 minority officers always -- sorry. I asked the
18 question wrong. I'll ask it again.

19 Do increases in the percentage of officers
20 at the Marine Corps and in the Navy always
21 translate into benefits in the Department of the
22 Navy?

1 ATTORNEY GARDNER: Objection.

2 Vague.

3 THE WITNESS: I go back to we have
4 an objective to have a racially diverse
5 officer corps to lead our exceptionally
6 diverse enlisted force. And that is --
7 and we're seeing in the seven years of
8 data that we have with the Navy and
9 Marine Corps, increases in the shares of
10 diverse officers overall in the Navy and
11 Marine Corps.

12 BY ATTORNEY McCARTHY:

13 Q. Is there a point where these
14 percentages may reach a level that the Department
15 of the Navy says, Hey, we're sufficiently racially
16 diverse now?

17 ATTORNEY GARDNER: Objection.

18 Asked and answered.

19 THE WITNESS: Given the overall
20 DoD goal, I want to say objective, given
21 the overall DoD objective as a diverse
22 DoD workforce, so by extension, diverse

1 military workforce, by extension diverse
2 racially diverse officer corps, what
3 we're seeing are trends in that direction
4 that support that objective.

5 BY ATTORNEY McCARTHY:

6 Q. Okay. I'm asking a different
7 question.

8 A. Which I might have forgotten because
9 I'm getting tired.

10 Q. Me too.

11 A. Can you ask it again.

12 Q. I'm probably not that far from the
13 end.

14 A. Okay.

15 Q. I will have some more stuff after
16 this, but not a ton, I don't think.

17 Is this a level --

18 A. I'm sorry. Keep going, yeah.
19 I didn't answer your question.

20 Q. That's okay.

21 A. Yeah.

22 Q. Is there a level of minority

1 representation within the officer corps at the Navy
2 and the Marine Corps where the Department of the
3 Navy would say we're sufficiently racially diverse
4 now?

5 ATTORNEY GARDNER: Objection.

6 Asked and answered.

7 THE WITNESS: So I think that,
8 again, we're projecting into the future.
9 And if those trends and those percentages
10 and those changes start to look like the
11 percentages and so forth of the U.S.
12 population, then the Navy leadership
13 would need to consider is that enough,
14 are we there. So there should be a
15 consideration of that, yes.

16 BY ATTORNEY McCARTHY:

17 Q. Okay. And it sounds like it's not
18 like a specific number. But it's more like in
19 relation to the U.S. population?

20 A. Correct.

21 Q. Because the U.S. population
22 obviously changes from time to time as well; right?

1 A. Exactly, yes.

2 Q. So in that situation, a hypothetical
3 where these trends continue or let's just say
4 the -- let me start the hypothetical over.

5 Coming off of what you just mentioned a
6 minute ago about the U.S. population, if the levels
7 of minority representation among the officer corps
8 at the Navy and the Marine Corps get all the way to
9 where they essentially match the racial
10 demographics of the U.S. population and there were
11 then, as you said, sort of the times to reassess
12 and think about whether they needed to go further,
13 who would be making that assessment and decision at
14 that point?

15 A. That would be the decisions of the
16 Secretary of the Navy level, chief of Naval
17 operations, Marine Corps, and then also the Navy
18 department has a chain of command, and that's the
19 Department of Defense with the Secretary of
20 Defense.

21 Q. That's the senior leadership that
22 you described earlier?

1 A. Yes.

2 Q. So military, some of them are
3 political?

4 A. Yes.

5 Q. So we talked earlier about how the
6 Navy is prohibited from considering race and
7 ethnicity after initial accessions; correct?

8 A. Yes.

9 Q. Do you consider that prohibition a
10 barrier to the clear progression of minority
11 service members?

12 A. No.

13 Q. Do you think that that, as you
14 describe it, general prohibition from considering
15 race and ethnicity after initial accessions is
16 appropriate policy for the Navy?

17 ATTORNEY GARDNER: Objection.

18 Calls for -- I'll withdraw it.

19 THE WITNESS: Do I believe -- can
20 you repeat it again.

21 BY ATTORNEY McCARTHY:

22 Q. Sure. That, as you've described,

1 general prohibition on considering race and
2 ethnicity after initial accessions.

3 A. Yes.

4 Q. Do you think that prohibition is an
5 appropriate policy for the Navy?

6 A. I do.

7 Q. Earlier we talked about briefly,
8 very briefly about Dr. Jason Lyall?

9 A. Yes.

10 Q. I think you mentioned that you were
11 familiar with his work; correct?

12 A. Yes.

13 Q. Have you ever read his book Divided
14 Armies?

15 A. I have not read the whole book, no.

16 Q. Have you read his disclosures in
17 this case?

18 A. No.

19 Q. Are you aware of his theory that
20 minorities lack political power in the United
21 States?

22 ATTORNEY GARDNER: Objection.

1 Mischaracterizes Mr. Lyall's opinion.

2 THE WITNESS: I'm not aware of
3 that.

4 BY ATTORNEY McCARTHY:

5 Q. I take it then Dr. Lyall's work and
6 his disclosures did not inform any of the
7 statements you made in your declaration or
8 disclosures or your testimony today?

9 ATTORNEY GARDNER: Objection.
10 Compound.

11 THE WITNESS: So break that down
12 for me a little bit. Repeat the question
13 then.

14 BY ATTORNEY McCARTHY:

15 Q. It's getting late, sorry. I'm not
16 asking the best questions.

17 It sounds like you have some familiarity
18 with Dr. Lyall's work. You did not read his
19 disclosures, you have not read his full book. Am I
20 correct to assume his work and disclosures did not
21 inform the statements you made in your declaration?

22 A. Correct.

1 Q. Same question as to your
2 disclosures, his work and stuff did not inform the
3 statements you made in your disclosures; correct?

4 A. Correct.

5 Q. And I guess it's safe to say that
6 Dr. Lyall's work and disclosures do not inform your
7 testimony here today; correct?

8 A. I guess to be precise, my reference
9 to Dr. Lyall's work shows -- his research shows
10 looking at, you know, 250 some armies from 1800 to
11 the present. His work shows a benefit to
12 performance from diverse units. That's one
13 research.

14 So the conclusion of what that research is
15 is informative to me, just as the conclusion of any
16 private sector research that shows the power of
17 diversity and in teams, the ability to come up with
18 new ideas, the ability to innovate. That also
19 informs -- that informs me as well.

20 And its applicability to what a diverse
21 team can do in the Navy and Marine Corps. So I
22 don't know the precision of the studies, book, his

1 disclosure at all. What I know is there is
2 research out there that is linking diverse teams
3 with levels of performance and increased
4 performance and innovation and ability to solve
5 problems. And that is informative to me in my
6 role.

7 Q. Have you read his work?

8 A. No. I've read a summary of some of
9 the conclusions of his work.

10 Q. So the summary that you read of the
11 conclusions of his work informs your testimony
12 today?

13 A. With also what I understand and with
14 the diversity and composition of teams in the
15 private sector. Yes.

16 Q. Okay. I'll represent to you that
17 Dr. Lyall believes that minorities lack political
18 power in the United States? Do you agree with that
19 statement?

20 ATTORNEY GARDNER: Objection.

21 Lack of foundation.

22 THE WITNESS: I don't understand

1 the context of that statement, so it's
2 hard for me to agree or disagree. I have
3 not read Dr. Lyall's work.

4 BY ATTORNEY McCARTHY:

5 Q. You've mentioned a couple times
6 today being familiar with research into diversity
7 and problem solving in the private sector.

8 Do you remember that?

9 A. Uh-huh.

10 Q. Do you know what studies those are?
11 You sort of referenced them generally, but you
12 haven't mentioned them. Do you know what studies
13 you're thinking of?

14 A. Not specifically, no.

15 Q. Would they by chance be studies that
16 were done by McKenzie?

17 A. I don't remember.

18 Q. Don't worry. I don't want to scare
19 anybody.

20 ATTORNEY GARDNER: You got to get
21 rid of your documents. Either that or
22 you bring them home with you.

1 ATTORNEY McCARTHY: Fair enough.

2 (Exhibit 4 was marked for
3 identification.)

4 BY ATTORNEY McCARTHY:

5 Q. Ms. Truesdale, you're being handed
6 what's marked as Exhibit Number 4. We got all the
7 way up to 4. That's pretty good.

8 Are you familiar with this document?

9 A. Yes.

10 Q. I think it's actually cited in your
11 disclosures; correct?

12 A. Yes.

13 Q. Okay. This study, could you tell me
14 what it is?

15 A. It is the report for the Navy's Task
16 Force 1 Navy.

17 Q. And can you explain generally what
18 that report is about?

19 A. Generally, the report is meant to
20 catalog all the work that occurred that started in
21 2020 by looking at -- really taking a deep looking
22 at what was going on with the culture in the Navy

1 at the time.

2 Q. Okay. This report cites two studies
3 that purport to be private sector studies about
4 diversity and problem solving. They're at the
5 bottom of page 6.

6 A. Okay.

7 Q. One is a study from the National
8 Academy of Sciences, and the other is a McKenzie
9 study. Are you familiar with these studies?

10 A. I am familiar with their citation in
11 the report. I have not read them.

12 Q. You have not read them, okay. The
13 McKenzie one is a 2015 study; correct?

14 A. Yes.

15 Q. So are you aware of their series of
16 studies, this one and then some following studies
17 about diversity in corporate, private sector teams'
18 performance?

19 A. The specific McKenzie studies, no.
20 Just the understanding of the body of literature
21 out there that supports diverse teams and what they
22 bring to the table for innovation problem solving,

1 yes.

2 Q. So -- and the National Academy of
3 Sciences, it's one here that's referenced in 2014.
4 Have you read that one?

5 A. I have not.

6 Q. When you say you are familiar with
7 the studies of the private sector in this area,
8 what studies are you referring to?

9 ATTORNEY GARDNER: Objection.

10 Asked and answered.

11 THE WITNESS: I'll answer it that
12 I'm aware of overall research about teams
13 and what diversity in teams means.
14 Again, I answered the question of -- I
15 understand there's a general body of
16 literature that supports the diverse
17 composition of teams and then the
18 performance of those teams.

19 BY ATTORNEY McCARTHY:

20 Q. So this general body of literature,
21 can you identify for me any particular article or
22 book within that body of literature?

1 A. I think you asked me that question,
2 and I said I can't give you a specific title.

3 Q. Okay. Did you read any of these
4 books among this literature?

5 A. I have -- I am aware of the
6 literature in general that talks about teams and
7 diverse performance of teams. I can't recall an
8 article to cite to you.

9 Q. Have you done any of your own work
10 as a researcher into this issue in the private
11 sector?

12 A. I am not a researcher.

13 Q. Have you done any research
14 into -- strike that.

15 So I guess then you have not done any of
16 your own research into diversity in the private
17 sector; correct?

18 A. I have not done any of my own
19 research, no. I have read research that cites the
20 research.

21 Q. What research have you read that
22 cites the research?

1 A. There's CNA research on -- Center
2 for Naval Analyses Research.

3 Q. Are these -- is this the one that
4 you cited in paragraph 9 of your disclosure?

5 A. I don't think that's the one I cited
6 in paragraph 9.

7 ATTORNEY GARDNER: I think she's
8 referring to your Interrogatories.

9 ATTORNEY McCARTHY: I'm sorry,
10 what?

11 ATTORNEY GARDNER: I think she's
12 referring to the interrogatory responses.
13 Just to help you.

14 THE WITNESS: There's CNA research
15 that talks about Hispanic representation.
16 And there's some summaries of, you know,
17 every research does literature reviews,
18 and I'm recalling there being some
19 reference to performance of private
20 sector teams and the positive benefits of
21 that. So I'm recalling that being a
22 summary of that CNA research study.

1 BY ATTORNEY McCARTHY:

2 Q. I see. So you read CNA research
3 studies that summarized some of the research that's
4 among the literature that discusses diversity in
5 the private sector. Is that correct?

6 A. The impact of diverse teams and
7 their ability to problem solve and innovate, yes.

8 Q. Okay. Did you rely on this McKenzie
9 study cited here in the Task Force 1 Navy report at
10 all in any of your conclusions reached in your
11 testimony today?

12 A. That's a odd question. Did I rely
13 on -- could you ask me that again.

14 Q. Did you rely on the McKenzie study
15 cited here from the Task Force 1 Navy report in
16 reaching any of your conclusions in your testimony
17 today?

18 A. I relied on my understanding of
19 broadly what the private sector research is. Those
20 are two precise examples that I read, but I relied
21 on my understanding of what that research is, where
22 it's cited in the one example, the Center for Naval

1 Analyses Research. I relied on that.

2 I have, you know -- I have 34 years in
3 government, and some of that is annual professional
4 development training about teams and leadership.
5 So I've also listened to speakers talk about teams
6 and what makes a great team. So I would have that
7 influence what my thinking is about teams. I've
8 cited to you earlier the impact of the diverse team
9 I had in recruiting. That's really what sums up my
10 thinking on this topic.

11 ATTORNEY McCARTHY: Why don't we
12 take a break.

13 ATTORNEY GARDNER: How much time?

14 ATTORNEY McCARTHY: I don't think
15 much. I wanted to go through my notes.

16 ATTORNEY GARDNER: Do you want to
17 say five?

18 ATTORNEY McCARTHY: That's
19 probably fine. Because I don't think I
20 have much left.

21 (Recess taken from 4:52 p.m.
22 to 5:05 p.m.)

1 BY ATTORNEY McCARTHY:

2 Q. I want to look back briefly at your
3 declaration. This would have been Exhibit 3. If
4 you turn to paragraph 9.

5 A. (Witness complies with request.)

6 Okay.

7 Q. There you go. And I think we went
8 through a bunch of this before, but at the top
9 there it says, "The SECNAV's strategic guidance
10 describes the Department of Navy by fulfilling the
11 strongest possible war fighting force by
12 recruiting, retaining and promoting the best
13 America has to offer."

14 Did I read that part of your testimony
15 correctly?

16 A. Yes.

17 Q. I think you previously explained
18 that a racially diverse officer corps is important
19 to that; correct?

20 A. Yes.

21 Q. Okay. Today you also said that
22 there's at least to some extent a relative lack of

1 minorities in the Navy and Marine Corps officer
2 corps; correct?

3 A. Yes.

4 Q. Does that mean that the Department
5 of the Navy is currently not sending its best
6 possible war fighting force and the best America
7 has to offer?

8 A. No. It doesn't.

9 Q. Okay. Earlier you noted that the
10 Navy doesn't specifically recruit particular
11 religious groups. Do you remember saying that, the
12 Navy doesn't specifically recruit Methodists?

13 A. That's an example.

14 Q. Nothing against Methodists as an
15 example. I just threw it out. I have no problem
16 with Methodists either.

17 Does the Navy specifically recruit on
18 religious diversity grounds at all?

19 A. No.

20 Q. Does the Navy specifically recruit
21 on gender identity grounds at all?

22 A. No.

1 Q. Does the Navy specifically recruit
2 on political viewpoint grounds at all?

3 A. No.

4 Q. But the Navy does recruit on gender
5 and racial diversity grounds; correct?

6 A. The Navy is looking to recruit a
7 variety of different people from all walks of life
8 throughout the whole country. So whatever they
9 bring in, bring to the table and whatever facets of
10 diversity, that's really what this is meant if I
11 went back to the statement.

12 Q. Okay. So -- and I'm not even
13 talking about that statement in particular anymore.

14 A. Okay.

15 Q. But the Navy does make specific
16 efforts to recruit in terms of racial and gender
17 diversity; correct?

18 A. The Navy makes specific efforts to
19 recruit a variety of different people so that we
20 have a diverse workforce. And then particularly
21 when you look at the diversity of the enlisted
22 force and the trust and confidence in what is

1 expected of officers to lead that force. That's
2 where the overall objective of the diverse officer
3 corps, which a racially diverse officer corps is
4 part of that.

5 Q. So I understand that they make
6 recruiting efforts broadly and that ends up
7 encompassing a group that is diverse on lots of
8 different grounds. But is your testimony that the
9 Navy does not specifically recruit on gender and
10 racial diversity grounds?

11 A. If you're asking me if the Navy has
12 a specific like number --

13 Q. Not numbers.

14 A. Okay.

15 Q. I'm just asking it sounds like
16 you're saying, though, and, again, no numbers, just
17 I'm asking you does the Navy not specifically
18 recruit on gender and racial diversity grounds?

19 A. The Navy wants to have a gender -- a
20 racially diverse, a gender diverse group of
21 recruits and officers to join as well as any other
22 assets -- aspects of diversity.

1 Q. Okay. I get that and I just want to
2 know whether the Navy makes any specific efforts to
3 recruit on gender and racial diversity grounds.

4 A. The Navy makes efforts to be an
5 underrepresented -- the Navy makes an effort to be
6 in markets that you would deem like
7 underrepresented groups, so the Navy is going to
8 have efforts to connect with those groups to talk
9 about opportunities to serve. And those could
10 absolutely overlap with race, gender.

11 Q. So it might by happenstance?

12 ATTORNEY GARDNER: Objection.

13 Mischaracterizes the witness's testimony.

14 THE WITNESS: No. So I forget the
15 question.

16 BY ATTORNEY McCARTHY:

17 A. Sorry, I'm getting tired.

18 Q. So you, I believe you testified that
19 the Navy recruits in underserved populations, and
20 you said that that may end up yielding racial and
21 diverse groups. That's different from what I'm
22 asking about.

1 Do you know whether -- and this is just to
2 your knowledge -- do you know whether the Navy
3 specifically recruits on racial and gender
4 diversity grounds?

5 A. The Navy absolutely wants to recruit
6 racially diverse people and women.

7 Q. Okay. Do they take any specific
8 measures to try to specifically increase recruiting
9 with regard to minorities and females?

10 A. The Navy certainly does. If it's
11 looking at whether where there's
12 underrepresentation -- like we have a historically
13 white officer corps. Like decades and decades and
14 decades. We have, you know, three commissions that
15 come to mind that have studied the composition of
16 the whole military and what it looks like.

17 And you see this persistent number of
18 racially diverse, particularly certain categories
19 of officers in the Navy. Yet you see how diverse
20 the enlisted corps is and you know that you can do
21 well in diverse demographic diversity. What that
22 means for a team environment.

1 So to go back to recruiting, absolutely the
2 Navy wants to make sure it's recruiting diverse
3 people, racially diverse people, women for service
4 in the Navy.

5 ATTORNEY McCARTHY: Okay. I have
6 no other questions.

7 ATTORNEY GARDNER: Okay. As I
8 mentioned earlier, the witness will read
9 and sign. Thank you.

10 (Proceedings adjourned at
11 5:14 p.m.)

1 DISTRICT OF COLUMBIA: SS

2 I, Barbara Moore, a Registered Court Reporter
3 of the District of Columbia, do hereby certify that
4 these proceedings took place before me at the time
5 and place herein set out, and the proceedings were
6 recorded stenographically by me and this transcript
7 is a true record of the proceedings.

8
9 I further certify that I am not of counsel to
10 any of the parties, nor an employee of counsel nor
11 related to any of the parties, nor in any way
12 interested in the outcome of this action.

13
14
15 

16
17 BARBARA MOORE, CRR, RMR

18
19 _____
20 My Commission Expires:

21 July 31, 2023

22

1 DEPOSITION ERRATA SHEET

2
3
4 Our Assignment No. J11440531

5 Case Caption: STUDENTS FOR FAIR ADMISSIONS

6 vs. THE UNITED STATES NAVAL ACADEMY

7
8 DECLARATION UNDER PENALTY OF PERJURY

9 I declare under penalty of perjury
10 that I have read the entire transcript of
11 my Deposition taken in the captioned matter
12 or the same has been read to me, and
13 the same is true and accurate, save and
14 except for changes and/or corrections, if
15 any, as indicated by me on the DEPOSITION
16 ERRATA SHEET hereof, with the understanding
17 that I offer these changes as if still under
18 oath.

19 Signed on the _____ day of

20 _____, 2024.

21 _____

22 LISA M. TRUESDALE

DEPOSITION ERRATA SHEET

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

SIGNATURE: _____ DATE: _____

LISA M. TRUESDALE

DEPOSITION ERRATA SHEET

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

SIGNATURE: _____ DATE: _____

LISA M. TRUESDALE