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8  
 9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA

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 12 LOG CABIN REPUBLICANS, a non-  
 13 profit corporation,

14 Plaintiff,

15 vs.

16 UNITED STATES OF AMERICA and  
 ROBERT M. GATES (substituted for  
 17 Donald H. Rumsfeld pursuant to FRCP  
 25(d)), SECRETARY OF DEFENSE,  
 18 in his official capacity,

19 Defendants.

Case No. CV 04-8425 VAP (Ex)

**DECLARATION OF ANTHONY  
 LOVERDE IN SUPPORT OF  
 PLAINTIFF LOG CABIN  
 REPUBLICANS' SUPPLEMENTAL  
 BRIEF ON APPLICATION OF WITT  
 STANDARD OF REVIEW**

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004  
 Trial: July 13, 2010

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 21 **DECLARATION OF ANTHONY LOVERDE**

22 I, Anthony Loverde, declare as follows:

23 1. I am over 18 years old and, if called as a witness, I would be able to  
 24 testify competently, of my own personal knowledge, to the truth of the matters  
 25 contained in this declaration.

26 2. I served as an active duty member of the United States Air Force from  
 27 February 13, 2001 to July 13, 2008.

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 DECLARATION OF ANTHONY LOVERDE IN SUPPORT OF PLAINTIFF LOG  
 CABIN REPUBLICANS' SUPPLEMENTAL BRIEF ON APPLICATION OF  
WITT STANDARD OF REVIEW

1           3.       When I enlisted in the United States Air Force in February 2001, I was  
2 21 years old. When I enlisted, I had a rank of E-1 (Airman). I originally  
3 committed to remain in the Air Force until February 2007.

4           4.       I was assigned to Lackland Air Force Base in San Antonio, Texas for  
5 basic training where I remained until April 2001. Upon completion of basic  
6 training, I was promoted to the rank of E-3 (Airman First Class). I was then sent to  
7 Keesler Air Force Base in Biloxi, Mississippi for further training where I remained  
8 until December 2001.

9           5.       In December 2001, I was assigned to Ramstein Air Base located near  
10 Kaiserslautern, Germany. While there, I served as a member of the 86th  
11 Maintenance Squadron. I worked as a Precision Measurement Equipment  
12 Laboratory technician and was responsible for calibrating weapons systems in the  
13 United States Air Forces in Europe, Southwest Asia, and the Continental United  
14 States.

15           6.       While serving in Germany, I did not tell any members of my command  
16 that I am homosexual. But I also did not go to great lengths to conceal my  
17 sexuality through my actions. For example, in December 2001, I attended an off  
18 base military holiday party in Germany wearing a blue velvet shirt, black leather  
19 pants and sporting spiked hair. At the party were approximately forty enlisted  
20 members I worked with, including my supervisors from the ranks of Major  
21 Sergeant (E-7) to Chief Master Sergeant (E-9). Additionally, when members of my  
22 command asked me what kind of girls I liked, I would say “rugged ones with broad  
23 shoulders.”

24           7.       As a reward for my exceptional work at Ramstein Air Base in  
25 Germany, I was awarded early promotion to rank E-4 (Senior Airman), deemed a  
26 distinguished graduate from the United States Air Force Airman Leadership  
27 School, and obtained a 7-level craftsman proficiency badge within my first four  
28 years of service.





1           20. I was removed from flying status in April 2008. Although I remained  
2 on active duty, I was assigned to an administrative desk job.

3           21. All of my supervisors from the ranks of Major Sergeant (E7) to Chief  
4 Master Sergeant (E9) wrote character reference letters that requested my retention.  
5 Copies of these character reference letters are attached hereto as Exhibit "A."

6           22. I served as an openly homosexual man for a couple of months. During  
7 this time, I made sure that everybody knew I am homosexual and was being forced  
8 to leave the Air Force because of it. During this time, no servicemembers  
9 approached me to tell me they had a problem with my sexual orientation.

10          23. I signed a waiver of my right to contest my discharge so that I would  
11 be honorably discharged.

12          24. I was honorably discharged from the United States Air Force on July  
13 13, 2008.

14          25. Within three weeks of separation, I accepted employment in Iraq to  
15 support the United States Army as a defense contractor. I held several posts in Iraq  
16 and Afghanistan and was greatly respected by my military unit as an openly  
17 homosexual contractor.

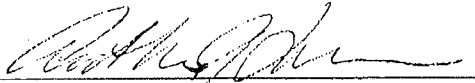
18          26. My contracting job was the same job that I had performed when I was  
19 in the Air Force—I worked in the calibration lab. The only difference was that  
20 Don't Ask, Don't Tell did not apply to my civilian work. As a contractor, I worked  
21 alongside the same Airmen that I had worked with on active duty in the Air Force,  
22 but this time, as an openly homosexual man. Everyone I worked with was very  
23 accepting of my openly homosexual status and it did not impact the mission. My  
24 sexual orientation was a non-issue.

25          27. I left my contracting job and returned to California in May 2009.  
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28. If Don't Ask, Don't Tell is overturned, I would rejoin the United States Air Force.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 18 day of June 2010, at San Francisco, California.

  
Anthony Loverde

# EXHIBIT A


28 APR 2008

MEMORANDUM FOR 37/CC

FROM: MSgt Patrick Nutt

SUBJECT: Character Reference Letter – SSgt Loverde

1. My name is MSgt Patrick Nutt. I am currently the ACC PMEL Functional Manager. I have been in the Air Force for 15 years.
2. I knew SSgt Loverde for about 2 years. As an element chief, I directly supervised SSgt Loverde. In addition, I attended two off-duty civilian college classes with SSgt Loverde.
3. I have always observed SSgt Loverde to be a loyal and honest professional. He accepted every challenge with vigor and determination. He was courteous and professional, but never shied away from speaking out when he saw an opportunity to improve the flight. I considered SSgt Loverde to be one of my best Airmen, and he was a true leader among his peers.
4. I believe SSgt Loverde to be a tremendous asset to the United States Air Force. He epitomizes everything we look for in an Airman. He always put the needs of the Air Force before his own. He demonstrated integrity and excellence in every task he undertook. I am proud to SSgt Loverde a fellow Airman.

  
PATRICK W NUTT, MSgt, USAF  
HQ ACC AMIC/PMAP



Date

MEMORANDUM FOR 37/CC

FROM: MSgt Robert E. Eslinger

SUBJECT: Character Reference Letter – SSgt Loverde

1. I am currently the first sergeant for the 86th Construction and Training Squadron, and have been a first sergeant for 3-1/2 years. Before that, I was an element supervisor in the Precision Measurement Equipment Laboratory (PMEL) at Ramstein AB. Aside from my first sergeant experience, I have been a supervisor in the Air Force for approximately 16 years.
2. It was while serving at the Ramstein PMEL that I got to know SSgt Anthony (Tony) Loverde. He worked for me for several months as a technician in the DC/Low Frequency Measurements element of the laboratory. This was shortly after he had graduated from technical training, so I was very closely involved in much of his on the job training and early mentorship.
3. One of the first things that struck me about SSgt Loverde was his sound work ethic and maturity. Even as a young Airman, he always displayed a sharp sense of professionalism and leadership ability. This was illustrated by his promotion to Senior Airman below-the-zone and selection for promotion to Staff Sergeant on his first attempt. As a PMEL technician, Tony always produced high quality work, and I always knew that I could count on him to get the job done right.
4. I recall that when Tony was nearing the end of his first enlistment, he was struggling with the decision to reenlist or not. I remember telling him that he was exactly the kind of person the Air Force needs to retain... because of his professionalism, integrity, and devotion to duty. I have not changed my opinion today. I still firmly believe that if SSgt Anthony Loverde is allowed to continue to serve in the Air Force, he will do so honorably. I would most certainly want him to work for me again. In fact, I would even work for him if that opportunity ever presented itself. For this reason, I fully recommend that you consider retaining him in the Air Force. He has the potential to go very far in whatever endeavor he pursues... I hope that includes continued service to our nation. If retention is not an option, then an honorable discharge is imperative. Thank you for your consideration.

FIRST MI. LASTNAME, Rank, USAF  
Unit/Organization



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

2 Jun 08

MEMORANDUM FOR 37 AS/CC

FROM: CMSgt Michael S. Yakowenko  
86 MXS/MXM

SUBJECT: Character Reference—SSgt Anthony Loverde

1. It has come to my attention that SSgt Anthony Loverde is being processed for discharge from the US Air Force as a result of revealing his homosexual orientation to you. The purpose of my writing is to personally vouch for the outstanding service and character of SSgt Loverde.
2. I have known Tony for nearly 4 years. I was his flight chief in the 412<sup>th</sup> Maintenance Squadron at Edwards AFB and have maintained contact with him during his cross-training and reassignment here to Ramstein Air Base. Throughout this time, he has been nothing less than an outstanding NCO. He is well-respected by his peers, subordinates and superiors as a valuable asset to the United States. His exceptional work ethic has only been matched by his concern for fellow Airmen and professional conduct on- and off-duty. In fact, I would submit it is only his high level of integrity that prompted the necessity of this letter. In addition, he has served Operation IRAQI FREEDOM and Operation ENDURING FREEDOM deployments, as both a maintainer and operator, with outstanding results.
3. You would be hard-pressed to find a person demonstrating more integrity, service and excellence than SSgt Loverde. If you have any option to retain him in the US Air Force; I recommend we retain this professional Airman. I am confident he will continue to serve our country and Air Force in the exemplary manner he has for the previous years. If retention is not possible, anything short of an honorable discharge would be an injustice to a fine American veteran.
4. Feel free to contact me if you would like more information at 480-7798 or by email at: michael.yakowenko@ramstein.af.mil

  
MICHAEL S. YAKOWENKO, CMSgt, USAF  
Superintendent, 86<sup>th</sup> Maintenance Squadron



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

28 April 2008

MEMORANDUM FOR 37/CC

FROM: SMSgt Richard W. Horn

SUBJECT: Character Reference Letter – SSgt Loverde

1. I am SMSgt Richard Horn. I've been in the Air Force 23 years and worked at five different Precision Measurement Equipment Laboratories (PMEL) at various bases to include one NATO assignment. My current duty title is the 86 Maintenance Group Quality Assurance Superintendent. I have been a supervisor for the last 12 years of my career supervising as many as 21 people at one time. In my current duty position I supervise 14 quality inspectors ensuring the quality of maintenance on 20 C-130E aircraft.
2. I first met SSgt Anthony (Tony) Loverde when I arrived at Ramstein in February 2004. At that time he was a SrA. I worked with him at Ramstein on and off from February 2004 until he PCS'd to Edwards AFB. I also worked with him again during a deployment from August 2005 to January 2006. Although I have never interacted with him outside of work, I was his supervisor at various times at Ramstein to include being his Flight Chief during the deployment. As his supervisor, I provided career counseling and discussed his long term personal goals. It was also my impression that he felt at ease talking to me about problems with the work or with other personnel. In some respects I felt like a mentor to him.
3. In short, Tony has always been a strong asset to my team. He displays a concern for the mission and a strong desire to do the job right the first time. I have seen him work in three areas of the PMEL from the technical electronics maintenance arena to the tedious scheduling section. No matter what the task, he ensured he knew all the rules and completed each task on time and in a flawless manner. This includes performing assigned duties as well as helping other coworkers. Tony has always demonstrated the highest level of military bearing, honesty, and trustworthiness. Since I've know him, he has always been a self-starter both eager and able to accomplish his duties. I never had to ask him to stay longer when there was too much to do. He always took the initiative to stay until the job was done and done right. Tony was my scheduler at the deployed PMEL location where he successfully resurrected a substandard operation from the previous crew surpassing all my expectations. His level of customer support and ability to follow-up was uncanny. I truly believe it was all due to his ingenuity for thinking out of the box to solve problems.
4. I have recently learned of the situation requiring character reference letters for Tony. In my opinion, he has been a strong asset to the United States Air Force. I have enjoyed working with and around him. It is rare to find someone with his level of dedication and commitment. If I ever had the opportunity to build my "dream team" for work, I would take an entire crew of SSgt Loverdes over most other workers I have encountered. Should he be considered for retention, I would recommend it. If that is not an option, an honorable discharge is a must. All things considered, he is a superior Airman.

A handwritten signature in black ink, appearing to read "Richard W. Horn".

RICHARD W. HORN, SMSgt, USAF  
Quality Assurance Superintendent  
86 Maintenance Group, Ramstein AB