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6 Attorneys for Plaintiff  
 7 Log Cabin Republicans

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10 LOG CABIN REPUBLICANS, a  
 11 nonprofit corporation,  
 12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA and  
 ROBERT M. GATES, SECRETARY  
 15 OF DEFENSE, in his official capacity,  
 16 Defendants.

Case No. CV 04-8425 VAP (Ex)

**JOINT EXHIBIT LIST**

Trial Date: July 13, 2010

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 18 The parties respectfully submit the following Joint Exhibit List. Exhibits  
 19 listed herein are numbered for identification purposes only and are listed without  
 20 prejudice to either party's evidentiary objections to the admission of any particular  
 21 item; neither party shall be deemed to have "sponsored" the admission of any item  
 22 merely by virtue of that item's being listed herein. To the extent Plaintiff has  
 23 identified new exhibits after the submission of the Rule 16 proposed pretrial order,  
 24 Defendants reserve the right to lodge objections to those new exhibits should LCR  
 25 seek to introduce them into evidence.

26 Exhibits indicated with a "# " symbol next to their exhibit number are  
 27 stipulated as to foundation and waiver of the best evidence rule, and may be  
 28 received into evidence at the start of trial.

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Exhibit No.	Description	Date Identified	Date Admitted
1 #	10 U.S.C. § 654 (1993)		
2	Nathaniel Frank Expert Report (Jan. 18, 2010)		
3 #	S. Rep. No. 103-112- National Defense Authorization Act for Fiscal Year 1994		
4 #	"Report of the Board Appointed to Prepare and Submit Recommendations to the Secretary of the Navy for the Revision of Policies, Procedures and Directives Dealing with Homosexuals 25 December 1956-15 March 1957)" (the "Crittenden Report") (DoD LA 7-10 49668-49741)		
5 #	Theodore Sarbin and Kenneth Karols, Defense Personnel Security Research and Education Center, "Nonconforming Sexual Orientations in the Military and Society" (Dec. 1988) (LCR 03763-03851, OSD P&R 007376)		
6	U.S. Gen. Accounting Office, Report to Congressional Requesters, "Defense Force Management: DOD's Policy on Homosexuality" (June 1992)		
7 #	U.S. Gen. Accounting Office, Report to the Hon. John W. Warner, U.S. Senate, "Homosexuals in the Military: Policies and Practices of Foreign Countries" (June 1993)		
8 #	RAND National Defense Research Institute, "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment" (1993)		
9	U.S. Gov. Accountability Office, Report to Congressional Requesters, "Military Personnel Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct Policy Cannot be Completely Estimated" (Feb. 2005)		
10	Blue Ribbon Commission Members Report, "Financial Analysis of 'Don't Ask, Don't Tell': How Much Does the Gay Ban Cost?" (Feb. 2006)		

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Exhibit No.	Description	Date Identified	Date Admitted
11	Sam Rodgers, "Opinions of Military Personnel on Sexual Minorities in the Military" (Zogby International, Dec. 2006)		
12	Aaron Belkin et al., "How to End 'Don't Ask, Don't Tell:' A Roadmap of Political, Legal, Regulatory, and Organizational Steps to Equal Treatment" (Palm Center, May 2009)		
13	Aaron Belkin and Melissa Levitt, "Homosexuality and the Israel Defense Forces: Did Lifting the Gay Ban Undermine Military Performance?," Vol. 27 No. 4 Armed Forces & Society 541 (2001)		
14	Not used		
15	Nathaniel Frank, "Gays and Lesbians at War: Military Service in Iraq and Afghanistan Under 'Don't Ask, Don't Tell'" (Center for the Study of Sexual Minorities in the Military, University of California, Santa Barbara, Sept. 15, 2004)		
16	Nathaniel Frank, "The Road to Gays in the Military Runs through Iowa," Huffington Post, <i>available at</i> <a href="http://www.huffingtonpost.com/nathaniel-frank/the-road-to-gays-in-the-m_b_183492.html">http://www.huffingtonpost.com/nathaniel-frank/the-road-to-gays-in-the-m_b_183492.html</a> (Apr. 6, 2009)		
17	Nathaniel Frank, "Refuting the Latest Arguments Against Gay Troops," Huffington Post, <i>available at</i> <a href="http://www.huffingtonpost.com/nathaniel-frank/refuting-the-latest-argum_b_327553.html">http://www.huffingtonpost.com/nathaniel-frank/refuting-the-latest-argum_b_327553.html</a> (Oct. 20, 2009)		
18	Nathaniel Frank et al., "'The Importance of Objective Analysis' on Gays in the Military: A Response to Elaine Donnelly's Constructing the Co-Ed Military" (15 Duke J. Gender L. & Pol'y 419, 2008)		
19	Not used		
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21	Nathaniel Frank, "Gay Troops and the Trouble with Polls," Huffington Post, <i>available at</i> <a href="http://www.huffingtonpost.com/nathaniel-frank/gay-troops-and-the-troubl_b_460291.html">http://www.huffingtonpost.com/nathaniel-frank/gay-troops-and-the-troubl_b_460291.html</a> (Feb. 12, 2010)		
22	Nathaniel Frank, "Gays in Foreign Militaries 2010: A Global Primer" (Palm Center, Feb. 2010)		
23	Rob MacCoun Expert Report (Jan. 19, 2010)		
24	Not used		
25	Leonard Wong et al., "Why They Fight: Combat Motivation in the Iraq War" (US Army College, Strategic Studies Institute, July 2003)		
26	Robert MacCoun et al., "Does Social Cohesion Determine Motivation in Combat? An Old Question Answered," Vol. 32 No. 4 <i>Armed Forces &amp; Society</i> 646 (July 2006)		
27	Robert MacCoun, "Sexual Orientation and Military Cohesion: A Critical Review of the Evidence," in <u>Out in Force: Sexual Orientation and the Military</u> (University of Chicago Press, 1996)		
28	Not used		
29	Elizabeth Hillman Expert Report (Jan. 18, 2010)		
30	Elizabeth Hillman, "Guarding Women: Abu Ghraib and Military Sexual Culture" in <u>One of the Guys: Women as Aggressors and Torturers</u> 111-123 (Seal Press, 2007).		
31	Servicemembers Legal Defense Network, "Conduct Unbecoming: 10th Annual Report on Don't Ask, Don't Tell" (2004)		
32	Bonnie Moradi and Laura Miller, <u>Attitudes of Iraq and Afghanistan War Veterans toward Gay and Lesbian Service Members</u> (Armed Forces and Society, Oct. 29, 2009).		
33	Aaron Belkin Expert Report (Jan. 15, 2010)		

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34	Aaron Belkin and Geoffrey Bateman, "Does the Gay Ban Preserve Soldiers' Privacy?" in <u>Don't Ask, Don't Tell Debating the Gay Ban in the Military</u> (Lynne Rienner Publishers, 2003)		
35	Aaron Belkin and Melissa S. Embser-Herbert, "A Modest Proposal: Privacy as a Flawed Rationale for the Exclusion of Gays and Lesbians from the U.S. Military," Vol. 27 No. 2 <i>International Security</i> 178 (2002)		
36	Log Cabin Republicans' Internal Survey of Members (LCR 1-17) (Feb. 22, 2010)		
37	Not used		
38	Declaration of John Doe (June 11, 2007)		
39	Not used		
40	Letter from John Alexander Nicholson (SUBJECT TO PROTECTIVE ORDER) (Feb. 10, 2002)		
41	Letter from John Alexander Nicholson (SUBJECT TO PROTECTIVE ORDER) (Feb. 8, 2002)		
42	Not used		
43	Not used		
44	Yusef Najafi, "Servicemembers' Milestone, Largest Organization of Gay Veterans Opens DC headquarters" <i>Metroweekly</i> , available at <a href="http://metroweekly.com/news/?ak=4369">http://metroweekly.com/news/?ak=4369</a> (July 2, 2009)		
45	Alan Okros Expert Report		
46	Not used		
47	Not used		
48	Not used		
49	Not used		
50	Melissa Sheridan Embser-Herbert Expert Report (Jan. 15, 2010)		
51	Melissa Sheridan Embser-Herbert Curriculum Vitae		

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52	Melissa Sheridan Embser-Herbert, Excerpt from "Feminism, Militarism, and Attitudes Toward the Role of Women in the Military," Vol. 14 Issue 2, Feminist Issues 25 (1994)		
53	Melissa Sheridan Embser-Herbert, Excerpt from <u>Camouflage Isn't Only for Combat</u> (New York University Press, 1998)		
54	Melissa Sheridan Embser-Herbert, "A Missing Link" in <u>In the Company of Men</u> (Northeastern University Press, 2005)		
55	Melissa Sheridan Embser-Herbert, "Frederick the Great or Frederick's of Hollywood? The Accomplishment of Gender Among Women in the Military" in <u>Everyday Inequalities</u> , (Blackwell Publishing Ltd. 1998)		
56	Melissa Sheridan Embser-Herbert, "Gays and Lesbians in the Military" in <u>U.S. Military's 'Don't Ask, Don't Tell' Policy: A Reference Handbook</u> , (Praeger Sec. Int'l., 2007)		
57	Not used		
58	Lawrence Korb et al., "Ending 'Don't Ask, Don't Tell:' Practical Steps to Repeal the Ban on Openly Gay Men and Women in the U.S. Military" (Center for American Progress, June 1, 2009)		
59	Lawrence Korb Expert Report (LCR 152-171)		
60	Servicemembers Legal Defense Network, Excerpt from "About 'Don't Ask, Don't Tell,'" <i>available at</i> <a href="http://www.sldn.org">http://www.sldn.org</a>		
61	Defense Manpower Data Center, "Separations Due to Homosexual Conduct" (Report Prepared for Under Secretary of Defense for Plans, May 12, 2009) (DMDC 225-257)		
62	Lawrence Korb, "Evolving Perspectives on the Military Policy on Homosexuals: A Personal Note in <u>Gays and Lesbians in the Military: Issues, Concerns, and Contrasts</u> (Aldine Transaction, 1994)		

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63	Memorandum from Craig Alderman to Director DOD Personnel Security Research and Educational Center regarding PERS-TR-98-002, "Nonconforming Sexual Orientations and Military Suitability" (Jan 18, 1989) (DoD LA 2-6 42416-42417)		
64	Palm Center, excerpt from "Attitudes of Iraq and Afghanistan War Veterans Toward Gay and Lesbian Service Members" <i>available at</i> <a href="http://www.palmcenter.org/">http://www.palmcenter.org/</a> (Oct. 29, 2009)		
65	Notice of 30(b)(6) deposition (Retained) (Dec. 21, 2009)		
66	Memorandum from David Chu to the Secretaries of the Military Departments regarding Directive Type (DTM) 08-018 "Enlistment Waivers" (June 27, 2008)		
67	Michael Boucai, "Balancing Your Strengths Against Your Felonies: Considerations for Military Recruitment of Ex-offenders," 61 U. Miami L. Rev. 997 (2007) ( <i>available at</i> <a href="http://www.palmcenter.org">http://www.palmcenter.org</a> )		
68	Not used		
69	Gwyn Harries-Jenkins, excerpt from "Comparative International Military Personnel Policies" (U.S. Army Research Institute, May 1993) (ARI 60756-60779)		
70	Franklin Pinch, "Perspectives on Organizational Change in the Canadian Forces" (U.S. Army Research Institute, January 1994) (ARI 60206-60272)		
71	Memorandum from Paul Gade to Bob Wisner regarding Review of Sr. Pinch's Report Entitled Perspectives on Organizational Change in the Canadian Forces (June 28, 1993) (ARI 60755)		
72	Email communications between Franklin Pinch and Paul Gade regarding gays in Canadian military (Nov. 1, 2000) (ARI 62002-62004)		

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73	Paul Gade et al., "Social Science Research on Homosexuals in the Military" in <u>Gays and Lesbians in the Military: Issues, Concerns, and Contrasts</u> (Sandra Stanley and Wilbur Scott, eds., Aldine Transaction, 1994)		
74	Paul Gade, U.S. Army Research Institute, slides regarding Research Findings and Issues Concerning Homosexuals in Military Service (ARI 61994-62001)		
75	Paul Gade, "The Integration of Homosexuals in the U.S. Military" (Nov. 18, 1992) (ARI 60533-60534)		
76	Dep't of the Army, "Future organizational change US Army (Focus Army) Chronology of Policy Events/Activities" (July 30, 1993) (ARI 62125-62128)		
77	Aaron Belkin and R.L. Evans, "The Effects of Including Gay and Lesbian Soldiers in the British Armed Forces Appraising the Evidence" (Palm Center, Nov. 2000) (LCR 4706-4775)		
78	Aaron Belkin and Melissa Levitt, "Homosexuality and the Israel Defense Forces: Did Lifting the Gay Ban Undermine Military Performance?," Vol. 27 No. 4 <i>Armed Forces &amp; Society</i> 541 (2001)		
79	Aaron Belkin and Jason McNichol, "The Effects of Including Gay and Lesbian Soldiers in the Australian Defence Forces Appraising the Evidence" (Palm Center, Sept. 19, 2000) (LCR 4666-4705)		
80	Aaron Belkin and Jason McNichol, "Effects of the 1992 Lifting of Restrictions on Gay and Lesbian Service in the Canadian Forces: Appraising the Evidence" (Palm Center, Apr. 2000)		



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81	Aaron Belkin, "Don't Ask, Don't Tell: Is the Gay Ban Based on Military Necessity?" (Palm Center, 2003) (LCR 3367-3378)		
82	Not used		
83	Ministry of Defence, Memorandum attaching 2002 "Tri-Service Review of the Armed Forces' Policy on Homosexuality and Code of Social Conduct" (British Ministry of Defence, May 18, 2007)		
84	Not used		
85	Defendants' Objections and Responses to Plaintiff's First Set of Requests for Admission (Jan. 28, 2010)		
86	Defense Manpower Data Center, Chart titled "Homosexual Separations by Service and Reason, DoD Official Numbers FY 97- FY 08" (DMDC 250-253)		
87	Dep't of the Army, Excerpt from <u>Future Organizational Change - U.S. Army, Focus Army Task Force Documentation Book</u> (1993) (ARI 62124)		
88	Not used		
89	Memorandum regarding Gays and Lesbians at War: Military Service in Iraq and Afghanistan Under "Don't Ask, Don't Tell" (redacted) (OSD P&R Plans 58910-58911)		
90	Bonnie Moradi and Laura Miller, "Attitudes of Iraq and Afghanistan War Veterans toward Gay and Lesbian Service Members" (Armed Forces and Society, Oct. 29, 2009) (DMDC 11-22)		
91	Not used		
92 #	FORSCOM Regulation 500-3-3 (July 15, 1999)		
93 #	DOD Instruction Number 1332.14		
94 #	DOD Instruction Number 1332.30		
95	Dep't of Defense, Deputy Secretary of Defense Organizational Chart (2008)		

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Exhibit No.	Description	Date Identified	Date Admitted
96	Dep't of Defense, Defense Agencies Organizational Chart (2008)		
97	Chart titled "Days between deployment end date and separation date active duty separations as of April 1, 2010"		
98	Not used		
99	Not used		
100 #	Michael McDaniel, "Preservice Adjustment of Homosexual and Heterosexual Military Accessions: Implications for Security Clearance Suitability" Defense Personnel Security Research and Education Center, (Jan. 1989) (DoD LA 2-6 42467-42496)		
101	Theodore Sarbin, "Homosexuality and Personnel Security" (Defense Personnel Security Research and Education Center, Sept. 1991) (PERSEC 7818-7863)		
102	Not used		
103	Defendants' Objections and Responses to Plaintiff's First Set of Requests for Production of Documents (Jan. 12, 2010)		
104	Defendants' Objections and Responses to Plaintiff's First Set of Interrogatories (Feb. 22, 2010)		
105	Defendants' Objections and Response to Plaintiff's Second Set of Requests for Admission (Feb. 22, 2010)		
106	Defendants' Objections and Responses to Plaintiff's Second Set of Requests for Production of Documents (Mar. 4, 2010)		
107	Defendants' Objections and Responses to Plaintiff's Second Set of Interrogatories (Mar. 4, 2010)		
108	Defendants' Supplemental Responses to Plaintiff's First Set of Requests for Admission (Mar. 26, 2010)		

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108A	Defendants' Supplemental Responses to Requests 3, 4, and 5 of Plaintiff's First Set of Requests for Admission (Apr. 12, 2010)		
109 #	Draft of Log Cabin Republicans' Bylaws (Jan. 2006)		
110 #	Log Cabin Republicans' Articles of Incorporation		
110A	Alex Nicholson Certificate of Release or Discharge from Active Duty (Mar. 29, 2003)		
111	Stephen Jay Vossler's Certificate of Release or Discharge from Active Duty (June 26, 2006)		
112	Michael Almy's Certificate of Release or Discharge from Active Duty (Jul. 21, 2006)		
113	Letter from Colonel Paul Trahan to all Reviewed Authorities regarding Major Michael D. Almy (Feb. 12, 2006)		
114	Memorandum from Lt. Colonel Jeffrey B, Kromer to All Reviewing Authorities regarding Major Michael Almy (Feb. 13, 2006)		
115	Memorandum from Major Scott D. Weenum, Department of the Air Force, to All Reviewing Authorities regarding Major Mike Almy (Feb. 10, 2006)		
116	Memorandum for Record from Captain Stuart A. Williamson, Department of the Air Force, regarding Major Michael D. Almy (Jan. 25, 2006)		
117	Memorandum for Record from Captain Timothy Higgins, Department of the Air Force, regarding Major Almy (Feb. 13, 2006)		
118	Letter from Captain Hyral Walker, Jr., Dep't of the Air Force, regarding Major Michael D. Almy (Feb. 8, 2006)		
119	Memorandum for Record from Captain Quintin Tran, Dep't of the Air Force, to All Reviewing Authorities, regarding Major Michael D. Almy (Feb. 3, 2006)		

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Exhibit No.	Description	Date Identified	Date Admitted
120	Memorandum for Record from First Lieutenant Rahsul Freeman, Department of the Air Force, to All Reviewing Authorities, regarding Major Michael D. Almy (Feb. 10, 2006)		
121	Memorandum for Record from First Lieutenant Bryan Zollinger, Dep't of the Air Force, to All Reviewing Authorities, regarding Major Michael D. Almy (Jan. 23, 2006)		
122	Memorandum from Senior Master Sargeant Leslie D. McElya to 52FW/CC regarding Major Mike Almy (Feb. 7, 2006)		
123	Memorandum from Master Sargeant David H. Hogden to All Reviewing Authorities regarding Major Mike Almy (Jan. 30, 2006)		
124	Memorandum from Sargeant Denise D. Hyre to All Reviewing Authorities regarding Major Mike Almy (Feb. 13, 2006)		
125	Memorandum from Senior Sargeant Thomas Ray, Department of the Air Force, to All Reviewing Authorities regarding Major Mike Almy (Feb. 8, 2006)		
126	Letter from Craig Weatherwax to all concerned regarding Major Michael Almy		
127	Letter from Paul Tripp to all concerned regarding Major Michael Almy		
128	Letter from General Robert H. Foglesong to Major Mike Almy regarding 2004 USAFE Lieutenant General Leo Marquez Communcations Electronics Award (2005)		
129	Letter from M. Sgt. Patrick Nutt to undisclosed recipient regarding S. Sgt. Loverde (Apr. 29, 2009)		
130	Not used		
131	Email from Anthony Loverde to Jon Welch (Apr. 22, 2008)		
132	Letter from Anthony Loverde to undisclosed recipient admitting his sexual orientation (Apr. 22, 2008)		

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133	Email from M. Sgt. Robert Eslinger to Anthony Loverde regarding "calling all supervisors" (Apr. 28, 2008)		
134	Anthony Loverde's Certificate of Discharge from Active Duty		
135	Letter from M. Sgt. Robert Eslinger to undisclosed recipient regarding Anthony Loverde		
136	Letter from CM Sgt. Michael Yakowenko to undisclosed recipient regarding Anthony Loverde (June 2, 2009)		
137	Letter from SM Sgt. Richard Horn to undisclosed recipient regarding Anthony Loverde (Apr. 28, 2008)		
138	Statement of Service, BOI Record of Proceedings in the Case of Lt.Jg. Jenny L. Kopfstein, USNR (Mar. 20, 2002)		
139	Jenny L. Kopfstein Fitness Report and Counseling Record		
140	Memorandum for Record from Jenny Kopfstein to Commanding Officer, USS Shiloh (Jul. 17, 2000)		
141	Jenny Kopfstein's Certificate of Release or Discharge from Active Duty		
142	Joseph C. Rocha's voluntary statement regarding sexual orientation (Sept. 19, 2007)		
143	Joseph C. Rocha's Evaluation Report and Counseling Record (June 22, 2006)		
144	Joseph C. Rocha Evaluation Report and Counseling Record (with additional signature from Lt. Castoire) (June 22, 2006)		
145	Joseph C. Rocha Evaluation Report and Counseling Record (with additional signatures from Lt. Castoire and Joseph Rocha) (June 22, 2006)		

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146	Memorandum from Commanding Officer, U.S. Naval Support Activity Bahrain to Superintendent of the U.S. Naval Academy regarding Joseph Rocha (Jan. 23, 2006)		
147	Memorandum from Commanding Officer, U.S. Naval Support Activity Bahrain to Commander of Navy Installations Command regarding Joseph Rocha (Apr. 12, 2007)		
148	Email from Joseph Rocha to undisclosed recipient regarding harassment and abuse		
149	Memorandum from Commanding Officer, U.S. Naval Support Activity Bahrain to Commander, Navy Personnel Command regarding Joseph Rocha		
150	Joseph Rocha's Certificate of Release or Discharge from Active Duty		
151	Administrative Separation Proceeding Notice - Administrative Board Procedure for Joseph Rocha		
152	Dep't of Defense, "Fact Sheet: Homosexuals in the Armed Forces" (Jan 1981) (DoD LA 2-6 040937)		
153	Bèrubè, A. and D'Emilio, J., <u>The Military and Lesbians During the McCarthy Years</u>		
154	Memorandum from Robert L. Gilliat to Offices of the Judge Advocates General of the Army, Navy, and Air Force regarding Gays Veterans Association, Inc. v. Secretary of Defense Civ. No. 85-3193 filed October 4, 1985) (Oct. 15, 1985) (DoD LA 7-10 054873)		
155	Not used		
156	Memorandum from Secretary of Defense Richard Cheney to the Secretary of the Army et al. regarding Delegation of Authority to Suspend Provisions of Law Relating to Promotion, Retirement or Separation of Army Personnel (Nov. 23, 1988) (DoD LA 7-10 051797)		

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157	Not used		
158	Not used		
159	Memorandum from Craig Alderman, Jr., Deputy Undersecretary of Defense for Policy to Peter Nelson regarding PERSEREC Draft Report Nonconforming Sexual Orientations and Military Suitability (Feb. 10, 1989) (DOD LA 2-6 042466)		
160	Not used		
161	Michelle Benecke and Kristin Dodge, "Military Women in Nontraditional Job Fields: Causalities of the Armed Forces' War on Homosexuals," 13 Harvard Women's Law Journal 215 (1990)		
162	Allen Berube, <u>Coming Out Under Fire: The History of Gay Men and Women in World War Two</u> (The Free Press, 1990)		
163	Not used		
164	Mary Ann Humphrey, <u>My Country, My Right to Serve: Experiences of Gay Men and Women in the Military, World War II to the Present</u> (HarperCollins 1990)		
165	Memorandum from Richard Cheney to the Secretaries of the Military Departments regarding Delegation of Authority to Suspend Provisions of Law Relating to Promotion, Retirement or Separation (Aug. 27, 1990) (DoD LA 7-10 051795 - 051796)		
166	Dep't of the Navy, Naval Message regarding Sexual Harassment (Oct. 1990) (DoD LA 7-10 047077 )		
167	Letter from William Woodruff, Chief U.S. Army Litigation Division, to Irene Robertson regarding audit of DoD policy on homosexuality (Feb. 27, 1991) (DoD LA 2-6 042135-42137)		

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Exhibit No.	Description	Date Identified	Date Admitted
168	Randy Shilts, "Pentagon Memo Urged Reversing Ban on Gays in the Military Army Says the Officer's Opinions is his Own," (San Francisco Chronicle, June 25, 1991)		
169	Robert Maginnis, "A Contrary Agenda" (DoD LA 7-10 47931-47944)(1991)		
170	Memorandum from James Schwenk to Irene Robertson attaching excerpts from Navy Women' Study Group "Update Report on the Progress of Women in the Navy" (Oct. 24, 1991) (DoD LA 7-10 50025-50035)		
171	Robert L. Maginnis, "Homosexuality in the Army's Future?" (Approx. 1991) (DoD LA 7-10 47903 – 47922)		
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173	Memorandum from T.D. Keating to Robert Adams stating that discharged homosexuals should receive half separation pay (Nov. 8, 1992) (DoD LA 2-6 40010 – 40011)		
174	Charles Jackson, Executive Vice President Non Comissioned Officers Assoc., statement before Republican Study Committee on homosexuals in the Armed Forces (Dec. 9, 1992) (DoD LA 7-10 49304 – 49353)		
175	Dep't of Defense, "Hypothetical Teaching Scenarios for Commanders and Personnel Involved in Recruiting, Accession Processing, Criminal Investigations, and Administrative Separations" (Navy 058969-058974)		
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177	Randy Shilts, <u>Conduct Unbecoming: Lesbians &amp; Gays in the U.S. Military Vietnam to Persian Gulf</u> (Fawcett Columbine, 1993)		
178	Marc Wolinsky and Kenneth Sherrill, <u>Gays and the Military: Joseph Steffan versus the United States</u> (Princeton University Press, 1993)		



Exhibit No.	Description	Date Identified	Date Admitted
179 #	David Burrelli, "Homosexuals and U.S. Military Personnel Policy" (Congressional Research Service, Jan. 14, 1993) (DoD LA 2-6 45928- 46002)		
180	Memorandum from former President of the United States, William Clinton, to Secretary of Defense regarding ending discrimination on the basis of sexual orientation in the armed forces (Jan. 29, 1993) (DoD LA 7-10 55847)		
181	Memorandum from Les Aspin to Secretaries of the Army, Navy, Air Force and Joint Chiefs of Staff regarding Administrative Separation Procedures (Feb. 3, 1993) (DoD 7-10 54450 - 54451)		
182	Memorandum from Robert Alexander to Deputy Assistant Secretaries of Army, Navy, Air Force regarding Armed Forces Applicant Screening and Periodic Briefing on Military Justice- Policy Guidance (Feb. 3, 1993) (DoD LA 7-10 55844)		
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184	Eugene Gomulka, Deputy Chaplain of U.S. Marine Corps, testimony on "Homosexuality and Military Service" to Congress (Mar. 1, 1993) (DoD LA 2-6 39913 – 39917)		
185	Letter from former President of the United States, William Clinton, to Admiral Jim Stockdale regarding ban on homosexuality in the military service (Mar. 4, 1993) (Navy 58991)		
186	National Association of Evangelicals Resolution (Mar. 9, 1993) (DoD LA 2-6 39911 – 39912)		
187	Chaplain James Hutchens' testimony regarding Homosexuals in the Military before United States House of Representatives Republican Study Committee (Mar. 24, 1993) (DoD LA 2-6 39890 – 39903)		

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188	Chaplain Edgren testimony regarding Homosexuals in the Military before United States House of Representatives Republican Study Research Committee (Mar. 24, 1993) (DoD LA 2-6 39904- 39910)		
189	Chaplain James Shaw, Director of the Ministry to the Armed Forces, Lutheran Church statement regarding Homosexuals in the Military to United States House of Representatives Republican Study Research Committee (Mar. 24, 1993) (DoD LA 2-6 39921 – 39926)		
190	Chaplain Timothy Tatum testimony regarding Homosexuals in the Military to U.S. Congress (Mar. 24, 1993) (DoD LA 2-6 39927 – 39929)		
191	Memorandum from Edward Martin, Acting Assistant Secretary of Defense to Secretaries of the Military Depts. regarding Medical Implication of Homosexuals in the Military (Mar. 30, 1993) (PERSEC 8000 –8001)		
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193	RAND National Defense Research Institute, "Homosexuals and U.S. military Personnel Policy: Policy Options and Assessment" (interim report, Apr. 6, 1993)		
194	Letter from Clinton Anderson, American Psychological Association to Les Aspin regarding request for a meeting related to the ban on homosexuals in the military (Apr. 8, 1993) (DoD LA 2-6 36593-36604)		
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Exhibit No.	Description	Date Identified	Date Admitted
200 #	Memorandum from Attorney General Janet Reno to President Clinton regarding defensibility of the new policy on homosexual conduct in the military (June 19, 1993) (OSD OEPM 14872-14873)		
201	H.W. Frank, "Legal Issues Raised during Senate Committee on Armed Forces" (Military Working Group, draft issue paper, Apr. 15, 1993)		
202	Ben G. Miller, "Homosexuality is Incompatible with Military Service" (Military Working Group, draft issue paper, May 20, 1993)		
203	Military Working Group, "Draft Statement of Option #2" (Jul. 7, 1993)		
204 #	Memorandum from Les Aspin to Secretaries of the Army, Navy, Air Force and Joint Chiefs of Staff regarding Policy on Homosexual Conduct in the Armed Forces (Jul. 19, 1993) (PERSEC 7973 -7979)		
205 #	Letter from Lee Aspin to Hon. Richard Shelby attaching Summary Report of the Military Working Group and RAND report "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments" (Aug. 26, 1993) (OSD P&R 7428-7454)		
206	Dep't of Defense, "DOD/GC Homosexual Conduct Implementation Memo and Service/GC Responses" (Dec. 9, 1993) (OSD OEPM 13347-13378)		
207 #	DoD Directive No. 1304.26 (Qualification Standards for Enlistment, Appointment and Induction, Dec. 21, 1993) (DoD Issuances WHS 58075-58084)		
208	Memorandum from Edwin Dorn to Assistant Secretaries of Army, Navy, Airforce regarding Training Guidance for DoD Policy on Homosexual Conduct in the Armed Forces (Dec. 21, 1993) (OSD OEPM 31205 - 31229)		

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214 #	DoD Instruction 5505.8, "Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations" (Feb. 28, 1994) (DoD LA 7-10 48964 – 48967)		
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216	Memorandum from John Deutch to the Secretaries of the Military Departments, "Recoupment of Education Assistance Funds, Bonuses and Special Pay...Basis of Homosexual Conduct" (May 17, 1994) (OSD OEPM 30783 -30786)		
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219	Lois Shawver, " <u>And the Flag Was Still There: Straight People, Gay People, and Sexuality in the U.S. Military</u> " (Harrington Park Press, 1995)		

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Exhibit No.	Description	Date Identified	Date Admitted
220	Servicemembers Legal Defense Network, "Conduct Unbecoming: The First Annual Report on "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" (1995) (LCR 4013-4044)		
221	Memorandum from Senate Armed Services Committee to Judith Miller regarding <u>Able v. US</u> (July 13, 1995) (DoD LA 2-6 44344-44346)		
222	Memorandum from Harlan Wilder to all staff JAGs regarding clarification of policy on homosexual conduct in the armed forces (Aug. 29, 1995) (DoD LA 2-6 044347)		
223	Servicemembers Legal Defense Network, "Conduct Unbecoming: The Second Annual Report on "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" (Feb. 1996) (LCR 4045-4080)		
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228	Dep't of Defense, "Separations for Homosexual Conduct, Fiscal Year 1996" (OSD OEPM 008310)		
229	Ministry of Defence, Report of the Homosexuality Policy Assessment Team (London, British Ministry of Defence, Feb. 1996)		
230	Dep't of Defense, "Discharge/Separation of Officer Members by branch, sex, and reason for separation" (Feb. 21, 1996) (OSD OEPM 008312 – 8376)		

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234	Dep't of Defense, "Information Paper" (DOD LA 2-6 040517-040522) (1980-1997)		
235	Letter from Robert Tyrer to Chief of Staff attaching Dep't of Defense, "Policy Governing Service of Homosexuals in the Military" (Jul. 21, 1997) (DoD LA 2-6 040746-50)		
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238	Memorandum from Commandant, U.S. Coast Guard to Office of the Under Secretary of Defense (Nov. 17, 1997) (DoD LA 2-6 40484-40488)		
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244	Dep't of Defense, "Homosexual Conduct Policy Briefing" (Jan 7, 1998) (DoD LA 2-6 40780-40787)		
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246	Memorandum from Bernard Rostker to Assistant Secretary of Defense (Force Management Policy) regarding clarification of Homosexual Separation Data (Feb. 24, 1998) (DoD LA 2-6 40760-40771)		
247	Office of the Under Secretary of Defense (Personnel and Readiness), "Report to the Secretary of Defense regarding Effectiveness of the Application and Enforcement of the Department's Policy on Homosexual Conduct in the Military" (Apr. 1998) (DoD LA 2-6 036014-036031)		
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250	Memorandum and report from Harlan Wilder to ASD/FMP (Nov. 3, 1998) (DoD LA 2-6 40799-407803)		
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254	Dep't of Defense, "Statement by Under Secretary of Defense for Personnel and Readiness Rudy de Leon," (Jan. 22, 1999) (DoD LA 2-6 036129-36133)		
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257	Memorandum from P.A. Tracey to the Director of Defense Finance and Accounting Service (Mar 17, 1999) (OSD OEPM 025367- 025368)		
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259	Sarah Lyall, "European Court Tells British to Let Gay Soldiers Serve," The New York Times, <i>available at</i> <a href="http://www.nytimes.com/1999/09/28/world/european-court-tells-british-to-let-gay-soldiers-serve.html">http://www.nytimes.com/1999/09/28/world/european-court-tells-british-to-let-gay-soldiers-serve.html</a> (Sept. 29, 1999)		
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262	Dep't of Defense, "Homosexuality and the Armed Forces – Commanding Officers Information Pack" (Jan. 2000) (OSD OEPM 30885–30893)		
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267	Memorandum from Harlan Wilder to AF/SGJ (Mar. 20, 2000) (DoD LA 2-6 035829)		
268	Letter from Charles Moskos to Secretary Cohen regarding doctors, psychologists, and inspectors general "turning in" servicemembers who make private statements (Apr. 12, 2000) (OSD OEPM 026438)		
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270	Office of the Assistant Secretary of Defense, "DoD News Briefing" (Jul 21, 2000) (OSD OEPM 31015- 31026)		
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272	Steven Lee Myers, "Military Reserves are Falling Short in Finding Recruits," New York Times, Aug. 28, 2000		
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275	Dep't of the Army, Army Publication 600-5, "Dignity and Respect, a Training Guide on Homosexual Conduct Policy" (2001)		
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285	Memorandum from Gail McGinn to Under Secretary of Defense regarding DoD Response to GAO Draft Report "Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct Policy Cannot be Completely Estimated"(P&R) (Feb. 4, 2005) (13 LC 057231-57232)		
286	Letter from David Chu to Derek Stewart regarding DoD response to Government Accountability Office, draft report "Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct Policy Cannot be Completely Estimated"(GAO) (Feb. 7, 2005) (13 LC 57225-57229)		
287	Military Readiness Enhancement Act of 2005 (Mar. 2, 2005) (OSD OEPM 31402 – 31405)		
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302	Rachel Maddow, "The Rachel Maddow Show for Tuesday, May 19," <i>available at</i> <a href="http://www.msnbc.msn.com/id/30869189/">http://www.msnbc.msn.com/id/30869189/</a> . (May 21, 2009)		
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305	President Obama, Remarks at the LBGT Pride Month Reception (June 29, 2009) (LCR 3999-4002)		

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306	President Obama, Remarks at the Human Rights Campaign Dinner (Oct. 11, 2009) (LCR 3995-3998)		
307	Col. Om Prakash, "The Efficacy of 'Don't Ask, Don't Tell,'" 55 Joint Force Quarterly 88 (2009) (LCR 4776-4782)		
308	Lawrence Kapp and Charles Henning, "Recruiting and Retention: An Overview of FY2008 and FY2009 Results for Active and Reserve Component Enlisted Personnel" (Congressional Research Service, Nov. 30, 2009)		
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318	Letter from American Bar Association President Carolyn Lamm to Senators Reid, McConnell, Levin, and McCain regarding support for repeal of 10 U.S.C. §654 (Apr. 26, 2010)		
319	Transcript of Testimony regarding Hearing to Receive Testimony Relating to the "Don't Ask, Don't Tell" Policy Before the Sen. Armed Services Comm., 111th Cong., 2nd Sess. (Mar. 18, 2010)		
320	Exhibits added to the record of the Hearing to Receive Testimony Relating to "Don't Ask, Don't Tell" Policy Before the Sen. Armed Serives. Comm., 111th Cong., 2nd Sess. (Mar. 18, 2010)		
321	President Obama, statement on votes to repeal "Don't Ask, Don't Tell," <i>available at</i> <a href="http://www.whitehouse.gov/the-press-office/statement-president-votes-repeal-don-t-ask-don-t-tell">http://www.whitehouse.gov/the-press-office/statement-president-votes-repeal-don-t-ask-don-t-tell</a> ) (May 27, 2010)		
322	Memorandum from John Hutson to the Vice-Chief of Naval Operations regarding Homosexual Conduct Policy (NAVY 058930-058931)		
323	Not used		
324	Information Paper by Jim Woodard to Secretary of Defense regarding Implementation and Status of DoD Policy on Homosexual Conduct (OSD OEPM 8383 – 8384)		
325	Not used		
326	Memorandum from Rudy de Leon to the Secretaries of the Military Departments regarding the application and enforcement of the homosexual conduct policy (DoD LA 2-6 040075-040076)		

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Exhibit No.	Description	Date Identified	Date Admitted
327	Not used		
328	Dep't of Defense, "Proceedings Involving Homosexuality" (OSD OEPM 053537)		
329	Not used		
330	Chairman of the Joint Chiefs of Staff Adm. Michael Mullen's comments regarding allowing homosexuals to serve openly gay in the military (Feb. 2, 2010) <i>available at:</i>  <a href="http://twitter.com/thejointstaff/status/8553057480">http://twitter.com/thejointstaff/status/8553057480</a>		
331	Dep't of Defense, "Anti-Harassment Action Plan" (OSD OEPM 30852– 30853)		
332	Government Accountability Office, Draft "Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct Policy Cannot be Completely Estimated" (OSD OEPM 31406 –31412)		
333	Palm Center, "Creators of Gay Ban Tell Author it was 'Based on Nothing,'" <i>available at</i> <a href="http://www.palmcenter.org/press/dadt/releases/Creators+of+Military+Gay+Ban+Tell+Author+It+Was+%22Based+on+Nothing%22+">http://www.palmcenter.org/press/dadt/releases/Creators+of+Military+Gay+Ban+Tell+Author+It+Was+%22Based+on+Nothing%22+</a> . (Mar. 2, 2009)		
334	Dep't of Defense, "Policy Concerning Homosexuality in the Armed Forces" (DoD LA 7-10 48968 – 49031)		
335	Dep't of Defense, Department of Defense and Military Working Group Schematic Diagrams and Charts		
336	Interview by CNN with Chairman Di Paola "NATO Chairman Di Paola: Allowing Gay men and Lesbians to serve openly working out quite well" (Media Matters from America , Feb. 24 , 2010)		

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Exhibit No.	Description	Date Identified	Date Admitted
337	Letter from Judith Ann Miller to Senate Committee on Armed Services in response to July 13, 1995 letter regarding <u>Able v. US</u> (Jul. 27, 1995)(OSD OEPM 13262-13268)		
338	OSD Military Working Group Library Resources (July 23, 1993) (DoD LA 2-6 37736-37770)		
339	Memorandum from Judith Miller to the General Counsels of the Military Departments regarding Policy on Homosexual Conduct in the Armed Forces (Aug. 18, 1995) (OSD OEPM 013269; Complete version is <i>available at:</i> <a href="http://dont.stanford.edu/regulations/memo18aug1995.pdf">http://dont.stanford.edu/regulations/memo18aug1995.pdf</a> )		
340	Email from Terry Hamilton to Patrick Hunnius attaching Log Cabin Republican membership payment information for John Nicholson (Mar. 30, 2010)		
341	DoD Instruction 1304.26 (Qualification Standards for Enlistment, Appointment and Induction, Jul. 11, 2007) <i>available at:</i> <a href="http://www.dtic.mil/whs/directives/corres/pdf/130426p.pdf">http://www.dtic.mil/whs/directives/corres/pdf/130426p.pdf</a>		
342	DOD Instruction 1332.14 (Enlisted Administrative Separations, Mar. 29, 2010) <i>available at:</i> <a href="http://www.dtic.mil/whs/directives/corres/pdf/133214p.pdf">http://www.dtic.mil/whs/directives/corres/pdf/133214p.pdf</a>		



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Exhibit No.	Description	Date Identified	Date Admitted
343	DOD Instruction 1332.30 (Separation of Regular and Reserve Commissioned Officers, Mar. 29, 2010) <i>available at:</i> <a href="http://www.dtic.mil/whs/directives/corres/pdf/133230p.pdf">http://www.dtic.mil/whs/directives/corres/pdf/133230p.pdf</a>		
344 #	Policy Concerning Homosexuality in the Armed Forces : Hearing Before the Committee on Armed Services (United States Senate, 103rd Congress, First Session) (Mar. 29 & 31; Apr. 29; May 7, 10, 11; Jul. 22-23, 1993)		
345 #	Policy Implications of Lifting the Ban on Homosexuals in the Military: Hearings Before The Committee on Armed Services (House of Representatives, 103rd Congress, First Session) (May 4 & 5, 1993)		
346 #	Assessment of the Plan to Lift the Ban on Homosexuals in the Military: Hearings Before The Military Forces and Personnel Subcommittee of the Committee on Armed Services (House of Representatives, 103rd Congress, First Session) (Jul. 21-23, 1993)		
347 #	National Defense Authorization Act For Fiscal Year 1994, House Committee on Armed Services, United States Senate Report (103-112 (103rd Congress, First Session) (Jul. 27, 1993)		
348 #	National Defense Authorization Act For Fiscal Year 1994, House Conference Report 103-357 (103rd Congress, First Session) (Nov. 10, 1993)		

1 Dated: July 8, 2010

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UNITED STATES DEPARTMENT  
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FEDERAL PROGRAMS BRANCH

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Paul Freeborne  
Attorneys for Defendants  
United States of America and  
Robert M. Gates, Secretary of Defense,  
in his official capacity

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