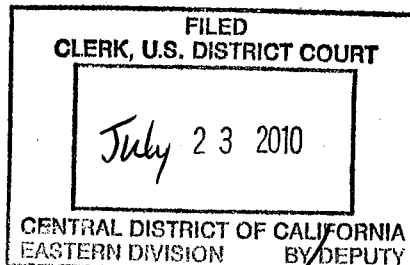


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 7 Log Cabin Republicans

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
 15 ROBERT M. GATES, SECRETARY
 OF DEFENSE, in his official capacity,
 16 Defendants.

Case No. CV 04-8425 VAP (Ex)

JOINT EXHIBIT LIST

Trial Date: July 13, 2010

17
 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.

Exhibit No.	Description	Date Identified	Date Admitted
1 #	10 U.S.C. § 654 (1993)		
2	Nathaniel Frank Expert Report (Jan. 18, 2010)	Page 24 & 25	07/13/2010
3 #	S. Rep. No. 103-112- National Defense Authorization Act for Fiscal Year 1994		07/13/2010
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)		07/13/2010
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)		07/13/2010
6	U.S. Gen. Accounting Office, Report to Congressional Requesters, "Defense Force Management: DOD's Policy on Homosexuality" (June 1992)		07/13/2010
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)		07/13/2010
8 #	RAND National Defense Research Institute, "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment" (1993)		07/13/2010
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)	07/14/2010	07/21/2010
10	Blue Ribbon Commission Members Report, "Financial Analysis of 'Don't Ask, Don't Tell': How Much Does the Gay Ban Cost?" (Feb. 2006)		

Exhibit No.	Description	Date Identified	Date Admitted
11	Sam Rodgers, "Opinions of Military Personnel on Sexual Minorities in the Military" (Zogby International, Dec. 2006)	07/21/2010	07/15/2010
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> http://www.huffingtonpost.com/nathaniel-frank/the-road-to-gays-in-the-m_b_183492.html (Apr. 6, 2009)		
17	Nathaniel Frank, "Refuting the Latest Arguments Against Gay Troops," Huffington Post, <i>available at</i> http://www.huffingtonpost.com/nathaniel-frank/refuting-the-latest-argum_b_327553.html (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		
20	Not used		

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Exhibit No.	Description	Date Identified	Date Admitted
21	Nathaniel Frank, "Gay Troops and the Trouble with Polls," Huffington Post, <i>available at</i> http://www.huffingtonpost.com/nathaniel-frank/gay-troops-and-the-troubl_b_460291.html (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 Armed Forces & Society 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) <i>As to CV only</i>		<i>07-14-2010</i>
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)	<i>pages 12 thru</i>	<i>07-15-2010</i>

CV only
pages 17 thru 16 A

Exhibit No.	Description	Date Identified	Date Admitted
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 <u>International Security</u> 178 (2002)		
36	Log Cabin Republicans' Internal Survey of Members (LCR 1-17) (Feb. 22, 2010)		07/13/2010
37	Not used		
38	Declaration of John Doe (June 11, 2007)	07/22/2010	
39	Not used		
40	Letter from John Alexander Nicholson (SUBJECT TO PROTECTIVE ORDER) (Feb. 10, 2002)		07/20/2010
41	Letter from John Alexander Nicholson (SUBJECT TO PROTECTIVE ORDER) (Feb. 8, 2002)		JLD 07/20/2010
42	Not used		
43	Not used		
44	Yusef Najafi, "Servicemembers' Milestone, Largest Organization of Gay Veterans Opens DC headquarters" <u>Metroweekly</u> , available at http://metroweekly.com/news/?ak=4369 (July 2, 2009)		
45	Alan Okros Expert Report		07/21/2010
46	Not used		
47	Not used		
48	Not used		
49	Not used		
50	Melissa Sheridan Embser-Herbert Expert Report (Jan. 15, 2010)	CV pages 14-26	07/22/2010
51	Melissa Sheridan Embser-Herbert Curriculum Vitae		

Exhibit No.	Description	Date Identified	Date Admitted
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)	07/20/2010	
59	Lawrence Korb Expert Report (LCR 152-171)	07/20/2010	
60	Servicemembers Legal Defense Network, Excerpt from "About 'Don't Ask, Don't Tell,'" available at http://www.sldn.org		
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)	07/20/2010	07/21/2010
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)		

Exhibit No.	Description	Date Identified	Date Admitted
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> http://www.palmcenter.org/ (Oct. 29, 2009)		
65	Notice of 30(b)(6) deposition (Retained) (Dec. 21, 2009)	07/14/2010	07/22/2010
66	Memorandum from David Chu to the Secretaries of the Military Departments regarding Directive Type (DTM) 08-018 "Enlistment Waivers" (June 27, 2008)	07/14/2010	07/22/2010
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> http://www.palmcenter.org/)	07/14/2010	07/22/2010
68	Not used		
69	Gwyn Harries-Jenkins, excerpt from "Comparative International Military Personnel Policies" (U.S. Army Research Institute, May 1993) (ARI 60756-60779)	07/14/2010	07/22/2010 <i>etc</i>
70	Franklin Pinch, "Perspectives on Organizational Change in the Canadian Forces" (U.S. Army Research Institute, January 1994) (ARI 60206-60272)	07/14/2010	07/22/2010 <i>etc</i>
71	Memorandum from Paul Gade to Bob Wisher regarding Review of Sr. Pinch's Report Entitled Perspectives on Organizational Change in the Canadian Forces (June 28, 1993) (ARI 60755)	07/14/2010	07/22/2010 <i>etc</i>
72	Email communications between Franklin Pinch and Paul Gade regarding gays in Canadian military (Nov. 1, 2000) (ARI 62002-62004)	07/14/2010	07/22/2010 <i>etc</i>

Exhibit No.	Description	Date Identified	Date Admitted
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)	07/14/2010	07/22/2010 JLD
74	Paul Gade, U.S. Army Research Institute, slides regarding Research Findings and Issues Concerning Homosexuals in Military Service (ARI 61994-62001)	07/14/2010	07/22/2010 JLD
75	Paul Gade, "The Integration of Homosexuals in the U.S. Military" (Nov. 18, 1992) (ARI 60533-60534)	07/14/2010	07/22/2010 JLD
76	Dep't of the Army, "Future organizational change US Army (Focus Army) Chronology of Policy Events/Activities" (July 30, 1993) (ARI 62125-62128)	07/14/2010	07/22/2010 JLD
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 & 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)		

Exhibit No.	Description	Date Identified	Date Admitted
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) <i>Parts 1, 2, 6, 8, 9, 11, 12, 20, 21, 22, 26 thru 29, 33 thru 45, 48, 49, 72 thru 78, 80, 83, 111, 122, 125 thru 130</i>		07-13-2010
86	Defense Manpower Data Center, Chart titled "Homosexual Separations by Service and Reason, DoD Official Numbers FY 97- FY 08" (DMDC 250-253)	07/14/2010	07/22/2010
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)		07/22/2010
88	Not used		07/22/2010
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)	07/13/2010	07/22/2010
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)		07/13/2010
93 #	DOD Instruction Number 1332.14		07/13/2010
94 #	DOD Instruction Number 1332.30		07/13/2010
95	Dep't of Defense, Deputy Secretary of Defense Organizational Chart (2008)	07/13/2010	07/22/2010

Exhibit No.	Description	Date Identified	Date Admitted
96	Dep't of Defense, Defense Agencies Organizational Chart (2008)	07/14/2010	07/22/2010
97	Chart titled "Days between deployment end date and separation date active duty separations as of April 1, 2010"	07/14/2010	07/22/2010
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)		07/13/2010
101	Theodore Sarbin, "Homosexuality and Personnel Security" (Defense Personnel Security Research and Education Center, Sept. 1991) (PERSEC 7818-7863)	07/14/2010	07/22/2010
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) <i>Parts 1, 2, 3, 5, 6, 7</i>		07-14-2010
105	Defendants' Objections and Response to Plaintiff's Second Set of Requests for Admission (Feb. 22, 2010) <i>Parts 143 thru 148, 160, 162, 165, 166 thru 175</i>		07-13-2010
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) <i>parts 81 thru 105</i>		07-13-2010

Exhibit No.	Description	Date Identified	Date Admitted
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)		07/13/2010
110 #	Log Cabin Republicans' Articles of Incorporation		07/13/2010
110A	Alex Nicholson Certificate of Release or Discharge from Active Duty (Mar. 29, 2003)		07/20/2010
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)		07/16/2010
113	Letter from Colonel Paul Trahan to all Reviewed Authorities regarding Major Michael D. Almy (Feb. 12, 2006)		07/16/2010
114	Memorandum from Lt. Colonel Jeffrey B, Kromer to All Reviewing Authorities regarding Major Michael Almy (Feb. 13, 2006)		07/16/2010
115	Memorandum from Major Scott D. Weenum, Department of the Air Force, to All Reviewing Authorities regarding Major Mike Almy (Feb. 10, 2006)		07/16/2010
116	Memorandum for Record from Captain Stuart A. Williamson, Department of the Air Force, regarding Major Michael D. Almy (Jan. 25, 2006)		07/16/2010
117	Memorandum for Record from Captain Timothy Higgins, Department of the Air Force, regarding Major Almy (Feb. 13, 2006)		07/16/2010
118	Letter from Captain Hyral Walker, Jr., Dep't of the Air Force, regarding Major Michael D. Almy (Feb. 8, 2006)		07/16/2010
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)		07/16/2010

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)		07/16/2010
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)		07/16/2010
122	Memorandum from Senior Master Sargeant Leslie D. McElya to 52FW/CC regarding Major Mike Almy (Feb. 7, 2006)	07/16/2010	07/16/2010
123	Memorandum from Master Sargeant David H. Hogden to All Reviewing Authorities regarding Major Mike Almy (Jan. 30, 2006)	07/16/2010	07/16/2010
124	Memorandum from Sargeant Denise D. Hyre to All Reviewing Authorities regarding Major Mike Almy (Feb. 13, 2006)	07/16/2010	07/16/2010
125	Memorandum from Senior Sargeant Thomas Ray, Department of the Air Force, to All Reviewing Authorities regarding Major Mike Almy (Feb. 8, 2006)	07/16/2010	07/16/2010
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)		07/20/2010
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)		

Exhibit No.	Description	Date Identified	Date Admitted
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		07/20/2010
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)		07/20/2010
137	Letter from SM Sgt. Richard Horn to undisclosed recipient regarding Anthony Loverde (Apr. 28, 2008)		07/20/2010
138	Statement of Service, BOI Record of Proceedings in the Case of Lt.Jg. Jenny L. Kopfstein, USNR (Mar. 20, 2002)		07/20/2010
139	Jenny L. Kopfstein Fitness Report and Counseling Record		07/19/2010
140	Memorandum for Record from Jenny Kopfstein to Commanding Officer, USS Shiloh (Jul. 17, 2000)	<i>Att. as described on the record</i>	07/16/2010
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)		07/19/2010
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)		07-15-2010
145	Joseph C. Rocha Evaluation Report and Counseling Record (with additional signatures from Lt. Castoire and Joseph Rocha) (June 22, 2006)		07-15-2010

Exhibit No.	Description	Date Identified	Date Admitted
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)		07-15-2010
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)		07/21/2010
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)		

Exhibit No.	Description	Date Identified	Date Admitted
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)		07/21/2010
160	Not used		
161	Michelle Benecke and Kristin Dodge, "Military Women in Nontraditional Job Fields: Casualties 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)	07/21/2010	

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)		
172	Not used		
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)	07/21/2010	
176 #	Not used		
177	Randy Shilts, <u>Conduct Unbecoming: Lesbians & 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)		07/13/2010
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)		07/13/2010
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)		07/21/2010
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)		07/21/2010
183	Not used		
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)		07/21/2010
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)		

Exhibit No.	Description	Date Identified	Date Admitted
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)		07/21/2010
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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)		07/13/2010
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)		07/13/2010
206	Dep't of Defense, "DOD/GC Homosexual Conduct Implementation Memo and Service/GC Responses" (Dec. 9, 1993) (OSD OEPM 13347-13378)		07/21/2010
207 #	DoD Directive No. 1304.26 (Qualification Standards for Enlistment, Appointment and Induction, Dec. 21, 1993) (DoD Issuances WHS 58075-58084)		07/13/2010
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)		07/21/2010

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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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Exhibit No.	Description	Date Identified	Date Admitted
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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)		07/21/2010
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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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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245	Memorandum from Paul Mayberry to Bernie Rostker regarding trends in Navy Separations due to Homosexual Conduct (Jan. 19, 1998) (DoD LA 2-6 40723-40730)	07/22/2010	
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)		
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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)		07/22/2010
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267	Memorandum from Harlan Wilder to AF/SGJ (Mar. 20, 2000) (DoD LA 2-6 035829)		01/22/2010
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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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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305	President Obama, Remarks at the LBGT Pride Month Reception (June 29, 2009) (LCR 3999-4002)		07-14-2010

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306	President Obama, Remarks at the Human Rights Campaign Dinner (Oct. 11, 2009) (LCR 3995-3998)		07-14-2010
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)		07/22/2010
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315	Transcript of testimony given by Major Michael D. Almy to Senate Committee on Armed Services (Mar. 18, 2010)		
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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)		
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321	President Obama, statement on votes to repeal "Don't Ask, Don't Tell," <i>available at</i> http://www.whitehouse.gov/the-press-office/statement-president-votes-repeal-don-t-ask-don-t-tell) (May 27, 2010)		07-14-2010
322	Memorandum from John Hutson to the Vice-Chief of Naval Operations regarding Homosexual Conduct Policy (NAVY 058930-058931)		07/22/2010
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)		07/22/2010
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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328	Dep't of Defense, "Proceedings Involving Homosexuality" (OSD OEPM 053537)		
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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> http://twitter.com/thejointstaff/status/8553057480		07-14-2010 <i>Subject to Authentication</i>
331	Dep't of Defense, "Anti-Harassment Action Plan" (OSD OEPM 30852- 30853)		
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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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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)		07/22/2010
338	OSD Military Working Group Library Resources (July 23, 1993) (DoD LA 2-6 37736-37770)		07/22/2010
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> http://dont.stanford.edu/regulations/memo18aug1995.pdf)		
340	Email from Terry Hamilton to Patrick Hunnius attaching Log Cabin Republican membership payment information for John Nicholson (Mar. 30, 2010)		07/13/2010
341	DoD Instruction 1304.26 (Qualification Standards for Enlistment, Appointment and Induction, Jul. 11, 2007) <i>available at:</i> http://www.dtic.mil/whs/directives/corres/pdf/130426p.pdf		07/20/2010
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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)		07/13/2010
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)		07/13/2010
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)		07/13/2010
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)		07/13/2010
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Dated: July 8, 2010

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UNITED STATES DEPARTMENT
OF JUSTICE, CIVIL DIVISION,
FEDERAL PROGRAMS BRANCH

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Curriculum Vitae
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Curriculum Vitae
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